



AGENDA

CITY OF NORCO

CITY COUNCIL

REGULAR MEETING

CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE

APRIL 18, 2012

CALL TO ORDER: 5:30 p.m.

ROLL CALL: Mayor Kevin Bash
Mayor Pro Tem Kathy Azevedo
Council Member Berwin Hanna
Council Member Herb Higgins
Council Member Harvey C. Sullivan

THE CITY COUNCIL WILL RECESS TO CLOSED SESSION (SECTION 54954) TO CONSIDER MATTERS:

Section 54956.9 – Conference with Legal Counsel – Existing Litigation

Case Name: Robbin Koziel vs City of Norco
Case Number: RIC 522773
CV11-09075

Section 54957 – Public Employee Performance Evaluation

Performance Evaluation of City Manager

RECONVENE PUBLIC SESSION: 7:00 p.m.

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

PLEDGE OF ALLEGIANCE: Council Member Sullivan

INVOCATION: The River – Foursquare Church
Pastor Jared G. Vieyra

PROCLAMATION: Dr. John Koning

PRESENTATION: Wyle Cleanup Update
Rafat Abbasi, DTSC

REGULAR CITY COUNCIL AGENDA AS FOLLOWS:

1. CITY COUNCIL CONSENT CALENDAR 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.2 of the Agenda)*

- A. City Council Minutes:
Regular Meeting of April 4, 2012
Recommended Action: **Approve the City Council Minutes** (City Clerk)
 - B. Recap of Actions Taken at the Planning Commission Regular Meeting of April 11, 2012. **Recommended Action: Receive and File** (Planning Director)
 - C. Procedural Step to Approve Ordinance after Reading of Title Only.
Recommended Action: Approval (City Clerk)
 - D. Statement of Designation of Conservation Acreage, and Administrative Clarification to the Restated Conditions of Approval for Conditional Use Permit 2008-09 (Silverlakes Equestrian and Sports Park) to Transfer an Approved On-site Conservation Area to an Expanded Off-site Mitigation Area Closer to the Santa Ana River. **Recommended Action: Adopt Resolution No. 2012-___, approving the Statement of Designation; and approving the Administrative Clarification to the Restated Conditions of Approval for Conditional Use Permit 2008-09.** (Planning Director)
 - E. Award of Contract to Prepare an Environmental Analysis for a Horse Manure-to-Energy Conversion Facility. **Recommended Action: Accept proposals submitted for the Environmental Analysis for a Horse Manure-to-Energy Conversion Facility and award the contract to K. S. Dunbar & Associates, Inc. in the amount of \$142,000, and authorize the City Manager to approve contract change orders up to 10 percent of the contract amount.** (Deputy Director of Public Works/Senior Engineer)
2. ITEM(S) PULLED FROM CITY COUNCIL CONSENT CALENDAR:
 3. CITY COUNCIL PUBLIC HEARINGS:
 - A. Amendment to Chapter 15.09 (Fire Code) of the Norco Municipal Code.

On November 2, 2011, the City Adopted Ordinance No. 937, replacing Chapter 15.09 (Fire Code) of the Norco Municipal Code and higher fire flow and emergency access standards for the California Fire Code. In January of 2012, Riverside County transitioned to the fire service provider for the City of Norco. Therefore, revisions to the Fire Code are recommended to meet the Riverside County Standards and also match the language adopted by other Riverside County Fire Department contract cities for uniformity purposes.

Recommended Actions: Adopt Ordinance No. ___ for first reading.
(Fire Chief)

- B. **General Plan Amendment 2012-01G/Zone Change 2012-06/Gateway Specific Plan 90-01, Amendment No. 10 (City of Norco):** A proposal to amend the Land Use category and zoning on about 22.42 acres generally located on the east side of Mountain Avenue, north of First Street and south of Second Street (APN's 126-210-003, -004, -005, -006, -007, -008, -009, -010, 126-240-001, -002, -003, -004, -005, -006, -007) by applying the Housing Development Overlay, as an implementation measure of General Plan Amendment 2008-01/City of Norco Draft 2008-2014 Housing Element Update

This item has been advertised to adopt an Ordinance and Resolution affirming what was approved by the City Council on March 21, 2012 for General Plan Amendment 2012-01G and Zone Change 2012-06/Gateway Specific Plan 90-01, Amendment No. 10. The acreage that was approved on that date has been revised from 15.4 acres to 22.4 acres on property generally located on the east side of Mountain Avenue, north of First Street and south of Second Street, to apply the Housing Development Overlay (HDO) Zone (ref. Exhibit "A" – Locations Map). The revised acreage is needed because of the requirement of the HDO zone that only 50 percent of the acreage in each of the five identified Housing Element Update locations can be used for housing.

Recommended Action: 1.) Adopt **Resolution No. 2012-___**, approving Revised General Plan Amendment 2012-01G; and 2.) Adopt **for First Reading Ordinance No. ___**, approving Revised Zone Change 2012-06/Gateway Specific Plan 90-01, Amendment No. 10 (City of Norco):
(Planning Director)

- C. Request to Change Zoning on Approximately 2.42 Acres to Apply the Hospitality Development (HD) Zone with the Corresponding Hospitality Development Specific Plan (HDSP-1) on Property Located at 1417 Sixth Street; and **HDSP – 1 Concept Plan (City):** A Request to Approve the Concept Plan for HDSP – 1.

This is a proposed zone change initiated by the City to implement the recently established Hospitality Development (HD) zone for property located at 1417 Sixth Street (ref. Exhibit "A" – Location Map). The intent is to provide assistance and encourage development of hospitality-related uses at locations in the City where the uses are appropriate. The assistance to property owners is the removal of one hurdle in the land entitlement process that could help ease the process of obtaining early funding for a hospitality project. Oftentimes the need for a zone change is seen as a potential roadblock and many times lending institutions will require that it occur prior to funding even being considered. The proposed zone change would change the zoning to include hospitality uses (e.g. hotels, motels, bed and breakfasts) but would leave in place the existing

permitted uses and standards already established in the C-4 zone. However, the new zone would be HD and would no longer be called C-4.

On March 14, 2012, the Planning Commission adopted resolutions recommending denial of Zone Change 2012-07 and related HDSP-1 Concept Plan based on discussions that the HD zone was not meant to function like an overlay but was meant to be its own zone. A zone change requires approval by the City Council but since the project was City initiated staff had intended to withdraw it. At the March 21, 2012 meeting the City Council directed staff to advertise the project for its review.

Recommended Action: If the City Council recommends approval, the motions are as follows: 1) Adopt for first reading Ordinance No. ____ approving Zone Change 2012-07 which includes Hospitality Development Specific Plan – 1 (HDSP – 1); and 2) Adopt Resolution No. 2012-____ approving HDSP-1 Concept Plan to correspond with Zone Change 2012-07. (Planning Director)

- D. Entertainment Permit 2012-01(Crain/Jensen): A Request for Approval to Allow Live Entertainment to Consist of Karaoke, Live Bands, Disc Jockeys and Dancing at the Water Wheel Bar and Deli located at 980 Sixth Street within the C-4 (Commercial) Zone.

The application is a request for approval of an entertainment permit to allow live entertainment to consist of karaoke, live bands, disc jockeys and dancing at the soon to be opened Water Wheel Bar and Deli located at 980 Sixth Street

Recommended Action: Adopt Resolution No. 2012-____, approving Entertainment Permit 2012-01. (Planning Director)

- E. Amendment to the Fiscal Year 2012-2016 Capital Improvement Program Budget to Add a Project in the Amount of \$153,259 Funded by a Grant from the California Energy Commissions Energy Efficiency and Conservation Block Grant (EECBG) for Public Building Retrofit of Lighting Fixtures.

The Parks, Recreation and Community Services Department is requesting that the City Council adopt a resolution amending the FY 2011-2016 Capital Improvement Program (“CIP”) Budget to add a project in the amount of \$153,259 from a grant funded by the California Energy Commission’s Energy Efficiency and Conservation Block Grant Program for the public building retrofit of lighting fixtures.

Recommended Action: Adopt Resolution No. 2012-____, amending the Fiscal Year 2012-2016 CIP Budget. (Director of Parks, Recreation & Community Services)

4. PUBLIC COMMENTS OR QUESTIONS - THIS IS THE TIME WHEN PERSONS IN THE AUDIENCE WISHING TO ADDRESS THE CITY COUNCIL REGARDING MATTERS NOT ON THE AGENDA MAY SPEAK. PLEASE BE SURE TO COMPLETE THE CARD IN THE BACK OF THE ROOM AND PRESENT IT TO THE CITY CLERK SO THAT YOU MAY BE RECOGNIZED.

5. **OTHER MATTERS – CITY COUNCIL, CITY MANAGER AND STAFF:**

A. City Council Updates from Regional Boards and Commissions:

B. City Council Other Matters:

C. Staff Other Matters:

- Discussion Regarding Options for Parking Restrictions on Belgian Drive, Stallion Drive and Surrounding Streets of Norco College. **Recommended Action: Direct staff to proceed with one or more of the options provided in the staff report.** (Deputy Public Works Director/Senior Engineer)

6. ADJOURNMENT:

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

Staff reports are on file in the Office of the City Clerk. 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.

/bj-80583



**MINUTES
CITY OF NORCO
CITY COUNCIL
REGULAR MEETING
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
APRIL 4, 2012**

CALL TO ORDER: Mayor Bash called the meeting to order at 7:00 p.m.

ROLL CALL: Mayor Kevin Bash, **Present**
Mayor Pro Tem Kathy Azevedo, **Present**
Council Member Berwin Hanna, **Present**
Council Member Herb Higgins, **Present**
Council Member Harvey C. Sullivan, **Present**

PLEDGE OF ALLEGIANCE: Council Member Higgins

INVOCATION: Grace Fellowship Church
Pastor Vernie Fletcher

Mayor Bash presented Pastor Fletcher with a proclamation acknowledging his 35 years of ministry to Grace Fellowship Church and his service to the community.

PROCLAMATIONS: Child Abuse Prevention Awareness Month
Prevent Child Abuse Riverside County

Mayor Bash presented a proclamation to representatives from Prevent Child Abuse Riverside County in recognition of Child Abuse Prevention Awareness Month – April, 2012.

Jerry Smith
Retired Norco High School Teacher

Mayor Bash presented a proclamation to Jerry Smith in recognition of his service as a teacher at Norco High School and to the community. Mr. Bill Newberry, President of the Corona-Norco Unified School District, presented Mr. Smith with a letter of recognition from the School District.

PRESENTATION: Norco College
Interim President Debbie DiThomas

Dr. DiThomas gave an informational presentation regarding Norco College with the theme "how college pays."

REGULAR CITY COUNCIL AGENDA AS FOLLOWS:

1. CITY COUNCIL CONSENT CALENDAR ITEMS:

Item 1.F. was changed to reflect the new amount submitted in the CLG grant application to fund an information and outreach program in regard to the City's

Agenda Item 1.A.

historic preservation program.

M/S Sullivan/Hanna to adopt the items as recommended on the City Council Consent Calendar. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS, SULLIVAN
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

- A. City Council Minutes:
Special Meeting of March 23, 2012
Regular Meeting of March 21, 2012
Recommended Action: **Approve the City Council Minutes** (City Clerk)
- B. Procedural Step to Approve Ordinance after Reading of Title Only.
Recommended Action: Approval (City Clerk)
- C. Execution of a Service Agreement by and between the County of Riverside, the City of Eastvale and the City of Norco for Hamner Avenue Bridge Improvements at the Santa Ana River. **Recommended Action: Approve the Service Agreement for the development and implementation of the Hamner Avenue Bridge Project, subject to non-substantive changes.** (Director of Public Works)
- D. Acceptance of the Horseless Carriage 12" Waterline Project as Complete. **Recommended Action: Accept the Horseless Carriage 12-inch Water Line Extension Project as complete and authorize the City Clerk to file the Notice of Completion with the County Recorder's Office.** (Director of Public Works)
- E. Reconciliation of Certificate of Occupancy Fee for 1007 Sixth Street, Suite 101. **Recommended Action: Approve the reconciliation of a Certificate of Occupancy fee for 1007 Sixth Street, Suite 101.** (Director of Public Works)
- F. Approval of an Application for a Certified Local Government Grant. **Recommended Action: ~~Authorize staff to submit a grant application to the State of California for \$8,000 to fund the preparation and submission of an application to list the Old Norco School (current Community Center) on the State Register of Historical Resources~~ replaced with Authorize staff to submit a grant application to the State of California for up to \$12,000 to fund an information and outreach program in regard to the City's historic preservation program.** (City Manager)
- G. Approval of an Application for a National Endowment for the Humanities Grant. **Recommended Action: Authorize staff to submit a grant application to the National Endowment for the Humanities for \$6,000 to fund an**

assessment of Norco's historic collections and to develop a plan for their future management. (City Manager)

2. ITEM(S) PULLED FROM CITY COUNCIL CONSENT CALENDAR:
3. LEGISLATIVE MATTERS: **(No new evidence will be heard from the public as the public hearing has been closed regarding all items listed.)**
 - A. Ordinance Approving Zone Change 2012-01 (Specific Plan 85-1, Amendment 6) (18.6-acre site) to apply the Housing Development Overlay zone. **Recommended Action: Adopt Ordinance No. 942 for second reading.** (City Clerk)

M/S Higgins/Hanna to adopt Ordinance No. 942 for second reading. The motion was carried by the following roll call vote:

**AYES: AZEVEDO, BASH, HANNA, HIGGINS
NOES: SULLIVAN
ABSENT: NONE
ABSTAIN: NONE**

- B. Ordinance Approving Zone Change 2012-02 (18.5-acre site). **Recommended Action: Adopt Ordinance No. 943 for second reading.** (City Clerk)

M/S Hanna/Higgins to adopt Ordinance No. 943 for second reading. The motion was carried by the following roll call vote:

**AYES: AZEVEDO, BASH, HANNA, HIGGINS
NOES: SULLIVAN
ABSENT: NONE
ABSTAIN: NONE**

- C. Ordinance Approving Zone Change 2012-04 (19.4-acre site). **Recommended Action: Adopt Ordinance No. 944 for second reading.** (City Clerk)

M/S Azevedo/Hanna to adopt Ordinance No. 944 for second reading. The motion was carried by the following roll call vote:

**AYES: AZEVEDO, BASH, HANNA, HIGGINS
NOES: SULLIVAN
ABSENT: NONE
ABSTAIN: NONE**

- D. Ordinance Approving Zone Change 2012-05 (22.9-acre site). **Recommended Action: Adopt Ordinance No. 945 for second reading.** (City Clerk)

M/S Hanna/Bash to adopt Ordinance No. 945 for second reading. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS
NOES: SULLIVAN
ABSENT: NONE
ABSTAIN: NONE

- E. Ordinance Approving Zone Change 2012-06 (15.4-acre site). **Recommended Action: Adopt Ordinance No. 946 for second reading.** (City Clerk)

M/S Bash/Higgins to adopt Ordinance No. 946 for second reading. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS
NOES: SULLIVAN
ABSENT: NONE
ABSTAIN: NONE

- F. Ordinance Approving a Zone Code Amendment 2012-01 to establish the Housing Development Overlay (HDO) zone **Recommended Action: Adopt Ordinance No. 947 for second reading.** (City Clerk) Bash/Hanna

M/S Bash/Hanna to adopt Ordinance No. 947 for second reading. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS
NOES: SULLIVAN
ABSENT: NONE
ABSTAIN: NONE

4. PUBLIC COMMENTS OR QUESTIONS:

Vern Showalter. Mr. Showalter commented on the discussion held at the last Council meeting regarding the letter he sent to the Council as a representative of the Streets, Trails & Utilities Commission requesting that the Council discuss the opening of Corona Avenue.. He stated that the letter was not sent from him personally, but was from the Commission. He added that the Commission is only asking that the City Council to do the right and prudent thing.

Michael Wilcox. Mr. Wilcox commented on a petition submitted to block a variance application at 2876 Chestnut Drive in Norco because of the alleged various code infractions involved.

Jane Larsen. Ms. Larsen commented on the alleged various code infractions at 2876 Chestnut Drive in Norco.

Mary Anne Wilcox. Ms. Wilcox commented on the alleged various code infractions at 2876 Chestnut Drive in Norco.

Karen McCormick. Ms. McCormick commented on the problems on Stallion Drive caused by Norco College students parking on the street while classes are being held.

Bobbi Pope. Ms. Pope commented on the alleged various code infractions at 2876 Chestnut Drive in Norco.

5. OTHER MATTERS – CITY COUNCIL, CITY MANAGER AND STAFF:

A. City Council Updates from Regional Boards and Commissions

Mayor Pro Tem Azevedo:

- Commented on the 3-hour WRCOG Executive Committee meeting held at which time discussion took place regarding the phasing out of TUMF fees with the end-date proposed at March of 2013.

Mayor Back:

- Briefly commented on the first Oversight Board of the Successor Agency to the Norco Community Redevelopment Agency Meeting held earlier in the day.

B. City Council Other Matters

Mayor Pro Tem Azevedo:

- Briefly commented on the huge success of the live cooking show that took place at the George Ingalls Equestrian Event Center today.

Council Member Sullivan:

- Commented on all of the Horse Week Activities and encouraged everyone to attend.
- Stated that there was great economic value from the event held today at the George Ingalls Equestrian Event Center.

C. Staff Other Matters

City Manager Groves:

- Commented on parking issues caused by Norco College students during class time. She asked the Council if they desired to place this item on a future City Council Agenda for discussion.

M/S Azevedo/Higgins to place an item on a future City Council Agenda to discuss student parking issues on residential streets surrounding Norco College. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS, SULLIVAN
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

Public Works Director Thompson:

- Clarified that the gate installed at the end of the cul-de-sac by Norco College is for emergency only. He noted that the College has been asked to assist the City in enforcing parking and littering.
6. **ADJOURNMENT:** There being no further business to come before the City Council, Mayor Bash adjourned the meeting at 8:00 p.m.

BRENDA K. JACOBS, CMC
CITY CLERK

/bj-80777



RECAP OF ACTIONS TAKEN
CITY OF NORCO
PLANNING COMMISSION
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
REGULAR MEETING
APRIL 11, 2012

1. CALL TO ORDER: 7:00 p.m.
2. ROLL CALL: **Chair Wright, Vice-Chair Henderson, Commission Members Jaffarian, Leonard, and Hedges**
3. STAFF PRESENT: **Planning Director King, Senior Planner Robles, Parks and Recreation Superintendent Anglin and Deputy City Clerk Germain**
4. PLEDGE OF ALLEGIANCE: **Commissioner Hedges**
5. APPEAL NOTICE: **Read by Staff**
6. HEARING FROM THE AUDIENCE ON ITEMS NOT LISTED ON THE AGENDA: **None**
7. APPROVAL OF MINUTES: Minutes of March 14, 2012 **Recommended Action: Approval** (Deputy City Clerk): **Approved 5-0**
8. CONTINUED ITEMS: **None**
9. PUBLIC HEARING: **Resolution 2012-___, Conditional Use Permit 2010-04; Resolution 2012-___, Variance 2010-02 (Royal Street Communications CA, LLC):** A request for approval to allow the installation of an unmanned wireless telecommunication facility to consist of a 75-foot tall freestanding pole that will hold security park lighting and wireless antennas, and associated ground mounted support equipment within an enclosure at Ted Brooks Park located at 2762 Vine Street in the (Open Space) OS zone. The variance is requested to allow the pole to exceed the maximum height of 50 feet permitted by the Norco Municipal Code. **Recommended Action: Approval** (SP Robles): **Approved 5-0. This action is final unless appealed to the City Council within 10 calendar days.**
10. BUSINESS ITEMS:
 - A. **Resolution 2012-___, Site Plan 2012-03 (Metsker):** A request for approval to allow an accessory building consisting of an 864 square-foot storage shed at 4770 Crestview Drive located within the A-1-20 (Agricultural Low-Density) zone. **Recommended Action: Approval** (SP Robles): **Approved 5-0. This action is final unless appealed to the City Council within 10 calendar days.**

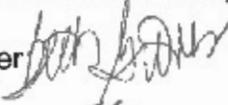
- B. **Resolution 2012-___**, Site Plan 2012-04 (Wofford): A request for approval to allow an accessory building consisting of a 608 square-foot shedrow barn at 2862 Vandermolen Drive located within the Norco Ridge Ranch Specific Plan (NRRSP). **Recommended Action: Approval (SP Robles): Approved 5-0. This action is final unless appealed to the City Council within 10 calendar days.**

 - C. **Denial Resolutions 2012-17 and 2012-18:** Zone Change 2012-07 with Corresponding Hospitality Development Specific Plan – 1 Concept Plan (City of Norco) on Property Located at 1417 Sixth Street. **Recommended Action: Review for Signatures (SP Robles): Approved for signature 5-0**
11. CITY COUNCIL: **Received and Filed**
- A. Recap of Actions Taken at the April 4, 2012 City Council Meeting.

 - B. City Council Minutes dated March 7 and March 21, 2012 (Regular Meetings) and March 23, 2012 (Special Meeting)
12. PLANNING COMMISSION: Oral Reports from Various Committees: **None**
13. STAFF: Current Work Program: **Received and Filed**
14. OTHER MATTERS: **Received and Filed**
- A. Follow-up on Items from Previous Meetings (Director King)
15. ADJOURNMENT: **7:47 p.m.**

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Steve King, Planning Director 

DATE: April 18, 2012

SUBJECT: Statement of Designation of Conservation Acreage, and Administrative Clarification to the Restated Conditions of Approval for Conditional Use Permit 2008-09 (Silverlakes Equestrian and Sports Park) to Transfer an Approved On-site Conservation Area to an Expanded Off-site Mitigation Area Closer to the Santa Ana River

RECOMMENDATION: Adopt **Resolution No. 2012-___**, approving the Statement of Designation; and approving the Administrative Clarification to the Restated Conditions of Approval for Conditional Use Permit 2008-09.

SUMMARY: On March 4, 2009, Conditional Use Permit 2008-09 was approved for the construction of the Silverlakes Equestrian and Sports Park on 122 acres located on the east side of Hamner Avenue north of the Santa Ana River ("Silverlakes"). Along with the approval, an environmental impact report was certified (CEIR). The project included a .8-acre conservation area that contains southern willow scrub habitat which provides foraging and nesting habitat for the least Bells vireo a targeted riparian bird species. It is being proposed that the .8-acre on-site area be replaced with 6.1 acres in an off-site area with a better established southern willow scrub habitat that is closer to the Santa Ana River. The proposed action requires that the City Council approve the Statement of Designation and approve an Administrative Clarification to the Restated Conditions of Approval as approved on July 6, 2011.

BACKGROUND: The proposed exchange of conservation areas was initiated by the Department of Fish and Game to provide better protection for the southern willow scrub habitat in the region and all of the species that rely on it including the least Bells vireo which is a targeted bird species. A targeted species, per the US Fish and Wildlife Service, is a "species of greatest conservation need" to protect it from becoming endangered. The exchange will also be beneficial to Silverlakes because it provides better functionality and utilization in the park layout (ref. Exhibit "A" – Silverlakes Map with Existing Conservation Area).

Because it is proposed that existing habitat be removed, it is standard procedure that the off-site mitigation area be more than just a 1:1 replacement ratio. In this case, the off-site conservation area would be mitigating the removal of the .8-acre southern willow scrub habitat already discussed (a 5:1 mitigation ratio) and a .7-acre mulefat scrub habitat (a 3:1 mitigation ratio). For purposes of the CEIR the loss of the .7-acre mulefat scrub was accomplished with the preservation of the .8-acre southern willow scrub. To obtain necessary permits for the removal of riparian habitat from the conservation

agencies, Department of Fish and Game (DFG) and the U.S. Fish and Wildlife Service (FWS), additional mitigation area is typically needed, hence the additional acreage. The result is 6.1 acres of off-site habitat area to be conserved. The location of the off-site mitigation area is still being worked out with the DFG, but is likely to adjoin the mitigation area already authorized but also not yet located for the Hamner widening project. The anticipated area is a heavily vegetated and largely inaccessible portion of the upper stream area of River Trails Park (near Goose Creek Golf Course).

The Statement of Designation for the conservation acreage is in compliance with Condition 65 of the Restated Conditions of Approval:

65. The developer shall establish and maintain a 0.8-acre conservation area of southern willow scrub that corresponds to that habitat area as indicated in the Biological Survey (the southernmost site adjacent to the Santa Ana River floodplain) in order to preserve the highest quality habitat on the project site including a functioning riparian scrub habitat, all in a manner as shown on the Site Plan or as otherwise may be permitted offsite or through an in-lieu fee as approved by the applicable governmental agency through a separate entitlement process to said agency.

The administrative clarification to the Restated Conditions of Approval would amend Conditions 64 and 66 as follows:

64. The project site ~~contains~~ is near suitable nesting habitat for various avian species. Ground-disturbing activities should be avoided during the nesting season (February through August) around any active nesting sites. If ground-disturbing activities must be conducted during nesting time, a nesting bird survey shall be conducted for the site prior to any ground-disturbing activity. The nesting bird survey shall be conducted as close as possible but no earlier than 7 days prior to ground-disturbing activities. Any active nesting sites found shall be screened and protected with an appropriate buffer until said nesting activity has concluded.
66. ~~The project shall enhance the riparian/riverine habitat within the southern willow scrub site identified in Condition #64, including at least the eradication of non-native species such as giant reed and tree tobacco at a 1:1 ratio to allow the native riparian species to become better established. The project developer shall provide for the establishment of 6.1 acres of off-site mitigation in an area approved by the Department of Fish and Game, and including the establishment of an endowment to cover the cost of monitoring the site to a conservation district approved by the Department of Fish and Game. The on-site conservation area (.8 acre southern willow scrub) shall not be removed until the 6.1 acres has been established through easement or transfer in fee title to the approved conservation district.~~

/sk-80857

Attachments: Resolution No. 2012-____
Exhibit "A" – Silverlakes Map with Existing Conservation Area

RESOLUTION NO. 2012-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA APPROVING A STATEMENT OF DESIGNATION FOR A CONSERVATION MITIGATION AREA OF 6.1 ACRES AND APPROVING AN ADMINISTRATIVE CLARIFICATION TO THE RESTATED CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT 2008-09 (SILVERLAKES EQUESTRIAN AND SPORTS PARK).

WHEREAS, the City of Norco, California initiated a Statement of Designation and Administrative Clarification to the Restated Conditions of Approval for Conditional Use Permit 2008-09; and

WHEREAS, Conditional Use Permit 2008-09 was approved by the City Council of the City of Norco on March 4, 2009; and

WHEREAS, Resolution No. 2011-51 Restating the Conditions of Approval of Resolution No. 2009-08 was adopted by the City Council on July 6, 2011; and

WHEREAS, said Statement of Designation and Administrative Clarification of the Restated Conditions of Approval have been duly submitted to the City Council for the City of Norco for decision at a public meeting for which proper notice was given; and

WHEREAS, at the time set at 7 p.m. on April 18, 2012, 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, the 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 project is exempt from the California Environmental Quality Act and the City of Norco Environmental Guidelines pursuant to Class 8.

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

- A. The proposed Statement of Designation for conservation acreage is consistent with all applicable requirements of the Norco Municipal Code, the Zoning Ordinance, the General Plan, and the approved Site Plan for Conditional Use Permit 2008-09 in that the proposed conservation acreage will preserve more acreage within a better stand of southern willow scrub habitat.

- B. The proposed conservation designation is reasonably compatible with the area immediately surrounding the project site in that the area of the proposed conservation is of similar habitat to surrounding areas.
- C. The proposal is not injurious to surrounding properties, nor does the project adversely impact the use of adjoining parcels since the area is primarily inaccessible due to vegetation.
- D. The proposed Administrative Clarification to the Conditions of Approval for Conditional Use Permit 2008-09 is consistent with the approved project and the Certified EIR for the preservation of southern willow scrub habitat.
- E. The City of Norco has been determined to be the lead agency for environmental reporting purposes pursuant to State and local environmental guidelines, and has determined that the project is exempt from the California Environmental Quality Act and the City of Norco Environmental Guidelines pursuant to Class 8.

