AGENDA
CITY OF NORCO
PLANNING COMMISSION
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
REGULAR MEETING
MAY 8, 2013

CALL TO ORDER: 7:00 p.m.

ROLL CALL:

STAFF PRESENT:

PLEDGE OF ALLEGIANCE: Commission Member Jaffarian

1. APPEAL NOTICE: In the event that you disagree with the action taken by the Planning Commission in regards to your application, or with any condition for approval of the application which is not a specific requirement of the Norco Municipal Code, you are entitled to appeal such determination or conditions to the Norco City Council, provided that such appeal is filed with the Norco City Clerk within ten calendar days after the requirements for appeals, inclusive of payment of an appeal fee. Please contact City planning staff at (951) 270-5661 if you have any questions regarding any item you may wish to appeal.

2. PUBLIC COMMENTS: Hearing from the audience on items not listed on the agenda. Please limit your comments to three (3) minutes. If you have an item that will require extended discussion, please request that the time be scheduled on a regular agenda.

3. APPROVAL OF MINUTES:
   - ❖ Minutes of April 24, 2013

   Recommended Action: Approval (Deputy City Clerk)

4. PUBLIC HEARINGS:

   A. Conditional Use Permit 2013-03 (Calvary Ambulance): A request for approval of an ambulance transport service and a used RV dealership to locate at 2000 Hamner Avenue in the Norco Auto Mall Specific Plan. **Recommended Action: Approval** *(Planning Director)*

   B. Conditional Use Permit 2013-02 (Crossfit Pandemic): A request for approval to allow an indoor gymnasium (for Cross Fit Training) with a retail component and café to locate at 1950 Fifth Street in the M-1 (Heavy Commercial/Light Manufacturing) Zone. **Recommended Action: Approval** *(Senior Planner)*

5. BUSINESS ITEMS: **NONE**

6. CITY COUNCIL MINUTES: Available on the City of Norco website: http://www.norco.ca.us/depts/city_council/minutes.asp

   - City Council Meeting Minutes of April 17, 2013

7. PLANNING COMMISSION:

   a. Oral Reports from Various Committees

   b. Request for Items on Future Agenda (within the purview of the Commission)

8. ADJOURNMENT

Staff reports are on file in the Planning Division.

Additionally, any writings or documents provided after distribution of the Planning Commission's agenda packet to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection at the Planning Division counter at City Hall located at 2870 Clark Avenue.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's office at (951) 270-5623. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title II)

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MINTUES
CITY OF NORCO
PLANNING COMMISSION
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
REGULAR MEETING
APRIL 24, 2013

CALL TO ORDER: **7:00 PM**

ROLL CALL: **Vice Chair Henderson, Commission Members Hedges, Jaffarian and Leonard; Chair Wright, absent.**

STAFF PRESENT: **Planning Director King, Senior Planner Robles, and Deputy City Clerk Germain**

PLEDGE OF ALLEGIANCE: **Commission Member Hedges**

1. APPEAL NOTICE: **Read by Planning Director King**

2. PUBLIC COMMENTS: **NONE**

3. APPROVAL OF MINUTES:
   - ❖ Minutes of March 13, 2013

   Recommended Action: Approval (Deputy City Clerk)

M/S Jaffarian/Leonard to approve the minutes of Planning Commission regular meeting of March 13, 2013 as written
AYES: Henderson, Hedges, Jaffarian, Leonard **Motion Passed**
ABSENT: Wright

4. PUBLIC HEARINGS:

   A. Zone Code Amendment 2013-01 and Code Amendment 2013-01 (City of Norco): Chapters 18.32 and 10.16 of the Norco Municipal Code regarding the travel, use, and parking of commercial vehicles and trailers in residential zones, and along City streets. **Recommended Action: Approval** *(Planning Director)*

Planning Director King presented the staff report on file in the Planning Department. He noted that this item had previously been discussed by the Commission at its previous regular meetings of February 27, and March 13, 2013. When presented to the City Council, it was asked that the Planning Commission further review the recommendations made, including additional input from the Council.

Planning Director King addressed the public to clarify exactly what the purpose of this report before the Commission is for, to clarify the municipal code in reference to parking, travelling and prohibitions of large commercial vehicles in residential zones.

In response to Commission Member Jaffarian, Planning Director King clarified that this review does not apply to horse trailers or box trucks.

Vice Chair Henderson OPENED the public hearing, indicating that proper notification had been made and asked for the appearance of those wishing to speak.

Vern Showalter: Mr. Showalter asked that a clear definition of commercial vehicles and its allowed uses be added, and questioned the screening requirements.

John Delmatoff: Mr. Delmatoff stated that the discussion being presented is not what he anticipated based on what he had heard throughout the day. In response to him, Vice Chair Henderson read directly from the code as to which streets are designated truck routes.

Alex Delmatoff: Mr. Delmatoff inquired if permits were going to still be issued; in response, staff re-iterated that up to 90 permits can be issued per year.

Judy Brown: Ms. Brown asked about enforcement; in response, Planning Director King explained the process.

Mitch Leonard: In response to Mr. Leonard, Senior Planner Robles stated that there are approximately 40 Resident Exemption Permits issued this year.

Billie Myatt: Mr. Myatt questioned on how permits are renewed; staff explained that each permit must be renewed annually, on a first come basis.

Gary Schonne: Mr. Schonne asked if dually trucks are in violation of this code, due to its size, as these are considered trucks per the California Vehicle Laws; in response, Director King explained that these types of trucks are not affected by this code.

Cynthia Kantor: Ms. Kantor asked for additional clarification.

Greg Bowen: Mr. Bowen stated that the way he reads this change in code, it will affect his vehicle and others in town; he questioned this change being made.

Marilyn Gursha: Ms. Gursha spoke in reference to absurd stories, gossip and untruths regarding this issue that she has heard this past week; noting that all Cities/Towns have laws on the books such as this, to prohibit large trucks in residential areas.

Vice Chair Henderson CLOSED the public hearing, bringing the discussion back to the Commission.

In review of the "Summary of Actions to Take" listed in the staff report:

Commission Member Jaffarian stated that the streets that were taken out as truck routes in the General Plan back in 2002 need to remain out, the screening of contractor equipment, materials and supplies is already determined elsewhere within the Code and that the number of deliveries to a home address is not necessary.
Commission Member Leonard agreed with the previous statements made, although, he noted his concern with the height requirement of the screening of equipment, stating that it should be higher.

Commission Member Hedges agreed with the statements already stated, adding that no additional changes are needed.

Vice Chair Henderson re-iterated to the public present that this is simply to clarify the Code for Home Occupations and Commercial Vehicle Parking. In response to Vice Chair Henderson, Planning Director King noted that the screening of large vehicles is already noted within the Municipal Code.

Vice Chair Henderson asked that the Commission take a vote on each "action to take" noted in the staff report separately.

