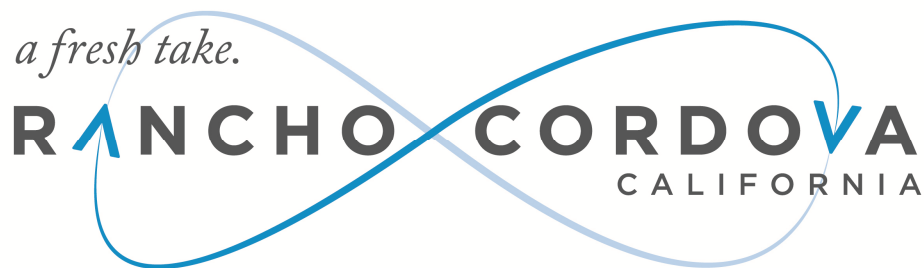


CITY OF RANCHO CORDOVA



CONCURRENT MEETING CITY COUNCIL/SUCCESSOR AGENCY TO THE COMMUNITY REDEVELOPMENT AGENCY (CRA)/RANCHO CORDOVA FINANCING CORPORATION (RCFC)

City Hall
2729 Prospect Park Drive, Rancho Cordova

Tuesday, April 25, 2017

5:30 PM – Special Meeting
American River Community Room North

AGENDA

1. SPECIAL MEETING - CALL TO ORDER/ROLL CALL

Council Members Budge, McGarvey, Sander, and Mayor Terry.

2. PUBLIC COMMENT

At a special meeting, citizens wishing to address the Council for any matter on the agenda may do so at the time the matter is discussed. Under the provisions of the California Government Code, the City Council is prohibited from discussing or taking action on any item not on the agenda.

3. CONSENT PUBLIC HEARING ITEMS - ROLL CALL VOTE

- 3.1 **Subject:** Resolution Authorizing Application for Department of Finance, Community-Based Transitional Housing Program Grant.
Recommendation: Adopt Resolution 70-2017.
Result of Recommended Action: Staff will submit an application to the California Department of Finance for a grant of up to \$2,000,000 for one time grant funding to provide start-up client services to ex-offenders in residence at Mather Veterans Village Phase 2 and to provide for one-time community-based law enforcement and outreach support activities.
Staff Report: Reed Flory, Manager Reinvestment and Housing Opportunities Division.
Advances Goals: 1, 2, 3, 5, 6.

4. SPECIAL MEETING ITEMS

- 4.1 **Subject:** Discussion of Property Maintenance Code for Residential and Commercial Properties.
Recommendation: Staff recommends discussion and possible direction of draft ordinance establishing a Property Maintenance Code.
Result of Recommended Action: Review and discussion of draft ordinance establishing a Property Maintenance Code.
Staff Report: Adam Lindgren, City Attorney and Kerry Simpson, Neighborhood Services.
Advances Goals: 1, 2, 3, 6.
- 4.2 **Subject:** Presentation Regarding Options for Updates to the City's Tree Preservation Ordinance.
Recommendation: Provide direction to staff regarding City Council's preferred level of tree protection.
Result of Recommended Action: Staff would draft an updated tree preservation ordinance for further consideration based on input and direction provided by City Council.
Staff Report: Albert Stricker, Public Works Director.
Advances Goals: 1, 2, 3, 6.

5. ADJOURNMENT

ADDITIONAL INFORMATION

In compliance with the Americans with Disabilities Act, if you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, please contact the City Clerk's Office at (916) 851-8720 at least 48 hours prior to the meeting.

CERTIFICATION OF POSTING OF AGENDA

I, Mindy Cuppy, MMC, City Clerk for the City of Rancho Cordova, declare that the foregoing agenda for the Tuesday, April 25, 2017 Special Meeting of the Rancho Cordova City Council/Successor Agency to the CRA/RCFC was posted and available for review on Friday, April 21, 2017 at City Hall of the City of Rancho Cordova, 2729 Prospect Park Drive, Rancho Cordova, California, 95670. The agenda is also available on the city website at www.cityofranchocordova.org.

Signed Friday, April 21, 2017 at Rancho Cordova, California.


Mindy Cuppy, MMC, City Clerk

MEMORANDUM

DATE: April 25, 2017

TO: Honorable Mayor and Council Members

FROM: Reed Flory, Manager Reinvestment and Housing Opportunities Division

SUBJECT: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA AUTHORIZING APPLICATION FOR CA STATE DEPARTMENT OF FINANCE, COMMUNITY-BASED TRANSITIONAL HOUSING PROGRAM GRANT.



RECOMMENDATION

Adopt Resolution 70-2017.

RESULT OF RECOMMENDED ACTION

Staff will submit an application to the California Department of Finance for a grant of up to \$2,000,000 for one time grant funding to provide start-up client services to ex-offenders in residence at Mather Veterans Village Phase 2 and to provide for one-time community-based law enforcement and outreach support activities.

BACKGROUND

The State Department of Finance in conjunction with the Governor's office has initiated a one-time grant program funded at \$25 million aimed at addressing the needs of ex-offenders living in transitional residential settings. In the case of Mather Veterans Village - Phase 2 (MVV 2), the potential ex-offender beneficiaries are homeless, disabled veterans making up approximately 40% of the population. The target population at MVV 2 will not include individuals with histories of arson, sexual predation or high risk violence. The application is an over-the-counter process with the major requirement being the need for evidence of entitlement for the transitional use by actions of the City.

The uses of funds are limited to two major categories of activities: services for residents (onsite) and security and community outreach activities to take place in the surrounding area. Services to clients are to be provided by the developer, Veterans Resource Centers of America (VRC), and may include employment counseling, job training, continuing education, psychological counseling, substance abuse treatment and related expenditures. The discretionary law enforcement support activities, community outreach and any other community-based activities are to be coordinated by the City.

As VRC already has funding commitments from other sources for many of the services anticipated in this Department of Finance program, the developer is looking to identify hard cost components of service delivery found in the construction budget which could be funded from these grant monies thereby reducing the cost gap that exists. Such expenditures may include

hardware for the media and learning center, all exterior recreational surfaces and equipment (therapy), fencing and site monitoring (security), photo voltaic and solar energy improvements (reduction in operating costs increasing services budget), prefunding of operating reserve accounts, kitchen improvements and equipment, etc.

Neighborhood security and outreach activities currently being discussed with the Police Chief's office include: prefunded officer time and equipment, jail diversion efforts, employment services, etc.

Reasonable administration costs may be included in the application. The maximum grant request amount is \$2.0 million per project. There are no program regulations guiding the use of funds and no awards have yet been made. Conversation with State administrators of the program suggests that the program will be flexibly interpreted. The Government Code provisions that establish this short-lived funding source include requirements that will require amendments to the City's prior approvals for this project. Government Code section 30035.2 requires that "In order for a city, county, or city and county to receive funds pursuant to the program, the facility for which it has approved a conditional use permit or other local entitlement pursuant to paragraph (2) of subdivision (a) of Section 30035.3 shall meet all of the following criteria: (a) The facility shall provide transitional housing for a period of not less than 10 years to persons who have been released from a state prison or county jail after serving a sentence for one or more felony or misdemeanor convictions. (b) The facility shall provide, or contract with another provider for, two or more additional services to residents. These services may include, but need not necessarily be limited to, life skills training, employment counseling, vocational training, continuing education, psychological counseling, anger management training, substance abuse treatment and counseling, or cognitive behavioral therapy.(c) The facility operator, and any entity with which it contracts for the provisions of services described in subdivision (b), shall be in valid possession of all licenses required by state law and local rules, regulations, or ordinances.

Actions already taken by VRC in good faith reliance upon City Council (Resolution 75-2013 attached) including initial improvement to the building entitle the property in perpetuity for transitional use satisfying the 10 year requirement. Subsequent to the funding award, the State will require the City Council to take actions to ensure satisfaction of the performance requirements identified earlier. This action must occur within the three regularly scheduled City Council meetings following the award. But because we don't know how quickly the State will act on our application, we must be prepared to approve the revisions to the existing Disposition, Development and Loan Agreement with Developer VRC soon after the notification of funding from the State is received.

FISCAL IMPACT

The fiscal Impact of this grant will be limited to staff time to apply for the grant. Based on conversation with State program administrators, reimbursement for reasonable costs to administer the program, are eligible program expenses.

