



**CITY OF NORCO
CITY COUNCIL REGULAR MEETING AGENDA - REVISED**

**Wednesday, February 3, 2016
City Council Chambers, 2820 Clark Avenue, Norco, CA 92860**

REVISED AGENDA TO ADD ONE ANTICIPATED LITIGATION ITEM TO CLOSED SESSION

CALL TO ORDER: 6:00 p.m.

ROLL CALL: Kevin Bash, Mayor
Greg Newton, Mayor Pro Tem
Robin Grundmeyer, Council Member
Berwin Hanna, Council Member
Ted Hoffman, Council Member

The City Council will recess to Closed Session (Section 54954) to consider the following matter:

CLOSED SESSION:

§54956.9(c) – Conference with Legal Counsel – Anticipated Litigation
Two Cases

RECONVENE PUBLIC SESSION: 7:00 p.m.

REPORT OF ACTION(S) TAKEN IN CLOSED SESSION - §54957.1: (City Attorney)

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Greg Newton

INVOCATION: Youth Pastor Jeremy Williams, *Grace Fellowship Church*

PRESENTATION: Patricia Overstreet, *RURAL*

CITY COUNCIL BUSINESS ITEMS AS FOLLOWS:

1. CITY COUNCIL COMMUNICATIONS / REPORTS ON REGIONAL BOARDS AND COMMISSIONS:
2. CITY COUNCIL CONSENT ITEMS: *All items listed under the Consent Calendar are considered to be routine and may be enacted by one motion. Prior to the motion to consider any action by the Council, any public comments on any of the Consent Items will be heard. There will be no separate action unless members of the Council or the audience request specific items be removed from the Consent Calendar. Items removed from the Consent Calendar will be separately considered under Item No.3 of the Agenda.*
 - A. City Council Regular Meeting Minutes of January 20, 2016. **Recommended Action: Approve the City Council regular meeting minutes.** (City Clerk)

- B. Procedural Step to Approve Ordinance after Reading of Title Only.
Recommended Action: Approval (City Clerk)
3. ITEM(S) PULLED FROM CITY COUNCIL CONSENT CALENDAR
4. PUBLIC COMMENTS: *This is the time when persons in the audience wishing to address the City Council regarding matters not on the agenda may speak. Please complete the speaker card in the back of the room and present it to the City Clerk so that you may be recognized.*
5. PUBLIC HEARINGS:
 - A. **Entertainment Permit 2012-01, Modification 2** (Craig/Jansen): A request to modify Entertainment Permit 2012-01 to remove the annual renewal requirement of the permit. (*Planning Director*)

The owners of Water Wheel Saloon and Restaurant are requesting a modification to an existing Entertainment Permit to remove a condition of approval that requires them to renew the permit every year. A modification to an Entertainment Permit requires approval by the City Council.

Recommended Action: Adopt Resolution No. 2016-05, approving Entertainment Permit 2012-01, Modification 2.
 - B. **Tentative Tract Map 36717** (Dallape): A request to subdivide 26.69 gross acres into 32 parcels for single-family residential development on property located on the northeast side of River Road and south of Bluff Street in the A-1-20 zone (Assessor's Parcel Number 121-110-003). (*Planning Director*)

The project site is primarily rectangular and is a former dairy operation with an existing ranch house. The applicant is proposing to maintain the existing ranch house on one lot, with the remainder of the property being subdivided for an additional 31 residential lots. Staff reviewed Tentative Tract Map (TTM) 36717 at two Project Review Board meetings. The project was also reviewed by the Parks and Recreation Commission, and the Streets, Trails, and Utilities Commission and was recommended to the Planning Commission for approval. The Planning Commission reviewed TTM 36717 at its December 9, 2015 meeting and unanimously adopted Resolution 2015-79 recommending that the City Council approve the map.

Recommended Action: Adopt Resolution No. 2016-06, approving Tentative Tract map 36717.
6. APPEAL HEARING:
 - A. **Conditional Use Permit 2015-35** (Sandoval): A request for approval to allow a detached accessory building consisting of a 1,152 square-foot Recreational Vehicle (RV) garage at 1593 Clydesdale Court located within the Norco Hills Specific Plan (NHSP) Amendment No.1(Ito Farms). (*Planning Director*)

The subject property is located in the NHSP, Amendment No. 1, consists of about .46 acres/20,140 square-feet and is developed with a single family residence.

Accessory buildings that exceed 864 sq. ft. require approval of a conditional use permit by the Planning Commission. Because approval of this accessory building has been appealed, it is now being considered by the City Council.

7. CITY COUNCIL / CITY MANAGER / STAFF COMMUNICATIONS:

ADJOURNMENT

In compliance with the Americans with Disabilities Act, any person with a disability who requires a modification or accommodation in order to participate in this meeting, please contact the City Clerk's office, (951) 270-5623, at least 48 hours prior to the meeting to make reasonable arrangements to ensure accessibility.

Staff reports are on file in the City Clerk's Office. Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be available for public inspection at the City Clerk's Counter in City Hall located at 2870 Clark Avenue during normal business hours.



**CITY OF NORCO
CITY COUNCIL REGULAR MEETING MINUTES**

**Wednesday, January 20, 2016
City Council Chambers, 2820 Clark Avenue, Norco, CA 92860**

CALL TO ORDER: 7:00 p.m.

ROLL CALL: Kevin Bash, Mayor, **Present**
Greg Newton, Mayor Pro Tem, **Present**
Robin Grundmeyer, Council Member, **Present**
Berwin Hanna, Council Member, **Present**
Ted Hoffman, Council Member, **Present**

PLEDGE OF ALLEGIANCE: Mayor Kevin Bash

INVOCATION: Pastor Rene Parish, *Beacon Hill Assembly of God*

Mayor Bash reported a change in the order of the agenda. He indicated that Item 6.A. would be heard directly after Item 5.A.

INTRODUCTIONS: Julie Reyes, *Waste Management Municipal Marketing Manager*

Ms. Reyes indicated that she is back with Waste Management in a leadership role overseeing municipal contracts in San Bernardino and Riverside counties

Marissa Castro-Salvati, *Southern California Edison Government Affairs Representative*

Ms. Castro-Salvati stated that she has been with SCE for nineteen years previously serving the San Gabriel Valley area. The local government affairs group has undergone some reorganization and noted that she now represents 35 cities in the desert area and Inland Empire.

Chad Blais, *Director of Public Works*

City Manager Andy Okoro introduced Mr. Blais and provided a brief summary of his background and education. Mr. Blais thanked the Council for the opportunity to serve the residents of Norco.

CITY COUNCIL BUSINESS ITEMS AS FOLLOWS:

1. CITY COUNCIL COMMUNICATIONS / REPORTS ON REGIONAL BOARDS AND COMMISSIONS:

Council Member Hanna:

- Attended a Riverside County Transportation Commission meeting. An item of interest discussed was the topic of grade crossing which are the railroad crossing overpasses to help traffic flow and reduce smog.

Council Member Grundmeyer:

- Attended a League of California Cities meeting in Indio this month.

Council Member Hoffman:

- Attended a Riverside County Transportation Commission meeting and noted discussion on the State of California highway system and local streets. Residents wanting to know more about the Road Charge Pilot program can go to www.californiaroadchargepilot.com.
- Attended a Southern California Association of Governments (SCAG) meeting and introduced City of Eastvale Council Member Clint Lorimore who is the SCAG regional representative for Norco, and SCAG Regional Public Affairs Representative Arnold San Miguel to provide a brief summary of the regional transportation plan. The current plan is a long-range plan for the region and meets state and federal requirements. Mr. Lorimore indicated that any Council Member wishing to provide comments on the plan may do so and he will submit them as part of the public comment period which ends February 1.

Mayor Pro Tem Newton:

- Attended a Western Riverside County Regional Wastewater Authority meeting in late December via teleconference. The Board received and filed the independent auditors report for the sewer system management plan.
- Attended a Chino Basin Desalter Authority Board meeting on January 7.

Mayor Bash:

- Attended a Riverside Conservation Authority meeting.
- Attended a Western Riverside Council of Governments meeting.
- Attended a grass roots meeting last week regarding the proposed La Sierra development.

2. CITY COUNCIL CONSENT ITEMS:

City Clerk Cheryl Link pulled item 2.A. as well as item 2.D to allow for public comment.

M/S HANNA/HOFFMAN to approve the remaining items on the Consent Calendar as recommended. The motion was carried by the following roll call vote:

AYES: GRUNDMEYER, HANNA, HOFFMAN, NEWTON, BASH

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

- A. City Council Regular Meeting Minutes of December 2, 2015 and December 16, 2015, and City Council Special Meeting Minutes of January 6, 2016. **Pulled for discussion.** (City Clerk)
 - B. Procedural Step to Approve Ordinance after Reading of Title Only. **Action: Approved.** (City Clerk)
 - C. Recap of Actions Taken by the Planning Commission at its Meeting Held on January 13, 2016. **Action: Received and filed.** (Planning Director)
 - D. **Resolution No. 2016-01**, Establishing Rules and Procedures for Filming and Recording During Meetings in the Council Chamber. **Pulled for discussion.** (City Clerk)
 - E. Quarterly Investment Report for Quarter Ended December 31, 2015. **Action: Received and filed.** (Finance Officer)
 - F. 2015 Sanitary Sewer System Management Plan Audit. **Action: Received and filed the City of Norco's 2015 Sewer System Management Plan Audit as required by State Order 2006-0003.** (Director of Public Works)
 - G. Resolution Amending and Approving the City's Conflict of Interest Code Applicable to Designated Employees Pursuant to the Political Reform Act of 1974. **Action: Adopted Resolution No. 2016-02, amending the City's Conflict of Interest Code.** (City Clerk)
 - H. Acceptance of the Pavement Management System, Phase I, as Complete. **Action: Accepted the Pavement Management System, Phase I as complete and authorized the City Clerk to file the Notice of Completion with the Riverside County Recorder's Office.** (City Engineer)
 - I. Acceptance of the Pavement Management System, Phase II, as Complete. **Action: Accepted the Pavement Management System, Phase II as complete and authorized the City Clerk to file the Notice of Completion with the Riverside County Recorder's Office.** (City Engineer)
3. ITEM(S) PULLED FROM CITY COUNCIL CONSENT CALENDAR
- 2.A. City Council Regular Meeting Minutes of December 2, 2015 and December 16, 2015, and City Council Special Meeting Minutes of January 6, 2016. (City Clerk)

City Clerk Cheryl Link pulled this item to clarify a few minor corrections to the minutes of December 2, 2015 and December 16, 2016.

M/S BASH/NEWTON to approve the regular meeting minutes of December 2, 2015 and December 16, 2015 as presented with changes; and the special meeting minutes of January 6, 2016. The motion was carried by the following roll call vote:

AYES: GRUNDMEYER, HANNA, HOFFMAN, NEWTON, BASH
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

- 2.D. **Resolution No. 2016-01**, Establishing Rules and Procedures for Filming and Recording During Meetings in the Council Chamber. *(City Clerk)*

City Clerk Cheryl Link reported that at the request of the Council at the December 2, 2015 Council meeting, staff has prepared and developed protocol for the recording of City meetings by members of the public and the media. The City acknowledges that no prior permission is required to record meetings but to maintain the good order of a public meeting, staff developed rules and procedures for the recording of City meetings by the public and media in the Council Chamber.

Lance Gregory suggested that the City look into recording Council meetings.

Jodie Webber read the introduction to the Ralph M. Brown Act. Ms. Webber commented on certain protocols in the staff report that she believes is a precondition to attendance and that possibly violates the Brown Act. Ms. Webber also noted her issue with the speaker cards not indicating that providing a name is voluntary. City Attorney John Harper responded with his interpretation of the Brown Act and indicated that every public agency is permitted to require as a condition of speaking the identification of the speaker. In response to the notice of intent to record as noted in the staff report, Mr. Harper stated that it is included in the policy for the purpose of the City being able to make appropriate accommodations for the public.

M/S HANNA/BASH to adopt Resolution No. 2016-01, approving rules and procedures for filming and recording of City meetings in the Council Chamber. The motion was carried by the following roll call vote:

AYES: GRUNDMEYER, HANNA, HOFFMAN, NEWTON, BASH
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

4. PUBLIC COMMENTS:

Tandy Kerr commented on traffic issues on Seventh Street. Ms. Kerr requested speed bumps as well as a stop sign and Seventh Street and Detroit.

Linda Dixon invited the Council and the public to attend the Lake Norconian Club Foundation Mardi Gras Fundraiser Gala on Saturday, February 13 at 6:00 p.m. at Nellie

Weaver Hall. Ms. Dixon also commented that the Lake Norconian Club Foundation has gained access to the hotel and roof repair begins next week.