M/S Hedges/Jaffarian to adopt Resolution 2013-14, recommending to the City Council approve Zone Code Amendment 2013-01 amending Chapter 18.32 "General Provisions: Home Occupations" and Code Amendment 2013-01 amending Chapter 10.16 "Commercial Vehicles/Trucks" regarding the use and parking of commercial vehicles in residential zones.
AYES: Henderson, Hedges, Jaffarian, Leonard **Motion Passed**
ABSENT: Wright

M/S Jaffarian/ Hedges to not recommend to the City Council to re-designate Second Street and Hidden Valley Parkway as truck routes in the General Plan
AYES: Henderson, Hedges, Jaffarian, Leonard **Motion Passed**
ABSENT: Wright

M/S Jaffarian/Hedges to not recommend to the City Council to amend regulations regarding the screening of contractor equipment, materials, and supplies.
AYES: Henderson, Hedges, Jaffarian **Motion Passed**
NOES: Leonard
ABSENT: Wright

M/S Jaffarian/Hedges to not recommend to the City Council to amend regulation on the number of deliveries associated with the selling of goods from a home occupation permit.
AYES: Henderson, Hedges, Jaffarian, Leonard **Motion Passed**
ABSENT: Wright

Recess: **7:58 PM**

Reconvened: **8:03 PM**

5. BUSINESS ITEMS:

A. Site Plan 2013-04 (Bentancourt): A request for approval to allow an accessory building consisting of a 384 square-foot detached patio cover at 129 Breeders Cup Place located within the Norco Ridge Ranch Specific Plan. **Recommended Action: Approval** *(Senior Planner)*

Senior Planner Robles presented the staff report on file in the Planning Department. Staff recommends approval.

M/S Jaffarian/Hedges to adopt Resolution 2013-11, to approve Site Plan 2013-04, to allow an accessory building consisting of a 384 square-foot detached patio cover at 129 Breeders Cup Place.
AYES: Henderson, Hedges, Jaffarian, Leonard **Motion Passed**
ABSENT: Wright

B. Site Plan 2013-05 (Jarvis): A request for approval to allow an accessory building consisting of a 210 square-foot detached lattice patio cover at 245 Pompano Place

located within the A-1-20 Zone (Agricultural Low-Density) **Recommended Action: Approval** *(Senior Planner)*

Senior Planner Robles presented the staff report on file in the Planning Department. Staff recommends approval.

M/S Jaffarian/Hedges to adopt Resolution 2013-12, to approve Site Plan 2013-05, to allow an accessory building consisting of a 210 square-foot detached patio cover at 245 Pompano Place.
AYES: Henderson, Hedges, Jaffarian, Leonard **Motion Passed**
ABSENT: Wright

C. Site Plan 2013-07 (Salley): A request for approval to allow an accessory building consisting of a 625 square-foot detached garage at 3023 Arapaho Street located within the A-1-20 (Agricultural Low-Density) Zone. **Recommended Action: Approval** *(Senior Planner)*

Senior Planner Robles presented the staff report on file in the Planning Department. She stated that allowing this accessory building would not provide an ambiguous animal keeping area due to the existing layout of the property. She shared that one solution would be to relocate the accessory building 5-feet West away from the property line. In closing, she stated that although the setbacks are met the open area is not conducive to animal keeping.

In response to Commission Member Hedges, Senior Planner Robles confirmed that this option was discussed with the property owner, to no avail.

Vice Chair Henderson invited the appearance of those wishing to speak.

Mr. Jim Salley, representative for the applicants, David and Celia Salley: Mr. Salley explained that the concrete area is used by his grandkids to ride their bikes and other wheeled-play vehicles, which keeps them safe from the streets; stating that they are not willing to move the accessory building location as it would destroy their plan. He stated that the property had already been destroyed for any kind of animal keeping by its previous owner.

Vice Chair Henderson brought discussions back to the Commission.

Vice Chair Henderson stated that he understands that not all lots are designed to be animal keeping; adding that many lots were either created too thin or some with homes built in the center of property. He noted that these neighborhood track-homes were built without consideration for animal keeping.

Commission Member Jaffarian stated that adjustments should be made to allow at least for one animal on the property, for future property owners; adding that moving the garage a few feet should not impede the kids from playing in the yard.

M/S Hedges/Leonard to adopt Resolution 2013-13, to approve Site Plan 2013-07, to allow an accessory building consisting of a 625 square-foot detached garage at 3023 Arapaho Street, with the added condition that it is moved towards the West 5-feet away from the property line and forward South 22-feet.
AYES: Hedges, Jaffarian, Leonard **Motion Passed**
ABSENT: Wright

NOES: Henderson

D. Discussion: SP 90-01 (Gateway Specific Plan) Draft Amendment **Recommended Action: Provide Direction** *(Planning Director)*

Planning Director King presented the staff report on file in the Planning Department; noting that this item is being brought forth at the direction of the City Council, based on discussions at its joint meeting with the Planning Commission. He suggested that a review of the Specific Plan, which is over 20 years old, should be done in small portions at a time.

Discussions followed.

Commission Member Hedges stated that multi-use permitted uses should be considered as this may be an option more common now then 20 years ago. She added that the Specific Plan allowed-uses should not be too restrictive in order to allow for suggestions and be open to other options that may come before the Commission in the future.

Vice Chair Henderson provided some suggestions made at the Group Committee meeting. He also suggested that Land Use intensity should be light-industrial as it gets closer to the residences and allow larger types businesses closer to Mountain Avenue.

Further discussions ensued.

Planning Director King stated that he will bring back for further discussions.

E. Consideration for revisions to Norco Municipal Code (NMC) for on-site vehicle parking requirements on property zoned for residential uses. **Recommendation Action: Provide Direction** *(Senior Planner)*

Planning Director King presented the staff report on file in the Planning Department. By request of the City council, the Planning Commission is to review the municipal sections pertaining to parking in front or side yards, parking on designated streets, and clarify overnight parking issues. He stated that there are two areas within the municipal code which have conflicting statements that need to be addressed.

Discussions followed.

Commission asked for in depth descriptions of "vehicle", "driveways" and "front yard", paved or not; noting that circular driveways may need additional description.

Consideration of parking of high profile vehicles, limit the number of RV and boats parked at any one residence, requiring owner registration on record for recreation vehicles and boats.

Vice Chair Henderson invited the appearance of those wishing to speak.

Glenn Hedges: Mr. Hedges gave input on the parking in front yard issues that the Code Enforcement encounters, adding that it is a problem throughout town.

Vice Chair Henderson brought discussions back to the Commission.

6. CITY COUNCIL: **Received and Filed**

Planning Director King asked the Commission if printed Council minutes could be alleviated as they are available for review on the City's web site prior to being provided to the Commission as part of the agenda packet.

Commission Members agreed.

Vice Chair Henderson asked staff to continue listing the City Council minutes on the agenda as they become available to view on the web site.

