

CITY OF RANCHO CORDOVA



CITY COUNCIL MEETING Monday, November 16, 2020

**4:00 PM – Special Meeting
David B. Roberts Council Chambers**

**5:30 PM – Regular Meeting
David B. Roberts Council Chambers**

In response to Governor’s Executive Order N-29-20 and the Resolution Declaring the Existence of a Local Emergency Relating to the COVID-19 Pandemic adopted by the City of Rancho Cordova, the City is following the state guidelines on social distancing including the requirement of wearing a face covering. This meeting will also be available to the public via video/teleconferencing.

**City Hall
2729 Prospect Park Drive, Rancho Cordova**

Join the Meeting Via Zoom Link:

<https://cityofranhocordova.zoom.us/j/91973099206?pwd=THJyWFlixQThRVctCdStac0xORIAwdz09>

Join the Meeting via the Zoom Phone Number

Zoom Phone Number: US: +1 669 900 6833, +1 253 215 8782, 888 475 4499 (Toll Free)

Webinar ID: 919 7309 9206

Password: 069290

Live video streams and indexed archives of meetings are also available via the Internet. Visit the City’s official website at: <https://ranhocordovaca.civicclerk.com/web/home.aspx>

Instructions to Make Public Comment

Members of the public who wish to provide public comment via email will need to submit comments to CityClerk@cityofranhocordova.org no later than 2:00 p.m. on Monday, November 16, 2020. All comments submitted later than 2:00 p.m. will be sent to the City Council for their review and may not be read during the meeting.

During the meeting, members of the public who wish to provide verbal comments during the meeting, may do so in-person by attending the City Council Meeting at Rancho Cordova City Hall

or by video/teleconference. If you wish to provide verbal comments via video/teleconference, follow these instructions:

Listening to a Zoom Meeting by Zoom Video Conference

To make a public comment using the Zoom platform, please use the “raise hand” feature at the bottom center of the screen. Please make sure to enable audio controls once access has been given by the City Clerk’s office to speak. Please wait to be called upon by the City Clerk.

Listening to a Zoom Meeting by Phone Only

You can join a Zoom meeting via teleconferencing/audio conferencing using a cell phone or traditional landline phone. To request to make a public comment by phone press *9 to raise your hand. Please wait to be called upon by the City Clerk.

All public comments will be limited to three-minutes.

If you have questions related to the City Council Meeting or the use of Zoom, please contact the City Clerk’s Office at (916) 851-8720 before 2:00 p.m.

AGENDA

1. SPECIAL MEETING - CALL TO ORDER/ROLL CALL

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

2. PUBLIC COMMENT

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

3. SPECIAL MEETING

3.1. Subject: Multi-family Housing Pre-approved Design Booklet Discussion.

Recommendation: Receive presentation from staff and TG+P and provide feedback on the draft booklet goals, draft architectural styles, building types, and guidelines.

4. ADJOURNMENT OF SPECIAL MEETING

Mayor Sander will adjourn the special meeting to regular meeting in the David B. Roberts Council Chambers.

5. REGULAR MEETING - CALL TO ORDER/ROLL CALL

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

6. METRO CABLE TV TELEVISION ANNOUNCEMENT

The Clerk will announce the meetings video recording and playback schedules.

7. PLEDGE OF ALLEGIANCE

The Mayor will call on someone in attendance to lead the Pledge.

8. INVOCATION

Travis Kimball of The Church of Jesus Christ of Latter-day Saints will give the invocation.

9. PRESENTATIONS

- 9.1. Rancho Cordova Love Our Schools Week.
- 9.2. Mayor Sander's Birthday November 25, 2020.

10. PUBLIC COMMENT

Citizens wishing to address the Council for any matter not on the agenda may do so at this time by completing and submitting a Speaker Card to the City Clerk. For items on the agenda, speakers will be called up to the podium by the Mayor at the point on the agenda when the item will be heard. Speakers are encouraged to keep comments to three minutes or less and to state 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 item not on the agenda 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.

11. COUNCIL REPORTS

12. CITY MANAGER'S REPORT

13. CONSENT CALENDAR ITEMS - ROLL CALL VOTE

- 13.1. **Subject:** Meeting Minutes from the Regular City Council Meeting of November 2, 2020.
Recommendation: Adopt the Minutes.
- 13.2. **Subject:** A Resolution Authorizing the City Manager to Execute a Contract with the Sacramento Society for the Prevention of Cruelty to Animals (SPCA) for an Amount not to Exceed \$936,168.00 for a Three Year Term Starting January 1, 2021 through December 31, 2023 for Animal Shelter Services for City Residents and the Animal Services Division.
Recommendation: Adopt the Resolution.
- 13.3. **Subject:** A Resolution Authorizing the City Manager to Award Construction Contract No. 2020-173 in an amount not to exceed \$216,183 with Otto Construction, Inc. for the Peace Officers Memorial Project.
Recommendation: Adopt the Resolution.
- 13.4. **Subject:** A Resolution Authorizing the City Manager to Execute Contract Amendment No. 01-2019-4 to Increase the Contract Amount by \$212,000 to an Amount not to Exceed \$965,450 with Wood Rodgers, Inc. for Engineering Design and Right of Way Acquisition Support Services for the White Rock Road Safety Improvement Project.
Recommendation: Adopt the Resolution.
- 13.5. **Subject:** Approve the Final Map of Montelena Village 5, Subdivision No. Fm-2014-006-40, and Execution of the Subdivision Improvement Agreement.
Recommendation: Adopt the Resolution.
- 13.6. **Subject:** Second Reading and Adoption of an Ordinance Adding Chapter 3.06 to the Municipal Code to Impose a One-Half Cent Per Dollar Transactions and Use Tax to be Administered by the State Department of Tax and Fee Administration.

Recommendation: Waive second reading and adopt the Ordinance.

- 13.7. **Subject:** Second Reading of an Ordinance Repealing and Replacing Chapter 6.20 “Solid Waste Management” and Chapter 6.21 “Business and Multifamily Recycling and Organics Recycling” to Place Certain Requirements on Franchised Waste Hauling Companies to Ensure Compliance with State Law.

Recommendation: Waive the second reading and adopt the Ordinance.

- 13.8. **Subject:** A Resolution for Local Control of Zoning and Housing Issues.

Recommendation: Adopt the Resolution.

14. CONSENT PUBLIC HEARING ITEMS - ROLL CALL VOTE

None.

15. PUBLIC HEARING ITEMS

- 15.1. **Subject:** Public Review Draft 2021-2029 Housing Element Update

Recommendation: Receive presentation and direct staff to submit the Draft Housing Element Update to the California Department of Housing and Community Development for its 60-day review period.

16. REGULAR CALENDAR ITEMS

None.

17. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

18. ADJOURNMENT

ADDITIONAL INFORMATION

SPECIAL MEETINGS LISTED BELOW ARE SUBJECT TO CHANGE/CANCELLATION WITHOUT FURTHER NOTICE.

UNLESS THE COUNCIL ADOPTS A MOTION TO EXTEND THE MEETING, ANY ITEM THAT IS NOT INITIATED BEFORE 11:00 PM WILL BE CONTINUED TO THE NEXT DAY AT 5:30 PM OR SCHEDULED ON THE NEXT REGULAR MEETING AGENDA OF THE COUNCIL.

Public documents related to items on the open session portion of this agenda, which are distributed to the City Council less than 72 hours prior to the meeting, shall be available for public inspection at the time the documents are distributed to the Council. Documents are available for inspection at the City Clerk's office located in Rancho Cordova City Hall.

The agenda items are accessible on the City's website at www.cityofranchocordova.org on Thursdays or Fridays prior to the Regular City Council Meeting.

UPCOMING MEETINGS

December 7, 2020	4:00 PM Special Meeting/Regular Meeting
December 15, 2020	5:30 PM Special Meeting/Work Session
December 21, 2020	5:30 PM Regular Meeting

If you have any technical questions related to the agenda items, please contact City Hall at (916) 851-8700.

The Rancho Cordova City Council meeting will be videotaped in its entirety and will be cablecast without interruption on Metro Cable 14, the Government Affairs Channel on the Comcast, Consolidated Communications and AT&T U-Verse Systems. Closed Captioning will be available on the playback cablecast. A DVD copy is available from the City Clerk's Department and a webcast of this meeting will be available for viewing via video streaming from the City's website within 48 hours of adjournment of this meeting.

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

CERTIFICATION OF POSTING OF AGENDA

I, Stacy Leitner, City Clerk for the City of Rancho Cordova, declare that the foregoing agenda for the November 16, 2020 Regular Meeting of the Rancho Cordova City Council was posted and available for review on November 13, 2020 at City Hall of the City of Rancho Cordova, 2729 Prospect Park Drive, Rancho Cordova, California, 95670. The agenda is also available on the city website at www.cityofranhocordova.org.

Signed November 13, 2020 at Rancho Cordova, California.



Stacy Leitner, CMC
City Clerk

MEMORANDUM



ITEM 3.1.

DATE: November 16, 2020
TO: Honorable Mayor and Council Members
FROM: Stefan Heisler, Housing Manager
SUBJECT: **MULTI-FAMILY HOUSING PRE-APPROVED DESIGN BOOKLET DISCUSSION**

RECOMMENDATION

Receive presentation from staff and TG+P and provide feedback on the draft booklet goals, draft architectural styles, building types, and guidelines.

RESULT OF RECOMMENDED ACTION

Staff and TG+P consultants will draft the design booklet based on Council's comments and return to Council with a preliminary draft for review in January 2021.

BACKGROUND

The purpose of this project is to create a set of pre-approved design standards, guidelines, and architectural styles in a design booklet that will allow developers seeking to use this pre-approved approach to obtain design review approval ministerially (i.e. at a staff level only), providing additional certainty of project approval and accelerating the project approval timeline. Concurrently, these pre-approved design guidelines will also serve as architectural inspiration to, directly or indirectly, elevate the architectural variety and quality in the City of Rancho Cordova.

This item was first presented on October 5, 2020 with feedback provided on initial likes and dislikes and additional direction to bring this item back as a Work Session topic for further discussion.

At this second Council Workshop, staff and TG+P are seeking Council feedback and discussion on the document goals, architectural styles, building types and guidelines.

The draft goals of this document for discussion are:

1. Provide an incentive to construct mixed-use and multi-family housing through a set of

objective design guidelines that can be approved at the staff level, providing certainty of design review approval and a more concrete approvals process timeline.

2. Elevate, improve, and in some cases, maintain architectural variety, integrity, and quality.
3. Create human-scale development that contributes to pedestrian-oriented streets and boulevards.
4. Create interest and break up the overall mass of larger buildings.
5. Animate building edges on the ground floor to create an inviting public realm with frequent windows, entries and outdoor dining (where appropriate) along the street to provide visual interest and promote a pedestrian-friendly environment.
6. Orient building facades to frame the streets and other public spaces with sufficient building enclosure particularly on the first two floors.
7. Where multi-family and mixed-use development abuts single-family neighborhoods, provide for graceful transitions between the small-scale increment of the latter and larger-scale format of multi-family and mixed-use structures.
8. Enhance and highlight architectural building features, highlight the entrance and pathway to shops, restaurants, and businesses, create ambiance and visual interest along streets at night, encouraging pedestrians to linger and stroll, and illuminate signing and business addresses for patrons and emergency service providers.

Seven initial architectural styles are included in this first draft for Council review and discussion including:

1. Arte Moderne (or Art Deco)
2. California Contemporary
3. Spanish Mission
4. Craftsman
5. Mercantile Vernacular
6. Disciplined Modern
7. Vernacular

FISCAL IMPACT AND FUNDING SOURCE

There is no fiscal impact for this item. This \$150,000 project is entirely funded by SB-2 State Planning Grant funding.

ATTACHMENT(S)

1. RCCC workshop discussion - preliminary

Multi-Family Pre-approved Design Booklet

Presentation of Draft Booklet Outline and Architectural Styles

WORKSHOP PURPOSE AND AGENDA

The purpose of tonight's workshop is to review and edit the goals for the Design Guidelines and receive Council feedback on architectural styles and building forms.

Agenda

- Review Goals for Design Guidelines
- Review Architectural Styles
- Review Design Guidelines
- Council Feedback and Discussion

Goals for Design Guidelines

Goals for Design Guidelines

The Design Guidelines are intended to fulfill a set of objectives outlined below that will assure that new development multi-family and mixed-use development in Rancho Cordova embodies a high architectural and urban design standard.

Goals

Goal 1: Provide an incentive to construct mixed-use and multi-family housing through a set of objective design guidelines that can be approved at the staff level, providing certainty of design review approval and a more concrete approvals process timeline.

Goal 2: Elevate, improve, and in some cases, maintain architectural variety, integrity, and quality.

Goal 3: Create human-scale development that contributes to pedestrian-oriented streets and boulevards

Goal 4: Create interest and break up the overall mass of larger buildings

Goal 5: Animate building edges on the ground floor to create an inviting public realm with frequent windows, entries and outdoor dining (where appropriate) along the street to provide visual interest and promote a pedestrian-friendly environment.

Goal 6: Orient building facades to frame the streets and other public spaces with sufficient building enclosure particularly on the first two floors.

Goal 7: Where multi-family and mixed-use development abuts single-family neighborhoods, provide for graceful transitions between the small-scale increment of the latter and larger-scale format of multi-family and mixed-use structures.

Goal 8: Enhance and highlight architectural building features, highlight the entrance and pathway to shops, restaurants, and businesses, create ambiance and visual interest along streets at night, encouraging pedestrians to linger and stroll, and illuminate signing and business address for patrons and emergency service providers.

Main Points for Discussion

Goals

- Are there any goals missing?
- Are there any goals that need to be removed?

Architectural Styles

Arte Moderne



California Contemporary



Spanish Mission



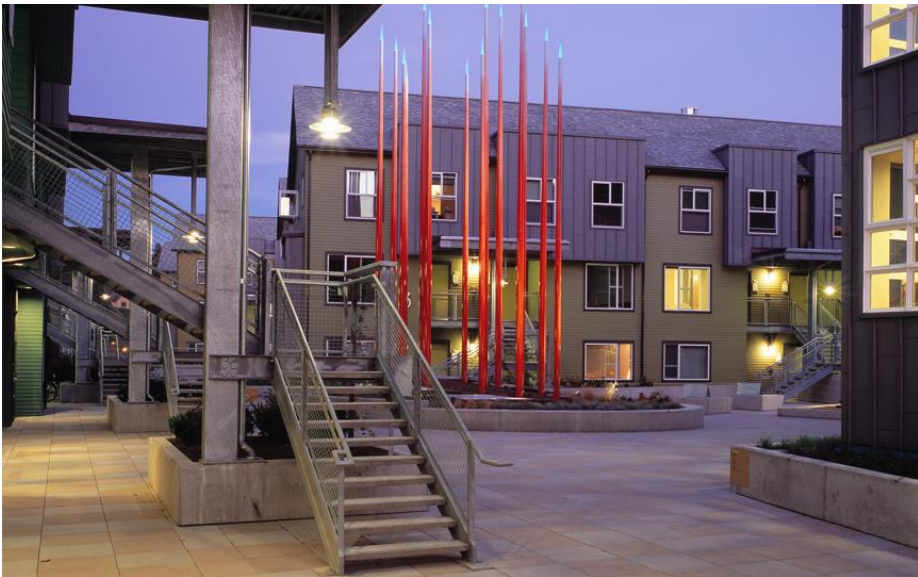
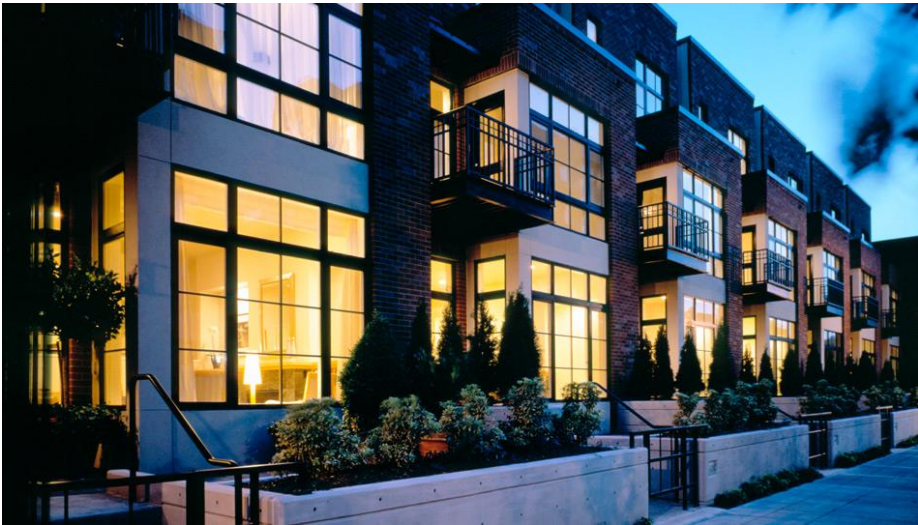
Craftsmen



Mercantile Vernacular



Disciplined Modern



Vernacular



Main Points for Discussion

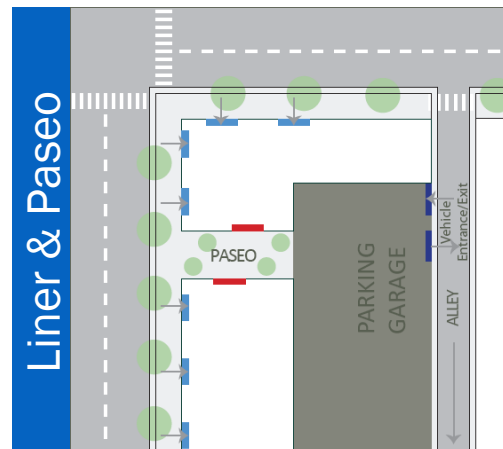
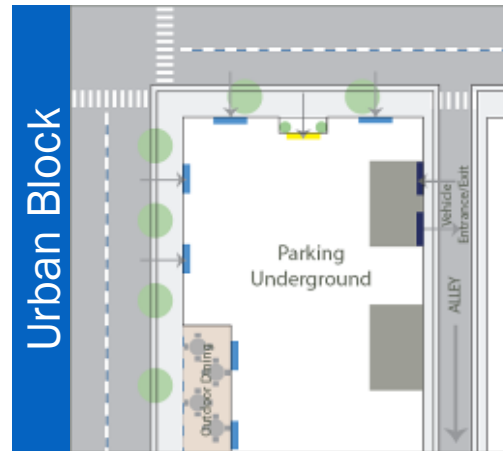
Architectural Styles

- Are there any missing that should be included?
- Are there any included that should be removed?
- Should architectural styles be specified in this document at all?

Design Guidelines – New Mixed- Use

Categories

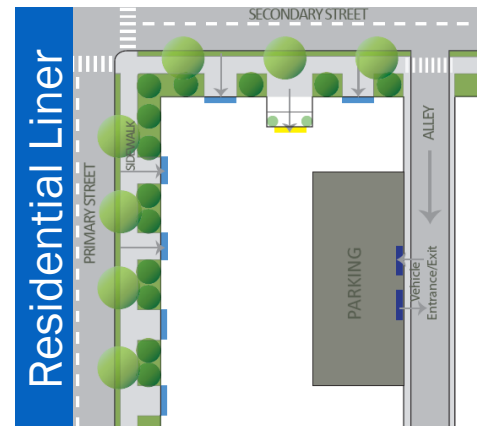
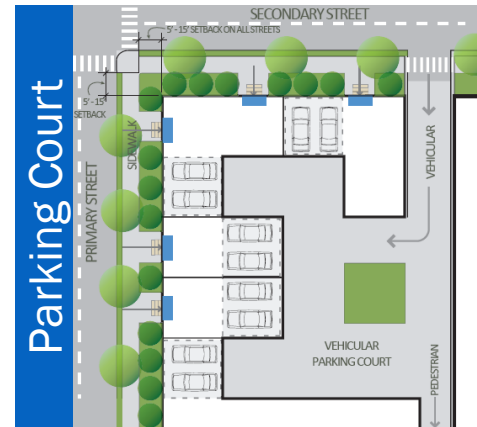
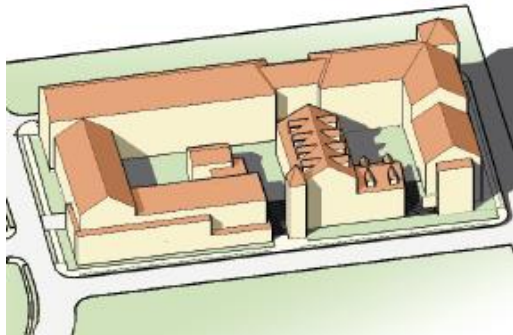
- Site Planning
- Building Types
- Frontage Conditions
- Architectural Integrity and Quality



Design Guidelines – New Residential

Site Planning

- Site Planning
- Building Types
- Frontage Conditions
- Architectural Integrity and Quality
- Landscape



Main Points for Discussion

Goals

- Are there any goals missing?
- Are there any goals that need to be removed?

Architectural Styles

- Are there any missing that should be included?
- Are there any included that should be removed?
- Should architectural styles be specified in this document at all?

Design Guidelines Issues?

- Are there any Categories Missing?
- Are there any that should be removed?

ITEM 13.1.

CITY OF RANCHO CORDOVA



CITY COUNCIL MEETING

**5:30 PM – Regular Meeting
David B. Roberts Council Chambers**

Monday, November 2, 2020

**City Hall
2729 Prospect Park Drive, Rancho Cordova**

DRAFT MINUTES

1. REGULAR MEETING - CALL TO ORDER/ROLL CALL

Mayor Sander called the Regular meeting to order in the David B. Roberts Council Chambers at 5:32 PM

Council Members Present: Linda Budge, Garrett Gatewood, Robert McGarvey, Donald Terry, and Mayor David Sander

Council Members Absent: None

Staff Members Present: Cyrus Abhar, Adam Lindgren, Stacy Leitner, Persephonie Riley, and Kelly Thompson

2. METRO CABLE TV TELEVISION ANNOUNCEMENT

The Clerk will announce the meetings video recording and playback schedules.

The City Clerk read the meetings recordings and playback schedule.

3. PLEDGE OF ALLEGIANCE

City Manager Cyrus Abhar led the pledge.

4. INVOCATION

Dan DeShong of River City Christian led the invocation.

5. PRESENTATIONS

- 5.1. Presentation to Shauna Franklin in Recognition of Her Work to Bring the District

ITEM 13.1.

Rancho Cordova City Council - DRAFT MINUTES
Meeting of Monday, November 2, 2020

Attorney's Youth Academy to Rancho Cordova.

6. PUBLIC COMMENT

Mayor Sander opened the public comment period. The following individuals addressed the Council:

1. Walter Little
2. Helen Bashaw

Mayor Sander closed the public comment period.

7. COUNCIL REPORTS

Council reported on events since the last meeting.

8. CITY MANAGER'S REPORT

City Manager Cyrus Abhar gave his report.

9. CONSENT CALENDAR ITEMS - ROLL CALL VOTE

ACTION: Motion to approve items 9.1 through 9.6 by Budge second by Terry;
Motion passed with a 5:0 vote.

- 9.1. **Subject:** Meeting Minutes from the Regular City Council Meeting of October 19, 2020.

Recommendation: Adopt the Minutes.

- 9.2. **Subject:** A Resolution Declaring Results of the Mail Ballot Election Relating to the Imposition of the Annual Stormwater Utility Fee on the White Rock Center Project in the City of Rancho Cordova.

Recommendation: Adopt the Resolution declaring the results of the mail ballot election relating to the imposition of the annual Stormwater Utility Fee on the White Rock Center project.

- 9.3. **Subject:** A Resolution Authorizing the City Manager to Execute Contract Amendment No. 180-2018-2 for Construction Management Services with Dewberry Drake Haglan to Increase the Contract Amount from \$1,030,434.66 to an Amount not to Exceed \$1,170,434.66 for the Zinfandel Complex Project.

Recommendation: Adopt the Resolution.

- 9.4. **Subject:** A Resolution Authorizing the City Manager to Execute Contract No. 2020-185 and Authorizing Execution of a Purchase and Sale of Easements, Licenses and Fee Interest, Certificate of Acceptance and Recordation of a Grant Deed Related to the White Rock Road Improvement Project.

Recommendation: Adopt a Resolution.

- 9.5. **Subject:** Approve the Final Map of Douglas 98 Phase 2b, Subdivision No. Fm-2018-004-04, and Execution of the Subdivision Improvement Agreement Contract No. 2020-187.

Recommendation: Adopt the Resolution.

- 9.6. **Subject:** A Resolution Authorizing the City Manager to Execute a Contract with Proud Audio Visual for Audio Visual System Upgrades to the City Council Chambers and City Conference Rooms for an Amount Not to Exceed \$156,866.

Recommendation: Adopt the Resolution.

10. CONSENT PUBLIC HEARING ITEMS - ROLL CALL VOTE

ITEM 13.1.

Rancho Cordova City Council - DRAFT MINUTES
Meeting of Monday, November 2, 2020

ACTION: Motion to approve items 10.1 through 10.3 by Terry second by Budge;
Motion approved with a 5:0 vote.

- 10.1. **Subject:** A Resolution Adopting the Community Development Block Grant 2021 Annual Action Plan.

Recommendation: Adopt the Resolution

- 10.2. **Subject:** Resolution Declaring a Protest Hearing and Authorizing the Mailing of Property Owner Ballot Relating to the Imposition of the Annual Stormwater Utility Fee for the Rancho Cordova Retirement Residence Project.

Recommendation: Adopt the Resolution.

- 10.3. **Subject:** An Ordinance Repealing and Replacing Chapter 6.20 "Solid Waste Management" and Chapter 6.21 "Business and Multifamily Recycling and Organics Recycling" to Place Certain Requirements on Franchised Waste Hauling Companies to Ensure Compliance with State Law.

Recommendation: Introduce and waive the first reading of the Ordinance repealing and replacing Chapter 6.20 "Solid Waste Management" and Chapter 6.21 "Business and Multifamily Recycling and Organics Recycling", and schedule November 16, 2020 for the second reading of the Ordinance.

11. PUBLIC HEARING ITEMS

- 11.1. **Subject:** A Resolution to Approve the Woodside Homes Acacia at Cypress Special Development Permit and Major Design Review Project No. DD10010

Recommendation: Find the project is exempt under CEQA Exemption 15182, Residential Projects Pursuant to a Specific Plan. The project was analyzed as part of the Sunridge Specific Plan Environmental Impact Report (EIR) and Mitigated Negative Declaration (MND) for Eastside Properties; and Adopt the Resolution for Woodside Homes Acacia at Cypress Special Development Permit and Major Design Review. Mayor Sander opened the public comment period. The following individual addressed the Council:

1. Helen Bashaw

Seeing no additional speakers, Mayor Sander closed the public comment period.

ACTION: Motion to approve item 11.1 by Budge second by Terry;
Motion passed with a 5:0 vote.

12. REGULAR CALENDAR ITEMS

- 12.1. **Subject:** Technology Initiatives Update

Recommendation: Receive Technology Initiatives Update.

ACTION: Input was received regarding Technology Initiatives Update.

13. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

1. Planning Commission

14. ADJOURNMENT

Mayor Sander adjourned the meeting in memory of Sue Wentz at 7:19 p.m.

ITEM 13.1.

Rancho Cordova City Council - DRAFT MINUTES
Meeting of Monday, November 2, 2020

Stacy Leitner, CMC
City Clerk

MEMORANDUM



ITEM 13.2.

DATE: November 16, 2020

TO: Honorable Mayor and Council Members

FROM: Russell Ducharme, Neighborhood Services Manager

SUBJECT: **A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH THE SACRAMENTO SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS (SPCA) FOR AN AMOUNT NOT TO EXCEED \$936,168.00 FOR A THREE YEAR TERM STARTING JANUARY 1, 2021 THROUGH DECEMBER 31, 2023 FOR ANIMAL SHELTER SERVICES FOR CITY RESIDENTS AND THE ANIMAL SERVICES DIVISION**

RECOMMENDATION

Adopt the Resolution.

RESULT OF RECOMMENDED ACTION

The SPCA has been providing animal shelter services to the City that include protective custody, quarantine, and other animal housing related services. The SPCA services are integral to the Animal Services Division efforts to enforce City code regulations regarding pet licensing and rabies suppression.

BACKGROUND

The purpose and goal of executing this contract is to continue providing the animal shelter services from the SPCA in collaboration with the City of Rancho Cordova Animal Services Division.

For the past 15 years, SPCA has been providing animal shelter services to the City that include protective custody, quarantine, and other animal housing related services. The SPCA services are integral to the Animal Services Division efforts to enforce City code regulations regarding pet licensing and rabies suppression.

Staff is satisfied with the level of services provided by SPCA and wishes to continue this partnership. Staff negotiated the proposed three-year term contract ([Attachment 2](#)) to ensure continuity of service.

FISCAL IMPACT AND FUNDING SOURCE

The cost of the contract is not to exceed \$936,168.00 over a three-year term, and includes protective custody, animal quarantine, other animal housing related services, and SPCA software related costs. The City will attempt to recover costs imposed by the shelter by invoicing the owner of the animal as provided by law.

ATTACHMENT(S)

1. Resolution
2. SPCA Contract

CITY OF RANCHO CORDOVA
CITY COUNCIL RESOLUTION NO. XX-2020

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA,
STATE OF CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE A
CONTRACT WITH THE SACRAMENTO SOCIETY FOR THE PREVENTION OF CRUELTY
TO ANIMALS (SPCA) FOR A TERM OF JANUARY 1, 2021 TO DECEMBER 31, 2023 FOR
ANIMAL SHELTER SERVICES**

WHEREAS, since 2005, the City has partnered with the Sacramento Society of the Prevention of Cruelty to Animals (SPCA) to provide animal shelter services to the City of Rancho Cordova's Animal Services Division and the City's residents; and

WHEREAS, the City is satisfied with the services provided by SPCA and wishes to have SPCA continue providing animal shelter services to the City and its residents; and

WHEREAS, the City and SPCA have negotiated a new three-year contract for SPCA to continue to provide these services to the City, and the cost of agreement shall not exceed \$936,168.00 over the three year term of the contract.

NOW, THEREFORE, BE IT HEREBY RESOLVED THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA does authorize the City Manager or his designee to execute a Contract with the Society for the Prevention of Cruelty to Animals (SPCA) for a term of January 1, 2021 to December 31, 2023 for animal shelter services.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the 16th day of November 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

David M. Sander, Mayor

ATTEST:

Stacy Leitner, CMC
City Clerk

**CONTRACT BETWEEN THE CITY OF RANCHO CORDOVA AND THE
SACRAMENTO SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS
("SPCA") FOR SHELTER SERVICES**

THIS CONTRACT is made on January 1, 2021 ("Effective Date"), by and between the City of Rancho Cordova, a municipal corporation (the "CITY"), and the Sacramento Society for the Prevention of the Cruelty to Animals, a California corporation (the "SHELTER"), collectively referred to as the "Parties."

ARTICLE ONE – DEFINITIONS

The Parties agree that the following definitions shall apply to this Contract:

Section 1.01 "**Contract**" shall mean the enforceable CONTRACT between the Parties to perform a service in consideration for specified compensation.

Section 1.02 "**Animals**" shall mean domestic Animals such as dogs, cats and domesticated rabbits, non-indigenous reptiles, and shall exclude birds, fowls, and livestock as defined herein.

Section 1.03 "**Annual Payment**" shall mean the annual amount CITY pays SHELTER for SHELTER's services calculated pursuant to the terms of this Contract.

Section 1.04 "**Birds**" and "**Fowls**" shall be defined as an Animal belonging to the class of Aves, including members of the parrot family and all game birds, including but not limited to dove, quail, duck, goose, pigeon, cardinal, blue jay, robin, sparrow, blackbird, and crow.

Section 1.05 "**CITY**" shall mean the City of Rancho Cordova, a California municipal corporation.

Section 1.06 "**CITY Ordinance**" shall refer to Title 8 of the Rancho Cordova Municipal Code as same may, from time to time, be amended.

Section 1.07 "**CITY Licensing Program**" shall mean the CITY program of licensing dogs and cats in accordance with Rancho Cordova Municipal Code section 8.06 and California Food and Agriculture Code section 30501.

Section 1.08 "**Community Cat**" means a cat which is known to live in the community without the benefit of an owner.

Section 1.09 "**Contract Fees**" shall mean the monthly agreed price per Contract year for services rendered by SHELTER to CITY pursuant to this Contract. This rate shall be calculated by dividing the Annual Payment by the number of months (12) within the current CONTRACT year.

Section 1.10 "**Facility**" shall mean the facility or facilities used by SHELTER in providing shelter and other services for CITY pursuant to this Contract.

Section 1.11 "**Farm**" or "**Ranch**" means any land zoned and used for agriculture purposes.

Section 1.12 "**Farm Cat**" means any cat residing on a farm or ranch as defined herein whose presence is for the purpose of rodent control on such farm or ranch as identified under Rancho

Cordova Municipal Code 8.01.016 and whose ownership cannot be determined.

Section 1.13 **“Feral Cat”** means a cat which is known to live in a wild or semi-wild state without benefit of an owner or a cat which has escaped for a substantial period of time from the care of its owner and is existing in a wild state without benefit of domestication.

Section 1.14 **“Livestock”** shall be defined as set forth in the Rancho Cordova Municipal Code and shall include swine, sheep, goat, horse, cattle, equine, or bovine Animal.

Section 1.15 **“Redemption Period”** shall mean the period of time that a stray Animal is held at the Facility to provide the owner time to reclaim.

Section 1.16 **“Return to Field”** is a program that alters, vaccinates, and ear tips feral/farm/community cats and returns them to the location where they were originally collected.

Section 1.17 **“SHELTER”** shall mean the Sacramento Society for the Prevention of the Cruelty to Animals (“SSPCA”) and its representatives.

ARTICLE TWO - IMPOUNDMENT

Section 2.01 **Facility.** The SHELTER represents that its Facility shall house and process Animals for CITY in a manner for SHELTER to meet its obligations herein as well as meets applicable legal requirements for Animal shelters, including all rules and regulations pursuant to California Civil Code section 1813, et seq., including but not limited to, Civil Code sections 1834, 1834.4 and 1846.

Section 2.02 **Impoundment.** The SHELTER agrees that it shall accept all Animals (with the exception of Feral/Farm cats) brought to its Facility by designees of the CITY and its citizens. Such Animals shall be impounded under the exclusive control and custody of the SHELTER for periods of time as required by law, including the California Food and Agriculture Code sections 31108 and 31752 and Rancho Cordova Municipal Code chapter 8.08. Prior to delivery to the SHELTER, the CITY shall scan for microchips or search for a CITY license and use all reasonable diligence to notify the licensed owner, if any. The CITY shall not accept a surrender of ownership of an Animal by its owner at the Facility, except through the SHELTER. Any Animal not defined in Article One shall not be delivered to the SHELTER without calling and consulting with the SHELTER as to the feasibility of impoundment, holding, and care, or available options for placement. Feral/Farm cats shall not be impounded but will be held for 24 hours, altered (spay/neutered), and returned to the neighborhood/farm area from where they were collected. Community cats or kittens over one year of age, as defined above, may be referred to the SHELTER’s Return To Field Program.

Section 2.03 **Holding.** Except for feral/farm cats (which are discussed below), every stray Animal delivered to the Facility by the CITY shall become property of the SHELTER to process in accordance with this Contract regarding impoundment and redemption. The CITY agrees that the passage of three (3) working days, plus one (1) additional holding day to begin from the date of delivery to the SHELTER of every impounded stray Animal is the Redemption Period. Neither the CITY nor any agency, nor agent of the CITY shall have any claim or right to any stray Animal not claimed and redeemed during the Redemption Period. Should the CITY inform the SHELTER of

its intent to continue holding a stray Animal prior to 6 p.m. of the final day of any given hold period, the SHELTER shall continue to hold the accepted stray Animal for the time period requested by the CITY. The SHELTER shall be solely responsible for all costs and expenses related to the accepted stray Animal(s) incurred after the holding period. Feral/Farm Cats shall be held for two (2) working days, including the day of impoundment, checked for identifications/proof of ownership (microchip, collar, tags, etc.), and referred to the SHELTER'S RTF program if no identification is found. Community Cats will be held for the redemption period set forth above and then will be placed for adoption or referred to the RTF Program.

Section 2.04 Care. The SHELTER agrees that it shall provide reasonable and appropriate care for all Animals delivered to the Facility by the CITY. This includes adequate shelter, food, water, and all other humane treatment.

Section 2.05 Veterinary Care. Unless prior authorization is provided by the CITY, the SHELTER's acceptance and care provided for any injured or seriously ill Animal shall be at the SHELTER'S sole cost and expense. Whenever exigent circumstances during the "redemption period" (see definition at Section 1) require the SHELTER to provide immediate emergency medical care to any injured or seriously ill accepted Animal and such care is actually provided, the CITY may, upon request and in its sole discretion, reimburse the SHELTER for all, or part of any reasonable cost and expenses associated with the emergency medical care of the Animal. The CITY understands that the SHELTER will not provide veterinary care to Animals brought into the Facility by the CITY. If the CITY impounds an Animal that is injured or seriously ill, the CITY will provide immediate veterinary care through the CITY's contract provider.

ARTICLE THREE – ANIMAL DISPOSITION

Section 3.01 Disposition Policy. The SHELTER shall have the undisputed right, consistent with Title 8 "Animals" of the Rancho Cordova Municipal Code and this Contract, to dispose of every Animal given into its custody in accordance with the following policy:

The SHELTER shall have the sole and exclusive right to determine the responsibility of persons offering to become the owners of unclaimed Animals and the suitability of the home offered, and shall have the sole and exclusive right to accept or reject such applicants for unclaimed Animals.

The SHELTER shall have the sole and exclusive right to determine if and when Animals are to be placed in a new home or euthanized but agrees to make a good faith attempt to place Animals prior to euthanizing them.

The SHELTER shall have the right to humanely euthanize any Animal impounded that is found to be physically suffering, injured, or have a communicable disease prior to the end of the Redemption Period.

Section 3.02 Impoundment, Boarding, and Adoption. The SHELTER agrees, in accordance with Paragraph 3.1 of this Contract, that if the owner of an impounded Animal shall claim the Animal prior to the Redemption Period, the SHELTER shall collect from the owner the impoundment fee(s) together with the cost of board at the current rate per Animal. Further, the SHELTER shall require the owner of every impounded Animal to pay all applicable fees, including

licensing and vaccination fees of an impounded Animal, which has not been inoculated and licensed, as required by chapter 8.08 of the Rancho Cordova Municipal Code. The SHELTER shall set, in accordance with the law, all fees, if any, it charges to the public for an Animal adoption.

ARTICLE FOUR - COLLECTION OF FEES

Section 4.01 CITY herein designates SHELTER and SHELTER herein agrees to serve as the enforcing agency on behalf of the CITY for purposes set forth in this Contract. Specifically, SHELTER agrees that it will act on CITY's behalf by charging, collecting, and/or accounting for those fees it receives pursuant to this Contract, including licensing fees, impoundment fees, and boarding fees.

Section 4.02 **Disposition of Funds.** Any CITY licensing fees, impound fees, unaltered fees, and boarding fees collected or received by SHELTER shall be accounted for separately and shall not be used to offset the Annual Payment relating thereto as may be required in this Contract. Any monies paid in owner-returned cases to the SHELTER for impoundment during the Redemption Period shall be accounted for separately by the SHELTER but will not be used to offset the calculation of the Annual Payment. These funds shall be the property of the CITY and remitted to the CITY in accordance with this Contract.

Section 4.03 **Waiver of Impound Fees.** The CITY will allow flexibility to the SHELTER to waive impound fees for Animals if the owner agrees to sterilize their Animal.

ARTICLE FIVE - COST OF SERVICES AND FEES

Section 5.01 **Fees Schedule.** The CITY and SHELTER agree to the following: CITY will pay SHELTER an amount not to exceed two hundred eighty-two thousand fifty-six and Zero/100s Dollars (\$282,056.00) per year, and the SHELTER shall accept, at CITY's discretion, up to one thousand eight hundred thirty-seven (1,837) Animals in each twelve (12) month period. The CITY also agrees to pay the SPCA for each Animal in excess of the yearly Animal intake limits at the rate of one hundred fifty-four and Zero/100s Dollars (\$154) per Animal.

Section 5.02 **Contract Fees.** The SHELTER agrees to bill the CITY the Annual Cost of Services and Fees in twelve equal monthly installments. City agrees to pay non-disputed invoices, net 45, from date of receipt of invoice.

Section 5.03 **Livestock.** The CITY agrees that the responsibility for seizing, securing, housing, and disposing of livestock belongs to the CITY. In the event, for any reason, the CITY delivers livestock to the SHELTER which was seized in its jurisdiction by the duly appointed agents of the CITY, the SHELTER shall be paid for actual expenses it incurs to feed, house, transport, and dispose of such livestock in addition to any other amounts under this Contract. SHELTER agrees to abide by all applicable laws in processing livestock hereunder.

Section 5.04 **Rendering Services for Dead Animals.** CITY shall pay the SHELTER the cost of rendering services of dead Animals (including Animals that died by euthanization and/or during seizure), as follows: Thirty and Zero/100 Dollars (\$30) per Animal.

Section 5.05 **Humane Investigations.** Rancho Cordova Animal Control will respond to and

investigate all humane cases. Humane cases that require the impoundment of an Animal that requires extended care or quarantine beyond the “redemption period” will be charged as follows: Thirty and Zero/100s Dollars (\$30) per day per Animal (with the following limitations on impoundment at the same time: five (5) dogs, five (5) rabbits, ten (10) cats per incident unless shelter authorizes additional Animals at time of incident).

Animals held in protective custody will be charged as follows: Twenty and Zero/100s Dollars (\$20) per day per Animal (with the following Animal limitations for impoundment at the same time: five (5) dogs, five (5) rabbits, ten (10) cats).

The SHELTER will make every attempt to collect all related impound fees from the Animal owner at the time of redemption. If collected, the CITY will not incur the daily charge. These fees will be paid to the SHELTER by the CITY in addition to the “Fees Schedule,” as outlined in Section 5.01. Section

Section 5.06 Software. The SHELTER shall provide the CITY with full access to shelter software program, via internet connection or otherwise remotely available at the CITY offices, and rights to all CITY data contained therein in the event the SHELTER changes software vendors. The SHELTER shall provide the CITY a minimum of four (4) users access to the software program. The users shall be designated by the CITY. Such access shall, at a minimum, allow the designated CITY user to view and print and save all reports and databases related to the Contract, including, but not limited to, the status and disposition of all Animals deposited at the facility. CITY’s share of the costs of the software shall be four hundred seventy-three and Zero/100s Dollars (\$473) per month. These fees will be paid to the SHELTER by the CITY in addition to the “Fees Schedule” as outlined in Section 5.01. The SHELTER shall provide the City with up to twenty (20) hours training annually. When software program updates are to be implemented, the SHELTER shall provide the CITY advance notice and support to include training. The SHELTER shall ensure that technical support is available to the CITY during this contract period. Immediately upon termination of the contract, or upon the request by the CITY, the CITY shall be entitled to all data, files, documents, drawings, specifications, reports, estimates, summaries, and other such material and property of the CITY as may have been prepared or accumulated to date by the SHELTER in performing this contract. SHELTER will be allowed to retain copies of all deliverables to the CITY.

Section 5.07 Report.

- (a) The SHELTER shall provide to the CITY, on or before the 20th day following each month during the term of this Contract, a report setting forth the following information for each Animal delivered by designees of the CITY, and its citizens, to the Facility:
 - (i) date delivered to the SHELTER.
 - (ii) source of delivery (name of Animal control officer, citizen, owner surrender);
 - (iii) type of Animal (cat, dog, or other);
 - (iv) assigned identification number of Animal;
 - (v) duration of stay at the SHELTER for each Animal delivered by the CITY;

- (vi) reason for impoundment if not a stray; and
 - (vii) total number of Animals delivered to the SHELTER for the previous month.
- (b) The SHELTER shall also provide to the CITY a report of any livestock or wildlife delivered by the designees of the CITY, and its citizens to the Facility setting forth:
- (i) the date of delivery;
 - (ii) the source of delivery (name of Animal control officer, citizen, owner surrender);
 - (iii) the reason for delivery;
 - (iv) the type of livestock or wildlife;
 - (v) assigned identification number of Animal; and
 - (vi) any expenses incurred to date.

Section 5.08 **Financial Records and Audit.** SHELTER shall ensure that all information as it relates to number of Animals processed on behalf of the CITY, to include those impound fees or boarding fees, unaltered fees, and licensing fees, as well as the name of any the person associated with the Animal, their address, the reason the Animal was relinquished, and the location where the Animal was acquired or originated from prior to being relinquish to the SHELTER, if known is accurate, updated, and reviewed on a daily basis. The SHELTER agrees to provide CITY full access to these reports. The SHELTER's financial yearly report must be accessible by the CITY Manager of the CITY on a yearly basis. CITY reserves the right to conduct its own audit of the records of the SHELTER at any time it deems necessary for the limited purpose of verifying the Annual Payment and the Contract Fees relating thereto, the number of Animals licensed, and the number and ratio of Animals processed on behalf of the CITY compared to the total number of Animals processed by the SHELTER, the length of stay of each such Animal and the collection of fees for various services and items.

ARTICLE SIX - RABIES OBSERVATION

Section 6.01 The SHELTER agrees to accept from the CITY Animals for rabies observation and quarantine. Such Animals delivered for rabies observation shall be isolated for a period of not less than ten (10) days or, in the case of a wild, stray or owner surrendered Animal, three (3) days if the CITY, in its sole discretion, decides to euthanize the Animal and send it to the Sacramento County Public Health Services for rabies testing. The SHELTER shall be responsible for the humane euthanasia, and storage. The CITY will be responsible for processing, transport, and delivery for testing of Animal carcasses for suspected rabies Animals. The SHELTER shall make available to the CITY, upon request, information about the disposition of any rabies suspected Animal. The CITY shall pay the SHELTER the appropriate fees for quarantine as identified in Section 5.05. If the SHELTER is asked by the City to process specimen for testing through Sacramento County Public Health Services, an additional one hundred and Zero/100s Dollars (\$100) fee will be charged to the City of Rancho Cordova.

ARTICLE SEVEN - LEGAL HOLDS

Section 7.01 In the event an Animal or livestock is being held by the SHELTER as a result of a cruelty seizure, criminal prosecution, or other legal hold by the CITY, the CITY shall reimburse the SHELTER for any veterinarian invoices and medical bills incurred by the SHELTER until the Court awards the Animal or livestock to the CITY, orders it euthanized or orders it returned to its owner. The CITY shall not be liable for these costs in the event the Court orders the Animal or livestock owner to pay such costs, and the same are paid within sixty (60) days of such order. If the fees are not paid by the Animal or livestock owner, after sixty (60) days, the CITY shall be liable for those fees and shall remit the same upon invoice by the SHELTER. In such instance, the SHELTER confers upon the CITY all rights and remedies it may have by law or equity to recover such fees and costs from the owner.

ARTICLE EIGHT - CITY REPRESENTATIONS AND OBLIGATIONS

Section 8.01 The CITY represents to the SHELTER that, as of the date of this Contract, the CITY requires rabies vaccination pursuant to Chapter 8.05 of the Cordova Municipal Code, requires microchips for vicious and potentially dangerous Animals pursuant to chapter

8.07 of the Rancho Cordova Municipal Code and requires licensing of Animals pursuant to Chapter 8.06 of the Rancho Cordova Municipal Code and regulates of the sale of Animals pursuant to Chapter 8.06 of the Rancho Cordova Municipal Code.

ARTICLE NINE - SHELTER REPRESENTATIONS AND OBLIGATIONS

Section 9.01 **Hours of Operation.** The SHELTER shall keep its Facility open to the public within the guidelines set forth by law, under mandate, or based on the operational needs of the SHELTER in accordance with the law.

Section 9.02 **Use of CITY funds.** SHELTER agrees that any monies it collects on behalf of CITY pursuant to the terms of this Agreement shall be handled in accordance with generally accepted accounting principles.

Section 9.03 **Residency Verification.** The SHELTER shall verify the residency of citizens depositing Animals to their facility through a valid CA driver's license, State issue ID, or other proof of Rancho Cordova residency, evidencing a City of Rancho Cordova address.

ARTICLE TEN - INSURANCE

Section 10.01 **Evidence of Insurance Coverage** Prior to commencement of any work under this Contract, SHELTER, and CITY shall provide and maintain in effect during the term of this Contract evidence of insurance coverages for general liability, auto, and statutory workers' compensation.

ARTICLE ELEVEN – INDEMNIFICATION

Section 11.01 **Indemnification.** SHELTER shall defend, indemnify, and save and hold harmless City, its officers, agents, contractors, volunteers, elected and appointed officials, and employees from any claims, suits, or actions of every name, kind, and description brought forth, or on account of, injuries to or death of any person (including but not limited to workers and the public) or damage to property, resulting from or arising out of SHELTER's willful misconduct or negligent act or omission while engaged in the performance of obligations or exercise of rights created by this Contract, except those matters arising from City's sole active negligence.

City shall defend, indemnify, and save and hold harmless SHELTER, their officers, agents, contractors, volunteers, and employees from any claims, suits, or actions of every name, kind, and description brought forth, or on account of, injuries to or death of any person (including but not limited to workers and the public) or damage to property, resulting from or arising out of City's willful misconduct or negligent act or omission while engaged in the performance of obligations or exercise of rights created by this Contract, except those matters arising from SHELTER's sole active negligence.

The Parties intend that this provision shall be broadly construed within the limits of state law.