Bonnie Slager commented that the producer of the 3 Mules documentary will be the guest speaker at the Norco Horsemen's Association general meeting tomorrow. Ms. Slager stated that Norco Horsemen's Association Trail Committee will be working on trail maintenance on Pedley Avenue between 10:00a.m. and 12:00 p.m. on Saturday, January 23 and welcomed the public to join in. Lastly, Ms. Slager reminded the public that Norco Horsemen's Association will be hosting the next Town Hall meeting on Monday, January 25 at 6:30 p.m. at Nellie Weaver Hall.

Corinne Holder spoke on behalf of Berwin Hanna's re-election campaign committee and noted that several donations were made with surplus funds, including donations to the Lake Norconian Club Foundation, Senior Center breakfasts, Leaps and Bounds, and Norco FFA.

Lou Paltza noted that tomorrow is the 21st of the month and in keeping with the 21 Seconds Now program, he reminded the public that flags should be at half-staff and 21 seconds of silence at 12:00 noon. Mr. Paltza suggested including the school district in this program.

Norvah Williams expressed her concerns with the paving in front of Norco Elementary School. Ms. Williams mentioned that there are pieces of asphalt on that portion of Temescal Avenue causing a safety issue.

5. DISCUSSION / ACTION ITEMS:

- A. Approval of Memorandum of Understanding with Balboa Management, LLC Regarding Reimbursement Repayment Schedule for SilverLakes Equestrian and Sports Park. (*City Manager*)

City Manager Okoro reported that the City has provided reimbursement costs totaling \$5,575,884.17 of the \$6,000,000 authorized reimbursement for City-owned water, sewer and other related improvements on the Silverlakes property. The last reimbursement was made on June 12, 2013 and accrued interest on all outstanding reimbursements calculated through June 30, 2016 is \$1,290,269.24. Based on this and the repayment terms provided in the Funding, Construction and Acquisition Agreement; the monthly repayment amount to the City has been determined to be \$45,514.50. Should the remaining reimbursement amount of \$424,115.83 be made to Balboa Management, LLC, the monthly repayment amount will be \$48,325.88.

In response to Mayor Pro Tem Newton, City Manager Okoro indicated that the rate of repayment of 5.9%, was determined by applying the highest rate on the long-term portion of the bond. Mr. Okoro added that if the bonds are refinanced in the future to a lower rate, the 5.9% will remain in effect for the MOU with Balboa. Mayor Pro Tem Newton also inquired about receiving title to the items installed. Mr. Okoro noted that the Funding and Acquisition Agreement calls for the City receiving title to the improvements on the property. There was some discussion regarding the City having an Instrument of Indebtedness. City

Attorney John stated that all the provisions in the MOU are contained in the existing contract with the City.

Council Member Hoffman referred to a letter written by former City Manager Beth Groves in March 2012 regarding the release of \$2.7 million from the water and sewer proceeds for the preparation and installation of water and sewer. Mr. Hoffman also referred to the \$1.7 million for import of dirt. Mr. Okoro stated that the work is broad any includes any cost associated with construction. Water and Sewer Manager Bill Thompson indicated that when developing a property, grading is needed prior to installation of utilities. Also, SilverLakes is in a flood plain and required additional dirt to be imported.

In response to Council Member Grundmeyer, Mr. Okoro stated that payments do not begin until July 2016, which is when improvements will be completed.

Lance Gregory expressed concerns about the MOU since he read recent reports regarding the County supervisor's judgment on the property taxes. Mr. Gregory said that it is his understanding that an MOU is not a legally binding document.

Tina Gregory said she does not understand the MOU document and Mr. Harper clarified some of her questions.

Mayor Pro Tem Newton indicated that he supports approval excluding Section 4 in the MOU regarding the remaining reimbursement amount of \$424,115.83. Mr. Harper indicated that the MOU simply approves the amortization schedule. Mr. Okoro stated that any additional amount reimbursed would come back before the Council for approval.

M/S NEWTON/HOFFMAN to approve the Memorandum of Understanding, excluding Section 4, with Balboa Management, LLC regarding the reimbursement payment schedule for SilverLakes Equestrian and Sports Park. The motion was carried by the following roll call vote:

AYES: GRUNDMEYER, HANNA, HOFFMAN, NEWTON, BASH
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

Mayor Bash recessed the meeting at 8:45pm and reconvened the meeting at 8:58pm

- B. Appointment to the Economic Development Advisory Council (EDAC) to Fill One (1) Unscheduled Vacancy. (City Clerk)

City Clerk Link reported that on December 8, 2015, Melissa Villapando submitted a letter of resignation from her appointment on the Economic Development Advisory Council (EDAC). Immediately following, the City Clerk's Office began the recruitment process and accepted applications until December 30, 2015. During the recruitment process, the City Clerk's Office received one application, from Mr. Scott da Rosa. Staff is recommending that the City Council make an appointment to EDAC.

Scott da Rosa commented about his experience and that his current occupation will bring valuable perspective to the Economic Development Advisory Council. Mr. da Rosa also commented on his work ethic and thanked the Council for the consideration.

M/S HANNA/BASH to appoint Mr. Scott da Rosa to the Economic Development Advisory Council to fill the unscheduled vacancy with his term to take effect immediately and ending June 30, 2017. The motion was carried by the following roll call vote:

AYES: GRUNDMEYER, HANNA, HOFFMAN, NEWTON, BASH

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

- C. La Sierra Hills (City of Riverside; and the Norco-Riverside City Boundaries: to Introduce for Discussion, Support of the Rural Land Use Restrictions in the La Sierra Hills Area in the City of Riverside, and the Current City Boundaries for Both Cities. *(Planning Director)*

Director King reported that per the request of City Council, below is a discussion of where the La Sierra Lands development was being proposed which required passage of Measure "L" by Riverside City voters. Measure "L" was defeated in November 2014 which stopped that proposal. This item has been agendaized for discussion about how much development is currently allowed as a result of Proposition R and Measure C (both Riverside statutes) in the La Sierra hills area, and what the relation is to the current city boundaries between Norco and Riverside.

Mayor Bash commented on his past involvement with this issue. The two leading proponents of Measure L changed sides soon after the passage of Measure L. The plan is to build 750 homes with the claim of open space. Mayor Bash requested concurrence from Council to send a letter to the Riverside City Council to uphold Proposition R and Measure C, as well as look at mitigation measures on North Drive. Mayor Bash suggested organizing a photo opportunity with the equestrian communities of Norco and La Sierra for the media.

Mayor Pro Tem Newton commented on his support for the Resolution and commented that innovative traffic calming is forthcoming.

Council Member Hoffman also commented on his support for the Resolution and suggested using the City of Riverside's General Plan in the efforts to preserve open space in the La Sierra Hills area.

M/S GRUNDMEYER/HANNA to adopt Resolution No. 2016-03, expressing support that Proposition R and Measure C be upheld by the City of Riverside to preserve the rural character of the La Sierra Hills section of the City of Riverside. The motion was carried by the following roll call vote:

AYES: GRUNDMEYER, HANNA, HOFFMAN, NEWTON, BASH

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

- D. Discussion Regarding Alternative Funding Options for Continuation of the Equestrian Trail Fence Replacement Project at Various Locations to Include Additional Trail Sections within the Bluff/Peninsula Area of Norco to Complete Transition from Wood Fencing to PVC (Vinyl) Fencing. *(Deputy City Manager/Director of Parks, Recreation and Community Services)*

Deputy City Manager Petree reported that at the request of the City Council, this is a Capital Improvement continuation project for the Bluff/Peninsula area of Norco as outlined in Exhibit A. This item was requested by the City Council to bring back costs associated with expanding the Various Trail Project Capital Program currently being worked on. The staff report outlines several options for funding.

In response to Council Member Grundmeyer's request for clarification on use of funds collected from property owners that have been determined as non-refundable, Deputy City Manager Petree stated that there are specific projects in which deposits were made for public improvements. There was some discussion about whether these funds could be used for other projects, which they could if Council so chooses.

There was some discussion about use of Fire and/or Sheriff work crews for the labor portion of the project, which could potentially reduce the cost of the project to about \$100,000. Mayor Pro Tem Newton commented that it would not be wise to defund the trail fund. Mayor Pro Tem Newton commented that there is approximately \$212,000 in cash-in-lieu funds that could be transferred to a street fund but expressed concern about the use of these funds that were earmarked for other improvements.

Deputy City Manager Petree stated that there is 700 linear feet of trail fencing to add in order to complete this section of the City. City Manager Okoro indicated that if it is the direction of the Council, staff can bring back details on the cash-in-lieu funds available during the mid-year budget review in February.

Mike Thompson commented on the installation of the new vinyl fencing and requested that the standards go back for review to the Streets, Trails and Utilities Commission.

Charles Walton commented on the Recreational Trails Program Reauthorization program and asked the Council to look into this grant.

Mayor Pro Tem Newton suggested that staff move forward with the bid process to complete the project.

M/S HOFFMAN/GRUNDMEYER to proceed with the bid process for the additional vinyl trail fence sections within the Bluff/peninsula area and bring back to Council for approval by April 2016. The motion was carried by the following roll call vote:

AYES: GRUNDMEYER, HANNA, HOFFMAN, NEWTON, BASH

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

6. PUBLIC HEARING:

- A. Proposition 218 Public Hearing Approving a "Pass-Through" Water Rate Adjustment. (Director of Public Works)

Director of Public Works Chad Blas reported that in compliance with Article XIID of the State of California Constitution and the Proposition 218 Omnibus Implementation Act, and AB 3030 Section 53756 of the Government Code regarding "Pass Through" increase in wholesale water rate charges, the City mailed 9,617 public notices to all affected property owners and rate payers of the proposed "Pass-Through" Water Rate Adjustment. Staff is recommending that the City Council accept written and verbal comments on the proposed rates and to approve the proposed rates after closure of the public hearing.

Director Blas indicated that the City has and will continue to experience increases in its water supply costs annually. He discussed water demands versus water supply and presented a history of increases in purchased water costs. Purchased water costs increased by 15% and purchased water costs make up about 70% of total water production costs. Staff recommends only a 10% increase in the overall commodity rate. The new proposed commodity rate is \$2.20.

In response to Mayor Pro Tem Newton, Finance Officer Schuchard stated that 9,617 notices were mailed and City Clerk Link stated that only six protest letters were received. There was some discussion about the Proposition 218 process and that future public hearings are not required through the year 2019. Director Blas indicated that if our purchasers raise rates, this pass-through process allows a rate increase but with 30-day notice prior to implementation.

In response to Council Member Hoffman's inquiry about assistance for senior citizens, Finance Officer Shuchard indicated that assistance programs are available through the Housing Division.

Mayor Bash opened the public hearing indicating that proper notification had been made and asked for the appearance of those wishing to speak.

Dave Stockton commented that he is opposed to the increase and submitted a letter of protest.

Lou Paltza asked how SilverLakes, the Navy, the prison, school district, etc. affect usage and how that usage is monitored.

Betsy Roberts commented that the notification letter should have provided more information. Ms. Roberts stated that her biggest concern is infrastructure and water leaks and asked the Council to look at infrastructure before passing on rates.

Bobbie Pope said she lives in the Bluff area and asked if the ground well water was going to be shut off. Director Blas stated that it is not the plan, but that staff is working on ways to reduce the temperature of the water from that well.

Jodie Webber commented that the City is contractually obligated to purchase a certain amount of water and she expressed concerns about how this impacts water conservation mandates from the State.

Bill Schwab commented on the low number of protest letters/responses received.

With no one else wishing to speak, Mayor Bash closed the public hearing bringing the discussion back to the Council Members.

Mayor Bash and Director Blais briefly answered some of the questions and concerns addressed during public comments.

M/S HANNA/HOFFMAN to adopt Resolution No. 2016-04 approving adjustments to water rates. The motion was carried by the following roll call vote:

AYES: GRUNDMEYER, HANNA, HOFFMAN, NEWTON, BASH

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

7. CITY COUNCIL / CITY MANAGER / STAFF COMMUNICATIONS:

Council Member Hanna requested to agendaize discussion of preparing an ordinance to issue fines for illegal dumping. City Manager Okoro indicated that fines come under Code Enforcement and administrative citations.

Council Member Grundmeyer commented on a visit by a group of 14 students and an advisor from Illinois. They visited various sites in Norco this week and were warmly welcomed by Mayor Bash.

Council Member Hoffman complimented staff members Keith Price and John Starling for their work on the arenas. Mr. Hoffman also thanked Code Enforcement Officer Javier Rodriguez for addressing a trail hazard.

In response to Mayor Pro Tem Newton's request for status on the various traffic studies, Deputy City Manager Petree stated that staff received the some engineering reports and a workshop will be scheduled for the City Council to review and provide recommendations.

Council Member Hoffman requested a meeting with residents of Landscape Maintenance District 4 to allow them to be part of the decision-making process for fence installation.