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: The Statement of Designation for the conservation of southern willow scrub habitat and the Administrative Clarification of the Restated Conditions of Approval for Conditional Use Permit 2008-09 is approved subject to the following clarifications of conditions:

- 64. The project site is near suitable nesting habitat for various avian species. Ground-disturbing activities should be avoided during the nesting season (February through August) around any active nesting sites. If ground-disturbing activities must be conducted during nesting time, a nesting bird survey shall be conducted for the site prior to any ground-disturbing activity. The nesting bird survey shall be conducted as close as possible but no earlier than 7 days prior to ground-disturbing activities. Any active nesting sites found shall be screened and protected with an appropriate buffer until said nesting activity has concluded.
- 66. The project developer shall provide for the establishment of 6.1 acres of off-site mitigation in an area approved by the Department of Fish and Game, and including the establishment of an endowment to cover the cost of monitoring the site to a conservation district approved by the Department of Fish and Game. The on-site conservation area (.8 acre southern willow scrub) shall not be removed until the 6.1 acres has been established through easement or transfer in fee title to the approved conservation district.

April 18, 2012

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 meeting held on April 18, 2012.

Mayor of the City of Norco, California

ATTEST:

Brenda K. Jacobs, CMC
City Clerk

I, BRENDA K. JACOBS, 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 at a meeting held on April 18, 2012 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 April 18, 2012.

Brenda K. Jacobs, CMC
City Clerk

/sk-80858

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Lori J. Askew, Deputy Director of Public Works/Senior Engineer 

DATE: April 18, 2012

SUBJECT: Award of Contract to Prepare an Environmental Analysis for a Horse Manure-to-Energy Conversion Facility

RECOMMENDATION: Accept proposals submitted for the Environmental Analysis for a Horse Manure-to-Energy Conversion Facility and award the contract to K. S. Dunbar & Associates, Inc. in the amount of \$142,000, and authorize the City Manager to approve contract change orders up to 10 percent of the contract amount.

SUMMARY: Proposals for the Environmental Analysis for a Horse Manure-to-Energy Conversion Facility were opened on April 5, 2012. It is recommended that a contract be awarded to K.S. Dunbar & Associates, Inc. in the amount of \$142,000.

BACKGROUND/ANALYSIS: On December 15, 2010, the City Council entered into a Professional Services Agreement with Chevron Energy Solutions for performance of an engineering study of a Horse Manure-to-Energy Project. The completed Feasibility Study was presented to the City Council on February 15, 2012, and it was concluded that there is a potential technical solution that can be implemented to construct a project that could also be economically viable. The next step in the process would be to determine what environmental clearances are required to further evaluate the viability of the project.

The City solicited a Request for Environmental Analysis Proposal for a Horse Manure-to-Energy Conversion Facility on March 22, 2012. A total of three proposals were received and opened on April 5, 2012. The proposals were reviewed by staff to determine the understanding of the project, consultant experience and cost. While all companies have extensive knowledge in preparing Environmental Analyses, K.S. Dunbar & Associates, Inc. was selected by staff to be the best qualified for this project as they have familiarity with the Western Riverside County Regional Wastewater Treatment Plant and presented thorough understanding of the project.

The Environmental Analysis has an extremely aggressive schedule due to the requirement of the grant that funds must be invoiced by the end of September, 2012.

FINANCIAL IMPACT: The Environmental Analysis work is funded through the additional funds remaining (\$255,806) from the Federal Grant that was received for the original Horse Manure-to-Energy Conversion Project. This action appropriates approximately \$142,000 to complete the Environmental Analysis plus the 10 percent contingency amount.

80871/lja

Attachments: Request for Proposal



CITY of NORCO

CITY HALL • 2870 CLARK AVENUE • NORCO CA 92860 • (951) 735-3900 • FAX (951) 270-5622

March 22, 2012

To: Prospective Environmental Consultant

Re: **Request for Environmental Analysis Proposal for a Horse Manure to Energy Conversion Facility**

Dear Consultant:

The City of Norco is requesting proposals for the review and preparation of CEQA document(s) for a proposed Horse Manure to Energy Conversion Facility on a site at the Western Riverside County Regional Wastewater Authority (WRCRWA) facility located at 14634 River Road, Eastvale, CA 92880. WRCRWA is a Joint Powers Authority (JPA) consisting of the Home Gardens Sanitary District (HGSD), the Jurupa Community Services District (JCSD), the City of Norco (Norco), the Western Municipal Water District (WMWD), and the Santa Ana Watershed Project Authority (SAWPA). The JPA owns and operates a wastewater conveyance, treatment, and disposal system in which all member agencies, except for SAWPA, own capacity.

The City of Eastvale General Plan Designation for the subject site is Public Facilities with the zoning designation of Agriculture (A-2). The site currently consists of a wastewater treatment plant to treat wastewater discharged by the member agencies. The nominal rated capacity for the plant is 8.0 mgd. In addition to the wastewater plant the site now contains a solar electric generating facility. An aerial photograph is attached as Exhibit "A" showing the relationship of the proposed Energy Facility to the other uses on the site. The Executive Summary, attached as Exhibit "B", of the Draft Horse Manure to Energy Conversion Study dated December 2011 by Chevron Energy Solutions Company gives further details on the project.

While the City has not undertaken an initial study it is anticipated that an EIR will be required. The Environmental Section of the previously mentioned study is attached as Exhibit "C" for your reference in preparing your proposal. A proposal by your firm should be based upon the preparation of an Initial Study and the preparation of an Environment Impact Report with the cost for each broken down separately.

CITY COUNCIL

KEVIN BASH
Mayor

KATHY AZEVEDO
Mayor Pro Tem

BERWIN HANNA
Council Member

HERB HIGGINS
Council Member

HARVEY SULLIVAN
Council Member

Request for Environmental Analysis Proposal for a Horse Manure to Energy Conversion Facility
Page 2
March 22, 2012

The City anticipates that an EIR will be necessary, although the consultant's analysis, public workshop, staff review and Initial Study will ultimately determine the potential impacts that could occur as a result of implementing the project and the environmental determination.

The City anticipates the first step in the process to be a meeting with the City of Norco acting as the responsible public agency to discuss the time line to conduct the environmental process. An appropriate scope should include a developed Initial Study/ CEQA checklist, appropriate technical analyses, a Mitigation Monitoring Plan, and anticipate staff meetings, 1-2 Planning Commission hearings, and 1-2 City Council hearings. Time is of the essence for this report with a final environmental document deliverable to the City by September 6, 2012.

The City will require submittal of consultant proposals for this project not later than 12:00 noon, Thursday, April 5, 2012. An electronic copy in addition to three (3) hard copies of the proposal must be submitted to the City Clerk no later than the deadline.

Please feel free to contact me at (951) 270-5662 or email me at sking@norco.ca.us if you have any questions. Our office is open Monday-Thursday from 8:00 a.m. till 6:00 p.m.

Sincerely,



Steve King
Planning Director

Exhibit "A"



Figure 7-4: WRCRWA WWTP Site Plan with Proposed Plant Location

Environmental Controls

Air permitting in the South Coast Air Quality Management District will continue to be an important and challenging issue for the successful implementation of this project. Meeting stringent emissions criteria will be critical. There is a wide variety of pollution control technologies and manufacturers that provide a high level of controllability for potential emissions from the waste to energy conversion systems.

One technology in particular shows promise as a part of the emissions control system for this application. Tri-Mer utilizes a ceramic filter system that provides excellent particulate matter (PM) control even at elevated temperatures, and can also be embedded with a specialized catalyst to provide control for NO_x and even dioxins. The following excerpt from the company (<http://www.tri-mer.com/>, <http://www.tri-mer.com/hot-gas-filtration.html>) describes some of the solutions offered by this company (see Figure 7-5 on the following page).



Exhibit "B"

Introduction

The City of Norco (City) has an amazing opportunity to leverage waste generated by the 17,000 plus horses in the City for energy purposes. Chevron Energy Solutions (CES) has completed an Engineering Study (Study) for the City and we are pleased to present our findings and recommendations for making this a successful project.

This Study began in February of 2011 and was prepared to assess the preliminary technological and financial feasibility of converting the horse manure generated within and near the City to usable energy.

Project History

The City of Norco is called "Horsetown USA" and lives up to the title by having a thriving, animal-friendly and equestrian-oriented community. However, the management of the waste generated by the 17,000 plus horses in the city presents a unique challenge to the community. Currently, the residents and horse owners do a good job of managing and collecting the manure for off-site disposal. *The intent of the City of Norco "Horse Manure to Energy Conversion Study" is simple: to identify how to dispose the horse manure in a more environmentally friendly and sustainable way, while viably generating renewable energy.* We propose to do this through a thermal conversion process. This process should be:

- | | |
|---|--|
| <ol style="list-style-type: none"> 1) Environmentally friendlier than the disposal methods it replaces 2) Reduce total global impact on the environment 3) Control nuisance odor 4) Avoid contamination of ground water 5) Minimize air emissions 6) Provide a long term economical sustainable solution to the City for the disposal of horse manure | <p>CES proposes an innovative way to turn waste into energy, saving the City of Norco and its citizens' money.</p> |
|---|--|

CES congratulates the City for its proactive approach in investigating a solution to preserve Norco's equestrian lifestyle by finding a long-term solution for horse manure disposal. In particular, CES believes that the proposed project, if implemented, will be an important adjunct to the City's efforts in maintaining the unique rural environment which is so attractive to Norco residents.

This Study finds that there is a potential technical solution that can be implemented. This is provided that the City, the technology provider, and the EPC (Engineering, Procurement, and Construction) contractor can manage the design, construction and operation risks related to this original project. Financially, under current conditions and assumptions, and based on order of magnitude savings and costs, the costs over the project life are projected to exceed the project savings. The City, however, may choose to develop this project based on reasons other than purely financial or may anticipate changes to the variables used in evaluating economic viability.



CES believes that the horse manure to energy project can deliver far-reaching, long-lasting benefits for the City, both from a lifestyle management perspective and an economic perspective. The Study is detailed in the following sections:

Section 1 – Executive Summary
Section 2 – Introduction
Section 3 – Feedstock
Section 4 – Technology
Section 5 – Environmental
Section 6 – Economics
Section 7 – Recommendations
Appendices

In the sections below are the key findings of this Study as they relate to the availability of feedstocks, technologies evaluated, sites evaluated and environmental considerations.

Feedstock

There is a large supply of horse manure within the City of Norco as there are numerous residential and commercial community members who own horses, as well as numerous equestrian events. The City has taken significant steps to manage the proper disposal of the manure including passing a city ordinance requiring its citizens and businesses to collect and dispose of this material. The City currently has a franchise agreement with a vendor that provides disposal bins to place horse manure curbside so the vendor can collect and dispose of it in an appropriate manner. Norco residents also have the option to collect and dispose of the horse manure on their own.

Typically the horse manure will include a significant amount of bedding material, mostly wood chips or shavings, though some use straw. Neither of these materials will present a problem to the waste to energy process. However, there is also a small amount of dirt, sand, and “other” trash that is included with the feedstock stream that could present difficulties and should be minimized in the collection and storage process.

To increase the capacity of the waste to energy plant and to improve the system economics, other biomass, such as green waste, can be added to the feedstock. Specifically, woody biomass (wood chips) can be added to the horse manure stream. The relatively high moisture content of the typical, fresh cut wood chips can be easily reduced by utilizing space on site for storage so as to take advantage of the arid region for air and sun drying of the material. There is a significant quantity of woody biomass available within the City limits and surrounding areas, typically in the form of tree branches that have been pruned or removed. This material can be delivered to the waste to energy plant and processed. Preliminary investigations estimate that there is approximately 150 tons per day of woody biomass available within Norco and the surrounding area, although further investigation should be done to confirm availability of this material for this purpose.

On average, there are approximately 65 tons per day of horse manure at an average of 45% moisture content available within the city limits of Norco. The horse manure would be delivered to the site and stored in a manner to minimize nuisance odors and vector attraction with minimal storage time and a “first in-first out” approach.

Technologies

There are several waste-to-energy facilities that exist in the State of California. According to the California Energy Commission¹, there are 132 facilities in the State that generate 985 MW of electricity. These facilities are broken into the following categories:



<u>Technology</u>	<u>Facilities</u>	<u>MW</u>
Solid fuel combustion *	30	640
Landfill gas to energy	60	275
Wastewater treatment	20	64
Animal and food waste digester	22	6

*Includes forest waste, urban wood waste, agricultural/food processing, municipal solid waste.

Most of the animal waste facilities serve dairy farms or hog farms where the manure feedstock is very wet, which lends itself to an anaerobic digestion process. Anaerobic digestion is a biological process that produces a gas principally composed of methane and carbon dioxide, otherwise known as biogas¹. Once produced, this biogas is delivered to a traditional system such as a boiler, engine/generator, or fuel cell where it is converted to electricity. This technology is not appropriate for the horse manure feedstock that the city of Norco collects which is very dry and would require the addition of water to digest in this manner. Instead, the most suitable technology available is a thermal conversion process designed to handle dry fuel.

There are three categories of thermal conversion technologies that were studied: pyrolysis, gasification and thermal combustion. These technologies, as well as several potential equipment providers, were investigated and vetted as part of this study. These companies include:

- | | |
|--|---|
| <ul style="list-style-type: none"> • International Environmental Solutions (IES) – Pyrolytic Gasification • PowerHouse Energy (PHE) - Pyrolytic Gasification • Radian BioEnergy (Emery Energy) – Downdraft Gasification • Recovered Energy Resources – Updraft Gasification • Primenergy – Updraft Gasification • ICM, Inc – Rotary-Auger Gasification • Energy Products of Idaho (EPI) – Fluidized Bed Gasification • Hurst Boiler and Welding Company, Inc. – Reciprocating Grate Gasification | <p>There are three categories of thermal conversion technologies that were studied:</p> <ul style="list-style-type: none"> - Pyrolysis - Gasification - Thermal Combustion |
|--|---|

Energy Products of Idaho (EPI) fluidized bed gasifier process appears to be the most appropriate technology for the City of Norco waste to energy plant. This technology has proven to be robust, flexible in operation, and efficient in converting biomass to biogas. Additionally, an EPI facility pilot plant was used to perform tests of the horse manure and woody biomass gasification to help verify and establish design criteria for this project.



Once the biomass has been converted into thermal energy, this energy must then be converted into electricity and heat.



Several technologies were investigated in this study. A discussion of each technology is located in the Technology section of this study. The two energy conversion technologies deemed most applicable for this type, and size, of facility included the following:

- **Steam Rankine Cycle:**
This is a traditional cycle in which the heat from the biomass thermal conversion system is recovered in a steam boiler that produces and sends super heated, high pressure steam to a steam turbine to produce electricity.
- **Organic Rankine Cycle:**
This cycle is similar to a steam cycle, but utilizes an organic working fluid similar to refrigerants used in air conditioning units and large chillers. The heat from the biomass thermal conversion system is recovered and heats a high pressure refrigerant in a hermetically sealed environment, which is converted to a vapor (from liquid to gas, similar to a steam boiler) and is sent to a specialized turbine to produce electricity. In essence, it operates like a refrigerant (chiller) cycle running backwards. The advantage of this system is it avoids some of the high cost of continuous staffing by licensed steam boiler operators.

Project Siting

There were two sites that were considered under this study:

- Water Plant at 4000 Bluff Street
- WRCRWA Wastewater Plant at 14634 River Road

Considerations for determining the most appropriate site for the waste to energy plant include logistics, total electrical use, and total thermal use. Based on the amount of feedstock availability and the projected energy production, the West Riverside County Regional Wastewater Authority (WRCRWA) facility is most appropriate of the two sites. This facility is much larger than the Water Plant and can therefore potentially utilize all of the electrical production, or provide a point at which generated electricity can be more easily introduced back into the grid for utility purchase. It can also use the thermal production of the plant to dry the biosolids, which will ultimately reduce the biosolids disposal costs at the plant. There is no thermal energy demand at the Water Plant.

Environmental

There are significant environmental permitting requirements that will have to be addressed in the next phase of this project, if the City opts to pursue this waste to energy plant. The first step is the plant will have to be permitted through the South Coast Air Quality Management District (SCAQMD), which is a lengthy process that falls outside the scope of this Engineering Study. Significant work remains to be done prior to obtaining



approval from SCAQMD; however CES has made some initial inquiries on an approach to obtain that approval and we have suggestions on how to expedite the process.

Once the City determines if the waste to energy plant is to be pursued, environmental permitting should be one of the first issues that should be addressed. A discussion of the related environmental issues and regulatory requirements has been included in the Environmental section of this Study. This includes:

- Air quality
- Water quality
- Solid waste management
- Source reduction and recycling
- Waste processing
- Flow control

Financial Analysis

Assuming that the amount of horse manure available for this project is restricted to approximately 65 tons/day, the viability of this project largely depends on the amount of woody biomass available. CES evaluated multiple financial scenarios with woody biomass quantities ranging from 85 tons/day to 150 tons/day, and the project economics improved with higher feedstock quantities. Figure ES-1 illustrates how the simple payback improves with increased feedstock quantities.

The higher the amount of feedstock available, the better the project economics.

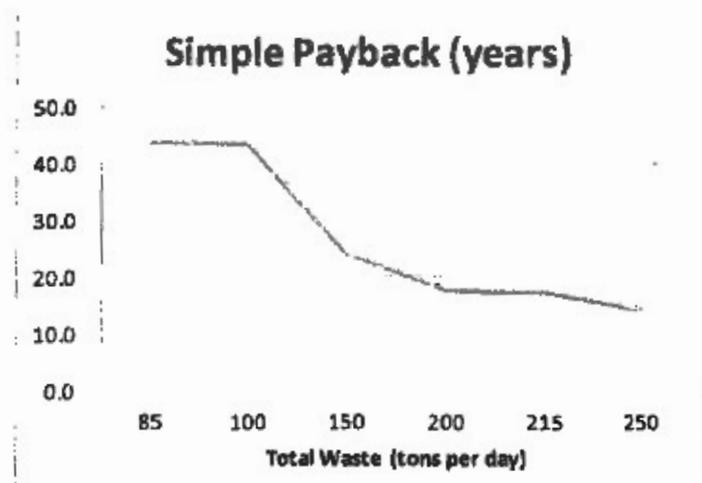


Figure ES-1: Simple Payback with Increasing Total Waste Quantities

Another variable that could have a significant positive impact on the project economics is the electric rate used for the electricity sold by the new plant.



The base assumption used for this engineering study was \$0.11 per kWh, however if that value increased the simple payback of the project will significantly improve per the Figure ES-2 below.

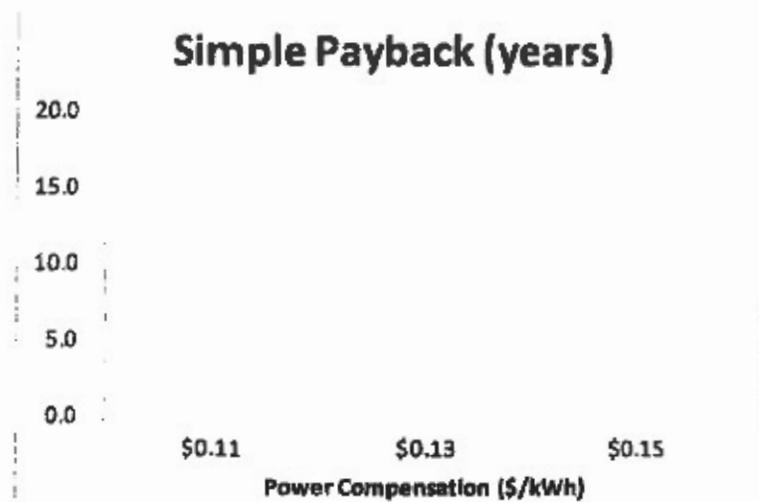


Figure ES-2: Simple Payback with Increasing Electricity Rate (based on 215 tpd of fuel)

As stated, the assumptions used for this engineering study are 215 total tons per day of fuel and \$0.11 per kWh for the electricity sales. From these numbers, the estimated project costs, savings, and expenses are as follows:

• Preliminary Project Price:	\$34,520,000
• Total 1 st Year Savings:	\$ 6,660,000
• Total 1 st Year Costs:	\$ 6,500,000
• Total 1 st Year Net Savings:	\$ 160,000

The total 1st year costs can vary depending on the type of financing that is leveraged for this project, and the types of financing can vary significantly. Interest rates are currently very low in the US due to the Euro crisis, and the subsequent “flight to safety” mentality that has permeated the global financial markets. We are presenting a cash flow proforma in Figure ES-3 that was created assuming that we could obtain an allocation of Qualified Energy Conservation Bonds (QECBs) from the state of California’s Treasurer’s office. These bonds are tax credit bonds that were authorized under ARRA. They currently do not have an expiration date. The state of California has an unused allocation of \$148 million as of October 31, 2011.

The QECBs provide the bondholder with a tax credit and a small amount of interest. As of the day we prepared the proforma, this is the current profile of a QECB financing:

1. Maximum term of 19 years (including construction – estimated at 18 months for this project)
2. Amortized payments over 17 ½ years (takes the financing term to 19 years, the current maximum)
3. Cost of issuance of 2% (maximum allowed by law)
4. Tax credit rate of 5.000%
5. Estimated supplemental coupon rate of 1.64%



The proforma below in Figure ES-3 reflects all of these data points and provides for a net positive cashflow.

Budgetary Cash Flow Analysis								
City of Norco Horse Manure to Energy Project								
Steam Option using 215 Tons per Day								
Preliminary Project Price								\$34,520,000
Financing Fees (2% capped by ARRA)								\$720,000
Construction Period Interest (18 months)								\$890,000
Amount to be Financed								\$36,130,000
Finance Term (including 18 mos construction)								19
Interest Rate (supplemental Coupon Rate)								1.84%
Financing Fees (Max allowed by ARRA)								2.00%
Escalation in Tipping Fee								3.00%
Annual Escalation of O&M Cost								3.00%
Annual Escalation of Energy Cost								4.00%
Year	Electricity Generated	Tipping Fee Savings	Biosolids Transportation Savings	Incentives & Grants	Total Savings	O&M Cost	Lease Payment	Net Savings
Year 1	\$2,340,000	\$410,000	\$460,000	\$3,450,000	\$5,660,000	\$1,630,000	\$4,870,000	\$160,000
Year 2	\$2,430,000	\$420,000	\$480,000	\$0	\$3,330,000	\$1,680,000	\$1,490,000	\$160,000
Year 3	\$2,530,000	\$430,000	\$500,000	\$0	\$3,460,000	\$1,730,000	\$1,570,000	\$160,000
Year 4	\$2,630,000	\$450,000	\$520,000	\$0	\$3,590,000	\$1,780,000	\$1,650,000	\$160,000
Year 5	\$2,730,000	\$460,000	\$540,000	\$0	\$3,730,000	\$1,830,000	\$1,740,000	\$160,000
Year 6	\$2,840,000	\$470,000	\$560,000	\$0	\$3,860,000	\$1,880,000	\$1,830,000	\$160,000
Year 7	\$2,960,000	\$480,000	\$580,000	\$0	\$4,030,000	\$1,940,000	\$1,920,000	\$160,000
Year 8	\$3,070,000	\$500,000	\$610,000	\$0	\$4,180,000	\$2,000,000	\$2,020,000	\$160,000
Year 9	\$3,200,000	\$520,000	\$650,000	\$0	\$4,350,000	\$2,060,000	\$2,120,000	\$160,000
Year 10	\$3,330,000	\$530,000	\$690,000	\$0	\$4,510,000	\$2,120,000	\$2,230,000	\$160,000
Year 11	\$3,460,000	\$550,000	\$680,000	\$0	\$4,690,000	\$2,190,000	\$2,340,000	\$160,000
Year 12	\$3,600,000	\$570,000	\$710,000	\$0	\$4,870,000	\$2,250,000	\$2,460,000	\$160,000
Year 13	\$3,740,000	\$580,000	\$740,000	\$0	\$5,060,000	\$2,320,000	\$2,580,000	\$160,000
Year 14	\$3,890,000	\$600,000	\$770,000	\$0	\$5,260,000	\$2,390,000	\$2,700,000	\$160,000
Year 15	\$4,050,000	\$620,000	\$800,000	\$0	\$5,460,000	\$2,460,000	\$2,840,000	\$160,000
Year 16	\$4,210,000	\$640,000	\$830,000	\$0	\$5,670,000	\$2,540,000	\$2,970,000	\$160,000
Year 17	\$4,380,000	\$660,000	\$860,000	\$0	\$5,890,000	\$2,610,000	\$3,120,000	\$160,000
Year 18	\$4,550,000	\$680,000	\$900,000	\$0	\$6,120,000	\$2,690,000	\$1,720,000	\$1,720,000
Year 19	\$4,730,000	\$700,000	\$930,000	\$0	\$6,360,000	\$2,770,000	\$0	\$3,590,000
Year 20	\$4,920,000	\$720,000	\$970,000	\$0	\$6,610,000	\$2,850,000	\$0	\$3,760,000
Totals	\$88,590,000	\$11,000,000	\$13,720,000	\$3,450,000	\$87,710,000	\$43,730,000	\$42,170,000	\$11,780,000

Figure ES-3: Budgetary Cash Flow Projection

Proforma Notes:

1. Electricity Generated. This is the amount of electricity that the plant will produce and sell, based on \$0.11/kWh.
2. Tipping Fee Savings. This is the savings offset generated by not having to dispose of the horse manure.
3. Biosolids Transportation Savings. This is the transportation savings offset resulting from reducing the number of biosolid disposal trips from the WRCRWA facility.
4. Incentives & Grants. The anticipated discount resulting from the City applying for various government grants, incentives, and rebates. The proforma is based on a value that is 10% of the preliminary project price, which is a conservative estimate. The economics in Section 6 were run assuming 20% in incentives and grants.
5. Total Savings. This column simply combines the previous 4 columns into one.
6. Operation & Maintenance Costs. This is the estimated cost of staffing and maintaining the plant for the duration of the project life.
7. Lease Payment. This is the estimated lease payment based on the financing parameters listed in the table. The payments in the column vary year to year so that the Net Savings in the next column are flat.



Project Benefits

Under the base conditions and assumptions, the projected cash flow is expected to be positive. However, *relatively small changes in a few key variables can result in unfavorable economics for the project.* These variables could include:

- The capacity (size) of the energy facility
- The value of the electrical power generated
- Cost of the woody biomass. We have assumed that the woody biomass will be available to the City at no cost.
- The horse manure tipping fee

The Recommendations section discusses the effects of these variables and shows how simple payback can be reduced to less than 15 years. Even with marginal economic benefits, *there are many non-economic benefits of this project.* Some noneconomic factors influencing the decision to move forward with this project are given below:

- Currently the options for disposal of horse manure are severely limited, costly, and not in the City's control. This project provides a way forward where the solution will be within the City's control and can stabilize the cost of disposal.
- This project provides a long term solution to the problem of horse manure disposal.
- This innovative project will showcase the City as a national leader in sustainable waste disposal.
- This project generates renewable electricity and heat, which effectively reduces the pollution generated by the utilities. Thus, this project is good for the environment.
- The project will help avoid any potential fines and fees that can be levied on the City because of contamination of ground water with horse manure runoff.
- This project will provide a stimulus to the local economy during construction and also provide skilled employment to a number of people for operation and maintenance of the plant.

Next Steps for the City

This Study was conducted to determine the potential of a horse manure to energy conversion project. This Study has demonstrated that the technical and financial viability of such an endeavor is possible under the right circumstances. The next step in this process would be for the City to determine issues relating to ownership, project siting, operational responsibility, long-term feedstock availability, and long term off-taking contracts for electricity and waste heat.

