

AGENDA
CITY OF RANCHO CORDOVA
CITY COUNCIL

Monday, April 18, 2005

4:30 p.m. – Closed Session
5:30 p.m. – Regular Meeting

Council Chambers
3121 Gold Canal Drive, Rancho Cordova, California



Ken Cooley, Mayor
Robert J. McGarvey, Vice Mayor
Linda Budge, Council Member
David M. Sander, Council Member
Dan Skoglund, Council Member

MAKING YOUR POINT – MAKING IT COUNT

Government decision-making takes time—time for public input, time for analysis, and time for weighing both sides of the issue before making an informed decision.

People sometimes complain that the process takes too long, delay progress, costs extra money and is frustrating for discussion participants. Others say that the process doesn't give people enough time to comment and that decisions are made too quickly without enough consideration for all sides of the issue.

The foundation for democracy in America is our constitutional right to tell our elected leaders what we think about issues that affect us. This right is enjoyed by all citizens, regardless of education, background, or experience. Rancho Cordova leaders welcome you to public meetings and encourage you to participate in discussions that affect you.

The way you present your message at the podium can help or hurt your ability to persuade your audience. It can either facilitate or obstruct the public participation process. Whether you are an experienced public speaker or speaking at the podium for the first time, it may be helpful to remember these public meeting tips:

- Identify your main points. Writing them down will help you organize your thoughts and remember them when you're at the podium.
- Check your facts. Accuracy improves your credibility and helps you make a positive impression.
- Handouts summarizing your position may be distributed to policy makers and staff before or after your presentation. Busy leaders appreciate clear, concise information (one or two pages) that helps them identify your key points and remember your presentation.
- Don't be nervous. If you are, don't apologize for it. Public Officials see many citizens who are nervous when speaking in front of an audience. It may help to take a deep breath and exhale slowly just before you approach the podium.
- As you begin to speak, state your name and address clearly for the record. If you represent a group or organization, please state that information as well.



- Make your position known at the beginning, then present supporting information. You will sound organized, which helps people to understand your position.
- Keep your presentation short and simple. Attention spans are brief and people will remember a short presentation better than they will one that rambles and includes too much information.
- Don't repeat yourself. It uses valuable time and people tune out when they hear the same thing over and over. If a previous speaker has already made the point you planned to make, simply refer to that speaker and emphasize your support for that position.
- Be cautious about using humor which is very subjective. While some may laugh, others may be offended.
- Persuade, don't badger your audience. Compelling presentations can be very persuasive to both policy makers and public meeting audiences; however, insulting or degrading language can make you appear belligerent, reducing your credibility as well as the power of your message.
- Close your comments with an action statement such as, "Adopt this resolution" or "I urge you to vote 'no' on this ordinance."

Rancho Cordova City leaders appreciate your interest in issues that affect the community. We hope these tips will help you prepare and present your remarks so they will be clear, concise, accurate and credible. If you follow these guidelines, your audience is likely to listen, pay attention, and maybe even agree with you!

Rancho Cordova City government is not the City Council, City staff or Rancho Cordova citizens – it's all of us working together to understand each others' opinions so we can make the best decisions for our community.

THANK YOU FOR PARTICIPATING!



CITY COUNCIL AGENDA
City Council Chambers
3121 Gold Canal Drive, Rancho Cordova

Monday, April 18, 2005
4:30 P.M. – Closed Session
5:30 P.M. – Regular City Council Meeting

Call to Order

Roll Call: Council Members: Budge, McGarvey, Sander, Skoglund & Mayor Cooley

Adjourn to Closed Session for the Following Purpose:

Conference with Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9 (two cases).

Reconvene to Regular Meeting

Reports from Closed Session

Metro Cable TV Telecast Announcement

Pledge of Allegiance

Invocation

1. Reverend Steven D. Krogh, Grace Lutheran Church, will give the invocation.

Presentations

None

Consent Calendar – Roll Call Vote

2. **Subject:** Minutes of City Council Meetings:
 - a. Regular Meeting of March 21, 2005
 - b. Special Meeting of March 29, 2005
 - c. Regular Meeting of April 4, 2005

Recommendation: Adopt Minutes.

3. **Subject:** Traffic Calming Contract Number 06-2005 Construction for Neighborhood Traffic Management Pilot Plan Bid Award
Recommendation: Award the contract, in the amount of \$137,775, to the lowest responsive bidder Martin Brothers Construction.
4. **Subject:** Resolution Creating Special Tax Area Zone 26 and an Ordinance Establishing a Special Tax for Police Protection Services for Capital Village Subdivision
Recommendation: Adopt Resolution No. 49-2005 and waive first reading and introduce Ordinance No. 10-2005.

Consent Public Hearing

5. **Subject:** Second Extension of Interim Traffic Impact Mitigation Fee
Recommendation: Adopt Resolution No. 48-2005 extending the authorization for an interim traffic impact mitigation fee for 30 days.

Oral Communications

6. Public Comment

Citizens wishing to address the Council for any matter not on the agenda may do so at this time. If you wish to be heard on a listed agenda item other than a Consent Calendar item, please wait until that point on the agenda. Comments on Consent Calendar items will be heard prior to action on the Consent Calendar by providing a Speaker Card to the City Clerk before the Consent Calendar is discussed. **Please keep your comments to three minutes or less and provide a Speaker Cards to the City Clerk.** Please state your name and community of residence. Under the provisions of the California Government Code, the City Council is prohibited from discussing or taking immediate action on any unagendized item unless it can be demonstrated to be of an emergency nature or the need to take immediate action arose after the posting of the agenda.

Public Hearing

7. **Subject:** Terra Loma Apartments Rezone/Design Review/Special Development Permit.
Recommendation: Adopt Resolution No. 44-2005 approving the Tentative Parcel Map, Special Development Permit, and Design Review for Terra Loma Subdivision, Project No. 04-140, subject to the findings and Conditions of Approval and waive first reading and introduce Ordinance No. 09-2005 amending the Zoning Code to rezone property from General Commercial to RD-30 Multi-Family Residential on for the Project known as Terra Loma Subdivision.

***7:00 pm Break**

Regular Calendar Items

8. **Subject:** Discussion of Housing Policies and Options for the City of Rancho Cordova
Recommendation: Discuss and direct staff as deemed appropriate.
9. **Subject:** Village East Apartments – Rehabilitation of Lincoln Village Housing.
Recommendation: Adopt Resolution No. 50-2005.

Correspondence

Council Reports

Council Requests for Future Agenda Items

City Manager's Report

Adjournment

Upcoming Meeting Dates:

<i>Tuesday, April 26, 2005</i>	<i>Special Study Session – 2005-07 Strategic Planning Outcomes, Goals & Focus</i>
<i>Monday, May 2, 2005</i>	<i>Regular City Council Meeting</i>
<i>Tuesday, May 10, 2005</i>	<i>Special Study Session – Community Improvement Tool Box and Road Maintenance Strategy; Assessment for Maintenance of Roads</i>
<i>Monday, May 16, 2005</i>	<i>Regular City Council Meeting</i>
<i>Tuesday, May 24, 2005</i>	<i>Special Study Session – General Plan; Fire District Presentation for Serving Developing Areas; Water Update</i>

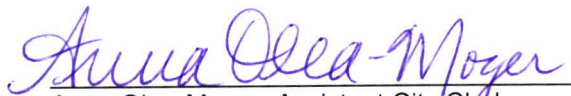
Tonight's meeting of the Rancho Cordova City Council is being telecast on Metro Cable TV, Channel 14, the Government Affairs Channel on the Comcast, SureWest and Strategic Technologies Cable Systems, and will be shown in its entirety. Tune to Metro Cable Channel 14, for playback times. It will be webcast at www.sacmetro cable.tv. The city does not control scheduling of this telecast and persons interested in watching the televised meeting should confirm this schedule with Metro Cable TV, Channel 14.

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) 942-0255 or lhare@cityofranchocordova.org at least 48 hours prior to the meeting.

City Clerk's Certificate of Posting of Agenda

I, Anna Olea-Moger, Assistant City Clerk for the City of Rancho Cordova, declare that the foregoing agenda for the April 18, 2005 Regular Meeting of the Rancho Cordova City Council was posted on April 14, 2005 at the office of the City of Rancho Cordova, 3121 Gold Canal Drive, Rancho Cordova, California, 95670 and was available for public review at that location. The agenda is also available on the city web site at www.cityofranchocordova.org.

Signed this 14th day of April 2005 at Rancho Cordova, California.


Anna Olea-Moger, Assistant City Clerk

**City of Rancho Cordova
Regular City Council Meeting**

Monday, March 21, 2005

MINUTES

CALL TO ORDER

The meeting was called to order by Mayor Cooley at 6:14 p.m., and the cablecast playback schedule for the meeting was announced.

ROLL CALL

Present: Council Members Budge, McGarvey, Sander, Skoglund & Mayor Cooley

Staff Present: Gaebler, Abhar, Butler, Franklin, Junker, Hare, Haven, Meyers, Trimberger

APPROVAL OF THE AGENDA

ACTION: Motion by Sander second by Budge and unanimously carried, Council approved the amended agenda, which was posted by 5:30 p.m. on Friday, March 18.

PLEDGE OF ALLEGIANCE

The Pledge was led by Olivia Anders.

INVOCATION

1. Reverend Steve Curran, Pastor, Mayhew Community Baptist Church, gave the invocation.

PRESENTATIONS

2. Public Works Director Cyrus Abhar introduced new City employee Albert Stricker, P.E., Associate Civil Engineer.
3. Sacramento County Health Department & West Nile Virus Update – Dr. Glennah Trochet gave the presentation.

CONSENT CALENDAR

ACTION: Motion by Budge second by Skoglund and unanimously carried by roll call vote, Council adopted the Consent Calendar.

4. **Subject:** Minutes of City Council Meetings
 - a. Special Meeting of September 29, 2004

Recommendation: Adopt Minutes.

5. **Subject:** Resolution approving Subdivision No. RC 03-022 Final Map of Ellenwood Court Unit No. 2 and Execute Subdivision Improvement Agreement
Recommendation: Adopt Resolution No. 39-2005 approving Subdivision No. RC-03-022 Final Map of Ellenwood Court Unit No. 2 and authorizing the Mayor to execute the Subdivision Improvement Agreement

CONSENT PUBLIC HEARINGS

None

ORAL COMMUNICATIONS

6. Public Comment

The following individual(s) addressed the Council under the Public Comment section of the agenda for matters not listed on the agenda:

David Kreisher of Rancho Cordova requested a greater police presence in the community.

Rex Albright of the Chamber of Commerce addressed the Council, updating them on the travel and tourism efforts of the Chamber.

Walt Myers of Rancho Cordova complained about the loss of retail in Rancho Cordova and complained that there is nothing in the Sacramento Bee regarding the agenda.

PUBLIC HEARINGS

CONSENSUS: To re-order the agenda to take Item 8 prior to Item 7.

8. **Subject:** McDonald's – RC-03-006 – Conditional Use Permit Amendment - The applicant is requesting an amendment to the previously issued Conditional Use Permit to allow drive-thru lanes within 300 feet of residential use at a McDonald's Restaurant. The applicant is requesting the removal the condition requiring a pedestrian walkway from the adjacent parking area across the drive thru lanes due to construction cost, design feasibility and pedestrian safety. **(Continued from March 7, 2005)**
Recommendation: Adopt Resolution 33-2005 approving the removal of Condition of Approval No. 11, requiring a pedestrian access for the adjacent parking area to the McDonald's Restaurant from the approved Conditional Use Permit.

Mayor Cooley opened the public hearing.

The following individual(s) addressed the Council on the item:

Efrain Corona addressed the Council as McDonald's representative, and requested their certificate of occupancy. He said they were willing to work with the shopping center owner during shopping center approvals on pedestrian access.

Mayor Cooley closed the public hearing.

ACTION: Motion by McGarvey second by Skoglund and unanimously carried, Council found the project categorically exempt from the California Environmental Quality Act

(CEQA) per Section 15302 (b) and adopted Resolution 33-2005 approving the Conditional Use permit with a substituted Condition of Approval No. 11 to require that the applicant shall construct initial improvements (i.e. curb cuts) to provide future pedestrian access north to the shopping center; applicant to construct on site walkways at such time as the shopping center parking lot is improved with no obligation for this conditional to extend beyond two years from approval of the project use permit.

7. **Subject:** Capital Village – RC-04-123 – The applicant proposes to construct a 117 acre mixed-use development with 827 residential units and a Local Town Center. The project includes approximately 250,000 square feet of commercial and mixed-use on 27.6 acres; 562 single family homes on 56 acres; 222 town homes on 15.6 acres; 43 live-work units on 4.2 acres; 6.8 (net) acres of parks; 1.9 acres of open space; 4.9 acres of landscape corridors. The project is located at the intersection of Zinfandel Drive and International Drive in Rancho Cordova. **(Continued from March 7, 2005)**

Recommendation: Adopt Resolution No. 35-2005 approving the Tentative Subdivision Map and General Plan Amendment; waive first reading and introduce Ordinance No. 06-2005 approving the Rezone and Special Planning Area; and waive first reading and introduce Ordinance No. 07-2005 approving the Development Agreement, subject to findings, evidence and Conditions of Approval/MMRP. **(Roll Call Vote)**

Mayor Cooley opened the public hearing.

The following individual(s) addressed the Council on the item:

Jeane Borkenhagen, Sacramento Metropolitan Air Quality Management District, addressed the project from air quality management perspective.

Mike O'Rourke said he was concerned with locating a signal light at International Drive and White Rock Road. He suggested a painted keep-clear zone instead.

Olivia Anders, Rancho Cordova, asked the Council to remember to save some land for churches.

Mayor Cooley closed the public hearing.

Following is the summarized discussion:

- Change the condition that requires parapets on commercial structures to allow for more flexibility. The condition is required as a noise reduction technique. Council directed staff to reword the condition to allow for more design flexibility. The revised condition to read:

“The project developer shall construct parapets along rooflines of buildings adjacent to residential uses as specified by the Capital Village, Mitigated Negative Declaration (MND) document or an equivalent method acceptable to the City to achieve the same noise reduction results. If an alternative to these parapets is proposed an HVAC noise analysis shall be required to demonstrate compliance to noise level requirements.”

- The City Council directed staff to add a condition that would require an aviation easement to help alert residents to over flights from Mather field, similar to the

provision used for the Village at Zinfandel. The timing for this conditions would require its implementation before the first building permit. This new condition to read:

“Prior to the issuance of any building permit, provide an avigation easement to the City of Rancho Cordova for all residential areas. The avigation easement shall grant the right of flight and unobstructed passage of all aircraft into and out of Mather Airport and such easements shall be disclosed during all future property sales.”

ACTION: Motion by Budge second by McGarvey and unanimously carried by roll call vote, Council determined that the project has been previously assessed in the Mitigated Negative Declaration, and no new environmental impacts have been discovered, in accordance with CEQA,; adopted Resolution 35-2005 approving the Tentative Subdivision Map and General Plan Amendment; and waived the first readings and introduced Ordinance No. 06-2005 approving the rezone and special planning area and Ordinance No. 07-2005 approving the development agreement; and approving conditions of approval as amended.

9. **Subject:** Extension of Interim Traffic Impact Mitigation Fee
Recommendation: Adopt Resolution No. 40-2005 extending the authorization for an interim traffic impact mitigation fee for 30 days.

Mayor Cooley opened and closed the public hearing; there were no speakers on this item.

ACTION: Motion by Budge second by Sander and unanimously carried, Council adopted Resolution No. 40-2005 extending Urgency Resolution 30-2005 and continuing the Interim Traffic Impact Mitigation fee in full force and effect until April 23, 2005.

10. **Subject:** An Urgency Ordinance of the City of Rancho Cordova Extending a Moratorium on the Establishment of New Sexually Oriented Businesses and the Expansion of Existing Sexually Oriented Businesses Pending the Review and Amendment of Zoning Regulations Applicable to Sexually Oriented Businesses, to Become Effective Immediately
Recommendation: Hold public hearing and Adopt Urgency Ordinance No. 08-2005. (**Roll Call Vote**)

Mayor Cooley opened and closed the public hearing; there were no speakers on this item.

ACTION: Motion by Budge second by McGarvey and unanimously carried by roll call vote, Council adopted Urgency Ordinance No. 08-2005.

REGULAR CALENDAR ITEMS

11. **Subject:** Approval of 2005/2006 Measure “A” Transportation Expenditure Request
Recommendation: Approve FY 2005/2006 Expenditure Plan for Measure “A” funds requesting allocation of future revenues to City roadway projects, programs and maintenance, and direct staff to submit the request to the Sacramento Transportation Authority (STA).

ACTION: Motion by Budge second by Skoglund and unanimously carried, Council approved FY 2005/2006 Expenditure Plan for Measure “A” funds requesting allocation of

future revenues to City roadway projects, programs and maintenance, and direct staff to submit the request to the Sacramento Transportation Authority (STA).

12. **Subject:** Resolution Supporting Federal Funding of the Community Development Block Grant (CDBG) Program for FY2006

Recommendation: Adopt Resolution No. 41-2005.

ACTION: Motion by McGarvey second by Sander and unanimously carried, Council adopted Resolution No. 41-2005 and directed it be sent to both Congressional representatives Lundgren and Matsui.

13. **Subject:** Resolution Approving Form of Purchase and Sale Contract Between the Bank of New York, et. al, and the City of Rancho Cordova for the Purchase of Prospect Park Property (2701-2729 Prospect Park Drive).

Recommendation: Adopt Resolution No. 42-2005.

ACTION: Motion by Skoglund second by McGarvey and unanimously carried, Council adopted Resolution No. 42-2005 approving form of Purchase and Sale Contract between the Bank of New York, et. al, and the City of Rancho Cordova for the purchase of Prospect Park Property (2701-2729 Prospect Park Drive).

CORRESPONDENCE

None

COUNCIL REPORTS

The Council reported on various meetings, invitations, and events since the last Council meeting.

COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

None

CITY MANAGER'S REPORT

City Manager Gaebler requested items for the "City Throw."

ADJOURNMENT

The meeting adjourned at 10:17 p.m.

Respectfully submitted,

Lillian E. Hare, City Clerk

**City of Rancho Cordova
Special City Council Meeting**

Tuesday, March 29, 2005

MINUTES

CALL TO ORDER

Mayor Cooley called the meeting to order at 5:37 p.m.

ROLL CALL

Present: Council Members Budge, McGarvey, Sander, Skoglund, and Mayor Cooley
Staff Present: Gaebler, Junker, Abhar, Olea-Moger, Lindgren

ORAL COMMUNICATIONS

1. Public Comment – Items Not on the Agenda

None

Study Session

2. **Subject:** Total Community Pathway Connectivity System
Recommendation: Conduct study session.

OUTCOMES: Participants discussed adequacy of general approach to pathway system for the Draft City Trails and Bikeway Plan, the gaps or additional improvements to be added to the pathway system, and what might be included in the Capital Improvement Plan. The group had strong preference for grade separations in crossings for bike paths. Also, agreement was reached to use the acronym of PTOS for Parks, Trails, and Open Space standards rather than OSPT (Open Space, Parks & Trails).

3. **Subject:** Traffic and Transit Circulation Plan and Roadway Fee Nexus Study
Recommendation: Receive staff report on traffic and transit circulation elements of the General Plan and direct staff to prepare a Draft Transportation Master Plan that will serve as the basis for the Traffic Impact Mitigation Fee study for new developments.

OUTCOMES: Participants discussed service level of roadway system, proposed roadway sizing, grade separation locations, and intersections with special treatment. The pros and cons of changing the proposed roadway service level classification from Service Level E to Service Level D were reviewed. Until the intersection impact from such a change is presented, no definitive conclusion was reached. The group agreed that Elk Grove /El Dorado County connector route is crucial to traffic and transit circulation mitigation to the traffic impact from new development. The City will pursue collaborating with the City of Folsom, City of Elk Grove, Sacramento County, and El Dorado County on this project.

Adjournment

The meeting adjourned at 10:47 p.m.

Respectfully submitted,

Anna Olea-Moger, Assistant City Clerk

**City of Rancho Cordova
Regular City Council Meeting**

Monday, April 4, 2005

MINUTES

CALL TO ORDER

Mayor Cooley called the meeting to order at 5:35 p.m. and announced the cablecast playback schedule for the meeting.

ROLL CALL

Present: Council Members Budge, McGarvey, Sander, Skoglund & Mayor Cooley

Staff Present: Gaebler, Abhar, Campbell, Junker, Hare, Haven, Lindgren, McMahon, Meyers,
Thomas

PLEDGE OF ALLEGIANCE

The Pledge was led by Leah Allen.

INVOCATION

1. Marina Silver of the Spiritual Assembly of the Baha'is of Rancho Cordova gave the invocation.

Presentation

2. Mayor Cooley presented a proclamation for Rancho Cordova Extreme State Soccer Championship.
3. Mayor Cooley presented a proclamation for Sacramento Urban Creeks Council's 15th Annual Creek Week (April 1-8th) to Alta Tura.

Mayor Cooley read an additional proclamation honoring Tom Philps of the Sacramento Bee for winning the Pulitzer Prize for editorial journalism.

CONSENT CALENDAR

ACTION: Motion by Budge, second by Sander and unanimously carried by roll call vote, Council adopted the Consent Calendar.

4. **Subject:** Minutes of City Council Meetings:
 - a. Special Meeting of March 1, 2005
 - b. Regular Meeting of March 7, 2005
 - c. Special Meeting of March 16, 2005
 - d. Special Meeting of March 21, 2005

Recommendation: Adopt Minutes.

5. **Subject:** Second Reading of Ordinance No. 06-2005 Amending Zoning Code to Establish the Capital Village Special Planning Area and Rezoning Property from MP-Industrial/Office Park to a Combination of Commercial Mixed Use and Residential Districts on APN's 072-0680-010 thru 021, and 072-0680-034 thru 038 for the Project Known as Capital Village, Project No. RC-04-123.
Recommendation: Waive second reading and adopt Ordinance No. 06-2005. **(Roll Call Vote)**
6. **Subject:** Second Reading of Ordinance No. 07-2005 Approving the Development Agreement for the Capital Village Project and Amending the Zoning Code - Project No. RC-04-123.
Recommendation: Waive second reading and adopt Ordinance No. 07-2005. **(Roll Call Vote)**
7. **Subject:** Resolution to Support Continued Funding for Amtrak in Federal Fiscal Year 2006.
Recommendation: Adopt Resolution No. 46-2005.

CONSENT PUBLIC HEARINGS

None.

ORAL COMMUNICATIONS

6. Public Comment

The following individual addressed the Council:

Andrew Cowell, Rancho Cordova, spoke in opposition to the proposed bike trail along the canal behind his home (between Dawes and Coloma).

PUBLIC HEARINGS

9. **Subject:** Walgreen's Store, RC-04-139 – Use Permit for the Drive-up Pharmacy Window and Design Review for the New Building.
Recommendation: Adopt Resolution No. 43-2005 approving the Use Permit for the Drive-Up pharmacy window and the Design Review for Walgreen's, subject to the findings, evidence, and Conditions of Approval.

Mayor Cooley opened the public hearing. The following individual(s) addressed the Council on this item:

Cleon Pantel, the applicant, addressed the Council regarding the project.

Mayor Cooley closed the public hearing.

ACTION: Motion by Budge second by McGarvey and unanimously carried, Council adopted Resolution No. 43-2005 approving the Conditional Use Permit for the drive-up pharmacy window and the Design Review for the project, subject to the Conditions of Approval (COA's) and the addition of one COA as follows:

- Pedestrian benches shall be provided along the walkways; the type and number shall be to the satisfaction of the Planning Director.

REGULAR CALENDAR ITEMS

10. **Subject:** Resolution Supporting SB 547 Regarding DUI Driver Vehicle Impound Pilot Program

Recommendation: Adopt Resolution No. 45-2005.

ACTION: Motion by Budge second by McGarvey and unanimously carried, Council adopted Resolution No. 45-2005 and directed copies of the resolution be sent to the author of the Bill and to local legislators.

11. **Subject:** Presentation of Design Concept for Mather Field Road/Highway 50 Inter-Change Landscape Project

Recommendation: Direction from Council to proceed with the final conceptual plan design and preparation of the construction documents.

Discussion only, no formal action was taken.

12. **Subject:** Resolution Approving Form of Purchase and Sale Contract Between the Kilgore Business Park, et. al, and the City of Rancho Cordova for the Purchase of Kilgore Property (2897 Kilgore Road) APN 72-0260-33, 72-0260-36, 72-0260-37, 72-0260-38, 72-0260-39, 72-0260-40, 72-0260-41, 72-0260-42

Recommendation: Adopt Resolution No. 47-2005.

ACTION: Motion by McGarvey, second by Budge and unanimously carried to adopt Resolution 47-2005.

CORRESPONDENCE

None

COUNCIL REPORTS

The Council reported on various meetings, invitations, and events since the last Council meeting.

COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

Council Member Budge requested an item to talk about the connectivity of trails get through to the trail around Mather.

CITY MANAGER'S REPORT

Mr. Gaebler reported that the County CEO has provided to him a list of four groupings of topics and the teams the County would like to put to work on these items for discussion with the City. He said the County has also decided to put an internal team together to look at criteria, etc. under which they would entertain annexations. Ted said that this subject will come back to the Council for a full discussion after staff has digested the information.

ADJOURNMENT

The meeting adjourned at 8:40 p.m. in memory of Pope John Paul II.

Respectfully submitted,

Lillian E. Hare, City Clerk

MEMORANDUM

DATE: April 18, 2005
TO: Mayor and Council Members
FROM: Cyrus Abhar, Public Works Director
SUBJECT: **TRAFFIC CALMING CONTRACT #06-2005
CONSTRUCTION FOR NEIGHBORHOOD TRAFFIC
MANAGEMENT PILOT PLAN**



RECOMMENDATION

It is recommended that the subject contract be awarded to the lowest responsive bidder, **Martin Brothers Construction** in the amount of **\$137,775**. The contract Agreement between the City of Rancho Cordova and Martin Brothers Construction is provided in Attachment C.

BACKGROUND

The work to be done under this contract consists, in general, of furnishing all labor, materials, tools, equipment, incidentals, and performing all work necessary for the installation of asphalt concrete speed lumps, speed humps, raised crosswalks and speed tables over existing pavement. The location list is provided in Attachment A.

Bids were solicited on the City of Rancho Cordova web site as well as with the Sacramento Builders Exchange beginning March 21, 2005. The bids were publicly opened on April 6, 2005 at approximately 2:10 p.m. at 3121 Gold Canal Dr., Rancho Cordova 95670.

BID INFORMATION:

Two (2) contractors bid on the project. The Engineer's estimate was \$120,000. The low bid was \$137,775, the average bid was \$183,575, and the high bid was \$229,375. The Bid Summary Sheet is provided in Attachment B. The low bid is approximately 15% higher than the Engineer's estimate. This project is funded through Community Development Block Grant (CDBG) funds and Measure A funds.

Enclosure:

Attachment A- Locations for Traffic Calming Contract #06-2005

Attachment B - Bid Summary Sheet

Attachment C - Agreement between Martin Brothers Construction and the City of
Rancho Cordova

ATTACHMENT A

Locations for Traffic Calming Contract #06-2005

**LOCATIONS FOR
TRAFFIC CALMING PROJECT 2004/05
CITY OF RANCHO CORDOVA**
Project No. 05-02

Installation of Traffic Calming Device	Grind, Remove & Replace Existing Pavement (SF)
McGregor Drive	
Speed Lump on McGregor Drive between Scottsman Way and Alandale Way	
Speed Lump on McGregor Drive between Dunbar Way and Berwick Way	
Speed Lump on McGregor Drive between Byrd Drive and Sabine Way	
Speed Lump on McGregor Drive between Viani Way and Carlos Way	
Cordova Lane (south)	
Speed Lump on Cordova Lane between Le Ann Drive and Alandale Way	1680
Queenwood Drive	
Speed Hump on Queenwood Drive between Alandale Way and Gadsten Way	
Speed Hump on Queenwood Drive between Gadsten Way and Zinfandel Drive	
Gadsten Way	
Raised Crosswalk on Gadsten Way in front of Walnutwood School (in place of existing crosswalk)	
Don Juan Drive	
Speed Hump on Don Juan Drive between Luveta Way and Pedro Way	
Aramon Drive	
Speed Lump on Aramon Drive between Malaga Way and Chassella Way	1680
Dolecetto Drive	
Speed Hump on Dolecetto Drive between Tomolo Way and Tannat Way	1360
Speed Hump on Dolecetto Drive between Ribier Way and Chassella Way	1360
Chassella Way	
Speed Hump on Chassella Way between Pedro Way and Barbera Way	1360
Zinfandel Drive	
Speed Lump on Zinfandel Drive between Pedro Way and Barbera Way	
Speed Lump on Zinfandel Drive between Queenwood Drive and Sonata Drive	
Speed Lump on Zinfandel Drive between Rashawn Drive and Cobblestone Drive	
Vehicle Drive	
Speed Table on Vehicle Drive 600 feet north of Zinfandel Drive	
Speed Table on Vehicle Drive 600 feet south of Coloma Drive	
Cordova Lane (north)	
Speed Lump on Cordova Lane between Milazzo Way and Biscay Way/Rudat Circle	
Speed Lump on Cordova Lane between Biscay Way and Viani Way	
Benita Drive	
Speed Hump on Benita Drive between Rosado Way and Mapola Way	1680
Raised Crosswalk on Benita Drive between Sonata Way and Pinturo Way (in place of existing crosswalk)	1880
Bridlewood Drive	
Speed Hump on Bridlewood Drive between Filmore Lane and Filmore Lane	
Trinity Rive Drive	
Speed Lump on Trinity River Drive between Texas River Court and Rhine River Court	1560
Speed Lump on Trinity River Drive between Jordan River Court and Sable River Court	1560

ATTACHMENT B

Bid Summary Sheet Traffic Calming Contract #06-2005

City of Rancho Cordova

Bid Summary Sheet

Bid Opening for: Traffic Calming Project 2004/05 for Public Works Department
 Date: Tuesday, April 6, 2005
 Time: 2:00 p.m.

Staff Present: Carolyn Butler, Deputy City Clerk
 Kathy Garcia, Project Engineer
 John Samuelson, Assistant Civil Engineer

Bidder's Name	Base Bid	Addendum	Bid Bond
Delta Construction Company, Inc.	\$229,375.00	✓	✓
Martin Brothers Construction	\$137,775.00	✓	✓

Carolyn Butler
 Carolyn Butler, Deputy City Clerk

ATTACHMENT C

**Agreement Between Martin Brothers Construction and the City
of Rancho Cordova for the Traffic Calming Contract #06-2005**

**CONSTRUCTION SERVICES AGREEMENT BETWEEN
THE CITY OF RANCHO CORDOVA AND
MARTIN BROTHERS CONTRUCTION**

THIS AGREEMENT for the Traffic Calming Project 2004/05 consisting of furnishing all labor, materials, tools, equipment, incidentals, and for doing all work necessary to install 13 speed lumps, 8 speed humps, 2 raised crosswalks and 2 speed tables, made and entered into this day of _____, between the City of Rancho Cordova ("City") and Martin Brothers Construction Contractor") as of _____, 2005.

WITNESSETH:

WHEREAS, the City Council for the City heretofore caused plans and specifications for the work hereinafter mentioned to be prepared, and therefore did approve and adopt said plans and specifications; and

WHEREAS, the City Council for the City did cause to be published for the time and in the manner required by law, a Notice inviting sealed bids for the performance of said work; and

WHEREAS, the Contractor, in response to such Notice, submitted to the City Council for the City within the time specified in said Notice, and in the manner provided for therein, a sealed bid for the performance of the work specified in said plans and specifications, which said bid and proposal, and other bids and proposals submitted in response to said Notice, the City Council of public opened and canvassed in the manner provided by law; and

WHEREAS, the Contractor was the lowest responsible bidder for the performance of said work, and said City Council for the City as a result of the canvass of said bids, did determine and declare Contractor to be the lowest responsible bidder for said work and award to a contract therefore.

NOW THEREFORE, in consideration of the promises herein, it is mutually agreed between the parties hereto as follows:

Section 1. CONTRACT DOCUMENTS. The following documents are by this reference incorporated in and made a part of this Agreement: The County of Sacramento, Standard Construction Specifications dated March 2004.; the Special Provisions; the contract drawings, all addenda; the Notice to Contractors; the Proposal; all required bonds; and all supplemental Agreements covering alterations, amendments, or extensions to the contract. The documents which describe the work to be performed are sometimes collectively referred to herein as the Plans and Specifications.

Section 2. SCOPE OF WORK. That the Contractor will furnish all labor, materials, services, transportation, appliances, and mechanical workmanship required for Contract No. 06-2005, as provided for and set forth in said plans and specifications, or in either of them, which said plans and specifications are hereby referred and by such reference incorporated herein and made a part of this Agreement. All of the said work done under this Agreement shall be under the supervision of and performed to the satisfaction of the Public Works Director of the City of Rancho Cordova who shall have the right to reject any and all materials and supplies furnished by the Contractor which do not comply with said plans and specifications, together with the right to require the Contractor to replace any and all work furnished by the Contractor which shall not either in workmanship or material be in strict accordance with said plans and specifications.

Section 3. COMPLETION. Said work shall be completed and ready for acceptance.

Section 4. PAYMENT. Attached hereto as Exhibit "A" and by reference made a part hereof, is the bid and proposal of Contractor. Said bid and proposal will contain, as required by the terms of said specifications, the full and complete schedule of the different items with the lump sums or unit prices as so specified. The City agrees in consideration of the work to be performed herein and subject to the terms and conditions thereof, to pay Contractor all sums of money which may become due to Contractor in accordance with the terms of the aforesaid bid and proposal, and this Agreement, to wit: (\$137,775). Said sum shall be paid in accordance with Section 8 of the Standard Specifications. With respect to that portion of the above sum as is based upon the estimated quantities specified for the general scope of the work to be performed herein, actual payment will be based upon the quantities as measured upon completion. No payment made under this Agreement shall be construed to be an acceptance of defective work or improper materials.

Section 5. PREVAILING WAGES. Pursuant to the provisions of Articles 1 and 2 of Chapter 1, Part 7, Division II, of the Labor Code of the State of California, not less than the general prevailing rate of per diem wages, and not less than the general prevailing rate of per diem wages for holidays and overtime work, for each craft, classification or type of worker needed to execute the work contemplated under this Agreement shall be paid to all workers, laborers and mechanics employed in the execution of said work by Contractor, or by any subcontractor doing or contracting to do any part of said work. The appropriate determination of the Director of the California Department of Industrial Relations is filed with, and available for inspection at 3121 Gold Canal Drive, Rancho Cordova CA 95670, the office of the Clerk of the City. Contractor shall post, at each job site, a copy of such prevailing rate of per diem wages as determined by the Director for the California Department of Industrial Relations.

Section 6. INSURANCE. The Contractor shall carry and maintain during the life of this Agreement, such public liability, property damage and contractual liability, auto, worker's compensation and builders' risk insurance as required by the specifications.

Section 7. WORKERS' COMPENSATION CERTIFICATION. By execution of this Agreement, the Contractor certifies as follows:

"I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract."

Section 8. PERFORMANCE AND PAYMENT BONDS. The Contractor shall, before beginning said work, file two bonds with the City, each made payable to the City. These bonds shall be issued by a surety company authorized to do business in the State of California, and shall be maintained during the entire life of the Agreement at the expense of the Contractor. One bond shall be in the amount of one hundred percent (100%) of the Agreement and shall guarantee the faithful performance of the Agreement. The second bond shall be the payment bond required by California Civil Code Division 3, Part 4, Title 15, Chapter 7, and shall be in the amount of one hundred percent (100%) of the Agreement. Any alterations made in the specifications which are a part of this Agreement or in any provision of this Agreement shall not operate to release any surety from liability on any bond required hereunder and the consent to make such alterations is hereby given, and any surety on said bonds hereby waives the provisions of California Civil Code Sections 2819 and 2845.

Section 9. INDEMNIFICATION. The Contractor shall defend, indemnify the City and save harmless the (including their officers, agents, members, employees, affiliates, and representatives) as set forth in Section 6-2 of the Standard Specifications.

Section 10. MISCELLANEOUS PROVISIONS. This Agreement shall bind and inure to the heirs, devisees, assignees, and successors in interest of Contractor and to the successors in interest of in the same manner as if such parties had been expressly named herein. All times

states herein or in the contract documents are of the essence hereof. As used in this instrument the singular includes the plural, and the masculine includes the feminine and the neuter. This Agreement may create a possessory interest subject to property taxation, and Contractor may be subject to the payment of property taxes levied on such interest.

IN WITNESS WHEREOF, the City Council and Contractor have caused this Agreement to be executed as of the day and year first above written.

CITY OF RANCHO CORDOVA

CONTRACTOR

Ted Gaebler, City Manager

**Felipe Martin,
Martin Brothers Construction**

Attest:

Lillian Hare, City Clerk

Approved as to Form:

Steve Meyers, City Attorney

EXHIBIT A
CONTRACTOR BID

Traffic Calming Project 2004/05

(13 Speed Lumps, 8 Speed Humps, 2 Raised Crosswalks, 2 Speed Tables)

Contract No. 05-02

CITY OF RANCHO CORDOVA

BID FORM

Contract No. 05-02

Project: TRAFFIC CALMING PROJECT 04/05 - (13 Speed Lumps, 8 Speed Humps, 2 Raised Crosswalks, 2 Speed Tables)

SUBMIT BID TO:

City of Rancho Cordova
3121 Gold Canal Drive
Rancho Cordova, CA 95670

BID OPENING:

City of Rancho Cordova
3121 Gold Canal Drive
Rancho Cordova, CA 95670

NO LATER THAN: 2:00 PM
DAY OF BID April 6, 2005

APPROXIMATELY 2:10 P.M.

TO: City Clerk
City of Rancho Cordova

The Contractor is encouraged to submit these Bid Forms typed or neatly printed.

Traffic Calming Project 2004/05

(13 Speed Lumps, 8 Speed Humps, 2 Raised Crosswalks, 2 Speed Tables)

Contract No. 05-02

CITY OF RANCHO CORDOVA

Contract No. 05-02

Project: TRAFFIC CALMING PROJECT 04/05 - (13 Speed Lumps, 8 Speed Humps, 2 Raised Crosswalks, 2 Speed Tables)

TO: Public Works Director
City of Rancho Cordova
Rancho Cordova, California 95670

Name of Bidder: Martin Brothers Construction

Business Address: 3174 Luyang Dr. Suite #3

City, State, Zip: Rancho Cordova, CA 95742

Telephone No. (with area code): (916) 852-1911

The work for which this proposal is submitted is for construction in accordance with the special provisions (including the payment of not less than the minimum wage rates set forth therein) and contract annexed hereto, the project plans described below, and also in accordance with the California Department of Transportation Standard Plans and Specifications July 2002 edition using the English measurements and units in the 1992 edition and the Labor Surcharge and Equipment Rental Rates in effect on the date of work is accomplished; and the Sacramento County Public Works Agency, Improvement Standards, June 1, 1999 edition, and Standard Construction Specifications, March 2004 edition.

Bids are to be submitted for the entire work. The amount of the bids for comparison purposes will be the total of all items.

The bidder shall set forth for each unit basis item of work an item price and a total for the item, and for each lump sum item a total for the item, all in clearly legible figures in the respective spaces provided for the this purposes. In the case of unit basis items, the amount set forth under the "Total" column shall be the extension of the item price bid on the basis of the estimated quantity for the item.

If the proposal shall be accepted and the undersigned shall fail to enter into the contract and furnish the two (2) bonds in the sums required by this contract, with surety satisfactory to the

Traffic Calming Project 2004/05

(13 Speed Lumps, 8 Speed Humps, 2 Raised Crosswalks, 2 Speed Tables)

Contract No. 05-02

the bidder has received notice from the City that the contract has been awarded, the City may, at its option, determine that the bidder has abandoned the contract, and thereupon this proposal and

the acceptance thereof shall be null and void and the forfeiture of such security accompanying this proposal shall operate and the same shall be the property of the City of Rancho Cordova.

The undersigned, as bidder, declares that the only persons or parties interested in this proposal as principals are those named herein; that this proposal is made without collusion with any other person, firm, or corporation; that the bidder has carefully examined the location of the proposed work, the attached proposed form of contract, and the plans therein referred to; and that the bidder proposed, and agrees if this proposal is accepted, that he/she will contract with the City of Rancho Cordova, in the form of the copy of the contract attached hereto, to provide all necessary machinery, tools, apparatus and other means of construction, and to do all the work and furnish all the materials specified in the contract, in the manner and time therein prescribed, and according to the requirements of the Engineer as therein set forth, and that the bidder will take in full payment therefore the following item prices to wit:

Note: For this proposal to be considered complete and responsive the bidder must complete all of the documents and certificates on pages P-1 through P-9 and the bidder must properly execute the proposal as required on page 10.

CONTRACTOR: MARTIN BROTHERS
CONSTRUCTION

Traffic Calming Project 2004/05

(13 Speed Lumps, 8 Speed Humps, 2 Raised Crosswalks, 2 Speed Tables)

Contract No. 05-02

CITY OF RANCHO CORDOVAContract No. 05-02**Project: Traffic Calming Project 04/05 – (13 Speed Lumps, 8 Speed Humps, 2 Raised Crosswalks, 2 Speed Tables)**

Item No.	Item Description	Unit	Estimated Quantity	Unit Price (in figures)	Amount (in figures)
1	SPEED HUMP	LF	375	40 ⁰⁰	15,000 ⁰⁰
2	SPEED LUMP	LF	465	45 ⁰⁰	20,925 ⁰⁰
3	SPEED TABLE	LF	90	90 ⁰⁰	8,100 ⁰⁰
4	RAISED CROSSWALK	LF	95	90 ⁰⁰	8,550 ⁰⁰
5	GRIND, REMOVE & REPLACE EXISTING PAVEMENT	SF	14,200	6 ⁰⁰	85,200 ⁰⁰

TOTAL BID (Items 1-5, in figures)\$ 137,775⁰⁰

In the event that the product of a unit price and an estimated quantity does not equal the extended amount stated, the unit price will govern and the correct product of the unit price and the estimated quantity shall be deemed to be the amount bid.

Traffic Calming Project 2004/05

(13 Speed Lumps, 8 Speed Humps, 2 Raised Crosswalks, 2 Speed Tables)

Contract No. 05-02

CITY OF RANCHO CORDOVA

BIDDER'S BOND

KNOW ALL MEN/WOMEN BY THESE PRESENTS,

THAT we, Martin Brothers Construction

_____, as Principal, and

Great American Insurance Company

as Surety, are held and firmly bound unto the City of Rancho Cordova, hereinafter called CITY, in the penal sum of TEN PERCENT (10%) OF THE TOTAL AMOUNT OF THE BID of the Principal above named, submitted by said Principal to the City of Rancho Cordova, for the work described below, for the payment of which sum in lawful money of the United States, well and truly to be made, we bind ourselves, our heirs, administrators, and executors and successors, jointly and severally, firmly by these presents. In no case shall the liability of the Surety hereunder exceed the sum of \$ 10%.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT,

WHEREAS, the Principal has submitted the above-mentioned bid to the City of Rancho Cordova, for certain construction specifically described as follows, for which bids are to be opened at Rancho Cordova, California, on **April 6, 2005**, for the work to be done consist, in general, of excavating sidewalk replacement, curb & gutter replacement, tree root trimming; and all other works as shown on the contract document.

NOW, THEREFORE, if the aforesaid Principal is awarded the contract and within the time and manner required under the Specifications, after the prescribed forms are presented to him/her for signature, enters into a written contract, in the prescribed form, in accordance with the bid, and files the two bonds with the City of Rancho Cordova, one to guarantee faithful performance and the other to guarantee payment for labor and materials, as required by law and in all other aspects perform the agreement and obligations created by the acceptance of the Bid, then this obligation shall be null and void; otherwise, it shall be and remain in full force and virtue.

Traffic Calming Project 2004/05

(13 Speed Lumps, 8 Speed Humps, 2 Raised Crosswalks, 2 Speed Tables)

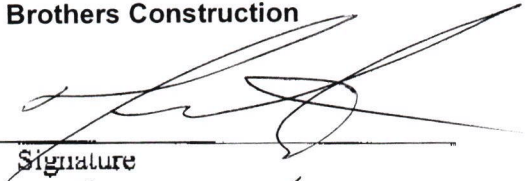
Contract No. 05-02

In the event suit is brought upon this bond by the Obligee and judgment is recovered, the Surety shall pay all costs incurred by the Obligee in such suit including a reasonable attorney's fee to be fixed by the court.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this 4 day of April, 2005.

Martin Brothers Construction

Principal

By: 

Signature

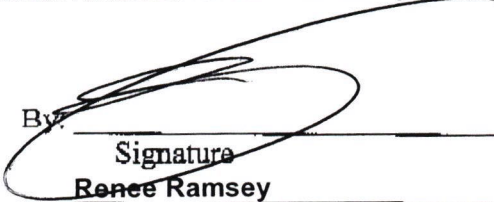
FELIPE MARTIN

Print or Type

Title: PRESIDENT

Great American Insurance Company

Surety

By: 

Signature

Renee Ramsey

Print or Type

Title: Attorney-in-Fact

Address: 1350 Treat Blvd., Ste. #210

Walnut Creek, CA 94596

- NOTES:
1. Signature of those executing for the Surety must be properly acknowledged.
 2. The bid bonds for the three acceptable lowest bidders shall be retained until the City Council has accepted the successful bidder. All other bid bonds shall be returned to the bidder five (5) working days after bid opening.

GREAT AMERICAN INSURANCE COMPANY®

Administrative Office: 580 WALNUT STREET • CINCINNATI, OHIO 45202 • 513-369-5000 • FAX 513-723-2740

The number of persons authorized by
this power of attorney is not more than FOUR

No. 0 13989

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That the GREAT AMERICAN INSURANCE COMPANY, a corporation organized and existing under and by virtue of the laws of the State of Ohio, does hereby nominate, constitute and appoint the person or persons named below its true and lawful attorney-in-fact, for it and in its name, place and stead to execute in behalf of the said Company, as surety, any and all bonds, undertakings and contracts of suretyship, or other written obligations in the nature thereof; provided that the liability of the said Company on any such bond, undertaking or contract of suretyship executed under this authority shall not exceed the limit stated below.

Name	Address	Limit of Power
RICHARD W. PRATT B.G. MIDSTOKKE DENNIS J. LINDO RENEE RAMSEY	ALL OF SACRAMENTO, CALIFORNIA	ALL UNLIMITED

This Power of Attorney revokes all previous powers issued in behalf of the attorney(s)-in-fact named above.

IN WITNESS WHEREOF the GREAT AMERICAN INSURANCE COMPANY has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this 9th day of, JUNE, 2004.

Attest

GREAT AMERICAN INSURANCE COMPANY

STATE OF OHIO, COUNTY OF HAMILTON - ss:

On this 9th day of JUNE, 2004, before me personally appeared DAVID C. KITCHIN, to me known, being duly sworn, deposes and says that he resides in Cincinnati, Ohio, that he is the Divisional Senior Vice President of the Bond Division of Great American Insurance Company, the Company described in and which executed the above instrument; that he knows the seal of the said Company; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by authority of his office under the By-Laws of said Company, and that he signed his name thereto by like authority.

DAVID C. KITCHIN (513-369-3811)

KAREN L. BERRY
NOTARY PUBLIC, STATE OF OHIO
My Commission Expires 02-16-05

This Power of Attorney is granted by authority of the following resolutions adopted by the Board of Directors of Great American Insurance Company by unanimous written consent dated March 1, 1993.

RESOLVED: That the Division President, the several Division Vice Presidents and Assistant Vice Presidents, or any one of them, be and hereby is authorized, from time to time, to appoint one or more Attorneys-in-Fact to execute on behalf of the Company, as surety, any and all bonds, undertakings and contracts of suretyship, or other written obligations in the nature thereof; to prescribe their respective duties and the respective limits of their authority; and to revoke any such appointment at any time.

RESOLVED FURTHER: That the Company seal and the signature of any of the aforesaid officers and any Secretary or Assistant Secretary of the Company may be affixed by facsimile to any power of attorney or certificate of either given for the execution of any bond, undertaking, contract or suretyship, or other written obligation in the nature thereof, such signature and seal when so used being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.

CERTIFICATION

I, RONALD C. HAYES, Assistant Secretary of Great American Insurance Company, do hereby certify that the foregoing Power of Attorney and the Resolutions of the Board of Directors of March 1, 1993 have not been revoked and are now in full force and effect.

Signed and sealed this 4 day of, April, 2005

Traffic Calming Project 2004/05

(13 Speed Lumps, 8 Speed Humps, 2 Raised Crosswalks, 2 Speed Tables)

Contract No. 05-02

CITY OF RANCHO CORDOVA

BIDDER'S BOND

KNOW ALL MEN/WOMEN BY THESE PRESENTS,

THAT we, _____

_____, as Principal, and

_____,

as Surety, are held and firmly bound unto the City of Rancho Cordova, hereinafter called CITY, in the penal sum of TEN PERCENT (10%) OF THE TOTAL AMOUNT OF THE BID of the Principal above named, submitted by said Principal to the City of Rancho Cordova, for the work described below, for the payment of which sum in lawful money of the United States, well and truly to be made, we bind ourselves, our heirs, administrators, and executors and successors, jointly and severally, firmly by these presents. In no case shall the liability of the Surety hereunder exceed the sum of \$_____.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT,

WHEREAS, the Principal has submitted the above-mentioned bid to the City of Rancho Cordova, for certain construction specifically described as follows, for which bids are to be opened at Rancho Cordova, California, on **April 6, 2005**, for the work to be done consist, in general, of excavating sidewalk replacement, curb & gutter replacement, tree root trimming; and all other works as shown on the contract document.

NOW, THEREFORE, if the aforesaid Principal is awarded the contract and within the time and manner required under the Specifications, after the prescribed forms are presented to him/her for signature, enters into a written contract, in the prescribed form, in accordance with the bid, and files the two bonds with the City of Rancho Cordova, one to guarantee faithful performance and the other to guarantee payment for labor and materials, as required by law and in all other aspects perform the agreement and obligations created by the acceptance of the Bid, then this obligation shall be null and void; otherwise, it shall be and remain in full force and virtue.

Traffic Calming Project 2004/05

(13 Speed Lumps, 8 Speed Humps, 2 Raised Crosswalks, 2 Speed Tables)

Contract No. 05-02

In the event suit is brought upon this bond by the Obligee and judgment is recovered, the Surety shall pay all costs incurred by the Obligee in such suit including a reasonable attorney's fee to be fixed by the court.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this _____ day of _____, 2005.

Principal

By: _____

Signature

Print or Type

Title: _____

Surety

By: _____

Signature

Print or Type

Title: _____

Address: _____

- NOTES:
1. Signature of those executing for the Surety must be properly acknowledged.
 2. The bid bonds for the three acceptable lowest bidders shall be retained until the City Council has accepted the successful bidder. All other bid bonds shall be returned to the bidder five (5) working days after bid opening.

Traffic Calming Project 2004/05

(13 Speed Lumps, 8 Speed Humps, 2 Raised Crosswalks, 2 Speed Tables)

Contract No. 05-02

CITY OF RANCHO CORDOVA

CONTRACTORS LICENSE FORM

Contract No. 05-02

Project: TRAFFIC CALMING PROJECT 04/05 - (13 Speed Lumps, 8 SpeedHumps,2 Raised Crosswalks, 2 Speed Tables)

Any person or entity submitting a bid on this project to engage in the business or act in the capacity of a contractor shall be licensed as a contractor in accordance with the provisions of Division 3, Chapter 9 of the California Business and Professions Code. A bid submitted to the City by a contractor who is not licensed as set forth above shall be considered non-responsive and shall be rejected by the City.

Before awarding the contract for this project, the City must verify that the contractor was properly licensed when the contractor submitted his/her bid on this project. In order for the City to verify the license status of a contractor, the contractor, at the time he/she submits his/her bid for the project, shall provide in writing to the City his/her contractor's license number, name on the license, classification, and expiration date of the license.

In all contracts where federal funds are involved, no bid submitted to the City shall be invalidated by the failure of the bidder to be licensed in accordance with the laws of this state. However, at the time the contract is awarded, the contractor shall be properly licensed in accordance with the laws of this state. The first payment for work or material under any contract shall not be made unless and until the Registrar of Contractors verifies to the City that the records of the Contractors' State License Board indicate that the contractor was properly licensed at the time the contract was awarded. Any bidder or contractor not so licensed shall be subject to all legal penalties imposed by law, including, but not limited to, any appropriate disciplinary action by the Contractors' State License Board. Failure of the bidder to obtain proper and adequate licensing for an award of a contract shall constitute a failure to execute the contract and shall result in the forfeiture of the security of the bidder.

Traffic Calming Project 2004/05

(13 Speed Lumps, 8 Speed Humps, 2 Raised Crosswalks, 2 Speed Tables)

Contract No. 05-02

CERTIFICATION

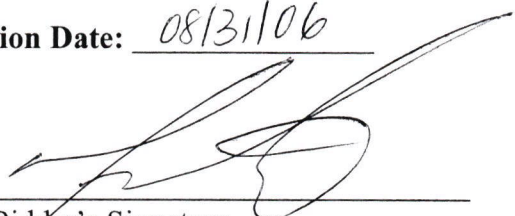
In accordance with the Business and Professions Code, we do hereby, under Penalty of Perjury, certify that the following contractor's license information is true and correct.

Contractor's License No. 726454 Expiration Date: 08/31/06

Contractor's Classification: A

MARTIN BROTHERS CONSTRUCTION
Contractor's Name (Printed)

4-6-05
Date


Bidder's Signature
(same signature as on Bid Proposal)

FELIPE MARTIN
Bidder's Name (Printed)

PRESIDENT
Bidder's Title

City of Rancho Cordova Business License Number:

Traffic Calming Project 2004/05

(13 Speed Lumps, 8 Speed Humps, 2 Raised Crosswalks, 2 Speed Tables)

Contract No. 05-02

CITY OF RANCHO CORDOVA

NON-COLLUSION AFFIDAVIT

STATE OF CALIFORNIA)

COUNTY OF SACRAMENTO)

FELIPE MARTIN, being first duly sworn, deposes and says that he or she is PRESIDENT of MARTIN BROTHERS CONSTRUCTION the party making the foregoing bid that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and, further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid

MARTIN BROTHERS CONSTRUCTION
Contractor's Name (Printed)

04/04/2005
Date

[Signature]
Bidder's Signature
(same signature as on Bid Proposal)

FELIPE MARTIN
Bidder's Name (Printed)

PRESIDENT
Bidder's Title

Subscribed and sworn to before me

this 4TH day of APRIL, 2005.

[Signature]
Signature of Notary Public



Traffic Calming Project 2004/05

(13 Speed Lumps, 8 Speed Humps, 2 Raised Crosswalks, 2 Speed Tables)

Contract No. 05-02

CITY OF RANCHO CORDOVA

DESIGNATION OF SUBCONTRACTORS

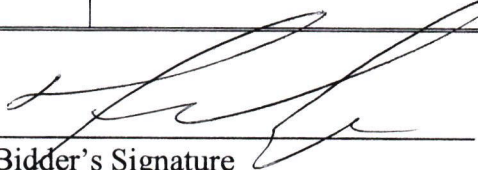
In compliance with the provisions of Section 4100-4114 of the Public Contracts Code of the State of California, and any amendments thereof, each Bidder shall set forth below the name and location of the place of business of each Subcontractor who will perform work or labor or render service to the Contractor in or about the construction of the work or improvement to be performed under these specifications in excess of one-half of one percent (0.5%) of the prime Contractor's total bid or ten thousand dollars (\$10,000.00) whichever is greater. The prime Contractor shall list the portion of the work which will be done by such Subcontractor.

If the Contractor fails to specify a Subcontractor for any portion of the work to be performed under the Contract, the Contractor shall be deemed to have agreed to perform such portion itself, and the Contractor shall not be permitted to subcontract that portion of the work except under the conditions allowed by applicable law.

SUBCONTRACTOR (Name & Location)	PORTION OF WORK	ESTIMATED DOLLAR AMOUNT
CENTERLINE STRIPING KIK GROVE	STRIPING	8360 ⁰⁰

Martin Brothers Construction
Contractor's Name (Printed)

4-6-05
Date


Bidder's Signature
(same signature as on Bid Proposal)

Felipe Martin
Bidder's Name (Printed)

President
Bidder's Title

Traffic Calming Project 2004/05

(13 Speed Lumps, 8 Speed Humps, 2 Raised Crosswalks, 2 Speed Tables)

Contract No. 05-02

CITY OF RANCHO CORDOVA**EXPERIENCE/QUALIFICATIONS STATEMENT**

The Bidder has been engaged in the contracting business, under the present business name for nine years. Experience in work of a nature similar to that covered in the proposal extends over a period of nine + years.

The Bidder, as a Contractor, has never failed to satisfactorily complete a Contract awarded to it, except as follows:

The following contracts have been satisfactorily completed in the last three (3) years for the persons, firm or authority indicated, and to whom reference is made:

Year	Type of Work	Contract Amount	Owner/Agency for Whom Work was Performed
04	PAVING	584,000	CITY OF SAC
04	PAVING	864,000	CALTRANS
04	PAVING	1,200,000	CITY OF WEST SAC

The following is a list of plant and equipment owned by the Bidder, which is definitely available for use on the proposed work as required.

Quantity	Name, Type and Capacity	Condition	Location
	SEE ATTACHED LIST		

COPY AND ATTACH ADDITIONAL SHEETS AS NECESSARY

Martin Brothers Construction

Contractor's Name (Printed)

4-6-05
Date
Bidder's Signature
(same signature as on Bid Proposal)Felipe Martin
Bidder's Name (Printed)President
Bidder's Title (Printed)

Martin Brothers Construction, Inc.

Equip#	Description	Condition	Location
104	1995 FORD BRONCO	Good	Sacramento
107	1981 10 WHEEL DUMP TRUCK IHC	Good	Sacramento
108	1974 GMC Water Truck	Good	Sacramento
109	1992 FORD F350 Flatbed	Good	Sacramento
111	1989 GMC C30 Utility Truck	Good	Sacramento
118	1990 Dodge D350 Truck	Good	Sacramento
122	1995 FORD Water Truck	Good	Sacramento
125	1994 FORD Mechanics Truck	Good	Sacramento
128	1998 INT'L S4700 DUMP TRUCK	Good	Sacramento
129	2000 CHEVY 3500 FLATBED / MSG	Good	Sacramento
130	2000 Chevy Flatbed C3500	Good	Sacramento
132	2003 FORD F250	Good	Sacramento
133	1995 INTL IHC Water Truck	Good	Sacramento
135	1999 FORD F-250 Super Duty	Good	Sacramento
136	1999 FORD F-250 Super Duty	Good	Sacramento
137	1999 FORD F-450 4X4 Serv Trk	Good	Sacramento
138	1999 FORD F-150 1/2 TN 4x4	Good	Sacramento
139	1999 FORD F-150 1/2 TN	Good	Sacramento
140	2002 FORD F-550	Good	Sacramento
142	1999 Chevy Flatbed	Good	Sacramento
143	FORD F-250 XLT	Good	Sacramento
144	FORD F-350 Super Duty	Good	Sacramento
145	FORD F-350 Super Duty	Good	Sacramento
146	2002 Toyota Tundra	Good	Sacramento
147	1993 Intl Dump Truck	Good	Sacramento
148	Ford 10 Wheel Dump Truck	Good	Sacramento
149	2003 F-250 Super Duty	Good	Sacramento
150	1999 Ford F-250	Good	Sacramento
151	1998 Ford L8501	Good	Sacramento
201	1994 John Deere 210-C	Good	Sacramento
202	Barber Green SA-145 Paver	Good	Sacramento
205	FR-100	Good	Sacramento
211	DD24 Roller	Good	Sacramento
214	MS2 P/U Machine	Good	Sacramento
217	Ford/Tymco Sweeper	Good	Sacramento
220	GEHL SKID STEER LOADER	Good	Sacramento
221	Komatsu FG30SG11 Forklift	Good	Sacramento
222	1994 ELGN/Ford Broom	Good	Sacramento
223	SD110 Roller	Good	Sacramento
224	JD 310 E	Good	Sacramento
230	1980 CAT 623 B Elevating Scrap	Good	Sacramento
234	1992 HAMM RD ROLLER	Good	Sacramento
235	DD-65 IR Vib. Roller	Good	Sacramento
237	CAT 140H Motor Grader	Good	Sacramento
239	1996 IR DD110 Tandem Vibratory	Good	Sacramento

240	DD24 IR Roller SMth Drum 3-5TN	Good	Sacramento
241	Cedarapids Hot Mix Paver CR562	Good	Sacramento
242	2000 PC 220 Komatsu Excavator	Good	Sacramento
243	Tractor - Jacobsen	Good	Sacramento
244	Hyster C850B Vibratory Roller	Good	Sacramento
245	1999 IR DD90HF Vib Smo Roller	Good	Sacramento
246	Craftco EZ Pour 200 AC Sealer	Good	Sacramento
247	Lee Boy Paver	Good	Sacramento
301	ARROWBOARD	Good	Sacramento
302	2000 Gal. Emulsion Tank	Good	Sacramento
303	Wacker Vibra Plate	Good	Sacramento
305	185 CFM AIR COMP	Good	Sacramento
306	JUMPING JACK	Good	Sacramento
307	1990 LAY-MOR BROOM	Good	Sacramento
309	WELDER	Good	Sacramento
310	BILLY GOAT BLOWER	Good	Sacramento
311	TRAILER	Good	Sacramento
312	ASPHALT PLANER	Good	Sacramento
314	1993 TRAILER	Good	Sacramento
315	SMALL TRAILER	Good	Sacramento
317	1976 WISCON TRAILER 20 TON	Good	Sacramento
318	Concrete Saw/Walk Behind/Targe	Good	Sacramento
319	89 SKID TRAILER	Good	Sacramento
321	MULTIQUIP T364S PORTABLE	Good	Sacramento
323	1996 IR Compressor	Good	Sacramento
325	Adco Message Board	Good	Sacramento
326	Dynatec Hydraulic Compactor	Good	Sacramento
327	Light Towers	Good	Sacramento
328	Rammer - Multiquip MT76D	Good	Sacramento
329	Cut Off Saw TS400 - 14" STIHL	Good	Sacramento
330	2004 IR Air Compressor P185WJD	Good	Sacramento
331	1987 Trailer 40 ft. ASV402TG	Good	Sacramento
332	Large Diesel Rammer, Muti Quip	Good	Sacramento
333	Electric demolition Hammer 40#	Good	Sacramento
334	2000 1.5 TN 6 x 16 -CarTrailer	Good	Sacramento
335	Vib Plate Multiquip 3400 LB Im	Good	Sacramento
336	BOBCAT 225 NT, MILLER WELDER	Good	Sacramento
337	Vib Palte Multiquip 3400LB Imp	Good	Sacramento

Traffic Calming Project 2004/05

(13 Speed Lumps, 8 Speed Humps, 2 Raised Crosswalks, 2 Speed Tables)

Contract No. 05-02

Accompanying this proposal is Bidder's Bond
(Insert the words "CASH (\$ _____)," "CASHIER'S CHECK," or "BIDDER'S BOND," as the case may be.) in amount equal to at least ten percent (10%) of the total bid.