ARTICLE TWELVE - TERM

Section 12.01 **Term.** This Contract shall be for a term of three (3) years commencing on the Effective Date, January 1, 2021, and ending on December 31, 2023. Both Parties may adopt, by written agreement, an additional one-year extension prior to the expiration date of this Contract. Either party may cancel this Contract at any time without penalty upon one hundred eighty (180) days written notice to the non-canceling party. In the event of termination, the CITY shall pay those fees that accrue to the termination date and be refunded any credits that may accrue to the termination date.

ARTICLE THIRTEEN - DEFAULT

Section 13.01 **SHELTER Default.** If SHELTER fails in any material term or condition of this Contract, including failing to obtain or comply with applicable state law requirements for performing services hereunder, SHELTER shall be in default of this Contract. Whenever CITY determines it is feasible, CITY will give SHELTER a reasonable amount of time to correct the default upon written notice as to the nature of the default and the reasonable time period within which to cure same.

If SHELTER is unable to timely cure a default, then CITY may, in its sole discretion, terminate this Contract and shall thereafter be excused from performing any further obligations under this Contract. In addition, if SHELTER fails in any material term or condition of this Contract, CITY, as its option, may terminate this Contract, and CITY may thereafter pursue its remedies available at law.

Section 13.02 **CITY Default.** If CITY fails in any material term or condition of this Contract and SHELTER is not in default, SHELTER, as its option, may terminate this Contract, and SHELTER may thereafter pursue its remedies available at law.

In the event the CITY fails to remit to the SHELTER the Contract Rate or any additional fees and expenses due hereunder, the CITY shall be in default. The SHELTER may, in its sole discretion, terminate this Contract for non-payment of fees if the CITY has not cured its default after sixty (60) days written notice.

ARTICLE FOURTEEN-NOTICE.

Section 14.01 **Notice.** Any notice sent under this Contract except as may be otherwise expressly required in this Contract shall be written and mailed by certified receipt requested, or sent by electronic or facsimile transmission confirmed by mailing written confirmation at substantially the same time as such electronic or facsimile transmission, or personally delivered to an officer of the receiving party at the following:

To the SHELTER:

Sacramento Society for the Prevention to the Cruelty to Animals
(SSPCA) Attn: Chief Executive Officer
6201 Florin Perkins Road
Sacramento, CA. 95828
Telephone: (916) 383-7387
Fax: (916) 383-7062

To CITY:

City of Rancho Cordova
Neighborhood Services Manager
2880 Gold Tailings Court
Rancho Cordova, CA 95670
Telephone: (916) 851-8770
Fax: (916) 851-8778

Section 14.02 Each party may change its address by written notice to the other party in accordance with this section. Any communication addressed and mailed in accordance with this section shall be deemed to be given when so mailed, any notice so sent by electronic or facsimile transmission shall be deemed to be given when receipt of such transmission is acknowledged or confirmed, and any communication so delivered in person shall be deemed to be given when receipted for by, or actually received by, the other party, as the case may be.

ARTICLE FIFTEEN - MEDIATION

Section 15.01 **Mediation.** Any dispute or claim in law or equity arising out of this Contract or any resulting transaction, including disputes or claims involving the Parties to this Contract, their officers, agents, or employees, shall be submitted to neutral, non-binding mediation prior to the commencement of litigation or any other proceeding before a trier of fact. The parties to the dispute or claim agree to act in good faith to participate in mediation and to identify a mutually acceptable mediator. Both parties to the mediation agree to share equally in its cost. If the dispute or claim is resolved successfully through the mediation, the resolution will be documented by a written agreement executed by both parties. If the mediation does not successfully resolve the dispute or claim, the mediator shall provide written notice to the parties reflecting the same, and the parties

may then proceed to seek an alternative form of resolution of the dispute or claim, including through a court of competent jurisdiction, in accordance with the remaining terms of this Contract and other rights and remedies afforded to them by law.

ARTICLE SIXTEEN-MISCELLANEOUS

Section 16.01 **LICENSES, PERMITS, and other approvals.** SHELTER represents and warrants to CITY that it has all licenses, permits, qualifications, and approvals of whatsoever nature legally required for SHELTER to perform the work described herein. SHELTER represents and warrants to CITY that SHELTER shall, at its sole cost and expense, obtain and/or keep in effect at all times during the term of this SHELTER any licenses, permits, and approvals which are legally required for SHELTER to perform the services under this Contract.

Section 16.02 **RECORDS and inspection.** SHELTER shall maintain records, books, documents, and other evidence directly pertinent to the performance of work under this Contract in accordance with generally accepted accounting principles and practices. CITY shall have the right to access and examine such records, without charge, during normal business hours. CITY shall further have the right to audit such records, to make transcripts there from and to inspect all program data, documents, proceedings, and activities.

Section 16.03 **Attorneys' Fees.** In the event an action or proceeding is instituted by either party for the breach or enforcement of any provision of this Contract, the prevailing party shall be entitled to reasonable attorneys' fees and all litigation expenses, including, but not limited to, expert fees and disbursements.

Section 16.04 **Enforceability.** If any term or provision of this Contract is found to be void, voidable, invalid, or unenforceable by a court of competent jurisdiction under the laws of the State of California, any and all of the remaining terms and provisions of this Contract shall remain binding.

Section 16.05 **Time.** All times stated herein, or in any other document called for under this Contract, are of the essence.

Section 16.06 **Binding.** This Contract shall bind and inure to the heirs, devisees, assignees, and successors in interest of SHELTER and to the successors in interest of CITY in the same manner as if such parties had been expressly named herein.

Section 16.07 **Survivorship.** Any responsibility of SHELTER for warranties, insurance, indemnity, record-keeping, or compliance with laws with respect to this Contract shall not be invalidated due to the expiration, termination, or cancellation of this Contract.

Section 16.08 **Construction and Interpretation.** SHELTER and CITY agree and acknowledge that the provisions of this Contract have been arrived at through negotiation and that each party has had a full and fair opportunity to revise the provisions of this Contract and to have such provisions reviewed by legal counsel. Therefore, any ambiguities in construing or interpreting this Contract shall not be resolved against the drafting party. The titles of the various sections are merely informational and shall not be construed as a substantive portion of this Contract.

Section 16.09 **Waiver.** The waiver at any time by any party of any of its rights with respect to a

default or other matter arising in connection with this Contract shall not be deemed a waiver with respect to any subsequent default or other matter.

Section 16.10 **Severability.** The invalidity, illegality, or unenforceability, of any provision of this Contract, shall not render the other provisions invalid, illegal, or unenforceable.

Section 16.11 **No Third-Party Beneficiary.** It is expressly understood and agreed that the enforcement of these terms and conditions shall be reserved to the CITY and SHELTER. Nothing contained in the Contract shall give or allow any claim or right of action whatsoever by any third party. It is the express intent of the CITY and the SHELTER that any such person or entity, other than the CITY or SHELTER, receiving benefits or services under this Contract shall be deemed as incidental beneficiary.

Section 16.12 **Non-Discrimination/Non-Preferential Treatment Statement.** In performing this Contract, the Parties shall not discriminate or grant preferential treatment on the basis of race, sex, color, age, religion, sexual orientation, disability, ethnicity, or national origin, and shall comply to the fullest extent allowed by law, with all applicable local, state, and federal laws relating to nondiscrimination.

Section 16.13 **Authority to Execute.** The person or persons executing this Contract on behalf of their respective agency warrant and represent that they have the authority to execute this Contract on behalf of their agency and further warrant and represent that they have the authority to bind their agency to the performance of its obligations hereunder.

Section 16.14 **Force Majeure.** Neither party shall be in default by reason of any failure in the performance of this Contract if such failure arises out of causes beyond its reasonable control. Such causes may include, but are not limited to, acts of God, acts of the public enemy, acts of government in either its sovereign or capacity, acts of the party whose performance is not sought to be excused, fires, flood, weather, epidemics, quarantine restrictions, strikes, freight embargoes, failure of transmission or power supply, mechanical difficulties with equipment which could not have been reasonably forecasted or provided for, or other causes beyond its sole control. The party so affected will resume performance as soon as practicable after the force majeure event terminates.

Section 16.15 **Entire Agreement.** This instrument and any attachments hereto constitute the entire agreement between City and SHELTER concerning the subject matter hereof and supersedes any and all prior oral and written communications between the Parties regarding the subject matter hereof.

ITEM 13.2.

ATTACHMENT 2

AGREED to this _____ day of _____, 20____, by the Parties as follows:

Approved to as form:

CITY OF RANCHO CORDOVA

SHELTER

By: _____
City Manager
Cyrus Abhar

By: _____
Chief Executive Officer
Kenn Altine

Date: _____

Date: _____

Attest:

By: _____
City Clerk
Stacy Leitner

Date: _____

Approved as to Form:

By: _____
City Attorney
Adam Lindgren

Date: _____

MEMORANDUM



ITEM 13.3.

DATE: November 16, 2020

TO: Honorable Mayor and Council Members

FROM: Cyrus Abhar, City Manager
Megan Siren, Senior Management Analyst

SUBJECT: **A RESOLUTION AUTHORIZING THE CITY MANAGER TO AWARD CONSTRUCTION CONTRACT NO. 2020-173 IN AN AMOUNT NOT TO EXCEED \$216,183 WITH OTTO CONSTRUCTION, INC. FOR THE PEACE OFFICERS MEMORIAL PROJECT**

RECOMMENDATION

Adopt the resolution.

RESULT OF RECOMMENDED ACTION

Adoption of the Resolution will authorize the City Manager to execute Contract No. 2020-173 in an amount not to exceed \$216,183 with Otto Construction, Inc. for the Peace Officers Memorial Project.

BACKGROUND

The Rancho Cordova Police Department (RCPD) is committed to making the City of Rancho Cordova a safe and inviting community. The members of the city's police force are handpicked because of their skill and passion for the Rancho Cordova community, which makes for a dedicated and motivated team.

RCPD officers put their lives on the line each day, never knowing what their shift might hold. On September 17, 2018, Officer Mark Stasyuk started his shift like any other day. He and his beat partner Julie Robertson responded to a call for service that tragically ended with Officer Stasyuk making the ultimate sacrifice.

Officer Stasyuk was a four-and-a-half year veteran of the Sacramento County Sheriff's Office and bravely served the Rancho Cordova community as a patrol officer. He was a self-motivated energetic officer who enjoyed meeting our city's students and residents. He was well-liked by all who met him. He embraced a partnership with our community and valued personal relationships with our residents.

Our community deeply mourned the loss of Officer Stasyuk. Our residents, businesses, law enforcement agencies and more tied blue ribbons around trees in their front yards or at their businesses to honor and in remembrance of Officer Stasyuk and to show their support for the law enforcement community.

In honor of fallen Officer Stasyuk, a permanent memorial will give our community a communal place to remember and honor Officer Stasyuk's dedication and sacrifice made in service to the City of Rancho Cordova.

The Peace Officers Memorial will be installed in front of the police department on Kilgore Road. The project will include installation of the monument that honors Officer Stasyuk, sidewalk, flag pole relocation, electrical and landscape modification. The memorial celebrates Officer Stasyuk's life and passions and was designed by Bennett Sculptures with input from RCPD and Officer Stasyuk's family. The site will provide an opportunity to memorialize and recognize RCPD Officers who have made the ultimate sacrifice while on-duty. The sculpture renderings and site layout are in Attachment 2 & 3.

Bids were solicited on October 13, 2020 and bids for the project was received on October 23, 2020. A total of three bids were received and staff determined Otto Construction to be the lowest responsive and responsible bidder. The bid summary sheet is provided as Attachment 3. The lowest responsive and responsible total bid amount was \$216,183. Otto Construction, Inc. has received over \$116,000 in donations for the Peace Officer's Memorial Project. Staff recommends the award of the construction contract for the total bid amount of \$216,183 to Otto Construction.

The tentative construction schedule is to begin in late Fall 2020 and end with the installation of the monument by Spring 2021.

FISCAL IMPACT AND FUNDING SOURCE

The total project cost is \$332,183. Otto Construction has received approximately \$116,000 worth of services and supplies in donations towards this project from subcontractors and vendors. RCPD has obtained additional support from the Deputy Sheriff's Association in the amount of \$5,000, Law Enforcement Managers Association in the amount of \$2,500, Police Activities League in the amount of \$2,500, Merideth Realty in the amount of \$1,000, Cordova Community Council in the amount of \$1,000, Hagan Belka Foundation in the amount of \$2,000, Golden State Water in the amount of \$2,000 and Rotary Foundation in the amount of \$2,000. Funding for the project consists of \$199,183 in the Capital Improvement Fund. There is no impact to the City's General Fund.

ATTACHMENT(S)

1. Resolution
2. Site Plan - Peace Officers Memorial
3. Bennett Sculpture - Mark Stasyuk Monument Design
4. Bid Summary - Peace Officers Memorial

CITY OF RANCHO CORDOVA

RESOLUTION NO. XX-2020

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA,
STATE OF CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT
NO. 2020-17 IN AN AMOUNT NOT TO EXCEED \$216,183 FOR THE RANCHO CORDOVA
PEACE OFFICERS MEMORIAL PROJECT**

WHEREAS, Rancho Cordova Police Department serves the Rancho Cordova community continuously and the Peace Officers Memorial Project will honor the service of the Rancho Cordova Police Department who have made the ultimate sacrifice for our community; and

WHEREAS, Rancho Cordova Police Department Officer Mark Staysuk served the Rancho Cordova community as a Patrol Officer and bravely lost his life defending this community on September 17, 2018; and

WHEREAS, Officer Staysuk's sacrifice will remain an inspiration to all as we strive to live our lives and serve our community with the same vigor and commitment that he displayed every day; and

WHEREAS, adoption of this Resolution will award construction contract No. 2020-173 with Otto Construction, Inc. in an amount not to exceed \$216,183 for the Peace Officers Memorial and the Rancho Cordova Police Department Officer Mark Staysuk monument; and

WHEREAS, this project was reviewed and identified that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Section 15301, Class 1, Existing Facilities and Section 15303, Class 3 New Construction or Conversion of Small Structures.

NOW, THEREFORE, BE IT HEREBY RESOLVED THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA does authorize the City Manager to execute Contract No. 2020-173 in an amount not to exceed \$216,183 with Otto Construction, Inc. and in a form approved by the City Attorney.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the 16th day of November 2020 by following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ITEM 13.3.

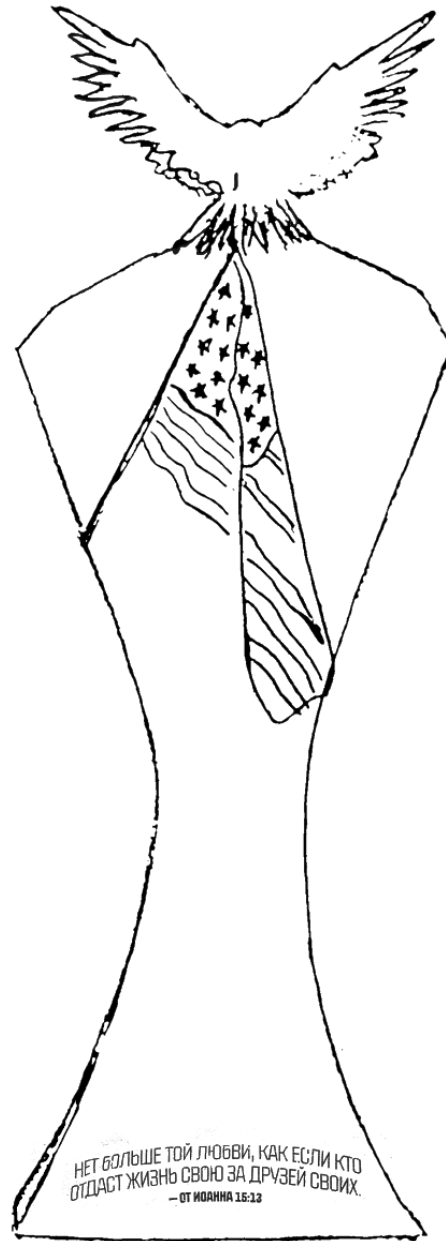
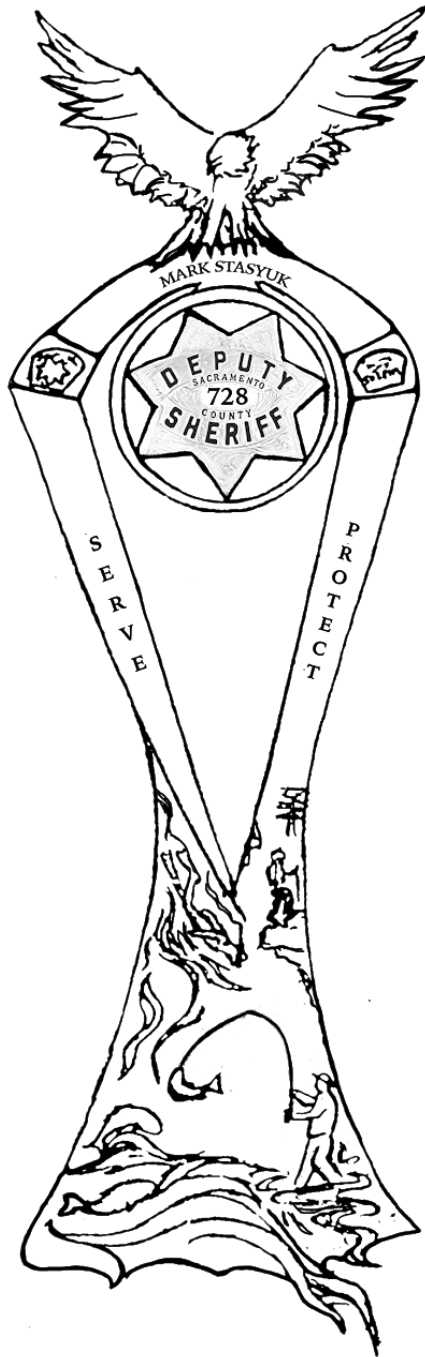
ATTACHMENT 1

ATTEST:

Stacy Leitner, CMC
City Clerk

David M. Sander, Mayor

Memorial Design:



MART STASYUK MEMORIAL
DETAILS: FRONT

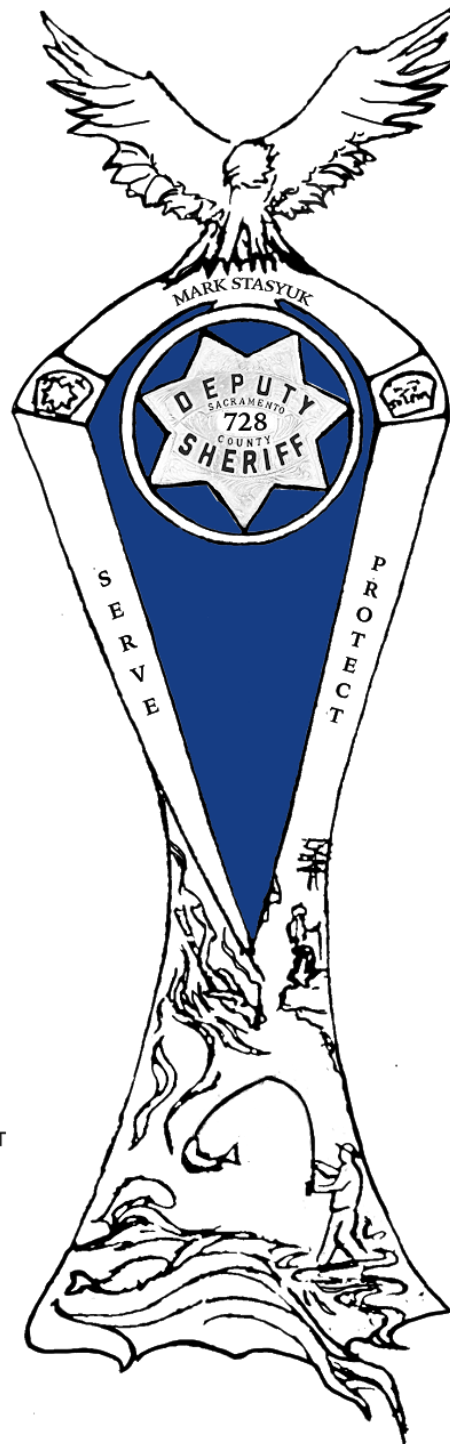
- 1.) EXAMPLE OF DETAILED EAGLE WINGS
AS WILL BE SCULPTED FOR MEMORIAL



- 2.) EITHER SIDE WILL BE EXACT REPLICAS OF RCPD
AND SAC SHERIFF PATCHES



- 3.) COLOR WILL BE TRADITIONAL BRONZE SHOWN TO THE LEFT
WITH AREAS OF BLACK CONTRAST & HIGHLIGHTING
THE CONCAVE AREA BEHIND THE BADGE WILL BE BLUE



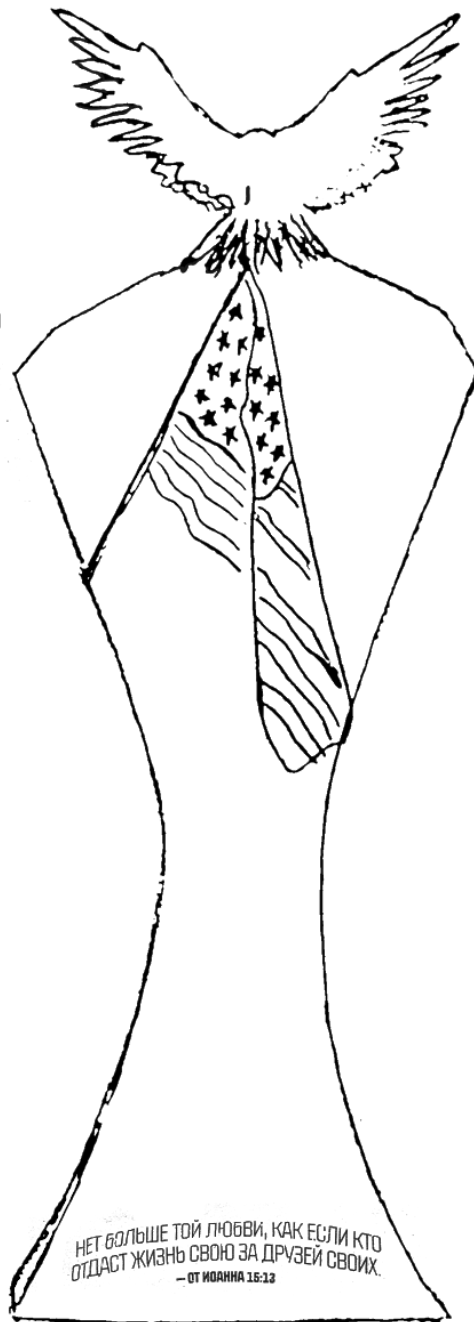
NOTE: THE BOTTOM AREA WILL BE A SCULPTED BAS RELIEF DESIGN

MARK STASYUK MEMORIAL
BACK DETAILS

1.) SEE FRONT FOR EAGLE DETAILS

2.) RUSSIAN INSCRIPTION TO BE INCLUDED ON THE BOTTOM
WE WOULD LIKE TO INCLUDE A SYMBOL THAT IS MEANINGFUL
TO THE FAMILY AND RUSSIAN HERITAGE ABOVE THE INSCRIPTION

НЕТ БОЛЬШЕ ТОЙ ЛЮБВИ, КАК ЕСЛИ КТО
ОТДАСТ ЖИЗНЬ СВОЮ ЗА ДРУЗЕЙ СВОИХ.
— ОТ ИОАННА 15:13



**Peace Officers Memorial Project**

Informal Bid: Email of Bid Due 10/23/20 @ 12:00 p.m.

	Contractor	Base Bid Amount	Fixed Price for Sculpture	Alternate 1	Total Bid	Time Bid Received
A	Otto Construction	\$133,102.00	\$65,709.00	\$17,372.00	\$216,183.00	10/23/20 @ 9:41 a.m.
B	Martin General Engineering Inc	\$156,551.00	\$65,000.00	\$19,604.00	\$241,155.00	10/23/20 @ 9:53 a.m.
C	Intech Mechanical Company LLC	\$232,034.00	\$76,619.00	\$24,364.00	\$333,017.00	10/23/20 @ 9:57 a.m.
D						

MEMORANDUM



ITEM 13.4.

DATE: November 16, 2020

TO: Honorable Mayor and Council Members

FROM: Edgar Medina, Senior Civil Engineer
Albert Stricker, Public Works Director

SUBJECT: **A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT AMENDMENT NO. 01-2019-4 TO INCREASE THE CONTRACT AMOUNT BY \$212,000 TO AN AMOUNT NOT TO EXCEED \$965,450 WITH WOOD RODGERS, INC. FOR ENGINEERING DESIGN AND RIGHT OF WAY ACQUISITION SUPPORT SERVICES FOR THE WHITE ROCK ROAD SAFETY IMPROVEMENT PROJECT**

RECOMMENDATION

Adopt the Resolution.

RESULT OF RECOMMENDED ACTION

Adoption of the Resolution will authorize the City Manager to execute the fourth amendment to Contract No. 01-2019-4 with Wood Rodgers Inc., increasing the contract amount by \$212,000 to an amount not to exceed \$965,450 and adding scope to accommodate additional engineering design and right of way support services for the White Rock Road Safety Improvement Project.

BACKGROUND

White Rock Road from Fitzgerald Road to the City limits is currently an undivided two-lane road with narrow shoulders, no bicycle facilities, and poor pavement condition with vertical & horizontal alignment challenges. At full build-out, the White Rock Road Safety and Improvement Project will include six lanes with class II bicycle lanes, sidewalks, and landscaped median and frontage. The project will increase safety and beauty of the corridor, promote economic development by improving access between 75,000 jobs in Rancho Cordova and surrounding regions, and provide an alternate route to US 50 that relieves regional congestion.

This contract amendment covers the additional effort required to coordinate the final water line

design, a new traffic signal, acquire the right of way, public utility easements and temporary construction easements for the final phase.

The White Rock Road Safety and Improvement Project is not only necessary, but also aligns with City goals to promote the positive image of Rancho Cordova; ensure a safe, inviting and livable community; and ensure the availability of the best public services in the region while practicing sound financial management.

The project schedule will finalize the design by the end of 2020 with construction of this phase tentatively scheduled to begin in Spring 2021

FISCAL IMPACT AND FUNDING SOURCE

Funding for the White Rock Road Safety and Improvement Project consists of \$7,800,000 SACOG Regional Grant and \$700,000 Federal Grant and Local Funds for the delivery of this phase of the project.

The Sacramento County Water Agency is contributing \$10,000 to support the water system design component of this contract amendment.

This project is included in the City's current approved Capital Improvement Plan and in the 2019/20 budget

ATTACHMENT(S)

1. Resolution
2. Wood Rodgers Contract Amendment

CITY OF RANCHO CORDOVA

RESOLUTION NO. XX-2020

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA,
STATE OF CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT
AMENDMENT NO. 01-2019-4 FOR WHITE ROCK ROAD SAFETY IMPROVEMENT
PROJECT, CP07-2055, WITH WOOD RODGERS, INC. TO INCREASE THE CONTRACT
AMOUNT BY \$212,000 TO AN AMOUNT NOT TO EXCEED \$905,450**

WHEREAS, on February 4, 2019 the City of Rancho Cordova approved contract 01-2019 in the amount of \$503,450 with Wood Rodgers, Inc. for engineering design and right of way acquisition support services for the White Rock Road Safety and Improvement Project, generally from Fitzgerald Road to the eastern city limits, CP07-2055; and

WHEREAS, Amendment 01-2019-1 was executed on June 17, 2019 to amend the existing contract increasing the total compensation to an amount not to exceed \$553,450, for additional engineering design services; and

WHEREAS, Amendment 01-2019-2 was executed on December 2, 2019 to amend the existing contract, increasing the contract amount by \$40,000 to an amount not to exceed \$593,450 to cover additional scope of services related to traffic signal design and conducting a traffic analysis along the corridor; and

WHEREAS, Amendment 01-2019-3 was executed on May 4, 2020 to amend the existing contract, increasing the contract amount by \$160,000 to an amount not to exceed \$753,450 that covered additional scope of services related to water system design, acquisitions and road design along the corridor; and

WHEREAS, Amendment 01-2019-4 will increase the contract amount by \$212,000 to an amount not to exceed \$965,450 to cover additional scope of services to complete the water system design, acquisitions and road design along the corridor; and

WHEREAS, the services will exceed the maximum amount the City Manager has authorization to approve; and

WHEREAS, funding for White Rock Road consists of \$7,800,000 in SACOG Regional Grant, \$700,000 Federal Grant and Local Funds for the delivery of this phase of the project.

NOW, THEREFORE, BE IT HEREBY RESOLVED THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA does authorize the City Manager to execute Contract Amendment No. 01-2019-4 with Wood Rodgers, Inc. to increase the contract amount by \$212,000 to an amount not to exceed \$965,450 for engineering design and right of way acquisition support services for the White Rock Road Safety Improvement Project and in a form approved by the city attorney.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the 16th

ITEM 13.4.

ATTACHMENT 1

day of November, 2020 by following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Stacy Leitner, CMC
City Clerk

David M. Sander, Mayor

FOURTH AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE CITY OF RANCHO CORDOVA AND WOOD RODGERS, INC. FOR THE
WHITE ROCK ROAD SAFETY AND BEAUTIFICATION PROJECT, CP07-2055

This Fourth Amendment to the Agreement for Professional Services ("Amendment") is made by and between the City of Rancho Cordova ("City" or "LOCAL AGENCY") and Wood Rodgers, Inc. ("Professional" or "CONSULTANT") as of June 17, 2019. City and Professional are hereinafter collectively referred to as the "Parties."

RECITALS

WHEREAS, the Parties entered into a Professional Services Agreement ("PSA") dated February 4, 2019, for the purpose of providing engineering design services; and

WHEREAS, Amendment 01-2019-1 was executed on June 17, 2019 to amend the existing contract increasing the total compensation to a not to exceed amount of \$553,450, for additional engineering design services; and

WHEREAS, this Amendment 01-2019-2 was executed on December 2, 2019 to amend the existing contract, increasing the total compensation to a not to exceed amount of \$593,450 for additional design scope of services related to traffic signal design and conducting a traffic analysis along the corridor; and

WHEREAS, this Amendment 01-2019-3 was executed on May 4, 2020 to amend the existing contract, increasing the total compensation to a not to exceed amount of \$753,450 and will reimburse the Consultant for additional design scope of services related to water system design, right of way acquisition and road design along the corridor; and

WHEREAS, this Amendment 01-2019-4 will amend the existing contract, increasing the total compensation to a not to exceed amount of \$965,450 and will reimburse the Consultant for additional design scope of services related to water system design, right of way acquisition and road design along the corridor; and

WHEREAS, the Parties agree that changes to the term and services provided for in the PSA are necessary in order for the City to continue receiving services by Professional.

NOW, THEREFORE, the Parties hereto agree as follows:

AGREEMENT

1. Section 1 of the PSA, "Services," provides a description of the Scope of Work required for the project. The Parties agree to amend Section 1 of the PSA to include the revised Scoped of Work dated 10/27/2020, attached hereto as Exhibit A:

2. Section 2 of the PSA, "Compensation," provides for the City to pay Professional a sum not to exceed \$753,450. The Parties agree to amend Section 2 of the PSA in order to increase the compensation amount to pay Professional for additional services. The first two sentences of Section 2 of the PSA is amended to read as follows:

"City hereby agrees to pay Professional a sum not to exceed \$965,450 (Nine Hundred Five Thousand Four Hundred Fifty Dollars), notwithstanding any contrary indications that may be contained in Professional's proposals dated January 24, 2019, May 29, 2019, November 12, 2019, April 2, 2020 and October 27, 2020, for services to be performed and reimbursable costs incurred under this Agreement. In the event of a conflict between this Agreement and Professional's Cost Proposals, dated January 24, 2019, May 29, 2019, November 12, 2019, April 2, 2020 and October 27, 2020, regarding the amount of compensation, this Agreement shall prevail."

3. The document entitled "Cost Proposal" attached hereto as Exhibit A dated 10/27/2020, shall be included as part of the PSA.
4. All other terms and conditions in the PSA shall remain in full force and effect to the extent they are not in conflict with this Amendment.
5. The signatures of the Parties to this Amendment may be executed and acknowledged on separate pages or in counterparts which, when attached to this Amendment, shall constitute one complete Amendment.
6. Contract Administration. This Agreement shall be administered by Mr. Edgar Medina, P.E. ("Contract Administrator"). All correspondence shall be directed to or through the Contract Administrator or his or her designee.

Notices. Any written notice to Professional shall be sent to:

Mr. Mark Rayback
Wood Rodgers, Inc.
3301 C Street, Building 100-B
Sacramento, Ca. 95816
mrayback@woodrodgers.com

Any written notice to City shall be sent to:

Mr. Edgar Medina, P.E.
City of Rancho Cordova
2729 Prospect Park Drive
Rancho Cordova, CA 95670
emedina@cityofranhocordova.org

IN WITNESS WHEREOF, the Parties have executed this Amendment on the day and year first above written.

CITY OF RANCHO CORDOVA

PROFESSIONAL

Cyrus Abhar, City Manager

Mark Rayback, PE, President

Date: _____

Date: _____

Attest:

Stacy Leitner, City Clerk

Date: _____

Approved as to Form:

Adam Lindgren, City Attorney

Date: _____



November 5, 2020

Mr. Edgar Medina, Senior Civil Engineer, Public Works
City of Rancho Cordova
2729 Prospect Park Drive
Rancho Cordova, California 95670

Re: Request for Amendment No. 4 to Revise Term of Services in Consulting Services Agreement for the Preparation of the Plans, Specifications and Estimate for the White Rock Road Widening – Fitzgerald Road to City Limits Project

Dear Mr. Medina,

Recent revisions to the White Rock Road Widening – Fitzgerald Road to City Limits design, including but not limited to: additional design for the Sacramento County Water Agency (SCWA) water replacement, revising the stage construction/traffic handling design at City's direction, traffic signal design modifications to address Sacramento County comments, storm drainage design modifications at City's direction, environmental mitigation assistance, and addressing various other comments, have resulted in insufficient budget to complete the PS&E. This letter is to formally request an amendment to our agreement with the City of Rancho Cordova (City) for additional budget to complete PS&E.

The City has also requested Wood Rodgers provide a scope and budget to complete right of way acquisition for Phase 2 of the White Rock Road Widening – Fitzgerald to City Limits Project. A scope and budget has been included for this work.

Wood Rodgers is proposing that the following work items be added and/or amended to the existing Scope of Work tasks as shown.

TASK 4 – FINAL DESIGN

\$100,000 T&M

Wood Rodgers is requesting additional budget for addressing comments and revisions to the Phase 1 PS&E and for responding to other requests by the City that were not anticipated and were not in the scope of work. This amendment does not include scope and budget for PS&E for White Rock Road Widening – Fitzgerald Road to City Limits. Phase 2 PS&E work will require a separate scope and budget and can be provided upon request. This additional work has included:

- The City has one or more commercial/industrial development projects in the works that will require infrastructure to construct. The City has directed Wood Rodgers to revise the PS&E to extend the eastbound No. 2 and 3 lanes, along with curb and gutter and drainage facilities, to the Elliott Homes development "Collector A" street intersection. This work will also require adjusting the Phase 1 pavement taper and conform, cut and fill limits, median curbs, signing and striping, typical sections, designing ADA ramps at the "Collector A" intersection, and updating quantities and the cost estimate. A traffic signal design will also be prepared for the new intersection.
- The City asked for the proposed storm drain system to be changed to a future project beginning at Station 168+50 to the end of the Phase 1 project limits. Wood Rodgers had to revise the plans and

ITEM 13.4.

Mr. Edgar Medina
Request for Amendment No. 4
November 5, 2020
Page 2

ATTACHMENT 2

quantities to reflect this change. Wood Rodgers also had to redesign the outlet location of the storm drain system to conform to recent changes on the Elliott Homes development plan. Additionally, Sacramento County Water Agency has asked for all storm drain pipe type be changed to PVC where they cross the proposed water line. The City has directed Wood Rodgers to change all storm drain pipes from reinforced concrete pipe (RCP) to PVC.

- Wood Rodgers had designed stage construction/traffic handling plans for the project which would have kept White Rock Road open during construction. The City recently decided to allow the Contractor to close White Rock Road for a portion of the construction. This required changing the stage construction/traffic handling plans to show a full closure for one stage and affected other stages. This also necessitated developing a detour plan for during the road closure.
- Sacramento County's review of the proposed traffic signals resulted in moving the controller cabinet and service points to the other side of White Rock Road at the Fitzgerald Road and Rancho Cordova Parkway signals. This required significant redesign of the traffic signals.
- At the City's request, Wood Rodgers assisted Hunting Environmental with preparing exhibits and documentation for the environmental mitigation.
- The City has asked Wood Rodgers to assist with preparing Caltrans Local Assistance documents that are required for the City to submit the E-76 to receive grant funding.

TASK 5 – RIGHT-OF-WAY SERVICES**\$102,000 T&M**

The City has requested Wood Rodgers obtain the right of way and public utility easements necessary for Phase 2 of the White Rock Road Widening – Fitzgerald to City Limits Project.

5.1 RIGHT-OF-WAY ENGINEERING**Control and Aerial Topographic Survey**

As part of an agreement between Elliott Homes and the City, Wood Rodgers obtained new aerial topographic survey of the Phase 1 White Rock Road Widening – Fitzgerald to City Limits Project area in order to upgrade the topographic information to the current NAVD 88 datum. Wood Rodgers will provide a topographic survey for the remaining Phase 2 project area to create a uniform topographic survey of the area. An unmanned aerial system (UAS) will be utilized to collect aerial imagery. Ground control and photo identification points will be established and measured by Wood Rodgers. The Control established for the survey will also be used for the right of way base map.

Update Base Map

Wood Rodgers will review record maps, title reports, vesting deeds and locate sufficient monumentation to determine the right-of-way for White Rock Road to extend the Base Map as needed for Phase 2 project area. Wood Rodgers assumes that title reports will be obtained and provided by the City.

ITEM 13.4.

Mr. Edgar Medina
Request for Amendment No. 4
November 5, 2020
Page 3

ATTACHMENT 2**Right-Of-Way Parcel Acquisition Exhibit**

Wood Rodgers will update the right-of-way parcel acquisition exhibit previously prepared to reflect right-of-way acquisitions from Phase 1 and revised design geometrics. This exhibit will be provided to Bender Rosenthal to begin appraisals and acquisitions.

Legal Descriptions and Plats

Wood Rodgers will calculate the areas for new right-of-way and temporary construction easement areas and prepare legal descriptions and plats to accompany Deed of Easement forms.

Wood Rodgers will prepare up to two (2) legal descriptions and plats for each Assessor Parcel. It is estimated there are seven (7) Assessors Parcels.

Deliverables:

- Phase 2 area topographic survey
- One (1) Parcel Acquisition Exhibit
- 14 Legal Descriptions and Plats

5.2 RIGHT-OF-WAY PROJECT MANAGEMENT

Project Management is a collaboration of people, processes and tools. Wood Rodgers understands that maintaining organized, accurate records and disseminating vital status information is fundamental for efficient project implementation. During the course of the Project, Ms. Lindy Lee of Bender Rosenthal, Inc. (BRI) will serve as the Project Manager. Ms. Lee will oversee performance of the Tasks involved in delivery of the right-of-way in the proposed Right-of-Way Services Contract. Typical tasks include providing status updates to the client, attending meetings, and making recommendations to the City on right-of-way issues.

Once the property rights have been acquired, Ms. Lee will prepare a right of way certification to Caltrans' standards.

Deliverables:

- Bi-weekly updates
- Attend up to three (3) teleconferences and two (2) in-person meetings
- One (1) draft and one (1) final Right of Way Certification that meets Caltrans standards

5.3 VALUATION SERVICES

BRI will develop seven (7) appraisals of the estimated fair market value of the permanent easements and the temporary construction easements for the property. The Appraisal Reports will be a narrative appraisal report that will be prepared in conformance with and subject to the requirements of the Code of Professional Ethics and the Standards of Professional Practice of the Appraisal Institute, which fully incorporate the Uniform Standards of Professional Appraisal Practice (USPAP) of the Appraisal Foundation, requirements related to the Uniform Relocation Assistance and Real Property

ITEM 13.4.

Mr. Edgar Medina
Request for Amendment No. 4
November 5, 2020
Page 4

ATTACHMENT 2

Acquisition Act and state and federal statutes. Appraisal Mapping, Plat Maps and Legal Descriptions for the properties to be appraised will be provided to BRI by the Client. The Appraisals will be completed within 8 weeks from receipt of appraisal mapping and notice to proceed from Wood Rodgers.

Based on the plats and legals provided, we understand appraisals will be required for the following properties. The plat and legal for the General Environmental Management ownership, is under new ownership as shown in the table attached. Also, the Roadway legal descriptions appear to be bordered on either side by Aerojet General and as such, we assume that Aerojet owns to the middle of the road and is the owner of this property. APNs have been grouped in what we believe will be larger parcels for appraisal and acquisition purposes.

Deliverables:

- Seven (7) electronic Appraisal Reports that meet all State and Federal Standards. Printed and bound copies will be provided upon request.

5.4 INDEPENDENT APPRASAL REVIEW

An appraisal review is the act or process of developing and communicating an opinion about the quality of another appraiser's work. The essence of appraisal review is to investigate, analyze, and verify the logic and procedures used in appraisals and to ensure the preparation of competent and thorough reports that result in sound value opinions. The purpose of a review is to reinforce the client's confidence in the credibility of the appraisal conclusions it presents. When the draft appraisal is complete, BRI will conduct an internal review of each draft and provide comments to the appraiser. Those comments will be addressed and then the draft will be forwarded to the reviewer.

Per the Federal and State Uniform Act, a review appraisal will be required and must be completed by an independent reviewer. BRI has enlisted the expertise of Tim Landes with Sierra West Valuation to complete a review of the subject parcels and the comparables. BRI has worked with him for over ten years on numerous assignments throughout Northern California. Tim is willing to seek additional documentation or ask tough questions concerning consistency and methodology to produce an objective work product. BRI has appreciated his willingness to work hard for our clients, as the appraisal must withstand the scrutiny of review by other agencies, sometimes three years after its approval. As a team, we are judicious about developing a product that is research based, analytical and impartial.

Upon completion of the reviews, the appraisals and a USPAP Standard 3 and 4 compliant review report will be provided and forwarded to City for approval of Just Compensation.

Deliverables:

- Seven (7) Independent Appraisal Review Reports

5.5 ACQUISITION SERVICES

Upon completion of the Appraisals and establishment of Approval to Acquire for the parcel, BRI will work with the City to develop the contract and conveyance documents necessary to make offer. BRI

ITEM 13.4.

Mr. Edgar Medina
Request for Amendment No. 4
November 5, 2020
Page 5

ATTACHMENT 2

will meet with the owners and convey documents up to 6 times in the first 60 days until acceptance or impasse is reached. Steps within the acquisition process are outlined below:

1. Review the project concept and design with staff and other consultants.
2. Review appraisals, title reports, maps and descriptions of the required parcels.
3. Prepare right-of-way contracts and other acquisition documents.
4. May meet with the property owners to discuss the project in general; review of maps and legal descriptions; confirm information about occupants/owners and make the official First Written Offer to owner.
5. The acquisition task assumes a settlement by the sixth contact by telephone or e-mail. A recommendation to the City will be made after impasse has been reached.
6. Deliver signed right-of-way contract and signed and acknowledged documents for a close transaction or deliver a memorandum explaining impasse.
7. If the property owner provides a counter-offer, BRI staff will prepare a recommendation to the City to accept, reject, or modify the counter-offer.
8. If the City accepts the counter-offer, BRI will prepare an Administrative Settlement that complies with State and Federal guidelines.
9. BRI's acquisition agents will maintain a parcel diary to document all interactions with property owners and their tenants.
10. BRI will prepare a final report, including transfer of all pertinent correspondence and files to the City.

Deliverables:

- Acquisitions of up to seven (7) parcels
- Submit files on each negotiation, acquisition, and project settlement

The following items are excluded from this proposal but can be add at the City's request:

- ✓ Obtaining tenant consent/releases or quit claim deeds.
- ✓ Obtaining partial or full reconveyances, financing statement releases or subordination agreements.
- ✓ Providing support for Resolutions of Necessity and/or condemnation activities.
- ✓ Continued negotiations with property owners after the RON is obtained.

5.6 TITLE/ESCROW SERVICES

BRI will deliver documents and checks to escrow company, review all documents for submission to escrow companies, review title and escrow documents, and apply extensive acquisition experience so that the project acquires good title and property rights necessary for the completion of the project. BRI will coordinate escrow closings and file all applicable forms and documents with the County Assessor's office.

Tasks to be considered include:

ITEM 13.4.

Mr. Edgar Medina
Request for Amendment No. 4
November 5, 2020
Page 6

ATTACHMENT 2

- Draft Quitclaims, lessee consent to easements and other documents as necessary to obtain good and sufficient title.
- Work with title company to follow through with appropriate lenders, beneficiaries and trustees. Title Company to draft partial release and partial reconveyances.
- Prepare and send Request for Invoice and Demand to the Title Company.
- Copy and forward fully executed purchase agreement from the City.
- Send all executed acquisition documents through escrow and transmit to the appropriate parties, (property owner and the City).
- Prepare transmittal and forward closed files to the City.

Deliverables:

- Facilitate Title and Escrow support as outlined in the parcel list below for eleven (11) parcels. This is a different grouping then the appraisal deliverables. If the title is the same per parcel BRI will combine the escrows to close.

5.7 RIGHT-OF-WAY CERTIFICATION

Prepare the State of California Department of Transportation (Caltrans) R/W Certifications 1, 2 or 3 as specified in their Local Programs Manual.

BRI will draft the initial document to include the following:

- Status of Required Right of Way
- Status of Affected Railroad Facilities (If Any)
- Status of Right of Way Clearance
- Status of Compliance with Relocation Assistance Program

BRI will coordinate with the City to include the following:

- Status of Utility Notices and Agreements
- Necessity of Bid Items
- Cooperative Agreements
- Environmental Mitigation
- Prepare the Final Document for execution by the City

5.8 CONDEMNATION SUPPORT (OPTIONAL TASK)

BRI's team of appraisers and acquisition agents strive to provide tailored services with the goal to complete the transaction in the best interest of all parties involved while adhering to all applicable regulations and guidelines. However, even with the best intentions and attention to details, some

ITEM 13.4.

Mr. Edgar Medina
Request for Amendment No. 4
November 5, 2020
Page 7

ATTACHMENT 2

acquisitions will need to be completed through condemnation. BRI staff will support the City by preparing staff reports and presentations to the Board for the Resolution of Necessity (RON). In addition, we will work with the City legal team to develop the 30-day notice of hearing for the RON and provide assistance in preparing any legal declarations in support of the court hearings. Our appraisers are qualified and available to provide testimony during condemnation trials as an additional service. BRI will provide support services to the condemnation attorney such as appearing as an expert witness, delivery of parcel file including the title report, legal description, appraisal, negotiation records and all correspondence; and assisting the attorney with locating the property owner and other interest holders. BRI will bill Condemnation services based on an hourly rate.

ADDITIONAL SERVICES

- A. Additional services requested by the City and/or resulting from a change in the Scope of Services such as post-appraisal meetings, consultations, presentations/briefings, pre-trial conferences, court or briefing preparation, depositions, court appearances, etc., will be performed on a time and materials basis per the BRI 2020 Hourly Rates & Billing Policy, attached hereto or, at a separately negotiated fee.
- B. This proposal assumes no property management or excess land disposal will be required.

BRI proposes to deliver the appraisals within 8 weeks of receipt of appraisal maps. The right of way will be delivered within six (6) months from the Notice to Proceed and all pertinent information is delivered to complete acquisitions.

TASK 7 – WATER LINE DESIGN**\$10,000 T&M**

During the SCWA water line replacement design, SCWA asked for a separate distribution pipeline be designed to serve fire hydrants and existing service points. The original scope of work had only included the design of a transmission pipeline, and did not include this distribution pipeline. Wood Rodgers is requesting additional budget for the design of this distribution pipeline.

TOTAL AMENDMENT \$212,000 T&M

ITEM 13.4.

Mr. Edgar Medina
Request for Amendment No. 4
November 5, 2020
Page 8

ATTACHMENT 2

Wood Rodgers recommends your authorization of this amendment, and we look forward to continuing our involvement with you and reaching a successful completion of this Project.

If you require additional information regarding this request, please do not hesitate to contact me at (916) 440-8131.

Sincerely,
WOOD RODGERS, INC.



Mark Rayback, PE
Vice President

8470.019\WRR A4 11042020.doc

MEMORANDUM



ITEM 13.5.

DATE: November 16, 2020

TO: Honorable Mayor and Council Members

FROM: Albert Stricker, Public Works Director
Quoc Nham, Associate Civil Engineer

SUBJECT: **APPROVE THE FINAL MAP OF MONTELENA VILLAGE 5,
SUBDIVISION NO. FM-2014-006-40, AND EXECUTION OF THE
SUBDIVISION IMPROVEMENT AGREEMENT**

RECOMMENDATION

Adopt the Resolution.

RESULT OF RECOMMENDED ACTION

Approval of this recommended action will result in the City entering into Subdivision Improvement Agreement Contract No. 2020-190 ([Attachment 2](#)) to guarantee the construction of public roads and utilities with MDRE Development, LLC and the recording of the final subdivision map creating 59 residentially zoned lots located west of Rancho Cordova Parkway between Douglas Road and Chrysanthus Boulevard.

BACKGROUND

The map has been examined and checked for compliance with Title 22 of the City of Rancho Cordova Municipal Code and the California Subdivision Map Act. The City Council approved the Tentative Map on May 21, 2018. A Development Agreement was entered on June 18, 2012. A copy of the final map ([Attachment 3](#)) and copy of the vicinity map ([Attachment 4](#)) are included with this letter.