References:

¹Text and information excerpted from the California Energy Commission website, <http://www.energy.ca.gov/biomass/index.html>.

Acknowledgments:

We would like to extend our sincere appreciation to the City of Norco and the DOE, particularly Mr. Andy Okoro and Mr. Bill Thompson, who provided friendly, helpful, and professional assistance during this Study.



Exhibit "C"

Introduction

The City of Norco was established for a community of likeminded people who value horse ownership. The horse manure and associated products are considered “waste” requiring clean-up and disposal and poses an on-going economic and environmental liability.

Environmental concerns have placed restrictions on the number of animals and the handling of the manure, thus driving up associated costs presenting a threat to the traditional lifestyle of Norco. The

hope is that through a waste-to-energy system (namely, a thermal conversion process), this environmental liability can be turned into an asset for the City. Horse manure (a variable mixture of feces, urine and bedding material) is a readily-available form of biomass in Norco that is generated in excess, with sufficient economic and environmental costs to warrant a careful consideration of alternatives to disposal.

Through a waste-to-energy system (namely, a thermal conversion process), this environmental liability can be turned into an asset for the City

Air Quality

The National Environmental Policy Act (NEPA) of 1969 established national policies and goals for the protection of the environment. NEPA directs all federal agencies to give appropriate consideration to the environmental effects of their decision making and to prepare detailed environmental impact statements (EIS) on recommendations or reports on proposals for legislation and other major federal actions significantly affecting the quality of the environment.

NEPA is divided into two titles: Title I outlines a basic national charter for protection of the environment; Title II establishes the Council of Environmental Quality (CEQ), which monitors the progress made toward achieving NEPA goals, advises the president on environmental issues and provides guidance to other federal agencies on compliance with NEPA.

Preventing air and water pollution from animal feeding operations (AFOs) is a major federal priority, and tightly-controlled thermal decomposition is recognized as a preferred approach for dry manure management.¹ In 2007, the Environmental Protection Agency (EPA) released a Small Business Innovative Research (SBIR) grant solicitation for “Animal Waste and Waste-to-Energy”² technologies. The solicitation focused on waste-to-energy technologies that:

“... combine energy efficiency with solving the AFO waste management problem. Among technologies of interest are gasification systems that include an enclosed thermal device and associated gas cleaning system. These systems limit oxygen concentrations in the enclosed thermal device to prevent full oxidation of thermally dissociated gaseous compounds...”

The EPA further notes further that:

“... animal waste, wastewater and manure need to be treated effectively and systems need to be managed to avoid accidents, spills or excessive runoff into receiving waters. Surface water can be polluted by rainy season stormwater sweeping manure into the nearest ditch or stream, or by leaching of waste material (e.g., nitrates and salts, pathogens – bacterial and viral, veterinary pharmaceuticals, natural and synthetic hormones and their metabolites) into groundwater. Ammonia, methane, volatile organic compounds (VOCs),



hydrogen sulfide and particulate emissions are air pollutants of concern associated with AFOs.”

The EPA recognizes the need for “cost effective AFO technologies that offer cross-media solutions to manure management.” Gasification of animal waste can be a significant mitigation of the impacts attendant to animal manure sourced pollutant released into the environment.

The California Environmental Quality Act (CEQA) was adopted in 1970 and incorporated in the Public Resources Code §§21000-21177. Its basic purposes is to: inform governmental decision makers and the public about the potential significant environmental effects of proposed activities; identify ways that environmental damage can be avoided or significantly reduced; require changes in projects through the use of alternatives or mitigation measures when feasible; and disclose to the public the reasons why a project was approved if significant environmental effects are involved. CEQA applies to projects undertaken, funded or requiring an issuance of a permit by a public agency. The analysis of a project required by CEQA usually takes the form of an Environmental Impact Report (EIR), Environmental Impact Statement (EIS), Negative Declaration (ND), or Environmental Assessment (EA).

CEQA applies to projects undertaken by a public agency, funded by a public agency or requiring an issuance of a permit by a public agency. A “project” means the whole of an action that has a potential for resulting in physical change to the environment, and is an activity that may be subject to several discretionary approvals by governmental agencies. A “project” may include construction activities, clearing or grading of land, improvements to existing structures, and activities or equipment involving the issuance of a permit.

The Air Quality Management District (AQMD) has formalized its environmental review process by developing Form 400-CEQA to be completed by the project applicant. Form 400-CEQA is a screening tool used by the AQMD to determine if the project is exempt from CEQA, or if an analysis of potential environmental impacts is necessary. CEQA will require that the Norco Horse Waste-to-energy project undergo a multi-stage review process that encompasses and incorporates all other state permitting and licensing. CEQA does not directly regulate land uses, but instead requires that project developers submit documentation of their potential environmental impact. The CEQA process acts to ensure reviewers take possible impacts into account, and it requires that significant impacts be mitigated. CEQA is processed by a “lead agency.” In the case of this project, the lead agency would be the City of Norco.

Project proponents must design for compliance. It is crucial that major aspects of environmental quality likely to be impacted are clearly understood early in the project. In this way, standards, bracket actions, and economic feasibility are informed by technical capability to efficiently reach goals, while staying below regulatory thresholds.

It is crucial that major aspects of environmental quality likely to be impacted are clearly understood early in the project.

To obtain a permit from AQMD, owners and/or operators of equipment that emits air contaminants may be required to comply with the new source review (NSR) requirements of AQMD’s Regulation XIII or Rule 2005. One possible requirement is the application of Best Available Control Technology (BACT). New rules introduced by the EPA in 2011 may eventually require more reviews for definition of “waste” vs. “fuel” criteria, and may also require Maximum Achievable Control Technology (MACT) for any new biogenic (including biomass) thermal projects.

Clean Fuel Requirements

In January 1988, the AQMD Governing Board adopted a Clean Fuels Policy that included a requirement to use clean fuels as part of BACT. A clean fuel is one that produces air emissions equivalent to or lower than natural gas for Oxides of Nitrogen (NOx), Oxides of Sulfur (SOx), Reactive Organic Gases (ROG), and fine



respirable particulate matter (PM10). Besides natural gas, other clean fuels include methanol, liquid petroleum gas (LPG), and hydrogen. The burning of landfill, digester, refinery and other by-product gases is not subject to the clean fuels requirement because they are considered essential to each industry. However, the combustion of these fuels must comply with other AQMD rules, including the sulfur content of the fuel.

The requirement of a clean fuel is based on engineering feasibility. Engineering feasibility considers the availability of a clean fuel and safety concerns associated with that fuel. Some state and local safety requirements limit the types of fuel which can be used for emergency standby purposes. Some fire departments or fire marshals do not allow the storage of LPG near occupied buildings. Fire officials have, in some cases, vetoed the use of methanol in hospitals. If special handling or safety considerations preclude the use of the clean fuel, the AQMD has allowed the use of fuel oil as a standby fuel in boilers and heaters, and for emergency standby generators. The use of these fuels must meet the requirements of AQMD rules limiting NOx and sulfur emissions.

Air Quality Issues and Standards

The US Clean Air Act authorized the EPA to establish and enforce air quality standards. In California, the Air Resources Board (ARB) administers national standards at the state planning level, primarily by developing state implementation plans (SIPs), and passes local administration to air pollution control districts (APCDs). The South Coast Air Quality Management District oversees all forms of operations that might emit serious pollutants to the Los Angeles Air Basin; many would consider SCAQMD as the single most stringent air regulatory agency in the nation.

City of Norco

The City and its citizens accept that their chosen lifestyle includes a responsibility to provide adequate equine-related waste management and resource recovery services. The 2006-2007 Strategic Plan assigned the Norco Public Works Department two specific responsibilities that have prompted re-assessment of the feasibility for conversion of horse manure into clean energy:

- 6-F, "Evaluate and make recommendations to reduce energy demand of water and sewer system pumping processes in preparation for coming energy rate increases", and
- 7-D, "Assume all maintenance for all trails in the Land Management Districts (LMDs)".

LAER & BACT

Conversion of "biomass" into energy is expected to be permissible under SCAQMD rules and environmental standards. Installations would probably be subject to both "Lowest Achievable Emissions Rate" (LAER) standards for all pollutants, and would require incorporation of "Best Available Control Technology" (BACT). See Table 5-1 below for guidelines).

Table 5-1: Thermal processing BACT Recommendations					
Criteria Pollutants					
Rating / Size	VOC	NOx	SOx	CO	PM ₁₀
≤ 300 lbs/hr	Multi-chamber starved air design ≥ 0.5 sec retention @ ≥ 1600° F (871° C)	Natural Gas as Auxiliary Fuel	Natural Gas as Auxiliary Fuel with Wet Scrubber	Multi-chamber starved air design ≥ 0.5 sec retention @ ≥ 1600° F (871° C)	Natural Gas as Auxiliary Fuel with Enclosed Automatic Feed and Fly-ash removal System



>300 lb/hr & <750 lb/hr	Same Design	Same as above	Same as above	Same Design	0.04 gr/dscf Corrected to 12% CO ₂ with Enclosed Automatic Feed and Fly-ash removal System
≥750 lb/hr	Multi-chamber starved air design ≥ 0.5 sec retention @ ≥ 1800° F (982° C)	Same as above	Same as above	Multi-chamber starved air design ≥ 0.5 sec retention @ ≥ 1800°F (982 C)	Same as above

Source: SCAQMD BACT standards, Part D: guidelines for non-infectious, non-hazardous waste incineration

Priority Pollutants

Air pollutants of concern include nitrogen oxides (NO_x), sulfur dioxides (SO₂), carbon monoxide (CO), particulate matter, reactive organic gases (equivalent to federal “volatile organic gases”, or VOCs), and ozone, formed as a secondary pollutant produced in sunlight from VOCs and NO_x. (See Figure 5-1 on the following page). Background, or “ambient” air quality standards provide a metric against which we measure emissions.



Ambient Air Quality Standards								
Pollutant	Averaging Time	California Standards ¹		Federal Standards ²				
		Concentration ³	Method ⁴	Primary ^{5,6}	Secondary ^{5,6}	Method ⁷		
Ozone (O ₃)	1 Hour	0.09 ppm (180 µg/m ³)	Ultraviolet Photometry	—	Same as Primary Standard	Ultraviolet Photometry		
	8 Hour	0.070 ppm (137 µg/m ³)		0.076 ppm (147 µg/m ³)				
Respirable Particulate Matter (PM ₁₀)	24 Hour	50 µg/m ³	Gravimetric or Beta Attenuation	100 µg/m ³	Same as Primary Standard	Inertial Separation and Gravimetric Analysis		
	Annual Arithmetic Mean	20 µg/m ³		—				
Fine Particulate Matter (PM _{2.5})	24 Hour	No Separate State Standard		35 µg/m ³	Same as Primary Standard	Inertial Separation and Gravimetric Analysis		
	Annual Arithmetic Mean	12 µg/m ³	Gravimetric or Beta Attenuation	15.0 µg/m ³				
Carbon Monoxide (CO)	8 Hour	9.0 ppm (10 mg/m ³)	Non-Dispersible Infrared Photometry (NDIR)	0 ppm (0 mg/m ³)	None	Non-Dispersible Infrared Photometry (NDIR)		
	1 Hour	20 ppm (23 mg/m ³)		35 ppm (40 mg/m ³)				
	8 Hour (Lake Tahoe)	0 ppm (7 mg/m ³)		—				
Nitrogen Dioxide (NO ₂)	Annual Arithmetic Mean	0.030 ppm (57 µg/m ³)	Gas Phase Chemiluminescence	53 ppb (100 µg/m ³) (see footnote 8)	Same as Primary Standard	Gas Phase Chemiluminescence		
	1 Hour	0.18 ppm (330 µg/m ³)		100 ppb (188 µg/m ³) (see footnote 8)			None	
Sulfur Dioxide (SO ₂)	24 Hour	0.04 ppm (105 µg/m ³)	Ultraviolet Fluorescence	—	—	Ultraviolet Fluorescence, Spectrophotometry (Pararosaniline Method) ⁷		
	3 Hour	—		—			0.5 ppm (1300 µg/m ³) (see footnote 9)	
	1 Hour	0.28 ppm (638 µg/m ³)		75 ppb (180 µg/m ³) (see footnote 9)			—	
Lead ¹⁰	30 Day Average	1.5 µg/m ³	Atomic Absorption	—	—	—		
	Calendar Quarter	—		1.5 µg/m ³			Same as Primary Standard	High Volume Sampler and Atomic Absorption
	Rolling 3-Month Average ¹¹	—		0.15 µg/m ³				
Visibility Reducing Particles	8 Hour	Extinction coefficient of 0.23 per kilometer — visibility of ten miles or more (0.07 — 30 miles or more for Lake Tahoe) due to particles when relative humidity is less than 70 percent. Method: Beta Attenuation and Transmittance through Filter Tape.		No				
Sulfate	24 Hour	25 µg/m ³	Ion Chromatography	Federal				
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m ³)	Ultraviolet Fluorescence	Standards				
Vinyl Chloride ¹⁰	24 Hour	0.01 ppm (28 µg/m ³)	Gas Chromatography	Standards				

See footnotes on next page ...

For more information, please call ARB-FIO at (916) 322-2990

California Air Resources Board (09-08-10)

Figure 5-1: Ambient Air Quality Standards for Priority Pollutants



Chevron Energy Solutions

S-5

Ambient Air Quality Standards Table Footnotes: (Figure 5-1)

1. California standards for ozone, carbon monoxide (except Lake Tahoe), Sulfur dioxide (1 and 24 hour), nitrogen dioxide, suspended particulate matter – PM10, PM25, and visibility reducing particles, are values that are not to be exceeded. All others are not to be equaled or exceeded California ambient air quality standards are listed in the Table of Standards in section 70200 of Title 17 of the California Code of Regulations.
2. National standards (other than ozone, particulate matter, and those based on annual averages or annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest eight hour concentration in a year, averaged over three years, is equal to or less than the standard. For PM10, the 24 hour standard is attained when the expected number of days per calendar year with a 24 hour average concentration above 150 $\mu\text{g}/\text{m}^3$ is equal to or less than one. For PM2.5, the 24 hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard. Contact U.S. EPA for further clarification and current federal policies.
3. Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25° C and a reference pressure of 760 torr, ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.
4. Any equivalent procedure which can be shown to the satisfaction of the ARB to give equivalent results at or near the level of the air quality standard may be used.
5. National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.
6. National Secondary Standard: the levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.
7. Reference method as described by the APS. An "equivalent method" of measurement may be used but must have a "consistent relationship to the reference method" and must be approved by the EPA.
8. To attain this standard, the 3-year average of the 98th percentile of the daily maximum 1-hour average at each monitor within an area must not exceed 0.100 ppm (effective January 22, 2010). Note that the EPA standards are parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the national standards to the California standards the units can be converted to ppb to ppm. In this case, the national standards of 53 ppb and 100 ppb are identical to 0.053 ppm and 0.100 ppm, respectively.
9. On June 2, 2010, the U.S. EPA established a new 1-hour SO₂ standard, effective August 23, 2010, which is based on the 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations. EPA also proposed a new automated Federal Reference Method (FRM) using ultraviolet technology, but will retain the older pararosaniline methods until the new FRM have adequately permeated State monitoring networks. The EPA also revoked both the existing 24-hour SO₂ standard of 0.14 ppm and the annual primary SO₂ standard of 0.030 ppm, effective August 23, 2010. The secondary SO₂ standard was not revised at that time; however, the secondary standard is undergoing a separate review by EPA. Note that the new standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the new primary national standard to the California standard the units can be converted to ppm. In this case, the national standard of 75 ppb is identical to 0.075 ppm.
10. The ARB has identified lean and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.

For more information please call ARB-PIO at (916) 322-2990

California Air Resources Board (09/08/10)



Energy Solutions

5-6

Air Basin Attainment Status

The 2009 “State Area Designation” delineates areas of state and federal air quality standards attainment. The western Riverside County project region of the South Coast Air Basin remains in non-attainment for levels of Ozone, Particulate Matter (PM₁₀), and Fine Particulate Matter (PM_{2.5}).

NOx Offsets

Horse manure naturally contains nitrogen, although not as much as cow manure and other “resources” better suited for use as fertilizer. Combustion of nitrogen generates nitrous oxides (NOx), which as an emission to be controlled, present a significant challenge. “NOx Offsets” may need to be purchased, even in addition to BACT application for emissions control. Installations may require purchase of emissions reduction credits or offset facility operational emissions, following provisions of SCAQMD’s Regional Clean Air Market program (RECLAIM).

The City of Norco and surrounding western Riverside County are located within a Class II RECLAIM Trading Zone, with specified parameters that must be achieved for compliance. The cost impact of purchasing NOx emissions reduction credits must be considered; this may not be possible to accurately determine until final design.

Persistent Organic Pollutants (POPs)

Some of the most toxic classes of compounds include POPs, generally describes as congeners of dioxin, furan and similar molecular structures. Dioxins and furans are formed as the result of combustion, and occur naturally in the environment through such actions as volcanic eruptions and forest fires. In large enough doses, dioxins can have adverse health effects. Over the past 30 years, ambient dioxin levels have dropped dramatically as better pollution control technology has become available; in parallel, our understanding of mechanisms of production and of toxicity have dramatically improved. Dioxin and furan emissions are now evaluated on a basis known as ITEQ (International Toxic Equivalents), which accounts for the relative toxicity of the individual compounds.

The federal Environmental Protection Agency has imposed strict emissions regulations - their new source limit restricts dioxin production to no more than one part per billion. Recent Conversion Technology testing on highly contaminated residues from post-recycling municipal solid waste have proven that advanced gasification can reduce these contaminants to meet these standards.³

Manure as a feedstock for thermal conversion does not present the levels of precursor compounds present in municipal solid waste, and ***production of these highly toxic pollutants is expected to remain considerably below all state and federal standards.*** Dioxin formation occurs primarily when emissions from incomplete combustion of poly-aromatic hydrocarbons (PAHs) are cooled from 450° C to around 200° C; this “window of reformation” also requires the presence of fine metal-laden particulate matter. One potential PAH precursor contaminant in this category will require special scrutiny: when nitrogen replaces a carbon molecule in a PAH, nitrous PAH or PAHN is formed. Recent studies resulting from oil shale and “clean coal” investigations indicate that presence of both high PAH and high nitrogen levels in thermal feedstock can produce toxic levels of PAHN. This condition is minimally present when thermally processing manure, but should be carefully assessed during later “runs” of the selected feedstock with the selected technology.

SCAQMD issues rules for special air quality management cases. One such is Rule 1127, Livestock Waste, issued in August of 2004. The Rule applies primarily to dairy operations, but could extend to any livestock manure management program. The intent is to reduce ammonia, VOCs and particulates from livestock waste, and applies to Manure Processing Operations:



“... an operation that receives manure from livestock operations and processes it for use. Such processing includes, but is not limited to, composting operations producing fertilizer and/or soil amendment ...”⁴

Although SCAQMD staff have stated that horse manure is not the focus of this rule, the program may provide a useful template for manure related dust control, moisture management, and VOC monitoring.

PM10 Offsets

Combustion of manure feed stock will generate particulate (PM10) emissions. Even though PM10 emissions will need to be controlled with Best Available Control Technology (BACT), potential PM10 emissions may also need to be offset. Specifically, PM10 emission reduction credits (ERC) would need to be provided to “offset” any proposed PM10 emission increases greater than 4 tons per year, according to the SCAQMD New Source Review regulation contained in Regulation XIII. This is a very critical issue as the current market for PM10 credits is extremely tight, with current prices at about \$200,000 per pound per day. Similar to NOx emissions, the cost impact of purchasing PM10 emissions reduction credits may need to be considered in final design.

Gasification technologies allow feedstock just enough retention time, temperature and oxygen to degrade most large molecules to a much smaller gaseous structure. This speeds up with each carbon-bond energy release, creating a self-maintaining exothermic reaction. Carbon atoms splitting from longer chains recombine with whatever oxygen and hydrogen are present, leaving little free O₂ or H₂ in the resulting syngas. Larger, more resilient molecules such as ring structures are broken down; tarring potential, although still present with any cooling gas stream, is substantially reduced. The overall heat requirement is supplied internally so external fuel usage is minimized to start-up. Where pyrolysis may be considered a “molecular grinder”, excellent for homogenizing a variable feedstock into a syngas with diverse carbon chain size, by comparison, gasification provides a more selective and complete reduction of carbon chain length. The syngas reflects this molecular scale reduction and combustion emissions similarly consist of far less incompletely degraded, complex contaminant molecules.

Incineration emissions are generated with the direct and, to the degree possible with the system, complete combustion of the feedstock. It is this degree of combustion that determines the inherent efficiency and cleanliness of an incinerator, as contaminants are produced as the incomplete products of combustion. High temperature fluidized bed, as represented in this suite of technologies under consideration, is a close-coupled gasification/oxidation system designed to maximize combustion in a carefully controlled volume of air-flow.

Water Quality

The City of Norco borders the Santa Ana River and there are concerns that the runoff from unmanaged animal waste will contribute to the degradation of the region’s water quality. The concerns are that surface runoff will lower the quality of the river water and that percolation of salts will impact the quality of groundwater. The City of Norco has a manure management plan in place that is designed to minimize this impact, and the hope is that this study may provide a viable and even more economical and environmentally responsible solution to aid in this effort.

In 1991 the U.S. Geological Survey initiated the *National Water-Quality Assessment (NAWQA) Program* to assess the status and trends in the quality of freshwater streams and aquifers, and to provide a sound understanding of the natural and human factors that affect the quality of these resources. As part of the program, investigations were to be conducted in 59 areas-, called “study units”, throughout the nation to provide a framework for national and regional water-quality assessment. Together, these areas account for 60 to 70 percent of the nation’s water use and population served by public water supplies, and cover about one-



half of the land area of the nation. As part of the NAWQA program, the U.S.G.S. is evaluating water quality in the Santa Ana Basin. (http://ca.water.usgs.gov/sana_nawqa/)

The Santa Ana Basin is the largest stream system in southern California and the study unit covers an area of about 2,700 square miles in parts of Orange, San Bernardino, Riverside, and Los Angeles Counties. The study unit is home to more than 4 million people who not only rely on water resources that originate within the basin, but also on water imported from northern California and the Colorado River.

In general, the quality of surface and ground water in the Santa Ana Basin becomes progressively poorer as water moves along hydraulic flow paths. The highest quality water is typically associated with tributaries flowing from surrounding mountains and ground water recharged by these streams. Water quality is altered by a number of factors including consumptive use, importation of water high in dissolved solids, run-off from urban and agricultural areas, and the recycling of water within the basin. Beginning in 1998, and continuing for a period of three years, the Santa Ana NAWQA project intensively investigated the quality of water resources in the study unit. The largest and most important component of the intensive-study phase was an "Occurrence and Distribution Assessment". The goal of this assessment was to characterize, in a nationally consistent manner, the broad-scale geographic and seasonal variations of water-quality related to major contaminant sources and background conditions.

Figure 5-2 presents a USGS map of the basin showing areas where the major testing and sampling is occurring in the effort to characterize water quality and sources of contamination in the watershed. The Santa Ana Basin occupies ~2700 square miles in the Coastal Range Province of Southern California, beginning in the San Bernardino Mountains (which reach altitudes exceeding 10,000 feet) and flowing more than 100 miles to the Pacific Ocean near Huntington Beach. The watershed is home to over 4 million people, and the population is expected to increase by more than 50% by the year 2020.

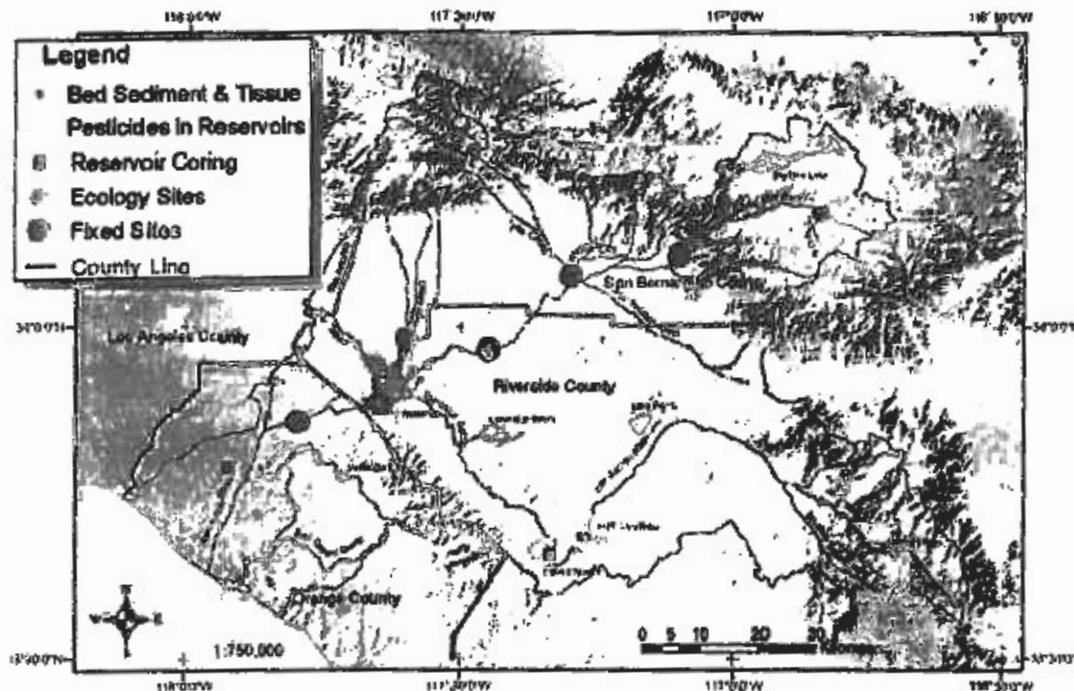


Figure 5-2: Coastal Range Province of Southern California



Solid Waste Management

Horse manure is a “solid waste” according to California waste law, and as such is subject to all solid waste management regulations and policies. Riverside County is the Local Enforcement Agency (LEA) for the state-level California Integrated Waste Management Board (CIWMB; see: www.ciwmb.ca.gov). The County maintains a tracking and recordkeeping program for all disposal and waste diversion activities and data are updated annually and reported to the California Integrated Waste Management Board based upon a 2005 base year comparison. Riverside County accepts “herbivore animal waste” at the County landfills at the going disposal rate (as for greenwaste, there is no surcharge). Manure is accepted un-bagged but the load must be covered for delivery. By County ordinance, manure must be kept separate from other municipal solid wastes, but current franchise agreements for solid waste collection within the unincorporated areas surrounding Norco do not include any specific provisions for manure collection.

Manure disposal to El Sobrante Landfill is currently minimal but the City might be able to quantify some amount now and will need to keep better records in the future. El Sobrante Landfill is presently developing a Supplemental Environmental Impact Report (SEIR) which is at the Initial Study (IS) stage. Greenhouse Gas emissions (GHG) are under close scrutiny in this new CEQA assessment. There may be specific benefit to the County for assessing and documenting reduction in GHGs as a result of City implementation of Manure BMPs.

Source Reduction and Recycling Element (SRRE)

Horse manure, as established, is a recyclable resource that must be removed from source sites. Chino Basin constraints on salt and nitrogen leaching into subtending aquifers continue to restrict agricultural spreading of manure, a practice now prohibited at least within the boundaries of the City of Norco, and the number and variety of legal deposition sites for this resource, whether composting or fertilizer blending, continue to decrease. State law passes the responsibility for recycling and resource recovery to the County for oversight, who in turn require their cities to develop and implement recycling programs, and to assist in the tracking necessary for compliance with the state mandates.