The names of all persons interested in the foregoing proposal as principals are as follows:

IMPORTANT NOTICE: If bidder or other interested person is a corporation, state legal name of corporation, also names of the president, secretary, treasurer, and manager thereof; if a co-partnership, state true name of firm, also names of all individual co-partners composing the firm; if bidder or other interested person is an individual, state first and last names in full.

MARTIN BROTHERS CONSTRUCTION - CORPORATION
FELIPE MARTIN - PRESIDENT

Licensed in accordance with an act providing for the registration of Contractors License No. 726454.

By my signature on this proposal I certify, under the Penalty of Perjury, that the foregoing Non-collusion affidavit and Contractor's License Certification along with all other statements in this proposal are true and correct.

Date: 4-6-05

MARTIN BROTHERS CONSTRUCTION

FELIPE MARTIN, PRESIDENT

Signature(s) of Bidder

Business Address: 3174 Lugung DR. Ste #3, Rancho Cordova, CA 95742

Place of Business: Rancho Cordova, CA

Place of Residence: Sacramento, CA

ADDENDUM 1 NOTED

**MINORITY AND WOMEN'S BUSINESS ENTERPRISE
GUIDELINES FOR HUD FUNDED PROJECTS WITH SUBCONTRACTING OPPORTUNITIES**

Revised on September 12, 2003

The Sacramento Housing and Redevelopment Agency ("SHRA or Agency") is a joint powers authority governed by the Sacramento City Council and Sacramento County Board of Supervisors. SHRA was established in 1973 to be the public developer for the City and County of Sacramento, using market forces to rebuild blighted neighborhoods, provide access to decent housing for low income residents, and to create opportunities for employment and self sufficiency. Additionally, SHRA is the local housing authority and maintains a housing stock of over 3,632 units and is involved in many public works projects throughout the county. All this activity creates many contracting opportunities for area businesses.

SHRA is committed to offering contracting opportunities to area firms. And as a major recipient of federal funds, the Agency further makes these opportunities available to businesses owned by low-income residents and minority or women owned businesses.

This guide is designed to help bidders and others conduct outreach to minority/women's business enterprises (M/WBE) as required by federal regulations. The Agency's commitment to this process also means that we are always available to help bidders and community members realize contracting opportunities. We may be contacted at the numbers provided in the Helpful Resources section of this document.

I. M/WBE PROGRAM REQUIREMENTS

This project is subject to the Minority Business Enterprise ("MBE") and Women's Business Enterprise ("WBE") requirements under the U.S Department of Housing and Urban Development. Depending on the type of project and funding source, the specific federal requirements are found at 24 CFR 85.36(e) or at 24 CFR 84.44(b).

II. CERTIFICATION

A MBE or WBE designated in the bid must, upon request, certify that the firm is owned and controlled by a woman or women or a member of a minority group or groups. The Agency can provide a declaration statement that meets our certification requirements. A firm may also complete a Bidder's Application to certify.

III. DEMONSTRATING GOOD FAITH EFFORTS

All items, unless noted otherwise, must be submitted with the bid. The bidder has the responsibility of demonstrating that its efforts were reasonably designed to maximize the use of minority and women's businesses.

These Guidelines include forms to be used by each bidder to demonstrate program compliance. Bidders must demonstrate their efforts to comply with M/WBE requirements by submitting all supporting documentation with the bid, or the bid will be considered non-responsive.

The following activities and submittals demonstrate Good Faith Efforts:

- A. Pre-Bid Meeting. Attend pre-bid/proposal conference if one is held for the project.
- B. List of Subcontractors and Suppliers. Provide a list of subcontractors and suppliers for this project indicating which firms are M/WBEs and their approximate contract amounts. Utilize form named "List of Designated

Subcontractors" (Form I) and submit it with your bid. If no subcontracting opportunities exist, mark the "no subcontracting" box and submit the form with your bid.

- C. **SHRA Outreach List.** The Agency will provide a project specific list of vendors, contractors and suppliers that include M/WBE firms. This outreach list includes areas to record your good faith results. Printed mailing labels are also available. Further outreach undertaken by the bidder may be recorded in the spaces provided.

Any firm interested in participating in the SHRA Outreach List may do so by completing a Bidder's Application available from Procurement Services.

Bidders may utilize their own list/sources to demonstrate their efforts to satisfy M/WBE requirements. Bidders may use Form II, Outreach Contact Log, to record their results.

Submit the completed list or contact sheet with the bid.

IV. HELPFUL RESOURCES

M/WBE Coordinator

Sacramento Housing and Redevelopment Agency (SHRA)
Procurement Manager
320 Commerce Circle
Sacramento, CA 95815
Telephone: 916/566-1200 Fax: 916/927-6963
www.shra.org

City of Sacramento

Administrative Services Department

Office of Small Business Development (OSBD)
921 10th Street, Room 402
Sacramento, CA 95814-2714
Telephone: 916/264-6747 Fax: 916/264-6765
www.cityofsacramento.org/esbd

V. M/WBE REQUIREMENTS OF SUCCESSFUL BIDDER

- A. **M/WBE Records.** The selected contractor shall maintain records of all subcontracts and materials purchases with M/WBE subcontractors and suppliers. Such records shall show the name and business address of every M/WBE subcontractor or vendor/supplier and the total dollar amount actually paid to each M/WBE firm.

Upon completion of the contract, a summary of these records shall be prepared, certified correct by the contractor or authorized representative and, upon request, furnished to the Agency.

- B. **Reporting Requirements and Sanctions.** Failure to provide specific information, records, reports, certifications, or any other documents required for compliance with these specifications shall be considered noncompliance with the contract.
- C. **Subcontracting.** No substitution of subcontractor, whether M/WBE or otherwise, shall be made at any time without the written consent of the Agency. If a subcontractor is unable to perform successfully and is to be replaced, the contractor will be required to make good faith efforts to replace the original subcontractor.
- D. The "Subletting and Subcontracting Fair Practices Act" (Public Contracts Code Section 4100-4113, inclusive), with regard to public works requires subcontractors, if used for such work, to be listed in the prime contractor's proposal prohibits the substitution of subcontractors, except as therein authorized; and provides for penalties for violations of the Act. Bidders are cautioned that this listing requirement is in addition to the requirement to provide a list with the proposals.

M/WBE OUTREACH LIST OF DESIGNATED SUBCONTRACTORS

(INCLUDING SUPPLIERS)

Contract No: 05-02 Project Name: Traffic Calming Project 0489 Date: 4-6-05 Total Bid Amount: 137,775⁰⁰

Prime Contractor: MARTIN BROTHERS CONSTRUCTION Address: 3174 LUYING DR. STC#3, RANCHO CORDOVA, CA 95742

Phone No.: (916) 852-1911 Fax Number: (916) 852-1611 E-mail Address: philmb@sbcglobal.net MBE/WBE:

Fed. I.D. No.: 68-0377885 Contractor License No.: 726454 License Type: A

Subcontractor Name/Address Telephone Number	Description of Work by Subcontractor	Subcontract Amount	Subcontractor's State Contractor's License Number	M/WBE Category
MARTIN BROTHERS CONSTRUCTION - (916) 852-1911 3174 LUYING DR. STC#3 RANCHO CORDOVA, CA 95742	PRIME		726454	MBE

☐ No subcontracting. All work to be completed by bidder.

The undersigned bidder hereby gives assurance that if contract is awarded to bidder, subcontractor participation will be in the approximate amounts stated above. Bidder further assures that no subcontractor and/or supplier may be deleted, or changed without the express written approval of the Agency.

In accordance with Section 4101 to Section 4107, inclusive, of the Government Code of the State of California, as amended, the above information is submitted concerning subcontractors.

THIS FORM MUST BE SUBMITTED WITH BID

Return to:
SHRA - Community Development
600 I Street, Suite 250
Sacramento, CA 95814



Signature of Contractor/Title

Attach additional sheets if necessary.

M/WBE OUTREACH CONTACT LOG

M/WBE'S Contacted (Include Name of Business, Address, Phone, Name of Contact Person)	Date Notified	How Notified*						Bid	If Rejected Give Reason	Efforts to Remedy Deficiency in Sub-Bid (Assistance in referring for bonding or insurance for increasing work force, etc.)
		(Direct mail, phone, etc)	Yes	No	Amount	Accepted	Rejected			

- Attach copies of solicitation sent and responses received. (Submit with the bid.)

BIDDER'S SIGNATURE: _____

THIS FORM MUST BE SUBMITTED WITH BID

Return to:

SHRA - Community Development
600 I Street, Suite 250
Sacramento, CA 95814

3/1/04 02/03/04

1. List Trades involved in this Contract:

2. List work to be done in house:

3. State how the work was divided into economically feasible units to facilitate using MBE's and WBE's:

A. Was the work divided into all the individual subtrades? / If not, then why?

B. Was the work divided into separate material and services? / If so, then list them:

4. What information about the work items was provided to M/WBEs? e.g. copies of plans, specifications, subcontracting requirements, etc. *(Provide copies of correspondence or description of information sent to MBEs/WBEs.)*

M/WBE QUESTIONNAIRE

5. What assistance was requested and received from M/WBE referral agencies? e.g. community organizations, M/WBE contractor groups, public agencies, etc. *(Provide the names and dates of all referral agencies contacted.)*

6. What assistance was offered or provided to M/WBEs? e.g. meeting insurance and bonding requirements, obtaining lines of credit, becoming recognized as an M/WBE, opportunity to review plans and specifications, etc.

7. State anything else that you would like to add in support of your demonstration of good faith efforts.

AFFIDAVIT

The undersigned hereby declares under penalty of perjury under the Laws of the State of California that the foregoing statements on this questionnaire are true and correct.

I acknowledge that any misrepresentation of a material fact in said statements may be grounds for initiating action under Federal or State laws and for rejecting the bid.

Bidder's Signature:

Date:

County where signed:

Return to:
SHRA - Community Development
600 I Street, Suite 250
Sacramento, CA 95814

The purpose or goal of Section 3 is to either provide training, employment, and/or contracting opportunities to eligible low-income residents to the "greatest extent feasible."

The minimum dollar amounts for triggering Section 3 in CDBG construction /construction related projects are: Total project- construction activities, \$200,000 or greater; or sub-contracted projects - single contract, \$100,000 or greater

New Hire Questionnaire (2004)

Contractor/firm: _____ Project Name: _____ Number: _____

Note to employer: Use this form as part of your new hire process. You may send this form to Compliance Services by mail or fax. It is due one week after hire.

Questionnaire

Your employer is required to furnish the following information in complying with the terms of the contract for this project. All information you provide will be **confidential** and will be used to prepare statistical reports. Your responses will not affect your employment situation. Please complete all requested information and return this form to your employer.

1. New Hire

First Name: _____ Middle Initial: _____ Last Name: _____
Street Address: _____ City: _____ Phone: _____
State: _____ Zip Code: _____ Job Title: _____
Ethnic Code: _____ (1=White, Caucasian; 2=Black, African American; 3= Native American; 4= Hispanic;
5= Asian, Pacific Islander; 0=Other) Sex: _____ Male _____ Female

2. **Income before taking this job.** We need to know the economic impact this job has on the community. Please review the chart below, match your household size (include yourself) with the **maximum** household income; then, place a checkmark next to the category type (A, B or C) that applies to your household.

Category A								
Household Size								
Maximum income	1	2	3	4	5	6	7	8
	\$22,450	\$25,650	\$28,850	\$32,050	\$34,600	\$37,200	\$39,750	\$42,300
Category B								
Household Size								
At least	1	2	3	4	5	6	7	8
But no	\$22,450	\$25,650	\$28,850	\$29,900	\$32,050	\$37,200	\$39,750	\$42,300
more	\$35,900	\$41,000	\$46,150	\$47,850	\$51,300	\$59,500	\$63,600	\$67,700
than								

Category C = exceeds the maximum of Category B

For example, suppose your household size is 3 and the total annual household income was \$29,000. From the chart the income was above the maximum for type A for a family of 3 (\$28,850), but less than maximum for B (\$46,150) for a family of 3. You would checkmark B.

Mark one category: A _____; B _____; C _____.

2. **Job Source:** how did you find about this job? referred by: _____; recruited by: _____ other: _____.

4. Statement

I declare that the above is true and correct to the best of my knowledge.

Your signature: _____ Date: _____

Feel free to contact us should you have any questions. Thank you.

Sacramento Housing and Redevelopment Agency
320 Commerce Circle
Sacramento CA 95815 (916) 566-1200 FAX: (916) 927-6963

Return to:
SHRA - Community Development
600 I Street, Suite 250
Sacramento, CA 95814

NOTICE

(SECTION 00841-3 – NOTICE-POSTER)

The contractor and subcontractor(s), if any, are committed to making employment and business opportunities available to residents and businesses in this community. This construction project may provide such opportunities.

If you have the skills and are interested in a construction or construction-related job or are in a business in which the contractor may be interested in, please contact:

contractor (business card/label)

or,

the Sacramento Housing and Redevelopment Agency, at 566-1200.

The contractor is an equal opportunity employer.

The above statement is a solicitation for interest in employment and contracting opportunities. It is not intended as a job or contracting offer.

This notice complies with the SHRA Section 3 Policy and 24 CFR 135.38 (c).

Sacramento Housing and Redevelopment Agency, Compliance Services, 320 Commerce Circle, Sacramento, CA 95815

Staff Report



Date: April 18, 2005

To: Honorable City Council

From: Adam Lindgren, Assistant City Attorney

Subject: A Resolution Creating Special Tax Area Zone 26 and an Ordinance Establishing a Special Tax for Police Protection Services for the Capital Village Subdivision, Owned by Beazer Homes; RC 04-123

RECOMMENDATION

Staff recommends that the City Council adopt the attached resolution, and waive the first reading and introduce the attached ordinance.

DISCUSSION

The City has determined that the cost of providing City law enforcement services will exceed existing municipal revenues. Government Code section 53978 provides a statutory basis for the adoption of a special tax for police services. The City Council adopted Resolution No. 30-2003 at the July 1, 2003 City Council meeting providing for a special tax for police services to be imposed upon new development within the City. Pursuant to that resolution, a property owner must approve a special tax on the parcels within a subdivision as a condition of approval by the City. The City Council must then adopt a resolution establishing a zone including the subdivision and an ordinance creating the special tax.

For the Capital Village project, a subdivision map and related documents have been submitted for City approval and the developer has agreed to the special tax. Beazer Homes is the current owner of the approximately 117-acre mixed-use development, with 827 residential units. The project includes approximately 250,000 square feet of commercial and mixed-use on 27.6 acres; 571 single family homes on 56 acres; 222 town homes on 15.6 acres; 43 live-work units on 4.2 acres; 6.8 acres of parks; 1.9 acres of open space; 4.9 acres of landscape corridors.

The City Council, on March 21, 2005, approved the tentative subdivision map and a general plan amendment for the development (via Resolution No. 35-2005). The police tax requirement was made a condition of approval of the map approval. This item will establish Tax Area Zone No. 26, the boundaries of which will be contiguous to the boundaries of the Capital Village subdivision. In addition to creating the special tax,

the ordinance will also set the date for the police tax election, which will be held on June 6, 2005, at which time the ballot(s) will be tabulated by the City, and the results declared at the City Council meeting.

MOTION

"I move that the City Council adopt the attached resolution, and waive the first reading and introduce the attached ordinance."

ATTACHMENTS

1. Resolution Creating Special Tax Area Zone 26
2. Ordinance Establishing a Special Tax for Police Protection Subject to Voter Approval within the Capital Village Subdivision

CITY OF RANCHO CORDOVA

RESOLUTION NO. 49 - 2005

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
CREATING SPECIAL TAX AREA ZONE 26
WITHIN THE RANCHO CORDOVA SPECIAL POLICE TAX AREA
FOR THE CAPITAL VILLAGE SUBDIVISION**

WHEREAS, it is the intention of the City Council to create Zone 26 within the City of Rancho Cordova Special Police Tax Area and authorize an election; and

WHEREAS, it is the intention of the City Council to adopt an ordinance establishing a special tax for police services within Zone 26; and

WHEREAS, the City recognizes the need for increased police protection services in Zone 26 and the difficulty of funding the current or increased level of services with revenues now available; and

WHEREAS, it is the intention of the City Council to direct the City Clerk to conduct the election required by Government Code section 53978, to be conducted by mail ballot pursuant to Elections Code Section 4000 and to be held on the earliest date permitted by law; and

WHEREAS, the Capital Village tentative subdivision map was approved by the City on March 21, 2005. The approval allowed subdivision of a 117-acre mixed-use development with 836 residential units. The project includes approximately 250,000 square feet of commercial and mixed-use on 27.6 acres; 571 single family homes on 56 acres; 222 townhomes on 15.6 acres; 43 live-work units on 4.2 acres; 6.8 acres of parks; 1.9 acres of open space; 4.9 acres of landscape corridors; and

WHEREAS, the property owner has agreed to participate in the provision of funding to maintain and augment police services by voting to approve a special tax for the lots created by the approval. The initial tax is to be \$ 251 annually per single-family residential parcel or residential parcel equivalent, and fifteen cents (\$0.15) for each square foot of gross parcel area of non-residential (excluding recreational and agricultural uses). Multi-family residential units on a single parcel shall be assessed on a proportionately equivalent basis (e.g., a two-unit attached housing structure, such as a duplex, would be deemed to consist of two residential parcels for purposes of the police tax); and

WHEREAS, this Resolution is adopted pursuant to Government Code section 53978; and

WHEREAS, under Government Code section 53978 and for the purposes of this Resolution, a "voter" entitled to vote on the creation of Zone 26 is a person who owns real property within Zone 26 at the time Ordinance No. 10-2005 is adopted, as shown on the last equalized assessment role prepared by the Sacramento County Assessor's Office.

NOW, THEREFORE, be it resolved as follows:

1. That portion of the City of Rancho Cordova described in Exhibit A is established as Zone 26 of the Rancho Cordova Special Police Tax Area.

2. That Ordinance No. 10-2005 adopted this date is to be presented for approval of the voters of Zone 26 by a mail ballot election, to be held on June 6, 2005. The ballot proposition shall read as follows:

“Shall Ordinance No. 10-2005 of the City Council of the City of Rancho Cordova be approved so as to authorize a special tax on property located in Zone 26 of the Rancho Cordova Special Police Tax Area to maintain the present level of police protection service and provide additional funding for increased police protection service?”

3. The City Clerk is directed to take all steps necessary to conduct the election required by this order. Said election shall be conducted by mailed ballot pursuant to Elections Code Section 4000 and shall be held on a date other than the same date as a statewide direct primary election on statewide general election as specified above.

ADOPTED, THIS 18th day of April, 2005, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

Ken Cooley, Mayor

ATTEST:

Lillian E. Hare, City Clerk

EXHIBIT A

Description of Property

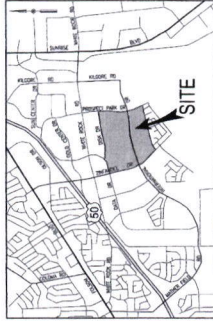
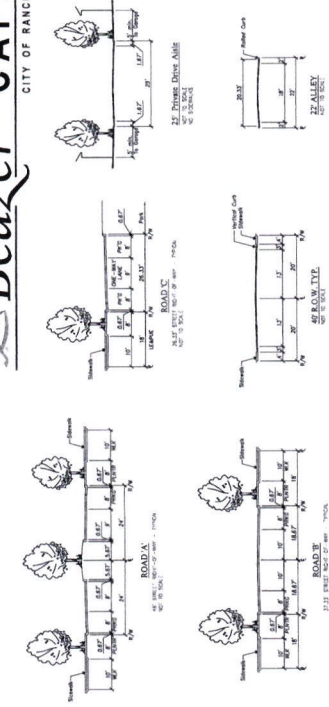
The land referred to herein is situated in the State of California, County of Sacramento, City of Rancho Cordova, and is described as follows:

Parcels 47 through 58 and 70 through 74 inclusive as shown on that certain Parcel Map entitled "Capital Center II" filed April 10, 1986, in Book 93 of Parcel Maps, Page 7, Sacramento County Records.

APN's: 072-0680-010 through 072-0680-021
 072-0680-034 through 072-0680-038

EXHIBIT B

Map of Property



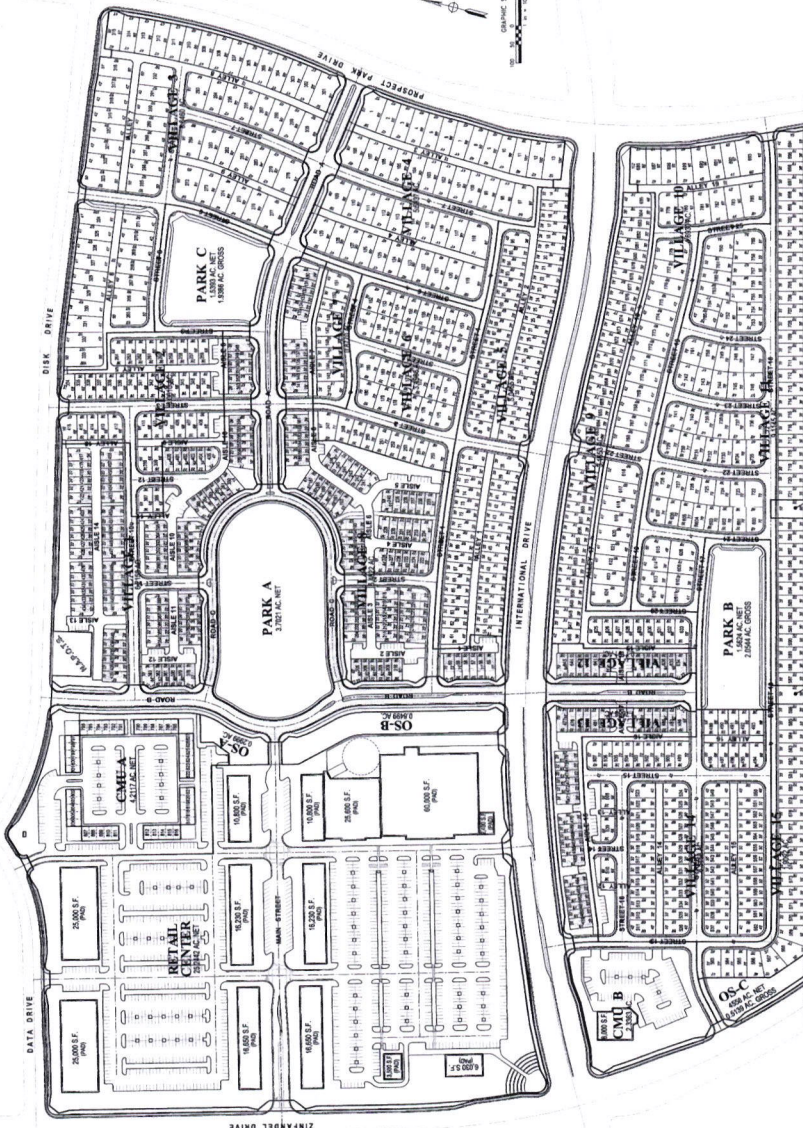
VICINITY MAP

OWNER	EXISTING ZONING
1. [Name]	[Zoning]
2. [Name]	[Zoning]
3. [Name]	[Zoning]
4. [Name]	[Zoning]
5. [Name]	[Zoning]
6. [Name]	[Zoning]
7. [Name]	[Zoning]
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100. [Name]	[Zoning]

[illegible]

	LAND (AC)	LAND BUILDING (\$)	LAND-BUILDING RATIO	PARKING REQD (STALLS)	PARKING PROVIDED (STALLS)
PHASE I	18.7779	144,494	4.13	843.1	828
PHASE II	6.6562	50,000	6.31	228.7	211
CHU. A	1.8771	54,400	3.21	111.7	203
CHU. B	2.3563	8,000	13.84	86.7	125
TOTAL	29.4715	266,000	12.41	1,310	1,447

1. Required parking based on 4.5 Spaces for every 1000 sf of gross floor area.
2. Includes 31 Retail Units of the 43 Low/Medium Product.
3. Estimated at 1 stall required for every 100 sf of gross floor area.
4. _____ spaces provided per 1000 sf of gross floor area.

[illegible]

CITY OF RANCHO CORDOVA

ORDINANCE NO. 10-2005

**AN ORDINANCE OF THE CITY OF RANCHO CORDOVA
ESTABLISHING A SPECIAL TAX FOR POLICE PROTECTION
SUBJECT TO VOTER CONFIRMATION
FOR THE CAPITAL VILLAGE SUBDIVISION**

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

Section 1. Purpose, Intent and Authority.

It is of critical importance to the City Council of the City of Rancho Cordova that residents of the City be provided with high quality police services. In carefully reviewing the City's preincorporation Comprehensive Fiscal Analysis (CFA) with the Sheriff's Department, it has become clear to City staff that the City budget does not contain adequate funding to assure the continued delivery of adequate high quality law enforcement services unless additional revenues are obtained.

It is the purpose and intent of this Ordinance to generate additional funds to pay for police services by authorizing the levy of a tax on improved parcels of real property on the secured property tax roll of Sacramento County that are within Zone 26 of the Rancho Cordova Special Police Tax Area.

This tax is a special tax within the meaning of Section 4 of the Article XIII A of the California Constitution. Because the burden of this tax falls upon property, this tax also is a property tax, but this tax is not determined according to nor in any manner based upon the value of property; this tax is levied on a parcel and use of property basis. Insofar as not inconsistent with this Ordinance or with legislation authorizing special taxes and insofar as applicable to a property tax that is not based on value, such provisions of the California Revenue and Taxation Code and of Article XIII of the California Constitution as relate to ad valorem property taxes are intended to apply to the collection and administration of this tax (Section 4 of this Ordinance), as authorized by law.

The revenues raised by this tax are to be used solely for the purposes of obtaining, furnishing, operating, and maintaining police protection equipment or apparatus, for paying the salaries and benefits of police protection personnel, and for such other police protection service expenses as are deemed necessary for the benefit of the residents of Zone 26.

This Ordinance is enacted pursuant to the authority of Government Code Section 53978.

Section 2. Definitions.

The following definitions shall apply throughout this Ordinance.

A. "Constant first year dollars" shall mean an actual dollar amount which, in years subsequent to the first fiscal year the tax is levied, shall have the same purchasing price as the base amount in first fiscal year dollars as measured by the Consumer Price Index. The base amount shall be the amount of tax per parcel as specified in Section 3.A herein. The adjustments from actual to constant dollars shall be made by use of the Consumer Price Index, as specified in Section 3.B herein.

B. "Consumer Price Index" means the Consumer Price Index for all Urban Consumers (CPI-U) for the San Francisco-Oakland-San Jose Area as published by the U.S. Department of Labor, Bureau of Labor Statistics. If the Consumer Price Index is discontinued or revised, such other government index or computation with which it is replaced shall be used in order to obtain substantially the same result as would be obtained if the Consumer Price Index had not been discontinued or revised.

C. "Fiscal year" means the period of July 1 through the following June 30.

D. "Rancho Cordova Special Police Tax Area" means all the properties within the jurisdictional limits of the City of Rancho Cordova.

E. "Rancho Cordova Special Police Tax Area Zone 26" ("Zone 26") means that portion of the incorporated area of the City of Rancho Cordova located within the boundaries described in Exhibit A hereto and as shown on the map Exhibit B hereto.

F. "Parcel" means the land and any improvements thereon, designated by an assessor's parcel map and parcel number and carried on the secured property tax roll of Sacramento County. For the purposes of this Ordinance, parcel does not include any land or improvements outside of the boundaries of Zone 26 nor any land or improvements owned by any governmental entity.

G. Pursuant to Government Code §53978, "voter" means a person owning real property within Zone 26 at the time this Ordinance was adopted, as shown on the last equalized assessment roll prepared by the Sacramento County Assessor's Office.

Section 3. Amount and Level of Taxes.

The tax per year on each parcel in Zone 26 shall not exceed the amount applicable to the parcel, as specified below.

A. For First Fiscal Year:

The tax shall be assessed on a residential parcel within Zone 26 in the first fiscal year after a residential building permit has been issued for the parcel. The tax per year for the first fiscal year shall be the amount of Tax per Parcel for the Land Use Code Category as set forth on Exhibit C hereto. The use code assigned to each parcel shall be reviewed and updated periodically.

B. For Subsequent Fiscal Year:

In order to keep the tax on each parcel in constant first year dollars for each fiscal year subsequent to the first fiscal year, the tax per year shall be adjusted as set forth below to reflect any increase in the Consumer Price Index beyond the first fiscal year the tax is levied.

In June or July of each year, City Council shall determine the amount of taxes to be levied upon the parcels in Zone 26 for the then current fiscal year, as set forth below.

For each Land Use Code Category on Exhibit C, the tax per year on each parcel for each fiscal year subsequent to the first fiscal year shall be an amount determined as follows:

$$\begin{array}{rclcl} \text{Tax per Parcel} & & & & \text{Consumer Price Index} \\ \text{for then Current} & = & \text{Tax per Parcel} & \times & \text{for the Period from April of} \\ \text{Fiscal Year} & & \text{for Immediately} & & \text{Immediately Preceding Fiscal} \\ & & \text{Preceding} & & \text{to April of then Current Fiscal} \\ & & \text{Fiscal Year} & & \text{Year} \end{array}$$

Provided, however, that in no event shall the tax per parcel for any fiscal year be less than the amount established for the first fiscal year.

The taxes levied on each parcel pursuant to this Article shall be a charge upon the parcel and shall be due and collectible as set forth in Section 4, below.

Section 4. Collection and Administration.

A. Taxes as Liens Against the Property.

The amount of taxes for each parcel each year shall constitute a lien on such property, in accordance with Revenue and Taxation Code Section 2187, and shall have the same effect as an ad valorem real property tax lien until fully paid.

B. Collection.

The taxes on each parcel shall be billed on the secured roll tax bills for ad valorem property taxes and are to be collected in the same manner in which Sacramento County collects secured roll ad valorem property taxes. Insofar as feasible and insofar as not inconsistent with this Ordinance, the times and procedure regarding exceptions, due dates, installment payments, corrections, cancellations, refunds, late payments, penalties, liens, and collections for secured roll ad valorem property taxes shall be applicable to the collection of this tax. Notwithstanding anything to the contrary in the foregoing, as to this tax:

- i) The secured roll tax bills shall be the only notices required for this tax, and

- ii) The homeowners and veterans exemptions shall not be applicable because such exemptions are determined by dollar amount of value.

C. Costs of Administration by County.

The reasonable costs incurred by the County officers collecting and administering this tax shall be deducted from the collected taxes.

Section 5. Severability Clause.

If any article, section, subsection, sentence, phrase or clause of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The voters of Zone 26 hereby declare that they would have adopted the remainder of this Ordinance, including each article, section, subsection, sentenced phrase or clause, irrespective of the invalidity of any other article, section, subsection, sentence, phrase or clause.

Section 6. Effective Date and Posting.

This Ordinance shall take effect immediately upon its confirmation by two-thirds of the voters voting within Zone 26 in an election to be held on June 6, 2005, so that taxes shall first be collected hereunder for the tax year beginning July 1, 2005.

ADOPTED, THIS ____ day of _____, 2005 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

MAYOR

ATTEST:

CITY CLERK

EXHIBIT A

Description of Property

The land referred to herein is situated in the State of California, County of Sacramento, City of Rancho Cordova, and is described as follows:

Parcels 47 through 58 and 70 through 74 inclusive as shown on that certain Parcel Map entitled "Capital Center II" filed April 10, 1986, in Book 93 of Parcel Maps, Page 7, Sacramento County Records.

APN's: 072-0680-010 through 072-0680-021
 072-0680-034 through 072-0680-038

EXHIBIT B

Map of Property

EXHIBIT C

Amount of Tax per Parcel by Land Use Category

A. Residential Dwelling Units

The amount of Tax per Parcel for all residential dwelling Land Use Code Categories shall be \$251 for each residential dwelling unit. (Multi-family residential units on a single parcel shall be assessed on a proportionately equivalent basis (e.g., a two-unit attached housing structure, such as a duplex, would be deemed to consist of two residential parcels for purposes of the police tax)).

B. Non-Residential

The amount of Tax per Parcel for all Non-Residential Land Use Categories (except Recreational and Agricultural) shall be \$.015 for each square foot of gross parcel area.

MEMORANDUM

DATE: April 18, 2005
TO: Mayor and Council Members
FROM: Cyrus Abhar, Public Works Director *CA*
SUBJECT: **EXTENSION OF INTERIM TRAFFIC IMPACT MITIGATION FEE
PUBLIC HEARING**



RECOMMENDATION

Staff recommends that the City Council adopt Resolution No. 48-2005 to approve the second 30-day extension of Urgency Resolution No. 30-2005 to continue the Interim Traffic Impact Mitigation Fee in full force and effect until May 23, 2005. Without the extension, the fee increase will expire on April 23, 2005.

BACKGROUND

On February 22, 2005 the City Council enacted Urgency Resolution No. 30-2005 which established an interim Traffic Impact Mitigation Fee applicable to new commercial and residential developments in the City. On March 21, 2005 the Council held a public hearing and adopted Resolution No. 40-2005 extending the authorization of the interim fee for an additional 30 days. **Resolution No. 48-2005** attached extends the authorization of the interim fee for another 30 days.

The City continues to work with PSOMAS and Revenue & Cost Specialists to develop a Citywide Capital Improvement Program (CIP) and a corresponding Nexus Study to identify and evaluate the City's overall infrastructure needs for roadway and pedestrian improvements which will be used to establish a permanent Traffic Impact Mitigation Fee.

Attachment(s):

1. Resolution No. 48-2005 Extending the Authorization for an Interim Traffic Impact Mitigation Fee for 30 Days

CITY OF RANCHO CORDOVA

RESOLUTION NO. 48-2005

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
EXTENDING THE AUTHORIZATION FOR AN INTERIM TRAFFIC IMPACT
MITIGATION FEE FOR 30 DAYS**

WHEREAS, the City Council enacted Urgency Resolution No. 30-2005 on February 22, 2005, which established an interim Traffic Impact Mitigation Fee applicable to new commercial and residential developments in the City; and

WHEREAS, the City Council found the adoption of the interim Traffic Impact Mitigation Fee was necessary to protect the public health, safety, and welfare, because the City's existing roadway and transit development fee was based on an outdated Sacramento County ordinance and decade-old cost estimates, which left the City with insufficient funding to pay for the roadway, bicycle and pedestrian improvements needed to offset the impacts of new development; and

WHEREAS, Urgency Resolution No. 30-2005 was set to expire on March 24, 2005, by operation of law pursuant to Gov. Code Section 66017(b); and

WHEREAS, the City Council held a public hearing and adopted Resolution No. 40-2005 on March 21, 2005, which extended Urgency Resolution No. 30-2005 for an additional 30 days; and

WHEREAS, the City Council now desires to enact the second, 30-day extension of Urgency Resolution No. 30-2005 while the establishment of a permanent Traffic Impact Mitigation Fee is being studied; and

WHEREAS, Section 2 of Urgency Resolution No. 30-2005 sets forth an adjustment mechanism that will allow fees paid by project applicants under the Urgency Resolution to be adjusted should the permanent Traffic Impact Mitigation Fees later adopted by the City Council differ from the interim Traffic Impact Mitigation Fees shown in Exhibit A; and

WHEREAS, the City published a public notice and held a hearing on April 18, 2005, to receive public comments on the proposed Urgency Resolution extension.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA DOES HEREBY RESOLVE AS FOLLOWS:

1. To approve the extension of Urgency Resolution No. 30-2005 and continue the Interim Traffic Impact Mitigation Fee amounts shown on Exhibit A in full force and effect until May 23, 2005, which is 30 days from the pending expiration date of April 23, 2005; and

2. To find that extension of Urgency Resolution No. 30-2005 is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15273 because the Urgency Resolution involves the establishment of a public agency fee for the purpose of obtaining funds for capital projects that will offset traffic-related development impacts within the City's existing service area.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the 18th day of April, 2005.

AYES:

NOES:

ABSENT:

ABSTAIN:

Ken Cooley, Mayor

ATTEST:

Lillian E. Hare, City Clerk

EXHIBIT A

CITY OF RANCHO CORDOVA

INTERIM TRAFFIC IMPACT MITIGATION FEE

L A N D U S E T Y P E

	SFR Unit	MFR Unit	COMM'L SF	BP-Office SF	Industrial SF	IND-OFF SF	Churches SF	Private Schools Student	Mini Storage SF	Gas Stations Pump	Convalesc. Hospitals Bed	Child Care Centers SF	Care Facilities Suite/Room	Stadiums Seat	Utility Buildings SF	Golf Courses Hole
Roadway	\$4,400.00	\$3,328.00	\$12.83	\$10.26	\$3.50	\$7.43	\$4.40	\$772.00	\$3.50	\$20,077.00	\$1,097.00	\$2.22	\$1,666.00	\$142.00	\$0.36	\$26,675.00
Transit	\$175.00	\$356.00	\$0.77	\$0.70	\$0.16	\$0.45	\$0.18	\$33.00	\$0.16	\$0.00	\$117.00	\$0.09	\$178.00	\$6.59	\$0.02	\$1,318.00
Adm.(2%)	\$91.50	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***

Interim fees based on the rates established for District 3 and shall apply to all new development in the City of Rancho Cordova.

*** 2% of Roadway and Transit Fee

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MEMORANDUM

DATE: April 18, 2005
TO: Mayor and Council Members
FROM: Kathleen Franklin, Assistant Planner
SUBJECT: TERRA LOMA REZONE, TENTATIVE SUBDIVISION MAP, SPECIAL DEVELOPMENT PERMIT AND DESIGN REVIEW

**OWNER / APPLICANT:**

D & S Development, Inc.
Bay Miry
10115 Folsom Blvd. #102
Rancho Cordova, CA 95670

REPRESENTATIVE:

D & S Development, Inc.
Bay Miry
10115 Folsom Blvd. #102
Rancho Cordova, CA 95670

PROJECT: Terra Loma Rezone, Tentative Subdivision Map, Special Development Permit and Design Review
FILE: RC-04-140
LOCATION: Terra Loma Drive
APN: 075-0033-017
PLANNER: Kathleen Franklin, Assistant Planner

REQUEST

- Rezone from General Commercial to RD-30, Tentative Subdivision Map for 11 single-family residential lots and one common ownership lot (Lot A), Special Development Permit to allow reductions in set-backs, and Design Review for 11 single-family residential units.

PLANNING COMMISSION RECOMMENDATION

Planning Commission forwards a recommendation to the City Council to find the environmental document, prepared in compliance with the California Environmental Quality Act (CEQA), adequate and complete and adopt the Mitigated Negative Declaration; adopt Ordinance No. 9-2005 approving the Rezone; and adopt Resolution No. 44-2005 approving the Tentative Subdivision Map, Special Development Permit and Design Review for Terra Loma Subdivision, RC-04-140, subject to the attached Findings, Evidence, Design Review Package and Conditions of Approval.

10 Terra Loma Subdivision RC-04-140
Rezone, Tentative Subdivision Map,
Special Development Permit, Design Review

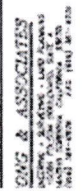


FIGURE 2 – ZONING EXHIBIT



EXISTING ZONING

CURRENT PROPERTY ZONE:
GENERAL COMMERCIAL (GC)



PROPOSED ZONING

PROPOSED PROPERTY ZONE:
RESIDENTIAL DISTRICT 30 (RD30)

ANALYSIS

The applicant has submitted a Tentative Subdivision Map for a 12 lot residential subdivision on Terra Loma Drive within the General Commercial zoning. The General Commercial zoning does not allow residential development so the applicant is requesting the project site be rezoned to RD-30. The 11 unit single-family project proposes a town-house orientation within a gated complex served by a private driveway. There is an additional lot (Lot A) which will encompass the common open space and driveway. The site is bounded on the south by commercial development which fronts on Folsom Blvd. and on the north by multi-family residential. It is staff's belief that this in-fill project use will blend with the surrounding neighborhood. It is the hope of staff and the applicant that this project will be an asset to the area and will help to stimulate additional building of the same type within the bordering neighborhoods. The surrounding commercial sites have not performed well historically and the proposed project could be viewed as a beginning to change the look and feel of the neighborhood. Although the project site itself is small for a single family residential subdivision, the innovative design by the applicant will create a housing product that will provide reasonably priced single-family home ownership. The project site is in close proximity to a bus stop that connects to light-rail, creating a transit-oriented housing product.

A Home Owner's Association will be created to manage the common landscape areas and the private street/driveway. Although the project is similar to a condominium project, there is a key distinction and that is a condo separates the living space from the ground and the whole parcel is owned by the association; this project is proposing a subdivision map where the land and residential units will be individually owned and only the walkways and drive aisle will be held in common by the association.

In accordance with the Land Use Element of the City's General Plan, Table III.5, Interim Zoning Consistency Matrix, a General Plan Amendment is not necessary for this project. The property is currently zoned commercial and will be rezoned to a multi-family residential use. The language in the "Matrix" states that a commercial zoned parcel less than ten (10) acres in size and located within the urban area would not be shown on the General Plan Diagram and thus would be consistent. It goes on to say that "applications containing 10 acres of Commercial zoning or **more** shall require General Plan amendments ...". The same rule applies to Multi-Family land use designations; therefore, with a parcel size of 0.53 acres, a General Plan Amendment is not required.

Rezone

The proposed rezone would convert 0.53 acres of General Commercial zoning to a RD-30 land use designation. Both the project site and surrounding commercial areas are vacant and have not performed well as commercially zoned uses. The proposed project would provide a single-family housing product that would blend into the surrounding commercial and multi-family residential development. Although the proposed lots would be privately owned, the density of the project would be no greater than that allowed by the RD-20 zoned parcels directly to the north of the site. The parcel adjacent to the project site on the east is zoned General Commercial (GC) however, within 300+/- feet of the project site the zoning is RD-20 and is developed with a multi-family product.

General Plan Vision Book

The adopted General Plan Vision Book serves as an interim land use policy guide for the City until the General Plan is completed. The Vision Book Land Use Map assigns a designation of Office Mixed Use to the project site. Office Mixed Use includes residential as a permitted use. The Vision Book includes Land Use and Housing goals that staff believes are relevant to the Terra Loma Subdivision project as follows:

Land Use

1. A positive identity for the community.
2. A land use mix that is fiscally successful, with a better balance of jobs, housing, and shopping.

The project site is currently vacant and has been for many years. The development of this site will provide an upgrade to the area and could possibly stimulate interest in developing the adjacent vacant site with residential housing, keeping the commercial uses along Folsom Boulevard. The project site is within walking distance to a bus stop that connects to light-rail and could be used by those who desire transit-oriented housing.

Housing

1. Expanded housing opportunities to match the community's employment areas.
2. A wide range of housing types, including mixed commercial/residential lofts, artists' studios, attached housing, and traditional single family.

The proposed small lot subdivision will provide a housing product that is affordable for a wider range of home buyers than some of the proposed subdivisions within the Anatolia Villages. However, the size of the proposed residential units which are three bedrooms, 3 baths and range in size from 1,456 to 1,564 square feet, will provide adequate living space for first time home buyers or persons looking to downsize from a larger home.

Staff believes the change in zoning requested by the applicant is consistent with the zoning surrounding the project site and will meet the intent of the land use designation of the proposed General Plan.

Tentative Subdivision Map

The applicant is requesting a Tentative Subdivision Map to create 11 rectangular lots which will range from 746 square feet to 846 square feet in size. There is one lot (Lot A) which will contain all the remaining common area on the parcel. This development is a different housing product than any proposed or constructed to date. Vehicular access to the site would be provided from one main driveway that runs along the eastern side of the site with a secondary fire access across the adjacent parcel to the south to Folsom Boulevard. Although ancillary parking is not required per the Zoning Code for single-family residential use, staff asked, and the applicant agreed, to provide on-site visitor parking. This will provide off-street parking for visitors and extra vehicles belonging to the residents. This will also help regulate the no-parking regulation of the fire department, which states that there is no parking allowed in the access driveway; nor in front of the garage doors. The proposed tentative map meets the findings required by the Subdivision Map Act

Design Review

The applicant has submitted a Design Review package which presents an architecturally superior product that meets the intent of the City's Design Review ordinance. The three-story buildings are articulated on all sides including around the windows and doorways. The architecture proposes varying the plane of the exterior walls through recessing and projections of the elements; the walls are varied so that the mass of the building is broken into smaller distinct "massing" elements; reveals, recesses, projections, trim elements and other architectural features have been incorporated to provide visual interest to the buildings. The residential unit adjacent to Terra Loma Drive faces north and onto Terra Loma. The building presents with a front entrance and a balcony to give the look of a single-family residential unit from the street. The south (rear) elevation has an architectural projection which includes windows on the second floor. This will add interest on that elevation but will not compromise privacy for the homeowner from the southern commercial site.

The front entry to each unit faces west and is accessed from a common walkway. The entire development will be fenced and gates will be located at the driveway entrance and entrance to the main walkway. Each unit has a covered porch over the front entryway. The covered entryway becomes a balcony at the second floor on four of the units. A two-car garage makes up the ground floor for each unit and is accessed from the common driveway which is located on the east side of the project site.

Staff has reviewed the color samples proposed for the homes and the body colors are nicely varied with harmonizing trim and accent colors. A concept landscape plan has been submitted and staff will be working with the applicant to finalize that plan.

Special Development Permit

The applicant is requesting a Special Development Permit to vary from the minimum lot size, the distance between buildings, and building setbacks from property lines to accommodate this project. The following matrix provides the existing requirements of the Zoning Code and the proposed setbacks for the Terra Loma project.

Setback Matrix for Required and Proposed Setbacks		
	Zoning Code Required	Proposed
Front Setback	20' front building and 19' for garage door plain.	13' 2"
Side Setback	5' on both sides	30' +/- on east side; 15' on west side (IN COMPLIANCE)
Rear Setback	15' for three-story	5' 2"
Distance Between Buildings	10 feet	2 inches
Lot Area	4,000 sq ft (net)	No less than 746 sq ft (net)

As shown in the matrix above, the current code establishes minimum distances between buildings, front and rear setbacks and lot areas which are not being met by the proposed project.

Section 110-60 of the Zoning Code states that the purpose for which Special Development Permits may be issued is to encourage a creative and more efficient approach to the use of the land; to maximize the choice in the type of environment available to the people within the City of Rancho Cordova; to encourage more efficient allocation and maintenance of privately controlled

common open space through the redistribution of overall density where such arrangement is desirable and feasible; to provide economy in housing opportunities; and to provide a means of greater creativity and flexibility in design than is provided under the strict application of the zone design standards while at the same time providing adequate protection of the environment and of the health, safety, and comfort of the residents of the development and the City.

Building Height

The proposed height of the buildings is 36'2". Section 305-04 of the City's Zoning Code states that:

"No structure or building for any of the uses specified in Section 305 01, shall have a maximum height greater than thirty (30) feet from the finished grade of the property, and shall not exceed two (2) stories in height, except that, in accordance with the provisions of Section 201 02, the height from grade may be increased to a maximum of forty (40) feet, two and a half (2.5), or three (3) stories. (Amended 4/17/02)"

Section 201.02 allows the maximum of forty feet and 3 stories for residential units in the RD-10 through RD-20 residential zones. Therefore, the proposed building height meets the Zoning Code standards.

PLANNING COMMISSION COMMENTS

The Planning Commission reviewed the project at its March 24, 2005 meeting. The Commission had the following comments and concerns (**See Attachment 4**):

- Would developing this project be a concern for creating a redevelopment agency in the future?
- Location of the project within a neighborhood with a heavy service call for the Police Department.
- Type of fencing surrounding the project. Would the project be a "gated" project?
- The amount of parking on-site and on the surrounding streets.
- The CMU walls should be graffiti proofed.
- Ensure the types of trees used are appropriate for the site. Perhaps Red Oaks versus the Valley Oaks.
- Is this the best type of development for this area? Is there a market for this type of development in this area?
- Will there be substantial lighting?
- Lack of play area for children.
- Will the residential units just turn into rentals?
- Lack of common area and the consideration of removing one home and using it as an internal green space.
- The Commission appreciated the applicant's willingness to take a chance to improve this area.
- Commissioner Savorn would like to support the project, would like the council addressed to make sure that one of the units be turned into a common green space area for the neighbors to get to know each other. The closest area for children to play is around a ½ mile north of the project and he doesn't feel that residents would want to travel that far.
- More articulation on the south elevation under the windows. Staff will work with applicants and resolve this before going to City Council.

The Planning Commission discussed the project further and requested that the City Council consider removing one of the residential units to provide a "green space" area on site that could be used for outdoor activities for all the residents. Possibly this area could provide for a small play area or a place for the residents to bar-b-que, or a common meeting place.

On a 5-1 vote, the Planning Commission approved a motion to forward a recommendation to the City Council to adopt a resolution approving the Rezone, Tentative Parcel Map, Special Development Permit, and Design Review of Terra Loma Subdivision, subject to the Findings, Conditions of Approval with the consideration to remove one unit to provide for a green/open space area.



FIGURE 1 – SITE LOCATION

Land Use Relationships with Adjacent Properties:

	General Plan Land Use Designation	Zoning and Community Plan Designations	Existing Land Use
Subject Property	Commercial & Office	GC	Vacant
North	Medium Density Residential	RD-20	Multi-Family
East	Commercial & Office	GC	Commercial
South	Commercial & Office	GC	Automotive
West	Commercial & Office	GC	Vacant

CONCLUSION:

Planning staff has worked extensively with the applicant to produce a project which would fit into the City's vision of providing high quality, transit-oriented housing for all citizens of Rancho Cordova. It is staff's belief that this small subdivision will help stimulate further development in the surrounding area and be the starting point for an upgrade to the entire neighborhood. The Planning Commission has reviewed the project and forwards a recommendation to the City Council to consider the project in its entirety, determine its benefits to the City and approve the Rezone, Tentative Subdivision Map, Design Review and Special Development Permit.

ENVIRONMENTAL ANALYSIS:

A Mitigated Negative Declaration was prepared for the project site. The project site contains one 27-inch Blue Oak tree that will have to be removed and mitigation measures have been applied to the project to insure the replacement for the tree is adequately met. In addition, according to information obtained at the Sacramento County Environmental Management Department, underground storage tanks were removed from the subject property in 1990. A Phase I Environmental Site Assessment was performed and no evidence of underground contamination was noted. Mitigation Measures have been added to ensure that previous site contamination will not pose a risk to the implementation of the proposed residential use.

The document was circulated from January 28, 2005 to February 19, 2005. One comment was received on the report (**Attachment 6**).

FINANCIAL IMPLICATIONS TO CITY:

There are no significant cost implications to the City for this development.

RECOMMENDED MOTIONS:

1. "I move the City Council find the Mitigated Negative Declaration prepared for the project is adequate and has been prepared in accordance with the California Environmental Quality Act (CEQA)."
2. "I move the City Council adopt Ordinance No. 9-2005 approving the Rezone and Resolution No. 44-2005 approving the Tentative Parcel Map, Design Review and Special Development Permit for Terra Loma Subdivision, Project RC-04-140, subject to the Findings and Conditions of Approval."

ATTACHMENTS:

1. Mitigated Negative Declaration (MND).
2. Ordinance No. 9-2005 including Rezone Exhibit (Exhibit A).
3. Resolution No. 44-2005 including Tentative Subdivision Map (Exhibit A), Design Review Package (Exhibit B), Special Development Permit Exhibit (Exhibit C), and Conditions of Approval (Exhibit D).
4. Planning Commission Minutes, March 24, 2005.
5. Agency Comment Letters.
6. February 3, 2005 MND Comment Letter from Steven Van De Velde.
7. 500 ft. radius map and notice list.
8. Design Review package including ~~colored~~ elevations.

TERRA LOMA APARTMENTS

Mitigated Negative Declaration



City of Rancho Cordova
3121 Gold Canal Drive
Rancho Cordova, CA 95670

January 2005

MITIGATED NEGATIVE DECLARATION
FOR
TERRA LOMA APARTMENTS
CITY OF RANCHO CORDOVA, CALIFORNIA



Prepared by:

THE CITY OF RANCHO CORDOVA
3121 Gold Canal Drive
Rancho Cordova, CA 95670
Phone 916.942.0223
Fax 916.853.1680

JANUARY 2005

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1.0 INTRODUCTION

1.1 INTRODUCTION AND REGULATORY GUIDANCE

This document is an Initial Study and Mitigated Negative Declaration (MND) prepared pursuant to the California Environmental Quality Act (CEQA), for the proposed Terra Loma Apartments project. This MND has been prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Sections 21000 *et seq.*, and the CEQA Guidelines.

An initial study is conducted by a lead agency to determine if a project may have a significant effect on the environment. In accordance with the CEQA Guidelines, Section 15064, an environmental impact report (EIR) must be prepared if the initial study indicates that the proposed project under review may have a potentially significant impact on the environment. A negative declaration may be prepared instead, if the lead agency prepares a written statement describing the reasons why a proposed project would not have a significant effect on the environment, and, therefore, why it does not require the preparation of an EIR (CEQA Guidelines Section 15371). According to CEQA Guidelines Section 15070, a negative declaration shall be prepared for a project subject to CEQA when either:

- a) *The initial study shows there is no substantial evidence, in light of the whole record before the agency, that the proposed project may have a significant effect on the environment, or*
- b) *The initial study identified potentially significant effects, but:*
 - (1) *Revisions in the project plans or proposals made by or agreed to by the applicant before the proposed negative declaration is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and*
 - (2) *There is no substantial evidence, in light of the whole record before the agency, that the proposed project as revised may have a significant effect on the environment.*

If revisions are adopted into the proposed project in accordance with the CEQA Guidelines Section 15070(b), a mitigated negative declaration is prepared.

1.2 LEAD AGENCY

The lead agency is the public agency with primary responsibility over a proposed project. Where two or more public agencies will be involved with a project, CEQA Guidelines Section 15051 provides criteria for identifying the lead agency. In accordance with CEQA Guidelines Section 15051(b) (1), "the lead agency will normally be the agency with general governmental powers, such as a city or county, rather than an agency with a single or limited purpose." Based on these criteria, the City of Rancho Cordova will serve as lead agency for the proposed Terra Loma Apartments project.

1.3 PURPOSE AND DOCUMENT ORGANIZATION

The purpose of this Initial Study and draft Mitigated Negative Declaration is to evaluate the potential environmental impacts of the proposed Terra Loma Apartments project.

This document is divided into the following sections:

1.0 INTRODUCTION

- **1.0 Introduction** - Provides an introduction and describes the purpose and organization of this document.
- **2.0 Project Description** - Provides a detailed description of the proposed project.
- **3.0 Environmental Setting, Impacts and Mitigation Measures** - Describes the environmental setting for each of the environmental subject areas, evaluates a range of impacts classified as "no impact," "less than significant," or "potentially significant unless mitigation incorporated" in response to the environmental checklist, and provides mitigation measures, where appropriate, to mitigate potentially significant impacts to a less than significant level.
- **4.0 Cumulative Impacts** - Includes a discussion of cumulative impacts of this project.
- **5.0 Determination** - Provides the environmental determination for the project.
- **6.0 Report Preparation and Consultations** - Identifies staff and consultants responsible for preparation of this document, persons and agencies consulted, and references.
- **7.0 References** - List of references used to prepare the MND.

1.4 ASSUMPTIONS

The City of Rancho Cordova has adopted Sacramento County's General Plan by reference. All references to the County General Plan, including standards, shall be interpreted as the City's General Plan. The City is currently preparing a General Plan. This project is also subject to the Interim General Plan and vision book.

2.0 PROJECT DESCRIPTION

2.1 PROJECT LOCATION

The project site is bounded by Terra Loma Drive to the north, General Commercial property on the east, Limited Commercial on the west, and General Commercial to the south. The project site is surrounded by developed high-density residential and commercial areas zoned RD-20, RD-30, Limited Commercial, and General Commercial. Currently, the property is vacant and is covered by seasonal grasses and is bounded by streets to the north and commercial businesses to the east, west, and south. Power lines are present on the property running along the western border running north and south. **Figures 1 and 2** show the project location and vicinity in relation to the City of Rancho Cordova. **Figure 3** shows a site photo that depicts an undeveloped site.

2.2 BACKGROUND

Public Resources Code Section 21083.3 limits CEQA review of certain projects to environmental effects that are "peculiar" to the parcel or to the project and which were not addressed as significant effects in a prior EIR, or which new information shows will be more significant than described in the prior EIR. The Terra Loma Apartments project is a qualified project pursuant to Section 21083.3, which provides in pertinent part:

- (a) If a parcel has been zoned to accommodate a particular density of development or has been designated in a community plan to accommodate a particular density of development and an environmental impact report was certified for that zoning or planning action, the application of this division to the approval of any subdivision map or other project that is consistent with the zoning or community plan shall be limited to effects upon the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior environmental impact report, or which substantial new information shows will be more significant than described in the prior environmental impact report.
- (b) If a development project is consistent with the general plan of a local agency and an environmental impact report was certified with respect to that general plan, the application of this division to the approval of that development project shall be limited to effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior environmental impact report, or which substantial new information shows will be more significant than described in the prior environmental impact report.

CEQA Guidelines Section 15183 provides guidance on the criteria to be used in making a determination as to whether Section 21083.3 will apply. Specifically, Guidelines Section 15183, subdivision (b), provides as follows:

- (b) In approving a project meeting the requirements of this section, a public agency shall limit its examination of environmental effects to those, which the agency determines, in an initial study or other analysis:
 - (1) Are peculiar to the project or the parcel on which the project would be located, and
 - (2) Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent,

2.0 PROJECT DESCRIPTION

- (3) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or
- (4) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

This Initial Study is devoted to discussing the basis upon which this partial exemption provided by Section 21083.3 is used for the Terra Loma Apartments project.

Guidelines Section 15183, subdivision (f), provides guidance as to certain categories of effects that, as a matter of law, are not considered "peculiar" to a project. This provision states in part as follows:

- (f) An effect of a project on the environment shall not be considered peculiar to the project or the parcel for the purposes of this section if uniformly applied development policies or standards have been previously adopted by the city or county with a finding that the development policies or standards will substantially mitigate the environmental effect when applied to future projects, unless substantial new information shows that the policies or standards will not substantially mitigate the environmental effect.

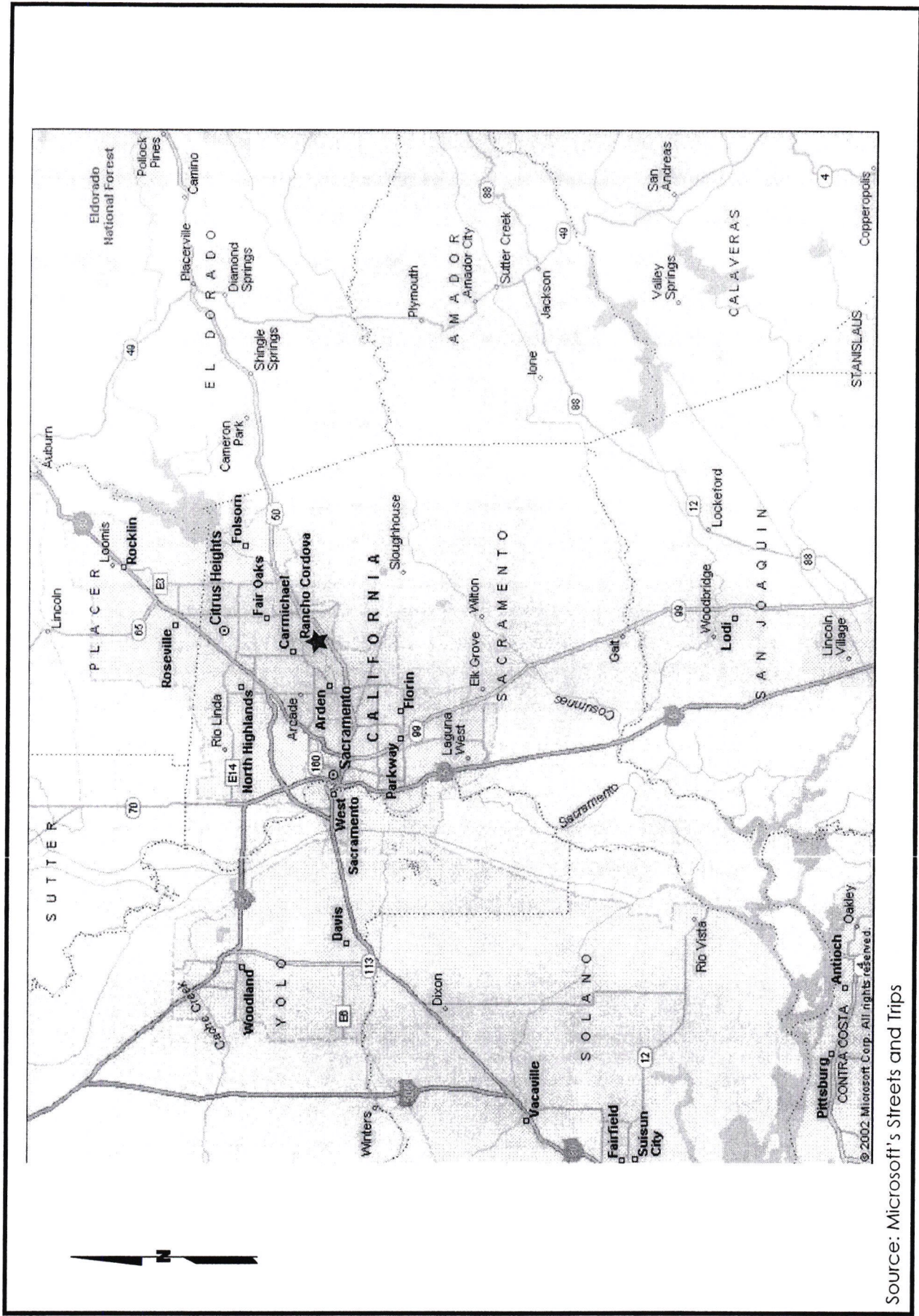
2.3 PROJECT CHARACTERISTICS

The proposed project will consist of a rezone of the property from General Commercial to RD-20 residential, and a design review. The Terra Loma Apartment project is located on an approximately 0.53-acre site and would include an apartment complex with no more than 12 units (See **Figure 4**, Site Plan).

