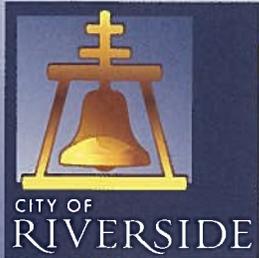


LAND USE ATTACHMENT 1



Office of the
City Attorney

June 4, 2008

Felicia Miller
California Energy Commission
1516 Ninth Street
Sacramento, California 95814-5512

Subject: Data Requests 1 to 71 (Set #1) for the Riverside Energy Resource Center Units 3&4 Project (08-SPPE-1)

Dear Ms. Miller:

This letter is in response to Data Request 39 in the above-referenced application, which requests “A letter from the city attorney that explains why the City consider the project exempt; cite all sections of the Municipal Code that the project would be exempted from.” This letter also addresses Data Requests 42 and 43, which request information regarding the project’s exceedance of certain height restriction, and Data Request 57, regarding design review procedures and industrial zone regulations.

The City of Riverside’s zoning and land use restrictions and regulations are set forth in Title 19 of the Riverside Municipal Code section, entitled “Zoning.” Section 19.040.110 of that Title provides the following:

19.040.110 Public Projects.

Notwithstanding any lawful exemptions to zoning regulations, the provisions of this Title shall not apply to any buildings, improvements, lots or premises, owned, leased, operated or controlled by the City or any City Project for public purposes by the City of Riverside. (Ord. 6966 §1, 2007)

Such exemption was initially adopted by the City on September 27, 2005 (subsequent to the CEC’s approval of RERC Units 1&2), via Ordinance No. 6826, a copy of which is attached to this letter. This applicable section was renumbered from 19.02.030 to 19.040.110 in 2007.

Thus, RERC Units 3&4 are now exempt from the requirements and restrictions of Title 19, in its entirety, including:



Felicia Miller
June 4, 2008
Page 2

1. Height restrictions, including any exceedance of a 45-foot height limitation for the projects exhaust stacks (Data Request 42).
2. Use permits (Data Request 43).
3. Height restrictions, including any variances therefrom, for the 96-foot-high communications tower (Data Request 43).
4. Design review procedures set forth in Riverside Municipal Code chapter 19.710 (Data Request 57).
5. Industrial Zone regulations set forth in Riverside Municipal Code chapter 19.130 (Data Request 57).

Thus, RERC Units 3&4 all exempt from all requirements of Title 19, "Zoning", and all restrictions, procedures and regulations set forth therein.

Very truly yours,



Susan D. Wilson
Deputy City Attorney

SDW/ak

Attachment

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ORDINANCE NO. 6826

AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA, DELETING SECTIONS 19.62.025 AND 19.64.020 OF THE RIVERSIDE MUNICIPAL CODE, AMENDING SECTION 19.02.030 AND ADDING SECTION 19.04.094 OF THE RIVERSIDE MUNICIPAL CODE TO STREAMLINE THE REVIEW PROCESS FOR CITY PROJECTS.

The City Council of the City of Riverside, California, does ordain as follows:

Section 1: Section 19.02.030 of the Riverside Municipal Code is amended in its entirety to read as follows:

Section 19.02.030 Applicability to City. Notwithstanding any other section of this Title, The provisions of this Title shall not apply to any buildings, improvements, lots or premises, owned, leased, operated or controlled by the City or any City Project as defined under Section 19.04.094.

Section 2: Chapter 19.04 Definitions is amended to include: 19.04.094 City Project.

Section 3: Section 19.04.094 City Project is added as follows:

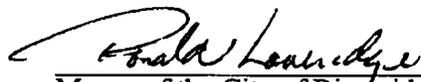
Section 19.04.094. City Project. A project for public purposes by the City of Riverside.

Section 4: Section 19.62.025 Public Projects is deleted in its entirety.

Section 5: Section 19.64.020 Public Uses is deleted in its entirety.

Section 6: The City Clerk shall certify to the adoption of this ordinance and cause publication once in a newspaper of general circulation in accordance with Section 414 of the Charter of the City of Riverside. This ordinance shall become effective on the 30th day after the date of its adoption.

ADOPTED by the City Council and signed by the Mayor and attested by the City Clerk this 27th day of September, 2005.