Diversion Credits are the measure of exchange through which the county finds or creates alternative beneficial uses and documents tonnage that would otherwise be disposed to a regional landfill. Within each county’s mandatory Integrated Waste Management Plan (IWMP), a Source Reduction and Recycling Element (SRRE) describes efforts and reports tonnage to the state and public. PRC Section 41825 requires the California Integrated Waste Management Board (CIWMB) to review each city, counties, and regional agencies (jurisdiction) SRRE and HHWE (household hazardous waste element) at least once every two years. Riverside County’s 2007 SRRE reports calculated diversion against a 2005 base-year. SRREs subdivide program efforts, isolating diverted tonnage resulting from such program aspects as:

- Commercial and residential “curbside” recycling (approximately 55,000 and 40,000 tons, respectively),
- On-site (or “backyard”) composting (14,000 tons), and
- Biomass used as feedstock for the regional Colmac Bioenergy plant (43,000 tons).

Both the City (at 54% diversion for 2006) and the County are in general compliance with total diversion requirements of the Integrated Waste Management Act (AB 939), yet increased diversion program development carries a monetary value to the County and program areas remain that the proposed project would augment. The County claimed no diversion for commercial self-haul of green waste, for example, and noted a decrease in regional composting facilities.



Waste Processing

In 2007, CIWMB issued a “Guidance Document” for state regulatory structure pertinent to application of advanced thermal conversion technologies to the processing of solid waste. In that document, CIWMB differentiated between facilities that did and those that did not need a Solid Waste Facilities Permit (SWFP). Certain solid waste activities are not regulated by IWMB and require no special permitting or monitoring by the County, as the LEA:

- When a waste management facility is comprehensively regulated by either the ARB and its regional agents (SCAQMD,) or the Water Resources Control Board and its agents (R-8 RWQCB), CIWMB need not treat the operation as a Solid Waste Facility; and
- Transfer and processing facilities that are only handling material that has been source-separated for reuse and is not mixed with any other waste intended for or requiring disposal do not need a solid waste facilities permit, and this applies to conversion technology applications.

A “3-Part Test” determines whether statutory exclusion from requirements for solid waste facilities permitting and enforcement is applicable:

1. The site must be receiving material that has been source separated (by the generator) or separated for reuse (at a central facility) prior to receipt at the site;
2. Less than 1% of the material must be putrescible and not causing a nuisance; and
3. Less than 10% of the residual leaving the site is being sent to disposal.

The State’s guidance document summarizes the permitting exclusion for a gasification facility:

“Gasification is a separately defined type of solid waste facility ... A facility that is “gasifying” material that has been separated for re-use or source separated would not meet the requirements of this section and would instead be analyzed as a transfer/processing facility. If it met the “3-Part Test,” it would not require a SWFP...”

A project submitted to the county as Lead Agency would undergo preliminary review to determine permitting status and standards, prior to or during the Initial Study investigative phase of CEQA. At that time, each state agency would be approached for a determination of purview.

Flow Control

The right or ability of a state or municipality to direct waste to specific destinations is referred to as “flow control”, and has long been a controversial aspect of waste management. As discussed, manure recycling structured to intercept and source-segregate the resource can clearly be developed. But a resource becomes a waste when it is released by the “generator”, the source of that material, to the common municipal waste stream.

Riverside County’s 1996 *Integrated Waste Management Plan*⁶ recognized that there have been legal decisions that impact and direct the flow of waste and recycled goods, and summarized succinctly:

“There have been numerous court cases which have impacted waste management. In the case of *C. A. Carbone, Inc. v. Town of Clarkstown*, the U.S. Supreme Court (May, 1994) held that a flow control ordinance in the town of Clarkstown, New York, violates the Commerce Clause of the United States Constitution. In the 6-3 ruling, the majority concluded that the town’s flow control ordinance discriminated against interstate commerce and therefore is invalid. The decision was viewed as a major victory for private waste haulers and landfill



owners and a major setback for local governments.”

“A local case, *Waste Management of the Desert, Inc. v. Palm Springs Recycling, Inc.* (March, 1994), has also affected several agency recycling plans. In this case, the State Supreme Court ruled, in a 5-2 decision, that a city does not have authority under state law to grant a private business the exclusive right to collect recyclables. The court decision determined that a city may not prohibit non-franchised companies from collecting recyclable materials which are donated or sold to the company by the waste generator.”

This series of decisions must shape any feedstock acquisition for the proposed conversion facility. In terms of environmental quality control and compliance, a different aspect must also be considered: with control comes responsibility. The franchisee is granted the ownership of any material deemed “waste” by the generator and released to their control; this ownership carries the responsibility to maintain appropriate and consistent recycling and disposal documented in the contract, consistent with state law. For this project, the City wishes to direct waste to a certain destination: the proposed manure conversion facility. That authority recently was substantiated: a US Supreme Court ruling in 2007⁷ found that ordinances directing the flow of waste enable the municipality to pursue particular policies with respect to waste handling and treatment, while allocating the costs of those policies on citizens and businesses according to the volume of waste they generate.

Operational Knowledge

Although the proposed horse manure conversion facility could be judged statutorily exempt from the need for a SWFP, knowledge gained by other types of solid waste handling and processing programs can be quite useful. One of the air quality issues faced with organic solid waste handling is the release of volatile organic compounds (VOCs), especially as fresh material is initially handled.

In 2007, the CIWMB completed detailed sampling and analysis of VOC at a large green waste composting facility in Modesto, CA. The least expensive and most effective operational method for VOC control was found to be the application of a layer of finished compost over the freshly ground and windrowed green waste. This assessment would indicate that application of a low-density layer of fresh bedding, finished compost, or other stable organic “cover” could dramatically reduce VOC release from stored manure, as well. Such an application should also prove effective at vector and odor control, while incrementally improving the heat rate of the feedstock.

Green Energy Generation

Bioenergy Action Plan & Roadmap

On April 25, 2006, then Governor Arnold Schwarzenegger issued Executive Order S-06-06 (EO) which set goals for energy produced by biomass resources. The EO sought to ease critical waste disposal and environmental problems resulting from excess and unwanted biomass accumulation, including open burning, wildfires, and greenhouse gas emission release from landfilling biomass, and called for actions by the State to meet the following targets:

- By 2010, produce 20 percent of its biofuels within California, increasing to 40 percent by 2020 and 75 percent by 2050; and
- By 2010, produce 20 percent of its renewable electricity target from biomass within the State and maintaining this level through 2020.



The Governor directed the California Energy Commission to, "... coordinate with other responsible state agencies to identify and secure federal and state funding for research, development and demonstration projects to advance the use of biomass resources for electricity generation and biofuels for transportation...", by "re-invigorating" the Interagency Bioenergy Task Force. The interagency effort resulted in a Bioenergy Action Plan, which developed a "roadmap" to guide research, development and demonstration of biomass utilization in California. Goals of the Roadmap include demonstrating and commercializing new technologies, supporting new bio-based industries that must compete with established conventional suppliers of energy, fuel, and products, and recognizing the VOCs at Modesto Green Waste Composting.

The plan continues under Gov. Jerry Brown: From the updated *2011 Bioenergy Action Plan*:

To achieve the targets in Executive Order S-06-06, the California Energy Commission developed the *2006 Bioenergy Action Plan* and is now updating that plan with the *2011 Bioenergy Action Plan*. Energy Commission staff prepared the *2011 Plan* with input from a group of state agencies identified as the Bioenergy Interagency Working Group and with support from the California Biomass Collaborative. Stakeholders and other members of the public were given the opportunity to review the plan at two public workshops held at the Energy Commission on June 3, 2010, and December 14, 2010.

The *2011 Bioenergy Action Plan* also support the goals targeted in Governor Brown's Clean Energy Jobs Plan to increase renewable generation in California. Bioenergy has the potential to provide green jobs in rural communities, localized small-scale distributed generation, and onfarm and on-dairy renewable energy. The *2011 Plan* also identifies state agency actions intended to reduce the cost of permitting new facilities, streamline the permitting process, and help developers gain access to permitting guidance and agency contact information. The Plan also identifies state agency actions similar to those in Governor Brown's policy directives such as implementation of feed in tariff programs, support for bioenergy developers and small power producers, coordination and review of regulatory processes to reduce permitting burdens, and to create new jobs through clean energy and innovation.

(Source: www.energy.ca.gov/2011publications/CEC-300-2011-001/CEC-300-2011-001-CTF.PDF)

Renewable Portfolio Standard Certification of Eligibility

Biomass is considered a "renewable resource" and energy generated from biomass conversion is renewable energy and appropriate for California's renewable Portfolio Standard (RPS). The Energy Commission must certify that a project is an eligible renewable energy generation facility in order for sale of that "green" electricity to count toward a utility company's RPS quotas. Project proponents must apply to the Commission according to the protocol established in the Eligibility guidebook. To be eligible, the project must use a fuel that fits the definition of Biomass in the Overall Program Guidebook: "Biomass — any organic material not derived from fossil fuels, including agricultural crops, agricultural wastes and residues, waste pallets, crates, dunnage, manufacturing, construction wood wastes, landscape and right-of-way tree trimmings, mill residues that result from milling lumber, rangeland maintenance residues, biosolids, sludge derived from organic matter, and wood and wood waste from timbering operations." Projects that have been certified by the Energy Commission are monitored throughout construction, operation and closure to ensure that the owners comply with all conditions of certification. Additional post-certification compliance activities include processing amendments for changes to projects, handling complaints and processing requests to close projects.



Southern California Edison

The proposed project is within the service territory of Southern California Edison (SCE), one of California's "Investor Owned Utilities" (IOUs), and is located within the grid portion under control of the California Independent System Operators Corporation ("CAISO Control Area"). The project, if constructed at the wastewater treatment facility, would also be within the territory of the City of Corona and they could have access to the generated power at the WCRA site, according to City of Norco personnel.

Although power generation contracts could be developed with Utilities other than SCE or the City of Corona, this study has focused on the potential to negotiate a Power Purchase Agreement for renewable energy to these two entities. Selling power to the City of Corona will require the parties to negotiate on acceptable power sales agreement between them, including value for renewable attributes.

Project Permitting Process

Waste Management

Manure is, first, a "solid waste". As discussed, agencies would be expected to find the project statutorily exempt from the need for a solid waste facilities permit (SWFP) and that exemption must be sought through the established permit review process. The general process for obtaining a SWFP begins with the state's Permit Tier/Task Chart. Those seeking to engage in a solid waste related activity should investigate the permit authority of the various agencies to determine whether they have jurisdiction over the project.

Planning Process

The SWFP process usually begins at the local level, with an application for a Conditional Use Permit (CUP) or some other local approval. This initial county level application triggers the CEQA process, which may proceed concurrently with other permits. Either concurrently or after the local process is completed, the applicant submits the required paperwork to other state or local agencies as necessary.

- **Local:** Since the project could be located outside of city boundaries, the City of Norco (if at the WRCRWA) may choose not to manage CEQA lead agency responsibilities, but instead defer to the County and coordinate with the County's review and assessment process:
 - City and/or county environmental health department (LEA)
 - City and/or county waste management department
 - Planning, Building, Sanitation and Fire departments
 - Economic development agencies
- **State:** Although other state agencies may enter the assessment process, these will be contacted by the county as Lead Agency. Primary formal project development contact however should be established with:
 - The Santa Ana Regional Water Quality Control Board, R-8, and
 - The South Coast Air Quality Management District (SCAQMD), and related to certification requirements and benefits for distributed energy generation, and
 - The Air at state-level, The Air Resources Board.
- **Federal:** In most cases, federal permitting questions are allocated to state and regional agencies. Considering the relatively new approach of this project as a manure impact mitigation measure for



protection of water and air quality, the project should also establish direct and formal project review contact with EPA, Region 9, AFO program development.

- On March 21, 2011 the EPA published the final rules titled “National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters”⁴ and Standards of Performance for New Sources and Emissions Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incinerator Units (the CISWI rule).⁵
- On May 18, 2011 the EPA issued final rules delaying the implementation of the above mentioned final rules. There is no definitive date that these rules will become effective, nor what modifications will be made during the period of delay. We believe that the CISWI rule will impact the project whenever the final rules are implemented, and without substantive changes, the rule could cause the project to incur significant emission control expense.

Information Development

Pilot Scale Tests for Technology Performance Demonstration

A pilot facility test burn of horse manure and biomass routinely collected from the City of Norco was conducted in November 2011, at the EPI test facilities located in Coeur d’Alene, Idaho. Data from this test burn were collected and analyzed to try to determine emissions profiles and to aid in developing appropriate emissions control strategies.

References:

¹Biomass Waste-to-Energy 101: EPA Waste-to-Energy Workshop with Arizona Department of environmental Quality, Oct. 2007

²EPA SBIR, released March 15, 2007: PR-NC-07-10155; http://epa.gov/nceer/ifa/2007/2007_sbir_phase1.html

³Source “Conversion Technologies” Phase II – Assessment. 10-2007 Los Angeles County Integrated Waste Management Task Force, Alternative Technology Assessment Subcommittee. www.socalconversion.org

⁴Federal Register, <http://www.federalregister.gov/articles/2011/03/21/2011-4494-national-emission-standards-for-hazardous-air-pollutants-for-major-sources-industrial-commercial-and>

⁵EPA: Emissions Standards for Boilers and Process Heaters and Commercial / Industrial Solid Waste Incinerators, <http://www.epa.gov/airquality/combustion/actions.html>

⁶Riverside County IWMP 1996, Countywide Summary Plan. Section 1.6: Factors Affecting Countywide Waste Management Issues. Subsection: Recent Court Decisions (page 1-5)

⁷United Haulers Assn. et.al. v. Oneida-Herkimer Solid Waste Management Authority et.al.; US Supreme Court October Term 2006.



CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Geoff Pemberton, Fire Chief

DATE: April 18, 2012

SUBJECT: Ordinance Replacing Title 15, Chapter 15.09 (Fire Code) of the Norco Municipal Code

RECOMMENDATION: Adopt **Ordinance No. _____** for first reading, replacing Title 15, Chapter 15.09 of the Norco Municipal Code.

SUMMARY: On November 2, 2011, the City Adopted Ordinance No. 937, replacing Chapter 15.09 (Fire Code) of the Norco Municipal Code and higher fire flow and emergency access standards for the California Fire Code. In January of 2012, Riverside County transitioned to the fire service provider for the City of Norco. Therefore, revisions to the Fire Code are recommended to meet the Riverside County Standards and also match the language adopted by other Riverside County Fire Department contract cities for uniformity purposes.

BACKGROUND/ANALYSIS: On November 2, 2011, the City Council replaced Chapter 15.09 (Fire Code) in its entirety. As of January 1, 2012, Riverside County transitioned to the fire service provider for the City of Norco. In transitioning fire service from the City of Norco to the Riverside County Fire Department, the current Norco Fire Code did not meet the Riverside County Standards. The proposed additions/deletions/revisions to the current Norco Fire Code match the language adopted by the other Riverside County Fire Department contract cities and it is recommended that the adopted Fire Codes are uniform amongst those cities. The proposed Code Sections added/deleted include the following:

<u>Added</u>		<u>Deleted (Previous Section Listed)</u>	
15.09.050	Cost Recovery	15.09.500	Hazardous Materials
15.09.260	Radio Coverage		Clean-up Cost Recovery
15.09.270	Radio Coverage Inside Buildings		
15.09.280	Scope		
15.09.290	Frequency Range		
15.09.300	Fire Apparatus Breathing Air System		

There is also some minimal clean-up language incorporated into the ordinance to better define "Norco City Fire" and its "Standards." It should also be noted that subject to these particular additions, amendments and deletions; all rules, regulations, provisions and conditions set forth in the 2010 California Fire Code and the 2009 International Fire Code remain in effect as the Fire Code for the City of Norco.

FINANCIAL IMPACT: No fiscal impact

Attachment: Ordinance for first reading

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, REPLACING TITLE 15, CHAPTER 15.09 OF THE NORCO MUNICIPAL CODE

WHEREAS, at the regular meeting on April 18, 2012, the Norco City Council conducted a public hearing and received and considered oral and written testimony concerning the proposed code change; and

WHEREAS, the California Health and Safety Code requires cities and counties to adopt building standards that are consistent with those contained in the California Code of Regulations Title 24 ; and

WHEREAS, modifications and/or changes to Chapter 15.09 of the Norco Municipal Code requires findings stating that they are found reasonably necessary because of climatic, geological or topographical conditions in the City of Norco; and

WHEREAS, State law allows local governments to amend California Model Codes, providing the amendments are more restrictive and are necessary in order to provide the highest level of life-safety standards and requires that local governments enforce these code editions.

NOW, THEREFORE, the City Council of the City of Norco does hereby make the following FINDINGS:

A. California Health & Safety Code, Section 17958.5 and 18941.5 authorize cities and counties to modify the California Building Standards Code by adopting more restrictive standards and modifications if such standards and modifications are accompanied by express findings that they are reasonably necessary because of local climatic, geological or topographical conditions.

B. The City Council of the City of Norco finds that these local climatic, geological or topographical conditions include, but are not limited to, the following:

1. The City is subject to relatively low amounts of precipitation, very low humidity levels and extremely high temperatures. These climatic conditions are conducive to the spread of drought conditions and fires. For example, during July, August and September, temperatures often exceed 100 degrees Fahrenheit. During the same months humidity is usually less than 40% and measurements of less than 10% are not uncommon. These recordings have been documented by the Riverside County Flood Control District and the National Climatic Data Center.

2. The City is subject to extremely strong winds, commonly referred to as "Santa Ana Winds," which can reach speeds of up to 95 miles per hour. In addition, the convergence of the marine shore air flow and the desert air flow create steady winds on a daily basis. Finally, the City is bordered on the south

by steep, rugged, brush-covered mountains and parts of the City contain hilly terrain and mounds, which either contribute to or create gusty wind conditions by causing a natural funneling effect and increasing wind speeds over the City.

3. The City is also subject to moderately strong shaking and surface ruptures from seismic activity in the area. The geologic and seismic setting of the City is dominated by the Chino and Elsinore earthquake faults along the southwest portion of the City and a diversity of bedrock and alluvial soils that may significantly affect the intensity of earthquake shaking. The Elsinore fault is located a short distance southwest of the City, while the Chino fault, which is subparallel to the Elsinore fault, is located just inside the City's southwestern boundary. Of the two faults, the Chino fault has the greater potential for surface rupture leading to structural damage of structures in the City. Moreover, the thin alluvial soils found in parts of the City contribute to a moderately high potential for liquefaction in certain areas.

C. The aforementioned geologic and climatic conditions have also contributed to the loss or damage of 450 homes in the Bel Air Fire of 1961, 187 homes in the Chatsworth Fire of 1970, 50 homes in the Mandeville Canyon Fire of 1978, 262 homes in the Anaheim Fire of 1982, 71 homes in the Baldwin Hills Fire of 1985, 33 homes in the Porter Ranch Fire of 1988, 162 homes in the Santa Barbara Fire of 1990, 3300 homes in the Oakland Fire of 1991, hundreds of acres in the nearby Chino Hills State Park Fire of 1997 and most recently, the Corona Triangle / Freeway Complex Fire November 15, 2008 burned 318 properties, burned 30,305 plus acres, destroyed 187 single/multiple family homes, damaged 127 homes, damaged or destroyed four commercial properties.

D. These fires, as well as the recent Whittier Earthquake of 1987 and Northridge Earthquake of 1994, have resulted in the tragic loss of lives along with enormous property losses.

E. For practicality and cost reasons, many new structures are built of wood (Type V) construction. Many existing structures also have wood shake roofs. The potential for a conflagration exists due to the design and density of current structures.

F. Electrical supply and telephone communication failures occur due to high winds as well as other reasons. Water supply pumps and early notification of a fire cannot always be counted on.

G. Based upon the recommendations of the Fire Chief, the City Council finds that the proposed amendments to the 2010 California Building Standards Code ("amendments") are more restrictive than the standards adopted by the California Building Standards Commission, would decrease the potential incidence of property damage, injury and death due to fires and earthquakes, and are reasonable and necessary to mitigate the aforementioned local climatic, geologic or topographical conditions.

NOW THEREFORE, the City Council of the City of Norco does hereby DETERMINE, ORDER, AND RESOLVE as follows:

SECTION 1. Chapter 15.09 (FIRE CODE) of the City of Norco Municipal Code is hereby repealed and replaced in its entirety to read as attached in Exhibit "A".

SECTION 2. Modifications and/or changes to Chapter 15.09 are found reasonably necessary because of climatic, geological or topographical conditions in the City of Norco.

SECTION 3: SEVERABILITY: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, subsections, sentences, clauses, or phrases hereof irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases hereof be declared invalid or unconstitutional.

SECTION 4: POSTING: The Mayor shall sign this Ordinance and the City Clerk shall attest hereto and shall cause the same within 15 days of its passage to be posted at no less than five public places within the City of Norco.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on May 2, 2012.

Mayor of the City of Norco, California

ATTEST:

Brenda K. Jacobs, CMC, City Clerk
City of Norco, California

I, BRENDA K. JACOBS, City Clerk of the City of Norco, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Norco, California, duly held on April 18, 2012 and thereafter at a regular meeting of said City Council duly held on May 2, 2012, it was duly passed and adopted by the following vote of the City Council.

AYES:
NOES:
ABSENT:
ABSTAIN:

Ordinance No. ____

April 18, 2012

Page 4

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California, on May 2, 2012.

Brenda K. Jacobs, CMC, City Clerk
City of Norco, California

Attachment: Exhibit "A"

**Chapter 15.09
FIRE CODE**

15.09.010	Adoption of the California Fire Code
15.09.020	Findings
15.09.030	Title
15.09.040	Conflicting Provisions
15.09.050	Cost Recovery
15.09.060	Applications and Permits
15.09.070	Operational Permits
15.09.080	Administrative Appeals
15.09.090	Violation Penalties
15.09.100	Definitions
15.09.110	Outdoor / Permitted Fires
15.09.120	Development on or Near Land Containing or Emitting Toxic, Combustible or Flammable Liquids, Gases or Vapors
15.09.130	Fuel Modifications for New Construction
15.09.140	Clearance of Brush or Vegetation Growth from Roadways
15.09.150	Unusual Circumstances
15.09.160	Use of Equipment
15.09.170	Restricted Entry
15.09.180	Trespassing on Posted Property
15.09.190	Deleted
15.09.200	Dimensions
15.09.210	Turning Radius
15.09.220	Fire Department Roof Access
15.09.230	Premise Identification
15.09.240	Hydrant Locations
15.09.250	Clear Space Around Hydrants
15.09.260	Radio Coverage
15.09.270	Radio Coverage Inside Buildings
15.09.280	Scope
15.09.290	Frequency Range
15.09.300	Fire Apparatus Breathing Air System
15.09.310	Chimneys and Appliances
15.09.320	Standby Power Loads
15.09.340	Emergency Power Loads
15.09.350	Refrigerant Detectors
15.09.360	Manual Operations
15.09.370	Stationary Storage Battery Systems, Scope
15.09.380	Indoor Charging of Electric Carts/Cars
15.09.390	Photovoltaic System
15.09.400	Eave Protection
15.09.410	Problematic Systems out of Service
15.09.420	Sprinklered Buildings
15.09.430	Residential Sprinklered Buildings
15.09.440	Fire Sprinkler Exempt Locations

15.09.450	Sprinkler System Monitoring and Alarms
15.09.460	Monitoring
15.09.470	Standpipes
15.09.480	Fire Alarm and Detection Systems
15.09.490	Flues Spaces
15.09.500	Hazardous Materials Inventory Statement
15.09.510	Hazardous Materials MAQ Table Footnote Addition
15.09.520	Maximum Allowable Quantities
15.09.530	Secondary Containment for Hazardous Material liquids and Solids, Weather Protection, Storage Near Exits or Exit Pathways
15.09.540	Establishment of Limits of Districts in which Storage of Explosives and Blasting Agents is to be Prohibited
15.09.550	Fireworks Display Firing
15.09.560	Seizure of Fireworks
15.09.570	Fireworks Displays
15.09.580	Retail Fireworks
15.09.590	General Provisions to the establishment of limits of Districts in which Storage of Flammable and Combustible Liquids in Outside Aboveground Storage Tanks is Prohibited
15.09.600	Treatment Systems
15.09.610	Liquefied Petroleum and Natural Gas Storage
15.09.620	Referenced Standards
15.09.630	Hazardous Vegetation Mitigation Requirements
15.09.640	Appendix B Fire Flow for 1 & 2 Single Family Dwellings
15.09.650	Appendix B Fire Flow for Buildings other than 1 & 2 Single Family Dwellings
15.09.660	Appendix B Fire Flow Table Requirement
15.09.670	Appendix C Distribution of Fire Hydrants

15.09.010 Adoption of the Fire Code

A. Subject to the particular additions, amendments and deletions set forth in this chapter, all the rules, regulations, provisions and conditions set forth in that certain document being marked and designated as the 2010 California Fire Code, and that certain document being marked and designated as the 2009 International Fire Code, with errata, and including the following appendices, are hereby adopted as the Fire Code for the City of Norco:

1. Appendix Chapter 4
2. Appendices B, C, E, F, G & J

B. One certified copy of each of the 2010 California Fire Code and 2009 International Fire Code are on file in the office of the City Clerk, and any and all references thereto, are adopted as the Fire Code and each and all of the regulations, provisions, penalties, conditions and terms thereof are referred to, adopted and made a part of this chapter, as though fully set forth at length.

15.09.020 Findings

The City Council finds that the requirements set out here are reasonable and necessary modifications because of climatic, geological and topographical conditions within the City of Norco.

15.09.030 Title

This chapter shall be cited as the "Fire Code" of the City of Norco and any references to the "California Fire Code" or "Fire Code" shall be deemed to refer to and apply to this chapter.

15.09.040 Amendment

Section 102.10 Conflicting Provisions

Section 102.10 is hereby deleted and replaced with the following:

Section 102.10 Conflicting Provisions. Where there is a conflict between a general requirement and a specific requirement, the Fire Code official shall decide which requirement meets the general intent of this code.

15.09.050 Amendment

Section 103.4.2 Cost Recovery.

Section 103.4 is amended, and the following subsection 103.4 is added to read as follows:

Section 103.4 Cost Recovery. Fire Suppression, investigation, rescue or emergency medical costs are recoverable in accordance with Health and Safety Code Sections 13009 and 13009.1, as amended. Additionally, any person who negligently, intentionally or in violation of law causes any emergency response, including, but not limited to, traffic accident, spill of toxic or flammable fluids or chemicals is liable for the cost of securing such emergency, including those costs pursuant to the Government Code Section 53150, et seq, as amended. Any expense incurred by Riverside County Fire Department for securing such emergency shall constitute a dept of such person and shall be collected by Riverside County in the same manner as in the case of an obligation under contract, express or implied.

15.09.060 Amendment

Section 104.2 Applications and Permits.

Section 104.2 is amended, and the following subsection 104.2.1 is added to read as follows:

104.2 Applications and Permits. The Fire Code official is authorized to receive applications, review construction documents, and issue permits for construction regulated by this code, issue permits for operations regulated by this code, inspect the premises for which such permits have been issued and enforce compliance with provisions of this code.

104.2.1 Plan Review Fees. When it is determined by the Fire Code official that plans submitted require a full plan review and such plans are received independent of the architectural plans, a fee shall be collected. The fee shall be

based on 100% of the cost of service, based on the fee schedule adopted by the City Council.”

15.09.070 Amendment

Section 105.6 Operational Permits

Section 105.6 is amended by deleting subsections 105.6.15 and 105.6.35 and amending Section 105.6.29 to read as follows:

Subsection 105.6.15 Fire Hydrants and Valves. Delete without substitution.

Subsection 105.6.35 Private Fire Hydrants. Delete without substitution.

Subsection 105.6.29 Miscellaneous Combustible Storage. Permit is required to store in any building or upon any premise in excess of 2500 cu. Ft. gross volume of combustible empty packing cases, boxes, barrels or similar containers, rubber tires, rubber, cork, composting, green waste or similar combustible material.

