



AGENDA
CITY OF NORCO
CITY COUNCIL

October 2, 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: 6:00 p.m.

ROLL CALL:

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

Section 54956.9(d)(4) – Conference with Legal Counsel – To determine whether to initiate litigation (two matters)

RECONVENE PUBLIC SESSION: 7:00 p.m.

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

PLEDGE OF ALLEGIANCE: Council Member Sullivan

INVOCATION: Calvary Chapel – Norco
Pastor Louie Monteith

PRESENTATIONS: Ron Snow
Honored for Designation as “Norco Historian Emeritus”

Polly’s Pies
Recognized for its Support and Contributions to Norco

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 September 4, 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. Recap of the Planning Commission Meeting of September 11, 2013.
Recommended Action: Receive and File (Planning Director)
 - D. Acceptance of Street Dedication at 3304 Hamner Avenue. **Recommended Action: the City Council accept for street purposes a 25 foot wide strip of frontage along Hamner Avenue, located at 3304 Hamner Avenue; and, authorize the City Clerk to file the Certificate of Acceptance with the County of Riverside Recorder.** (Public Works Director)
3. ITEM(S) PULLED FROM CITY COUNCIL CONSENT CALENDAR:
4. LEGISLATIVE MATTER: **(No new evidence will be heard from the public as the public hearing has been closed regarding the item listed.)**
 - A. **Zone Code Amendment 2013-14 (City):** Ordinance Amending 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). **Recommended Action: Adopt Ordinance No. 965.** (City Clerk)
5. CITY COUNCIL CONTINUED PUBLIC HEARING:
 - A. 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. The City's Historic Preservation Consultant completed an on-site analysis of the structure and concluded that there is no historical value in it

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

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: Mayor Azevedo called the meeting to order at 7:00 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**

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Hanna

INVOCATION: Council Member Higgins

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

A plaque was presented from the Women's Professional Rodeo Association California Circuit thanking Keith Price and members of the Norco Mounted Posse Rodeo Committee for their hard work and dedication in preparing a safe, fair ground at the George Ingalls Equestrian Event Center. Mayor Azevedo also presented certificates of recognition to City staff and the volunteers that assisted in the ground work at the George Ingalls Equestrian Event Center.

Recognition of Richard (Ricky) Hallam for his Rodeo Accomplishments

Mayor Azevedo presented a Certificate of Recognition to Ricky Hallam for all of his accomplishments and awards received resulting from the rodeo events he has participated in.

CITY COUNCIL BUSINESS ITEMS AS FOLLOWS:

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

Council Member Bash:

- Reported that the family play day at the Norco Fair was fantastic.
- Future events announced: Lake Norconian 5K Run/Walk will be held on Saturday, October 26th; the Corona-Norco Unified School District 125-Year Anniversary Gala Event will be held on November 2nd at which time a book signing will be held for *An Amazing Journey... 125 Years of Corona-Norco Schools*; and Senator Roth will be the guest speaker at the Veterans Memorial event to be held on December 7th.

Mayor Pro Tem Hanna:

- Thanked Director Petree and City Manager Okoro for including money in the budget for extra equipment to maintain the George Ingalls Equestrian Event Center.

Mayor Azevedo:

- Reported on the Economic Development Advisory Council meeting she attended, noting that a sub-committee has been formed to discuss the City's participation in providing information regarding overnight horse stables "hotels" in the City.
- Reported on the UNLOAD committee meeting she attended, noting that an awareness meeting regarding teenage suicide will be held in cooperation with the Corona-Norco Unified School District UNITY coalition.
- Announced that there will be two walks held at Pikes Peak Park; one on September 9th -- 100 Mile Club at 5:30 p.m., and one on September 15th -- Breast Cancer Awareness Walk for the "Be Aware" Foundation.

2. CITY COUNCIL CONSENT ITEMS:

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

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

- A. City Council Minutes:
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: **None**
- 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)

City Manager Okoro gave a brief summary of the staff report presented to the City Council for discussion and requested further direction.

Council Member Bash commented on a plan to use funds out of the Special Asset Revenue Fund and create a matching fund – dollar donated -- dollar taken from the Special Asset Revenue Fund.

Council Member Sullivan stated that he would not be in favor of taking money out of the Special Asset Revenue Fund, but noted that he is excited about helping the senior citizens. He commented that it could be considered to expand the program not limiting it to senior citizens, as there is a lot of need in the City other than seniors.