ATTACHMENTS

1. Resolution No. 70-2017.
2. Resolution No. 75-2013.

ATTACHMENT 1

CITY OF RANCHO CORDOVA

RESOLUTION NO. 70-2017

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
AUTHORIZING APPLICATION FOR THE DEPARTMENT OF FINANCE COMMUNITY-
BASED TRANSITIONAL HOUSING PROGRAM**

WHEREAS, the State of California Department of Finance (Department) has published the availability of \$25.0 million for a Community-Based Transitional Housing Program (Program);

WHEREAS, the City of Rancho Cordova (Applicant) desires to apply for a Community-Based Transitional Housing grant and will submit the Designated Program Application Package released by the Department for the Program;

WHEREAS, Veterans Resource Centers of America (VRC) is the Developer and proposed "facility operator" who has entered into a Disposition, Development, and Loan agreement (see attached resolution 37-2015) with the Applicant for the development and operation of up to 60 beds in a transitional living program in the existing two-story building located at 10621 Schirra Ave, Rancho Cordova, CA 95655 on the closed Mather Air Force base;

WHEREAS, VRC site control for the subject 1.33 acre site is by way of a City assignment of the remaining term of a 55 year lease from the County of Sacramento which lease commencement date was June 25, 2013;

WHEREAS, by way of the adoption of Resolution 75-2013 (attached) and VRC's subsequent good faith reliance on the permit issued by Resolution 75-2013, the entitlement of the subject site runs in perpetuity to be developed as a transitional housing site of up to 60 beds, issued design review approval of the development concept, found the environmental assessment to be adequate and complete, and consistent with the requirements for any development in the Mather Area Special Plan area, the City also approved a comprehensive Conditional Use Permit for the development.

WHEREAS, approximately 40% of the anticipated occupancy of the facility will be ex-offenders satisfying at least one of the funding objectives of the Program as required;

WHEREAS, the City to date has committed \$1,055,000 in cash, nearly \$600,000 in contributed land and improvements value and \$330,000 of predevelopment loan proceeds to VRC for project development;

WHEREAS, the Department is authorized to approve funding allocations for the Program, subject to the terms and conditions of the applicable instructions and Application Package;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA AS FOLLOWS:

Section 1 City Staff, as designated by the City Manager, is hereby authorized and directed to apply for and submit to the Department of Finance in response to the statement of

funding availability for the Community-Based Transitional Housing Program an application in an amount not to exceed \$2,000,000. If the application is approved, the Applicant is hereby authorized and directed to enter into, execute, and deliver to the State of California those documents required to complete the agreement and any and all other documents required or deemed necessary or appropriate to secure the Transitional Program Grant from the Department, and all amendments thereto (collectively, the "Transitional Grant Documents").

Section 2 Applicant shall be subject to the terms and conditions as specified in the Grant Agreement. Funds are to be used for allowable project expenditures and area benefits to be identified in the Agreement with the State. The application in full is incorporated as part of the Agreement with the State. Any and all activities funded, information provided, and timelines represented in the application are enforceable through the Agreement. Applicant hereby agrees to use the funds for eligible activities in the manner presented in the application as approved by the Department and in accordance with the funding notice and the Application Package.

Section 3 Within three regularly scheduled public City Council meeting dates following the department's approval of the City's application, the existing approved Disposition, Development, and Loan agreement between the City and the facility operator will be amended to satisfy the requirements of Government Code section 30035.3 such that amendments to the Disposition, Development and Loan Agreement will include at least the following topics;

- Requirements to satisfy agreed upon numbers of ex-offenders to be in residence in the transitional program,
- Requirement for levels of "other services" to be provided to residents by the facility operator or others under contract to the facility operator,
- Requirement that the facility operator be in valid possession of all licenses required by the State, local rules, regulations and ordinances, and
- Requirement for adherence to agreed upon reporting topics and time frames.

Section 5 The City Manager, or his designee, is authorized to execute in the name of Applicant the Community-Based Transitional Housing Program application package and Grant Documents as required by the Department.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova this ____ day of _____, 2017, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

Donald Terry, Mayor

ATTEST:

Mindy Cuppy, MMC, City Clerk
2786383.1

CITY OF RANCHO CORDOVA

RESOLUTION NO. 75-2013

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
APPROVING A CONDITONAL USE PERMIT AND DESIGN REVIEW FOR
THE MATHER VETERANS VILLAGE, PROJECT DD7915**

WHEREAS, Mercy Housing (hereinafter referred to as Applicant) filed an application with the City of Rancho Cordova to approve a Conditional Use Permit and Design Review for 50 units of new permanent supportive housing and up to 60 transitional housing dormitory beds in a rehabilitated existing building, known has the Mather Veterans Village; and

WHEREAS, The City Council previously approved an amendment to the zoning code for the Mather Field Special Planning Area to allow both transitional and permanent supportive housing in the Mather Field Special Planning Area by Ordinance No. 14-2013; and

WHEREAS, the City Council is the appropriate authority to hear and take action on this project; and

WHEREAS, the City Council of the City of Rancho Cordova has conducted a properly noticed public hearing pursuant to Government Code section 65090 and has duly considered all written and verbal testimony presented during the hearing.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
HEREBY RESOLVES AS FOLLOWS:**

1. Determine the project assessment is adequate and complete according to the Guidelines of the California Environmental Quality Act.
 - a) *Finding:* *The project site has been analyzed in compliance with the California Environmental Quality Act.* *Evidence:* The County of Sacramento adopted an Environmental Impact Report for the Mather Field Special Planning Area, prepared by EIP Associates in 1997, and issues of aesthetics of the development for the project site were adequately addressed within the document. The project has further been determined to be categorically exempt, according to Section 15332 and the project will not create any significant adverse impact on the environment, per the following findings:
 - A. *Finding:* *The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.* *Evidence:* The project is within the Campus District, Human Services subarea of the Mather Field Special Planning Area. The proposed use is consistent with the allowed land uses in that area and will complement the VA Hospital and its satellite services.
 - B. *Finding:* *The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.* *Evidence:* The project is in an established subarea of a Special Planning Area that has existing developments surrounding the proposed site. The project area has been developed over the years by the military and privately, after the Air Force vacated the site and relinquished the land to the County of Sacramento.

ATTACHMENT 1

- C. Finding: *The project site has no value as habitat for endangered, rare or threatened species.* Evidence: The project site has been historically developed and any valued habitat prior to that date has since been removed or destroyed.
 - D. Finding: *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.* Evidence: The new use will not generate new significant levels of traffic or noise impacts to the immediate area. The new project will improve the existing conditions related to on-site drainage and water quality by the new improvement measures required by the current codes.
 - E. Finding: *The site can be adequately served by all required utilities and public services.* Evidence: The site can be served by all required utilities that are currently in the area. Sewer, gas, electric service and drainage are all present on site or stubbed to the property. The City of Rancho Cordova will provide Police emergency services and Metropolitan Fire District will provide fire protection services.
2. Approve the Major Design Review, subject to the Project Plans (**Exhibit A**) and the Conditions of Approval (**Exhibit B**); supported by the following Findings and Evidence, as required by Zoning Code Section 23.141.050:
- a) Finding: *The proposed project is consistent with the objectives of the General Plan, complies with applicable zoning regulations, Specific Plan provisions, and Special Planning Area provisions, and is consistent with the applicable Rancho Cordova Design Guidelines.* Evidence: The General Plan designation and Mather Field Special Planning Area designation for this property is Human Services, wherein high density multi-family residential units are consistent with both designations, with the approval of a Conditional Use Permit. The proposed project has been designed to meet the applicable regulations of the Special Planning Area design guidelines, including setbacks, height regulations, and density for this site.
 - b) Finding: *The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community.* Evidence: The Developer has provided a design package that clearly illustrates the composition and form of the new units as well as the floor plan and elevations for the rehabilitated infirmary building (**Exhibit A**). The new three story structure is treated with a veneer of stucco and siding with external balcony style hallways. The infirmary rehab would feature stucco exterior, solar panels, shade structures, and new entrances. The Applicant has submitted preliminary landscape plans with the Design Review package (see **Exhibit A**). A condition has been placed on the project that will require approval from the Planning Director, in order to accommodate refinements to the site improvement plans, prior to building permits are issued.
 - c) Finding: *The architecture, including the character, scale, and quality of the design, relationship with the site and other buildings, building materials, screening of exterior appurtenances, exterior lighting and signing, and similar elements establishes a clear design concept and is compatible with the character of existing or anticipated buildings on adjoining and nearby properties.* Evidence: The architectural style of the new construction has a distinct residential feel that would help to introduce a more residential tone to the neighborhood. The design of the rehabilitated existing building is intended to counter the institutional design of the building while capturing the cost savings of re-

ATTACHMENT 1

using an existing structure. The color and material palettes are complementary to each other and include stucco, horizontal siding, and balcony railings and shade structures. The building wall mass of the new construction is offset to provide greater articulation to the vertical mass, along with changing roof sheds to break the monotony of a single ridge roof system.