15.09.080 Amendment

Section 108.4 Administrative Appeals

Section 108.4, is hereby amended and by adding new the following:

Whenever the Fire Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the Fire Code do not apply or that the true intent and meaning of said code has been misconstrued or wrongly interpreted, an applicant or allegedly aggrieved person may appeal from the decision of the Fire Chief to the City Council by filing with the City Clerk a notice of appeal in writing and stating therein the grounds therefor. The notice of appeal must be so filed within thirty days from the date of the decision being appealed. The City Council shall hear said appeal within thirty days after the notice of appeal is filed. The Council's decision shall be final.

15.09.090 Amendment

Section 109.3 Violation Penalties

Section 109.3, is hereby amended and by adding new Sections 109.3.2, 109.3.3, 904.1 and 904.2 as follows:

Section 109.3 Violation Penalties. Persons who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Fire Code official, or of a permit or certificate used under provisions of this code, shall be guilty of either a misdemeanor, infraction or both as prescribed in Section 109.3.2 and 109.3.3. Penalties shall be as prescribed in local ordinance. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 109.3.2 Infraction. Except as provided in Section 109.2.2.2, persons operating or maintaining any occupancy, premises or vehicle subject to this code that shall permit any fire or life safety hazard to exist on premises under their control shall be guilty of an infraction.

Section 109.3.3 Misdemeanor. Persons who fail to take immediate action to abate a fire or life safety hazard when ordered or notified to do so by the Fire Code official or a duly authorized representative, or who violate the following sections of this Code, shall be guilty of a misdemeanor:

109.2.2 Compliance with Orders, Notices and Tags

107.6 Overcrowding

104.11.2 Obstructing operations

104.11.3 Systems and Devices

111.4 Failure to Comply

305.4 Deliberate or negligent burning

308.2.1 Throwing or placing sources of ignition

310.7 Burning Objects

2404.7 Sources of Ignition

Section 904 Recovery of Administration Citation Fines and Costs. In addition to any other legal remedy for collection of delinquent fines or penalties, the Fire Code official may record a lien on property in an amount equal to the sum of any fines delinquent for more than ninety (90) days, plus penalties and interest. Imposition of a lien pursuant to this section must be based on a citation related to the condition or use of real property, or its improvements, owned by the responsible person.

Section 904.1 Satisfaction of Lien. Once the City of Norco receives full payment for outstanding principal, penalties and cost the City shall record a release of property lien to the Riverside County Recorder's office. This notice of satisfaction shall cancel the posted lien.

15.09.100 Amendment

Chapter 2 Definitions

Section 202, General Definitions, is hereby amended by adding the following definitions:

Alteration: Any construction or renovation to an existing structure other than a repair or addition. Alterations include but are not limited to the addition or elimination of walls within the existing building envelope. Alteration also includes modifications to the structure which involve complete removal and replacement of wall board within any room.

Dry / Fire Season: Time of the year during which, based on seasonal weather pattern and precipitation averages, the typical rainfall is expected to be minimal. For the purpose of weed and rubbish abatement, the "dry / fire season" is typically May 15th to November 15th, and is also characterized by lower humidity, lower fuel moisture, and higher daily temperatures, resulting in increase of fire danger.

Firebreak: An area / section of property / lot that is cleared of all combustible material creating a safety buffer to decrease the progression of fire.

Fire Nuisance: Is any thing or act which is annoying, unpleasant, offensive or obnoxious because of fire.

Fire and Life Hazard: Means any condition, arrangement, or act which will increase, or may cause an increase of, the hazard or menace of fire or a hazardous materials release (spill, leak, etc.) to a greater degree than customarily recognized as normal by persons in the public service of preventing, suppressing or extinguishing fire and responding to hazardous materials release; or which may obstruct, delay or hinder egress from a facility or building, or may become the cause of obstruction, delay or hindrance to the prevention, suppression, or extinguishment of fire or hazardous material release.

Floor Area: For the purpose of calculating square footage for application of fire sprinkler requirements, the floor area shall be determined in accordance with the CBC definition for "Floor Area, Gross". For Group R-3 occupancies portions of the structure not required to be protected by the automatic sprinkler system do not need to be included into the floor area calculation.

Flow Line: Is the lowest continuous elevation on a rolled curb defined by the path traced by a particle in a moving body of water at the bottom of the rolled curb.

Hazardous Vegetation: Are defined as grass, weeds, shrubs, trees, tumbleweeds or other vegetation which are in such condition and location, or by the unique characteristics of a species, as to provide a ready fuel supply to augment the spread or intensity of a fire.

Housekeeping: Is a task that applies to all buildings, portions of buildings or facilities to maintain in a neat and orderly manner, free from a condition that would create a fire or life hazard.

Rubbish: Combustible waste or refuse, debris, dirt and worthless or useless articles of property.

15.09.110 Amendment

Section 307.4.3.1 Outdoor / Permitted Fires

Section 307.4.3.1 is hereby amended and by adding new to read as follows:

Section 307.4.3.1 Outdoor / Permitted Fires. Outdoor / permitted fires shall comply with Norco City Fire standards.

15.09.120 Amendment

Section 318 Development On or Near Land Containing or Emitting Toxic, Combustible or Flammable Liquids, Gases or Vapors

Section 318 is hereby amended and by adding new to read as follows:

Section 318, Development On or Near Land Containing Or Emitting Toxic, Combustible or Flammable Liquids, Gases or Vapors. The Fire Code official may require the submittal for approval of geological studies, evaluations, reports, remedial recommendations and/or similar documentation from a State-licensed and department approved individual or firm, on any parcel of land to be developed which:

Has, or is adjacent to, or within 1,000 feet (304 800 mm) of a parcel of land that has an active, inactive, or abandoned oil or gas well operation, petroleum or chemical refining facility, petroleum or chemical storage, or may contain or give off toxic, combustible or flammable liquids, gases or vapors.

15.09.130 Addition

Section 319 Fuel Modification Requirements for New Construction:

Section 319 is amended to read as follows:

Section 319 Fuel Modification Requirements for New Construction: All new buildings to be built or installed in areas containing combustible vegetation shall comply with the following:

1. Preliminary fuel modification plans shall be submitted to and approved by the Fire Code official concurrent with the submittal for approval of any tentative map.
2. Final fuel modification plans shall be submitted to and approved by the Fire Code official prior to the issuance of a grading permit.
3. The fuel modification plan may be altered if conditions change. Any alterations to the fuel modification shall be approved by the Fire Code official.
4. All elements of the fuel modification plan shall be maintained in accordance with the approved plan and are subject to the enforcement process outlined in the Fire Code.

15.09.140 Addition

Section 320 Clearance of Brush or Vegetation Growth from Roadways

Section 320 is amended to read as follows:

Section 320 Clearance of brush or vegetation growth from roadways. The Fire Code official is authorized to cause areas within 10 feet (3048 mm) on each side of portions of highways and private streets which are improved, designed or ordinarily used for vehicular traffic to be cleared of flammable vegetation and other combustible growth. The Fire Code official is authorized to enter upon private property to do so.

Exception: Single specimens of trees, ornamental shrubbery or cultivated ground cover such as green grass, ivy, succulents or similar plants used as ground covers, provided that they do not form a means of readily transmitting fire.

15.09.150 Addition

Section 321- Unusual Circumstances

Section 321 is amended to read as follows:

Section 321 Unusual Circumstances. The Fire Code official may suspend enforcement and require reasonable alternative measures designed to advance the purposes of this article if the Fire Code official determines in any specific case that any of the following conditions exist:

1. Difficult terrain.
2. Danger of erosion.
3. Presence of plants included in any state and federal resources agencies, California Native Plant Society and county-approved list of wildlife, plants, rare, endangered and/or threatened species.
4. Stands or groves of trees or heritage trees.
5. Other unusual circumstances that make strict compliance with the clearance of vegetation provisions of Sections 318 and 319 of this appendix undesirable or impractical.

15.09.160 Addition

Section 322- Use of Equipment

Section 322 is amended to read as follows:

Section 322 Use of Equipment. Except as otherwise provided in this section, no person shall use, operate, or cause to be operated, in, upon or adjoining any hazardous fire area any internal combustion engine which uses hydrocarbon fuels, unless the engine is equipped with a spark arrester as defined in Section 25.3 maintained in effective working order, or the engine is constructed, equipped and maintained for the prevention of fire pursuant to Section 25.3.

1. Spark arresters affixed to the exhaust system of engines or vehicles subject to this section shall not be placed or mounted in such a manner as to allow flames or heat from the exhaust system to ignite any flammable material.

2. A spark arrester is a device constructed of nonflammable material specifically for the purpose of removing and retaining carbon and other flammable particles over 0.0232 of an inch (0.58 mm) in size from the exhaust flow of an internal combustion engine that uses hydrocarbon fuels or which is qualified and rated by the United States Forest Service.

3. Engines used to provide motor power for trucks, truck tractors, buses, and passenger vehicles, except motorcycles, are not subject to this section if the exhaust system is equipped with a muffler as defined in the Vehicle Code of the State of California.

4. Turbocharged engines are not subject to this section if all exhausted gases pass through the rotating turbine wheel, there is no exhaust bypass to the atmosphere, and the turbocharger is in effective mechanical condition.

15.09.170 Addition

Section 323 Restricted Entry

Section 323 is amended to read as follows:

Section 323 Restricted Entry. The Fire Code official shall determine and publicly announce when hazardous fire areas shall be closed to entry and when such areas shall again be opened to entry. Entry on and occupation of hazardous fire areas, except public roadways, inhabited areas or established trails and camp sites which have not been closed during such time when the hazardous fire area is closed to entry, is prohibited.

Exception:

1. Residents and owners of private property within hazardous fire areas and their invitees and guests going to or being upon their lands.

2. Entry, in the course of duty, by peace or police officers, and other duly authorized public officers, members of a Fire Department and members of the United States Forest Service.

15.09.180 Deletion

Chapter 4 Emergency Planning and Preparedness is deleted in its entirety without replacement.

15.09.190 Amendment

Section 324 Trespassing on Posted Property

Section 324 is amended to read as follows:

Section 324.1 General. When the Fire Code official determines that a specific area within a hazardous fire area presents an exceptional and continuing fire danger because of the density of natural growth, difficulty of terrain, proximity to structures or accessibility to the public, such areas shall be closed until changed conditions warrant termination of closure. Such areas shall be posted as hereinafter provided.

Section 324.2 Signs. Approved signs prohibiting entry by unauthorized persons and referring to applicable Fire Code chapters shall be placed on every closed area.

Section 324.3 Trespassing. Entering and remaining within areas closed and posted is prohibited.

Exception: Owners and occupiers of private or public property within closed and posted areas, their guests or invitees, and local, state and federal public officers and their authorized agents acting in the course of duty.

15.09.200 Amendment

Section 503.2.1 Dimensions

Section 503.2.1 is amended to read as follows:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet. Except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 15 feet (4572mm).

Exception: Vertical clearance may be reduced, provided such reduction does not impair access by fire apparatus and approved signs are installed and maintained indicating the established vertical clearance approved by the Fire Code official and shall comply with the Norco City Fire Standards.

15.09.210 Amendment

Section 503.2.4 Turning radius

Section 503.2.4 is amended to read as follows:

503.2.4 Turning Radius. The turning radius for fire apparatus shall be 17 feet inside and 39 feet outside turning radius. "At the determination of the Fire Code official, Fire Department access for aerial apparatus shall be provided in addition to the above access requirements". Shall comply with Norco City Fire Standards.

15.09.220 Amendment

Section 504.3.1 Fire Department Roof Access

Section 504.3.1 has been added to read as follows:

504.3.1 Fire Department Roof Access. Any new or existing remodeled building which has a parapet 3 feet or greater shall have a Fire Department roof access ladder installed. Shall comply with Norco City Fire Standards.

15.09.230 Amendment

Section 505.1 Premise Identification.

Section 505.1 is amended to read and sections 505.1.1, 505.2 have been added as follows:

505.1 Premise Identification. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Number, size, location and means of illumination shall comply with the Norco City Fire Standard for premises identification unless an alternative means or method is approved by the Fire Code official. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. The height / size of premise identification shall comply with Norco City Fire Standards Premise Identification.

505.1.1 Directories. When required by the Fire Code official, multi-story buildings, complexes with multiple buildings may be required to provide directories, premise maps and directional signs. The scale, design and location of the directory sign shall be approved by the Fire Code official and may be required to be illuminated.

505.2 Street and Road Signs. All streets and roads shall be identified with approved signs. Temporary signs shall be installed at each street intersection when construction of new roadways allows passage by vehicle. Signs shall be of an approved size, weather resistant and be maintained until replaced by permanent signs.

15.09.240 Amendment

Section 507.5.1 Hydrant Locations

Section 507.5.1 is hereby amended to read as follows:

507.5.1 Where Required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than allowed in Appendix C – "Fire Hydrant Locations and Distribution" from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site hydrants and mains shall be provided where required by the Fire Code official shall comply with the Norco City Fire Standards.

Exceptions:

1. Group R-3 and U occupancies, equipped throughout with an approved automatic sprinkler system installed in accordance with CFC 903.3.1.1 or CFC 903.3.1.2 or CFC 903.3.1.3, the distance requirements shall not be more than 300 feet (91.5 m), unless otherwise approved by the Fire Code official.

15.09.250 Amendment

Section 507.5.5 Clear Space Around Hydrants.

Section 507.5.5 is hereby amended to read as follows:

507.5.5 Clear Space Around Hydrants. A 3-foot (914 mm) clear space shall be maintained around the circumference of fire hydrants, Fire Department connections, fire protection system control valves, or any other fire protection system component that may require immediate access, except as otherwise required or approved shall comply with Norco City Fire Standards.

15.09.260 Amendment

Section 510.4 Radio Coverage.

Section 510.4 is hereby been added to read as follows:

510.4 Radio Coverage. Except as otherwise provided in the ordinance, no person shall erect, construct or modify any building or structure or any part of, cause by the same to be done which fails to support adequate voice or data radio coverage for any emergency response personnel within the structure or the area immediately adjacent to the structure or building. A final inspection shall not be approved for any building or structure that fails to comply with the requirement in this chapter.

15.09.270 Amendment

Section 510.4.1 Radio Coverage Inside Buildings.

Section 510.4.1 is hereby been added to read as follows:

510.4.1 Radio Coverage Inside Buildings. When required by the Fire Chief and in accordance with Fire Department Radio Standards, approved radios, repeaters, relays, signal amplifiers, antennas, coaxial cables, passive signal conductors, conduits and access, secondary power source and other equipment as determined by the local authority having jurisdiction shall be provided within buildings to ensure emergency response personnel radio and data communications to and from surrounding buildings, structures and emergency communication centers.

15.09.280 Amendment

Section 510.5 Scope.

Section 510.5 is hereby added to read as follows:

510.5 Scope. The provisions of this section shall apply to any construction involving new residential, new commercial buildings or structures or commercial tenant improvements that affects more that 25% of the existing square footage of the existing building or structure, which is located in the City of Norco established marginal or non-existent radio coverage area. The above referenced construction shall be subject to review by the City of Norco in accordance with the AHJ standards. The property owner shall be responsible for any necessary improvements including, but not limited to, installation of new communication facilities and additional public safety radio system enhancement equipment in buildings to improve radio coverage to and from existing communication facilities.

15.09.290 Amendment

Section 510.5.1 Frequency Range.

Section 510.5.1 is hereby added to read as follows:

510.5.1 Frequency Range. At the time a building permit is issued, the local authority having jurisdiction, in cooperation with appropriate fire and law enforcement departments, it shall determine the frequency range or ranges that must be supported in accordance with AHJ standards . For the purpose of this section, adequate radio coverage shall constitute a successful communications centers for all appropriate emergency service for the building.

15.09.300 Amendment

Section 511 Fire Department Breathing Apparatus Air System

Section 511 is hereby added to read as follows:

511 Fire Department Breathing Apparatus Air System. All buildings having floors used for human occupancy located 75 feet or more above or below the lowest level of Fire Department vehicular access shall be equipped with an approved breathing apparatus air refilling system. Such system shall be provided for adequate pressurized air supply through a permanent piping system for the replenishment of self-contained breathing apparatus carried by fire suppression, rescue and other personnel in the performance of their duties. Location, specifications of access stations and the installation of such breathing apparatus air refilling system shall be made in accordance with City of Norco Standards.

15.09.310 Amendment

Section 603.6 Chimneys and Appliances

Section 603.6 is hereby amended by adding a new section 603.6.6 thereto as follows:

603.6.6 Sparks from Chimneys. All Chimneys attached to any appliance or fireplace that burns solid fuel shall be equipped with an approved spark arrester, the spark arrester shall meet all of the following requirements:

1. The net free area of the spark arrester shall be not less than four times the net area of the outlet of the chimney.
2. The spark arrester screen shall have a heat or corrosion resistance equivalent to 12 gage wire, 19 gage galvanized wire or 24 gage stainless steel.
3. Openings shall not be permit the passage of spheres having a diameter larger than ½ inch and shall not block the passage of spheres having a diameter of less than 3/8 inch.
4. The spark arrester shall be accessible for cleaning and the screen or chimney cap shall be removable to allow for cleaning of the chimney flue.

15.09.320 Amendment

Section 604.2.15.1.1 Standby Power Loads.

Section 604.2.15.1.1 is amended to read as follows:

Section 604.2.15.1.1 Standby Power Loads. The following loads are classified as standby power loads:

1. Smoke control system
2. Fire pumps
3. Standby power shall be provided for elevators in accordance with Section 3003 of the California Building Code.

15.09.340 Amendment

Section 604.2.15.2.1 Emergency Power Loads.

Section 604.2.15.2.1 is amended by adding item 6 as follows:

604.2.15.2.1 Emergency Power Loads. The following loads are classified as emergency power loads:

1. Emergency voice/alarm communication systems.
2. Fire alarm systems.
3. Automatic fire detection systems.
4. Elevator car lighting.
5. Means of egress lighting and exit sign illumination as required by Chapter 10.
6. Ventilation and automatic fire detection equipment for smoke-proof enclosures.

15.09.350 Amendment

Section 606.8 Refrigerant Detector.

Section 606.8 is hereby amended to read as follows:

606.8 Refrigerant Detector. Machinery rooms shall contain a refrigerant detector with an audible and visual alarm. The detector, or a sampling tube that draws air to the detector, shall be located in an area where refrigerant from a leak will concentrate. The alarm shall be actuated at a value not greater than the corresponding TLV-TWA values shown in the California Mechanical Code for the refrigerant classification. Detectors and alarms shall be placed in approved locations. In addition, emergency shutoff shall also be automatically activated when the concentration of refrigerant vapor exceeds 25 percent of LFL.

15.09.360 Amendment

Section 606.10.1.2 Manual Operation.

Section 606.10.1.2 is amended to read as follows:

606.10.1.2 Manual Operation. When required by the Fire Code official, automatic crossover valves shall be capable of manual operation. The manual valves shall be located in an approved location immediately outside of the machinery room, in a secure metal box or equivalent, and marked as Emergency Controls.

15.09.370 Addition Amendment

Section 608.1 Stationary Storage Battery Systems Scope.

Section 608.1 is hereby amended to read as follows:

608.1 Scope. Stationary storage battery systems having an electrolyte capacity of more than 50 gallons (189 L) for flooded lead acid, nickel-cadmium (NiCd) and valve-regulated lead acid (VRLA), or 1,000 pounds (454 kg) for lithium-ion and lithium metal polymer, used for facility standby power, emergency power, uninterrupted power supplies, shall comply with this section and Table 608.1. Indoor charging of electric carts/cars shall comply with Section 608.10."

15.09.380 Addition

Section 608.10 Indoor Charging of Electric Carts/Cars.

Section 608.10 is amended by addition of the following section:

608.10 Indoor Charging of Electric Carts/Cars. Indoor charging of electric carts/cars where the combined volume of all carts/cars battery electrolyte exceeds 50 gallons shall comply with the following:

1. Spill control and neutralization shall be provided and comply with Section 608.5.
2. Room ventilation shall be provided and comply with Section 608.6.1.
3. Signage shall be provided and comply with Section 608.7.
4. Smoke detection shall be provided and comply with Section 907.2.

15.09.390 Addition

610 Photovoltaic Systems

Section 610 is amended by the addition of the following section:

Section 610.1 Photovoltaic Systems shall comply with the Norco City Fire Solar Photovoltaic Installation Guideline.

15.09.400 Addition

Section 705 Eave Protection.

Section 705 is hereby amended by the addition of the following section:

Section 705 Eave Protection

705.1 Buildings or structures constructed hereafter within two-hundred feet of high-hazard, undeveloped brush-covered, or grass-covered land shall have eaves or overhangs thereon protected by one-hour construction, or otherwise protected so as to prevent the lodging underneath of flying brands, ashes or sparks. The Fire Code official shall determine high hazard lands hereunder.

15.09.410 Addition

Section 901.7. Problematic Systems and Systems Out-of-Service

Section 901.7 is hereby amended by the addition of the following section:

901.7 Problematic Systems and Systems Out-of-Service. In the event of temporary failure of the alarm system or an excessive number of false alarm activations, the Fire Chief is authorized to require the building owner or occupant to provide standby personnel until the system is restored.

After repeated alarm malfunctions resulting in a Fire Department response, in number deemed by the Fire Chief to be excessive to the Fire Department, the Fire Chief may schedule a hearing to provide the alarm owner and/or company the opportunity to show cause why the system should not be removed from service. Following said hearing, if it is determined that the problems in the alarm system have not been corrected to the Fire Chief's satisfaction, after providing written notice, the Fire Chief may order that the alarm service be discontinued and that the occupancy cease its use until such time as the system is repaired and properly maintained, and unnecessary responses are mitigated.

15.09.420 Amendment

Section 903.2 Where Required.

Section 903.2 is amended to read as follows:

Section 903.2 Where Required. Approved automatic sprinkler systems in new buildings and existing structures shall be provided in the locations described:

1. **New Buildings:** In addition to the requirements of section 903.2.1 through 903.2.13, approved automatic sprinkler systems in new buildings and structures shall be provided when the gross area of the building exceeds 2,500 ft². or is more that two stories high. The addition increases the building total size of 2,500 sq. ft. or greater.
2. **Existing Buildings:** When an existing building has an addition that exceeds 50 percent of the existing building square footage or increases the building total size of 2,500 sq. ft. or greater an approved automatic sprinkler system shall be installed.

3. Change in Use of Existing Building: When an existing building changes the use (occupancy classification) to a more hazardous operation that can increase health or safety of the public, the Fire Department can review, analyze and require the new business to provide fire sprinklers.

4. In Addition, an automatic fire extinguishing system shall be installed in the occupancies and locations as set forth in Section 903.

5. Fire sprinklers shall be installed and tested in accordance to NFPA 13 2010, and Norco City Fire Standards.

Exception 1: The elimination of sprinkler protection in the following areas are subject to approval by Fire Code official. Spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided these spaces or areas are equipped throughout with an automatic fire alarm system and are separated from the remainder of the building by fire barriers consisting of not less than 1-hour fire-resistance-rated walls and 2-hour fire-resistance-rated floor and ceiling assemblies.

15.09.430 Amendment

Section 903.2.8 Residential Sprinklered Buildings.

Section 903.2.8 is amended to read in its entirety as follows:

903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area as follows:

1. New Buildings: An automatic sprinkler system shall be provided throughout all buildings with a R fire area.

2. Existing Buildings Additions/Remodel: An automatic sprinkler system shall be installed throughout any existing building when the floor area of the alteration exceeds 50% of the existing structure and the building area exceeds 2,500 sq. ft. of total floor area. Attached garages shall be included in the total floor area calculations.

Existing buildings that are declared by the building department as "New Buildings" because of percentage of building being structurally torn and rebuilt shall install a Residential Fire Sprinkler System.

Exception:

1. Detached buildings containing two or less dwelling units with less than 2,500 ft². Group R-3.1 occupancies not housing bedridden clients, not housing non-ambulatory clients above the second floor, and less than 2,500 square feet.

2. Pursuant to Health and Safety Code Section 13113 occupancies housing ambulatory children only, none of whom are mentally ill or mentally retarded, and building or portions thereof housing such children are not more than two stories in height, and thereof housing such children have an automatic fire alarm system activated by approved smoke detectors.

3. Pursuant to Health and Safety Code Section 13143.6 occupancies licensed for protective social care which house ambulatory clients only, none of whom is a child (under the age of 18 years), or who is elderly (65 years of age or over).

4. When the cost of installing an automatic sprinkler system exceeds 10% of the cost of the alteration, with the approval of the Fire Code official, the required automatic system may be omitted.

15.09.440 Amendment

Section 903.3.1.1.1 Fire Sprinkler Exempt Locations.

Section 903.3.1.1.1 is hereby amended to read as follows:

903.3.1.1.1 Exempt Locations. In other than Group I-2, I-2.1 and I-3 occupancies, automatic sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected with an approved automatic fire detection system in accordance with Section 907.2 that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from any room merely because it is damp, of fire-resistance rated construction or contains electrical equipment.

1. Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.

2. Any room or space where sprinklers are considered undesirable because of the nature of the contents, when approved by the Fire Code official.

3. Fire service access elevator machine rooms and machinery spaces.

4. When approved by the Fire Code official, spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, and associated electrical power distribution equipment, provided those spaces or areas are equipped throughout with an automatic smoke detection system in accordance with Section 907.2 and are separated from the remainder of the building by fire barriers constructed in accordance with Section 707 of the CBC or not less than 2-hour horizontal assemblies constructed in accordance with Section 712 of the CBC, or both.

15.09.450 Amendment

903.4 Sprinkler System Monitoring and Alarms.

Section 903.4 is hereby amended to read as follows:

Section 903.4, Sprinkler System Monitoring and Alarms, is hereby amended by modifying exception item 1, deleting item 3 & 5, adding item 6 and 7 and renumbering the Exceptions as follows:

1. Automatic sprinkler systems protecting one- and two-family dwellings protected by NFPA 13D sprinkler system with less than 100 sprinklers.
2. Limited area systems serving fewer than 20 sprinklers.
3. Jockey pump control valves that are sealed or locked in the open position.
4. Valves controlling the fuel supply to fire pump engines that are sealed or locked in the open position.
5. Trim valves to pressure switches in dry, pre-action and deluge sprinkler systems that are sealed or locked in the open position

15.09.460 Amendment

Section 904.3.5 Monitoring

Section 904.3.5 is hereby amended to read as follows:

904.3.5 Monitoring. Where a building fire alarm or monitoring system is installed, automatic fire-extinguishing systems shall be monitored by the building fire alarm or monitoring system in accordance with NFPA 72 and Norco City Fire Standards.

15.09.470 Amendment

Section 905.3.1, 905.4 Standpipes.

Section 905.3.1 is hereby amended and Section 905.4 is hereby amended by adding items 7 and 8 as follows:

905.3.1 Height. In other than Group R-3 and R-3.1 occupancies, Class I standpipe system shall be installed:

1. Buildings where the floor level of the highest level of the highest story is located more than 30 feet above the lowest level of Fire Department vehicle access.
2. Buildings that are three or more stories in height.
3. Buildings where the floor level of the lowest story is located more than 30 feet below the highest level of Fire Department vehicle access.

905.4 Location of Class 1 Standpipe Hose Connections (added):

7. The centerline of the 2.5" outlet shall be no less than 18" above and no more than 24" above the finished floor.

8. Every new building with any horizontal dimensions greater than 300 feet (91,440 mm) shall be provided with either access doors or a 2.5" outlets so that all portions of the building can be reached with 150 feet (45,720) of hose from an access door or hose outlet. Required access doors shall be located in the exterior of the building and shall be accessible without the use of a ladder. The door dimensions shall be not less than 3 feet (914 mm) in width, and not less than 6 feet 8 inches (2032 mm) in height.