Council Member Higgins commented on the youth and senior citizens that many times are not assisted, adding that this program is ultimately set up to help the senior citizens. He noted that the program, as suggested by Council Member Bash, is recommended because the City already has a program in place and just requires the funding; and it will get multiple people involved in the needs of the community.

Mayor Pro Tem Hanna stated that he likes the idea of the matching funds. He asked how much money in donations has been received to this date for the Animal Shelter. In response, Director Petree stated that since the program began approximately \$47,000 has been received.

Mayor Azevedo stated that she is concerned about using the Special Asset Revenue Fund, noting that she supports the potential program and really thinks that the senior citizens need the assistance. She commented on the previous SWAT program, noting that the list could be expanded. She also commented on the limited staff available to manage the program, adding that that Senior and Pets Relief non-profit could possibly assist with the program.

Council Member Higgins noted that one-half million dollars was used out of the Special Asset Revenue Fund to balance the budget, adding that this fund is to be used for special purposes.

City Manager Okoro noted that the Special Asset Revenue Fund was created to accumulate money into the fund, with interest earnings transferred to the General Fund to pay for ongoing City operations.

Greg Newton. Mr. Newton commented that he understands the challenges the Council faces and supports the concept of a “keep the change” or “round off” program, as it will have minimal staff impact.

Pat Overstreet. Ms. Overstreet noted that she supports the “round up” on the utility bill concept.

Linda Dixon. Ms. Dixon noted that she would like to see the program expanded, establishing a non-profit for donation purposes, adding that this would provide the means for other non-profit organizations to contribute.

Council Member Higgins commented on the Norco Senior and Pets Relief, noting that there are currently approximately twelve (12) active participants. He added that he is in favor of the non-profit suggestion.

City Manager Okoro and Deputy City Attorney Burns stated that money could be earmarked for this purpose and transmitted to a non-profit.

Mayor Pro Tem Hanna commented on the Norco Senior and Pets Relief horse shows that were held in the past, noting the profits that were made from the shows. He added that this could be revived and held again.

Council Member Sullivan commented on the horse show program put on by the Norco Seniors and Pets Relief in the past, noting that there is a need for younger persons to become involved and also noted the political involvement that caused problems. He added that the program needs a lot of volunteers in order to succeed.

Council Member Bash commented on how the matching program could work using the Special Asset Revenue Fund.

Council Member Higgins suggested starting with the “round up” or “keep the change” concept on the utility bills and see how much money can be raised in 90 days.

M/S Bash/Hanna to implement a “keep the change” senior citizen subsidy program; create a flyer introducing the program and insert it in utility bills; and report back to the City Council after 90 days regarding how much money has been collected. 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. 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)

Planning Director King presented and clarified the public hearing item as presented in the staff report.

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

Don Bowker. Mr. Bowker commented that he was surprised that the Housing Development Overlay Zone was incorporated.

Kathy Walker. Ms. Walker commented on the shortage of affordable homes in Norco for young couples

Mayor Azevedo CLOSED the public hearing.

Council Member Bash stated that he does not support and resents this state requirement.

Council Member Higgins commented that this was done very well.

Mayor Azevedo noted that even though she does not agree, this is mandated.

M/S Higgins/Hanna to approve Zone Code Amendment 2013-14 and adopt Ordinance No. 965 for first reading.

Under Discussion:

Council Member Sullivan noted that he was not in agreement with this in the past, and is not in favor now.

The motion was carried by the following roll call vote:

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

- 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)

Planning Director King presented the public hearing item.

Council Member Bash asked what year the house was built and if one of the homes is 100 years old. He suggested that the item be tabled until the City's Historic Preservation Consultant can evaluate the property.

M/S Bash/Higgins to continue the public hearing to October 2, 2013. 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:

Greg Newton. Mr. Newton commented on the Norco Fair family play day and the candidate pie eating contest, where he came in second place and Council Member Bash came in second to last.

7. CITY COUNCIL / CITY MANAGER / STAFF COMMUNICATIONS:

Mayor Azevedo commented on an email she received from Ron Snow stating that he wished to resign as City Historian. She stated that she would like to recognize him at an October Council meeting.