Roads are offered for dedication with this subdivision. MDRE Development, LLC has provided a performance and labor and material bond guaranteeing the construction of the public improvements. MacKay & Soms, Inc. has waived the requirement for a bond to guarantee payment for setting the survey monuments with the subdivision. The soil report requirement has been satisfied by Wallace Kuhl & Associates, dated December 2013.

There are no delinquent taxes against the property and the Tax Collector has so certified. The 2020/2021 estimated taxes have been secured with the Sacramento County Tax Collector.

FISCAL IMPACT AND FUNDING SOURCE

There is no fiscal impact to the City.

ATTACHMENT(S)

1. Resolution
2. Subdivision Improvement Agreement
3. Copy of Montelena Village 5 Final Map
4. Vincy Map

CITY OF RANCHO CORDOVA

RESOLUTION NO. XX-2020

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA,
STATE OF CALIFORNIA, TO APPROVE THE FINAL MAP OF MONTELENA VILLAGE 5,
SUBDIVISION NO. RC-04-132.5, AND EXECUTION OF THE SUBDIVISION IMPROVEMENT
AGREEMENT CONTRACT NO. 2020-190**

WHEREAS, the City Council approved the Tentative Map on March 20, 2006 per Resolution No. 26-2006; and

WHEREAS, the map is in substantial compliance with the approved tentative map; and

WHEREAS, the conditions of approval have been complied with; and

WHEREAS, the map complies with Title 22 of the City of Rancho Cordova municipal code and the California Subdivision Map Act; and

WHEREAS, the approval of final maps is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Regulation Section 15268(b)(3) as a ministerial approval; and

WHEREAS, the City desires to enter into a subdivision improvement agreement with the developer to ensure necessary public improvements are completed and secured with a bond.

NOW, THEREFORE, BE IT HEREBY RESOLVED THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA does approve the Final Map of Montelena Village 5, Subdivision No. RC-04-132.5 and authorizes the City Manager to execute a Subdivision Improvement Agreement on behalf of the City, in connection with MDRE Development, LLC in the form hereto attached to the staff report on this item, and for all matters incidental thereto, and to do and perform everything necessary to carry out the purpose of this Resolution.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the 16th day of November 2020 by following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

ITEM 13.5.

ATTACHMENT 1

David M. Sander, Mayor

Stacy Leitner, CMC
City Clerk

**SUBDIVISION IMPROVEMENT AGREEMENT
FOR MONTELENA VILLAGE 5 RC-04-132.5**

THIS SUBDIVISION IMPROVEMENT AGREEMENT (hereinafter, "Agreement") entered into this 16th day of November 2020, by and between the City of Rancho Cordova, (hereinafter "City"), a California municipal corporation, and **MDRE Development, LLC** (hereinafter "Principal").

RECITALS

WHEREAS, Section 66462 of the Government Code provides that if the work of improvement required therein is not completed prior to the acceptance of a final subdivision map, the owner of the subdivision may enter into an agreement with the City to perform the work of improvement as required by said sections in consideration of the acceptance of said final subdivision map by the City; and

WHEREAS, Section 66499 of the Government Code requires that said agreement be secured by a surety bond or by an instrument of credit issued by a financial institution subject to regulation by the State or federal governments or by a cash deposit; and

WHEREAS, Section 66499.3 establishes the types and amount of security to guarantee the performance of any such improvement agreement; and

WHEREAS, City and Principal desire to enter into an improvement agreement as authorized by the Subdivision Map Act under the terms and conditions hereinafter set forth.

NOW, THEREFORE, in consideration of the mutual promises, conditions and covenants hereinafter set forth, City and Principal agree as follows:

1. **Incorporation of Recitals.** The foregoing recitals are hereby incorporated by reference.
2. **Findings and Conditions of Subdivision Map.** Principal recognizes that approval of its subdivision was subject to the findings and conditions attached to such approval and hereby acknowledges and agrees to be bound by such findings and conditions.
3. **City Approval of Subdivision Map.** City agrees to approve the final map of the subdivision presented to it by Principal and designated **Montelena Village 5 RC-04-132.5** and to accept on behalf of the public all lands, rights of way and easements therein offered in dedication, in accordance with the conditions hereinafter set forth.

4. **Completion of Improvements.** In consideration of such approval, Principal agrees to complete the work of improvement required for said subdivision in accordance with the requirements of the Rancho Cordova Municipal Code and such standard specifications created by applicable City ordinances or resolutions which are in effect at the time of the installation of said improvements. The work required may lie within or outside the subdivision and must be completed within **24** months of the date of this Agreement.

5. **Payment for Services.** Principal further agrees to promptly pay, when due, all costs for plan checking, inspection services and material testing performed by City pursuant to the requirements of Sections 12.03.210 et. seq. of the Rancho Cordova Municipal Code.

6. **Acceptance of Improvements.** Upon satisfactory completion of all public improvements in accordance with standard specifications created by City ordinances or resolutions which are in effect at the time of the installation of said improvements, City agrees to accept for maintenance the work of improvement within the dedicated parcels shown on said final subdivision map, and any off site easements granted, subject to the provisions of paragraph 9 hereof. Acceptance will be postponed until such time the City determines a public purpose exists. Public Purpose is defined as existence of habitable structures within the subdivision.

7. **Notice of Commencement of Work.** Principal shall notify the City Engineer in writing of the commencement of the work of improvements.

8. **Correction of Defects.** Principal agrees to remedy any defects in the improvement arising from faulty or defective construction of said improvements occurring within twelve months after acceptance thereof by City.

9. **Indemnity.** Principal shall indemnify and hold harmless City from any and all loss, damage or liability arising out of or resulting from Principal's performance or non-performance of his duties and obligations under this Agreement, or from the negligent act or omission of himself, his agents, servants and employees. Principal shall, at his own cost and expense, defend any and all actions, suits, or legal proceedings arising out of or resulting from the performance or nonperformance of this Agreement, that may be brought or instituted against the City, its officers and employees, on any such claim or demand, and pay or satisfy any judgment that may be rendered against the City in any such action, suit or legal proceedings, or result thereof, regardless whether caused in part by a party indemnified hereunder.

10. **Extension of Completion Date.** If the construction of the work or improvement should be delayed without fault of Principal, the time for completion thereof may be extended by

City for such period of time as City may deem reasonable.

11. Improvement Security. (a) Principal shall obtain and furnish to City an improvement security consisting of a surety bond in favor of City, issued by a corporate surety authorized to do business in the State of California, and in form approved by City, securing the faithful performance by Principal of the work of improvement required, and also securing the payment of the costs and interest, if any, due under Sections 12.030.210 et seq. of the Rancho Cordova Municipal Code, as provided in Paragraph 5 herein and an additional bond issued by a corporate surety authorized to do business in the State of California, in the amount of not less than 50 percent of the total estimated cost of the improvement, securing payment to contractor, his subcontractors, and to persons renting equipment or furnishing labor or materials for the improvement.

(b) In lieu of said corporate surety bonds, Principal may furnish an improvement security consisting of a letter of credit, certificate of deposit, or similar instrument of credit, in form satisfactory to City, issued by a financial institution subject to regulation by the State or Federal government, pledging that the funds necessary to meet the performance required herein are on deposit, and guaranteed for payment on demand. Said letter of credit, certificate of deposit, or similar instrument of credit shall provide that the funds designated therein shall become trust funds for the purposes set forth in said instrument.

(c) The failure of Principal to commence the required work of improvements, or to complete the same within the time required after commencement thereof, shall entitle City to the full payment of the security, or so much thereof as may be necessary to complete the required work of improvement. The amount of the surety bond for faithful performance shall be in the sum of **\$2,698,749.00**. The amount of the surety bond for the payment of the claims of the contractor, his subcontractors, and to persons renting equipment or furnishing labor or materials for the improvement shall be at least 50 percent of the above amount. The letter of credit, certificate of deposit or similar instrument of credit, or cash deposit for faithful performance, shall be in the above amount plus an additional 50 percent for the purposes set forth herein.

12. Improvement Security As Condition Precedent. The furnishing of the improvement security by Principal as required by paragraph 12 hereof shall be a condition precedent to acceptance by City of the above described real property and the performance by the City of the covenants herein on its part to be performed.

13. Inspection of Work In Progress. (a) Principal may request The City Engineer to inspect the work as it progresses. If the work performed is found to be in accordance with the requirements of City, it may be accepted as it progresses and a partial refund of the cash

deposit, or a release pro tanto of the faithful performance bond, letter of credit, certificate of deposit or similar instrument of credit shall be made in a sum in the same ratio to the total deposit as the work accepted bears to the total work to be done. No refund in excess of 85 percent of the total amount of the improvement security for faithful performance shall be made until all the work has been completed and accepted.

(b) The determination of the Administrator of Public Works of City as to the amount of work done, and the amount of refund or partial release pro tanto, shall be final and conclusive. When the work of improvement is accepted, 10 percent of the improvement security shall be retained to guarantee faithful performance of the provisions of paragraph 9 of this Agreement.

(c) Improvement security given to secure payment to contractor, his subcontractors and to persons renting equipment or furnishing labor or materials for the work of improvement may, six months after completion and acceptance of the work, be reduced to an amount not less than the total of all claims on which an action has been filed, and notice thereof given in writing to City, and if there are no actions filed, such improvement security may be released in full.

14. Execution By Real Party In Interest. Where title to the subdivision property is held by the record owner thereof under a holding Agreement, this Agreement and the bond given pursuant thereto must be executed by the real party or parties in interest.

15. Waiver of Civil Code Section 2819. Any extension of time hereunder shall not operate to release the surety on the bond filed pursuant to this Agreement. In this connection the surety waives the provisions of Section 2819 of the Civil Code of the State of California.

16. City Construction of Improvements. In the event that all or any portion of the works of improvement contemplated herein are proposed to be constructed by street improvement proceedings under the control of City, the undertaking of such proceedings shall in no way relieve Principal of any duties under this Agreement, except where all of the works of improvement that are required under this Agreement have in fact been constructed and accepted by City.

17. Interest. Interest shall accrue at the highest rate permitted by law on all sums from the date payment is due under the terms of this Agreement and the sum due is certain or reasonably capable of being made certain.

18. Attorneys' Fees. In the event that it is necessary for the City to enforce the obligations secured by the improvement security furnished pursuant to Paragraph 12 hereof, the City shall be entitled to recover its costs and reasonable expenses and fees, including reasonable attorneys' fees, as provided for in Government Code Section 66499.4.

19. Amendments. This Agreement may be modified or amended, or any of its provisions waived, only by a subsequent written agreement executed by the parties hereto.

20. Entire Agreement. This Agreement and any attachments hereto constitute the sole, final, complete, exclusive and integrated expression and statement of the terms and conditions of this Agreement among the parties hereto concerning the subject matter addressed herein, and supercedes all prior negotiations, representations or agreements, oral or written, that may be related to the subject matter of this Agreement.

21. Construction and Interpretation. It is agreed and acknowledged by the Principal that the provisions of this Agreement have been arrived at through negotiation, and that the Principal has had a full and fair opportunity to revise the provisions of this Agreement and to have such provisions reviewed by legal counsel. Therefore, the normal rule of construction that any ambiguities are to be resolved against the drafting party shall not apply in construing or interpreting this Agreement.

22. Successors and Assigns. This Agreement shall bind and inure to the benefit of the respective successors and assigns of the parties hereto.

23. Time. Time is of the essence in the performance of each and every term of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first set forth above, which date shall be considered by the Parties to be the effective date of this Agreement.

CITY OF RANCHO CORDOVA

MDRE DEVELOPMENT, LLC

Cyrus Abhar, City Manager

ATTEST:

Stacy Leitner, CMC, City Clerk

OWNER'S STATEMENT

THE UNDERSIGNED HEREBY CONSENTS TO THE PREPARATION AND RECORDATION OF THIS FINAL MAP OF "SUBDIVISION NO. RC-04-132.5 FINAL MAP OF MONTELENA VILLAGE 5". THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED AS AN EASEMENT FOR PUBLIC PURPOSES. THE UNDERSIGNED OFFERS FOR DEDICATION AND DOES HEREBY DEDICATE TO ANY AND ALL PUBLIC USES THE PUBLIC ROAD DESIGNATED CAMBERY DRIVE, COBBLE BROOK DRIVE, MONTELENA DRIVE, ARMANDI WAY AND ROQUEFORT WAY SHOWN HEREON, AND ALSO OFFERS FOR DEDICATION AND DOES HEREBY DEDICATE FOR SPECIFIC PURPOSES THE FOLLOWING:

- A. AN EASEMENT FOR CONSTRUCTING AND MAINTAINING CENTRALIZED MAIL DELIVERY BOXES, PEDESTALS AND SLABS, TOGETHER WITH ANY AND ALL APPURTENANCES PERTAINING THERETO, INCLUDING PEDESTRIAN ACCESS FOR DELIVERY AND RECEIPT OF MAIL ON, OVER, UNDER AND ACROSS STRIPS OF LAND FIVE (5.00) FEET IN WIDTH, LYING CONTIGUOUS TO THE RIGHT-OF-WAYS CAMBERY DRIVE, COBBLE BROOK DRIVE, MONTELENA DRIVE, ARMANDI WAY AND ROQUEFORT WAY SHOWN HEREON.
- B. EASEMENTS FOR PLANTING AND MAINTAINING TREES, INSTALLATION AND MAINTENANCE OF ELECTROLIERS, TRAFFIC CONTROL DEVICES, WATER AND GAS PIPES, AND FOR UNDERGROUND WIRES AND CONDUITS FOR ELECTRICAL, TELEPHONE AND TELEVISION SERVICES, TOGETHER WITH ANY AND ALL APPURTENANCES PERTAINING THERETO, ON, OVER, UNDER AND ACROSS THOSE STRIPS OF LAND TWELVE AND ONE-HALF FEET (12.5'), EIGHTEEN FEET (18') AND TWENTY THREE AND ONE-HALF FEET (23.5') IN WIDTH AND CONTIGUOUS TO THE RIGHT-OF-WAYS CAMBERY DRIVE, COBBLE BROOK DRIVE, MONTELENA DRIVE, ARMANDI WAY AND ROQUEFORT WAY SHOWN HEREON AND DESIGNATED "PUBLIC UTILITY EASEMENT" (P.U.E.).
- C. RIGHTS-OF-WAY AND EASEMENTS FOR THE INSTALLATION AND UNINTERRUPTED USE OF A PEDESTRIAN WALKWAY, TOGETHER WITH ANY AND ALL APPURTENANCES PERTAINING THERETO ON, OVER, UNDER AND ACROSS THOSE STRIPS OF LAND SHOWN HEREON AND DESIGNATED "PEDESTRIAN EASEMENT"(P.E.). THE MAINTENANCE AND REPAIR OF THE WALKWAY SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER.
- D. AN EASEMENT FOR LANDSCAPING AND ALL APPURTENANCES PERTAINING THERETO LYING ON, OVER AND ACROSS STRIPS OF LAND SHOWN HEREON AND DESIGNATED "LANDSCAPING EASEMENT," (L.E.). SAID STRIPS TO BE KEPT OPEN AND FREE FROM BUILDINGS. THE MAINTENANCE AND REPLANTING OF THE LANDSCAPING SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER.

MDRE DEVELOPMENT, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY
BY: MONTELENA DOUGLAS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, ITS MEMBER

BY: 
NAME: CHARLES SOMERS
TITLE: MANAGER

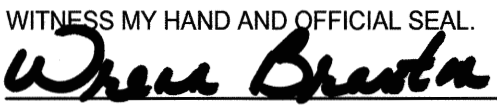
NOTARY'S ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY OR VALIDITY OF THAT DOCUMENT.

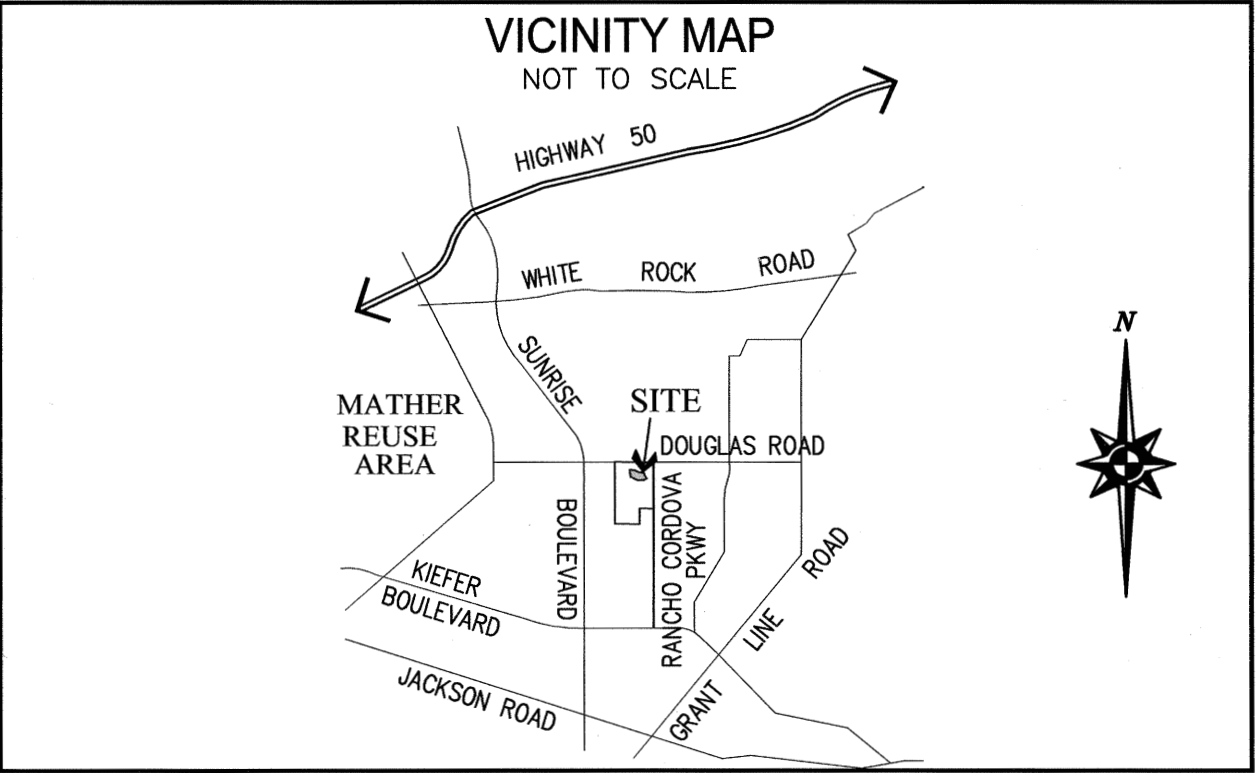
STATE OF CALIFORNIA
COUNTY OF SACRAMENTO
ON AUG. 26, 2020 BEFORE ME, WRENN BRAXTON A NOTARY PUBLIC

PERSONALLY APPEARED CHARLES SOMERS
WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

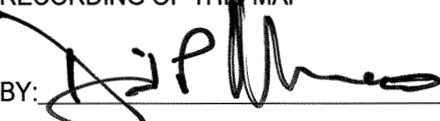
WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE
WRENN BRAXTON
PRINTED NAME

MY PRINCIPAL PLACE OF BUSINESS IS SACRAMENTO COUNTY
MY COMMISSION EXPIRES: OCT. 30 2021 MY COMMISSION NUMBER: 2216812



TRUSTEE'S STATEMENT

STEWART TITLE COMPANY AS TRUSTEE UNDER DEED OF TRUST RECORDED JUNE 26, 2020 AS INSTRUMENT NO. 2020062600986, OFFICIAL RECORDS OF SACRAMENTO, HEREBY CONSENTS TO THE RECORDING OF THIS MAP

BY:  DATE 8-28-2020
NAME/TITLE DANIEL P. MORENO MVP

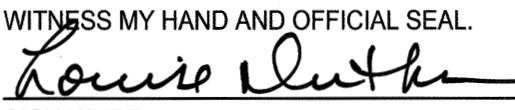
NOTARY'S ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA
COUNTY OF Sacramento
ON August 28, 2020 BEFORE ME, Louise Dutton, A NOTARY PUBLIC

PERSONALLY APPEARED Daniel P. Moreno
WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE
Louise Dutton
PRINTED NAME

MY PRINCIPAL PLACE OF BUSINESS IS Placer COUNTY
MY COMMISSION EXPIRES: 12/26/2023 MY COMMISSION NUMBER: 2316897

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF MONTELENA DOUGLAS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY IN MARCH, 2014. I HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITION INDICATED OR THAT THEY WILL BE SET IN THOSE POSITIONS BEFORE DECEMBER 31, 2022, AND THAT THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS THE THE CONDITIONALLY APPROVED TENTATIVE MAP.

MACKAY & SOMPS CIVIL ENGINEERS, INC.




PAUL FERGUSON, JR. PLS 9265
EXPIRATION DATE: MARCH 31, 2022

DATE: 8-18-2020

CITY ENGINEER'S STATEMENT

I, HEREBY STATE THAT I HAVE EXAMINED THIS MAP OF "SUBDIVISION NO. RC-04-132.5 FINAL MAP OF MONTELENA VILLAGE 5" AND FIND IT TO BE SUBSTANTIALLY THE SAME AS THE TENTATIVE MAP APPROVED BY THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA, AND ANY APPROVED ALTERATIONS THEREOF; THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND ALL APPLICABLE CITY ORDINANCES HAVE BEEN COMPLIED WITH.

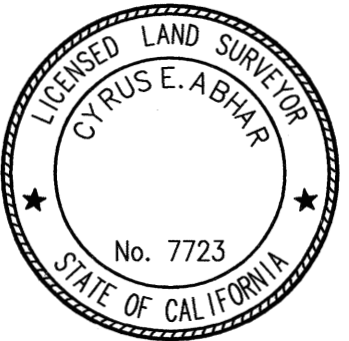


CITY ENGINEER, ALBERT STRICKER
R.C.E. 64057
EXPIRATION DATE: 09/30/2020

DATE: _____

CITY SURVEYOR'S STATEMENT

I, HEREBY STATE THAT I AM SATISFIED THAT THIS MAP OF "SUBDIVISION NO. RC-04-132.5 FINAL MAP OF MONTELENA VILLAGE 5" IS TECHNICALLY CORRECT.



CITY SURVEYOR, CYRUS E. ABHAR
P.L.S. 7723
EXPIRATION DATE: 12/31/2021

DATE: _____

CITY CLERK'S STATEMENT

I, HEREBY STATE THAT THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA HAS APPROVED THIS MAP OF "SUBDIVISION NO. RC-04-132.5 FINAL MAP OF MONTELENA VILLAGE 5" AND HAS ACCEPTED ON BEHALF OF THE PUBLIC, ALL LANDS, EASEMENTS AND RIGHTS-OF-WAY SHOWN HEREON AS THE DRIVES AND WAYS TOGETHER WITH ANY AND ALL APPURTENANCES PERTAINING THERETO, SUBJECT TO THE IMPROVEMENT THEREOF AND DO CERTIFY THE ABANDONMENT OF THE EASEMENTS LISTED HEREON.

STACY LEITNER, CITY CLERK
CITY OF RANCHO CORDOVA, CALIFORNIA

DATE: _____

RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____, 2020, AT _____ M. IN BOOK _____ OF MAPS, AT PAGE _____ AT THE REQUEST OF MACKAY & SOMPS CIVIL ENGINEERS, INC.

DONNA ALLRED, COUNTY RECORDER
FEE: \$ _____
CERTIFICATE NO.: _____

BY: _____ FILE NO.: _____
DEPUTY COUNTY RECORDER

SUBDIVISION NO. RC-04-132.5
FINAL MAP OF
MONTELENA VILLAGE 5

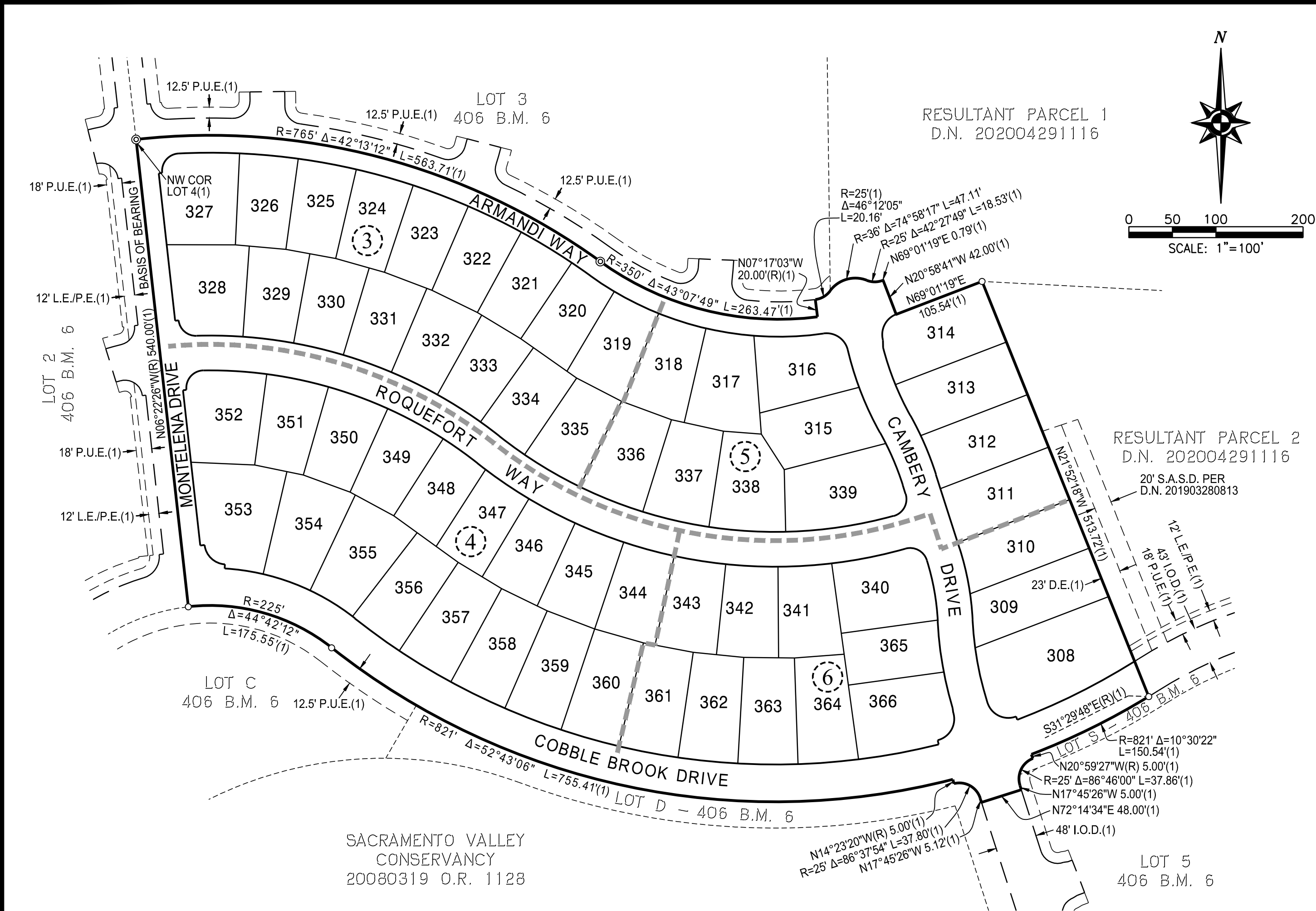
BEING ALL OF LOT 4 AS SHOWN ON THAT CERTAIN FINAL MAP ENTITLED "LARGE LOT MAP OF MONTELENA" FILED FOR RECORD IN BOOK 406 OF MAPS, AT PAGE 6, SACRAMENTO COUNTY RECORDS, SITUATED IN FRACTIONAL SECTION 8, TOWNSHIP 8 NORTH, RANGE 7 EAST, M.D.M.

CITY OF RANCHO CORDOVA • SACRAMENTO COUNTY • CALIFORNIA

Mackay & Somps
ENGINEERS PLANNERS SURVEYORS
1025 Creekside Ridge Drive, Suite 150, Roseville, CA 95678 (916) 773-1189

SEPTEMBER 2020

SHEET 1 OF 6 27042.050



NOTES

- 1. ALL CURVE DIMENSIONS ARE RADIUS, DELTA AND ARC LENGTH. ALL DISTANCES SHOWN ARE GROUND DISTANCES AND ARE IN FEET AND DECIMALS THEREOF. DUE TO ROUNDING THE SUM OF INDIVIDUAL DIMENSIONS MAY NOT EQUAL THE OVERALL DIMENSION.
- 2. TOTAL AREA OF THIS MAP IS 13.804 ± ACRES, CONSISTING OF 59 LOTS.
- 3. A PRELIMINARY SOILS REPORT WAS PREPARED WALLACE-KUHL AND ASSOC., WKA NO. 6961.18, DATED DECEMBER 12, 2013. A COPY OF THIS REPORT IS AVAILABLE FOR PUBLIC INSPECTION AT THE CITY OF RANCHO CORDOVA BUILDING INSPECTION DEPARTMENT.
- 4. THERE SHALL BE A 12.5, 18 AND/OR 23.5 FOOT WIDE PUBLIC UTILITY EASEMENT WITHIN EACH LOT ALONG ALL PUBLIC RIGHTS-OF-WAY AS SHOWN HEREON.
- 5. THERE SHALL BE A 5.00 FOOT POSTAL EASEMENT LOCATED WITHIN LOT ALONG THE STREET RIGHT-OF-WAY.
- 6. ALL FRONT LOT CORNERS WILL BE SET ON A 7.00 FOOT OFFSET ONTO THE DETACHED SIDEWALK ON THE PROPERTY LINE OR 1.00 FOOT OFFSET ONTO THE ATTACHED SIDEWALK ON THE SIDE PROPERTY LINE EXTENDED WITH A 1" DIAMETER BRASS DISC STAMPED "LS 9265".
- 7. ALL REAR LOT CORNERS AND ANGLE POINTS WILL BE SET WITH 5/8" REBAR, WITH 1-1/2" ALUMINIUM CAP STAMPED "LS 9265", WHERE MONUMENTS FALL WITHIN A RETAINING WALL, SOUND WALL OR CONCRETE FOOTING, A 5/8" REBAR WITH 1-1/2" ALUMINIUM CAP STAMPED "LS 9265" WILL BE SET ON THE SIDE LOT LINE ON A FOUR (4) FOOT OFFSET TO THE REAR LOT CORNER OR A BRASS TAG STAMPED "LS 9265" WILL BE SET IN THE FACE OF THE WALL TWO (2) FEET ABOVE GROUND IF AN OFFSET MONUMENT CANNOT BE SET.
- 8. PURSUANT TO SECTION 66434(G) OF THE GOVERNMENT CODE, THE FOLLOWING ARE HEREBY ABANDONED:
 - A) IRREVOCABLE OFFER OF DEDICATION OF COBBLE BROOK DRIVE WITHIN LOT 4 PER 406 B.M. 6 (RE-DEDICATED WITH THIS MAP).
 - B) P.E./L.E. ALONG THE IRREVOCABLE OFFER OF DEDICATION OF COBBLE BROOK DRIVE WITHIN LOT 2 PER 406 B.M. 6 (RE-DEDICATED WITH THIS MAP).
 - C) P.U.E. ALONG IRREVOCABLE OFFER OF DEDICATION OF COBBLE BROOK DRIVE WITHIN LOT 2 PER 406 B.M. 6 (RE-DEDICATED WITH THIS MAP).

LEGEND

⊙	SET 3/4" IRON PIPE WITH PLASTIC PLUG STAMPED "LS 9265"
○	DIMENSION POINT
()	RECORD DATA PER REFERENCE
B.M.	BOOK OF MAPS
COR	CORNER
D.E.	DRAINAGE EASEMENT
D.N.	DOCUMENT NUMBER
I.O.D.	IRREVOCABLE OFFER OF DEDICATION
I.P.	IRON PIPE
L.E.	LANSCAPE EASEMENT
(OA)	OVERALL
P.E.	PEDESTRAIN EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT
(R)	RADIAL BEARING
R/W	RIGHT-OF-WAY
S.A.S.D.	SACRAMENTO AREA SEWER DISTRICT
S.F.	SQUARE FEET
(X)	SHEET REFERENCE
—	BOUNDARY
—	RIGHT OF WAY
—	LOT LINE
—	EX R/W AND I.O.D.
—	CENTER LINE
—	EASEMENT LINE
—	SECTION LINE
—	ADJACENT PROPERTY LINE

BASIS OF BEARINGS

THE BEARING NORTH 06°22'26" WEST AS SHOWN ALONG THE WEST LINE OF LOT 4 AS SHOWN ON THAT CERTAIN FINAL MAP ENTITLED "LARGE LOT MAP OF MONTELENA" FILED IN BOOK 406 OF MAPS, AT PAGE 6, SACRAMENTO COUNTY RECORDS IS THE BASIS OF BEARING FOR THIS MAP.

REFERENCES

(1) 406 B.M. 6

SUBDIVISION NO. RC-04-132.5

FINAL MAP OF
MONTELENA VILLAGE 5

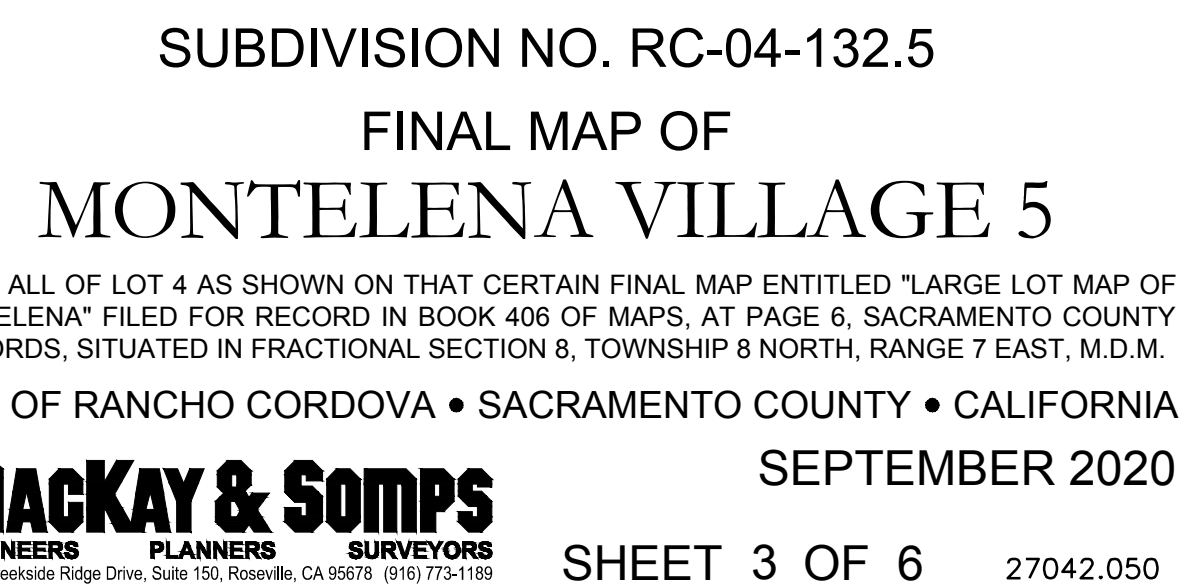
BEING ALL OF LOT 4 AS SHOWN ON THAT CERTAIN FINAL MAP ENTITLED "LARGE LOT MAP OF MONTELENA" FILED FOR RECORD IN BOOK 406 OF MAPS, AT PAGE 6, SACRAMENTO COUNTY RECORDS, SITUATED IN FRACTIONAL SECTION 8, TOWNSHIP 8 NORTH, RANGE 7 EAST, M.D.M.

CITY OF RANCHO CORDOVA • SACRAMENTO COUNTY • CALIFORNIA

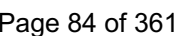
SEPTEMBER 2020

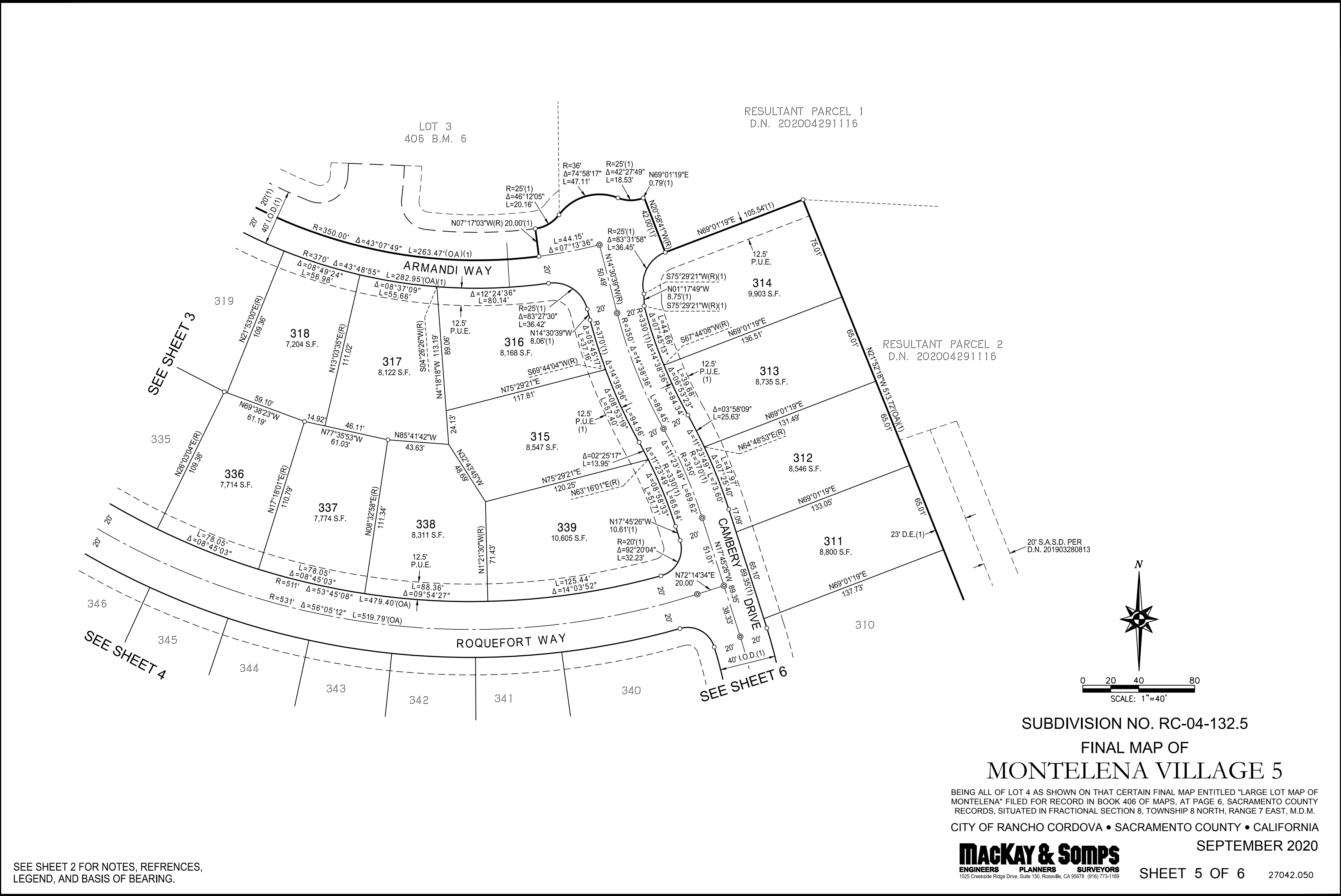
Mackay & Somps
ENGINEERS PLANNERS SURVEYORS
1025 Creekside Ridge Drive, Suite 150, Roseville, CA 95678 (916) 773-1189

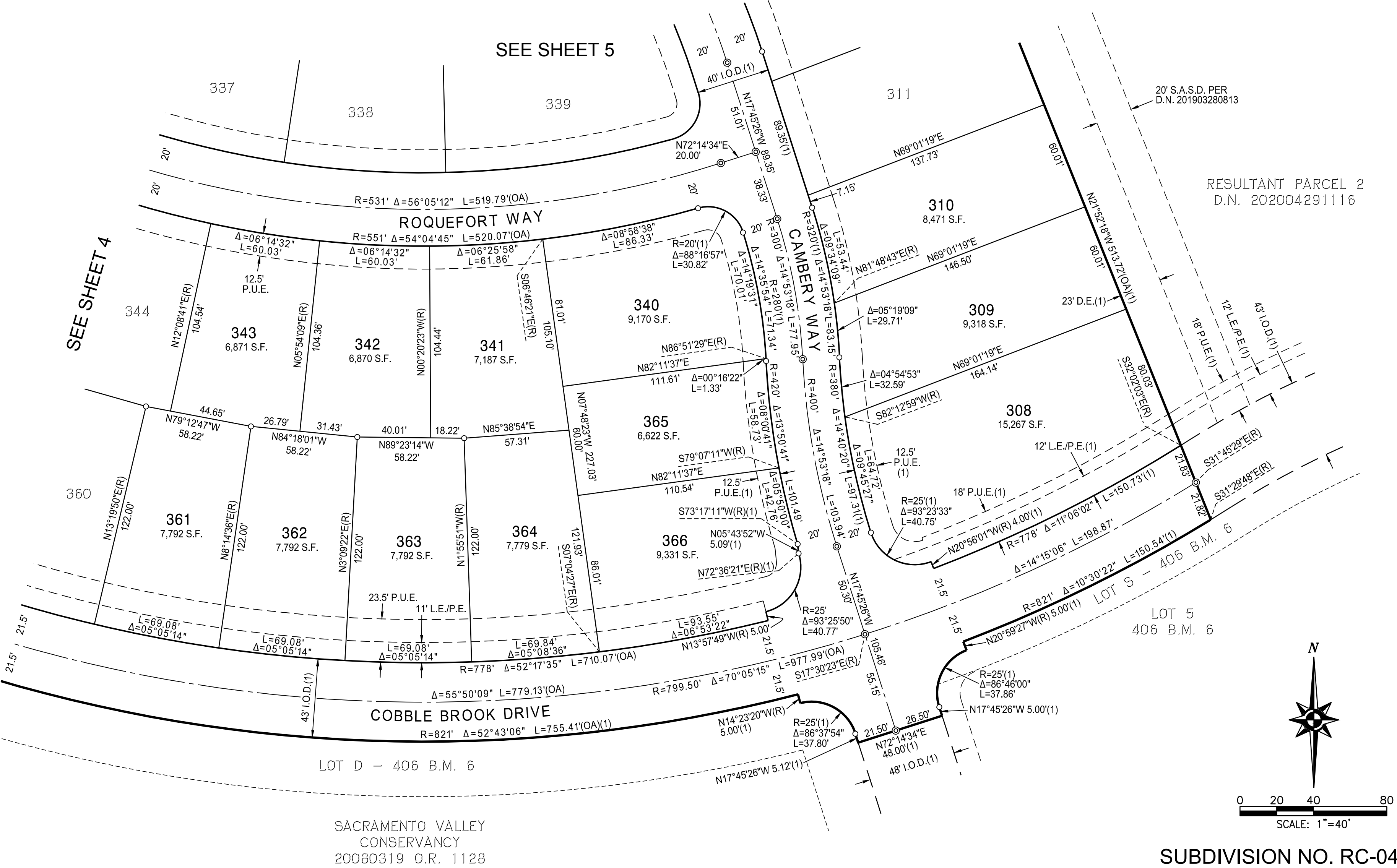
SHEET 2 OF 6 27042.050



MAC KAY & SOMPS
ENGINEERS PLANNERS SURVEYORS
1025 Creekside Ridge Drive, Suite 150, Roseville, CA 95678 (916) 773-1189







SUBDIVISION NO. RC-04-132.5
FINAL MAP OF
MONTELENA VILLAGE 5

BEING ALL OF LOT 4 AS SHOWN ON THAT CERTAIN FINAL MAP ENTITLED "LARGE LOT MAP OF MONTELENA" FILED FOR RECORD IN BOOK 406 OF MAPS, AT PAGE 6, SACRAMENTO COUNTY RECORDS, SITUATED IN FRACTIONAL SECTION 8, TOWNSHIP 8 NORTH, RANGE 7 EAST, M.D.M.

CITY OF RANCHO CORDOVA • SACRAMENTO COUNTY • CALIFORNIA

SEPTEMBER 2020

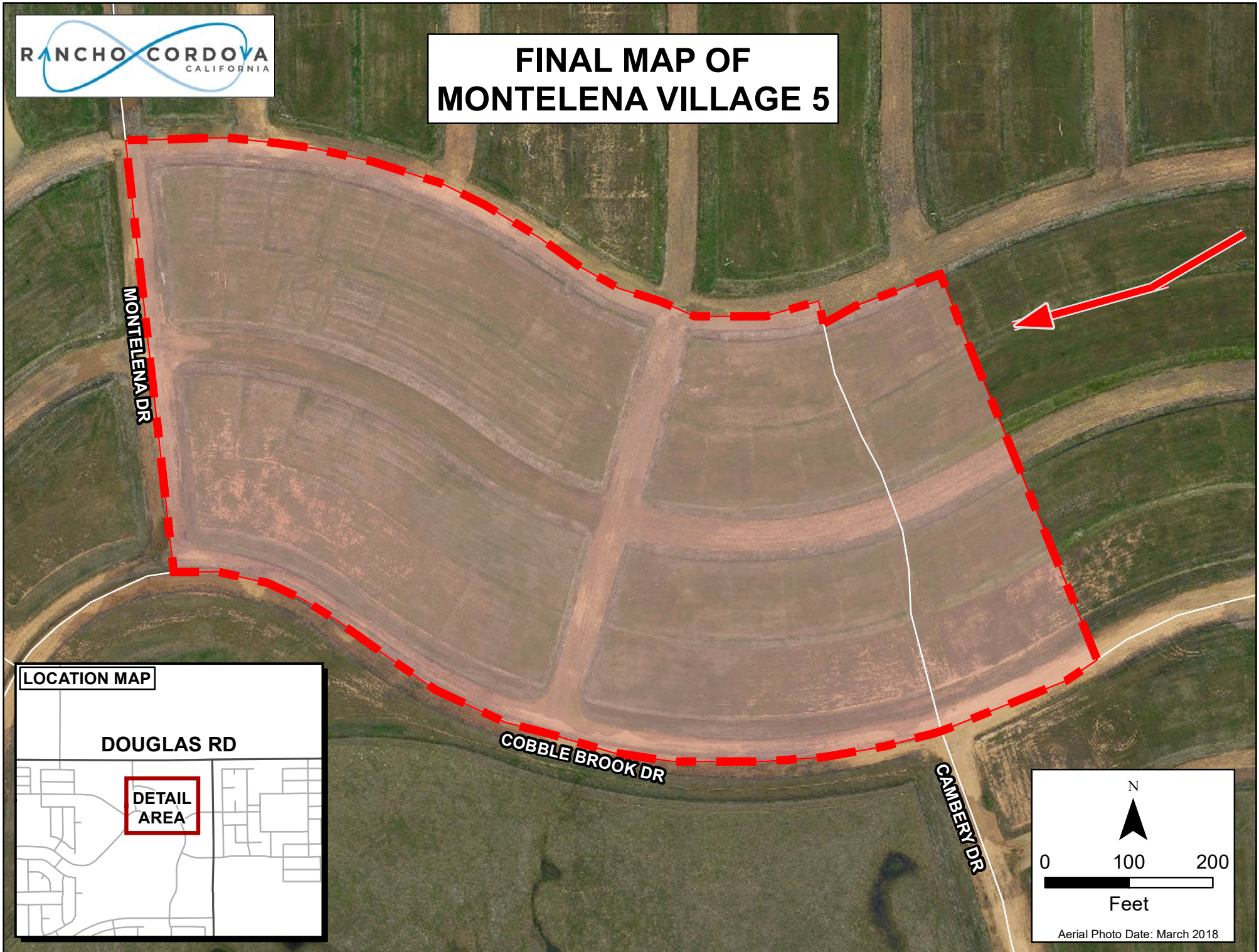
Mackay & Somps
ENGINEERS PLANNERS SURVEYORS
1025 Creekside Ridge Drive, Suite 150, Roseville, CA 95678 (916) 773-1189

SHEET 6 OF 6 27042.050

SEE SHEET 2 FOR NOTES, REFERENCES,
LEGEND, AND BASIS OF BEARING.



FINAL MAP OF MONTELENA VILLAGE 5



MEMORANDUM



ITEM 13.6.

DATE: November 16, 2020
TO: Honorable Mayor and Council Members
FROM: Adam Lindgren, City Attorney
SUBJECT: **SECOND READING AND ADOPTION OF AN ORDINANCE ADDING CHAPTER 3.06 TO THE MUNICIPAL CODE TO IMPOSE A ONE-HALF CENT PER DOLLAR TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY THE STATE DEPARTMENT OF TAX AND FEE ADMINISTRATION**

RECOMMENDATION

Waive second reading and adopt the Ordinance.

RESULT OF RECOMMENDED ACTION

On August 3, 2020, the City Council directed that the Ordinance be placed before the voters for consideration in the November 3, 2020 General Election. If approved by the voters, the ballot measure would enact a one-half (1/2) of a cent sales tax to support general City services, facilities and programs, through relief and recovery, including:

- Repairing streets and potholes
- Keeping public areas healthy, clean and safe
- Maintaining neighborhood public safety
- Supporting and attracting new and local businesses and jobs
- Preparing for any natural disaster or health emergency
- Addressing homelessness
- Other general city services

BACKGROUND

This item is a procedural step; for detailed information on the Ordinance please see the staff report for the City Council's prior action, Item 12.1 on the August 3, 2020 City Council Agenda, directing that it be placed before the voters in the November 3, 2020 General Election. Please also see the City's website cityofranhocordova.org under the "What's New" tab "Learn About Measure R".