15.09.480 Amendment

Section 907.1 Fire Alarm & Detection Systems.

Section 907.1 of the California Fire Code is hereby amended to read as follows:

1. General. For alarm purposes, the only type of information that shall be retransmitted to the Fire Dispatch Center is notification of alarm and reset conditions (not trouble) from thermal, smoke and flame detectors, manual pull stations, extinguishing system activations, and water-flow devices, supervisory signals from key box tampers.

Exception. Single and multi-family apartment buildings, lodging and rooming houses when not required to be monitored under other Sections of this article.

2. Monitoring Company. Only approved companies which possess a current Underwriters Laboratories, Inc. Listing (UULF) are permitted to monitor commercial and required residential fire alarm systems.

3. Authorized alarm companies. Alarm companies planning to install systems in this jurisdiction must meet the following criteria in order to comply with all applicable Ordinance and regulations:

- a. Must hold a current business license.
- b. Must hold a current C-10 contractor's license.
- c. Must maintain a current UL Listing as a UL fire alarm central station (UULF) or fire alarm installing company (UUIS).
- d. Must demonstrate that they can provide acceptable maintenance and service in the jurisdiction.

Exception: Local only systems may be installed without a current UL fire alarm, central station (UULF) or fire alarm installing company (UUIS) certification if expressly permitted by the Fire Chief.

4. Plans and specifications. Complete plans and specifications of fire alarm systems shall be submitted for Fire Department review and approval prior to system installation. All plans, submittal, equipment and installation shall meet NFPA 72, currently published Edition, the applicable provisions of this Code, application provisions of the State Building and Fire Code, and the Fire Department Alarm Standards.

5. Inspection reports. Listed alarm service companies shall provide UL with written authorization to provide the Fire Department with copies of their inspection reports. Upon request, UL shall provide copies of inspection reports, including minor or major discrepancies to the Fire Department at no cost to the City or to the protected premise.

15.09.490 Amendment

Section 2308.8 Flue Spaces.

Section 2308.3 is amended to read as follows:

2308.3 Flue Spaces. Flue spaces shall be provided in accordance with Table 2308.3. Required flue spaces shall be maintained. In double-row racks a pallet/commodity stop shall be provided along the longitudinal flue space at each level. The stop shall be steel or other ferrous material 1/4" thick and in the mounted position shall extend a minimum of 4 inches above the shelf or cross member, or other method approved by the Fire Code official. In double row racks and where products are hand stacked, chain link shall be securely attached to the rear of both racks. Chain link shall be a minimum of 12 gauge. Attachment method shall be approved by the Fire Code official and shall comply with the Norco City Fire Standards.

15.09.500 Amendment

Section 2701.5.2 Hazardous Materials Inventory Statement.

Section 2701.5.2 is amended by adding thereto the following subsection 2701.5.2.1 to read as follows:

2701.5.2.1 Chemical Classification Packet. When required by the Fire Code official, a Chemical Classification Packet shall be completed and approved prior to approval of architectural and system plans, and/or the storage, use or handling of chemicals on the premises. The Chemical Classification packet shall meet the format requirements contained in the Norco Fire Department Chemical Classification Guideline. Technical Assistance per California Fire Code shall be required whenever the Fire Code official deems it necessary.

15.09.510 Addition

MAQ Table 2703.1.1(1) Footnote

Footnote P of Table 2703.1.1.1 is amended by adding the following:

5. Acetylene not exceeding 1500 c.f. in a sprinklered building when used for welding and hot works.

15.09.520 Addition

Section 2703.1.1 Maximum Allowable Quantities.

Section 2703.1.1 Maximum allowable quantities is amended by adding thereto the following subsection 2703.1.1.1 to read as follows:

2703.1.1.1 Extremely Hazardous Substances. No person shall use or store any amount of extremely hazardous substances (EHS) in excess of the disclosable amounts (see Health and Safety Code Section 25500 et al) in a residential zoned or any residentially developed property."

15.09.530 Amendment

Section 2704.2.2, 2704.13 Secondary Containment for Hazardous Material Liquids and Solids, Weather Protection and Storage Near Exits or Exit Pathways

Section 2704.2.2, 2704.13 is hereby amended and 2704.14 has been added as follows:

Section 2704.2.2 Secondary Containment for Hazardous Material Liquids and Solids. Where required by table 2704.2.2 buildings, rooms or areas used for the storage of any hazardous material liquids or solids shall be provided with secondary containment in accordance with this section when the capacity of an individual container or aggregate capacity of multiple containers exceeds the following:

1. Liquids: Capacity of an individual container/vessel 55 gals. or greater or the aggregate capacity of multiple containers/vessel 1,000 gals. or greater; and
2. Solids: Capacity of an individual container/vessel 550 pounds or greater or the aggregate capacity of multiple containers/vessels 10,000 pounds or greater

Exception: Individual 55 gal. container/vessel(s) that are still in original seal and not being used in any manner shall not require secondary containment.

2704.13 Weather Protection. Overhead noncombustible construction shall be provided for sheltering outdoor hazardous material storage areas, such storage shall not be considered indoor storage when the area is constructed in accordance with the requirements for weather protection as required by the California Building Code.

Exception: Storage of explosive materials shall be considered as indoor storage.

2704.14 Storage Near Exits or Exit Pathways. Storage of any hazardous materials shall be located a minimum of 10 feet from exit doors or pathways. Distance may be increased per Authority Having Jurisdiction recommendations to Fire and Life Safety concerns.

Exception: Storage of hazardous materials may be reduced to 5 feet if approved/listed cabinets are provided or storage of materials are for retail display.

15.09.540 Addition

Section 3301.1.2 Establishment of Limits of Districts in Which Storage of Explosives and Blasting Agents is to be Prohibited

Section 3301.1.2 is amended by adding thereto the following:

Pursuant to the California Fire Code, the storage of explosives and blasting agents is prohibited in all commercial occupancy areas, developed residential areas, and other areas where the Fire Chief having jurisdiction determines that the storage of explosives will create a hazard to occupants and property owners in the area. The Fire Chief having jurisdiction shall be the final determining authority.

5.09.550 Addition

Section 3308.2 Fireworks Display Firing.

Section 3308.2 is hereby amended by adding to the following new section:

Section 3308.2 – Fireworks Display Firing. All fireworks displays shall be electronically fired.

15.09.560 Addition

Section 3310 Seizure of Fireworks.

Section 3310 is hereby amended by adding the following new section

Section 3310 Seizure of Fireworks. The Fire Code official shall have the authority to seize, take, remove and fireworks stored, sold, offered for sale, used or handled in violation of the provisions of Title 19 CCR, Chapter 6. Any seizure or removal pursuant to this section shall be in compliance with all applicable statutory, constitutional, and decisional law and shall comply with NMC 9.20

15.09.570 Addition

Section 3311 Firework Displays

Section 3311 is hereby amended by adding the following new section

Section 3311 Firework Displays. Fireworks displays shall be in accordance with the regulations of the State Fire Marshal, and with the conditions of the permit as approved by the Fire Code official.

15.09.580 Addition

Section 3312 Retail Fireworks

Section 3312 is hereby amended by adding the following new section.

Section 3312 Retail Fireworks. The storage, use, sale, possession, and handling of fireworks 1.4G (commonly referred to as Safe & Sane) and fireworks 1.3G is prohibited.

Exception: Fireworks 1.4G and fireworks 1.3G may be part of an electrically fired public display when permitted and conducted by a licensed pyrotechnic operator.

15.09.590 Addition

Section 3404.1 General Provisions to the Establishment of Limits of Districts in Which Storage of Flammable and Combustible Liquids in Outside Aboveground Storage Tanks is Prohibited.

Section 3404.1 General is amended by adding thereto the following subsection 3404.1.1 General Provisions to the establishment of limits of districts in which storage of flammable and combustible liquids in outside aboveground storage tanks is prohibited to read as follows:

3404.1.1 General Provisions to the Establishment of Limits of Districts in Which Storage of Flammable and Combustible Liquids in Outside Aboveground Storage Tanks is Prohibited. The limits referred to the California Fire Code in which the storage of flammable or combustible liquids in outside aboveground tanks is prohibited in all commercial occupancy areas, developed residential areas, and other areas where the Fire Chief having jurisdiction determines that the installation of flammable and combustible aboveground storage tanks will create a hazard to occupants and property owners in the area.

Pursuant to the California Fire Code, new aboveground fuel tanks for flammable and combustible liquids shall be prohibited in all commercial districts, closely built commercial areas and heavily populated areas. The Fire Chief having jurisdiction shall be the final determining authority.

Deviations to these requirements may be allowed only upon specific written findings and approvals by the Fire Code official. The installation of the aboveground tanks will also need to comply within permitted zone areas. Upon receipt of written application for permit to store flammable or combustible liquids, the fire prevention division shall review the plans for the proposed location of the storage facilities. If it makes a finding that such facilities would not constitute a danger to the public peace, health and general welfare of the city, it may issue such permit subject to said facilities meeting minimum code requirements and may attach reasonable conditions to the permit for the safety of person and property immediately surrounding the location.

15.09.600 Amendment

Section 3704.2.2.7 Treatment Systems.

Section 3704.2.2.7 is amended by deleting Exceptions 1, 1.1, 1.2 and 1.3; modifying Exception 2 and renumbering it as Exception 1 to read as follows:

1. **Toxic Gases – Storage/Use.** Treatment systems are not required for toxic gases supplied by cylinders or portable tanks not exceeding 1,700 pounds water capacity when the following are provided:

1.1 A listed or approved gas detection system with a sensing interval not exceeding 5 minutes.

1.2 For storage, valve outlets are equipped with gas-tight outlet plugs or caps.

1.3 For use, a listed or approved automatic-closing fail-safe valve located immediately adjacent to cylinder or portable tank valves. The fail-safe valve shall close when gas is detected at the permissible exposure limit (PEL) by a gas detection system monitoring the exhaust at the point of discharge from the gas cabinet, exhausted enclosure, ventilated enclosure or gas room. The gas detection system shall comply with Section 3704.2.2.10.

15.09.610 Amendment

3804.2 Liquefied Petroleum and Natural Gas Storage.

Section 3804.2 is amended to read as follows:

3804.2 Liquefied Petroleum and Natural Gas Storage. Pursuant to the California Fire Code, the aggregate capacity of any one installation for the bulk storage of liquefied petroleum gases shall not exceed two thousand (2,000) water gallons in residential areas. In non-residential areas, when, in the opinion of the Fire Chief having jurisdiction, the location of the bulk storage of LPG would create a threat to the occupants and property owners, the aggregate storage capacity of LPG shall be limited to two thousand (2,000) gallons. The Fire Chief shall be the final determining authority.

15.09.620 Amendment

Chapter 47 is adopted in its entirety and shall comply with the Norco City Fire Standards.

15.09.630 Amendment

Section 4908 Hazardous Vegetation Mitigation Requirements.

Section 4908 has been added to read as follows:

4908 Hazardous Vegetation Mitigation Requirements. Shall comply with the Norco City Fire Hazardous Vegetation Mitigation Requirement Standard, CCR Title 19 3.07 (b) and Sections 9.65.09, 9.65.10 and 9.54.11 of the NMC.

15.09.640 Amendment

Appendix B Fire Flow for 1 & 2 Single Family Dwellings

Section B105.1 of Appendix B is amended to read as follows:\

B105.1 Appendix B Fire Flow for One- and Two-Family Dwellings. The minimum fire flow and flow duration for one- and two family dwellings shall not be less than 1500 gpm at 20 psi for 2 hours."

15.09.650 Amendment

Section B105.2 of Appendix B Fire Flow for Buildings other than 1 & 2 Single Family Dwellings.

Section B105.2 of Appendix B is amended to read as follows:

B105.2 Appendix B Fire Flow for Buildings Other than One- and Two-Family Dwellings. The minimum fire flow and flow duration for buildings shall be as specified in Table B 105.1.

Exception: A reduction in fire flow of up to 50 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2. The resulting fire flow shall not be less than 1,500 gallons per minute (5677.5 L/min) for the prescribed duration as specified in Table B105.1."

15.09.660 Amendment

Table B105.1 of Appendix B.

Table B 105.1 of Appendix B is amended to read as follows:

**"TABLE B105.1
MINIMUM REQUIRED FIRE-FLOW AND FLOW DURATION FOR BUILDINGS***

<i>Use</i>	Required Flow (gallons per minute)	Duration
One- and Two-Family Dwelling	1500 gpm	2 hours
Multi-Family Dwelling	2500 gpm	2 hours
Commercial	3000 gpm	3 hours
Industrial	3500 gpm	4 hours

*Or as otherwise required by the Fire Code official"

15.09.670 Amendment

Table C105.1 of Appendix C.

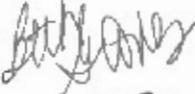
Table C 105.1 of Appendix C is amended to read as follows:

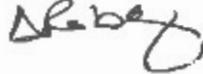
**"TABLE C105.1
NUMBER AND DISTRIBUTION OF FIRE HYDRANTS**

<i>Use</i>	Maximum Distance Between Hydrants (feet)	Maximum Distance From Any Point on Street or Road Frontage or Fire Department Access to a Hydrant (feet)
One- and Two-Family Dwelling	300	150
Multi-Family Dwelling	250	150
Commercial/Industrial	300	150

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Alma D. Robles, Senior Planner 

DATE: April 18, 2012

SUBJECT: **General Plan Amendment 2012-01G/Zone Change 2012-06/Gateway Specific Plan 90-01, Amendment No. 10 (City of Norco):** A proposal to amend the Land Use category and zoning on about 22.42 acres generally located on the east side of Mountain Avenue, north of First Street and south of Second Street (APN's 126-210-003, -004, -005, -006, -007, -008, -009, -010, 126-240-001, -002, -003, -004, -005, -006, -007) by applying the Housing Development Overlay, as an implementation measure of General Plan Amendment 2008-01/City of Norco Draft 2008-2014 Housing Element Update

RECOMMENDATION: 1.) Adopt **Resolution No. 2012-___**, approving Revised General Plan Amendment 2012-01G; and

2.) Adopt for **First Reading Ordinance No. ___**, approving Revised Zone Change 2012-06/Gateway Specific Plan 90-01, Amendment No. 10 (City of Norco):

SUMMARY: This item has been advertised to adopt an Ordinance and Resolution affirming what was approved by the City Council on March 21, 2012 for General Plan Amendment 2012-01G and Zone Change 2012-06/Gateway Specific Plan 90-01, Amendment No. 10. The acreage that was approved on that date has been revised from 15.4 acres to 22.4 acres on property generally located on the east side of Mountain Avenue, north of First Street and south of Second Street, to apply the Housing Development Overlay (HDO) Zone (ref. Exhibit "A" – Locations Map). The revised acreage is needed because of the requirement of the HDO zone that only 50 percent of the acreage in each of the five identified Housing Element Update locations can be used for housing.

BACKGROUND/ANALYSIS: At its March 21, 2012 meeting the City Council was presented with the six locations that had been proposed to meet the City's Regional Housing Needs Assessment (RHNA) number that is assigned to it by state through the Southern California Association of Governments (SCAG). The RHNA numbers are assigned by the state to the various metropolitan planning organizations (MPO) of which SCAG is one. SCAG then disseminates those numbers to the various jurisdictions

April 18, 2012

within its planning area. Each jurisdiction is required to provide adequate sites through zoning to accommodate the RHNA numbers assigned to it in order for the Housing Element to be certified as being compliant with state law.

On March 21, 2012, the City Council eliminated one of the six sites and then transferred those units to another site by adding six acres to that site. The location eliminated from the list was 13.4 acres south of River Road and west of Corydon Avenue; and then six acres were added to the site on the east side of Mountain Avenue between First and Second Streets resulting in 15.4 acres.

It was thought that the six acres added to the Mountain Avenue site could accommodate the needed housing numbers from the elimination of the Corydon Avenue site. However, because of the limitation that only 50 percent of a location can be used for housing the actual number of acres that needed to be added was 12 so that the HDO zone could be applied as it was adopted. To add only six acres would have required a new zoning designation that would have allowed housing over 100 percent of the Mountain Avenue site as opposed to only 50 percent.

The table below shows the original six sites considered and how the elimination of the Corydon site affected the total number of units originally accommodated:

Site	Unit Capacity
1	186
2	185
3 (Corydon Ave. Site)	190
4	194
5	229
6 (Mountain Ave. Site)	94
SUBTOTAL	1,078
Remaining Combined RHNA (required)	1,006
Remaining Combined RHNA Less Site 3	816

With the elimination of Site 3, there are now five sites (ref. Exhibit "A" – Locations Maps), and original sites 3 – 5 were re-numbered. The approved sites are now as follows:

Site 1: 18.6 acres north of Fourth Street and west of Hamner Avenue.

Site 2: 18.4 acres on the southeast corner of Third Street and Hamner Avenue.

Site 3: 19.4 acres on the east side of Norconian Drive and south of Norco Drive.

Site 4: 22.9 acres on the southwest corner of Fifth Street and Horseless Carriage Drive.

Site 5: 22.4 acres on the east side Mountain Avenue north of First Street.

The following table shows the new total of units and how they are being accommodated through each site:

Site	Unit Capacity
1	186
2	184
3 (previous 4)	194
4 (previous 5)	229
5 (previous 6, Mountain Ave. Site)	224
SUBTOTAL	1,017
Remaining Combined RHNA (required)	1,006

FINANCIAL IMPACT: None

/adr-80838

Attachments: CC Resolution No. 2012-____, for General Plan Amendment 2012-01G Ordinance No.____, for Zone Change 2012-06/Gateway Specific Plan 90-01, Amendment No. 10
Exhibit "A" – Location Maps

RESOLUTION NO. 2012-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT 2012-01G TO AMEND THE LAND USE CATEGORY ON ABOUT 22.4 ACRES GENERALLY LOCATED ON THE EAST SIDE OF MOUNTAIN AVENUE BETWEEN FIRST STREET AND SECOND STREET (APN'S 126-240-001, -002, -003, -004, -005, -006, AND -007; 126-210-003, -004, -005, -006, -007, -008, -009, -010) BY APPLYING THE HOUSING DEVELOPMENT OVERLAY (HDO) LAND USE CATEGORY

WHEREAS, the City of Norco, California initiated General Plan Amendment 2012-01G on property generally identified as:

About 15.4 acres generally located on the east side of Mountain Avenue and north of First Street (APN's 126-210-003, -004, -005, -006, -007, -008, -009, -010, 126-240-001, -002, -003, -004, -005, -006, -007); and

WHEREAS, said General Plan Amendment was duly submitted to said City of Norco Planning Commission for decision at a public hearing for which proper notice was given; and

WHEREAS, said General Plan Amendment was scheduled for public hearing at a special meeting on February 29, 2012 on or about 7 p.m. in the Council Chambers at 2820 Clark Avenue, Norco, California 92860; and

WHEREAS, at the time set, the Planning Commission held a public hearing and received both oral and written testimony pertaining to the General Plan Amendment and related zone change; and

WHEREAS, the Planning Commission adopted Resolution 2012-16 recommending to the City Council that General Plan Amendment 2012-01G be approved on 9.4 acres; and

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

WHEREAS, said application was scheduled for public hearing on March 21, 2012 at 7:00 p.m. within the Council Chambers at 2820 Clark Avenue, Norco, California, 92860; and

WHEREAS, at the said time and place, the City Council did hold said public hearing and did receive both oral and written testimony pertaining to said application; and

WHEREAS, the City Council transferred six acres between two of six sites approved for the Housing Development Overlay Land Use thereby amending General Plan Amendment 2012-01G to be 15.4 acres; and

WHEREAS, it has been determined that the transfer of six acres to the other site will not meet the City's Regional Housing Needs Assessment (RHNA) obligation and that an

additional six acres is needed to meet the obligation resulting in 22.4 acres being required; and

WHEREAS, General Plan Amendment 2012-01G was re-scheduled for public hearing for 22.4 acres for which proper notice was given; and

WHEREAS, said application was scheduled for public hearing before the City Council on April 18, 2012 at 7:00 P.M. within the Council Chambers at 2820 Clark Avenue, Norco, California, 92860; and

WHEREAS, at the said time and place, the City Council did hold said public hearing and did receive both oral and written testimony pertaining to said application; and

WHEREAS, the City of Norco acting as the Lead Agency has determined that the project will not have a significant effect on the environment.

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

I. FINDINGS:

- A. The proposed General Plan Amendment to apply the HDO Land Use Category (HDO) is necessary for the development of the community in harmony with the objective of the General Plan. The proposed General Plan Amendment to identify properties with the HDO is an implementation measure of General Plan Amendment 2008-01/Draft 2008-2014 Housing Element Update. The HDO is necessary as it is intended to facilitate and encourage the development of affordable housing consistent with the requirements of State Government Code Article 10.6 (65580) and the Norco General Plan Housing Element.
- B. The requested General Plan Amendment to apply the HDO will be compatible and complementary to existing conditions in the surrounding area since the underlying land use will remain the same for each property identified with an HDO.
- C. The subject properties are adequate in size to accommodate uses permitted under the associated Zone Change 2012-06/Gateway Specific Plan Amendment No. 10, which are consistent with this General Plan Amendment, and that all applicable property development standards can be complied with. Future development on any property with an HDO will have to comply with all development standards of the Norco Municipal Code.
- D. The subject properties do properly relate to streets and highways designed and fully improved to carry the type and quantity of traffic that is expected to be

generated in this area and utilities exist or are planned which will adequately serve the properties to include an HDO.

- E. The City of Norco, acting as Lead Agency, has determined that the project will not have an adverse impact on the environment, based on the revised negative declaration that has been prepared for General Plan Amendment 2008-01/Draft Housing Element 2008-2014, Amendment No. 1 for which said project is a part of.

II. DETERMINATION:

NOW THEREFORE, BE IT RESOLVED that the City Council for the City of Norco, California at a regular meeting held on April 18, 2012 does hereby approve General Plan Amendment 2012-01G, thereby applying the HDO on said properties.

Resolution No. 2012-____
Page 4
April 18, 2012

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on April 18, 2012.

Mayor of the City of Norco, California

ATTEST:

Brenda K. Jacobs, CMC, City Clerk
City of Norco, California

I, BRENDA K. JACOBS, 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 April 18, 2012 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 April 18, 2012.

Brenda K. Jacobs, CMC, City Clerk
City of Norco, California

/adr-80850

ORDINANCE NO. __

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORCO APPROVING ZONE CHANGE 2012-06 AND GATEWAY SPECIFIC PLAN 90-01, AMENDMENT NO. 10, TO AMEND THE ZONING ON ABOUT 22.42 ACRES GENERALLY LOCATED ON THE EAST SIDE OF MOUNTAIN AVENUE AND BETWEEN FIRST STREET AND SECOND STREET (APN'S 126-210-003, -004, -005, -006, -007, -008, -009, -010, 126-240-001, -002, -003, -004, -005, -006, -007) BY APPLYING THE HOUSING DEVELOPMENT OVERLAY (HDO) ZONE

WHEREAS, the City of Norco, California initiated Zone Change 2012-06 and Gateway Specific Plan 90-01, Amendment No. 10 on property generally identified as:

About 22.42 acres generally located on the east side of Mountain Avenue between First Street and Second Street (APN's 126-210-003, -004, -005, -006, -007, -008, -009, -010, 126-240-001, -002, -003, -004, -005, -006, -007)

WHEREAS, the Zone Change/Specific Plan Amendment was duly submitted to said City's Planning Commission for decision at a public hearing for which proper notice was given; and

WHEREAS, the Zone Change/Specific Plan Amendment was scheduled for public hearing at a special meeting on February 29, 2012 on or about 7 p.m. in the Council Chambers at 2820 Clark Avenue, Norco, California 92860; and

WHEREAS, at the time set, the Planning Commission held a public hearing and received both oral and written testimony pertaining to the Zone Change/Specific Plan Amendment ; and

WHEREAS, the Planning Commission adopted Resolution 2012-16 recommending to the City Council that Zone Change 2012-06 and Gateway Specific Plan 90-01, Amendment No. 10 be approved on 9.4 acres; and

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

WHEREAS, said application was scheduled for public hearing on March 21, 2012 at 7:00 P.M. within the Council Chambers at 2820 Clark Avenue, Norco, California, 92860; and

WHEREAS, at the said time and place, the City Council did hold said public hearing and did receive both oral and written testimony pertaining to said application; and

WHEREAS, the City Council transferred six acres between two of six sites approved for the Housing Development Overlay thereby amending Zone Change 2012-06 to be 15.4 acres; and

WHEREAS, it has been determined that the transfer of six acres to the other site will not meet the City's Regional Housing Needs Assessment (RHNA) obligation and that an

additional six acres is needed to meet the obligation resulting in 22.4 acres being required; and

WHEREAS, related General Plan Amendment 2012-01G was re-scheduled for public hearing for which proper notice was given on April 18, 2012 at which the City Council did approve General Plan Amendment 2012-01G; and

WHEREAS, Zone Change 2012-06/Gateway Specific Plan 90-01 Amendment 10 was re-scheduled for public hearing for 22.4 acres before the City Council on April 18, 2012 at 7:00 p.m. within the Council Chambers at 2820 Clark Avenue, Norco, California, 92860 for which proper notice was given; and

WHEREAS, at the said time and place, the City Council did hold said public hearing and did receive both oral and written testimony pertaining to said application; and

WHEREAS, the City of Norco acting as the Lead Agency has determined that the project will not have a significant effect on the environment.

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

I. FINDINGS:

- A. Adoption of this Ordinance supersedes Ordinance 946 in its entirety.
- B. The requested change of Zone/Specific Plan Amendment to apply the HDO is necessary for the development of the community in harmony with the objective of the General Plan. The proposed Zone Change/Specific Plan Amendment to identify properties with the HDO is an implementation measure of General Plan Amendment 2008-01/Draft 2008-2014 Housing Element Update. The HDO Zone is necessary as it is intended to facilitate and encourage the development of affordable housing consistent with the requirements of State Government Code Article 10.6 (65580) and the Norco General Plan Housing Element.
- C. The requested Zone Change/Specific Plan Amendment to apply the HDO zone will be compatible and complementary to existing conditions in the surrounding area since the underlying zoning will remain the same for each property identified with an HDO.
- D. The subject properties are adequate in size to accommodate uses permitted in the zone requested, and that all applicable property development standards can be complied with. Future development on any property with an HDO will have to comply with all development standards of the already established underlying zone and the requirements of the HDO.
- E. The subject properties do properly relate to streets and highways designed and fully improved to carry the type and quantity of traffic that is expected to be

generated in this area and utilities exist or are planned which will adequately serve the properties as rezoned.

- F. The City of Norco, acting as Lead Agency, has determined that the project will not have an adverse impact on the environment, based on the revised negative declaration that has been prepared for General Plan Amendment 2008-01/Draft Housing Element 2008-2014, Amendment No. 1 for which said project is a part of.

II. DETERMINATION:

NOW THEREFORE, in light of the evidence and testimony presented at the hearing on this application, and in conformity with the findings set forth here, the City Council for the City of Norco does hereby approve Zone Change 2012-06 and Gateway Specific Plan 90-01, Amendment No. 10 on property described here, and does hereby ordain as follows:

SECTION 1: AMENDMENT. City of Norco Ordinance No. 243 adopting the official City Zoning Map is to be amended, as described here in accordance with Zone Change 2012-06 and Gateway Specific Plan 90-01, Amendment No. 10, for reasons stated herein. The Planning Director is hereby directed to reflect said zone change on said map.

SECTION 2: EFFECTIVE DATE: This Ordinance shall become effective 30 days after final passage thereof.

SECTION 3: SEVERABILITY: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, subsections, sentences, clauses, or phrases hereof irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases hereof be declared invalid or unconstitutional.

SECTION 4: POSTING: The Mayor shall sign this Ordinance and the City Clerk shall attest hereto and shall cause the same within 15 days of its passage to be posted at no less than five public places within the City of Norco.