- d) Finding: *The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation.* Evidence: The units and site configuration have been designed to provide dedicated pedestrian walkways from the units to the public sidewalk. The on-site parking lot is appropriately configured to serve the units and reduce the conflict between vehicle and pedestrian movement.
3. Approve the Conditional Use Permit, subject to the Conditions of Approval (see **Exhibit B**); supported by the following Findings and Evidence, as defined in Zoning Code Section 23.134.030;
- a) Finding: *The site size, dimensions, location, topography, and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations.* Evidence: The site size, dimensions, location, topography, and access of the site are adequate for the proposed use and the new development will not have a negative effect on the surrounding area. This finding has been met.
- b) Finding: *Any negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other Code standards or other reasonable conditions of approval.* Evidence: Any negative impacts of the proposed permanent supportive and transitional housing have been reduced to a less than significant level by the placement of the facilities, landscaping to screen views by sensitive users and through the application of Code standards and the attached Conditions of Approval. This finding has been met.
- c) Finding: *All required public facilities have adequate capacity to serve the proposal.* Evidence: All required public facilities have adequate capacity to serve the Project. Currently, all public facilities are adequately serving the existing site. This finding has been met.
- d) Finding: *The project meets the requirements of the Zoning Code including development standards, design guidelines, and special use provisions.* Evidence: The project is consistent with all the requirements of the Zoning Code Section 23.913.030 E that specifically addresses the development of permanent supportive and transitional housing. The conditions of approval will provide additional assurance that the new use will not negatively impact the area. This finding has been met.
- e) Finding: *If structures and site plans are considered nonconforming, the elements of a project that are nonconforming have been brought into compliance with the Zoning Code.* Evidence: There will be no nonconforming elements of this Project as identified in paragraph D above. This finding has been met.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the 15th day of July, 2013 by the following vote:

AYES: Budge, McGarvey, Sander, Skoglund, Terry.

NOES: None.

ABSENT: None.

ABSTAIN: None.


Linda Budge, Mayor

ATTEST:


Mindy Cuppy, CMC, City Clerk

MEMORANDUM



DATE: April 25, 2017

TO: Honorable Mayor and Council Members

FROM: Adam U. Lindgren, City Attorney and Kerry Simpson, Neighborhood Services.

SUBJECT: DISCUSSION OF PROPERTY MAINTENANCE CODE FOR RESIDENTIAL AND COMMERCIAL PROPERTIES.

RECOMMENDATION

Staff recommends discussion and possible direction of draft ordinance establishing a Property Maintenance Code.

RESULT OF RECOMMENDED ACTION

Review and discussion of draft ordinance establishing a Property Maintenance Code.

BACKGROUND

The City of Rancho Cordova takes great pride in the beauty of its neighborhoods and business areas. The purpose of the ordinance, which would adopt a Property Maintenance Code, is to provide citizens and business owners with comprehensive regulations for common property problems such as weeds, graffiti and storage of junk, which can be seen from public property, including public streets and/or public rights-of-way. The Property Maintenance Code will promote the community's health, safety, and welfare by providing clear standards for the maintenance of property so as to prevent risks such as fire, crime, vermin, odor and other nuisances to the community.

The current standards and regulations relating to property maintenance for residential and commercial property are located in various sections of the Municipal Code, including the Zoning Code and Nuisance Code. As a result, it can be difficult for a property owner to identify regulations and applicable standards for property maintenance. By creating the Property Maintenance Code, citizens and Code Enforcement staff can locate the significant regulations relating to property maintenance in one location in a format that is easy to read and understand.

The proposed Property Maintenance Code would be located in a new Article XVII in Chapter 16.18 (Nuisance Code). Locating the Property Maintenance Code in the Nuisance Code will allow Code Enforcement to recover abatement costs for violations of the Property Maintenance Code through liens and special assessments. Currently, Code Enforcement cannot recover costs through liens and special assessments for violations of the Zoning Code.

City staff met with the Volunteers in Neighborhood Services (VINS) to discuss the draft of the Property Maintenance Code and to get feedback from the group. It was a very positive meeting which provided staff with substantive recommendations relating to the language of the

ordinance. The Rancho Cordova Chamber of Commerce was also provided a draft of the Property Maintenance Code.

FISCAL IMPACT

There will be minimal fiscal impact as a result of this item.

ATTACHMENTS

1. Draft Ordinance
2. PowerPoint Presentation

2806165.1

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CITY OF RANCHO CORDOVA

ORDINANCE NO. XX-XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA ADDING ARTICLE XVII, "PROPERTY MAINTENANCE CODE" TO CHAPTER 16.18, "NUISANCE CODE," OF TITLE 16, "BUILDINGS AND CONSTRUCTION" OF THE RANCHO CORDOVA MUNICIPAL CODE RELATING TO PROPERTY MAINTENANCE OF PRIVATELY OWNED PROPERTY VISIBLE FROM PUBLIC PROPERTY WITHIN THE CITY

THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA DOES ORDAIN AS FOLLOWS:

SECTION 1. Addition:

Article XVII, "PROPERTY MAINTENANCE CODE" is added to Chapter 16.18, "Nuisance Code" of Title 16, "Buildings and Construction" and shall read as follows:

16.18.1700 Purpose and intent.

A. The purpose of this chapter is to provide standards for the maintenance and appearance of privately owned properties and buildings, both residential and commercial, that are visible from public property, including public streets and/or public rights-of-way. The procedures and requirements of this chapter are enacted to:

1. Promote the community's health, safety, and welfare by providing clear standards for the maintenance of property and prevents the unsightliness of property within the City;
2. Ensure that all property within the City does not pose a health and safety hazard to pedestrian and vehicular traffic;
3. Ensure that all property within the City does not pose a health and safety hazard to the community at large by creating fire hazards, attracting vermin, and/or attracting criminal behavior such that the property is a nuisance to the community.

B. The provisions of this chapter are not intended to be exclusive and instead are intended to operate in conjunction with all other provisions of the Rancho Cordova Municipal Code, including, but not limited to, Chapters 15.12, 16.20, and 23.716 pertaining to standards for property maintenance and landscaping. This chapter shall supplement and be in addition to the other regulatory codes, statutes, and ordinances heretofore and hereafter enacted by the City, the state, and/or any other legal entity or agency having jurisdiction, and any remedies stated herein shall be in conjunction with any remedies available for any other violation of the Municipal Code.

6.145.020 Definitions.

A. "Building" means any house, garage, duplex, apartment, condominium, stock cooperative or other structure, whether partially or wholly constructed, whether intended for residential, recreational, retail, industrial, or commercial purposes, and whether intended for permanent or temporary use.