Mayor Bash commented on the Lake Norconian Club Foundation Mardi Gras Fundraising event on February 13, 2016 and the Norco Film Festival event also on February 13th.

ADJOURNMENT

Mayor Bash adjourned the meeting at 10:55 p.m.

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager

PREPARED BY: Steve King, Planning Director

DATE: February 3, 2016

SUBJECT: **Entertainment Permit 2012-01, Modification 2 (Crain/Jansen):** A request to modify approved Entertainment Permit 2012-01 to remove the condition that requires annual renewal of the permit.

RECOMMENDATION: Adopt **Resolution No. 2016-05**, approving Entertainment Permit 2012-01, Modification 2.

SUMMARY: The owners of Water Wheel Saloon and Restaurant are requesting a modification to an existing Entertainment Permit to remove a condition of approval that requires them to renew the permit every year. A modification to an Entertainment Permit requires approval by the City Council.

BACKGROUND: Entertainment Permit 2012-01 was approved by the City Council on April 18, 2012, which allowed the following entertainment:

- Dancing every day to music either from a live band, juke box or a DJ from 8:00 p.m. to 1:00 a.m.;
- Live bands or a DJ on the weekends from 8:00 p.m. to 1:00 a.m.;
- Dance lessons one night a week (Thursdays) from 7:00 p.m. to 8:00 p.m.; and
- Karaoke one night a week (Tuesdays) from 7:00 p.m. to 10:00 p.m.

On December 3, 2014, at the request of the owners, the City Council approved Modification 1 that added additional allowed events. The added uses with Modification 1 included: midget wrestling, flair bartending and competitions, daisy dukes and bathing suits, trunk or treat, fund raisers for schools – car washes, outside barbeque competitions, car shows, red neck games, fashion shows, themed parties, comedy night, and “Rockstars of Tomorrow.” Modification 1 also expanded the allowed hours for events from “5 p.m. to 2 a.m. Monday through Friday, and from 11 a.m. to 2 a.m. Saturday and Sunday; with activities ranging from 7 p.m. to 1 a.m. or 7 a.m. to 5 p.m.

Pursuant to Norco Municipal Code (NMC) Chapter 5.08, an establishment that serves food and beverages needs to obtain an entertainment permit in order to provide live entertainment in conjunction with the food and beverage service. An entertainment permit requires City Council approval and any amendment to an existing permit also

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requires City Council approval. An entertainment permit does not go with the property like a conditional use permit does. Once a business changes owners a new entertainment permit is needed.

Modification 1 to the Entertainment Permit included conditions, one of which requires an annual renewal of the permit to be approved by the City Council. Waterwheel is the only establishment in Norco with an entertainment permit that is required to obtain an annual renewal of the permit. This condition was added as a precautionary monitoring measure since Waterwheel is also the only establishment that serves distilled spirits that does not have a conditional use permit.

Currently in the C-4 zone (Sixth Street) the service of distilled spirits is a permitted use, however, in prior years the use required approval of a CUP. Other establishments on Sixth Street in the C4 zone that currently serve distilled spirits were approved when the CUP was required. In the C-G zone (primarily Hamner Avenue) a CUP is also required to serve distilled spirits. Entertainment Permit 2012-01, Modification 2, if approved, would eliminate the condition requiring the annual renewal of the Entertainment Permit for Waterwheel.

ANALYSIS: A modification to the Entertainment Permit can be approved if the City Council can make the following findings:

A. That the conduct of the entertainment, as proposed by the applicant, if permitted, can operate within all applicable laws, including but not limited to building, zoning and health regulations; and

B. The applicant and any other person who will be directly engaged in the management and operation of the place of entertainment, other than one who participates in an act of entertainment:

- 1) has not been convicted in a court of competent jurisdiction, by final judgment of:
 - a) any offense involving the presentation, exhibition, or performance of an obscene production, motion picture, play or act; or
 - b) any offense involving lewd conduct; or
 - c) any offense involving use of force and violence upon the person of another; or
 - d) any offense involving misconduct with children.
- 2) has not allowed or permitted acts of sexual misconduct to be committed in prior business operations; and

C. That the normal operation of the proposed entertainment at the proposed location would not interfere with the peace and quiet of any surrounding residential neighborhood; and

D. That the applicant has not knowingly made any false, misleading or fraudulent statement of facts in the permit application, or any other document required by the city in conjunction therewith.

The proposed modification to eliminate the annual renewal would still comply with all applicable laws, and requirements of the Norco Municipal Code. It is not anticipated that the proposed modification will interfere with the peace and quiet of any surrounding residential neighborhood or shopping center since the City would still have the option of revoking the entertainment permit if the operation became a threat to public health and safety.

During September and October of 2015, the Sheriff's Office noticed a public safety concern as a result of events at the business. Initially, the Sheriff's Office met with resistance from the business owner's while addressing the public safety concerns. However, after several meetings with the Sheriff's Office, the business owner's committed to partnering with the Sheriff's Office to ensure public safety was addressed pertaining to their events. In doing so, the owners subsequently discontinued an event because of safety concerns and communicated the cancellation to the Sheriff's Office.

All of the events that have occurred since Modification 1 was approved have been pursuant to, and consistent with, the conditions of approval of the Entertainment Permit. Based on this it is staff's recommendation that the annual review is no longer needed.

Staff recommends that the findings noted above to support approval of Modification 2 can be made. The findings are included in the attached resolution. If adopted, Resolution No. 2016-05 would supersede Resolution No. 2014-68; and Entertainment Permit 2012-01 Modification 2 would supersede Entertainment Permit 2012-01 Modification 1 in its entirety. All of the conditions from Resolution No. 2014-68 are included in Resolution No. 2016-05 with the exception of the requirement for an annual renewal of the Entertainment Permit.

FINANCIAL IMPACT: None.

Attachment: Resolution No. 2016-05 to approve Entertainment Permit 2012-01, Modification 2

RESOLUTION NO. 2016-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, GRANTING WITH CONDITIONS, ENTERTAINMENT PERMIT 2012-01 MODIFICATION 2, TO ALLOW LIVE ENTERTAINMENT AT THE WATER WHEEL SALOON AND RESTAURANT LOCATED AT 980 SIXTH STREET LOCATED IN THE C-4 ZONE. ENTERTAINMENT PERMIT 2012-01, MODIFICATION 2

WHEREAS, JAMES S. CRAIN AND MONIQUE JANSEN submitted an application to the City of Norco, California to modify an approved entertainment permit under provisions of Chapter 5.08, Title 5 of the Norco Municipal Code on property generally described as:

Lot 1 in Block 34, of The Norco Farms Tract No.1 in the City of Norco, County of Riverside, State of California as per map recorded in Book 11, Page (s) 3, of Maps in the Office of the County Recorder of said County.

More generally described as a rectangular-shaped area of about 4.04 acres, located at the northwest corner of Sixth Street and Temescal Avenue, having a frontage on the south side of Sixth Street of about 630 feet and a frontage on the west side of Temescal Avenue of about 280 feet, having a maximum depth of about 280 feet, and being further described as 940, 960 and 980 Sixth Street (Assessor's Parcel Number 131-220-027); and

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

WHEREAS, at the time set at 7 p.m. on December 3, 2014 within the Council Chambers at 2820 Clark Avenue, Norco, California, 92860, a petition for Modification 1 to Entertainment Permit 2012-01 was heard by the City Council of the City of Norco; and

WHEREAS, at the said time and place, said City Council heard and considered both oral and written evidence pertaining to said petition and adopted Resolution No. 2014-68 approving said petition; and

WHEREAS, notice of a public hearing on a petition to consider Modification 2 was given on the manner and for times required by law; and

WHEREAS, at the time set at 7 p.m. on February 3, 2016 within the Council Chambers at 2820 Clark Avenue, Norco, California, 92860, a petition for Modification 2

to Entertainment Permit 2012-01 was heard by the City Council of the City of Norco;
and

WHEREAS, at the said time and place, said City Council heard and considered both oral and written evidence pertaining to said petition; and

WHEREAS, the City of Norco, acting as the Lead Agency, has determined that the proposed project is categorically exempt from the California Environmental Quality Act and the City of Norco Environmental Guidelines, pursuant to Class 1.

NOW, THEREFORE, the City Council of the City of Norco does hereby find as follows:

A. A background check of the project proponents did not reveal any indication that the conduct of entertainment will not be in compliance with all applicable laws, including but not limited to City building, zoning and health regulations.

B. The applicant and any other person identified in the application who will be directly engaged in the management and operation of the place of entertainment, other than one who participates in an act of entertainment:

1) has not been convicted in a court of competent jurisdiction, by final judgement of:

a) an offense involving the presentation, exhibition, or performance of an obscene production, motion picture, play or act; or

b) an offense involving lewd conduct; or

c) an offense involving use of force and violence upon the person of another;
or

d) an offense involving misconduct with children.

2) has not allowed or permitted acts of sexual misconduct to be committed in prior business operations.

C. Because of the commercial district the normal operation of the proposed entertainment at the proposed location should not interfere with the peace and quiet of any surrounding residential neighborhood as long as it is operated in compliance with the conditions of approval.

D. The applicant has not knowingly made any false, misleading or fraudulent statement of facts in the permit application, or any other document required by the City in conjunction therewith.

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

NOW THEREFORE, the City Council of the City of Norco does hereby resolve as follows:

SECTION 1: That the foregoing recitals are true and correct and incorporated hereat as if set forth in full.

SECTION 2: Entertainment Permit 2012-01, Modification 2 is approved for the Water Wheel Saloon and Restaurant located at 980 Sixth Street, subject, but not limited to, the following conditions:

1. City Council Resolution No. 2016-05 supersedes and replaces City Council Resolution No. 2014-68.
2. Entertainment Permit 2012-01, Modification 2 supersedes and replaces Entertainment Permit 2012-01, Modification 1 in its entirety.
3. Approval is based on Exhibit "C" – Floor Plan dated February 21, 2012 approved with the original Entertainment Permit 2012-01 and incorporated herein by reference and on file with the Planning Division. Development shall occur as shown unless otherwise noted in these conditions.
4. Approval is based on Exhibit "A" – "Permitted Parking Lot Closures" dated November 19, 2014, approved with Modification 1 and incorporated herein by reference.
5. 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.
6. The City Council may suspend or revoke this permit, pursuant to Section 5.08.100 of the Norco Municipal Code, if it finds and determines that:
 - A) The entertainment as conducted by permittee, his agent or employee, or any person connected or associated with the permittee as partner, director, officer, general manager or other person, who is exercising managerial authority of, or in behalf of permittee or any entertainer, acting under the authority of such permit, does not comply with all applicable laws, including but not limited to the City's building, zoning and health regulations; or

B) Permittee, his agent or employee, or any person connected or associated with the permittee as partner, director, officer, general manager or other person, who is exercising managerial authority of, or in behalf of permittee, or any entertainer, acting under the authority of such permit, has:

- 1) knowingly made any false, misleading or fraudulent statement of fact in the permit application, or any other document required by the City in conjunction therewith; or
- 2) been convicted in a court of competent jurisdiction by final judgement of:
 - a) an offense involving the presentation, exhibition, or performance of any obscene production, motion picture, play or act; or
 - b) an offense involving lewd conduct; or
 - c) an offense involving use of force and violence upon the person of another; or
 - d) an offense involving misconduct with children.
- 3) allowed or permitted acts of sexual misconduct to be committed at the place of entertainment; or
- 4) violated or broke any conditions imposed by the City Council concerning the permit or the entertainment allowed hereunder; or
- 5) 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 creating an increased demand for public services.

9. Live entertainment shall be permitted during specified hours and shall be subject to review or revocation if difficulties or complaints are received and validated by the City.

Allowed entertainment shall consist of the following INDOOR ENTERTAINMENT ACTIVITIES, Monday – Friday 5 p.m. to 2 a.m., Saturday and Sunday 11 a.m. to 2 a.m. provided they do not exceed the building occupancy posted per City requirements:

- A) Dancing including line dancing, couple dancing, and dancing lessons to music either from a live band, juke box or a DJ;
- B) Live bands or DJ with or without dancing;
- C) Karaoke;
- D) Competitions and shows including midget wrestling, comedy night, flair bartending, daisy duke shows, bathing suit shows, fashion shows;
- E) Kids future rock stars;
- F) Themed parties

Allowed entertainment shall consist of the following OUTDOOR ENTERTAINMENT ACTIVITIES, Monday – Sunday 7 a.m. to 5 p.m., provided that event activities do not block any designated fire lanes, or drive aisles and parking spaces except as allowed by Condition Number 9 or under a separate Special Event Permit:

- G) Barbeque and food competitions;
- H) Trunk or treat;
- I) Red neck games;
- J) Car shows.