- City Council Special Meeting Minutes of February 27, 2013
- City Council Meeting Minutes of March 6, 2013
- City Council Meeting Minutes of March 20, 2013
- City Council Special Meeting Minutes of March 25, 2013
- City Council Meeting Minutes of April 3, 2013

7. PLANNING COMMISSION:

a. Oral Reports from Various Committees: **NONE**

Commission Member Jaffarian shared a recent Archive Review Sub-Committee assessment of the new look for McDonald's on Sixth Street, and stated that it will look better than ever.

b. Request for Items on Future Agenda (within the purview of the Commission): **NONE**

8. ADJOURNMENT: Chair Wright adjourned the meeting at **10:00 PM**

Respectfully submitted,

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Steve King
Secretary
Planning Commission

/di

CITY OF NORCO
STAFF REPORT

TO:	Honorable Chairman and Members of the Planning Commission
FROM:	Planning Division
PREPARED BY:	Steve King, Planning Director
DATE:	May 8, 2013
SUBJECT:	Conditional Use Permit 2013-03 (Cavalry Ambulance): A request for approval of a conditional use permit to allow an ambulance service office and staging area, and a used RV sales and rentals dealership to operate in existing buildings of a former Mazda dealership that is no longer in business at 2000 Hamner Avenue in the Auto Mall Specific Plan (APN 126-120-015).
RECOMMENDATION:	That the Planning Commission adopts Resolution 2013-15, approving Conditional Use Permit 2013-03 for a period not to exceed five years, unless otherwise extended by the Planning Commission, on 2.33 acres on the southwest corner of Hamner Avenue and Four Wheel Drive.

SUMMARY/PROJECT DESCRIPTION: The project is a request to allow accessory auto-related uses (a used RV sales and rentals business, and an ambulance service) to operate in the existing buildings of a former Mazda dealership (ref. Exhibit "A" – Location; Exhibit "B" – Site Map). These uses are only allowed as accessory uses to a new vehicle dealership or by approval of a conditional use permit (CUP) if there is not a new vehicle dealership. The used RV sales and rentals dealer is already in business at the site having been approved to be there for one year with CUP 2012-12 which expires in October 2013. The ambulance service, who is the applicant, is proposed.

BACKGROUND: The Mazda dealership went out of business in 2009. In 2010 the property was sold to a company interested in locating a new electric vehicle dealership at the site. At the same time the owner of an existing used car dealership in the City was working in concert with the previous owner and the new owner to relocate the used car dealership to this site. The City worked out an agreement with the parties involved that a conditional use permit (CUP) for accessory uses would not be required provided a new car dealership would be located there. The used car dealership was allowed to re-locate based on that agreement which included performance standards that needed to be met in order to allow the agreement to stay valid (ref. Exhibit "C" – "Timeline for Evolution Auto."

Most of the performance standards in the agreement were never met including proof that a new electric vehicle retail dealership was operating there (ref. Exhibit "D" – "Timeline for Evolution Auto – Status"). In spite of this, other "accessory uses" continued to locate at the site.

The sale of used vehicles, as well as other auto-related services, are accessory uses per the Auto Mall Specific Plan and are only allowed in conjunction with a new vehicle dealership. In October 2012 the Planning Commission approved Conditional Use Permit 2012-12 that allowed the then-existing ancillary uses to continue to operate at the site without a new vehicle dealership, but only for one-year. At the end of one year the ancillary uses would no longer be allowed without the new car dealership there, or unless the temporary CUP was extended upon approval by the Planning Commission. The project being considered with this request is a new CUP application.

ANALYSIS: The Auto Mall Specific Plan was approved with a tiered classification of three land use categories based on the suitability of a site to accommodate a new car dealership (ref. Exhibit "A" – Auto Mall Specific Plan Land Use Map). Sites identified as Area "A" were the sites deemed most suitable for the establishment of new car dealerships. Area "B" sites were deemed as appropriate for support service businesses to the new car dealers. In Area B, those auto-related uses only allowed as accessory uses in Area A could be permitted as stand-alone businesses. Area "C" sites consisted of existing development and were deemed as locations for Auto Mall business support services but not limited to auto-related uses. Area "D" was created in 2012 through a specific plan amendment that added more retail uses as permitted uses for properties in the north side of the Auto Mall Specific Plan near Third Street. The amendment that created Area "D" did not affect the property being considered with this application.

In a previous amendment approved in 1988 an "underlying zone" consisting of the previous permitted uses was added to Areas A, B, and C. With that amendment, uses from the previous zoning (commercial and industrial respectively) could be approved in the Auto Mall upon approval of a CUP. The site in question (former Mazda site) is in Area A and so accessory uses can only be there if there is a new car dealership or a CUP has been approved based on the underlying zoning:

AUTO MALL SPECIFIC PLAN

Permitted Uses:

(1) Area A:

(a) New automobile dealerships and accessory uses as an integral part of the operation of a new automobile dealership.

(b) Other uses as permitted by the underlying zone may be allowed upon approval of a Conditional Use Permit (CUP). Such a permit may be granted where the proposed use is similar and compatible with the

permitted uses, there is reasonable assurance that the use will be economically viable, and will not materially adversely affect the goals, objects and purpose of Specific Plan One.

(c) Used automobile dealerships and accessory uses as an integral part of the operation of a used car dealership.

C-G ZONE

Permitted Uses:

Medical:	
Ambulance Services	*C (CUP)*

The proposed ambulance service is allowed upon approval of a CUP because of the underlying zone and the used RV sales and rentals dealer is allowed upon approval of a CUP through the Specific Plan.

The existing one-year CUP was based on an agreement with the different parties involved with this site at that time. One of the parameters in the agreement was to allow these uses to operate so that the owner could build a base of working capital toward the goal of "obtaining a new car franchise" in the future. It seems clear, however, that the intent of the Specific Plan was that accessory services would be allowed in combination with, and as a part of, a new car dealership for the customers of that business or as "an integral part of the operation." It was not the intent for Area A sites to become small mini-malls of disparate ancillary auto-related uses.

The existing agreement included a "Timeline Performance Standards" to bring the site up to an acceptably-maintained state. Since the agreement, however, it has been an on-going effort on the City's part to have the site maintained for the ultimate intended use as a new car dealership site and to maintain the appearance of the site so as not to detract from ambience of the Auto Mall itself (ref. Exhibit "E" – Letters to Owner and/or Potential Tenants). The used car dealership and all of the ancillary businesses have vacated the site with the exception of a used RV sales and rentals dealer that is still there. The applicants stated their intent is to keep the used RV business at the site and locate their ambulance operation there also. From the application and through follow-up questions, the ambulance service is a non-emergency operation and typically only transfers patients between facilities.

The site is cleaner than it used to be but there are still some issues with site maintenance:

- Inconsistent maintenance of the landscaping.
- Inconsistent parking and display of vehicles from the RV business.
- An overall general lack of maintenance over the entire site including the storage of vehicles in the rear.

- Apparent lack of interest and investment on the part of the property owner to have the site ready for a new car dealership.
- Uses that generate little in terms of taxable sales and retail traffic effectively remove an anchor commercial site that is needed for a stable tax base and for ultimate success of the Auto Mall.
- Continuing storage of vehicles in the back courtyard seemingly not related to any on-site business.

