



AGENDA
CITY OF NORCO
CITY COUNCIL

September 4, 2013

City Council Chambers
2820 Clark Avenue, Norco, CA 92860

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

CALL TO ORDER: 7:00 p.m.

ROLL CALL:

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Hanna

INVOCATION: St. Mel's Catholic Church
Father Declan Fogarty

PRESENTATIONS: Award Received
"2013 Most Improved Footing" at the George Ingalls
Equestrian Event Center presented by the Women's
Professional Rodeo Association, California Circuit

Recognition of Richard (Ricky) Hallam for his Rodeo
Accomplishments

CITY COUNCIL BUSINESS ITEMS AS FOLLOWS:

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

- A. City Council Minutes:
Regular Meeting of August 21, 2013
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. Approval of Compensation for Members Serving on the Historic Preservation Commission. **Recommended Action: Adopt Resolution No. 2013-59, establishing compensation in the amount of \$50 per meeting, with a maximum compensation of \$100 per month for members serving on the Historic Preservation Commission.** (City Clerk)
3. ITEM(S) PULLED FROM CITY COUNCIL CONSENT CALENDAR:
4. CITY COUNCIL DISCUSSION / ACTION ITEMS:
- A. Discussion Regarding a Water and Sewer Subsidy Program for Low Income Senior Citizens. **Recommended Action: That the City Council provide direction.** (City Manager)
5. CITY COUNCIL PUBLIC HEARINGS:
- A. Zone Code Amendment 2013-14 (City): Recommendation to the City Council on Proposed Revisions to Section 18.64.10 (Density Bonus) regarding Incentives towards the Production of Affordable Housing within the "Housing Development Overlay (HDO) Zone as an Implementation Measure of the General Plan Housing Element (2008-2014 Housing cycle).
- The proposed Density Bonus Ordinance is a requirement of the state and is one of the implementation measures of the 2008-2014 Housing Element Update that was certified by the state last year. And in order to qualify for an expedited review of the 2014-2021 Update that is currently being reviewed the Department of Housing and Community Development (HCD), the City needs to adopt the Density Bonus Ordinance.*
- Recommended Action: The Planning Commission adopted Resolution 2013-28 recommending that the City Council approve Zone Code Amendment 2013-14 and adopt Ordinance No. 965 for first reading.** (Planning Director)

- B. Tentative Parcel Map (TPM) 36552 (Mehta): A request for approval of a subdivision of land that is 1.14 acres into two parcels for residential uses located at 4520 Center Street within the A-1-20 Zone.

TPM 36552 is a request for approval of a subdivision of land that is approximately 1.14 acres into two parcels for residential uses. The property is located at 4520 Center Avenue within the A-1-20 Zone.

Recommended Action: Adopt Resolution No. 2013-60, approving TPM 36552, subject to the conditions outlined in the resolution.
(Planning Director)

- 6. 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.
- 7. CITY COUNCIL / CITY MANAGER / STAFF COMMUNICATIONS:
- 8. 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.

Please note that this meeting is being recorded. In accordance with Roberts Rules of Order, Norco City Council meeting minutes are a record of the actions taken, not what was said. The names of persons who spoke during the public comments section and their topics will be listed on the Minutes. Recordings of meetings may be purchased for a minimal cost by contacting the office of the City Clerk.



MINUTES
CITY OF NORCO
CITY COUNCIL
SUCCESSOR AGENCY TO THE NORCO COMMUNITY REDEVELOPMENT AGENCY

August 21, 2013

City Council Chambers
2820 Clark Avenue, Norco, CA 92860

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

CALL TO ORDER: Mayor Azevedo called the meeting to order at 6:05 p.m.

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

The City Attorney stated the need to add a late arriving potential litigation item to Closed Session, adding that this action requires a 4/5 vote of the City Council.

M/S Higgins/Sullivan to add one item to the Closed Session agenda as the matter is urgent and arose after the agenda was prepared. The motion was carried by the following roll call vote:

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

THE CITY COUNCIL/SUCCESSOR AGENCY RECESSED TO CLOSED SESSION (SECTION 54954) TO CONSIDER MATTERS:

Section 54956.9 – Anticipated Litigation (Added by Urgency)

Number of Potential Cases: 1

Section 54956.9 – Conference with Legal Counsel – Existing Litigation

Case Name: Successor Agency vs. Jeffrey D. Wilhelm and Jeffrey D. Wilhelm, LLC
Case Number: RIC 10008244

RECONVENE PUBLIC SESSION: Mayor Azevedo reconvened the meeting at 7:10 p.m.

REPORT OF ACTION(S) TAKEN IN CLOSED SESSION (§54957.1): **City Attorney Harper stated that a potential litigation item was added to the closed session portion of the agenda as an urgency matter. He further stated that there are no reportable actions to report following the discussions held in closed session.**

PLEDGE OF ALLEGIANCE: Council Member Bash

INVOCATION: Beacon Hill Assembly of God
Pastor Rene Parish

RECOGNITIONS: Retirement of Norco UPS Driver -- Kathy Bamber

Mayor Azevedo presented a Certificate of Recognition to Kathy Bamber honoring her for her years of service to the community delivering for UPS. Many of her family, friends and City residents were in attendance to recognize her.

Individuals that Completed the Community
Emergency Response Team (CERT) Program

The individuals that completed the Community Emergency Response Team (CERT) Program were recognized. Gina McGough, Riverside County OES Coordinator, was present to provide additional information regarding the CERT Program.

SILVERLAKES EQUESTRIAN & SPORTS PARK UPDATE:

R.J. Brandes, representing Balboa Management Group, LLC, provided an update regarding the Silverlakes Equestrian & Sports Park. He stated that he brought representatives from a bank to Norco last week and that bank has provided a letter, with the intent to move forward. He noted that he believes that they have everything required from that bank, which is contingent on very few things. He further noted that the bank is talking about getting it done in very short time; weeks, not months. He stated that he thinks that they will be moving forward with the project, noting that his personal problems have been resolved. He stated that 'we are going to get this project built'.

Rebecca Wan. Ms. Wan asked for clarification regarding the Silverlakes schedule. Mr. Brandes responded that the intention is to run 6 hunter jumper shows at Silverlakes, with the intention of expansion in the future. He further noted that there will be approximately 20 horse shows held each year, adding that the facility will be large enough to have enough stalls for 200-400 horses at any time.

Nick Ferrari. Mr. Ferrari noted that there is a lot of negative comments and news about Silverlakes, adding that he would like to see a City forum regarding Silverlakes held at Nellie Weaver, potentially on a Saturday, so many can attend.

CITY COUNCIL COMMUNICATIONS / REPORTS ON REGIONAL BOARDS AND COMMISSIONS:

Council Member Bash:

- Commented and asked for the Council's support regarding a 100 Mile Club Mayor's walk at Pikes Peak Park on September 9 or 16 that he wants to organize. Mayor Azevedo responded that she would be willing to do the warm up!

Mayor Pro Tem Hanna:

- Commented on the mosquito that carries Yellow Fever that has been located in the City of Clovis.
- Reported on the Riverside County Transportation Commission recent legal rulings regarding the Perris Valley Line, noting that construction will begin again.

Mayor Azevedo:

- Commented on the Western Riverside Council of Governments HERO Program, noting that it has now expanded to other counties throughout the state.
- Commented on the 50th Birthday Party for Norco, adding that shirts will be designed with the logo on them. She also stated that the first fund raiser event will be held at the pavilion on the Navy Base, with all proceeds going to the Veteran's Memorial.
- Reminded everyone that the Norco Mounted Posse PRCA Rodeo begins this weekend.
- Encouraged everyone to attend the fair, noting the Miss Horsetown USA contest she is involved in.

CITY COUNCIL BUSINESS ITEMS AS FOLLOWS:

1. CITY COUNCIL CONSENT CALENDAR ITEMS:

Council Member Bash pulled Item 1.E. for discussion.

M/S Hanna/Sullivan to adopt the items as recommended on the City Council Consent Calendar.

Under discussion:

Council Member Higgins stated that he votes "no" on Item 1.A.

The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS, SULLIVAN
NOES: HIGGINS ON ITEM 1.A.
ABSENT: NONE
ABSTAIN: NONE

- A. City Council Minutes:
Regular Meeting of August 7, 2013
Recommended Action: **Approve the City Council Minutes** (City Clerk)

- B. Recap of Actions Taken of the Planning Commission Meeting of August 14, 2013. **Recommended Action: Receive and File** (Planning Director)
- C. Procedural Step to Approve Ordinance after Reading of Title Only. **Recommended Action: Approval** (City Clerk)
- D. Resolution Confirming the Mayor's Appointment of One Member to Replace Andy Okoro on the Oversight Board of the Successor Agency to the Norco Community Redevelopment Agency. **Recommended Action: Adopt Resolution No. 2013-55, confirming the Mayor's appointment of Brian Petree, representing the employees of the Agency, to serve on the Oversight Board.** (City Clerk)
- E. Acceptance of a Donation from the American Youth Soccer Organization (AYSO) Region 37 in the Amount of \$5,860 and Approval of a Resolution to Amend the FY 2014 General Fund Budget. **Recommended Action: Accept the donation from the AYSO Region 37 in the amount of \$5,860 and adopt Resolution No. 2013-56, amending the FY 2014 General Fund Budget.** (Director of Parks, Recreation & Community Services) **PULLED FOR DISCUSSION**
- F. Approval of the Vacation of Cota Street between Parkridge Avenue and Hamner Avenue. **Recommended Action: Adopt Resolution No. 2013-57, approving the vacation of Cota Street; and, direct the City Clerk to send the executed resolution to be recorded.** (Public Works Director)

2. ITEM(S) PULLED FROM CITY COUNCIL CONSENT CALENDAR:

Item 1.E. Acceptance of a Donation from the American Youth Soccer Organization (AYSO) Region 37 in the Amount of \$5,860 and Approval of a Resolution to Amend the FY 2014 General Fund Budget.

Council Member Bash commented on this item, noting that AYSO has been a good partner to the City, adding that this particular cause is to help with horse trail fencing.

M/S Bash/Higgins to accept the donation from the AYSO Region 37 in the amount of \$5,860 and adopt Resolution No. 2013-56, amending the FY 2014 General Fund Budget.. The motion was carried by the following roll call vote:

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

3. **LEGISLATIVE MATTER: (No new evidence will be heard from the public as the public hearing has been closed regarding the item listed.)**

- A. **Code Change 2013-03 (City of Norco):** An Ordinance of the City Council of the City of Norco Establishing Prima Facie Speed Limits on Certain Streets in the City of Norco, and Amending Chapter 10.12.010 through 10.12.030 of the Norco Municipal Code. **Recommended Action: Adopt Ordinance No. 963.** (City Clerk)

M/S Higgins/Sullivan to adopt Ordinance No. 963. The motion was carried by the following roll call vote:

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

4. CITY COUNCIL ACTION ITEM:

- A. Approval of Wild Animal Permit NWAP 2013-01, Trevor Santochi, 3925 Mt. Shasta, Norco, California. **Recommended Action: Approve Wild Animal Permit NWAP 2013-01 for an Artic Gyrfalcon.** (Director of Parks, Recreation & Community Services)

Parks, Recreation & Community Development Director Petree provided information regarding the item as stated on the staff report.