10. This Entertainment Permit does not authorize the blocking of any designated drive aisles or parking spaces except as follows and as shown on Exhibit "A" incorporated by reference: the drive aisle to Water Wheel west of, and after, the shopping center driveway on Sixth Street); the 17 "non-accessible" parking spaces along the first parking lot drive aisle immediately adjacent and east of the building; and the six parking spaces immediately adjacent to Sixth Street between Water Wheel building and the shopping center driveway (23 spaces total), unless otherwise approved under a separate Special Event Permit. The first parking lot drive aisle east of the building shall not be blocked on the south side to maintain access to the two accessible parking stalls.

11. All events not covered by approved Entertainment Permit 2012-01, Modification 2, and that are not a normal operation of the business shall be required to obtain a separate Special Event Permit from the Planning Division.

12. Loitering outside of the premises shall be prohibited.

13. The applicant shall obtain and maintain a valid business license(s) with the Norco Business License Division, for the business, and for any events associated with this Entertainment Permit as needed.

14. This permit shall be valid only for the proposed business (Water Wheel Saloon and Restaurant) and shall not be transferable to a new owner.

15. Upon a recommendation from the Sheriff's Department based on health and safety concerns, the permit shall be brought back to the City Council for reconsideration.

16. The owners shall cooperate with an assessment of the security systems and/or security staffing if it is determined by the Sheriff's Department that an assessment is needed.

SECTION 3: EFFECTIVE DATE: This resolution shall become effective upon approval by the City Council of the City of Norco.

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PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on February 3, 2016.

Kevin Bash, Mayor
City of Norco, California

ATTEST:

Cheryl Link, CMC, City Clerk
City of Norco, California

I, CHERYL LINK, City Clerk of the City of Norco, do hereby certify that the foregoing Resolution was adopted by the City Council of the City of Norco, California, at a regular meeting thereof held on February 3, 2016 by the following vote of the City Council:

AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California on February 3, 2016.

Cheryl Link, City Clerk
City of Norco, California

**CITY OF NORCO
STAFF REPORT**

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager

PREPARED BY: Steve King, Planning Director

DATE: February 3, 2016

SUBJECT: **Tentative Tract Map 36717 (Dallape):** A request to subdivide approximately 26.69 gross acres into 32 parcels for residential development and two lots for infiltration basins located on the northeast side of River Road, south of Bluff Street in the A-1-20 zone (Assessor's Parcel Numbers 121-110-003).

RECOMMENDATION: Adopt **Resolution No. 2016-06** approving Tentative Tract Map 36717.

SUMMARY: Staff reviewed Tentative Tract Map (TTM) 36717 at two Project Review Board meetings. The project was also reviewed by the Parks and Recreation Commission, and the Streets, Trails, and Utilities Commission and was recommended to the Planning Commission for approval. The Planning Commission reviewed Tentative Tract Map 36717 at its December 9, 2015 meeting and unanimously adopted Resolution 2015-79 recommending that the City Council approve the map.

SITE DESCRIPTION: The project site is primarily rectangular and is a former dairy operation with an existing ranch house. The applicant is proposing to maintain the existing ranch house on one lot, with the remainder of the property being subdivided for an additional 31 residential lots. In the existing condition, the property drains in a southwesterly direction toward River Road and in a northwesterly direction toward City property adjacent to Bluff Street. The City property is 12 acres that is located at the southeast corner of Bluff Street and River Road (ref. Exhibit "A").

An existing Southern California Edison easement runs through the eastern portion of the property with an existing transmission line in it. There are restrictions within the easement that prohibit structures and grading, but it can be used for landscaping and animal keeping. The easement separates the eastern corner of the property (approximately 2.22 acres) from the rest of the property. On the southeast side of the project site is an existing residential neighborhood (Remington Estates).

Utilities are available to the site from within the street. The sewer main is located in River Road just southeast of the site between Trail Street and Sundance Lane. The water main runs along River Road in front of the project site. Power and telephone are

both available from existing lines along the street. A catch basin for storm run-off is located downslope in River Road at the intersection with Bluff Street with a storm drain just up from that also in River Road. Curb and gutter improvements exist just right at the intersection of Bluff Street and River Road but not in front of the project site or the adjacent City property.

PROJECT DESCRIPTION/DESIGN EVALUATION: The proposed project will create 32 lots to accommodate 1 existing ranch house and 31 new residences. All of the proposed residential lots are at least 21,780 square feet, which is the minimum requirement of the A-1-20 zone where the site is located. The lots being proposed for new residential development (31 lots) are designed with the minimum flat-pad area of 19,600 square feet, also a requirement of the A-1-20 zone.

Land Use. All of the proposed lots meet the minimum lot width and depth requirements of the A-1-20 zone. The minimum width is 80 feet and the minimum depth is 200 feet. For the lots that are irregularly shaped with curvatures along the proposed streets and where the actual frontage along the street is not 80 feet, as long as there is an area with the minimum width and depth requirements within the property those lots are deemed to meet the requirements. The minimum width for lots that front onto a cul-de-sac is 50 feet and lots that are proposed at the end of the two cul-de-sacs meet this requirement.

The A-1 zone requires all new residential lots to have a minimum primary animal-keeping area (PAKA) based on the size of the flat pad area of the lot. For lots with a flat pad area less than 20,000 square feet the minimum PAKA is 2,728 square feet. For a flat pad area over 20,000 square feet, the minimum PAKA size is 3,304 square feet. All of the proposed residential lots meet this requirement.

RESIDENTIAL LOT SUMMARY TABLE

Lot Number	Lot Area (sq. ft.) 21,780 req.	Pad Size (sq. ft. min) 19,600 req.	PAKA Area (sq. ft.)	Minimum Lot Width/ Frontage	Minimum Lot Depth	Meets Code?
1	51,550	44,835	n/a	188'	205'	Yes
2	22,152	20,035	3,417	84'	261'	Yes
3	33,002	31,763	3,417	Min. 62' (up to 160')	266'	Yes
4	23,221	19,801	3,417	103'	197'	Yes
5	22,528	19,800	3,417	91'	246'	Yes
6	22,526	19,801	3,417	91'	246'	Yes
7	22,526	19,801	3,417	91'	247'	Yes
8	22,526	19,801	3,417	91'	247'	Yes
9	22,525	19,801	3,417	91'	247'	Yes
10	22,525	19,801	3,417	91'	247'	Yes

11	22,525	19,801	3,417	91'	247'	Yes
12	22,525	19,801	3,417	91'	247'	Yes
13	28,038	25,431	3,417	81'	247'	Yes
14	29,963	27,329	3,417	80'	262'	Yes
15	32,224	27,298	3,417	80'	276'	Yes
16	53,023	25,625	3,417	80'	313'	Yes
17	53,107	25,664	3,417	80'	365'	Yes
18	49,855	31,340	3,417	80'	365'	Yes
19	55,859	47,887	3,417	116'	366'	Yes
20	31,371	23,251	3,400	80' (street) 93' (width)	206'	Yes
21	23,457	20,466	3,404	82'	245'	Yes
22	23,386	20,125	3,417	96'	245'	Yes
23	23,391	20,268	3,417	96'	245'	Yes
24	22,345	19,803	3,417	91'	245'	Yes
25	22,203	19,918	3,417	91'	243'	Yes
26	23,243	20,442	3,417	96'	243'	Yes
27	23,236	20,408	3,417	96'	243'	Yes
28	23,141	20,355	3,417	82'	243'	Yes
29	23,151	19,812	3,417	82'	243'	Yes
30	23,246	19,800	3,417	96'	243'	Yes
31	23,252	19,805	3,417	96'	243'	Yes
32	23,611	20,127	3,417	91'	243'	Yes

In addition to the residential lots, the map is proposing two "lettered lots" for public facility purposes. These lots are not required to meet the minimum standards for residential lots since they will not be sold for that purpose. The lettered lots will be dedicated for maintenance by a lighting and landscape maintenance district.

PUBLIC FACILITY LOT SUMMARY TABLE

Lot Number	Lot Area (sq. ft.)	Pad Size (sq. ft. min)	PAKA Area (sq. ft.)	Minimum Lot Width/ Frontage	Minimum Lot Depth	Meets Code?
A	29,243	n/a	n/a	n/a	n/a	Yes
B	26,086	n/a	n/a	n/a	n/a	Yes

Grading: Constraints on the property (topography, the SCE easement, and utility line locations) combined with lot design requirements imposed by the City control how the map and the individual lots can be designed and graded to achieve adequate slope for sewer efficiency and storm water run-off control. Other factors that play into the design of a map and the final grade of the property are control of perimeter wall heights and the design constraints created from the size of the lots.

Storm Drainage: The typical design in a map is for individual lots to have all surface drainage go toward the street to be carried into retention facilities. However, because of the deep lots in Norco this tends to increase wall heights at the rear of the properties. One measure to counter wall heights is to allow the rear portions of lots to drain to the rear, decreasing the amount of grading and wall heights, and allowing the run-off to be carried into cross-lot drains at the rear of the properties and ultimately into the retention facilities.

Cross-lot drainage systems, however, require upkeep and maintenance by all affected properties to allow the drainage system to work properly. If one or more homeowner fails to keep the drainage clear of debris the result is flooding outside of the drainage canal onto the property in question or onto someone else's property. This has proven to be problematic in other subdivisions and there is not a lot the City can do to enforce maintenance on private properties.

Another option is to allow on-site retention for each individual property to control the amount of run-off water entering the storm drain system, which is a requirement of the State Water Quality Control Board. This however also requires individual maintenance of the on-site retention areas. If they are not maintained, the result could be fines to the City from the Water Quality Control Board, and these are escalating daily fines until the problem is fixed. The issue again becomes one of enforcing maintenance of these facilities on private property because an on-site retention area could be impacted by as little as planting a tree in the wrong place.

Lots 15-19 have an additional grading control factor because of the SCE easement that runs through those lots. As with the rest of the map these lots need to be above street level so that run-off drains to the street; however, the portion of these lots that is within the easement cannot be graded and the elevation of the easement will be below street level. The City did not want the burden of maintaining the property within the easement or that to the northeast (across) the easement and directed the applicant to include those portions into the respective lots (15-19). As a result, lots 15-19 need to be graded so that most of the property drains towards the street, but the SCE easement, and the areas behind the easement, have to be drained with a cross-lot ribbon gutter that empties into the Lot B retention basin.

The existence of the SCE easement necessitates this one situation for cross-lot drainage for two reasons; one: SCE will not allow grading within the easement; and two: the City did not want the area behind the easement to be dedicated as open space because of the safety concerns of it being located out of sight from any public area. The maintenance of this ribbon gutter will be a responsibility of the future lighting and landscape maintenance district that will also oversee maintenance of the two detention basins (Lots A and B).

Water/Sewer Connection: As stated earlier the project will make connections for both water and sewer to existing lines within River Road. The water main in River Road is in front of the project site and since those lines are pressurized there is not an issue in getting water to the site. Sewer lines, however, are not pressurized and function on natural down-flow.

The sewer main is located southeast (and upslope) of the project site and exists at a level that creates a problem for connection in order to attain the right “fall” in the line for it to function properly. It is required that the sewer laterals (to the individual homes) be five feet below surface at the right-of-way line. After that, it is recommended that the fall or slope in the sewer lateral be down at a 2% grade to a 45° down-connector into the sewer main in the street. In order to meet these design standards the project would need to be raised significantly which would create sizeable retaining walls along the borders of the project site. The adjacent tract (Remington Estates) has a sewer main that runs under that tract and so it did not have the same sewer connection issues; however, that sewer line cannot be used for this project site.

To arrive at a compromise that reduces the height of walls as much as possible there can be flexibility in the degree of slope for the fall of the sewer laterals that can allow them to be as low as .5% and still function properly. This is how the project has been designed per the direction of staff. Another option for sewer flow and controlling perimeter wall heights would be a sewer lift station. Staff is opposed to a lift station since it would have to be maintained by the lighting and landscape maintenance district; and, in addition to high maintenance costs, there is potential for a high rate of failure with these types of facilities. In the end, any lift station would most likely become a maintenance burden on the City because of its responsibility to protect public health and safety, and would thereby impact the City operating budget in the long term.

The applicant was directed to include purple irrigation line (reclaimed water) for the public landscaping areas. That has been shown on the tentative map and is in the conditions of approval. When it becomes available, the project will be connected to a reclaimed water main in River Road.

Walls: To accommodate the sewer flows and drainage requirements described above the project site will be higher generally than adjoining properties with the exception of the part of the project site that is on the other side of the SCE easement. For lots on Sundance Lane that back up to the project site, the combination of retaining wall plus privacy wall will result in a total wall height that ranges from nine to ten feet from those rear yards. The developer will build a new wall engineered to incorporate the retaining wall with the garden wall on top of that, and it will be built next to the existing six-foot wall that exists now. The project is conditioned so that the gap between the two walls does not exceed four inches. Because the existing wall is on someone else’s property, this project could not be conditioned to replace the existing wall with the new one.