When the temporary one-year CUP was approved staff was concerned that the existing situation did not present itself well to the attraction of a new car dealership. There was also concern that a continuation of what had been the trend in a lack of on-going site maintenance would detract from the functionality of the rest of the Auto Mall. The Planning Commission agreed and adopted the resolution that allowed the ancillary uses to stay but only for one year.

There is still concern about the site being maintained and available for a possible new car dealership. The project being reviewed has also been conditioned with an expiration of five years, unless an extension is granted by the Planning Commission upon submittal of an application by the applicant. Without any action on this application the existing one-year CUP will expire in October of this year.

Attachment: Resolution 2013-15
Exhibit "A" – Location Map; Auto Mall Specific Plan Land Use Map
Exhibit "B" – Site Map
Exhibit "C" – Timeline for Evolution Auto
Exhibit "D" – Timeline for Evolution Auto – Status
Exhibit "E" – Letters to Owner and/or Potential Tenants (4 letters)

RESOLUTION 2013-15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NORCO, CALIFORNIA GRANTING WITH CONDITIONS A CONDITIONAL USE PERMIT THAT WILL EXPIRE IN FIVE YEARS TO ALLOW A USED R.V. DEAL4ER AND AN AMBULANCE SERVICE PROVIDER TO OPERATE IN EXISTING BUILDINGS OF A FORMER NEW CAR DEALERSHIP THAT IS NO LONGER PRESENT ON 2.33 ACRES LOCATED ON THE SOUTHWEST CORNER OF HAMNER AVENUE AND AUTO MALL DRIVE (2000 HAMNER AVENUE) IN THE AUTO MALL SPECIFIC PLAN. CONDITIONAL USE PERMIT 2013-15

WHEREAS, CAVALRY AMBULANCE, initiated an application for a conditional use permit on property generally described as:

> All that portion of Lot(s) 3 and 4 in Block 7 of Riverside Orange Heights Tract, as shown by map on file in Book 6 Page(s) 74, of Maps, Records of Riverside County, California;
>
> More generally described as approximately 2.33 acres located on the southwest corner of Hamner Avenue and Four Wheel Drive (APN's 126-120-015, -016); and

WHEREAS, said application has been duly submitted to said City's Planning Commission for decision at a public hearing for which proper notice was given; and

WHEREAS, at the time set at 7 p.m. on May 8, 2013, within the Council Chambers at 2820 Clark Avenue, Norco, California, 92960, said petition was heard by the Planning Commission for the City of Norco; and

WHEREAS, at said time and place, said Planning Commission heard and considered both oral and written evidence; and

WHEREAS, the City of Norco, acting as the Lead Agency, has determined that the project is exempt from the California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines per Class 1.

NOW, THEREFORE, the Planning Commission of the City of Norco does hereby make the following FINDINGS AND DETERMINATION:

I. FINDINGS:

A. The proposed accessory uses can be allowed without a new vehicle dealership as the primary use at the site through approval of a conditional use permit.

B. The proposed uses if established permanently without the presence of a new car dealership may not be consistent with the long-term goals, objectives, and purpose of the specific plan for this site as established in the Auto Mall Specific Plan. The five-year time-limit on the Conditional Use Permit should not be detrimental to the City or to full implementation of the intended uses of the Auto Mall.

C. The City of Norco has been determined to be the lead agency for environmental reporting purposes pursuant to State and local environmental guidelines, and has determined that the project is exempt pursuant to the California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines (Class 1).

II. DETERMINATION:

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Norco, California, in session assembled on May 8, 2013 that the aforesaid application for a conditional use permit is granted, subject to conditions, as provided for in Section 18.45.14 of the Municipal Code of Norco, including, but not limited to the following conditions:

1. This Resolution (2013-15) repeals Planning Commission Resolution 2012-12. Conditional Use Permit 2013-03, upon its affective date, repeals Conditional Use Permit 2012-12 and is valid and legal for a period not to exceed five years from the effective date of this approval.

2. Approval is based on Exhibit "B" – Site Map incorporated herein by reference and on file with the Planning Division. Development shall occur as shown unless otherwise noted in these conditions.

3. The uses approved with this five-year conditional use permit are limited to a used R.V. sales and rentals business, and an ambulance service provider for offices and the staging of ambulance vehicles. The Planning Commission may approve the addition of other businesses for location at this site only after submittal of an application, including payment of an application fee, for an amendment to the CUP. The location of any other business entity is not allowed without prior approval of an amendment to the CUP.

4. The recorded owner of the property shall submit to the Planning Division, for record purposes, written evidence of agreement with all conditions of this approval before said permit shall become effective.

5. The project shall be in compliance with all City of Norco Municipal Codes, Ordinances and Resolutions including the Auto Mall Specific Plan. Non-

compliance with any provisions of the Norco Municipal Code (NMC) not specifically waived in compliance with City procedures shall constitute cause for revocation and/or termination of the approvals granted under authority of permit.

6. In the event conditions for approval by the Planning Commission, or City Council (as the case may be) require the revision of plans as submitted, the applicant shall submit four copies of the approved plan (revised to incorporate conditions for approval) to the Planning Division for record purposes for approval of any grading and/or building permits.

7. No building permits shall be issued for any tenant improvements without prior approval of a floor plan by the Planning Division to ensure that buildings are not altered in any way that would preclude future use for the primary intended use of the site which is a new car dealership.

8. The applicant shall obtain permits for any tenant improvements to the interior of the units that will be used. Tenant improvements shall comply with building and safety requirements and shall only be for those uses approved with this five-year conditional use permit. No tenant improvements for additional uses shall be allowed for any other accessory uses until those uses have been approved by the Planning Commission through a modification of this CUP.

9. This is not an approval to begin work or to occupy the subject buildings. No work shall be commenced nor shall the units shall be occupied until the City has issued building permits and all other appropriate permits and licenses (i.e., business license, certificate of occupancy, etc.).

10. No occupancy of any building and/or structure shall be permitted which is not in compliance with approved plans and excepting upon specific review and approval of any "as built" modifications by the Planning Director, or designee, as appropriate.

Provided further, that no expansion of use beyond the scope and nature described in this application which would tend to increase the projected scale of operations, shall be permitted except upon application for, and approval of, modification of this application in compliance with all procedures and requirements thereof.

The addition of more accessory uses, other than the approved specific uses listed in Condition #3, is considered an expansion of use and shall not occur without prior approval from the Planning Commission.

11. No signs are authorized by approval of this conditional use permit. Any signs proposed for this project shall be submitted to the Planning Division for re-

view and approval. Once signs are approved, building permits shall be obtained from the Building Division for issuance of a building permit.

12. Regardless of temporary advertising signage that may be allowed pursuant to the Auto Mall Dealers Association agreements, no temporary advertising signs shall be erected without prior approval of a Special Events Sign Permit from the Planning Division.

13. All signs for which a sign permit or a special event sign permit has not been approved, or has been approved but has expired, shall be removed immediately upon approval of this CUP.