M/S Bash/Higgins to give the official title of “Norco Historian Emeritus” to Ron Snow. The motion was carried by the following roll call vote:

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

Mayor Azevedo stated that she, along with Mayor Pro Tem Hanna and City Manager Okoro, will be attending the League of California Cities Conference for three days beginning on September 18th; therefore, the September 18th City Council meeting will be dark. She added that the next City Council regular meeting will be held on October 2, 2013.

Council Member Bash reported on telephone calls he received from Norco’s legislative representatives regarding potential access to the Norconian Hotel.

City Manager Okoro commented on the City Council workshop to be held on September 25, 2013 at 4:00 p.m. to discuss the Waste Management contract.

8. **ADJOURNMENT:** There being no further business to come before the City Council, Mayor Azevedo adjourned the meeting at 8:49 p.m.

BRENDA K. JACOBS, CMC
CITY CLERK



**RECAP OF ACTIONS TAKEN
CITY OF NORCO
PLANNING COMMISSION
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
REGULAR MEETING
SEPTEMBER 11, 2013**

CALL TO ORDER: 7:00 p.m.

ROLL CALL: Chair Hedges, Vice Chair Leonard, Commission Members Henderson, Jaffarian and Wright

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

PLEDGE OF ALLEGIANCE: Commission Member Wright

1. **APPEAL NOTICE: Read by staff**
2. **PUBLIC COMMENTS: None**
3. **APPROVAL OF MINUTES:**
 - ❖ **Minutes of Regular Meeting on August 14, 2013**
 - Recommended Action: Approval (Deputy City Clerk): Approved as amended 5-0**
4. **CONTINUED PUBLIC HEARINGS:**
 - A. **Housing Element Recommended Action: Continue to October 9, 2013 regular meeting. (Planning Director): Continued to October 9, 2013**
5. **PUBLIC HEARINGS**
 - A. **Conditional Use Permit 2013-06 (Ferrari):** A request for approval to allow an accessory building consisting of a 2,400 square-foot garage/storage/workshop at 3639 Pedley Avenue located within the A-1-20 Zone. **Recommended Action: Approval (Senior Planner): Approved 5-0. This action is final unless appealed to the City Council within 10 calendar days.**
 - B. **Large Day Care Center 2013-01 (Conner):** A requested hearing regarding a tentative approval of a large family day care center for a maximum of 12 children (including children under the age of 10 that live at the proposed location) at 1691 El Paso Drive in the Norco Hills Specific Plan Residential District. **Recommended Action: Uphold staff approval (Planning Director): Approved 5-0. This action is final unless appealed to the City Council within 10 calendar days.**
 - C. **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 non-commercial vehicle and trailer parking in residential zones. **Recommended Action: Continue to October 9, 2013 (Planning Director): Continued to October 9, 2013**

6. CONTINUED BUSINESS ITEM:
 - A. **Draft C-4 Zone Code Amendments: Recommended Action: Continue off Calendar** (Planning Director): **Continued off calendar**

7. BUSINESS ITEMS:
 - A. **Site Plan 2013-12 (Santochi):** A request for approval to allow a detached accessory building consisting of a 432 square-foot bird shelter 3925 Mount Shasta Place located within the Norco Ridge Ranch Specific Plan (NRRSP). **Recommended Action: Approval** (Senior Planner): **Approved 5-0. This action is final unless appealed to the City Council within 10 calendar days.**

 - B. **Site Plan 2013-18 (Espinosa):** A request for approval to allow an accessory building consisting of a 560 square-foot storage shed at 2114 First Street located within the commercial District of the Gateway Specific Plan (GSP) **Recommended Action: Approval** (Senior Planner): **Approved 5-0. This action is final unless appealed to the City Council within 10 calendar days.**

 - C. **Site Plan 2013-07, Modification 1(Salley):** A request to modify the conditions for an approved accessory building consisting of a 625 square-foot detached garage at 3023 Arapaho Street located within the A-1-20 zone. **Recommended Action: Approval** (Senior Planner): **Approved 3-2 (Hedges / Leonard). This action is final unless appealed to the City Council within 10 calendar days.**

8. CITY COUNCIL MINUTES: Available on the City of Norco website: **Received and Filed**
http://www.norco.ca.us/depts/city_council/minutes.asp
 - City Council Minutes of August 7, 2013
 - City Council Minutes of August 21, 2013