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- B. "Cart" means a basket that is mounted on wheels or a similar device that is provided by an owner of a commercial business to a customer for the purposes of transporting goods of any kind.
- C. "Dilapidation" means the decay, decomposition or disrepair of a material or structure.
- D. "Director" means the director of the Neighborhood Services Division of the City of Rancho Cordova or his/her designee.
- E. "Dwelling" means any building or structure, or part thereof, used and occupied for human habitation, or intended to be so used, and includes any garages or other accessory buildings belonging thereto, including those which are rented or leased for any term or duration, type or tenure.
- F. "Enforcement authority" means the code enforcement officer or his/her designee.
- G. "Garbage" includes, but is not limited to, the following: waste resulting from the handling of edible foodstuffs or resulting from decay, and solid or semisolid putrescible waste, and all other mixed, nonrecyclable wastes which are generated in the day-to-day operation of any business, residential, governmental, public or private activity, and may include tin cans, bottles and paper or plastic, or other synthetic material, food or beverage containers.
- H. "Graffiti" means any inscription, word, figure, mark, or design that is written, marked, etched, scratched, drawn, or painted on, or otherwise glued, posted, or affixed to or on any personal or real property unless the same was authorized in advance by the owner thereof.
- I. "Property" means any parcel of land located within the city.
- J. "Property owner" means an owner of a fee title in real property.
- K. "Parties in interest" means all persons, businesses, partnerships, and corporations who have a mortgage or other interest of public record in a dwelling or dwelling unit, or who are in possession thereof.
- L. "Public property" means any public street, roadway, place, alley, sidewalk, park, parkway, square, plaza, easement, right-of-way, or any other interest in land dedicated to public use.
- M. "Refuse" means useless, or valueless waste and includes rubbish and garbage, as defined herein.
- N. "Residential Property" means any parcel of land whose primary use is as a dwelling.
- O. "Rubbish" includes all the following but is not restricted to, nonputrescible wastes, such as paper, cardboard, grass clippings, tree or shrub trimmings, wood, bedding, crockery, rubber tires, construction waste and similar waste materials.
- P. "Vegetation" includes any organism belonging to the vegetable kingdom including, but not limited to, flowers, plants, grass, shrubs, vines, weeds, herbs, trees, bushes.
- Q. "Weeds," as used in this chapter, includes any of the following:

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1. Weeds which bear seeds of a downy or wingy nature;
2. Sagebrush, chaparral, and any other brush or weeds which attain such hard growth as to become, when dry, a fire menace to adjacent improved property;
3. Weeds and grasses which are otherwise noxious;
4. Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health;
5. Dry grass, stubble, brush, litter, or other flammable material which endangers the public safety by creating a fire hazard.

6.145.030. Standards for Residential Property

No property owner or party in interest shall create, cause, or permit any of the following conditions to exist on privately owned residential properties or buildings when such conditions are visible from public property:

- A. The existence of property which lacks landscaping, turf, ground cover, live plant material, rocks, or other commonly used landscaping materials and which creates a condition of excessive dust, soil drainage; weeds or other conditions that affect the public health, safety, or general welfare and is detrimental to the aesthetics of the community. Landscape design and planting requirements and maintenance of residential landscaping shall conform to sections 23.716.050, 23.716.060 and 23.716.100 of the RCMC;
- B. The discharge or deposit of any sewage, garbage, feculent matter, offal, refuse, filth, or any animal, mineral, vegetable, or hazardous matter into the following: American River or any of the feeders or tributaries of the river within the City of Rancho Cordova in violation of Chapter 6.16 of the RCMC; or any discharge of non-storm water substance or material into the county storm water conveyance system; or directly into the Sacramento River, American River, Cosumnes River, Mokelumne River, or navigable waters of the Sacramento–San Joaquin River Delta in violation of Chapter 15.12 of the RCMC;
- C. The overgrowth of vegetation that is likely to harbor rodents, vermin, insects, or other nuisances; or which obstructs the view of drivers on streets, public rights-of-way, or private driveways; or which impedes, obstructs, or denies pedestrian or other lawful travel on sidewalks, walkways, or other public rights-of-way;
- D. The dumping of weeds or refuse or the accumulation of weeds or refuse such that the weeds or refuse constitute a fire hazard. Weeds and refuse shall be abated in accordance with Chapter 17.12 of the RCMC;
- E. The presence of dead, decayed, or diseased vegetation, including but not limited to: trees, weeds, bushes or shrubs that create an unsightly appearance or create a danger to the public health, safety, or general welfare. All tree preservation, maintenance, and removal shall be in accordance with Chapters 19.04, 19.08, 19.12 and 23.716 of the RCMC;
- F. The accumulation of packing boxes, cardboard boxes, lumber, rubbish, refuse, barrels, drums, salvage materials or other debris;

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G. The creation of attractive nuisances that create a danger to children and other persons, including but not limited to: abandoned, broken, or neglected equipment, machinery, appliances, construction materials and/or equipment, hazardous pools, ponds, and excavations;

H. The storage of personal property, including but not limited to: inoperable vehicles, boats, trailers, or vehicle parts which are abandoned, or left in a state of partial repair. Except as otherwise expressly provided by RCMC 6.56.160 and 6.56.360, abandoned, wrecked, dismantled, or inoperative vehicles, or any part thereof, either covered or uncovered, and situated upon any private or public property, including highways, within the city of Rancho Cordova are prohibited and shall be abated in accordance with Chapter 6.56 of the RCMC;

I. The presence of unpainted buildings and/or buildings having dry rot, warping, or termite infestation, which shall include, but is not limited to any building on which the condition of the paint has become so deteriorated as to permit decay, excessive checking, cracking, peeling, chalking, dry rot or warping so as to render the building unsafe or unsightly, or in a state of disrepair;

J. The presence of buildings with windows containing broken glass or no glass at all, where the window is of a type which normally contains glass, and which constitutes a hazard and/or invites trespassers and malicious mischief;

K. The presence of building exteriors, walls, fences, driveways, sidewalks or walkways which are maintained in such a condition as to become dangerous, defective, dilapidated or unsightly;

L. The presence of conditions which are conducive to or allow the breeding of flies, mosquitoes, or other vermin, including rodents. Fly and rodent abatement shall be in accordance with Chapter 6.80, and mosquito abatement shall be in accordance with Chapter 6.24;

M. The storage of construction equipment, farm machinery, or machinery of any type or description parked or stored in such a manner that it is visible from public property, the street and/or the public right-of-way unless such equipment or machinery falls within one of the following exceptions:

1. An active building permit has been issued and covers the excavation, construction or demolition operations that are in progress; or
2. Active farming operations are underway in an area properly zoned for agricultural use; or
3. When such machinery is located within an area zoned agricultural or industrial and such equipment has been appropriately stored;

N. The keeping, storing, depositing, or accumulating of dirt, sand, gravel, concrete, or other landscaping materials in a manner that creates conditions that affect the public health, safety, or general welfare;

O. The maintenance of or failure to remove any graffiti on any building or structure. Graffiti removal or abatement shall be in accordance with Chapter 6.120 of the RCMC;

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P. The maintenance of or failure to remove temporary holiday decorative lighting or electrical decorations beyond a ninety (90) day period or in a manner which creates conditions that affect the public health, safety or general welfare;

Q. The installment of a chain-link; barbed wire or electrified fence; razor, or concertina wire in conjunction with a fence or wall, unless approved pursuant to Chapter 23.125 of the RCMC for security needs or as required by City, state or federal regulation;

R. The parking of any motor vehicle shall be on a lasting, durable surface (e.g., concrete, asphalt, grasscrete, or similar material) surfaces or other permeable pavement paving materials, such as paver stones, pervious concrete, paving strips, or interlocking grids with gravel as approved by the director of planning. All off-street parking for private residences shall conform to section 23.719.130 of the RCMC;

S. The presence of any trash receptacles stored in the front yard and not screened from view or in the public right of-way outside of the twelve hours before or after the designated time for pick up. Screening of residential trash enclosures/recycle containers shall be in accordance with section 23.731.080(A)(6) of the RCMC;

T. The presence of any dangerous, unsightly, or blighted condition which is detrimental to the health, safety or welfare of the public;

U. The maintenance or keeping of the premises in a neglected, run-down or improperly maintained condition, which creates or promotes a condition that is injurious to the health, safety, and/or general welfare of the public, and which constitutes visual blight or reduces the aesthetic appearance of the neighborhood, is offensive to the senses or is detrimental to nearby property or property values;

V. Any condition recognized in law or in equity as constituting a public nuisance.

6.145.040. Standards for Commercial Property

No property owner or party in interest shall create, cause, or permit any of the following conditions to exist on privately owned commercial properties or buildings when such conditions are visible from public property:

A. The existence of property which lacks landscaping, turf, ground cover, live plant material, rocks, or other commonly used landscaping materials and which creates a condition of excessive dust, soil drainage; weeds or other conditions that affect the public health, safety, or general welfare and is detrimental to the aesthetics of the community. Landscape design and planting requirements and maintenance of commercial landscaping shall conform to sections 23.716.050, 23.716.060 and 23.716.100 of the RCMC;