Along the property boundary adjacent to the City property at Bluff Street and River Road, a new combination retaining and privacy wall will be constructed since one does not currently exist there. The total height will range from six feet on the north half of the property to twelve feet on the south half. This wall will largely not be visible from Bluff Street because of site topography, but the project is conditioned so that the maintenance, including graffiti removal, will be the responsibility of the lighting and landscape maintenance district.

Circulation: The project is proposing new roads and will be conditioned to provide half-street street improvements where the project fronts onto River Road. Main project access will be at Trail Street where a new four-way intersection will be constructed, which will include a traffic signal. Because of the depth of the property away from River Road there needs to be another outlet from the project site and the only feasible way is to take it to Bluff Street across the City property. This will require the developer to buy the needed right-of-way for a street extension from the City. After the street is constructed and ready for acceptance by the City, it will be dedicated back to the City. Maintenance of the landscaped parkways along this street extension will be part of the lighting and landscape maintenance district requirements.

The first cul-de-sac (Street "B") has the trail wrapped around it which is the new cul-de-sac standard adopted by the City Council. The trail then extends southward on Street "A" to River Road where it crosses to an existing trail on Trail Street. The project has been conditioned to provide a stamped asphalt trail crossing with in-street LED crossing lights similar to what was approved with Site Plan 2015-23 at Sundance Lane and Corydon Avenue. The second cul-de-sac, which is the extension of Street "A" beyond the connector street to Bluff Street has a different design since wrapping the trail around the cul-de-sac would only mean having to take the trail back out to River Road where there is no trail (except crossing over to Trail Street). This would create another "island" trail system.

Instead, the project is designed so that the trail at the end of Street "A" extends away from the street to the northern project boundary where it connects over to Ted Brooks Park and thereby into the citywide trail system. There is also a trail on the connector road to Bluff Street (Street "C") that will ultimately connect into a trail on that street when such a trail is constructed.

PROJECT REVIEW:

Project Review Board (PRB): The PRB met to consider the proposed project at two meetings (3-12-14 and 1-7-15). The applicant was provided with comments on departmental standards for subdivisions and notified of required right-of-way dedications, required street improvements, storm drain and water and sewer

requirements etc. Issues discussed at the meeting have either been reflected in the plans submitted with this report or as conditions of approval.

Environmental Review: The staff determination is that there will not be significant negative impacts and that a Negative Declaration be adopted pursuant to the California Environmental Quality Act and the City of Norco Environmental Guidelines.

Parks and Recreation Commission: The applicant originally had proposed that the area on the other side of the SCE easement be dedicated to the City as a possible connector park between Ted Brooks Park on Bluff Street and Sundance Park on Sundance Lane. The Parks and Recreation Commission determined that the additional park acreage was not needed and that since it would be located completely behind residences it would create an unsafe gathering area that would be hard for the Sheriff's Department to monitor. The Sheriff's Department agreed with that. Quimby fees for park facility purposes will be paid to satisfy subdivision requirements at time of recordation of the final map.

Streets, Trails, and Utilities Commission (STUC): The STUC considered this project and was in agreement with the trail alignment to Ted Brooks Park as opposed to going around the Street "A" cul-de-sac.

Changes: There are two changes to the conditions that staff is recommending subsequent to the Planning Commission's action. The changes are highlighted in red as follows:

Condition No. 26: The new streets proposed with this subdivision shall be constructed to City standards, which includes adding street trees and parkway landscaping, safety light (s), and horse trails that wrap around cul-de-sacs unless otherwise approved on the final map. All streets shall be dedicated to the City. The street improvements of Street "C" across the adjacent City property, once the transfer of title to the developer for that property has occurred, shall include the installation of tubular steel fencing along the street right-of-way boundary on both sides, including the installation of access gates as approved by the City, prior to the improved street being dedicated to and accepted by the City.

Condition No. 57: Prior to the sale of any portion of the property associated with Tentative Tract Map 36717 a Landscaping and Street Lighting District (LSLD) shall be created to maintain: 1) all horse trails and corresponding trail fencing within the tract map; 2) any public parkway and other public landscape areas within the tract map; 3) the drainage ribbon gutter adjacent to the SCE easement through Lots 15, 16, 17, 18, and 19, and the drainage ribbon gutter through Lots 2 and 3 adjacent to River Road; 4) lettered lots A and B and other detention facilities as needed; 5) perimeter block walls exposed to vacant and/or open space areas including graffiti removal; and 6) all light standards in the public right-of-way.

A ten-foot drainage maintenance easement shall be recorded along the drainage ribbon gutter adjacent to the SCE easement through Lots 15, 16, 17, 18 and 19 and shall be graded and maintained flat for maintenance access purposes.

Tentative Tract Map 36717 (Dallape)

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In the event that the LSLD for any reason ceases to exist, the cost of the on-going maintenance shall be billed directly to the owner of each numbered lot, and in the event that any such lot owner shall fail to pay the amount billed, such amount shall be a lien on the subject property and shall be collected on the equalized tax bill.

The change to Condition 26 is to ensure that there is adequate protection to the two remainder City sites that will be used for reservoir construction. The change to Condition 57 is recommended because the establishment of the Landscape and Street Lighting District should occur under single ownership and prior to the sale of any portion of the property to other interests. The proposed changes are minor enough to not warrant reconsideration by City Commissions.

Attachments: Resolution No. 2016-06
 Exhibit "A" – Location Map
 Exhibit "B" – TTM 36717

RESOLUTION NO. 2016-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO APPROVING TENTATIVE TRACT MAP 36717.

WHEREAS, THOMAS DALLAPE submitted an application to the City of Norco, California, for a tentative tract map under the provisions of Title 17 of the Norco Municipal Code, on property generally described as:

Being a subdivision of Lots 47, 48, 49, & 50 and portion of Lots 43, 44, 45, & 46 , portions of all adjoining alleys & streets and a portion of the proposed P. & E. R.R. Depot Grounds, as shown on Map of the Town of Auburndale, on Title in Book 6, Page 21 of Maps, Records of San Bernardino County, State of California;

More generally described as an irregular-shaped area of about 26.69 acres, having a frontage on the northeast side of River Road of about 657 feet, and being further described as 2877 River Road (Assessor's Parcel Number 121-110-003); and

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

WHEREAS, at the time set, at 7 p.m. on December 9, 2015 within the Council Chambers at 2820 Clark Avenue, Norco, California, 92860, 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 proposed map depicted on Tentative Tract Map 36717, and on file with the Planning Division, is consistent with the City's General Plan, and meets all regulations regarding subdivisions; and

WHEREAS, the Planning Commission adopted Resolution 2015-79 recommending to the City Council that Tentative Tract Map 36717 be approved; and

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

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

WHEREAS, at the time set, at 7 p.m. on February 3, 2016 within the Council Chambers at 2820 Clark Avenue, Norco, California, 92860, said petition was heard by the City Council for the City of Norco; and

WHEREAS, at said time and place, said City Council 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 will not have a significant negative effect per the California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines and a Negative Declaration is adopted.

NOW, THEREFORE, the City Council of the City of Norco does hereby find as follows:

A. The map is consistent with the Norco General Plan. The site is designated Residential Agricultural and zoned A-1-20 (Agricultural-Low Density, Residential). The proposed lots are designed and conditioned to meet all A-1-20 zoning requirements related to lot area and dimension standards.

B. None of the conditions for mandatory denial as set forth in Subsections (a) through (g) of Section 66474, Article 1, Chapter 4, Division 2, Title 7, of the California Government Code exist with respect to said subdivision.

C. The proposed subdivision together with provisions for its design and improvement is consistent with applicable general plans of the City pursuant to Section 66473.5, Article 1, Chapter 4, Division 2, Title 7, of the California Government Code.

D. The City of Norco, acting as the Lead Agency, has determined that the proposed project will not have a significant negative effect per the California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines and a Negative Declaration is adopted.

NOW THEREFORE, the City Council of the City of Norco does hereby resolve as follows:

SECTION 1: That the foregoing recitals are true and correct and incorporated hereat as if set forth in full.

SECTION 2: Tentative Tract Map 36717 is approved for a period of 24 months, subject to the following conditions:

1. Approval is based on Exhibit "A", dated 9/3/15 and incorporated herein by reference and on file with the Planning Division. Development shall occur as shown unless otherwise noted in these conditions.
2. The recorded owner of the property shall submit to the Planning Department, 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. The applicant shall pay all applicable fees associated with this proposal and the subdivision of land. Furthermore, the applicant shall pay all development fees in accordance with the NMC prior to approval of the final map.
5. All provisions of Chapters 17 and 18 of the NMC shall be met as it relates to the division of land.
6. The submittal, approval, and recordation of a subdivision map in accordance with the provisions of the State Subdivision Map Act and the City Subdivision Ordinance prior to the issuance of any permits is required.
7. Approval of the tentative map shall expire if the subject map has not been recorded within a two-year period from the date of City Council approval.
8. Extension of the tentative map approval shall only be considered if the applicant filing said map submits a written request for extension to the City Planning Department stating the response for the request, at least 30 days before the map approval is due to expire, pursuant to and in compliance with Section 17.16.170 of the City Subdivision Ordinance.
9. The project shall have a dedicated "primary animal-keeping area" (PAKA) on each lot created within the subdivision map. The size of the PAKA shall be as set forth and shown on the Tentative Tract Map and in compliance with all requirements in Section 18.13.11 of the NMC. Furthermore, the dedicated PAKA shall be recorded on each lot.
10. Each lot shall be designed and future homes shall be plotted on each lot to have a minimum 15-foot wide, flat and clear, vehicular access to the PAKA as measured from the eave line of a future residential home.

11. Each lot created within the subject map shall have a minimum area of 21,780 square feet and a minimum 19,600 square-foot pad area.
12. All lots in the map must meet the minimum lot depth, width, and frontage of the zone, exclusive of right-of-way dedication, open space easements and equestrian trails.
13. The applicant must pay off any and all special assessments on the property to be subdivided prior to recordation of the final map. Instead of the payment of said special assessment, the applicant may pay to have the special assessment "split" for each proposed numbered lot through an approved Mello-Roos District or other cost-sharing mechanism.
14. The applicant must obtain written authorization granting permission for any work to be completed on property in which he is not the sole owner. A copy of this written authorization must be submitted to the City Engineer's office prior to start of work.
15. All lots within this subdivision shall be served by underground utilities. All utility locations shall be incorporated into the public improvements plans and shall be prepared on standard size sheets by a registered civil engineer for approval by the City Engineer. A plan check deposit of \$250 per sheet shall be posted prior to checking and standard fees paid prior to plan approval.
16. The project developer shall relocate existing power/utility poles to be outside of ultimate public right-of-way as approved by the owner of said utility poles.
17. Separate water and sewer connections are required for each numbered lot.
18. This project shall be connected to the City's sewer system; and the applicant shall pay all associated connection fees to the City of Norco prior to the issuance of a building.
19. The project shall be connected to the City's water system; and the applicant shall pay all associated connection fees to the City of Norco prior to issuance of a building permit.
20. Existing water meters are required to be upgraded to current City standards.
21. Use of existing storm drain and sewer easements on private property requires all private property owners' permission.
22. Written permission shall be obtained from the Riverside County Flood Control and Water Conservation District for any connection flood control facilities.

23. Irrigation lines require reduce pressure backflow preventors to be installed to City Standards.

24. The applicant shall submit separate on-site utility plans for the installation of on-site sewer, water and any necessary storm drain systems in a manner meeting the approval of the City Engineer.

25. The applicant shall complete/construct public improvements to the required half street width fronting the project site on River Road which shall include the planting of street trees and parkway landscaping.

26. The new streets proposed with this subdivision shall be constructed to City standards, which includes adding street trees and parkway landscaping, safety light (s), and horse trails that wrap around cul-de-sacs unless otherwise approved on the final map. All streets shall be dedicated to the City. *The street improvements of Street "C" across the adjacent City property, once the transfer of title to the developer for that property has occurred, shall include the installation of tubular steel fencing along the street right-of-way boundary on both sides, including the installation of access gates as approved by the City, prior to the improved street being dedicated to and accepted by the City.*

27. Landscaping in the parkway along River Road shall be designed to match the plant palette and design with the adjoining residential tract to the southeast (Remington Estates) and shall be compliant with state water conservation requirements.

28. Dedication of the necessary public right-of-way shall be offered to the City of Norco in accordance with City standards, and on City standard forms prepared by a registered civil engineer or licensed land surveyor for approval by the City Engineer.

29. A traffic signal designed to meet City standards shall be installed at the intersection of River Road and Trail Street and the timing shall be synchronized with other existing signals at Bluff Street and River Road, Sundance Lane and River Road, and Corydon Avenue and River Road; and shall include traffic signal interconnects and improvements to enable inclusion in the City of Corona Advanced Traffic Management System as feasible.