9. PLANNING COMMISSION:
 - a. Oral Reports from Various Committees: **None**

 - b. Request for Items on Future Agenda (within the purview of the Commission): **Received and filed**

10. ADJOURNMENT: **7:45 p.m.**

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager 

PREPARED BY: Lori J. Askew, Director of Public Works 

DATE: October 2, 2013

SUBJECT: Acceptance of Street Dedication at 3304 Hamner Avenue

RECOMMENDATION: That the City Council accept for street purposes a 25 foot wide strip of frontage along Hamner Avenue, located at 3304 Hamner Avenue; and, authorize the City Clerk to file the Certificate of Acceptance with the County of Riverside Recorder.

SUMMARY: The property owner of 3304 Hamner Avenue is offering for dedication for street purposes, a 25 foot wide strip of frontage along Hamner Avenue.

BACKGROUND/ANALYSIS: Conditional Use Permit 99-03, which allowed for a vehicle towing, impound and storage yard at 3304 Hamner Avenue, had a condition that public street improvements would be constructed on Hamner Avenue, fronting the property. In addition, a letter was signed by the property owner agreeing to make the necessary street dedication in order to construct the street improvements.

During a recent review of compliance of conditions imposed upon all towing companies within the City of Norco, it was determined that the condition for street dedication for J and M Towing had not been made. Lynda and Jerry Conant, property owners of 3304 Hamner Avenue, have now submitted signed and notarized documents offering for dedication to the City of Norco for street purposes, the easterly 25 feet of their property as conditioned.

FINANCIAL IMPACT: N/A.

lja
Attachment: Grant Deed

Recording requested by:

CITY OF NORCO

When recorded mail to:

City Clerk
City of Norco
2870 Clark Avenue
Norco, CA 92860

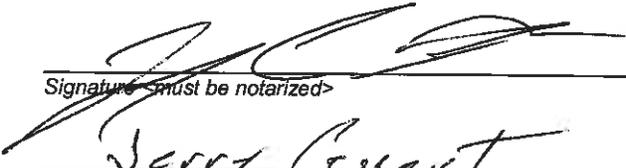
SPACE ABOVE THIS LINE FOR RECORDER'S USE

APN: 129-220-012 (PORTION)

GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged Jerry Conant and Lynda Conant, husband and wife as Joint Tenants, do hereby grant to the CITY OF NORCO, a municipal corporation and political subdivision, the following real property in the City of Norco, County of Riverside, State of California described in Exhibit "A" (legal description) and as shown on Exhibit "B" (plat).

BY:


Signature <must be notarized>

Jerry Conant
name and title printed


Signature <must be notarized>

LYNDA CONANT
name and title printed

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside

On August 29, 2013 before me, Krystle Danko, a notary Public
Date Here Insert Name and Title of the Officer

personally appeared Lynda Conant and Jerry Conant.
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Place Notary Seal Above

Signature Krystle Danko
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

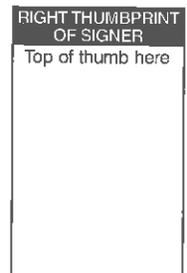
- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

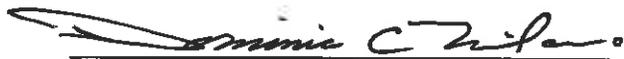
EXHIBIT "A"
LEGAL DESCRIPTION

THAT PORTION OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 7 WEST, AND THAT PORTION OF SECTION 7, TOWNSHIP 3 SOUTH, RANGE 6 WEST, SAN BERNARDINO BASE AND MERIDIAN, AS SHOWN BY SUBDIVISION OF THE RANCHO LA SIERRA, ON FILE IN BOOK 6, PAGE 70 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

THE EASTERLY 25 FEET, AS MEASURED AT RIGHT ANGLES TO THE EAST LINE OF THE FOLLOWING DESCRIBED PARCEL OF LAND:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 12;
THENCE SOUTH 0°04'30" WEST, 5.4 FEET;
THENCE EAST 223.41 FEET TO THE WESTERLY LINE OF HAMNER AVENUE, 60 FEET WIDE, AS SHOWN ON SAID MAP;
THENCE SOUTHERLY ALONG SAID WESTERLY LINE, SOUTH 7°27' WEST, 615.00 FEET TO THE **TRUE POINT OF BEGINNING**;
THENCE WEST 530.00 FEET;
THENCE PARALLEL WITH SAID WESTERLY LINE OF HAMNER AVENUE, NORTH 7°27' EAST, 90 FEET;
THENCE EAST 530.00 FEET TO A POINT LYING ON SAID WESTERLY LINE OF HAMNER AVENUE;
THENCE SOUTHERLY ALONG SAID WESTERLY LINE, SOUTH 7°27' WEST, 90.00 FEET TO THE TRUE POINT OF BEGINNING.