B. The discharge or deposit of any sewage, garbage, feculent matter, offal, refuse, filth, or any animal, mineral, vegetable, or hazardous matter into the following: American River or any of the feeders or tributaries of the river within the City of Rancho Cordova in violation of Chapter 6.16 of the RCMC; or any discharge of non-storm water substance or material into the county storm water conveyance system; or directly into the Sacramento River, American River, Cosumnes River, Mokelumne River, or navigable waters of the Sacramento–San Joaquin River Delta in violation of Chapter 15.12 of the RCMC;

C. The overgrowth of vegetation that is likely to harbor rodents, vermin, insects, or other nuisances; or which obstructs the view of drivers on streets, public rights-of-way, or private

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driveways; or which impedes, obstructs, or denies pedestrian or other lawful travel on sidewalks, walkways, or other public rights-of-way;

D. The dumping of weeds or refuse, or the accumulation of weeds or refuse such that the weeds or refuse constitute a fire hazard. Weeds and refuse shall be abated in accordance with Chapter 17.12 of the RCMC;

E. The presence of dead, decayed, or diseased vegetation, including but not limited to: trees, weeds, bushes or shrubs that create an unsightly appearance, or create a danger to the public health, safety, or general welfare. All tree preservation, maintenance, and removal shall be in accordance with Chapters 19.04, 19.08, 19.12 and 23.716 of the RCMC;

F. The accumulation of packing boxes, cardboard boxes, lumber, rubbish, refuse, barrels, drums, salvage materials or other debris;

G. The creation of attractive nuisances that create a danger to children and other persons, including but not limited to: abandoned, broken, or neglected equipment, machinery, appliances, construction materials and/or equipment, hazardous pools, ponds and excavations;

H. The storage of personal property, including but not limited to: inoperable vehicles, boats, trailers, or vehicle parts which are abandoned, or left in a state of partial repair. Except as otherwise expressly provided by RCMC 6.56.160 and 6.56.360, abandoned, wrecked, dismantled, or inoperative vehicles, or any part thereof, either covered or uncovered, and situated upon any private or public property, including highways, within the city of Rancho Cordova are prohibited and shall be abated in accordance with Chapter 6.56 of the RCMC;

I. The presence of unpainted buildings and/or buildings having dry rot, warping, or termite infestation, which shall include, but is not limited to any building on which the condition of the paint has become so deteriorated as to permit decay, excessive checking, cracking, peeling, chalking, dry rot or warping so as to render the building unsafe or unsightly, or in a state of disrepair;

J. The presence of buildings with windows containing broken glass or no glass at all, where the window is of a type which normally contains glass, and which constitutes a hazard and/or invites trespassers and malicious mischief;

K. The presence of building exteriors, walls, fences, driveways, sidewalks or walkways which are maintained in such a condition as to become dangerous, defective, dilapidated or unsightly;

L. The presence of conditions which are conducive to or allow the breeding of flies, mosquitoes, or other vermin, including rodents. Fly and rodent abatement shall be in accordance with Chapter 6.80, and mosquito abatement shall be in accordance with Chapter 6.24 of the RCMC;

M. The storage of construction equipment, farm machinery, or machinery of any type or description parked or stored in such a manner that it is visible from public property, the street and/or the public right-of-way, unless such equipment or machinery falls within one of the following exceptions:

1. An active building permit has been issued and covers the excavation, construction or demolition operations that are in progress; or

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2. Active farming operations are underway in an area properly zoned for agricultural use; or

3. When such machinery is located within an area zoned agricultural or industrial and such equipment has been appropriately stored;

N. The keeping, storing, depositing, or accumulating of dirt, sand, gravel, concrete, or other landscaping materials in a manner that creates conditions that affect the public health, safety, or general welfare;

O. The maintenance of or failure to remove any graffiti on any building or structure. Graffiti removal or abatement shall be in accordance with Chapter 6.120 of the RCMC;

P. The installment of a chain-link; barbed wire or electrified fence; razor, or concertina wire in conjunction with a fence or wall, unless approved pursuant to Chapter 23.125 of the RCMC for security needs or as required by City, state or federal regulation;

Q. All vehicle parking areas shall kept free of garbage and debris, and free of damage to asphalt, concrete surface, landscape areas, curbing. Vehicle parking areas shall be used only for parking operable vehicles of customers, and visitors as appropriate. All parking standards shall be maintained in conformance with Chapter 23.719 of the RCMC;

R. The maintenance of trash receptacles and loading docks without screening from public view. Screening of commercial loading docks and refuse areas shall be in accordance with section 23.731.080 (A)(5) of the RCMC;

S. All commercial trash receptacles shall be locked when not in use.

T. The presence of any dangerous, unsightly, or blighted condition which is detrimental to the health, safety or welfare of the public;

U. The maintenance or keeping of the premises in a neglected, run-down or improperly maintained condition, which creates or promotes a condition that is injurious to the health, safety, and/or general welfare of the public, and which constitutes visual blight or reduces the aesthetic appearance of the neighborhood, or anything that is offensive to the senses or is detrimental to nearby property or property values;

V. Any condition recognized in law or in equity as constituting a public nuisance;

W. The maintenance or keeping of any commercial signage in a neglected, run-down or improperly maintained condition;

X. The maintenance or keeping of any commercial parking lot or sidewalk, which is open to use by the public, in a neglected, run-down, or improperly maintained condition or unreasonably unsanitary condition;

Y. The maintenance of property or buildings in a manner that violates (a) conditions of approval that have been imposed on the property during the process of approval of the development, or (b) conditions imposed on a building permit, use permit, or other entitlement issued by the city or the business license issued, or (c) if no conditions of approval or imposed conditions apply, in any manner that does not meet the landscaping and parking standards of Chapters 23.716 and 23.719 of the RCMC;

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Z. Any shopping carts that are not being maintained in compliance with a commercial business' abandoned cart prevention plan pursuant to section 16.18.1505 of the RCMC.

6.145.050. Authority.

The enforcement official is hereby authorized to use the provisions of this code for the purpose of abating nuisances which exist as the result of violation of this chapter.

6.145.060. Right of entry.

To the extent authorized by law, the enforcement official may enter onto the property or premises at reasonable times to make inspections authorized by the Rancho Cordova Municipal Code or state law.

16.145.070 Responsibility for property maintenance.

A. Every owner of real property within the city is required to maintain such property in a manner so as to not violate the provisions of this code, and such owner remains liable for violations thereof regardless of any contract or agreement with any third party regarding such property.

B. Every occupant, lessee, or holder of any interest in property, other than an owner thereof, is required to maintain such property in the same manner as is required of the owner thereof, and the duty imposed by this section on the owner thereof shall in no instance relieve those persons herein referred to from the similar duty.

16.145.080 Hearing examiner.

Whenever the term "hearing examiner" is utilized in this chapter, it shall be deemed to refer to the City Manager, or his or her designee, assigned the responsibility of conducting an administrative hearing for an appeal of a violation.

16.145.090 Violations and penalties.

A. **Notice to Appear/ Citation.** Law enforcement agencies and the enforcement officials may issue a Notice to Appear citation to the property owner, any person occupying or leasing the property or premises of another, and/or other interested party for violation of this code.

B. **Infractions.** A property owner or any interested party occupying or leasing the property or premises of another who violates any provision of this code shall be guilty of an infraction. Each day, or portion thereof, a violation exists may be a new and separate offense. Any person convicted of an infraction shall be subject to payment of a fine pursuant to the terms set forth in Section 36900 of the State of California Government Code, as that section or its successor reads at the time of the offense, plus any additional penalties assessed by the court. After a third conviction of the same section of this code, subsequent violations of the same section may be charged as a misdemeanor rather than as an infraction.

C. **Misdemeanor.** Any person convicted of a misdemeanor under this code shall be punished by a fine of not more than \$1,000, or by imprisonment not to exceed six months, or by both such fine and imprisonment.

D. Notwithstanding subsections (A), (B) and (C) of this section, the prosecuting authority may file a misdemeanor for any violation of this code, including a failure to obey an administrative citation as described in RCMC 1.01.190(K). In addition, the city attorney or his or

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her authorized designee may take other steps and apply to such court to seek any and all legal or equitable relief as permitted under law.