M/S Bash/Higgins to adopt Wild Animal Permit NWAP 2013-01 for an Artic Gyrfalcon. The motion was carried by the following roll call vote:

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

5. CITY COUNCIL PUBLIC HEARINGS:

- A. Public Hearing Confirming Costs for Spring Weed Abatement

The 2013 Spring Weed Abatement Report of Costs lists property owners whose vacant parcels were abated by the Fire Department's weed abatement contractor for the 2013 Spring Weed Abatement Program. After Council adopts the Resolution, property owners will be invoiced for payment of the abatement.

Recommended Action: Adopt Resolution No. 2013-58, confirming the report of costs for abatement of weeds and hazardous vegetation as a public nuisance and imposing special assessment liens on vacant parcels within the City. (Fire Chief)

Chief Pemberton presented the public hearing item.

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

Vern Showalter. Mr. Showalter asked for clarification regarding which properties were included in this process. In response, Chief Pemberton stated that these are all unimproved parcels within the City limits.

Mayor Azevedo CLOSED the public hearing.

M/S Bash/Higgins to adopt Resolution No. 2013-58. The motion was carried by the following roll call vote:

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

- B. Zone Code Amendment 2013-03 (City of Norco):** A City Initiated Proposal to Amend Title 18 "Zoning" of the Norco Municipal Code, Chapter 18.02 – Definitions", Section 18.31.08 - "Yard Requirements – Walls, Fences and Structures in Setback Areas" and Section 18.38.22 -"On-site Location of Parking Facilities", to Address/Revise the Definitions of Vehicles and Trailers, and to Address Vehicle and Trailer Parking in Residential Zones.

Zone Code Amendment 2013-03 is a City-initiated proposal to amend Title 18 (Zoning) of the Norco Municipal Code to address/revise the definitions of vehicles and trailers, and to address vehicle and trailer on-site parking in residential zones.

Recommended Action: Adopt Ordinance No. 964 for first reading.
(Planning Director)

Planning Director King presented the public hearing item. He clarified the problems identified by the Planning Commission through its decision process. He stated that Mayor Azevedo met with him and expressed her concerns and recommended that the Planning Commission recommendation be considered, without including livestock trailers.

Mayor Azevedo noted her concerns regarding the older homes in the City with narrow lots where the livestock trailers are too large and cannot be hauled to the back of the properties. She further noted her concerns with limiting the livestock trailers on the side of properties and how this would be enforced.

Council Member Bash stated that he concurs with Mayor Azevedo, noting that the lots were designed to be long and narrow.

Mayor Pro Tem Hanna commented on the problems he sees getting the trailer to the back of properties and concurs with Mayor Azevedo.

Council Member Higgins stated that he has an issue with enforcement on items approved. He added that he wanted to make sure this section has nothing to do with car haulers, adding that there needs to be another ordinance dealing with that issue. He stated that he agrees with leaving out the livestock trailers.

Council Member Sullivan stated that he agrees with leaving out the livestock trailers.

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

Linda Dixon. Ms. Dixon commented on her concerns regarding the accommodation of RVs on some of the properties in her neighborhood with the lack of access to the back yards. She noted concerns regarding too many restrictions on the parking and if this would take care of the cars parked in front yards. Director King responded with the proposed and current requirements.

Council Member Higgins stated that he thought the intent of this was to clear up an issue with cars parked in the front yards. In response, Director King stated that it was broader than this, adding that there were other issues that were involved. Council Member Higgins asked if this is enforced, would the vehicles need to be placed in storage. Director King stated that this would be addressed through a permit or through another solution. Council Member Higgins noted that he will not store his vehicles.

Don Bowker. Mr. Bowker stated that he is in favor of doing something, noting the site plan requirements in the Norco hills and the problems in the R1 areas, where there are the most problems.

Vern Showalter. Mr. Showalter noted that the Council needs to be aware of the size of the motor homes and trailers at 102 inches wide, which would be hard to haul to the side or rear of a property.

Greg Newton. Mr. Newton noted that it is difficult for the Planning Commission to be objective with lots that are not cookie cutter. He commented on his concern that the Council is looking too much into this and recommended that if it is sent back to Planning, give them a clear direction.

Ed Dixon. Mr. Dixon noted that one thing that has not been addressed is multi-families that live in the same home and where they park vehicles. He commented on his concerns regarding how much a permit would cost to park his RV in the front yard. He stated that he would be opposed to anything that would jeopardize anything from allowing him to park his RV in the front yard.

Pat Overstreet. Ms. Overstreet commented on her property and the recreational vehicles parked in her back yard, as she has a lot of space. She stated that she would object to not being able to store other owner's vehicles in her back yard.

Mayor Azevedo CLOSED the public hearing.

Council Member Sullivan commented on a previous issue that came up regarding a front yard setback with a horse trail that was put in the area where they parked. He stated that he would like to see the ordinance clarified for homes with a circular driveway.

Mayor Pro Tem Hanna stated that parking of vehicles in the front yard needs to be addressed at a later date and RVs that are occupied should be addressed at this time.

Following further discussion, the City Council determined that this issue should be referred back to the Planning Commission.

M/S Sullivan to refer this item back to the Planning Commission. The motion was carried by the following roll call vote:

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

6. PUBLIC COMMENTS OR QUESTIONS:

Julie Waltz. Ms. Waltz commented on the August 7th meeting she attended, noting that the minutes state that the tree she referred to was located on Bluff Street, which should state located on Broken Arrow Street.

Lance Gregory. Mr. Gregory addressed the homeless and panhandlers located off of Hidden Valley, noting that it has become worse and out of control.

Vern Showalter. Mr. Showalter commented on the dangerous conditions caused by students walking on Second Street at the north bound off ramp of Interstate 15.

7. CITY MANAGER / STAFF COMMUNICATIONS:

City Manager Okoro:

- Provided information regarding the Exercise Citadel Rumble 2013 that the Norco Naval Surface Warfare Center is participating in from August 20-22, at which time there will be a very loud speaker heard.
- Noted that City staff is planning to hold a future study session regarding the closure of the Norco California Rehabilitation Center. He added that an email was received today that noted that the reason the property was removed from the State's surplus property disposal list is because of internal Department of Corrections and Rehabilitation issues which need to be resolved.

Council Member Sullivan:

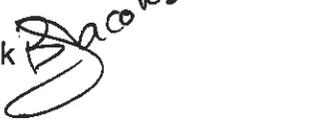
- Commented on the agenda item from the August 7th meeting appointing two members to the Historic Preservation Commission, noting that the staff report did not clearly state the requirements for service on the Commission and did not identify those already serving on the Commission that had the full requirements.
8. **ADJOURNMENT:** There being no further business to come before the City Council/Successor Agency, Mayor Azevedo adjourned the meeting at 9:19 p.m.

BRENDA K. JACOBS, CMC
CITY CLERK

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager 

PREPARED BY: Brenda K. Jacobs, City Clerk 

DATE: September 4, 2013

SUBJECT: Approval of Compensation for Members of the Historic Preservation Commission

RECOMMENDATION: Adopt **Resolution No. 2013-59**, establishing and confirming compensation in the amount of \$50 per meeting, with a maximum compensation of \$100 per month, for members serving on the Historic Preservation Commission.

SUMMARY: The City Council set and approved the regular meeting schedules for City commissions for Fiscal Year 2013-14 in May of 2013. The adopted resolution states that the compensation set forth for each commission member will remain in effect. Therefore, as the adopted resolution approved regular scheduled meetings for the Historic Preservation Commission at every other month throughout the fiscal year, it is now necessary to revise their compensation to align with the other City Commissions.

BACKGROUND/ANALYSIS: On May 15, 2013, Resolution No. 2013-18 was adopted setting the regular meeting schedules for City commissions. The resolution stated that the Historic Preservation Commission shall hold not less than one regular scheduled meeting every other month throughout Fiscal Year 2013-14 beginning July 1, 2013.

Prior to the adoption of Resolution No. 2013-18, the Historic Preservation Commission was approved to meet quarterly, and was compensated in the amount of \$50 per quarter. The proposed resolution establishes compensation in the amount of \$50 per meeting, with a maximum compensation of \$100 per month, which aligns their compensation with the other City commissions. Note that the Norco Municipal Code states that the Commission shall hold not less than one regular meeting each quarter, which will be amended in the future if the City Council determines that the current every-other-month schedule should remain permanently.

FINANCIAL IMPACT: Funds for the compensation have been included in the FY 2013-14 General Fund Budget.

Attachment: Resolution No. 2013-59

RESOLUTION NO. 2013-59

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, ESTABLISHING AND CONFIRMING COMPENSATION FOR MEMBERS SERVING ON THE HISTORIC PRESERVATION COMMISSION

WHEREAS, the City Council of the City of Norco establishes compensation for all City commission members serving the City; and

WHEREAS, the Historic Preservation Commission is currently compensated \$50 per quarter in which a meeting or meetings of the Commission are convened; and

WHEREAS, the Historic Preservation Commission has been approved to meet every other month during Fiscal Year 2013-14 beginning July 1, 2013; and

WHEREAS, it is necessary to align the compensation for members of the Historic Preservation Commission with the compensation provided for members of the other City commissions.

NOW, THEREFORE, BE IT RESOLVED, ordered, and determined by the City Council of the City of Norco as follows:

SECTION 1. Compensation. Each commission member serving on the Historic Preservation Commission shall be compensated in the amount of \$50 per meeting, with a maximum compensation of \$100 per month.

SECTION 2. Rescinding of Resolution. Resolution No. 2008-86 is hereby rescinded.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on September 4, 2013.

Mayor of the City of Norco, California

ATTEST:

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

Resolution No. 2013-59

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September 4, 2013

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 September 4, 2013 by the following vote of the City Council:

AYES:

NOES:

ABSENT:

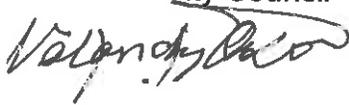
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California on September 4, 2013.

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

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager 

DATE: September 4, 2013

SUBJECT: Discussion Regarding a Water and Sewer Subsidy Program for Low Income Senior Citizens

RECOMMENDATION: That the City Council provide direction.

SUMMARY: At its meeting held on August 7, 2013, the City Council unanimously voted to agendize a discussion regarding potential utility bill assistance for low-income senior citizens. Staff has provided the information on this report to assist City Council in formulating a plan on how to fund and administer a potential senior citizens' utility subsidy program.