2.4 REQUIRED PROJECT APPROVALS

In addition to the approval of the proposed project by the City Council of the City of Rancho Cordova, the following agency approvals may be required (depending on the final project design):

- Caltrans
- Sacramento County Water Agency (SCWA) Zone 40
- Sacramento Metropolitan Utility District (SMUD)
- Sacramento Resource Conservation District (SRCD)
- County Sanitation District (CSD-1)



Source: Microsoft's Streets and Trips



Figure 1
Project Location



EXISTING ZONING

CURRENT PROPERTY ZONE:
GENERAL COMMERCIAL (GC)



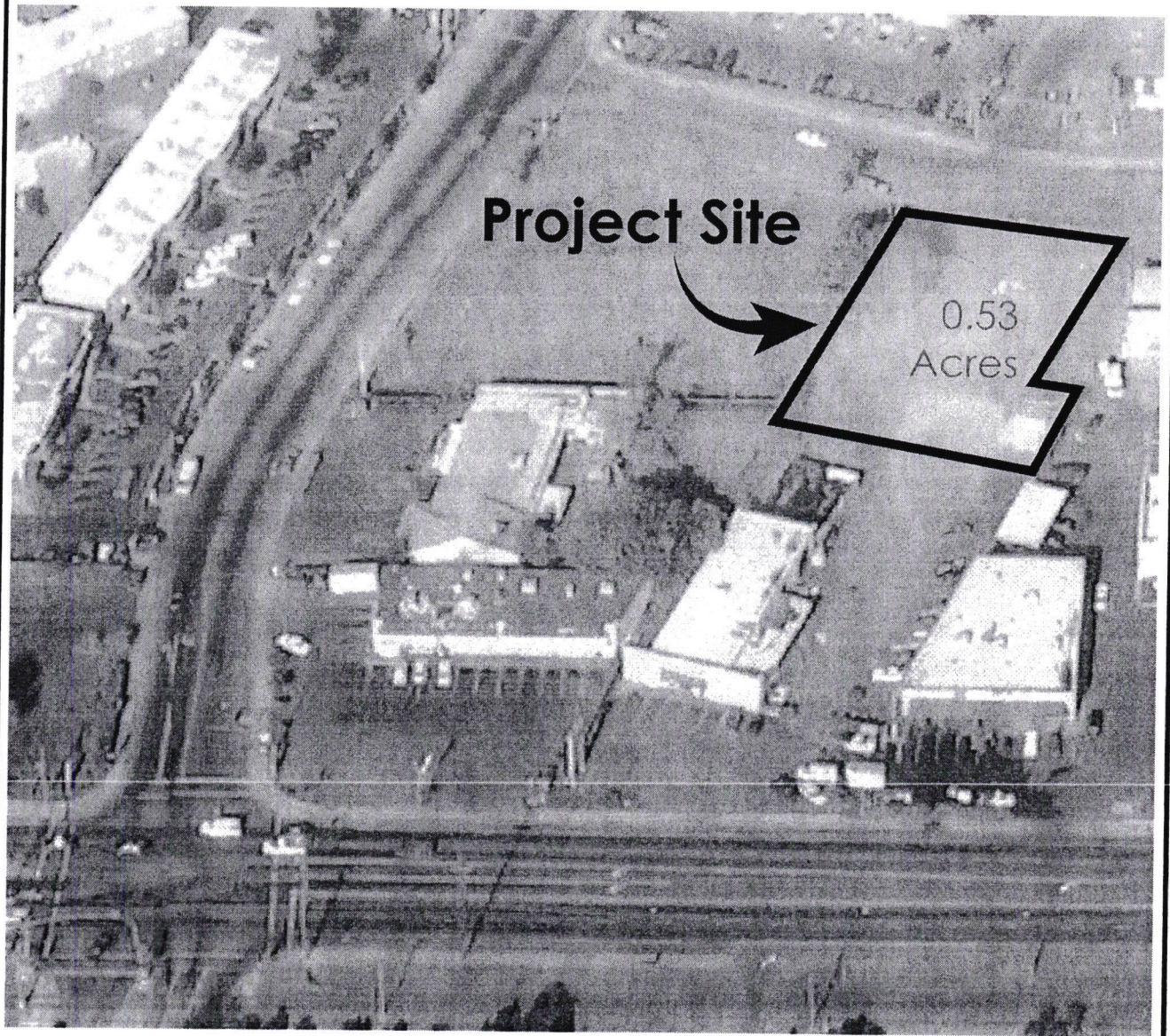
PROPOSED ZONING

PROPOSED PROPERTY ZONE:
RESIDENTIAL DISTRICT 30 (RD30)

Source: D&S Development Company



FIGURE 2
Vicinity / Zoning Exhibit

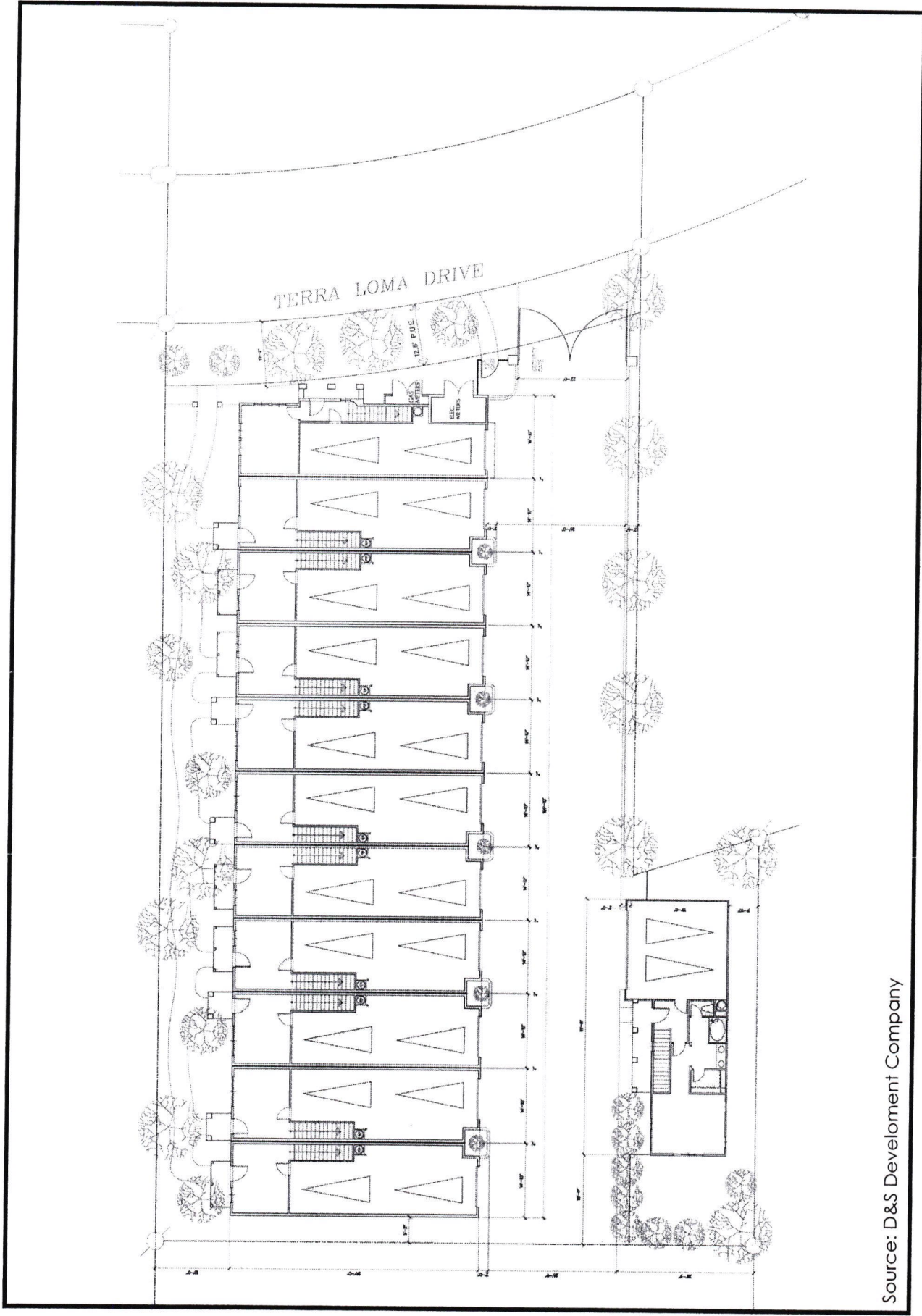


Source: D&S Development Company



FIGURE 3
Aerial Photo

Figure 4
Site Plan



Source: D&S Development Company



3.0 ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION MEASURES

3.0 ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION MEASURES

3.1 INTRODUCTION

This section provides an evaluation of the potential environmental impacts of the proposed project, including the CEQA Mandatory Findings of Significance. There are 14 specific environmental issues evaluated in this chapter. Other CEQA considerations are evaluated in Chapter 4.0. The environmental issues evaluated in this chapter include:

- Land Use Planning, Population, and Housing
- Geophysical (Earth)
- Water
- Air Quality
- Transportation/Circulation
- Biological Resources
- Energy and Mineral Resources
- Hazards
- Noise
- Public Services
- Utilities and Services Systems
- Aesthetics
- Cultural Resources
- Recreation

For each issue area, one of four conclusions is made:

- **No Impact:** No project-related impact to the environment would occur with project development.
- **Less than Significant Impact:** The proposed project would not result in a substantial and adverse change in the environment. This impact level does not require mitigation measures.
- **Potentially Significant Unless Mitigation Incorporated:** The proposed project would result in an environmental impact or effect that is potentially significant, but the incorporation of mitigation measure(s) would reduce the project-related impact to a less than significant level.
- **Potentially Significant Impact:** The proposed project would result in an environmental impact or effect that is potentially significant. If there is one or more "Potentially Significant Impact" entries when the determination is made, and EIR is required.

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

INITIAL ENVIRONMENTAL STUDY

1. **Project Title:** Terra Loma Apartments
2. **Lead Agency Name and Address:** City of Rancho Cordova
3121 Gold Canal Drive
Rancho Cordova, CA 95670
3. **Contact Person and Phone Number:** Hilary Anderson (916) 361-8384
4. **Project Location:** 10077 Folsom Boulevard (Behind Quick Fit Tires)
5. **Project Sponsor's Name and Address:** D&S Development Inc.
Steve Lebastchi
10115 Folsom Blvd., #102
Rancho Cordova, CA 95670
(916) 362-5787, ext. 12
6. **General Plan Designation(s):** General Commercial.
7. **Zoning:** GC-General Commercial
8. **General Plan:** The project location is within the City of Rancho Cordova, which has adopted the Sacramento County General Plan by reference. The City is preparing a General Plan that is unique to the City. The project is also subject to the Interim General Plan and Vision Book.
9. **APN Number:** 075-0033-017
10. **Description of the Project:** The proposed project will consist of a rezone of the property from General Commercial to RD-20 residential, and a design review for a proposed apartment project consisting of twelve three-story units and a landscape entrance area on approximately 0.53 acres of vacant land.
11. **Surrounding Land Uses and Setting:** The project site is surrounded by developed high-density residential and commercial areas zoned RD-20, RD-30 Limited Commercial and General Commercial.
12. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement).**
 1. City of Rancho Cordova
 2. Sacramento County Water Agency (SCWA) Zone 40
 3. Sacramento Metropolitan Utility District (SMUD)
 4. Sacramento Resource Conservation District (SRCD)
 5. County Sanitation District (CSD-1)

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project involving at least one impact that is a "Potentially Significant Impact Unless Mitigation is Incorporated" as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| ☐ Aesthetics | ☒ Hazards & Hazardous Materials | ☐ Public Services |
| ☐ Agricultural Resources | ☐ Hydrology/Water Quality | ☐ Recreation |
| ☐ Air Quality | ☐ Land Use and Planning | ☐ Transportation/Traffic |
| ☒ Biological Resources | ☐ Mineral Resources | ☐ Utilities & Service Systems |
| ☐ Cultural Resources | ☐ Noise | ☐ Mandatory Findings of Significance |
| ☐ Geology and Soils | ☐ Population and Housing | |

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

PURPOSE OF THIS INITIAL STUDY

This Initial Study has been prepared consistent with CEQA Guidelines Section 15063, to determine if the Terra Loma Apartments project, as proposed, may have a significant effect upon the environment. Based upon the findings contained within this report, the Initial Study will be used in support of the preparation of a Mitigated Negative Declaration. (The discussion demonstrates that there are no potentially significant impacts identified that cannot be mitigated to a less-than-significant level. Therefore, an EIR is not warranted.)

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources cited. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards.
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect, and construction as well as operational impacts.
3. A "Less than Significant Impact" applies when the proposed project would not result in a substantial and adverse change in the environment. This category also applies when the impact has been previously addressed and it has been determined that there are no new impacts created by the project. This impact level does not require mitigation measures.
4. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
5. "Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact". The initial study must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level.
6. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration.
7. Preparers are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated. A source list should be attached and other sources used or individual contacts should be cited in the discussion.

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
I. AESTHETICS Would the project:					
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒	☐
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐	☐
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	☐	☐	☒	☐	☐

Discussion of Impacts

- a) *No Impact*- The proposed project is not currently in the vicinity of a scenic vista; therefore there will be *no impact*.
- b) *No Impact*- The proposed project is not in the vicinity of a scenic highway; therefore, there will be *no impact*.
- c) *Less Than Significant Impact*- Although the proposed project will consist of apartment structures that have the potential to alter the existing visual character of the area, design elements that will decrease these aesthetic impacts (including, but not limited to, aesthetic landscaping and low impact lighting) are required conditions of approval on the project. Therefore, these conditions of approval on the project will decrease the aesthetic impacts to a *less than significant* level.
- d) *Less Than Significant Impact*- See c), above.

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
II. AGRICULTURE RESOURCES In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997), prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒	☐
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	☐
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	☐	☐	☐	☒	☐

Discussion of Impacts

- a) *No Impact* – The project site is currently zoned General Commercial (GC) and would not convert prime or unique farmland or farmland of statewide importance.
- b) *No Impact* – The project site does not conflict with existing zoning for agricultural uses or a Williamson Act contract. The surrounding zones for the property are RD-20, RD-30, GC and LC.
- c) *No Impact* – The project does not involve any other changes in the existing environment that could result in the conversion of farmland to non-agricultural use.

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
III. AIR QUALITY Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:					

a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐	☐

Discussion of Impacts

- a) *Less Than Significant Impact*- The project will consist of the construction of a small apartment complex, which is not expected to have any emissions associated with its operation. The property is not expected to require heavy maintenance or other activities that would increase vehicle trips and emissions. The project is on an approximately 0.53-acre parcel, which falls well below the thresholds of significance for all Sacramento Metropolitan Air Quality Management District standards. Therefore, the impact is considered *less than significant*.
- b) *Less Than Significant Impact*- See a) above.
- c) *Less Than Significant Impact*- See a) above.
- d) *Less Than Significant Impact*- Construction activities associated with the proposed project are not associated with substantial pollutant concentrations. Land uses such as schools, hospitals, parks and elderly housing are considered sensitive to mobile and stationary sources of air pollution. No such uses are located within the project vicinity. Therefore, this impact is *less than significant*.
- e) *Less Than Significant Impact*- The project is not expected to create objectionable odors affecting substantial numbers of people. This is considered a *less than significant* impact.

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
IV. BIOLOGICAL RESOURCES Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☒	☐	☐
c) Have a substantial adverse effect on federally protected wetlands, as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal wetlands, etc.), through direct removal, filling, hydrological interruption or other means?	☐	☐	☒	☐	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☒	☐	☐	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	☐	☐	☒	☐	☐

Discussion of Impacts

- a) *Less Than Significant Impact*- The proposed project is located in an area that is approximately 0.53 acres and is surrounded by commercial and residential development. There are no significant natural biological features, including potential habitat for any protected or sensitive species, remaining on the project site. Therefore, this impact is considered *less than significant*.
- b) *Less Than Significant Impact*- See a), above.
- c) *Less Than Significant Impact*- See a), above.
- d) *Less Than Significant Impact*- See a), above. Implementation of the proposed projects would not interfere with the movement of any fish or wildlife species or impede the native wildlife nursery sites or corridors; therefore, this impact is considered *less than significant*.

- e) *Potentially Significant Unless Mitigation Incorporated*- There is one 27-inch dbh heritage blue oak (*Quercus douglasii*) tree along the western edge of the property. On December 15, 2004 Rochelle Wicky-Amrhein (ISA Certified Arborist #WE-6783A) visited the project site for the purpose of conducting a field inspection of the tree in order to prepare a Preliminary Arborist Report. The arborist report confirmed that the tree is a 27" dbh blue oak with a 24' dripline radius. Although there are power lines running through the center of the canopy, the interior branches have been pruned and maintained well to avoid any hazards associated with the power lines, and the tree currently has a full canopy. Some of the smaller branches (less than 1" diameter) were improperly pruned, though not enough to cause any permanent damage to the tree. It was determined that the tree is in fair to good condition. Minor pruning by a certified arborist is recommended to clean up the canopy. The tree was recommended for preservation.

If the project is modified, due to agency requirements, in such a way that will not allow preservation of the tree, the following mitigation measure 4.1a shall be implemented to mitigate impacts to a less than significant level.

MM 4.1a

Removal of the 27-inch blue oak tree shall only be allowed as a last resort, and must be approved by the Planning Director upon review of proof that the tree cannot be preserved. If the tree cannot be protected as required by the previous mitigation measures, the tree shall be removed and compensated by planting 27-inches of native oak trees within the City of Rancho Cordova. The replacement plantings must include a minimum of 9-inches of blue oaks and the Planning Director must approve the planting site.

Prior to the approval of any grading plans, improvement plans or building permits, a Replacement Oak Tree Planting Plan shall be prepared by a certified arborist or a licensed landscape architect, and shall be submitted to the Planning Department for review and approval.

The Replacement Oak Tree Planting Plan shall include the following components:

- a. Species, size and location of all replacement tree plantings;
- b. Method of irrigation;
- c. Planting, irrigation and maintenance schedules;
- d. Identify the maintenance entity and include their written agreement to provide care and irrigation of the trees for a five (5) year establishment/maintenance period (i.e., 5 years from the date of planting), and to replace any of the replacement trees that do not survive that period.

If the developer chooses to plant other than 15-gallon size trees, equivalent compensation based on the following ratios is required:

One 15-gallon oak = 1 inch dbh

One 24-inch box oak = 2 inches dbh

One 36-inch box oak = 3 inches dbh

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

No replacement oak tree shall be planted within 15 feet of a building foundation.

The planting of all required replacement trees shall be completed within 1 year of the completion of project construction. Replacement plantings shall be monitored by a certified arborist. The Planning Department shall be notified within 30 days of completion of the replacement tree plantings. All replacement trees shall be monitored for a period of 5 years from the date of planting, and any of the replacement trees that do not survive that 5-year period shall be replaced.

If it is not possible to accommodate all of the required plantings within the City of Rancho Cordova, the remaining plantings shall be compensated through payment to the Sacramento County Tree Fund or equivalent fund as available and as approved by the Planning Director. This option shall only be made available upon demonstration that the replacement plantings cannot be accommodated within the City of Rancho Cordova and upon approval by the Planning Director.

Timing/Implementation: Prior to approval of improvement plans and building permits, and for five years after replanting is completed.

Enforcement/Monitoring: City of Rancho Cordova Planning Department.

- f) *Less Than Significant Impact-* Currently, there is not an adopted Habitat Conservation Plan (HCP) for the City of Rancho Cordova or Sacramento County; therefore, the project should not conflict with such plans and the impact would be *less than significant*.

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
V. CULTURAL RESOURCES Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource as defined in " 15064.5?	☐	☐	☒	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to" 15064.5?	☐	☐	☒	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	☐	☐	☒	☐	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐	☐

Discussion of Impacts

- a) *Less Than Significant Impact-* There are no above-ground structures or any other above-ground cultural resources on the project site. The site is a small parcel that is surrounded by urban development; therefore it is unlikely that any cultural resources will be encountered on the site. If any cultural resources were unexpectedly encountered, the applicant would be required by law to report and protect the find. Therefore, this impact is considered *less than significant*.
- b) *Less Than Significant Impact-* See a), above.
- c) *Less Than Significant Impact-* See a), above.
- d) *Less Than Significant Impact-* There are no known cemeteries on the project site, however, due to the large Native American population in the past, the primary concern is the disturbance of hidden or unmarked sites, such as gravesites or areas of spiritual significance, which may not contain any surface evidence of occupancy. The project is not expected to result in any new cultural resource impacts, and if human remains are discovered on site, it is required by law that the discovery be reported and all construction stop until potential impacts are adequately mitigated. Therefore, this impact is considered *less than significant*.

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
VI. GEOLOGY AND SOILS Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death, involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐	☐
iv) Landslides?	☐	☐	☒	☐	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☒	☐	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒	☐

Discussion of Impacts

a)

- i. *Less Than Significant Impact*- The potential for impacts to public safety resulting from surface fault rupture, ground shaking, liquefaction or other seismic hazards is not considered to be an issue of significant environmental concern due to the infrequent seismic history of the area; therefore, this impact is considered *less than significant*.
- ii. *Less Than Significant Impact*- See a) i., above. The potential for strong seismic ground shaking is not a significant environmental concern due to the infrequent seismic activity of the area. In addition, any development would be required to comply with any seismic standards enforced by the UBC. Therefore, this impact is considered *less than significant*.
- iii. *Less Than Significant Impact*- See a) i., above. The project is on a small parcel that has been surrounded by urban development for several years. The soils in the area are stable and the area has been compacted over many years; therefore, there is a very low

potential for liquefaction or ground failure and this impact is considered *less than significant*.

- iv. *Less Than Significant Impact*- The topography of the site is relatively flat; therefore, there is a very low potential for landslides and this impact is considered *less than significant*.
- b) *Less Than Significant Impact*- The project would require grading of the site, which would cause erosion and siltation impacts. The project is required to comply with the Land Grading and Erosion Control Ordinance, which established administrative procedures, standards of review and enforcement procedures for controlling erosion, sedimentation, and disruption of drainage; therefore, this impact is considered *less than significant*.
- c) *Less Than Significant Impact*- See a) and b), above.
- d) *Less Than Significant Impact*- See a) and b), above.
- e) *No impact*- See a) and b), above. The project would not require the construction of any new wastewater disposal systems; therefore, there is *no impact* in relation to soils and wastewater disposal systems.

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
VII. HAZARDS AND HAZARDOUS MATERIALS Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	☐	☐	☒	☐	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☒	☐	☐	☐	☐
e) For a project located within an airport land use plan area or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☒	☐	☐
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	☐
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐	☐
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☒	☐	☐

Existing Setting

The initial Phase I Environmental Site Assessment (ADR Environmental Group, Inc. February 18, 2004) was prepared for the site located at 10077 Folsom Boulevard. At the time of the site inspection, the subject property consisted of an approximate 1.16-acre parcel of land occupied by an estimated 3,790 square foot commercial space. The structure occupies approximately eight percent of subject property land area. The remaining 92 percent consists of an asphalt paved area, concrete walkways, and undeveloped earthen and gravel areas. At the time of inspection the property was utilized by Quick Fit Tire, which appeared in good condition and well maintained.

Discussion of Impacts

- a) *Less Than Significant Impact-* The proposed project consists of apartments and associated landscaping, and as such does not propose to transport, use or dispose of any hazardous materials, or to emit any hazardous substances; therefore, this impact is considered *less than significant*.
- b) *Less Than Significant Impact-* See a), above.
- c) *Less Than Significant Impact-* See a), above.
- d) *Potentially Significant Impact-* According to information obtained at the Sacramento County Environmental Management Department (SCEMD), underground storage tanks (USTs) were removed from the subject property in 1990. The one 1,000-gallon diesel UST and one 2,000-gallon/diesel UST were removed from an area immediately north of the structure located on the subject property. Since then, other consultants have prepared various environmental investigations regarding this issue. Soil samples collected from the UST excavation on the subject property identified elevated levels of petroleum contamination. Groundwater samples also contained petroleum contaminants.

In October 1999, Lush Geosciences, Inc. collected groundwater samples from the on-site wells as part of required quarterly monitoring. Laboratory analysis of water samples collected from the subject property show no detectable concentrations for the previously identified petroleum constituents. In December 1999, Lush Geosciences Inc. prepared a *Formal Request for Site Closure* report for the site. This document reports that the remaining petroleum contamination is calculated at 2,500 square feet measuring approximately 15 feet deep. Based on this information, the Sacramento County Environmental Management Department issued a no further action letter and case closure summary for the subject property. Copies of these letters are included in Appendix A of this document along with a map of the location of the USTs. Based on this information, this impact is considered less than significant. The City of Rancho Cordova staff consulted with Charley Langer of the Sacramento County Environmental Management Department January 2005. He stated no further action was recommended in relation to soil contamination for the proposed project site, but that the site was expected to be used for commercial activities.

According to the Phase I Environmental Site Assessment the proposed project site is listed as having past hazardous materials involvement from previous underground storage tanks. During recent site inspections (Lush Geosciences 1999), no evidence of underground storage tanks (USTs) contamination was noted on the subdivided 0.53-acre subject site. Therefore, this project would not create any new or additional significant impacts arising from hazardous groundwater contaminants that were not already identified in the Phase I Environmental Site Assessment; nor would it cause any impacts peculiar to the project. The site assessment report also stated as a recommendation that prior to any subsurface work (i.e. installation of building footings, utilities) in the vicinity of the former USTs, special materials handling practices or worker protection should be implemented. To ensure that previous site contamination will not propose a risk to the implementation of the proposed residential use, the City is requiring the following mitigation measure. Implementation of this measure at a project-specific level will reduce the potentially significant impacts from hazardous materials to a less than significant level.

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

Mitigation Measures

MM 7.1 Prior to any site disturbance, the applicant shall obtain a qualified engineer to conduct a peer review of the prior site investigations reported by the Sacramento County Environmental Management Department (No Further Action Letter- NFA April 2000) and ADR Environmental Group (Phase I Environmental Site Assessment). This peer review is necessary to demonstrate that the site is compatible with the proposed residential use. The peer review shall be documented in a letter addressed to the Planning Director and signed and stamped by a registered engineer.

If the peer review finds the site to be appropriate for residential development, no further action is required. However, if the peer review finds that the site contains unacceptable levels of contamination, remediation shall be conducted to bring the site to an acceptable level for residential use prior to issuance of building permits.

Timing/Implementation: Prior to site disturbance/ issuance of building permits.

Enforcement/Monitoring: City of Rancho Cordova Planning Department.

MM 7.2 During construction activities if any residual contamination is detected, the City shall be notified and the contamination shall be removed and the hole backfilled in accordance with the recommendations of a qualified geotechnical engineer.

Timing/Implementation: During construction.

Enforcement/Monitoring: City of Rancho Cordova Planning Department.

Implementation of Mitigation Measures MM 7.1 and 7.2 would reduce any other potential public and environment impacts resulting from this site to *less than significant*.

- e) *Less Than Significant Impact-* Although the project is located within two miles of Mather Field airport, it is not within the designated arrival departure zone and the proposed use would be consistent with all other uses in the area. As such, the project is not expected to expose any residents or employees to a safety hazard related to the airport use. Therefore, this impact is considered *less than significant*.
- f) *No impact-* The project area is not located in the vicinity of a private airstrip; therefore no impacts are anticipated.
- g) *Less Than Significant Impact-* The proposed project would not conflict with the Sacramento County Multi-hazard Disaster Plan, the Sacramento County Area Plan, or any other adopted emergency response or evacuation plan; therefore, the impact is considered *less than significant*.
- h) *Less Than Significant Impact-* There are no wildlands adjacent to the project site. All surrounding uses have been developed, thereby eliminating all expanses of brush. Therefore this impact is considered *less than significant*.

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
VIII. HYDROLOGY AND WATER QUALITY Would the project:					
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	☐	☐	☒	☐	☐
e) Potential for discharge of storm water from material storage areas, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work areas?	☐	☐	☒	☐	☐
f) Potential for discharge of storm water to impair the beneficial uses of the receiving waters or areas that provide water quality benefit?	☐	☐	☒	☐	☐
g) Potential for the discharge of storm water to cause significant harm on the biological integrity of the waterways and water bodies?	☐	☐	☒	☐	☐
h) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐	☐
i) Otherwise substantially degrade water quality?	☐	☐	☒	☐	☐
j) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒	☐
k) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	☐	☐	☐	☒	☐
l) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of a failure of a levee or dam?	☐	☐	☒	☐	☐
m) Inundation by seiche, tsunami or mudflow?	☐	☐	☐	☒	☐

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

Discussion of Impacts

- a) *Less Than Significant Impact*- The proposed project is a rezone and small 12-unit apartment project, which would not require significant water treatment or waste discharge; therefore, this impact is considered *less than significant*.
- b) *Less Than Significant Impact*- Sufficient water supply to service the proposed 12-unit complex will be provided by California American Water Company. The project falls within an urbanized area for which water supply was previously allocated. As such, significant additional groundwater supplies will not be needed to service this project. Therefore, this impact is considered *less than significant*.
- c) *Less Than Significant Impact*- Drainage of the area has already been altered to accommodate surrounding development projects. There are no stream or river courses on or near the project site. This project is not expected to further substantially alter the drainage of the area; therefore, this impact is considered *less than significant*.
- d) *Less Than Significant Impact*- See c), above.
- e) *Less Than Significant Impact*- The project consists of a 12-unit residential development, and as such there will be no outdoor work areas associated with the project. Therefore, this impact is considered *less than significant*.
- f) *Less Than Significant Impact*- See c), above. The project site is in a disturbed area surrounded by urban uses and as such, the project would not result in significant increases in the discharge of stormwater. Therefore, this impact is *less than significant*.
- g) *Less Than Significant Impact*- See f), above.
- h) *Less Than Significant Impact*- See f), above.
- i) *Less Than Significant Impact*- See a) and f), above.
- j) *No impact*- The project site is located outside of the 100-year floodplain; therefore there is *no impact*.
- k) *No impact*-See j) above.
- l) *Less Than Significant Impact*- See j), above. Therefore, this impact is *less than significant*.
- m) *No impact*- The project site is not located near the Pacific Ocean, nor is it near a large water body that would be capable of creating seiches or tsunamis; therefore, there is *no impact*.

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
IX.	LAND USE AND PLANNING	Would the project:				
a)	Physically divide an established community?	☐	☐	☒	☐	☐
b)	Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐	☐
c)	Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☒	☐	☐

Discussion of Impacts

- a) *Less Than Significant Impact*- The proposed project is located within an urbanized area, surrounded by mixed commercial and residential uses. The project is a small 12-unit development on a vacant 0.53-acre parcel. Therefore, this impact is considered *less than significant*.
- b) *Less Than Significant Impact*- Although the proposed project will require a rezone of the property from GC (general commercial) to RD-20 (high density residential), it is consistent with the surrounding uses, which consist of mixed commercial and high-density residential uses. Therefore, this impact is considered *less than significant*.
- c) *Less Than Significant Impact*- Currently, there is no adopted Habitat Conservation Plan (HCP) or natural community conservation plan in Sacramento County; therefore, this impact is considered *less than significant*.

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
X. MINERAL RESOURCES Would the project:					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☒	☐	☐
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☒	☐	☐

Discussion of Impacts

- a) *Less Than Significant Impact*- There are no known mineral resources of importance on the project site; therefore, this impact is considered *less than significant*.
- b) *Less Than Significant Impact*- See a), above.

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
XI. NOISE. Would the project result in:					
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or of applicable standards of other agencies?	☐	☐	☒	☐	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐	☐
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	☐
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	☐
e) For a project located within an airport land use plan area or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☒	☐	☐
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	☐

Discussion of Impacts

- a) *Less Than Significant Impact-* The proposed 12-unit apartment complex does not include any facilities that would generate significant noise of any kind. Significant noise levels may be generated during construction of the project only, however, compliance with the Noise Ordinance, to which this project is subject, would mitigate this impact to a level that is *less than significant*.
- b) *Less Than Significant Impact-* See a), above.
- c) *Less Than Significant Impact-* See a), above.
- d) *Less Than Significant Impact-* See a), above.
- e) *Less Than Significant Impact-* Although the project is located within two miles of the Mather Field airport, however, residents would not be exposed to significant levels of noise associated with this airport. The project is within a previously developed urban area, which has not had any conflicts associated with noise generated by the airport. Therefore, this impact is considered *less than significant*.
- f) *No impact-* There are no private airstrips within the vicinity of the proposed project site; therefore, *no impacts* would occur.

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
XII.	POPULATION AND HOUSING	Would the project:				
a)	Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	☐	☐	☒	☐	☐
b)	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐
c)	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐

Discussion of Impacts

- a) *Less Than Significant Impact*- The project would consist of the addition of 12 residential dwelling units in an urban area; therefore, this impact is considered *less than significant*.
- b) *No impact*- The project would not remove any existing housing, and would add 12 dwelling units; therefore, *no impacts* to housing would occur.
- c) *No impact*- See b), above.

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
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XIII. PUBLIC SERVICES Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:

a) Fire protection?	☐	☐	☒	☐	☐
b) Police protection?	☐	☐	☒	☐	☐
c) Schools?	☐	☐	☒	☐	☐
d) Parks?	☐	☐	☒	☐	☐
e) Other public facilities?	☐	☐	☒	☐	☐

Discussion of Impacts

- a) *Less Than Significant Impact*- The project is within an urban area which is adequately serviced by all necessary public services. The proposed project would not result in the need for any additional governmental/public facilities, nor would it increase demand on existing governmental/public facilities; therefore, the impacts are considered *less than significant*.
- b) *Less Than Significant Impact*- See a), above.
- c) *Less Than Significant Impact*- See a), above.
- d) *Less Than Significant Impact*- See a), above.
- e) *Less Than Significant Impact*- See a), above.

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
XIV. RECREATION					
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐	☐
b) Does the project include recreational facilities, or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	☐	☐	☒	☐	☐

Discussion of Impacts

- a) *Less Than Significant Impact*- The project is a small 12-unit development within an urban area which is adequately serviced by all necessary recreational services. The proposed project would not result in the need for any additional recreational facilities; therefore, the impacts are considered *less than significant*.
- b) *Less Than Significant Impact*- See a), above.

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
XV.	TRANSPORTATION/TRAFFIC.	Would the project:				
a)	Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?	☐	☐	☒	☐	☐
b)	Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐	☐
c)	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☒	☐	☐
d)	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒	☐
e)	Result in inadequate emergency access?	☐	☐	☒	☐	☐
f)	Result in inadequate parking capacity?	☐	☐	☒	☐	☐
g)	Conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☒	☐	☐

Discussion of Impacts

- a) *Less Than Significant Impact*- The proposed project has been reviewed by the City of Rancho Cordova Transportation Department and it has been determined that this small development project will not cause a significant increase in traffic; therefore, the impact is considered *less than significant*.
- b) *Less Than Significant Impact*- See a), above.
- c) *Less Than Significant Impact*- The proposed project does not involve any aviation-related uses, and, although it lies within two miles of Mather Field Airport, it would not significantly affect the air traffic patterns of the airport. Therefore, this impact is considered *less than significant*.
- d) *No impact*- There are no design features or incompatible uses proposed for this project that would substantially increase hazards.
- e) *Less Than Significant Impact*- The project includes a 20-foot wide drive through the entire length of the property, which would provide adequate emergency services access to all 12 proposed dwelling units. There is additional access for emergency services along Terra Loma Drive, a public road owned and maintained by the City of Rancho Cordova. Therefore, this impact is considered *less than significant*.

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

- f) *Less Than Significant Impact-* The City of Rancho Cordova Zoning Code requires a minimum of two parking spaces per unit for a high-density residential property. The proposed project consists of a total of 12 apartment units, which would require a total of 18 parking spaces. The proposed project plan includes a total of 18 parking spaces on-site. Additionally, Terra Loma Drive is wide enough to allow temporary parking along the curb. Therefore, this impact is considered *less than significant*.
- g) *Less Than Significant Impact-* The construction of this project would not conflict with any alternative transportation policies, plans or programs; therefore, this impact is considered *less than significant*.

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
XVI. UTILITIES AND SERVICE SYSTEMS Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐	☐
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐	☐
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐	☐
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐	☐
e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?	☐	☐	☒	☐	☐
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐	☐
g) Comply with federal, state and local statutes and regulations related to solid waste?	☐	☐	☒	☐	☐

Discussion of Impacts

- a) *Less Than Significant Impact*- The proposed project is surrounded by urban development that is currently serviced by SRCSD. The project would not require significant wastewater treatment, and would not add a significant load to the existing system. Although it would require the construction of on-site pipelines to tap into the existing sewer facilities in the area, it would not require the construction of any new facilities for wastewater treatment. Therefore this impact is considered *less than significant*.
- b) *Less Than Significant Impact*- See a), above.
- c) *Less Than Significant Impact*- The project is a small lot in an urban area, and as such will not require the construction or expansion of any storm water drainage facilities; therefore, this impact is considered *less than significant*.
- d) *Less Than Significant Impact*- The project will be served by the California American Water Company, which currently services the surrounding developments. The addition of 12 new dwelling units in this urbanized area will not add a significant demand to the existing supply to the area. Therefore, this impact is considered *less than significant*.
- e) *Less Than Significant Impact*- See a), above.

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

- f) *Less Than Significant Impact-* The project will be served by Kiefer Landfill, which recently expanded to allow capacity to serve the projected growth in Sacramento County through 2035; therefore, this impact is considered *less than significant*.
- g) *Less Than Significant Impact-* See f), above.

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
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XVII. MANDATORY FINDINGS OF SIGNIFICANCE
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- | | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| <p>a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of rare or endangered plants or animals, or eliminate important examples of the major periods of California history or prehistory?</p> | ☐ | ☐ | ☒ | ☐ | ☐ |
| <p>b) Does the project have impacts that are individually limited, but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.</p> | ☐ | ☐ | ☒ | ☐ | ☐ |
| <p>c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?</p> | ☐ | ☐ | ☒ | ☐ | ☐ |

Discussion of Impacts

- a) *Less Than Significant Impact*- As noted in sections I through XVI above, the project is not expected to result in any significant impacts related to biological or cultural resources; therefore, this impact is considered *less than significant*.
- b) *Less Than Significant Impact*- This project is a small residential development in a planned development area and is surrounded by urban uses, which is consistent with the long-term plan for the area. There are no other past, current or future projects associated with this project that would contribute to a substantial cumulative impact. Therefore, this impact is considered *less than significant*.
- c) *Less Than Significant Impact*- As a 12-unit housing project in an urban area, the project will have no significant adverse effects on human beings. Therefore, this impact is considered *less than significant*.

4.0 CUMULATIVE IMPACTS

4.1 CUMULATIVE IMPACTS

INTRODUCTION

This section addresses the project's potential to contribute to cumulative impacts in the region. CEQA Guidelines Section 15355 defines cumulative impacts as "two or more individual effects that, when considered together, are considerable or which compound or increase other environmental impacts."

CUMULATIVE SETTING

The cumulative setting for Terra Loma Apartments project include buildout proposed under the Sunrise Douglas Community and SunRidge Specific Plans, which includes the Sunrise Douglas 2 Specific Plan, and the Anatolia I, II, III developments. In addition, there are several other planned, proposed, and approved projects in the City of Rancho Cordova and eastern Sacramento County, which include, but are not limited to, Rio Del Oro, Capital Village and the Villages at Zinfandel which contribute to cumulative development in the vicinity of the proposed project.

CUMULATIVE IMPACT ANALYSIS

Aesthetics

Implementation of the proposed project would not contribute to cumulative visual resource or aesthetic impacts. The project would result in **less than significant** impacts on aesthetic resources under cumulative conditions.

Agricultural Resources

The project would not result in cumulatively significant loss of agricultural resources or farmlands. The site is previously disturbed; therefore, **less than significant** impacts are anticipated.

Air Quality

The proposed project would not contribute to cumulative air quality impacts in the vicinity. The proposed 12-unit condominium complex falls below the air quality unit threshold standard for the Sacramento Air Quality Management District. Therefore, the cumulative impact would be **less than significant**.

Biological Resources

The project would not result in cumulatively biological resource impacts in the project vicinity; however, implementation of the proposed mitigation measures identified in Section 3.0 (Subsection IV, Biological Resources) of this MND would mitigate the project's contribution to a cumulative loss of biological resources to **less than significant**.

Cultural Resources

Implementation of the proposed project would not contribute to an increase in cultural resource impacts. The project would result in **less than significant** impacts on cultural resources under cumulative conditions.

4.0 CUMULATIVE IMPACTS

Geology and Soils

Project-related impacts on geology and soils would be site-specific and implementation of the proposed project would not contribute to seismic hazards or water quality impacts associated with soil erosion. Therefore, the proposed project would have **no impact** on cumulative geophysical conditions in the region.

Hazards and Hazardous Materials

The project would not contribute to hazards associated with the accidental release of hazardous materials; this cumulative impact is considered **less than significant**.

Hydrology and Water Quality

Cumulative Hydrology and Water Quality impacts are expected to be **less than significant**. The proposed project would return the site to a more natural hydrological state.

Land Use and Planning

The project site is currently undeveloped and is surrounded by commercial and residential development. The surrounding area is developed with an established community surrounding the proposed project site. Therefore, the project would result in **less than significant** cumulative land use and planning impacts.

Mineral Resources

The proposed project would not result in any site-specific or significant impacts to mineral resources and would result in **less than significant** impacts under cumulative conditions.

Noise

Implementation of project would not result in temporary and permanent changes in the ambient noise levels in the vicinity that exceed noise criteria. This is considered a **less than significant** to cumulative noise impacts.

Population and Housing

The proposed project will provide approximately 12 condominium units on land that currently is undeveloped, nor would it result in the displacement of any existing housing. Therefore, the project would result in **less than significant** to cumulative population and housing impacts.

Public Services

The proposed project does not include the development of any structures and or infrastructure. Implementation of the proposed improvements would not result in a cumulative increase in severity of public service impacts. Thus, a **less than significant** impact to public services is anticipated.

Recreation

The proposed project would not increase the need for recreational facilities in the area. Therefore, the project would result in **less than significant** cumulative impacts.

Utilities and Service Systems

The proposed project would not require any additional utilities and or service systems. Therefore, the project would result in **no impact** to utilities and service systems under cumulative conditions.

Transportation/Circulation

The proposed project would increase the number of vehicle trips, the volume-to-capacity ratio on roads, and congestion at intersections over existing conditions. The project applicants are responsible for their fair share of improvements to the existing street system surrounding the project area. Therefore, the project would result in a **less than significant** impact.

Water

Environmental analysis of the Zone 40 Master Plan Update and the facilities to implement the groundwater and surface water elements have not been completed, nor has detailed planning or facility design been determined. While it is likely that Zone 40 conjunctive use facilities (groundwater, surface water, and recycled water) will be implemented in a timely manner to serve the projects, such facilities cannot be guaranteed until they are approved. Therefore, the project would result in a **less than significant** impact to water supply under cumulative conditions.

5.0 DETERMINATION

5.0 DETERMINATION

On the basis of this initial evaluation:

- ☐ I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- ☒ I find that, although the proposed project could have a significant effect on the environment, a **MITIGATED NEGATIVE DECLARATION** is appropriate (i) because all significant and unavoidable effects of the proposed project have been previously examined in a Master EIR prepared pursuant to CEQA Guidelines section 15176, and (ii) because, with respect to any potentially new or additional significant environmental effects associated with the proposed project that have not been previously examined in the Master EIR, revisions to the proposed project have been made by or agreed to by the project proponents that clearly reduce such new or additional significant environmental effects to less-than-significant levels. In addition, I find that a **MITIGATED NEGATIVE DECLARATION** is also appropriate because the proposed project would not cause any significant environmental effects (i) that are "peculiar to the project or the parcel," (ii) that were not analyzed as significant effects in the prior EIR for North Douglas, or (iii) that, due to substantial new information not known at the time the EIR was certified, are more severe than discussed in the prior EIR. (See CEQA Guidelines, § 15183, subd. (c).).
- ☐ I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- ☐ I find that the proposed Project **MAY** have a significant effect(s) on the environment, but one or more of such significant effects: 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, all potentially significant effects: (a) have been analyzed and adequately addressed in an earlier EIR pursuant to applicable standards, or (b) have been avoided or mitigated pursuant to that earlier EIR, previous Mitigated Negative Declaration, or this Subsequent Mitigated Negative Declaration, including revisions or mitigation measures that are imposed upon the proposed project.

Signature H. Anderson Date: 1-27-05

Printed name: Hilary Anderson For City of Rancho Cordova

Per CEQA Section 15070(b)(1), the project applicant for the proposed North Douglas project has reviewed and agreed to the mitigation measures contained in this Mitigated Negative Declaration.

Signature David Miry Date: 1-26-05

Printed name: DAVID-MIRY For _____

6.0 REPORT PREPARATION AND CONSULTATIONS

6.0 REPORT PREPARATION AND CONSULTATIONS

6.1 REPORT PREPARATION AND REFERENCES

CITY OF RANCHO CORDOVA- LEAD AGENCY

Paul Junker	Planning Director
Kathleen Franklin	Principal Planner
Hilary Anderson	Environmental Coordinator
Brett Bollinger	Environmental Planner
Cyrus Abhar	City Engineer

6.2 PERSONS AND AGENCIES CONSULTED

Charley Langer	Sacramento County Environmental Management Department
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7.0 REFERENCES

7.0 REFERENCES

Sacramento County. *Sacramento County General Plan*. 1993.

Sacramento County. *Sacramento County General Plan EIR*. 1993.

Sacramento County Environmental Management Department. *Personal Consultation with Charley Langer*. January 2005.

ADR Environmental Group, Inc. *Phase I Environmental Site Assessment for Quick Fit Tire*. February 18, 2004.

APPENDIX A



COUNTY OF SACRAMENTO
Environmental Management Department
Mel Knight, Director

Bonnie Coleman, Manager
Administrative Services
Raymond E. Hackett, Manager
Environmental Health
Jeanette M. Musil, Manager
Hazardous Materials

Alice Talbott
Alice Talbott Revocable Trust
2828 Catania Way
Sacramento, CA 95826

April 26, 2000

Dear Ms. Talbott:

**SUBJECT: NO FURTHER ACTION LETTER (NFA)
LOCAL OVERSITE PROGRAM SITE NUMBER C500
FORMER CORDOVA TOOL RENTALS
10077 FOLSOM BOULEVARD
RANCHO CORDOVA, CALIFORNIA 95670**

This letter confirms the completion of a site investigation and remedial action for the underground storage tanks formerly located at the above-described location. Thank you for your cooperation throughout this investigation. Your willingness and promptness in responding to our inquiries concerning the former underground storage tanks are greatly appreciated.

Based on information in the above-referenced file and with the provision that the information provided to this agency was accurate and representative of site conditions, no further action related to the underground tank release is required.

This notice is issued pursuant to a regulation contained in Section 2721(e) of the California Code of Regulations.

Please contact our office if you have any questions regarding this matter.

Sincerely,

A handwritten signature, likely of Mel Knight, is written over the word "Sincerely,".

Mel Knight, Director
Environmental Management Department

MK:cmh

c: State Cleanup Fund
Ralph Malloy, ASU
Mike Smith, CVRWQCB
Andy Lush, Lush Geosciences, Inc

W:\DATA\MOE\10077 FOLSOM BLVD NFA LETTER

Case Closure Summary
Leaking Underground Fuel Storage Tank Program

I. AGENCY INFORMATION

DATE: May 2, 2000

Agency Name: Sacramento County Environmental Mgmt.	Address: 8475 Jackson Road, Suite 230
City/State/Zip: Sacramento, CA 95826	Phone: (916) 875-8467
Responsible staff person: Dan Moe	Title: Hazardous Materials Specialist III

II. Case Information

Site Facility Name: CORDOVA TOOL RENTAL				
Site Facility Address: 10077 FOLSOM BLVD., RANCHO CORDOVA 95670				
RB LUSTIS Case No:		Local Case No: 3323	Lop Case No: C500	
URF file date: 7/12/90		SWEEPS No:		
Responsible Parties		Address	Phone Numbers	
ALICE L. TALBOTT REVOCABLE TRUST		2828 CATANIA WAY, SACRAMENTO 95826	366-9439	

Tank No.	Size in Gallons	Contents	Closed In-Place/Removed?	Date
1	1000	Diesel	Removed	5/2/90
2	2000	Leaded gasoline/diesel	Removed	"
3				

III. Release and Site Characterization Information

Cause and type of release: Leaking dispensers and overspill			
Site characterization complete? (X)YES ()NO		Date approved by oversight agency: 3/17/00	
Monitoring Wells Installed? (x) YES ()NO		Number: 4	Proper screen interval? (X) YES ()NO
Highest GW depth below ground surface: > 22' (perched)		Lowest Depth: > 65	Flow Direction: NE
Most Sensitive Current Use:			
Are drinking water wells affected? () YES (X) NO		Aquifer name:	
Is surface water affected? () YES (X) NO		Nearest/affected SW name:	
Off-site beneficial use impacts (addresses/locations): N/A			
Report(s) on file? (x) YES () NO		Where is report(s) filed? HMD	
Treatment and Disposal of Affected Material			
Materials	Amount (Include Units)	Action (Treatment or Disposal w/Destination)	Date
Tank	1-1000 gallon, 1-2000 gallon	Removal; disposed of at Triangle	5/2/90
Piping	10'	" " " "	"
Free Product	N/A		
Soil	50 cubic yds	Used as backfill for UST excavation	
Groundwater	N/A		
Barrels	N/A		

Case Closure Summary
Leaking Underground Fuel Storage Tank Program

III. Release and Site Characterization Information (Continued)

Maximum Documented Contaminant Concentrations--Before and After Cleanup									
Contaminant	Soil (ppm)		Water (ppm)		Contaminant	Soil (ppm)		Water (ppm)	
	Before	After	Before	After		Before	After	Before	After
TPH (Gas)	14,000	1500	3.8	ND	Xylene	1200	7.3	1.1	ND
TPH (Diesel)	ND	ND	NA	NA	Ethylbenzene	230	1.3	.17	ND
Benzene	31	.62	.2	ND	Oil & Grease	NA	NA	NA	NA
Toluene	400	3.9	1.4	ND	Heavy metals	NA	NA	NA	NA
Other(MTBE)	.031	.031	.0017	ND	Other	NA	NA	NA	NA

Comments (Depth of Remediation, etc.): "AFTER" SOIL CONTAMINATION LEVELS FROM POST VE CONFIRMATION SAMPLES

IV. CLOSURE

Does completed corrective action protect existing beneficial uses per the Regional Basin Plan? (X) YES () NO		
Does the completed corrective action protect potential beneficial uses per the Regional Board Basin Plan? (x) YES () NO		
Does corrective action protect public health for current land use? (x) YES () NO		
Site management requirements: None		
Should corrective action be reviewed if land use changes? () Yes (x) No		
Monitoring wells decommissioned: (x) Yes () No	No. Decommissioned: 4	No. Retained: 0
List Enforcement Actions Taken: PLACED INTO LOP 10/1/99		
List enforcement actions rescinded: NFA LETTER ISSUED 4/18/00		
*SOIL VAPOR EXTRACTION WELLS AND GROUNDWATER MONITORING WELLS DECOMMISSIONED UNDER PERMIT AND INSPECTION OF EMD.		

V. Local Agency Representative Data

Name: MEL KNIGHT	Title: DIRECTOR
Signature:	Date: 5/5/00

VI. RWQCB Notification

Date Submitted to RB: 3/17/00	RB Response: Concur	
RWQCB Staff Name: Mike Smith	Title: Environmental Specialist II	Date: 3/17/00

VII. Additional Comments, Data, etc.

HHRA SHOWED NO SIGNIFICANT HEALTH IMPACTS FOR COMMERCIAL SCENARIO W:\DATA\10077fol.sum

Residential Development

Terra Loma Drive

Undeveloped parcel

Gravel and
grassy area

Vacant commercial
structure

Former UST
area

Tire storage area

Preschool

Oil staining

55-gallon
waste drums

Oil staining under
work bench

Shop
bays

Oil staining

Oil staining
under engine

Multi-tenant retail
including Circle K

Showroom

Storage

Dumpster

Multi-tenant commercial
including a lounge

Surface flow direction

NORTH

Folsom Boulevard

☐ = Drain

Residential development

NOT TO SCALE



ADR Environmental Group, Inc.

*Due Diligence and Risk Management
Services Nationwide*

(888) 622-3734

Site Map
Quick Fit Tire
10077 Folsom Boulevard
Rancho Cordova, California

Project Number:

ADR# COME 01-04-153-CA

Date:

February 2004

Figure:

2

ORDINANCE 09-2005

**AN ORDINANCE OF THE CITY OF RANCHO CORDOVA
AMENDING THE ZONING CODE TO REZONE PROPERTY FROM GC – GENERAL
COMMERCIAL TO RD-30 MULTI-FAMILY RESIDENTIAL, ON ASSESSOR PARCEL NUMBER
075-0033-017 FOR THE PROJECT KNOWN AS TERRA LOMA SUBDIVISION MAP
PROJECT NO. RC-04-140.**

The City Council of the City of Rancho Cordova does ordain as follows:

Section 1: Purpose and Authority

The purpose of this Ordinance is to amend the Zoning Map of the City of Rancho Cordova Zoning Code to change the zoning of APN 075-0033-017 from GC – General Commercial to RD-30 Multi-family Residential as shown on Exhibit A attached hereto. Article 2, Chapter 15 of Title 1 the Rancho Cordova Zoning Code provides for the procedure to amend the Zoning Map and authorizes the City Council as the appropriate authority.

Section 2: Findings and Evidence

1. Finding: The proposal will not have a significant adverse impact on the environment and a Mitigated Negative Declaration has been prepared and completed in accordance with the California Environmental Quality Act (CEQA).

Evidence: On the basis of the Mitigated Negative Declaration, public comments received, and the whole record, there is no substantial evidence that the project would have a significant adverse impact on the environment.

2. Finding: The proposed rezone will implement and be consistent with goals and policies of the General Plan of the City of Rancho Cordova, the interim General Plan documents that have been adopted by the City Council.

Evidence: The rezone request provides a way to develop a unique mixed-use neighborhood in a critical Rancho Cordova location, consistent with the current and proposed General Plan. The current General Plan allows project areas less than 10 acres to be considered internally consistent, even though the proposed zoning is not generally consistent with the categories defined in the General Plan. The proposed project will be consistent with the intent of the Folsom Blvd Corridor Study, wherein housing opportunities in close proximity to the Light Rail facilities would afford transit based housing in a medium price range. Additionally, the project would better serve the immediate area with ownership based housing than commercial, due to its limited .5 acre size and poor location and visibility to Folsom Blvd. The proposed project would serve as an effective transition in land use between the residential neighborhood to the north and the Folsom Blvd commercial corridor.

Section 3: Action

The City Council hereby amends the Zoning Map of the City of Rancho Cordova for Assessor's Parcel Numbers 075-0033-017 as shown on Exhibit A, attached hereto.

Section 4: No Mandatory Duty of Care.

This Ordinance is not intended to impose, and shall not be construed or given effect in a manner that imposes, upon the City or any officer or employee thereof a mandatory duty of care

towards persons or property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 5: 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 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 6: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the Ordinance within 15 days after its passage, a summary of the Ordinance may be published at least five days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to Government Code Section 36933(c)(1).

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova this 18th day of April 2005, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

KEN COOLEY, MAYOR of the
CITY OF RANCHO CORDOVA

ATTEST:

APPROVED AS TO FORM:

LILLIAN HARE
CITY CLERK

STEVEN R. MEYERS
CITY ATTORNEY

EXHIBIT A REZONE



EXISTING ZONING

CURRENT PROPERTY ZONE:
GENERAL COMMERCIAL (GC)



PROPOSED ZONING

PROPOSED PROPERTY ZONE:
RESIDENTIAL DISTRICT 30 (RD30)

D&S DEVELOPMENT COMPANY
10115 FOLSOM BLVD., SUITE 102
RANCHO CORDOVA, CA 95670
TEL: (916) 997-6032

RE-ZONE EXHIBIT

PROPOSED CONDOMINIUMS AT
SUBDIVISION NO. RC-03-055, PARCEL 1
RANCHO CORDOVA, CA

Dec. 6, 2004



EXISTING ZONING

CURRENT PROPERTY ZONE:
GENERAL COMMERCIAL (GC)



PROPOSED ZONING

PROPOSED PROPERTY ZONE:
RESIDENTIAL DISTRICT 30 (RD30)

D&S DEVELOPMENT COMPANY
10116 FOLSOM BLVD., SUITE 102
RANCHO CORDOVA, CA 95670
TEL: (916) 997-6032

RE-ZONE EXHIBIT

PROPOSED CONDOMINIUMS AT
SUBDIVISION NO. RC-03-055, PARCEL 1
RANCHO CORDOVA, CA

Dec. 6, 2004

RESOLUTION NO. 44-2005

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
APPROVING A TENTATIVE SUBDIVISION MAP, DESIGN REVIEW AND SPECIAL
DEVELOPMENT PERMIT FOR ASSESSOR PARCEL NUMBER 075-0033-017,
SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL / MMRP TO
IMPLEMENT THE TERRA LOMA PROJECT,
PROJECT NO. RC-04-140**

WHEREAS, D & S Development (hereinafter referred to as Applicant) filed an application with the City of Rancho Cordova (hereinafter referred to as City) for a Tentative Subdivision Map, Design Review and Special Development Permit; and

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

WHEREAS, an Initial Study was prepared for this project and a Notice of Intent to Adopt a Mitigated Negative Declaration was prepared and circulated according to the requirements of the California Environmental Quality Act (CEQA); and

WHEREAS, the City Council considered the Applicant's request at a duly published public hearing on April 18 pursuant to Government Code Section 65090 and has duly considered all written and verbal testimony presented during the hearing; and

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

Approve Tentative Subdivision Map (TSM) (Exhibit A), Design Review (Exhibit B) and Special Development Permit (Exhibit C) subject to the Conditions of Approval / MMRP (Exhibit D), as submitted in the Exhibits and based on the following findings:

A. California Environmental Quality Act

Finding: The proposal will not have a significant adverse impact on the environment and a Mitigated Negative Declaration has been prepared and completed in accordance with the California Environmental Quality Act (CEQA).

Evidence: An Initial Environmental Study was prepared for the proposed project and mitigation measures have been developed that will reduce potential environmental impacts to less than significant levels. On the basis of the Mitigated Negative Declaration, comments received, and the whole record, there is no substantial evidence that the project will have a significant adverse impact on the environment.

B. Tentative Subdivision Map

Finding: Section 66474 of the California Subdivision Map Act required a City to deny approval of a tentative map if it makes any of the following findings:

1. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
3. That the site is not physically suitable for the type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or type of improvements will conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision.

Evidence: The above Findings 1 through 7 do not apply to the proposed Tentative Subdivision Map.

1. The proposed map is consistent with the density limits of the RD-25 zoning as specified in the Rancho Cordova Zoning Code. A total of 25 units per acre are allowed in this zoning with the project proposing 11 units for 0.53 acres, which is an average density of 20.75 du's/acre.
2. The design of improvements of the proposed subdivision is consistent with the Rancho Cordova General Plan with the approval of the Special Development Permit.
3. The site is physically suitable for the development. The applicant is proposing 11 single-family lots and one remainder lot (Lot A) on a total of 0.53 acres which, with the approval of the Special Development Permit, conforms to the designated residential use of the General Plan and the Zoning Code. The project can be served by all necessary services, and has been conditioned to provide documentation of water service prior to Final Map.
4. The site is physically suitable for the proposed density of development. The property directly to the north of the proposed project site is zoned RD-20. The proposed project will be developed at 20.75 du/acre which is consistent with the adjacent zoning.
5. The Mitigated Negative Declaration prepared for the project determined that potential environmental impacts from the design of the subdivision or the proposed improvements will be mitigated to less than significant levels with implementation of the proposed mitigation measures and conditions of approval.
6. The Mitigated Negative Declaration prepared for the project determined that potential serious health problems were not identified for the project or will be mitigated to less than significant levels with implementation of the proposed mitigation measures and conditions of approval.
7. No conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision, have been identified.

C. Design Review

Finding: The City's Design Review process requires the following findings be made:

1. Home designs incorporate authentic architectural styles. Particular attention has been paid to the design of all front and side elevations facing the street or open space. All other elevations interior to the lot include, at a minimum, the articulation of all windows and doors (e.g., three-dimensional trim.)
2. The project provides diversity of homes within the subdivision by size and mass, elevation, garage orientation, and setbacks to avoid repetition of floor plans and elevations on adjacent homes within each subdivision and/or unit within a master planned area. (The intent is to create sufficient variation among home plans to ensure visual interest along residential streets throughout each neighborhood.)
3. The project provides variety in mass and scale of homes that is visually appealing from the street.
4. The project provides landscape that softens the appearance of pavement and structures, and provides an eventual tree canopy along the street.
5. The project provides home designs with a wide range of pricing levels to accommodate all income levels within the City.