30. Fire hydrants are required every 300 feet on a public street or as approved by the Fire Department.

31. A registered civil engineer shall prepare street improvement plans on 24" x 36" mylar for approval by the City Engineer. Striping and signing shall be included as part of these plans, when required. Striping and legends shall be thermo-

plastic paint. A plan check deposit may be required prior to plan checking and standard fees shall be paid prior to plan approval.

32. The applicant shall construct public improvements as prepared on approved plans.

33. A bond or surety device shall be posted and an agreement executed to the satisfaction of the City Engineer and City Attorney, guaranteeing completion of all public improvements. NOTE: Upon acceptance by the City Council of the public improvements, the City will release the Labor and Materials bond within 180 days, and reduce the Faithful Performance Bond to 10 percent of the original amount and release it after a period of one year if no liens have been filed and the work remains in satisfactory condition. The Monumentation Bond will be released immediately upon receipt of certification that all monuments have been set.

34. A bond or surety device shall be posted and an agreement executed to the satisfaction of the Planning Director and City Attorney, guaranteeing completion of any building prior to the issuance of a building permit for said building. NOTE: Upon the issuance of a Certificate of Occupancy on said structure, the City will release the Labor and Materials bond within 180 days, and reduce the Faithful Performance Bond to 10 percent of the original amount and release it after a period of one year if no liens have been filed and the work remains in satisfactory condition

35. Driveway approaches shall be constructed in accordance with City Standards as approved by the City Engineer.

36. Street tree planting, parkway landscaping, and irrigation plans shall be prepared on standard size sheets by a registered civil engineer or landscape architect for approval by the City Engineer and Planning Director, and shall be submitted at the time of initial submission of all improvement plans. All street tree installations shall conform to the Street Tree Master Plan as approved by the Parks and Recreation Commission and City Council.

37. All drainage facilities for this project shall conform to the requirements and standards of the City of Norco.

38. Except for the minor cross lot drainage as shown on the map for Lots 2 and 3 adjacent to River Road, and Lots 15, 16, 17, and 18 adjacent to the Southern California Edison easement, cross lot drainage shall not be allowed.

39. Prior to development on each lot within the subject map, an on-site grading and drainage plan shall be prepared for this project by a registered civil engineer for approval by the City Engineer. Plans shall be on 24"x36" mylar sheets with mass grading and drainage shown at a maximum scale of 1" = 40'. Precise

grading information, such as house plots, drainage swales and hardscape may be included if the plan is prepared at 1"= 30' or larger. The applicant's engineer shall submit a rough grade certification stipulating completion of all grading operations in conformance with the approved plan prior to the issuance of building permits

40. Prior to the issuance of a grading permit, the applicant's engineer shall prepare and submit an erosion control plan covering all construction. Maintenance of the necessary erosion control devices shall be the responsibility of the applicant. Any emergency repair to these devices performed by City crews shall be billed to the applicant and paid for prior to the release of certificate of occupancy.

41. Prior to issuance of a grading permit, a complete hydrology and hydraulic study shall be prepared by a registered civil engineer for approval by the City Engineer. Those recommendations of the report, as approved by the City Engineer, shall be incorporated into the public improvement plans and site development plans prior to their approval.

42. The applicant shall submit a preliminary soils report, prepared by a California-licensed soils engineer, prior to issuance of a grading permit.

43. The applicant shall submit a current title report (no more than 30 days old) for the project site showing all existing property ownership, easements and rights of title.

44. A City of Norco Public Works encroachment permit shall be taken out for all work in the public right-of-way prior to the start of work. All work shall be done in accordance with City Standards, and/or otherwise specified to the satisfaction of the City Engineer and completed prior to certificate of occupancy.

45. No construction activity work shall be permitted after 6 p.m. or dusk, or before 7 a.m. or on Saturdays, Sundays or holidays without prior written approval from the City Engineer.

46. The tentative map shall be approved prior to the issuance of a grading permit and a final map shall be recorded prior to the issuance of a building permit and within 24 months from the date of tentative map approval.

47. A final map shall be prepared on 18" x 24" sheets and approved by the City Engineer prior to recordation. A plan check deposit shall be paid prior to plan check.

48. Prior to the issuance of a grading permit, the applicant shall apply for a Nation Pollution Discharge Elimination Systems (NPDES). Proof of compliance (a copy of the Notice of Intent and application fee) shall be submitted to the Engi-

neering Department prior to start of work. No work completed shall cause a violation of the City-wide NPDES Permit.

49. A preliminary Water Quality Management Plan (WQMP) shall be submitted prior to site grading plan submittal. A Final WQMP shall be submitted and approved by the City Engineer. Prior to issuance of a grading permit, the property owner shall record a Covenant and Agreement, or other approved instrument, with the County-Clerk Recorder to inform future property owners of the requirement to implement the approved WQMP.

50. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared for the project and submitted for approval to the Regional Board. An approved copy shall be kept on site at all times and one shall be delivered to the City.

51. The applicant shall meet all standards and conditions of the Planning, Fire, Engineering, Building and Safety Departments, and all other applicable departments and agencies.

52. The proposed project lies within an area subject to an area-wide Transportation Uniform Mitigation Fee (TUMF). The City has adopted the TUMF program, and this project shall be subject to the payment of these fees prior to the issuance of any building permits unless exempted by ordinance.

53. The proposed project lies within the Western Riverside Council of Governments (WRCOG) area-wide Multi-Species Habitat Conservation Plan (MSHCP). The City has adopted the MSHCP program and if applicable, this project shall be subject to the payment of these fees prior to the issuance of building permits.

54. This subdivision of property shall satisfy all conditions of the Subdivision Map Act relating to the "Quimby Act" prior to the recordation of the final map. The applicant shall contact the City of Norco Parks and Recreation Department for payment of required fees. Proof of compliance/payment of required fees shall be required and provided for final recordation of the subject map.

55. The applicant shall provide a screen wall on the north property line of the project site.

56. A circular horse trail (horse trail on both sides of the street) shall be provided around all cul-de-sacs with the exception of the cul-de-sac at the end of Street A that will instead be extended to Ted Brooks Park.

57. Prior to the sale of any portion of the property associated with Tentative Tract Map 36717 a Landscaping and Street Lighting District (LSLD) shall be created to maintain: 1) all horse trails and corresponding trail fencing within the tract map; 2) any public parkway and other public landscape areas within the tract map; 3) the drainage ribbon gutter adjacent to the SCE easement through Lots

15, 16, 17, 18, and 19, and the drainage ribbon gutter through Lots 2 and 3 adjacent to River Road; 4) lettered lots A and B and other detention facilities as needed; 5) perimeter block walls exposed to vacant and/or open space areas including graffiti removal; and 6) all light standards in the public right-of-way.

A ten-foot drainage maintenance easement shall be recorded along the drainage ribbon gutter adjacent to the SCE easement through Lots 15, 16, 17, 18 and 19 and shall be graded and maintained flat for maintenance access purposes.

In the event that the LSLD for any reason ceases to exist, the cost of the ongoing maintenance shall be billed directly to the owner of each numbered lot, and in the event that any such lot owner shall fail to pay the amount billed, such amount shall be a lien on the subject property and shall be collected on the equalized tax bill.

58. Street lights shall be installed at the end of cul-de-sacs, and road intersections, and all locations deemed necessary for public safety by the Engineering Division.

SECTION 3: EFFECTIVE DATE: This resolution shall become effective upon approval by the City Council of the City of Norco.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on February 3, 2016.

Kevin Bash, Mayor
City of Norco, California

ATTEST:

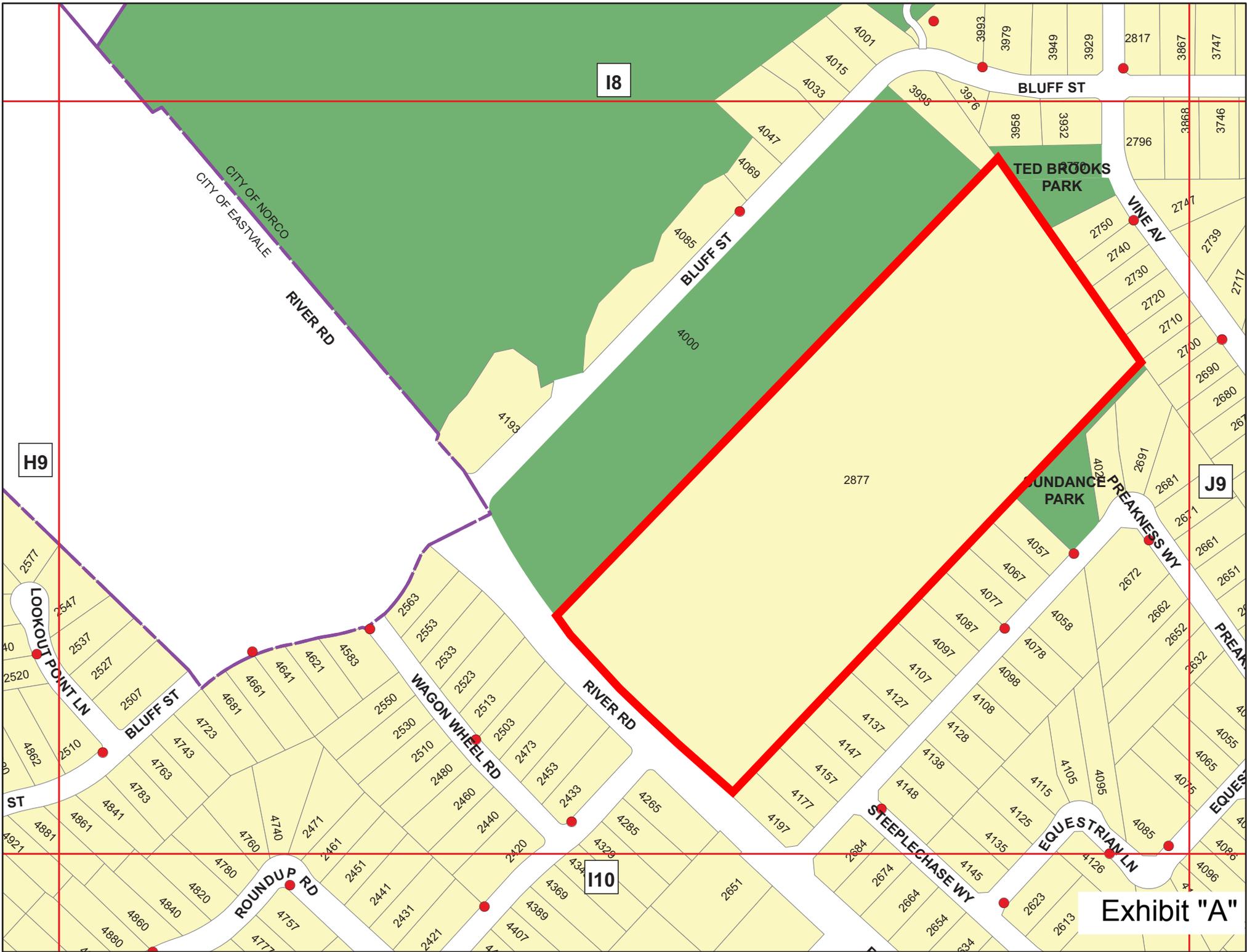
Cheryl Link, CMC, City Clerk
City of Norco, California

I, CHERYL LINK, City Clerk of the City of Norco, do hereby certify that the foregoing Resolution was adopted by the City Council of the City of Norco, California, at a regular meeting thereof held on February 3, 2016 by the following vote of the City Council:

AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California on February 3, 2016.

Cheryl Link, CMC, City Clerk
City of Norco, California



**CITY OF NORCO
STAFF REPORT**

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager

PREPARED BY: Alma Robles, Senior Planner

DATE: February 3, 2016

SUBJECT: **Appeal Hearing: Conditional Use Permit 2015-35 (Sandoval):**
An appeal of the Planning Commission's approval of a request to allow a detached accessory building consisting of a 1,152 square-foot Recreational Vehicle (RV) garage at 1593 Clydesdale Court located within the Norco Hills Specific Plan (NHSP) Amendment No.1(Ito Farms)

SUMMARY: The request for Conditional Use Permit (CUP) 2015-35 was approved by the Planning Commission on December 9, 2015, but that decision has been appealed to the City Council.

BACKGROUND/ANALYSIS: The subject property is located in the NHSP, Amendment No. 1, consists of about .46 acres/20,140 square-feet and is developed with a single family residence (ref. Exhibit "A" – Location Map, Exhibit "B" – APN Map and Exhibit "D" – Aerial and Site Photo).

Accessory buildings that exceed 864 square feet require approval of a conditional use permit by the Planning Commission. Because approval of this accessory building has been appealed, it is now being considered by the City Council.