BACKGROUND/ANALYSIS: The City Council is interested in finding ways to fund and administer a senior citizens' utility subsidy program. Prior to the dissolution of the Norco Community Redevelopment Agency (CRA), the City provided utility subsidy to low income seniors with funds from the City's Low-to-Moderate Income Housing Fund. The annual expenditure for the last full fiscal year (FY 2010-2011) was \$68,271. With the dissolution of the CRA, this funding from the Low-to-Moderate Income Housing Fund is no longer available to provide low income seniors with utility subsidy.

Potential Future Funding Options

In order to identify potential funding sources, staff surveyed several cities and water districts to see if they have a similar program and how they funded and administered it. Based on the results of the survey, the City Council should consider one or more of the following options to generate funds to support utility subsidy to low income seniors.

1. **General Fund Appropriation:** Several of the Cities surveyed identified their City's General Fund as a source of funding. Some cities tied the level of funding to specific General Fund revenue items such as late utility payment penalties or revenues from cell sites. It is to be noted that these two revenue items are currently part of General Fund revenues that are used to fund general city services such as public safety, parks, recreation and other programs. However, the City Council has the option of earmarking a portion of these or any other General Fund revenue item as a source for funding low income senior citizens utility subsidy program. Like every budget item, this depends on the level of City Council's priority to funding senior citizens subsidy program.

2. **Voluntary Donation:** Some Cities fund their low income senior citizens' utility subsidy program through donations from residents and others. One way of doing this would be to include inserts in the utility billing whereby residents and other rate payers can designate certain fixed/variable onetime/ongoing amount to go towards the program. This could also include "keep the change" program. Other solicitations can be made through other means including the City website. Onetime donations can also be made at the cashier's counter for those walking in to make their utility payments.
3. **CDBG Funds:** CDBG funds could also provide limited revenues for low income senior citizens utility subsidy program. However, this funding source comes with federal restrictions and may prove to be difficult to administer.

It is to be noted that due to Proposition 218 restrictions pertaining to water and sewer rates, low income senior citizens cannot receive discounts for their sewer or water rate funded by other rate payers.

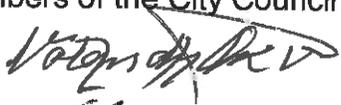
Program Administration

Regardless of the option(s) the City Council elects to pursue, staff will be able to provide the bookkeeping necessary to tract the inflow and outflow of monies into the program. However, administering a utility subsidy program is more cumbersome and time consuming. Therefore, staff would recommend that such a program be administered by an outside non-profit group. Program eligibility guidelines would have to be established to address such issues as age verification and income requirements. The guidelines used for the City's Sewer, Water and Trash (SWAT) Program can serve as model.

FINANCIAL IMPACT: Unknown at this time.

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager 

PREPARED BY: Steve King, Planning Director 

DATE: September 4, 2013

SUBJECT: Zone Code Amendment 2013-14 (City of Norco): Amending Chapter 18.64 "Housing Development Overlay" and Adding Chapter 18.65 "Residential Density Bonus Provisions" to the Norco Municipal Code.

RECOMMENDATION: The Planning Commission adopted Resolution 2013-28 recommending that the City Council approve Zone Code Amendment 2013-14 and adopt **Ordinance No. 965** for first reading.

SUMMARY: The proposed Density Bonus Ordinance is a requirement of the state and is one of the implementation measures of the 2008-2014 Housing Element Update that was certified by the state last year. In order to qualify for an expedited review of the 2014-2021 Update that is currently being reviewed by the Department of Housing and Community Development (HCD), the City needs to adopt the Density Bonus Ordinance.

BACKGROUND/ANALYSIS: In its certification of the 2008-2014 Housing Element Update to the Norco General Plan HCD required follow-up implementation actions by the City. One action already accomplished was the placement of the Housing Development Overlay (HDO) zone over properties where the policies of the Housing Element could be implemented. Again, state law does not require cities to develop affordable housing, but they do have to make zoning provisions so that the state as a whole can attain its affordable housing goals. The placement of HDO zone met that requirement.

Another implementation measure that still needs to be accomplished is the adoption of a density bonus ordinance. The states Density Bonus Law is already a requirement of all cities (both charter and general law cities) and is designed to promote the construction of affordable housing while removing impediments to the same. The Law requires cities to offer bonuses and incentives to housing developers to "contribute to the economic feasibility of lower income housing units within proposed housing developments." State courts have recognized that the Law is a legitimate reward to developers that agree to build a certain percentage of low and lower-income housing units as part of a project, and therefore grants them the opportunity to build more

residences than would otherwise be permitted by the local zoning densities. There are also density bonus incentives to promote the construction of housing for seniors.

When the Legislature adopted the Density Bonus Law it declared that a state-wide housing shortage crisis must be addressed and that the State should rely on local governments to provide the necessary increased housing stock "provided that such local discretion and powers are not exercised in a manner to frustrate the purposes of this act." A 2002 amendment to the statute noted that "too many local governments have undercut the Density Bonus Law by layering density bonus and second unit projects with unnecessary and procedural obstacles." State housing statutes, including the 2002 Amendment, are designed to simplify the process for obtaining density bonuses in order to increase California's supply of affordable housing.

The Density Bonus Law requires cities to adopt an ordinance that specifies how local compliance with the statute will be implemented, though failure to adopt such an ordinance does not relieve the City from having to comply with the law. The HDO zone includes a provision for higher densities but it is tied to the provision of equestrian facilities to the satisfaction of the Planning Commission. While this is not illegal it does not meet the intent of the Density Bonus Law. The proposed ordinance includes changes to the text of the HDO zone with regards to the density bonus for equestrian facilities and changes "density bonus" to read "density allowance" so as not to be confused with the state-mandated density bonus based on the provision of affordable units. The density bonus based on State Law would then become the next chapter in the NMC as shown in the proposed ordinance.

The methodology and tables used to determine the number of units that can be granted through the density bonus are consistent with state requirements as there is little flexibility in how those are determined state-wide. The proposed ordinance includes requirements that are the responsibility of the developer to insure that units used to qualify a development for a density bonus remain affordable to the targeted income group for a period of 30 years.

Density bonuses vary depending on the number of units provided and what income category is targeted. For the very low and lower income categories and senior citizen housing the base density bonus is an increase in the number of units by 20% if certain thresholds are met by the developer (5% and 10% of the planned units respectively are targeted for very low and lower income households). For senior housing the density bonus is automatically 20% over the number of units planned for seniors. For the moderate income category a base density bonus of a 5% increase in the number of units is granted if 10% of the planned units are targeted to that income category. The units allowed by density bonuses are not restricted to a certain targeted group.

If a developer proposes more affordable units above the thresholds described above there is then an automatic second tier of density bonuses that a developer can qualify for depending on the number of units above those base thresholds. The number of bonus units increase on a graduated scale that is shown in Tables 1, 2, and 3 in the attached resolution.

Below is an example of a 50-unit project and how the density bonuses would apply if a developer met the minimum threshold requirements:

PLANNED 50-UNIT PROJECT AS A BASE PROJECT			
	# UNITS IN TARGET INCOME (out of 50)	# DENSITY BONUS UNITS ALLOWED	TOTAL UNITS
BASE DENSITY BONUS (20 % increase in units allowed)			
5% of units planned are very low income	3	10	60
10% of units planned are lower income	5	10	60
10% of units planned are moderate income	5	10	60
ADDED DENSITY BONUS (max. 35% increase over density bonus units allowed)			
11% of units planned are very low income	6	18	68
20% of units planned are lower income	10	18	68
40% of units are moderate income	20	18	68

For senior housing developments the density bonus is 20% of the number of senior housing units provided. For the same 50-unit project, if all units were senior units, the density bonus would be 10 units for a total of 60.

In all cases fractional numbers are rounded up to the next whole number. All projects still have to meet minimum zoning requirements including landscaping, open areas, and parking. As such there could be physical limitations depending on the size and topography of a parcel that would restrict the ultimate overall number of units.

Attached: Ordinance No. 965

ORDINANCE NO. 965

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA APPROVING ZONE CODE AMENDMENT 2013-14 AMENDING CHAPTER 18.64 "HOUSING DEVELOPMENT OVERLAY" AND ADDING CHAPTER 18.65 "RESIDENTIAL DENSITY BONUS PROVISIONS." ZONE CODE AMENDMENT 2013-14.

WHEREAS, the City of Norco initiated Zone Code Amendment 2013-14 to amend Chapter 18.64 "Housing Development Overlay" and add Chapter 18.65 "Density Bonus Provisions" with any related cross references in other Chapters as needed, to amend and update regulations regarding residential density bonuses: and,

WHEREAS, Zone Code Amendment 2013-14 was duly submitted to the City of Norco Planning Commission for decision at a public hearing for which proper notice was given; and

WHEREAS, said Zone Code Amendment was scheduled for public hearing on the August 14, 2013 on or about 7 p.m. in the City Council Chambers, 2820 Clark Avenue, Norco, California; and

WHEREAS, at the hearing the Planning Commission held a public hearing and did receive both oral and written testimony pertaining to said Zone Code Amendment and Code Amendment; and

WHEREAS, based on the information and testimony received, the Planning Commission adopted Resolution 2013-28 recommending approval of Zone Code Amendment 2013-14 to the City Council; and

WHEREAS, Zone Code Amendment 2013-14 was duly submitted to the City of Norco City Council for decision at a public hearing, based on the recommendation of the Planning Commission, and for which proper notice was given; and

WHEREAS, Zone Code Amendment 2013-14 was scheduled for public hearing on September 4, 2013 on or about 7 p.m. in the City Council Chambers, 2820 Clark Avenue, Norco, California; and

WHEREAS, at the regular meeting, said City Council held a public hearing and considered both oral and written testimony pertaining to said Zone Code Amendment

WHEREAS, at the regular meeting, said City Council held a public hearing and considered both oral and written testimony pertaining to said Zone Code Amendment and Code Amendment; and

WHEREAS, the City of Norco acting as the Lead Agency has determined that the project is within the parameters of an adopted Negative Declaration prepared pursuant to the California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines and an addendum to the Negative Declaration is adopted.

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

- A. The proposed Zone Code Amendment (Code Amendment) will not be inconsistent with, or contrary to, the General Plan or the Zoning Code since the project clarifies and updates existing regulations regarding residential density bonuses to be consistent with state housing laws.
- B. The project (proposed amendment) is within the parameters of an adopted Negative Declaration prepared pursuant to the California Environmental Quality Act and the City of Norco Environmental Guidelines and an addendum to the Negative Declaration is adopted.

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

SECTION 1: Chapter 18.64 "Housing Density Overlay" of the Norco Municipal Code is hereby amended as follows:

**Chapter 18.64
HOUSING DEVELOPMENT OVERLAY (HDO) ZONE**

Sections:

18.64.10 Density Allowance (for the Provision of Equestrian Facilities).

18.64.10 Density Allowance (for Provision of Equestrian Facilities).

To encourage and facilitate the development of affordable housing in context of the City's small plot agriculture/animal keeping/equestrian lifestyle, a density allowance may be awarded to projects that provide equestrian facilities in conjunction with development of an HDO zone. If an applicant chooses to provide such facilities, a density allowance for residential development of up to a maximum 30 dwelling units per acre may be awarded. A proposed density bonus will be evaluated by the Planning Commission as part of the HDO site plan review process.