Evidence: The following evidence meets the findings above:

1. The applicant has submitted a Design Review package which presents an architecturally superior product that meets the intent of the City's Design Review ordinance. The three-story buildings are articulated on all sides including around the windows and doorways. The architecture proposes varying the plane of the exterior walls through recessing and projections of the elements; the walls are varied so that the mass of the building is broken into smaller distinct "massing" elements; reveals, recesses, projections, trim elements and other architectural features have been incorporated to provide visual interest to the buildings

2, 3. The project provides only 11 single family residential units. The architecture on the front and back elevations varies between the adjacent units with the unit facing Terra Loma Drive articulated toward the street. Each individual unit is provided with a tandem, two car garage. The garage doors are oriented away from the street toward the east side of the project.

4. Staff has reviewed the proposed landscape plans and has determined the plans to be adequate to meet the intent of the conditions of approval. Staff has made some suggestions for the types of trees to be planted on site. A final review of landscaping and street trees will be made prior to final installment. Installation of the landscape will be done prior to issuance of occupancy permits.

5. The proposed small lot subdivision will provide a housing product that is affordable for a wider range of home buyers than some of the proposed subdivisions within the Anatolia Villages. However, the size of the proposed residential units which are three bedrooms, 3 baths and range in size from 1,456 to 1,564 square feet, will provide adequate living space for first time home buyers or persons looking to downsize from a larger home.

D. Special Development Permit

Findings: The appropriate authority shall not issue the Special Development Permit unless it finds:

1. That the proposed development will carry out the intent of the General Plan and the community plan.
2. That the proposed development is of sufficient size and is designed so as to provide a desirable environment within its own boundaries.
3. That the proposed development is compatible with existing and proposed land uses in the surrounding areas.
4. That any exceptions to, or deviation from, the use, density, requirements or design standards of the Land Use Zone in which the property is located, or of Title III of this Code are justified by the design of the development or by the substantial energy savings proposed pursuant to Section 110-65(b). In the case of a residential area, the rearrangement of dwellings and the mixing of dwelling types shall be justified by larger and more useable open spaces.
5. That there is adequate assurance that all public improvements will be installed at the scheduled times, as required by Public Works.
6. That there is adequate assurance that the development schedule will be met.
7. That the existing or proposed utility service is adequate for the uses and population densities proposed.

Evidence: It is staff's opinion that the proposed project can meet the intent of the findings as follows.

1. The proposed project carries out the intent of the General Plan for a single-family residential designation. The project is bounded on the north by multi-family residential use. The approved subdivision has been designed to integrate into the surrounding area.
2. The proposed project will provide an environment similar to a multi-family housing development; however, will provide for single-family ownership. There will be adequate living space; the two car tandem garage will provide adequate parking; and the site provides some common open space areas which would provide a desirable environment within its own boundaries.
3. The proposed project is compatible with existing and proposed land uses in the surrounding areas. Although the project site is surrounded by General Commercial, there is multi-family, RD-20, across Terra Loma to the north of the project site. In addition, approximately 300 feet east of the project the zoning becomes RD-20 with existing multi-family uses. It is staff's believe that allowing residential use fronting on Terra Loma Drive would create a "neighborhood" feel to the area.
4. The proposed subdivision will introduce a housing project into an area where commercial uses have historically not performed well. This is possibly the beginning for converting this area from this low performance commercial use into a residential area, which due to the proximity of bus service that connects to a light rail station, could become a transit- oriented neighborhood. Staff believes this is justification for the use of a Special Development Permit for this project.
5. The project has been conditioned by the Public Works Department to install all public improvements necessary at the appropriately scheduled times.

6. The issuance of a Building Permit establishes performance standards with regards to the timing of construction that will support this finding.
7. The proposed utility service is adequate for the use and population densities proposed. The CSD-1 has conditioned the project so that new and adequate sewer facilities will be constructed.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on this 18th day of April, 2005.

AYES:
NOES:
ABSENT:
ABSTAIN:

KEN COOLEY, MAYOR of the
CITY OF RANCHO CORDOVA

ATTEST:

LILLIAN HARE
CITY CLERK



CORDOVA PARK DISTRICT
TEL: (916) 362-1841

UTILITY REPRESENTATIVE		
UTILITY	REPRESENTATIVE	PHONE
GAS	P.G. & E.	916-368-5013
ELECTRICITY	SMUD	916-732-2769
TELEPHONE	PACIFIC BELL	916-453-7116
WATER	CITY OF SACRAMENTO	916-874-6825
SEWER	COUNTY OF SACRAMENTO	916-874-6820
DRAINAGE	COUNTY OF SACRAMENTO	916-874-6801
U.S.A.	COUNTY OF SACRAMENTO	500-642-2444
FIRE	SAC. METRO FIRE DISTRICT	916-942-3355
CABLE	COMCAST	916-927-3300

(E)	EXISTING
AC	ASPHALT CONCRETE
D1	DROP INLET
TP	TYPICAL
UP	UTILITY POLE
D1A	DIAMETER
SS	SANITARY SEWER
WH	MANHOLE
TG	TOP GRADE
TF	TRANSFORMER
TP	TOP OF PAVEMENT
66.5	EXISTING SPOT ELEVATION
FL	FLOW LINE
TR	TOP RIM
R/W	RIGHT OF WAY

COUNTY OF SACRAMENTO

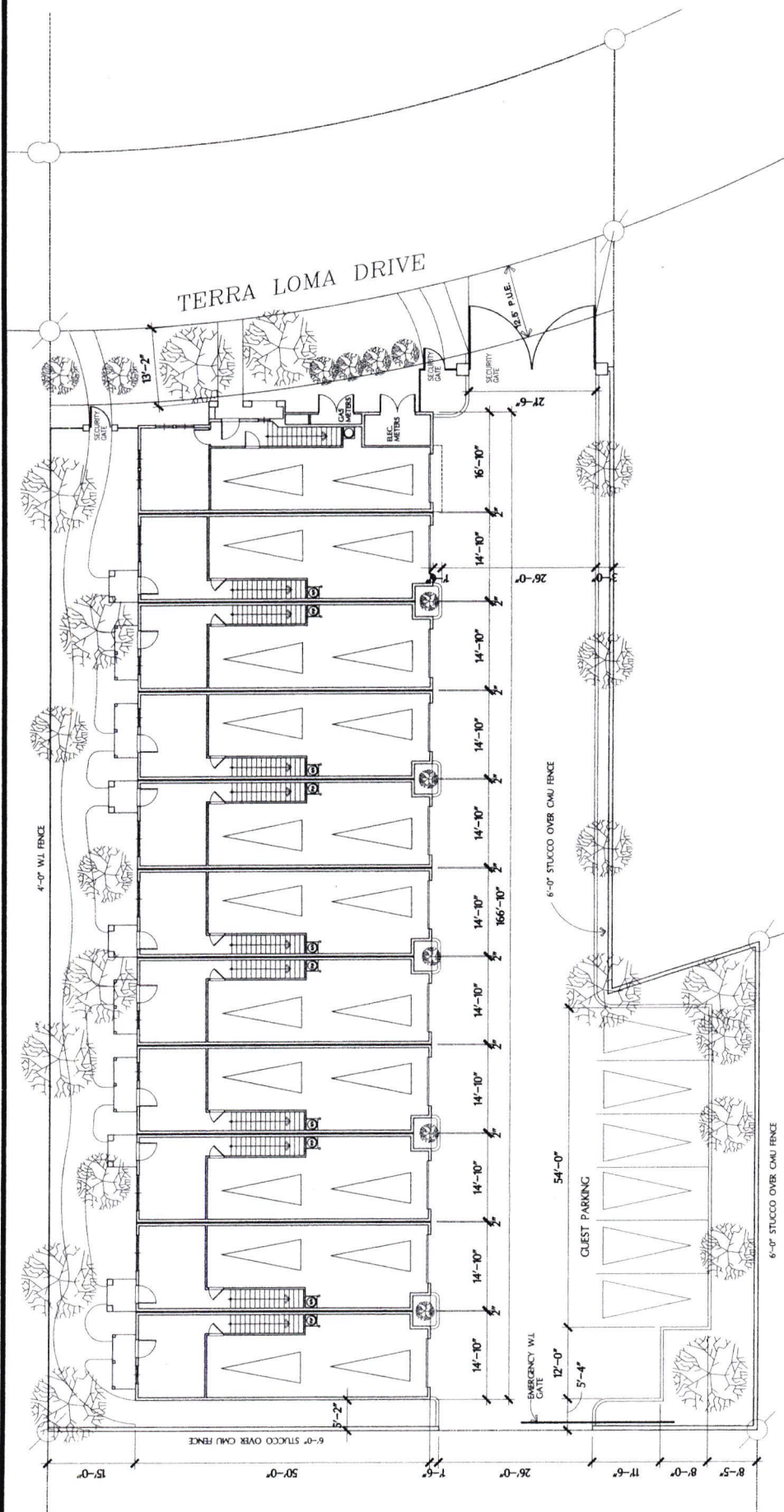
[illegible]

DESIGNED:	SCALE:
DRAWN: AM	1" = 20'
CHECKED: GWM	
SUBMITTED: _____ DATE: _____	

WONG & ASSOCIATES
ENGINEERING • SURVEYING • LAND PLANNING
10089 FOLSOM BOULEVARD, SUITE A
RANCHO CORDOVA, CALIFORNIA 95670
TEL. (916) 381-6926 FAX: (916) 381-6931

ON MOON STAIR

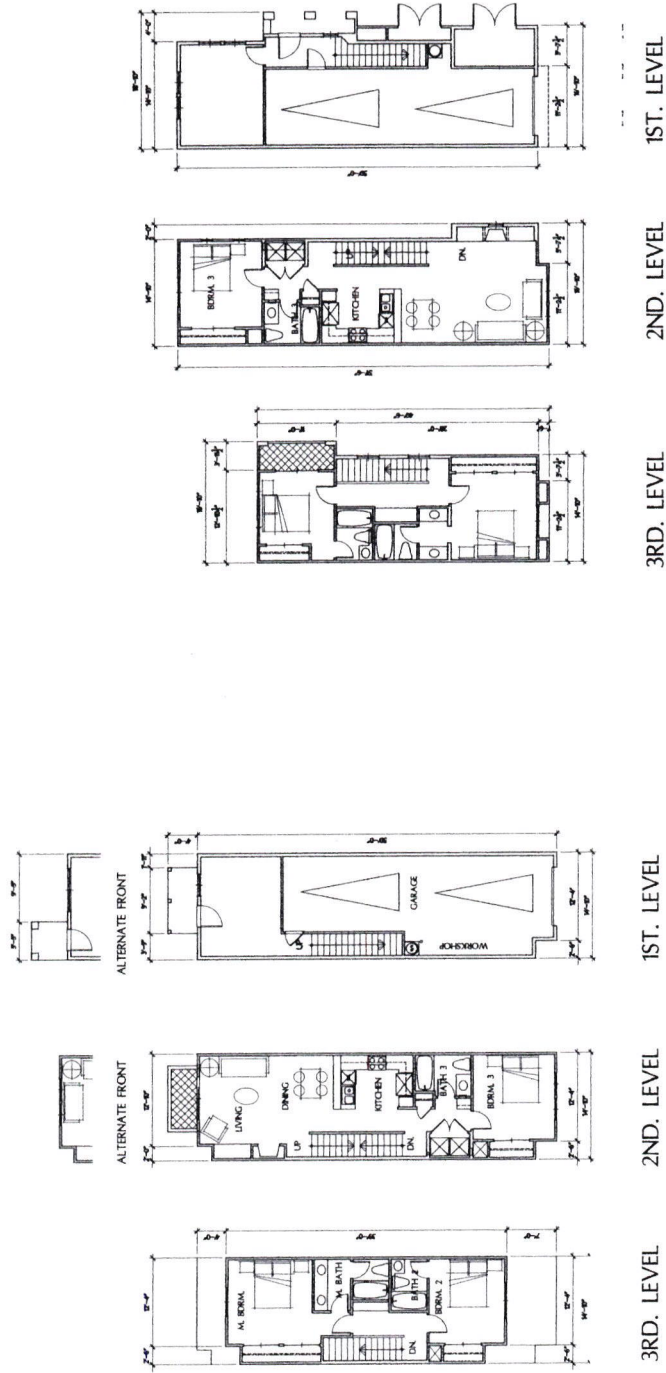
BELOW ELEVATION



ARCHITECTURAL SITE PLAN/
GROUND FLOOR PLAN
SCALE 1/8" = 1'-0"

PROPOSED TOWN HOMES AT
SUBDIVISION NO. RC-03-055, PARCEL 1
RANCHO CORDOVA, CA
JAN. 28, 2005

D&S DEVELOPMENT COMPANY
10115 FOLSOM BLVD., SUITE 102
RANCHO CORDOVA, CA 95670
TEL: (916) 997-5033

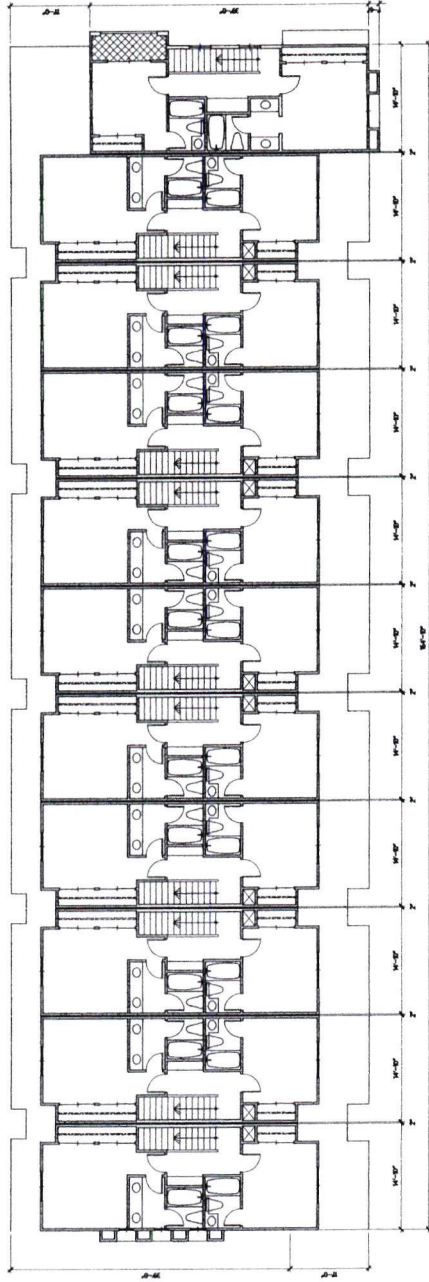


TYPICAL UNIT PLANS

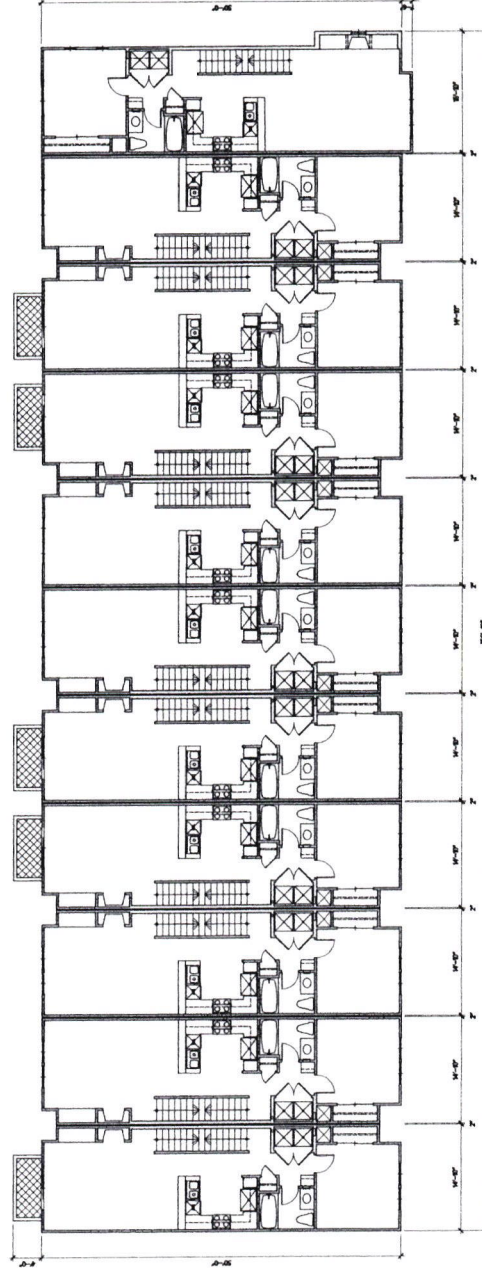
SCALE: 1/8"=1'-0"

D&S DEVELOPMENT COMPANY
 10115 FOLSOM BLVD., SUITE 102
 RANCHO CORDOVA, CA 95670
 TEL: (916) 897-6033

PROPOSED TOWN HOMES AT
 SUBDIVISION NO. RC-03-055, PARCEL 1
 RANCHO CORDOVA, CA
 JAN. 28, 2005



OVERALL THIRD LEVEL
SCALE: 1/8" = 1'-0"



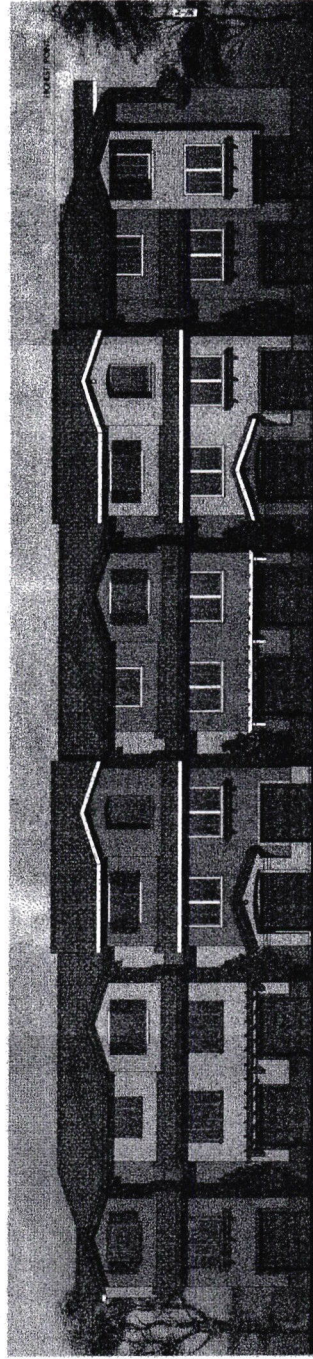
OVERALL SECOND LEVEL
SCALE: 1/8" = 1'-0"

D&S DEVELOPMENT COMPANY
10115 FOLSOM BLVD., SUITE 102
RANCHO CORDOVA, CA 95670
TEL: (916) 897-6033

PROPOSED TOWN HOMES AT
SUBDIVISION NO. RC-03-055, PARCEL 1
RANCHO CORDOVA, CA
JAN. 28, 2005



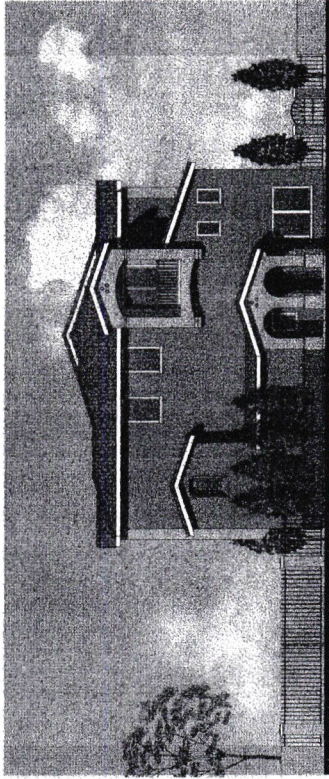
ENTRY ELEVATION
SCALE: 1/8" = 1'-0"



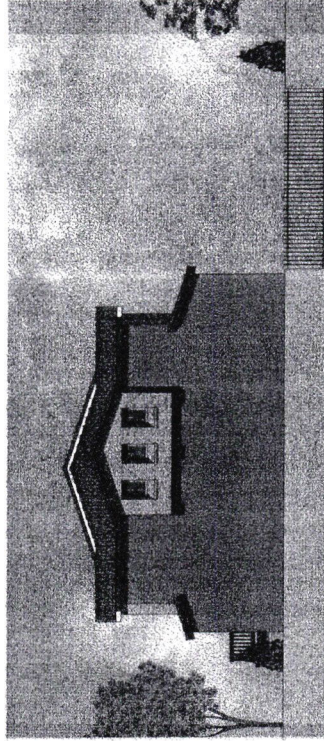
DRIVEWAY ELEVATION
SCALE: 1/8" = 1'-0"

D&S DEVELOPMENT COMPANY
10115 FOLSOM BLVD., SUITE 102
RANCHO CORDOVA, CA 95670
TEL. (916) 997-0033

PROPOSED TOWN HOMES AT
SUBDIVISION NO. RC-03-055, PARCEL 1
RANCHO CORDOVA, CA
JAN. 28, 2005



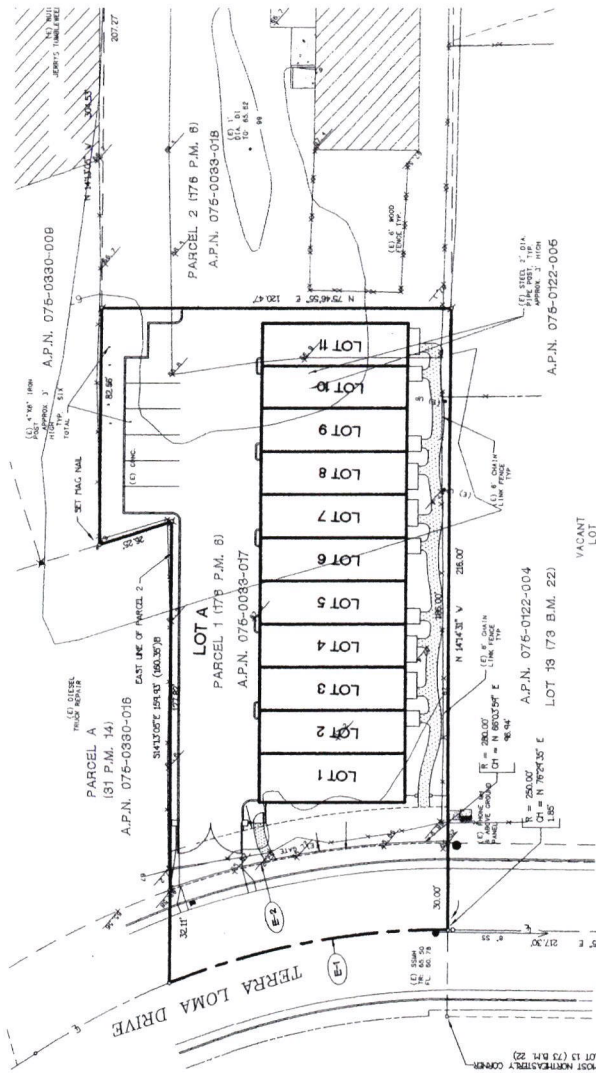
TERRA LOMA (NORTH) ELEVATION
SCALE 1/8" = 1'-0"



REAR (SOUTH) ELEVATION
SCALE 1/8" = 1'-0"

D&S DEVELOPMENT COMPANY
10115 FOLSOM BLVD., SUITE 102
RANCHO CORDOVA, CA 95670
TEL: (916) 997-5033

PROPOSED TOWN HOMES AT
SUBDIVISION NO. RC-03-055, PARCEL 1
RANCHO CORDOVA, CA
JAN. 28, 2005



SITE DATA

- OWNER/APPLICANT:
DMS DEVELOPMENT COMPANY
10309 FOLSOM BLVD., SUITE 102
RANCHO CORDOVA, CA 95070
 - SURVEYOR:
WONG & ASSOCIATES
10309 FOLSOM BLVD., SUITE A
RANCHO CORDOVA, CA 95070
CONTACT: MARIA WONG, AICP
TEL: 916-361-8928 FAX: 916-361-8931
 - CURRENT ZONING:
GC (GENERAL COMMERCIAL)
 - PROPOSED ZONING:
R-30 (RESIDENTIAL)
 - EXISTING USE:
VACANT
 - PROPOSED USE:
RESIDENTIAL
 - NUMBER OF EXISTING PARCELS:
1
 - NUMBER OF PROPOSED PARCELS:
12
- LOT 1 - 848 SQ. FT.
LOT 2 - 750 SQ. FT.
LOT 3 - 750 SQ. FT.
LOT 4 - 750 SQ. FT.
LOT 5 - 750 SQ. FT.
LOT 6 - 750 SQ. FT.
LOT 7 - 750 SQ. FT.
LOT 8 - 750 SQ. FT.
LOT 9 - 750 SQ. FT.
LOT 10 - 750 SQ. FT.
LOT 11 - 848 SQ. FT.
LOT 12 - 750 SQ. FT.
COMMON AREA - NET 11,893 SQ. FT.
- SCHOOL DISTRICT:
FOLSOM AND CORDOVA UNIFIED SCHOOL DISTRICT
TEL: (916) 355-1100
- PARK & RECREATION DISTRICT:
CORDOVA PARK DISTRICT
TEL: (916) 362-1841

LEGEND

- (E) EXISTING
AC ASPHALT CONCRETE
DI DRAINAGE
TYP. TYPICAL
UP UTILITY POLE
DIA DIAMETER
SS SANITARY SEWER
MH MANHOLE
TG TOP GATE
TF TRANSFORMER
TP TOP OF PAVEMENT
66.5 EXISTING SPOT ELEVATIONS
FL FLOW LINE
TR TOP RIM
R/W RIGHT OF WAY

EASEMENT NOTES

- (E-1) IRREVOCABLE OFFER OF DEDICATION PER THE DOCUMENT RECORDED IN BOOK 710921, PAGE 654, OF OFFICIAL RECORDS.
- (E-2) 12.5' PUBLIC UTILITY EASEMENT TO BE DEDICATED PER PARCEL MAP 178 PAGE 6.

UTILITY	REPRESENTATIVE	PHONE
GAS	P.G. & E.	916-366-2013
ELECTRICITY	SMUD	916-732-2769
TELEPHONE	PACIFIC BELL	916-635-2716
WATER	COUNTY OF SACRAMENTO	916-874-8820
SEWER	COUNTY OF SACRAMENTO	916-874-8820
DRAINAGE	COUNTY OF SACRAMENTO	916-874-8820
U.S.A.	800-642-2444	
FIRE	SAC. METRO FIRE DISTRICT	916-842-3355
CABLE	COMCAST	916-827-3300

WONG & ASSOCIATES
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10309 FOLSOM BOULEVARD, SUITE A
RANCHO CORDOVA, CA 95070
TEL: (916) 361-8928 FAX: (916) 361-8931

BENCHMARK ELEVATION: _____

FILED: JUNE 14, 2002

SCALE: 1" = 20'

DATE: 1-14-2002

NO.	DESCRIPTION	DATE

TENTATIVE MAP
OF
TERRA LOMA TOWN HOMES
APN 076-0038-017

CITY OF RANCHO CORDOVA

COUNTY OF SACRAMENTO

STATE OF CALIFORNIA

SPECIAL DEVELOPMENT PERMIT RC-04-140

These development standards are to be used for the Terra Loma Subdivision Map – City of Rancho Cordova Project No. RC-04-140:

The project site is zoned RD-30. All single-family Zoning Code development standards shall be applicable except as modified below:

Setback Matrix		
	Zoning Code Required	Approved for Project
Front Setback	20' front building and 19' for garage door plain.	13' 2"
Rear Setback	15' for three-story	5' 2"
Distance Between Buildings	10 feet	2 inches
Lot Area	4,000 sq ft (net)	No less than 746 sq ft (net)

CONDITIONS OF APPROVAL/MITIGATION MONITORING AND REPORT PROGRAM

EXHIBIT D

		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
1.	The development approved by this action is for a Rezone, Tentative Subdivision Map for 11 single-family lots, Design Review and a Special Development Permit for reduced setbacks and lot sizes, as shown on Exhibit C and the March 24, 2005 Planning Commission staff report. In addition to the conditions within this exhibit, the applicant shall comply with the applicable zoning conditions in Ranch Cordova Zoning Code . APN: 075-0033-017	On-Going	Planning	
2.	The Tentative Subdivision Map approval is valid for three years from the date of City Council approval, unless an extension of time is subsequently approved per Government Code Section 66452.6(e)	Three years, commencing with the date of Planning Commission approval.	Planning	
3.	The Applicant shall hold harmless the City, its Council Members, its Planning Commission, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.	On-Going	Planning	
Prior to Grading or Improvement Plan Approval.				
4.	Applicant shall pay any outstanding staff costs associated with the preparation of the Rezone, Tentative Subdivision Map, Design Review and Special Development Permits.	Prior to Issuance of Improvement Plans or grading permit.	Finance	

CONDITIONS OF APPROVAL/MITIGATION MONITORING AND REPORT PROGRAM

EXHIBIT D

5.	If any prehistoric, archaeological, paleontological, or historic artifacts or other indications of archaeological resources are found once the project construction is underway, all work in the immediate vicinity must stop and the City shall be immediately notified. An archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, shall be retained to evaluate the finds and recommend appropriate mitigation measures.	During initial site development, grading or brush clearing.	Planning
6.	Removal of the 27-inch blue oak tree shall only be allowed as a last resort, and must be approved by the Planning Director upon review of proof that the tree cannot be preserved. If the tree cannot be protected as required by the previous mitigation measures, the tree shall be removed and compensated by planting 27-inches of native oak trees within the City of Rancho Cordova. The replacement plantings must include a minimum of 9-inches of blue oaks and the Planning Director must approve the planting site. Prior to the approval of any grading plans, improvement plans or building permits, a Replacement Oak Tree Planting Plan shall be prepared by a certified arborist or a licensed landscape architect, and shall be submitted to the Planning Department for review and approval. The Replacement Oak Tree Planting Plan shall include the following components: - Species, size and location of all replacement tree plantings; - Method of irrigation; - Planting, irrigation and maintenance schedules; - Identify the maintenance entity and include their written agreement to provide care and irrigation of the trees for a five (5) year establishment/maintenance period (i.e., 5 years from the date of planting), and to replace any of the replacement trees that do not survive that period. If the developer chooses to plant other than 15-gallon size trees, equivalent compensation based on the following ratios is required: One 15-gallon oak = 1 inch dbh One 24-inch box oak = 2 inches dbh One 36-inch box oak = 3 inches dbh No replacement oak tree shall be planted within 15 feet of a building foundation. The planting of all required replacement trees shall be completed within 1 year of the completion of project construction. Replacement plantings shall be monitored	Prior to Improvement of plans , building permits, and for five years after replanting is completed	Planning

CONDITIONS OF APPROVAL/MITIGATION MONITORING AND REPORT PROGRAM

EXHIBIT D

	by a certified arborist. The Planning Department shall be notified within 30 days of completion of the replacement tree plantings. All replacement trees shall be monitored for a period of 5 years from the date of planting, and any of the replacement trees that do not survive that 5-year period shall be replaced. If it is not possible to accommodate all of the required plantings within the City of Rancho Cordova, the remaining plantings shall be compensated through payment to the Sacramento County Tree Fund or equivalent fund as available and as approved by the Planning Director. This option shall only be made available upon demonstration that the replacement plantings cannot be accommodated within the City of Rancho Cordova and upon approval by the Planning Director. MITIGATION MEASURE		
7.	Prior to any site disturbance, the applicant shall obtain a qualified engineer to conduct a peer review of the prior site investigations reported by the Sacramento County Environmental Management Department (No Further Action Letter- NFA April 2000) and ADR Environmental Group (Phase I Environmental Site Assessment). This peer review is necessary to demonstrate that the site is compatible with the proposed residential use. The peer review shall be documented in a letter addressed to the Planning Director and signed and stamped by a registered engineer. If the peer review finds the site to be appropriate for residential development, no further action is required. However, if the peer review finds that the site contains unacceptable levels of contamination, remediation shall be conducted to bring the site to an acceptable level for residential use prior to issuance of building permits. MITIGATION MEASURE	Prior to Site Disturbance	Planning
8.	The Stormwater Pollution Prevention Plan in place for the site shall be revised to include, and any future Stormwater Pollution Prevention Plans for the site shall include implementation of a process to remove fine clay sediments prior to discharge to Sacramento County's storm drain system and/or Waters of the State (e.g., creeks, rivers) to the satisfaction of the Stormwater Quality Division of the County Department of Water Resources. A polymer treatment system or comparable process shall be designed and implemented by qualified professionals with training and proven experience in this field. Such treatment shall be accomplished in a manner that does not pose a toxic threat to fish and other aquatic organisms in receiving waters.	Prior to Improvement Plans	Water Resources
9.	Complete and implement a site drainage study for Terra Loma Subdivision with approval from County of Sacramento Department of Water Resources of the Public Works Agency.	Prior to Improvement Plans or Final	Water Resources

CONDITIONS OF APPROVAL/MITIGATION MONITORING AND REPORT PROGRAM

EXHIBIT D

		Map, whichever comes first.		
10.	A Notice of Intent (NOI) must be filed with the state Water Resources Control Board prior to construction to obtain coverage under the State's General Construction Activity Stormwater Permit. As a condition of the General Permit, a Stormwater Pollution Prevention Plan (SWPPP) must be developed for the project. Mitigation Measure	Prior to Improvement Plans	Water Resources	
	Prior to Recordation of the Subdivision Map			
11.	Grant right-of-way for Terra Loma Drive, based on a 60-foot streets road standard and install public street improvements pursuant to Rancho Cordova Improvement Standards.	Prior to Recordation of the Subdivision Map	Public Works	
12.	Driveway width shall be to the satisfaction of the Public Works Director.	Prior to Recordation of the Subdivision Map	Public Works	
13.	Dedicate a standard 12.5 foot Public Utility Easement for underground facilities and appurtenances adjacent to all public ways.	Prior to Recordation of the Subdivision Map	Public Works/SMUD	
14.	Pay park-in lieu fees for as determined by the City of Rancho Cordova.	Prior to Recordation of the Subdivision Map	Public Works	
15.	Dedicate the common areas as a public utility easement for underground facilities and appurtenances except for those areas where structures or pool are located.	Prior to Recordation of the Subdivision Map	SMUD	

CONDITIONS OF APPROVAL/MITIGATION MONITORING AND REPORT PROGRAM

EXHIBIT D

16.	The owner/developer must disclose to SMUD the Special Permit when applying for facilities.	Prior to Recordation of the Subdivision Map	SMUD	
17.	In order to obtain sewer service, sewer easements may be required for the construction of public collector and trunk sewer to the satisfaction of CSD-1. Design of public sewer shall be coordinated with and approved by CSD-1. All sewer easements shall be dedicated to CSD-1, be 20 feet in width and ensure continuous access for maintenance. Sacramento County Improvement Standards apply to any on-site sewer construction.	Prior to Recordation of the Subdivision Map	CSD-1	
18.	Developer's property is located within City of Rancho Cordova Special Police Tax Area No. 4, and each of the 11 residential parcels within the project is already subject to the City's Police Tax.	Prior to Recordation of the Subdivision Map or Large Lot Map	Planning	
19.	Developer shall show proof of adequate water supply from California American Water Company.	Prior to Recordation of the Subdivision Map	Water Supply	
20.	Provide drainage easements pursuant to the Sacramento County Floodplain Management Ordinance, and the Sacramento County Improvement Standards.	Prior to Recordation of the Subdivision Map	Water Resources	
21.	Annex to the County of Sacramento Stormwater Utility pursuant to the Sacramento County Water Agency Code, and the Sacramento County Improvement Standards.	Prior to Recordation of the Subdivision Map	Water Resources	
22.	Record reciprocal access agreement and a maintenance agreement for the 11 residential lots that will share the common driveway, parking area, and landscape areas of the remainder know as "Lot A". A Homeowner's Association will be established to administer these agreements.	Prior to Recordation of the Subdivision Map	Planning	

Prior to the Issuance of Building Permits				
		Prior to Building Permit	Planning	
23.	The Applicant agrees it shall pay the City the total sum of \$733 for Park Impact Fees for each residential parcel shown on the final map. Beginning on January 1, 2006, the fee shall be adjusted annually on each January 1 based upon the percentage change in the United States Department of Labor Consumer Price Index for all Urban Consumers for the San Francisco-Oakland-San Jose area between April and April of each year.			
24.	In recognition of unique characteristics of Landowner's Project and the timing of City's processing of the Project, the Applicant has agreed to pay a fee of \$4,000 per residential lot to satisfy the Park Development fee.	Prior to Building Permit	Planning	
25.	A Traffic Impact fee of \$4,400 will be paid for each residential lot.	Prior to Building Permit	Public Works	
26.	If any residual contamination is detected, the City shall be notified and the contamination shall be removed and the hole backfilled in accordance with the recommendations of a qualified geotechnical engineer.	During Construction	Planning	
27.	MITIGATION MEASURE Provide approved steamer type fire hydrants along the fire access lane at spacing not exceeding 300 feet. A. Existing hydrants located on Terra Loma may be considered in determining fire hydrant spacing within the development. B. Existing "wharf" fire hydrants are not acceptable to meet the requirements for new construction.	Prior to the Issuance of Building Permits	Fire Department	
28.	Provide access arrangements and install working fire hydrants which meet the required fire flow demands pursuant to the requirements of Metro Fire District, prior to any combustible construction or combustible materials storage on site.	Prior to the Issuance of Building Permits	Fire Department	
29.	Plans shall be submitted to the fire prevention bureau showing hydrant locations for review and approval prior to construction.	Prior to the Issuance of Building Permits	Fire Department	
30.	Civil plans, fire service underground plans, architectural plans, fire sprinkler and fire alarm plans shall be submitted to the fire department for review and approval.	Prior to the Issuance of Building Permit.	Fire Department	
31.	Final architectural design for single family homes shall be reviewed by the Planning Department and modified as needed to ensure compliance with the final designs reviewed and approved by the City Council. Dwelling units shall be placed on the lots according to the site plans shown in Exhibit C of Resolution 17-2004.	Prior to the Issuance of Building Permits	Planning	

CONDITIONS OF APPROVAL/MITIGATION MONITORING AND REPORT PROGRAM

EXHIBIT D

32.	Sewer connection fees for CSD-1 shall be paid.	Prior to the Issuance of Building Permits	CSD-1	
	Prior to Certificate of Occupancy			
33.	Within Sacramento Metropolitan Fire District all structures greater than 3,599 square feet shall be provided with a fire system. Therefore, this project will require the installation of a fire sprinkler system throughout the structure.	Prior to the Issuance of Occupancy Permit.	Fire Department	
34.	Provide access roadways with all-weather driving surface of not less than 20 feet of unobstructed width, with a minimum turning radius of 38 feet inside/58 feet outside dimension capable of supporting the imposed loads of fire apparatus and having a minimum of 13 feet, 6 inches of vertical clearance.	Prior to the Issuance of Occupancy Permit.	Fire Department	
35.	The southerly "Emergency W.I. Gate" must connect to another through street, which meets all the aforementioned access roadway requirements.	Prior to the Issuance of Occupancy Permit.	Fire Department	
36.	There shall be no parking on any street/driveway narrower than 28 feet. Measurements shall be from gutter-line or edge of pavement to the same on the other side of the roadway. On private streets/driveways, marking of the fire lanes per Metro Fire Land Standard may be required. Contact the Fire Prevention Bureau for a copy of the fire lane standard.	Prior to the Issuance of Occupancy Permit.	Fire Department	
37.	Provide approved address numbers on the building in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background and on all new buildings shall be illuminated at night.	Prior to the Issuance of Occupancy Permit.	Fire Department	
38.	A gate plan submittal for the security gates shall be provided to the fire department for review and approval. The developer shall obtain a copy of the Sacramento County Fire Code, Amendment VII, Emergency Access Gates and Barriers. Gate design and plan submittal shall conform to this standard.	Prior to the Issuance of Occupancy Permit.	Fire Department	
39.	Install drainage facilities pursuant to the Sacramento County Floodplain Management Ordinance, Sacramento County Water Agency Code, and Sacramento County Improvement Standards.	Prior to Certificate of Occupancy	Water Resources	

CONDITIONS OF APPROVAL/MITIGATION MONITORING AND REPORT PROGRAM

EXHIBIT D

40.	All roads providing access to the completed homes shall be fully constructed and accepted by the City Engineer.	Installation Prior to 1 st Final Inspection	Public Works	
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ADVISORY COMMENTS

Sacramento County Sheriff's Department

1) LOCATION/STREET LAYOUT/ADDRESSING

- a) All gates shall meet Sacramento County Fire Code specifications for accessibility, and be equipped with all access devices for public safety access.
- b) Building numbers shall be posted on each building in locations and heights as to allow visibility by responding public safety personnel.
 - i) A lighted monument sign shall be placed inside the main access gate identifying building numbers and corresponding apartment numbers located in that building.
- c) All curbs shall be vertical in design. Rounded curbs shall be avoided whenever possible.

2) LANDSCAPING

- a) Landscaping shall be of the type and situated in locations to maximize observation while providing the desired degree of aesthetics. Security planting materials are encouraged along fences and property lines and under vulnerable windows. A partial list of suggested materials is available from the Sheriff's Department upon request.

3) FENCING/ACCESS CONTROL

- a) Vertical wrought-iron fencing material shall be used for all fences between private lots and open space, parks, right of ways, or other public access land. This is to allow visibility to those areas and encourage residents to view activities in those areas. In addition this will make those areas less attractive to loiterers and others who wish to use those locations for criminal or mischievous purposes.

4) LIGHTING

- a) There shall be on-site lighting to allow for adequate visibility by residents, law enforcement, and passersby during nighttime hours.
- b) All lighting fixtures shall be of a type and kind to resist breakage and other vandalism.
- c) Parking areas, roadways, and driveways shall be illuminated with high intensity discharge lighting with sufficient wattage to provide adequate illumination to provide a safe, secure environment for persons, property, and vehicles on site. Such lighting shall be equipped with vandal-resistant covers and photocell control. A lighting level of .25 to .50 foot-candles, maintained at ground level, is required for the site in general; entry intersections should be .50 or greater.

5) BUILDING DESIGN

- a) All private patios shall be enclosed utilizing vertical wrought iron or other materials that will allow for maximum visibility to the common areas of the complex. This will provide for natural visibility that will increase residents' perception and feeling of safety. Please note that vertical wrought iron, specifically, is not being required, but any design or material that will allow for visibility into and out from, each patio and apartment.

6) LAW ENFORCEMENT STAFFING

City Council
4/18/2005

Page 9 of 10

Terra Loma (RC-04-140)
Rezone/Tentative Subdivision Map/
Special Development Permit/Design Review

CONDITIONS OF APPROVAL/MITIGATION MONITORING AND REPORT PROGRAM

EXHIBIT D

- a) Based on City of Rancho Cordova residency estimates of 2.9 people per home, the Sheriff's Department will require an additional .03 officers to maintain the 1 to 1000 officer/population staffing level.

CITY OF RANCHO CORDOVA

**Minutes of Meeting of the Planning Commission
March 24, 2005**

1. CALL MEETING TO ORDER

The meeting of the Planning Commission of the City of Rancho Cordova was held on Thursday, March 24, 2005 in the City Council Chambers located at 3121 Gold Canal Drive, Rancho Cordova, CA, 95670. Planning Commission Chair Art Smith called the meeting to order at 6:00 p.m.

Staff Present: Planning Director, Paul Junker; Assistant Planner, Kathleen Franklin; Commission Clerk, Brenda Lehr

Role Call:

Commissioners Present: Burke, Konarski, Savorn, Smith, Vance, Wentz
Commissioners Absent: Moe

- A. **Flag Salute** – Pledge of Allegiance was conducted.
- B. **Approval of Agenda** – The Planning Commission reviewed the Agenda of the March 24, 2005 Meeting of the Planning Commission.

Action: Vice Chair Vance moved, second by Commissioner Wentz, to approve the agenda of the March 24, 2005 Planning Commission Meeting. Motion was approved unanimously.

- C. **Minutes** – The Planning Commission reviewed the Minutes of the March 8, 2005 Meeting of the Planning Commission Meeting of the Planning Commission.

Action: Commissioner Wentz moved, second by Vice Chair Vance, to approve the Minutes of the March 8, 2005 Meeting of the Planning Commission Meeting as written and corrected. Motion was approved unanimously.

2. PUBLIC COMMENT – There were no public comments heard at this meeting.**3. PUBLIC HEARING**

- A. **Consideration of the Rezone/TSM/SDP/DR for TERRA LOMA – Project No. RC-04-140:**

Request: Applicant is requesting a Rezone from General Commercial to RD-25, Tentative Subdivision Map for 11 single family residential lots, Special Development Permit to allow reductions in setbacks, and Design Review for 11 single family residential units on 0.53 acres.

Project Applicant: D&S Development, 10115 Folsom Blvd #102, Rancho Cordova, CA 95670

Project Location: APN: 075-0033-014, Terra Loma Drive (Behind Quick Fit Tires)

Assistant Planner, Kathleen Franklin presented the staff report and recommended the Planning Commission forward a recommendation to the City Council to find the environmental document, prepared in compliance with the California Environmental Quality Act (CEQA) guidelines, is adequate and complete and adopt the Mitigated Negative Declaration; adopt an ordinance approving the Rezone; and adopt a resolution approving the Tentative Subdivision Map, Special Development Permit, and Design Review for Terra Loma Subdivision, RC-04-140, subject to the attached Findings, Evidence, Design Review Package, and Conditions of Approval. Chair Smith opened the public hearing and took testimony from David Miry, project applicant.

The Commissioners had the following concerns and comments:

- Will there be two common walls between the 2 inch separations between the homes? Yes.
- Where do the front doors face? They would face the GC zoned commercial property.
- Would it be a problem if this area were to be declared a redevelopment area? It is not certain at this point.
- Commissioner Wentz is concerned with parking. Staff advised that there are adequate on-site parking and will need to utilize the garages.
- Commissioner Savorn is concerned that this area is a heavy service call area. Staff advised that the police department did not make any additional comments regarding service calls.
- Commissioner Burke feels that the project is nice, but the area is not a good location for this project.
- What type of fencing will be provided to cover the project from view of the Quick Fit Tire. It will be a 6 foot CMU wall.
- Commissioner Savorn would like the walls graffiti proofed. Staff advised that this is one of the conditions of approval.
- Commissioner Savorn would like to suggest using Red Oaks. Staff advised that this type of Oak is not a native tree and would not be consistent with the City code.
- On the west side entrance access, Commissioner Savorn would like a security gate installed. Staff advised that there is a security gate.
- Chair Smith is concerned that this area will be a catalyst and that there should be a better strategy for this area.
- Chair Smith is concerned that there is not a market for this area for this type of project and that the project should be bigger to make the statement to change the direction of this blighted area.
- Chair Smith would like to encourage this project to move forward, but is concerned that this is not a good area for this project.
- Commissioner Konarski likes the project, but feels the area has individuals living in the area who do not take pride in their neighborhood.
- Commissioner Wentz feels that the applicant had a good intention to make this project succeed, but still feels that the project is not in a good area.
- Will the lighting in this area be substantial? Staff advised that this will be addressed at City Council level.

- Commissioner Savorn is concerned that because this project is a gated project that it will go against the ideas of the City not wanting to have gated projects.
- When will the project start being build? The project will start being built as soon as permits are issued.
- Commissioner Smith feels that this type of project would benefit when the Folsom Blvd. Master Plan is being established.
- Planning Director, Paul Junker is concerned about the location of the Air Conditioning units and would like to see a plan before being brought before the City Council.
- Can the 2 inch air space be filled with foam? It would defeat the purpose of the detached units and would affect the sales price of the homes.
- Comments from Therese Volk, resident on W. La Loma:
 - Feels that there would be no control from the original owner and that the units could turn into rentals.
 - Is concerned with project being targeted at adults because the tandem garage concept may be too inconvenient, causing people to park off-site.
 - If target owners are families, she is concerned with the lack of play area, causing children to play in the parking lot or the street
 - Would like to see a larger project.
- Planning Director, Paul Junker would like to address the lack of common area and the consideration of removing one home and using it as an internal green space.
- Chair Smith sees significant risks for the applicant in undertaking this projects and appreciated his willingness to take a chance to improve the area. He would like to approve and support the project in hopes of sending a message to nearby property owners that the area is moving in a new area after years of blight.
- Commissioner Savorn would like to support project, would like the council addressed to make sure that one of the units be turned into a common green space area for the neighbors to get to know each other. The closest area for children to play is around a ½ mile north of the project and doesn't feel that residents would want to travel that far.
- Chair Smith would like more articulation on the south elevation under the windows because he feels it is still too blank. Staff will work with applicants before going to City Council.
- Chair Smith would like to recommend that the green space area be mitigated before it goes to City Council.

Action:

Motion 1: Commissioner Konarski moved, seconded by Commissioner Wentz, to recommend the Planning Commission forward a recommendation to the City Council to find the Mitigated Negative Declaration prepared for the project is adequate and has been prepared in accordance with the California Environmental Quality Act (CEQA).

Vote on the Motion:

AYES: Burke, Konarski, Smith, Savorn, Vance, Wentz

NOES: NONE
ABSTAIN: NONE
ABSENT: Moe

There being 6 Ayes, 0 Noes, 0 Abstains and 1 Absentees, the motion is hereby declared to be passed.

Motion 2: Commissioner Wentz moved, seconded by Commissioner Konarski, to recommend the Planning Commission forward a recommendation to the City Council to adopt a resolution approving the Rezone, Tentative Parcel Map, Special Development Permit, and Design Review of Terra Loma Subdivision, subject to the Findings and revised Conditions of Approval to remove one unit to provide for a green space area.

Roll Call Vote on the Motion:

AYES: Konarski, Savorn, Smith, Vance, Wentz
NOES: Burke
ABSTAIN: NONE
ABSENT: Moe

There being 5 Ayes, 1 Noes, 0 Abstains and 1 Absentees, the motion is hereby declared to be passed.

4. REGULAR CALENDAR

- A. **Planning Commission Training** – There was no Planning Commission Training scheduled for this meeting.
- B. **Planners Institute** – Discussion of information packet.

5. ACTION ITEMS – There were no action items scheduled for this meeting.

6. STAFF/COMMISSION COMMENTS

- None

7. FUTURE AGENDA ITEMS

- There were no Future Agenda Items scheduled at this meeting.

8. ADJOURNMENT

There being no further business before the Planning Commission, the meeting was adjourned at 7:30p.m., March 24, 2005, to the next scheduled meeting.

Art Smith, Planning Commission Chair

Paul Junker, Planning Director

ATTEST:

Brenda Lehr, Commission Clerk

DRAFT



Rick Martinez
Fire Chief

Attachment 5

Sacramento Metropolitan Fire District

3012 Gold Canal Dr., Rancho Cordova, CA 95670 • (916) 942-3300 • Fax (916) 942-3400

March 2, 2005

City of Rancho Cordova
Rancho Cordova Planning Department
3121 Gold Canal Drive
Rancho Cordova, CA 95670

Attention: Kathleen Franklin

Subject: RC Application Number: RC-04140
APN: 075-0033-014
Location: 0000 Terra Loma
Sac Metro No.: 2005-0361

Dear Applicant:

It is highly recommended that specific requirements for new construction be obtained from the fire district during the planning stage of construction. Requirements for bridges, entry gates, fire hydrants and access roadways must be clearly understood. Call the Fire Prevention Bureau at (916) 942-3300 and request a design review conference. A consultation fee will apply, but could save considerable time and resources.

If there are no immediate plans for new construction or storage of combustible materials on this project, the requirements applicable to construction may be held in abeyance until such time that development occurs. It is important to note that if the property is sold, the seller of the property is encumbered to disclose the above requirements to the buyer.

THE FOLLOWING ARE COMMENTS SPECIFIC TO THIS APPLICATION:

1. The provided plans do not show any fire hydrants. Provide approved steamer type fire hydrants along the fire access lane at spacing not exceeding 300 feet.
 - A. Existing hydrants located on Terra Loma may be considered in determining fire hydrant spacing within the development.
 - B. Existing "wharf" fire hydrants are not acceptable to meet the requirements for new construction.
2. Plans shall be submitted to the fire prevention bureau showing hydrant locations for review and approval prior to construction. **FIRE HYDRANT DETAIL AND FIRE**

DEPARTMENT NOTES SHALL BE SHOWN ON THE PLANS OR IMPROVEMENT DRAWINGS.

3. Within Sacramento Metropolitan Fire District all structures greater than 3599 square feet shall be provided with a fire sprinkler system. Therefore, this project will require the installation of a fire sprinkler system throughout the structure.
4. Provide access roadways with all-weather driving surface of not less than 20 feet of unobstructed width, with a minimum turning radius of 38 feet inside/58 feet outside dimension capable of supporting the imposed loads of fire apparatus and having a minimum of 13 feet, 6 inches of vertical clearance. The plans ~~show a fire access lane~~ of 18' which unacceptable according to county standards.
5. The western (?) "Emergency W.I. Gate" does not show a connection to a public road or another access-way. This gate must connect to another through street, which meets all the aforementioned access roadway requirements.
6. There shall be no parking on any street narrower than 28 feet. Measurements shall be from gutter-line or edge of pavement to the same on the other side of the roadway. On private streets, marking of the fire lanes per the Sacramento Metro Fire Lane Standard may be required. Contact the Fire Prevention Bureau for a copy of the fire lane standard.
7. Provide approved address numbers on the building in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background and on all new buildings, shall be illuminated at night.
8. Prior to construction, civil plans, fire service underground plans, architectural plans, fire sprinkler, and fire alarm plans shall be submitted to the fire department for review and approval.
9. If security gates are to be included within the scope of this project, a gate plan submittal shall be provided to the fire department for review and approval. The developer shall obtain a copy of the Sacramento County Fire Code, Amendment VII, Emergency Access Gates and Barriers. Gate design and plan submittal shall conform to this standard.

Our review is not to be construed as abrogating more restrictive requirements by other agencies having jurisdiction. Final acceptance is subject to field inspection and necessary tests.

If you have any questions or need further information, please call me at (916) 942-3335.

Diana E. Schmidt
Fire Inspector
Fire Prevention Bureau

**COUNTY OF SACRAMENTO
INTER-DEPARTMENT CORRESPONDENCE
DEPARTMENT OF WATER RESOURCES**

MEMORANDUM

Date: December 29, 2004

TO: Kathleen Franklin, Rancho Cordova Planning

Applicant:

FROM: Mark Rains

PROJECT NAME: Terra Loma Condos Design Review and Rezone

CONTROL NUMBER: RC 04-140

A.P.N.: 075-0033-014

COMMENTS SECTION:

1. FEMA Flood Zone: X
Panel No. 060262-0205
Date: 7/6/1998

2. Watershed: Boyd Creek

CONDITIONS OF APPROVAL:

If the project is approved, the subject application should be conditioned on the following:

1. STD#190 (I,E,F)- Provide drainage easements and install facilities pursuant to the Sacramento County Floodplain Management Ordinance, Sacramento County Water Agency Code, and Sacramento County Improvement Standards, including any fee required by the Sacramento County Water Agency Code. If the system is to be a private system, then it shall be shown as such on the improvement plans and a copy of an approved and executed private maintenance agreement shall be provided to the Sacramento County Department of Water Resources.

P:\PLANNING FILES\Projects - Development\Projects RC-04 (121-140)\140 Terra Loma Condos DR, Rezone\Agency e-comments\Sac County - Drainage.doc



RANCHO CORDOVA POLICE DEPARTMENT

Memorandum

December 15, 2004

To : KATHLEEN FRANKLIN, Assistant Planner
City of Rancho Cordova

From : CSS III JEFF RODRIGUES, Crime Prevention Specialist
Sacramento Sheriff's Department/Rancho Cordova Police Department

Subject : **04-140 TERRA LOMA CONDOS**

The Rancho Cordova Police Department requests that the following conditions be appended to the subject application:

1) LOCATION/STREET LAYOUT/ADDRESSING

- a) All gates shall meet Sacramento County Fire Code specifications for accessibility, and be equipped with all access devices for public safety access.
- b) Building numbers shall be posted on each building in locations and heights as to allow visibility by responding public safety personnel.
 - i) A lighted monument sign shall be placed inside the main access gate identifying building numbers and corresponding apartment numbers located in that building.
- c) All curbs shall be vertical in design. Rounded curbs shall be avoided whenever possible.

2) LANDSCAPING

- a) Landscaping shall be of the type and situated in locations to maximize observation while providing the desired degree of aesthetics. Security planting materials are encouraged along fences and property lines and under vulnerable windows. A partial list of suggested materials is available from the Sheriff's Department upon request.

3) FENCING/ACCESS CONTROL

- a) Vertical wrought-iron fencing material shall be used for all fences between private lots and open space, parks, right of ways, or other public access land. This is to allow visibility to those areas and encourage residents to view activities in those areas. In addition this will make those areas less attractive to loiterers

and others who wish to use those locations for criminal or mischievous purposes.

4) LIGHTING

- a) There shall be on-site lighting to allow for adequate visibility by residents, law enforcement, and passersby during nighttime hours.
- b) All lighting fixtures shall be of a type and kind to resist breakage and other vandalism.
- c) Parking areas, roadways, and driveways shall be illuminated with high intensity discharge lighting with sufficient wattage to provide adequate illumination to provide a safe, secure environment for persons, property, and vehicles on site. Such lighting shall be equipped with vandal-resistant covers and photocell control. A lighting level of .25 to .50 foot-candles, maintained at ground level, is required for the site in general; entry intersections should be .50 or greater.

5) BUILDING DESIGN

- a) All private patios shall be enclosed utilizing vertical wrought iron or other materials that will allow for maximum visibility to the common areas of the complex. This will provide for natural visibility that will increase residents' perception and feeling of safety. Please note that vertical wrought iron, specifically, is not being required, but any design or material that will allow for visibility into and out from, each patio and apartment.

6) LAW ENFORCEMENT STAFFING

- a) Based on City of Rancho Cordova residency estimates of 2.9 people per home, the Sheriff's Department will require an additional .03 officers to maintain the 1 to 1000 officer/population staffing level.

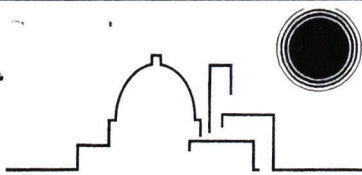
If you should have any questions regarding the above conditions, please feel free to contact me anytime at 876-7599.

Kathleen Franklin

From: Tom Trimberger
Sent: Wednesday, December 08, 2004 4:28 PM
To: Kathleen Franklin
Subject: RC-04-140, Terra Loma Condos

OK for me.

12/20/2004

**SMUD****SACRAMENTO MUNICIPAL UTILITY DISTRICT**
The Power To Do More.SM*P.O. Box 15830, Sacramento, CA 95852-1830; 1-888-742-SMUD (7683)*

February 2, 2005

FILE: RC 04-0140

CITY OF RANCHO CORDOVA
PLANNING DEPARTMENT
ATTN: KATHLEEN FRANKLIN
3121 GOLD CANAL DRIVE
RANCHO CORDOVA, CA. 95670**RECEIVED****FEB 04 2005**RANCHO CORDOVA
PLANNING

We have reviewed the Rezone & Special Permit.

We request the following be conditions of the Special Permit.

SPECIAL PERMIT

1. Dedicate a 12.5-foot public utility easement for underground facilities and appurtenances adjacent to all public street rights of ways.
2. Dedicate the common areas as a public utility easement for underground facilities and appurtenances except for those areas where structures or pool are located.
3. The owner/developer must disclose to SMUD the Special Permit when applying for facilities.

Any revisions or deletions relative to the above conditions must be submitted in writing by the Real Estate section of SMUD. No verbal or other written agreements should be accepted by the City of Sacramento.***Michael E. Toyama***Michael E. Toyama
Land Agent
Real Estate Services
(916) 732-5330cc: D & S DEVELOPMENT, INC.
WONG & ASSOCIATES

TB 299-B-4

SMUD FILE: RC 04-0140

RECEIVED

FEB 03 2005

RANCHO CORDOVA
PLANNING

Kathleen Franklin
City of Rancho Cordova planning Department
3121 Gold Canal Drive
Rancho Cordova, CA. 95670

Attachment 6

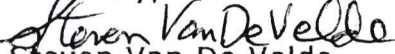
Dear Ms. Franklin;

I am writing concerning Public Notice #RC-04-140, the Terra Loma Apartments project.

I do not agree with a 12 unit apartment on 0.5 acres. If each apartment has two cars, where would 24 cars park as well as the location of the building be on that half acre? Traffic in Rancho Cordova is congested. People park on the street, which contributes to traffic problems, as well as the safety of people getting in and out of their cars, which contributes to the congestion. Every apartment complex should provide a minimum of 2 parking spaces per unit, as well as providing an area for visitor off-street parking. All you have to do is look at the parking problems further up the street on Bravado and you will understand. The complexes there on Bravado (and that is only one example) have single-car garages, but many of the families in the units have a minimum of two cars per unit and park on the street.

Rancho Cordova needs an ordinance covering apartments and duplexes, the parking at these units, and the number of spaces per unit on all new construction. If there is one in existence, it is not being enforced.