E. Second or Subsequent Civil or Criminal Judgment – Treble Damages. Pursuant to Section 38773.7 of the Government Code, upon entry of a second or subsequent civil or criminal judgment within a two-year period finding that an owner of property is responsible for a condition that may be abated in accordance with the abatement procedure outlined in this chapter, the court may order the owner to pay up to three times the cost of the abatement. This section does not apply to conditions abated pursuant to Section 17980 of the Health and Safety Code.

F. Administrative Citations.

1. **Applicability.** This section provides for administrative citations, which are in addition to all other legal remedies, criminal or civil, which the city may pursue to address a violation of this code. Use of this section is at the sole discretion of the city. This section is authorized under Sections 36901 and 53069.4 of the Government Code.

The procedures in this section shall not be used to enforce a continuing violation regarding building, plumbing, electrical, or other similar structural or zoning issues, without first allowing the person in violation a reasonable time to correct the violation, consistent with the procedures set forth in subsection (F)(2) of this section.

2. **Continuing Violations of Building and Zoning Issues.** If a violation is a continuing one and pertains to a building, plumbing, electrical, or other structural or zoning issue that does not create an immediate danger to health or safety, the city shall provide a reasonable period of time for the responsible person to correct or otherwise remedy the violation before the imposition of an administrative citation or penalty.

3. **Administrative Citation.**

a. **Authority.** Whenever an enforcement officer determines that a violation of any of the provisions of any of the ordinances of the city has occurred, the enforcement officer has the authority to issue an administrative citation to the person responsible for the violation.

b. **Contents of Citation.** Each administrative citation shall contain the following information:

- i. The date of the violation.
- ii. The address or a definite description of the location where the violation occurred.
- iii. The section of the code violated and a description of the violation.
- iv. The amount of the fine for the code violation.
- v. A description of the fine payment process, including a description of the time within which and the place to which the fine shall be paid.

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- vi. An order prohibiting the continuation or repeated occurrence of the code violation described in the administrative citation.
- vii. A description of the administrative citation review process, including the period of time within which the administrative citation may be contested, and the place from which a request for hearing form to contest the administrative citation may be obtained.
- viii. The name and signature of the citing enforcement officer. In the case of a continuing violation involving building, plumbing, electrical, or other similar structural or zoning issues identified under subsection (F)(2) of this section, the administrative citation shall also have attached a copy of the prior notice that was sent to the responsible party.

c. **Delivery of Citation.** The administrative citation shall be delivered personally or sent by certified mail to the person responsible for the violation.

d. **Dismissal of Citation.** At any time before the hearing, if the enforcement officer determines that there was no violation as charged in the administrative citation or that the citation should be dismissed in the interest of justice, the enforcement officer shall dismiss the administrative citation, cancel the hearing, and refund any administrative citation fine.

4. **Amount of Fine.**

a. **Maximum Amount of Fine.** The maximum amount of the fine imposed for each code violation under this section is as follows:

- i. One hundred dollars per day for a first violation;
- ii. Two hundred dollars per day for a second violation of the same ordinance within one year; and
- iii. Five hundred dollars per day for each additional violation of the same ordinance within one year.

b. **Additional Amounts.** Administrative costs, interest, late payment charges, costs of compliance re-inspections, and collection costs are in addition to the fine. These include:

- i. Administrative costs: based on time spent by code enforcement department staff, supervisors and city attorney's office, at the full-cost hourly rate of each employee, including salary, benefits, and overhead.
- ii. Late payment charges: due at the rate of 10 percent per month.
- iii. Compliance reinspections: based on staff time at the full-cost hourly rate.
- iv. Collection costs: actual collection costs.

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c. **Discretion of Enforcement Officer or Hearing Officer – Factors in Establishing Fine.** In determining the amount of the fine and additional amounts, the enforcement officer or hearing officer has the discretion to set the fine lower than the maximum amount, or to reduce the additional costs, based on any or all of the following factors:

- i. The duration of the violation;
- ii. The frequency, recurrence, and number of violations, related or unrelated, by the same violator;
- iii. The seriousness of the violation;
- iv. The good faith efforts of the violator to come into compliance;
- v. The economic impact of the fine on the violator;
- vi. The impact of the violation on the community; and
- vii. Such other factors as justice requires.

5. **Payment of the Fine.**

a. **Due Date.** The fine shall be paid to the city within thirty (30) days from the date of the administrative citation. The city may suspend the imposition of fines for any period of time during which the violator has filed for necessary permits, and such permits are required to achieve compliance, and the permit applications are actively pending before the appropriate governmental agency.

b. **Refund.** The city shall refund a fine paid if the hearing officer determines, after a hearing held under subsection (F)(8) of this section, that the person charged in the citation was not responsible for the violation or that there was no violation as charged.

c. **Further Violations Not Excused.** Payment of a fine under this section shall not excuse or discharge any continuation or repeated occurrence of the code violation.

6. **Hearing Request.**

a. **Hearing Request.** A person who receives an administrative citation may contest the citation on the basis that there was no violation of the code or that he or she is not the responsible party. To contest the citation, the person shall submit a request for hearing form to the city within thirty (30) days from the date of the administrative citation. Directions on how to obtain the request form will be provided on the administrative citation. The completed request must be submitted together with an advance deposit of the fine.

b. **Notice of Hearing.** The person requesting the hearing shall be notified of the time and place set for the hearing at least ten (10) days before the date of the hearing.

c. **Additional Reports.** If the enforcement officer submits an additional written report concerning the administrative citation to the hearing officer for consideration at the hearing, then a copy of this report also shall be provided to the person requesting the hearing at least five days before the date of the hearing.

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7. **Hearing Officer.** Pursuant to RCMC 16.18.204, a hearing officer will be assigned the responsibility of conducting a hearing by the city manager. The city manager shall be authorized to assign hearing responsibilities from time to time to any person or persons, qualified by training or experience, whom the city manager may appoint, employ, or who are retained by contract to conduct such hearings.

8. **Hearing Procedure.**

a. **Setting the Hearing.** A hearing before the hearing officer shall be set for a date that is not less than 15 days nor more than sixty (60) days from the date that the request for hearing is filed. The person requesting the hearing shall be notified of the time and place set for the hearing as soon as it is set, and at least 10 days before the hearing. If the enforcement officer submits a written report concerning the citation to the hearing officer for consideration at the hearing, then a copy of the report shall be served on the person requesting the hearing at least five days before the hearing. No hearing shall be held unless the fine has been deposited in advance, under subsection (F)(6)(a) of this section.

b. **Failure to Appear.** The failure of the person requesting the hearing to appear at the hearing shall constitute a forfeiture of the fine and a failure to exhaust his or her administrative remedies.

c. **At the Hearing.** The administrative citation, and any additional report submitted by the enforcement officer shall constitute prima facie evidence of the respective facts contained in those documents. At the hearing, the party contesting the citation shall be given the opportunity to testify and to present evidence concerning the citation.

d. **Continuances.** The hearing officer may continue the hearing and may request additional information from the enforcement officer or the person receiving the citation before issuing the decision.

9. **Hearing Officer's Decision.**

a. **Decision.** After considering the testimony and evidence presented at the hearing, the hearing officer shall issue a written decision to uphold, dismiss, or modify the administrative citation. The hearing officer shall state the reasons for the decision and shall send a copy of the decision to the person that requested the hearing and to the enforcement officer. The decision of the hearing officer is final, and may not be appealed.

b. **Status of Fine.** If the citation is upheld, then the fine amount on deposit with the city shall be retained by the city.

If the citation is dismissed, the city shall promptly refund the amount of any fine deposited, together with interest at the average rate earned on the city's portfolio for the period of time that the fine was held by the city.

10. **Late Payment Charges.** A person who fails to pay to the city the fine imposed under this section on or before the date that fine is due is also liable for the payment of the applicable late payment charges set forth in subsection (F)(6)(b) of this section.

11. **Recovery of Administrative Citation Fines and Costs.**

a. **Costs of Securing Payment.** A person who fails to pay any fine or other charges owed to the city under this section is liable in any action brought by the city for all costs

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incurred in securing payment of the delinquent amount, including but not limited to administrative costs and attorneys' fees. Such collection costs are in addition to any fines, interest, and late charges.

b. **Other Costs.** In addition to the administrative citation fine, the city may collect its administrative costs, interest, late payment charges, costs of compliance re-inspections, and collection costs.

c. **Collection.** The city may collect any past due administrative citation fine and other costs and charges by any available legal means, including without limitation placing a lien on the property.