The intent of the density allowance in conjunction with the provision of equestrian facilities is to expand the animal-keeping lifestyle to all economic segments of the regional population. The inclusion of equestrian facilities will help preserve and maintain

the equestrian character and rural nature of the City while accommodating the affordable housing needs of the community. This density allowance cannot be granted in addition to the density bonus provisions of Chapter 18. 65. (Ord. 947 Sec. 1, 2012)

Chapter 18.65 "Denisty Bonus Provisions" is added to the Norco Municipal Code is as follows:

Chapter 18.65 RESIDENTIAL DENSITY BONUS PROVISIONS

Sections:

- 18.65.02 - Intent and Purpose.
- 18.65.04 - Definitions
- 18.65.06 - Types of Bonuses and Incentives Allowed.
- 18.65.08 - Additional Density Bonus for Donations of Land.
- 18.65.10 - General Provisions Governing Density Bonus Calculations.
- 18.65.12 – Incentives and Concessions for Affordable Housing.
- 18.65.14 - Waivers and Modifications of Development Standards.
- 18.65.16 - Parking Incentives.
- 18.65.18 – Standards for Density Bonus Housing Developments.
- 18.65.20 – Application Requirements.
- 18.65.22 – Application Review.
- 18.65.24 – Developer Affordable Housing Agreement.

18.65.02 - Intent and purpose.

The intent and purpose of Chapter 18.65 is: a) to facilitate the production of housing for all income levels and special needs households, including senior citizen housing; b) facilitate the development of rental housing for households in all income categories identified by the California Government Code as it pertains to the development of affordable housing; and c) to implement sections 65915, 65915.5, and 65917 of the California Government Code as required by section 65915(a). In enacting this article, the city also intends to implement the goals, objectives, and policies of the city's general plan housing element to encourage the construction of affordable housing in the city. It is also the city's intent to encourage the development of rental housing to serve an economically diverse community. Accordingly, the city desires to provide a density bonus upon the request of an applicant when the applicant includes affordable or senior citizen restricted units in a project. This article implements the laws for density bonuses and other incentive and concessions available to qualified applicants under Government

Code sections 65915 through 65918. In the event these Government Code sections are amended, those amended provisions shall be incorporated into this article as if fully set forth herein.

18.65.04 – Definitions.

For purposes of this Article, the following definitions shall apply. Unless specifically defined below, words or phrases shall be interpreted as to give this Article its most reasonable interpretation.

Affordable Ownership Cost. The average annual housing costs, including mortgage payments, property taxes, homeowners insurance, and homeowners' association dues, if any, which do not exceed the following:

Very low income households: 50 percent of area median income, adjusted for assumed household size based on unit size, multiplied by 30 percent.

Lower income households: 70 percent of area median income, adjusted for assumed household size based on unit size, multiplied by 30 percent.

Moderate income households: 110 percent of area median income, adjusted for assumed household size based on unit size, multiplied by 35 percent.

Affordable rent. The annual rent, including utilities and all fees for housing services, which does not exceed the following:

Very low income households: 50 percent of area median income, adjusted for assumed household size based on unit size, multiplied by 30 percent.

Lower income households: 60 percent of area median income, adjusted for assumed household size based on unit size, multiplied by 30 percent.

Affordable units. Dwelling units which are affordable to very low, lower, or moderate income households as defined by this Article or by any federal or state housing program and are subject to rental, sale, or resale restrictions to maintain affordability.

Applicant. A developer or organization applying for a density bonus who seeks and agrees to construct a qualified housing development on or after the effective date of this Article pursuant to Section 65915, subdivision (b), of the California Government Code.

Area Median Income. The median income for Riverside County as published by the State of California pursuant to California Code of Regulations, Title 25, Section 6932, or a successor provision.

Assumed Household Size Based on Unit Size. A household of one person in a studio apartment, two persons in a one bedroom unit, three persons in a two bedroom unit, and one additional person for each additional bedroom thereafter.

Common Interest Development. As defined in Section 1351 of the California Civil Code a common interest development may include a community apartment project, a condominium project, a planned development, or a stock cooperative.

Density Bonus. A density increase over the otherwise allowable zoning maximum residential density on a site as of the date of application by the applicant to the city, granted pursuant to this Chapter.

Density Bonus Units. Dwelling units granted pursuant to this Chapter which exceed the otherwise allowable zoning maximum residential density for a housing development.

Household Income. The combined adjusted gross household income for all adult persons living in a dwelling unit as calculated for the purpose of the Section 8 program under the United States Housing Act of 1937, as amended, or its successor provision.

Very Low Income Household. As defined in California Health & Safety Code Section 50105, very low income persons and families are those whose incomes do not exceed the qualifying limits for very low income families as established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937 which is 50 percent of area median income, adjusted for family size and revised annually.

Lower Income Household. As defined in California Health & Safety Code Section 50079.5 lower income persons and families are those whose incomes do not exceed the qualifying limits for low income families as established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937 which is 70 percent of area median income, adjusted for family size and revised annually.

Moderate Income Household. Persons and families of low or moderate income" means persons and families whose income does not exceed 120 percent of area median income, adjusted for family size by the department in accordance with adjustment factors adopted and amended from time to time by the United States Department of Housing and Urban Development pursuant to Section 8 of the United States Housing Act of 1937.

Housing Development. One or more groups of projects to construct dwelling units in the Housing Development Overlay zone (Chapter 18.64) of the city. Housing development also includes a subdivision or common interest development, as defined in Section 1351 of the California Civil Code, approved by the city and consisting of dwelling units or unimproved residential lots and the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Section 65863.4, where the result of the rehabilitation would be a net increase in available dwelling units. For the purpose of calculating a density bonus, the dwelling units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels.

Market Rate Unit. A dwelling unit which is not an affordable unit or an inclusionary unit.

Maximum Residential Density. The maximum number of dwelling units permitted by the Zoning Code and Land Use element of the general plan or, if a range of density is permitted, means the maximum allowable density for the specific zoning range and community development element of the general plan applicable to the project. Where the density allowed under the zoning ordinance is inconsistent with the density allowed under the community development element of the general plan, the general plan density shall prevail. The maximum allowable density is based on the date an application for a housing development is deemed complete. This definition is used to calculate a density bonus pursuant to this Article.

Senior Citizen Housing Development. Senior citizen housing as defined in Section 51.3 (a housing development developed, substantially rehabilitated, or substantially renovated for senior citizens that has at least 35 dwelling units) and Section 51.12 of the California Civil Code, or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.

Specific Adverse Impact. A significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application for the housing development was deemed complete. Mere inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.

18.65.06 - Types of Bonuses and Incentives Allowed.

- (1) Very Low And Lower Income Housing And Senior Citizen Housing. Upon written request to the city, an applicant for a housing development is eligible for one density bonus of twenty percent (20%) over the maximum residential density (except in the case of senior citizen housing, as provided below), provided that the applicant agrees to construct the housing development in accordance with one of the following criteria:
 - (a) Very Low Income Households. Five percent (5%) of the total dwelling units, excluding any units permitted by the density bonus, are provided at affordable rent or ownership costs to very low income households; or
 - (b) Lower Income Households. Ten percent (10%) of the total dwelling units, excluding any units permitted by the density bonus, are provided at affordable rent or ownership costs to lower income households; or
 - (c) Senior Citizen Housing Development. For senior citizen housing developments, the density bonus shall be twenty percent (20%) of the number of senior housing units provided.

- (2) Moderate Income Housing. Upon written request to the city, an applicant for a housing development is eligible for one density bonus of five percent (5%) over the maximum residential density if the applicant agrees to construct the housing development in accordance with all of the following criteria:
- (a) At least ten percent (10%) of the total dwelling units, excluding any units permitted by the density bonus, are provided at affordable ownership costs to moderate income households; and
 - (b) The housing development is a common interest project as defined by section 1351 of the California Civil Code; and
 - (c) All of the dwelling units in the housing development are offered for sale to the public.
- (3) Higher Density Bonus For Greater Contribution Of Affordable Units: Upon written request to the city, an applicant for a housing development that is eligible for a density bonus based upon the contribution of affordable units, may receive a higher amount of density bonus if the percentage of very low, lower, and moderate income housing units exceeds the base percentage established in subsection A or B of this section, as follows:
- (a) Very Low Income Units. For each one percent (1%) increase above five percent (5%) in affordable units for very low income households, the density bonus shall be increased by two and one-half percent (2.5%) up to a maximum of thirty five percent (35%), as follows:

Table 1: Very Low Income Units	
Percentage of Very Low Income Units	Percentage of Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

- (b) Lower Income Units. For each one percent (1%) increase above ten percent (10%) in the affordable units for lower income households, the density bonus shall be increased by one and one-half percent (1.5%) up to a maximum of thirty-five percent (35%), as shown in Table 2:

Table 2: Lower Income Units

Percentage of Very Low Income Units	Percentage of Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5
20	35

(c) **Moderate Income Units.** For each one percent (1%) increase above ten percent (10%) in affordable units offered for sale to moderate income households, the density bonus shall be increased by one percent (1%) up to maximum thirty-five percent (35%), as shown in Table 3:

Table 3: Moderate Income Units	
Percentage of Very Low Income Units	Percentage of Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24

30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

- (4) Continued Affordability. Affordable units qualifying a housing development for a density bonus shall remain affordable as follows:
- (a) Very low income and low income household units shall remain affordable to the designated income group for a minimum of thirty (30) years, or for a longer period of time if required by any construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program applicable to the dwelling units.
 - (b) Moderate income household units shall remain affordable for a minimum of thirty (30) years, or for a longer period of time if required by any construction or mortgage financing assistance program, mortgage insurance program applicable to the dwelling units.
- (5) Specification of Basis for Density Bonus. Each applicant who requests a density bonus pursuant to this section, shall elect whether the bonus will be awarded on the basis of subsection (1)(a), (1)(b), (1)(c) or (2) of this section. Each housing development is entitled to only one density bonus, which may be selected based on the percentage of either very low income affordable housing units, lower income affordable housing units or moderate income affordable housing units, or the development's status as a senior citizen housing development. Density bonuses from more than one of these categories may not be combined.

18.65.08 – Additional Density Bonus for Donations of Land.

- (1) Land Suitability. Upon written request, when an applicant for a tentative map, subdivision map, parcel map, or other residential development approval qualified for a density bonus pursuant to section 18.65.06 of this article also donates land to the city in accordance with this section, the applicant shall be entitled to an additional density bonus. Applicants donating land to the city shall be eligible for an additional fifteen percent (15%) density bonus at the site of the housing development if the donated land is suitable for the construction of very low income units equaling at least ten percent (10%) of the market rate units being constructed for the project.

The density bonus provided pursuant to this section shall be in addition to any density bonus granted pursuant to section 18.65.06 of this article, up to a maximum combined density bonus of thirty five percent (35%).