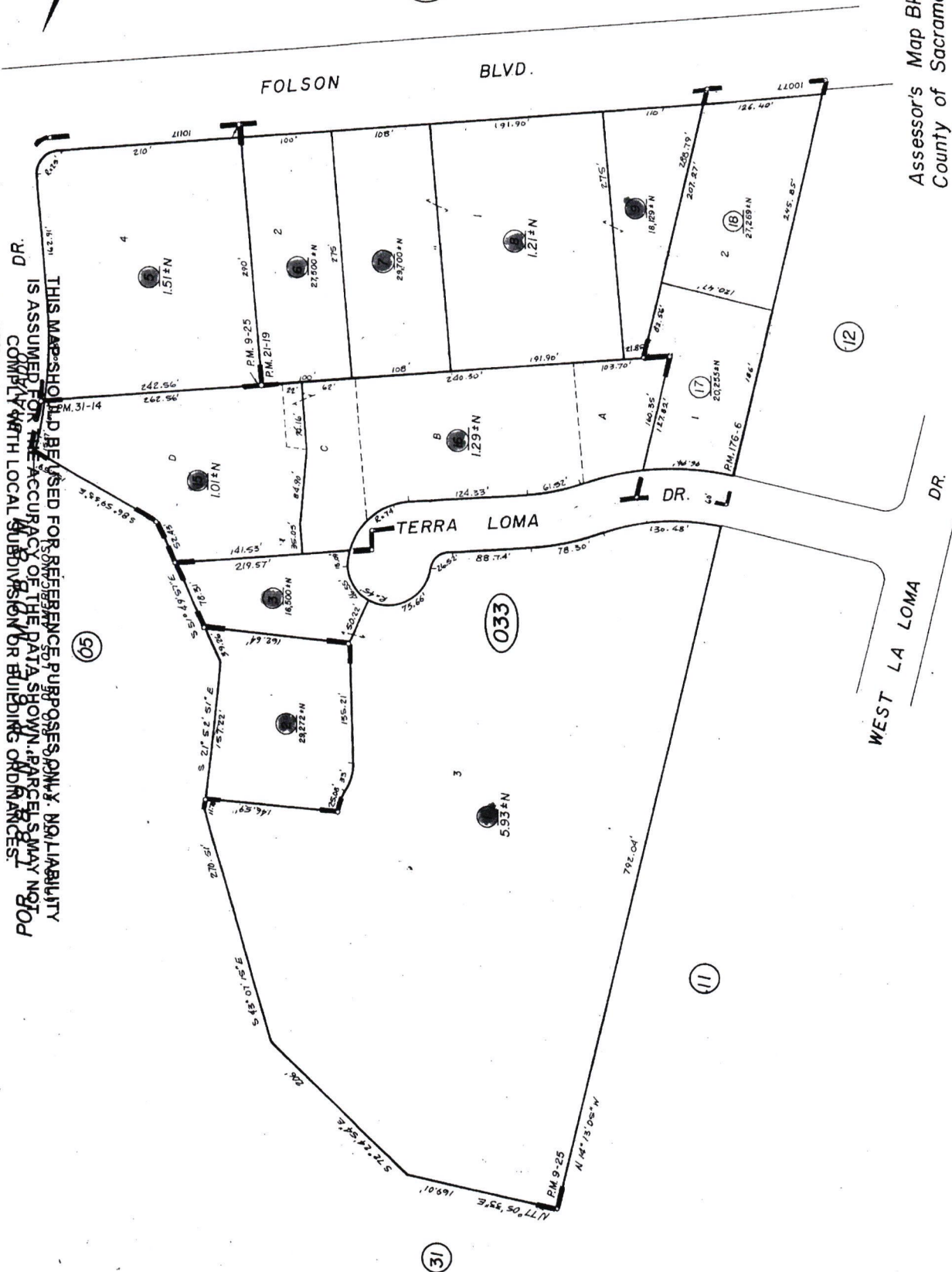
Sincerely,



Steven Van De Velde

11020 Wabash River Ct.
Rancho Cordova, CA 95670

THIS MAP SHOULD BE USED FOR REFERENCE PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.



Assessor's Map Bk. 75 Pg. 03
County of Sacramento, Calif.

75-03

POR. T. 8 & 9 N., R. 6 E., M.D.B. & M.
(PROJ. INTO RANCHO RIO DE LOS AMERICANOS)

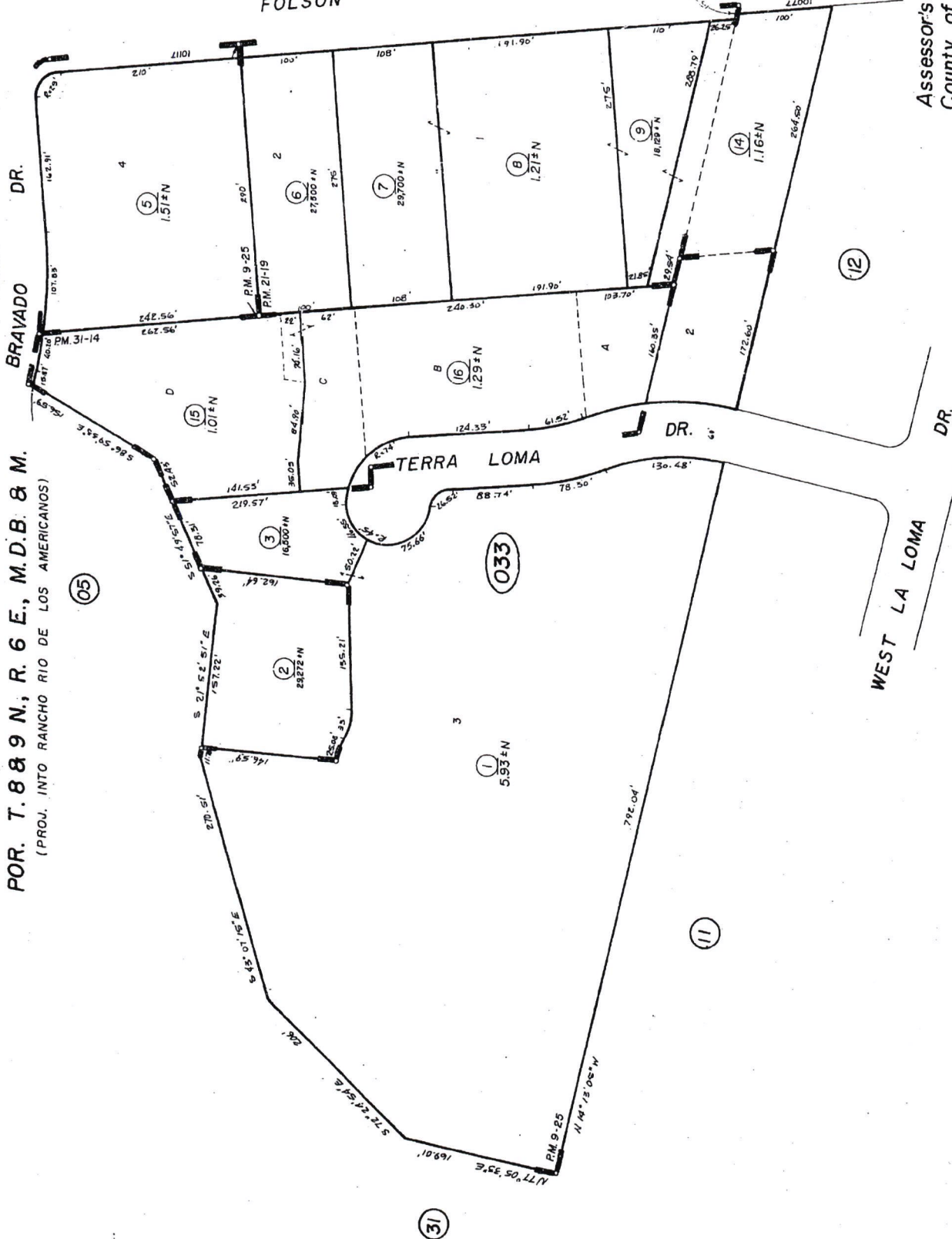
BRAVADO DR.

FOLSON

BLVD.

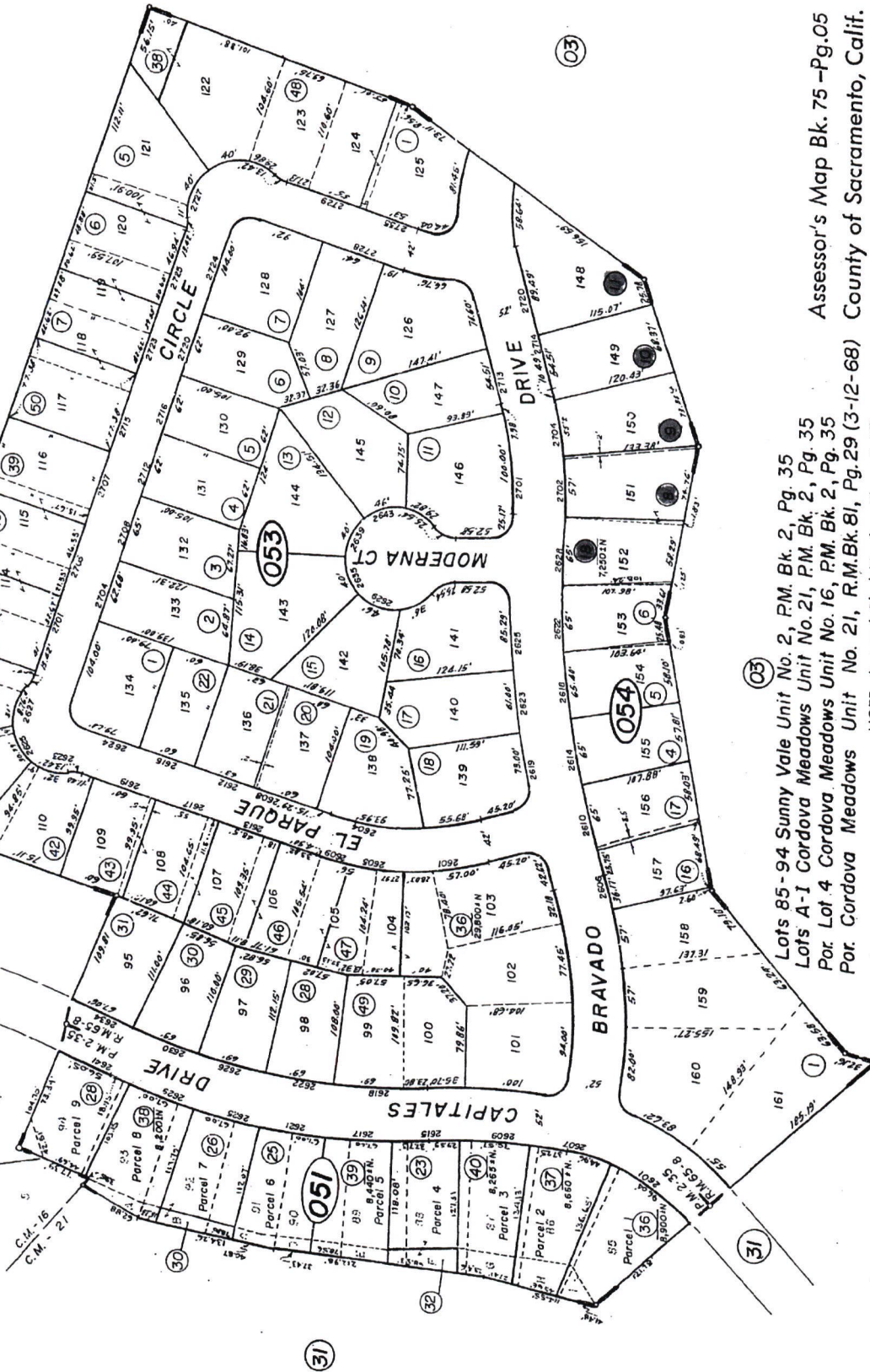
Bk.
77

Assessor's Map Bk. 75 Pg. 03
County of Sacramento, Calif.



Bk.
076

15



Lots 85-94 Sunny Vale Unit No. 2, R.M. Bk. 2, Pg. 35
Lots A-I Cordova Meadows Unit No. 21, R.M. Bk. 2, Pg. 35
Por. Lot 4 Cordova Meadows Unit No. 16, R.M. Bk. 2, Pg. 35
Por. Cordova Meadows Unit No. 21, R.M. Bk. 81, Pg. 29 (3-12-68)

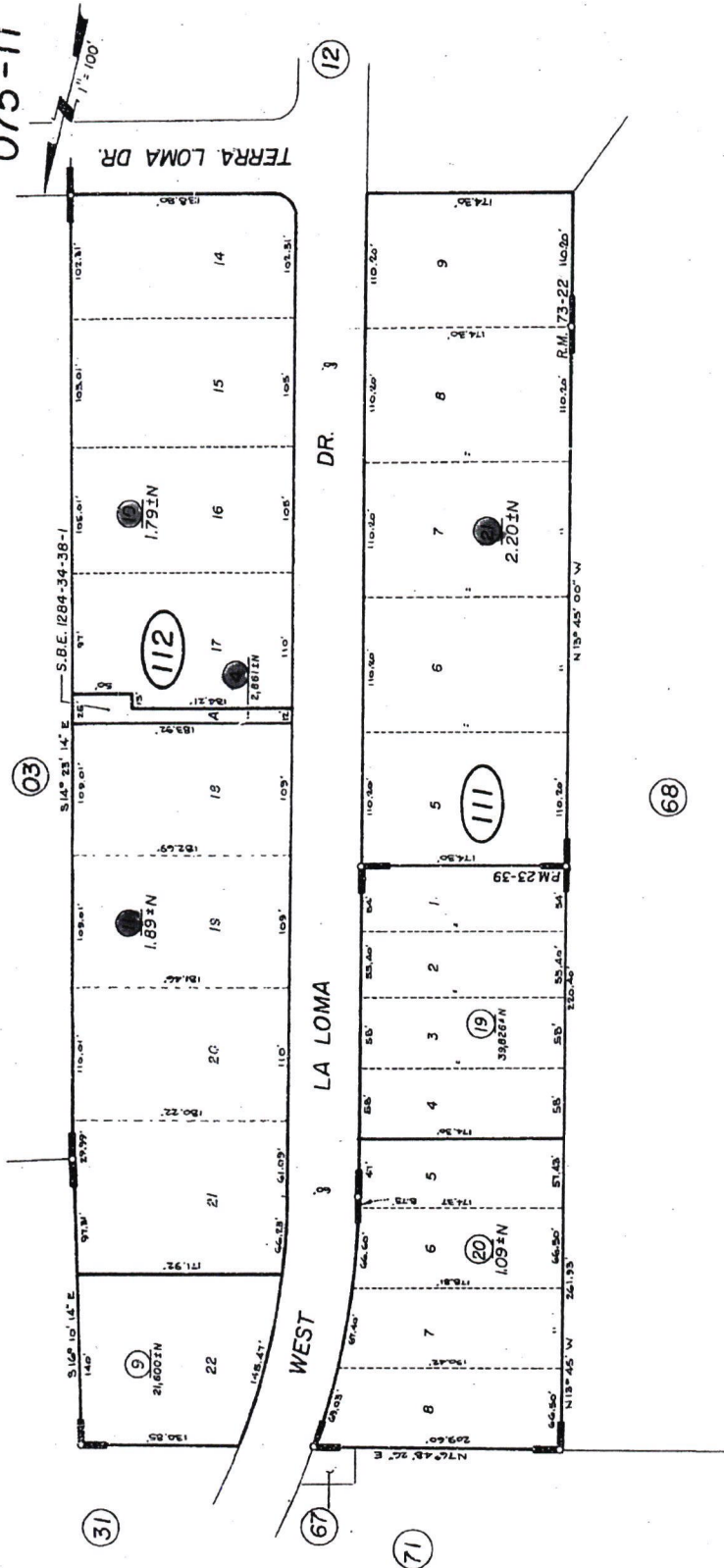
Sunny Vale Unit No. 2, R.M. Bk. 65, Pg. 8 (4-26-61)

NOTE—Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

Assessor's Map Bk. 75—Pg. 05
County of Sacramento, Calif.

POR. SEC. 4, T.8N., R.6E., & POR. SEC. 33, T.9N., R.6E., M.D.B.&M.
(PROJ. INTO RANCHO RIO DE LOS AMERICANOS)

075-11



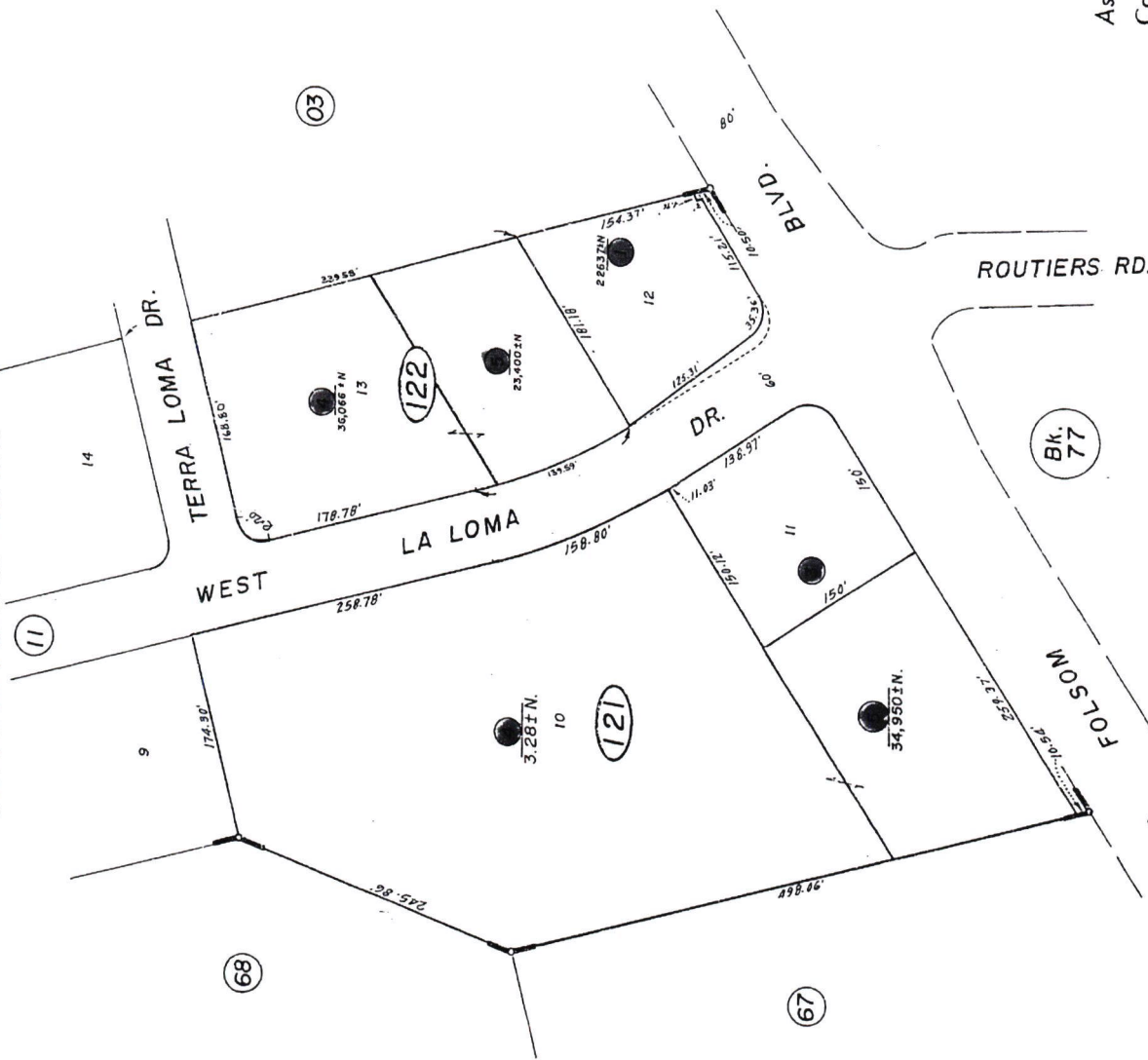
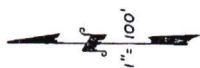
Assessor's Map Bk. 075 Pg. 11
County of Sacramento, Calif.

Por. Cloud Nine, R.M. Bk. 73 Pg. 22 (1-22-64)

POR. SEC. 4, T. 8 N., R. 6 E., & POR. SEC. 33, T. 9 N., R. 6 E., M. D. B. & M.
(PROJ. INTO RANCH RIO DE LOS AMERICANOS)

Tax Area Code

75-12



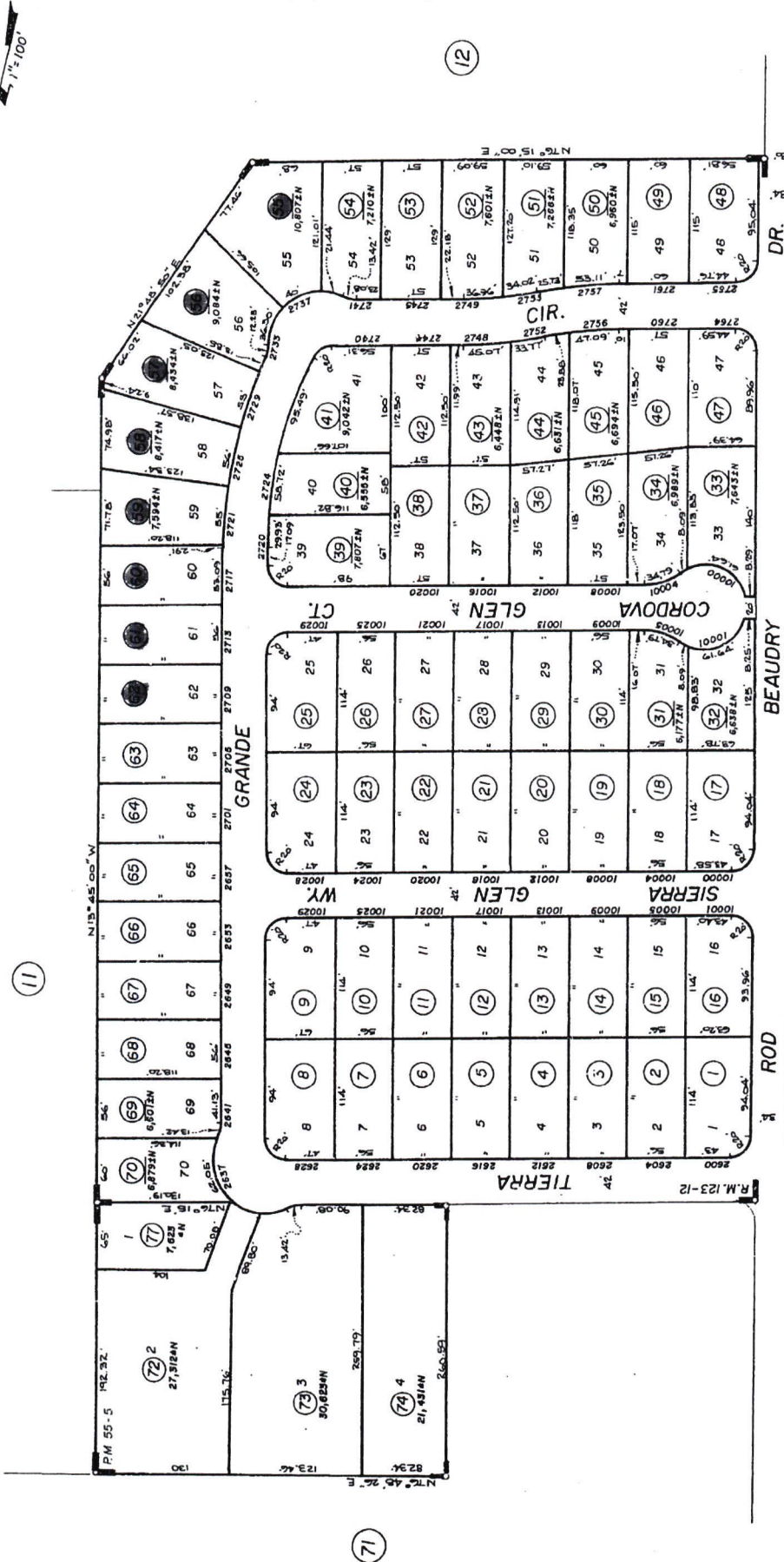
Assessor's Map Bk. 75 -Pg. 12
County of Sacramento, Calif.

NOTE—Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

Por. Cloud Nine, R.M. Bk. 73, Pg. 22 (1-22-64)

POR. T.8 & 9N., R.6E., M.D.B.&M.
(PROJ. INTO RANCHO RIO DE LOS AMERICANOS)

075-68



WEST LINE JOHN STUARIS NO. 1, 338.54 ACRE

Assessor's Map Bk.075 Pg.68
County of Sacramento, Calif.

Tiffany Cordova, R.M. Bk.123 Pg.12 (8-9-78)

10-22



O.S. Bk. 29 Pg. 19 (12-7-71)
O.S. Bk. 28 Pg. 1 (7-30-70)



County of Sacramento, Calif.

Notomas American River Sub. 4, R.M. Bk.15, Pg. 44
Parcel Map, Bk. 1, Pg. 26 (4-29-66)

075 0033 001 0000
Mirna Gonzales
1508 Burlingame Ave
Burlingame CA 94010-5198

075 0033 005 0000
CARINGELLO FAMILY
LIMITED PART
PO Box 6030
Phoenix AZ 85005-6030

075 0033 008 0000
SKSP INC
1172 C St
Hayward CA 94541-4214

075 0033 016 0000
Panayota Sostchen
4061 Sugar Maple Dr
Danville CA 94506-4640

075 0054 008 0000
Joel G Greger
1140 5th Ave
Crockett CA 94525-1323

075 0054 011 0000
Alfredo & Othon Batres
9464 White Horse Way
Elk Grove CA 95624-6057

075 0112 004 0000
CALIFORNIA-AMERICAN
WATER COMP
303 H St #250
Chula Vista CA 91910-5550

075 0121 003 0000
Stephen K Ching
10063 Folsom Blvd
Sacramento CA 95827-1434

075 0122 001 0000
Yong K Choe
10063 Folsom Blvd #A
Sacramento CA 95827-1434

075 0680 055 0000
Lance E & Elaine R Bach
2737 Tierra Grande Cir
Sacramento CA 95827-1413

075 0033 002 0000
TRINITY CHILDREN & FAMILY
SVCS
1470 E Cooley Dr
Colton CA 92324-3933

075 0033 006 0000
R Brian Kidney
317 Hartnell Pl
Sacramento CA 95825-6613

075 0033 009 0000
Ng
101 Audubon Cir
Sacramento CA 95831-2969

075 0033 017 0000
D & S PARTNERSHIP
10115 Folsom Blvd
Rancho Cordova CA 95670-1902

075 0054 009 0000
Kenji K & Carol K Takehara
10928 Alandale Way
Rancho Cordova CA 95670-5134

075 0054 018 0000
Belton Mouras Jr.
650 Howe Ave #1020
Sacramento CA 95825-4799

075 0112 010 0000
BETETTE PROPERTIES INC
46 Wolfe Canyon Rd
Kentfield CA 94904-1010

075 0121 004 0000
RIVERPOINTE PROPERTIES
LLC
2130 Professional Dr #200
Roseville CA 95661-3775

075 0122 004 0000
Cheng S Te
1053 L Aloutte Way
Sacramento CA 95831-3870

075 0680 056 0000
Adam & Emily Bowman
2733 Tierra Grande Cir
Sacramento CA 95827-1413

075 0033 003 0000
TRINITY CHILDREN & FAMILY
SVCS
1470 E Cooley Dr
Colton CA 92324-3933

075 0033 007 0000
A Gerald
8839 San Badger Way
Elk Grove CA 95624-3010

075 0033 015 0000
Paavola Clifford
2826 Barbera Way
Rancho Cordova CA 95670

075 0033 018 0000
D & S PARTNERSHIP
10115 Folsom Blvd
Rancho Cordova CA 95670-1902

075 0054 010 0000
Miguel G & Rodelia Martinez
6437 Terra Way
Citrus Heights CA 95610-5006

075 0111 021 0000
RIVERPOINTE PROPERTIES
LLC
2130 Professional Dr #200
Roseville CA 95661-3775

075 0112 011 0000
LA LOMA ASSOCIATES LTD
AIMCO
PO Box 4900
Scottsdale AZ 85261-4900

075 0121 005 0000
USA SAN DIEGO LLC
30101 Agoura Ct #200
Agoura Hills CA 91301-4372

075 0122 005 0000
P Duane & Donna E Fidel
100 Allerton Ct
Folsom CA 95630-6558

075 0680 057 0000
Elizabeth Lefcort
9225 Wausau Way
Sacramento CA 95826-2238

075 0680 058 0000
David G & Christine S Fondersmith
2725 Tierra Grande Cir
Sacramento CA 95827-1413

075 0680 059 0000
Jamie C Landgraf
2721 Tierra Grande Cir
Sacramento CA 95827-1413

075 0680 060 0000
S Jeffrey
2540 E Tiffany Ln
Sacramento CA 95827-1404

075 0680 061 0000
Jared Daniel & Penny Jo Kessler
2713 Tierra Grande Cir
Sacramento CA 95827-1413

075 0680 062 0000
Tina Jimenez
2709 Tierra Grande Cir
Sacramento CA 95827-1413

077 0010 017 0000
Nunes Kccf
PO Box 1221
Orangevale CA 95662-1221

077 0010 020 0080
SOUTHERN PACIFIC
TRANSPORTATIO
1 Market Pl
San Francisco CA 94510

077 0010 021 0000
SAC-PLCRVLE
TRANSPORTATION COR
PO Box 2110
Sacramento CA 95812-2110

077 0010 021 0080
SOUTHERN PACIFIC
TRANSPORTATIO
1 Market Pl
San Francisco CA 94510

077 0010 022 0000
SAC-PLCRVLE
TRANSPORTATION COR
PO Box 2110
Sacramento CA 95812-2110

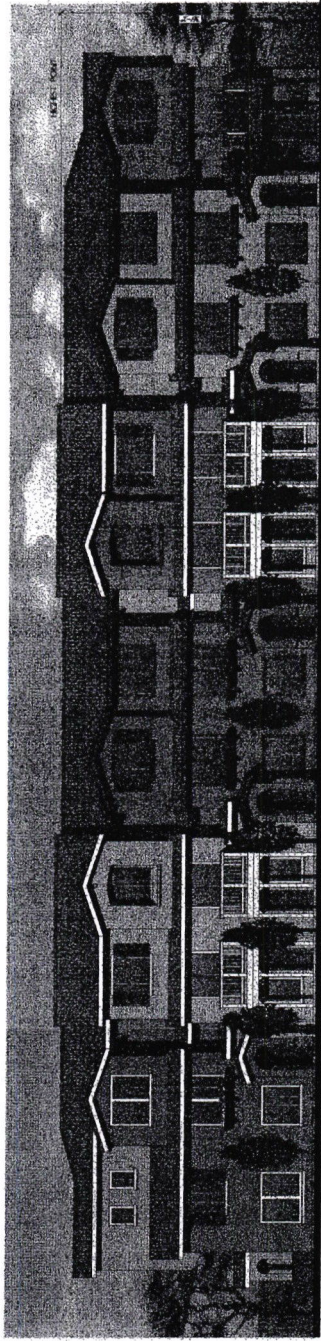
077 0010 022 0080
SOUTHERN PACIFIC
TRANSPORTATIO
1 Market Pl
San Francisco CA 94510

077 0010 030 0000
Bacon Steven
PO Box 351
Rancho Cordova CA 95741-0351

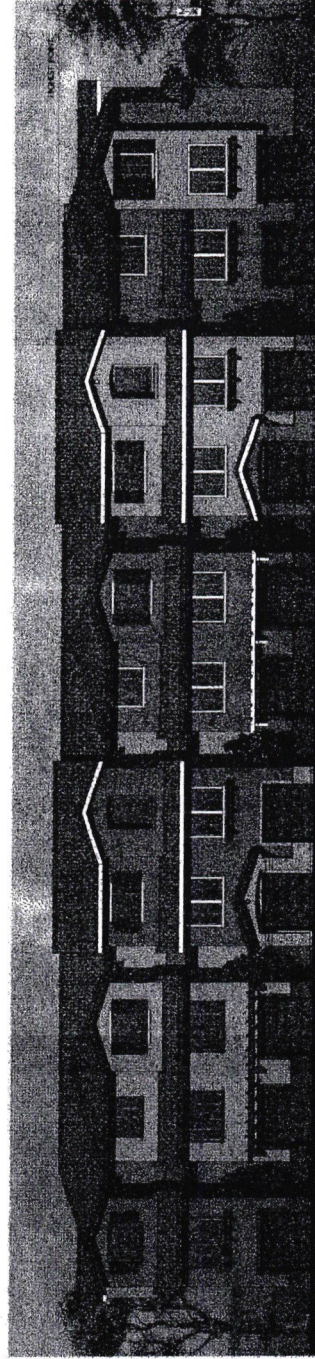
077 0020 029 0000
CENTENNIAL ESTATES LLC
4282 Avocado Ave
Yorba Linda CA 92886-2504

077 0020 065 0000
JB MANAGEMENT L P
2101 Evergreen St
Sacramento CA 95815-3833

077 0020 070 0000
R E M RESOURCES INC
PO Box 81290
Chicago IL 60681-0290



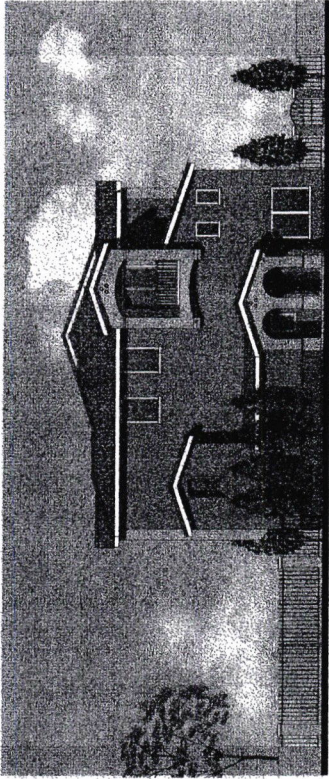
ENTRY ELEVATION
SCALE: 1/8" = 1'-0"



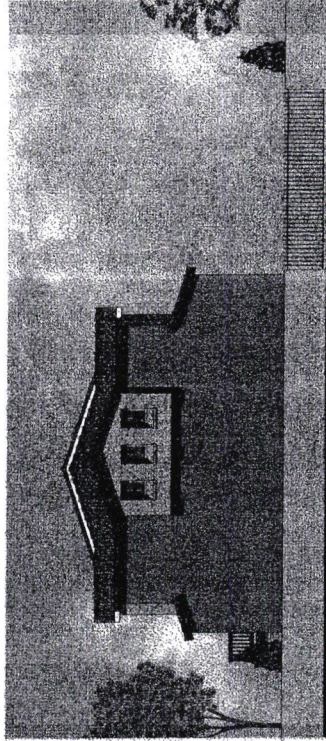
DRIVEWAY ELEVATION
SCALE: 1/8" = 1'-0"

D&S DEVELOPMENT COMPANY
4015 FOLSOM BLVD., SUITE 102
RANCHO CORDOVA, CA 95670
TEL: (916) 997-5033

PROPOSED TOWN HOMES AT
SUBDIVISION NO. RC-03-055, PARCEL 1
RANCHO CORDOVA, CA
JAN. 28, 2005



TERRA LOMA (NORTH) ELEVATION
SCALE: 1/8" = 1'-0"



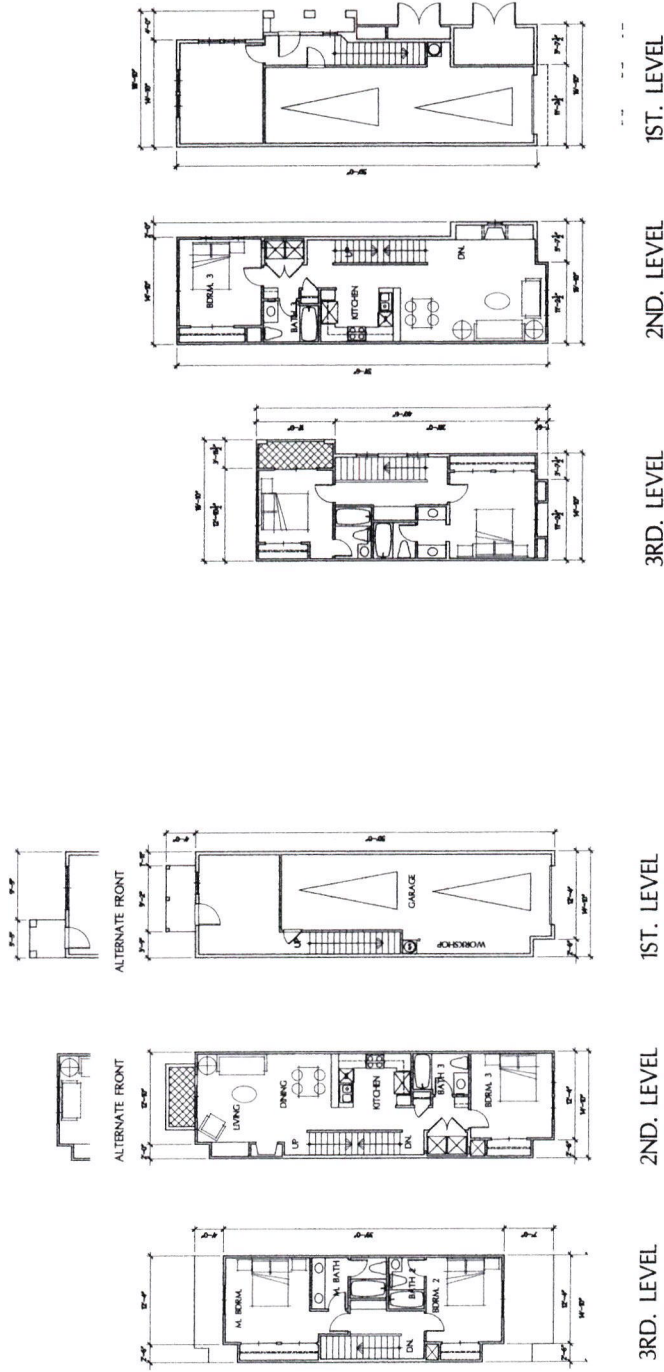
REAR (SOUTH) ELEVATION
SCALE: 1/8" = 1'-0"

D&S DEVELOPMENT COMPANY
10115 FOLSOM BLVD., SUITE 102
RANCHO CORDOVA, CA 95670
TEL: (916) 997-5033

PROPOSED TOWN HOMES AT
SUBDIVISION NO. RC-03-055, PARCEL 1
RANCHO CORDOVA, CA
JAN. 28, 2005

D&S DEVELOPMENT COMPANY
10115 FOLSOM BLVD., SUITE 102
RANCHO CORDOVA, CA 95670
TEL: (916) 997-5033

SCALE: 1/8" = 1'-0"



PLAN 1: (10 UNITS)

3 STORY
3 BEDROOM, 3 BATH, STUDY, 2-CAR GARAGE
1435 SQ. FT.

PLAN 2 (FRONT UNIT ONLY)

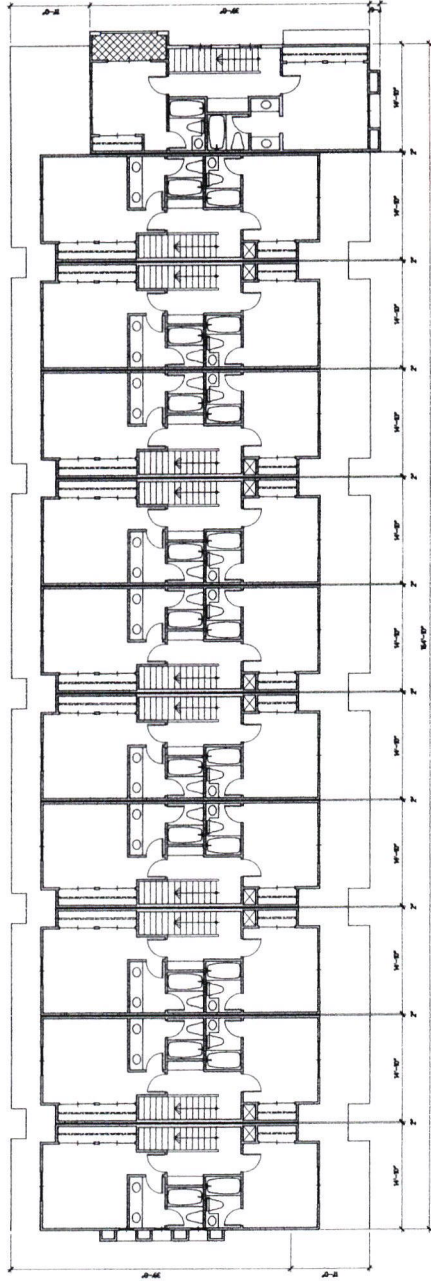
3 STORY
3 BEDROOM, 3 BATH, STUDY, 2-CAR GARAGE
1564 SQ. FT.

TYPICAL UNIT PLANS

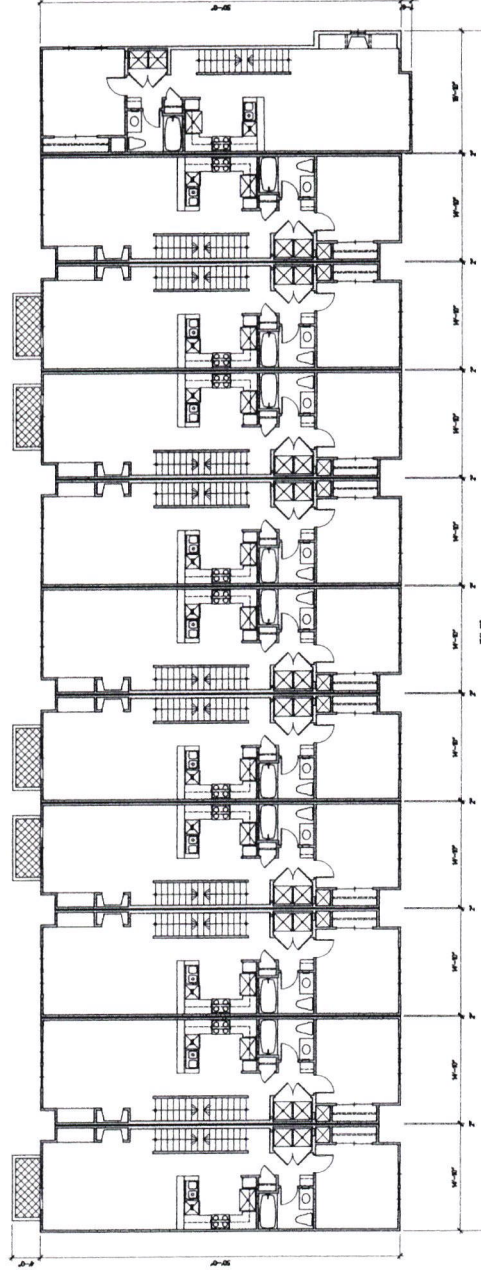
SCALE: 1/8"=1'-0"

D&S DEVELOPMENT COMPANY
10115 FOLSOM BLVD., SUITE 102
RANCHO CORDOVA, CA 95670
TEL: (916) 997-5033

PROPOSED TOWN HOMES AT
SUBDIVISION NO. RC-03-055, PARCEL 1
RANCHO CORDOVA, CA
JAN. 28, 2005



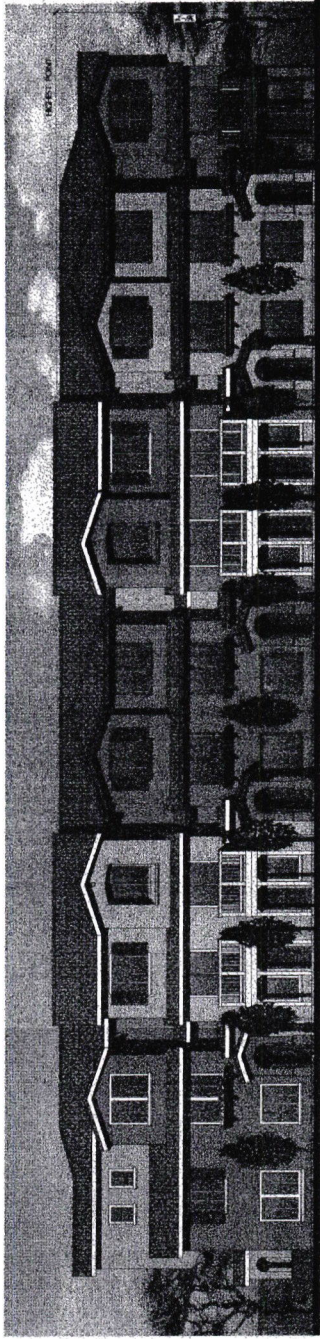
OVERALL THIRD LEVEL
SCALE: 1/8" = 1'-0"



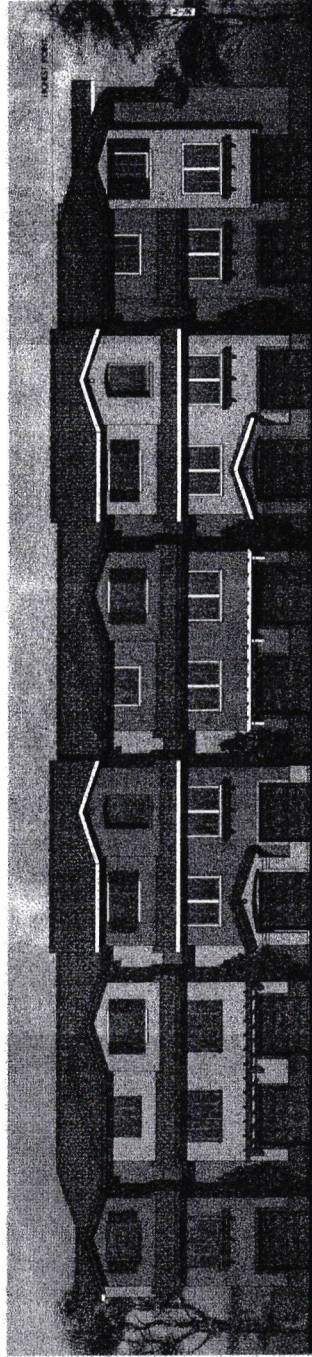
OVERALL SECOND LEVEL
SCALE: 1/8" = 1'-0"

D&S DEVELOPMENT COMPANY
10115 FOLSOM BLVD., SUITE 102
RANCHO CORDOVA, CA 95670
TEL: (916) 887-5033

PROPOSED TOWN HOMES AT
SUBDIVISION NO. RC-03-055, PARCEL 1
RANCHO CORDOVA, CA
JAN. 28, 2005



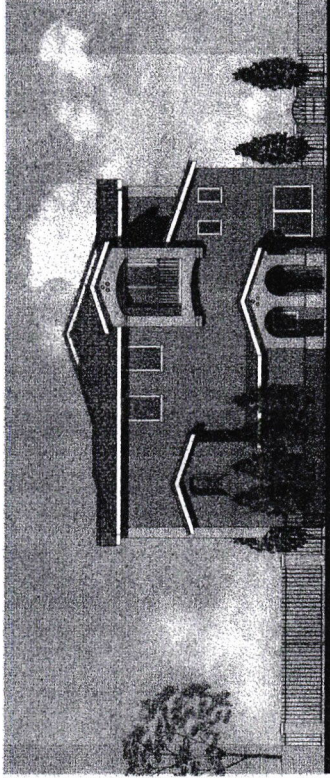
ENTRY ELEVATION
SCALE: 1/8" = 1'-0"



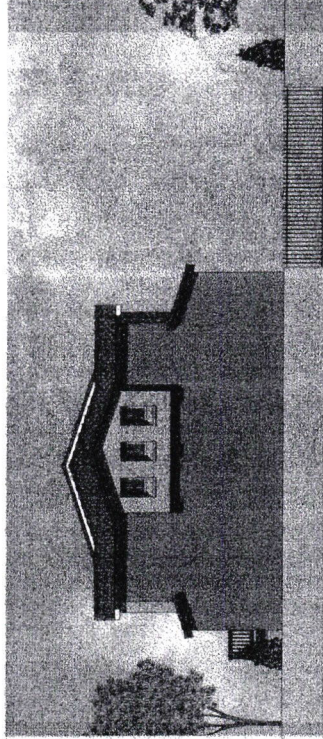
DRIVEWAY ELEVATION
SCALE: 1/8" = 1'-0"

D&S DEVELOPMENT COMPANY
10115 FOLSOM BLVD., SUITE 102
RANCHO CORDOVA, CA 95670
TEL: (916) 997-5033

PROPOSED TOWN HOMES AT
SUBDIVISION NO. RC-03-055, PARCEL 1
RANCHO CORDOVA, CA
JAN. 28, 2005



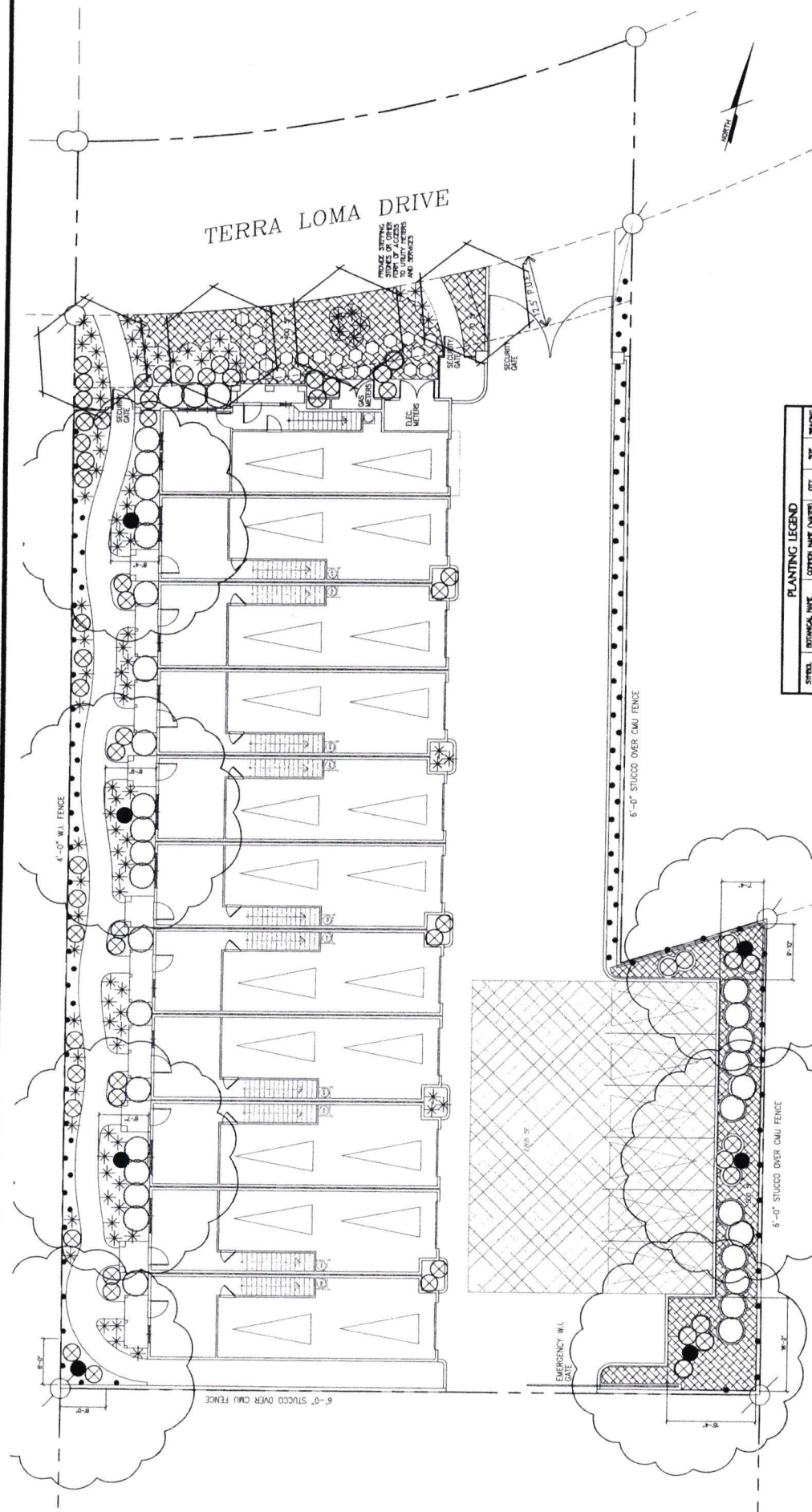
TERRA LOMA (NORTH) ELEVATION
SCALE 1/8" = 1'-0"



REAR (SOUTH) ELEVATION
SCALE 1/8" = 1'-0"

D&S DEVELOPMENT COMPANY
10115 FOLSOM BLVD., SUITE 102
RANCHO CORDOVA, CA 95670
TEL: (916) 987-5033

PROPOSED TOWN HOMES AT
SUBDIVISION NO. RC-03-055, PARCEL 1
RANCHO CORDOVA, CA
JAN. 28, 2005



PROPOSED LANDSCAPE PLAN SCALE: 1/8" = 1'-0"

PROPOSED TOWN HOMES AT
SUBDIVISION NO. RC-03-055, PARCEL 1
RANCHO CORDOVA, CA
JAN. 27, 2005

PLANTING LEGEND				
SYMBOL	BOTANICAL NAME	COMMON NAME (NATIVE)	QTY	SIZE
○	CECILIUS OCCIDENTALIS	WESTERN REDBUD (N)	4	15 GAL
●	CECILIUS LUX	HOLLY OAK (N)	7	24" DIA
✱	AGAPANTHUS	LI-OF-TE-ALL (L)	98	1 GAL
✱	DEUTEROCYSTIS	PORTUGAL LILY (L)	62	1 GAL
✱	DEUTEROCYSTIS	NEW ZEALAND FLAX (L)	35	5 GAL
✱	DEUTEROCYSTIS	SAINT LAMBERT (L)	470	1 GAL
✱	DEUTEROCYSTIS	YELLOW TREPPET (L)	102	1 GAL
✱	DEUTEROCYSTIS	COMMON ASSURANCE (L)	ESPECIALLY	ESPECIALLY

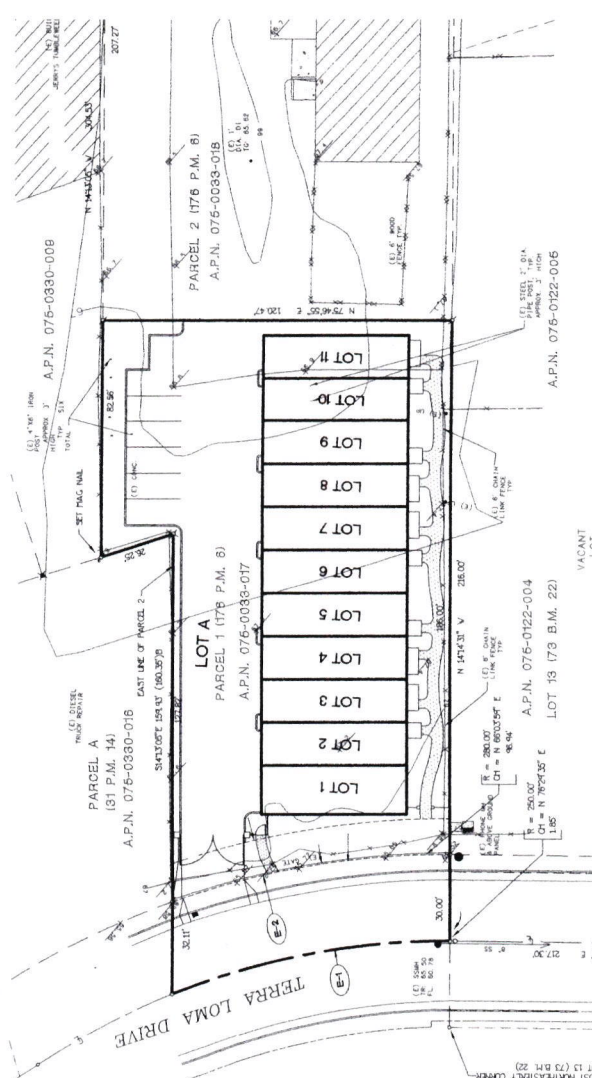
NOTE:
ALL PLANTS TO BE PLANTED TO FULLY GROW IN
APPROXIMATELY 10% OF THE TOTAL PLANTING
AREA. PLANTS TO BE PLANTED TO FULLY GROW IN
APPROXIMATELY 10% OF THE TOTAL PLANTING
AREA. PLANTS TO BE PLANTED TO FULLY GROW IN
APPROXIMATELY 10% OF THE TOTAL PLANTING
AREA.

WATER ANALYSIS		
PLANTING	AREA	PLANTING TOTAL
TYPE	(SQ. FT.)	VALUE
LOW	2770	0.40
HIGH	0	1.00
TOTALS	2770	1.40

SHADE ANALYSIS		
PLANTING	AREA	PLANTING TOTAL
TYPE	(SQ. FT.)	VALUE
LOW	2770	0.40
HIGH	0	1.00
TOTALS	2770	1.40

Nece Landscape Architecture
1015 FOLSOM BLVD., SUITE 102
FOLSOM, CA 95670
TEL: (916) 987-0033

D&S DEVELOPMENT COMPANY
1015 FOLSOM BLVD., SUITE 102
FOLSOM, CA 95670
TEL: (916) 987-0033



SITE DATA

- OWNER/APPLICANT:
DMS DEVELOPMENT COMPANY
10115 FOLSOM BLVD., SUITE 102
PENSACOLA, FL 32504
 - SURVEYOR:
WONG & ASSOCIATES
10089 FOLSOM BLVD., SUITE A
PENSACOLA, FL 32504
CONTACT: MARIA WONG, AICP
TEL: 916-361-8925 FAX: 916-361-8931
 - CURRENT ZONING:
R-30 (RESIDENTIAL)
 - PROPOSED ZONING:
VACANT
 - EXISTING USE:
RESIDENTIAL
 - PROPOSED USE:
12
 - NUMBER OF EXISTING PARCELS:
1
 - NUMBER OF PROPOSED PARCELS:
12
- LOT 1 - 846 SQ. FT.
LOT 2 - 750 SQ. FT.
LOT 3 - 750 SQ. FT.
LOT 4 - 750 SQ. FT.
LOT 5 - 750 SQ. FT.
LOT 6 - 750 SQ. FT.
LOT 7 - 750 SQ. FT.
LOT 8 - 750 SQ. FT.
LOT 9 - 750 SQ. FT.
LOT 10 - 750 SQ. FT.
LOT 11 - 846 SQ. FT.
LOT 12 - 750 SQ. FT.
COMMON AREA
NET 11,803 SQ. FT.
- SCHOOL DISTRICT:
FOLSOM AND CORDOVA UNIFIED SCHOOL DISTRICT
TEL: (916) 305-1100
- PARK & RECREATION DISTRICT:
CORDOVA PARK DISTRICT
TEL: (916) 362-1841

LEGEND

- (E) EXISTING
AC ASPHALT CONCRETE
DI DROP INLET
TYP. TYPICAL
UP UTILITY POLE
DIA DIAMETER
SS SANITARY SEWER
WH MANHOLE
TG TOP GATE
TF TRANSFORMER
TP TOP OF PAVEMENT
FL EXISTING SPOT ELEVATIONS
FL FLOW LINE
TR TOP RIM
R/W RIGHT OF WAY

EASEMENT NOTES

- (E-1) IRREVOCABLE OFFER OF DEDICATION PER THE DOCUMENT RECORDED IN BOOK 710921, PAGE 654, OF OFFICIAL RECORDS.
- (E-2) 10.5% MIN. UTILITY EASEMENT TO BE DEDICATED PER PARCEL MAP 178 PAGE 6.

UTILITY	REPRESENTATIVE	PHONE
GAS	P.G. & E.	916-366-5013
ELECTRICITY	SMUD	916-732-5769
TELEPHONE	PACIFIC BELL	916-733-7210
WATER	COUNTY OF SACRAMENTO	916-874-8800
SEWER	COUNTY OF SACRAMENTO	916-874-8800
DRAINAGE	COUNTY OF SACRAMENTO	916-874-8800
U.S.A.	SAC. METRO FIRE DISTRICT	916-842-3355
CABLE	COMCAST	916-927-3300

REVISIONS

DATE

BY

DESCRIPTION

DATE

BY

DESCRIPTION

DATE

BY

DESCRIPTION

DESIGNED

DRAWN

CHECKED

SUBMITTED

DATE

DATE

DATE

DATE

SCALE

1" = 20'

4.00"

TENTATIVE MAP

OF

TERRA LOMA TOWN HOMES

APN 075-0038-017

CITY OF RANCHO CORDOVA

COUNTY OF SACRAMENTO

STATE OF CALIFORNIA

**Nothing has been provided
in the Agenda Packet for
Item 8 – Discussion of
Housing Policies & Options
for the City of Rancho
Cordova.**

MEMORANDUM

DATE: April 18, 2005
TO: Mayor and Council Members
FROM: Jim Carney, Senior Management Advisor
SUBJECT: Village East Apartments – Rehabilitation of Lincoln Village Housing



RECOMMENDATION

Adopt the Resolution No. 50-2005.

BACKGROUND

A competitive Request for Proposals (RFP) enclosed as **Attachment "A"**, was approved by the Rancho Cordova City Council, and issued by Sacramento Housing and Redevelopment Area (SHRA) on October 26, 2004. The RFP involved \$5.7 of Mather Redevelopment Project Area Low and Moderate Income Tax Increment funds committed via LAFCO Resolution 1243 (**Attachment "B"**) for affordable housing developments and programs located within the Mather Redevelopment Project Area, the Cordova Planning Area, or the County unincorporated area.

The City Manager directed that I participate on a project selection committee with SHRA staff to review proposals and make a recommendation to the Rancho Cordova City Council, the SHRA Commission and the Sacramento County Board of Supervisors.

Two proposals were submitted pursuant to the subject RFP.

Rancho Cordova Economic Community Development Corporation - One proposal was received for \$5.7 million from the Rancho Cordova Economic Community Development Corporation (RCECDC) for a program of acquisition and rehabilitation of duplex residential units with subsequent rental to low and very low income households. While the selection committee has recommended funding for that proposal, a participation agreement between RCECDC and SHRA, a prerequisite of SHRA funding, has not been finalized. Consequently, that recommendation is expected to be made at a Rancho Cordova City Council meeting on April 26, 2005 or May 2, 2005.

Village East Apartments - The subject recommendation pertains to a proposal received by GALA Construction for the acquisition and rehabilitation of the Village East Apartments on Lincoln Village Drive in Rancho Cordova. Village East is a 115 unit apartment complex. (**See Attachment "C"** for a SHRA staff report detailing the project financing and location map).

In summary, Village East is presently comprised of primarily low-income families and individuals, with about 30% being senior citizens. Until 2000, low income rent subsidies were available to 100% of the residents at Village East. At that time, the project converted under HUD provisions to a 100% market rent complex. Under market rents, the project has not generated sufficient cash flow to make needed improvements.