The site plan, building elevations and floor plan for the proposed building are attached (ref. Exhibit "C" – Site Plan, Building Elevations and Floor Plan). The building is proposed to be wood framed construction with a tile roof and stucco exterior to match the existing house in color.

The following is required of accessory buildings in the NHSP, Amendment No.1:

- The minimum setbacks of 5 feet from interior property lines and a pool, and 10 feet from any other structure are required for accessory buildings. **The proposed building will meet these requirements.**
- The maximum height of any accessory structure that exceeds 864 square feet is 20 feet, or as approved by the Planning Commission. **The structure is proposed with a maximum height of about 20 feet as measured to the peak of the roof.**
- The maximum lot coverage of all structures is 40% of the total lot area. The maximum lot coverage for accessory building is 15% of the total lot area (*Note: a pool is not required to be included in lot coverage in any of the specific plan areas*). **The subject property is approximately 20,140 square feet. The lot coverage for the property is about 32%,**

which takes into account the existing and proposed structures. The accessory building coverage proposed for the property is about 6%.

The regulations for accessory buildings in the NHSP do not require an open animal area as is the case for developed lots in the A-1 zone. This is because one of the primary focuses of NHSP was the preservation of hillsides along with a reduction in grading. As a result not all properties in the NHSP can accommodate the keeping of large animals. When NHSP Amendment 1 was proposed (and approved) the project proponent was required to incorporate 12,000 square-foot pads to encourage animal-keeping similar to the A-1 zone but the regulation of accessory buildings remained the same as NHSP.

Both the NHSP and NHSP Amendment 1 were developed prior to the establishment of the primary animal-keeping area (PAKA) in the Norco Ridge Ranch Specific Plan, which was subsequently established for newly-created lots in the A-1 zone. The lots in NHSP and NHSP Amendment 1 are not required to have minimum open animal areas even though staff provides the information to the Planning Commission to aid in its decisions.

As proposed, and approved by the Planning Commission, the project meets the minimum setback, building height, and lot coverage requirements for an accessory building over 864 square feet in the NHSP. The project was approved on a 3-2 vote (ref. Exhibit "E" – Planning Commission Approval Resolution 2015-72 and Exhibit "F" – Planning Commission Excerpt, Regular Meeting December 9, 2015)

If the City Council chooses to uphold the decision of the Planning Commission then a roll call vote is all that is needed. If the City Council chooses to approve the request but change conditions then a new resolution needs to be adopted. A resolution for approval with the same conditions approved by the Planning Commission is attached to incorporate any changes by the City Council. If the City Council chooses to overturn the action of the Planning Commission and thereby deny Conditional Use Permit 2015-35, then a Resolution for denial is also attached.

Attachments: Resolution No. 2016-07 (for approval)
 Resolution No. 2016-07 (for denial)
 Exhibit "A" – Location Map
 Exhibit "B" – Assessor's Parcel Map
 Exhibit "C" – Site Plan, Building Elevations Floor Plan
 Exhibit "D" – Aerial and Site Photos
 Exhibit "E" – Planning Commission Approval Resolution 2015-72
 Exhibit "F" – Planning Commission Minutes Excerpt, Regular Meeting
 December 9, 2015

RESOLUTION NO. 2016-07 (approval)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO APPROVING A CONDITIONAL USE PERMIT TO ALLOW A DETACHED ACCESSORY BUILDING CONSISTING OF A 1,152 SQUARE-FOOT RECREATIONAL VEHICLE (RV) GARAGE AT 1593 CLYDESDALE COURT LOCATED WITHIN THE NORCO HILLS SPECIFIC PLAN (NHSP) AMENDMENT NO.1 (ITO FARMS). (CONDITIONAL USE PERMIT 2015-35)

WHEREAS, an application to the City of Norco, California has been submitted for a conditional use permit under the provisions of Chapter 18.45, Title 18 of the Norco Municipal Code by DAVID SANDOVAL/DNS SOLUTIONS for property located at 1593 Clydesdale Court (APN 123-472-003); and

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

WHEREAS, at the time set, at 7 p.m. on December 9, 2015 within the Council Chambers at 2820 Clark Avenue, Norco, California, 92860, 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, on December 9, 2015 the Planning Commission adopted Resolution 2015-72 approving said petition; and

WHEREAS, said action by the Planning Commission was appealed to the City Council of the City of Norco; and

WHEREAS, notice of a public hearing on said appeal has been given in the manner and for times required by law; and

WHEREAS, at the time set, at 7 p.m. on February 3, 2016 within the Council Chambers at 2820 Clark Avenue, Norco, California, 92860, said appeal was heard by the City Council for the City of Norco; and

WHEREAS, at said time and place, said City Council 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 exempt from environmental assessment.

NOW, THEREFORE, the City Council of the City of Norco does hereby find as follows:

- A. The requested Conditional Use Permit will not adversely affect the general welfare of persons residing or working in the neighborhood thereof.
- B. The requested use will not adversely affect the adjoining land uses.
- C. The size and shape of the site proposed for the use is adequate to allow full development of the proposed use.
- D. The traffic generated by the proposed use will not impose an undue burden.
- E. The City of Norco, acting as lead agency, has determined that the project is categorically exempt from environmental assessment per Section 3.13, Class 3 of the City of Norco Environmental Guidelines.

NOW, THEREFORE, the City Council of the City of Norco hereby resolves as follows:

SECTION 1: the City Council of the City of Norco, California, in session assembled February 3, 2016 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 "C" – Site Plan, Building Elevations and Floor Plan dated October 15, 2015 and incorporated herein by reference and on file with the Planning Division. Development shall occur as shown unless otherwise noted in these conditions.
2. 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.
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 this 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. 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 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.

6. The applicant shall obtain building permits and pay all applicable fees before beginning construction of the structure on the subject property.
7. The applicant shall comply with all requirements from the Planning, Engineering, and Building Divisions; and the Fire and Sheriff’s Departments; and all other applicable departments and agencies.
8. A home occupation business shall not be permitted from the subject building.
9. The building shall complement the existing house in color.
10. This approval is for an accessory building consisting of an RV garage. It is hereby established that it shall be grounds for revocation of this conditional use permit if the property owner 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.
11. Building permits for this accessory building are issued within the confines of this Conditional Use Permit. Any violation of a condition resulting in a revocation of this Conditional Use Permit may result in an order to remove the accessory building at the owner’s expense.
12. The building shall have a maximum height of 20 feet as measured from the outside finished grade to the peak of the roof.

SECTION 2: EFFECTIVE DATE. This resolution shall become effective upon approval by the City Council of the City of Norco.

APPROVED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on February 3, 2016.

Kevin Bash, Mayor
City of Norco, California

ATTEST:

Cheryl L. Link, City Clerk
City of Norco, California

I, CHERYL L. LINK, City Clerk of the City of Norco, California, do hereby certify that the foregoing Resolution was adopted by the City Council of the City of Norco, California, at a regular meeting thereof held on February 3, 2016 by the following vote of the City Council:

AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California on February 3, 2016.

Cheryl L. Link, City Clerk
City of Norco, California

RESOLUTION NO. 2016-07 (denial)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO DENYING A CONDITIONAL USE PERMIT TO ALLOW A DETACHED ACCESSORY BUILDING CONSISTING OF A 1,152 SQUARE-FOOT RECREATIONAL VEHICLE (RV) GARAGE AT 1593 CLYDESDALE COURT LOCATED WITHIN THE NORCO HILLS SPECIFIC PLAN (NHSP) AMENDMENT NO.1 (ITO FARMS) AREA. (CONDITIONAL USE PERMIT 2015-35)

WHEREAS, an application to the City of Norco, California has been submitted for a conditional use permit under the provisions of Chapter 18.45, Title 18 of the Norco Municipal Code by DAVID SANDOVAL/DNS SOLUTIONS for property located at 1593 Clydesdale Court (APN 123-472-003); and

WHEREAS, at the time set, at 7 p.m. on December 9, 2015 within the Council Chambers at 2820 Clark Avenue, Norco, California, 92860, 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 pertaining to said application; and

WHEREAS, said Planning Commission approved Conditional Use Permit 2015-35; and

WHEREAS, said approval was appealed to the City Council and was scheduled for a public hearing before the City Council on February 3, 2015; and

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

WHEREAS, at the time set; at 7 p.m. on February 3, 2016 within the Council Chambers at 2820 Clark Avenue, Norco, California, 92860, said appeal was heard by the City Council for the City of Norco; and

WHEREAS, at said time and place set, said City Council considered the aforesaid application and received both oral and written evidence pertaining to said application; and

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

NOW, THEREFORE, the City Council of the City of Norco does hereby find as follows:

- A. The requested Conditional Use Permit will adversely affect the general welfare of persons residing or working in the neighborhood thereof.
- B. The requested use will adversely affect the adjoining land uses.
- C. The size and shape of the site proposed for the use is not adequate to allow full development of the proposed use.

NOW, THEREFORE, the City Council of the City of Norco, hereby resolves as follows:

SECTION 1: the City Council of the City of Norco, California, in session assembled February 3, 2016 that the aforesaid application for a conditional use permit is denied.

SECTION 2: EFFECTIVE DATE. This resolution shall become effective upon approval by the City Council of the City of Norco.

Resolution No. 2016-07 (for denial)
Page 3
February 3, 2016

APPROVED AND ADOPTED by the City Council at a regular meeting held on
February 3, 2016.

Kevin Bash, Mayor
City of Norco, California

ATTEST:

Cheryl L. Link, City Clerk
City of Norco, California

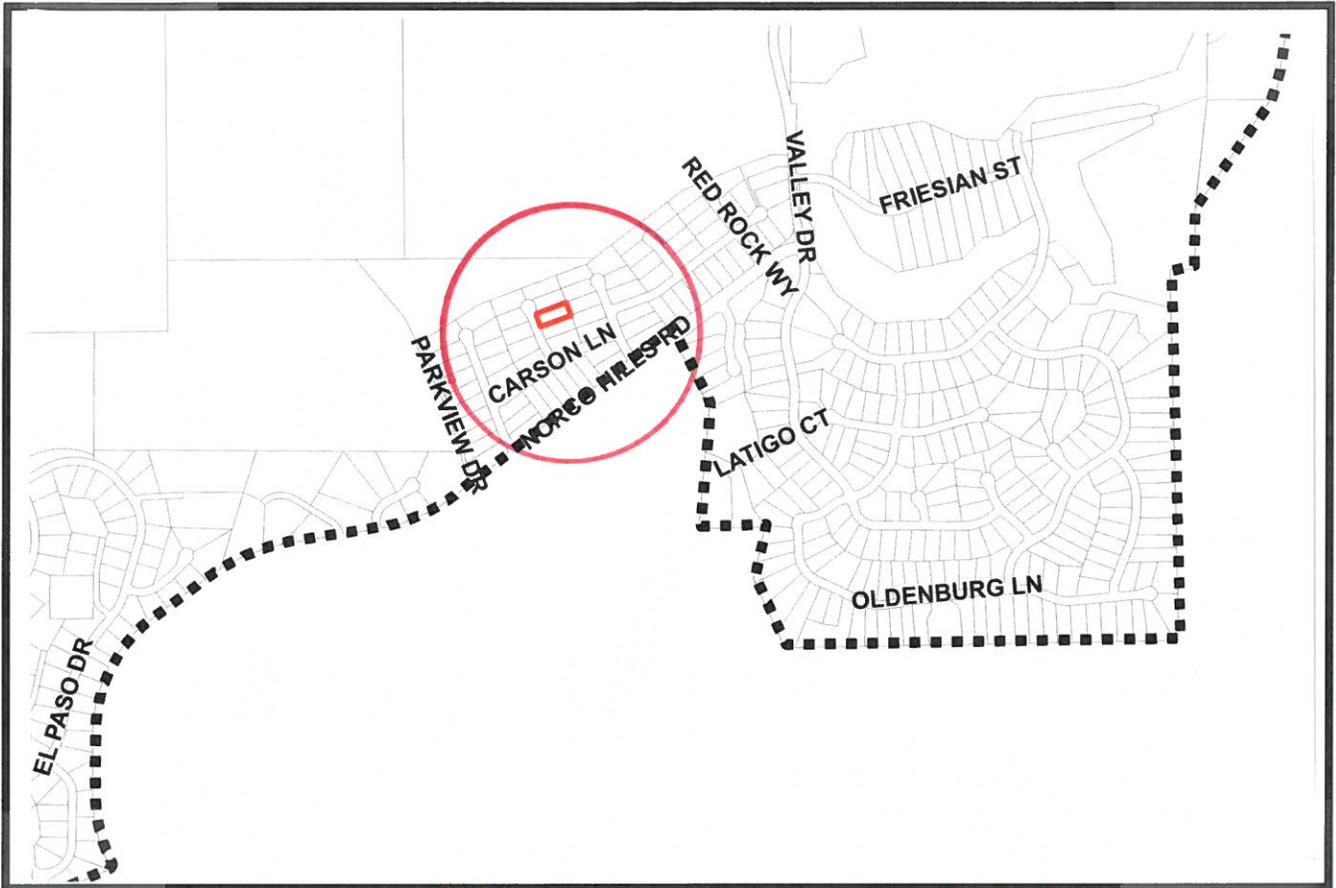
I, CHERYL L. LINK, City Clerk of the City of Norco, California, do hereby certify that the foregoing Resolution was adopted by the City Council of the City of Norco, California, at a regular meeting thereof held on February 3, 2016 by the following vote of the City Council:

AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California, on February 3, 2016.