Mayor of the City of Riverside

Attest:



City Clerk of the City of Riverside

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I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the 20th day of September, 2005, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the City Council on the 27th day of September, 2005, by the following vote, to wit:

Ayes: Councilmembers Betro, Schiavone, Adkison, Hart, and Adams

Noes: Councilmembers Moore and Gage

Absent: None

Abstain: None

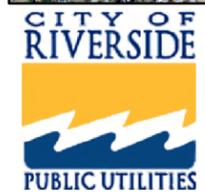
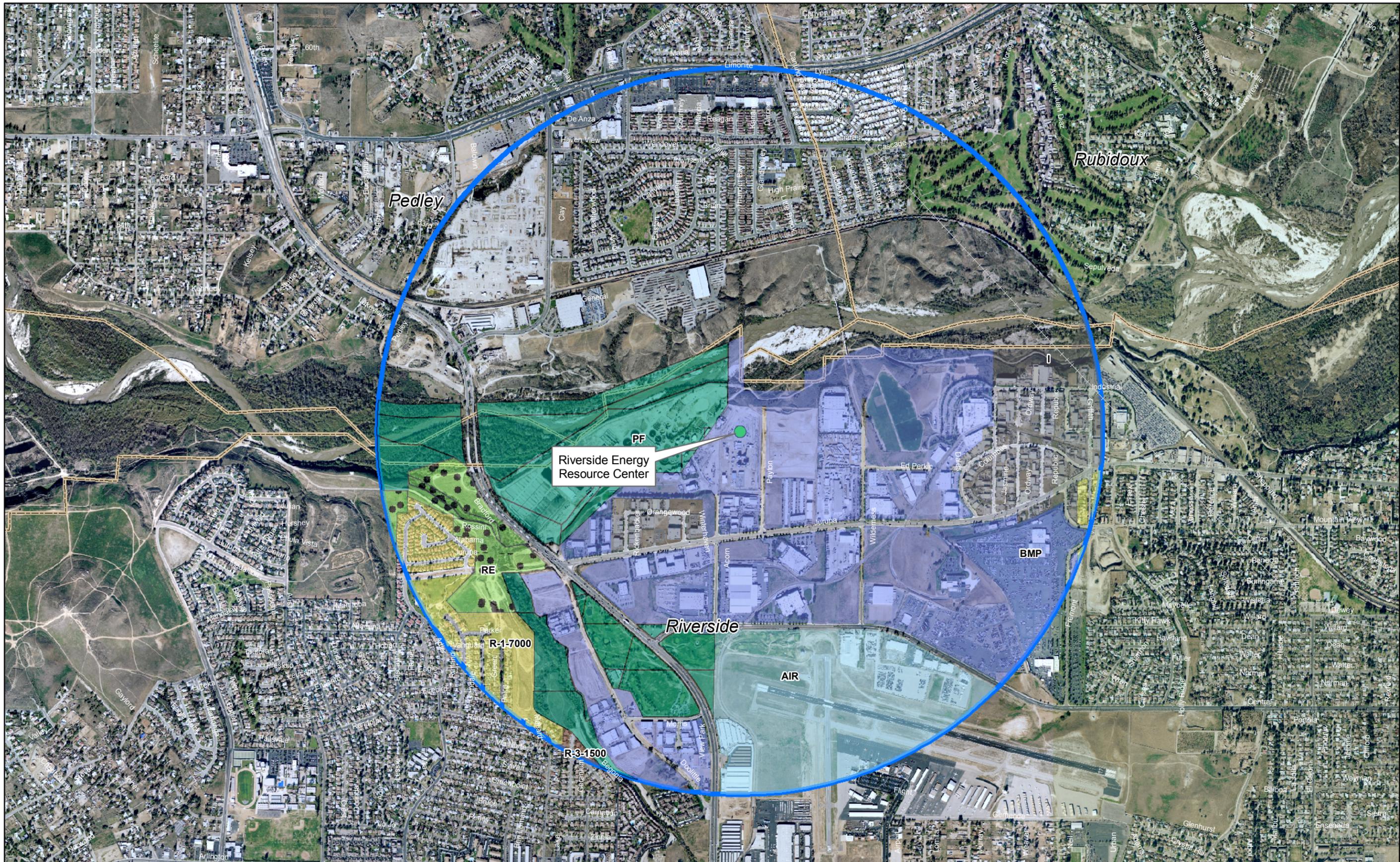
IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of the City of Riverside, California, this 27th day of September, 2005.