ATTACHMENT(S)

1. Ordinance

ORDINANCE NO. XX-2020

**AN ORDINANCE OF THE CITY OF RANCHO CORDOVA ADDING CHAPTER
3.06 TO THE MUNICIPAL CODE TO IMPOSE A ONE-HALF CENT PER
DOLLAR TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY THE
STATE DEPARTMENT OF TAX AND FEE ADMINISTRATION**

WHEREAS, Rancho Cordova must do more to continue to make City streets better, make neighborhoods even safer, and fund programs to attract new businesses and create jobs;

WHEREAS, local businesses would benefit from having enhanced public safety, roads and funding for business promotion and retention;

WHEREAS, the City seeks to help support existing businesses and attract more retail, restaurants and recreation opportunities, making Rancho Cordova a place where young families want to live and put down roots after the crisis is over;

WHEREAS, revitalizing commercial corridors in the City will further improve safety, reduce panhandling and help revitalize old, vacant buildings to attract new business and entertainment to the area;

WHEREAS, the City of Rancho Cordova must have local control over local funds for local needs, allowing the City to be self-reliant in recovering from the uncertain times of the COVID-19 crisis, the likely recession that will follow, and potential future crises;

WHEREAS, the proposed revenue measure includes accountability requirements including independent audits and annual reports to the community and citizen oversight to ensure that all funds are spent as directed. Funds cannot be taken by the State;

WHEREAS, the tax to be submitted to the voters, if approved, would be imposed on the sale of tangible personal property and the storage, use, or other consumption of such property; the tax rate would be one-half of one percent (one-half a cent for each dollar in sales price); the tax revenue would be collected by the California Department of Tax and Fee Administration and remitted to the City; the tax would be in effect until repealed; and the tax shall be approved if the measure receives at least a simple majority vote of affirmative votes;

WHEREAS, California Constitution Article XIII C, Section 2, provides that no local government may impose, extend or increase any general tax unless and until that tax is submitted to the electorate and approved by a majority vote;

WHEREAS, California Constitution Article XIII C, Section 2, provides that a measure proposing to impose, extend or increase a general tax must be consolidated with a regularly scheduled general election for members of the City Council; and

WHEREAS, November 3, 2020 is the date of the City's regular municipal election.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
DOES ORDAIN AS FOLLOWS:**

SECTION 1. Incorporation of Recitals. The City Council of Rancho Cordova finds that all Recitals are true and correct and are incorporated herein by reference.

SECTION 2. Amendment of Municipal Code. The Rancho Cordova Municipal Code is hereby amended to add Chapter 3.06 to read as follows:

“3.06.010 - Title.

This Ordinance shall be known as the Rancho Cordova Relief and Recovery 2020 Transactions and Use Tax Ordinance. The City of Rancho Cordova hereinafter shall be called "City." This ordinance shall be applicable in the incorporated territory of the City.

3.06.020 - Operative Date.

"Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this Ordinance, the date of such adoption being as set forth below.

3.06.030 - Purpose.

This ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

- A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.
- B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.
- C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the California Department of Tax and Fee Administration in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the California Department of Tax and Fee Administration in administering and collecting the California State Sales and Use Taxes.
- D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this Ordinance.

3.06.040 - Contract With State.

Prior to the operative date, the City shall contract with the California Department of Tax and Fee Administration to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the City shall not have contracted with the California Department of Tax and Fee Administration prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

3.06.050 - Transactions Tax Rate.

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of one-half of one percent (0.5%) on the sale of all tangible personal property sold at retail in said territory on and after the operative date of this Ordinance, in addition to the rate charged pursuant to Rancho Cordova Municipal Code Title 3, Chapter 3.05.

3.06.060 - Place of Sale.

For the purposes of this Ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the California Department of Tax and Fee Administration.

3.06.070 - Use Tax Rate.

An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this Ordinance for storage, use or other consumption in said territory at the rate of one-half of one percent (0.5%) of the sales price of the property, in addition to the rate charged pursuant to Rancho Cordova Municipal Code Title 3, Chapter 3.05. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

3.06.080 - Adoption of Provisions of State Law.

Except as otherwise provided in this Ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this Ordinance as though fully set forth herein.

3.06.090 - Limitations on Adoption of State Law and Collection of Use Taxes.

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

- A.** Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:
- 1.** The word "State" is used as a part of the title of the State Controller, State Treasurer, State Treasury, or the Constitution of the State of California;
 - 2.** The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the California Department of Tax and Fee Administration, in performing the functions incident to the administration or operation of this Ordinance.
 - 3.** In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:
 - a.** Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;
 - b.** Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.
 - 4.** In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.
- B.** The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

1. "A retailer engaged in business in the District" shall also include any retailer that, in the preceding calendar year or the current calendar year, has total combined sales of tangible personal property in this state or for delivery in the State by the retailer and all persons related to the retailer that exceeds five hundred thousand dollars (\$500,000). For purposes of this section, a person is related to another person if both persons are related to each other pursuant to Section 267(b) of Title 26 of the United States Code and the regulations thereunder.

3.06.100 - Permit Not Required.

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this Ordinance.

3.06.110 - Exemptions and Exclusions.

- A.** There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.
- B.** There are exempted from the computation of the amount of transactions tax the gross receipts from:
 - 1.** Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.
 - 2.** Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:
 - a.** With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and
 - b.** With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.
 - 3.** The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this Ordinance.
 - 4.** A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this Ordinance.
 - 5.** For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or

lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

- C. There are exempted from the use tax imposed by this Ordinance, the storage, use or other consumption in this City of tangible personal property:
1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.
 2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.
 3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this Ordinance.
 4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this Ordinance.
 5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.
 6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.
 7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

- D. Any person subject to use tax under this Ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

3.06.120 - Amendments.

All amendments subsequent to the effective date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this Ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this Ordinance.

3.06.130 - Enjoining Collection Forbidden.

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this Ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

3.06.140 - Annual Audit, Committee.

Annually the City Council retains an independent auditor to conduct an audit of and provide audited financial statements for all of the City's financial activities. The auditor shall include an accounting of the revenue received from the tax in the audited financial statements. The auditor's report shall be presented to the Council and made available to the public. There shall also be a committee consisting of no fewer than five (5) members of the public to review and report on the receipt of revenue and the expenditure of funds from the tax authorized by this chapter for consistency with City Council direction regarding the expenditure of the funds. The committee members shall be Rancho Cordova residents, students or business representatives. The auditors' annual report required by this section shall be provided to the committee. The City Council shall by resolution establish the composition of the committee, setting the terms of office of the committee members, and further defining the scope of the committee's responsibilities.

3.06.150 – Amendments by City Council.

The following amendments to this Chapter must be approved by the voters of the City: increasing the tax rate or revising the methodology for calculating the tax such that a tax increase would result; imposing the tax on transactions and uses not previously subject to the tax (unless such amendment occurs automatically by operation of Section 12); or extending the tax. The City Council may otherwise amend this Chapter without submitting the amendment to the voters for approval.

3.06.160 - Termination Date.

The authority to levy the tax imposed by this Ordinance shall continue until this ordinance is repealed by a majority vote of the voters of the City, or until it is repealed or suspended or by a majority vote of the City Council, in the event that the City Council repeals or

suspends the tax, it may resume collection without voter approval as long as the transactions tax rate and use tax rate are not higher than the rates set forth in Sections 3.06.050 and 3.06.070, respectively.”

SECTION 3. Adjustment of Appropriations Limit. Pursuant to Article XIII B of the Constitution of the State of California and applicable laws, the appropriations limit for the City is hereby increased by the aggregate sum authorized to be levied by this tax for fiscal year 2020-21 and each year thereafter.

SECTION 4. Compliance with the California Environmental Quality Act. The approval of this Ordinance is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., “CEQA,” and 14 Cal. Code Reg. §§ 15000 et seq., “CEQA Guidelines”). This Ordinance imposes a general tax that can be used for any legitimate governmental purpose; it is not a commitment to any particular action. As such, under CEQA Guidelines section 15378(b)(4), the Ordinance is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have either such effect, the city would undertake the required CEQA review for that particular project. Therefore, pursuant to CEQA Guidelines section 15060, CEQA analysis is not required.

SECTION 5. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 6. Effective Date. This Ordinance relates to the levying and collecting of the City transactions and use taxes and shall take effect immediately.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the 16th day of November, 2020 pursuant to the approval of the voters at the November 3, 2020 election.

AYES:

NOES:

ABSENT:

ABSTAIN:

David M. Sander, Mayor

ATTEST:

Stacy Leitner, CMC
City Clerk

APPROVED AS TO FORM:

Adam Lindgren, City Attorney

MEMORANDUM



ITEM 13.7.

DATE: November 16, 2020

TO: Honorable Mayor and Council Members

FROM: Albert Stricker, Public Works Director
Steve Harriman, Public Works Division Manager

SUBJECT: **SECOND READING OF AN ORDINANCE REPEALING AND REPLACING CHAPTER 6.20 "SOLID WASTE MANAGEMENT" AND CHAPTER 6.21 "BUSINESS AND MULTIFAMILY RECYCLING AND ORGANICS RECYCLING" TO PLACE CERTAIN REQUIREMENTS ON FRANCHISED WASTE HAULING COMPANIES TO ENSURE COMPLIANCE WITH STATE LAW**

RECOMMENDATION

Waive the second reading and adopt the Ordinance.

RESULT OF RECOMMENDED ACTION

Adoption of the ordinance will repeal and replace Chapters 6.20 and 6.21 of the Rancho Cordova Municipal Code. The proposed repeal and replace action will amend the requirements in the municipal code on franchised waste hauling companies in order to ensure compliance with current recycling laws and regulations.

BACKGROUND

On November 2, 2020, the Rancho Cordova City Council introduced and waived the first reading of the Ordinance to repeal and replace Chapters 6.20 and 6.21 of the Rancho Cordova Municipal Code.

The California legislature has enacted several laws that regulate the handling of organic waste materials like food scraps and yard clippings generated by commercial businesses and multifamily properties, as well as other commercially generated recyclable materials like mixed paper, aluminum and tin cans, glass, plastics, etc. Organic waste materials release methane gas when disposed in landfills during the decomposition process, which is a potent greenhouse gas. The intent of the organics recycling laws, including AB 1826 and SB 1383, is to reduce landfill disposal of organic materials in an effort to mitigate climate change.

The current version of the Rancho Cordova Municipal Code requires waste haulers to “offer” commercial recycling and organic recycling services to their commercial and multifamily customers. This requirement has resulted in approximately 13% of commercial and multifamily generators in Rancho Cordova subscribing to organics recycling services and 68% to recycling collection programs for aluminum, glass, paper, plastics, etc. CalRecycle has notified the City that the current compliance rates must improve to avoid future penalties and regulatory action.

The proposed new requirements for franchised waste haulers included in Section 6.21.080 (I) of the municipal code reads as follows:

I. Franchised waste haulers shall not provide garbage collection services to a business or multifamily residential property covered generator unless that business or multifamily property covered generator is also receiving both recyclable material and organics recyclable material collection services from the same franchised waste hauler providing garbage service; or

1. Unless the franchise waste hauler has received a completed alternative compliance and exemption form from the business or multifamily residential covered generator; and

2. The city has received and provided the covered generator with written approval of its alternative compliance and exemption form request and notified the franchised waste hauler in writing of any such approval.

This ordinance change has been approved by the franchised waste haulers and CalRecycle, and is currently being implemented by other jurisdictions in Sacramento County. The franchised waste haulers will have a transition period through June 30, 2021 to bring their commercial and multifamily customers into compliance with commercial recycling and organic waste services. After the transition period a franchised waste hauler providing garbage collection services only, and not organics and/or recycling collection services, would be in violation of the code and subject to corrective action. Commercial customers will have the option to self-haul or use more than one waste hauler for garbage, organics and recyclables collection services, however the customer would be required to provide an alternative compliance form to the City.

The proposed changes to Chapter 6.20 of the municipal code are primarily amendments to definitions to improve consistency with new state laws governing commercial solid waste, recycling and organics collection services.

FISCAL IMPACT AND FUNDING SOURCE

The proposed revisions to the municipal code will not impact the general fund.

ATTACHMENT(S)

1. Ordinance
2. Exhibit A to the Ordinance Chapter 6.20
3. Exhibit B to the Ordinance Chapter 6.21

4. Chapter 6.20 Redline Version
5. Chapter 6.21 Redline Version

CITY OF RANCHO CORDOVA

ORDINANCE NO. XX-2020

AN ORDINANCE OF THE RANCHO CORDOVA CITY COUNCIL REPEALING AND REPLACING CHAPTER 6.20 “SOLID WASTE MANAGEMENT” AND CHAPTER 6.21 “BUSINESS AND MULTIFAMILY RECYCLING” OF THE RANCHO CORDOVA MUNICIPAL CODE TO PLACE CERTAIN REQUIREMENTS ON FRANCHISED WASTE HAULING COMPANIES TO ENSURE COMPLIANCE WITH STATE LAW

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

Section 1. Purpose and Declarations.

WHEREAS, California has enacted several laws that regulate the handling of organic waste materials like food scraps and yard clippings generated by commercial businesses and multifamily properties, as well as other commercially generated recyclable materials like mixed paper, aluminum and tin cans, glass, plastics, etc.; and

WHEREAS, organic waste materials release methane gas when disposed in landfills during the decomposition process, which is a potent greenhouse gas. The intent of the state’s organics recycling laws, including AB 1826 and SB 1383, is to reduce landfill disposal of organic materials in an effort to mitigate climate change; and

WHEREAS, the Rancho Cordova Municipal Code currently requires waste haulers to “offer” commercial recycling and organic recycling services to their commercial and multifamily customers, and this requirement has resulted in approximately 13% of commercial and multifamily generators in Rancho Cordova subscribing to organics recycling programs and 68% to traditional recycling programs for aluminum, glass, paper, plastics, etc.; and

WHEREAS, to improve compliance with state laws regarding recycling, the City is proposing modifications to its Municipal Code to establish new requirements for franchised waste haulers in the City; and

WHEREAS, the City has engaged its franchised waste haulers and other stakeholders in the City in the development of this ordinance; and

WHEREAS, after implementation, there will be a transition period for the franchised waste haulers to bring their commercial and multifamily customers into compliance with the City’s new regulations.

Section 2. Findings. This Ordinance is adopted pursuant to the following findings:

A. The business of collecting and subsequently transporting, transferring, disposing and/or recycling of residential and commercial solid waste generated, kept or accumulated within the incorporated limits of the city of Rancho Cordova affects the health, safety, public welfare and quality of life of the inhabitants of the city. The city further declares that the business of collecting

and disposing of residential and commercial solid waste is a public service and should be regulated by the city to ensure reliability and adequacy of service. The use of any public street or public property in connection with such business is of great concern to the city and should be regulated by the city.

B. Residential waste collection service will be most efficient, and at a lower cost, when collection routes provide door-to-door service uninterrupted by competition in the same area; and that exclusive residential collection services allow for energy conservation in fuel consumed by collection equipment, for the reduction of traffic congestion on roads and streets, and for fewer adverse effects on public streets and rights-of-way due to less truck traffic.

C. To ensure compliance with state law, the City is requiring and promoting recycling and organics recycling, by requiring covered generators in the City to: (i) keep recyclable materials separate from all other garbage for recycling; (ii) to keep organic recyclable materials separate from all other garbage for organics recycling; (iii) provide City approved signs and labeled containers for the storage and collection of recyclable materials and organic recyclable materials; (iv) self-haul recyclable materials and/or organic recyclable materials with written approval from the Public works director and/or his or her designee or enter into a written service agreement for the collection and subsequent delivery of recyclable materials and organic recyclable materials to a recycling facility; and (v) prohibiting the collection of garbage to covered generators that are not subscribed to recyclable material and organic recyclable material collection services with the same franchised waste hauler or who have not received written approval from the Public works director and/or his or her designee for an exemption or waiver.

D. It is the intent of the City by adoption of this Ordinance to create a mechanism by which the City may require the implementation of recycling programs and organics recycling programs for covered generators within the City to ensure the City meets and maintains the 50% waste diversion requirements of Public Resources Code section 41780(a)(2).

Section 3. Amendment of Code. Chapter 6.20 "Solid Waste Management" of the Rancho Cordova Municipal Code is hereby repealed and replaced with the attached Chapter 6.20 "Solid Waste Management," as shown and incorporated in the attached Exhibit A.

Section 4. Amendment of Code. Chapter 6.21 "Business and Multifamily Recycling and Organics Recycling" of the Rancho Cordova Municipal Code is hereby repealed and replaced with the attached Chapter 6.21 "Business and Multifamily Recycling and Organics Recycling" as shown and incorporated in the attached Exhibit B.

Section 4. CEQA. Approval of the amendments in this Ordinance is exempt from further environmental review under the general rule in California Environmental Quality Act ("CEQA") Guidelines section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. The proposed amendments are not a "project" within the meaning of CEQA because the amendments seek to further regulate or clarify uses that are already present in the City and/or provide consistency with State law and no significant expansion of these activities can reasonably be anticipated to occur. Because no expansion of uses or activities is reasonably anticipated, no possibility exists that the ordinance will result in a significant effect on the

environment. Thus, the proposed ordinance is not subject to the requirements of CEQA.

Section 5. Severability. If any provision of this Ordinance, or the application thereof to any person or circumstance, is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid or unenforceable.

Section 6. Effective Date. Within fifteen (15) days after adoption, a Summary of this Ordinance shall be published once in the Grapevine Independent, or the Sacramento Bee, a newspaper of general circulation printed and published in Sacramento County and circulated in the City of Rancho Cordova, in accordance with Government Code section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the 16th day of November 2020 by following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

David M. Sander, Mayor

Stacy Leitner, CMC
City Clerk

Chapter 6.20

SOLID WASTE MANAGEMENT¹

Sections:

6.20.010	Purpose and declarations.
6.20.020	Definitions.
6.20.030	Collection or transportation prohibited.
6.20.035	Mandatory service.
6.20.040	Public agency exemption.
6.20.045	Mandatory service exemption.
6.20.050	Franchise requirement.
6.20.055	Exempt collection or transportation.
6.20.060	City council authority to grant franchise.
6.20.070	Franchise terms and conditions.
6.20.080	Application for commercial or residential franchise.
6.20.090	Commercial franchise application review process.
6.20.095	Residential franchise application review process.
6.20.100	Appeal upon denial of award.
6.20.110	Awarding of franchise.
6.20.120	Requirements for franchise effectiveness.
6.20.130	Franchise fees.
6.20.140	Recycling facility reporting requirements.
6.20.150	Restrictions on franchisees.
6.20.160	Medical waste.
6.20.170	Enforcement.
6.20.180	Abatement proceedings.
6.20.190	Notices.
6.20.200	On-site storage.
6.20.210	Solid waste disposal restrictions.
6.20.220	Use of containers.
6.20.230	Rules and regulations.
6.20.240	Vehicle inspection.
6.20.250	Vehicle requirements.
6.20.260	Covered load requirement.
6.20.270	Rights reserved to city.
6.20.280	Other franchise provisions.
6.20.290	Criminal penalties for violations.
6.20.300	Civil penalties for violations.
6.20.310	Settlement process.
6.20.320	Hearing officer.
6.20.330	Appeals.
6.20.340	Appeal hearing.

6.20.010 Purpose and declarations.

A. It is hereby declared and determined that the business of collecting and subsequently transporting, transferring, disposing and/or recycling of residential and commercial solid waste generated, kept or accumulated within the incorporated limits of the city of Rancho Cordova affects the health, safety, public welfare and quality of life of the inhabitants of the city. The city further declares that the business of collecting and disposing of residential and commercial solid waste is a public service and should be regulated by the city to ensure reliability and adequacy of service. The use of any public street or public property in connection with such business is of great concern to the city and should be regulated by the city. Therefore, it is the purpose of this chapter to provide such regulation.

The city further declares that residential collection service will be most efficient, and at a lower cost, when collection routes provide door-to-door service uninterrupted by competition in the same area; and that exclusive

ITEM 13.7.

ATTACHMENT 2 Exhibit A to the Ordinance

residential collection services allow for energy conservation in fuel consumed by collection equipment, for the reduction of traffic congestion on roads and streets, and for fewer adverse effects on public streets and rights-of-way due to less truck traffic.

B. It is the further purpose of this chapter to regulate such business in order to ensure its orderly operation and to minimize the adverse effects it may have on the local environment. It is also the purpose of this chapter, aside and apart from regulation, to require compensation for the value of the franchise issued by the city.

C. It is the further purpose of this chapter to provide for the uniform regulation of residential and commercial solid waste collection, removal and transportation within the geographical area of the city.

D. The city hereby elects to have the grant of franchises governed by this chapter, and any ordinances amendatory thereof, and these provisions shall constitute the exclusive procedure applicable to the granting of franchises for the conduct of the business of collecting, transporting or disposing of residential and commercial solid waste. [Ord. 22-2012 § 2].

6.20.020 Definitions.

Unless the context otherwise requires, the definitions set forth in this section shall govern the interpretation of this chapter.

A. “City” means the city of Rancho Cordova.

B. “City council” means the city council of the city of Rancho Cordova.

C. “City clerk” means the city clerk of the city of Rancho Cordova.

D. “City engineer” means the engineer of the city of Rancho Cordova.

E. “City limits” means the territorial jurisdiction of the city of Rancho Cordova.

F. “Collection” means the act of picking up and removing solid waste or recyclable material at the place of waste generation.

G. “Commercial hauler” means any person who loads, collects, hauls, or transports commercial solid waste for a fee by use of any means, including, but not limited to, a dumpster truck; roll-off truck; a side-load, front-load, or rear-load garbage truck; or a trailer.

H. “Commercial solid waste” means all solid waste, as defined in this chapter, that is generated by and at commercial and industrial sources, multifamily residential property, and construction and demolition activities that is collected by a commercial hauler.

I. “Franchise” or “commercial franchise” means a commercial solid waste and recyclables collection franchise issued under the provisions of this chapter to a commercial hauler within the city.

J. “Franchisee” means a person or entity holding a franchise issued pursuant to this chapter.

K. “Garbage” means all putrescible and non-putrescible solid, semisolid, and liquid wastes, including, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, discarded home and industrial appliances, dewatered, treated or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semi-solid wastes. “Garbage” does not include hazardous waste or low-level radioactive waste regulated under Chapter 7.6 (commencing with Section 25800) of Division 20 of the California Health and Safety Code or medical waste. “Garbage” does not include recyclable materials or organic recyclable materials set out for separate collection for the purposes of recycling and that are not landfilled.

***Note:** The distinction between garbage and solid waste is that solid waste includes garbage, recyclable materials, and organic recyclable materials while “garbage” does not.*

ITEM 13.7.

ATTACHMENT 2 Exhibit A to the Ordinance

L. “Materials recovery facility” or “MRF” means any facility designed, operated, and legally permitted for the purpose of receiving, sorting, processing, storing, or preparing recyclable materials for sale and which has obtained, and maintains valid permit(s) to accept, process or store recyclable materials. This definition shall apply only within the framework of materials recovery facility services and reporting of this chapter.

M. “Multifamily residential property” means five or more individual living units located on a single parcel of land and any mobile home park located within the city.

N. “Person” means an individual, firm, limited liability company, association, partnership, industry, public or private corporation, or any other entity whatsoever.

O. “Police chief” means the chief of police of the city of Rancho Cordova.

P. “Public works director” means the public works director of the city of Rancho Cordova, California.

Q. “Recycling” means the process of collecting, sorting, cleansing, treating and reconstituting materials that would otherwise become solid waste and returning them for use or reuse in the form of raw materials for new, used or reconstituted products which meet the quality standard necessary to be used in the marketplace. “Recycling” does not include transformation as defined in Public Resources Code Section 40201.

R. “Recycling facilities” means those facilities or operations that receive, process, and transfer to market recyclable materials that have been source separated from the solid waste stream.

S. “Recyclable material” or “recyclables” means materials that have been separated from the solid waste stream prior to disposal for the purpose of returning them for use or reuse in the form of raw materials for new, used or reconstituted products which meet the quality standard necessary to be used in the marketplace, and that are not landfilled.

T. “Removal” means the act of taking solid wastes or recyclable materials from the place of generation.

U. “Residential dwelling unit” means an individual living unit in a single-family dwelling, condominium, townhouse, mobile home, duplex (two units), triplex (three units), fourplex (four units) or building of four or less total individual living units intended for, or capable of being utilized for, residential living other than a hotel or motel.

V. “Residential hauler” means any person who loads, collects, hauls, or transports residential solid waste for a fee by use of any means, including, but not limited to, a dumpster truck; roll-off truck; a side-load, front-load, or rear-load garbage truck; or a trailer.

W. “Residential solid waste” means all solid waste, as defined in this chapter, that is generated by and at a residential dwelling unit.

X. “Residential franchise” means a residential solid waste collection franchise issued under the provisions of this chapter to a residential hauler within the city.

Y. “Solid waste” means all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, construction and demolition debris, discarded home and industrial appliances, dewatered, treated or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semi-solid wastes. “Solid waste” does not include hazardous waste or low-level radioactive waste regulated under Chapter 7.6 (commencing with Section 25800) of Division 20 of the Health and Safety Code, or medical waste. “Solid waste” includes recyclable materials set out for separate collection for the purposes of recycling, and that are not landfilled.

Z. “Source separate” or “source separated” means the process of removing recyclable materials from solid waste for the purpose of recycling.

AA. “Treated medical waste” means medical waste as defined in subsection (a) of Health and Safety Code Section 25023.5.

BB. "Construction and demolition debris" means used or discarded materials resulting from construction, renovation, remodeling, repair or demolition operations on any pavement, house, commercial building, or other structure and such other materials as may be removed during the normal cleanup process of such construction, renovation, remodeling, repair, or demolition operations. This includes mixed construction and demolition debris and source separated recyclable construction and demolition material. [Ord. 22-2012 § 2].

6.20.030 Collection or transportation prohibited.

Except as authorized by RCMC 6.20.040 and 6.20.050, it shall be unlawful for any person to engage in the business of collecting, removing or transporting residential or commercial solid waste, or otherwise organizing, directing, sponsoring, brokering or causing the collection, removal or transportation of commercial residential or solid waste within the city without possessing a valid franchise or valid residential franchise granted by the city. [Ord. 22-2012 § 2].

6.20.035 Mandatory service.

Except as otherwise expressly provided by this chapter, the owner, tenant, or occupant of every improved parcel (parcel with one or more business and/or residential buildings approved for occupancy) located within the city shall subscribe to a solid waste collection service from a residential or commercial franchisee operating pursuant to this chapter. Each business (DBA) and/or residential building with a separate address and each separate business unit and each separate residential unit (under separate rental agreement) with a common address located on such parcel shall subscribe to such service. The owner, tenant or occupant of a parcel with a residential dwelling unit shall subscribe to a collection service from a residential franchisee operating according to this chapter. The owner, tenant, or occupant of a parcel with a commercial or multifamily property shall subscribe to a collection service from a commercial franchisee operating according to this chapter.

Any owner of an improved five-acre or larger parcel may submit a written request for an exemption from mandatory service to the public works director, and/or his or her designee, who will consider such requests on a case-by-case basis. The public works director, and/or his or her designee, will submit a written response within 30 days of receipt of a written request either approving or denying the exemption from mandatory service. [Ord. 22-2012 § 2].

6.20.040 Public agency exemption.

The provisions of RCMC 6.20.035 shall not be applicable to the United States, the state of California, the county, a city, a special district or any other local public agency with respect to the accumulation, collection or transportation of refuse resulting from operations of such agency. [Ord. 22-2012 § 2].

6.20.045 Mandatory service exemption.

The public works director, and/or his or her designee shall, upon application, grant a written exemption from the mandatory collection service requirements established by RCMC 6.20.035 for any property utilized for commercial purposes which does not generate solid waste, and may grant such an exemption for any residential dwelling unit (but not multifamily residential properties) if it determines that the occupant has made adequate and appropriate arrangements for the disposal of solid waste and required subscription to collection service would constitute an unreasonable hardship or impractical burden. [Ord. 22-2012 § 2].

6.20.050 Franchise requirement.

It is unlawful for any person to engage in the business of collecting, transporting or disposing of residential or commercial solid waste kept, accumulated or generated in the city, or to engage in the business of soliciting accounts or invoicing customers for residential or commercial solid waste service in the city unless:

A. A commercial franchise or residential franchise therefor has first been granted pursuant to the provisions of this chapter and such franchise is in full force and effect and a written franchise agreement therefor has been executed between such person and the city and such agreement is in full force and effect. [Ord. 22-2012 § 2].

6.20.055 Exempt collection or transportation.

The following persons shall be authorized to organize, direct or sponsor the collection, removal or transportation of residential or commercial solid waste within the city, or collect, remove or transport such solid waste, without a franchise or a residential franchise:

A. The United States, the state of California, a city, a special district or other local public agency, or any employee

or member of the Armed Forces thereof, or any individual or employee of such individual who has entered into a contract for solid waste collection with a federal or state agency, when collecting or transporting solid waste produced by operation of the public entity under a system of solid waste collection and transportation operated and maintained by the public agency;

B. The owner, operator or occupant or employee of a farm or ranch consisting of five acres or more, when transporting for off-site disposal solid waste accumulated as a result of operation of the farm or ranch;

C. An owner or occupant of a residential or multifamily residential property, when collecting or transporting recyclable materials and/or organic recyclable materials, not containing garbage, from his or her residential premises to a lawful point of disposal;

D. A residential construction contractor, commercial or residential gardener and those engaged in the business of cleaning residential, commercial and multi-family residential properties and employees thereof, when collecting or transporting solid waste consisting of by-products of the services provided to a lawful disposal location;

E. A person or employee thereof, when collecting or transporting dead animals, bones, meat scraps or food waste resulting from food processing plants for tallow or fertilizer, or other waste material to be used as raw material in manufacturing, or solid waste that is collected without charging a fee to the customer for purposes of salvage; provided, that such persons shall reuse or recycle or cause to be reused or recycled all materials collected, and shall not transport or arrange for the transport of any collected materials to a disposal site;

F. An operator or employee thereof of one or more industrial plants which are under single ownership, when collecting or transporting wastes which cannot be handled by standard solid waste collection equipment or which involve significant health, operating or handling hazards, including but not limited to rice hulls, tomato pulp, chemical residues, explosives, and other toxic, noxious or hazardous substances; provided, that all such wastes shall be deposited at an appropriate disposal area permitted pursuant to California State solid or hazardous waste management standards.

Any transportation of solid waste authorized by this section shall be conducted in strict compliance with any and all requirements of this chapter relating to transportation and any regulations issued hereunder;

G. Any person collecting or transporting hazardous waste, medical waste and designated waste, as defined in law, regardless of its source;

H. Any person collecting or transporting by-products of sewage treatment, including sludge, sludge ash, grit, and screenings;

I. Any person collecting or transporting residue or nonprocessable waste from a solid waste management facility, including material recovery, composting, and transformation facilities; and

J. Municipal corporations and other governmental agencies using their own vehicles engaged in the collection, transportation, or disposal of solid waste within the city. [Ord. 22-2012 § 2].

K. Any commercial edible food recovery organization collecting edible food from commercial establishments resulting in the recovery and redistribution of edible food for consumption.

6.20.060 City council authority to grant franchise.

A. The city council may and is hereby empowered to grant to a qualified applicant a nonexclusive franchise to engage in the business of collecting, transporting or disposing of commercial solid waste, accumulated or generated in the city, or to delegate the authority, by resolution, to the public works director, and/or his or her designee, to grant the franchise.

B. The city council may and is hereby empowered to grant to a qualified applicant an exclusive residential franchise to engage in the business of collecting, transporting or disposing of residential solid waste and recyclable materials kept, accumulated or generated in the city, or to delegate the authority, by resolution, to the public works director, and/or his or her designee, to grant the franchise according to the procedures set forth in RCMC 6.20.080 and

6.20.095.

C. The city council may grant a commercial franchise or a residential franchise to an applicant based on compliance with this chapter. Any grant of a commercial franchise or a residential franchise by the city council may be subject to such terms, conditions, rules, regulations, restrictions, and limitations as the city council deems necessary to protect the public health, safety, or welfare.

D. The city council hereby empowers and grants to the public works director, and/or his or her designee, the authority to administer and negotiate nonsubstantive changes to the commercial franchise and residential franchise agreements. The city council may delegate authority by resolution to the public works director, and/or his or her designee, to administer, negotiate and execute franchise agreements. [Ord. 22-2012 § 2].

6.20.070 Franchise terms and conditions.

A. All franchises and residential franchises shall be subject to the terms and conditions specified in this chapter, in the franchise agreement and in all other applicable federal, state and local laws and regulations.

B. In granting any franchise or residential franchise, the city council may prescribe such other additional terms and conditions, not in conflict with this chapter, as in the judgment of the city council are in the public interest.

C. Each franchisee shall provide residential or commercial solid waste collection, removal, recycling, and transportation services consistent with the provisions of this chapter, the terms and conditions of the franchise issued to the franchisee, and any applicable federal, state, or local statute, ordinance, rule or regulation.

D. Each franchisee shall provide services without undue interruptions caused by mechanical failures or other inadequacies of equipment and shall utilize equipment in quantities and of an age and quality adequate for the provisions of reliable service and to provide preventive and repair maintenance of such equipment sufficient to ensure reliability. [Ord. 22-2012 § 2].

6.20.080 Application for commercial or residential franchise.

A. All applications for commercial or residential franchises pursuant to this chapter shall be in writing and shall be filed with the public works director, and/or his or her designee.

B. Each application for a commercial or residential franchise from a company that has never held a commercial or residential franchise in the city shall be submitted by the applicant on a form provided by the public works director, and/or his or her designee. The application shall contain all attachments with the following information:

1. Identification.

- a. The name and address of the applicant.
- b. Business address and telephone number of the applicant.
- c. Address where all vehicles and operating equipment used within the city will be kept.
- d. If the applicant is a partnership, the applicant shall include the name and address of each partner, general, limited or otherwise, owning more than 10 percent ownership in the partnership and their percentage of ownership.
- e. If the applicant is a corporation, the application shall state the names and addresses of the corporation's directors, date and place of incorporation, main offices, major stockholders and associates, and the names and addresses of the parent and subsidiary companies.
- f. If the applicant is an affiliate or a franchised operation of another corporation (not to be confused in this instance with a solid waste franchisee of the city), the applicant shall list the names and addresses of the parent or subsidiary companies, together with a description of their business interests and/or ownership.
- g. If the applicant is a joint venture or other combination of persons and corporations, identify separately the names and addresses of each member of the joint venture or combined effort, together with their

percentage interest.

2. Business Operations. The names of the executive, operational and financial managers to be used in connection with the solid waste collection services, together with documentation that such persons and the applicant have sufficient experience in solid waste handling to perform solid waste collection services in the city.

a. Attestation that books and accounts of all revenue and income arising out of its operations will be kept in a manner that conforms to generally accepted accounting principles.

b. A statement that the applicant shall obtain insurance prior to commencing business subject to the franchise agreement.

c. A statement that the applicant shall maintain and report on a timely basis all operational information and data elements reasonably required by the city to comply with its reporting requirements such as those established under AB 939, and as defined in the franchise agreement.

d. A complete listing and explanation of any civil or criminal rulings or judgments in excess of \$5,000, or convictions against applicant, any of applicant's partners, major stockholders, corporate directors or parent or subsidiary companies, occurring within the last five years. Applicants that are subject to the periodic reporting requirements of Section 13(a) of the Securities Exchange Act may, in lieu of the information required by this subsection, submit the information reported pursuant to 17 CFR 229.103 (Legal proceedings) and 229.403 (Security ownership of certain beneficial owners and management) on the most recent form 10-K filed by the applicant with the Securities and Exchange Commission.

3. Facilities and Equipment.

a. A description of all vehicles and equipment that the applicant owns, has control of, or intends to acquire for the collection, transportation, or disposal of commercial waste in the city and which are subject to the provisions of the franchise agreement. A statement as to whether said vehicles and equipment are self-unloading and equipped with audible automatic back-up warning devices. The minimum vehicle description for existing vehicles shall include Vehicle Identification Number (VIN) and license plate number.

b. Evidence demonstrating that the applicant owns or will have access to suitable facilities for keeping vehicles and equipment clean and in good repair, and that the applicant owns or will have access to reasonable office and billing facilities.

c. Evidence demonstrating that the applicant owns or will have the legally enforceable right to use at least two collection vehicles, the bodies of which are closed, leak-resistant, and constructed for the purpose of solid waste collection, transportation, and disposal. In the alternative, for the purposes of this provision, an applicant may demonstrate by the evidence that they service and transport open-top roll-off boxes for the collection, transportation, and disposal of nonputrescible waste and/or roll-off compaction boxes which are closed, leak-resistant, and are constructed for the purpose of solid waste collection, transportation, and disposal.

4. Financial Resources. Applicant shall provide proof satisfactory to the public works director, and/or his or her designee, that the applicant has adequate financial resources to conduct commercial solid waste collection services.

5. Diversion Plans. Each franchisee shall submit a diversion plan with their franchise application. The diversion plan shall provide a detailed description of how the franchisee intends to divert recyclable materials from commercial solid waste in order to assist the city in meeting the city's AB 939 reporting requirements.

6. Application for Police Chief Review.

a. The city may request that the police chief review each franchise application prior to the city issuing a franchise. The public works director, and/or his or her designee, may refer all franchise applications or

renewals pursuant to this chapter to the police chief who, in conjunction with city staff, shall make such investigation of the applicant as the police chief deems necessary in order to determine whether the applicant's character or the business responsibility of the firm the applicant represents is satisfactory. The requirements of this section apply to all pending or future applications or proposals for issuance or renewal of such franchise pursuant to this chapter. The police chief's investigation may include, but is not limited to, obtaining the fingerprints and a photograph of the applicant, or any other person connected with the firm which the applicant represents, and the obtaining of reports from the state and federal law enforcement agencies and reports from any other appropriate sources.

b. If requested to review an application, the police chief shall evaluate each franchise application or proposal to determine whether the operation of the business which the applicant or party submitting the proposal represents would involve an unreasonable risk to the health, safety or general welfare of the public. In making such a determination, the police chief shall consider the character of the applicant or party submitting the proposal and each director, officer, manager and other person who exercises policy control over the operations of the applicant or proponent, the business responsibility of the firm which the applicant or party submitting the proposal represents, and the manner in which the firm intends to conduct its business.

c. The police chief shall notify the public works director, and/or his or her designee, of the results of the investigation conducted pursuant to this section. If the police chief recommends disapproval of the application or proposal, the reasons for disapproval shall be specified in writing. The police chief shall forward a copy of the statement of reasons to the public works director, and/or his or her designee, and shall provide a copy to the applicant or party submitting the application.

7. Other.

a. Any other evidence that demonstrates that the applicant is able to render collection and subsequent transportation and/or disposal services in accordance with applicable federal, state and local statutes.

b. Such additional information as may be reasonably requested by the public works director, and/or his or her designee.

c. During the application or proposal period and during the full term of any franchise, all information contained in the franchise application shall be kept up to date by the applicant who shall file a new verified statement within 48 hours of any change indicating in detail the nature of any change in the information.

C. Each application for a commercial or residential franchise from a company holding a valid, current commercial or residential franchise which is set to expire shall be submitted by the applicant on a form provided by the public works director, and/or his or her designee. The application shall include all attachments required by the public works director, and/or his or her designee.

D. The application shall be signed by the person applying for the commercial or residential solid waste and recyclables collection franchise or, in the case of a partnership or corporation, by a person authorized to bind the partnership or corporation. [Ord. 22-2012 § 2].

6.20.090 Commercial franchise application review process.

A. The city council may award franchises for the collection of commercial solid waste within the city to applicants meeting all of the qualifications of this chapter.

B. Applicants may submit their completed application for a commercial franchise, as provided in RCMC 6.20.080, to the public works director, and/or his or her designee, for review and consideration at any time. The public works director, and/or his or her designee, shall review such submittals and either make a recommendation to the city council to award such franchise or notify applicant of denial within 60 days of receiving a completed application.

C. The public works director, and/or his or her designee, shall take into consideration all components of the completed application, including but not limited to:

ITEM 13.7.

ATTACHMENT 2 Exhibit A to the Ordinance

1. The ability of the applicant to meet all terms of the agreement;
2. Any history of civil or criminal convictions that may compromise the public's interests; and
3. The completeness, accuracy, and validity of the application.

The public works director, and/or his or her designee, shall also have the authority to verify independently any and all statements made and implied in the application. The public works director, and/or his or her designee, may also request clarification from applicant of any or all elements of the submitted application.

D. After the 60-day review period, the public works director, and/or his or her designee, shall either:

1. Deny an award and notify the applicant in writing of the reasons why the award was denied; or
2. Recommend to the city council that a franchise be awarded.

E. Upon concurrence with a positive recommendation, the city council will award the franchise or will delegate authority to the public works director, and/or his or her designee, to award the franchise within a reasonable period of time. The public works director, and/or his or her designee, will notify applicant in writing of an award. [Ord. 22-2012 § 2].

6.20.095 Residential franchise application review process.

A. The city council may award an exclusive franchise for the collection of residential solid waste and recyclables within the city to an applicant meeting all of the qualifications of this chapter.

B. Applicants may submit their completed application for a residential franchise, as provided in RCMC 6.20.080, to the public works director, and/or his or her designee, for review and consideration when the city has noticed its desire to receive such applications and according to the deadlines set forth by such notice. The public works director, and/or his or her designee, shall review applications and either make a recommendation to the city council to award such franchise or notify applicant of denial within 60 days of receiving a completed application.

C. The public works director, and/or his or her designee, shall take into consideration all components of the completed application, including but not limited to:

1. The ability of the applicant to meet all terms of the agreement;
2. Any history of civil or criminal convictions that may compromise the public's interests;
3. The completeness, accuracy, and validity of the application; and
4. The applicant's ability to provide the most efficient and cost-effective collection service to city residents while minimizing the adverse effects of such service on the residents, city streets and rights-of-way, and the environment.

The public works director, and/or his or her designee, shall also have the authority to verify independently any and all statements made and implied in the application. The public works director, and/or his or her designee, may also request clarification from applicant of any or all elements of the submitted application.

D. After the 60-day review period, the public works director, and/or his or her designee, shall either:

1. Deny an award and notify the applicant in writing of the reasons why the award was denied; or
2. Recommend to the city council that a franchise be awarded to a particular applicant; or
3. Recommend to the city council a group of finalists from which the city council may select an applicant to award an exclusive franchise to.

E. Upon concurrence with a positive recommendation, the city council will award the franchise or will delegate

authority to the public works director, and/or his or her designee, to award the franchise within a reasonable period of time. The public works director, and/or his or her designee, will notify applicant in writing of an award. [Ord. 22-2012 § 2].

6.20.100 Appeal upon denial of award.

A. Within 30 days of written notification of award denial or within 60 days of the public works director, and/or his or her designee's failure to act on the commercial or residential franchise application, the applicant has the right to meet with the public works director, and/or his or her designee, to review the items cited in the written notice and provide any additional evidence to support an award. Within 15 days of such meeting, the public works director, and/or his or her designee, will make a final, written determination of the application, based on the reviews of additional evidence, together with the original application. The public works director, and/or his or her designee, will send a copy of all final, written determinations, including reasons for denial, if any, to both applicant and the city council.

B. Applicant may, within 10 days after receiving the public works director, and/or his or her designee's final denial, request a public hearing before the city council by submitting to the city clerk a written petition for an appeal hearing. If a public hearing is requested, the city clerk shall set the matter for hearing at the next regularly scheduled city council meeting or any later date as agreed upon by the applicant and clerk of the city council. At such hearing, applicant may present evidence in writing and through testimony of its employees and others relevant to the application. During such hearing, the city council may demand from the applicant such additional information as the city council may deem relevant and necessary. Standard rules of evidence are not in effect at such public hearing, and the applicant shall have the burden of proof to show facts demonstrating that the applicant does in fact meet the requirements of this chapter. Any hearing may be continued or adjourned to a stated time and place without the giving of further notice. The city council will provide applicant with a written explanation of its determination on the application within 30 days of such hearing. The city council's decision is final.

C. If the term of an applicant's existing franchise expires while the application is under city review, the city council or the public works director, and/or his or her designee, may administratively extend the term for such period of time as is required to complete the appeal process. [Ord. 22-2012 § 2].

6.20.110 Awarding of franchise.

A. A commercial or residential franchise shall become effective only once the applicant and the city have signed a written agreement, and upon applicant's satisfying all of the requirements and conditions set forth in both this chapter and the franchise agreement.

B. The franchisee must provide to the city copies of all required certificates of insurance, and bonds as may be enumerated in the franchise agreement and this chapter. Should franchisee fail to maintain all such insurance and bonding requirements, uninterrupted for the term of the agreement, the city will immediately suspend or terminate the commercial or residential franchise.

C. If the franchisee's description of vehicles and equipment, as required under RCMC 6.20.080, has changed between the application date and the effective date of the franchise agreement, franchisee must submit to the public works director, and/or his or her designee, an amended description, including all identification elements required under RCMC 6.20.080, prior to commencing services authorized in the agreement. [Ord. 22-2012 § 2].

6.20.120 Requirements for franchise effectiveness.

A franchise granted pursuant to this chapter shall not become effective unless and until all of the following requirements have been satisfied:

A. The ordinance granting the residential or commercial franchise, or the resolution granting the public works director, and/or his or her designee, the authority to grant the franchise, is effective.

B. The applicant and the city have executed a franchise agreement.

C. Within 20 days from the date of adoption of the ordinance granting the commercial or residential franchise, or within 20 days of the date of adoption of the resolution delegating authority to the public works director, and/or his or her designee, to grant the franchise, the applicant to whom a franchise has been granted has filed with the city

ITEM 13.7.

ATTACHMENT 2 Exhibit A to the Ordinance

clerk evidence of compliance with the insurance requirements specified in the franchise agreement. [Ord. 22-2012 § 2].

6.20.130 Franchise fees.

A. Each person engaging in the business of collecting, transporting or disposing of commercial or residential solid waste accumulated or generated in the city shall pay a franchise fee to the city. The city council shall set the franchise fee by resolution, or shall delegate the authority to set the franchise fee to the city manager.

B. The payment of franchise fees to the city pursuant to this section shall be in addition to any license fee or business tax prescribed by any local jurisdictions for the same period.

C. Commercial and residential solid waste franchise fees shall be payable on all gross collection revenues by a franchisee from its commercial or residential solid waste collection customers located within the city. The franchise fee shall be calculated based on gross collection revenues prior to franchisee imposing the franchise fee on its customers. Nonexclusive franchisees shall also pay franchise fees on revenues received from federal and state government entities within the city.

D. Franchise fees shall be payable by any person providing commercial or residential solid waste services within the city after the effective date of the ordinance codified in this chapter, even where no franchise has been granted. [Ord. 13-2013 § 3 (Exh. A); Ord. 22-2012 § 2].

6.20.140 Recycling facility reporting requirements.

A. All recycling facilities within the city shall provide bi-annual written reports to the public works director, and/or his or her designee, due 45 days after the close of the six-month reporting period, and including the following information for the previous six months:

1. The total aggregate tonnage of recyclable material received from generators located within the city;
2. The aggregate tonnage of recyclable material received from waste management and recycling operations in the city;
3. The aggregate tonnage of recyclable material received from franchises operating within the city; and
4. The total aggregate amount of residuals generated at the facility and disposed of at a permitted solid waste disposal facility, expressed as a percentage of total tonnage received.

B. To the extent permitted by the California Public Records Act, any report or other information required by this chapter shall be deemed confidential and shall not be subject to public disclosure except for aggregate totals for all facilities.

C. Recycling facilities receiving only scrap metals, agricultural waste, inert materials, and/or discarded, white coated major appliances that are not normally disposed of and thus cannot be counted towards the state's diversion requirements are exempt from the reporting requirements of this chapter. [Ord. 22-2012 § 2].

6.20.150 Restrictions on franchisees.

The following restrictions shall be applicable to franchisees:

A. Except to meet the two-truck requirement of RCMC 6.20.080(B)(3)(c), no franchisee shall, by contract, subcontract, or otherwise, share with another franchisee any office space associated with operations under a franchise.

B. No franchisee, by contract, express understanding or indirectly, shall, in cooperation with another franchisee, divide, segregate or apportion any territory within the city for the purpose of restricting competition within a particular territory.

C. No franchisee shall, directly or indirectly, enter into any contract, express understanding or other transaction with another franchisee for the purpose of fixing customer rates or charges or otherwise maintaining rates or charges at a particular level.

D. No franchisee or any director, officer, partner, joint venturer, sole proprietor or corporate owner thereof shall be a controlling shareholder of, be a partner, joint venturer or sole proprietor, owner, have any other interest in or be employed by another franchisee. No franchisee which is owned in whole or in part by a corporation shall be effectively controlled by a person or entity by virtue of that person or entity's ownership of shares in the corporation, if the same person or entity otherwise controls another franchisee. The sole remedy for violation of the provisions of this subsection shall be revocation or refusal to renew a franchise.

E. Each franchisee shall provide to the public works director, and/or his or her designee, such information as the public works director, and/or his or her designee, determines is reasonably necessary to facilitate effective administration of the franchise under the provisions of this chapter. Diversion information may be provided consistent with the framework for materials recovery facility (MRF) services and reporting of RCMC 6.20.140.

F. Notwithstanding any other provisions of this chapter, it shall be allowable for a franchisee having an interest in a materials recovery facility (MRF) to provide a reporting service, a solid waste processing service processing service to another franchisee consistent with the framework for MRF services and reporting of RCMC 6.20.140. [Ord. 13-2013 § 3 (Exh. A); Ord. 22-2012 § 2].

6.20.160 Medical waste.

A. Commercial franchisees shall not be required to divert treated medical waste.

B. No treated medical waste from commercial or residential solid waste generators shall be delivered by a permittee to a materials recovery facility for the purpose of recycling. [Ord. 22-2012 § 2].