GALA construction has substantial experience in the Sacramento region for acquiring and making significant improvements to similarly situated rental properties. The subject proposal would again provide rent subsidies to 100% of the low-income tenants under proposed new ownership, financed by a combination of Low Income Housing Tax Credits, bonds and County HOME funds.

In addition, such financing will provide the new owners sufficient funds to rehabilitate the property and rental units. Approximately \$11,000 per unit is budgeted for upgrading rental units, including where needed, new energy efficient appliances, carpets, new paint, new counters and fixtures, as well as repair of decks. GALA plans to make improvements to exterior elements including siding, painting and landscaping.

Further, as a result of a series of meetings and discussions with representatives of the Lincoln Village Neighborhood Association, GALA will be making improvements to the exterior of the property to improve lighting along adjacent sidewalks, site security and parking. In addition, GALA and its property manager – FPI Management, have attended community association meetings to keep communications open between the property owners/managers and neighborhood in order to help upgrade the Lincoln Village community. The Village East resident manager will continue to attend community meetings. Also, GALA representatives have been in communication with Rancho Cordova police in order to understand and correct any issues under their control.

Rancho Cordova staff believes that this is a good use of County HOME funds and it will make a positive impact on improving the Village East apartments, help the existing low-income tenants maintain affordable rents and contribute to making the Lincoln Village neighborhood safer and better.

Mather vs. County HOME Funds – Due to an issue raised by SHRA's attorney, involving concern that Mather Redevelopment Project Area funds cannot now be

spent within the city limits of Rancho Cordova, SHRA has proposed trading County HOME funds in exchange for using the subject Mather funds outside of city limits. (See **Attachment "D"** for a memorandum from the SHRA executive director explaining this situation). That issue is being negotiated between City, County and SHRA representatives, and may not be resolved in time for a decision on the use of HOME funds for the Village East proposal.

SHRA will make a presentation explaining redevelopment tax increment funds, the criteria for the Low and Moderate Income Tax Increment 20% Set-aside funds, and the provision of the federal HOME funds.

For the subject proposal, Rancho Cordova staff recommendation is to support the use of the County HOME funds for the Village East at this time and to defer any other decisions regarding the trade of HOME funds for Mather funds to allow the respective representatives to develop a plan to resolve the issues. As part of those or related discussions will be the parties developing a plan for future use of Mather Redevelopment

In order for GALA to meet the financing deadlines for Low Income Housing Tax Credits, a decision is needed to go forward, or not, with the recommended HOME loan. Thus, the item needs be ready for Board of Supervisor's action by May 15, 2005. If the deadline is missed, GALA will not be able to utilize the Low Income Housing Tax Credit financing opportunity this year. In that case rehabilitation of tenant units and property upgrades will likely be delayed.

Therefore, should the City Council need more time for discussion of the subject proposal and related topics, this item may be continued for Council action to the meeting of Tuesday, April 26, 2005, or possibly, Monday, May 2, 2005

Please contact me at 942-0241 or 215-3511 cell should you have any questions or need additional information.

Attachment(s):

Attachment "A"- Mather Redevelopment Low and Moderate Income Funding Request for Proposals

Attachment "B" - LAFCO Resolution 1243

Attachment "C" – SHRA Staff Report on the Village East Apartment proposal

Attachment "D" – Memorandum dated April 8, 2005 from Anne Moore to Ted Gaebler regarding the Mather Redevelopment Low and Moderate Income Issue

CITY OF RANCHO CORDOVA

RESOLUTION NO. 50-2005

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
RECOMMENDING TO THE COUNTY BOARD OF SUPERVISORS A LOAN OF \$2.45
MILLION TO GALA CONSTRUCTION FROM SACRAMENTO COUNTY HOME FUNDS
FOR THE ACQUISITION AND REHABILITATION OF THE VILLAGE EAST APARTMENTS**

WHEREAS, the City issued a Request for Proposals (RFP) in October 2004 which involved \$5.7 of Mather Redevelopment Project Area for Low and Moderate Income Tax Increment funds committed via LAFCO Resolution 1243 for affordable housing developments and programs located within the Mather Redevelopment Project Area, the City of Rancho Cordova, or the Cordova Planning Area; and

WHEREAS, In response to the RFP, GALA Construction of Rocklin, California has proposed to acquire and rehabilitate the Village East Apartments located in the Lincoln Village neighborhood of the City of Rancho Cordova; and

WHEREAS, GALA Construction has substantial experience in the Sacramento region for making significant improvements to similarly situated rental properties and the subject proposal would provide affordable rental housing to low and very low income seniors, working families and individuals; and

WHEREAS, a loan of \$2.45 million of federal HOME funds will help to provide GALA Construction with the financing to support rehabilitation of low income and senior rental housing and improvements to the Lincoln Village neighborhood.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA that the Council recommends to the County Board of Supervisors the provision of a \$2.45 loan of County HOME funds to GALA Construction for the acquisition and rehabilitation of the Village East Apartments in order to provide affordable rental housing to low and very low income seniors, families and individuals.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the 18th day of April, 2005.

AYES:

NOES:

ABSENT:

ABSTAIN:

Ken Cooley, Mayor

ATTEST:

Lillian E. Hare, City Clerk

**COUNTY OF SACRAMENTO
CALIFORNIA**

For Agenda of:
October 26, 2004
Timed: 2:00 p.m.

To: Redevelopment Agency of the County of Sacramento

From: Sacramento Housing and Redevelopment Agency

Subject: Notice Of Funding Availability – Mather Portion Of The Mather / McClellan
Merged Project Area Housing Funds

Contacts: Stephen Young, County Community Development Director, 440-1317
Michele Perez, County Community Development, 440-1399 ext. 1232

Overview

This staff report describes the proposed Notice of Funding Availability (NOFA) (Attachment I) which seeks proposals for projects and/or programs that develop or preserve (through acquisition/rehabilitation) affordable housing.

Recommendation

Staff recommends that the Agency authorize the release a NOFA for development of affordable housing and convene a selection committee for the purpose of reviewing project proposals and selecting project development teams.

Measures/Evaluation

This staff report seeks to solicit proposals from qualified developers or entities which provide for the increase in affordable housing units available to very low, low, and moderate income individuals within the Mather portion of the Mather / McClellan Merged Project Area, the City of Rancho Cordova, and / or the City of Rancho Cordova Planning area. This NOFA seeks to leverage the highest amount of private financing to provide for the greatest numbers of units available to the aforementioned income categories.

Fiscal Impact

No funding is being requested at this time. Once proposals have been received and reviewed, staff will return to the respective governing boards seeking approval to allocate funding toward various recommended projects and / or programs that meet the goals and objectives of the NOFA.

COMMISSION ACTION

At its meeting October 6, 2004, the Sacramento Housing and Redevelopment Commission adopted a motion recommending approval of the attached resolutions. The votes were as follows:

AYES: Burruss, Coriano, Gore, Harland, Hoag, Piatkowski, Stivers, Simon

NOES: None

ABSENT: Burns, McCarty

BACKGROUND

Redevelopment Agency (Agency) staff have been working with City of Rancho Cordova (RC) staff over the last several months to develop a process in which to utilize the low and moderate income housing funds generated from the Project Area.

The City of Rancho Cordova is scheduled to review the NOFA at their September 20, 2004 City Council meeting.

The Agency agreed, as part of the Local Agency Formation Committee (LAFCO) incorporation resolution, that the low and moderate income housing set aside funds generated from the Mather portion of the Mather / McClellan Merged Project Area shall, to the extent possible, be utilized within 1) the Mather portion of the Mather / McClellan Merged Project Area; 2) the City of Rancho Cordova; or 3) the Cordova Community Plan boundaries.

Agency and RC staff have met on several occasions and are recommending for approval the issuance of a NOFA to solicit qualified proposals from developers or other qualified entities. The NOFA advertises for either projects or programs that will provide for an increase or preservation of the supply of affordable housing including the acquisition and rehabilitation of existing multifamily complexes.

Key program or project priorities recommended for approval include the following:

Design:

- Provide for superior urban design that will enhance the look and feel of the neighborhood and incorporates street friendly and pedestrian friendly elements.
- Create a catalyst project and/or program that will revitalize the Project Area and provide for opportunities for base reuse.

Notice Of Funding Availability – Mather Portion Of The Mather / McClellan Merged Project
Area Housing Funds

Page 3

- Create a catalyst project and/or program that will revitalize older neighborhoods within the newly incorporated city limits.

Type:

- Mixed use projects that support transit-oriented development concepts and are located within ½ mile of light rail stations along the Folsom Boulevard Commercial Corridor.
- Mixed income projects that incorporate very low - and low-income units into market rate developments.
- Acquisition / Rehabilitation projects that provide for enhanced architectural detail, increased amenities, and enhanced property management.

Location

- Programs / Projects located within the Mather portion of the Mather / McClellan Merged Project Area.
- Programs / Projects located within the City of Rancho Cordova boundaries.
- Programs / Projects located within ½ mile radius of a light rail station within the City of Rancho Cordova.
- Programs / Projects located along Folsom Boulevard within the City of Rancho Cordova.

Economics

- Products that can demonstrate market viability for proposed product type.
- Products that are economically feasible and must leverage private or commercial financing to the maximum extent possible.
- Programs / Projects which provide a mechanism to leverage additional State and Federal public financing for the City (i.e. for infrastructure improvements).

Readiness

- Schedule for development for program / project. Responses must demonstrate the ability to complete the proposed project/program within required timeframes.

Affordability

Notice Of Funding Availability – Mather Portion Of The Mather / McClellan Merged Project
Area Housing Funds

Page 4

Historical expenditures of the Mather housing set aside dictate that the \$5,742,532 of available funds for this NOFA must be expended in the following proportion to very low (VLI), low (LI), and moderate income households in order to ensure compliance with Redevelopment Law.

<u>VLI Requirement</u>	<u>LI Requirement</u>	<u>Mod Requirement</u>
45%	24%	31%

Regulatory Agreement periods are:

- 1) Ownership housing – 45 years**
- 2) Rental housing – 55 years**

SELECTION PROCESS:

All proposals shall be reviewed by Agency staff for completeness and responsiveness to the threshold requirements of the NOFA, and the rules and regulations of the funding sources (Redevelopment Area Taxable Bond Proceeds and Redevelopment Area Tax Increment Funds), and for their ability to meet the goals of the Mather portion of the Mather / McClellan Merged Project Area Redevelopment and Implementation Plans.

Projects will also be evaluated in accordance with the project priorities listed above.

Qualified proposals will be reviewed by both Agency and RC staff for recommendation to the governing boards. Staff will recommend those proposals that best meet the objectives of this NOFA, and which will maximize the use of available funds and leverage other funding sources.

The Agency shall apply industry and Agency standard underwriting criteria in assessing the need for Agency funding. The Agency reserves the right to recommend alternative financing structures to make modifications to development proposals, and to reject at its sole discretion proposals which it deems incomplete, non-responsive, or infeasible.

Proposals recommended by Staff for funding shall be forwarded to the City of Rancho Cordova City Council and the Sacramento Housing and Redevelopment Commission for their recommendation to the Redevelopment Agency of the County of Sacramento, which shall have final approval. To the extent that funds cannot be committed in a reasonable time (approximately three years), Agency staff will identify opportunities to allocate funds toward projects within the County of Sacramento.

FINANCIAL CONSIDERATIONS

No funding is being requested at this time. Once proposals have been received and reviewed, staff will return to the respective governing boards to seek approval to allocate funding toward the various recommended projects and/or programs that meet the goals and objectives of the NOFA.

The Agency has funds available from the following sources:

SOURCE OF FUNDS	AMOUNT
2003 redevelopment area taxable housing bond proceeds	\$5,047,090
2003 redevelopment area tax exempt housing bond proceeds	\$2,992
Housing developer assistance	\$327,222
South White Rock Road program *	\$207,138
Mather first time homebuyer funds **	\$158,090
TOTAL	\$5,742,532

The combined total of funds available for utilization under this NOFA totals \$5,742,532. Staff will return to the respective governing boards requesting approval to utilize these funds with the recommended programs / projects in early 2005.

* The South White Rock Road program was to provide grants up to \$10,000 to owners of duplexes along South White Rock Road in Rancho Cordova for eligible exterior improvements. To date, this program has not been utilized.

** These funds were allocated to the Agency's first time homebuyer program to support the development of Independence at Mather. Independence at Mather is near completion and these funds remain unused.

POLICY CONSIDERATIONS

The actions proposed in this staff report are consistent with previously approved policy described in the Report to the Board on the Redevelopment Plan: Mather Air Force Redevelopment Project Area.

ENVIRONMENTAL REVIEW

This action is not subject to environmental review pursuant to CEQA Guidelines Sections 15378(b)(4) and 15262 as an administrative function and feasibility study for possible future action. The proposed projects recommended for funding will be subject to environmental review prior to their approval.

M/WBE CONSIDERATIONS

The items discussed in this report have no M/WBE impact; therefore, M/WBE considerations do not apply.

SBE CONSIDERATIONS

The items discussed in this report have no SBE impact; therefore, SBE considerations do not apply.

Respectfully submitted,

APPROVED:

ANNE M. MOORE
Executive Director

TERRY SCHUTTEN
County Executive

RESOLUTION NO. LAFC 1243

**RESOLUTION OF THE
SACRAMENTO LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS FOR THE APPROVAL OF THE
INCORPORATION OF RANCHO CORDOVA, CALIFORNIA (12-97)**

WHEREAS, as used in this Resolution, the following terms shall mean:

"City of Rancho Cordova" or "City" is the general law city proposed in the Proposal with a proposed effective date of July 1, 2003;

"Commission" is the Sacramento County Local Agency Formation Commission;

"County" is the County of Sacramento;

"Executive Officer" is the Executive Officer of the Commission;

"Petition" is the original petition certified as a Sufficient Petition on October 27, 1999;

"Proposal" is the incorporation of the subject territory into a general law city as set forth in the Petition; and

"Subject Territory" is the area described in Exhibit A (legal description) and shown on Exhibit B (map), which are attached hereto and by this reference incorporated herein. [This territory is a modification of the originally proposed boundaries. In the event of any conflict between Exhibit A and Exhibit B, Exhibit A shall control];

WHEREAS, the Petition was submitted to the Commission pursuant to the Cortese-Knox-Local Government Reorganization Act, and all amendments thereto;

WHEREAS, on October 1, 1999, the Executive Officer submitted the Petition to the Registrar of Voters of the County for verification that sufficient registered voters within the applicable area signed the Petition, and the Registrar of Voters of the County found that the requisite number of valid signatures were affixed to the Petition, as required by law;

WHEREAS, the Executive Officer has examined the Petition and executed his Certificate of Sufficiency in accordance with law;

WHEREAS, at the times and in the substantial form and manner provided by law, the Executive Officer has given notice of public hearing(s) by this Commission upon the Proposal;

WHEREAS, numerous public hearings on the Petition and the Proposal were held by the Commission commencing in May 2001;

WHEREAS, the Executive Officer has reviewed all available information and prepared reports, including recommendations, and presented the findings, reports and related information to the Commission, which were then considered by the Commission; and

WHEREAS, at the public hearing(s) the Commission heard and received all oral and written protests, objections, all oral and written evidence, which was made, presented, or filed, and persons present were given an opportunity to hear and be heard with respect to any matter relating to these hearings.

NOW, THEREFORE, the SACRAMENTO LOCAL AGENCY FORMATION COMMISSION does hereby find, determine, resolve and order as follows:

1. The Commission has considered all relevant factors set forth in Government Code Section 56841 and all other relevant factors in reaching its conclusions regarding the Proposal including its findings set forth in Exhibit C attached hereto and incorporated herein.
2. Notice as required by law has been given.
3. The Subject Territory is inhabited.
4. In approving this proposal the Commission has considered the policies set forth in Government Code Section 56377. The incorporation of the City of Rancho Cordova does promote the planned, orderly, efficient development of the Subject Territory. Pursuant to Section 56720 (formerly Section 56375.1) of the Government Code, and based upon the entire record, the Commission finds that:
 - a. Incorporation of the City of Rancho Cordova is consistent with the intent of the Cortese-Knox Local Government Reorganization Act; the policies of former Sections 56001, 56300, 56301, and 56377 of the Government Code; and the policies of this Commission.
 - b. The spheres of influence of the local agencies affected by the Proposal have been reviewed by this Commission. This incorporation is consistent with those spheres of influence.
 - c. The Commission has reviewed the Comprehensive Fiscal Analysis and all supplements prepared pursuant to former Section 56833.1 of the Government Code.
 - d. The Commission has reviewed the Executive Officer's Report and Supplemental Information provided by the Executive Officer, and Recommendations prepared pursuant to Section 56665 (formerly Section 56833) of the Government Code, and the testimony presented at its public hearings.

- e. The proposed City is expected to receive revenues sufficient to provide public services and facilities and a reasonable reserve during the three fiscal years following incorporation.

5. In accordance with Section 56852.3 of the Government Code, the Commission hereby accepts the findings and recommendations of the Executive Officer's Report, the Supplemental Information, Recommendations, the Comprehensive Fiscal Analysis, and all supplements.

6. The Commission, through its Executive Officer, conducted an Initial Study of the Petition and the Proposal and has caused an Environmental Impact Report (EIR) on the proposed Rancho Cordova incorporation to be prepared. The Commission adopted Resolution No. 1240 on May 1, 2002, certifying the EIR on the Project. All identified mitigation measures are adopted herewith and included as conditions of project approval as set forth in this Resolution Making Determinations.

7. The Commission finds that revenues currently received by the County for services that, but for the operation of former Section 56845 of the Government Code, would accrue to the proposed city are not substantially equal to the direct and indirect expenditures currently made by the County for those services that will be assumed by the proposed city. The Commission has proposed Condition 9.p. to adequately mitigate the negative fiscal impact on the County General Fund through the sharing of tax revenues, including property tax revenues over a fixed period of time. The sharing of property tax revenues will be implemented in part by Condition 9.n.iv., imposed under Section 56842 of the Government Code. The Commission finds pursuant to former Section 56845(a) that the incorporation is not occurring for primarily financial reasons.

8. Pursuant to Government Code Section 57376, the City Council of the City of Rancho Cordova shall be subject to and shall adopt all County ordinances, including the resolution adopting the Sacramento County General Plan for the incorporated area, to remain in effect in accordance with law and subject to Government Code Section 65360.

9. Subject to the conditions set forth herein, the incorporation proposed by the Petition submitted, is hereby approved as follows:

- a. The Subject Territory is incorporated into a new general law city.
- b. The name of the proposed new city shall be "The City of Rancho Cordova."
- c. The boundaries of the City of Rancho Cordova shall be the Subject Territory as set forth in Exhibits A and B attached hereto and incorporated herein.
- d. The City of Rancho Cordova, in addition to providing those services required by law, shall insure provision of the following services: Animal Control and Regulation Services; Building and Building Inspection; Code

Enforcement; Police/Law Enforcement Services; Planning; Public Works; Site Development Services; Traffic and Safety Lighting Maintenance; Street, Road, and Landscape Maintenance; and Solid Waste Collection and Disposal. The City of Rancho Cordova should consider contracting with the County of Sacramento for all or some of the above services. The City of Rancho Cordova shall consider contracting with the Sacramento County Sheriff's Department for Police/Law Enforcement Services and, at a minimum, shall maintain such services at existing levels. The Sacramento Public Library Authority will continue to provide Library Services.

- e. Pursuant to Government Code Section 56426.5, the Commission hereby adopts a Sphere of Influence for the City of Rancho Cordova which boundaries are set forth in Exhibit D attached hereto and incorporated herein. It is anticipated that the Mather Air Force Base Redevelopment Project Area shall be considered for inclusion in the Rancho Cordova Sphere of Influence at such time as the Sphere of Influence is revised.

Prior to filing an application to amend the Sphere of Influence boundaries, the City of Rancho Cordova shall form and participate in a committee process with Sacramento County and any affected city or district, to discuss terms of the proposal. Results of the committee process including terms shall be submitted to the Commission with the proposal.

- f. The Commission finds that the application of Government Code Section 25210.90 to automatically detach Sacramento County Service Area No. 1 and an additional Sacramento County Service Area, formed prior to the effective date of incorporation of the City of Rancho Cordova for the provision of transportation services, from the City would deprive the City of services needed to ensure the health, safety or welfare of its residents. The Commission further finds that the continuation of the County Service Areas within the City would not affect the ability of the City of Rancho Cordova to provide any service. (Govt. Code Sections 25210.4; 25210.4(a); 56375(n), 56844(o).) The City of Rancho Cordova may continue participation within these county service areas after the first full year of incorporation only upon payment of charges and following execution of maintenance and operations agreements by and between the City of Rancho Cordova and the County of Sacramento.

- g. The Sacramento County Water Agency will continue to supply water and drainage planning, design, and maintenance for the City of Rancho Cordova through the Sacramento Water Agency SCWA Zones 11(a)(b), 12, 13, 40 and 41, and the City shall continue to receive other drainage service from the County's Stormwater Utility. The City shall continue to levy the Stormwater Utility Fee that is currently levied by the County. The County shall continue to collect the Stormwater Utility Fee levied

within the City as part of its consolidated utility billing service and retain the fees so collected to fund the cost of drainage services within the City.

- h. Pursuant to Government Code Section 57384, the County shall continue to provide to the incorporated area all services furnished to the area prior to incorporation, at the same level and in accordance with the budget for the County adopted prior to the effective date of incorporation, for the remainder of the fiscal year during which the incorporation becomes effective, or for a shorter period if the City of Rancho Cordova, acting through its City Council, requests discontinuation of a service or services. In accordance with Section 57384 of the Government Code, the Board of Supervisors has requested that the City reimburse the County for the costs of such services. During the initial year of incorporation (Fiscal Year 2003-04), the County shall invoice the City for a pre-payment of \$3.5 million towards the costs of these services, and the City shall pay such amount to the County no later than March 31, 2004. Furthermore, the cost of such services shall be reduced by the amount of the City's secured and unsecured ad valorem property taxes for fiscal year 2003/2004 if retained by the County and the amount of the City's first quarter (July 1, 2003 through September 30, 2003) sales tax revenue retained by the County in Fiscal Year 2003/2004. After such revenue offset, the City shall owe the County the net cost of such services. Accordingly, the new City shall repay the County, over a five-year period, the net cost of all services provided by the County, with the obligation commencing on July 1, 2004 and payments beginning on October 1, 2004 and ending October 1, 2009. Such reimbursement of costs are to be paid in equal quarterly installments of 1/20th of the principal amount owed plus simple interest calculated from July 1, 2004, using the interest rate equivalent to the rate of interest earned by the Sacramento County Treasury Pool.
- i. The City of Rancho Cordova shall petition the Sacramento Area Council of Governments ("SACOG") for inclusion in its Joint Powers Agreement as a member city and shall participate in SACOG's regional planning activities as a nonmember prior to membership.
- j. Any and all development agreements entered into between the County of Sacramento and any development project applicant, and any conditions of approval (including mitigation measures adopted pursuant to the California Environmental Quality Act) imposed by the County Board of Supervisors on any and all discretionary projects adopted and approved prior to the effective date of incorporation shall remain valid and enforceable between the applicant and the new City of Rancho Cordova, subject to Government Code Section 65865.3, subdivisions (a) and (b).
- k. With the exception of fees collected by the County of Sacramento prior to and after the incorporation under the Mather Field Public Facilities

Financing Plan Development Fee Program (Chapter 16.84 of the Sacramento County Code), the County of Sacramento shall transfer to the new City of Rancho Cordova impact fees collected prior to the incorporation solely within and intended for use in the territory of the new City, for facilities or services not yet rendered for underground utilities, roads, parks, housing and any other allowed use. The City shall be required to collect and expend these impact fees for the original purposes for which the County collected the impact fees. Existing transportation fee impact programs shall be continued at levels necessary to adequately fund approved road construction projects.

1. The portion of the area west of the Sacramento County Landfill outside the Urban Services Boundary shall remain an undeveloped buffer area for the benefit of the landfill unless a change in use is agreed to by Sacramento County.
- m. The provisional appropriations limit, as required by Article XIII B of the California Constitution, shall be \$34,250,000. A permanent appropriations limit will be set by the voters of the new City at the first municipal election, which will be held following the first full fiscal year of operation by the new City. (Government Code Section 56812(c) (formerly Section 56842.6).)
- n. Pursuant to Government Code Section 56842, the Commission makes the following findings:
 - i. The Commission has considered the total amount of revenue from all sources available to the proposed City of Rancho Cordova;
 - ii. The Commission has considered the fiscal impact of the transfer of property tax revenue on the County;
 - iii. In accordance with Government Code Section 56842, the amount of the base year property tax revenue subject to transfer is \$ 3,842,828. The amount of base year property taxes transferred shall be adjusted to the year in which it is made.
 - iv. The property tax revenue subject to transfer shall be allocated directly by the County as a means of implementing the tax sharing condition set forth in Condition 9.p. of this Resolution Making Determinations. The Commission further finds that there is no current separate fund for the purposes of Government Code Section 56842(c)(4).
- o. The City of Rancho Cordova shall be authorized and may continue to levy as general taxes of the City those general taxes presently levied by the

County of Sacramento as of November 1, 2002, including, but not limited to, the Utility User Tax and the Transient Occupancy Tax. The types, rates and method of collection of the general taxes to be so continued and imposed are as follows:

- i. A sales and use tax at the maximum rate of one percent (1%) of the retail sale or use of tangible personal property within the City of Rancho Cordova to be collected under contract with the State Board of Equalization and returned to the City of Rancho Cordova pursuant to local ordinance.
- ii. A real property transfer tax at the rate imposed by the County of Sacramento upon the sale of real property within the City of Rancho Cordova to be collected by the County of Sacramento and the pro-rata share returned to the City of Rancho Cordova pursuant to local ordinance.
- iii. The City shall impose a utility user tax identical to the tax imposed by the County of Sacramento as of November 1, 2002 at the rate of 2½% of the utility charge. The new City may modify, alter, or rescind this tax in its discretion so long as its financial obligations to the County under Condition 9.p. of this Resolution Making Determinations are satisfied.
- iv. The City shall impose a transient occupancy tax identical to the tax imposed by the County of Sacramento as of November 1, 2002 at the rate of 12% per room rate.
- v. The City shall impose all other general taxes similar to the general taxes presently imposed by the County of Sacramento at the same rate and in the same manner.
- vi. All other taxes generally authorized for incorporated cities, including, but not limited to:
 - a) Property Taxes
 - b) Sales Taxes
 - c) Real Property Transfer Taxes
 - d) Franchise Fees
- p. Pursuant to former Government Code Section 56845 as a means of mitigating the financial impacts of the incorporation upon the County of Sacramento's general fund, the City shall be required to share its property tax revenue in accordance with the terms hereinafter set forth:

- i. If a majority of the electorate votes in the November 5, 2002, general election to continue in effect the County's 2.5% utility user tax and the increase in the County's transient occupancy tax from 10% to 12%, the City and the County shall share, beginning fiscal year 2003-04 and continuing through fiscal year 2033-2034, the City property tax revenue according to the percentages set forth in Option 1 of Exhibit E.
- ii. If a majority of the electorate votes in the November 5, 2002, general election to continue in effect the increase in the County's transient occupancy tax from 10% to 12% and fails to vote to continue in effect the County's 2.5% utility user tax, the City and the County shall share, beginning fiscal year 2003-04 and continuing through fiscal year 2027-28, the City property tax revenue according to the percentages set forth in Option 2 of Exhibit E.
- iii. If a majority of the electorate votes in the November 5, 2002, general election to continue in effect the County's 2.5% utility user tax and fails to vote to continue in effect the increase in the County's transient occupancy tax from 10% to 12%, the City and the County shall share, beginning fiscal year 2003-04 and continuing through fiscal year 2032-33, the City property tax revenue according to the percentages set forth in Option 3 of Exhibit E.
- iv. If a majority of the electorate in the November 5, 2002, general election fails to vote to continue in effect the County's 2.5% utility user tax and the increase in the County's transient occupancy tax from 10% to 12%, the City and the County shall share, beginning fiscal year 2003-04 and continuing through fiscal year 2027-28, the City property tax revenue according to the percentages set forth in Option 4 of Exhibit E.
- v. All costs and expenses associated with the collection, administration and interest-earning capabilities of the City property tax revenue shall be shared by the City and the County in accordance with the same percentages as the underlying property taxes. The County's share of the City property tax revenue shall be allocated by the County's Director of Finance directly to the County.
- vi. The City's property tax revenue shall not include any proportion of the percentage share of tax increment revenue from the project area which the City may be entitled to receive pursuant to Health and Safety Code Sections 33607.5(a)(2) or (b) nor any amount the City

may receive pursuant to Health and Safety Code Section 33670(a) nor any amount received pursuant to Condition 9.w.

- q. The tax sharing provisions set forth in Condition 9.p. above are premised on the statewide structure that governs local government finances and the obligation of newly incorporated cities to mitigate the negative fiscal impacts of their incorporation on counties that existed as of the date of adoption of this Resolution. The tax sharing obligations set forth in that condition shall be subject to modification upon any of the following occurrences:
 - i. A statewide structural change in the services, which are required by the State to be provided by the County or the City;
 - ii. A statewide structural change in the manner in which the above mandated services are funded;
 - iii. The occurrence of any other event that significantly modifies how cities and/or counties generally receive, or the County specifically receives, funding;
 - iv. Any significant modification by the State of the manner in which newly incorporated cities are funded; or
 - v. If the revenue neutrality structure in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code 56815) as it existed on July 1, 2002, is modified in a substantive, non-technical manner.
- r. If either party believes that one of the triggering factors set forth in Condition 9.q. above has occurred, it may serve a written "Notice of Reopener" on the other party requesting that the City's tax sharing obligation be modified. A copy of this written request shall be provided to the Commission, but the Commission shall not have any role with respect to the request. The Notice of Reopener shall specify the precise manner in which the requesting party is proposing that the City's tax sharing obligation be modified and must be submitted within one (1) year of the effective date of the relevant triggering factor. If the Notice of Reopener is not served within this one (1) year period, the parties waive any right to request a modification of the City's tax sharing obligation based on that particular triggering factor.
 - i. The parties shall have sixty (60) days after service of the Notice of Reopener as a negotiation period in which to attempt to reach mutual agreement on an appropriate modification to the City's tax sharing obligation ("Negotiation Period"). If the parties are unable

to reach such a mutual agreement within this sixty (60) day Negotiation Period, the City and County shall comply with the dispute resolution procedures set forth below. In doing so, the parties shall conform to the timeline prescribed therein measured from the date of service of the Notice of Reopener.

- ii. If, upon the completion of the Negotiation Period, no modification to the City's tax sharing obligation is agreed upon by the City and the County, the City and the County shall mutually select a mediator, funded in equal portions by each party, to perform mediation for a period of not to exceed thirty (30) days ("Mediation Period"). If the City and the County cannot mutually select a mediator, each shall select a mediator of it's choosing. Those two mediators shall then select a neutral mediator, who shall be the mediator.
- iii. If, upon the completion of the Mediation Period, no mutually acceptable agreement has been reached by the City and the County, the parties shall mutually commence an action in the California Superior Court for the exclusive purpose of implementing the process of resolution of the dispute by general reference under Code of Civil Procedure section 638. This agreement by the parties shall constitute and be construed to be an agreement to reference under Code of Civil Procedure section 638. The parties shall select a referee under Code of Civil Procedure sections 638 and 640, funded in equal portions by the parties, to conduct a judicial reference with the City and the County for a period of not to exceed thirty (30) days. If the City and the County cannot mutually select a referee, each shall select a mediator of it's choosing. Those two mediators shall then select a referee, who shall be the referee.
- iv. The provisions of Code of Civil Procedure section 1283.05 are made expressly inapplicable to the Negotiation and Mediation periods and/or the reference proceedings conducted pursuant to this section. However, discovery shall be permitted for the reference proceeding only, but, pursuant to Code of Civil Procedure section 2021, discovery during the reference proceeding shall be subject to the following limitations:
 - a) Discovery shall be limited in time to the forty-five (45) days before the date of the commencement of the reference hearing;
 - b) Discovery shall be limited in scope to disclosure of information to be presented at the reference hearing; and

- c) Discovery shall be accomplished by the disclosure duties as contemplated by Federal Rule of Civil Procedure, Rule 26, which initial disclosure shall occur on the forty-fifth (45th) day before the date of commencement of the reference hearing, or on some other date mutually agreed upon by the parties.
- v. On the day that the reference proceeding commences and as a part of each party's case in chief, the City and the County shall each present to the referee its last and best offer with respect to the City's tax sharing obligation. The referee must make his or her decision within the confines of the two offers presented by the parties. The reference proceeding contemplated herein shall be conducted pursuant to Code of Civil Procedure section 638 et. seq. and the decision by the referee must be reported as set forth in Code of Civil Procedure section 643 and it must stand as the decision of the court as set forth in Code of Civil Procedure section 644. The only review of the referee's decision shall be to determine if the referee's decision is within the confines of the two offers presented by the parties. The referee is free to fashion his or her decision within the confines of the two offers presented by the parties. However, if the referee's decision does not stay within the confines of the two offers presented by the parties, the referee's decision shall be null and void and subject to judicial review. The parties expressly agree to preserve their appellate rights pursuant to Code of Civil Procedure section 645, as limited herein.
- vi. Proceedings under these dispute resolution procedures shall be concluded no more than one hundred and fifty (150) days after the service of the Notice of Reopener, unless one or more of the periods specified herein is extended by the mutual written agreement of the City and the County, but in no event may the proceedings under these dispute procedures be extended for a cumulative period of more than one (1) year after the service of the Notice of Reopener.
- s. The City's tax sharing obligation has been memorialized in the form of a Tax Sharing Agreement between the City and the County that is attached hereto and incorporated herein as Exhibit F. The Tax Sharing Agreement has been approved by the County Board of Supervisors and shall be submitted to the voters of the City for approval as part of the incorporation ballot measure. The Tax Sharing Agreement will become effective upon the effective date of the City's incorporation. The City's Mayor shall execute the Tax Sharing Agreement on behalf of the City immediately upon the City's incorporation becoming effective. The Tax Sharing

Agreement shall constitute a separate and distinct mechanism for the County to enforce the City's tax sharing obligation to the County. If for any reason the Tax Sharing Agreement is determined to be invalid or otherwise unenforceable in whole or in part, the City's tax sharing obligation set forth in Condition 9.p. above shall remain in full force and effect.

- t. Subject to the City of Rancho Cordova satisfying all prerequisites necessary to become a member entity of the Sacramento Transportation Authority, the Commission recommends that the City of Rancho Cordova petition to become a member of the Sacramento Transportation Authority and submit a proposal to the Sacramento Transportation Authority requesting that the County, the City of Sacramento, and other members of the Sacramento Transportation Authority act to allocate funds equitably and in a manner similar to other municipalities in Sacramento County.
- u. The City of Rancho Cordova and the County of Sacramento should consider joint maintenance agreements for roads, including lighting maintenance, which have common boundaries.
- v. The City of Rancho Cordova shall maintain existing public transit service, including applicable paratransit service required under the Americans with Disabilities Act. This shall be accomplished by the activation of the City of Rancho Cordova into the Sacramento Regional Transit District and activation of transit service within the City in accordance with the procedures set forth in section 102062.5 and section 102055 of the District's enabling legislation (Part 14 of Division 10 of the California Utilities Code). The City shall, within one hundred and eighty (180) days of incorporation, submit a request for annexation and activation to the Sacramento Regional Transit District.
- w. A portion of the Mather Air Force Base Redevelopment Project Area is within the City boundaries and the Commission finds that the redevelopment project is of regional significance and that the County of Sacramento is the regional governmental entity that will retain jurisdiction for the redevelopment project at this time.
 - i. A portion of the Mather Field Public Facilities Financing Plan Area is within the City boundaries. The Commission finds that the Mather Field Public Facilities Financing Plan is of regional significance and that the County of Sacramento is the regional governmental entity that should retain jurisdiction of existing fees collected under the Mather Field Public Facilities Financing Plan Development Fee Program (Chapter 16.84 of the Sacramento County Code). The County of Sacramento shall retain all existing fees collected under the Mather Field Public Facilities Financing Plan Development Fee Program prior to and after the incorporation. These fees are transportation mitigation financing

fees adopted pursuant to Government Code Section 66000 et. seq. The County shall retain sole control to levy and collect said fees and shall administer the fee program within the City of Rancho Cordova. The City shall not issue building permits or occupancy permits in that portion of the City located within the Mather Field Public Facilities Financing Plan Area without written notice from the County showing that the applicable fees have been paid to the County. The City of Rancho Cordova shall ~~adopt~~ adopt an ordinance consistent with this condition within 180 days of incorporation.

- ii. The City of Rancho Cordova shall ensure that City actions are consistent with the Mather Air Force Base Redevelopment Project Area Plan adopted pursuant to state law (Health and Safety Code section 33492). In furtherance of said Plan, the County has executed certain purchases and sale agreements with the Redevelopment Agency of the County of Sacramento and the Redevelopment Agency of the County of Sacramento has executed certain Disposition and Development Agreements with property owners and the City shall be subject to said terms.
- iii. The City of Rancho Cordova shall impose aviation easements where necessary consistent with the Mather Field Redevelopment Plan, Airport Master Plan and Development Plan.
- iv. The City of Rancho Cordova shall ensure that the City actions are consistent with covenants, restrictions, conditions and other land use limitations and requirements that properties located within the former Mather Air Force Base are subject to under and associated with real property transactions (land use covenants, purchase agreements, deeds, leases, easements and other conveyance mechanisms) between the County of Sacramento and the United States Department of Air Force or other federal departments.

x.

It is the intent of Sacramento County and the Commission to the fullest extent permitted by law that the low and moderate income housing set aside funds (20% of total tax increments) accruing on account of tax increment funds allocated from real property located within the Mather Air Force Base Redevelopment Project Area shall be utilized within the boundaries of (1) the Mather Air Force Base Redevelopment Project Area; (2) the City of Rancho Cordova; or (3) the Cordova Community Plan boundaries adopted on or about December 1, 1975, as amended by the Board of Supervisors, provided the findings required by Health and Safety Code Section 33334.2 are made.

- i. Funds will be spent in conformance with adopted housing element plans of the County and City when approved.

- ii. Expenditure of funds will be subject to any pre-existing debt or agreements entered into by the Sacramento County Redevelopment Agency prior to incorporation.
- y. The City of Rancho Cordova shall enter into discussions with the County of Sacramento to determine if it is mutually beneficial to consider the transfer of authority and jurisdiction for the Sunrise Cordova Consolidated Reassessment District and the Bradshaw Road/US 50 Corridor Integrated Financing District pursuant to state law and established conditions of debt services. Unless and until a transfer is affected, the County shall continue to administer the Sunrise Cordova Consolidated Reassessment District and the Bradshaw Road/US 50 Corridor Integrated Financing District levies and their annual assessment on District properties within the incorporated territory consistent with the County's bond covenants.
- z. The City of Rancho Cordova shall enter into discussions with the County of Sacramento to determine the future administration of the Sunridge Public Facilities Financing Plan, the Villages of Zinfandel Public Facilities Financing Plan including the consideration of reestablishing these programs for ongoing development within the City of Rancho Cordova. These discussions may also include the disposition of development fee funds collected and unspent prior to the incorporation of the City of Rancho Cordova. If available, the County shall provide to the City of Rancho Cordova copies of the analysis, planning, environmental, and engineering studies prepared as part of the adoption of these development fee programs. In addition, all work related to the implementation of the improvements identified in the development impact fee programs will be made available to the City of Rancho Cordova. The County and City shall work together to determine the most effective way to implement these development impact fee programs. In addition, the discussions may establish the terms and conditions under which the County agrees to administer these programs and construct these infrastructure improvements located within the City of Rancho Cordova. Following incorporation, the City shall adopt and implement the development impact fee programs consistent with the previous practices of the County. Within two years from the date of incorporation, the County and City shall determine which funds, if any, shall be transferred to the City.

10. The City of Rancho Cordova shall become a co-permittee under the terms of the existing Countywide National Pollution Discharge Elimination System Permit as soon as practicable after incorporation.

11. The Mather Roadway Transit & Development Fee shall be continued and shall be administered by the County of Sacramento. The County of Sacramento shall retain sole control of the demolition credits contained in the Base Conversion Demolition Account established for the former Mather Air Force Base under the Roadway and Transit Development Fees Program (Chapter 16.87 of the Sacramento County Code). County shall manage the credits and have the

sole discretion to allocate the credits to new construction with the City or County portions of the former Mather Air Force Base. The City of Rancho Cordova shall adopt the necessary ordinances to effectuate this condition within 180 days of incorporation.

12. Subject to the limitations of Government Code Section 57202, the effective date of incorporation is to be July 1, 2003.

13. The new City shall have a Council-City Manager form of government.

14. The governing body of the proposed new city shall be a five-member City Council. The first City Council shall be elected at-large from throughout the area to be incorporated. Terms of office for the members of the City Council shall be in accordance with law. Future city council members shall be elected at large or as determined by the City Council consistent with state law.

15. Subject to the limitations of Government Code Section 56724 (formerly Section 56852.5), the election of the first City Council and the incorporation election will be held at the next regularly scheduled election date which is November 5, 2002. Costs for the election of the first City Council election shall be borne by the City.

16. Upon and after the effective date of this incorporation, the City Manager, City Clerk, and City Treasurer shall be appointed by the City Council in accordance with Government Code Section 56723 (formerly Section 56702).

17. The boundaries of the proposed City shall be as set forth in Exhibits A and B attached hereto and incorporated herein.

18. The question of incorporation, including all terms and conditions, shall be one question on the ballot.

19. The election on the incorporation of the City of Rancho Cordova (hereinafter "election") shall be held within the Subject Territory and shall be called and held on the next regular election date occurring at least eighty-eight (88) days after the date upon which the Board of Supervisors of the County, as the Conducting Authority, adopts a resolution calling the election. The next regular election date is November 5, 2002.

20. Pursuant to Government Code Section 57385, all roads and highways or portions of road(s) and highway(s), which had been accepted into the County-road system pursuant to Section 941 of the Streets & Highways Code, shall become City streets on the effective date of the incorporation.

21. The County Board of Supervisors shall be the Conducting Authority and shall initiate proceedings for the incorporation of the City of Rancho Cordova in compliance with Government Code Section 57000 *et seq.*

22. Pursuant to Government Code Section 56375(f), the Commission finds that there are 23,966 registered voters residing within the Subject Territory.

23. The Commission has reviewed the boundaries of the Subject Territory for definiteness and certainty and has determined that the same are definite and certain.

24. The Commission makes the additional findings and imposes the additional conditions set forth in Exhibit C attached hereto and incorporated herein.

BE IT FURTHER RESOLVED by the Sacramento Local Agency Formation Commission that the Sacramento County Board of Supervisors is directed to initiate appropriate proceedings in compliance with this resolution and state law and that the Executive Officer of this Commission is authorized and directed to:

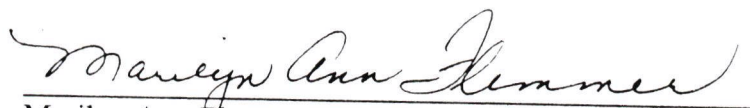
- a. Mail a certified copy of this Resolution to the chief petitioners;
- b. Mail a certified copy of this Resolution to the affected governmental agencies whose boundaries are affected by the Resolution;
- c. File a certified copy of this Resolution with the Clerk of the Board of Supervisors of the County; and
- d. Request the County Surveyor to prepare the official legal description of the Subject Territory to be filed with the Clerk of the Commission.

On a motion by Commissioner Porter, seconded by Commissioner Tooker, the foregoing Resolution was passed and adopted by the SACRAMENTO LOCAL AGENCY FORMATION COMMISSION, State of California, this 22 day of May, 2002, by the following vote to-wit:

AYES: E. Mulberg, W. Porter, C. Tooker, R. Dickinson, L. Hammond, R. MacGlashan.
NOES: None
ABSTAIN: None
ABSENT: I. Collin, M. Johnson.

Roberta MacGlashan
Roberta MacGlashan, Chair
SACRAMENTO LOCAL AGENCY FORMATION
COMMISSION

ATTEST:

A handwritten signature in cursive script, reading "Marilyn Ann Flemmer", written over a horizontal line.

Marilyn Ann Flemmer
Commission Clerk

**Amended Attachment C to Agenda
Item #9 Staff Report**

COUNTY OF SACRAMENTO
CALIFORNIA

For Agenda of: May 10, 2005
11:00 a.m.

TO: Housing Authority and Board of Supervisors of the County of Sacramento

FROM: Anne M. Moore, Executive Director

SUBJECT: TAX-EXEMPT BOND PROPOSAL AND AGENCY LOAN: VILLAGE EAST
APARTMENTS

CONTACT PERSONS: Darren Bobrowsky, Development Services Director, 440-1310
Christine Weichert, Housing Finance Program Manager, 440-1353
Kelly Korver, Housing Finance Analyst, 440-1399 x1264

OVERVIEW

This report recommends approval of up to \$9,200,000 in tax-exempt mortgage revenue bonds and a \$2,450,000 Agency loan from County HOME funds for the acquisition, construction and permanent financing of the Village East Apartments in the City of Rancho Cordova. The project proposal is in response to a Notice of Funding Availability (NOFA) the Agency issued offering housing set-aside funds generated from the Mather redevelopment area. The NOFA invited proposals for projects or programs that would produce affordable housing units within the Mather Redevelopment Project Area or City of Rancho Cordova. Because the Agency can no longer expend tax increment housing funds within the City of Rancho Cordova (outside of the Project Area), staff is recommending funding the Village East Apartment project using County HOME funds.

RECOMMENDATION

Staff recommends adoption of the attached resolutions for the rehabilitation of the Village East Apartments which:

- authorizes the issuance by the Housing Authority of the County of Sacramento (Housing Authority) of not more than \$9,200,000 in tax-exempt mortgage revenue bonds to provide acquisition, construction and permanent financing for the Village East Apartments rehabilitation project located within the City of Rancho Cordova;
- authorizes an application to the California Debt Limit Allocation Committee (CDLAC) for allocation authority to issue the bonds;
- indicates that the Board of Supervisors has conducted a Tax Equity and Fiscal Responsibility Act (TEFRA) public hearing related to the proposed construction and permanent financing of the project;
- approves a commitment for a \$2,450,000 Agency HOME loan to the Ezralow Company for the acquisition and rehabilitation of the Village East Apartments and authorizes the execution of a loan commitment and related loan agreements with the terms contained in the loan commitment; and
- authorizes the budget transfer of \$2,450,000 from County HOME funds to the Village East Apartments project.

MEASURES/EVALUATION

The following chart summarizes the jurisdictions housing need pursuant to the County's Housing Element, units approved to date, and the impact of the current project on the County's goals:

	Very Low (≤50% AMI)	Low (51-80% AMI)	Moderate (81-110% AMI)	Market (≥110% AMI)
Housing Element Goals (2000-2007)	2,700	2,650	4,284	8,638
New Construction:				
Previously Approved to Date	648	948	59	298
Total New Units Assisted by Agency	648	948	59	298
Rehabilitation and Preservation:				
Previously Approved to Date	719	889	0	781
Current: Village East	23	89	0	0
Total Rehabilitation and Preservation Projects	742	978	0	781
Total Affordable Units Assisted by Agency	1,390	1,926	59	1,079

All affordability restrictions will be monitored by the Agency for 55 years.

FISCAL IMPACT

The Agency will receive a one-time issuance fee of 0.25 percent of the bond amount, which is payable at bond closing, and an annual payment for monitoring the regulatory restrictions and administration of the bonds, in the amount of 0.15 percent of the bond amount for the term of the low-income set-aside requirements. The developer will be responsible for payment of all costs, fees, and deposits relating to the bond application. Mortgage revenue bonds do not represent a financial obligation of the Agency, Housing Authority or County of Sacramento.

COUNTY DEBT UTILIZATION COMMITTEE

The issuance of Mortgage Revenue Bonds for the Village East rehabilitation project was presented to the County Debt Utilization Committee on April 6, 2005 and the Committee recommended approval of the proposed financing structure.

RANCHO CORDOVA CITY COUNCIL ACTION

At its meeting April 18, 2005, the Rancho Cordova City Council adopted a motion recommending approval of the attached resolutions. The votes were as follows:

AYES:

NOES:

ABSENT:

COMMISSION ACTION

At its meeting April 20, 2005, the Sacramento Housing and Redevelopment Commission adopted a motion recommending approval of the attached resolutions. The votes were as follows:

AYES:

NOES:

ABSENT:

BACKGROUND

In November, 2004 the Agency issued a Notice of Funding Availability (NOFA) for Mather Redevelopment Area Housing Set-Aside Funds. The NOFA offered financing for projects or programs that would develop, rehabilitate or preserve affordable housing within the Mather Redevelopment Project Area and the City of Rancho Cordova. The NOFA was issued pursuant to the Local Area Formation Committee's (LAFCO) incorporation resolution for the City of Rancho Cordova, in which the Redevelopment Agency agreed that, to the extent possible, Mather Housing Set-Aside Funds would be utilized within 1) the Mather portion of the Mather / McClellan Merged Project Area; 2) the City of Rancho Cordova; or 3) the Cordova Community Plan boundaries. The NOFA was reviewed and approval was recommended by the Rancho Cordova City Council on September 20, 2004. The Board of Supervisors, acting as the Redevelopment Agency, authorized the release of the NOFA at their meeting on October 26, 2004.

Since the release of the NOFA, last December the City of Rancho Cordova formed a redevelopment agency. As a result, under the Community Redevelopment Act, one agency is prevented from expending its housing funds within another agencies' jurisdiction. The law was intended to prevent redevelopment agencies from transferring their affordable housing obligations to another jurisdiction.

The Agency received two responses from the NOFA which were evaluated by a Selection Committee comprised of Agency staff and City of Rancho Cordova staff. Agency staff has reached a verbal agreement with the other applicant related to their proposal and the conditions recommended by the Selection Committee. Staff is in the process of drafting the necessary documents for their review and intend to bring this proposal to the Rancho Cordova City Council in May 2005 and Board of Supervisors in June 2005.

Ezralow Company, in conjunction with GALA Construction, submitted a proposal to the Agency for the issuance of up to \$9,200,000 in tax-exempt mortgage revenue bonds and an Agency loan of \$3.35 million to finance the acquisition and rehabilitation of the Village East Apartments in Rancho Cordova.

In order to try to honor the intent of the LAFCO resolution, staff is proposing to use \$2.45 million of County HOME funds rather than Housing Set-Aside tax increment funds. The \$900,000 reduction on the loan amount is due to less restrictive affordability requirements of the HOME funds vs. the housing set-aside funds and a minor modification in the financial structure of the project. Of the total \$900,000 reduction, \$768,000 is due to the less restrictive affordability requirements of the HOME funds. Staff is making the recommendation to use County HOME funds with the intent that \$3.218 million of Mather Housing Set-Aside funds will now be spent in the unincorporated County to replace the HOME funds being expended in the City of Rancho Cordova.

The proposal was reviewed by the Selection Committee who recommended the project for approval. Agency staff and the development team have also met with the Lincoln Village

Neighborhood Association to present the project proposal. A site map of the Village East Apartments is Attachment I to this staff report.

Description of Development

The Village East Apartments consists of 112 apartment units on 4.69 acres of land. The complex includes 16 studio units, 40 one bedroom units and 56 two bedroom units that range from 480 to 864 square feet in size. Current project amenities include two swimming pools, a playground and an exercise room. Village East Apartments was originally constructed in 1980 through the use of a HUD loan program which provided Housing Assistance Program (HAP) vouchers for 64 of the units. In 2001, at the end of the 20 year compliance period, the current owner opted out of the HAP contract.

The proposal is for the purchase of the complex and the rehabilitation of the exterior and interior units in the complex utilizing Mortgage Revenue Bonds, low income housing tax credits, and Agency financing. The exterior repairs include the replacement of all siding and windows, the replacement of damaged A/C units as well as site work in the common areas. In addition, two of the apartment buildings on site will receive new roofs. Interior repairs include flooring and appliance replacement as well as cabinet and counter top refurbishing. The total construction cost for the rehabilitation work is \$18,800 per unit.

Developer

The Developer is The Ezralow Company in conjunction with GALA Construction. The Ezralow Company has developed more than 20,000 apartments in California over the last 30 years and has considerable experience in the acquisition, financing, development and construction of residential and commercial properties. Ezralow/GALA Construction owns more than 3,000 apartments in the Sacramento area, including the Hidden Oaks Apartments, Deer Park Apartments and Hastings Park Apartment, all of which included tax-exempt bond financing issued by the Housing Authority of the County.

The Developer will partner with Jamboree Housing, a non-profit community housing development organization, which will provide a range of services to the residents. The property will be managed by FPI Management, Inc., an established Sacramento-based property management firm that is experienced in the operation of affordable apartment communities.

Agency Financing

The Village East Apartments are proposed to be financed through the issuance of tax-exempt mortgage revenue bonds, low income housing tax credits, \$2,450,000 Agency loan of County HOME funds, and deferred developer fee. Payments of interest and principal on the Agency loan shall be deferred for the first 13 years with interest accruing at four percent simple interest to allow for repayment of the deferred developer fee. Starting in year 14 the outstanding principal and interest will be fully amortized over the next 17 years. The project's 30 year cash flow can be found in Attachment II. The draft commitment letter detailing the proposed Agency loan can be found as Attachment V to this staff report.

Bond Financing

As a public entity, the Housing Authority can issue tax-exempt bonds, the proceeds of which can provide acquisition, construction, and permanent financing for multi-family housing projects. Interest paid on the bonds is exempt from federal and state income tax, so bondholders will accept a below-market yield from the bonds. These savings are, in turn, passed on to the project owner in the form of a below-market rate loan, with interest rates approximately one to two percent below prevailing market rates.

Low-income Set-aside Requirements

As a condition for receiving the benefits of this below-market rate financing, federal law requires that a percentage of the project units be set aside for targeted income groups for at least 30 years. The federal set-aside requirements are that: at least 20 percent of the project's total units are rented to households earning 50 percent or below of the area median income; or alternatively, 40 percent of project units are rented to households at or below 60 percent of area median. However, the terms of the Agency loan will require the Village East Apartment units be restricted for a period of 55 years per Agency policy. The projects set-aside requirement will be specified in both a bond regulatory agreement and Agency regulatory agreement with the Developer. The following chart summarizes the number, percentage, and length of the different affordability required by various funding sources for the project:

Village East Apartments

Unit Type	# of Units	Affordability Restrictions	Percent of Units	Regulatory Requirements
Agency Loan & Tax-Exempt Bonds	23	Very Low (50%)	20	55 years
Agency Loan & LIHTC	89	Low (60%)	80	55 years
Total	112		100	

*LIHTC = Low Income Housing Tax Credits

A budget and unit mix can be found in Attachment III. Maximum rent and income limits for mortgage revenue bond, low-income housing tax credits, and HOME funds can be found in Attachment IV.

State and Local Approval Process

The Housing Authority must apply for and receive authorization from CDLAC prior to issuing mortgage revenue bonds. Staff proposes to submit an application for consideration in May 2005. If approved, the bond authority to be drawn against CDLAC's 2005 volume cap on behalf of the Village East Apartments will be an amount not exceeding \$9,200,000. The City of Rancho Cordova will oversee the rehabilitation work as part of its building permit process.

Project Inducement

Prior to granting bond allocation, CDLAC requires that an "inducement" resolution be adopted by the entity proposing to issue the bonds approved at a public hearing. Inducement at this time will also allow the Developer to be reimbursed from bond issue proceeds for predevelopment

expenses that it has and will continue to incur. Staff recommends that the Housing Authority adopt a resolution to indicate its intent to issue bonds to finance the construction of the project. Adoption of the resolution will not bind the County to issue the bonds until and unless all other necessary actions are taken in accordance with all applicable laws.

FINANCIAL CONSIDERATIONS

The application of adopted mortgage revenue bond policies will require the Developer to make payments to cover the property tax exemption allocated to the restricted units, which will result in payments to the City of Rancho Cordova of approximately \$16,400 per year for the Village East Apartments.

Adoption of the attached bond resolutions on pages 21-29 will not result in any direct financial impact to the County, Housing Authority or SHRA. Repayment of the bond issues is solely the responsibility of the Developer that is secured against the property. The Developer will be responsible for payment of the CDLAC processing fee and posting of one-half percent performance bond.

This report also authorizes a budget appropriation of \$2,450,000 of County HOME funds as a loan to the Developer for the acquisition and rehabilitation of the Village East Apartments. The loan terms are described in the attached Commitment Letter which is Attachment V to this staff report.

POLICY CONSIDERATIONS

The recommended actions are consistent with previously approved mortgage revenue bond policy, Agency Multifamily Loan Program, and intent of the NOFA. Regulatory restrictions on the property will be specified in a bond and loan Regulatory Agreement between the Developer and the Housing Authority and SHRA. Compliance with the regulatory agreements will be monitored by the Agency on a regular basis.

ENVIRONMENTAL REVIEW

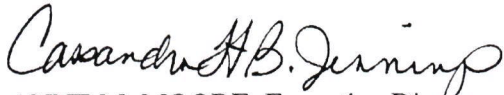
The proposed action is exempt from environmental review under the Agency's Environmental Review Policies and Procedures, Section 7-3.1 and 7-3.10, which were adopted pursuant to CEQA Guidelines Section 15022, and provide that loans and bond financing funding mechanisms are exempt under Section 15310. In addition, CEQA Guidelines Section 15301(a) and (d) exempts rehabilitation of existing facilities to upgrade the structures and to meet public health and safety standards.

The project consists of the rehabilitation of a multifamily residential building in which the unit density will not be changed and the estimated cost of rehabilitation is less than seventy-five percent of the total estimated cost of replacement after rehabilitation. Therefore, the proposed action is categorically excluded from environmental review under the National Environmental Protection Act pursuant to 24 CFR Section 58.35(a)(3).

M/WBE CONSIDERATIONS

Minority and Women's Business Enterprise requirements will be applied to all activities to the extent required by Federal Funding.

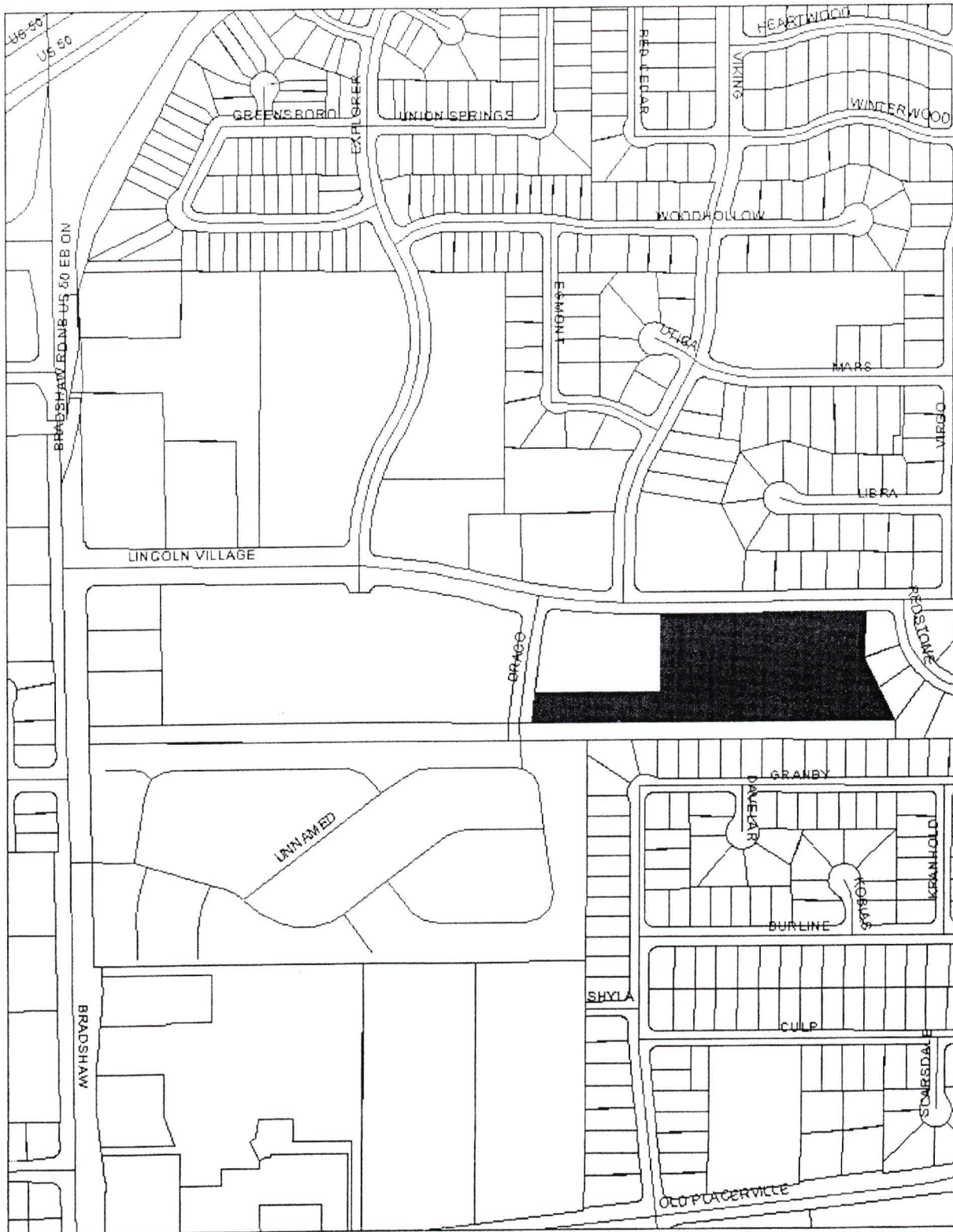
Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Anne M. Moore".