14. No service or work on vehicles shall be permitted for any vehicles with the exception of minor engine service and work on vehicles associated with the used RV dealership and rentals, and the ambulance service company. No repair or service of these vehicles shall occur between the existing buildings and Hamner Avenue and between the existing buildings and Auto Mall Drive. Furthermore, no outdoor storage of any kind (including vehicle storage) is permitted. However, a vehicle being serviced may be parked/stored outdoors overnight in the vehicle service/service parking interior courtyard as shown on the approved site plan, but in no case longer than 48 hours.

15. Vehicles needing to be serviced shall not be parked in driveways or drive aisles. All driveways and drive aisles, including drive aisles to the interior courtyard must remain clear and unobstructed at all times.

16. The used R.V.'s and rental R.V.'s shall only be stored/displayed in paved marked parking stalls in the southeastern portion of the lot within 160 feet of the southern property line. There shall be no storage or display of vehicles in landscaped areas.

17. Ambulances shall be stored in the interior courtyard.

18. A clarifier approved by the Director of Public Works shall be installed and connected to the City sewer system to treat existing floor drains not already connected, and any new floor drains located in the building prior to finalization of any needed Building Permits.

19. It is hereby established that it shall be grounds for revocation of this conditional use permit if the permittee, his agent or assigns, or employee(s) of his establishment, or any other person connected or associated with the permittee or his business establishment, or any person who is exercising managerial authority of the business establishment has:

a. Violated any rule, regulation or condition of approval adopted by the Planning Commission relating to the conditional use permit; or

b. Conducted the operation permitted hereunder in a manner contrary to the peace, health, safety and general welfare of the public or in a manner which either generates or contributes to noise and/or health/sanitation nuisances, or which results in undesirable activities or creating an increased demand for public services.

20. The applicant shall comply with all requirements from Building and Safety, Planning and all other applicable departments and agencies.

21. All landscaping areas within parkways, along the frontage, and within interior parking areas along the frontages of both Hamner Avenue and Auto Mall Drive shall be re-established pursuant to approved landscaping plans on file with the Planning Division (Site Plan 88-2).

22. All landscaping areas shall be provided with a water-conserving automatic irrigation system. Within 30 days of approval of this CUP an underground irrigation plan shall be submitted to the Planning Division for approval including the refurbishment of any previous irrigation lines to be used. Such plans shall indicate the location and dimensions of all landscaped areas and irrigation lines. All irrigation facilities shall be refurbished or installed within 60 days of approval of this CUP, and shall be maintained in working conditions. All landscaping materials shall be planted within 60 days of approval of this CUP. Trees to be planted shall be minimum 24-inch planter boxes. Shrubs to be planted shall be minimum 5-gallon container plants.

23. It shall be the responsibility of the applicant and property owner to ensure that the use is operated in a clean and maintained condition that maintains the attractiveness of the Auto Mall for existing and future new car dealerships, including all landscaping areas. Failure to do so may be subject to a revocation of this conditional use permit.

24. Building addresses shall be visible from a public street. The primary building address shall be visible from Hamner Avenue.

25. "No Trespassing" after-hours signage shall be posted on the rear of all buildings.

26. Adequate lighting shall be maintained during business hours at night.

27. The owner/operator of the business, regardless of any changes in ownership, shall provide a self-audit of compliance with the conditions of approval to

the Planning Commission on a form or in a manner determined by the Planning Division, and inclusive of the payment of any fees as may be set by the City Council. Said report shall demonstrate that the project is in compliance with all the conditions of approval and shall be submitted for review no later than six months from the approval date of this CUP. The owner/operator shall be responsible for all staff and attorney fees that may be incurred in the enforcement of the terms of the conditions of approval, whether they are annual inspections or compliance hearings.

Irrespective of the self-audit requirement, the City maintains the option to open an investigation of CUP compliance at any time.

28. The owner, manager, or any successor thereto assigned for management of the property in question shall participate fully in the Norco Auto Mall Dealership Association, including maintenance of the freeway sign.

29. The owners, managers, or any successors thereto assigned for management of any of the businesses specifically allowed by Condition #3 shall be full participating members of the Norco Auto Mall Dealership Association, as applicable, including maintenance of the freeway sign.

#

PASSED AND ADOPTED by the Planning Commission at a regular meeting held May 8, 2013.

Robert E. Wright, Chair
Planning Commission
City of Norco, California

ATTEST:

Steve King, Secretary
Planning Commission
City of Norco, California

I HEREBY CERTIFY that the foregoing Resolution was duly and regularly passed and adopted by the Planning Commission of the City of Norco at a special meeting thereof held on May 8, 2013 by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Steve King, Secretary
Planning Commission
City of Norco, California

CONDITIONAL USE PERMIT 2013-02
(Crossfit Pandemic)
Indoor gym/retail/café

STAFF REPORT
Planning Commission Meeting
May 8, 2013

REQUEST: A request for approval to allow an indoor gymnasium (for Cross Fit Training) with a retail component and café to locate at 1950 Fifth Street in the M-1 (Heavy Commercial/Light Manufacturing) Zone.

PROJECT PROPONENT:

Property Owner:
Berg Properties
P.O Box 920
Lake Oswego, CA 97034

Applicant:
Cross Fit Pandemic Inc.
1950 Fifth Street
Norco, CA 92860

PROJECT LOCATION AND DESIGNATION:

Location: 1950 Fifth Street; located on the south side of Fifth Street, between Horseless Carriage Drive and Hamner Avenue (ref. Exhibit "A" – Location Map)
Acreage: 0.76 acres (approximately 33,105 square feet)
APN: 129-220-051 (ref. Exhibit "B" – APN Map)
General Plan: I (Industrial)
Zoning: M-1 (Heavy Commercial/Light Manufacturing) zone
Present Land Use: Commercial Office/Industrial Building
Surrounding Zoning and Land Use:

Adjacent Property	Zoning	Land Uses
North	OS (Open Space)	City Park
South	M-1	Office/Industiral
West	M-1	Office/Industiral
East	M-1	Office/Industrial

SITE DESCRIPTION: The project site is an irregular-shaped area consisting of about 33,105 square feet, having a maximum frontage of about 183 feet on the south side of Fifth Street and a depth of approximately 194 feet.

The site is developed with a commercial office/industrial building consisting of 13,431 square feet, associated parking (26 stalls) and landscaping. All required street dedications and improvements exist for the site (ref. Exhibit "C" – Aerial Photo and Exhibit "D" – Existing Site Plan).

PROJECT DESCRIPTION: The applicant is requesting approval to allow an indoor gymnasium (for Cross Fit Training) with a retail component and café within an existing building located at 1950 Fifth Street. No exterior building and site improvements are proposed. Proposed improvements/modifications would be to the interior of the building to accommodate the proposed use (ref. Exhibit "E" – Proposed Floor Plan). Approximately 9,604 square feet of the building will be used for "Gym Area", with the remainder of the building being used for ancillary (80 square feet of retail and a 1,080 square-foot café) and business support uses.

The proposed operation is not an open gym, but will consist of scheduled classes. The class schedule is as follows: Monday through Friday at 5 a.m., 6 a.m., 7 a.m.,10 a.m., 12 p.m., 2:30 p.m., 4:30 p.m., 5:30 p.m., and 6:30 p.m., and on Saturday at 9 a.m. Classes will be 30-45 minutes long and will consist of a maximum 20 students per class.