- (2) Qualification Criteria. To qualify for the additional density bonus described in subsection 1 of this section, the donation of land must meet all of the following criteria:
- (a) The tentative map, subdivision map, parcel map, or other residential development must otherwise be subject to a density bonus pursuant to section 18.65.06 of this article; and
 - (b) The land must be transferred no later than the date of the approval of the final subdivision map, parcel map, or housing development application; and
 - (c) The developable acreage and zoning classification of the land being transferred must be sufficient to permit construction of dwelling units affordable to very low income households in an amount not less than ten percent (10%) of the total number of market rate dwelling units in the proposed development (i.e., the proposed development before the addition of any density bonus); and
 - (d) The donated land is at least one acre in size or is large enough to permit development of at least forty (40) units, has the appropriate general plan land use designation, has the appropriate zoning and development standards for affordable housing and, at the time of project approval is, or at the time of construction will be, served by adequate public facilities and infrastructure; and
 - (e) No later than the date of approval of the final map, parcel map, or other development application for the housing development, the donated land must have all of the applicable permits and approvals (other than building permits) necessary for the development of the very low income housing units on the donated land, except that the city may subject the proposed housing development to subsequent design review to the extent authorized by California Government Code section 65583.2 subsection (i) if the design is not reviewed by the city prior to the time of transfer; and
 - (f) The donated land is subject to a deed restriction ensuring continued affordability of the very low income units consistent with subsection 18.65.06 subsection (4) of this article, which deed restriction shall be recorded upon the donated property at the time of its transfer; and
 - (g) The land will be transferred to the city or to a housing developer approved by the city. The city reserves the right to require the applicant to identify a developer and to require that the land be transferred to that developer; and
 - (h) The land is within the boundary of the proposed housing development or within one-fourth (1/4) mile of the boundary of the proposed housing development; and

- (i) No later than the date of approval of the final map, parcel map, or other development application for the housing development, a proposed source of funding for the construction of the very low income units shall be identified.
- (3) Additional Density Bonus Based On Greater Suitability Of Land For Very Low Income Housing. For each one percent (1%) increase above the minimum ten percent (10%) in the number of very low income housing units that can be accommodated on the donated land, the maximum density bonus shall be increased by one percent (1%), up to a maximum of thirty five percent (35%), as follows:

Table 4: Land Donation	
Percentage Of Very Low Income Units That Can Be Accommodated On Donated Land	Percentage Of Additional Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

18.65.10 – General Provisions Governing Density Bonus Calculations.

- (1) For the purposes of any provisions in this article, an applicant may elect to accept a lesser percentage of density bonus than that to which the housing development is eligible.
- (2) When calculating the number of permitted density bonus units, any calculations resulting in fractional units shall be rounded up to the next larger whole number.
- (3) For the purpose of calculating a density bonus, the dwelling units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the affordable units are located.
- (4) For the purposes of this article, the “total units” or “total dwelling units” in a housing development does not include those units added by any density bonus.
- (5) Regardless of the number or extent of affordable units, senior housing, land dedication, or other qualifications for a density bonus provided in any single housing development, no housing development may be entitled to a total density bonus of more than thirty five percent (35%).

Table 5: Density Bonus Summary

Types Of Affordable Units Providing Eligibility For A Density Bonus	Minimum Percent	Bonus Granted	Additional Bonus For Each 1% Increase In Affordable Units	Percent Of Affordable Units Required For Maximum 35% Bonus
Very Low Income	5%	20%	2.5%	11%
Lower Income	10%	20%	1.5%	20%
Moderate Income	10%	5%	1%	40%
Senior Citizen Housing	Qualified development	20% of the units	-	-
Land Donation for Very Low Income Housing	Land donated can accommodate 10% of market rate units, plus housing development qualified for density bonus as an affordable or senior project.	15%	1%	30% of market rate units (assuming housing development provides 5% very low income units)

18.65.12 – Incentives and Concessions for Affordable Housing.

- (1) Definition of a Qualified Incentive or Concession. A qualifying project shall be entitled to at least one but no more than three of the following incentives identified by state law:
 - (a) A reduction in the parcel development standards (e.g. coverage, setback, zero lot line and/or reduced parcel sizes, architectural design requirements and/or parking requirements). Development standard means any ordinance, general plan element, specific plan, condition, law, policy, resolution, or regulation. In no case may the city apply a development standard that will have the effect of precluding the construction of affordable units. A waiver or modification to development standards may be requested by the applicant, and shall be approved unless such waiver or modification creates an adverse impact as described in subsection (3), below.
 - (b) Approval of mixed use zoning in conjunction with the housing project if nonresidential land uses will reduce the cost of the housing project, and the nonresidential land uses are compatible with the housing project and existing or planned development in the area where the proposed development will be located.
 - (c) Other regulatory incentives or concessions proposed by the applicant or the city that will result in identifiable, financially sufficient and actual cost reductions.
- (2) Number of Incentives or Concessions. The number of incentives shall be based on the percentage of affordable units in the project:
 - (a) One (1) incentive or concession shall be entitled for projects where at least five percent (5%) of the total units are for very low income households, ten percent (10%) of the total units are for lower income households, or ten percent (10%) of the total units in a common interest development are sold to moderate income households.
 - (b) Two (2) incentives or concessions shall be entitled for projects where at least ten percent (10%) of the total units are for very low income households, twenty percent (20%) of the total units are for lower income households, or at least twenty percent (20%) of the total units in a common interest development are sold to moderate income households.
 - (c) Three (3) incentives or concessions shall be entitled for projects where at least fifteen percent (15%) of the total units are for very low income households, thirty percent (30%) of the total units are for lower income households, or thirty percent (30%) of the total units in a common interest development are sold to moderate income households.

Table 6: Incentives and Concessions Summary			
Affordable Units or Category	Percent of Affordable Units		
Affordable Housing Types:			
Very Low Income	5%	10%	15%
Low Income	10%	20%	30%
Moderate Income	10%	20%	30%
Maximum incentive(s)/concession(s) ^{1, 2, 3}	1	2	3

Notes:

1. An incentive or concession may be requested only if an application is also made for a density bonus.
2. Incentives or concessions may be selected from only 1 category (very low, lower, or moderate).
3. No incentives or concessions are available for land donation.

- (3) Findings to Deny Incentive or Concession. The city shall grant the incentive or concession requested by the applicant unless the city makes a written finding based upon substantial evidence of any of the following:
 - (a) The incentive or concession is not required in order to provide for affordable housing costs or for affordable rents for the restricted units; or
 - (b) The concession or incentive would have a specific adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse without rendering the development unaffordable to low and moderate-income households. A specific adverse impact means a significant, unavoidable impact, as provided in written standards, policies, or conditions; or
 - (c) The incentive or concession would be contrary to state or federal law.
- (4) Exceptions. This section does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land, by the city or the waiver of fees or dedication requirements. Nor does any provision of this section require the city to grant an incentive or concession found to have a specific adverse impact.
- (5) Amendment, Zone Change. The granting of a concession or incentive shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval.

18.65.14 – Waivers and Modifications of Development Standards.

- (1) Applicants granted a density bonus pursuant to section 18.65.06 of this article may, by written proposal, seek a waiver, modification or reduction of development standards that would otherwise have the effect of physically precluding the construction of the housing development at the densities or with the concessions or incentives permitted pursuant to this article. The applicant may also request a meeting with the city to discuss such request for waiver and modifications.
- (2) In order to obtain a waiver or modification of development standards, the applicant shall show that the development standards will have the effect of precluding the construction of a housing development meeting the criteria of section 18.65.06 of this article, at the densities or with the concessions or incentives permitted by this article.
- (3) A proposal for the waiver or reduction of development standards pursuant to this section shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to section 18.65.12 of this article.
- (4) The city may deny a request for any waiver, modification or reduction of development standards if the waiver, modification or reduction would have a specific adverse impact.

18.65.16 – Parking Incentives.

Upon the written request of the applicant for a housing development meeting the criteria for a density bonus under section 18.65.06 of this article, the city shall not require a vehicular parking ratio that exceeds the following:

- (1) Zero to one bedroom units: One onsite parking space.
- (2) Two (2) to three (3) bedroom units: Two (2) onsite parking spaces.
- (3) Four (4) and more bedroom units: Two and one-half (2 1/2) parking spaces.

Guest parking and handicapped parking shall be included within the maximum number of spaces that may be required. If the total number of parking spaces required for a housing development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this section, a housing development may provide onsite parking through tandem parking or uncovered parking, but not through on street parking. For purposes of this article, the parking ratios set forth in this section shall be deemed a concession or incentive available to the applicant under section 18.65.12 of this article.

18.65.18 – Standards for Density Bonus Housing Developments.

- (1) Affordable units qualifying a housing development for a density bonus shall be reasonably dispersed throughout the housing development and compatible with the

design of market rate units in terms of appearance, materials, and finished quality. The applicant may reduce the interior amenities and square footage of inclusionary units, provided all units conform to all other requirements of this municipal code.

- (2) For developments with multiple market rate units containing differing numbers of bedrooms, affordable units qualifying a housing development for a density bonus shall be representative of the market rate unit mix.
- (3) All building permits for affordable units qualifying a housing development for a density bonus shall be issued concurrently with, or prior to, issuance of building permits for the market rate units, and the affordable units shall be constructed concurrently with, or prior to, construction of the market rate units. Occupancy permits and final inspections for affordable units qualifying a housing development for a density bonus shall be approved concurrently with, or prior to, approval of occupancy permits and final inspections for the market rate units.

18.65.20 – Application Requirements.

- (1) An application for a density bonus, incentive, concession, waiver, modification, or revised parking standard pursuant to this section shall be submitted with the first approval of the housing development and processed concurrently with all other applications required for the housing development.
- (2) For affordable units qualifying the housing development for a density bonus, the application shall include the following information:
 - (a) A site plan identifying the base project without the density bonus, number and location of all inclusionary units, affordable units qualifying for the project for a density bonus, and proposed density bonus units; and
 - (b) Proposed category(ies) qualifying the housing development for a density bonus; and
 - (c) Level of affordability of all affordable and inclusionary units and proposals for ensuring affordability, if applicable; and
 - (d) A description of any requested incentives, concessions, waivers or modifications of development standards, or modified parking standards.
 - (e) If a density bonus or concession is requested for a land donation, the application shall show the location of the land to be dedicated and provide evidence that each of the findings included in section 18.65.08 of this article can be made.
- (3) Upon submission of the application to the city, the Planning Director or designee shall determine if the application is complete and conforms to the provisions of this article. No application for a first approval for a housing development requesting a density bonus, incentives, concessions, or waivers may be deemed complete

unless an affordable housing plan is submitted conforming to the provisions of this article.

- (4) A request for a minor modification of an approved application may be granted by the City Manager or designee if the modification is substantially in compliance with the original application and the conditions of approval. Other modifications to the affordable housing plan shall be processed in the same manner as the original application.