City Clerk of the City of Riverside

G:\CLK\COUNCIL\Ordinances\Sep_27\6826.wpd
CA: 05-2136
09/12/05

LAND USE ATTACHMENT 2



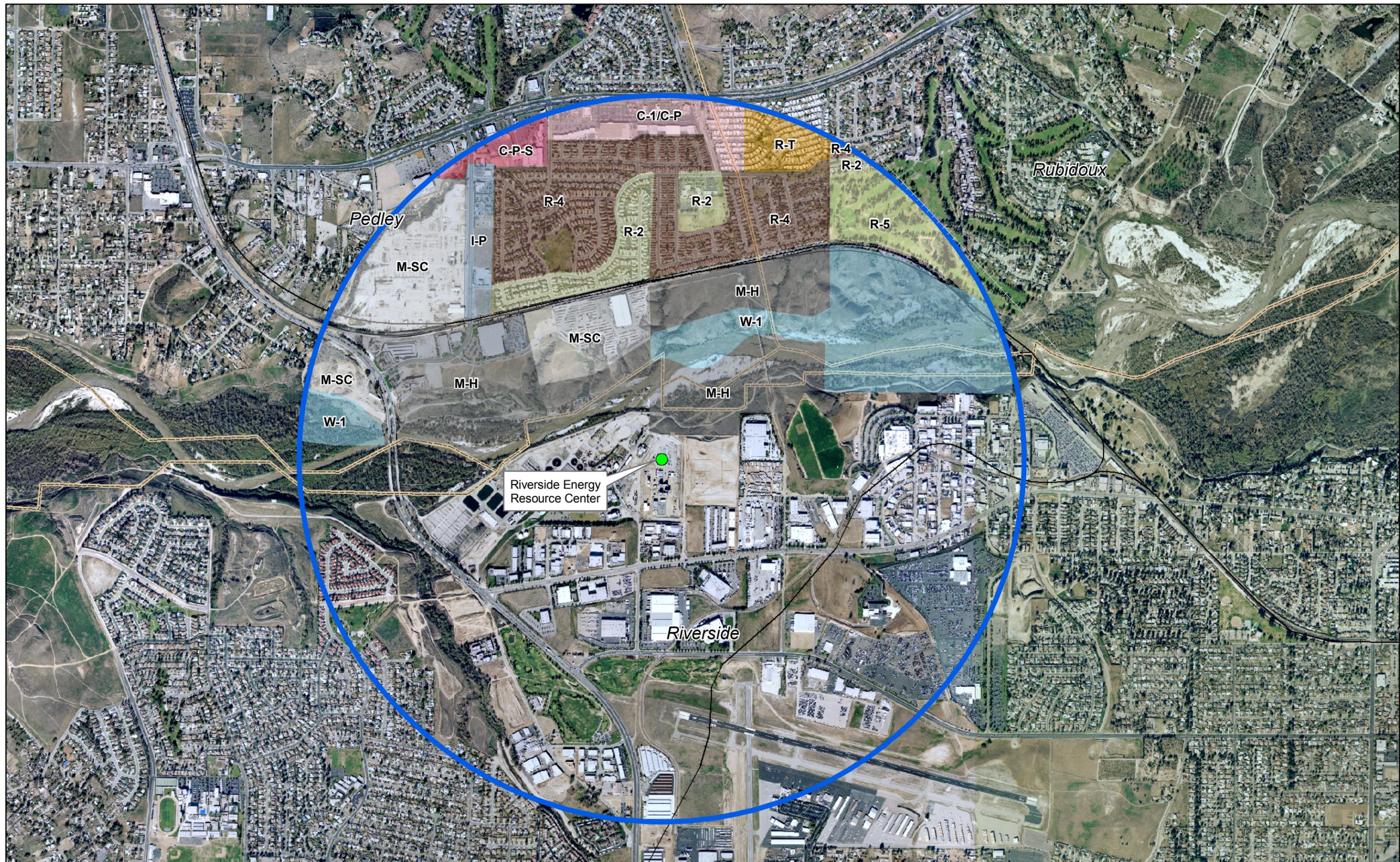
- AIR
- BMP
- I
- PF
- R-1-7000
- R-3-1500
- RE

Riverside Energy Resource Center RERC Units 3 & 4

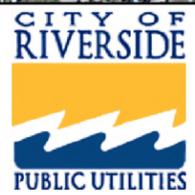
City of Riverside
Current Zoning - May, 2008