PROJECT REVIEW STATUS:
Project Review Board (PRB): This project did not require review by the PRB.

Environmental Review: City staff has determined that the project is categorically exempt from environmental assessment and the provisions of the Norco Environmental Guidelines pursuant to Section 3.13, Class 1 – Existing Facilities.

Streets, Trails and Utilities Commission (STUC): This project did not require review by the STUC.

EVALUATION: The subject property is located in the M-1 zone in which a gymnasium is a conditionally permitted land use. The retail component and café are ancillary uses that are a function of the proposed gymnasium and not a stand-alone operation.

With conditionally permitted land uses, the Commission must hold a public hearing to consider all aspects of the project. The Commission must consider whether the proposed land use will adversely affect the adjoining land uses and the growth and development of the area.

The project site complied with all development standards (i.e., setbacks access, parking, landscaping, architecture, trash enclosures, etc.,) required in the M-1 zone, which were met when the subject building was approved. For this project, it needs to be determined if the existing parking spaces (26 spaces) is sufficient to accommodate the proposed use.

The Code does not specifically list the parking requirements for a gym of this sort. For this that reason, staff referenced a similar project. A past project similar to this proposal is the LA Fitness gym. The parking ratio that was applied to this gym was for a commercial use which requires one parking space for every 250 square feet of gross floor area. While this is the closest type of use, it may not be an accurate assessment for the proposed use in terms of requiring more parking than is needed.

Using the same parking ratio as noted above, and taking the total square footage of the building (13,431 square feet), a total of 54 parking spaces would be required. It should be noted that based on the size of the proposed facility, and the limited number of customers on an hourly basis, the use is not as intensive as a normal gym (i.e. LA Fitness). For this reason, and because the Code does not specifically list the parking requirements for a gym, staff is recommending that only the square footage of 9,604 square feet noted on the floor plan as "gym area" be used to determine the required parking, which in this case would be a total of 38 parking spaces.

Should the Planning Commission concur that 38 parking spaces is the requirement, the site would be short 12 parking spaces being that the site has 26 spaces.

To accommodate the shortfall, the Planning Commission can consider shared parking. Per Code, with the approval of the Planning Commission, parking can be shared when uses (in this case the class schedule) are not normally conducted during the same hours or when peak hours vary. The Planning Commission can also limit the hours of operation of a business or limit the amount of classes to ensure that that there is always sufficient parking.

The hours of operation for the proposed business are as follows: Monday through Friday with classes set for 5 a.m., 6 a.m., 7 a.m., 10 a.m., 12 p.m., 2:30 p.m., 4:30 p.m., 5:30 p.m., and 6:30 p.m., and on Saturday at 9 a.m. Classes will be 30-45 minutes long, with no overlapping between classes, and will consist of a maximum 20 students per class. Assuming each person attending a class arrives in a separate car, the parking demand during each class is 20 parking spaces, which can be provided. Furthermore, the project will be conditioned so that any changes in the scheduling or class size, is not allowed unless reviewed and approved by the Planning Commission.

It is staff's assertion that the proposed use is not as intensive as a regular gym (such as LA Fitness) and that the 26 spaces located on the project site should be adequate, even though there is no way to quantify this based on the Code. However, should the Commission have concerns over the analysis above, the remaining required 12 spaces can be sought among the adjacent buildings. The project can be continued or conditioned to require this.

Improvements/modifications to the interior of the existing building will have to comply with building and safety requirements and will not be allowed to require more parking than what will be approved by the Planning Commission.

As existing, proposed, and conditioned, the project meets the minimum requirements (i.e., setbacks, landscaping, etc.) and standards for development and uses in the M-1 zone.

With the approval of the shared parking based on the proposed schedule for the use, the project does not require any waivers from site development standards and as such, the project is not expected to adversely affect adjoining land uses and growth or development in the area. Staff believes the use can be operated in a manner that is compatible with the surrounding uses and should not have any significant effects. With no overlapping between classes, and with a maximum of 20 students per class, there should be enough parking spaces to support the proposed use throughout the day.

The property is adequate to allow for full development of the project, and the traffic generated by this use will not impose an undue burden upon the streets and highways in

the area. The project site and the entire center have been fully developed and all street improvements exist.

Staff has no issues or concerns with the proposed use. Staff believes that the use as conditioned can operate in a manner that is compatible to the existing businesses within the center.

RECOMMENDATION: Staff recommends that the Planning Commission approve Conditional Use Permit 2013-02 by adopting the following motion:

Motion: To approve Conditional Use Permit 2013-02 in accordance with and subject to all conditions of approval contained within draft Resolution No. 2013-16.

Prepared by:

_____
Alma Robles
Senior Planner

Reviewed by:

_____
Steve King
Planning Manager

/adr-
Attachments: PC Resolution No. 2013-16
Exhibit "A" – Location Map
Exhibit "B" – APN Map
Exhibit "C" – Aerial Photo
Exhibit "D" – Existing Site Plan
Exhibit "E" – Proposed Floor Plan

RESOLUTION 2013-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NORCO GRANTING WITH CONDITIONS A CONDITIONAL USE PERMIT TO ALLOW AN INDOOR GYMNASIUM (FOR CROSS FIT TRAINING) WITH A RETAIL COMPONENT AND CAFÉ TO LOCATE AT 1950 FIFTH STREET IN THE M-1 (HEAVY COMMERCIAL/LIGHT MANUFACTURING) ZONE. CONDITIONAL USE PERMIT 2013-02

WHEREAS, CROSSFIT PANDEMIC submitted an application to the City of Norco, California for a conditional use permit under the provisions of Chapter 18.45, Title 18 of the Norco Municipal Code to allow an indoor gym on property generally described as:

.76 Acres M/L in Por Par 6 and Par 3 PM;

More generally described as an irregular-shaped area of about 0.76 acres, having a maximum frontage of about 183 feet on the south side of Fifth Street, having a maximum depth of approximately 194 feet, and being further described as 1950 Fifth Street (APN 129-220-051); and

WHEREAS, notice of public hearing on said petition was given in the manner and for times required by law; and

WHEREAS, said application was scheduled for a public hearing on May 8, 2013 and

WHEREAS, at the time set at 7 p.m. on May 8, 2013 within the Council Chambers at 2820 Clark Avenue, Norco, California, said petition was heard by the Planning Commission for the City of Norco; and

WHEREAS, at said time and place, said Planning Commission heard and considered both oral and written evidence; and

WHEREAS, the City of Norco, acting as the Lead Agency, has determined that the proposed project is categorically exempt from environmental assessment.

NOW, THEREFORE, the Planning Commission of the City of Norco does hereby make the following FINDINGS AND DETERMINATION:

I. FINDINGS:

A. The requested Conditional Use Permit will not adversely affect the General Plan or the public convenience or general welfare of persons residing or working in the neighborhood thereof, by reason that the Norco General Plan

designates the site as I (Industrial) and the existing M-1 (Heavy Commercial /Light Manufacturing) zoning designation is consistent with the General Plan. A gymnasium is conditionally permitted in this zone and subject to conditions. The use can be operated in a manner so as to be consistent with surrounding uses and will therefore not have any significant effects.