PREPARED UNDER THE SUPERVISION OF:



DOMINIC C. MILANO, RCE 27172

9/4/13

DATE



EXHIBIT "B"

LEGAL SKETCH



SCALE: 1"=80'

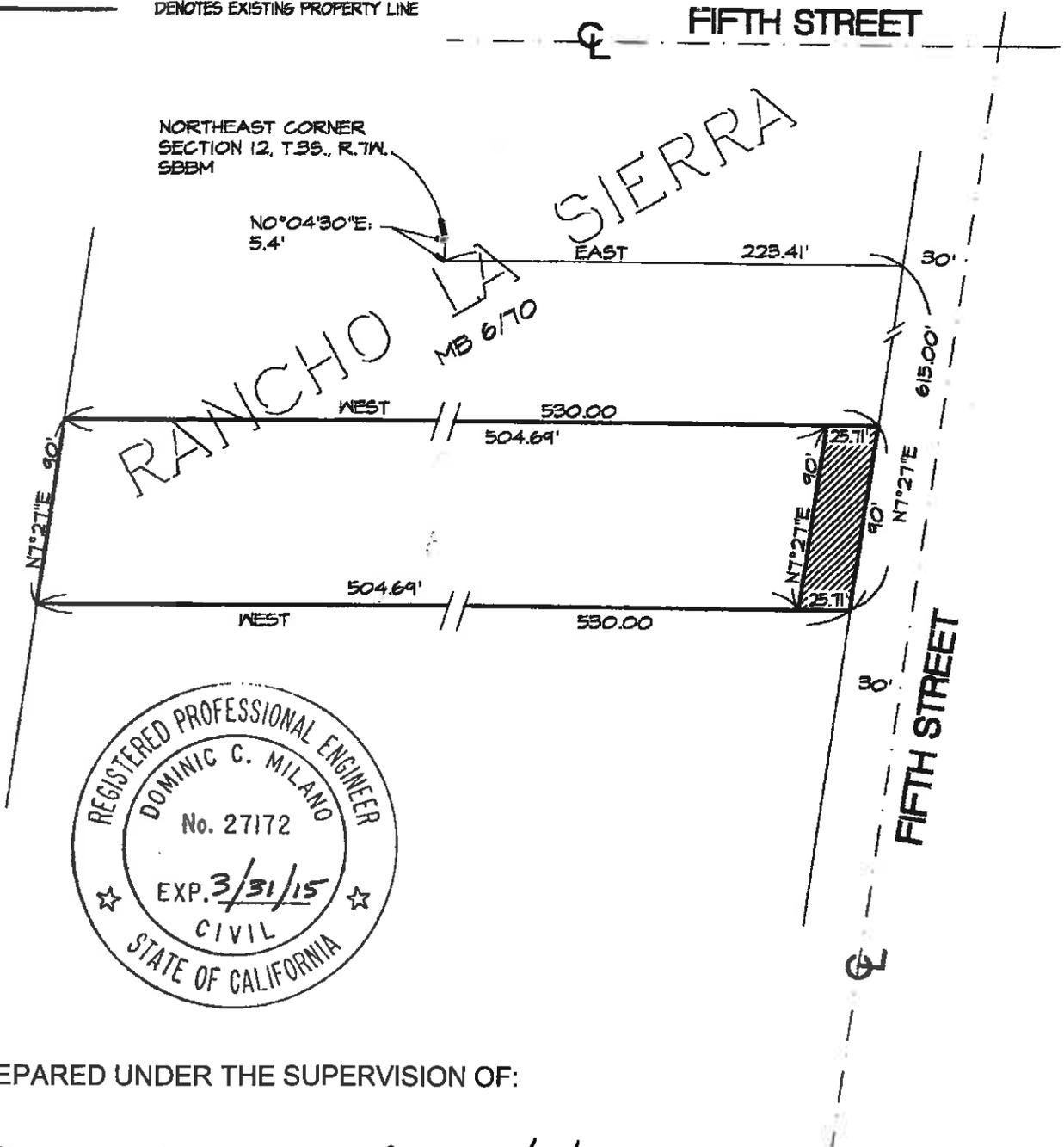
LEGEND



DENOTES AREA TO BE DEDICATED TO THE CITY OF NORCO FOR STREET PURPOSES



DENOTES EXISTING PROPERTY LINE



PREPARED UNDER THE SUPERVISION OF:

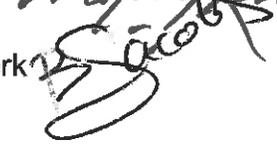
Dominic C. Milano 9/4/13

DOMINIC C. MILANO, RCE 27172 DATE

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: October 2, 2013

SUBJECT: **Zone Code Amendment 2013-14 (City):** Ordinance Amending 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).

RECOMMENDATION: Adopt **Ordinance No. 965** for second reading.

SUMMARY: The first reading of Ordinance No. 965 was held on September 4, 2013 and adopted by the City Council with a 4-1 vote (Sullivan – No). : The 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.

Attachment: 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 "Density 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:

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:

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.

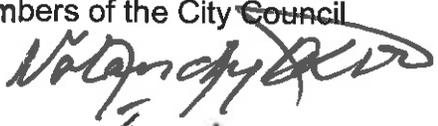
AYES:
NOES:
ABSENT:
ABSTAIN:

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: Steve King, Planning Director
Alma Robles, Senior Planner 

DATE: October 2, 2013

SUBJECT: Tentative Parcel Map (TPM) 36552: 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 of approval.

SUMMARY: TPM 36552 is a request for approval of a subdivision of land that is approximately 1.136 acres into two parcels for residential uses. The property is located at 4520 Center Avenue within the A-1-20 Zone.

BACKGROUND/UPDATE: This project was originally considered by the City Council at its September 4, 2013 meeting and was continued to October 2, 2013 with a request for an historical assessment of an existing accessory building that is conditioned to either be moved, altered, or demolished prior to recordation since it will set on the new property line. The City's Historic Preservation Consultant completed an on-site analysis of the structure and concluded that there is no historical value in it (ref. Exhibit E – Photos of Existing Accessory Structure).

BACKGROUND/ANALYSIS: Site Description: The subject property is a rectangular-shaped parcel having a frontage of about 165 feet on the west side of Center Avenue and a maximum depth of approximately 300 feet. There are two existing 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 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 exists but the only street improvement is asphalt paving with no curb and gutter. Full street improvements (curb and gutter) have not been completed on any portion of this block of Center Avenue between River Drive and Seventh Street.

Project Description/Discussion: The applicant is proposing the subdivision of property that is 1.136 acres into two parcels (ref. Exhibit "D" – Tentative Parcel Map 36552) so that each of the two dwelling units will be on a separate lot. A minimum lot size of 20,000 square feet with a minimum pad size of 18,000 square feet is required for a new 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. As proposed both parcels meet the minimum requirements:

PROPOSED 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 would include an existing residential home, a detached garage, and accessory horse stall structures as shown on the tentative parcel map exhibit. The accessory structure which was the subject of the continuance is located at the rear of the property and is noted to be removed or rebuilt. All other existing structures on Parcel One will meet the minimum setback requirements of the A-1-20 Zone. Parcel Two would include the second existing residence with a detached garage. All structures for proposed Parcel Two also meet the minimum setback requirements.

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%.

TPM 36552 as submitted and conditioned meets all applicable Norco Municipal 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. TPM 36552 also satisfies all sections of the subdivision chapter of the Norco Municipal Code. No drainage issues have been identified with the proposed subdivision however any topographic changes to the property will require a grading plan. The project has also been conditioned that street improvements be designed and built in front of the project site, or that a cash-in-lieu payment be made to the City for future improvement. Each parcel shall have separate utility connections prior to recordation.

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 City Council closed the public hearing and continued any action on the proposed project to October 2, 2013 to allow input regarding the historical status

of an existing accessory structure that is proposed to be moved, altered, or demolished as a condition on the map; and,

WHEREAS, at the time and place indicated, the City Council received additional oral and written testimony pertaining to said application; 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 October 2, 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.