6.20.170 Enforcement.

Except as otherwise expressly provided, the provisions of this chapter shall be administered and enforced within the city by the public works director, and/or his or her designee, or other staff and enforcement officials designated by the public works director, and/or his or her designee. [Ord. 22-2012 § 2].

6.20.180 Abatement proceedings.

Any operation or activity contrary to the provisions of this chapter or a franchise agreement, including the terms and conditions of any franchise, is unlawful and shall constitute a public nuisance. The public works director, and/or his or her designee, is authorized to commence in the name of the city actions or proceedings to abate and enjoin any such operation or activity. [Ord. 22-2012 § 2].

6.20.190 Notices.

A. Whenever a provision of this chapter authorizes or requires a public hearing to be conducted by the city council, notice of the time, date, place and purpose of the hearing shall be published at least once not later than 10 calendar days in advance of the date of such hearing in a newspaper of general circulation which is published within the city, and shall be served upon each franchisee who is affected by such hearing.

B. Any written notice or other communication to a franchisee which is authorized or required by this chapter shall be deemed served and effective for all purposes when deposited in the United States mail, postage prepaid, and addressed to the latest address of the franchisee shown in the city records pertaining to the franchise. [Ord. 22-2012 § 2].

6.20.200 On-site storage.

Every owner, tenant or occupant of a residential dwelling unit or multifamily residential property and every owner, operator or keeper of any business with a fixed location in the city which generates solid waste shall provide and at all times keep within an enclosure, or conveniently located near an enclosure or building, water-tight containers for garbage and suitable containers for recyclable materials and organic recyclable materials, and shall cause to be deposited in such containers, and not elsewhere, all solid waste which accumulate on the premises. The containers shall have tightly fitted covers and shall not leak or permit the escape of odors. Notwithstanding the requirements of this section, generators shall not be required to set out or store recyclable materials and/or organic recyclable materials together with garbage and generators shall be allowed to appropriately store recyclable materials and/or organic recyclable materials for collection separate from garbage. It shall be unlawful for any person to fail to comply with the requirements of this section. Containers shall be clearly identified with the name of the franchisee. [Ord. 22-2012 § 2].

ITEM 13.7.

ATTACHMENT 2 Exhibit A to the Ordinance

6.20.210 Solid waste disposal restrictions.

A. It shall be unlawful for any franchisee to do any of the following:

1. To operate or have an interest in a solid waste disposal site, other than a transfer, receiving and/or processing station, within the city;
2. To operate a solid waste disposal area in the city; or
3. To dump any solid waste upon, or permit the same to fall upon, any property, road or highway other than the areas designated by this chapter for the disposal or dumping of solid waste.

B. It shall be unlawful for any person to dump, deposit, or release any solid waste in or on any public or private property, including streets, sidewalks, gutters, highways, or easements, except when acting in accordance with the solid waste collection regulations set forth in this chapter. [Ord. 22-2012 § 2].

6.20.220 Use of containers.

No person other than a customer who has contracted for service with a franchisee, or a person with such customer's consent, shall deposit solid waste into a solid waste bin, drop box or compactor placed in the city by a franchisee for the purpose of receiving solid waste. [Ord. 22-2012 § 2].

6.20.230 Rules and regulations.

A. The collection and subsequent transportation and disposal of commercial solid waste within the city is under the supervision of the public works director, and/or his or her designee, who shall have the power to promulgate rules and regulations regulating such collection and subsequent transportation and disposal, including but not limited to:

1. Commercial solid waste generation, storage, recycling, recovery, accumulation, collection, removal, transportation and disposal;
2. The manner in which commercial solid waste collection services are provided;
3. Types of commercial solid waste and vehicles used therefor;
4. The operation and maintenance of sanitary methods of commercial solid waste disposal;
5. Reporting requirements for recycling facilities.

B. A copy of said rules and regulations and all amendments thereto shall be sent by registered or certified mail, postage prepaid, to all affected franchisees addressed to their last place of business. To the extent not otherwise provided by law, it shall be unlawful for a franchisee to collect and subsequently transport or dispose of commercial solid waste contrary to any regulation, order, permit or requirement promulgated by the public works director, and/or his or her designee.

C. All such rules and regulations shall be consistent with the provisions of this chapter and shall be effective on the thirtieth day following the filing of any such rules and regulations with the city clerk.

D. Any person who asserts that he or she is aggrieved by the terms or application of a regulation issued pursuant to this section may appeal the issuance of such regulation by filing a written notice of appeal with the city clerk. The notice of appeal shall specifically identify the regulation or regulations from which the appeal is taken and the reasons for the appeal. Upon receipt of such notice, the city clerk shall schedule the appeal for a public hearing by the city council, notice of which shall be given in the manner prescribed by RCMC 6.20.340(A). At the conclusion of the public hearing, the city council shall be vested with jurisdiction to deny the appeal or to rescind or modify the regulation. The city council's determination in this regard shall be final.

E. Any regulation from which an appeal is filed prior to its effective date shall not become effective until the date of a determination by the city council of the appeal. Any regulation from which an appeal is filed on or subsequent to the effective date thereof shall remain in full force and effect during the pendency of the appeal, and any decision that rescinds or modifies the regulation shall apply prospectively.

ITEM 13.7.

ATTACHMENT 2 Exhibit A to the Ordinance

F. It shall be unlawful and constitute a violation of this chapter for any person to violate or otherwise fail to comply with any rule or regulation issued pursuant to this section. [Ord. 13-2013 § 3 (Exh. A); Ord. 22-2012 § 2].

6.20.240 Vehicle inspection.

All trucks and containers used in the collection, removal, transportation or storage of commercial solid waste in the city shall be subject to inspection by the city engineer for the purpose of determining whether or not the trucks and containers comply with California Code of Regulations, Title 14, Sections 17341 through 17345. [Ord. 22-2012 § 2].

6.20.250 Vehicle requirements.

The bodies of vehicles used in the collection, removal or transportation of commercial solid waste in the city shall have beds of metal or other impervious material which can be cleaned, and shall otherwise be of a type approved by the city engineer's department adopted pursuant to the California Code of Regulations, Title 14, Section 17341.B. The city engineer shall be authorized to issue administrative regulations pertaining to specifications for vehicles and containers, the cleansing and disinfecting thereof, and other sanitary measures in connection therewith. [Ord. 22-2012 § 2].

6.20.260 Covered load requirement.

A. All franchisee vehicles and all privately owned or operated vehicles using solid waste disposal facilities in the city shall have their vehicle loads covered, with a tarp or equivalent cover, to ensure protection from littering during transportation from the origin of the trip to any waste disposal facility located in the city.

B. All vehicles hauling materials with the load originating in the city to a waste disposal facility located outside of the city shall have their loads covered while in transit within the city.

C. Every permitted or nonpermitted waste disposal facility located within the city shall post signs notifying the public that it is illegal to haul uncovered loads to the facility. These facilities shall cooperate with the city enforcement staff by providing covered load education and promotion information to their customers to help assure the effectiveness of this chapter. [Ord. 22-2012 § 2].

6.20.270 Rights reserved to city.

In addition to all other rights reserved to the city under this chapter, the following shall apply:

A. There is hereby reserved to the city every right and power, and the exercise thereof, which is reserved or authorized by any provision of any lawful ordinance or resolution of the city, whether enacted before or after the effective date of the ordinance codified in this chapter.

B. Neither the granting of any franchise nor any provision of any franchise shall constitute a waiver of or a bar to the exercise of any governmental right or power of the city.

C. The franchisee shall have no recourse whatsoever against the city, its officers, employees or agents or any of the city member entities, their officers, employees, or agents for any loss, cost, expense or damage arising out of any provision or requirement of this chapter or of any franchise issued under this chapter or because of the enforcement of this chapter.

D. There is hereby expressly reserved to the city the power and authority to amend any section of this chapter so as to require additional or greater standards on the part of the franchisee and the power and authority to increase the franchise fees to be paid by the franchisee pursuant to RCMC 6.20.130. [Ord. 13-2013 § 3 (Exh. A); Ord. 22-2012 § 2].

6.20.280 Other franchise provisions.

The city council may expand or contract the scope of franchise agreements over time due to changes in law or interpretations of law. [Ord. 22-2012 § 2].

6.20.290 Criminal penalties for violations.

The following criminal penalties apply to violations of this chapter:

A. Violation as Misdemeanor. Unless otherwise specified by this chapter, violations of the provisions of this chapter

or failure to comply with any of its requirements, including violations of terms and conditions established in connection with franchises issued pursuant to this chapter, shall constitute a misdemeanor.

B. Penalty for Misdemeanor. Unless otherwise specified in this chapter, any person, whether as principal, agent, employee or otherwise, who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$1,000 or imprisoned for not more than six months in the county jail, or by both such fine and imprisonment. Each day such violation continues shall be considered a separate offense. Such penalties shall be in addition to any late fees, civil penalties, administrative civil penalties, or other charges payable to the city by a franchisee for the same period of time or for the same violations.

C. Violation as Infraction. Unless otherwise specified by this chapter or the franchise agreement, the following violations by a franchisee are infractions:

1. Delinquent Payment of Franchise Fee. A delinquent payment of a franchise fee that is not received by the city before the first day of the month following the due date established under the franchise agreement is a violation and a separate violation for every month the payment remains delinquent thereafter.
2. Delinquent Payment of Franchise Fee Late Charge. A delinquent payment of a late payment charge and/or interest charges for a late franchise fee payment (under the franchise agreement) that is not received by the city before the first day of the month following the due date is a violation and a separate violation for every month the payment remains delinquent thereafter.
3. Delinquent Payment of Late Report Charge. A delinquent payment of a late charge for a delinquent quarterly report of diversion (under the franchise agreement) that is not received before the first day of the month following the due date is a violation and a separate violation for every month the payment remains delinquent thereafter.
4. Delinquent Payment of Audit Fee. A delinquent payment of an audit fee (under the franchise agreement) that is not received by the city before the first day of the month following the due date is a violation and a separate violation for every month the payment remains delinquent thereafter.
5. Delinquent Diversion Report. A delinquent quarterly report of diversion (under the franchise agreement) that is not received by the city before the first day of the third month following the end of the quarter reporting is a violation and a separate violation for every month the report remains delinquent thereafter.
6. Incomplete Diversion Report. If a quarterly report of diversion (under the franchise agreement) that is received by the city is incomplete, the inadequacy must be remedied or corrected by the franchisee before the first day of the third month following the end of the quarter or it is a violation and a separate violation for every month the report remains incomplete thereafter. A complete quarterly report of diversion includes all information as may be required by the public works director, and/or his or her designee. Partial quarterly reports of diversion will be considered incomplete.

D. Penalty for Infraction. Unless otherwise specified by this chapter or in the franchise agreement, an infraction is punishable by a fine not exceeding \$200.00 for a first violation of any offense under subsection (C) of this section within the preceding 12-month period; a fine of \$500.00 for a second violation of the same offense under subsection (C) of this section within the preceding 12-month period; and a fine of \$1,000 for each additional violation of the same offense under subsection (C) of this section within the preceding 12-month period. The public works director, and/or his or her designee, or the city attorney shall also have the discretion to elevate any infraction under subsection (C) of this section to a misdemeanor, punishable under subsection (B) of this section. Such penalties shall be in addition to any late fees, civil penalties, administrative civil penalties, or other charges payable to the city by a franchisee for the same period of time or for the same violation.

E. Separate Remedies. Each civil, criminal, or administrative civil penalty imposed pursuant to this chapter for any separate violation shall be separate from, and in addition to, any other provision of law and does not supersede or limit any and all other legal remedies and penalties, civil, administrative or criminal, which may be applicable under other laws. [Ord. 13-2013 § 3 (Exh. A); Ord. 22-2012 § 2].

6.20.300 Civil penalties for violations.

The following administrative civil penalties apply to violations of this chapter:

A. Administrative Civil Penalties. In addition to any other remedies provided by this chapter, any person who violates any provision of this chapter shall be liable for an administrative civil penalty to be imposed by the public works director, and/or his or her designee. The amount of the penalty shall not be more than \$1,000 for each day of violation. Any person who knowingly violates any provision of this chapter, after reasonable notice of the violation, is liable for an administrative civil penalty of not more than \$1,000 for each day of violation. In determining the civil, criminal, and administrative civil penalties imposed pursuant to this chapter, all relevant circumstances shall be considered, including but not limited to the extent of harm or potential harm caused by the violation, the nature of the violation and the period of time over which it occurred, the frequency of past violations, and the corrective action, if any, taken by the violator.

B. Administrative Civil Penalty Procedure.

1. Notice of Violation. The public works director, and/or his or her designee, shall notify the violator in writing of the time within which an alleged violation must be remedied or corrected. The notice shall provide that an administrative civil penalty will be imposed if the continuing violation is not remedied or corrected within the time stated.

2. Notice of Penalty and Opportunity for Hearing. Notice of any administrative civil penalty shall set forth the alleged acts or failures to act that constitute a basis for liability and the amount of the proposed administrative civil penalty. The notice of administrative civil penalty shall be served by personal service or certified mail and shall inform the person so served that the administrative civil penalty imposed may be administratively reviewed by a city-designated hearing officer before it is enforced if a request for hearing is timely filed. The notice shall also specify the procedure for requesting a hearing before the hearing officer.

3. Administrative Review. If a person desires administrative review of the administrative civil penalty imposed by the public works director, and/or his or her designee, he or she shall request a hearing by timely filing a written request pursuant to the provisions of RCMC 6.20.330. The written request for an appeal must be accompanied by an administrative hearing fee, as established by the city council. Any such appeal shall be in writing, shall state the specific reasons therefor and grounds asserted for relief, and shall be filed with the public works director, and/or his or her designee, not later than 15 calendar days after the date of service of any such decision. A hearing shall be conducted by the hearing officer pursuant to RCMC 6.20.340 unless the person has waived the right to a hearing or has entered into a settlement agreement with the public works director, and/or his or her designee. A person waives the right to a hearing by so stating in writing or by failure to file with the public works director, and/or his or her designee, a written request for hearing within 15 days after service of the notice of opportunity for hearing.

4. Effective Date. Where the person has waived the right to a hearing or where the person has entered into a settlement agreement, the administrative civil penalty shall not be subject to review by any court, the hearing authority, or any other agency and shall be effective 15 days after notice of the penalty is served. Where a hearing has been held, the penalty shall be effective 20 days after the decision of the hearing authority becomes final.

5. Judicial Review. The manner of contesting the final order of the hearing officer concerning any administrative civil penalty is governed by Government Code Section 53069.4, or any successor provision thereto. Service of the notice of appeal authorized by Government Code Section 53069.4 upon the city shall be by service upon the city clerk.

6. Payment of Costs of Enforcement/Collection. In addition to any penalty, sanction, fine or imprisonment, each person who violates this chapter shall be required to pay any and all expenses of enforcement including costs necessary to bring the person into compliance with this chapter. In addition to all remedies contained herein, the city may pursue all reasonable and legal means in collecting those sums authorized and due.

7. Collection. Payment of the penalty shall be made within 30 days from when the penalty became effective. In addition to all remedies herein contained, the city may pursue all reasonable and legal means in collecting

ITEM 13.7.

ATTACHMENT 2 Exhibit A to the Ordinance

administrative civil penalties. [Ord. 13-2013 § 3 (Exh. A); Ord. 22-2012 § 2].

6.20.310 Settlement process.

The public works director, and/or his or her designee, may adopt a written settlement agreement process for the settlement of violations of this chapter, which shall take into consideration the penalty factors set forth in RCMC 6.20.300. [Ord. 13-2013 § 3 (Exh. A); Ord. 22-2012 § 2].

6.20.320 Hearing officer.

Whenever the term “hearing officer” is utilized in this chapter, it shall be deemed to refer to one or more qualified persons assigned the responsibility of conducting a hearing by the city manager. [Ord. 22-2012 § 2].

6.20.330 Appeals.

Any decision of the public works director, and/or his or her designee, may be appealed to a hearing officer appointed by the city manager. Any such appeal shall be in writing, shall state the specific reasons therefor and grounds asserted for relief, and shall be filed with the public works director, and/or his or her designee, not later than 15 days after the date of service of any such decision. If an appeal is not filed within the time or in the manner prescribed above, the right to review of the action against which complaint is made shall be deemed to have been waived. [Ord. 22-2012 § 2].

6.20.340 Appeal hearing.

A. Not later than 30 days following the date of filing an appeal within the time and in the manner prescribed by RCMC 6.20.330, the hearing officer shall conduct a hearing for the purpose of determining whether the appeal should be granted. Written notice of the time, date and place of the hearing shall be mailed to the appellant not later than 10 days preceding the date of the hearing.

B. The provisions of the California Administrative Procedure Act (commencing at Section 11500 of the Government Code) shall not be applicable to such hearings; nor shall formal rules of evidence in civil or criminal judicial proceedings be so applicable. Testimony shall be given under oath, and the parties to the hearing shall have the right to cross-examine witnesses. Any relevant evidence shall be admitted if it is the type of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rules which make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state. Hearsay evidence may be admitted for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions. Irrelevant and unduly repetitious evidence shall be excluded.

1. Record. A record of the entire hearing proceedings shall be made by either a certified court reporter or tape recorder operated by the hearing officer. A transcript of the proceedings shall be made available to all parties upon request and upon payment of the fee prescribed therefor. Such fees may be established and revised from time to time by the city council.

2. Scope. Only those matters or issues specifically raised by the appellant(s) in the written appeal shall be considered in the hearing on appeal.

3. Oaths and Certification. The hearing officer has the power to administer oaths and affirmations and to certify official acts.

4. Oral Evidence. Oral evidence shall only be taken on oath or affirmation.

5. Rights of Parties. Each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any matter relevant to the issues of the hearing even though the matter was not raised in the direct examination, to impeach any witness regardless of which party first called him or her to testify, to present rebuttal evidence and to represent himself or herself or to be represented by anyone of his or her choice who is lawfully permitted to do so. No appellant shall be required to testify without his or her consent.

6. At the conclusion of the hearing, the hearing authority shall prepare a written decision that either grants or

ITEM 13.7.

ATTACHMENT 2 Exhibit A to the Ordinance

conditionally grants or denies the appeal, and contains findings of fact and conclusions. Notice of the written decision, including a copy thereof, shall be filed with the public works director, and/or his or her designee, and served not later than 30 days following the date on which the hearing is closed on the appellant and on other persons who appeared at the hearing and requested a copy. Service shall be by personal delivery or certified mail.

C. City and appellant shall jointly pay for the costs of the hearing. [Ord. 13-2013 § 3 (Exh. A); Ord. 22-2012 § 2].

¹ Code reviser's note: Ordinance 13-2013 Exhibit A sets out all of Chapter 6.20 without intending to amend the entire chapter. Only sections intended to be amended by the ordinance cite the ordinance in the section's legislative history.

Chapter 6.21

BUSINESS AND MULTIFAMILY RECYCLING AND ORGANICS RECYCLING

Sections:

6.21.010	Purpose and declarations.
6.21.020	Definitions.
6.21.030	Threshold for covered generators.
6.21.040	Requirements for covered generators.
6.21.050	Special requirements.
6.21.060	Designation of recyclable materials and organic recyclable materials.
6.21.070	Ownership of recyclable materials and organic recyclable materials.
6.21.080	Requirements for franchised waste haulers.
6.21.090	Requirements for service agreements.
6.21.100	Requirements for addressing covered generator non-compliance
6.21.110	Requirements for multifamily residential properties.
6.21.120	Requirements for self-hauling and back-hauling.
6.21.125	SB 1383 regulatory compliance.
6.21.130	Reporting.
6.21.140	Exemptions from recycling standards.
6.21.150	City rules and regulations.
6.21.160	Rights reserved to city.
6.21.170	Administration and costs.
6.21.180	Unlawful acts.
6.21.190	Implementation and enforcement.
6.21.200	Posting of notices.
6.21.210	Notice of violation.
6.21.220	Notice of violation – Content.
6.21.230	Administrative enforcement order.
6.21.240	Administrative enforcement order – Content.
6.21.250	Delivery of notice or order.
6.21.260	Administrative appeals.
6.21.270	Hearing officer.
6.21.280	Hearing procedure.
6.21.290	Form and contents of decision – Finality of decision.
6.21.300	Procedures for collection of administrative civil penalty.
6.21.310	Actions not prohibited.
6.21.320	Penalties.

6.21.010 Purpose and declarations.

A. It is the intent and purpose of this chapter to promote recycling and organics recycling by:

1. Requiring covered generators in the city of Rancho Cordova to keep recyclable materials separate from all other garbage for recycling;
2. Requiring covered generators in the city of Rancho Cordova to keep organic recyclable materials separate from all other garbage for organics recycling;
3. Requiring covered generators to provide City approved signs and labeled containers for the storage and collection of recyclable materials and organic recyclable materials; and
4. Requiring covered generators to self-haul recyclable materials and/or organic recyclable materials with written approval from the public works director, and/or his or her designee, or enter into a written service agreement for the collection and subsequent delivery of recyclable materials and organic recyclable materials to a recycling facility.

ITEM 13.7.

ATTACHMENT 3 Exhibit B to the Resolution

5. Prohibiting the collection of garbage to covered generators that are not subscribed to recyclable material and organic recyclable material collection services with the same franchised waste hauler or who have not received written approval from the public works director, and/or his or her designee, for an exemption or waiver.

B. It is further the purpose of this chapter to provide a mechanism to require the implementation of recycling programs and organics recycling programs for covered generators within the city to thereby enable the city to meet and maintain the 50 percent waste diversion requirements set forth in Section 41780(a)(2) of the California Public Resources Code. [Ord. 2-2016 § 2].

6.21.020 Definitions.

A. “AB 341” means the California Jobs and Recycling Act of 2011 (Chapter 476, Statutes of 2011 [Chesbro, AB 341]), also commonly referred to as “AB 341”, as amended, supplemented, superseded, and replaced from time to time.

B. “AB 827” means the Solid Waste: Commercial and Organic Waste: Recycling Bins Act of 2019.

C. “AB 1826” means the Organic Waste Recycling Act of 2014 (Chapter 727, Statutes of 2014 modifying Division 30 of the California Public Resources Code), also commonly referred to as “AB 1826,” as amended, supplemented, superseded, and replaced from time to time.

D. “Alternative compliance and exemption form” means the form provided by the public works director, and/or his or her designee, on which a covered generator may request an exemption or waiver from the recycling and organics materials collection requirements.

E. “Business” means:

1. A commercial entity, proprietorship, firm, partnership, person in representative or fiduciary capacity, association, venture, trust, or corporation that is organized for financial gain or profit, including, but not limited to, offices, retail stores, markets, manufacturing facilities, warehouse and distribution facilities, restaurants, motels and hotels, theaters, medical offices, and gas stations and automotive facilities; and
2. Not-for-profit organizations, including, but not limited to, churches, hospitals, and social service organizations.

F. “City” means the city of Rancho Cordova, California.

G. “Collection” means the act of picking up and removing garbage, recyclable materials or organic recyclable materials at the place of generation.

H. “Commercial hauler” or “hauler” means any person who collects, hauls, or transports commercial garbage, recyclables and/or organics for a fee by use of any means, including, but not limited to, a dumpster truck, roll-off truck, a side-load, front-load, or rear-load garbage truck, or a trailer.

I. “Commercial solid waste” means all solid waste as defined in subsection (GG) of this section that is generated by and at commercial and industrial sources, multifamily residential properties, and construction and demolition activities that is collected by a commercial hauler.

J. “Covered generator” means all businesses and multifamily residential properties that are subject to the requirements of this chapter. The public works director, and/or his or her designee, shall specify the minimum weekly solid waste collection service threshold that defines covered generators for the purposes of this chapter and shall include such designation in the commercial franchise agreement and shall also be designated in RCMC 6.21.030, Threshold for covered generators. A covered generator may include a business or multifamily residential property owner or generator and is dependent on whoever executes a contract(s) for solid waste, recycling, and organics recycling removal and collection services.

K. “Customer” means a business or multifamily residential property owner or generator who contracts for solid waste removal services and enters into a service agreement with a franchised waste hauler. Where several businesses or multifamily residential properties share garbage containers and service, “customer” refers only to the party who

enters into a contract for garbage, recycling and organic collection services.

L. “Designated green materials” (or “green materials”) means materials that are required to be separated from garbage and designated recyclable materials prior to disposal and returned for use or reuse in the form of raw materials for new, used or reconstituted products. Green materials include, but are not limited to: yard trimmings, grass, weeds, leaves, branches, dead plants, brush, tree trimmings, dead trees, small wood pieces and other types of organic yard waste. Green material excludes food scraps and paper contaminated with food scraps.

M. “Designated organic recyclable materials” (or “organic recyclable materials”) means materials that are required to be separated from garbage and designated recyclable materials prior to disposal and returned for use or reuse in the form of raw materials for new, used or reconstituted products. Organic recyclable materials include, but are not limited to: yard trimmings and food scraps such as green trimmings, grass, weeds, leaves, prunings, branches, dead plants, brush, tree trimmings, dead trees, small wood pieces, other types of organic yard waste, vegetable waste, fruit waste, dairy waste, meat waste, fish waste, paper products and food soiled paper products and/or as otherwise specified by the public works director and/or his or her designee.

N. “Designated recyclable materials” (or “recyclable materials”) means materials that are required to be separated from garbage and designated organic recyclable materials prior to disposal and returned for use or reuse in the form of raw materials for new, used or reconstituted products. Recyclable materials include, but are not limited to: clean cardboard, paper, plastic, scrap metal, beverage containers, and clean (untreated and unpainted) wood.

O. “Franchise” or “commercial franchise” means a commercial garbage, organics and recyclables collection franchise issued to a commercial hauler by the city of Rancho Cordova.

P. “Franchisee” or “franchised waste hauler” means a person or entity holding a commercial or residential franchise issued by the city pursuant to Chapter 6.20 RCMC.

Q. “Garbage” means all putrescible and non-putrescible solid, semisolid, and liquid wastes, including, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, discarded home and industrial appliances, dewatered, treated or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semi-solid wastes. “Garbage” does not include hazardous waste or low-level radioactive waste regulated under Chapter 7.6 (commencing with Section 25800) of Division 20 of the California Health and Safety Code or medical waste. “Garbage” does not include recyclable materials or organic recyclable materials set out for separate collection for the purposes of recycling and that are not landfilled.

Note: The distinction between garbage and solid waste is that solid waste includes garbage, recyclable materials, and organic recyclable materials while “garbage” does not.

R. “Generator” means each business or multifamily residential property that generates one or more designated recyclable materials or one or more designated organic recyclable materials as a result of its business activities or multifamily residential property activities.

S. “Multifamily residential property” means five or more individual living units located on a single parcel of land and any mobile home park located within the city.

T. “National contracts” means contracts between waste management companies and multi-sited waste generating companies that operate currently throughout the United States, in more than one state.

U. “Organics recycling” means the process of collecting, sorting and treating designated organic recyclable materials and/or designated green materials that would have otherwise become garbage and returning them to a safe, nuisance-free compost product by treating the materials to a controlled biological decomposition.

V. “Owner” means the person who owns a business or multifamily residential property. An owner may also be a generator.

W. “Person” means an individual, firm, limited liability company, association, partnership, industry, public or private corporation, or any other entity whatsoever.

ITEM 13.7.

ATTACHMENT 3 Exhibit B to the Resolution

X. “Public works director” means the public works director of the city of Rancho Cordova, California.

Y. “Recycling” means the process of collecting, sorting, cleansing, treating and reconstituting materials that would otherwise become garbage and returning them for use or reuse in the form of raw materials for new, used or reconstituted products which meet the quality standard necessary to be used in the marketplace. Recycling does not include transformation as defined in Section 40201 of the California Public Resources Code. The term “recycling” may be used to include source separated materials.

Z. “Recycling facility” means those facilities or operations that receive, process, and transfer to market recyclable materials or organic recyclable materials that have been source separated from the solid waste stream.

AA. “Recyclable materials container” means any box, tub, cart, or other container placed inside each individual multifamily residential unit and in maintenance or work areas on the premises of covered generators that is made of metal, hard plastic or other similar material and is suitable for the collection of designated recyclable materials and designated organic recyclable materials pursuant to this chapter. Recycling materials containers must be approved by the city.

BB. “Recycling plan” means the plan to be presented to all covered generators by their franchised waste hauler to document understanding of the requirements of this chapter and record the selected compliance option for each designated recyclable material or each designated organic recyclable material.

CC. “Removal” means the act of taking garbage, recyclable materials, or organic recyclable materials from the place of generation.

DD. “SB 1383” means the Short-Lived Climate Pollutants: Methane Emissions: Dairy and Livestock: Organic Waste: Landfills Act of 2016. Article 4 Title 14, Division 4, Chapter 12 of the California Code of Regulations.

EE. “Self-haul,” when used in reference to a covered generator, means a covered generator, or employee designated by the covered generator, who collects, transports and hauls recyclable materials and/or organic recyclable materials from the business or multifamily residential property in a vehicle owned by either an employee or the entity to a recycling facility rather than hiring a franchised waste hauler to perform this function. Self-hauler also includes a person who back-hauls waste.

- I. “Back-haul” means generating and transporting organic waste to a destination owned and operated by the generator using the generator’s own employees and equipment.

FF. “Service agreement” means a written agreement between a franchised waste hauler and a covered generator concerning the collection of designated recyclable materials and/or designated organic recyclable materials.

GG. “Solid waste” means all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, discarded home and industrial appliances, dewatered, treated or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semi-solid wastes. “Solid waste” does not include hazardous waste or low-level radioactive waste regulated under Chapter 7.6 (commencing with Section 25800) of Division 20 of the California Health and Safety Code or medical waste. “Solid waste” includes recyclable materials or organic recyclable materials set out for separate collection for the purposes of recycling and that are not landfilled.

HH. “Source separate” or “source separated” means the process of removing recyclable materials and/or organic recyclable materials, from garbage for the purpose of recycling and/or organics recycling.

II. “Subcontract” is a contract assigning some of the obligations of a contract to a third party. [Ord. 2-2016 § 2].

JJ. “Tier 1 and Tier 2 Edible Food Covered Generators”

6.21.030 Threshold for covered generators.

Recycling Requirements. All AB 341 business and multifamily residential property covered generators, and any other covered generators as defined in state law, must subscribe to and receive recyclable material collection services from a franchised waste hauler unless they receive alternative compliance and exemption from the city as provided for in RCMC 6.21.040.

B. Business Organics Recycling Requirements. All AB 1826 and/or SB 1383 business covered generators, and any other covered generators as defined in state law, must subscribe to and receive organic waste collection services from a franchised waste hauler unless they receive written approval of an alternative compliance and exemption from the city as provided for in RCMC 6.21.040.

C. Multifamily Residential Property Organics Recycling Requirements. All AB 1826 and SB 1383 multifamily covered generators, and any other covered generators as defined in state law, must subscribe to and receive organic waste collection services from a franchised waste hauler unless they received written approval of an alternative compliance and exemption from the city as provided for in RCMC 6.21.040.

6.21.040 Requirements for covered generators.

A. Any covered generator that does not subscribe to garbage, recyclable material, and organic waste collection services with the same franchised waste hauler is required to complete an “alternative compliance and exemption form” and have that form approved by the city in writing as a condition of receiving garbage collection service from a franchised waste hauler.

B. Each covered generator shall be responsible for ensuring and demonstrating its compliance with the following requirements:

1. Source separate designated recyclable materials and designated organic recyclable materials from garbage;
2. Provide a basic level of recycling and organics recycling services that includes, at a minimum, the collection of designated recyclable materials and/or designated organic recyclable materials;
3. Enter into a service agreement with the same franchised waste hauler for the collection of designated recyclable materials and designated organic recyclable materials; and
4. Complete and retain, on site, if applicable, the approved alternative compliance and exemption form, certifying that recycling and/or organic collection services are being provided by a franchised waste hauler if that franchised waste hauler is not also providing garbage service or certifying and receiving written approval from the Public Works Director, and/or his or her designee, that all self-hauling activities will be completed in accordance with provisions in RCMC 6.21.120.

C. Each covered generator shall provide recyclable materials containers for designated recyclable and organic materials in multifamily residential rental units and in maintenance and work areas where recyclable materials may be collected and/or stored.

D. Each covered generator under AB 827, and all other applicable state law, shall provide recyclable materials containers for designated recyclable and organic materials where customers have access to the business. Each covered generator shall prominently post and maintain one or more signs where designated recyclable materials and/or designated organic recyclable materials are collected and/or stored that set forth what materials are required to be source separated in addition to collection procedures for such materials.

E. Each covered generator shall notify and instruct employees and tenants in writing of applicable source separation requirements, including a list of designated recyclable materials and/or designated organic recyclable materials that are required to be source separated for recycling or organics recycling. A copy of such instructions shall be provided to the public works director, and/or his or her designee, upon request.

F. Each covered generator shall ensure that designated recyclable materials and/or designated organic recyclable materials generated at their site will be taken only to a recycling facility and not to a landfill for disposal by

complying with all requirements under this chapter.

G. The service agreement, alternative compliance and exemption form, and/or other documents pertaining to this chapter, shall be available for inspection by the public works director, and/or his or her designee, at the principal location of the covered generator during normal business hours.

H. Nothing in this chapter shall abridge the right of any covered generator, or any other person, to sell or exchange at fair market value its own recyclable materials or organic recyclable materials which are source separated for reuse and recycling or organics recycling.

I. No franchised waste hauler shall be held liable for the failure of its customers to comply with such regulations.

J. No covered generator shall be liable for the failure of their franchised waste hauler to deliver designated recyclable materials or designated organic recyclable materials to a recycling or processing facility. [Ord. 2-2016 § 2].

6.21.050 Special requirements.

In addition to any and all requirements that apply to the recycling and/or organics recycling of designated recyclable materials and/or designated organic recyclable materials throughout the city above, collection service received or provided in the city shall be subject to the following additional special requirements:

A. No recycling, automatic lift containers or bins within the collection area of the city shall be placed or located in such a manner that blocks or impedes passage through an alley or through any doorway of any building adjoining an alley, notwithstanding that such building may be abandoned or otherwise out of use.

B. Compliance with the above special requirements shall be the sole responsibility of the covered generator. [Ord. 2-2016 § 2].

6.21.060 Designation of recyclable materials and organic recyclable materials.

A. Designated recyclable materials and/or designated organic recyclable materials shall be source separated from garbage before collection, removal, transportation or disposal pursuant to this chapter. The public works director, and/or his or her designee, shall specify designated recyclable materials and organic recyclable materials that must be source separated by all covered generators pursuant to RCMC 6.21.040. The specifications for designated recyclable materials and designated organic recyclable materials shall consider materials market conditions and the availability of a cost-effective system for recycling such materials. [Ord. 2-2016 § 2].

6.21.070 Ownership of recyclable materials and organic recyclable materials.

A. All designated recyclable materials and designated organic recyclable materials placed in automatic lift containers, bins or roll-off bins shall be considered owned by and be the responsibility of the franchised waste hauler. No person shall collect designated recyclable materials or designated organic recyclable materials placed in automatic lift containers, bins or roll-off bins for recyclable materials or organic recyclable materials by customers without permission from the franchised waste hauler.

B. Except as authorized by RCMC 6.21.120 (self-hauling), it shall be unlawful for any person to engage in the business of collecting, removing or transporting, or to otherwise organize, direct or sponsor the collection, removal or transportation of designated recyclable materials or designated organic recyclable materials who is not a franchised waste hauler. [Ord. 2-2016 § 2].

6.21.080 Requirements for franchised waste haulers.

A. Commercial waste haulers shall be franchised pursuant to the provisions of Chapter 6.20 RCMC, and such franchise shall be in full force and effect.

B. Franchised waste haulers shall offer collection service and automatic lift containers, bins or roll-off bins for designated recyclable materials and designated organic recyclable materials sufficient to accommodate the quantity and types of designated recyclable materials and designated organic recyclable materials to all its garbage customers.

C. Franchised waste haulers shall equip and provide automatic lift containers, bins and roll-off bins for designated

recyclable materials and designated organic recyclable materials with locks and/or other suitable features to prevent theft of recyclable materials and organic recyclable materials.

D. Franchised waste haulers may subcontract for collection of designated recyclable material and/or designated organic recyclable materials, so long as the subcontractor holds a current franchise.

E. Franchised waste haulers shall conduct all activities in accordance with all applicable state and local laws and best management practices. Vehicles, equipment and containers shall be kept in a clean and well-maintained condition.

F. Franchised waste haulers shall not take a customer's designated recyclable materials or designated organic recyclable materials to a landfill or other disposal site, but to a recycling facility.

G. Franchised waste haulers, upon request, shall provide the public works director, and/or his or her designee, with a copy of a service agreement, recycling plan, alternative compliance and exemption form, or other document (e.g., receipt from a recycling facility) demonstrating that the covered generator's designated recyclable materials and/or designated organic recyclable materials are being taken to a recycling facility. The service agreement, recycling plan, alternative compliance and exemption form, or other documents shall be available for inspection by the public works director, and/or his or her designee, at the franchised waste haulers' place of business during normal business hours.

H. City staff may audit all franchised waste haulers' records. [Ord. 2-2016 § 2].

I. Franchised waste haulers shall not provide garbage collection services to a business or multifamily residential property covered generator unless that business or multifamily property covered generator is also receiving both recyclable material and organics recyclable material collection services from the same franchised waste hauler providing garbage service; or

1. Unless the franchise waste hauler has received a completed alternative compliance and exemption form from the business or multifamily residential covered generator; and
2. The city has received and provided the covered generator with written approval of its alternative compliance and exemption form request and notified the franchised waste hauler in writing of any such approval.

J. Franchised waste haulers are required to submit all completed alternative compliance and exemption form to the city for review which will be due on the 10th of each month for the previous reporting month.

K. Franchised waste haulers are required to maintain a list of any and all businesses and multifamily properties that the franchised hauler is providing garbage collection services to but is not also providing recycling and organic collection services (Non Full-Service Account List). Franchised haulers shall provide a current Non Full-Service Account List to the city, which will be due on the 10th of each month for the previous reporting month.

J. Franchised waste hauler shall be required to meet full compliance with requirements pursuant to RCMC 6.21.090 by a date set by the public works director and/or his or her designee. Franchised waste hauler shall receive written notification of such terms.

6.21.090 Requirements for service agreements.

A. Franchised waste haulers shall execute a written service agreement with all covered generators as required in RCMC 6.21.040 before the franchised waste hauler begins to collect garbage and/or designated recyclable materials and/or designated organic recyclable materials.

B. Service agreements shall incorporate, but are not limited to, the following terms and conditions:

1. Be clearly labeled as a service agreement.
2. Describe the garbage and/or recyclable material and/or organics recyclable material collection services to be provided by the franchised waste hauler and the cost for providing such services to the customer.

3. Clearly state the initial term and renewal terms.
4. Include the condition, as applicable, that the franchised waste hauler cannot provide garbage collection services to a covered generator unless:
 - a) The business or multifamily property covered generator is also receiving both recyclable materials and organics recyclable waste collection services from the franchised waste hauler; or
 - b) The city has received and provided the covered generator with written approval of its alternative compliance and exemption form request.
6. May contain automatic renewal for successive periods of no longer than one year, unless either party gives written notice of termination by certified or registered mail at least 60 days prior to the termination date of the current agreement.
7. May be amended as mutually agreed upon by the customer and the franchised waste hauler.
8. Customers are to receive a written notice of price increases not less than 30 days prior to the effective date of such price increase.
9. Franchised waste haulers shall respond to customer inquiries regarding the service agreement within 30 days.
10. Include language stating that collection containers will be removed from the property of a customer within 30 days of final termination of services to the customer.
11. Not require customers to pay over three months' liquidated damages during the renewal term and over six months' liquated damages during the initial term of the service agreement.
12. Not require a customer to give a franchised waste hauler the exclusive right to provide recycling collection services or the exclusive right to provide organics recyclable material collection services as a condition of a service agreement, unless the customer affirmatively indicates that is its desire.
13. Not require customers to give notice of any offer by a competitor or require customers to give franchised waste haulers the right to respond to such an offer.
14. Franchises must be in full force and effect for the service agreement to be effective.

C. The requirements for service agreements contained in this section shall be incorporated into all new service agreements upon enactment of this chapter. Existing service agreements between a franchised waste hauler and a customer executed before the effective date of the ordinance codified in this chapter shall remain in force for the remainder of the existing contract and shall be governed by the terms and conditions specified in the existing service agreement; provided, that such existing service agreements shall comply, to the extent allowable by law, with the new recycling and organics recycling programs established by this chapter.

D. National contracts or agreements are exempt from the requirements of contract length and renewal terms. [Ord. 2-2016 § 2].

6.21.100 Process for addressing covered generator non-compliance

In the event that the franchised waste hauler must stop providing garbage collection service to a covered generator due to the covered generator's non-compliance with this chapter of the city's municipal code the franchised waste hauler shall take the following steps:

1. Issue a written "service termination notice" to the non-compliant commercial generator stating that the franchised waste hauler shall terminate garbage collection services within 14 days of providing that service termination notice to the business or multifamily residential property. That "service termination notice" shall clearly state that it is mandatory for the business or multifamily residential property to subscribe to garbage, recyclable material and organic recyclable material collection service as required by RCMC 6.20.040.

2. Notify the city by email no more than 7 business days and no less than 2 business days before collection service is suspended for all carts, bins and/or containers from the business or multifamily residential property.
3. Suspend collection service of all carts and/or containers from the business or multifamily residential property that has not complied within 14 days of receiving the service termination notice.
4. Notify the public works director, and/or his or her designee, in person or by telephone within 24 hours after suspending collection service of all garbage carts and/or containers from the business or multifamily residential property.
5. Send a follow up email that has been confirmed by the franchised waste hauler to be received by the public works director, and/or his or her designee, by the end of the next business day the name and address of the covered generator that the franchised waste hauler has suspended collection service of all garbage carts and/or containers to.

6.21.110 Requirements for multifamily residential properties.

A. Multifamily residential tenants shall be responsible for compliance with the requirement to source-separate designated recyclable materials and/or designated organic recyclable materials from garbage pursuant to RCMC 6.21.040(A)(1).

B. No multifamily residential property owner who is a covered generator pursuant to RCMC 6.21.020(J) shall be cited for noncompliance with this chapter as a result of the failure of his or her rental property tenants to source separate designated recyclable materials or designated green materials and/or organic recyclable materials from garbage pursuant to RCMC 6.21.040.

C. Multifamily residential property owners who are covered generators pursuant to RCMC 6.21.020(J) shall be responsible for compliance with RCMC 6.21.040.

D. Every multifamily residential unit shall have a recyclable materials container provided by either the multifamily residential property owner who is a covered generator pursuant to RCMC 6.21.020(J), or by the multifamily tenant as part of their rental agreement. [Ord. 2-2016 § 2].

6.21.120 Requirements for self-hauling.

A. A covered generator may haul or transport designated recyclable materials and/or designated organic recyclable materials generated and collected at its business or multifamily residential property to a recycling facility that diverts material from disposal, rather than hiring a franchised waste hauler, only if an owner, generator or employee of the entity completes this activity by utilizing a vehicle owned by either an employee or the entity has also submitted an alternative compliance form to the City and received written approval for self-hauling activities.

B. Business and multifamily covered generators pursuant to RCMC 6.21.020(J) that self-haul or transport designated recyclable materials and/or designated organic recyclable materials shall follow established provisions pursuant to RCMC 6.21.040(A).

C. A covered generator that self-hauls or transports designated recyclable materials and/or designated organic recyclable materials collected at its business or multifamily residential property to a recycling facility without the utilization of a franchised waste hauler must complete and retain on site an approved alternative compliance and exemption form certifying all self-hauling activities will be completed in accordance with the provisions of all applicable laws or regulations of this chapter. The alternative compliance and exemption form shall be made available to the public works director, and/or his or her designee, upon request. At a minimum, the covered generator shall provide the following information on the alternative compliance and exemption form:

1. The name, address and telephone number of the covered generator that is signing the self-haul form.
2. A list of the types of recyclable materials and/or organic recyclable materials being self-hauled.

3. For each type of recyclable material and/or organic recyclable material, the amount that is being taken from the business and multifamily residential property to a recycling facility quarterly.

4. The name and address of the recycling facility(ies).

5. A written statement signed by the business or multifamily residential property owner or generator certifying that the owner or generator agrees to comply with the requirements of this chapter.

D. The public works director, and/or his or her designee, may restrict or prohibit self-hauling by a person if the public works director, and/or his or her designee, determines, after providing 30 days' written notice and an opportunity for a hearing, that the person's self-hauling activities violate the provisions of this chapter or any other applicable law or regulation. [Ord. 2-2016 § 2].

E. The public works director, and/or his or her designee, will notify the covered generator that self-hauls if the alternative compliance and exemption form has been approved within 14 days of receiving the submitted request.

6.21.125 SB 1383 Regulatory Compliance.

Organic waste generators, franchised waste haulers, and all other entities subject to the requirements of SB 1383 shall fully comply with applicable SB 1383 regulatory requirements or be subject to the penalties as prescribed in Section 18997.2 of SB 1383 or RCMC 6.21.230 as determined by the public works director and/or his or her designee.

6.21.130 Reporting.

A. Franchised waste haulers' failure to file the reports required by this chapter or by the franchise agreement shall constitute cause for termination or suspension of its franchise pursuant to Chapter 6.20 RCMC.

B. Unless otherwise required by the franchise agreement, self-haulers shall prepare quarterly reports to be kept on site identifying, at a minimum, the following:

1. The recyclable materials and organic recyclable materials tonnage collected and removed within the city region during the previous quarter.
2. The location of the recycling facility(ies) to which the recyclable materials and organic recyclable materials were taken during the previous quarter.

C. Unless otherwise required by the franchise agreement, franchised waste haulers shall prepare quarterly reports as designated by the public works director and/or his or her designee.

D. Unless otherwise required by the franchise agreement, franchised waste haulers shall prepare monthly reports as required pursuant to RCMC 6.21.080 (J) & (K).

E. The public works director, and/or his or her designee, shall provide and establish guidelines, forms and other appropriate material to assist franchised waste haulers and self-haulers in preparing the reports required by this chapter. [Ord. 2-2016 § 2].

6.21.140 Exemptions from recycling standards.

A. Notwithstanding any other provision herein, a covered generator shall not be required to source separate recyclable materials and/or organic recyclable materials if the business or multifamily residential property, owner or generator, demonstrates to the public works director, and/or his or her designee, that there is no collection service or other system available for recycling such material.

B. Notwithstanding any other provision herein, a covered generator shall be exempt from the recycling and/or organics recycling requirements in RCMC 6.21.040 if all of the generators on the owner's business or multifamily residential property are exempt from or not required to comply with the provisions of RCMC 6.21.040, or if designated recyclable materials and/or designated organic recyclable materials are not being generated by any activities occurring on the covered generator's property.

C. Covered generators may be exempted by the public works director, and/or his or her designee, if it is determined

through a site visit or other means of verification:

- (1) That the premises lacks adequate space for any of the recycling or organic waste containers. If the public works director, and/or his or her designee, determines that it is feasible for recycling and/or organic collection containers to be placed on site or shared with an adjoining generator, the covered generator will be responsible for compliance with this chapter.
- (2) That compliance with this chapter results in a violation of the city's zoning code, including city zoning regulations for minimum parking spaces;
- (3) That the covered generator's total solid waste generation is two cubic yards or more per week and organic waste subject to collection in a blue container or green container comprises less than 20 gallons per week of the covered generator's solid waste; or
- (4) That the covered generator's total solid collection service is less than two cubic yards per week and total organic waste generation subject to collection in a blue container or green container is less than 10 gallons per week of the covered generator's total solid waste.

D. Covered generators may be exempted by the public works director, and/or his or her designee, from the regulatory requirements of AB 341, AB 1826 and/or SB 1383, or any other applicable state law, provided that the business or multifamily residential property covered generator has submitted an alternative compliance and exemption form to the city and the city has provided the covered generator with written approval of its exemption request.

E. City issued exemptions from the regulatory requirements of AB 341, AB 1826 and/or SB 1383, or any other applicable state law, shall be valid for no more than two (2) years unless the city authorizes an extension of that two (2) year waiver period.

F. The following persons shall automatically be exempt from the requirements of this chapter:

1. The United States, state of California, a city, a county, a special district or other local public agency, or any employee or member of the armed forces thereof, when collecting or transporting designated recyclable materials produced by operation of the public entity under a system of recyclable materials collection and transportation operated and maintained by the public agency within the city region as specified herein and in Chapter 6.20 RCMC.
2. Municipal corporations and other governmental agencies using their own vehicles and employees engaged in the collection, transportation or disposal of designated recyclable materials within the city. [Ord. 2-2016 § 2].

6.21.150 City rules and regulations.

A. The public works director, and/or his or her designee, is authorized to make and enforce administrative rules and regulations governing recycling and organics recycling at businesses and multifamily residential properties, and all related activities including recycling and commercial solid waste generation, storage, recovery, accumulation, collection, removal, transportation and disposal; the manner in which commercial garbage, recycling and organics recycling services are provided; types of commercial garbage, organics and recycling containers and vehicles used for the operation and maintenance of sanitary methods of commercial garbage, recycling and organics recycling disposal; reporting requirements for franchised waste haulers and self-haulers; and for the effective administration of this chapter. All such rules and regulations shall be consistent with the provisions of the city code and shall be effective on the thirtieth day following the filing of any such rules and regulations with the city clerk.

B. The city council may, and is hereby empowered to, grant to a qualified applicant a nonexclusive franchise to engage in the business of collecting, transporting or disposing of commercial garbage, recyclable materials or organic recyclable materials kept, accumulated or generated in the city region.

C. The city council may grant a franchise based on compliance with this chapter. Any grant of a franchise by the city council may be subject to such terms, conditions, rules, regulations, restrictions, and limitations, as the city council deems necessary to protect the public health, safety, or welfare.