Ordinance No. ____
Page 4
May 2, 2012

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on May 2, 2012.

Mayor of the City of Norco, California

ATTEST:

Brenda K. Jacobs, CMC, City Clerk
City of Norco, California

I, BRENDA K. JACOBS, City Clerk of the City of Norco, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Norco, California, duly held on April 18, 2012, and thereafter at a regular meeting of said City Council duly held on May 2, 2012, it was duly passed and adopted 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 May 2, 2012.

Brenda K. Jacobs, CMC, City Clerk
City of Norco, California

/adr-80851

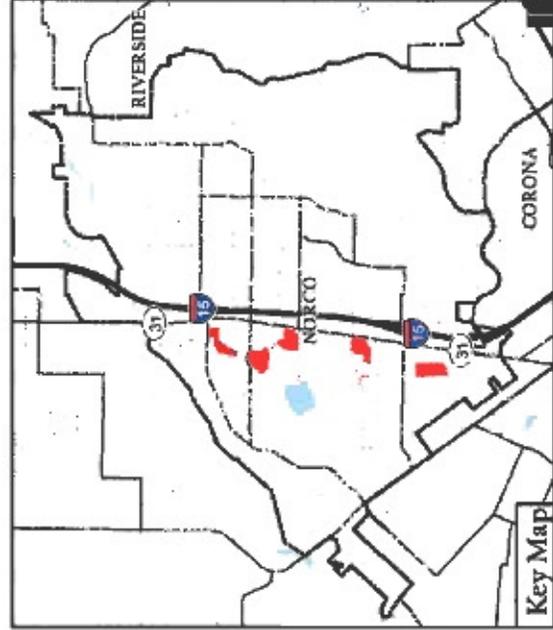
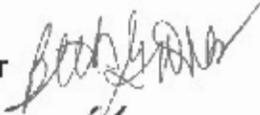


EXHIBIT A

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Steve King, Planning Director 

DATE: April 18, 2012

SUBJECT: **Zone Change 2012-07 (City):** A Request to Change Zoning on Approximately 2.42 Acres to Apply the Hospitality Development (HD) Zone with the Corresponding Hospitality Development Specific Plan (HDSP-1) on Property Located at 1417 Sixth Street.

HDSP – 1 Concept Plan (City): A Request to Approve the Concept Plan for HDSP – 1.

RECOMMENDATION: The Planning Commission recommended that the City Council deny Zone Change 2012-07 along with corresponding HDSP-1.

To approve the project the City Council motions would be:

Motion 1: Adopt for first reading Ordinance No. ____ approving Zone Change 2012-07 which includes Hospitality Development Specific Plan – 1 (HDSP – 1).

Motion 2: Adopt Resolution No. 2012-____ approving HDSP-1 Concept Plan to correspond with Zone Change 2012-07.

SUMMARY: This is a proposed zone change initiated by the City to implement the recently established Hospitality Development (HD) zone for property located at 1417 Sixth Street (ref. Exhibit "A" – Location Map). The intent is to provide assistance and encourage development of hospitality-related uses at locations in the City where the uses are appropriate. The assistance to property owners is the removal of one hurdle in the land entitlement process that could help ease the process of obtaining early funding for a hospitality project. Oftentimes the need for a zone change is seen as a potential roadblock and many times lending institutions will require that it occur prior to funding even being considered. The proposed zone change would change the zoning to include hospitality uses (e.g. hotels, motels, bed and breakfasts) but would leave in place the existing permitted uses and standards already established in the C-4 zone. However, the new zone would be HD and would no longer be called C-4.

On March 14, 2012, the Planning Commission adopted resolutions recommending denial of Zone Change 2012-07 and related HDSP-1 Concept Plan based on discussions that the HD zone was not meant to function like an overlay but was meant to be its own zone. A zone change requires approval by the City Council but since the project was City initiated staff had intended to withdraw it. At the March 21, 2012 meeting the City Council directed staff to advertise the project for its review.

BACKGROUND/ANALYSIS: On April 6, 2011, based on a recommendation of approval from the Planning Commission, the City Council approved Zone Code Amendment 2011-02 establishing the Hospitality Development (HD) zone. To date, no properties have been rezoned to HD. The Planning Commission considered a zone change request to apply the HD zone at three separate locations on August 31, 2011 but recommended to the City Council that the zone change requests be denied since there were no development plans associated with any of the requests. The request for zone changes on the three sites was initiated by staff but was withdrawn after the denial recommendation from the Planning Commission.

The HD zone requires that a specific plan be approved that establishes the permitted uses and development standards prior to any development on the site in question. When the three sites were being considered, the Planning Commission determined that it would be premature to establish the zoning without knowing ahead of time what a proposed development would look like even though the specific plan requirement would eventually control all of that.

With this zone change request the proposed Hospitality Development Specific Plan (HDSP – 1) was created ahead of time. HDSP – 1 requires approval of a Concept Plan which is attached and which is included as part of HDSP – 1 (ref. Exhibit "C" – HDSP – 1 Concept Plan). The Concept Plan is not binding and does not authorize construction. It only demonstrates how the proposed hospitality uses can be developed. Before development could proceed an applicant would still have to file a formal site plan application, including fees, for approval by the Planning Commission. The concept plan could help guide the design of those plans, but it is not a requirement. The Concept Plan can be altered to meet the needs of an individual developer.

Also attached is an architectural elevation for HDSP – 1 (ref. Exhibit "D" – Demonstration Elevation) but this is only included as further demonstration of what development of hospitality uses could look like. The elevations are not a formal part of the HDSP – 1 Concept Plan and are not intended to be considered for approval of architecture or an architectural theme. That would have to occur through the Planning Commission in a normal site plan review and approval process.

A typical issue confronted in the entitlement process when a zone change is needed is that it can be a deterrent to obtaining financing when the zoning outcome is unknown.

This zone change request by the City is an attempt to be pro-active and better assist potential developers of hospitality uses to more easily put together a development and financing plan. At issue with the Planning Commission was that the proposed hospitality uses were just being added to the already permitted uses in the C-4 zone basically making it function more like an overlay.

The HD zone was modeled after the Preservation and Development Zone (requires approval of a specific plan prior to development) that was successfully applied to the former Wyle property and to the Norconian Hotel campus. The difference between the PAD zone and the HD zone is that the HD zone is likely only going to be on properties that are as small as a couple of acres with existing development already controlled by City zoning. The PAD zone was applied to hundreds of acres in each case that were under one single ownership, and where the City either does not have jurisdiction now, or the potential for development was not in the foreseeable future. A specific plan in that situation that establishes allowed uses and development standards is a more typical process.

To apply the same process with the HD zone would be asking a property owner to abandon already established zoning for existing development in exchange for zoning with a yet-to-be-determined specific plan for future development. To get a property owner's concurrence with that would be very hard. That is why the hospitality uses were added to the already allowed uses in the C-4 zone. It was a compromise to make the zone change more palatable to the property owner while still encouraging the development of hospitality uses.

The drawback with this approach, however, is that it does not guarantee that hospitality uses will get developed because the uses already permitted in the C-4 zone would continue to be allowed. The Planning Commission suggested that the C-4 zone be amended to allow hotel uses at least on the western portion of Sixth Street. This approach was attempted a few years ago (2008) and was rejected by the Planning Commission sitting at that time. Discussion of a zone code amendment to reconsider adding hotel uses to the C-4 zone is being scheduled for a future meeting date.

/sk-80805

Attachments: Ordinance No. ____ (Zone Change 2012-07) (Includes HDSP – 1)
Resolution No. 2012-____ (HDSP – 1 Concept Plan)
Exhibit "A" – Location Map
Exhibit "B" – APN Map
Exhibit "C" – HDSP – 1 Concept Plan
Exhibit "D" – Demonstration Elevation
Exhibit "E" – Aerial Photo

ORDINANCE NO. ____

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORCO APPROVING ZONE CHANGE 2012-07 TO CHANGE EXISTING ZONING FROM COMMERCIAL (C-4) TO HOSPITALITY DEVELOPMENT (HD) AND APPROVING HOSPITALITY DEVELOPMENT SPECIFIC PLAN 1 ON 2.42 ACRES LOCATED AT 1417 SIXTH STREET. ZONE CHANGE 2012-07 (APN 131-140-032)

WHEREAS, the City of Norco, California initiated Zone Change 2012-07 and Hospitality Development Specific Plan 1 on property generally described as:

A Portion of SE¼ of NW ¼ of Sec. 6 T. 3S. R. 6W Port. as shown in Page 14 of Book 131 in Maps, Records of Riverside County, California.

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

WHEREAS, notice of 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 March 14, 2012, 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 Planning Commission moved to recommend to the City Council that Zone Change 2012-07 and related Hospitality Development Specific Plan – 1 be denied; and

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

WHEREAS, notice of 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 April 18, 2012, 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

April 18, 2012

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 project is exempt from the California Environmental Quality Act and the City of Norco Environmental Guidelines pursuant to Class 32.

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

SECTION 1: Norco Municipal Code Title 18 "Zoning" is hereby amended as follows.

HOSPITALITY DEVELOPMENT SPECIFIC PLAN – 1 (C-4)

HDSP-1

Sections:

- HDSP1.02 Intent and Purpose.
- HDSP1.04A Permitted Uses (HDSP – 1).
- HDSP1.04B Permitted Uses (C-4).
- HDSP1.06 Uses or Structures Permitted by Conditional Use Permit.
- HDSP1.08 Approved Concept Plan.
- HDSP1.10 Conduct of Uses.
- HDSP1.12 Lot Requirements.
- HDSP1.14 Yards.
- HDSP1.16 Height.
- HDSP1.18 Coverage.
- HDSP1.20 Distance between Buildings.
- HDSP1.22 Walls, Fences, and Structures in the Setback Areas.
- HDSP1.24 Off-Street Parking and Loading.
- HDSP1.26 Air Conditioning Equipment.
- HDSP1.28 Signs.
- HDSP1.30 Trash Areas.
- HDSP1.32 Landscaping.
- HDSP1.34 Site Plan Review.

HDSP1.02 Intent and Purpose.

Hospitality Development Specific Plan 1 is intended to provide for the coordinated development of a planned commercial project oriented to the traveling public in an orderly and aesthetically pleasing manner that buffers surrounding land uses as needed and preserves the City's equestrian lifestyle and the western design theme of Sixth Street.

This specific plan establishes a more comprehensive review procedure with flexibility in development standards to accommodate the distinct features and opportunities for this particular site. It is intended that development reflects any unique characteristics of the congruous area by blending the built environment with these characteristics including a rural, small town atmosphere and an open character compatible with nearby residential districts. Development should be designed to encourage visible public landscaping, pedestrian walks, equestrian trails, carefully situated parking areas, discreet signage, a definite "western" motif in building design, and other such amenities as determined desirable to carry out the western theme.

HDSP1.04A Permitted Uses (HDSP – 1).

The following uses are permitted and the land shall be used and buildings and structures shall hereafter be erected, altered, enlarged or otherwise modified for the following uses only. Existing uses are permitted to continue as legal non-conforming land uses. Ancillary and accessory uses which are clearly incidental and subordinate to the primary use are permitted. Accessory uses will be reviewed concurrently with each land use proposal or as an amendment to an approved project.

(1) Planned development for tourist residential uses catering to the travelling public (does not include agricultural, work, or recreational camps). Activities include, but are not limited to:

- (a) Hotels (interior room access)
- (b) Motels (exterior room access)
- (c) Motor hotels
- (d) Bed and breakfast inns
 - i. May include one permanent on-site innkeeper residence in addition to a minimum of 3 units available for tourist residential purposes in existing residences, or a minimum of 10 units in new construction.
- (e) Hotel/vacation ownership resort
 - i. May include up to 50% of available units for fractional ownership with an annual limitation on the number of days in residence. When not in residence, the fractional ownership units shall be available for standard room rental.
- (f) Full-serve or quick-serve restaurants
 - i. May include the service of alcohol as an ancillary use (ABC Type 41 and 47 Licenses).
 - ii. Does not include drive-through or car-serve restaurants.
 - iii. Take-out service may be allowed as an ancillary use only.
- (g) Themed restaurants.

- i. May include the service of alcohol as an ancillary use (ABC Type 41 and 47 Licenses).
- ii. May include dinner theater or dinner entertainment.
- iii. Does not include drive-through or car-serve restaurants.
- iv. Take-out service may be allowed as an ancillary use only.

(2) Ancillary uses when built in conjunction with a hotel or vacation ownership resort. The following accessory uses may be conducted where clearly incidental to and integrated with a permitted primary use, excluding restaurants, and as otherwise limited herein:

The following are interior hotel access only:

- (a) Amusement arcade.
- (b) Banking facilities including automatic tellers.
- (c) Book store, newsstand
- (d) Business, postal center.
- (e) Continental breakfast room.
- (f) Confectionary shop/bakery.
- (g) Convenience/drug store.
- (h) Day care services (for guests and employees).
- (i) Gift, souvenir, floral shop.
- (j) Gym, physical fitness center, health spa.
- (k) Laundry, dry cleaning.
- (l) Meeting room.
- (m) Sale of alcohol for off-premise consumption.
- (n) Spa, **massage** (in accordance with City processing requirements).
- (o) Ticket agency.
- (p) Tobacco shop

The following recreational uses may include exterior access:

- (q) Aviary.
- (r) Equestrian riding ring.
- (s) Gardens (not included in minimum landscaping requirements).
- (t) Miniature golf.
- (u) Playground.
- (v) Petting zoo.
- (w) Recreational sport facilities (pool, tennis and racquetball courts, putting greens).

HDSP1.04B Permitted Uses (C-4).

(1) Uses otherwise permitted in the C-4 zone. Land shall be used and buildings and structures shall hereafter be erected, altered, enlarged or otherwise modified for the permitted uses in the C-4 zone only. Existing uses are permitted to continue as legal non-conforming land uses. Ancillary and accessory uses which are clearly incidental and subordinate to the primary use are permitted. Accessory uses will be reviewed concurrently with each land use proposal.

HDSP1.06 Uses or Structures Permitted by Conditional Use Permit.

(1) Uses otherwise conditionally-permitted in the C-4 zone.

(2) Buildings that exceed the maximum allowed height of 35 feet. Allowance for additional height shall generally only be considered for architectural purposes such as finishing the height of a roof pitch.

HDSP1.08 Approved Concept Plan.

Development shall be in substantial conformance with the Approved Concept Plan for HDSP-1. Prior to application for building permits the developer shall submit applications, including payment of all applicable application fees, for approval of the finalized site plan, building elevations, floor plans, architectural plans, lighting plans, and landscaping plans by the Planning Commission.

Minor deviations to the Approved Concept Plan for HDSP-1 can be approved without modification of HDSP-1. However, substantial changes, as determined by the Planning Director, may require a new public hearing for reconsideration, modification, or revocation of the Specific Plan, and possible re-zoning of the property back to the primary zoning of Sixth Street.

HDSP1.10 Conduct of Uses. (same as C-4 zone)

HDSP1.12 Lot Requirements.

(1) Area: The minimum lot size for HDSP-1 is 2.42 acres. Smaller lots for financing purposes can be created after development of the minimum lot size has been developed.

(2) Other requirements same as C-4 zone.

HDSP1.14 Yards. (same as C-4 zone)

HDSP1.16 Height.

The maximum height of any building or structure shall not exceed 35 feet unless otherwise approved through a conditional use permit and generally only for architectural purposes. (Ord. 802, 2003; Added by Ord. 539 Sec. 1 (part), 1985)

HDSP1.18 Coverage. (same as C-4 zone)

HDSP1.20 Distance between Buildings. (same as C-4 zone)

HDSP1.22 Walls, Fences, and Structures in the Setback Areas. (same as C-4 zone)

HDSP1.24 Off –Street Parking and Loading. (same as C-4 zone)

HDSP1.26 Air Conditioning Equipment. (same as C-4 zone)

HDSP1.28 Signs. (same as C-4 zone)

HDSP1.30 Trash Areas. (same as C-4 zone)

HDSP1.32 Landscaping. (same as C-4 zone)

HDSP1.34 Site Plan Review. (same as C-4 zone)

#

SECTION 2: EFFECTIVE DATE: This Ordinance shall become effective 30 days after final passage thereof.

SECTION 3: SEVERABILITY: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, and phrase, hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases hereof be declared invalid or unconstitutional.

SECTION 4: POSTING: The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and shall cause the same within 15 days of its passage to be posted at no less than five public places within the City of Norco.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held May 2, 2012.

Mayor of the City of Norco, California

ATTEST:

Brenda K. Jacobs, City Clerk
City of Norco, California

I, BRENDA K. JACOBS, City Clerk of the City of Norco, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Norco, California, duly held on April 18, 2012 and thereafter at a regular meeting of said City Council duly held on May 2, 2012, it was duly passed and adopted 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 May 2, 2012.

Brenda K. Jacobs, City Clerk
City of Norco, California

/sk-80827

RESOLUTION NO. 2012-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA APPROVING HOSPITALITY DEVELOPMENT SPECIFIC PLAN – 1 CONCEPT PLAN ON 2.42 ACRES AT 1417 SIXTH STREET. HOSPITALITY DEVELOPMENT SPECIFIC PLAN – 1 (APN 131-140-032)

WHEREAS, the City of Norco, California initiated Zone Change 2012-07 which requires adoption of a specific plan on property generally described as:

A Portion of SE¼ of NW ¼ of Sec. 6 T. 3S. R. 6W Port. as shown in Page 14 of Book 131 in Maps, Records of Riverside County, California.

WHEREAS, this concept plan is adopted as part of Hospitality Development Specific Plan – 1 and included therewith; and

WHEREAS, said application for Hospitality Specific Plan – 1 Concept Plan has been duly submitted to the Planning Commission for the City of Norco for decision at a public hearing for which proper notice was given; and

WHEREAS, at the time set at 7 p.m. on March 14, 2012, 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, the Planning Commission heard and considered both oral and written evidence, and

WHEREAS, the Planning Commission moved to recommend to the City Council that Zone Change 2012-07 and related Hospitality Specific Plan – 1 be denied; and

WHEREAS, said application for Hospitality Specific Plan – 1 Concept Plan has been duly submitted to the City Council of the City of Norco for decision at a public hearing for which proper notice was given; and

WHEREAS, at the time set at 7 p.m. on April 18, 2012, 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, the 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 project is exempt from the California Environmental Quality Act and the City of Norco Environmental Guidelines pursuant to Class 32.

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

- A. The proposed concept plan complies with all applicable requirements of the Norco Municipal Code, the Zoning Ordinance, and the General Plan in that the proposed concept plan is consistent with the General Plan Land Use Designation of Hospitality Development and consistent with the Hospitality Development zone.
- B. The proposed concept plan is reasonably compatible with the area immediately surrounding the project site in that the corresponding specific plan will insure compatibility to surrounding areas.
- C. The proposal is not injurious to surrounding properties, nor does the project adversely impact the use of adjoining parcels.
- D. The City of Norco has been determined to be the lead agency for environmental reporting purposes pursuant to State and local environmental guidelines, and has determined that the project is exempt from the California Environmental Quality Act and the City of Norco Environmental Guidelines pursuant to Class 32.

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: Hospitality Development Specific Plan – 1 Concept Plan is approved subject to the conditions provided in Section 18.40 of the Municipal Code of Norco, including, but not limited to the following conditions:

1. Development shall be in substantial conformance with the approved Concept Plan for HDSP-1. Prior to filing applications for building permits the developer shall submit applications, including payment of all application fees, for approval of the finalized site plan including other plans as may be needed by the Planning Commission and that could include building elevations, floor plans, architectural plans, lighting plans, and landscaping plans.

April 18, 2012

2. Minor deviations to approved Concept Plan for HDSP-1 can be approved without modification of HDSP-1. However, substantial changes as determined by the Planning Director may require a new public hearing for reconsideration, modification, or revocation of the Specific Plan, and possible re-zoning of the property back to the primary zoning of Sixth Street.

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 meeting held on April 18, 2012.

Mayor of the City of Norco, California

ATTEST:

Brenda K. Jacobs, CMC
City Clerk

I, BRENDA K. JACOBS, 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 at a meeting held on April 18, 2012 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 April 18, 2012.

Brenda K. Jacobs, CMC
City Clerk

/sk-80830

LOCATION MAP



Not to Scale



PROJECT: Zone Change 2012-07

APPLICANT: City of Norco

LOCATION: 1417 Sixth Street

Exhibit "A"

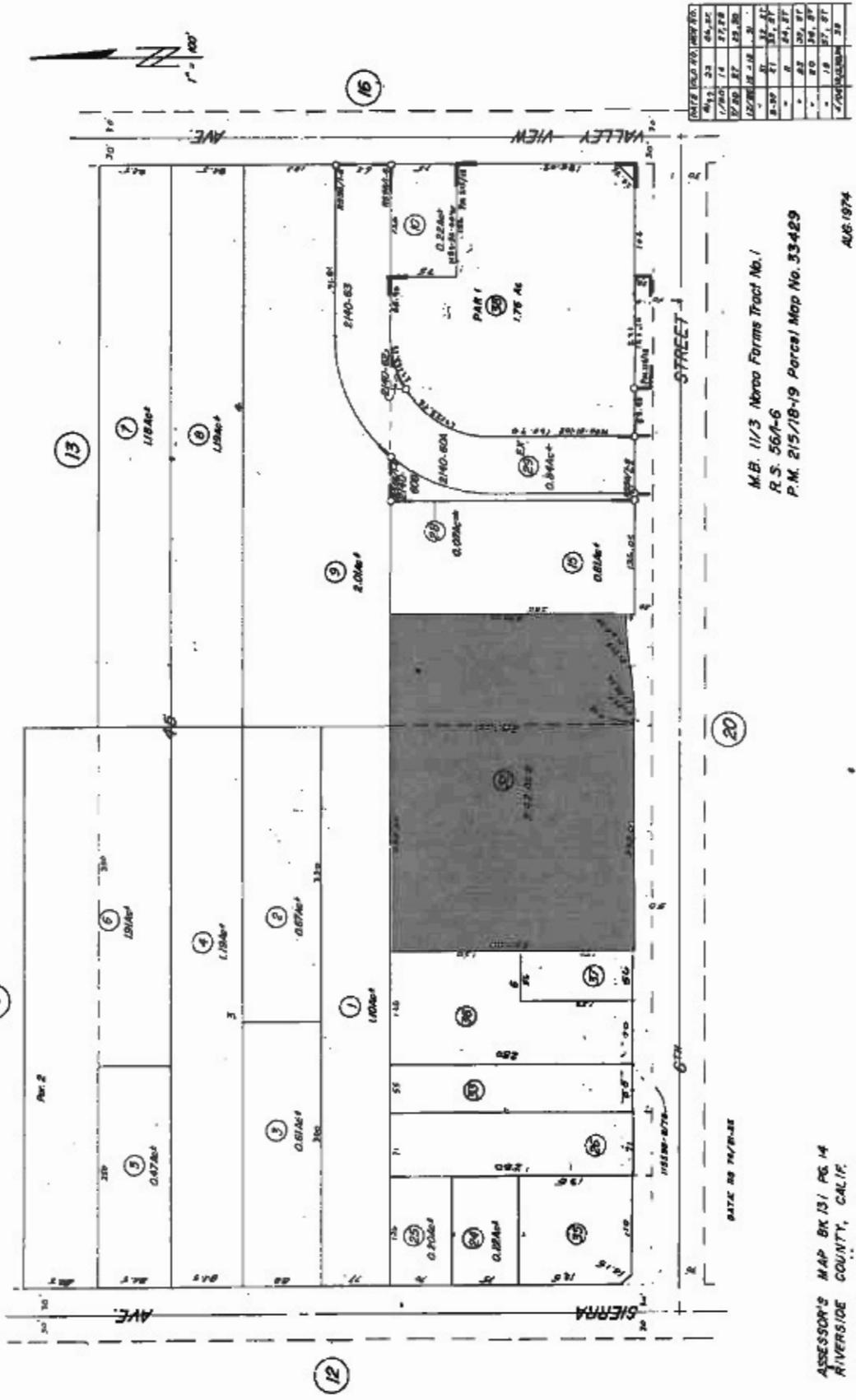
ASSESSOR'S PARCEL MAP

FOR. SE 1/4 NW 1/4 SEC. 6, T33SR6W
 POR. CITY OF NORCO

9-4
 T.R.A. 015-007 131-14

THIS MAP IS FOR
 ASSESSMENT PURPOSES ONLY

APR 25 2006



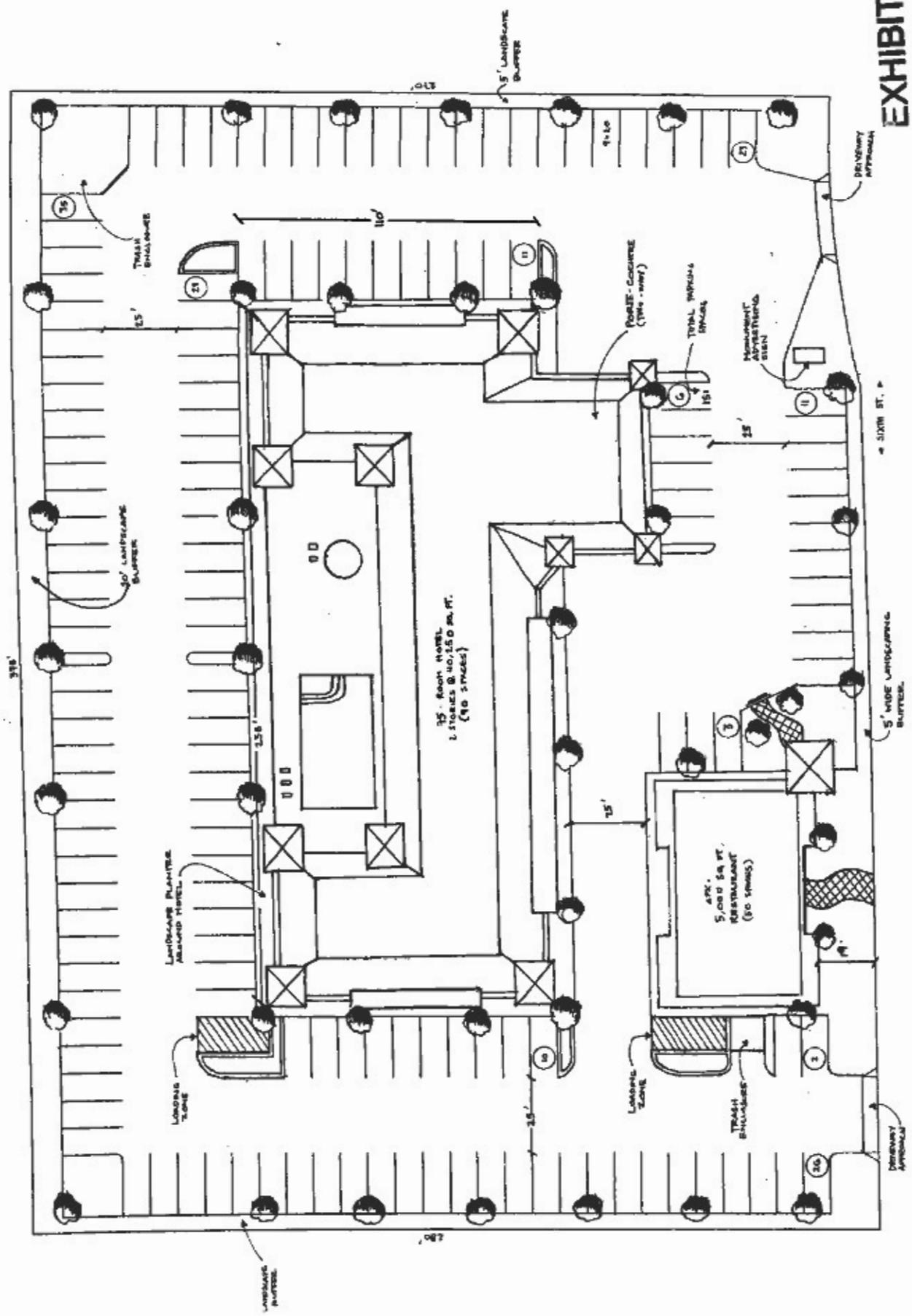
M.B. 11/3 Norco Farms Tract No. 1
 R.S. 56A-6
 P.M. 215/18-19 Parcel Map No. 33429

ASSESSOR'S MAP BK 13 / PG. 14
 RIVERSIDE COUNTY, CALIF.