ANNE M. MOORE, Executive Director
Sacramento Housing and
Redevelopment Agency

Approval recommended,

TERRY SCHUTTEN
County Executive



Village East Apartments Site Map



Legend

 Village East Apartments

Village East Apartments

Unit Type	# Units	Square Feet	Total Sq Feet	Monthly Rent	Rent per Sq Foot	Total Mo. Rent	Annual Rent	Year 1	Year 2	Year 3	Year 4	Year 5	Year 10	Year 15	Year 20	Year 25	Year 30
Efficiency 1 BA @ 50	3	480	1,440	\$509	\$1.06	\$1,527	\$18,324	\$968,826	\$997,891	\$1,027,828	\$1,058,663	\$1,090,422	\$1,264,098	\$1,465,437	\$1,698,843	\$1,969,424	\$2,283,102
Efficiency 1 BA @ 60	13	480	6,240	\$621	\$1.29	\$8,073	\$96,876	\$18,727	\$19,102	\$19,484	\$19,873	\$20,271	\$22,381	\$24,710	\$27,282	\$30,122	\$33,257
1Br/1Ba @ 50	8	600	4,800	\$549	\$0.92	\$4,392	\$52,704	\$48,441	\$49,895	\$51,391	\$52,933	\$54,521	\$63,205	\$73,272	\$84,942	\$98,471	\$114,155
1Br/1Ba @ 60	32	600	19,200	\$669	\$1.12	\$21,408	\$256,896	\$939,112	\$967,098	\$995,920	\$1,025,603	\$1,056,172	\$1,223,274	\$1,416,875	\$1,641,183	\$1,901,075	\$2,202,204
2Br/2Ba @ 50	6	800	4,800	\$651	\$0.81	\$3,906	\$46,872	\$28,173	\$29,013	\$29,878	\$30,768	\$31,685	\$36,698	\$42,506	\$49,235	\$57,032	\$66,066
2Br/2Ba @ 60	18	800	14,400	\$795	\$0.99	\$14,310	\$171,720	\$394,872	\$406,718	\$418,920	\$431,487	\$444,432	\$515,219	\$597,280	\$692,411	\$802,694	\$930,542
2Br/2Ba @ 50	6	864	5,184	\$657	\$0.76	\$3,942	\$47,304	\$5,641	\$5,753	\$5,868	\$5,986	\$6,106	\$6,741	\$7,443	\$8,217	\$9,073	\$10,017
2Br / 2Ba @ 60	26	864	22,464	\$801	\$0.93	\$20,826	\$249,912	\$28,560	\$29,131	\$29,714	\$30,308	\$30,914	\$34,132	\$37,684	\$41,607	\$45,937	\$50,718
Total / Average	112	5,488	78,528	\$657	\$0.98	\$78,384	\$940,608	\$457,246	\$470,616	\$484,380	\$498,549	\$513,137	\$592,790	\$684,913	\$791,470	\$914,735	\$1,057,343
Net Operating Income				\$481,866	\$496,482	\$511,540	\$527,053	\$543,035	\$630,485	\$731,962	\$849,713	\$986,339	\$1,144,861				
Debt Service																	
First Note		30		\$415,854	\$415,951	\$416,054	\$434,087	\$415,854	\$415,951	\$416,054	\$434,087	\$434,230	\$435,082	\$436,217	\$437,729	\$439,744	\$442,427
DCR				1.16	1.19	1.23	1.21	1.25	1.25	1.45	1.68	1.94	2.24	2.59			
Priority Payments																	
PILOT Fee	2.0%		\$16,400	\$16,728	\$17,063	\$17,404	\$17,752	\$18,107	\$18,461	\$18,815	\$19,169	\$19,523	\$19,877	\$20,231	\$20,585	\$20,939	\$21,293
Social Services Fee	2.0%			\$25,000	\$25,500	\$26,010	\$26,530	\$27,061	\$27,601	\$28,141	\$28,681	\$29,221	\$29,761	\$30,301	\$30,841	\$31,381	\$31,921
Managing GP	2.0%			\$10,000	\$10,200	\$10,400	\$10,612	\$10,824	\$11,036	\$11,248	\$11,460	\$11,672	\$11,884	\$12,096	\$12,308	\$12,520	\$12,732
Asset Management Fee				\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000
Cash Available				\$9,284	\$22,768	\$36,668	\$33,073	\$47,814	\$47,814	\$128,583	\$222,491	\$331,626	\$458,394	\$605,573			
Deferred Developer Fee		13															
Interest for Period				\$42,609	\$42,609	\$42,609	\$42,609	\$42,609	\$42,609	\$42,609	\$42,609	\$42,609	\$42,609	\$42,609	\$42,609	\$42,609	\$42,609
Payment				\$9,284	\$22,768	\$36,668	\$33,073	\$47,814	\$47,814	\$128,583	\$222,491	\$331,626	\$458,394	\$605,573			
Accrued Interest				\$42,609	\$62,449	\$88,389	\$77,925	\$72,720	\$67,515	\$62,310	\$57,105	\$51,900	\$46,695	\$41,490	\$36,285	\$31,080	\$25,875
Principal Balance				\$1,065,215	\$1,065,215	\$1,065,215	\$1,065,215	\$1,065,215	\$1,065,215	\$1,065,215	\$1,065,215	\$1,065,215	\$1,065,215	\$1,065,215	\$1,065,215	\$1,065,215	\$1,065,215
Cash Available for Agency DS				\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SHRA Loan		30															
Interest for Period				\$98,000	\$98,000	\$98,000	\$98,000	\$98,000	\$98,000	\$98,000	\$98,000	\$98,000	\$98,000	\$98,000	\$98,000	\$98,000	\$98,000
Payment				\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Accrued Interest				\$98,000	\$196,000	\$294,000	\$392,000	\$490,000	\$588,000	\$686,000	\$784,000	\$882,000	\$980,000	\$1,078,000	\$1,176,000	\$1,274,000	\$1,372,000
Principal Balance				\$2,450,000	\$2,450,000	\$2,450,000	\$2,450,000	\$2,450,000	\$2,450,000	\$2,450,000	\$2,450,000	\$2,450,000	\$2,450,000	\$2,450,000	\$2,450,000	\$2,450,000	\$2,450,000
Combined DCR				1.16	1.19	1.23	1.21	1.25	1.25	1.45	1.20	1.20	1.20	1.20	1.20	1.20	1.77
Cash Flow after DS and Payments				\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

Village East Apartments - Budget and Unit Mix			
<u>Address</u>	9838 Lincoln Village Drive - Rancho Cordova, Ca 95827		
<u>Number of Units</u>	112		
<u>Affordability</u>	20% of units @ or below 50% of median income 80% of units @ or below 60% of median income		
<u>Unit Mix and Rents</u>	50% of Median	60% of Median	
Efficiency (Studio) / 1Ba	3	13	
1 BR / 1 BA	8	32	
2 BR / 1 BA	6	18	
2 BR / 2 BA	6	26	
<u>Square Footage</u>			
Efficiency (Studio) / 1Ba	480		
1 BR / 1 BA	600		
2 BR / 1 BA	800		
2 BR / 2 BA	864		
<u>Resident Facilities</u>	Community amenities include two swimming pools, a playground and exercise room.		
<u>Sources</u>	<u>Total</u>	<u>Per Unit</u>	<u>Per Square Foot</u>
Senior MRB	\$ 6,030,000	\$ 53,839	\$ 76.79
Tax Credit Equity	\$ 3,226,467	\$ 28,808	\$ 41.09
SHRA Loan	\$ 2,450,000	\$ 21,875	\$ 31.20
Net Cash from Operations	\$ 687,908	\$ 6,142	\$ 8.76
Developer Note	\$ 1,065,215	\$ 9,511	\$ 13.56
TOTAL SOURCES	\$ 13,459,590	\$ 120,175	\$ 171.40
<u>Uses</u>			
Acquisition Costs	\$ 8,200,000	\$ 73,214	\$ 104.42
Construction Costs	\$ 2,105,612	\$ 18,800	\$ 26.81
Cost of Issuance	\$ 489,290	\$ 4,369	\$ 6.23
Financing Costs	\$ 1,084,606	\$ 9,684	\$ 13.81
Other Transaction Costs	\$ 203,400	\$ 1,816	\$ 2.59
Developer Fee/Overhead	\$ 1,376,682	\$ 12,292	\$ 17.53
TOTAL USES	\$ 13,459,590	\$ 120,175	\$ 171.40
<u>Management / Operations</u>			
Proposed Developer	Ezralow Company / GALA Construction		
Property Management Company	FPI Property Management		
Operations Budget (Total / Unit)	\$410,959	\$3,669	
Reserves (Total / Unit)	\$28,000	\$250	
Tax Credit Investor	To be determined		

MAXIMUM RENT AND INCOME RESTRICTIONS - 2005**Mortgage Revenue Bond Program**

(Rents @ 50% of AMI less utility allowance)

Maximum Income Limits:	
50% AMI	
<u>Family Size</u>	<u>Max. Income</u>
1 person	\$ 22,450
2 person	\$ 25,650
3 person	\$ 28,850
4 person	\$ 32,050
5 person	\$ 34,600
Maximum Rent Limits:	
<u>Unit Size</u>	<u>Gross Rent</u>
1 Bedroom	\$ 601
2 Bedroom	\$ 721
3 Bedroom	\$ 833

4% Low-Income Housing Tax Credit Program

(Rents @ 60% of AMI less utility allowance)

Maximum Income Limits:	
60% AMI	
<u>Family Size</u>	<u>Max. Income</u>
1 person	\$ 26,940
2 person	\$ 30,780
3 person	\$ 34,620
4 person	\$ 38,460
5 person	\$ 41,520
Maximum Rent Limits:	
<u>Unit Size</u>	<u>Gross Rent</u>
1 Bedroom	\$ 721
2 Bedroom	\$ 865
3 Bedroom	\$ 999

HOME and Housing Trust Funds

(Rents @ 50% and 65% of AMI less utility allowance)

Maximum Income Limits:		
(HOME & HTF)		
50% AMI		
<u>Family Size</u>	<u>Max. Income</u>	
1 person	\$ 22,450	
2 person	\$ 25,650	
3 person	\$ 28,850	
4 person	\$ 32,050	
5 person	\$ 34,600	
Maximum Rent Limits:		
<u>Unit Size</u>	<u>Gross Rent</u>	
1 Bedroom	\$ 601	
2 Bedroom	\$ 721	
3 Bedroom	\$ 833	
(HOME only)		
60% AMI		
	<u>Max. Income</u>	
	\$ 26,940	
	\$ 30,780	
	\$ 34,620	
	\$ 38,460	
	\$ 41,520	
	<u>Gross Rent</u>	
	(at 65% AMI)	
	\$ 759	
	\$ 915	
	\$ 1,049	

Date: May 10, 2005

Attachment V

The Ezralow Company
269 Technology Way, Suite B-1
Rocklin, CA 95765
Attn: Darren Horning

RE: Conditional Funding Commitment, Village East Apartments

Dear Mr. Horning:

On behalf of the Sacramento Housing and Redevelopment Agency ("Agency"), we are pleased to advise you of its commitment of construction and permanent loan funds ("Loan") from County HOME funds for the purpose of financing the acquisition, development and permanent financing of that certain real property located at 9838 Lincoln Village Drive in Rancho Cordova, California ("Property"). The Agency's decision is based on your application, and all representations and information supplied by you to it. If these representations and information change in a material manner without written approval of Agency, this commitment is void. Agency's obligation to make the Loan is subject to satisfaction of all the following terms and conditions and Borrower's execution of documentation that is in a form and in substance satisfactory to the Agency.

The Loan shall be made on standard Agency loan documents. No loan terms not in this funding commitment and the attached loan document forms shall be included in the final loan documents without additional environmental review and governing board approval. In the event of any discrepancies between terms stated in this commitment and the loan documents, the terms stated in this Loan Commitment Letter shall be deemed to be terms of this commitment.

Unless otherwise agreed in writing by the Agency in exercise of its absolute discretion, the following shall be considered conditions to Agency approval of a financing commitment. The Agency may, in exercise of its absolute discretion, modify its requirements upon written notice to Borrower given at least sixty days prior to close of escrow for the Property.

This commitment will expire December 31, 2005.

1. PROJECT DESCRIPTION: The project is the rehabilitation of a 112 unit multi-family apartment complex. A total of 23 units will be affordable to families earning less than 50 percent of the area median income and an additional 89 units will be affordable to families earning less than 60 percent of the area median income.
2. BORROWER: The name of the Borrower for the Loan is The Ezralow Company, or a limited liability company or limited partnership to be formed by The Ezralow Company.
3. PURPOSE OF LOAN: The Loan is to be used by Borrower solely to pay the costs of construction and permanent financing or for such other purposes as Agency expressly

agrees to in the loan agreement for the Loan, and such other agreements as may be generally required by the Agency for the use of funding source for the Loan.

4. PRINCIPAL AMOUNT: The combined principal amount of the Loan will be the lesser of (a) Two Million Four Hundred and Fifty Thousand Dollars (\$2,450,000), or (b) an amount to be determined prior to close of the Loan based on a project budget approved by Agency. However, the combined indebtedness of the Property must not exceed ninety percent of the appraised value.
5. TERM OF LOAN: The unpaid balance of the Loan will be all due and payable in month 360.
6. INTEREST RATE: The Loan will bear interest at Four Percent (4%) per annum. Interest shall be calculated on the basis of a 365-day year and actual days elapsed.
7. AMORTIZATION AND MONTHLY PAYMENTS: The Loan shall be amortized over 360 months. Payments shall be applied first to outstanding interest accrued and unpaid and then to principal. Interest and principal payments shall be deferred from the date of the loan for 156 months. Beginning in month 157, monthly installments shall be made according to the following schedule:

Months 157-168	\$ 8,333 per month
Months 169-180	\$14,583 per month
Months 181-192	\$15,833 per month
Months 193-204	\$17,500 per month
Months 205-216	\$19,167 per month
Months 217-228	\$20,833 per month
Months 229-240	\$22,500 per month
Months 241-252	\$24,167 per month
Months 253-264	\$26,250 per month
Months 265-276	\$27,917 per month
Months 277-288	\$30,000 per month
Months 289-300	\$31,667 per month
Months 301-312	\$33,750 per month
Months 313-324	\$35,833 per month
Months 325-336	\$37,917 per month
Months 337-348	\$40,417 per month
Months 349-360	\$17,176 per month

8. SOURCE OF LOAN FUNDS: Agency is making the Loan from the following sources of funds, and the Loan is subject to all requirements related to the use of such, whether Agency requirements or otherwise: \$2,450,000 County HOME funds. This Loan is conditioned upon Borrower's acceptance of Agency's requirements and conditions related to such lending programs and funding sources, including among others, the required

forms of agreements for the Loan; the requirements for covenants, conditions and restrictions upon the Property; and insurance and indemnity requirements.

Borrower acknowledges that, as a condition of the Agency's making of the Loan, the Property will be subject to restrictions on future sales and rentals which may result in less income to Borrower than could otherwise be realized, and that such restrictions run with the land, and during their operational term, will bind all successors in interest.

_____ (Borrower Initial)

Borrower acknowledges that every contract for new construction or rehabilitation construction of housing that includes 12 or more units assisted with HOME funds will contain a provision requiring the payment of not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act (40 U.S.C. 276a-5), to all laborers and mechanics employed in the development of any part of the housing. Such contracts must also be subject to the overtime provisions, as applicable, of the Contract Work Hours and Safety standards Act (40 U.S.C. 327-332). (24 C.F.R. 92.354). Borrower also acknowledges that any project containing a "subsidy" may be subject to state prevailing wages, which are the responsibility of the Borrower and Borrower's contractor.

_____ (Borrower Initial)

9. **ACCELERATION**: Agency shall have the right to accelerate repayment of the Loan in the event of a default under any Loan Document or upon sale, transfer or alienation of the Property except as specifically provided for in the Loan documents.
10. **SECURITY**: The Loan shall be evidenced by promissory note(s) secured by a deed of trust with assignment of rents against the fee and/or leasehold interest in the Property and Improvements, which shall be a second lien upon the Property and Improvements subject only to senior and subordinate bond debt and such other items as the Agency may approve in writing. The Loan shall also be secured by security agreements. The Agency may subordinate said deeds of trust in order to accommodate completion of rehabilitation of the Property.
11. **LEASE AND RENTAL SCHEDULE**: All leases of the Property and Improvements shall be subject to Agency's approval prior to execution. Borrower shall not deviate from the rental schedule presented in Borrower's application for the Loan without Agency's prior written approval.
12. **PROOF OF EQUITY**: Borrower shall provide proof of equity for the Property and Improvements in the amount of no less than \$3,226,467 in Low Income Housing Tax Credits and \$1,065,215 in a deferred developer fee.

13. OTHER FINANCING: Borrower, as a requirement of the Loan, shall procure and deliver to Agency evidence satisfactory to Agency that Borrower has obtained the following described financing which may be secured by a lien upon the Property and Improvements superior or subordinate to Agency's liens, and which shall be otherwise on terms and conditions acceptable to Agency:

Construction Financing from a private lender in an amount sufficient to complete rehabilitation of the Property according to a scope of work as approved by Agency and made for a term not less than that specified in the Schedule of Performances for completion of construction, and in any event not less than the time necessary to fulfill all conditions precedent to funding of the permanent financing.

Commitments for permanent financing sufficient to "take out" all liens senior to the Agency's lien and for a term of not less than 30 years and fully amortized.

Such commitments for financing shall not require modification of Agency loan documents, or any term of this commitment letter.

Such commitments shall not be based upon sources and uses of Project funds that are different from those approved by Agency for the project or be subject to conditions which require amendment of the loan or regulatory agreements.

14. EVIDENCE OF FUNDS: Prior to the first disbursement of the Loan, Borrower must demonstrate evidence of adequate and assured funding to complete the development of the Project in accordance with the Agency's requirements. Borrower's evidence of available funds must include only one or more of the following: a) Borrower equity; b) firm and binding commitments for the Project from financial institution(s) or from other lender(s) approved by Agency in its absolute discretion; and c) Agency's contribution, provided, however, that Agency is not obligated by this letter to make any contribution not stated in the terms of the letter.
15. SOILS AND TOXIC REPORTS: Borrower must submit to a soils report prepared by a licensed soils engineer and a hazardous substances report made in accordance with the American Society for Testing and Materials "Standard Practice for Environmental Site Assessments; Phase I Environmental Site Assessment Process" (Designation E1527-93) prepared by a licensed or registered environmental engineer or other qualified party prior to Loan closing. Borrower must, as a condition of disbursement of Loan funds, give assurances satisfactory to the Agency that hazardous materials are not present on the Property or that any hazardous materials on the Property have been remediated and that no further remediation is then required by the environmental agency having responsibility for monitoring such remediation.
16. LOAN IN BALANCE: Borrower will be required to maintain the Loan "in balance". The Loan is "in balance" whenever the amount of the undisbursed Loan funds, the

remaining sums to be provided by the Borrower and the loan funds from other project lenders are sufficient, in the sole judgement of the Agency, to pay for the remainder of the work to be done on the project as required by written agreement with the Agency. Should the Agency determine that the Loan is not "in balance", the Agency may declare the Loan to be in default.

17. PLANS AND SPECIFICATION: Final plans and specifications for the project must be in accord with the proposal approved as part of the Loan application. Final plans and specifications will be subject to Agency's final approval prior to the disbursement of Agency Loan funds. Borrower must obtain Agency's prior written consent to any change in the approved plans and specifications or any material deviation in construction of the project.
18. ARCHITECTURAL AGREEMENT: The architectural agreement ("Agreement") for the preparation of the plans and specifications and other services shall be subject to Agency's approval. Agency may require an assignment of Borrower's interest in and to the Agreement as security for the Loan.
19. CONSTRUCTION CONTRACT: The construction contract ("Contract"), and any change orders issued thereunder, and the contractor ("Contractor") to be retained by Borrower to construct the Improvements shall be subject to Agency's approval. Agency may require an assignment of Borrower's interest in and to the Contract as security for the Loan. Agency shall require Contractor to provide a performance and payment bond in a form acceptable to Agency for the amount of the Contract.
20. RETENTION AMOUNT: The Agency shall retain ten percent (10%) as retention from each disbursement, not to exceed a total of ten percent (10%) of the total amount of the Loan.
21. COST BREAKDOWN: Borrower shall deliver to Agency for Agency's approval prior to commencement of work a detailed cost breakdown of the cost of constructing, financing and other costs of developing the Improvements, which breakdown conforms to the project plans and specification and the budget approved with this commitment. Borrower shall also deliver a list of all contractors and subcontractors to be employed in connection with the construction of the Improvements. If required by the Agency Borrower shall also submit copies of all bids received for each item of work to be performed as well as copies of executed contracts and subcontracts with acceptable bidders.

All contracts, subcontracts, contractors, and subcontractors shall be subject to Agency's approval prior to close of the Loan. Agency also reserves the right to require performance and material payment bonds on any or all contractors, or in lieu of bond a letter of credit acceptable to Agency.

Agency shall make disbursements of the Loan based on a cost breakdown that lists line items in cost categories. Agency shall require that Borrower provide documentation

supporting all requests for disbursement of Loan funds, including proof of work done and actual expenditure. Agency shall conduct inspections of the Property to assure that the work was done before making a disbursement.

22. COST SAVINGS. At completion of construction, borrower shall submit to Agency a cost certification prepared by a qualified, independent auditor acceptable to Agency, which cost certification shall indicate the amounts actually spent for each item in the cost breakdown. If there is an aggregate savings in the total of all such cost breakdown items from the cost breakdown items in the original budget approved by the Agency, the Agency shall withhold for itself as loan repayment, one-half of such savings from the amount of retention then held by the Agency, and the Loan balance shall be reduced by the amount so withheld. The Agency, in its sole discretion, shall determine any reduction and/or repayment of the Agency loan based upon this cost certification and the original approved budget for the project.
23. START OF CONSTRUCTION: Borrower shall commence construction at the earliest possible date subject to the conditions of this Agency and other involved lenders, but no later than December 31, 2005.
24. COMPLETION OF CONSTRUCTION: Borrower shall complete the construction of the Improvements no later than December 31, 2006.
25. HAZARD INSURANCE: Borrower shall procure and maintain fire and extended coverage insurance or in lieu such insurance, Builder's Risk completed value insurance in a form and substance approved by Agency. Coverage shall be for protection against loss of, or damage to the Improvements or materials for their construction to their full insurable value. Borrower shall also procure and maintain insurance against specific hazards affecting Agency's security for the Loan as may be required by Agency, governmental regulations, or any permanent lender. All such policies shall contain a standard mortgagee loss payable clause in favor of Agency. The insurance required shall be written with a deductible of not more than TEN THOUSAND DOLLARS (\$10,000.00).
26. PUBLIC LIABILITY AND OTHER INSURANCE: Borrower must procure and maintain public liability and property damage insurance (with Agency named as additional insured) in a form approved by Agency. Coverage must be approved by Agency and must be in at least the following limits of liability: Bodily injury liability of \$1,000,000 each occurrence and \$1,000,000 Aggregate, Products and Completed Operations; Property damage liability of \$1,000,000 each occurrence, \$1,000,000 single limit and \$1,000,000 aggregate; Contractual liability for Bodily Injury of \$1,000,000 each occurrence, for Property Damage of \$1,000,000 each occurrence and \$1,000,000 aggregate, and Personal Injury with Employment Exclusion Deleted of \$1,000,000 aggregate; and Comprehensive Automobile Liability for any vehicle used for or in connection with the Work of \$1,000,000. The insurance required shall be written with a

deductible of not more than TEN THOUSAND DOLLARS (\$10,000). Borrower must also procure and maintain workers' compensation and all other insurance required under applicable law, as required by law and as approved by Agency.

27. TITLE INSURANCE: Borrower must procure and deliver to Agency a 1970 or 1987 ALTA LP-10 Lender's Policy of Title Insurance, together with such endorsements as Agency may require, including but not limited to CLTA endorsement nos. 100, 116, and 102.5/102.7 insuring Agency in an amount equal to the principal amount of the Loan, that Agency's Deeds of Trust constitutes a second lien or charge upon the Property and Improvements subject only to such items as shall have been approved by Agency. There must be no exceptions permitted for mechanics liens. Title insurance for the Loan must be issued by a title insurer approved by Agency.
28. ORGANIZATIONAL AGREEMENTS: Borrower must submit to Agency certified copies of all of Borrower's organizational documents, including all amendments, modifications or terminations: if a corporation, Borrower's Articles of Incorporation and By-Laws; if a partnership, its Partnership Agreement and, as applicable, Certificate of Limited Partnership or Statement of Partnership; if a Limited Liability Company, its Articles of Organization and its Operating Agreement; and in all cases with all exhibits and amendments to such documents, fictitious business name statements, other related filings or recorded documents and such related documents as Agency may request. If it is a corporation, Borrower must submit a corporate borrowing resolution referencing this Loan. If Borrower is other than a corporation, Borrower must submit such proof of authority to enter this Loan as may be required under the organizational documents.
29. FINANCIAL INFORMATION: During the term of the Loan, Borrower shall deliver to Agency within 120 days of the end of each fiscal year an audited income and expense statement, a balance sheet, and a statement of all changes in financial position signed by authorized officers of Borrower. Prior to close of the Loan and during its term, Borrower must deliver to Agency such additional financial information as may be requested by Agency. Agency reserves the right to review and approve financial statements and other credit information and references prior to closing. During the term of the Loan, Borrower must deliver to Agency a monthly rent-roll including household composition information, and operating statements with respect to the Property and Improvements, as Agency may request.
30. MANAGEMENT AGREEMENT: Prior to execution, Borrower must submit to Agency any agreement providing for the management or operation of the Property or Improvements by a third party which agreement is subject to Agency Approval.
31. LOW INCOME HOUSING TAX CREDITS ("LIHTC"): Borrower represents that as a condition of closing this Loan it is applying for an allocation of LIHTCs and agrees to perform all actions and to meet all requirements to maintain the LIHTC allocation if granted.

32. DOCUMENTATION: This letter is not intended to describe all of the requirements, terms, conditions and documents for the Loan, which shall also include customary provisions and documents for an Agency transaction of this type. All documents to be delivered to or approved by Agency must be satisfactory to Agency in all respects. Borrower must promptly deliver to Agency any further documentation that may be required by Agency.
33. CONSISTENCY OF DOCUMENTS: As a material obligation under this commitment letter, Borrower shall assure that the loan documents for the Project are consistent with lender's commitment approved by the Agency and comply, in all respects, with this commitment letter.
34. CHANGES OR AMENDMENTS: No documents or contracts which are to be delivered to Agency or are subject to Agency's review or approval shall be modified or terminated without the prior written approval of Agency.
35. ACCEPTANCE OF THIS COMMITMENT: Borrower's acceptance of this Commitment shall be evidenced by signing and delivering to Agency the enclosed copy of this letter. Until receipt of such acceptance by Agency, Agency shall have no obligation under this letter. Agency may withdraw this commitment at any time prior to Borrower's acceptance.

Yours truly,

Anne M. Moore
Executive Director

The undersigned acknowledges and accepts the foregoing Commitment and its terms and conditions.

Dated:

BORROWER:

By: _____
[Name, Title]

RESOLUTION NO. _____

ADOPTED BY THE HOUSING AUTHORITY OF THE COUNTY OF SACRAMENTO

ON DATE OF

**A RESOLUTION OF THE HOUSING AUTHORITY OF THE COUNTY
OF SACRAMENTO DECLARING INTENTION TO
REIMBURSE EXPENDITURES FROM THE PROCEEDS OF
TAX-EXEMPT OBLIGATIONS AND DIRECTING CERTAIN ACTIONS**

WHEREAS, the Housing Authority of the County of Sacramento (the "Authority") intends to issue tax-exempt obligations (the "Obligations") for the purpose, among other things, of making a loan to The Ezralow Company, LLC, a Delaware limited liability company, or a limited partnership or limited liability company formed by or affiliated with The Ezralow Company, LLC ("Developer"), the proceeds of which shall be used by the Developer to finance the acquisition, rehabilitation and development of a 112-unit multifamily housing residential facility located at 9838 Lincoln Village Drive, City of Rancho Cordova, County of Sacramento, California, commonly known as Village East Apartments (the "Project"); and

WHEREAS, United States Income Tax Regulations section 1.103-18 provides generally that proceeds of tax-exempt debt are not deemed to be expended when such proceeds are used for reimbursement of expenditures made prior to the date of issuance of such debt unless certain procedures are followed, among which is a requirement that (with certain exceptions), prior to the payment of any such expenditure, the issuer must declare an intention to reimburse such expenditure; and

WHEREAS, it is in the public interest and for the public benefit that the Authority declare its official intent to reimburse the expenditures referenced herein;

NOW, THEREFORE, BE IT RESOLVED THAT THE HOUSING AUTHORITY OF THE COUNTY OF SACRAMENTO DECLARES AND ORDERS AS FOLLOWS:

Section 1. The Authority intends to issue the Obligations for the purpose of paying the costs of financing the acquisition, rehabilitation and development of the Project.

Section 2. The Authority hereby declares that it reasonably expects that a portion of the proceeds of the Obligations will be used for reimbursement of expenditures for the

acquisition, rehabilitation and development of the Project that are paid before the date of initial execution and delivery of the Obligations.

Section 3. The maximum amount of proceeds of the Obligations to be used for reimbursement of expenditures for the acquisition, rehabilitation and development of the Project that are paid before the date of initial execution and delivery of the Obligations is approximately \$9,200,000.

Section 4. The foregoing declaration is consistent with the budgetary and financial circumstances of the Authority in that there are no funds (other than proceeds of the Obligations) that are reasonably expected to be (i) reserved, (ii) allocated or (iii) otherwise set aside, on a long-term basis, by or on behalf of the Authority, or any public entity controlled by the Authority, for the expenditures for the acquisition, rehabilitation and development of the Project that are expected to be reimbursed from the proceeds of the Obligations.

Section 5. The Developer shall be responsible for the payment of all present and future costs in connection with the issuance of the Obligations, including, but not limited to, any fees and expenses incurred by the Authority in anticipation of the issuance of the Obligations, the cost of printing any official statement, rating agency costs, bond counsel fees and expenses, underwriting discount and costs, trustee fees and expense, and the costs of printing the Obligations. The payment of the principal, redemption premium, if any, and purchase price of and interest on the Obligations shall be solely the responsibility of the Developer. The Obligations shall not constitute a debt or obligation of the Authority.

Section 6. The law firm of Jones Hall, A Professional Law Corporation, is hereby named as bond counsel to the Authority in connection with the issuance of the Obligations. The fees and expense of bond counsel and any financial advisor employed by the Authority in connection with the issuance of the Obligations are to be paid solely from the proceeds of the Obligations or directly by the Developer.

Section 7. The appropriate officers or staff of the Authority are hereby authorized, for and in the name of and on behalf of the Authority, to make an application to the California Debt Limit Allocation Committee for an allocation of private activity bonds for the financing of the Project.

Section 8. The adoption of this Resolution shall not obligate (i) the Authority to provide financing to the Developer for the acquisition, rehabilitation and development of the

Project or to issue the Obligations for purposes of such financing; or (ii) the Authority, of or any department of the Authority or the County of Sacramento to approve any application or request for, or take any other action in connection with, any environmental, General Plan, zoning or any other permit or other action necessary for the acquisition, rehabilitation, development or operation of the Project.

Section 9. In anticipation of the issuance of the Obligations, the Authority hereby approves the purchase of the Project by the Developer and the assumption by the Developer of the obligations of the current owner of the Project under the documents executed and delivered in connection with the original financing of the acquisition and construction of the Project with the proceeds of tax-exempt obligations issued by the Authority.

Section 10. This resolution shall take effect immediately upon its adoption.

On a motion by Member _____, seconded by Member _____, the foregoing Resolution was passed and adopted by the Housing Authority of the County of Sacramento, State of California, this _____ day of _____, 2005, by the following vote, to wit:

AYES: Members

NOES: Members

ABSENT: Members

ABSTAIN: Members

Chair

SEAL:

ATTEST:

Clerk

RESOLUTION NO. _____
ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF
SACRAMENTO

ON DATE OF

APPROVING THE ISSUANCE OF BONDS BY THE HOUSING
AUTHORITY OF THE COUNTY OF SACRAMENTO ON BEHALF OF
THE EZRALOW COMPANY, LLC

WHEREAS, the Housing Authority of the County of Sacramento, a housing authority organized and existing under the laws of the State of California (the "Authority"), purposes to issue multifamily housing revenue bonds (the "Bonds") in a principal amount of approximately \$9,200,000 and to lend the proceeds thereof to The Ezralow Company, LLC, a Delaware limited liability company, or a limited partnership or limited liability company formed by or affiliated with The Ezralow Company, LLC ("Developer"), pursuant to a loan or financing agreement by and between the Developer and the Authority, to be used to provide funds for the acquisition, rehabilitation and development of a multifamily housing residential facility known as Village East Apartments, located at 9838 Lincoln Village Drive, City of Rancho Cordova, County of Sacramento, California, to be owned and operated by the Developer;

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986 requires the issuance of the bonds to be approved by the Board of Supervisors of the County (the "Board"), as the elected representative of the County of Sacramento, the host jurisdiction of the subject multifamily housing residential facility, after a public hearing has been held following reasonable and proper notice;

WHEREAS, a public hearing was held by the Board on the 17th day of May, 2005, following duly published notice thereof, and all persons desiring to be heard have been heard; and

WHEREAS, it is in the public interest and for the public benefit that the Board, as the elected representative of the County of Sacramento, the host jurisdiction of the subject multifamily housing residential facility, approve the issuance and delivery by the Authority of the Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF
THE COUNTY OF SACRAMENTO:

Section 1. The Board of Supervisors of the County of Sacramento hereby finds,
determines and declares that issuance by the Authority of the Bonds in the maximum principal
amount of \$9,200,000 for the purposes described above is hereby approved.

Section 2. This resolution shall take effect immediately upon its adoption.

On a motion by Supervisor _____, seconded by Supervisor
_____, the foregoing Resolution was passed and adopted by the Board of
Supervisors of the County of Sacramento, State of California, this _____ day of
_____, 2005, by the following vote, to wit:

AYES: Supervisors

NOES: Supervisors

ABSENT: Supervisors

Chair of the Board of Supervisors
of Sacramento County, California

(SEAL)

ATTEST: _____
Clerk, Board of Supervisors

RESOLUTION NO. _____

ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF
SACRAMENTO

ON DATE OF

**VILLAGE EAST APARTMENTS: APPROVAL OF UP TO \$2,450,000 HOME LOAN;
EXECUTION OF LOAN COMMITMENT, LOAN AGREEMENT, AND RELATED
DOCUMENTS WITH THE EZRALOW COMPANY, L.P., A CALIFORNIA LIMITED
PARTNERSHIP, OR RELATED ENTITY; RELATED BUDGET AMENDMENT**

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF
SACRAMENTO:

Section 1: After due consideration of the facts presented, the findings, including the environmental findings regarding this action, as stated in the staff report that accompanies this resolution, are approved.

Section 2: The Loan Commitment, attached to and incorporated in this resolution by this reference, for the financing of the Village East Apartments project ("Loan") is approved and the Executive Director, or her designee, is authorized to execute and transmit the Loan Commitment to The Ezralow Company, L.P., or related entity. As stated in the Loan Commitment, the loan amount shall be not to exceed \$2,450,000. Subject to the satisfaction of conditions in the Loan Commitment, the Executive Director, or her designee, is authorized to prepare and execute any and all documents required for the making of the Loan (including without limitation the documents necessary for the use of the allocated funds and the documents necessary to make and reasonably administer the Loan); provided, however that:

- (a) The Loan shall be made on the terms set out in the Loan Commitment and the staff report accompanying this resolution; and
- (b) Agency Counsel shall prepare the Loan documents on standard Agency loan document forms in accordance with the Loan Commitment and the staff report accompanying this resolution, and in accordance with all applicable laws, regulations and policies regarding the making of the Loan and the use of the allocated funds.

Section 3: The Sacramento Housing and Redevelopment Agency is authorized to execute the Loan Commitment and to execute the Loan documents as prepared by the Agency Counsel and to enter into other agreements, execute other documents, and perform other actions necessary to fulfill the intent of the staff report that accompanies this resolution and the Loan Commitment and to ensure proper repayment of Agency funds, including without limitation, subordination, extensions and restructuring of payments, all as approved by Agency Counsel.

Section 4: The Sacramento Housing and Redevelopment Agency is authorized to make technical amendments to said agreements and documents with the approval of Agency Counsel, which amendments do not substantially deviate from the standard Agency loan document forms, are in accordance with the Loan Commitment, with Agency policy, with this resolution, with good legal practices for the making of such a loan, and with the staff report that accompanies this resolution.

Section 5: The Sacramento Housing and Redevelopment Agency budget is hereby amended to transfer \$2,450,000 in County HOME funds to the Village East Apartment Project to fund the Loan in accordance with Loan Commitment.

On a motion by Supervisor _____, seconded by Supervisor _____, the foregoing Resolution was passed and adopted by the Board of Supervisors of the County of Sacramento, State of California, this _____ day of _____, 2005, by the following vote, to wit:

AYES: Supervisors

NOES: Supervisors

ABSENT: Supervisors

Chair of the Board of Supervisors
of Sacramento County, California

(SEAL)

ATTEST: _____
Clerk, Board of Supervisors

RESOLUTION NO. SHRC-_____

ADOPTED BY THE SACRAMENTO HOUSING AND REDEVELOPMENT COMMISSION UNDER THE AUTHORITY DELEGATED TO THE COMMISSION PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE, SECTION 33202 BY RESOLUTION NO. RA 81-083 ADOPTED BY THE REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO ON OCTOBER 20, 1981, AND BY RESOLUTION NO. RA-83 ADOPTED BY THE REDEVELOPMENT AGENCY OF THE COUNTY OF SACRAMENTO ON OCTOBER 27, 1981, AND PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34292 BY RESOLUTION NO. HA 81-098 ADOPTED BY THE HOUSING AUTHORITY OF THE CITY OF SACRAMENTO ON OCTOBER 20, 1981, AND BY RESOLUTION NO. HA-1497 ADOPTED BY THE HOUSING AUTHORITY OF THE COUNTY OF SACRAMENTO ON OCTOBER 27, 1981.

ON DATE OF _____

VILLAGE EAST APARTMENTS: APPROVAL OF UP TO \$2,450,000 DEVELOPMENT LOAN; EXECUTION OF LOAN COMMITMENT, LOAN AGREEMENT, AND RELATED DOCUMENTS WITH THE EZRALOW COMPANY, A CALIFORNIA LIMITED PARTNERSHIP, OR RELATED ENTITY; RELATED BUDGET AMENDMENT

BE IT RESOLVED BY THE SACRAMENTO HOUSING AND REDEVELOPMENT COMMISSION:

Section 1: After due consideration of the facts presented, the findings, including the environmental findings regarding this action, as stated in the staff report that accompanies this resolution, are approved.

Section 2: The Loan Commitment, attached to and incorporated in this resolution by this reference, for the financing of the Village East Apartments project ("Loan") is approved and the Executive Director is authorized to execute and transmit the Loan Commitment to the Ezralow Company, L.P., or related entity. As stated in the Loan Commitment, the loan amount shall not exceed \$2,450,000. Subject to the satisfaction of conditions in the Loan Commitment, the Executive Director is authorized to prepare and execute any and all documents required for the making of the Loan (including without limitation the documents necessary for the use of the allocated funds and the documents necessary to make and reasonably administer the Loan); provided, however that:

- (a) The Loan shall be made on the terms set out in the Loan Commitment and the staff report accompanying this resolution; and
- (b) Agency Counsel shall prepare the Loan documents on standard agency loan document forms in accordance with the Loan Commitment and the staff report accompanying this resolution, and in accordance with all applicable laws, regulations and policies regarding the making of the Loan and the use of the allocated funds.

Section 3: The Executive Director is authorized to execute the Loan Commitment and to execute the Loan documents as prepared by the Agency Counsel and to enter into other agreements, execute other documents, and perform other actions necessary to fulfill the intent of

the staff report that accompanies this resolution and the Loan Commitment and to ensure proper repayment of Agency funds, including without limitation, subordination, extensions and restructuring of payments, all as approved by Agency Counsel.

Section 4: The Executive Director is authorized to make technical amendments to said agreements and documents with the approval of Agency Counsel, which amendments do not substantially deviate from the standard Agency loan document forms, are in accordance with the Loan Commitment, with Agency policy, with this resolution, with good legal practices for the making of such a loan, and with the staff report that accompanies this resolution.

Section 5: The Sacramento Housing and Redevelopment Agency budget is hereby amended to transfer \$2,450,000 in County HOME funds to the Village East Apartment Project to fund the Loan in accordance with Loan Commitment.

CHAIR

ATTEST:

CLERK

SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY

TO: TED GAEBLER, RANCHO CORDOVA CITY MANAGER
FROM: ANNE M. MOORE, SHRA EXECUTIVE DIRECTOR
SUBJECT: MATHER HOUSING SET-ASIDE FUNDS
DATE: APRIL 6, 2005
CC: DARREN BOBROWSKY, SHRA DIRECTOR OF DEVELOPMENT SERVICES
JIM CARNEY, CITY OF RANCHO CORDOVA

Mather Redevelopment Area

The Mather Redevelopment Area ("Mather") was established in May 1995 and was subsequently merged with the McClellan/Watt Avenue Redevelopment Area in November 2000. Redevelopment areas are created for a 30 year period, so Mather has 22 years remaining. As required of all redevelopment areas in California, 20 percent of the tax increment funds generated at Mather are set aside for affordable housing. Since 1995, Mather has generated approximately \$9.5 million in Housing Set Aside Funds (this includes tax increment revenue and funds from a 2003 bond issuance). These funds have been used to offer a Home Buyer Assistance Program for Independence at Mather, to fund the renovation of two buildings at the Mather Transitional Housing Campus and for the South White Rock Road Exterior Grant Program.

Housing Set Aside Funds Expenditure Requirements

Housing Set Aside funds must be used for the purpose of increasing, improving and preserving a community's supply of affordable housing. Among other income-targeting requirements, Set Aside funds must also be spent in at least the same proportion of very low, low or moderate income units needed in a community as identified in the Housing Element. The Housing Element for Sacramento County specifies that 41 percent of the housing needs are for very low income units, 28 percent of the needs are for low income units and 31 percent of the needs are for moderate income units.

An additional requirement for bond proceeds, which is the source of the current funding, is that they be spent within a three year timeframe. Since the bonds were issued in December 2003 these funds need to be spent by December 2006.

LAFCO Resolution and the Agency's NOFA for Mather Housing Funds

Within the Local Area Formation Committee's (LAFCO) incorporation resolution # 1243 for the City of Rancho Cordova, approved on May 22, 2002, the Redevelopment Agency agreed that, to the extent possible, Mather Housing Set-Aside Funds would be utilized within 1) the Mather portion of the Mather / McClellan Merged Project Area; 2) the City of Rancho Cordova; or 3) the Cordova Community Plan boundaries.

The bond issuance in December of 2003 resulted in \$5,050,082 in Housing Set Aside funds for Mather. With \$692,450 remaining unspent from tax increment revenue, there was a total of \$5,742,532 available to projects or programs that would increase or preserve the supply of affordable housing. In order to determine how the funds should be spent and to honor the commitment in the LAFCO resolution, the Agency met with

representatives from the City of Rancho Cordova on three occasions. During these meetings it was determined that a Notice of Funding Availability (NOFA) would be the best course of action.

On September 20, 2004, the Rancho Cordova City Council reviewed and approved the NOFA. On October 26, 2004, the Board of Supervisors, acting as the Redevelopment Agency, authorized the release of the NOFA. (The staff report recommending approval of the NOFA is attached.) In November 2004, the NOFA for Mather Redevelopment Area Housing Set-Aside Funds was released and offered financing for projects or programs that would develop, rehabilitate, or preserve affordable housing within the Mather Redevelopment Project Area and the City of Rancho Cordova.

In late December 2004, the Agency received two proposals to the NOFA. A developer proposing to acquire and rehabilitate the 116-unit Village East Apartments requested \$3.35 million and the Rancho Cordova Economic and Community Development Corporation (RCECDC) requested \$5.742 million for a program to acquire and rehabilitate scattered duplexes in the City of Rancho Cordova. A Selection Committee comprised of Rancho Cordova and Agency staff reviewed the proposal on several occasions and made the recommendation to fund the Village East Apartments as requested and fund \$2 million for a pilot program to the RCECDC with conditions consistent with Agency lending guidelines. These conditions include performance timeframes, project area, developer fee, lending, and resale restrictions. As the term "pilot" implies the program could certainly be eligible for additional allocations in the future.

Setback to Moving Forward with NOFA

Since the release of the NOFA, the City of Rancho Cordova formed a redevelopment agency. Under Community Redevelopment Law, one agency is prevented from expending its housing funds within another agency's jurisdiction. Therefore, the Agency is prevented from spending Set Aside funds within the City of Rancho Cordova, but not within the unincorporated Rancho Cordova planning area. Although it was not the intent of the Agency or City of Rancho Cordova, the law is intended to prevent redevelopment agencies from transferring their affordable housing obligations to another jurisdiction.

In order to move forward with the two projects submitted in response the NOFA, the Agency is recommending County HOME funds be used in place of a portion of tax increment funds available under the NOFA. As the Mather Housing Funds must be spend in an area that a benefit to the redevelopment area can be determined, we can not allocate all of the HOME funding as we have projects that are not eligible to use Mather Housing Funds.

HOME as a Replacement for Tax Increment

The Agency receives, on behalf of the County, approximately \$3 million per year of HOME funding. The Agency is proposing to use \$2,450,000 in County HOME funds rather than Housing Set-Aside funds for the Village East rehabilitation project. As you can see the \$2.45 million substitution to Rancho Cordova utilizes a very significant part of this county-wide resource. This allocation of \$2,450,000 in HOME funds (20 percent very low income requirement) is equivalent to \$3,350,000 in tax increment (46 percent very low income requirement) due to the difference in the affordability requirements for each funding source. Housing Set Aside funds require projects to meet deeper affordability levels which results in the need for higher subsidies.

The Agency proposes to commit \$2,450,000 in HOME funds for the Village East project with the intent that \$3,350,000 Housing Set Aside funds be spent in the unincorporated County to replace the HOME funds expended in the City of Rancho Cordova.

Funding Strategy for the RCECDC Pilot program

Agency staff has reached a verbal agreement with the RCECDC related to their proposal and the conditions recommended by the Selection Committee. We are in the process of drafting the necessary documents for their review and intend to bring this proposal to the Rancho Cordova City Council in May 2005. Future funding for this program or others are dependent on resolving the outstanding legal issues and issuance of bonds in Mather.

Next Steps

Our legal counsel has been in contact with Meyers Nave, legal counsel to the City of Rancho Cordova and the RCECDC, to discuss the restrictions preventing the Agency from spending funds within another jurisdiction. The Agency has also contracted with McDonough, Holland, and Allen to determine the options available to allow Mather housing funds to be spent within the City of Rancho Cordova. We believe can identify an option for your City and the Board of Supervisor which will preserve the intent of the LAFCO agreement. We will be following up with you on this issue within the next 30-60 days.

Financing of the Village East Apartments requires Board of Supervisors approval prior to submitting the application for tax-exempt bond authority to the State on or before May 20, 2005. In order to meet the Board of Supervisors meeting by mid-May requires recommendation votes by both the Rancho Cordova City Council and Sacramento Housing and Redevelopment Commission (SHRC) at least three weeks prior to the Board of Supervisors meeting. Therefore, the Village East Apartments should be heard by the Rancho Cordova City Council no later than April 18, 2005 and the SHRC on April 20, 2005.

MEMORANDUM

DATE: April 18, 2005
TO: Mayor and Council Members
FROM: Kathleen Franklin, Assistant Planner
SUBJECT: TERRA LOMA SUBDIVISION - CHANGES IN CONDITIONS OF APPROVAL



Subsequent to the preparation and distribution of the Conditions of Approval for the Terra Loma Subdivision staff received comments from CSD-1. These comments/conditions have been added and appear as Conditions 18 and 19.

CONDITIONS OF APPROVAL/MITIGATION MONITORING AND REPORT PROGRAM

EXHIBIT D

		Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
1.	The development approved by this action is for a Rezone, Tentative Subdivision Map for 11 single-family lots, Design Review and a Special Development Permit for reduced setbacks and lot sizes, as shown on Exhibit C and the March 24, 2005 Planning Commission staff report. In addition to the conditions within this exhibit, the applicant shall comply with the applicable zoning conditions in Ranch Cordova Zoning Code . APN: 075-0033-017	On-Going	Planning	
2.	The Tentative Subdivision Map approval is valid for three years from the date of City Council approval, unless an extension of time is subsequently approved per Government Code Section 66452.6(e)	Three years, commencing with the date of Planning Commission approval.	Planning	
3.	The Applicant shall hold harmless the City, its Council Members, its Planning Commission, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.	On-Going	Planning	
Prior to Grading or Improvement Plan Approval.				
4.	Applicant shall pay any outstanding staff costs associated with the preparation of the Rezone, Tentative Subdivision Map, Design Review and Special Development Permits.	Prior to Issuance of Improvement Plans or grading permit.	Finance	

CONDITIONS OF APPROVAL/MITIGATION MONITORING AND REPORT PROGRAM

EXHIBIT D

5.	If any prehistoric, archaeological, paleontological, or historic artifacts or other indications of archaeological resources are found once the project construction is underway, all work in the immediate vicinity must stop and the City shall be immediately notified. An archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, shall be retained to evaluate the finds and recommend appropriate mitigation measures.	During initial site development, grading or brush clearing.	Planning
6.	Removal of the 27-inch blue oak tree shall only be allowed as a last resort, and must be approved by the Planning Director upon review of proof that the tree cannot be preserved. If the tree cannot be protected as required by the previous mitigation measures, the tree shall be removed and compensated by planting 27-inches of native oak trees within the City of Rancho Cordova. The replacement plantings must include a minimum of 9-inches of blue oaks and the Planning Director must approve the planting site. Prior to the approval of any grading plans, improvement plans or building permits, a Replacement Oak Tree Planting Plan shall be prepared by a certified arborist or a licensed landscape architect, and shall be submitted to the Planning Department for review and approval. The Replacement Oak Tree Planting Plan shall include the following components: - Species, size and location of all replacement tree plantings; - Method of irrigation; - Planting, irrigation and maintenance schedules; - Identify the maintenance entity and include their written agreement to provide care and irrigation of the trees for a five (5) year establishment/maintenance period (i.e., 5 years from the date of planting), and to replace any of the replacement trees that do not survive that period. If the developer chooses to plant other than 15-gallon size trees, equivalent compensation based on the following ratios is required: - One 15-gallon oak = 1 inch dbh - One 24-inch box oak = 2 inches dbh - One 36-inch box oak = 3 inches dbh No replacement oak tree shall be planted within 15 feet of a building foundation. The planting of all required replacement trees shall be completed within 1 year of the completion of project construction. Replacement plantings shall be monitored	Prior to Improvement plans, building permits, and for five years after replanting is completed	Planning

CONDITIONS OF APPROVAL/MITIGATION MONITORING AND REPORT PROGRAM

EXHIBIT D

	by a certified arborist. The Planning Department shall be notified within 30 days of completion of the replacement tree plantings. All replacement trees shall be monitored for a period of 5 years from the date of planting, and any of the replacement trees that do not survive that 5-year period shall be replaced. If it is not possible to accommodate all of the required plantings within the City of Rancho Cordova, the remaining plantings shall be compensated through payment to the Sacramento County Tree Fund or equivalent fund as available and as approved by the Planning Director. This option shall only be made available upon demonstration that the replacement plantings cannot be accommodated within the City of Rancho Cordova and upon approval by the Planning Director. MITIGATION MEASURE			
7.	Prior to any site disturbance, the applicant shall obtain a qualified engineer to conduct a peer review of the prior site investigations reported by the Sacramento County Environmental Management Department (No Further Action Letter- NFA April 2000) and ADR Environmental Group (Phase I Environmental Site Assessment). This peer review is necessary to demonstrate that the site is compatible with the proposed residential use. The peer review shall be documented in a letter addressed to the Planning Director and signed and stamped by a registered engineer. If the peer review finds the site to be appropriate for residential development, no further action is required. However, if the peer review finds that the site contains unacceptable levels of contamination, remediation shall be conducted to bring the site to an acceptable level for residential use prior to issuance of building permits. MITIGATION MEASURE	Prior to Site Disturbance	Planning	
8.	The Stormwater Pollution Prevention Plan in place for the site shall be revised to include, and any future Stormwater Pollution Prevention Plans for the site shall include implementation of a process to remove fine clay sediments prior to discharge to Sacramento County's storm drain system and/or Waters of the State (e.g., creeks, rivers) to the satisfaction of the Stormwater Quality Division of the County Department of Water Resources. A polymer treatment system or comparable process shall be designed and implemented by qualified professionals with training and proven experience in this field. Such treatment shall be accomplished in a manner that does not pose a toxic threat to fish and other aquatic organisms in receiving waters.	Prior to Improvement Plans	Water Resources	
9.	Complete and implement a site drainage study for Terra Loma Subdivision with approval from County of Sacramento Department of Water Resources of the Public Works Agency.	Prior to Improvement Plans or Final	Water Resources	

CONDITIONS OF APPROVAL/MITIGATION MONITORING AND REPORT PROGRAM

EXHIBIT D

		Map, whichever comes first.		
10.	A Notice of Intent (NOI) must be filed with the state Water Resources Control Board prior to construction to obtain coverage under the State's General Construction Activity Stormwater Permit. As a condition of the General Permit, a Stormwater Pollution Prevention Plan (SWPPP) must be developed for the project. Mitigation Measure	Prior to Improvement Plans	Water Resources	
	Prior to Recordation of the Subdivision Map			
11.	Grant right-of-way for Terra Loma Drive, based on a 60-foot streets road standard and install public street improvements pursuant to Rancho Cordova Improvement Standards.	Prior to Recordation of the Subdivision Map	Public Works	
12.	Driveway width shall be to the satisfaction of the Public Works Director.	Prior to Recordation of the Subdivision Map	Public Works	
13.	Dedicate a standard 12.5 foot Public Utility Easement for underground facilities and appurtenances adjacent to all public ways.	Prior to Recordation of the Subdivision Map	Public Works/SMUD	
14.	Pay park-in lieu fees for as determined by the City of Rancho Cordova.	Prior to Recordation of the Subdivision Map	Public Works	
15.	Dedicate the common areas as a public utility easement for underground facilities and appurtenances except for those areas where structures or pool are located.	Prior to Recordation of the Subdivision Map	SMUD	

CONDITIONS OF APPROVAL/MITIGATION MONITORING AND REPORT PROGRAM

EXHIBIT D

16.	The owner/developer must disclose to SMUD the Special Permit when applying for facilities.	Prior to Recordation of the Subdivision Map	SMUD	
17.	In order to obtain sewer service, sewer easements may be required for the construction of public collector and trunk sewer to the satisfaction of CSD-1. Design of public sewer shall be coordinated with and approved by CSD-1. All sewer easements shall be dedicated to CSD-1, be 20 feet in width and ensure continuous access for maintenance. Sacramento County Improvement Standards apply to any on-site sewer construction.	Prior to Recordation of the Subdivision Map	CSD-1	
18.	THE APPLICANT SHALL PREPARE A UTILITY PLAN THAT WILL DEMONSTRATE THAT ALL SEWER LINES ARE LOCATED 10 FEET FROM OTHER PARALLEL UTILITIES (WATER, DRAIN, ELECTRICAL, ETC.).	PRIOR TO RECORDATION OF THE SUBDIVISION MAP	CSD-1	
19.	PROVISION FOR ON-SITE COLLECTOR SEWER MAINTENANCE SHALL BE CONTAINED IN A STREET MAINTENANCE AGREEMENT FOR THE PROJECT IF REQUIRED.	PRIOR TO RECORDATION OF THE SUBDIVISION MAP	CSD-1	
19.	Developer's property is located within City of Rancho Cordova Special Police Tax Area No. 4, and each of the 11 residential parcels within the project is already subject to the City's Police Tax.	Prior to Recordation of the Subdivision Map or Large Lot Map	Planning	
21.	Developer shall show proof of adequate water supply from California American Water Company.	Prior to Recordation of the Subdivision Map	Water Supply	
22.	Provide drainage easements pursuant to the Sacramento County Floodplain Management Ordinance, and the Sacramento County Improvement Standards.	Prior to Recordation of the Subdivision Map	Water Resources	
23.	Annex to the County of Sacramento Stormwater Utility pursuant to the Sacramento County Water Agency Code, and the Sacramento County Improvement Standards.	Prior to Recordation of the Subdivision Map	Water Resources	

CONDITIONS OF APPROVAL/MITIGATION MONITORING AND REPORT PROGRAM

EXHIBIT D

24.	Record reciprocal access agreement and a maintenance agreement for the 11 residential lots that will share the common driveway, parking area, and landscape areas of the remainder know as "Lot A". A Homeowner's Association will be established to administer these agreements.	Prior to Recordation of the Subdivision Map	Planning
Prior to the Issuance of Building Permits			
25.	The Applicant agrees it shall pay the City the total sum of \$733 for Park Impact Fees for each residential parcel shown on the final map. Beginning on January 1, 2006, the fee shall be adjusted annually on each January 1 based upon the percentage change in the United States Department of Labor Consumer Price Index for all Urban Consumers for the San Francisco-Oakland-San Jose area between April and April of each year.	Prior to Building Permit	Planning
26.	In recognition of unique characteristics of Landowner's Project and the timing of City's processing of the Project, the Applicant has agreed to pay a fee of \$4,000 per residential lot to satisfy the Park Development fee.	Prior to Building Permit	Planning
27.	A Traffic Impact fee of \$4,400 will be paid for each residential lot.	Prior to Building Permit	Public Works
28.	If any residual contamination is detected, the City shall be notified and the contamination shall be removed and the hole backfilled in accordance with the recommendations of a qualified geotechnical engineer.	During Construction	Planning
29.	MITIGATION MEASURE Provide approved steamer type fire hydrants along the fire access lane at spacing not exceeding 300 feet. A. Existing hydrants located on Terra Loma may be considered in determining fire hydrant spacing within the development. B. Existing "wharf" fire hydrants are not acceptable to meet the requirements for new construction.	Prior to the Issuance of Building Permits	Fire Department
30.	Provide access arrangements and install working fire hydrants which meet the required fire flow demands pursuant to the requirements of Metro Fire District, prior to any combustible construction or combustible materials storage on site.	Prior to the Issuance of Building Permits	Fire Department
31.	Plans shall be submitted to the fire prevention bureau showing hydrant locations for review and approval prior to construction.	Prior to the Issuance of Building Permits	Fire Department
32.	Civil plans, fire service underground plans, architectural plans, fire sprinkler and fire alarm plans shall be submitted to the fire department for review and approval.	Prior to the Issuance of Building Permit.	Fire Department

CONDITIONS OF APPROVAL/MITIGATION MONITORING AND REPORT PROGRAM

EXHIBIT D

33.	Final architectural design for single family homes shall be reviewed by the Planning Department and modified as needed to ensure compliance with the final designs reviewed and approved by the City Council. Dwelling units shall be placed on the lots according to the site plans shown in Exhibit C of Resolution 17-2004.	Prior to the Issuance of Building Permits	Planning	
34.	Sewer connection fees for CSD-1 shall be paid.	Prior to the Issuance of Building Permits	CSD-1	
Prior to Certificate of Occupancy				
35.	Within Sacramento Metropolitan Fire District all structures greater than 3,599 square feet shall be provided with a fire system. Therefore, this project will require the installation of a fire sprinkler system throughout the structure.	Prior to the Issuance of Occupancy Permit.	Fire Department	
36.	Provide access roadways with all-weather driving surface of not less than 20 feet of unobstructed width, with a minimum turning radius of 38 feet inside/58 feet outside dimension capable of supporting the imposed loads of fire apparatus and having a minimum of 13 feet, 6 inches of vertical clearance.	Prior to the Issuance of Occupancy Permit.	Fire Department	
37.	The southerly "Emergency W.I. Gate" must connect to another through street, which meets all the aforementioned access roadway requirements.	Prior to the Issuance of Occupancy Permit.	Fire Department	
38.	There shall be no parking on any street/driveway narrower than 28 feet. Measurements shall be from gutter-line or edge of pavement to the same on the other side of the roadway. On private streets/driveways, marking of the fire lanes per Metro Fire Land Standard may be required. Contact the Fire Prevention Bureau for a copy of the fire lane standard.	Prior to the Issuance of Occupancy Permit.	Fire Department	
39.	Provide approved address numbers on the building in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background and on all new buildings shall be illuminated at night.	Prior to the Issuance of Occupancy Permit.	Fire Department	
40.	A gate plan submittal for the security gates shall be provided to the fire department for review and approval. The developer shall obtain a copy of the Sacramento County Fire Code, Amendment VII, Emergency Access Gates and Barriers. Gate design and plan submittal shall conform to this standard.	Prior to the Issuance of Occupancy Permit.	Fire Department	
41.	Install drainage facilities pursuant to the Sacramento County Floodplain Management Ordinance, Sacramento County Water Agency Code, and Sacramento County Improvement Standards.	Prior to Certificate of Occupancy	Water Resources	

CONDITIONS OF APPROVAL/MITIGATION MONITORING AND REPORT PROGRAM

EXHIBIT D

42.	All roads providing access to the completed homes shall be fully constructed and accepted by the City Engineer.	Installation Prior to 1 st Final Inspection	Public Works	
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ADVISORY COMMENTS

Sacramento County Sheriff's Department

1) LOCATION/STREET LAYOUT/ADDRESSING

- a) All gates shall meet Sacramento County Fire Code specifications for accessibility, and be equipped with all access devices for public safety access.
- b) Building numbers shall be posted on each building in locations and heights as to allow visibility by responding public safety personnel.
 - i) A lighted monument sign shall be placed inside the main access gate identifying building numbers and corresponding apartment numbers located in that building.
- c) All curbs shall be vertical in design. Rounded curbs shall be avoided whenever possible.

2) LANDSCAPING

- a) Landscaping shall be of the type and situated in locations to maximize observation while providing the desired degree of aesthetics. Security planting materials are encouraged along fences and property lines and under vulnerable windows. A partial list of suggested materials is available from the Sheriff's Department upon request.

3) FENCING/ACCESS CONTROL

- a) Vertical wrought-iron fencing material shall be used for all fences between private lots and open space, parks, right of ways, or other public access land. This is to allow visibility to those areas and encourage residents to view activities in those areas. In addition this will make those areas less attractive to loiterers and others who wish to use those locations for criminal or mischievous purposes.