ITEM 13.7.

ATTACHMENT 3 Exhibit B to the Resolution

D. The city council hereby empowers and grants to the public works director, and/or his or her designee, the authority to grant commercial nonexclusive collection service agreements (commercial nonexclusive franchisees) to franchised waste haulers, to specify designated recyclable materials and designated organic recyclable materials and make administrative rules and regulations governing covered generators.

E. The city council hereby empowers and grants to the public works director, and/or his or her designee, the authority to administer, implement and enforce this chapter and administrative rules and regulations governing business and multifamily residential property recycling and organics recycling thereafter.

F. It shall be unlawful and constitute a violation of this chapter for any person to violate or otherwise fail to comply with any rule or regulation issued pursuant to this chapter. [Ord. 2-2016 § 2].

6.21.160 Rights reserved to city.

In addition to all other rights reserved to the city, the following shall apply:

A. There is hereby reserved to the city every right and power, and the exercise thereof, which is reserved or authorized by any provision of any lawful code, title or resolution of the city, whether enacted before or after the effective date of this chapter.

B. Neither the granting of any franchise, nor any provision of any franchise, shall constitute a waiver of or a bar to exercise of any governmental right or power of the city.

C. The grantee receiving any type of franchise agreement shall have no recourse whatsoever against the city, its officers, employees or agents, or any of the city member entities, their officers, employees, or agents for any loss, cost, expense or damage arising out of any provision or requirement of this chapter because of the enforcement of this chapter.

D. There is hereby expressly reserved to the city the power and authority to amend any section of this chapter so as to require additional or greater standards on the part of the franchised waste hauler, commercial hauler or covered generator. [Ord. 2-2016 § 2].

6.21.170 Administration and costs.

A. The administration of this chapter is the duty of the public works director and/or his or her designee. The public works director, and/or his or her designee, is authorized and directed by the city council to administer this chapter.

B. Commercial franchise fees will fund administration, implementation and enforcement costs. [Ord. 2-2016 § 2].

6.21.180 Unlawful acts.

A. It shall be unlawful to combine designated recyclable materials and organic recyclable materials with garbage. Failure of covered generators to source separate designated recyclable materials or organic recyclable materials for recycling or organics recycling is a violation of this chapter.

B. It shall be unlawful for franchised waste haulers to commingle materials in garbage bins or carts with materials in recycling bins or carts in one collection vehicle.

C. It shall be the responsibility of the covered generator whose garbage was not removed because it contained designated recyclable materials to properly separate designated recyclable materials from the uncollected solid waste for proper recycling. Allowing such unseparated garbage to accumulate will be considered a violation of this chapter. [Ord. 2-2016 § 2].

6.21.190 Implementation and enforcement.

The implementation and enforcement of this chapter is the duty of the public works director, and/or his or her designee, of the city's department of public works. The public works director, and/or his or her designee, is authorized and directed by the city council to implement and enforce this chapter. [Ord. 2-2016 § 2].

6.21.200 Posting of notices.

A. The public works director, and/or his or her designee, may post notices on automatic lift containers, bins and roll-off bins that are used for garbage collection and the collection of designated recyclable materials, and the

collection of designated organic recyclable materials, within the city if the owner of the automatic lift containers, bins and roll-off bins is in violation of this chapter, including, but not limited to, any regulation, franchise requirement, permit, information request, order, variance, or other requirement that the public works director, and/or his or her designee, is authorized to enforce or implement pursuant to this chapter.

B. A notice shall remain on automatic lift containers, bins and roll-off bins that are used for garbage collection within the city so long as the owner of the automatic lift containers, bins and roll-off bins is in violation of this chapter. The notice shall be posted on the automatic lift container, bin, and/or roll-off bin so as to be clearly visible to the general public and include all of the following information:

1. The date the notice was posted on the container.
2. The address or location of the property, including the identification of any dwelling unit, room number, apartment number, business or multifamily residential property.
3. The name and contact telephone number of the agency posting the notice on the property.
4. The city code section that has been violated.
5. A statement that it is unlawful for any person to engage in the business of collecting, transporting or disposing of commercial garbage kept, accumulated or generated in the city, or to engage in the business of soliciting accounts or invoicing customers for commercial garbage service in the city unless a franchise has first been granted pursuant to the provisions of this chapter and such a franchise is in full force and effect.

C. A statement that a person violating the posted notice is subject to criminal penalties pursuant to city code and administrative civil penalties in an amount of up to \$1,000 per day for each violation.

D. A statement that a person disturbing or destroying the posted notice is subject to administrative civil penalties in an amount of up to \$1,000, in addition to any other remedies provided by this chapter. [Ord. 2-2016 § 2].

6.21.210 Notice of violation.

The public works director, and/or his or her designee, may issue a notice of violation to any person found to be in violation of a provision of this chapter, including, but not limited to, any regulation, franchise requirement, permit, information request, order, variance, or other requirement that the public works director and/or his or her designee, is authorized to enforce or implement pursuant to this chapter. Issuance of a notice of violation may also result in the issuance of a notice of administrative enforcement order pursuant to this chapter. [Ord. 2-2016 § 2].

6.21.220 Notice of violation – Content.

A. In addition to any other content, a notice of violation shall contain the following elements:

1. A statement of the public works director, and/or his or her designee, that indicates a violation has occurred.
2. A citation of the provisions of this chapter, including any regulation, franchise requirement, permit, information request, order, variance, or other requirement that has been violated.
3. A date by which any person must be in compliance with this chapter including any regulation, franchise requirement, permit, information request, order, variance, or other requirement, or a date by which an action plan must be submitted by the person to propose a means and timeframe by which to correct violations. The public works director, and/or his or her designee, may extend the compliance date when good cause exists for such an extension.
4. Notification that continued noncompliance may result in additional enforcement action being taken against the business, facility, or any responsible persons.
5. Notification that the city may recover any costs incurred by the city as a result of the violation.
6. Notification that a violation of this chapter may result in an administrative civil penalty or in criminal penalties.

ITEM 13.7.

ATTACHMENT 3 Exhibit B to the Resolution

7. Notification that the correction of any alleged violation(s) within the specified deadline date(s) will not necessarily prevent the public works director, and/or his or her designee, from issuing an administrative enforcement order and imposing administrative civil penalties relating to the alleged violation(s).

B. In addition to any other content, a notice of violation may establish required corrective actions, including the following:

1. Terms, conditions, and requirements reasonably related to the provisions of this chapter, including the following:
 - a. Cessation of prohibited actions.
 - b. Correction of prohibited conditions.
 - c. A requirement for submittal of a written action plan for achieving and maintaining compliance with this chapter.
 - d. Reporting requirements to demonstrate ongoing compliance.
2. A requirement that the person receiving same shall submit written certification to the public works director, and/or his or her designee, that the necessary corrective actions have been completed. As appropriate for the type of correction action taken, the notice of violation may require documentation that substantiates the certification, including but not limited to, receipts, contracts, or photographs.
3. Any other terms or conditions reasonably calculated to prevent additional violations of this chapter.

C. An administrative enforcement order may be issued separately, but only after issuance of a notice of violation, or in combination with a notice and order, for the same violations or set of related violations. [Ord. 2-2016 § 2].

6.21.230 Administrative enforcement order.

A. If the public works director, and/or his or her designee, determines that a person, covered generator, or franchised waste hauler, has committed or is committing a violation of any provision of this chapter, the public works director, and/or his or her designee, may issue an administrative enforcement order, after issuing a notice of violation or, in combination with a notice of violation, requiring that the violation be corrected and imposing an administrative penalty.

B. Pursuant to this chapter, the violator shall be liable for a penalty of not more than \$1,000 for each day on which each violation occurs and/or continues. [Ord. 2-2016 § 2].

6.21.240 Administrative enforcement order – Content.

A. In addition to any other content, an administrative enforcement order shall contain the following elements:

1. A statement of the public works director, and/or his or her designee, that indicates a violation has occurred.
2. A citation of the provision of this chapter including any regulation, franchise requirement, permit, information request, order, variance, or other requirement that has been violated.
3. A date by which any person must be in compliance with this chapter, or a date by which an action plan must be submitted by the person to propose a means and timeframe by which to correct violations. The public works director, and/or his or her designee, may extend the compliance date when good cause exists for such an extension.
4. Notification that continued noncompliance may result in additional enforcement action being taken against the business, facility, or any responsible persons.
5. Notification that the city may recover any costs incurred by the city as a result of the violation.
6. Notification as to whether an administrative civil penalty is imposed and the terms and conditions of

payment, if any. In establishing the penalty amount, the public works director, and/or his or her designee, shall take into consideration:

- a. The nature, circumstances, extent, and gravity of the violation.
- b. The violator's past and present efforts towards compliant behavior.
- c. The violator's ability to pay the penalty.
- d. The deterrent effect that the imposition of the penalty would have on both the violator and the regulated community.

7. Notification that the correction of any alleged violation(s) within the specified deadline date(s) will not necessarily prevent the public works director, and/or his or her designee, from issuing an administrative enforcement order and imposing administrative civil penalties relating to the alleged violation(s).

8. Notification that the recipient has a right to a hearing on the matter as set forth in RCMC 6.21.280 to appeal any findings or required corrective actions established by the public works director and/or his or her designee.

9. Notification of procedures for requesting a hearing established according to RCMC 6.21.260.

B. In addition to any other content, an administrative enforcement order may establish required corrective actions, including the following:

1. Terms, conditions, and requirements reasonably related to the provisions of this chapter, including the following:

- a. Cessation of prohibited actions.
- b. Correction of prohibited conditions.
- c. A requirement for submittal of a written action plan for achieving and maintaining compliance with this chapter.
- d. Reporting requirements to demonstrate ongoing compliance.

2. A requirement that the person receiving same shall submit written certification to the public works director, and/or his or her designee, that the necessary corrective actions have been completed. As appropriate for the type of correction action taken, the notice of violation may require documentation that substantiates the certification, including, but not limited to, receipts, contracts, or photographs.

3. Any other terms or conditions reasonably calculated to prevent additional or ongoing violations of this chapter.

C. A notice of violation or an administrative enforcement order may be issued separately or in combination with another notice or order for the same violations or set of related violations. [Ord. 2-2016 § 2].

6.21.250 Delivery of notice or order.

Any notice of violation, permit revocation, administrative enforcement order or other enforcement action pursuant to the requirements of this chapter shall be subject to the following requirements:

A. Delivery shall be deemed complete upon either personal delivery to the recipient or by certified mail.

B. Where the recipient of the notice or order is the owner of the premises, the address for notice or order shall be the address from the most recently issued equalized assessment roll for the premises.

C. Where the owner or occupant of any premises cannot be located after reasonable efforts of the public works director, and/or his or her designee, the notice or order shall be deemed delivered after posting on the premises for a

period of 10 business days. [Ord. 2-2016 § 2].

6.21.260 Administrative appeals.

A. Hearing Request. Any person, owner or operator served with a notice of violation or an administrative enforcement order issued pursuant to this chapter may contest the order on the basis that there was no violation of this chapter or that he or she is not the responsible party. To contest the order, the person shall submit a request for hearing form to the city within 15 days from the date of the administrative enforcement order. Directions on how to obtain the request form will be provided on the order.

B. Filing Fee. The completed request must be submitted together with a filing fee, established and amended from time to time by the public works director, and/or his or her designee, based on actual expense to conduct the hearing by the hearing officer.

C. Notice of Hearing. The person, owner or operator requesting the hearing shall be notified of the time and place set for the hearing at least 10 days before the date of the hearing.

D. Additional Reports. If the public works director, and/or his or her designee, submits an additional written report concerning the administrative enforcement order to the hearing officer for consideration at the hearing, then a copy of this report also shall be provided to the person requesting the hearing at least five days before the date of the hearing. [Ord. 2-2016 § 2].

6.21.270 Hearing officer.

Pursuant to RCMC 1.05.200, a hearing officer will be assigned the responsibility of conducting a hearing by the city manager. The city manager shall be authorized to assign hearing responsibilities from time to time to any person or persons, qualified by training or experience, whom the city manager may appoint, employ or who are retained by contract to conduct such hearings. [Ord. 2-2016 § 2].

6.21.280 Hearing procedure.

A. Setting the Hearing. A hearing before the hearing officer shall be set for a date that is not less than 15 days nor more than 60 days from the date that the request for hearing is filed. The person requesting the hearing shall be notified of the time and place set for the hearing as soon as it is set, and at least 10 days before the hearing. If the public works director, and/or his or her designee, submits a written report concerning the notice or order to the hearing officer for consideration at the hearing, then a copy of the report shall be served on the person requesting the hearing at least five days before the hearing. No hearing shall be held unless the filing fee has been paid in advance, under RCMC 6.21.260(B).

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

C. At the Hearing. The administrative enforcement order and any additional report submitted by the public works director, and/or his or her designee, shall constitute prima facie evidence of the respective facts contained in those documents. At the hearing, the party contesting the citation shall be given the opportunity to testify and to present evidence concerning the citation.

D. Continuances. The hearing officer may continue the hearing and may request additional information from the public works director, and/or his or her designee, or the person receiving the administrative enforcement order before issuing the decision. [Ord. 2-2016 § 2].

6.21.290 Form and contents of decision – Finality of decision.

A. Following the hearing, the hearing officer shall issue an order in writing no later than 30 days from the date of the hearing, unless the time is waived by the parties. The order shall contain findings of fact and rationale appropriate to the violation and result, and a resolution of the essential issues raised, including the following:

1. Confirmation or denial of the occurrence of violations of this chapter that are alleged by the public works director and/or his or her designee.
2. Confirmation or rejection of any administrative civil penalty sought by the public works director, and/or his

or her designee, and establishment of the monetary amount of any administrative civil penalty to be enforced.

3. Confirmation, amendment, or rejection of required corrective actions related to compliance with this chapter that are imposed by the public works director, and/or his or her designee, but only if those requirements are appealed by the person.

B. The hearing officer's order shall uphold required corrective actions if the person fails to show clear and convincing evidence that the required corrective actions are unreasonable or unnecessary for achieving or demonstrating ongoing compliance with this chapter. The hearing officer's order may amend or reject required corrective actions; provided, that compliance with this chapter will be achieved.

C. The hearing officer's order shall inform the person that failure to comply with the hearing officer's order shall constitute a misdemeanor and is subject to additional enforcement action, including criminal penalties and additional civil and administrative penalties.

D. The hearing officer's order shall inform the person that the time and manner by which a person may file a challenge to the hearing officer's order is governed by Section 53069.4 of the California Government Code or any successor provision thereto.

E. The order issued by the hearing officer pursuant to this chapter shall be effective upon issuance. The decision of the hearing officer is final and may not be appealed. [Ord. 2-2016 § 2].

6.21.300 Procedures for collection of administrative civil penalty.

A. Any administrative penalty due shall be paid to the city within 30 days after the hearing officer's decision is issued. If the penalty is not timely paid, the public works director, and/or his or her designee, may pursue all reasonable and legal means in collecting those sums authorized and due.

B. All administrative civil penalties collected from actions brought pursuant to this chapter shall be paid to the public works director, and/or his or her designee, enforcing this chapter, and shall be deposited into a special account that shall be expended to fund the activities of the department to implement the applicable provisions of this chapter. [Ord. 2-2016 § 2].

6.21.310 Actions not prohibited.

This chapter does not do any of the following:

A. Otherwise affect the authority of the public works director, and/or his or her designee, to take any other action authorized by any other provision of law.

B. Restrict the power of a city attorney, district attorney, or the Attorney General to bring, in the name of the people of California, any criminal proceeding otherwise authorized by law.

C. Prevent the public works director, and/or his or her designee, from cooperating with, or participating in, proceedings specified in subsection (B) of this section. [Ord. 2-2016 § 2].

6.21.320 Penalties.

In addition to the administrative penalties imposed by RCMC 6.21.230, the city may seek all other legal remedies available under state law and under this code, including, but not limited to, criminal sanctions. [Ord. 2-2016 § 2].

Chapter 6.20

SOLID WASTE MANAGEMENT¹

Sections:

6.20.010	Purpose and declarations.
6.20.020	Definitions.
6.20.030	Collection or transportation prohibited.
6.20.035	Mandatory service.
6.20.040	Public agency exemption.
6.20.045	Administrator <u>Mandatory service</u> exemption.
6.20.050	Franchise requirement.
6.20.055	Exempt collection or transportation.
6.20.060	City council authority to grant franchise.
6.20.070	Franchise terms and conditions.
6.20.080	Application for commercial or residential franchise.
6.20.090	Commercial franchise application review process.
6.20.095	Residential franchise application review process.
6.20.100	Appeal upon denial of award.
6.20.110	Awarding of franchise.
6.20.120	Requirements for franchise effectiveness.
6.20.130	Franchise fees.
6.20.140	Recycling facility reporting requirements.
6.20.150	Restrictions on franchisees.
6.20.160	Medical waste.
6.20.170	Enforcement.
6.20.180	Abatement proceedings.
6.20.190	Notices.
6.20.200	On-site storage.
6.20.210	Solid waste disposal restrictions.
6.20.220	Use of containers.
6.20.230	Rules and regulations.
6.20.240	Vehicle inspection.
6.20.250	Vehicle requirements.
6.20.260	Covered load requirement.
6.20.270	Rights reserved to city.
6.20.280	Other franchise provisions.
6.20.290	Criminal penalties for violations.
6.20.300	Civil penalties for violations.
6.20.310	Settlement process.
6.20.320	Hearing officer.
6.20.330	Appeals.
6.20.340	Appeal hearing.

6.20.010 Purpose and declarations.

A. It is hereby declared and determined that the business of collecting and subsequently transporting, transferring, disposing and/or recycling of residential and commercial solid waste generated, kept or accumulated within the incorporated limits of the city of Rancho Cordova affects the health, safety, public welfare and quality of life of the inhabitants of the city. The city further declares that the business of collecting and disposing of residential and commercial solid waste is a public service and should be regulated by the city to ensure reliability and adequacy of service. The use of any public street or public property in connection with such business is of great concern to the city and should be regulated by the city. Therefore, it is the purpose of this chapter to provide such regulation.

The city further declares that residential collection service will be most efficient, and at a lower cost, when collection routes provide door-to-door service uninterrupted by competition in the same area; and that exclusive residential

collection services allow for energy conservation in fuel consumed by collection equipment, for the reduction of traffic congestion on roads and streets, and for fewer adverse effects on public streets and rights-of-way due to less truck traffic.

B. It is the further purpose of this chapter to regulate such business in order to ensure its orderly operation and to minimize the adverse effects it may have on the local environment. It is also the purpose of this chapter, aside and apart from regulation, to require compensation for the value of the franchise issued by the city.

C. It is the further purpose of this chapter to provide for the uniform regulation of residential and commercial solid waste collection, removal and transportation within the geographical area of the city.

D. The city hereby elects to have the grant of franchises governed by this chapter, and any ordinances amendatory thereof, and these provisions shall constitute the exclusive procedure applicable to the granting of franchises for the conduct of the business of collecting, transporting or disposing of residential and commercial solid waste. [Ord. 22-2012 § 2].

6.20.020 Definitions.

Unless the context otherwise requires, the definitions set forth in this section shall govern the interpretation of this chapter.

~~A. “Administrator” means the administrator of the city’s solid waste program. The city council shall designate by resolution the administrator.~~ “City” means the city of Rancho Cordova.

~~B. “City” means the city of Rancho Cordova.~~

~~C.~~ “City council” means the city council of the city of Rancho Cordova.

~~D.~~ “City clerk” means the city clerk of the city of Rancho Cordova.

~~E.~~ “City engineer” means the engineer of the city of Rancho Cordova.

~~F.~~ “City limits” means the territorial jurisdiction of the city of Rancho Cordova.

~~G.~~ “Collection” means the act of picking up and removing solid waste or recyclable material at the place of waste generation.

~~H.~~ “Commercial hauler” means any person who loads, collects, hauls, or transports commercial solid waste for a fee by use of any means, including, but not limited to, a dumpster truck; roll-off truck; a side-load, front-load, or rear-load garbage truck; or a trailer.

~~I.~~ “Commercial solid waste” means all solid waste, as defined in this chapter, that is generated by and at commercial and industrial sources, multifamily residential property, and construction and demolition activities that is collected by a commercial hauler.

~~J.~~ “Franchise” or “commercial franchise” means a commercial solid waste and recyclables collection franchise issued under the provisions of this chapter to a commercial hauler within the city.

~~K.~~ “Franchisee” means a person or entity holding a franchise issued pursuant to this chapter.

~~L.~~ “Garbage” means all putrescible and non-putrescible solid, semisolid, and liquid wastes, including, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, discarded home and industrial appliances, dewatered, treated or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semi-solid wastes. “Garbage” does not include hazardous waste or low-level radioactive waste regulated under Chapter 7.6 (commencing with Section 25800) of Division 20 of the California Health and Safety Code or medical waste. “Garbage” does not include recyclable materials or organic recyclable materials set out for separate collection for the purposes of recycling and that are not landfilled.

Note: The distinction between garbage and solid waste is that solid waste includes garbage, recyclable materials, and organic recyclable materials while “garbage” does not.

L. “Materials recovery facility” or “MRF” means any facility designed, operated, and legally permitted for the purpose of receiving, sorting, processing, storing, or preparing recyclable materials for sale and which has obtained, and maintains valid permit(s) to accept, process or store recyclable materials. This definition shall apply only within the framework of materials recovery facility services and reporting of this chapter.

M. “Multifamily residential property” means five or more individual living units located on a single parcel of land and any mobile home park located within the city.

N. “Person” means an individual, firm, limited liability company, association, partnership, industry, public or private corporation, or any other entity whatsoever.

O. “Police chief” means the chief of police of the city of Rancho Cordova.

P. “Public works director” means the public works director of the city of Rancho Cordova, California.

Q. “Recycling” means the process of collecting, sorting, cleansing, treating and reconstituting materials that would otherwise become solid waste and returning them for use or reuse in the form of raw materials for new, used or re-constituted products which meet the quality standard necessary to be used in the marketplace. “Recycling” does not include transformation as defined in Public Resources Code Section 40201.

QR. “Recycling facilities” means those facilities or operations that receive, process, and transfer to market recyclable materials that have been source separated from the solid waste stream.

RS. “Recyclable material” or “recyclables” means materials that have been separated from the solid waste stream prior to disposal for the purpose of returning them for use or reuse in the form of raw materials for new, used or re-constituted products which meet the quality standard necessary to be used in the marketplace, and that are not land-filled.

ST. “Removal” means the act of taking solid wastes or recyclable materials from the place of generation.

TU. “Residential dwelling unit” means an individual living unit in a single-family dwelling, condominium, townhouse, mobile home, duplex (two units), triplex (three units), fourplex (four units) or building of four or less total individual living units intended for, or capable of being utilized for, residential living other than a hotel or motel.

UV. “Residential hauler” means any person who loads, collects, hauls, or transports residential solid waste for a fee by use of any means, including, but not limited to, a dumpster truck; roll-off truck; a side-load, front-load, or rear-load garbage truck; or a trailer.

VW. “Residential solid waste” means all solid waste, as defined in this chapter, that is generated by and at a residential dwelling unit.

WX. “Residential franchise” means a residential solid waste collection franchise issued under the provisions of this chapter to a residential hauler within the city.

~~X.~~ ~~“Rubbish” means nonputrescible solid wastes such as ashes, paper, cardboard, tin cans, yard waste, wood, glass, bedding, crockery, plastics, rubber by products and litter.~~

Y. “Solid waste” means all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, construction and demolition debris, discarded home and industrial appliances, dewatered, treated or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semi-solid wastes. “Solid waste” does not include hazardous waste or low-level radioactive waste regulated under Chapter 7.6 (commencing with Section 25800) of Division 20 of the Health and Safety Code, or medical waste. “Solid waste” ~~does not include~~includes recyclable materials set out for separate collection for the purposes of recycling, and that are not landfilled.

Z. "Source separate" or "source separated" means the process of removing recyclable materials from solid waste for the purpose of recycling.

AA. "Treated medical waste" means medical waste as defined in subsection (a) of Health and Safety Code Section 25023.5.

BB. "Construction and demolition debris" means used or discarded materials resulting from construction, renovation, remodeling, repair or demolition operations on any pavement, house, commercial building, or other structure and such other materials as may be removed during the normal cleanup process of such construction, renovation, remodeling, repair, or demolition operations. This includes mixed construction and demolition debris and source separated recyclable construction and demolition material. [Ord. 22-2012 § 2].

6.20.030 Collection or transportation prohibited.

Except as authorized by RCMC 6.20.040 and 6.20.050, it shall be unlawful for any person to engage in the business of collecting, removing or transporting residential or commercial solid waste, or otherwise organizing, directing, sponsoring, brokering or causing the collection, removal or transportation of commercial residential or solid waste within the city without possessing a valid franchise or valid residential franchise granted by the city. [Ord. 22-2012 § 2].

6.20.035 Mandatory service.

Except as otherwise expressly provided by this chapter, the owner, tenant, or occupant of every improved parcel (parcel with one or more business and/or residential buildings approved for occupancy) located within the city shall subscribe to a solid waste ~~and recyclables~~ collection service from a residential or commercial franchisee operating pursuant to this chapter. Each business (DBA) and/or residential building with a separate address and each separate business unit and each separate residential unit (under separate rental agreement) with a common address located on such parcel shall subscribe to such service. The owner, tenant or occupant of a parcel with a residential dwelling unit shall subscribe to a collection service from a residential franchisee operating according to this chapter. The owner, tenant, or occupant of a parcel with a commercial or multifamily property shall subscribe to a collection service from a commercial franchisee operating according to this chapter.

Any owner of an improved five-acre or larger parcel may submit a written request for an exemption from mandatory service to the ~~administrator~~ public works director, and/or his or her designee, who will consider such requests on a case-by-case basis. ~~The administrator~~ The public works director, and/or his or her designee will submit a written response within 30 days of receipt of a written request either approving or denying the exemption from mandatory service. [Ord. 22-2012 § 2].

6.20.040 Public agency exemption.

The provisions of RCMC 6.20.035 shall not be applicable to the United States, the state of California, the county, a city, a special district or any other local public agency with respect to the accumulation, collection or transportation of refuse resulting from operations of such agency. [Ord. 22-2012 § 2].

6.20.045 ~~Administrator~~ Mandatory service exemption.

~~The administrator~~ The public works director, and/or his or her designee shall, upon application, grant a written exemption from the mandatory collection service requirements established by RCMC 6.20.035 for any property utilized for commercial purposes which does not generate solid waste, and may grant such an exemption for any residential dwelling unit (but not multifamily residential properties) if it determines that the occupant has made adequate and appropriate arrangements for the disposal of solid waste and required subscription to collection service would constitute an unreasonable hardship or impractical burden. [Ord. 22-2012 § 2].

6.20.050 Franchise requirement.

It is unlawful for any person to engage in the business of collecting, transporting or disposing of residential or commercial solid waste kept, accumulated or generated in the city, or to engage in the business of soliciting accounts or invoicing customers for residential or commercial solid waste service in the city unless:

A. A commercial franchise or residential franchise therefor has first been granted pursuant to the provisions of this chapter and such franchise is in full force and effect and a written franchise agreement therefor has been executed between such person and the city and such agreement is in full force and effect. [Ord. 22-2012 § 2].

6.20.055 Exempt collection or transportation.

The following persons shall be authorized to organize, direct or sponsor the collection, removal or transportation of residential or commercial solid waste within the city, or collect, remove or transport such solid waste, without a franchise or a residential franchise:

A. The United States, the state of California, a city, a special district or other local public agency, or any employee or member of the Armed Forces thereof, or any individual or employee of such individual who has entered into a contract for solid waste collection with a federal or state agency, when collecting or transporting solid waste produced by operation of the public entity under a system of solid waste collection and transportation operated and maintained by the public agency;

B. The owner, operator or occupant or employee of a farm or ranch consisting of five acres or more, when transporting for off-site disposal solid waste accumulated as a result of operation of the farm or ranch;

C. An owner or occupant of a residential or multifamily residential property, when collecting or transporting ~~rubbish~~ recyclable materials and/or organic recyclable materials, not containing garbage, from his or her residential premises to a lawful point of disposal;

D. A residential construction contractor, commercial or residential gardener and those engaged in the business of cleaning residential ~~and~~ commercial and multi-family residential properties and employees thereof, when collecting or transporting ~~rubbish~~ solid waste consisting of by-products of the services provided to a lawful disposal location;

E. A person or employee thereof, when collecting or transporting dead animals, bones, meat scraps or food waste resulting from food processing plants for tallow or fertilizer, or other waste material to be used as raw material in manufacturing, or solid waste that is collected without charging a fee to the customer for purposes of salvage; provided, that such persons shall reuse or recycle or cause to be reused or recycled all materials collected, and shall not transport or arrange for the transport of any collected materials to a disposal site;

F. An operator or employee thereof of one or more industrial plants which are under single ownership, when collecting or transporting wastes which cannot be handled by standard solid waste collection equipment or which involve significant health, operating or handling hazards, including but not limited to rice hulls, tomato pulp, chemical residues, explosives, and other toxic, noxious or hazardous substances; provided, that all such wastes shall be deposited at an appropriate disposal area permitted pursuant to California State solid or hazardous waste management standards.

Any transportation of solid waste, ~~refuse or rubbish~~ authorized by this section shall be conducted in strict compliance with any and all requirements of this chapter relating to transportation and any regulations issued hereunder;

G. Any person collecting or transporting hazardous waste, medical waste and designated waste, as defined in law, regardless of its source;

H. Any person collecting or transporting by-products of sewage treatment, including sludge, sludge ash, grit, and screenings;

I. Any person collecting or transporting residue or nonprocessable waste from a solid waste management facility, including material recovery, composting, and transformation facilities; and

J. Municipal corporations and other governmental agencies using their own vehicles engaged in the collection, transportation, or disposal of solid waste within the city. [Ord. 22-2012 § 2].

K. Any commercial edible food recovery organization collecting edible food from commercial establishments resulting in the recovery and redistribution or edible food for consumption.

6.20.060 City council authority to grant franchise.

A. The city council may and is hereby empowered to grant to a qualified applicant a nonexclusive franchise to engage in the business of collecting, transporting or disposing of commercial solid waste ~~and designated recyclable materials kept~~, accumulated or generated in the city, or to delegate the authority, by resolution, to the

~~administrator~~ the public works director, and/or his or her designee to grant the franchise.

B. The city council may and is hereby empowered to grant to a qualified applicant an exclusive residential franchise to engage in the business of collecting, transporting or disposing of residential solid waste and recyclable materials kept, accumulated or generated in the city, or to delegate the authority, by resolution, to the ~~administrator~~ public works director, and/or his or her designee to grant the franchise, according to the procedures set forth in RCMC 6.20.080 and 6.20.095.

C. The city council may grant a commercial franchise or a residential franchise to an applicant based on compliance with this chapter. Any grant of a commercial franchise or a residential franchise by the city council may be subject to such terms, conditions, rules, regulations, restrictions, and limitations as the city council deems necessary to protect the public health, safety, or welfare.

D. The city council hereby empowers and grants to the ~~administrator~~ public works director, and/or his or her designee the authority to administer and negotiate nonsubstantive changes to the commercial franchise and residential franchise agreements. The city council may delegate authority by resolution to the ~~administrator~~ public works director, and/or his or her designee to administer, negotiate and execute franchise agreements. [Ord. 22-2012 § 2].

6.20.070 Franchise terms and conditions.

A. All franchises and residential franchises shall be subject to the terms and conditions specified in this chapter, in the franchise agreement and in all other applicable federal, state and local laws and regulations.

B. In granting any franchise or residential franchise, the city council may prescribe such other additional terms and conditions, not in conflict with this chapter, as in the judgment of the city council are in the public interest.

C. Each franchisee shall provide residential or commercial solid waste collection, removal, recycling, and transportation services consistent with the provisions of this chapter, the terms and conditions of the franchise issued to the franchisee, and any applicable federal, state, or local statute, ordinance, rule or regulation.

D. Each franchisee shall provide services without undue interruptions caused by mechanical failures or other inadequacies of equipment and shall utilize equipment in quantities and of an age and quality adequate for the provisions of reliable service and to provide preventive and repair maintenance of such equipment sufficient to ensure reliability. [Ord. 22-2012 § 2].

6.20.080 Application for commercial or residential franchise.

A. All applications for commercial or residential franchises pursuant to this chapter shall be in writing and shall be filed with the ~~administrator~~ public works director, and/or his or her designee.

B. Each application for a commercial or residential franchise from a company that has never held a commercial or residential franchise in the city shall be submitted by the applicant on a form provided by the ~~administrator~~. ~~The application shall include all attachments required by the administrator. At a minimum~~ public works director, and/or his or her designee. ~~The~~, the application shall contain all attachments with the following information:

1. Identification.

- a. The name and address of the applicant.
- b. Business address and telephone number of the applicant.
- c. Address where all vehicles and operating equipment used within the city will be kept.
- d. If the applicant is a partnership, the applicant shall include the name and address of each partner, general, limited or otherwise, owning more than 10 percent ownership in the partnership and their percentage of ownership.
- e. If the applicant is a corporation, the application shall state the names and addresses of the corporation's directors, date and place of incorporation, main offices, major stockholders and associates, and the names and addresses of the parent and subsidiary companies.

f. If the applicant is an affiliate or a franchised operation of another corporation (not to be confused in this instance with a solid waste franchisee of the city), the applicant shall list the names and addresses of the parent or subsidiary companies, together with a description of their business interests and/or ownership.

g. If the applicant is a joint venture or other combination of persons and corporations, identify separately the names and addresses of each member of the joint venture or combined effort, together with their percentage interest.

2. Business Operations. The names of the executive, operational and financial managers to be used in connection with the solid waste collection services, together with documentation that such persons and the applicant have sufficient experience in solid waste handling to perform solid waste collection services in the city.

a. Attestation that books and accounts of all revenue and income arising out of its operations will be kept in a manner that conforms to generally accepted accounting principles.

b. A statement that the applicant shall obtain insurance prior to commencing business subject to the franchise agreement.

c. A statement that the applicant shall maintain and report on a timely basis all operational information and data elements reasonably required by the city to comply with its reporting requirements such as those established under AB 939, and as defined in the franchise agreement.

d. A complete listing and explanation of any civil or criminal rulings or judgments in excess of \$5,000, or convictions against applicant, any of applicant's partners, major stockholders, corporate directors or parent or subsidiary companies, occurring within the last five years. Applicants that are subject to the periodic reporting requirements of Section 13(a) of the Securities Exchange Act may, in lieu of the information required by this subsection, submit the information reported pursuant to 17 CFR 229.103 (Legal proceedings) and 229.403 (Security ownership of certain beneficial owners and management) on the most recent form 10-K filed by the applicant with the Securities and Exchange Commission.

3. Facilities and Equipment.

a. A description of all vehicles and equipment that the applicant owns, has control of, or intends to acquire for the collection, transportation, or disposal of commercial waste in the city and which are subject to the provisions of the franchise agreement. A statement as to whether said vehicles and equipment are self-unloading and equipped with audible automatic back-up warning devices. The minimum vehicle description for existing vehicles shall include Vehicle Identification Number (VIN) and license plate number.

b. Evidence demonstrating that the applicant owns or will have access to suitable facilities for keeping vehicles and equipment clean and in good repair, and that the applicant owns or will have access to reasonable office and billing facilities.

c. Evidence demonstrating that the applicant owns or will have the legally enforceable right to use at least two collection vehicles, the bodies of which are closed, leak-resistant, and constructed for the purpose of solid waste collection, transportation, and disposal. In the alternative, for the purposes of this provision, an applicant may demonstrate by the evidence that they service and transport open-top roll-off boxes for the collection, transportation, and disposal of nonputrescible waste and/or roll-off compaction boxes which are closed, leak-resistant, and are constructed for the purpose of solid waste collection, transportation, and disposal.

4. Financial Resources. Applicant shall provide proof satisfactory to the ~~administrator~~ public works director, and/or his or her designee that the applicant has adequate financial resources to conduct commercial solid waste collection services.

5. Diversion Plans. Each franchisee shall submit a diversion plan with their franchise application. The diversion plan shall provide a detailed description of how the franchisee intends to divert recyclable materials from commercial solid waste in order to assist the city in meeting the city's AB 939 reporting requirements.

6. Application for Police Chief Review.

a. The city may request that the police chief review each franchise application prior to the city issuing a franchise. ~~The administrator~~The public works director, and/or his or her designee may refer all franchise applications or renewals pursuant to this chapter to the police chief who, in conjunction with city staff, shall make such investigation of the applicant as the police chief deems necessary in order to determine whether the applicant's character or the business responsibility of the firm the applicant represents is satisfactory. The requirements of this section apply to all pending or future applications or proposals for issuance or renewal of such franchise pursuant to this chapter. The police chief's investigation may include, but is not limited to, obtaining the fingerprints and a photograph of the applicant, or any other person connected with the firm which the applicant represents, and the obtaining of reports from the state and federal law enforcement agencies and reports from any other appropriate sources.

b. If requested to review an application, the police chief shall evaluate each franchise application or proposal to determine whether the operation of the business which the applicant or party submitting the proposal represents would involve an unreasonable risk to the health, safety or general welfare of the public. In making such a determination, the police chief shall consider the character of the applicant or party submitting the proposal and each director, officer, manager and other person who exercises policy control over the operations of the applicant or proponent, the business responsibility of the firm which the applicant or party submitting the proposal represents, and the manner in which the firm intends to conduct its business.

c. The police chief shall notify the ~~administrator~~public works director, and/or his or her designee of the results of the investigation conducted pursuant to this section. If the police chief recommends disapproval of the application or proposal, the reasons for disapproval shall be specified in writing. The police chief shall forward a copy of the statement of reasons to the ~~administrator~~public works director, and/or his or her designee and shall provide a copy to the applicant or party submitting the application.

7. Other.

a. Any other evidence that demonstrates that the applicant is able to render collection and subsequent transportation and/or disposal services in accordance with applicable federal, state and local statutes.

b. Such additional information as may be reasonably requested by the ~~administrator~~public works director, and/or his or her designee.

c. During the application or proposal period and during the full term of any franchise, all information contained in the franchise application shall be kept up to date by the applicant who shall file a new verified statement within 48 hours of any change indicating in detail the nature of any change in the information.

C. Each application for a commercial or residential franchise from a company holding a valid, current commercial or residential franchise which is set to expire shall be submitted by the applicant on a form provided by the ~~administrator~~the public works director, and/or his or her designee. The application shall include all attachments required by the ~~administrator~~public works director, and/or his or her designee.

D. The application shall be signed by the person applying for the commercial or residential solid waste and recyclables collection franchise or, in the case of a partnership or corporation, by a person authorized to bind the partnership or corporation. [Ord. 22-2012 § 2].

6.20.090 Commercial franchise application review process.

A. The city council may award franchises for the collection of commercial solid waste within the city to applicants meeting all of the qualifications of this chapter.

B. Applicants may submit their completed application for a commercial franchise, as provided in RCMC 6.20.080, to the ~~administrator~~public works director, and/or his or her designee for review and consideration at any time. The ~~administrator~~public works director, and/or his or her designee shall review such submittals and either make a recommendation to the city council to award such franchise or notify applicant of denial within 60 days of receiving a

completed application.

C. ~~The administrator~~The public works director, and/or his or her designee shall take into consideration all components of the completed application, including but not limited to:

1. The ability of the applicant to meet all terms of the agreement;
2. Any history of civil or criminal convictions that may compromise the public's interests; and
3. The completeness, accuracy, and validity of the application.

~~The administrator~~The public works director, and/or his or her designee shall also have the authority to verify independently any and all statements made and implied in the application. ~~The administrator~~The public works director, and/or his or her designee may also request clarification from applicant of any or all elements of the submitted application.

D. After the 60-day review period, the ~~administrator~~public works director, and/or his or her designee shall either:

1. Deny an award and notify the applicant in writing of the reasons why the award was denied; or
2. Recommend to the city council that a franchise be awarded.

E. Upon concurrence with a positive recommendation, the city council will award the franchise or will delegate authority to the ~~administrator~~the public works director, and/or his or her designee to award the franchise within a reasonable period of time. ~~The administrator~~The public works director, and/or his or her designee, will notify applicant in writing of an award. [Ord. 22-2012 § 2].

6.20.095 Residential franchise application review process.

A. The city council may award an exclusive franchise for the collection of residential solid waste and recyclables within the city to an applicant meeting all of the qualifications of this chapter.

B. Applicants may submit their completed application for a residential franchise, as provided in RCMC 6.20.080, to the ~~administrator~~the public works director, and/or his or her designee, for review and consideration when the city has noticed its desire to receive such applications and according to the deadlines set forth by such notice. ~~The administrator~~The public works director, and/or his or her designee, shall review applications and either make a recommendation to the city council to award such franchise or notify applicant of denial within 60 days of receiving a completed application.

C. ~~The administrator~~The public works director, and/or his or her designee shall take into consideration all components of the completed application, including but not limited to:

1. The ability of the applicant to meet all terms of the agreement;
2. Any history of civil or criminal convictions that may compromise the public's interests;
3. The completeness, accuracy, and validity of the application; and
4. The applicant's ability to provide the most efficient and cost effective collection service to city residents while minimizing the adverse effects of such service on the residents, city streets and rights-of-way, and the environment.

~~The administrator~~The public works director, and/or his or her designee, shall also have the authority to verify independently any and all statements made and implied in the application. ~~The administrator~~The public works director, and/or his or her designee may also request clarification from applicant of any or all elements of the submitted application.

D. After the 60-day review period, the ~~administrator~~public works director, and/or his or her designee, shall either:

1. Deny an award and notify the applicant in writing of the reasons why the award was denied; or
2. Recommend to the city council that a franchise be awarded to a particular applicant; or
3. Recommend to the city council a group of finalists from which the city council may select an applicant to award an exclusive franchise to.

E. Upon concurrence with a positive recommendation, the city council will award the franchise or will delegate authority to the ~~administrator~~public works director, and/or his or her designee, to award the franchise within a reasonable period of time. ~~The administrator~~The public works director, and/or his or her designee, will notify applicant in writing of an award. [Ord. 22-2012 § 2].

6.20.100 Appeal upon denial of award.

A. Within 30 days of written notification of award denial or within 60 days of the ~~administrator's~~public works director, and/or his or her designee's failure to act on the commercial or residential franchise application, the applicant has the right to meet with the ~~administrator~~public works director, and/or his or her designee, to review the items cited in the written notice and provide any additional evidence to support an award. Within 15 days of such meeting, the ~~administrator~~public works director, and/or his or her designee, will make a final, written determination of the application, based on the reviews of additional evidence, together with the original application. ~~Administrator~~The public works director, and/or his or her designee will send a copy of all final, written determinations, including reasons for denial, if any, to both applicant and the city council.

B. Applicant may, within 10 days after receiving the ~~administrator's~~public works director, and/or his or her designee, final denial, request a public hearing before the city council by submitting to the city clerk a written petition for an appeal hearing. If a public hearing is requested, the city clerk shall set the matter for hearing at the next regularly scheduled city council meeting or any later date as agreed upon by the applicant and clerk of the city council. At such hearing, applicant may present evidence in writing and through testimony of its employees and others relevant to the application. During such hearing, the city council may demand from the applicant such additional information as the city council may deem relevant and necessary. Standard rules of evidence are not in effect at such public hearing, and the applicant shall have the burden of proof to show facts demonstrating that the applicant does in fact meet the requirements of this chapter. Any hearing may be continued or adjourned to a stated time and place without the giving of further notice. The city council will provide applicant with a written explanation of its determination on the application within 30 days of such hearing. The city council's decision is final.

C. If the term of an applicant's existing franchise expires while the application is under city review, the city council or the ~~administrator~~public works director, and/or his or her designee, may administratively extend the term for such period of time as is required to complete the appeal process. [Ord. 22-2012 § 2].

6.20.110 Awarding of franchise.

A. A commercial or residential franchise shall become effective only once the applicant and the city have signed a written agreement, and upon applicant's satisfying all of the requirements and conditions set forth in both this chapter and the franchise agreement.

B. The franchisee must provide to the city copies of all required certificates of insurance, and bonds as may be enumerated in the franchise agreement and this chapter. Should franchisee fail to maintain all such insurance and bonding requirements, uninterrupted for the term of the agreement, the city will immediately suspend or terminate the commercial or residential franchise.

C. If the franchisee's description of vehicles and equipment, as required under RCMC 6.20.080, has changed between the application date and the effective date of the franchise agreement, franchisee must submit to ~~administrator~~the public works director, and/or his or her designee, an amended description, including all identification elements required under RCMC 6.20.080, prior to commencing services authorized in the agreement. [Ord. 22-2012 § 2].

6.20.120 Requirements for franchise effectiveness.

A franchise granted pursuant to this chapter shall not become effective unless and until all of the following requirements have been satisfied:

A. The ordinance granting the residential or commercial franchise, or the resolution granting the ~~administrator public works director, and/or his or her designee~~, the authority to grant the franchise, is effective.

B. The applicant and the city have executed a franchise agreement.

C. Within 20 days from the date of adoption of the ordinance granting the commercial or residential franchise, or within 20 days of the date of adoption of the resolution delegating authority to the ~~administrator public works director, and/or his or her designee~~ to grant the franchise, the applicant to whom a franchise has been granted has filed with the city clerk evidence of compliance with the insurance requirements specified in the franchise agreement. [Ord. 22-2012 § 2].

6.20.130 Franchise fees.

A. Each person engaging in the business of collecting, transporting or disposing of commercial or residential solid ~~waste and recyclables kept, accumulated~~ ~~waste accumulated~~ or generated in the city shall pay a franchise fee to the city. The city council shall set the franchise fee by resolution, or shall delegate the authority to set the franchise fee to the city manager.

B. The payment of franchise fees to the city pursuant to this section shall be in addition to any license fee or business tax prescribed by any local jurisdictions for the same period.

C. Commercial and residential solid waste franchise fees shall be payable on all gross collection revenues by a franchisee from its commercial or residential solid waste collection customers located within the city. The franchise fee shall be calculated based on gross collection revenues prior to franchisee imposing the franchise fee on its customers. Nonexclusive franchisees shall also pay franchise fees on revenues received from federal and state government entities within the city.

D. Franchise fees shall be payable by any person providing commercial or residential solid waste services within the city after the effective date of the ordinance codified in this chapter, even where no franchise has been granted. [Ord. 13-2013 § 3 (Exh. A); Ord. 22-2012 § 2].

6.20.140 Recycling facility reporting requirements.

A. All recycling facilities within the city shall provide ~~semi~~bi-annual written reports to the ~~administrator public works director, and/or his or her designee~~ ~~r~~, due 45 days after the close of the six-month reporting period, and including the following information for the previous six months:

1. The total aggregate tonnage of recyclable material received from generators located within the city;
2. The aggregate tonnage of recyclable material received from waste management and recycling operations in the city;
3. The aggregate tonnage of recyclable material received from franchises operating within the city; and
4. The total aggregate amount of residuals generated at the facility and disposed of at a permitted solid waste disposal facility, expressed as a percentage of total tonnage received.

B. To the extent permitted by the California Public Records Act, any report or other information required by this chapter shall be deemed confidential and shall not be subject to public disclosure except for aggregate totals for all facilities.

C. Recycling facilities receiving only scrap metals, agricultural waste, inert materials, and/or discarded, whitecoated, major appliances that are not normally disposed of and thus cannot be counted towards the state's diversion requirements are exempt from the reporting requirements of this chapter. [Ord. 22-2012 § 2].

6.20.150 Restrictions on franchisees.

The following restrictions shall be applicable to franchisees:

A. Except to meet the two-truck requirement of RCMC 6.20.080(B)(3)(c), no franchisee shall, by contract, subcontract, or otherwise, share with another franchisee any office space associated with operations under a franchise.

B. No franchisee, by contract, express understanding or indirectly, shall, in cooperation with another franchisee, divide, segregate or apportion any territory within the city for the purpose of restricting competition within a particular territory.

C. No franchisee shall, directly or indirectly, enter into any contract, express understanding or other transaction with another franchisee for the purpose of fixing customer rates or charges or otherwise maintaining rates or charges at a particular level.

D. No franchisee or any director, officer, partner, joint venturer, sole proprietor or corporate owner thereof shall be a controlling shareholder of, be a partner, joint venturer or sole proprietor, owner, have any other interest in or be employed by another franchisee. No franchisee which is owned in whole or in part by a corporation shall be effectively controlled by a person or entity by virtue of that person or entity's ownership of shares in the corporation, if the same person or entity otherwise controls another franchisee. The sole remedy for violation of the provisions of this subsection shall be revocation or refusal to renew a franchise.

E. Each franchisee shall provide to the ~~administrator~~public works director, and/or his or her designee such information as the ~~administrator~~public works director, and/or his or her designee determines is reasonably necessary to facilitate effective administration of the franchise under the provisions of this chapter. Diversion information may be provided consistent with the framework for materials recovery facility (MRF) services and reporting of RCMC 6.20.140.

F. Notwithstanding any other provisions of this chapter, it shall be allowable for a franchisee having an interest in a materials recovery facility (MRF) to provide a reporting service, a solid waste processing service, ~~and/or a recycling~~ables processing service to another franchisee consistent with the framework for MRF services and reporting of RCMC 6.20.140. [Ord. 13-2013 § 3 (Exh. A); Ord. 22-2012 § 2].

6.20.160 Medical waste.

A. Commercial franchisees shall not be required to divert treated medical waste.

B. No treated medical waste from commercial or residential solid waste generators shall be delivered by a permittee to a materials recovery facility for the purpose of recycling. [Ord. 22-2012 § 2].

6.20.170 Enforcement.

Except as otherwise expressly provided, the provisions of this chapter shall be administered and enforced within the city by the ~~administrator~~public works director, and/or his or her designee or other staff and enforcement officials designated by the ~~administrator~~public works director, and/or his or her designee. [Ord. 22-2012 § 2].