12. **Right to Judicial Review.** A person aggrieved by the hearing officer's decision on an administrative citation may obtain review of the decision by filing a lawsuit with the superior court in Sacramento County within twenty (20) days after service of the final decision in accordance with the timelines and provisions set forth in Section 53069.4 of the California Government Code.

13. **Notices.**

a. **Method of Service.** The administrative citation and all notices required to be given by this section shall be served on the responsible party either by personal service, first-class mail or by certified mail with return receipt requested.

b. **Real Property.** When real property is involved in the violation, the original notice, the administrative citation and all notices required to be given by this section shall be served on the responsible party and, if different, to the property owner at the address as shown on the last equalized county assessment roll. If personal service or service by mail on the property owner is unsuccessful, a copy of each notice and the citation shall be conspicuously posted at the property which is the subject of the violation. The city may, in its discretion, also serve notice on a tenant, a mortgagor, or any other person having an interest in the property.

c. **Failure to Receive Notice.** The failure of a person to receive a required notice shall not affect the validity of any proceedings taken under this section.

G. **Attorneys' Fees.** Pursuant to Section 38773.5 of the Government Code, attorneys' fees may be recovered by the prevailing party. However, in no action, administrative proceeding, or special proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the city in the action or proceedings.

H. **Nuisance.** In addition to the penalties provided for in this section, any condition caused or permitted to exist in violation of any of the provisions of any of the ordinances of the city is hereby declared to be a public nuisance and may, by the city, be abated as provided for in this code.

SECTION 2. Severability

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have

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adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

SECTION 3. Effective Date and Publication

Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Grapevine Independent, a newspaper of general circulation printed and published in Sacramento County and circulated in the City of Rancho Cordova, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the ____ day of _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Donald Terry, Mayor

ATTEST:

Mindy Cuppy, CMC, City Clerk

2801592.2



Property Maintenance Code

April 25, 2017

Why Do We Need It?

- Identify and clarify reasonable standards for both private and commercial property maintenance
- One location for easy reference
- Provide clear enforcement standards
- Provide abatement cost recovery through liens and special assessments



Current Relevant Sections of Municipal Code Relating to Property Maintenance

Title 6, Health and Sanitation

- Pollution
- Vermin
- Abandoned vehicles
- Graffiti

Title 12, Streets and Sidewalks

- Obstruction of public
street intersections

Title 15, Storm Water Management and Discharge Control

- Discharge of non-
storm water into
storm water drains



Title 16, Buildings and Construction

- Maintenance of
foreclosed residential
property
- Nuisance Code
 - Outdoor storage
 - Trash receptacles

Title 17, Fire Prevention

- Weeds

Title 19, Trees

- Tree maintenance

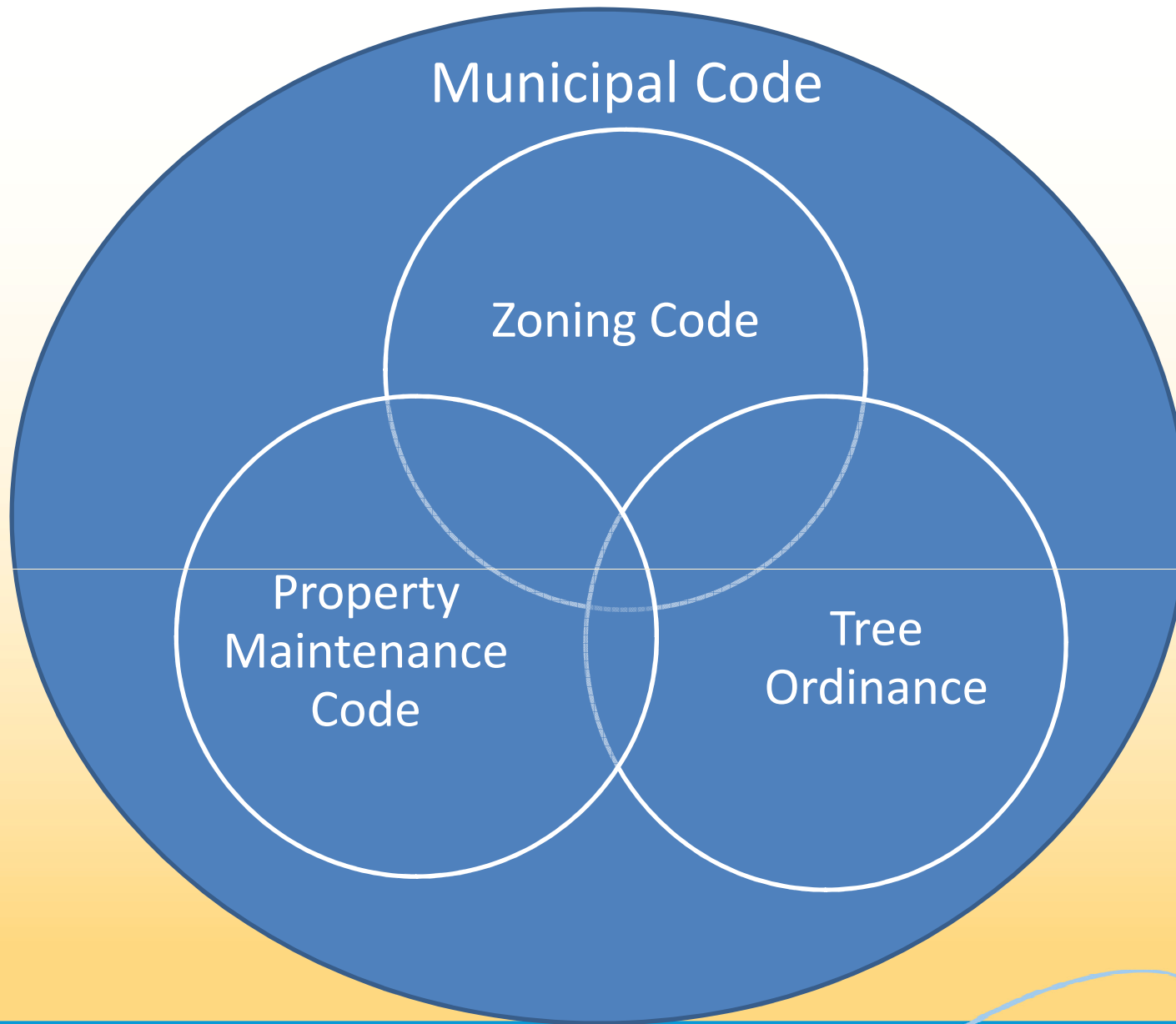
Title 23, Zoning Code

- Landscaping standards

How Will It Regulate Property?

- Regulations apply to commercial and private residential property
- Neighborhood Services will enforce
- Owner and tenant can be held responsible for violations
- Violators will first be given an opportunity to correct violation
- Violations can be appealed
- Fines and liens can be imposed





Highlights of Ordinance

Residential:

- The presence of unpainted buildings and/or buildings having dry rot, warping, or termite infestation, which shall include, but is not limited to any building on which the condition of the paint has become so deteriorated as to permit decay, excessive checking, cracking, peeling, chalking, dry rot or warping so as to render the building unsafe or unsightly, or in a state of disrepair.
- The presence of any trash receptacles stored in the front yard and not screened from view or in the public right of-way outside of the twelve hours before or after the designated time for pick up. Screening of residential trash enclosures/recycle containers shall be in accordance with section 23.731.080(A)(6) of the RCMC. The parking of any motor vehicle shall be on a lasting, durable surface (e.g., concrete, asphalt, grasscrete, or similar material) surfaces or other permeable pavement paving materials, such as paver stones, pervious concrete, paving strips, or interlocking grids with gravel as approved by the director of planning. All off-street parking for private residences shall conform to section 23.719.130 of the RCMC.