LAND USE ATTACHMENT 3



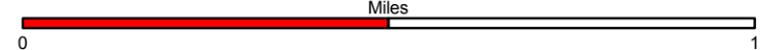
Riverside Energy Resource Center



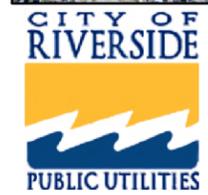
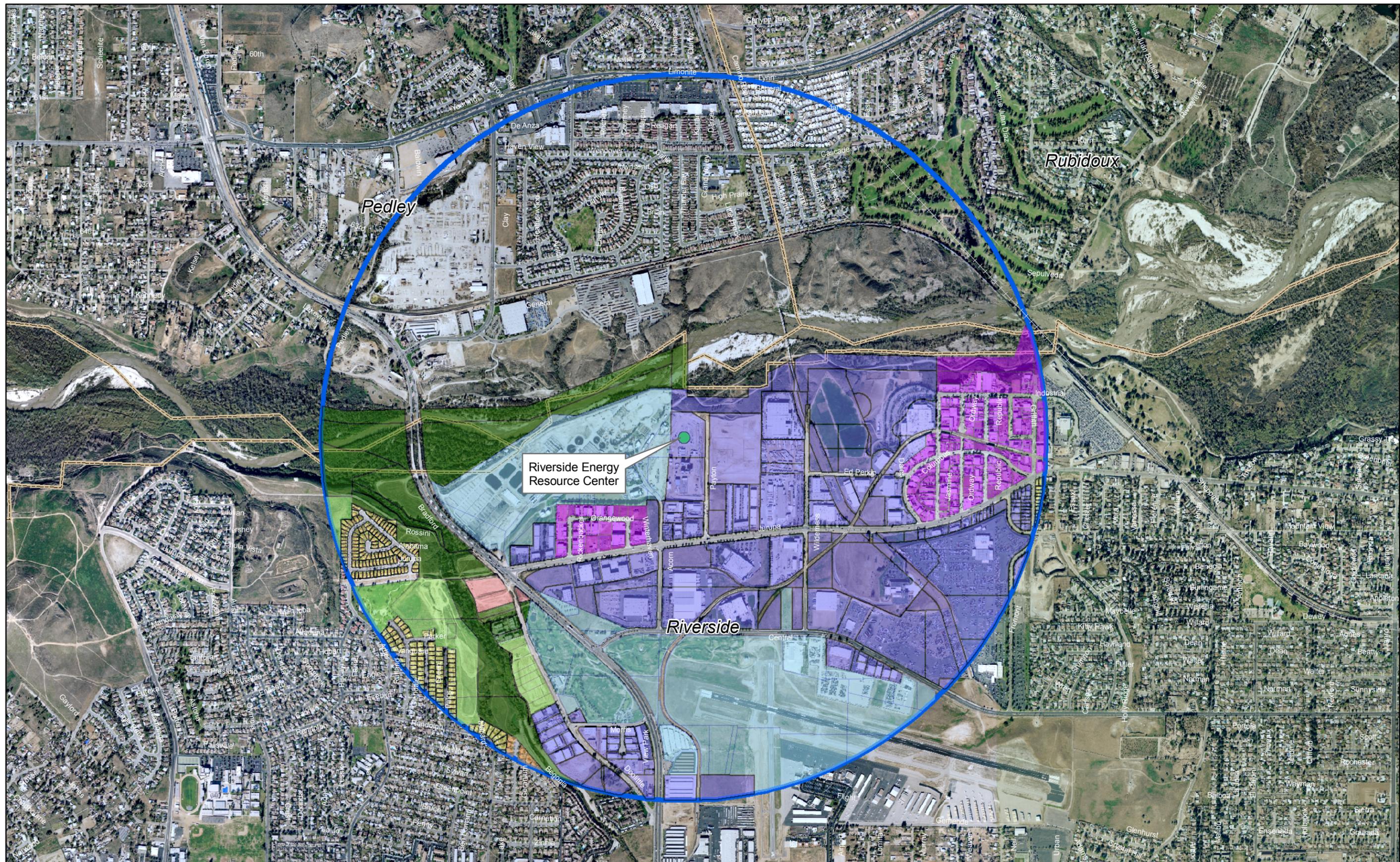
- C-1/C-P
- C-P-S
- I-P
- M-H
- M-SC
- R-2
- R-4
- R-5
- R-T
- W-1

Riverside Energy Resource Center
RERC Units 3 & 4
 Riverside County
 Current Zoning - May, 2008