6.20.180 Abatement proceedings.

Any operation or activity contrary to the provisions of this chapter or a franchise agreement, including the terms and conditions of any franchise, is unlawful and shall constitute a public nuisance. ~~The administrator~~The public works director, and/or his or her designee is authorized to commence in the name of the city actions or proceedings to abate and enjoin any such operation or activity. [Ord. 22-2012 § 2].

6.20.190 Notices.

A. Whenever a provision of this chapter authorizes or requires a public hearing to be conducted by the city council, notice of the time, date, place and purpose of the hearing shall be published at least once not later than 10 calendar days in advance of the date of such hearing in a newspaper of general circulation which is published within the city, and shall be served upon each franchisee who is affected by such hearing.

B. Any written notice or other communication to a franchisee which is authorized or required by this chapter shall be deemed served and effective for all purposes when deposited in the United States mail, postage prepaid, and addressed to the latest address of the franchisee shown in the city records pertaining to the franchise. [Ord. 22-2012 § 2].

6.20.200 On-site storage.

Every owner, tenant or occupant of a residential dwelling unit or multifamily residential property and every owner, operator or keeper of any business with a fixed location in the city which generates solid waste ~~and/or recyclable materials~~ shall provide and at all times keep within an enclosure, or conveniently located near an enclosure or building, water-tight containers for ~~solid waste garbage~~ and suitable containers for recyclable materials and organic recyclable materials, and shall cause to be deposited in such containers, and not elsewhere, all solid waste ~~and/or recyclable materials~~ which accumulate on the premises. The containers shall have tightly fitted covers and shall not leak or permit the escape of odors. Notwithstanding the requirements of this section, generators shall not be required to set out or store recyclable materials and/or organic recyclable materials together with ~~solid waste garbage~~ and generators shall be allowed to appropriately store recyclable materials and/or organic recyclable materials for collection separate from ~~solid waste garbage~~. It shall be unlawful for any person to fail to comply with the requirements of this section. Containers shall be clearly identified with the name of the franchisee. [Ord. 22-2012 § 2].

6.20.210 Solid waste disposal restrictions.

A. It shall be unlawful for any franchisee to do any of the following:

1. To operate or have an interest in a solid waste disposal site, other than a transfer, receiving and/or processing station, within the city;
2. To operate a solid waste disposal area in the city; or
3. To dump any solid waste upon, or permit the same to fall upon, any property, road or highway other than the areas designated by this chapter for the disposal or dumping of solid waste.

B. It shall be unlawful for any person to dump, deposit, or release any solid waste, ~~rubbish, debris, garbage, trash, or recyclable materials~~ in or on any public or private property, including streets, sidewalks, gutters, highways, or easements, except when acting in accordance with the solid waste collection regulations set forth in this chapter. [Ord. 22-2012 § 2].

6.20.220 Use of containers.

No person other than a customer who has contracted for service with a franchisee, or a person with such customer's consent, shall deposit solid waste into a solid waste bin, drop box or compactor placed in the city by a franchisee for the purpose of receiving solid waste. [Ord. 22-2012 § 2].

6.20.230 Rules and regulations.

A. The collection and subsequent transportation and disposal of commercial solid waste ~~and recyclable materials~~ within the city is under the supervision of the ~~administrator~~ public works director, and/or his or her designee who shall have the power to promulgate rules and regulations regulating such collection and subsequent transportation and disposal, including but not limited to:

1. Commercial solid waste generation, storage, recycling, recovery, accumulation, collection, removal, transportation and disposal;
2. The manner in which commercial solid waste collection ~~and recycling~~ services are provided;
3. Types of commercial solid waste ~~and recycling containers~~ and vehicles used therefor;
4. The operation and maintenance of sanitary methods of commercial solid waste disposal;
5. Reporting requirements for recycling facilities.

B. A copy of said rules and regulations and all amendments thereto shall be sent by registered or certified mail, postage prepaid, to all affected franchisees addressed to their last place of business. To the extent not otherwise provided by law, it shall be unlawful for a franchisee to collect and subsequently transport or dispose of commercial solid waste contrary to any regulation, order, permit or requirement promulgated by the ~~administrator~~ public works director, and/or his or her designee.

C. All such rules and regulations shall be consistent with the provisions of this chapter and shall be effective on the

thirtieth day following the filing of any such rules and regulations with the city clerk.

D. Any person who asserts that he or she is aggrieved by the terms or application of a regulation issued pursuant to this section may appeal the issuance of such regulation by filing a written notice of appeal with the city clerk. The notice of appeal shall specifically identify the regulation or regulations from which the appeal is taken and the reasons for the appeal. Upon receipt of such notice, the city clerk shall schedule the appeal for a public hearing by the city council, notice of which shall be given in the manner prescribed by RCMC 6.20.340(A). At the conclusion of the public hearing, the city council shall be vested with jurisdiction to deny the appeal or to rescind or modify the regulation. The city council's determination in this regard shall be final.

E. Any regulation from which an appeal is filed prior to its effective date shall not become effective until the date of a determination by the city council of the appeal. Any regulation from which an appeal is filed on or subsequent to the effective date thereof shall remain in full force and effect during the pendency of the appeal, and any decision that rescinds or modifies the regulation shall apply prospectively.

F. It shall be unlawful and constitute a violation of this chapter for any person to violate or otherwise fail to comply with any rule or regulation issued pursuant to this section. [Ord. 13-2013 § 3 (Exh. A); Ord. 22-2012 § 2].

6.20.240 Vehicle inspection.

All trucks and containers used in the collection, removal, transportation or storage of commercial solid waste in the city shall be subject to inspection by the city engineer for the purpose of determining whether or not the trucks and containers comply with California Code of Regulations, Title 14, Sections 17341 through 17345. [Ord. 22-2012 § 2].

6.20.250 Vehicle requirements.

The bodies of vehicles used in the collection, removal or transportation of commercial solid waste in the city shall have beds of metal or other impervious material which can be cleaned, and shall otherwise be of a type approved by the city engineer's department adopted pursuant to the California Code of Regulations, Title 14, Section 17341.B. The city engineer shall be authorized to issue administrative regulations pertaining to specifications for vehicles and containers, the cleansing and disinfecting thereof, and other sanitary measures in connection therewith. [Ord. 22-2012 § 2].

6.20.260 Covered load requirement.

A. All franchisee vehicles and all privately owned or operated vehicles using solid waste disposal facilities in the city shall have their vehicle loads covered, with a tarp or equivalent cover, to ensure protection from littering during transportation from the origin of the trip to any waste disposal facility located in the city.

B. All vehicles hauling materials with the load originating in the city to a waste disposal facility located outside of the city shall have their loads covered while in transit within the city.

C. Every permitted or nonpermitted waste disposal facility located within the city shall post signs notifying the public that it is illegal to haul uncovered loads to the facility. These facilities shall cooperate with the city enforcement staff by providing covered load education and promotion information to their customers to help assure the effectiveness of this chapter. [Ord. 22-2012 § 2].

6.20.270 Rights reserved to city.

In addition to all other rights reserved to the city under this chapter, the following shall apply:

A. There is hereby reserved to the city every right and power, and the exercise thereof, which is reserved or authorized by any provision of any lawful ordinance or resolution of the city, whether enacted before or after the effective date of the ordinance codified in this chapter.

B. Neither the granting of any franchise nor any provision of any franchise shall constitute a waiver of or a bar to the exercise of any governmental right or power of the city.

C. The franchisee shall have no recourse whatsoever against the city, its officers, employees or agents or any of the city member entities, their officers, employees, or agents for any loss, cost, expense or damage arising out of any

provision or requirement of this chapter or of any franchise issued under this chapter or because of the enforcement of this chapter.

D. There is hereby expressly reserved to the city the power and authority to amend any section of this chapter so as to require additional or greater standards on the part of the franchisee and the power and authority to increase the franchise fees to be paid by the franchisee pursuant to RCMC 6.20.130. [Ord. 13-2013 § 3 (Exh. A); Ord. 22-2012 § 2].

6.20.280 Other franchise provisions.

The city council may expand or contract the scope of franchise agreements over time due to changes in law or interpretations of law. [Ord. 22-2012 § 2].

6.20.290 Criminal penalties for violations.

The following criminal penalties apply to violations of this chapter:

A. Violation as Misdemeanor. Unless otherwise specified by this chapter, violations of the provisions of this chapter or failure to comply with any of its requirements, including violations of terms and conditions established in connection with franchises issued pursuant to this chapter, shall constitute a misdemeanor.

B. Penalty for Misdemeanor. Unless otherwise specified in this chapter, any person, whether as principal, agent, employee or otherwise, who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$1,000 or imprisoned for not more than six months in the county jail, or by both such fine and imprisonment. Each day such violation continues shall be considered a separate offense. Such penalties shall be in addition to any late fees, civil penalties, administrative civil penalties, or other charges payable to the city by a franchisee for the same period of time or for the same violations.

C. Violation as Infraction. Unless otherwise specified by this chapter or the franchise agreement, the following violations by a franchisee are infractions:

1. Delinquent Payment of Franchise Fee. A delinquent payment of a franchise fee that is not received by the city before the first day of the month following the due date established under the franchise agreement is a violation and a separate violation for every month the payment remains delinquent thereafter.

2. Delinquent Payment of Franchise Fee Late Charge. A delinquent payment of a late payment charge and/or interest charges for a late franchise fee payment (under the franchise agreement) that is not received by the city before the first day of the month following the due date is a violation and a separate violation for every month the payment remains delinquent thereafter.

3. Delinquent Payment of Late Report Charge. A delinquent payment of a late charge for a delinquent quarterly report of diversion (under the franchise agreement) that is not received before the first day of the month following the due date is a violation and a separate violation for every month the payment remains delinquent thereafter.

4. Delinquent Payment of Audit Fee. A delinquent payment of an audit fee (under the franchise agreement) that is not received by the city before the first day of the month following the due date is a violation and a separate violation for every month the payment remains delinquent thereafter.

5. Delinquent Diversion Report. A delinquent quarterly report of diversion (under the franchise agreement) that is not received by the city before the first day of the third month following the end of the quarter reporting is a violation and a separate violation for every month the report remains delinquent thereafter.

6. Incomplete Diversion Report. If a quarterly report of diversion (under the franchise agreement) that is received by the city is incomplete, the inadequacy must be remedied or corrected by the franchisee before the first day of the third month following the end of the quarter or it is a violation and a separate violation for every month the report remains incomplete thereafter. A complete quarterly report of diversion includes all information as may be required by the ~~administrator~~ public works director, and/or his or her designee. Partial quarterly reports of diversion will be considered incomplete.

D. Penalty for Infraction. Unless otherwise specified by this chapter or in the franchise agreement, an infraction is punishable by a fine not exceeding \$200.00 for a first violation of any offense under subsection (C) of this section within the preceding 12-month period; a fine of \$500.00 for a second violation of the same offense under subsection (C) of this section within the preceding 12-month period; and a fine of \$1,000 for each additional violation of the same offense under subsection (C) of this section within the preceding 12-month period. ~~The administrator~~The public works director, and/or his or her designee or the city attorney shall also have the discretion to elevate any infraction under subsection (C) of this section to a misdemeanor, punishable under subsection (B) of this section. Such penalties shall be in addition to any late fees, civil penalties, administrative civil penalties, or other charges payable to the city by a franchisee for the same period of time or for the same violation.

E. Separate Remedies. Each civil, criminal, or administrative civil penalty imposed pursuant to this chapter for any separate violation shall be separate from, and in addition to, any other provision of law and does not supersede or limit any and all other legal remedies and penalties, civil, administrative or criminal, which may be applicable under other laws. [Ord. 13-2013 § 3 (Exh. A); Ord. 22-2012 § 2].

6.20.300 Civil penalties for violations.

The following administrative civil penalties apply to violations of this chapter:

A. Administrative Civil Penalties. In addition to any other remedies provided by this chapter, any person who violates any provision of this chapter shall be liable for an administrative civil penalty to be imposed by the ~~administrator~~public works director, and/or his or her designee. The amount of the penalty shall not be more than \$1,000 for each day of violation. Any person who knowingly violates any provision of this chapter, after reasonable notice of the violation, is liable for an administrative civil penalty of not more than \$1,000 for each day of violation. In determining the civil, criminal, and administrative civil penalties imposed pursuant to this chapter, all relevant circumstances shall be considered, including but not limited to the extent of harm or potential harm caused by the violation, the nature of the violation and the period of time over which it occurred, the frequency of past violations, and the corrective action, if any, taken by the violator.

B. Administrative Civil Penalty Procedure.

1. Notice of Violation. ~~The administrator~~The public works director, and/or his or her designee shall notify the violator in writing of the time within which an alleged violation must be remedied or corrected. The notice shall provide that an administrative civil penalty will be imposed if the continuing violation is not remedied or corrected within the time stated.

2. Notice of Penalty and Opportunity for Hearing. Notice of any administrative civil penalty shall set forth the alleged acts or failures to act that constitute a basis for liability and the amount of the proposed administrative civil penalty. The notice of administrative civil penalty shall be served by personal service or certified mail and shall inform the person so served that the administrative civil penalty imposed may be administratively reviewed by a city-designated hearing officer before it is enforced if a request for hearing is timely filed. The notice shall also specify the procedure for requesting a hearing before the hearing officer.

3. Administrative Review. If a person desires administrative review of the administrative civil penalty imposed by the ~~administrator~~public works director, and/or his or her designee, it shall request a hearing by timely filing a written request pursuant to the provisions of RCMC 6.20.330. The written request for an appeal must be accompanied by an administrative hearing fee, as established by the city council. Any such appeal shall be in writing, shall state the specific reasons therefor and grounds asserted for relief, and shall be filed with the ~~administrator~~public works director, and/or his or her designee not later than 15 calendar days after the date of service of any such decision. A hearing shall be conducted by the hearing officer pursuant to RCMC 6.20.340 unless the person has waived the right to a hearing or has entered into a settlement agreement with the ~~administrator~~public works director, and/or his or her designee. A person waives the right to a hearing by so stating in writing or by failure to file with the ~~administrator~~public works director, and/or his or her designee a written request for hearing within 15 days after service of the notice of opportunity for hearing.

4. Effective Date. Where the person has waived the right to a hearing or where the person has entered into a settlement agreement, the administrative civil penalty shall not be subject to review by any court, the hearing authority, or any other agency and shall be effective 15 days after notice of the penalty is served. Where a

hearing has been held, the penalty shall be effective 20 days after the decision of the hearing authority becomes final.

5. Judicial Review. The manner of contesting the final order of the hearing officer concerning any administrative civil penalty is governed by Government Code Section 53069.4, or any successor provision thereto. Service of the notice of appeal authorized by Government Code Section 53069.4 upon the city shall be by service upon the city clerk.

6. Payment of Costs of Enforcement/Collection. In addition to any penalty, sanction, fine or imprisonment, each person who violates this chapter shall be required to pay any and all expenses of enforcement including costs necessary to bring the person into compliance with this chapter. In addition to all remedies contained herein, the city may pursue all reasonable and legal means in collecting those sums authorized and due.

7. Collection. Payment of the penalty shall be made within 30 days from when the penalty became effective. In addition to all remedies herein contained, the city may pursue all reasonable and legal means in collecting administrative civil penalties. [Ord. 13-2013 § 3 (Exh. A); Ord. 22-2012 § 2].

6.20.310 Settlement process.

~~The administrator~~The public works director, and/or his or her designee may adopt a written settlement agreement process for the settlement of violations of this chapter, which shall take into consideration the penalty factors set forth in RCMC 6.20.300. [Ord. 13-2013 § 3 (Exh. A); Ord. 22-2012 § 2].

6.20.320 Hearing officer.

Whenever the term “hearing officer” is utilized in this chapter, it shall be deemed to refer to one or more qualified persons assigned the responsibility of conducting a hearing by the city manager. [Ord. 22-2012 § 2].

6.20.330 Appeals.

Any decision of the ~~administrator~~public works director, and/or his or her designee may be appealed to a hearing officer appointed by the city manager. Any such appeal shall be in writing, shall state the specific reasons therefor and grounds asserted for relief, and shall be filed with the ~~administrator~~public works director, and/or his or her designee not later than 15 days after the date of service of any such decision. If an appeal is not filed within the time or in the manner prescribed above, the right to review of the action against which complaint is made shall be deemed to have been waived. [Ord. 22-2012 § 2].

6.20.340 Appeal hearing.

A. Not later than 30 days following the date of filing an appeal within the time and in the manner prescribed by RCMC 6.20.330, the hearing officer shall conduct a hearing for the purpose of determining whether the appeal should be granted. Written notice of the time, date and place of the hearing shall be mailed to the appellant not later than 10 days preceding the date of the hearing.

B. The provisions of the California Administrative Procedure Act (commencing at Section 11500 of the Government Code) shall not be applicable to such hearings; nor shall formal rules of evidence in civil or criminal judicial proceedings be so applicable. Testimony shall be given under oath, and the parties to the hearing shall have the right to cross-examine witnesses. Any relevant evidence shall be admitted if it is the type of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rules which make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state. Hearsay evidence may be admitted for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions. Irrelevant and unduly repetitious evidence shall be excluded.

1. Record. A record of the entire hearing proceedings shall be made by either a certified court reporter or tape recorder operated by the hearing officer. A transcript of the proceedings shall be made available to all parties upon request and upon payment of the fee prescribed therefor. Such fees may be established and revised from time to time by the city council.

2. Scope. Only those matters or issues specifically raised by the appellant(s) in the written appeal shall be

considered in the hearing on appeal.

3. Oaths and Certification. The hearing officer has the power to administer oaths and affirmations and to certify official acts.

4. Oral Evidence. Oral evidence shall only be taken on oath or affirmation.

5. Rights of Parties. Each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any matter relevant to the issues of the hearing even though the matter was not raised in the direct examination, to impeach any witness regardless of which party first called him or her to testify, to present rebuttal evidence and to represent himself or herself or to be represented by anyone of his or her choice who is lawfully permitted to do so. No appellant shall be required to testify without his or her consent.

6. At the conclusion of the hearing, the hearing authority shall prepare a written decision that either grants or conditionally grants or denies the appeal, and contains findings of fact and conclusions. Notice of the written decision, including a copy thereof, shall be filed with the ~~administrator~~public works director, and/or his or her designee and served not later than 30 days following the date on which the hearing is closed on the appellant and on other persons who appeared at the hearing and requested a copy. Service shall be by personal delivery or certified mail.

C. City and appellant shall jointly pay for the costs of the hearing. [Ord. 13-2013 § 3 (Exh. A); Ord. 22-2012 § 2].

¹ Code reviser's note: Ordinance 13-2013 Exhibit A sets out all of Chapter 6.20 without intending to amend the entire chapter. Only sections intended to be amended by the ordinance cite the ordinance in the section's legislative history.

Chapter 6.21

BUSINESS AND MULTIFAMILY RECYCLING AND ORGANICS RECYCLING

Sections:

- 6.21.010 Purpose and declarations.
- 6.21.020 Definitions.
- 6.21.030 Threshold for covered generators.
- 6.21.040 Requirements for covered generators.
- 6.21.050 Special requirements.
- 6.21.060 Designation of recyclable materials and organic recyclable materials.
- 6.21.070 Ownership of recyclable materials and organic recyclable materials.
- 6.21.080 Requirements for franchised waste haulers.
- 6.21.090 Requirements for service agreements.
- 6.21.100 Requirements for ~~recycling plans addressing covered generator non-compliance~~
- 6.21.110 Requirements for multifamily residential properties.
- 6.21.120 Requirements for self-hauling ~~and back-hauling.~~
- 6.21.125 SB 1383 regulatory compliance.
- 6.21.130 Reporting.
- 6.21.140 Exemptions from recycling standards.
- 6.21.150 City rules and regulations.
- 6.21.160 Rights reserved to city.
- 6.21.170 Administration and costs.
- 6.21.180 Unlawful acts.
- 6.21.190 Implementation and enforcement.
- 6.21.200 Posting of notices.
- 6.21.210 Notice of violation.
- 6.21.220 Notice of violation – Content.
- 6.21.230 Administrative enforcement order.
- 6.21.240 Administrative enforcement order – Content.
- 6.21.250 Delivery of notice or order.
- 6.21.260 Administrative appeals.
- 6.21.270 Hearing officer.
- 6.21.280 Hearing procedure.
- 6.21.290 Form and contents of decision – Finality of decision.
- 6.21.300 Procedures for collection of administrative civil penalty.
- 6.21.310 Actions not prohibited.
- 6.21.320 Penalties.

6.21.010 Purpose and declarations.

A. It is the intent and purpose of this chapter to promote recycling and organics recycling by:

1. Requiring covered generators in the city of Rancho Cordova to keep recyclable materials separate from all other ~~solid-wastegarbage~~ for recycling;
2. Requiring covered generators in the city of Rancho Cordova to keep organic recyclable materials separate from all other ~~solid-wastegarbage~~ for organics recycling;
3. Requiring covered generators to provide City approved signs and labeled containers for the storage and collection of recyclable materials and organic recyclable materials; and
4. Requiring covered generators to ~~either self-haul~~self-haul recyclable materials and/or organic recyclable materials with written approval from the Public works director and/or his or her designee or enter into a written service agreement for the collection and subsequent delivery of recyclable materials and organic recyclable materials to a recycling facility.

5. Prohibiting the collection of garbage to covered generators that are not subscribed to recyclable material and organic recyclable material collection services with the same franchised waste hauler or who have not received written approval from the Public works director and/or his or her designee for an exemption or waiver.

B. It is further the purpose of this chapter to provide a mechanism to require the implementation of recycling programs and organics recycling programs for covered generators within the city to thereby enable the city to meet and maintain the 50 percent waste diversion requirements set forth in Section 41780(a)(2) of the California Public Resources Code. [Ord. 2-2016 § 2].

6.21.020 Definitions.

AA. "AB 341" means the California Jobs and Recycling Act of 2011 (Chapter 476, Statutes of 2011 [Chesbro, AB 341]), also commonly referred to as "AB 341", as amended, supplemented, superseded, and replaced from time to time.

B. "AB 827" means the Solid Waste: Commercial and Organic Waste: Recycling Bins Act of 2019.

C. "AB 1826" means the Organic Waste Recycling Act of 2014 (Chapter 727, Statutes of 2014 modifying Division 30 of the California Public Resources Code), also commonly referred to as "AB 1826," as amended, supplemented, superseded, and replaced from time to time.

D. "Alternative compliance and exemption form" means the form provided by the public works director or his or her designee on which a covered generator may request an exemption or waiver from the recycling and organics materials collection requirements.

E. "Business" means:

1. A commercial entity, proprietorship, firm, partnership, person in representative or fiduciary capacity, association, venture, trust, or corporation that is organized for financial gain or profit, including, but not limited to, offices, retail stores, markets, manufacturing facilities, warehouse and distribution facilities, restaurants, motels and hotels, theaters, medical offices, and gas stations and automotive facilities; and
2. Not-for-profit organizations, including, but not limited to, churches, hospitals, and social service organizations.

BF. "City" means the city of Rancho Cordova, California.

CG. "Collection" means the act of picking up and removing ~~solid waste or~~garbage, recyclable materials or organic recyclable materials at the place of generation.

DH. "Commercial hauler" or "hauler" means any person who collects, hauls, or transports commercial ~~solid waste~~garbage, recyclables and/or organics for a fee by use of any means, including, but not limited to, a dumpster truck, roll-off truck, a side-load, front-load, or rear-load garbage truck, or a trailer.

EI. "Commercial solid waste" means all solid waste as defined in subsection (~~BBGG~~) of this section that is generated by and at commercial and industrial sources, multifamily residential properties, and construction and demolition activities that is collected by a commercial hauler.

FJ. "Covered generator" means all businesses and multifamily residential properties that are subject to the requirements of this chapter. The public works director and/or his or her designee shall specify the minimum weekly solid waste collection service threshold that defines covered generators for the purposes of this chapter and shall include such designation in the commercial franchise agreement and shall also be designated in RCMC 6.21.030, Threshold for covered generators. A covered generator may include a business or multifamily residential property owner or generator and is dependent on whoever executes a contract(s) for solid waste, recycling, and organics recycling removal and collection services.

GK. "Customer" means a business or multifamily residential property owner or generator who contracts for solid waste removal services and enters into a service agreement with a franchised waste hauler. Where several businesses

or multifamily residential properties share garbage containers and service, “customer” refers only to the party who enters into a contract for ~~solid-wastegarbage, recycling and organic~~ collection services.

HL. “Designated green materials” (or “green materials”) means materials that are required to be separated from ~~solid wastegarbage~~ and designated recyclable materials prior to disposal and returned for use or reuse in the form of raw materials for new, used or reconstituted products. Green materials include, but are not limited to: yard trimmings, grass, weeds, leaves, ~~prunings~~, branches, dead plants, brush, tree trimmings, dead trees, small wood pieces and other types of organic yard waste. Green ~~materials~~material excludes food scraps and paper contaminated with food scraps.

IM. “Designated organic recyclable materials” (or “organic recyclable materials”) means materials that are required to be separated from ~~solid-wastegarbage~~ and designated recyclable materials prior to disposal and returned for use or reuse in the form of raw materials for new, used or reconstituted products. Organic recyclable materials include, but are not limited to: yard trimmings and food scraps such as green trimmings, grass, weeds, leaves, prunings, branches, dead plants, brush, tree trimmings, dead trees, small wood pieces, other types of organic yard waste, vegetable waste, fruit waste, dairy waste, meat waste, fish waste, ~~and paper contaminated with food scraps. The term “organic recyclable materials” solely means “designated green materials” when referencing multifamily residential property requirements. paper products and food soiled paper products and/or as otherwise specified by the public works director and/or his designee.~~

JN. “Designated recyclable materials” (or “recyclable materials”) means materials that are required to be separated from ~~solid-wastegarbage~~ and designated organic recyclable materials prior to disposal and returned for use or reuse in the form of raw materials for new, used or reconstituted products. Recyclable materials include, but are not limited to: clean cardboard, paper, plastic, scrap metal, beverage containers, and clean (untreated and unpainted) wood.

KO. “Franchise” or “commercial franchise” means a commercial ~~solid-wastegarbage, organics~~ and recyclables collection franchise issued to a commercial hauler by the city of Rancho Cordova.

LP. “Franchisee” or “franchised waste hauler” means a person or entity holding a commercial or residential franchise issued by the city pursuant to Chapter 6.20 RCMC.

MQ. “Garbage” means all putrescible and non-putrescible solid, semisolid, and liquid wastes, including, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, discarded home and industrial appliances, dewatered, treated or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semi-solid wastes. “Garbage” does not include hazardous waste or low-level radioactive waste regulated under Chapter 7.6 (commencing with Section 25800) of Division 20 of the California Health and Safety Code or medical waste. “Garbage” does not include recyclable materials or organic recyclable materials set out for separate collection for the purposes of recycling and that are not landfilled.

Note: The distinction between garbage and solid waste is that solid waste includes garbage, recyclable materials, and organic recyclable materials while “garbage” does not.

R. “Generator” means each business or multifamily residential property that generates one or more designated recyclable materials or one or more designated organic recyclable materials as a result of its business activities or multifamily residential property activities.

NS. “Multifamily residential property” means five or more individual living units located on a single parcel of land and any mobile home park located within the city.

OT. “National contracts” means contracts between waste management companies and multi-sited waste generating companies that operate currently throughout the United States, in more than one state.

PU. “Organics recycling” means the process of collecting, sorting and treating designated organic recyclable materials and/or designated green materials that would have otherwise become ~~solid-wastegarbage~~ and returning them to a safe, nuisance-free compost product by treating the materials to a controlled biological decomposition.

~~QV~~. “Owner” means the person who owns a business or multifamily residential property. An owner may also be a generator.

~~RW~~. “Person” means an individual, firm, limited liability company, association, partnership, industry, public or private corporation, or any other entity whatsoever.

~~SX~~. “Public works director” means the public works director of the city of Rancho Cordova, California.

~~TY~~. “Recycling” means the process of collecting, sorting, cleansing, treating and reconstituting materials that would otherwise become ~~solid waste~~garbage and returning them for use or reuse in the form of raw materials for new, used or reconstituted products which meet the quality standard necessary to be used in the marketplace. Recycling does not include transformation as defined in Section 40201 of the California Public Resources Code. The term “recycling” may be used to include source separated materials.

~~UZ~~. “Recycling facility” means those facilities or operations that receive, process, and transfer to market recyclable materials or organic recyclable materials that have been source separated from the solid waste stream.

~~VAA~~. “Recyclable materials container” means any box, tub, cart, or other container placed inside each individual multifamily residential unit and in maintenance or work areas on the premises of covered generators that is made of metal, hard plastic or other similar material and is suitable for the collection of designated recyclable materials and designated organic recyclable materials pursuant to this chapter. Recycling materials containers must be approved by the city.

~~WBB~~. “Recycling plan” means the plan to be presented to all covered generators by their franchised waste hauler to document understanding of the requirements of this chapter and record the selected compliance option for each designated recyclable material or each designated organic recyclable material.

~~XCC~~. “Removal” means the act of taking ~~solid wastes~~garbage, recyclable materials or organic recyclable materials from the place of generation.

~~YDD~~. “SB 1383” means the Short-Lived Climate Pollutants: Methane Emissions: Dairy and Livestock: Organic Waste: Landfills Act of 2016. Article 4 Title 14, Division 4, Chapter 12 of the California Code of Regulations.

~~EE~~. “Self-haul,” when used in reference to a covered generator, means a covered generator, or employee designated by the covered generator, who collects, transports and hauls recyclable materials and/or organic recyclable materials from the business or multifamily residential property in a vehicle owned by either an employee or the entity to a recycling facility rather than hiring a franchised waste hauler to perform this function. Self-hauler also includes a person who back-hauls waste.

~~I. Z. “Self-haul form” means the form provided by the public works director, and/or his or her designee, on which a business or multifamily residential property, owner or generator certifies that all self-hauling activities will be completed in accordance with the provisions of this chapter or any other applicable law or regulation.~~

~~I. AA “Back-haul” means generating and transporting organic waste to a destination owned and operated by the generator using the generator’s own employees and equipment.~~

~~FF~~. “Service agreement” means a written agreement between a franchised waste hauler and a covered generator concerning the collection of designated recyclable materials and/or designated organic recyclable materials.

~~BBGG~~. “Solid waste” means all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, discarded home and industrial appliances, dewatered, treated or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semi-solid wastes. “Solid waste” does not include hazardous waste or low-level radioactive waste regulated under Chapter 7.6 (commencing with Section 25800) of Division 20 of the California Health and Safety Code or medical waste. “Solid waste” ~~does not include~~includes recyclable materials or organic recyclable materials set out for separate collection for the purposes of recycling and that are not landfilled.

~~CCHH.~~ “Source separate” or “source separated” means the process of removing recyclable materials and/or organic recyclable materials, from ~~solid-wastegarbage~~ for the purpose of recycling and/or organics recycling.

~~DDII.~~ “Subcontract” is a contract assigning some of the obligations of a contract to a third party. [Ord. 2-2016 § 2].

JJ. “Tier 1 and Tier 2 Edible Food Covered Generators”

6.21.030 Threshold for covered generators.

~~A. Recycling Requirements. The reeyeling threshold for businesses and multifamily residential properties is current and ongoing and requires all~~All AB 341 ~~business and multifamily residential property owners or covered generators that generate four or more cubic yards of commercial solid waste per week or a multifamily residential property of five or more dwelling units, and any other covered generators as defined in state law, must subscribe to arrange for reeyeling and receive recyclable material collection services from a franchised waste hauler unless they receive alternative compliance and exemption from the city as provided for in RCMC 6.21.040.~~

~~B. Business Organics Recycling Requirements. The organics reeyeling threshold for businesses will start on April 1, 2016 and will decrease over time. Covered generators that fall within the following thresholds shall provide organics reeyeling~~All AB 1826 and/or SB 1383 business covered generators, and any other covered generators as defined in state law, must subscribe to and receive organic waste collection services by~~from a franchised waste hauler unless they receive written approval of an alternative compliance and exemption from the date listed:city as provided for in RCMC 6.21.040.~~

~~1. April 1, 2016: Businesses that generate eight cubic yards or more of organic reeyelable materials per week must arrange for organics reeyeling collection services.~~

~~2. January 1, 2017: Businesses that generate four cubic yards or more of organic reeyelable materials per week must arrange for organics reeyeling collection services.~~

~~3. January 1, 2019: Businesses that generate four cubic yards or more of solid waste per week must arrange for organics reeyeling collection services.~~

~~C. Multifamily Residential Property Organics Recycling Requirements. The organics reeyeling threshold for multifamily residential properties will start on April 1, 2016, and will decrease over time. Multifamily residential properties will be required to separate green materials from other solid waste. Covered generators that fall within~~All AB 1826 and SB 1383 multifamily covered generators, and any other covered generators as defined in state law, must subscribe to and receive organic waste collection services from a franchised waste hauler unless they received written approval of an alternative compliance and exemption from the following thresholds shall provide green materials collection services by the date listed:city as provided for in RCMC 6.21.040.

~~1. April 1, 2016: Multifamily residential properties that generate eight cubic yards or more of green materials per week must arrange for organics reeyeling collection services.~~

~~2. January 1, 2017: Multifamily residential properties that generate four cubic yards or more of green materials per week must arrange for organics reeyeling collection services.~~

~~3. January 1, 2019: Multifamily residential properties that generate four cubic yards or more of solid waste per week must arrange for organics reeyeling collection services. [Ord. 2-2016 § 2].~~

6.21.040 Requirements for covered generators.

~~A.~~

~~A. Any covered generator that does not subscribe to garbage, recyclable material, and organic waste collection services with the same franchised waste hauler is required to complete an “alternative compliance and exemption form” and have that form approved by the city in writing as a condition of receiving garbage collection service from a franchised waste hauler.~~

~~B.~~ Each covered generator shall be responsible for ensuring and demonstrating its compliance with the following requirements:

1. Source separate designated recyclable materials and ~~or~~ designated organic recyclable materials from ~~solid-waste/garbage~~;
2. Provide a basic level of recycling and ~~or~~ organics recycling services that includes, at a minimum, the collection of designated recyclable materials and/or designated organic recyclable materials;
3. Enter into a ~~written~~ service agreement with ~~at the same~~ franchised waste hauler for the collection of designated recyclable materials and ~~or~~ designated organic recyclable materials; and
4. Complete and retain, on site ~~a self-haul form certifying that, if applicable, the approved alternative compliance and exemption form, certifying that recycling and/or organic collection services are being provided by a franchised waste hauler if that franchised waste hauler is not also providing garbage service or certifying and receiving written approval from the Public Works Director, and/or his or her designee that all self-hauling activities will be completed in accordance with the provisions of this chapter or any other applicable law or regulation. A copy of such form shall be made available to the public works director and/or his or her designee upon request; and in RCMC 6.21.120.~~

~~5. Complete a recycling plan and provide a signed copy to the franchised waste hauler providing solid waste collection services.~~

BC. Each covered generator shall provide recyclable materials containers for designated recyclable and organic materials in multifamily residential rental units and in maintenance and work areas where recyclable materials may be collected and/or stored.

~~C-D.~~ Each covered generator under AB 827, and all other applicable state law, shall provide recyclable materials containers for designated recyclable and organic materials where customers have access to the business. Each covered generator shall prominently post and maintain one or more signs where designated recyclable materials and/or designated organic recyclable materials are collected and/or stored that set forth what materials are required to be source separated in addition to collection procedures for such materials.

~~DE.~~ Each covered generator shall notify and instruct employees and tenants in writing of applicable source separation requirements, including a list of designated recyclable materials and/or designated organic recyclable materials that are required to be source separated for recycling or organics recycling. A copy of such instructions shall be provided to the public works director, and/or his or her designee upon request.

~~EF.~~ Each covered generator shall ensure that designated recyclable materials and/or designated organic recyclable materials generated at their site will be taken only to a recycling facility and not to a landfill for disposal by complying with all requirements under this chapter.

~~FG.~~ The ~~recycling plan~~, service agreement, alternative compliance and self-haul exemption form, and/or other documents pertaining to this chapter, shall be available for inspection by the public works director, and/or his or her designee, at the principal location of the covered generator during normal business hours.

~~GH.~~ Nothing in this chapter shall abridge the right of any covered generator, or any other person, to sell or exchange at fair market value its own recyclable materials or organic recyclable materials which are source separated for reuse and recycling or organics recycling.

~~HI.~~ No franchised waste hauler shall be held liable for the failure of its customers to comply with such regulations.

~~IJ.~~ No covered generator shall be liable for the failure of their franchised waste hauler to deliver designated recyclable materials or designated organic recyclable materials to a recycling or processing facility. [Ord. 2-2016 § 2].

6.21.050 Special requirements.

In addition to any and all requirements that apply to the recycling and/or organics recycling of designated recyclable materials and/or designated organic recyclable materials throughout the city above, collection service received or provided in the city shall be subject to the following additional special requirements:

A. No recycling, automatic lift containers or bins within the collection area of the city shall be placed or located in such a manner that blocks or impedes passage through an alley or through any doorway of any building adjoining an alley, notwithstanding that such building may be abandoned or otherwise out of use.

B. Compliance with the above special requirements shall be the sole responsibility of the covered generator. [Ord. 2-2016 § 2].

6.21.060 Designation of recyclable materials and organic recyclable materials.

A. Designated recyclable materials and/or designated organic recyclable materials shall be source separated from ~~solid-wastegarbage~~ before collection, removal, transportation or disposal pursuant to this chapter. The public works director, and/or his or her designee, shall specify designated recyclable materials and organic recyclable materials that must be source separated by all covered generators pursuant to RCMC 6.21.040. The specifications for designated recyclable materials and designated organic recyclable materials shall consider materials market conditions and the availability of a cost-effective system for recycling such materials. [Ord. 2-2016 § 2].

6.21.070 Ownership of recyclable materials and organic recyclable materials.

A. All designated recyclable materials and designated organic recyclable materials placed in automatic lift containers, bins or roll-off bins shall be considered owned by and be the responsibility of the franchised waste hauler. No person shall collect designated recyclable materials or designated organic recyclable materials placed in automatic lift containers, bins or roll-off bins for recyclable materials or organic recyclable materials by customers without permission from the franchised waste hauler.

B. Except as authorized by RCMC 6.21.120 (self-hauling), it shall be unlawful for any person to engage in the business of collecting, removing or transporting, or to otherwise organize, direct or sponsor the collection, removal or transportation of designated recyclable materials or designated organic recyclable materials who is not a franchised waste hauler. [Ord. 2-2016 § 2].

6.21.080 Requirements for franchised waste haulers.

A. Commercial waste haulers shall be franchised pursuant to the provisions of Chapter 6.20 RCMC, and such franchise shall be in full force and effect.

B. Franchised waste haulers shall offer collection service and automatic lift containers, bins or roll-off bins for designated recyclable materials and designated organic recyclable materials sufficient to accommodate the quantity and types of designated recyclable materials and designated organic recyclable materials to all its ~~solid-wastegarbage~~ customers.

C. Franchised waste haulers shall equip and provide automatic lift containers, bins and roll-off bins for designated recyclable materials and designated organic recyclable materials with locks and/or other suitable features to prevent theft of recyclable materials and organic recyclable materials.

D. Franchised waste haulers may subcontract for collection of designated recyclable material and/or designated organic recyclable materials, so long as the subcontractor holds a current franchise.

E. Franchised waste haulers shall conduct all activities in accordance with all applicable state and local laws and best management practices. Vehicles, equipment and containers shall be kept in a clean and well-maintained condition.

F. Franchised waste haulers shall not take a customer's designated recyclable materials or designated organic recyclable materials to a landfill or other disposal site, but to a recycling facility.

G. Franchised waste haulers, upon request, shall provide the public works director, and/or his or her designee, with a copy of a service agreement, recycling plan, ~~alternative compliance and exemption form~~, or other document (e.g., receipt from a recycling facility) demonstrating that the covered generator's designated recyclable materials and/or designated organic recyclable materials are being taken to a recycling facility. The service agreement, recycling plan, ~~alternative compliance and exemption form~~, or other documents shall be available for inspection by the public works director, and/or his or her designee, at the franchised waste haulers' place of business during normal business hours.

H. City staff may audit all franchised waste haulers' records. [Ord. 2-2016 § 2].

I. Franchised waste haulers shall not provide garbage collection services to a business or multifamily residential property covered generator unless that business or multifamily property covered generator is also receiving both recyclable material and organics recyclable material collection services from the same franchised waste hauler providing garbage service; or

1. Unless the franchise waste hauler has received a completed alternative compliance and exemption form from the business or multifamily residential covered generator; and
2. The city has received and provided the covered generator with written approval of its alternative compliance and exemption form request and notified the franchised waste hauler in writing of any such approval.

J. Franchised waste haulers are required to submit all completed alternative compliance and exemption form to the city for review which will be due on the 10th of each month for the previous reporting month.

K. Franchised waste haulers are required to maintain a list of any and all businesses and multifamily properties that the franchised hauler is providing garbage collection services to but is not also providing recycling and organic collection services (Non Full-Service Account List). Franchised haulers shall provide a current Non Full-Service Account List to the city, which will be due on the 10th of each month for the previous reporting month.

J. Franchised waste hauler shall be required to meet full compliance with requirements pursuant to RCMC 6.21.090 by a date set by the public works director and/or his or her designee. Franchised waste hauler shall receive written notification of such terms.

6.21.090 Requirements for service agreements.

A. Franchised waste haulers shall execute a written service agreement with all covered generators as required in RCMC 6.21.040 before the franchised waste hauler begins to collect ~~solid-wastegarbage~~ and/or designated recyclable materials and/or designated organic recyclable materials.

B. Service agreements shall incorporate, but are not limited to, the following terms and conditions:

1. Be clearly labeled as a service agreement.
2. Describe the ~~solid-wastegarbage~~ and/or ~~reeycling-collection-services~~recyclable material and/or organics ~~reeycling~~recyclable material collection services to be provided by the franchised waste hauler and the cost for providing such services to the customer.
3. Clearly state the initial term and renewal terms.
4. ~~Allow for any term~~Include the condition, as applicable, that is mutually agreed to by the customer and the franchised waste hauler but recognizing that the hauler's franchise granted by the city must remain in full force and effect throughout the term of the agreement cannot provide garbage collection services to a covered generator unless:
 - a) ~~5~~The business or multifamily property covered generator is also receiving both recyclable materials and organics recyclable waste collection services from the franchised waste hauler; or
 - b) The city has received and provided the covered generator with written approval of its alternative compliance and exemption form request.
6. May contain automatic renewal for successive periods of no longer than one year, unless either party gives written notice of termination by certified or registered mail at least 60 days prior to the termination date of the current agreement.
67. May be amended as mutually agreed upon by the customer and the franchised waste hauler.

~~78.~~ Customers are to receive a written notice of price increases not less than 30 days prior to the effective date of such price increase.

~~89.~~ Franchised waste haulers shall respond to customer inquiries regarding the service agreement within 30 days.

~~910.~~ Include language stating that collection containers will be removed from the property of a customer within 30 days of final termination of services to the customer.

~~1011.~~ Not require customers to pay over three months' liquidated damages during the renewal term and over six months' liquidated damages during the initial term of the service agreement.

~~1112.~~ Not require a customer to give a franchised waste hauler the exclusive right to provide recycling collection services or the exclusive right to provide organics ~~recycling~~recyclable material collection services as a condition of a service agreement, unless the customer affirmatively indicates that is its desire.

~~1213.~~ Not require customers to give notice of any offer by a competitor or require customers to give franchised waste haulers the right to respond to such an offer.

~~1314.~~ Franchises must be in full force and effect for the service agreement to be effective.

C. The requirements for service agreements contained in this section shall be incorporated into all new service agreements upon enactment of this chapter. Existing service agreements between a franchised waste hauler and a customer executed before the effective date of the ordinance codified in this chapter shall remain in force for the remainder of the existing contract and shall be governed by the terms and conditions specified in the existing service agreement; provided, that such existing service agreements shall comply, to the extent allowable by law, with the new recycling and organics recycling programs established by this chapter.

D. National contracts or agreements are exempt from the requirements of contract length and renewal terms. [Ord. 2-2016 § 2].

6.21.100 Requirements ~~Process~~ for ~~recycling plans~~addressing covered generator non-compliance

~~A. The~~In the event that the franchised waste hauler must stop providing garbage collection service to a covered generator due to the covered generator's non-compliance with this chapter of the city's municipal code the franchised waste hauler shall take the following steps:

1. Issue a written "service termination notice" to the non-compliant commercial generator stating that the franchised waste hauler shall terminate garbage collection services within 14 days of providing that service termination notice to the business or multifamily residential property. That "service termination notice" shall clearly state that it is mandatory for the business or multifamily residential property to subscribe to garbage, recyclable material and organic recyclable material collection service as required by RCMC 6.20.040.
2. Notify the city by email no more than 7 business days and no less than 2 business days before collection service is suspended for all carts, bins and/or containers from the business or multifamily residential property.
3. Suspend collection service of all carts and/or containers from the business or multifamily residential property that has not complied within 14 days of receiving the service termination notice.
4. Notify the public works director, and/or his or her designee, shall provide a recycling plan template to each franchised waste hauler in order to document compliance with this chapter for each covered generator person or by telephone within 24 hours after suspending collection service of all garbage carts and/or containers from the business or multifamily residential property.

~~B. Franchised waste haulers shall present, complete, and sign a recycling plan for each covered generator located in the city.~~

~~C. Franchised waste haulers shall maintain~~Send a copy of each completed recycling plan and submit to the ~~follow up~~

~~email that has been confirmed by the franchised waste hauler to be received by the public works director, and/or his or her designee, for audit purposes within five days by the end of receipt of a written request.~~

~~D. Franchised waste haulers shall complete the next business day the name and file recycling plans for 100 percent of their customers address of the covered generator that are subject to the recycling requirements of this chapter by the date at which those customers must first comply with the requirements, as specified in RCMC 6.21.030.~~

~~E. Franchised the franchised waste haulers shall complete and file recycling plans for 100 percent of their customers that are subject to the organics recycling requirements of this chapter by the date at which those customers must first comply with the requirements, as specified in RCMC 6.21.030, or by another deadline as established by the public works director.~~

~~5. F. Franchised waste haulers that fail to comply with the requirements hauler has suspended collection service of this section shall be subject to penalties under RCMC 6.21.230 all garbage carts and/or 6.21.320. [Ord. 2-2016 § 2] containers too.~~

6.21.110 Requirements for multifamily residential properties.

A. Multifamily residential tenants shall be responsible for compliance with the requirement to source-separate designated recyclable materials and/or designated green organic recyclable materials from solid waste garbage pursuant to RCMC 6.21.040(A)(1).

B. No multifamily residential property owner who is a covered generator pursuant to RCMC 6.21.020(FJ) shall be cited for noncompliance with this chapter as a result of the failure of his or her rental property tenants to source separate designated recyclable materials or designated green materials from solid waste and/or organic recyclable materials from garbage pursuant to RCMC 6.21.040.

C. Multifamily residential property owners who are covered generators pursuant to RCMC 6.21.020(FJ) shall be responsible for compliance with RCMC 6.21.040.

D. Every multifamily residential unit shall have a recyclable materials container provided by either the multifamily residential property owner who is a covered generator pursuant to RCMC 6.21.020(FJ), or by the multifamily tenant as part of their rental agreement. [Ord. 2-2016 § 2].

6.21.120 Requirements for self-hauling.

A. A covered generator may haul or transport designated recyclable materials and/or designated organic recyclable materials generated and collected at its business or multifamily residential property to a recycling facility that diverts material from disposal, rather than hiring a franchised waste hauler, only if an owner, generator or employee of the entity completes this activity by utilizing a vehicle owned by either an employee or the entity has also submitted an alternative compliance form to the City and received written approval for self-hauling activities.

B. Business and multifamily covered generators pursuant to RCMC 6.21.020(J) that self-haul or transport designated recyclable materials and/or designated organic recyclable materials shall follow established provisions pursuant to RCMC 6.21.040(A).

C. A covered generator that self-hauls or transports designated recyclable materials and/or designated organic recyclable materials generated and collected at its business or multifamily residential property to a recycling facility without the utilization of a franchised waste hauler must complete and retain on site a self-haul form that certifies that an approved alternative compliance and exemption form certifying all self-hauling activities will be completed in accordance with the provisions of all applicable laws or regulations. The self-haul of this chapter. The alternative compliance and exemption form shall be made available to the public works director, and/or his or her designee, upon request. At a minimum, the covered generator shall provide the following information on the self-haul alternative compliance and exemption form:

1. The name, address and telephone number of the covered generator that is signing the self-haul form.
2. A list of the types of recyclable materials and/or organic recyclable materials being self-hauled.

3. For each type of recyclable material and/or organic recyclable material, the amount that is being taken from the business and multifamily residential property to a recycling facility quarterly.

4. The name and address of the recycling facility(ies).

~~C. The self-haul form shall contain a~~ 5. A written statement signed by the business or multifamily residential property owner or generator, certifying that the owner or generator ~~is in compliance~~ agrees to comply with the requirements of this chapter.

D. The public works director, and/or his or her designee, may restrict or prohibit self-hauling by a person if the public works director, and/or his or her designee, determines, after providing 30 days' written notice and an opportunity for a hearing, that the person's self-hauling activities violate the provisions of this chapter or any other applicable law or regulation. [Ord. 2-2016 § 2].

E. The public works director, and/or his or her designee, will notify the covered generator that self-hauls if the alternative compliance and exemption form has been approved within 14 days of receiving the submitted request.