18.65.22 – Application Review.

- (1) An application for a density bonus, incentive, concession, waiver, modification, or revised parking standard pursuant to this article shall be reviewed as part of the first approval of the housing development by the approval body with authority to approve the housing development, unless additional review by the planning commission or city council is required. An applicant proposing a housing development pursuant to this article, may submit a preliminary application prior to the submittal of any formal request for approval of a housing development.
- (2) Within ninety (90) days of receipt of the preliminary application the city shall provide to an applicant, a letter which identifies project issues of concern (the maximum financial assistance that the Planning Director can support when making a recommendation to the City Council), and the procedures for compliance with this article. The Planning Director shall inform the applicant that the requested additional incentives shall be recommended for consideration with the proposed housing development, or that alternative or modified additional incentives pursuant to section 18.65.12 of this article shall be recommended for consideration in lieu of the requested incentives. If alternative or modified incentives are recommended by the Planning Director, the recommendation shall establish how the alternative or modified incentives can be expected to have an equivalent affordability effect as the requested incentives.
- (3) Before approving an application for a density bonus, incentive, concession, waiver, or modification, the approval body shall make the following findings:
 - (a) The housing development is: a) eligible for a density bonus, and/or b) any concessions, incentives, waivers, modifications, or reduced parking standards requested conform to all requirements of this article, and c) supported by a financing mechanism for all implementation and monitoring costs.
 - (b) If the density bonus is based all or in part on dedication of land, the application meets the qualifications and findings stated in section 18.65.08 of this article.
 - (c) If a waiver or modification is requested, the applicant has shown that the waiver, modification or reduction of development standards meets the qualifications and findings stated in section 18.65.14 of this article.

- (4) If the findings stated in subsection (3) of this section can be made, and a request for an incentive or concession is otherwise consistent with this article, the approval body may deny a concession or incentive based upon written findings of any of the factors stated in section 18.65.12 of this article for the denial or disqualification of a concession or incentive.
- (5) If the required findings stated in subsection (3) of this section can be made, and a request for a waiver or modification is otherwise consistent with this article, the approval body may deny the requested waiver or modification based upon written findings of any of the factors stated in section 18.65.14 of this article for the denial or disqualification of a waiver or modification.
- (6) Nothing in this section shall be interpreted to require the city to grant an incentive or concession or to waive or reduce development standards if that incentive, concession, waiver, or reduction has a specific adverse impact upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
- (7) Any decision regarding a density bonus, incentive, concession, waiver, modification, or revised parking standard may be appealed pursuant to Chapter 4.04 of the Norco Municipal Code. In accordance with state law, neither the granting of a concession or incentive, nor the granting of a density bonus, shall be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.

18.65.24 – Developer Affordable Housing Agreement.

- (1) Applications requesting a density bonus shall agree to enter into a density bonus housing agreement with the city. The terms of the draft agreement shall be reviewed and revised as appropriate by the Planning Director, who shall formulate a recommendation to the planning commission for final approval. A density bonus housing agreement shall be made a condition of the discretionary planning permits for all housing developments pursuant to this article and shall be recorded as a restriction on any parcels on which the affordable units or density bonus units will be constructed.
- (2) The density bonus housing agreement shall be recorded prior to final or parcel map approval, or, where the housing development does not include a map, prior to issuance of a building permit for any structure in the housing development. The density bonus housing agreement shall run with the land and bind future owners and successors in interest.

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.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on October 2, 2013.

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 September 4, 2013, and thereafter at a regular meeting of said City Council duly held on October 2, 2013, 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 October 2, 2013.

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

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Any Okoro, City Manager

PREPARED BY: Alma Robles, Senior Planner

DATE: September 4, 2013

SUBJECT: Tentative Parcel Map (TPM) 36552: a request for approval of a subdivision of land that is approximately 1.14 acres into two parcels for residential uses. The property is located at 4520 Center Avenue within the A-1-20 Zone.

RECOMMENDATION: Adopt Resolution No. 2013-60, approving Tentative Parcel Map 36552, subject to the conditions outlined in the resolution.

SUMMARY: TPM 36552 is a request for approval of a subdivision of land that is approximately 1.14 acres into two parcels for residential uses. The property is located at 4520 Center Avenue within the A-1-20 Zone.

BACKGROUND/ANALYSIS: Site Description: The subject property is a rectangular-shaped parcel consisting of 1.136 acres (1.14 rounded up), having a frontage of about 165 feet on the west side of Center Avenue and a maximum depth of approximately 300 feet.

The project site is presently developed with two single-family residences, both with detached garages. Horse stables are also located at the rear of the property (ref. Exhibit "C" – Aerial and Site Photos). The entire site is relatively flat with a slope of 4% or less.

An equestrian trail exists on the west side of Center Avenue, in front of the site. All necessary right-of-way presently exists, but the only street improvement constructed is asphalt pavement (no curb and gutter). Furthermore, street improvements have not been completed (no curb and gutter) on Center Avenue between River Drive and Seventh Street near the project site.

Project Description: The applicant is proposing the subdivision of property that is 1.136 acres into two parcels for residential uses (ref. Exhibit "D" – Tentative Parcel Map 36552). The purpose of the proposed subdivision is to allow each of the two dwelling units at 4520 Center Avenue to be on a separate lot.

A minimum lot size of 20,000 square feet along with a minimum pad size of 18,000 square feet is required for the creation of lots in the A-1-20 Zone. For lots with a pad size less than 20,000 square feet, a minimum Primary Animal-Keeping Area (PAKA) of 2,728 square feet is required, and for lots with a pad area greater than 20,000 square feet, a minimum PAKA of 3,304 square feet is required. In addition, the minimum lot width and frontage is 80 feet and the minimum lot depth is 200 feet.

Both parcels in TPM 36552 are proposed to meet the minimum requirements and are proposed to consist of the following:

LOT SUMMARY TABLE

Parcel Number	Lot Area (sq. ft.)	Pad Size (sq. ft.)	PAKA Area (sq. ft.)	Minimum Lot Width/Frontage	Minimum Lot Depth
1	25,500	25,500	3,315	85	300
2	24,000	24,000	3,360	80	300

Parcel One is proposed to consist of an existing residential home, detached garage and the accessory horse stall structures as indicated on the tentative parcel map exhibit. The existing structure at the rear of the property on Parcel One which is noted to be removed or rebuilt on the map exhibit is proposed to be modified/re-built to meet the required five-foot setback from property line. All existing structures for proposed Parcel One will meet the minimum setbacks in the A-1-20 Zone.

Parcel Two is proposed to consist of the existing second residential home and detached garage. All existing structures for proposed Parcel Two meet the minimum setbacks in the A-1-20 Zone.

The Municipal Code requires that all PAKAs be located in the rear yard area, consist of flat usable land (with a slope of 4% or less), have a minimum width of 30 feet, and be rectangular in shape. The PAKA on each lot of the map is proposed to comply with these requirements. In addition, the Code requires that PAKAs be a minimum of 35 feet away from any habitable structure located on adjacent lots, and each PAKA will meet this requirement. A recorded minimum 15-foot wide access to the PAKA will be required and can be provided on both parcels. Only a portion of the existing stables will be in the PAKA on Parcel One, and will not exceed the maximum PAKA coverage of 40%.

Discussion: TPM 36552 as submitted meets all applicable Code provisions pertaining to lot area, pad area, PAKA provisions, street frontage, and dimensions for the creation of lots in the A-1-20 Zone. The map also satisfies all sections of the subdivision chapter of the Norco Municipal Code. In addition, the existing structures to remain on proposed Parcel One and Parcel Two will meet the required setbacks for the A-1 Zone.

The existing structure at the rear of the property on Parcel One which is noted to be removed or rebuilt on the map exhibit "D", will be conditioned to be modified/re-built in accordance to all City standards and requirements of the A-1-20 zone (i.e. setbacks that require five feet from property line and 10 feet from any other structure). A building and/or demolition permit will be required prior to any modification to this structure and the demolition or modification of this building will be required to be completed prior to the recordation of the subject map.

No drainage issues have been identified with the proposed subdivision of this property. However, any topographic changes to the property will require a grading plan.

The project has been conditioned to require that street improvements be designed and built in front of the project site. The project has also been conditioned to require that each parcel be provided with separate connections to all utilities (sewer, water, gas and electricity).

The Municipal Code requires that PAKAs be located in the rear yard area. As noted on the map, the PAKA on both lots will be towards the rear of the property.

Conclusion: TPM 36552 was reviewed by the Planning Commission at its meeting held August 14, 2013, and recommended approval of the map to the City Council subject the conditions in the attached resolution.

/adr

Attachments: CC Resolution 2013-60
Exhibit "A" – Location Map
Exhibit "B" – APN Map
Exhibit "C" – Aerial Site and Photos
Exhibit "D" – TPM 36552

RESOLUTION NO. 2013-60

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA APPROVING TENTATIVE PARCEL MAP 36552.

WHEREAS, SUNIL K. MEHTA submitted an application to the City of Norco, California, for a tentative parcel map for a subdivision of land into two parcels for residential uses under the provisions of Title 17 of the Norco Municipal Code on property generally described as:

The Southerly 165.00 feet of the Easterly 330.00 feet of lot No. 7 in Block 52 of Tract Norco Farms Tract No. 2, in the City of Norco, County of Riverside, State of California, as per map recorded in Book 11, Page 56 of Maps, records of Riverside County, California; and

More generally described as a rectangular-shaped parcel consisting of approximately 1.136 acres, having a frontage of about 165 feet on the west side of Center Avenue, having a maximum depth of about 300 feet, and being further described as 4520 Center Avenue (APN 153-131-008);

WHEREAS, the application for the subdivision was duly submitted to the City's Planning Commission for recommendation at a public hearing for which proper notice of the hearing was given; and

WHEREAS, said application was scheduled for public hearing on August 14, 2013, at 7 p.m. in the Council Chambers at 2820 Clark Avenue, Norco, California, 92860, and said Commission held a public hearing and received oral and written testimony pertaining to said application; and

WHEREAS, based on findings of fact, the Planning Commission adopted Planning Commission Resolution No. 2013-26, recommending to the City Council that Tentative Parcel Map 36552 be approved for reasons as set forth in said Resolution; and

WHEREAS, hearing of the Tentative Parcel Map was duly noticed and scheduled for public hearing by the City Council at their meeting of September 4, 2013 at 7 p.m. in the Council Chambers at 2820 Clark Avenue, Norco, California, 92860; and

WHEREAS, at the time and place noticed, the City Council held the public hearing and received oral and written testimony pertaining to the application for Tentative Parcel Map 36552; and

WHEREAS, the proposed map depicted on Tentative Parcel Map 36552, Exhibit "D" dated August 7, 2013, and on file with the Planning Department, is consistent with the City's General Plan, and meets all regulations regarding subdivisions; and

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

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

I. FINDINGS:

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

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

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

D. The project has been determined by the City of Norco to be categorically exempt from City of Norco Environmental Guidelines, pursuant to Section 3.13, Class 15 "Minor Subdivision" of said guidelines.