Scale 1:15,840
Miles



LAND USE ATTACHMENT 4



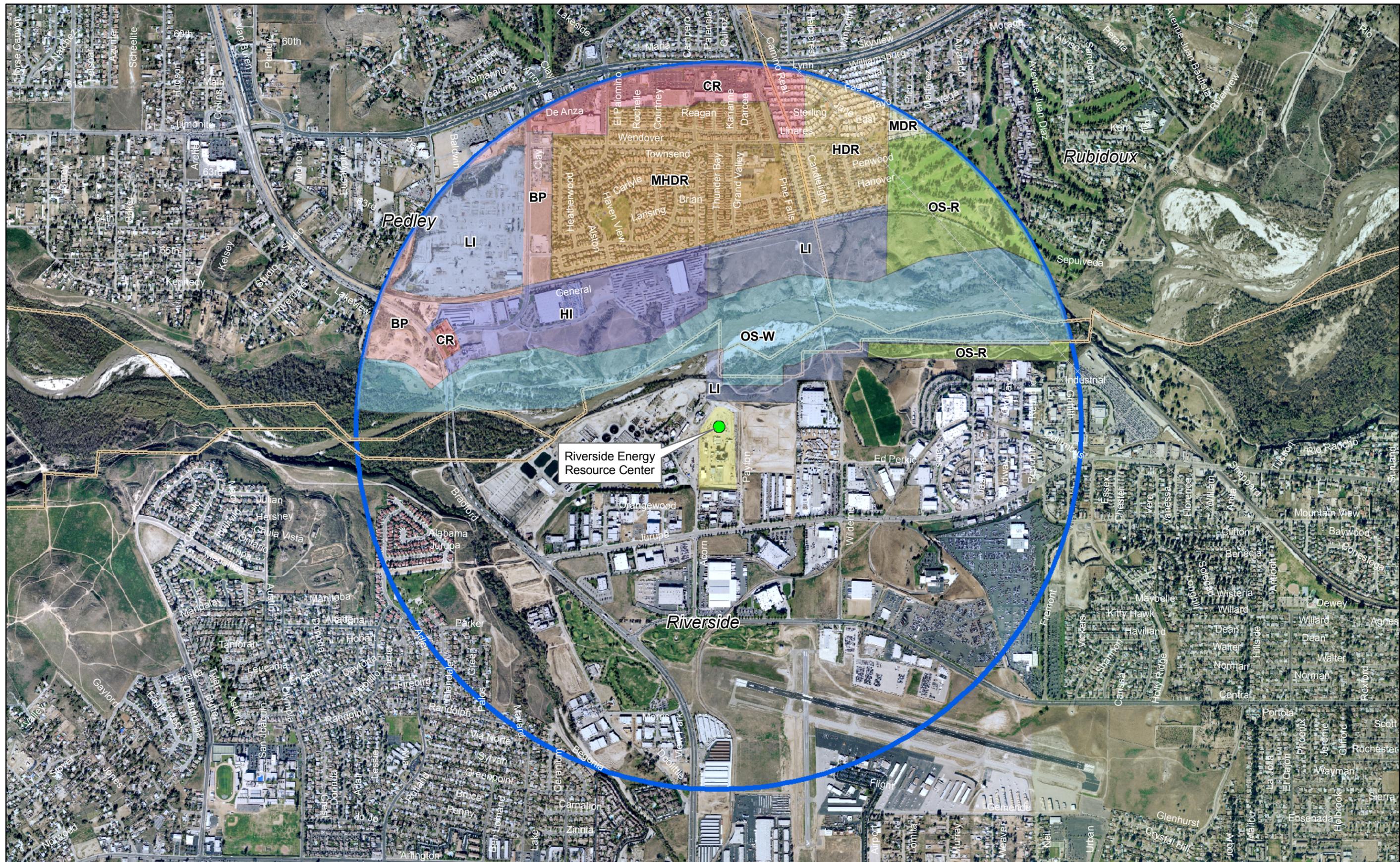
- B/OP - Business/Office Park
- PF - Public Facilities/Institutional
- MDR - Medium Density Residential
- MHDR - Medium High Density Residential
- PR - Private Recreation
- C - Commercial
- I - Industrial
- OS - Open Space/Natural Resources

Riverside Energy Resource Center RERC Units 3 & 4

City of Riverside
Current Land Use - May, 2008



LAND USE ATTACHMENT 5



Riverside Energy Resource Center

Riverside

Rubidoux



- MHDR - Medium High Density Residential
- OS-R - Open Space Recreation
- MDR - Medium Density Residential
- OS-W - Water
- HDR - High Density Residential
- HI - High Industrial
- LI - Low Industrial
- BP - Business Park
- CR - Commercial Retail

Riverside Energy Resource Center RERC Units 3 & 4

Riverside County
Current Land Use - May, 2008



Scale 1:15,840
Miles