AUG 1974

Exhibit "B"

EXHIBIT 'C'



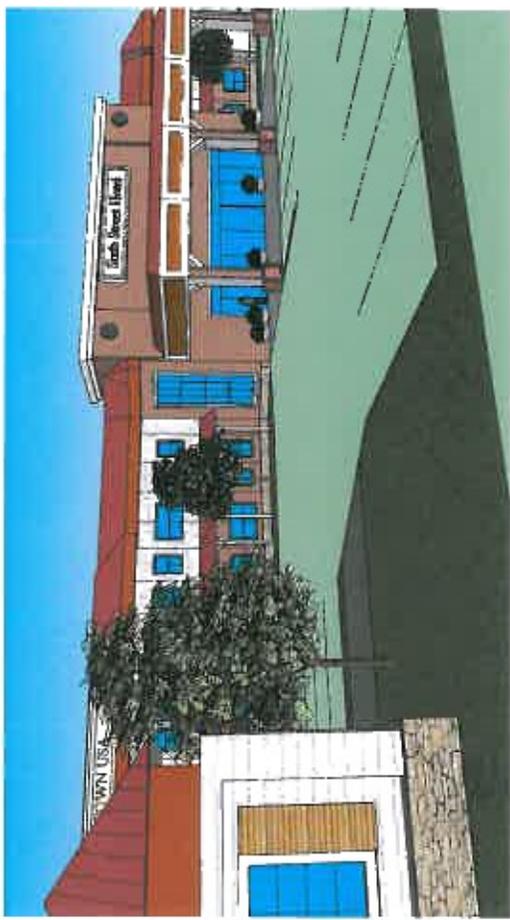
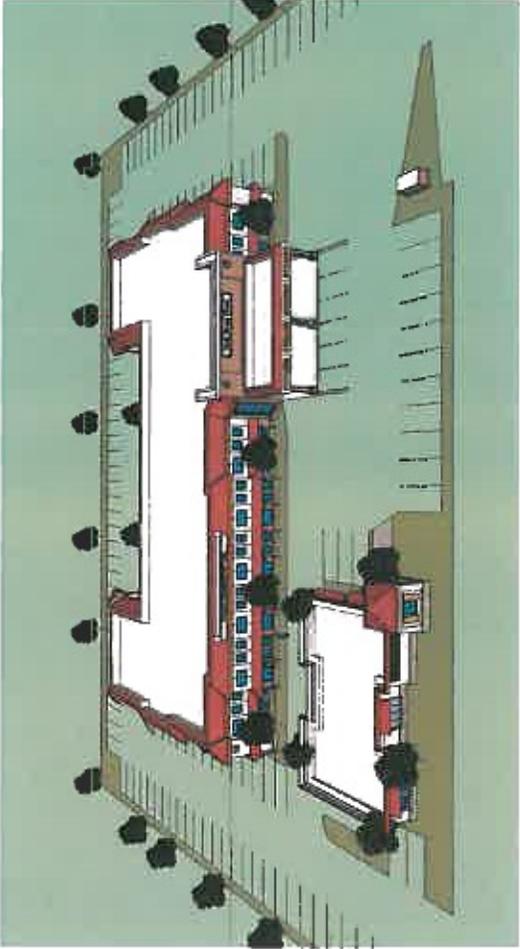


Exhibit "D"

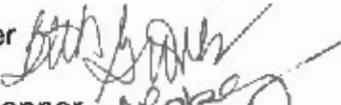
AERIAL PHOTO

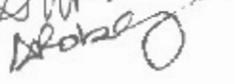


Exhibit "E"

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Alma D. Robles, Senior Planner 

DATE: April 18, 2012

SUBJECT: **Entertainment Permit 2012-01(Crain/Jensen):** A Request for Approval to Allow Live Entertainment to Consist of Karaoke, Live Bands, Disc Jockeys and Dancing at the Water Wheel Bar and Deli located at 980 Sixth Street within the C-4 (Commercial) Zone.

RECOMMENDATION: Adopt **Resolution No. 2012-___**, approving Entertainment Permit 2012-01.

SUMMARY: The application is a request for approval of an entertainment permit to allow live entertainment to consist of karaoke, live bands, disc jockeys (DJ) and dancing at the soon to be opened Water Wheel Bar and Deli located at 980 Sixth Street (ref. Exhibit "A" – Location Map).

BACKGROUND/ANALYSIS: Tenant improvements are currently underway in the existing building located at 980 Sixth Street, which is part of the Norco Country Center located at the southwest corner of Sixth Street and Temescal Avenue (ref. Exhibit "B" - Norco Country Center Site Plan).

The applicant is also currently in the process of obtaining a Type 47 Alcohol and Beverage Control (ABC) License to authorize the sale of beer, wine and distilled spirits for consumption on the premise in conjunction with a restaurant.

As part of the business operation, the applicant is proposing to provide live entertainment to consist of the following:

- 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.

The existing building where the subject business is proposed is two stories and all entertainment will occur on the first floor in the areas marked for a performance platform and dance floor on the floor plan (ref. Exhibit "C" – First Floor Plan).

Pursuant to Norco Municipal Code (NMC) Chapter 5.08, in order for an establishment where food and beverages are sold to provide live entertainment, an entertainment permit must first be approved by the City Council.

Section 5.08.080 of the NMC states that the City Council may deny an application for an entertainment permit if it finds and determines any of the following:

A. That the conduct of entertainment, as proposed by the applicant, if permitted, will not comply with all applicable laws, included but not limited to the City's building, zoning and health regulations; and

B. That 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 been convicted in a court of competent jurisdiction, by final judgment 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 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 interfere with the peace and quiet of any surrounding residential neighborhood; and

D. That the applicant has 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.

Background checks were done on the applicants/owners by the Sheriff's Department to address the above listed findings (as they pertain to the Sheriff's Department), with satisfactory results. The Department did not express concerns over the proposed entertainment.

The proposal complies with all applicable laws, including the Municipal Code requirements. It is not anticipated that the proposal for entertainment will interfere with the peace and quiet of any surrounding residential neighborhood, since the proposed entertainment will be held within the building and the subject building is not adjacent to a residential use. Insofar as staff is aware, the applicant has not submitted any false or misleading information.

FINANCIAL IMPACT: None

/adr-80794

Attachments: Resolution No. 2012-____
Exhibit "A" – Location Map
Exhibit "B" – Norco Country Center Site Plan
Exhibit "C" – First Floor Plan

RESOLUTION NO. 2012-__

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

WHEREAS, JAMES S. CRAIN AND MONIQUE JANSEN submitted an application to the City of Norco, California for an 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 on the manner and for times required by law; and

WHEREAS, at the time set at 7 p.m. on April 18, 2012 within the Council Chambers at 2820 Clark Avenue, Norco, California, 92860, said petition 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 environmental assessment, pursuant to Class 1.

NOW, THEREFORE, the City Council of the City of Norco does hereby resolve 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 is approved for the Water Wheel Bar and Deli located at 980 Sixth Street, subject, but not limited to, the following conditions:

1. Approval is based on Exhibit "C" – Floor Plan dated February 21, 2012 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 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.

4. Live entertainment shall be permitted during specified hours and shall be subject to review if difficulties or complaints are received by the City. The entertainment allowed shall consist of the following:

A) 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.;

B) Live bands or DJ on the weekends from 8:00 p.m. to 1:00 p.m.;

C) Dance lessons one night a week from 7:00 p.m. to 8:00 p.m.; and

D) Karaoke one night a week from 7:00 p.m. to 10:00 p.m.

5. Loitering outside of the premises shall be prohibited.

6. Issuance of a valid business license by the Norco Business License Division shall be required.

7. This permit shall be valid only for the proposed business (Water Wheel Bar and Deli) and shall not be transferable to a new owner.

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

###

Resolution No. 2012 - ____
Page 5
April 18, 2012

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on April 18, 2012.

Mayor of the City of Norco, California

ATTEST:

Brenda K. Jacobs, City Clerk
City of Norco, California

I, BRENDA K. JACOBS, 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 April 18, 2012 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 April 18, 2012.

Brenda K. Jacobs, City Clerk
City of Norco, California

/adr-80800

LOCATION MAP



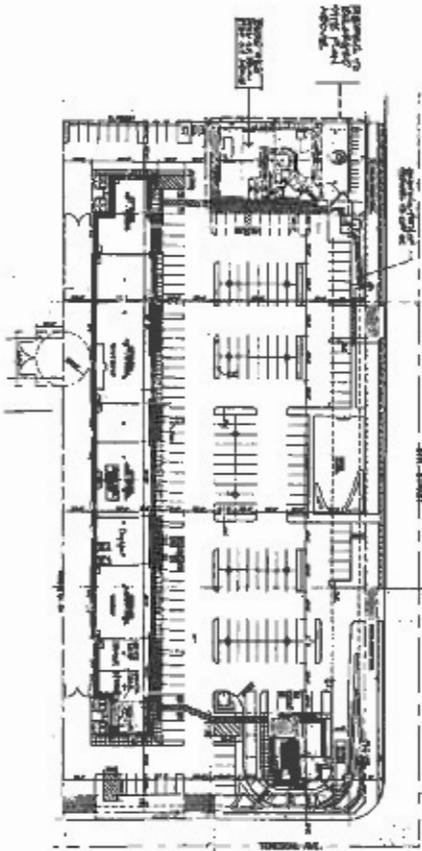
Not to Scale



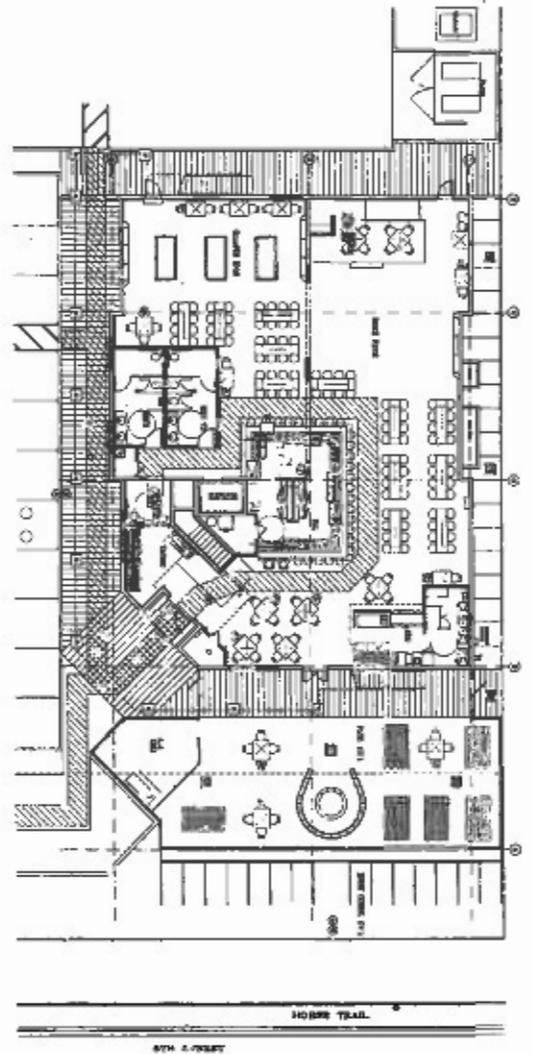
PROJECT: Entertainment Permit 2012-01
APPLICANT: James S. Crain and Monique Jensen
LOCATION: 980 Sixth Street

Exhibit "A"

OVERALL REFERENCE SITE PLAN



ENLARGED ARCHITECTURAL SITE PLAN / PATH OF TRAVEL PLAN



EXISTING BUILDING & SITE INFORMATION

EXISTING BUILDING INFORMATION		SITE INFORMATION	
Address:	1234 Main St	Lot Area:	10,000 sq ft
Year Built:	1985	Site Zoning:	Commercial
Number of Floors:	2	Adjacent Properties:	See adjacent site plans
Current Use:	Office	Utilities:	Water, Sewer, Gas, Electric
Structural Type:	Concrete	Other Notes:	See site notes for details

PATH OF TRAVEL / ACCESSIBILITY SUMMARY	
Item	Description
1	Path of Travel from Street to Building
2	Path of Travel from Building to Rear Yard
3	Path of Travel from Rear Yard to Horse Trail
4	Path of Travel from Horse Trail to 5th Street

PROGRAM SET - NOT FOR CONSTRUCTION

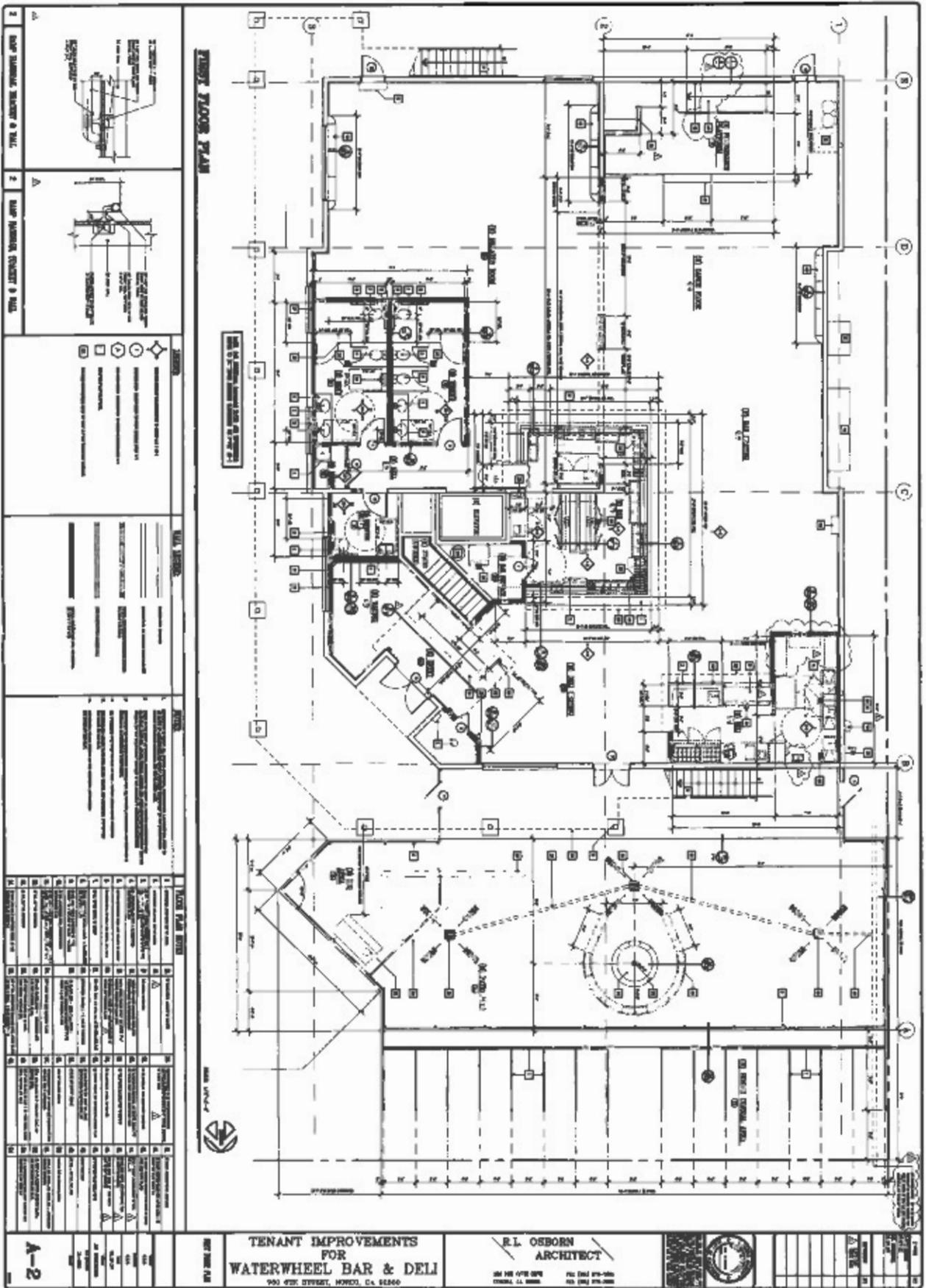
A-1

TENANT IMPROVEMENTS FOR WATERWHEEL BAR & DELI

R.L. OSBORN ARCHITECT
400 PINE ST. SUITE 2000
SAN FRANCISCO, CA 94111



EXHIBIT "B"



1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100

FIRST FLOOR PLAN

TENANT IMPROVEMENTS
FOR
WATERWHEEL BAR & DELI
990 42ND STREET, NEWYK, Ct. 06250

R.L. OSBORN
ARCHITECT
300 100 10TH ST
NEWYK, Ct. 06250



NO.	DATE	DESCRIPTION
1	10/1/20	ISSUED FOR PERMIT
2	10/15/20	REVISED PER COMMENTS
3	10/20/20	REVISED PER COMMENTS
4	10/25/20	REVISED PER COMMENTS
5	11/05/20	REVISED PER COMMENTS
6	11/15/20	REVISED PER COMMENTS
7	11/25/20	REVISED PER COMMENTS
8	12/05/20	REVISED PER COMMENTS
9	12/15/20	REVISED PER COMMENTS
10	12/25/20	REVISED PER COMMENTS

EXHIBIT C

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Brian K. Petree, Parks, Recreation & Community Services Director

DATE: April 18, 2012

SUBJECT: Amendment to the FY 2011-2016 Capital Improvement Program Budget to Add a Project in the Amount of \$153,259 from a Grant Funded by the California Energy Commissions Energy Efficiency and Conservation Block Grant (EECBG) for Public Building Retrofit of Lighting Fixtures

RECOMMENDATION: Adopt **Resolution No. 2012-___**, amending the FY 2011-2016 Capital Improvement Program Budget to add a project in the amount of \$153,259 from a Grant funded by the California Energy Commissions Energy Efficiency and Conservation Block Grant (EECBG) for public building retrofit of lighting fixtures.

SUMMARY: The Parks, Recreation and Community Services Department is requesting Council to adopt a resolution amending the FY 2011-2016 Capital Improvement Program Budget to add a project in the amount of \$153,259 from a grant funded by the California Energy Commission's Energy Efficiency and Conservation Block Grant (EECBG) Program for the public building retrofit of lighting fixtures.

BACKGROUND/ANALYSIS: The EECBG Program is designed to provide eligible small cities and counties within the State of California grant funding to install eligible cost-effective energy efficiency retrofits within their jurisdictions. Through its formulaic block grant program, the City of Norco received \$153,259 from the California Energy Commission (Energy Commission) who is responsible for administering the State's share of EECBG funding within California.

Through a SCE-Western Riverside Energy Leader Partnership (WRELP) agreement between SCE and the Western Riverside Council of Governments (WRCOG), the City received technical expertise and resources to carry out facility energy audits which identified and developed cost effective energy savings projects that the city can implement. They included lighting retrofits at City Hall, the Community Center Riley Gymnasium, the Senior Center and Pikes Peak Park in which the EECBG Funds can be used. These projects will be completed by mid-June, 2012.

FINANCIAL IMPACT: The City will receive \$153,259 from Energy Efficiency and Conservation Block Grant (EECBG) Program monies through the American Recovery and Reinvestment Act of 2009. These funds will be expended on lighting retrofits at City Hall, Community Center Riley Gymnasium, Senior Center and Pikes Peak Park. This is a cost-neutral proposition, which has no negative impact on the City's General Fund.

/ma- 80718

Attachment: Resolution No. 2012-___

RESOLUTION NO. 2012-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA AMENDING THE FY 2011-2016 CAPITAL IMPROVEMENT PROGRAM BUDGET TO ADD A PROJECT IN THE AMOUNT OF \$153,259 FROM A GRANT FUNDED BY THE CALIFORNIA ENERGY COMMISSIONS ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG) FOR PUBLIC BUILDING RETROFIT OF LIGHTING FIXTURES AT CITY HALL, COMMUNITY CENTER, RILEY GYMNASIUM, NORCO SENIOR CENTER AND PIKES PEAK PARK

WHEREAS, the effective date of the agreement between the City of Norco and the California Energy Commission for this project is June 16, 2010 – June 14, 2012; and

WHEREAS, the Norco City Council ("Council"), has approved a Capital Improvement Program for the construction of public improvements for the benefit of the Community; and

WHEREAS, improvement of energy efficient lighting in city facilities will benefit the City of Norco by achieving energy savings and utility bill cost savings; and

WHEREAS, the City received funding to perform eligible cost-effective energy efficient retrofits within its jurisdiction; and

WHEREAS, funding is available from the Energy Efficiency and Conservation Block Grant (EECBG) Program monies through the American Recovery and Reinvestment Act of 2009 (ARRA).

NOW THEREFORE, BE IT RESOLVED that the FY 2011-2016 Capital Improvement Program budget is amended to include the Public Building Retrofit of Lighting Fixtures Project in the amount of \$153,259.

PASSED AND ADOPTED by the City Council at a regular meeting held on April 18, 2012.

Mayor of the City of Norco, California

ATTEST:

Brenda K. Jacobs, City Clerk
City of Norco, California

CRA Resolution No. 2012-_____

Page 2

April 18, 2012

I, Brenda K. Jacobs, City Clerk of the City of Norco, California do hereby certify that the foregoing Resolution was introduced and adopted by the City Council of the City of Norco at a regular meeting held on April 18, 2012 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 April 18, 2012.

Brenda K. Jacobs, City Clerk
City of Norco, California

/ma-80721

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Lori J. Askew, Deputy Public Works Director/Senior Engineer 

DATE: April 18, 2012

SUBJECT: Discussion Regarding Options for Parking Restrictions on Belgian Drive, Stallion Drive and Surrounding Streets

RECOMMENDATION: Direct staff to proceed with one or more of the options provided.

SUMMARY: Residents that live on Belgian and Stallion Drive in the vicinity of Norco College have requested that the City place some kind of parking restrictions on these streets to minimize students who attend the college from parking on the streets and thus generating litter on the streets.

BACKGROUND/ANALYSIS: Residents that live on Belgian Drive and Stallion Drive in the vicinity of the Norco College campus have expressed a desire to see some kind of restrictions placed on parking on public streets. Students that attend the college are parking on the residential streets on the west end of the campus. While the parked cars are an inconvenience for the residents, the litter and trash that the students are depositing in the area is becoming a larger nuisance for them. Staff has been tasked to look into options that are viable solutions to the problem.

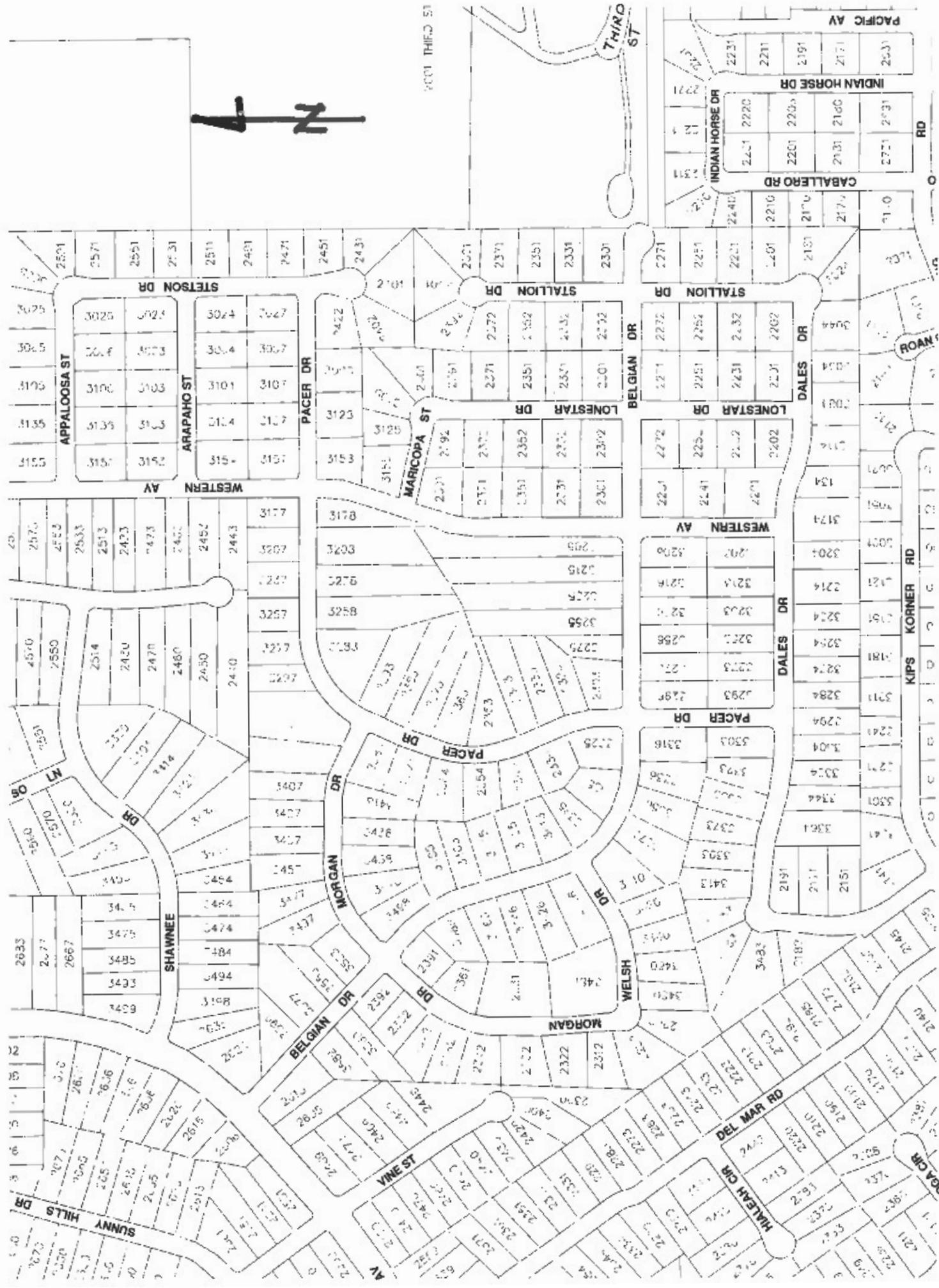
Through the years, the City Council, by resolution, has established parking regulations on various streets throughout Norco. Section 22507 of the California Vehicle Code gives the local agency this authority. Resolutions have been established that restrict all parking on a street; parking only on one side of a street; parking with an established length of time; parking only at certain times; and parking by permit.

All options mentioned would be accomplished through the installation of signage indicating the parking restrictions. Sign material costs are approximately \$76 per sign. In addition to signage, permit parking would require staff time to issue and track permits. The Riverside County Sheriff's Department would enforce the restrictions placed. Staff has had discussions with campus officials who have agreed to help in educating the students on the parking restrictions (if created) and better awareness of litter clean-up.

FINANCIAL IMPACT: Funds are available in the adopted FY 2012-2016 CIP Budget Capital Improvement Fund 137 (Measure "A"), and from Capital Improvement Fund 133 (Gas Tax) for this project.

80840/lja

Attachments: Vicinity Map



2001 THIRD ST

THIRD ST

PACIFIC AV

INDIAN HORSE DR

CABALLERO RD

RD

ROAN

KIPS KORNER RD

DEL MAR RD

ROAD

SUNNY HILLS DR

VINE ST

HALESH CR

ROAD