II. DETERMINATION:

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Norco, California, in session assembled on September 4, 2013 does hereby approve Tentative Tract Map 36552 for a period of 24 months, subject to the following conditions:

1. Approval is based on Exhibit "D", dated August 7, 2013 and incorporated herein by reference and on file with the Planning Department. Development shall occur as shown unless otherwise noted in these conditions.

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

3. The project shall be in compliance with all City of Norco Municipal Codes, Ordinances and Resolutions. Non-compliance with any provisions of the Norco Municipal Code (NMC) not specifically waived in compliance with City procedures shall constitute cause for revocation and/or termination of the approvals granted under authority of permit.
4. The applicant shall pay all applicable fees associated with this proposal and the subdivision of land. Furthermore, the applicant shall pay all development fees in accordance with the NMC prior to approval of the final map.
5. All provisions of Chapters 17 and 18 of the NMC shall be met as it relates to the division of land.
6. The submittal, approval, and recordation of a subdivision map in accordance with the provisions of the State Subdivision Map Act and the City Subdivision Ordinance prior to the issuance of any permits is required.
7. Approval of the tentative map shall expire if the subject map has not been recorded within a two-year period from the date of City Council approval.
8. Extension of the tentative map approval shall only be considered if the applicant filing said map submits a written request for extension to the City Planning Department stating the response for the request, **at least 30 days before the map approval is due to expire**, pursuant to and in compliance with Section 17.16.170 of the City Subdivision Ordinance.
9. The project shall have a dedicated "primary animal-keeping area" (PAKA) on each lot created within the subdivision map. The size of the PAKA shall be as set forth and shown on the Tentative Parcel Map and in compliance with the NMC. Furthermore, the dedicated PAKA shall be recorded on each lot.
10. The driveway leading up to the garage on existing garage on Parcel Two of the subject map shall be completed with either asphalt or concrete, or an alternative surface drive as approved by the Planning Director.
11. The existing structure at the rear of the property on Parcel One which is noted to be removed or rebuilt on the Map exhibit "D", shall be modified/re-built in accordance to all City standards and requirements of the A-1-20 zone (i.e. setbacks that require five feet from property line and 10 feet from any other structure). A building and/or demolition permit shall be required prior to any modification to this structure and the demolition or modification of this building shall be completed prior to the recordation of the subject map.

12. Each parcel shall be provided with separate connections to all utilities (sewer, water, gas and electricity). If separate connections do not exist, permits are required for their installation.

13. The final map shall depict and specify all utility connections and a special inspection shall be obtained for verification by the Planning Division.

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

15. Development on Parcel Two shall only be served by underground utilities. All utility locations shall be incorporated into the public improvements plans and shall be prepared on standard size sheets by a registered civil engineer for approval by the City Engineer. A plan check deposit of \$250 per sheet shall be posted prior to checking and standard fees paid prior to plan approval.

16. Parcels One and Two of said map shall be connected to the City's sewer system, and the applicant shall pay all associated connection fees to the City of Norco prior to building permit issuance.

17. Street improvements shall be designed and installed/completed in front of the property prior to recordation of the final map, or cash in lieu of improvements may be submitted at the discretion of the City Engineer/Director of Public Works.

18. A monumentation bond in an amount determined by the project engineer, and approved by the City Engineer, shall be posted with the City of Norco prior to approval of the final map.

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

20. Any topographical changes to the Parcels One and Two shall require a grading plan to be submitted to and approved by the City Engineer.

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

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

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

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

25. A minimum 15-foot wide, flat, clear and direct vehicular access to the PAKA, as measured from any eave line, shall be provided and recorded on both parcels of the subject map.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on September 4, 2013.

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 regularly introduced and adopted by the City Council of the City of Norco, California, at a regular meeting thereof held on September 4, 2013 by the following vote of the City Council:

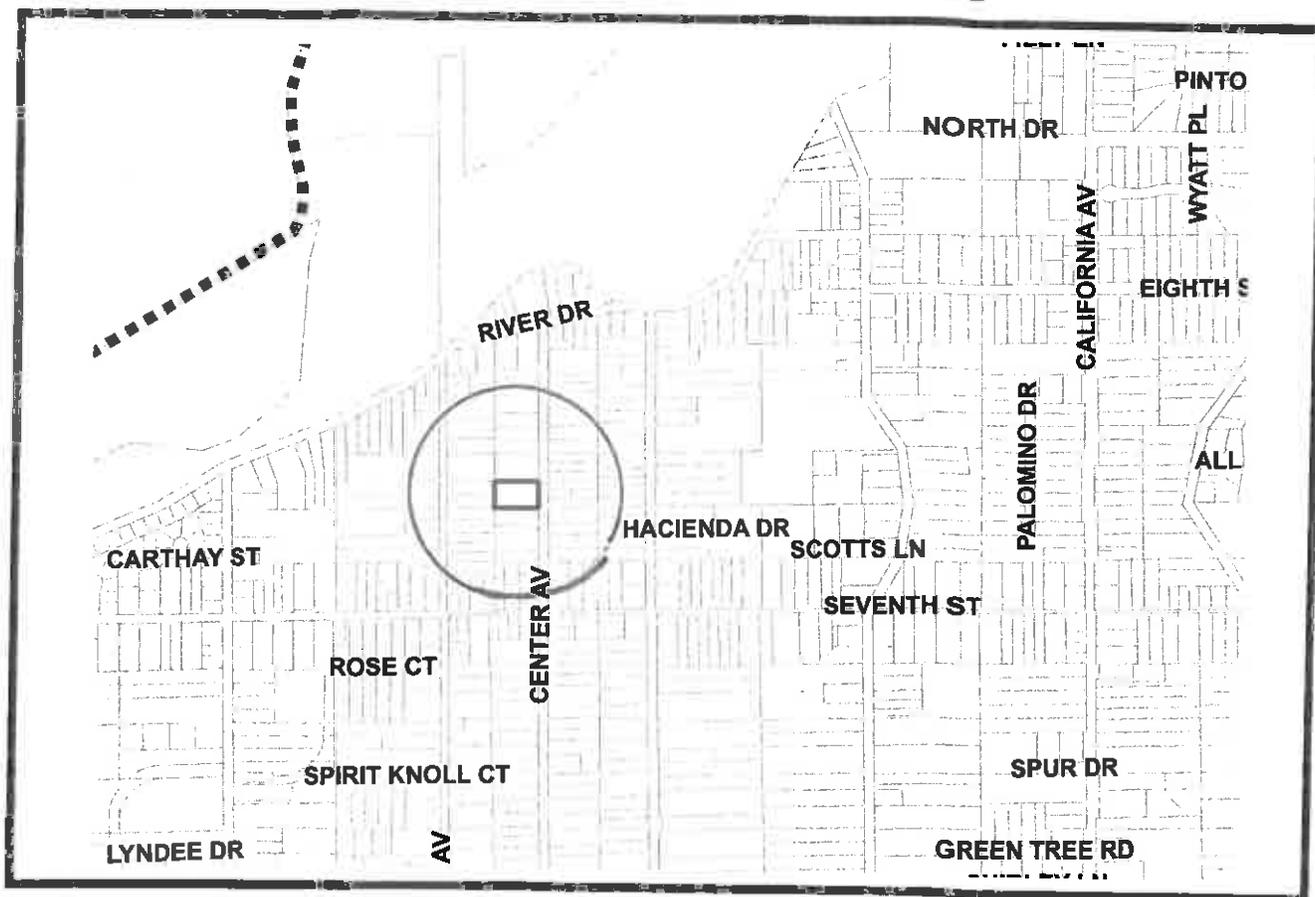
AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California on September 4, 2013.

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

/adr

LOCATION MAP



Not to Scale

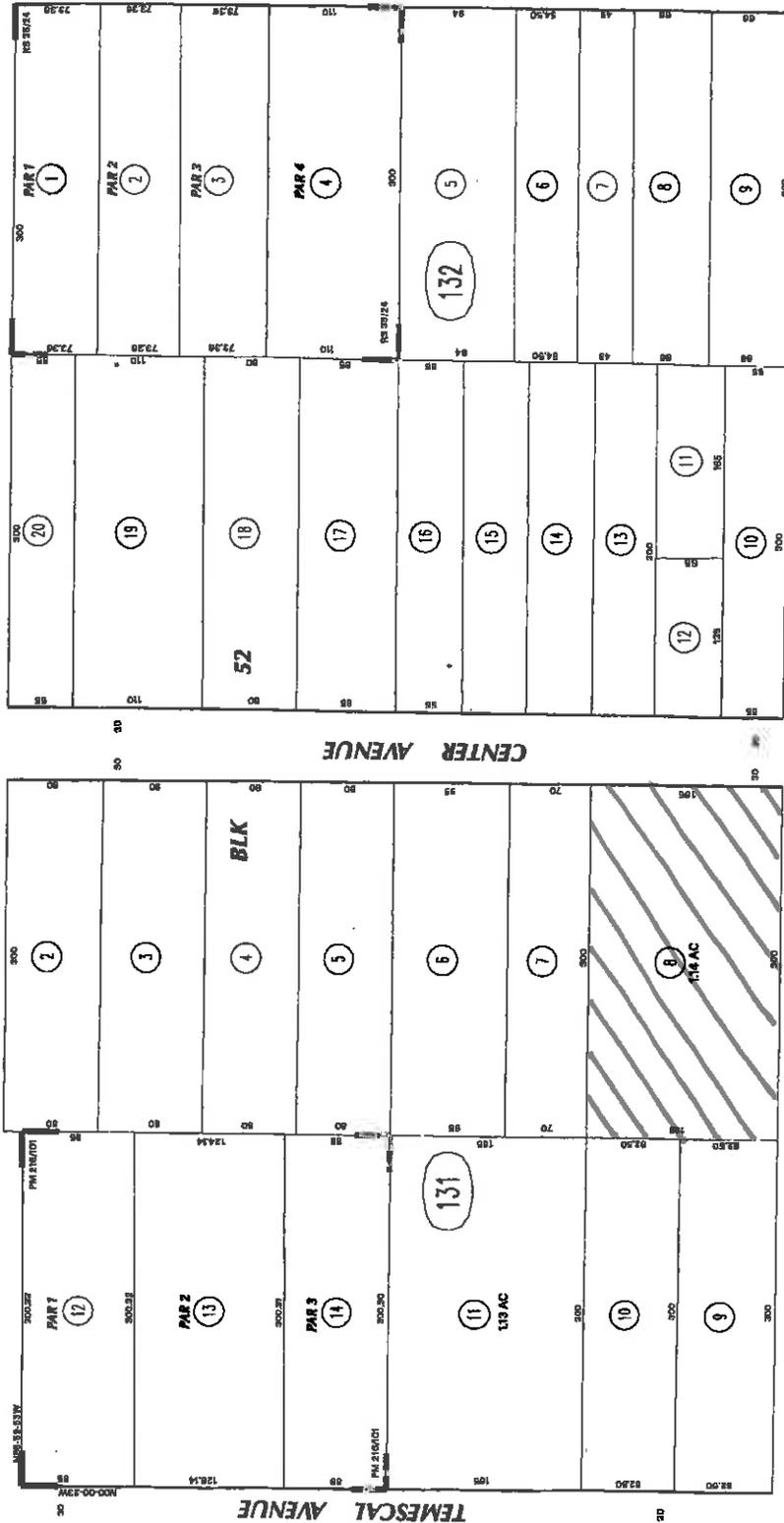
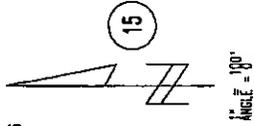