Resolution No. 2013-60

Page 6

October 2, 2013

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 Resolution was regularly introduced and adopted by the City Council of the City of Norco, California, at a regular meeting thereof held on October 2, 2013 by the following vote of the City Council:

AYES:

NOES:

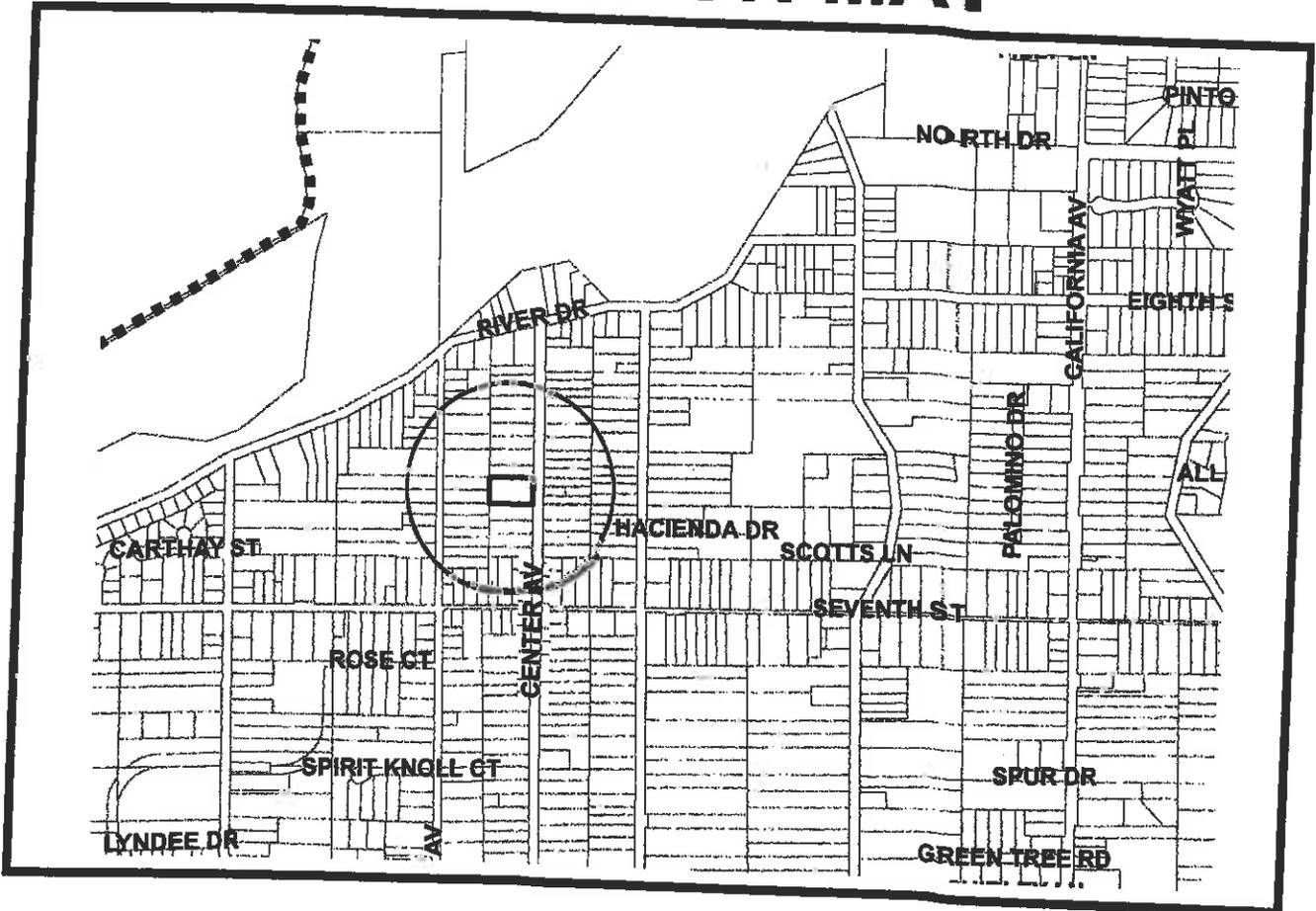
ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California on October 2, 2013.