Highlights of Ordinance

Commercial:

- The maintenance or keeping of any commercial signage in a neglected, run-down or improperly maintained condition.
- The maintenance or keeping of any commercial parking lot or sidewalk, which is open to use by the public, in a neglected, run-down, or improperly maintained condition or unreasonably unsanitary condition.
- The maintenance of property or buildings in a manner that violates (a) conditions of approval that have been imposed on the property during the process of approval of the development, or (b) conditions imposed on a building permit, use permit, or other entitlement issued by the city or the business license issued, or (c) if no conditions of approval or imposed conditions apply, in any manner that does not meet the landscaping and parking standards of Chapters 23.716 and 23.719 of the RCMC.

Stakeholder Outreach

- Internal meetings to discuss goals and language of Property Maintenance Code
- Staff met with Volunteers in Neighborhood Services (VINS) on April 5, 2017 and received valuable input on ordinance
- Draft of ordinance was provided to Chamber of Commerce



Next Steps

- Additions to ordinance?
- Direction from Council on possible revisions to ordinance
- Direction from Council on timing of first reading of ordinance



Questions



MEMORANDUM

DATE: April 25, 2017

TO: Honorable Mayor and Council Members

FROM: Albert Stricker, Public Works Director

SUBJECT: **PRESENTATION REGARDING OPTIONS FOR UPDATES TO THE CITY'S TREE PRESERVATION ORDINANCE.**



RECOMMENDATION

Provide direction to staff regarding City Council's preferred level of tree protection.

RESULT OF RECOMMENDED ACTION

Staff would draft an updated tree preservation ordinance for further consideration based on input and direction provided by City Council.

BACKGROUND

The City of Rancho Cordova (City) adopted Chapter 19 of the municipal code upon incorporation. The focus of this section of code is preservation of certain trees on public and private properties as follows:

- 1) Within public right-of-way and City grounds all trees are protected and parties other than City forces may not impact those trees without a permit.
- 2) On non-residential private properties protected trees include, but are not limited to, all trees planted with a discretionary permit, and four varieties of native oaks with trunks greater than 6-inches diameter (valley oak, interior live oak, blue oak, and oracle oak).
- 3) Single family residential lots smaller than 10,000 square feet are generally exempt from the ordinance.

The City's current tree preservation ordinance does not have strong protection for trees other than oaks on non-residential lots. This has resulted in cases where multiple trees were removed from non-residential lots thus reducing the City's overall urban canopy.

To evaluate options for increased protection of the City's urban forest, staff reviewed multiple tree preservation ordinances including City of Davis, City of Sacramento, and County of Sacramento. While the County of Sacramento's code mirrors the City's code with protection for four varieties of native oaks, both City of Davis and Sacramento have expanded lists of trees that are protected. For example, the City of Davis protects 68 varieties of trees over 5-inches diameter on non-residential property. City of Sacramento protects six native trees over

12-inches diameter and all trees over 24-inches diameter on non-residential properties (See attached summary table of levels of protection in different agencies).

FISCAL IMPACT

Additional costs for enforcement could result if the level of protection is increased.

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Tree Protection Table.

Comparison of Tree Protection in City of Davis, City of Sacramento, County of Sacramento, and City of Rancho Cordova

Location	City of Davis	City of Sacramento	City of Rancho Cordova / County of Sacramento
Single Family Residential and Duplex	Protects trees over 5-inches diameter with building permit. Street trees, heritage and Landmark	Protects certain native trees over 12-inches diameter and other trees larger than 32-inches	Protects native Oak Greater than 6-inches
Commercial/ Multi-family/etc.	Protects street trees, heritage and landmark, 68 varieties of trees over 5-inches diameter	Protects certain native trees over 12-inches diameter and trees larger than 24-inches	Protects native Oak Greater than 6-inches
Public Trees	Protects all trees regardless of size	Protects all trees regardless of size	Protects all trees regardless of size

RANCHO CORDOVA TREE PRESERVATION ORDINANCE

Presentation to City Council
April 25, 2017

Background and Work to Date

- City Adopted County Code on incorporation
 - Chapter 19, Trees
- Reviewed comparable codes including City of Sacramento, Davis, County of Sacramento, etc.
- Consulted with City Attorney's Office
- Evaluated options for modifying existing code
- Community outreach

Goals

- Review current Tree Preservation Code
- Provide modification options for Council consideration
- Next step: Draft updated ordinance based on Council direction

Chapter 19 Introduction

- Three key sections:
 - 19.04 Regulations (Protection of public trees)
 - 19.08 Dutch Elm disease control
 - 19.12 Tree Preservation and Protection (Private Trees)

Chapter 19 Key Definitions

- Tree: ...any living native oak tree having at least one trunk of six inches or more in diameter measured four and one-half feet above the ground...
- Heritage Tree: A California oak tree growing on any land in Rancho Cordova, including privately owned land, with a trunk 19-inches Diameter measured four and one-half feet above the ground.
- Landmark tree: An especially prominent or stately tree on any land in Rancho Cordova, including privately owned land.
- Tree permit: No person shall trench, grade or fill within the drip line of any tree or destroy, kill or remove any tree... without a tree permit...

What does Chapter 19 protect?

- Public trees: All trees in City right-of-way, City grounds, and planting easements.
- Residential/Commercial Trees: Four varieties of native oaks with greater than 6-inch diameter trunk: valley oak, interior live oak, blue oak, and oracle oak.
- Trees planted as part of a discretionary permit.
- Landmark and heritage trees.

Chapter 19 Exemptions

- “Any lot located in the designated urban area (1) created by a final subdivision map, consisting of five or more lots, (2) each lot having an area of 10,000 square feet or less, and (3) developed with a single-family detached house, a duplex or a halfplex.”
- Residential is generally exempt.

Our Ordinance in Action

- Residential -

Mr. Smith owns an 11,000 square foot residential lot. He wants to remove a 4-inch diameter Valley Oak that was not planted with a discretionary permit.

Is a permit required?

Our Ordinance in Action

- Residential -

Mr. Smith owns an 11,000 square foot residential lot. He wants to remove an 18-inch diameter Valley Oak that was not planted with a discretionary permit.

Is a permit required?

Our Ordinance in Action

- Residential -

Mr. Smith owns a 9,000 square foot residential lot. He wants to remove an 18-inch diameter Valley Oak that was not planted with a discretionary permit.

Is a permit required?

Our Ordinance in Action

- Commercial -

Mr. Smith owns a 9,000 square foot commercial lot. He wants to remove an 18-inch diameter Valley Oak that was not planted with a discretionary permit.

Is a permit required?

Our Ordinance in Action

- Commercial -

Mr. Smith owns a 9,000 square foot commercial lot. He wants to remove a 24-inch diameter redwood on street frontage (not parking lot shade) that was not planted with a discretionary permit.

Is a permit required?

Justification for Permitted Removal

- Tree condition
- Age
- Effect on adjacent structures
- Etc.
- Tree replacement

Typical Categories of Ordinances

- Types of trees / Tree lists
- Size of tree
- Location of tree: Residential, commercial, public, etc.
- Removals and trimming
 - Stumps
- Exemptions
- Permit required
- Violations / Mitigation / In Lieu options

Comparison of Ordinances

Location	Davis	City of Sacramento	City of Rancho Cordova / County of Sacramento
SFR and Duplex	Trees over 5-inches diameter with building permit. Street trees, heritage and Landmark	Certain native trees over 12-inches diameter and other trees larger than 32-inches	Native oaks greater than 6-inches
Commercial /MFR/etc.	Street trees, heritage and landmark, 68 varieties of trees over 5-inches diameter	Certain native trees over 12-inches diameter and trees larger than 24-inches	Native oaks greater than 6-inches
Public Trees	All trees regardless of size	All trees regardless of size	All trees regardless of size

Options for Protection

- Davis model
- City of Sacramento model
- No changes

Rancho Cordova's Future Ordinance

Location	Davis	City of Sacramento	City of Rancho Cordova (Current)	City of Rancho Cordova (Proposed)
SFR and Duplex	Trees over 5-inches diameter with building permit. Street trees, heritage and Landmark	Certain native trees over 12-inches diameter and trees larger than 32"	Native oaks greater than 6-inches	
Commercial /MFR/etc.	Street trees, heritage and landmark, select trees over 5-inches diameter	Certain native trees over 12-inches diameter and trees larger than 24"	Native oaks greater than 6-inches	
Public	All trees regardless of size	All trees regardless of size	All trees regardless of size	

Recommendation

- Direct staff regarding Council preferred level of tree protection.
- Staff will prepare updated ordinance for Council consideration.