Cheryl L. Link, City Clerk
City of Norco, California

LOCATION MAP



Not to Scale



PROJECT:	Conditional Use Permit 2015-35
APPLICANT:	David Sandoval
LOCATION:	1593 Clydesdale Court

Exhibit "A"

APN MAP

LOCAL LOT-SPLIT OR BUILDING SITE ORDINANCES.

CITY OF NORCO KIRUNA



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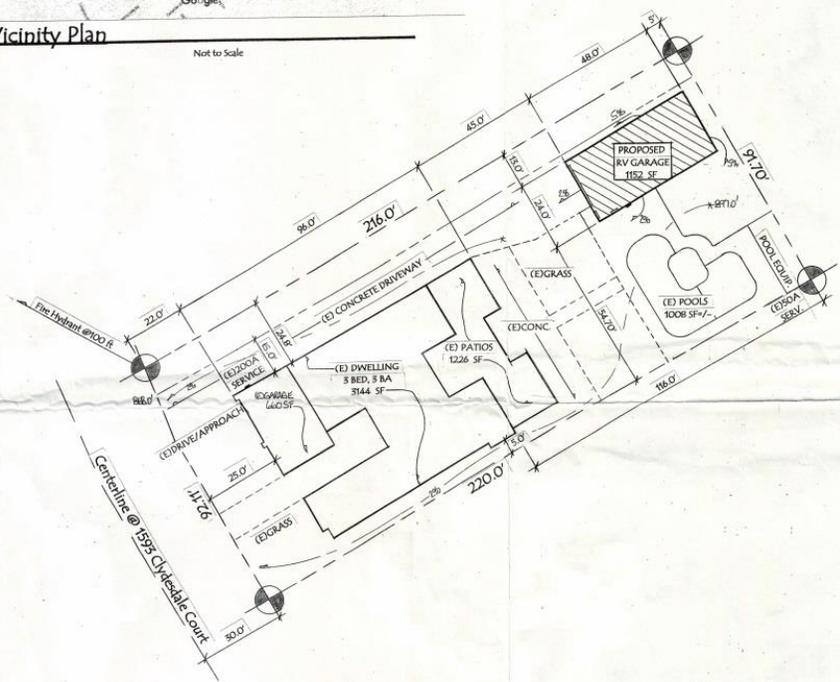
48

36

Vicinity Plan



Not to Scale



Site Plan

Scale 1"=20'-0"

Site Plan Notes:

- 1. CONTRACTOR / OWNER BUILDER SHALL PRIOR TO COMMENCEMENT OF WORK, FIELD VERIFY ALL EXISTING PROJECT CONDITIONS, INCLUDING DIMENSIONS AND UTILITY LOCATIONS / SIZES...

GENERAL NOTES:

- 1. ALL CONSTRUCTION AND WORKMANSHIP SHALL CONFORM TO THE 2015 CALIFORNIA BUILDING CODE...

WOOD FRAMING

- 1. ALL STRUCTURAL LEMBER SHALL BE SIZED AS PER EACH WOOD SPECIFICATION...

REINFORCING STEEL

- 1. REINFORCING STEEL SHALL CONFORM TO ASTM A618, GRADE 60...

CONCRETE

- 1. ALL CONCRETE SHALL ATTAIN A NOMINAL COMPRESSIVE STRENGTH OF 3000 PSI AT 28 DAYS...

STRUCTURAL STEEL

- 1. ALL STEEL TO CONFORM TO ASTM A36...

1593 Clydesdale Court, Norco Ca, 92860

A.P.N.: 125-472-005

LEGAL DESCRIPTION: LOT/ PARCEL 46, M.B. 295/64 Tr.# 28626

LEGEND: ALL WORK SHALL COMPLY/CONFORM WITH CURRENT CODES; 2015 CALIFORNIA BUILDING CODE...

SCOPE OF WORK AS FOLLOWS:

Table with columns: AREA, EXISTING, NEW, TOTALS. Rows include LIVING, PATIO, GARAGE, RV ACCESSORY GARAGE.

1. Propose New R.V. Garage 24x48+ 1152 SF Detached w/ no interior drywall.

2. To Ensure all appropriate Smoke and Carbon Monoxide Detectors throughout (E)Residence.

Additional Notes: 1. No Airport Noise Impact Zone (part 150)

2. No grading or removal exceeding 50 cu. Yds.

3. No fire sprinklers to be installed, Owner to obtain Fire Dept. Release.

4. To ensure install of street address, low voltage illuminated sign, of 4 inch numbers w/ 1/2" stroke visible from the street within 50 ft.

5. The structure(s) will be located entirely on undisturbed native soil. If the Building Inspector suspects fill, expansive soils, or any geologic instability based upon observation of the foundation excavation, a soils or geological report, and resubmitted of plans to plan check to verify that the report recommendations have been incorporated, may be required.

Signature: [Signature] Owner/Authorized Agent/Licensed Engineer/Architect

6. Finish grade around the new structure shall be sloped 2%-5% away for drainage.

SEISMIC INFORMATION AS FOLLOWS:

a. Seismic design category: D

b. Sds: .5=150 / S1=60 / S4=1.0 / S4+1=0.5

c. Wind Speed: Vmf/ 85 mph

d. Wind Exposure: C



- Index / Sheet #: A1. Site Plan, Vicinity Map, Scope of Work, Etc. A2. Floor Plans & Elevations & Misc. Notes...

Table with columns: REVISIONS, BY

Owner-Builder-Designer Plans By: DNS SOLUTIONS, Inc. 951-850-2015

Mike Garrison R.V. Garage Project 1593 Clydesdale Court Norco, Ca. 92860/ 951-533-9118

Site Plan Scope of Work Vicinity Map

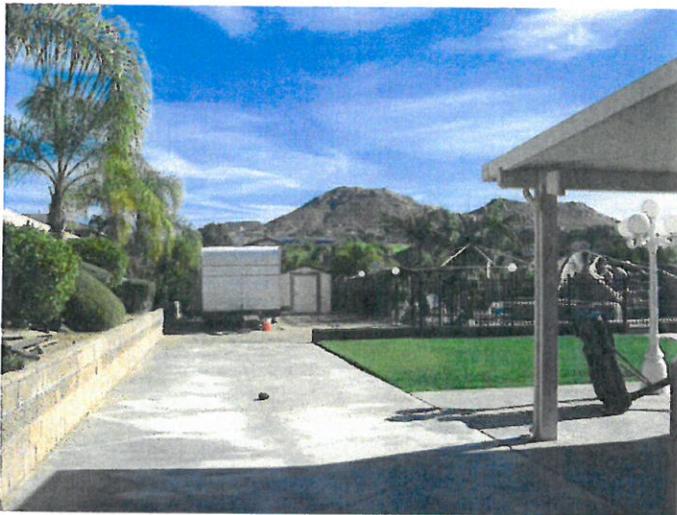
Table with columns: DATE, SCALE, DRAWN BY, JOB NO., SHEET, TOTAL SHEETS



1593

EXHIBIT "D"
1 OF 2

Photos



Approximate location of proposed building

RESOLUTION NO. 2015-72

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NORCO APPROVING A CONDITIONAL USE PERMIT TO ALLOW A DETACHED ACCESSORY BUILDING CONSISTING OF A 1,152 SQUARE-FOOT RECREATIONAL VEHICLE (RV) GARAGE AT 1593 CLYDESDALE COURT LOCATED WITHIN THE NORCO HILLS SPECIFIC PLAN (NHSP) AMENDMENT NO.1 (ITO FARMS). (CONDITIONAL USE PERMIT 2015-35)

WHEREAS, an application to the City of Norco, California has been submitted for a conditional use permit under the provisions of Chapter 18.45, Title 18 of the Norco Municipal Code by DAVID SANDOVAL/DNS SOLUTIONS for property located at 1593 Clydesdale Court (APN 123-472-003); and

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

WHEREAS, at the time set, at 7 p.m. on December 9, 2015 within the Council Chambers at 2820 Clark Avenue, Norco, California, 92860, 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 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 welfare of persons residing or working in the neighborhood thereof.

B. The requested use will not adversely affect the adjoining land uses.

C. The size and shape of the site proposed for the use is adequate to allow full development of the proposed use.

D. The traffic generated by the proposed use will not impose an undue burden.

E. The City of Norco, acting as lead agency, has determined that the project is categorically exempt from environmental assessment per Section 3.13, Class 3 of the City of Norco Environmental Guidelines.

EXHIBIT "E"

II. DETERMINATION:

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Norco, California, in session assembled December 9, 2015 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 "C" – Site Plan, Building Elevations and Floor Plan dated October 15, 2015 and incorporated herein by reference and on file with the Planning Division. Development shall occur as shown unless otherwise noted in these conditions.
2. 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.
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 this 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. 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 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.
6. The applicant shall obtain building permits and pay all applicable fees before beginning construction of the structure on the subject property.
7. The applicant shall comply with all requirements from the Planning, Engineering, and Building Divisions; and the Fire and Sheriff's Departments; and all other applicable departments and agencies.

8. A home occupation business shall not be permitted from the subject building.
9. The building shall complement the existing house in color.
10. This approval is for an accessory building consisting of an RV garage. It is hereby established that it shall be grounds for revocation of this conditional use permit if the property owner 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.
11. Building permits for this accessory building are issued within the confines of this Conditional Use Permit. Any violation of a condition resulting in a revocation of this Conditional Use Permit may result in an order to remove the accessory building at the owner's expense.
12. The building shall have a maximum height of 20 feet as measured from the outside finished grade to the peak of the roof.

##

Resolution No. 2015-72
Page 4
December 9, 2015

PASSED AND ADOPTED by the Planning Commission at a regular meeting held on December 9, 2015.



Patricia Hedges, 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 adopted by the Planning Commission of the City of Norco at a regular adjourned meeting thereof held on December 9, 2015 by the following roll call vote:

AYES: HEDGES, AZEVEDO, JAFFARIAN
NOES: LEONARD, RIGLER
ABSENT: NONE
ABSTAIN: NONE


Steve King, Secretary
Planning Commission
City of Norco, California

/adr

D. Conditional Use Permit 2015-35 (Sandoval): A request for approval to allow a detached accessory building consisting of a 1,152 square-foot Recreational Vehicle (RV) garage at 1593 Clydesdale Court located within the Norco Hills Specific Plan (NHSP) Amendment No.1(Ito Farms). **Recommended Action: Approval (Senior Planner)**

Senior Planner Robles presented the staff report on file in the Planning Department. She explained that this Amendment No. 1 Track was created and developed prior to the requirement of Primary Animal Keeping Areas (PAKAs) or animal keeping areas. ARC has reviewed and only noted a concern over the height. As proposed, all requirements are met; staff recommends approval.

Vice Chair Leonard questioned if pool and coping was added to the total lot coverage; in response, Planner Robles stated that it was not required in this Specific Plan. Vice Chair Leonard stated that the plan appears to show more than 32 percent coverage, possibly exceeding 40 percent. Planner Robles indicated the project is being presented as shown on the approved plans.

Chair Hedges OPENED the public hearing, indicating that proper notification had been made and asked for the appearance of those wishing to speak. With no one wishing to speak, Chair Hedges CLOSED the public hearing, bringing the discussion back to the Commission.

Vice Chair Leonard reiterated his concern with the lot coverage showing, noting issues with the plan, which appears to show at 40 percent or more.

Member Azevedo stated that since the home is seated forward on the lot, there appears to be lots of room in the back of the property. He is satisfied that the proposed structure will be well away from the pool area. In response to Member Azevedo, Planner Robles stated that the resident indicated there are trees between the pool and the proposed structure.

Mike Garrison, property owner, responded to confirm the trees, the open space area is approximately 900 square feet, and there is a concrete ribbon around the pool.

M/S Jaffarian/Hedges to adopt Resolution 2015-72, to approve Conditional Use Permit 2015-35, to allow a detached accessory building consisting of a 1,152 square-foot recreational vehicle (RV) garage at 1593 Clydesdale Court.

AYES: Hedges, Azevedo, Jaffarian
NOES: Leonard, Rigler

Motion Passed

EXHIBIT "F"