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

LOCATION MAP



Not to Scale



PROJECT: Tentative Parcel Map 36552

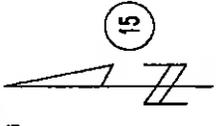
APPLICANT: Sunil K. Mehta

LOCATION: 4520 Center Avenue

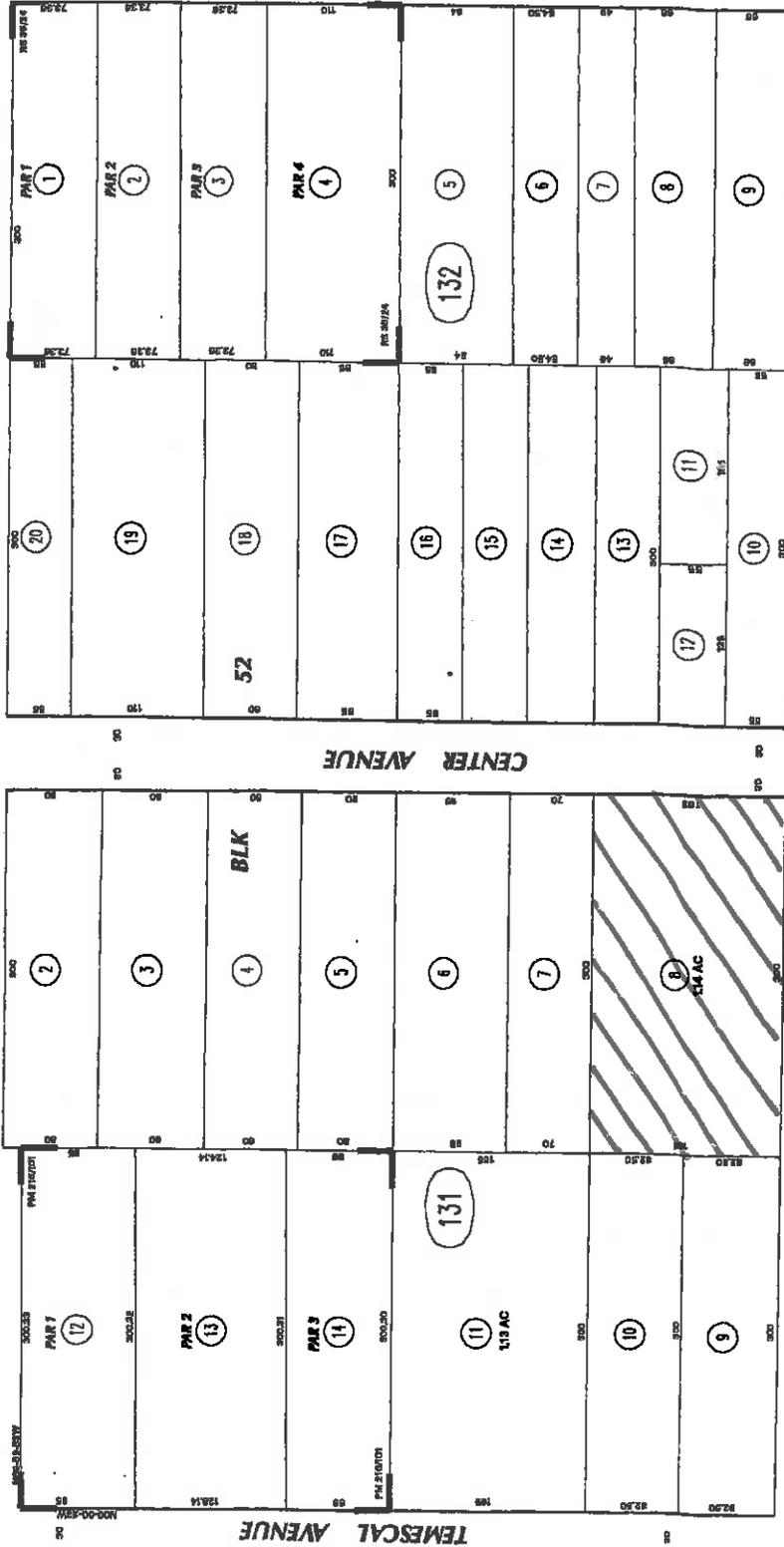
Exhibit "A"

ASSESSOR'S PARCEL MAP

153-13
9-6



ANGLE = 0°



14

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

DATE: 10/11/2011 10:47 AM

Exhibit "B"