B. The requested use will not adversely affect the adjoining land uses, and the growth and development of the area in which it is located by reason that the adjoining properties are in an M-1 zone. The subject gym, when operated in compliance with the conditions of approval, will be complementary and compatible with surrounding properties and therefore will not have an adverse effect on adjoining properties.

C. The size and shape of the site proposed for the use is adequate to allow the full development of the proposed use in a manner not detrimental to the particular area as the proposed use meets all applicable development standards and adequate parking is available for all classes that occur at different hours of the day.

D. The traffic generated by the proposed use will not impose an undue burden upon the streets and highways in the area, based on compliance with conditions of approval, and since the street in front of the project site and in the area, is fully improved and designed to accommodate conditions of the existing zoning.

E. The City has determined that the project is categorically exempt from environmental assessment and the provisions of the Norco Environmental Guidelines pursuant to Section 3.13, Class 1.

II. DETERMINATION:

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Norco, California, in session assembled on May 8, 2013, that the aforesaid application for a conditional use permit is granted, subject to the conditions provided in Section 18.45.14 of the Municipal Code of Norco, including, but not limited to the following conditions:

1. Approval is based on Exhibit "D" – Existing Site Plan and Exhibit "E" – Proposed Floor Plan dated April 24, 2013, and incorporated herein by reference and on file with the Planning Division. The use shall occur as shown unless otherwise noted in these conditions.

2. The applicant and recorded owner of the property shall submit to the Planning Division for record purposes, written evidence of agreement with all conditions of this approval before said permit shall become effective.

3. The project shall be in compliance with all City of Norco Municipal Codes, Ordinances and Resolutions. Non-compliance with any provisions of the Norco Municipal Code (NMC) not specifically waived in compliance with City procedures shall constitute cause for revocation and/or termination of the approvals granted under authority of permit.

4. In the event conditions for approval by the Planning Commission, or City Council (as the case may be) require the revision of plans as submitted, the applicant shall submit four copies of the approved plan (revised to incorporate conditions for approval) to the Planning Division for record purposes for approval of any grading and/or building permits.

5. The applicant shall obtain building permits for tenant improvements to the interior of the building. Tenant improvements to the interior of the existing building shall comply with building and safety requirements and will not be allowed to require more parking than has been approved for the use.

6. This is not an approval to begin work or to occupy the subject building. No work shall commence until the City of Norco has issued building permits and all other appropriate permits (i.e., business license, certificate of occupancy, etc.).

7. No occupancy of any building and/or structure shall be permitted which is not in compliance with approved plans and excepting upon specific review and approval of any "as built" modifications by the Planning Manager as appropriate.

Provided further, that no expansion of use beyond the scope and nature described in this application which would tend to increase the projected scale of operations shall be permitted except upon application for, and approval of, modification of this application in compliance with all procedures and requirements thereof.

8. No signs are authorized by approval of this conditional use permit. Any signs proposed for this project shall be submitted to the Planning Division for review and approval. Once signs are approved, building permits shall be obtained from the Building Division for issuance of a building permit.

9. It is hereby established that it shall be grounds for revocation of this conditional use permit if the permittee, his agent or assigns, or employee(s) of his establishment, or any other person connected or associated with the permittee or

his business establishment, or any person who is exercising managerial authority of the business establishment has:

a. Violated any rule, regulation or condition of approval adopted by the Planning Commission relating to the conditional use permit; or

b. Conducted the operation permitted hereunder in a manner contrary to the peace, health, safety and general welfare of the public or in a manner which either generates or contributes to noise and/or health/sanitation nuisances, or which results in undesirable activities or creating an increased demand for public services.

10. The applicant shall comply with all requirements from Building and Safety, Planning and all other applicable divisions, departments and agencies.

11. The applicant shall not exceed more than 1,080 square feet for the café area and 9,604 square feet of gym area within the building as indicated in Exhibit "E" – Proposed Floor Plan dated April 23, 2013.

12. For each class, a maximum of 20 students shall be allowed.

13. The operation schedule for the proposed use is: Monday through Friday with classes set for 5 a.m., 6 a.m., 7 a.m., 10 a.m., 12 p.m., 2:30 p.m., 4:30 p.m., 5:30 p.m., and 6:30 p.m., and on Saturday at 9 a.m. Classes shall be 30-45 minutes long, with no overlapping between classes.

14. Changes in the class scheduling or class size is not allowed unless reviewed and approved by the Planning Commission.

15. Said approval shall become null and void unless building permits for all construction/interior modifications authorized by this approval have been issued within two years after the granting of such approval and pursued diligently to completion. Provided, however, that the Planning Director may extend approvals for up to six months, and provided that after consulting with the City Engineer and Fire Chief, he finds that there would be no new requirements due to changes in the Code and the plan as approved meets all present development standards.

16. The owner/operator of the business, regardless of any changes in ownership, shall provide a self audit of compliance with the conditions of approval to the Planning Commission on a form or in a manner determined by the Planning Division, and inclusive of the payment of any fees as may be set by the City Council. Said report shall demonstrate that the project is in compliance with all the conditions of approval and shall be submitted for review no later than

six months from the issuance of a business license and/or Certificate of Occupancy, and then every year thereafter by December 31. The owner/operator shall be responsible for all staff and attorney fees that may be incurred in the enforcement of the terms of the conditions of approval, whether they are annual inspections or compliance hearings.

PASSED AND ADOPTED by the Planning Commission at a regular meeting held on May 8, 2013.

Robert Wright, Chairman
Planning Commission
City of Norco, California

ATTEST:

Steve King, Secretary
Planning Commission
City of Norco, California

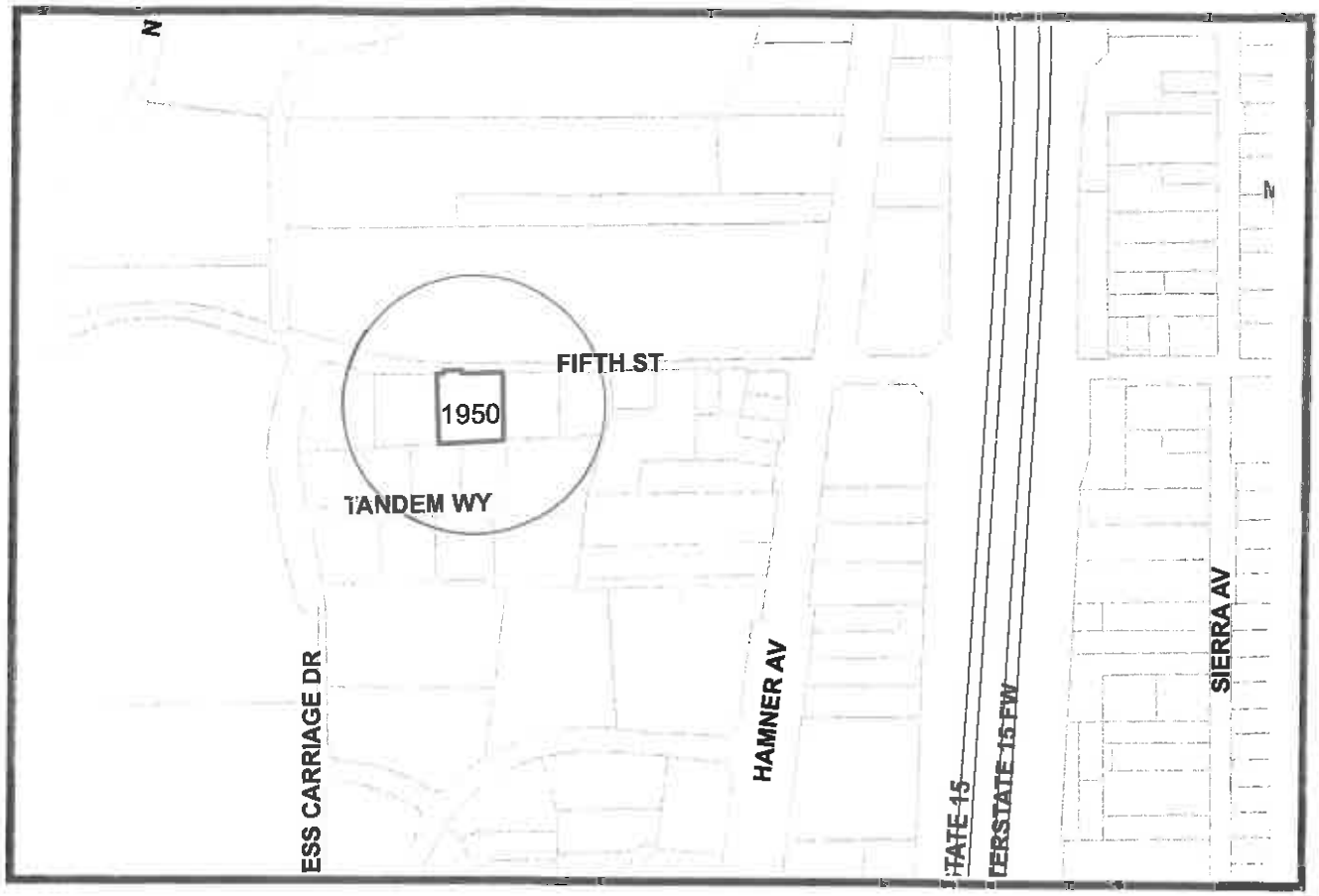
I HEREBY CERTIFY that the foregoing Resolution was duly and regularly passed and adopted by the Planning Commission of the City of Norco at a regular adjourned meeting thereof held on May 8, 2013 by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Steve King, Secretary
Planning Commission
City of Norco, California

/adr

LOCATION MAP



Not to Scale

N

PROJECT:	Conditional Use Permit 2013-02
APPLICANT:	Crossfit Pandemic, Inc.
LOCATION:	1950 Fifth Street

Exhibit "A"

/va-80888

ASSESSOR'S PARCEL MAP

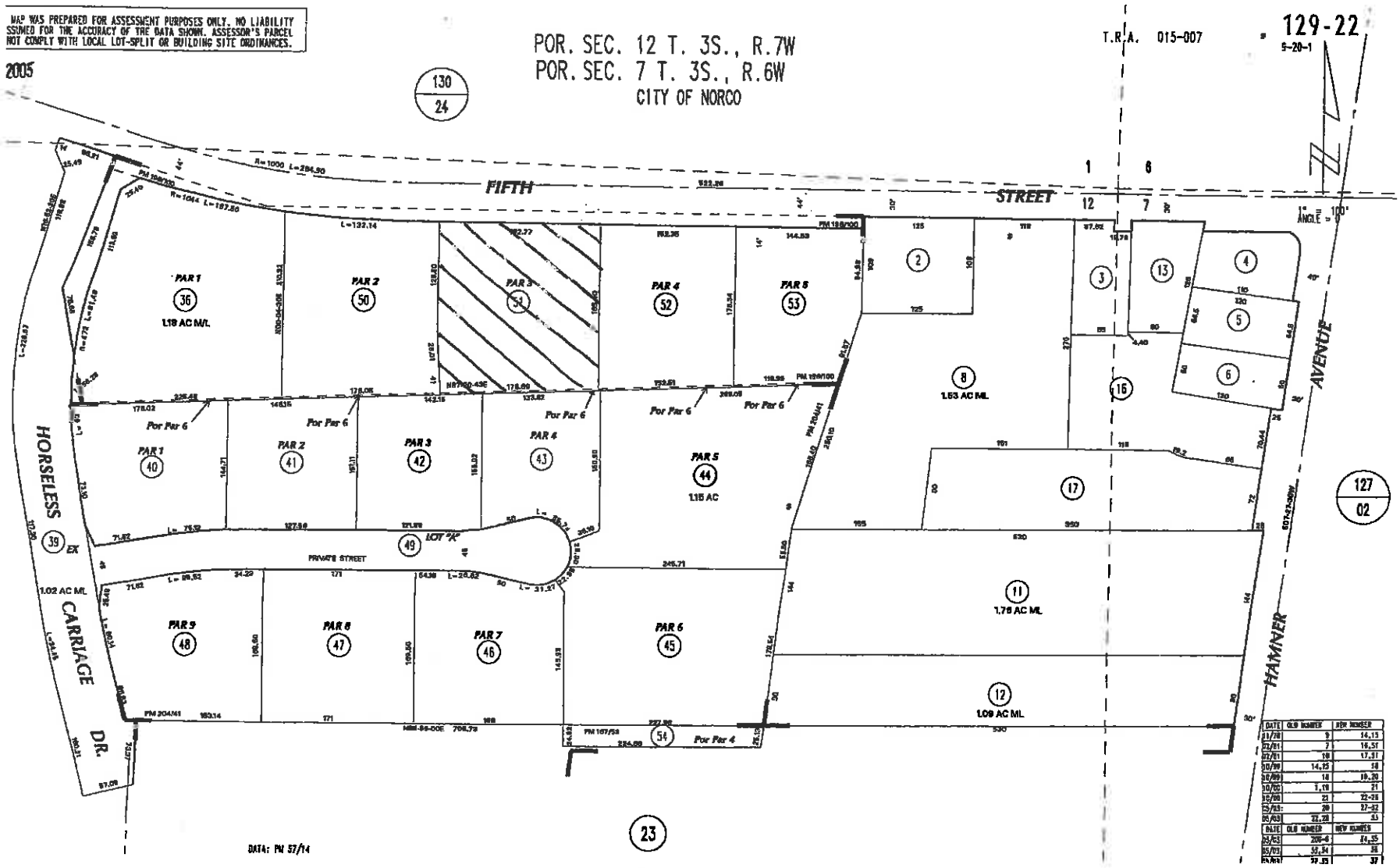


Exhibit "B"