4) LIGHTING

- a) There shall be on-site lighting to allow for adequate visibility by residents, law enforcement, and passersby during nighttime hours.
- b) All lighting fixtures shall be of a type and kind to resist breakage and other vandalism.
- c) Parking areas, roadways, and driveways shall be illuminated with high intensity discharge lighting with sufficient wattage to provide adequate illumination to provide a safe, secure environment for persons, property, and vehicles on site. Such lighting shall be equipped with vandal-resistant covers and photocell control. A lighting level of .25 to .50 foot-candles, maintained at ground level, is required for the site in general; entry intersections should be .50 or greater.

5) BUILDING DESIGN

- a) All private patios shall be enclosed utilizing vertical wrought iron or other materials that will allow for maximum visibility to the common areas of the complex. This will provide for natural visibility that will increase residents' perception and feeling of safety. Please note that vertical wrought iron, specifically, is not being required, but any design or material that will allow for visibility into and out from, each patio and apartment.

6) LAW ENFORCEMENT STAFFING

CONDITIONS OF APPROVAL/MITIGATION MONITORING AND REPORT PROGRAM

EXHIBIT D

- a) Based on City of Rancho Cordova residency estimates of 2.9 people per home, the Sheriff's Department will require an additional .03 officers to maintain the 1 to 1000 officer/population staffing level.



10545 Armstrong Avenue

Mather

California

95655

Tele: [916] 876-6000

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www.csd-1.com

Board of Directors

Representing:

County of Sacramento

City of Citrus Heights

City of Elk Grove

City of Folsom

City of Rancho Cordova

City of Sacramento

Robert F. Shanks
District Engineer

Marcia Maurer
Chief Financial Officer

Wendell H. Kido
District Manager

Mary K. Snyder
Collection Systems Manager

Kathleen Franklin
City of Rancho Cordova
3121 Gold Canal Drive
Rancho Cordova, CA 95670

Subject: Terra Loma Condos
APN: 075-0033-017 (Listed in Application as 075-0033-014)
Control No. RC-04-140

April 12, 2005
E225.000

RECEIVED

APR 14 2005

**RANCHO CORDOVA
PLANNING**

Dear Ms. Franklin:

Both the County Sanitation District 1 (CSD-1) and the Sacramento Regional County Sanitation District (SRCSD) reviewed the subject documents and have the following comments.

CSD-1 Conditions:

Connection to the District's sewer system shall be required to the satisfaction of CSD-1. Sacramento County Improvement Standards apply to sewer construction.

Each lot and each building with a sewage source shall have a separate connection to the CSD-1 sewer system.

Sewer easements may be required. CSD-1 will provide maintenance only in public right-of-ways and in minimum 20-foot wide easements dedicated to CSD-1 for the purpose of continuous access and maintenance. The subject project owner shall be responsible for repair and/or replacement of all non-asphalt and/or enhanced surface treatments of streets and driveways damaged by CSD-1 maintenance and repair operations.

CSD-1 requires their sewers to be located 10 feet from other parallel utilities (water, drain, electrical, etc.). Prior to recording the Final Map, the applicant shall prepare a utility plan that will demonstrate that this condition is met.

Provision for on-site collector sewer maintenance shall be contained in a street maintenance agreement for the project. The District will provide maintenance only in easements dedicated to CSD-1, or public right-of-ways.

Kathleen Franklin
April 12, 2005
Page 2

CSD-1 Advisories:

Developing this property may require the payment of sewer impact fees. Impact fees for CSD-1 shall be paid prior to filing and recording of the Final Map, or issuance of Building Permits, whichever is first. Applicant should contact the Fee Quote Desk at (916) 876-6100 for sewer impact fee information.

If you have any questions regarding these comments, please call Stephen Moore at (916) 876-6296 or myself at (916) 876-6094.

Sincerely,



Wendy Haggard, P.E.
Department of Water Quality
Development Services

WH/RS: cc

cc: Maria Cablao
Amber Schalansky
Steve Lebastchi
D&S Development Inc.
10115 Folsom Blvd # 102
Rancho Cordova, CA 95670

**Amended Attachment C to Agenda
Item #9 Staff Report**

Olea-Moger

COUNTY OF SACRAMENTO
CALIFORNIA

For Agenda of: May 10, 2005
11:00 a.m.

TO: Housing Authority and Board of Supervisors of the County of Sacramento

FROM: Anne M. Moore, Executive Director

SUBJECT: TAX-EXEMPT BOND PROPOSAL AND AGENCY LOAN: VILLAGE EAST
APARTMENTS

CONTACT PERSONS: Darren Bobrowsky, Development Services Director, 440-1310
Christine Weichert, Housing Finance Program Manager, 440-1353
Kelly Korver, Housing Finance Analyst, 440-1399 x1264

OVERVIEW

This report recommends approval of up to \$9,200,000 in tax-exempt mortgage revenue bonds and a \$2,450,000 Agency loan from County HOME funds for the acquisition, construction and permanent financing of the Village East Apartments in the City of Rancho Cordova. The project proposal is in response to a Notice of Funding Availability (NOFA) the Agency issued offering housing set-aside funds generated from the Mather redevelopment area. The NOFA invited proposals for projects or programs that would produce affordable housing units within the Mather Redevelopment Project Area or City of Rancho Cordova. Because the Agency can no longer expend tax increment housing funds within the City of Rancho Cordova (outside of the Project Area), staff is recommending funding the Village East Apartment project using County HOME funds.

RECOMMENDATION

Staff recommends adoption of the attached resolutions for the rehabilitation of the Village East Apartments which:

- authorizes the issuance by the Housing Authority of the County of Sacramento (Housing Authority) of not more than \$9,200,000 in tax-exempt mortgage revenue bonds to provide acquisition, construction and permanent financing for the Village East Apartments rehabilitation project located within the City of Rancho Cordova;
- authorizes an application to the California Debt Limit Allocation Committee (CDLAC) for allocation authority to issue the bonds;
- indicates that the Board of Supervisors has conducted a Tax Equity and Fiscal Responsibility Act (TEFRA) public hearing related to the proposed construction and permanent financing of the project;
- approves a commitment for a \$2,450,000 Agency HOME loan to the Ezralow Company for the acquisition and rehabilitation of the Village East Apartments and authorizes the execution of a loan commitment and related loan agreements with the terms contained in the loan commitment; and
- authorizes the budget transfer of \$2,450,000 from County HOME funds to the Village East Apartments project.

MEASURES/EVALUATION

The following chart summarizes the jurisdictions housing need pursuant to the County's Housing Element, units approved to date, and the impact of the current project on the County's goals:

	Very Low (≤50% AMI)	Low (51-80% AMI)	Moderate (81-110% AMI)	Market (>110% AMI)
Housing Element Goals (2000-2007)	2,700	2,650	4,284	8,638
New Construction:				
Previously Approved to Date	648	948	59	298
Total New Units Assisted by Agency	648	948	59	298
Rehabilitation and Preservation:				
Previously Approved to Date	719	889	0	781
Current: Village East	23	89	0	0
Total Rehabilitation and Preservation Projects	742	978	0	781
Total Affordable Units Assisted by Agency	1,390	1,926	59	1,079

All affordability restrictions will be monitored by the Agency for 55 years.

FISCAL IMPACT

The Agency will receive a one-time issuance fee of 0.25 percent of the bond amount, which is payable at bond closing, and an annual payment for monitoring the regulatory restrictions and administration of the bonds, in the amount of 0.15 percent of the bond amount for the term of the low-income set-aside requirements. The developer will be responsible for payment of all costs, fees, and deposits relating to the bond application. Mortgage revenue bonds do not represent a financial obligation of the Agency, Housing Authority or County of Sacramento.

** add City of Rancho, per Dave
Cinda's request*

COUNTY DEBT UTILIZATION COMMITTEE

The issuance of Mortgage Revenue Bonds for the Village East rehabilitation project was presented to the County Debt Utilization Committee on April 6, 2005 and the Committee recommended approval of the proposed financing structure.

RANCHO CORDOVA CITY COUNCIL ACTION

At its meeting April 18, 2005, the Rancho Cordova City Council adopted a motion recommending approval of the attached resolutions. The votes were as follows:

AYES:

NOES:

ABSENT:

COMMISSION ACTION

At its meeting April 20, 2005, the Sacramento Housing and Redevelopment Commission adopted a motion recommending approval of the attached resolutions. The votes were as follows:

AYES:

NOES:

ABSENT:

BACKGROUND

In November, 2004 the Agency issued a Notice of Funding Availability (NOFA) for Mather Redevelopment Area Housing Set-Aside Funds. The NOFA offered financing for projects or programs that would develop, rehabilitate or preserve affordable housing within the Mather Redevelopment Project Area and the City of Rancho Cordova. The NOFA was issued pursuant to the Local Area Formation Committee's (LAFCO) incorporation resolution for the City of Rancho Cordova, in which the Redevelopment Agency agreed that, to the extent possible, Mather Housing Set-Aside Funds would be utilized within 1) the Mather portion of the Mather / McClellan Merged Project Area; 2) the City of Rancho Cordova; or 3) the Cordova Community Plan boundaries. The NOFA was reviewed and approval was recommended by the Rancho Cordova City Council on September 20, 2004. The Board of Supervisors, acting as the Redevelopment Agency, authorized the release of the NOFA at their meeting on October 26, 2004.

Since the release of the NOFA, last December the City of Rancho Cordova formed a redevelopment agency. As a result, under the Community Redevelopment Act, one agency is prevented from expending its housing funds within another agencies' jurisdiction. The law was intended to prevent redevelopment agencies from transferring their affordable housing obligations to another jurisdiction.

The Agency received two responses from the NOFA which were evaluated by a Selection Committee comprised of Agency staff and City of Rancho Cordova staff. Agency staff has reached a verbal agreement with the other applicant related to their proposal and the conditions recommended by the Selection Committee. Staff is in the process of drafting the necessary documents for their review and intend to bring this proposal to the Rancho Cordova City Council in May 2005 and Board of Supervisors in June 2005.

Ezralow Company, in conjunction with GALA Construction, submitted a proposal to the Agency for the issuance of up to \$9,200,000 in tax-exempt mortgage revenue bonds and an Agency loan of \$3.35 million to finance the acquisition and rehabilitation of the Village East Apartments in Rancho Cordova.

In order to try to honor the intent of the LAFCO resolution, staff is proposing to use \$2.45 million of County HOME funds rather than Housing Set-Aside tax increment funds. The \$900,000 reduction on the loan amount is due to less restrictive affordability requirements of the HOME funds vs. the housing set-aside funds and a minor modification in the financial structure of the project. Of the total \$900,000 reduction, \$768,000 is due to the less restrictive affordability requirements of the HOME funds. Staff is making the recommendation to use County HOME funds with the intent that \$3.218 million of Mather Housing Set-Aside funds will now be spent in the unincorporated County to replace the HOME funds being expended in the City of Rancho Cordova.

The proposal was reviewed by the Selection Committee who recommended the project for approval. Agency staff and the development team have also met with the Lincoln Village

Neighborhood Association to present the project proposal. A site map of the Village East Apartments is Attachment I to this staff report.

Description of Development

The Village East Apartments consists of 112 apartment units on 4.69 acres of land. The complex includes 16 studio units, 40 one bedroom units and 56 two bedroom units that range from 480 to 864 square feet in size. Current project amenities include two swimming pools, a playground and an exercise room. Village East Apartments was originally constructed in 1980 through the use of a HUD loan program which provided Housing Assistance Program (HAP) vouchers for 64 of the units. In 2001, at the end of the 20 year compliance period, the current owner opted out of the HAP contract.

The proposal is for the purchase of the complex and the rehabilitation of the exterior and interior units in the complex utilizing Mortgage Revenue Bonds, low income housing tax credits, and Agency financing. The exterior repairs include the replacement of all siding and windows, the replacement of damaged A/C units as well as site work in the common areas. In addition, two of the apartment buildings on site will receive new roofs. Interior repairs include flooring and appliance replacement as well as cabinet and counter top refurbishing. The total construction cost for the rehabilitation work is \$18,800 per unit.

Developer

The Developer is The Ezralow Company in conjunction with GALA Construction. The Ezralow Company has developed more than 20,000 apartments in California over the last 30 years and has considerable experience in the acquisition, financing, development and construction of residential and commercial properties. Ezralow/GALA Construction owns more than 3,000 apartments in the Sacramento area, including the Hidden Oaks Apartments, Deer Park Apartments and Hastings Park Apartment, all of which included tax-exempt bond financing issued by the Housing Authority of the County.

The Developer will partner with Jamboree Housing, a non-profit community housing development organization, which will provide a range of services to the residents. The property will be managed by FPI Management, Inc., an established Sacramento-based property management firm that is experienced in the operation of affordable apartment communities.

Agency Financing

The Village East Apartments are proposed to be financed through the issuance of tax-exempt mortgage revenue bonds, low income housing tax credits, \$2,450,000 Agency loan of County HOME funds, and deferred developer fee. Payments of interest and principal on the Agency loan shall be deferred for the first 13 years with interest accruing at four percent simple interest to allow for repayment of the deferred developer fee. Starting in year 14 the outstanding principal and interest will be fully amortized over the next 17 years. The project's 30 year cash flow can be found in Attachment II. The draft commitment letter detailing the proposed Agency loan can be found as Attachment V to this staff report.

Bond Financing

As a public entity, the Housing Authority can issue tax-exempt bonds, the proceeds of which can provide acquisition, construction, and permanent financing for multi-family housing projects. Interest paid on the bonds is exempt from federal and state income tax, so bondholders will accept a below-market yield from the bonds. These savings are, in turn, passed on to the project owner in the form of a below-market rate loan, with interest rates approximately one to two percent below prevailing market rates.

Low-income Set-aside Requirements

As a condition for receiving the benefits of this below-market rate financing, federal law requires that a percentage of the project units be set aside for targeted income groups for at least 30 years. The federal set-aside requirements are that: at least 20 percent of the project's total units are rented to households earning 50 percent or below of the area median income; or alternatively, 40 percent of project units are rented to households at or below 60 percent of area median. However, the terms of the Agency loan will require the Village East Apartment units be restricted for a period of 55 years per Agency policy. The projects set-aside requirement will be specified in both a bond regulatory agreement and Agency regulatory agreement with the Developer. The following chart summarizes the number, percentage, and length of the different affordability required by various funding sources for the project:

Village East Apartments

Unit Type	# of Units	Affordability Restrictions	Percent of Units	Regulatory Requirements
Agency Loan & Tax-Exempt Bonds	23	Very Low (50%)	20	55 years
Agency Loan & LIHTC	89	Low (60%)	80	55 years
Total	112		100	

*LIHTC = Low Income Housing Tax Credits

A budget and unit mix can be found in Attachment III. Maximum rent and income limits for mortgage revenue bond, low-income housing tax credits, and HOME funds can be found in Attachment IV.

State and Local Approval Process

The Housing Authority must apply for and receive authorization from CDLAC prior to issuing mortgage revenue bonds. Staff proposes to submit an application for consideration in May 2005. If approved, the bond authority to be drawn against CDLAC's 2005 volume cap on behalf of the Village East Apartments will be an amount not exceeding \$9,200,000. The City of Rancho Cordova will oversee the rehabilitation work as part of its building permit process.

Project Inducement

Prior to granting bond allocation, CDLAC requires that an "inducement" resolution be adopted by the entity proposing to issue the bonds approved at a public hearing. Inducement at this time will also allow the Developer to be reimbursed from bond issue proceeds for predevelopment

expenses that it has and will continue to incur. Staff recommends that the Housing Authority adopt a resolution to indicate its intent to issue bonds to finance the construction of the project. Adoption of the resolution will not bind the County to issue the bonds until and unless all other necessary actions are taken in accordance with all applicable laws.

FINANCIAL CONSIDERATIONS

The application of adopted mortgage revenue bond policies will require the Developer to make payments to cover the property tax exemption allocated to the restricted units, which will result in payments to the City of Rancho Cordova of approximately \$16,400 per year for the Village East Apartments.

Adoption of the attached bond resolutions on pages 21-29 will not result in any direct financial impact to the County, Housing Authority or SHRA. Repayment of the bond issues is solely the responsibility of the Developer that is secured against the property. The Developer will be responsible for payment of the CDLAC processing fee and posting of one-half percent performance bond.

This report also authorizes a budget appropriation of \$2,450,000 of County HOME funds as a loan to the Developer for the acquisition and rehabilitation of the Village East Apartments. The loan terms are described in the attached Commitment Letter which is Attachment V to this staff report.

POLICY CONSIDERATIONS

The recommended actions are consistent with previously approved mortgage revenue bond policy, Agency Multifamily Loan Program, and intent of the NOFA. Regulatory restrictions on the property will be specified in a bond and loan Regulatory Agreement between the Developer and the Housing Authority and SHRA. Compliance with the regulatory agreements will be monitored by the Agency on a regular basis.

ENVIRONMENTAL REVIEW

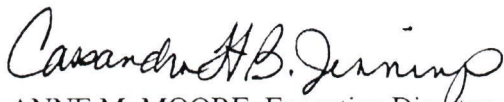
The proposed action is exempt from environmental review under the Agency's Environmental Review Policies and Procedures, Section 7-3.1 and 7-3.10, which were adopted pursuant to CEQA Guidelines Section 15022, and provide that loans and bond financing funding mechanisms are exempt under Section 15310. In addition, CEQA Guidelines Section 15301(a) and (d) exempts rehabilitation of existing facilities to upgrade the structures and to meet public health and safety standards.

The project consists of the rehabilitation of a multifamily residential building in which the unit density will not be changed and the estimated cost of rehabilitation is less than seventy-five percent of the total estimated cost of replacement after rehabilitation. Therefore, the proposed action is categorically excluded from environmental review under the National Environmental Protection Act pursuant to 24 CFR Section 58.35(a)(3).

M/WBE CONSIDERATIONS

Minority and Women's Business Enterprise requirements will be applied to all activities to the extent required by Federal Funding.

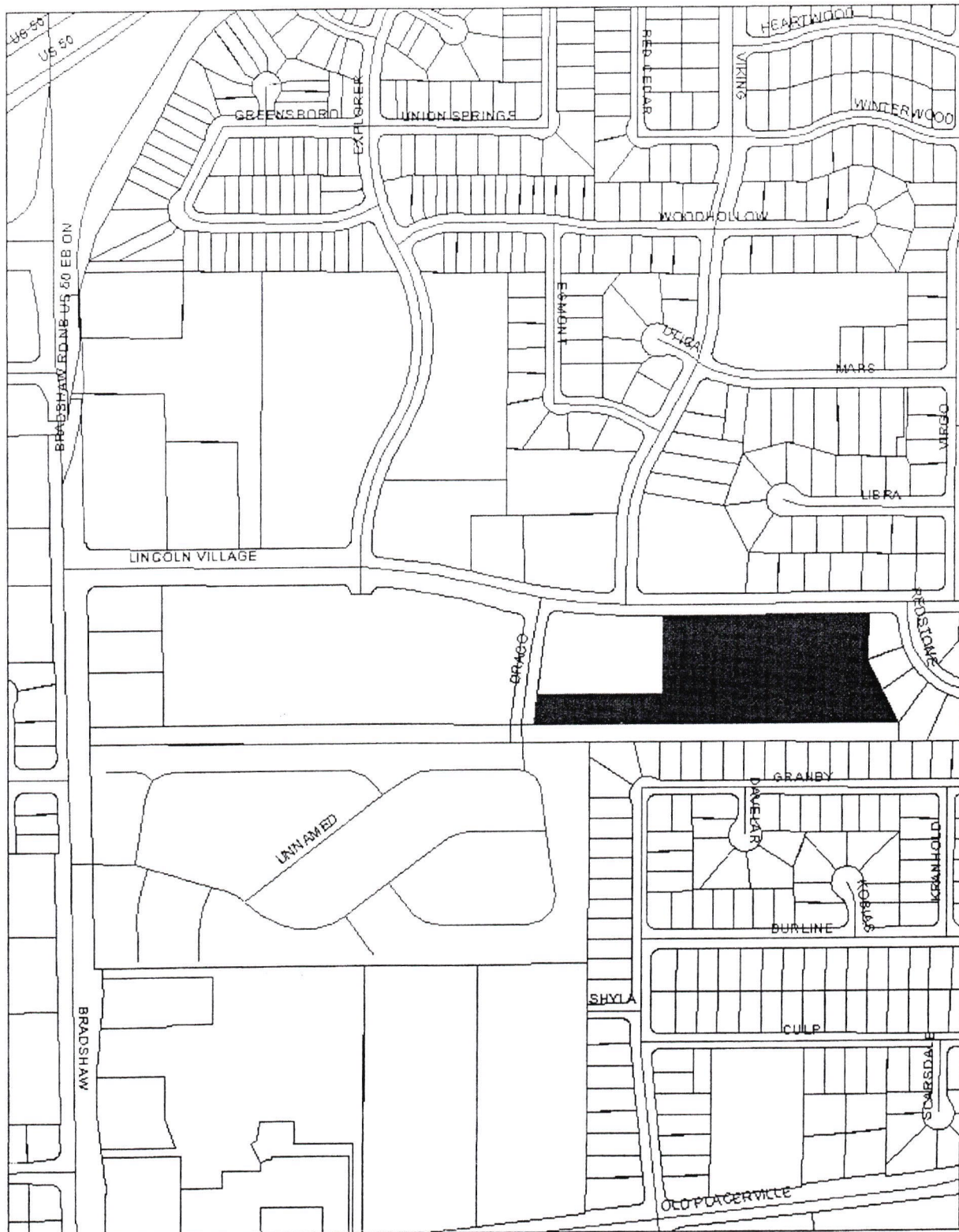
Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Anne M. Moore".

ANNE M. MOORE, Executive Director
Sacramento Housing and
Redevelopment Agency

Approval recommended,

TERRY SCHUTTEN
County Executive



Village East Apartments Site Map



Legend

 Village East Apartments

Village East Apartments

Unit Type	# Units	Square Feet	Total Sq Feet	Monthly Rent	Rent per Sq Foot	Total Mo. Rent	Annual Rent	Year 1	Year 2	Year 3	Year 4	Year 5	Year 10	Year 15	Year 20	Year 25	Year 30
Efficiency 1 BA @ 50	3	480	1,440	\$509	\$1.06	\$1,527	\$18,324										
Efficiency 1 BA @ 60	13	480	6,240	\$621	\$1.29	\$8,073	\$96,876										
1Br/1Ba @ 50	8	600	4,800	\$549	\$0.92	\$4,392	\$52,704										
1Br/1Ba @ 60	32	600	19,200	\$669	\$1.12	\$21,408	\$256,896										
2Br/2Ba @ 50	6	800	4,800	\$651	\$0.81	\$3,906	\$46,872										
2Br/2Ba @ 60	18	800	14,400	\$795	\$0.99	\$14,310	\$171,720										
2Br/2Ba @ 50	6	864	5,184	\$657	\$0.76	\$3,942	\$47,304										
2Br / 2Ba @ 60	26	864	22,464	\$801	\$0.93	\$20,826	\$249,912										
Total / Average	112	5,488	78,528	\$657	\$0.98	\$78,384	\$940,608										
Inc/Yr	Rate	Per Unit															
Gross Annual Income	3.0%	8,398		\$668,826	\$997,891	\$1,027,828	\$1,058,663	\$1,090,422	\$1,264,098	\$1,465,437	\$1,698,843	\$1,969,424	\$2,283,102				
Misc. Income	2.0%	164		\$18,727	\$19,102	\$19,484	\$19,873	\$20,271	\$22,381	\$24,710	\$27,282	\$30,122	\$33,257				
Vacancy & Collection Loss	5.0%	420		\$48,441	\$49,895	\$51,391	\$52,933	\$54,521	\$63,205	\$73,272	\$84,942	\$98,471	\$114,155				
Effective Gross Income				\$939,112	\$967,098	\$995,920	\$1,025,603	\$1,056,172	\$1,223,274	\$1,416,875	\$1,641,183	\$1,901,075	\$2,202,204				
Property Management	3.0%	247		\$28,173	\$29,013	\$29,878	\$30,768	\$31,685	\$36,698	\$42,506	\$49,235	\$57,032	\$66,066				
Operating Expenses	3.0%	3,423		\$394,872	\$406,718	\$418,920	\$431,487	\$444,432	\$515,219	\$597,280	\$692,411	\$802,694	\$930,542				
Real Estate Taxes	2.0%	49		\$5,641	\$5,753	\$5,868	\$5,986	\$6,106	\$6,741	\$7,443	\$8,217	\$9,073	\$10,017				
Replacement Reserves	2.0%	250		\$28,560	\$29,131	\$29,714	\$30,308	\$30,914	\$34,132	\$37,684	\$41,607	\$45,937	\$50,718				
Total Expenses				\$457,246	\$470,616	\$484,380	\$498,549	\$513,137	\$592,790	\$684,913	\$791,470	\$914,735	\$1,057,343				
Net Operating Income				\$481,866	\$496,482	\$511,540	\$527,053	\$543,035	\$630,485	\$731,962	\$849,713	\$986,339	\$1,144,861				
Debt Service	Amount	Rate	Term														
First Note	\$6,030,000	5.750%	30	\$415,854	\$415,951	\$416,054	\$434,087	\$434,230	\$435,082	\$436,217	\$437,729	\$439,744	\$442,427				
DCR				1.16	1.19	1.23	1.21	1.25	1.45	1.68	1.94	2.24	2.59				
Priority Payments																	
PILOT Fee	2.0%			\$16,728	\$17,063	\$17,404	\$17,752	\$18,107	\$19,992	\$22,072	\$24,370	\$26,906	\$29,706				
Social Services Fee	2.0%			\$25,000	\$25,500	\$26,010	\$26,530	\$27,061	\$29,877	\$32,987	\$36,420	\$40,211	\$44,396				
Managing GP	2.0%			\$10,000	\$10,200	\$10,404	\$10,612	\$10,824	\$11,951	\$13,195	\$14,568	\$16,084	\$17,758				
Asset Management Fee				\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000				
Cash Available				\$9,284	\$22,768	\$36,668	\$33,073	\$47,814	\$128,583	\$222,491	\$331,626	\$458,394	\$605,573				
Deferred Developer Fee	\$1,065,215	4.0%	13														
Interest for Period				\$42,609	\$42,609	\$42,609	\$42,609	\$42,609	\$31,170								
Payment				\$9,284	\$22,768	\$36,668	\$33,073	\$47,814	\$128,583								
Accrued Interest				\$42,609	\$62,449	\$68,389	\$77,925	\$72,720	\$0								
Principal Balance				\$1,065,215	\$1,065,215	\$1,065,215	\$1,065,215	\$1,065,215	\$619,495								
Cash Available for Agency DS				\$0	\$0	\$0	\$0	\$0	\$0	\$222,491	\$331,626	\$458,394	\$605,573				
SHRA Loan	\$2,450,000	4.0%	30														
Interest for Period				\$98,000	\$98,000	\$98,000	\$98,000	\$98,000	\$98,000	\$98,000	\$98,000	\$98,000	\$98,000				
Payment				\$0	\$0	\$0	\$0	\$0	\$0	\$175,000	\$270,000	\$380,000	\$206,109				
Accrued Interest				\$98,000	\$196,000	\$294,000	\$392,000	\$490,000	\$980,000	\$1,195,000	\$535,000	\$0	\$0				
Principal Balance				\$2,450,000	\$2,450,000	\$2,450,000	\$2,450,000	\$2,450,000	\$2,450,000	\$2,450,000	\$2,450,000	\$1,775,462	\$0				
Combined DCR				1.16	1.19	1.23	1.21	1.25	1.45	1.20	1.20	1.20	1.20				
Cash Flow after DS and Payments				\$0	\$0	\$0	\$0	\$0	\$0	\$47,491	\$61,626	\$78,394	\$399,464				

Village East Apartments - Budget and Unit Mix			
<u>Address</u>	9838 Lincoln Village Drive - Rancho Cordova, Ca 95827		
<u>Number of Units</u>	112		
<u>Affordability</u>	20% of units @ or below 50% of median income 80% of units @ or below 60% of median income		
<u>Unit Mix and Rents</u>	50% of Median	60% of Median	
Efficiency (Studio) / 1Ba	3	13	
1 BR / 1 BA	8	32	
2 BR / 1 BA	6	18	
2 BR / 2 BA	6	26	
<u>Square Footage</u>			
Efficiency (Studio) / 1Ba		480	
1 BR / 1 BA		600	
2 BR / 1 BA		800	
2 BR / 2 BA		864	
<u>Resident Facilities</u>	Community amenities include two swimming pools, a playground and exercise room.		
<u>Sources</u>	<u>Total</u>	<u>Per Unit</u>	<u>Per Square Foot</u>
Senior MRB	\$ 6,030,000	\$ 53,839	\$ 76.79
Tax Credit Equity	\$ 3,226,467	\$ 28,808	\$ 41.09
SHRA Loan	\$ 2,450,000	\$ 21,875	\$ 31.20
Net Cash from Operations	\$ 687,908	\$ 6,142	\$ 8.76
Developer Note	\$ 1,065,215	\$ 9,511	\$ 13.56
TOTAL SOURCES	\$ 13,459,590	\$ 120,175	\$ 171.40
<u>Uses</u>			
Acquisition Costs	\$ 8,200,000	\$ 73,214	\$ 104.42
Construction Costs	\$ 2,105,612	\$ 18,800	\$ 26.81
Cost of Issuance	\$ 489,290	\$ 4,369	\$ 6.23
Financing Costs	\$ 1,084,606	\$ 9,684	\$ 13.81
Other Transaction Costs	\$ 203,400	\$ 1,816	\$ 2.59
Developer Fee/Overhead	\$ 1,376,682	\$ 12,292	\$ 17.53
TOTAL USES	\$ 13,459,590	\$ 120,175	\$ 171.40
<u>Management / Operations</u>			
Proposed Developer	Ezralow Company / GALA Construction		
Property Management Company	FPI Property Management		
Operations Budget (Total / Unit)	\$410,959	\$3,669	
Reserves (Total / Unit)	\$28,000	\$250	
Tax Credit Investor	To be determined		

20% of units

MAXIMUM RENT AND INCOME RESTRICTIONS - 2005

80% of units

not site specific chart

Mortgage Revenue Bond Program

(Rents @ 50% of AMI less utility allowance)

Maximum Income Limits:	
50% AMI	
<u>Family Size</u>	<u>Max. Income</u>
1 person	\$ 22,450
2 person	\$ 25,650
3 person	\$ 28,850
4 person	\$ 32,050
5 person	\$ 34,600
Maximum Rent Limits:	
<u>Unit Size</u>	<u>Gross Rent</u>
1 Bedroom	\$ 601
2 Bedroom	\$ 721
3 Bedroom	\$ 833

4% Low-Income Housing Tax Credit Program

(Rents @ 60% of AMI less utility allowance)

Maximum Income Limits:	
60% AMI	
<u>Family Size</u>	<u>Max. Income</u>
1 person	\$ 26,940
2 person	\$ 30,780
3 person	\$ 34,620
4 person	\$ 38,460
5 person	\$ 41,520
Maximum Rent Limits:	
<u>Unit Size</u>	<u>Gross Rent</u>
1 Bedroom	\$ 721
2 Bedroom	\$ 865
3 Bedroom	\$ 999

HOME and Housing Trust Funds

(Rents @ 50% and 65% of AMI less utility allowance)

Maximum Income Limits:		
(HOME & HTF)		
50% AMI		
<u>Family Size</u>	<u>Max. Income</u>	
1 person	\$ 22,450	
2 person	\$ 25,650	
3 person	\$ 28,850	
4 person	\$ 32,050	
5 person	\$ 34,600	
Maximum Rent Limits:		
<u>Unit Size</u>	<u>Gross Rent</u>	
1 Bedroom	\$ 601	
2 Bedroom	\$ 721	
3 Bedroom	\$ 833	
(HOME only)		
60% AMI		
	<u>Max. Income</u>	<u>Gross Rent</u>
		(at 65% AMI)
	\$ 26,940	\$ 759
	\$ 30,780	\$ 915
	\$ 34,620	\$ 1,049
	\$ 38,460	
	\$ 41,520	

80% of units either one of these based on formula

Date: May 10, 2005

Attachment V

The Ezralow Company
269 Technology Way, Suite B-1
Rocklin, CA 95765
Attn: Darren Horning

RE: Conditional Funding Commitment, Village East Apartments

Dear Mr. Horning:

On behalf of the Sacramento Housing and Redevelopment Agency ("Agency"), we are pleased to advise you of its commitment of construction and permanent loan funds ("Loan") from County HOME funds for the purpose of financing the acquisition, development and permanent financing of that certain real property located at 9838 Lincoln Village Drive in Rancho Cordova, California ("Property"). The Agency's decision is based on your application, and all representations and information supplied by you to it. If these representations and information change in a material manner without written approval of Agency, this commitment is void. Agency's obligation to make the Loan is subject to satisfaction of all the following terms and conditions and Borrower's execution of documentation that is in a form and in substance satisfactory to the Agency.

The Loan shall be made on standard Agency loan documents. No loan terms not in this funding commitment and the attached loan document forms shall be included in the final loan documents without additional environmental review and governing board approval. In the event of any discrepancies between terms stated in this commitment and the loan documents, the terms stated in this Loan Commitment Letter shall be deemed to be terms of this commitment.

Unless otherwise agreed in writing by the Agency in exercise of its absolute discretion, the following shall be considered conditions to Agency approval of a financing commitment. The Agency may, in exercise of its absolute discretion, modify its requirements upon written notice to Borrower given at least sixty days prior to close of escrow for the Property.

This commitment will expire December 31, 2005.

1. PROJECT DESCRIPTION: The project is the rehabilitation of a 112 unit multi-family apartment complex. A total of 23 units will be affordable to families earning less than 50 percent of the area median income and an additional 89 units will be affordable to families earning less than 60 percent of the area median income.
2. BORROWER: The name of the Borrower for the Loan is The Ezralow Company, or a limited liability company or limited partnership to be formed by The Ezralow Company.
3. PURPOSE OF LOAN: The Loan is to be used by Borrower solely to pay the costs of construction and permanent financing or for such other purposes as Agency expressly

agrees to in the loan agreement for the Loan, and such other agreements as may be generally required by the Agency for the use of funding source for the Loan.

4. PRINCIPAL AMOUNT: The combined principal amount of the Loan will be the lesser of (a) Two Million Four Hundred and Fifty Thousand Dollars (\$2,450,000), or (b) an amount to be determined prior to close of the Loan based on a project budget approved by Agency. However, the combined indebtedness of the Property must not exceed ninety percent of the appraised value.
5. TERM OF LOAN: The unpaid balance of the Loan will be all due and payable in month 360.
6. INTEREST RATE: The Loan will bear interest at Four Percent (4%) per annum. Interest shall be calculated on the basis of a 365-day year and actual days elapsed.
7. AMORTIZATION AND MONTHLY PAYMENTS: The Loan shall be amortized over 360 months. Payments shall be applied first to outstanding interest accrued and unpaid and then to principal. Interest and principal payments shall be deferred from the date of the loan for 156 months. Beginning in month 157, monthly installments shall be made according to the following schedule:

Months 157-168	\$ 8,333 per month
Months 169-180	\$14,583 per month
Months 181-192	\$15,833 per month
Months 193-204	\$17,500 per month
Months 205-216	\$19,167 per month
Months 217-228	\$20,833 per month
Months 229-240	\$22,500 per month
Months 241-252	\$24,167 per month
Months 253-264	\$26,250 per month
Months 265-276	\$27,917 per month
Months 277-288	\$30,000 per month
Months 289-300	\$31,667 per month
Months 301-312	\$33,750 per month
Months 313-324	\$35,833 per month
Months 325-336	\$37,917 per month
Months 337-348	\$40,417 per month
Months 349-360	\$17,176 per month

8. SOURCE OF LOAN FUNDS: Agency is making the Loan from the following sources of funds, and the Loan is subject to all requirements related to the use of such, whether Agency requirements or otherwise: \$2,450,000 County HOME funds. This Loan is conditioned upon Borrower's acceptance of Agency's requirements and conditions related to such lending programs and funding sources, including among others, the required

forms of agreements for the Loan; the requirements for covenants, conditions and restrictions upon the Property; and insurance and indemnity requirements.

Borrower acknowledges that, as a condition of the Agency's making of the Loan, the Property will be subject to restrictions on future sales and rentals which may result in less income to Borrower than could otherwise be realized, and that such restrictions run with the land, and during their operational term, will bind all successors in interest.

_____ (Borrower Initial)

Borrower acknowledges that every contract for new construction or rehabilitation construction of housing that includes 12 or more units assisted with HOME funds will contain a provision requiring the payment of not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act (40 U.S.C. 276a-5), to all laborers and mechanics employed in the development of any part of the housing. Such contracts must also be subject to the overtime provisions, as applicable, of the Contract Work Hours and Safety standards Act (40 U.S.C. 327-332). (24 C.F.R. 92.354). Borrower also acknowledges that any project containing a "subsidy" may be subject to state prevailing wages, which are the responsibility of the Borrower and Borrower's contractor.

_____ (Borrower Initial)

9. ACCELERATION: Agency shall have the right to accelerate repayment of the Loan in the event of a default under any Loan Document or upon sale, transfer or alienation of the Property except as specifically provided for in the Loan documents.
10. SECURITY: The Loan shall be evidenced by promissory note(s) secured by a deed of trust with assignment of rents against the fee and/or leasehold interest in the Property and Improvements, which shall be a second lien upon the Property and Improvements subject only to senior and subordinate bond debt and such other items as the Agency may approve in writing. The Loan shall also be secured by security agreements. The Agency may subordinate said deeds of trust in order to accommodate completion of rehabilitation of the Property.
11. LEASE AND RENTAL SCHEDULE: All leases of the Property and Improvements shall be subject to Agency's approval prior to execution. Borrower shall not deviate from the rental schedule presented in Borrower's application for the Loan without Agency's prior written approval.
12. PROOF OF EQUITY: Borrower shall provide proof of equity for the Property and Improvements in the amount of no less than \$3,226,467 in Low Income Housing Tax Credits and \$1,065,215 in a deferred developer fee.

13. OTHER FINANCING: Borrower, as a requirement of the Loan, shall procure and deliver to Agency evidence satisfactory to Agency that Borrower has obtained the following described financing which may be secured by a lien upon the Property and Improvements superior or subordinate to Agency's liens, and which shall be otherwise on terms and conditions acceptable to Agency:

Construction Financing from a private lender in an amount sufficient to complete rehabilitation of the Property according to a scope of work as approved by Agency and made for a term not less than that specified in the Schedule of Performances for completion of construction, and in any event not less than the time necessary to fulfill all conditions precedent to funding of the permanent financing.

Commitments for permanent financing sufficient to "take out" all liens senior to the Agency's lien and for a term of not less than 30 years and fully amortized.

Such commitments for financing shall not require modification of Agency loan documents, or any term of this commitment letter.

Such commitments shall not be based upon sources and uses of Project funds that are different from those approved by Agency for the project or be subject to conditions which require amendment of the loan or regulatory agreements.

14. EVIDENCE OF FUNDS: Prior to the first disbursement of the Loan, Borrower must demonstrate evidence of adequate and assured funding to complete the development of the Project in accordance with the Agency's requirements. Borrower's evidence of available funds must include only one or more of the following: a) Borrower equity; b) firm and binding commitments for the Project from financial institution(s) or from other lender(s) approved by Agency in its absolute discretion; and c) Agency's contribution, provided, however, that Agency is not obligated by this letter to make any contribution not stated in the terms of the letter.

15. SOILS AND TOXIC REPORTS: Borrower must submit to a soils report prepared by a licensed soils engineer and a hazardous substances report made in accordance with the American Society for Testing and Materials "Standard Practice for Environmental Site Assessments; Phase I Environmental Site Assessment Process" (Designation E1527-93) prepared by a licensed or registered environmental engineer or other qualified party prior to Loan closing. Borrower must, as a condition of disbursement of Loan funds, give assurances satisfactory to the Agency that hazardous materials are not present on the Property or that any hazardous materials on the Property have been remediated and that no further remediation is then required by the environmental agency having responsibility for monitoring such remediation.

16. LOAN IN BALANCE: Borrower will be required to maintain the Loan "in balance". The Loan is "in balance" whenever the amount of the undisbursed Loan funds, the

remaining sums to be provided by the Borrower and the loan funds from other project lenders are sufficient, in the sole judgement of the Agency, to pay for the remainder of the work to be done on the project as required by written agreement with the Agency. Should the Agency determine that the Loan is not "in balance", the Agency may declare the Loan to be in default.

17. PLANS AND SPECIFICATION: Final plans and specifications for the project must be in accord with the proposal approved as part of the Loan application. Final plans and specifications will be subject to Agency's final approval prior to the disbursal of Agency Loan funds. Borrower must obtain Agency's prior written consent to any change in the approved plans and specifications or any material deviation in construction of the project.
18. ARCHITECTURAL AGREEMENT: The architectural agreement ("Agreement") for the preparation of the plans and specifications and other services shall be subject to Agency's approval. Agency may require an assignment of Borrower's interest in and to the Agreement as security for the Loan.
19. CONSTRUCTION CONTRACT: The construction contract ("Contract"), and any change orders issued thereunder, and the contractor ("Contractor") to be retained by Borrower to construct the Improvements shall be subject to Agency's approval. Agency may require an assignment of Borrower's interest in and to the Contract as security for the Loan. Agency shall require Contractor to provide a performance and payment bond in a form acceptable to Agency for the amount of the Contract.
20. RETENTION AMOUNT: The Agency shall retain ten percent (10%) as retention from each disbursement, not to exceed a total of ten percent (10%) of the total amount of the Loan.
21. COST BREAKDOWN: Borrower shall deliver to Agency for Agency's approval prior to commencement of work a detailed cost breakdown of the cost of constructing, financing and other costs of developing the Improvements, which breakdown conforms to the project plans and specification and the budget approved with this commitment. Borrower shall also deliver a list of all contractors and subcontractors to be employed in connection with the construction of the Improvements. If required by the Agency Borrower shall also submit copies of all bids received for each item of work to be performed as well as copies of executed contracts and subcontracts with acceptable bidders.

All contracts, subcontracts, contractors, and subcontractors shall be subject to Agency's approval prior to close of the Loan. Agency also reserves the right to require performance and material payment bonds on any or all contractors, or in lieu of bond a letter of credit acceptable to Agency.

Agency shall make disbursements of the Loan based on a cost breakdown that lists line items in cost categories. Agency shall require that Borrower provide documentation

supporting all requests for disbursement of Loan funds, including proof of work done and actual expenditure. Agency shall conduct inspections of the Property to assure that the work was done before making a disbursement.

22. COST SAVINGS. At completion of construction, borrower shall submit to Agency a cost certification prepared by a qualified, independent auditor acceptable to Agency, which cost certification shall indicate the amounts actually spent for each item in the cost breakdown. If there is an aggregate savings in the total of all such cost breakdown items from the cost breakdown items in the original budget approved by the Agency, the Agency shall withhold for itself as loan repayment, one-half of such savings from the amount of retention then held by the Agency, and the Loan balance shall be reduced by the amount so withheld. The Agency, in its sole discretion, shall determine any reduction and/or repayment of the Agency loan based upon this cost certification and the original approved budget for the project.
23. START OF CONSTRUCTION: Borrower shall commence construction at the earliest possible date subject to the conditions of this Agency and other involved lenders, but no later than December 31, 2005.
24. COMPLETION OF CONSTRUCTION: Borrower shall complete the construction of the Improvements no later than December 31, 2006.
25. HAZARD INSURANCE: Borrower shall procure and maintain fire and extended coverage insurance or in lieu such insurance, Builder's Risk completed value insurance in a form and substance approved by Agency. Coverage shall be for protection against loss of, or damage to the Improvements or materials for their construction to their full insurable value. Borrower shall also procure and maintain insurance against specific hazards affecting Agency's security for the Loan as may be required by Agency, governmental regulations, or any permanent lender. All such policies shall contain a standard mortgagee loss payable clause in favor of Agency. The insurance required shall be written with a deductible of not more than TEN THOUSAND DOLLARS (\$10,000.00).
26. PUBLIC LIABILITY AND OTHER INSURANCE: Borrower must procure and maintain public liability and property damage insurance (with Agency named as additional insured) in a form approved by Agency. Coverage must be approved by Agency and must be in at least the following limits of liability: Bodily injury liability of \$1,000,000 each occurrence and \$1,000,000 Aggregate, Products and Completed Operations; Property damage liability of \$1,000,000 each occurrence, \$1,000,000 single limit and \$1,000,000 aggregate; Contractual liability for Bodily Injury of \$1,000,000 each occurrence, for Property Damage of \$1,000,000 each occurrence and \$1,000,000 aggregate, and Personal Injury with Employment Exclusion Deleted of \$1,000,000 aggregate; and Comprehensive Automobile Liability for any vehicle used for or in connection with the Work of \$1,000,000. The insurance required shall be written with a

deductible of not more than TEN THOUSAND DOLLARS (\$10,000). Borrower must also procure and maintain workers' compensation and all other insurance required under applicable law, as required by law and as approved by Agency.

27. TITLE INSURANCE: Borrower must procure and deliver to Agency a 1970 or 1987 ALTA LP-10 Lender's Policy of Title Insurance, together with such endorsements as Agency may require, including but not limited to CLTA endorsement nos. 100, 116, and 102.5/102.7 insuring Agency in an amount equal to the principal amount of the Loan, that Agency's Deeds of Trust constitutes a second lien or charge upon the Property and Improvements subject only to such items as shall have been approved by Agency. There must be no exceptions permitted for mechanics liens. Title insurance for the Loan must be issued by a title insurer approved by Agency.
28. ORGANIZATIONAL AGREEMENTS: Borrower must submit to Agency certified copies of all of Borrower's organizational documents, including all amendments, modifications or terminations: if a corporation, Borrower's Articles of Incorporation and By-Laws; if a partnership, its Partnership Agreement and, as applicable, Certificate of Limited Partnership or Statement of Partnership; if a Limited Liability Company, its Articles of Organization and its Operating Agreement; and in all cases with all exhibits and amendments to such documents, fictitious business name statements, other related filings or recorded documents and such related documents as Agency may request. If it is a corporation, Borrower must submit a corporate borrowing resolution referencing this Loan. If Borrower is other than a corporation, Borrower must submit such proof of authority to enter this Loan as may be required under the organizational documents.
29. FINANCIAL INFORMATION: During the term of the Loan, Borrower shall deliver to Agency within 120 days of the end of each fiscal year an audited income and expense statement, a balance sheet, and a statement of all changes in financial position signed by authorized officers of Borrower. Prior to close of the Loan and during its term, Borrower must deliver to Agency such additional financial information as may be requested by Agency. Agency reserves the right to review and approve financial statements and other credit information and references prior to closing. During the term of the Loan, Borrower must deliver to Agency a monthly rent-roll including household composition information, and operating statements with respect to the Property and Improvements, as Agency may request.
30. MANAGEMENT AGREEMENT: Prior to execution, Borrower must submit to Agency any agreement providing for the management or operation of the Property or Improvements by a third party which agreement is subject to Agency Approval.
31. LOW INCOME HOUSING TAX CREDITS ("LIHTC"): Borrower represents that as a condition of closing this Loan it is applying for an allocation of LIHTCs and agrees to perform all actions and to meet all requirements to maintain the LIHTC allocation if granted.

32. DOCUMENTATION: This letter is not intended to describe all of the requirements, terms, conditions and documents for the Loan, which shall also include customary provisions and documents for an Agency transaction of this type. All documents to be delivered to or approved by Agency must be satisfactory to Agency in all respects. Borrower must promptly deliver to Agency any further documentation that may be required by Agency.
33. CONSISTENCY OF DOCUMENTS: As a material obligation under this commitment letter, Borrower shall assure that the loan documents for the Project are consistent with lender's commitment approved by the Agency and comply, in all respects, with this commitment letter.
34. CHANGES OR AMENDMENTS: No documents or contracts which are to be delivered to Agency or are subject to Agency's review or approval shall be modified or terminated without the prior written approval of Agency.
35. ACCEPTANCE OF THIS COMMITMENT: Borrower's acceptance of this Commitment shall be evidenced by signing and delivering to Agency the enclosed copy of this letter. Until receipt of such acceptance by Agency, Agency shall have no obligation under this letter. Agency may withdraw this commitment at any time prior to Borrower's acceptance.

Yours truly,

Anne M. Moore
Executive Director

The undersigned acknowledges and accepts the foregoing Commitment and its terms and conditions.

Dated:

BORROWER:

By: _____
[Name, Title]

RESOLUTION NO. _____

ADOPTED BY THE HOUSING AUTHORITY OF THE COUNTY OF SACRAMENTO

ON DATE OF

**A RESOLUTION OF THE HOUSING AUTHORITY OF THE COUNTY
OF SACRAMENTO DECLARING INTENTION TO
REIMBURSE EXPENDITURES FROM THE PROCEEDS OF
TAX-EXEMPT OBLIGATIONS AND DIRECTING CERTAIN ACTIONS**

WHEREAS, the Housing Authority of the County of Sacramento (the "Authority") intends to issue tax-exempt obligations (the "Obligations") for the purpose, among other things, of making a loan to The Ezralow Company, LLC, a Delaware limited liability company, or a limited partnership or limited liability company formed by or affiliated with The Ezralow Company, LLC ("Developer"), the proceeds of which shall be used by the Developer to finance the acquisition, rehabilitation and development of a 112-unit multifamily housing residential facility located at 9838 Lincoln Village Drive, City of Rancho Cordova, County of Sacramento, California, commonly known as Village East Apartments (the "Project"); and

WHEREAS, United States Income Tax Regulations section 1.103-18 provides generally that proceeds of tax-exempt debt are not deemed to be expended when such proceeds are used for reimbursement of expenditures made prior to the date of issuance of such debt unless certain procedures are followed, among which is a requirement that (with certain exceptions), prior to the payment of any such expenditure, the issuer must declare an intention to reimburse such expenditure; and

WHEREAS, it is in the public interest and for the public benefit that the Authority declare its official intent to reimburse the expenditures referenced herein;

NOW, THEREFORE, BE IT RESOLVED THAT THE HOUSING AUTHORITY OF THE COUNTY OF SACRAMENTO DECLARES AND ORDERS AS FOLLOWS:

Section 1. The Authority intends to issue the Obligations for the purpose of paying the costs of financing the acquisition, rehabilitation and development of the Project.

Section 2. The Authority hereby declares that it reasonably expects that a portion of the proceeds of the Obligations will be used for reimbursement of expenditures for the

acquisition, rehabilitation and development of the Project that are paid before the date of initial execution and delivery of the Obligations.

Section 3. The maximum amount of proceeds of the Obligations to be used for reimbursement of expenditures for the acquisition, rehabilitation and development of the Project that are paid before the date of initial execution and delivery of the Obligations is approximately \$9,200,000.

Section 4. The foregoing declaration is consistent with the budgetary and financial circumstances of the Authority in that there are no funds (other than proceeds of the Obligations) that are reasonably expected to be (i) reserved, (ii) allocated or (iii) otherwise set aside, on a long-term basis, by or on behalf of the Authority, or any public entity controlled by the Authority, for the expenditures for the acquisition, rehabilitation and development of the Project that are expected to be reimbursed from the proceeds of the Obligations.

Section 5. The Developer shall be responsible for the payment of all present and future costs in connection with the issuance of the Obligations, including, but not limited to, any fees and expenses incurred by the Authority in anticipation of the issuance of the Obligations, the cost of printing any official statement, rating agency costs, bond counsel fees and expenses, underwriting discount and costs, trustee fees and expense, and the costs of printing the Obligations. The payment of the principal, redemption premium, if any, and purchase price of and interest on the Obligations shall be solely the responsibility of the Developer. The Obligations shall not constitute a debt or obligation of the Authority.

Section 6. The law firm of Jones Hall, A Professional Law Corporation, is hereby named as bond counsel to the Authority in connection with the issuance of the Obligations. The fees and expense of bond counsel and any financial advisor employed by the Authority in connection with the issuance of the Obligations are to be paid solely from the proceeds of the Obligations or directly by the Developer.

Section 7. The appropriate officers or staff of the Authority are hereby authorized, for and in the name of and on behalf of the Authority, to make an application to the California Debt Limit Allocation Committee for an allocation of private activity bonds for the financing of the Project.

Section 8. The adoption of this Resolution shall not obligate (i) the Authority to provide financing to the Developer for the acquisition, rehabilitation and development of the

Project or to issue the Obligations for purposes of such financing; or (ii) the Authority, of or any department of the Authority or the County of Sacramento to approve any application or request for, or take any other action in connection with, any environmental, General Plan, zoning or any other permit or other action necessary for the acquisition, rehabilitation, development or operation of the Project.

Section 9. In anticipation of the issuance of the Obligations, the Authority hereby approves the purchase of the Project by the Developer and the assumption by the Developer of the obligations of the current owner of the Project under the documents executed and delivered in connection with the original financing of the acquisition and construction of the Project with the proceeds of tax-exempt obligations issued by the Authority.

Section 10. This resolution shall take effect immediately upon its adoption.

On a motion by Member _____, seconded by Member _____, the foregoing Resolution was passed and adopted by the Housing Authority of the County of Sacramento, State of California, this _____ day of _____, 2005, by the following vote, to wit:

AYES: Members

NOES: Members

ABSENT: Members

ABSTAIN: Members

Chair

SEAL:

ATTEST:

Clerk

RESOLUTION NO. _____

**ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF
SACRAMENTO**

ON DATE OF

**APPROVING THE ISSUANCE OF BONDS BY THE HOUSING
AUTHORITY OF THE COUNTY OF SACRAMENTO ON BEHALF OF
THE EZRALOW COMPANY, LLC**

WHEREAS, the Housing Authority of the County of Sacramento, a housing authority organized and existing under the laws of the State of California (the "Authority"), purposes to issue multifamily housing revenue bonds (the "Bonds") in a principal amount of approximately \$9,200,000 and to lend the proceeds thereof to The Ezralow Company, LLC, a Delaware limited liability company, or a limited partnership or limited liability company formed by or affiliated with The Ezralow Company, LLC ("Developer"), pursuant to a loan or financing agreement by and between the Developer and the Authority, to be used to provide funds for the acquisition, rehabilitation and development of a multifamily housing residential facility known as Village East Apartments, located at 9838 Lincoln Village Drive, City of Rancho Cordova, County of Sacramento, California, to be owned and operated by the Developer;

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986 requires the issuance of the bonds to be approved by the Board of Supervisors of the County (the "Board"), as the elected representative of the County of Sacramento, the host jurisdiction of the subject multifamily housing residential facility, after a public hearing has been held following reasonable and proper notice;

WHEREAS, a public hearing was held by the Board on the 17th day of May, 2005, following duly published notice thereof, and all persons desiring to be heard have been heard; and

WHEREAS, it is in the public interest and for the public benefit that the Board, as the elected representative of the County of Sacramento, the host jurisdiction of the subject multifamily housing residential facility, approve the issuance and delivery by the Authority of the Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SACRAMENTO:

Section 1. The Board of Supervisors of the County of Sacramento hereby finds, determines and declares that issuance by the Authority of the Bonds in the maximum principal amount of \$9,200,000 for the purposes described above is hereby approved.

Section 2. This resolution shall take effect immediately upon its adoption.

On a motion by Supervisor _____, seconded by Supervisor _____, the foregoing Resolution was passed and adopted by the Board of Supervisors of the County of Sacramento, State of California, this _____ day of _____, 2005, by the following vote, to wit:

AYES: Supervisors

NOES: Supervisors

ABSENT: Supervisors

Chair of the Board of Supervisors
of Sacramento County, California

(SEAL)

ATTEST: _____
Clerk, Board of Supervisors

RESOLUTION NO. _____

ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF
SACRAMENTO

ON DATE OF

**VILLAGE EAST APARTMENTS: APPROVAL OF UP TO \$2,450,000 HOME LOAN;
EXECUTION OF LOAN COMMITMENT, LOAN AGREEMENT, AND RELATED
DOCUMENTS WITH THE EZRALOW COMPANY, L.P., A CALIFORNIA LIMITED
PARTNERSHIP, OR RELATED ENTITY; RELATED BUDGET AMENDMENT**

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF
SACRAMENTO:

Section 1: After due consideration of the facts presented, the findings, including the environmental findings regarding this action, as stated in the staff report that accompanies this resolution, are approved.

Section 2: The Loan Commitment, attached to and incorporated in this resolution by this reference, for the financing of the Village East Apartments project ("Loan") is approved and the Executive Director, or her designee, is authorized to execute and transmit the Loan Commitment to The Ezralow Company, L.P., or related entity. As stated in the Loan Commitment, the loan amount shall be not to exceed \$2,450,000. Subject to the satisfaction of conditions in the Loan Commitment, the Executive Director, or her designee, is authorized to prepare and execute any and all documents required for the making of the Loan (including without limitation the documents necessary for the use of the allocated funds and the documents necessary to make and reasonably administer the Loan); provided, however that:

- (a) The Loan shall be made on the terms set out in the Loan Commitment and the staff report accompanying this resolution; and
- (b) Agency Counsel shall prepare the Loan documents on standard Agency loan document forms in accordance with the Loan Commitment and the staff report accompanying this resolution, and in accordance with all applicable laws, regulations and policies regarding the making of the Loan and the use of the allocated funds.

Section 3: The Sacramento Housing and Redevelopment Agency is authorized to execute the Loan Commitment and to execute the Loan documents as prepared by the Agency Counsel and to enter into other agreements, execute other documents, and perform other actions necessary to fulfill the intent of the staff report that accompanies this resolution and the Loan Commitment and to ensure proper repayment of Agency funds, including without limitation, subordination, extensions and restructuring of payments, all as approved by Agency Counsel.

Section 4: The Sacramento Housing and Redevelopment Agency is authorized to make technical amendments to said agreements and documents with the approval of Agency Counsel, which amendments do not substantially deviate from the standard Agency loan document forms, are in accordance with the Loan Commitment, with Agency policy, with this resolution, with good legal practices for the making of such a loan, and with the staff report that accompanies this resolution.

Section 5: The Sacramento Housing and Redevelopment Agency budget is hereby amended to transfer \$2,450,000 in County HOME funds to the Village East Apartment Project to fund the Loan in accordance with Loan Commitment.

On a motion by Supervisor _____, seconded by Supervisor _____, the foregoing Resolution was passed and adopted by the Board of Supervisors of the County of Sacramento, State of California, this _____ day of _____, 2005, by the following vote, to wit:

AYES: Supervisors

NOES: Supervisors

ABSENT: Supervisors

Chair of the Board of Supervisors
of Sacramento County, California

(SEAL)

ATTEST: _____
Clerk, Board of Supervisors

RESOLUTION NO. SHRC-_____

ADOPTED BY THE SACRAMENTO HOUSING AND REDEVELOPMENT COMMISSION UNDER THE AUTHORITY DELEGATED TO THE COMMISSION PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE, SECTION 33202 BY RESOLUTION NO. RA 81-083 ADOPTED BY THE REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO ON OCTOBER 20, 1981, AND BY RESOLUTION NO. RA-83 ADOPTED BY THE REDEVELOPMENT AGENCY OF THE COUNTY OF SACRAMENTO ON OCTOBER 27, 1981, AND PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34292 BY RESOLUTION NO. HA 81-098 ADOPTED BY THE HOUSING AUTHORITY OF THE CITY OF SACRAMENTO ON OCTOBER 20, 1981, AND BY RESOLUTION NO. HA-1497 ADOPTED BY THE HOUSING AUTHORITY OF THE COUNTY OF SACRAMENTO ON OCTOBER 27, 1981.

ON DATE OF _____

VILLAGE EAST APARTMENTS: APPROVAL OF UP TO \$2,450,000 DEVELOPMENT LOAN; EXECUTION OF LOAN COMMITMENT, LOAN AGREEMENT, AND RELATED DOCUMENTS WITH THE EZRALOW COMPANY, A CALIFORNIA LIMITED PARTNERSHIP, OR RELATED ENTITY; RELATED BUDGET AMENDMENT

BE IT RESOLVED BY THE SACRAMENTO HOUSING AND REDEVELOPMENT COMMISSION:

Section 1: After due consideration of the facts presented, the findings, including the environmental findings regarding this action, as stated in the staff report that accompanies this resolution, are approved.

Section 2: The Loan Commitment, attached to and incorporated in this resolution by this reference, for the financing of the Village East Apartments project ("Loan") is approved and the Executive Director is authorized to execute and transmit the Loan Commitment to the Ezralow Company, L.P., or related entity. As stated in the Loan Commitment, the loan amount shall not exceed \$2,450,000. Subject to the satisfaction of conditions in the Loan Commitment, the Executive Director is authorized to prepare and execute any and all documents required for the making of the Loan (including without limitation the documents necessary for the use of the allocated funds and the documents necessary to make and reasonably administer the Loan); provided, however that:

- (a) The Loan shall be made on the terms set out in the Loan Commitment and the staff report accompanying this resolution; and
- (b) Agency Counsel shall prepare the Loan documents on standard agency loan document forms in accordance with the Loan Commitment and the staff report accompanying this resolution, and in accordance with all applicable laws, regulations and policies regarding the making of the Loan and the use of the allocated funds.

Section 3: The Executive Director is authorized to execute the Loan Commitment and to execute the Loan documents as prepared by the Agency Counsel and to enter into other agreements, execute other documents, and perform other actions necessary to fulfill the intent of

the staff report that accompanies this resolution and the Loan Commitment and to ensure proper repayment of Agency funds, including without limitation, subordination, extensions and restructuring of payments, all as approved by Agency Counsel.

Section 4: The Executive Director is authorized to make technical amendments to said agreements and documents with the approval of Agency Counsel, which amendments do not substantially deviate from the standard Agency loan document forms, are in accordance with the Loan Commitment, with Agency policy, with this resolution, with good legal practices for the making of such a loan, and with the staff report that accompanies this resolution.

Section 5: The Sacramento Housing and Redevelopment Agency budget is hereby amended to transfer \$2,450,000 in County HOME funds to the Village East Apartment Project to fund the Loan in accordance with Loan Commitment.

CHAIR

ATTEST:

CLERK