PROJECT: Tentative Parcel Map 36552
APPLICANT: Sunil K. Mehta
LOCATION: 4520 Center Avenue

Exhibit "A"

ASSESSOR'S PARCEL MAP

153-13
9-6



14

MB 11/56 NORCO FARMS TR NO 2
RS 35/24

Exhibit "B"

AERIAL PHOTO

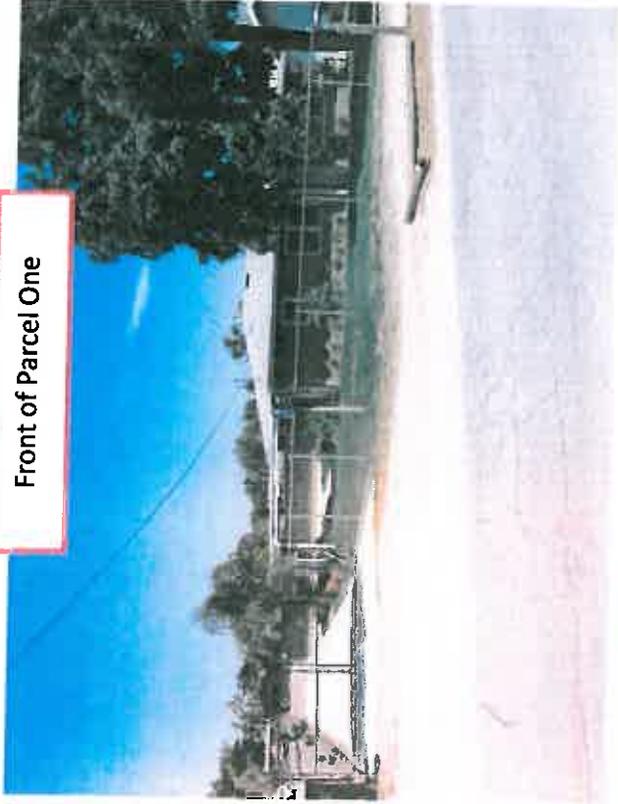


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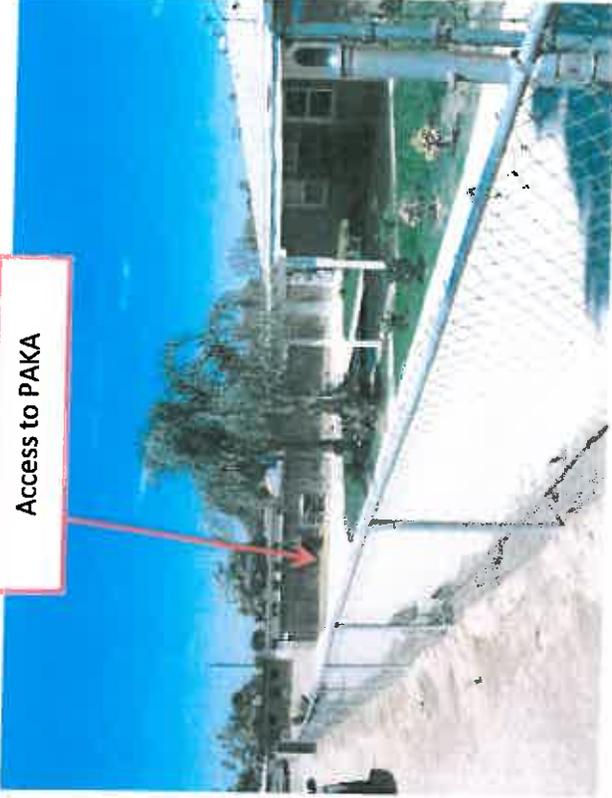
Exhibit "C"

1 of 3

4520 Center Avenue



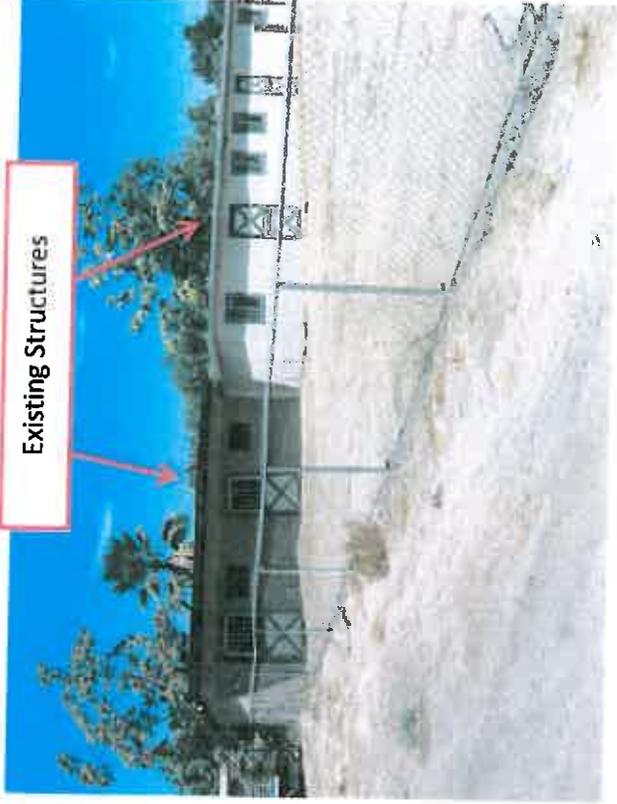
Front of Parcel One



Access to PAKA

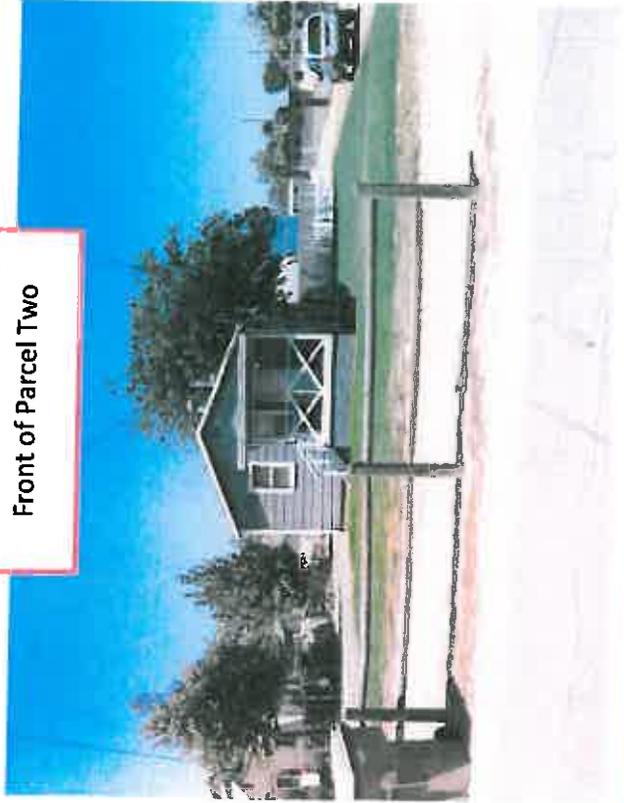


PAKA area

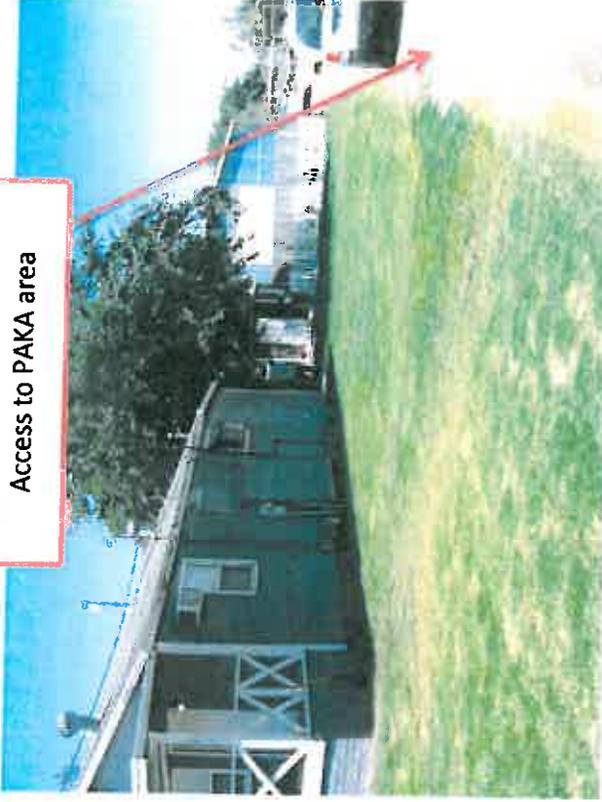


Existing Structures

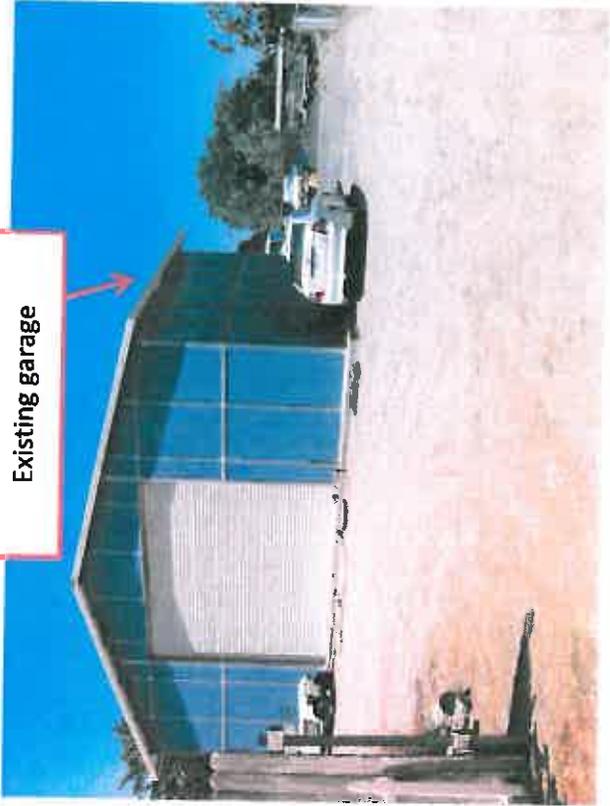
Front of Parcel Two



Access to PAKA area



Existing garage



PAKA area