6.21.125 SB 1383 Regulatory Compliance.

Organic waste generators, franchised waste haulers, and all other entities subject to the requirements of SB 1383 shall fully comply with applicable SB 1383 regulatory requirements or be subject to the penalties as prescribed in Section 18997.2 of SB 1383 or RCMC 6.21.230 as determined by the Public Works Director and/or his or her designee.

6.21.130 Reporting.

A. Franchised waste haulers' failure to file the reports required by this chapter or by the franchise agreement shall constitute cause for termination or suspension of its franchise pursuant to Chapter 6.20 RCMC.

B. Unless otherwise required by the franchise agreement, self-haulers shall prepare quarterly reports to be kept on site identifying, at a minimum, the following:

1. The recyclable materials and organic recyclable materials tonnage collected and removed within the city region during the previous quarter.
2. The location of the recycling facility(ies) to which the recyclable materials and organic recyclable materials were taken during the previous quarter.

C. Unless otherwise required by the franchise agreement, franchised waste haulers shall prepare quarterly reports as designated by the public works director and/or his or her designee.

~~D. Unless otherwise required by the franchise agreement, franchised waste haulers shall prepare monthly reports as required pursuant to RCMC 6.21.080 (J) & (K).~~

E. The public works director, and/or his or her designee, shall provide and establish guidelines, forms and other appropriate material to assist franchised waste haulers and self-haulers in preparing the reports required by this chapter. [Ord. 2-2016 § 2].

6.21.140 Exemptions from recycling standards.

A. Notwithstanding any other provision herein, a covered generator shall not be required to source separate recyclable materials and/or organic recyclable materials if the business or multifamily residential property, owner or generator, demonstrates to the public works director, and/or his or her designee, that there is no collection service or other system available for recycling such material.

B. Notwithstanding any other provision herein, a covered generator shall be exempt from the recycling and/or organics recycling requirements in RCMC 6.21.040 if all of the generators on the owner's business or multifamily residential property are exempt from or not required to comply with the provisions of RCMC 6.21.040, or if designated recyclable materials and/or designated organic recyclable materials are not being generated by any activities occurring on the covered generator's property.

~~C. Covered generators may be exempted by the public works director, and/or his or her designee, if it is determined through a site visit requested by the covered generator: (1) that there is not adequate storage space for automatic lift containers, rolling carts, bins or roll-off bins for designated recyclable materials and/or designated organic-recyclable materials on site and that it is infeasible for the covered generator to share automatic lift containers, rolling carts, bins or roll-off bins for designated recyclable materials and/or designated organic-recyclable materials with another covered generator on an adjoining property; or (2) that compliance with this chapter results in a violation of the city's zoning code, including city zoning regulations for minimum parking spaces. If the public works director and/or his or her designee determines that it is feasible for recycling containers to be placed on site or shared with an adjoining generator, the covered generator will be responsible for compliance with this chapter.~~ Covered generators may be exempted by the public works director and/or his or her designee, if it is determined through a site visit or other means of verification:

~~D. An application~~ (1) That the premises lacks adequate space for an exemption shall be submitted to any of the recycling or organic waste containers. If the public works director, and/or his or her designee, determines that it is feasible for recycling and/or organic collection containers to be placed on a form prescribed site or shared with an adjoining generator, the covered generator will be responsible for compliance with this chapter.

(2) That compliance with this chapter results in a violation of the city's zoning code, including city zoning regulations for minimum parking spaces;

(3) That the covered generator's total solid waste generation is two cubic yards or more per week and organic waste subject to collection in a blue container or green container comprises less than 20 gallons per week of the covered generator's solid waste; or

(4) That the covered generator's total solid collection service is less than two cubic yards per week and total organic waste generation subject to collection in a blue container or green container is less than 10 gallons per week of the covered generator's total solid waste.

~~D. Covered generators may be exempted by the public works director, and/or his or her designee. After reviewing the request, the public works director and/or his or her designee shall either approve or disapprove the request from the regulatory requirements of AB 341, AB 1826 and/or SB 1383, or any other applicable state law, provided that the business or multifamily residential property covered generator has submitted an alternative compliance and exemption form to the city and the city has provided the covered generator with written approval of its exemption request.~~

~~E. City issued exemptions from the regulatory requirements of AB 341, AB 1826 and/or SB 1383, or any other applicable state law, shall be valid for no more than two (2) years unless the city authorizes an extension of that two (2) year waiver period.~~

F. The following persons shall automatically be exempt from the requirements of this chapter:

1. The United States, state of California, a city, a county, a special district or other local public agency, or any employee or member of the armed forces thereof, when collecting or transporting designated recyclable materials produced by operation of the public entity under a system of recyclable materials collection and transportation operated and maintained by the public agency within the city region as specified herein and in Chapter 6.20 RCMC.

2. Municipal corporations and other governmental agencies using their own vehicles and employees engaged in the collection, transportation or disposal of designated recyclable materials within the city. [Ord. 2-2016 § 2].

6.21.150 City rules and regulations.

A. The public works director, and/or his or her designee, is authorized to make and enforce administrative rules and regulations governing recycling and organics recycling at businesses and multifamily residential properties, and all related activities including recycling and commercial solid waste generation, storage, recovery, accumulation, collection, removal, transportation and disposal; the manner in which commercial ~~solid waste and garbage~~, recycling and organics recycling services are provided; types of commercial ~~solid waste garbage, organics~~ and recycling containers and vehicles used for the operation and maintenance of sanitary methods of commercial ~~solid waste~~

~~and garbage~~, recycling and organics recycling disposal; reporting requirements for franchised waste haulers and self-haulers; and for the effective administration of this chapter. All such rules and regulations shall be consistent with the provisions of the city code and shall be effective on the thirtieth day following the filing of any such rules and regulations with the city clerk.

B. The city council may, and is hereby empowered to, grant to a qualified applicant a nonexclusive franchise to engage in the business of collecting, transporting or disposing of commercial ~~solid waste~~~~garbage~~, recyclable materials or organic recyclable materials kept, accumulated or generated in the city region.

C. The city council may grant a franchise based on compliance with this chapter. Any grant of a franchise by the city council may be subject to such terms, conditions, rules, regulations, restrictions, and limitations, as the city council deems necessary to protect the public health, safety, or welfare.

D. The city council hereby empowers and grants to the public works director, and/or his or her designee, the authority to grant commercial nonexclusive collection service agreements (commercial nonexclusive franchisees) to franchised waste haulers, to specify designated recyclable materials and designated organic recyclable materials and make administrative rules and regulations governing covered generators.

E. The city council hereby empowers and grants to the public works director, and/or his or her designee, the authority to administer, implement and enforce this chapter and administrative rules and regulations governing business and multifamily residential property recycling and organics recycling thereafter.

F. It shall be unlawful and constitute a violation of this chapter for any person to violate or otherwise fail to comply with any rule or regulation issued pursuant to this chapter. [Ord. 2-2016 § 2].

6.21.160 Rights reserved to city.

In addition to all other rights reserved to the city, the following shall apply:

A. There is hereby reserved to the city every right and power, and the exercise thereof, which is reserved or authorized by any provision of any lawful code, title or resolution of the city, whether enacted before or after the effective date of this chapter.

B. Neither the granting of any franchise, nor any provision of any franchise, shall constitute a waiver of or a bar to exercise of any governmental right or power of the city.

C. The grantee receiving any type of franchise agreement shall have no recourse whatsoever against the city, its officers, employees or agents, or any of the city member entities, their officers, employees, or agents for any loss, cost, expense or damage arising out of any provision or requirement of this chapter because of the enforcement of this chapter.

D. There is hereby expressly reserved to the city the power and authority to amend any section of this chapter so as to require additional or greater standards on the part of the franchised waste hauler, commercial hauler or covered generator. [Ord. 2-2016 § 2].

6.21.170 Administration and costs.

A. The administration of this chapter is the duty of the public works director, and/or his or her designee. The public works director, and/or his or her designee, is authorized and directed by the city council to administer this chapter.

B. Commercial franchise fees will fund administration, implementation and enforcement costs. [Ord. 2-2016 § 2].

6.21.180 Unlawful acts.

A. It shall be unlawful to combine designated recyclable materials and organic recyclable materials with ~~other solid waste~~~~garbage~~. Failure of covered generators to source separate designated recyclable materials or organic recyclable materials for recycling or organics recycling is a violation of this chapter.

B. It shall be unlawful for franchised waste haulers to commingle materials in ~~solid waste~~~~garbage~~ bins or carts with materials in recycling bins or carts in one collection vehicle.

C. It shall be the responsibility of the covered generator whose ~~solid-wastegarbage~~ was not removed because it contained designated recyclable materials to properly separate designated recyclable materials from the uncollected solid waste for proper recycling. Allowing such unseparated ~~solid-wastegarbage~~ to accumulate will be considered a violation of this chapter. [Ord. 2-2016 § 2].

6.21.190 Implementation and enforcement.

The implementation and enforcement of this chapter is the duty of the public works director, and/or his or her designee, of the city's department of public works. The public works director, and/or his or her designee, is authorized and directed by the city council to implement and enforce this chapter. [Ord. 2-2016 § 2].

6.21.200 Posting of notices.

A. The public works director, and/or his or her designee, may post notices on automatic lift containers, bins and roll-off bins that are used for ~~solid-wastegarbage~~ collection and the collection of designated recyclable materials, and the collection of designated organic recyclable materials, within the city if the owner of the automatic lift containers, bins and roll-off bins is in violation of this chapter, including, but not limited to, any regulation, franchise requirement, permit, information request, order, variance, or other requirement that the public works director, and/or his or her designee, is authorized to enforce or implement pursuant to this chapter.

B. A notice shall remain on automatic lift containers, bins and roll-off bins that are used for ~~solid-wastegarbage~~ collection within the city so long as the owner of the automatic lift containers, bins and roll-off bins is in violation of this chapter. The notice shall be posted on the automatic lift container, bin, and/or roll-off bin so as to be clearly visible to the general public and include all of the following information:

1. The date the notice was posted on the container.
2. The address or location of the property, including the identification of any dwelling unit, room number, apartment number, business or multifamily residential property.
3. The name and contact telephone number of the agency posting the notice on the property.
4. The city code section that has been violated.
5. A statement that it is unlawful for any person to engage in the business of collecting, transporting or disposing of commercial ~~solid-wastegarbage~~ kept, accumulated or generated in the city, or to engage in the business of soliciting accounts or invoicing customers for commercial ~~solid-wastegarbage~~ service in the city unless a franchise has first been granted pursuant to the provisions of this chapter and such a franchise is in full force and effect.

C. A statement that a person violating the posted notice is subject to criminal penalties pursuant to city code and administrative civil penalties in an amount of up to \$1,000 per day for each violation.

D. A statement that a person disturbing or destroying the posted notice is subject to administrative civil penalties in an amount of up to \$1,000, in addition to any other remedies provided by this chapter. [Ord. 2-2016 § 2].

6.21.210 Notice of violation.

The public works director, and/or his or her designee, may issue a notice of violation to any person found to be in violation of a provision of this chapter, including, but not limited to, any regulation, franchise requirement, permit, information request, order, variance, or other requirement that the public works director, and/or his or her designee, is authorized to enforce or implement pursuant to this chapter. Issuance of a notice of violation may also result in the issuance of a notice of administrative enforcement order pursuant to this chapter. [Ord. 2-2016 § 2].

6.21.220 Notice of violation – Content.

A. In addition to any other content, a notice of violation shall contain the following elements:

1. A statement of the public works director, and/or his or her designee, that indicates a violation has occurred.
2. A citation of the provisions of this chapter, including any regulation, franchise requirement, permit, information request, order, variance, or other requirement that has been violated.

3. A date by which any person must be in compliance with this chapter including any regulation, franchise requirement, permit, information request, order, variance, or other requirement, or a date by which an action plan must be submitted by the person to propose a means and timeframe by which to correct violations. The public works director, and/or his or her designee, may extend the compliance date when good cause exists for such an extension.

4. Notification that continued noncompliance may result in additional enforcement action being taken against the business, facility, or any responsible persons.

5. Notification that the city may recover any costs incurred by the city as a result of the violation.

6. Notification that a violation of this chapter may result in an administrative civil penalty or in criminal penalties.

7. Notification that the correction of any alleged violation(s) within the specified deadline date(s) will not necessarily prevent the public works director, and/or his or her designee, from issuing an administrative enforcement order and imposing administrative civil penalties relating to the alleged violation(s).

B. In addition to any other content, a notice of violation may establish required corrective actions, including the following:

1. Terms, conditions, and requirements reasonably related to the provisions of this chapter, including the following:

a. Cessation of prohibited actions.

b. Correction of prohibited conditions.

c. A requirement for submittal of a written action plan for achieving and maintaining compliance with this chapter.

d. Reporting requirements to demonstrate ongoing compliance.

2. A requirement that the person receiving same shall submit written certification to the public works director, and/or his or her designee, that the necessary corrective actions have been completed. As appropriate for the type of correction action taken, the notice of violation may require documentation that substantiates the certification, including but not limited to, receipts, contracts, or photographs.

3. Any other terms or conditions reasonably calculated to prevent additional violations of this chapter.

C. An administrative enforcement order may be issued separately, but only after issuance of a notice of violation, or in combination with a notice and order, for the same violations or set of related violations. [Ord. 2-2016 § 2].

6.21.230 Administrative enforcement order.

A. If the public works director, and/or his or her designee, determines that a person, covered generator, or franchised waste hauler, has committed or is committing a violation of any provision of this chapter, the public works director, and/or his or her designee, may issue an administrative enforcement order, after issuing a notice of violation or, in combination with a notice of violation, requiring that the violation be corrected and imposing an administrative penalty.

B. Pursuant to this chapter, the violator shall be liable for a penalty of not more than \$1,000 for each day on which each violation occurs and/or continues. [Ord. 2-2016 § 2].

6.21.240 Administrative enforcement order – Content.

A. In addition to any other content, an administrative enforcement order shall contain the following elements:

1. A statement of the public works director, and/or his or her designee, that indicates a violation has occurred.

2. A citation of the provision of this chapter including any regulation, franchise requirement, permit, information request, order, variance, or other requirement that has been violated.
3. A date by which any person must be in compliance with this chapter, or a date by which an action plan must be submitted by the person to propose a means and timeframe by which to correct violations. The public works director, and/or his or her designee, may extend the compliance date when good cause exists for such an extension.
4. Notification that continued noncompliance may result in additional enforcement action being taken against the business, facility, or any responsible persons.
5. Notification that the city may recover any costs incurred by the city as a result of the violation.
6. Notification as to whether an administrative civil penalty is imposed and the terms and conditions of payment, if any. In establishing the penalty amount, the public works director, and/or his or her designee, shall take into consideration:
 - a. The nature, circumstances, extent, and gravity of the violation.
 - b. The violator's past and present efforts towards compliant behavior.
 - c. The violator's ability to pay the penalty.
 - d. The deterrent effect that the imposition of the penalty would have on both the violator and the regulated community.
7. Notification that the correction of any alleged violation(s) within the specified deadline date(s) will not necessarily prevent the public works director, and/or his or her designee, from issuing an administrative enforcement order and imposing administrative civil penalties relating to the alleged violation(s).
8. Notification that the recipient has a right to a hearing on the matter as set forth in RCMC 6.21.280 to appeal any findings or required corrective actions established by the public works director, and/or his or her designee.
9. Notification of procedures for requesting a hearing established according to RCMC 6.21.260.

B. In addition to any other content, an administrative enforcement order may establish required corrective actions, including the following:

1. Terms, conditions, and requirements reasonably related to the provisions of this chapter, including the following:
 - a. Cessation of prohibited actions.
 - b. Correction of prohibited conditions.
 - c. A requirement for submittal of a written action plan for achieving and maintaining compliance with this chapter.
 - d. Reporting requirements to demonstrate ongoing compliance.
2. A requirement that the person receiving same shall submit written certification to the public works director, and/or his or her designee, that the necessary corrective actions have been completed. As appropriate for the type of correction action taken, the notice of violation may require documentation that substantiates the certification, including, but not limited to, receipts, contracts, or photographs.
3. Any other terms or conditions reasonably calculated to prevent additional or ongoing violations of this chapter.

C. A notice of violation or an administrative enforcement order may be issued separately or in combination with another notice or order for the same violations or set of related violations. [Ord. 2-2016 § 2].

6.21.250 Delivery of notice or order.

Any notice of violation, permit revocation, administrative enforcement order or other enforcement action pursuant to the requirements of this chapter shall be subject to the following requirements:

A. Delivery shall be deemed complete upon either personal delivery to the recipient or by certified mail.

B. Where the recipient of the notice or order is the owner of the premises, the address for notice or order shall be the address from the most recently issued equalized assessment roll for the premises.

C. Where the owner or occupant of any premises cannot be located after reasonable efforts of the public works director, and/or his or her designee, the notice or order shall be deemed delivered after posting on the premises for a period of 10 business days. [Ord. 2-2016 § 2].

6.21.260 Administrative appeals.

A. Hearing Request. Any person, owner or operator served with a notice of violation or an administrative enforcement order issued pursuant to this chapter may contest the order on the basis that there was no violation of this chapter or that he or she is not the responsible party. To contest the order, the person shall submit a request for hearing form to the city within 15 days from the date of the administrative enforcement order. Directions on how to obtain the request form will be provided on the order.

B. Filing Fee. The completed request must be submitted together with a filing fee, established and amended from time to time by the public works director, and/or his or her designee, based on actual expense to conduct the hearing by the hearing officer.

C. Notice of Hearing. The person, owner or operator requesting the hearing shall be notified of the time and place set for the hearing at least 10 days before the date of the hearing.

D. Additional Reports. If the public works director, and/or his or her designee, submits an additional written report concerning the administrative enforcement order to the hearing officer for consideration at the hearing, then a copy of this report also shall be provided to the person requesting the hearing at least five days before the date of the hearing. [Ord. 2-2016 § 2].

6.21.270 Hearing officer.

Pursuant to RCMC 1.05.200, a hearing officer will be assigned the responsibility of conducting a hearing by the city manager. The city manager shall be authorized to assign hearing responsibilities from time to time to any person or persons, qualified by training or experience, whom the city manager may appoint, employ or who are retained by contract to conduct such hearings. [Ord. 2-2016 § 2].

6.21.280 Hearing procedure.

A. Setting the Hearing. A hearing before the hearing officer shall be set for a date that is not less than 15 days nor more than 60 days from the date that the request for hearing is filed. The person requesting the hearing shall be notified of the time and place set for the hearing as soon as it is set, and at least 10 days before the hearing. If the public works director, and/or his or her designee, submits a written report concerning the notice or order to the hearing officer for consideration at the hearing, then a copy of the report shall be served on the person requesting the hearing at least five days before the hearing. No hearing shall be held unless the filing fee has been paid in advance, under RCMC 6.21.260(B).

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

C. At the Hearing. The administrative enforcement order and any additional report submitted by the public works director, and/or his or her designee, shall constitute prima facie evidence of the respective facts contained in those documents. At the hearing, the party contesting the citation shall be given the opportunity to testify and to present evidence concerning the citation.

D. Continuances. The hearing officer may continue the hearing and may request additional information from the public works director, and/or his or her designee, or the person receiving the administrative enforcement order before issuing the decision. [Ord. 2-2016 § 2].

6.21.290 Form and contents of decision – Finality of decision.

A. Following the hearing, the hearing officer shall issue an order in writing no later than 30 days from the date of the hearing, unless the time is waived by the parties. The order shall contain findings of fact and rationale appropriate to the violation and result, and a resolution of the essential issues raised, including the following:

1. Confirmation or denial of the occurrence of violations of this chapter that are alleged by the public works director, and/or his or her designee.
2. Confirmation or rejection of any administrative civil penalty sought by the public works director, and/or his or her designee, and establishment of the monetary amount of any administrative civil penalty to be enforced.
3. Confirmation, amendment, or rejection of required corrective actions related to compliance with this chapter that are imposed by the public works director, and/or his or her designee, but only if those requirements are appealed by the person.

B. The hearing officer's order shall uphold required corrective actions if the person fails to show clear and convincing evidence that the required corrective actions are unreasonable or unnecessary for achieving or demonstrating ongoing compliance with this chapter. The hearing officer's order may amend or reject required corrective actions; provided, that compliance with this chapter will be achieved.

C. The hearing officer's order shall inform the person that failure to comply with the hearing officer's order shall constitute a misdemeanor and is subject to additional enforcement action, including criminal penalties and additional civil and administrative penalties.

D. The hearing officer's order shall inform the person that the time and manner by which a person may file a challenge to the hearing officer's order is governed by Section 53069.4 of the California Government Code or any successor provision thereto.

E. The order issued by the hearing officer pursuant to this chapter shall be effective upon issuance. The decision of the hearing officer is final and may not be appealed. [Ord. 2-2016 § 2].

6.21.300 Procedures for collection of administrative civil penalty.

A. Any administrative penalty due shall be paid to the city within 30 days after the hearing officer's decision is issued. If the penalty is not timely paid, the public works director, and/or his or her designee, may pursue all reasonable and legal means in collecting those sums authorized and due.

B. All administrative civil penalties collected from actions brought pursuant to this chapter shall be paid to the public works director, and/or his or her designee, enforcing this chapter, and shall be deposited into a special account that shall be expended to fund the activities of the department to implement the applicable provisions of this chapter. [Ord. 2-2016 § 2].

6.21.310 Actions not prohibited.

This chapter does not do any of the following:

A. Otherwise affect the authority of the public works director, and/or his or her designee, to take any other action authorized by any other provision of law.

B. Restrict the power of a city attorney, district attorney, or the Attorney General to bring, in the name of the people of California, any criminal proceeding otherwise authorized by law.

C. Prevent the public works director, and/or his or her designee, from cooperating with, or participating in, proceedings specified in subsection (B) of this section. [Ord. 2-2016 § 2].

6.21.320 Penalties.

In addition to the administrative penalties imposed by RCMC 6.21.230, the city may seek all other legal remedies available under state law and under this code, including, but not limited to, criminal sanctions. [Ord. 2-2016 § 2].

MEMORANDUM



ITEM 13.8.

DATE: November 16, 2020
TO: Honorable Mayor and Council Members
FROM: Maria Kniestedt, Communications and Public Affairs Director
SUBJECT: **A RESOLUTION FOR LOCAL CONTROL OF ZONING AND HOUSING ISSUES**

RECOMMENDATION

Adopt the Resolution.

RESULT OF RECOMMENDED ACTION

Adopting the Resolution communicates the City of Rancho Cordova's support for California Citizens for Local Control.

BACKGROUND

Elected officials from California cities have formed an alliance called "California Citizens for Local Control" to take a stronger, more unified stand against the State's legislative and regulatory efforts to weaken the authority of local governments to manage their own land use and housing decisions. This organization has requested participation from the City of Rancho Cordova.

FISCAL IMPACT AND FUNDING SOURCE

There is no fiscal impact.

ATTACHMENT(S)

1. Resolution

CITY OF RANCHO CORDOVA

RESOLUTION NO. XX-2020

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA,
STATE OF CALIFORNIA, EXPRESSING SUPPORT FOR CALIFORNIA CITIZENS FOR
LOCAL CONTROL AND ACTIONS TO STRENGTHEN LOCAL AUTHORITY AND CONTROL
AS RELATED TO LOCAL ZONING AND HOUSING ISSUES**

WHEREAS, the Legislature of the State of California each year proposes, passes and signs into law a substantial number of bills addressing a range of housing issues; and

WHEREAS, consequently, jurisdictions throughout California must divert significant staffing and financial resources every year to amendments to processes and regulations, which sometimes involve multiple conflicting or ambiguous bills affecting the same sections; and

WHEREAS, many of these laws require cities to promptly make significant changes to long-range planning documents and policies; and

WHEREAS, the Legislature of the State of California does not allow sufficient time between each legislative cycle to determine if the legislation is successful, or whether it results in unintended negative consequences and other challenges; and

WHEREAS, the majority of these bills usurp the authority of local jurisdictions to determine the land use policies and practices that most effectively support housing production for each city and its residents and instead impose mandates that do not take into account the needs and differences of jurisdictions through the State of California; and

WHEREAS, the ability of local jurisdictions to determine for themselves, based on the unique needs and characteristics of each jurisdiction, which projects require review beyond a ministerial approval; what parking requirements are appropriate for various neighborhoods within their jurisdiction; what plans and programs are suitable and practical for each community and what zoning should be allowed for residential properties is a matter of great importance to the City of Rancho Cordova, among other items related to local zoning and housing issues; and

WHEREAS, the City Council of the City of Rancho Cordova is committed to providing housing for all segments of our community and feels strongly that our local government is best able to assess the needs of our community and objects to the increase of State legislation that diverts resources and deprives us of the ability to be most effective.

NOW, THEREFORE, BE IT HEREBY RESOLVED THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA THAT:

1. The City of Rancho Cordova is opposed to the current practice of the Legislature of the State of California of continually proposing and passing a multitude of bills that directly impact and interfere with the ability of cities to develop and maintain the most effective housing policies for their communities through use of the zoning authority that has been granted to them.

2. The City of Rancho Cordova will explore various ways to protect the ability of cities to retain local control over zoning and other local development regulations, as each individual city within the State of California has different housing pressures and circumstances and is therefore best suited to determine how the zoning in their city should be defined and regulated in order to meet housing needs of the community.
3. The City of Rancho Cordova states its support of the California Citizens for Local Control volunteer organization and its efforts for protecting local control for cities.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the 16th day of November 2020 by following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

David M. Sander, Mayor

Stacy Leitner, CMC
City Clerk

MEMORANDUM



ITEM 15.1.

DATE: November 16, 2020

TO: Honorable Mayor and Council Members

FROM: Stefan Heisler, Housing Manager

SUBJECT: PUBLIC REVIEW DRAFT 2021-2029 HOUSING ELEMENT UPDATE

RECOMMENDATION

Receive presentation and direct staff to submit the Draft Housing Element Update to the California Department of Housing and Community Development for its 60-day review period.

RESULT OF RECOMMENDED ACTION

Staff will submit the Draft Housing Element Update and Sites Inventory to the California Department of Housing and Community Development (HCD) for an iterative and interactive 60-day review.

BACKGROUND

The City's Housing Element is one of eight State-mandated elements of the Rancho Cordova General Plan and is a critical component of the City's blueprint to provide affordable housing opportunities in the city. The current Housing Element was adopted in December 2013 and covers the period from 2013 to 2021. The City has contracted with PlaceWorks to update the Housing Element for the next cycle of the Housing Element which will cover the timeframe from October 31, 2021 through October 31, 2029. This update process began in July, 2020.

Since beginning the update process City staff and PlaceWorks have conducted public outreach and have now completed the Draft Housing Element Update document, attached to this report as Attachment 1, for Council direction to submit to HCD for an initial 60-day review.

DISCUSSION

Public outreach thus far has included an online workshop for the public on August 26, 2020, stakeholder consultations with four agencies, ongoing solicitation of comments on the City's website, and a public meeting on September 21, 2020. Public comments received are included in greater detail in the attached presentation listed as Attachment 2, and have largely focused on:

- Expressing the need for a broad variety of housing such as accessory dwelling units (ADUs), infill housing, transit-oriented development (TOD), and housing for high-income earners

- Sharing concerns about housing for special needs populations, accessible housing, and addressing areas with a high concentration of apartments and/or high crime
- Requesting the City to employ additional financing mechanisms for affordable housing, such as through a TOD policy, or addressing impact fees

Staff has determined that the current policies and actions included in the Housing Element address these comments but value the feedback in terms of validating the need to continue implementing the existing actions, and in some cases implement them to a greater degree.

Additional public comment is encouraged and will be accepted until the City receives comments back from HCD and finalizes the Housing Element Update at the end of January 2021.

Regional Housing Needs Allocation (RHNA) Sites Inventory

The RHNA is mandated by State housing laws as part of the periodic process of updating General Plan Housing Elements. HCD works with the Sacramento Area Council of Governments (SACOG) and all local jurisdictions to determine the number of housing units to be assigned to each jurisdiction. Rancho Cordova's 6th Cycle RHNA is 9,067 units.

As presented to the City Council on September 21, 2020, Staff and PlaceWorks have prepared the inventory of potential sites that could be developed across the required income categories to meet the RHNA. Table 1 below indicates the location calculation for potential units to meet the RHNA. The identified sites include existing RHNA sites to the greatest extent possible and a small projected number of ADUs. All newly identified sites are in Greenfield areas where RHNA locations have already been identified in the respective master plans and are reasonably expected to develop in the next eight years. The specific locations of these sites are shown in the Sites Inventory Maps attached to this report as [Attachment 3](#) and [Attachment 4](#).

Table 1: General Locations of Identified Sites for the 6th Cycle RHNA

	2021-2029 RHNA	Vacant Infill	Underutilized Infill	Greenfield	Projected ADUs	Total Capacity	Surplus
Very Low	2,115	815	218	2,794	40	3,827	478
Low	1,274						
Moderate	1,684	144	122	1,692	0	1,958	274
Above Moderate	3,994	0	0	4,256	0	4,256	262
Total	9,067	719	340	8,472	40	10,081	1,014

Housing Policy Plan Changes

Housing Element policies and actions are intended to show how the City will comply with State housing law and support the production of affordable housing. Ongoing programs that remain relevant have been carried over from the previous Housing Element and are detailed in [Attachment 1](#). New programs have been included in alignment with recent State housing law changes as highlighted for Council at the September 21, 2020 City Council Meeting and several continuing programs have been similarly updated and edited as detailed in the Redline comparison of Programs attached as [Attachment 5](#) and as follows:

New Programs

- Action H.1.5.4 Density Bonus
 - The City will amend the zoning code to allow and promote the use of density bonuses in accordance with the latest State law requirements.
- Action H.3.1.3 Accessory Dwelling Units
 - The City will comply with new State laws regarding accessory dwelling units and junior accessory dwelling units.
- Action H.3.3.4 Low Barrier Navigation Center
 - The City will amend the Zoning Code to allow Low Barrier Navigation Center developments by right in mixed-use zones and nonresidential zones permitting multifamily uses.
- Action H.5.3.2 Permit Streamlining
 - The City will establish a written policy to provide a streamlined housing development application process for qualifying housing projects.

Modified Programs

- Action H.1.5.3 Affordable Housing Production – minor wording clarification
- Action H.2.1.2 Emergency Repair Program – minor wording clarification
- Action H.2.1.3 Volunteer Program – updated relevant programs listed
- Action H.2.4.1 Affordable Housing Monitoring Plan – edited to be more concise
- Action H.3.1.2 Conditional Use Permit for RHNA – updated identified sites list
- Action H.3.3.1 Housing for Disabled Persons – edited to be more concise
- Action H.3.3.3 Homeless Services and Facilities – updated to current circumstances

Note: Action H.3.3.3 is in part a State law requirement for the City to allow Emergency Shelters to be permitted by right in at least one zone in the City. Staff has become aware that this rezoning action from the current Housing Element has not yet been completed. This will be a Housing Element compliance issue with HCD and must be completed before the final adopted Housing Element Update is submitted to HCD for certification. Staff will be bringing this zoning amendment to the City Council in the next couple months to ensure completion of this action item and Housing Element compliance.

- Action H.3.4.1 Fair Housing Plan – updated and bolstered to incorporate new State law requirements

Note: While the State has recently adopted more extensive legislation around the issue of affirmatively furthering fair housing the City's Housing Element is likely to meet the

new State requirements by including a new assessment of fair housing within Appendix A of the Housing Element and refining the City's existing Fair Housing action to incorporate the new State law requirements. Staff anticipates there will be additional discussion with HCD during the 60-day review process on this item.

- Action H.5.1.1 Local Housing Foundation/Trust – updated to current circumstances
- Action H.5.2.1 State and Federal Funding – updated list of funding programs

Next Steps

Following authorization by the Council, the Draft Housing Element will be sent to HCD for their review and the 60-day public review period will begin. The HCD review process is iterative and interactive, and any substantive changes will be brought back to the City Council for review prior to finalizing the document for adoption. During this 60-day public review period, PlaceWorks will prepare an Addendum to the City's General Plan Environmental Impact Report (EIR) to satisfy the environmental requirements of the Housing Element Update. The City is on track to meet the State's deadline for adoption by May 15, 2021. Once the HCD 60-day review is complete, Council will have a chance to review any substantial changes requested by HCD via additional Council meetings. The document will then be finalized and brought to Council for final adoption no later than May 15, 2021.

FISCAL IMPACT

There is no fiscal impact associated with the Housing Element Update project. The \$84,186 Housing Element Update project is entirely funded through SB-2 State Planning Grant funding and State Regional Early Action Planning (REAP) Grant funding. Once the Housing Element Update is adopted in 2021 there will be ongoing monitoring costs not expected to exceed \$5,000 per year in staff time and implementation costs associated with specific actions that will be individually considered by Council as they arise.

ATTACHMENT(S)

1. Public Review Draft 2021-2029 Housing Element Update
2. Presentation
3. Infill RHNA Sites Inventory Map
4. Greenfield RHNA Sites Inventory Map
5. Redline Comparison of Goals, Policies, and Actions

V: HOUSING

TABLE OF CONTENTS

Introduction	1
Purpose of the Housing Element	1
Issues and Considerations	2
Housing Needs	3
Regional Housing Needs.....	3
Relationship to Other General Plan Elements	6
Goals, Policies, and Actions	6
Quantified Objectives Summary.....	24
Citizen Participation.....	25
Public Workshops and Meetings	25
Public Noticing.....	26
Consultations	26
Public Comments.....	28
Review of Previous Element	28

LIST OF TABLES

Table H-1 2021- 2029 Regional Housing Needs Allocation	4
Table H-2 City Of Rancho Cordova Regional Needs Allocation For 2021–2029.....	4
Table H-3 Quantified Objectives	24

V: HOUSING

APPENDICES

Appendix A: Housing Needs Assessment

Appendix B: Review of Previous Element

V: HOUSING

INTRODUCTION

The City of Rancho Cordova (City) incorporated in 2003 as a jobs-rich community with aging homes and apartments that did not serve the workforce. While quality new construction ownership units have been added to the City's housing stock, much of the older multifamily rental stock is reaching the end of its economic life. Rancho Cordova's housing and rental prices are generally more affordable than most areas of the region. The City strives to ensure that new development will complement existing communities and that the mix of housing in the future will match the community's housing needs.

Rancho Cordova is committed to a balanced housing strategy that considers the wide-ranging issues associated with housing. In pursuing this strategy, the City recognizes that housing is many things to many people:

- To the individual or family, housing is a safe shelter, a place for family, an investment, a sense of identity, a place to play/recreate, and a place to learn.
- To the community, housing is neighborhoods, community identity, sense of place, history, culture, and diversity, and a reflection of how people live and circulate.
- To the City, housing is civic pride, quality of life, diversity and unity, and an opportunity to ensure a livable, walkable, and sustainable community.
- To the City's Economic Development Department, housing establishes market conditions, supports a diverse workforce, and attracts business leaders.
- To the developer, housing is a financial commitment, livelihood, commitment to creating built environment, and identity/reputation.
- To special needs populations, housing is quality of life, programs to support a lifestyle, opportunities, access, and choices.
- To schools, housing provides a stable environment for students that supports successful educational programs.

This Housing Element reflects the City's desire to address Rancho Cordova's unique housing needs in a manner that creates and sustains a balanced community.

PURPOSE OF THE HOUSING ELEMENT

The purpose of the Housing Element is to identify housing solutions that solve our local housing problems and to satisfy the Regional Housing Needs Allocation (RHNA) requirements. The City recognizes that housing is a need that is met through many resources and interest groups. This Housing Element establishes the local goals, policies, and actions (programs) the City will implement and/or facilitate to solve the identified housing issues.

V: HOUSING

State Housing Element law requires the Housing Element to be consistent and compatible with other General Plan elements. The Housing Element should provide clear housing policy direction for making decisions pertaining to zoning, subdivision approval, housing allocations, and capital improvements. State law (Government Code Section 65580 through 65589) mandates the content of the Housing Element and requires an analysis of:

- Population and employment trends;
- The City's fair share of the regional housing needs;
- Household characteristics;
- Land suitable for residential development;
- Fair housing concerns in the jurisdiction, including factors that may limit or deny fair housing or access to opportunity;
- Governmental and non-governmental constraints on the improvement, maintenance, and development of housing for all income levels;
- Special housing needs;
- Opportunities for energy conservation; and
- Publicly assisted housing developments that may convert to non-assisted housing developments.

The purpose of these requirements is to develop an understanding of the existing and projected housing needs within the community and to set forth policies and schedules promoting the preservation, improvement, and development of diverse housing types available at a range of costs in Rancho Cordova.

ISSUES AND CONSIDERATIONS

The Housing Element establishes policies and programs to address the housing concerns listed here, which were identified during the preparation of this General Plan:

- Improve the condition of existing older apartments.
- Enhance the livability of existing, older neighborhoods.
- Facilitate reinvestment in existing neighborhoods as a catalyst for change.
- Incentivize the development of executive housing.
- Ensure that housing is available for and in proximity to the City's workforce.
- Promote economic vitality through a balance of residential and employment land uses.
- Provide a range of housing choices that meet the needs of our residents.

V: HOUSING

- Support special-needs housing – seniors, veterans, and persons with disabilities.
- Integrate mixed-income housing throughout the community, but with special attention to our newly developing Specific Plan areas.

HOUSING NEEDS

Planning for housing needs is very important at the statewide, regional, and local levels. For the last 35 years in the United States, the gap between incomes and housing costs has dramatically widened. Despite the recent fluctuations in the housing market resulting from the housing boom and bust, housing affordable to low-, very low-, and extremely low-income is still in critically short supply, as evidenced by the demand for subsidized housing and housing vouchers that far outstrips the supply. Additionally, the stall in the home building industry that resulted from the recession that followed the housing bust in 2007 to 2008 resulted in fewer new homes built, and many cities began to experience a housing shortage as the economy and the housing market recovered. As populations in cities and counties across California have increased at a faster rate than housing has been constructed, housing availability and affordability has become a concern, particularly for lower-income households in high-demand regions of the state.

REGIONAL HOUSING NEEDS

An important step in addressing state housing needs is the Regional Housing Needs Plan (RHNP), which is mandated by the State of California (California Government Code, Section 65584) and requires regions to address housing issues and needs based on future growth projections for the area. The California Department of Housing and Community Development (HCD) allocates regional housing needs numbers to regional councils of governments throughout the state. The RHNP for the Sacramento area is developed by the Sacramento Area Council of Governments (SACOG), which allocates to cities and the unincorporated county their “fair share” of the region’s projected housing needs, also known as the RHNA. The RHNP allocates the RHNA based on household income groupings over the eight-year planning period for each specific jurisdiction’s Housing Element. Table H-1 shows the overall allocation for each Sacramento County jurisdiction during the 2021-2029 6th Housing Element Cycle, as well as the percentage of housing allocated to each income level.

V: HOUSING

TABLE H-1
2021- 2029 REGIONAL HOUSING NEEDS ALLOCATION

Jurisdiction	Income Level					Total
	Extremely Low	Very Low	Low	Moderate	Above Moderate	
Citrus Heights	9.5%	9.5%	11.3%	20.7%	49.1%	697
Elk Grove	16.1%	16.1%	19.4%	14.4%	34.0%	8,263
Folsom	17.5%	17.5%	21.1%	13.0%	30.9%	6,363
Galt	10.5%	10.5%	12.6%	19.7%	46.7%	1,926
Rancho Cordova	11.7%	11.7%	14.1%	18.6%	44.0%	9,067
Isleton	7.1%	10.7%	10.7%	21.4%	50.0%	28
Sacramento	11.5%	11.5%	13.8%	18.7%	44.5%	45,580
Unincorporated County	10.5%	10.5%	12.7%	19.7%	46.7%	21,272
Sacramento County Total	12.1%	12.1%	14.5%	18.2%	43.2%	93,196

Source: SACOG, Regional Housing Needs Plan for Sacramento County, 2020

The intent of the RHNP is to ensure that local agencies not only address the needs within their jurisdictions but also provide for the housing needs for the entire region. Additionally, a major goal of the RHNP is to ensure that every community provides an opportunity for a mix of affordable housing to all economic segments of its population. The RHNP jurisdictional allocations are made to ensure that an adequate number of sites with appropriate zoning are provided to address existing and anticipated housing demands during the planning period and to ensure that market forces are not inhibited in addressing the housing needs for all facets of a particular community. Table H-2 provides the RHNA target for the planning period 2021 to 2029 for each of the five household income groups for the City of Rancho Cordova.

TABLE H-2
CITY OF RANCHO CORDOVA REGIONAL NEEDS
ALLOCATION FOR 2021–2029

Income Group	2021–2029 RHNA
Extremely Low	1,057 units
Very Low	1,058 units
Low	1,274 units
Moderate	1,684 units
Above Moderate	3,994 units
Total	9,067 units

Source: SACOG, Regional Housing Needs Plan for Sacramento County, 2020;
City of Rancho Cordova.

V: HOUSING

Based on the state allocation needs, the City will need to demonstrate the capacity, based on appropriately zoned land, to accommodate 1,057 housing units affordable to extremely low-income households, 1,058 housing units affordable to very low-income households, and 1,274 housing units available to low-income households during the current RHNA period. In addition, the City will have to demonstrate the capacity to accommodate 1,684 housing units available to moderate-income households and 3,994 housing units available to above-moderate-income households.

Since the 2013 Housing Element through December 31, 2019, the City has added 100 housing units affordable to extremely low-, very low- and low-income households. The City has also produced 424 housing units affordable to moderate-income households and 2,019 to above-moderate-income households. To determine the current land availability to meet the RHNP for the City, HCD considers the existing land “zoned” for residential single- and multifamily development.

While the Land Use Element establishes additional opportunities for mixed-use development, including multifamily residential uses, the analysis reflects only those lands currently zoned for such in the City. Zoning designations include areas within adopted Specific Plans and Special Planning Areas designated for residential or mixed-use development. The City currently has 105.5 acres of vacant and under-utilized land available for multifamily residential development. The acreage would have capacity for 2,898 units. Development is based on an average of the density range and a consideration of site constraints. Sites with multiple-use designations, such as commercial/multifamily and office/multifamily, are considered appropriate sites to accommodate future multifamily uses.

The City has 588.08 acres of greenfield vacant land available for development within the eight-year period, as well as 81.88 acres of vacant infill land and 23.62 acres of underutilized land.

There are also several development projects in various phases of entitlements that could add significant residentially zoned land. In addition to the City’s vacant land area, the adopted Folsom Boulevard Specific Plan (FBSP) development strategy will focus efforts on the promotion of new infill development, redevelopment of underutilized properties, and the revitalization of existing development along the Folsom Boulevard corridor.

V: HOUSING

RELATIONSHIP TO OTHER GENERAL PLAN ELEMENTS

State law requires that “...the general plan elements and parts thereof comprise an integrated, internally consistent, and compatible statement of policies....” The purpose of requiring internal consistency is to avoid policy conflict and provide a clear policy guide for the future maintenance, improvement, and development of housing within the City.

The Housing Element of the Rancho Cordova General Plan spans an eight-year time period and focuses on the city limits, while the overall Rancho Cordova General Plan includes goals and policies that will direct the City as well as the Rancho Cordova Planning Area over a 20-year period or longer. According to HCD, cities and counties located in SACOG’s jurisdiction are required to submit their adopted Housing Element to HCD by May 15, 2021, for the planning period 2021 through 2029. Pursuant to state law, the Housing Element will be updated for each subsequent planning period established by the state.

The Safety Element updated through the Multi-Jurisdictional Hazard Mitigation Update will be completed in 2021. The Hazard Mitigation Plan is updated every five years and will address all new state laws.

Additionally, as portions of the General Plan are amended in the future, the Housing Element will be reviewed and updated to ensure that internal consistency is maintained.

GOALS, POLICIES, AND ACTIONS

The purpose of this section is to provide a plan for meeting the housing needs of the existing and future residents of Rancho Cordova. The plan includes goals, policies, and actions directed toward the preservation, improvement, and development of a range of housing types and choices affordable to all income ranges in Rancho Cordova. Specifically, the goals, policies, and actions are designed to address the housing needs identified in the Housing Needs Assessment of this Housing Element. The housing program provides a foundation upon which detailed housing activities can be developed and implemented. The Housing Element includes the following goals:

- Goal H.1: Balance Employment and Housing
- Goal H.2: Neighborhood Preservation and Rehabilitation
- Goal H.3: Encourage Housing Opportunities
- Goal H.4: Pursue Sustainable Design
- Goal H.5: Pursue Housing Resources

V: HOUSING

GOAL H.1 – SEEK A BALANCE OF HOUSING OPPORTUNITIES APPROPRIATE FOR THE RANGE OF JOBS AVAILABLE AND PLANNED IN THE CITY.

Policy H.1.1 – Improve the City’s jobs-housing balance by ensuring that housing development in Rancho Cordova provides opportunities for all income levels to serve the full range of available and projected jobs in the City.

- **Action H.1.1.1** – The City will work with the Economic Development Department to inquire with larger employers in the community and determine salary information and employee preference for housing type.

Funding Source:	General Fund
Responsible Agency:	Economic Development Department
Time Frame:	Inquire with employers once every two years.

Policy H.1.2 – Maintain adequate sites that support a range of housing types appropriate for the City’s housing needs, considering employment projections, household growth, and the City’s share of regional housing needs.

- **Action H.1.2.1** – Residential development projects of 100 gross acres or more shall include a minimum of 5 percent of the total project residential developable acreage (net) for residential uses of 30 units per acre or higher. This minimum high-density acreage requirement is calculated to satisfy projected RHNA to the City. Additionally, the City will require a minimum of 5 percent for residential uses of 10 units per acre or higher. Development projects with a requirement of less than 5 acres in either or both categories may opt to designate land off-site, if deemed appropriate for the project. If projects propose densities higher than the identified density, the required acreage shall be decreased accordingly.

For example, if a project is required to provide 15 acres at 30 units per acre, that project could alternatively provide 11.25 acres at 40 units per acre. Similarly, if the project’s requirement for land with density of 10 units per acre was 6 acres, the project could alternatively provide 4 acres at 15 units per acre.

To satisfy the 5 percent for land uses at or above 30 units per acre, sites must meet the following requirements:

- Sites must be zoned exclusively for residential use.
- Acres used to satisfy RHNA requirements will be required to maintain set minimum densities.
- Sites must be of sufficient size to accommodate a minimum of 16 units per site.

V: HOUSING

- Sites must be proximate to public transportation routes that provide ready access to fixed rail.

Funding Source: General Fund, Local Housing Trust Fund
 Responsible Agency: Planning Department, Housing Division
 Time Frame: Ongoing, as residential applications are received.

Policy H.1.3 – Promote a broader range of housing options for executives.

- **Action H.1.3.1** – The City’s Zoning Code accommodates and facilitates the development of executive housing options in Specific Plans and large subdivisions (more than 500 units) in the Rural Residential (RR) and the Estate Residential (ER) zones.

Funding Source: General Fund
 Responsible Agency: Planning Department
 Time Frame: Ongoing, as projects are possessed through the Planning Department.

Policy H.1.4 – Promote higher-density housing in close proximity to transit, employment, and appropriate services, such as transit-oriented development.

- **Action H.1.4.1** – As part of an ongoing effort to promote transit-oriented development (TOD), the City will coordinate with regional partners to incentivize the production of housing for persons living and working in the same community.
 - SACOG – The City will continue to work with SACOG to identify and apply for grant opportunities aimed at planning and promoting TOD along the Regional Transit Light Rail lines.
 - Regional Transit – The City will continue to cooperate with Regional Transit to identify transit needs in the community and work to provide viable solutions. These may include negotiating new bus routes, partnering to provide special or commuter routes, creating and maintaining a discount Regional Transit pass program for low- and very low-income residents living in the City’s affordable housing, and leveraging new infill development projects around existing mass transit infrastructure (TOD).
 - Local and Regional Complete Streets Advocate groups – The City will continue to work with local and regional Complete Streets Advocate groups to improve transportation options in the City, including bicycle lanes, improved pedestrian access, and better connectivity between existing alternative transportation options and local mass transit (such as dedicated pedestrian pathways), particularly in development projects located immediately adjacent to transit services.

V: HOUSING

Funding Source:	General Fund
Responsible Agency:	Public Works, Housing Division, Planning, and Economic Development departments
Time Frame:	The City will coordinate efforts to apply for funding for transit-oriented developments as Notices of Funding Available (NOFAs) are released and will create project requirements and incentives to encourage reduced auto use in transit nodes.

Policy H.1.5 – Developers of new residential projects within the newly developing areas of the City (generally in the large, vacant areas south of Highway 50) shall prepare an Affordable Housing Plan (Plan) for the project for City review and approval that identifies the project's plan for providing affordable housing.

- **Action H.1.5.1** – The City has established the following guidelines to provide direction for the review of Affordable Housing Plans associated with individual development projects and to provide direction for the preparation of an Affordable Housing Ordinance if one is to be developed.
 - The Affordable Housing Plan shall be approved in conjunction with the earliest stage of project entitlement, typically with the City Council approval of the Specific Plan, Development Agreement, or other primary land use entitlement.
 - The Affordable Housing Plan shall specify and include the following:
 - A projection of the number of dwelling units that will be developed as affordable to extremely low-, very low-, low-, moderate-, and above-moderate-income households.
 - The number of affordable ownership and rental units to be produced. Such split shall be approved by the City Council based on housing needs, market conditions, and other relevant factors. The split of ownership and rental units shall be addressed within the Plan of each individual project.
 - Program options within project-specific Affordable Housing Plans may include, but are not limited to, the following:
 - Actual production (on-site or off-site) of affordable units (including ownership and rental opportunities in the form of corner units, halfplexes, duplexes, cottages, creative alternative housing products, etc.).
 - Land dedication (on-site and off-site).

V: HOUSING

- Rehabilitation of existing residential structures located within existing City neighborhoods.
- Payment of in-lieu fees.
- The timing for completion of affordable housing obligations includes the following considerations:
 - For projects proposing to construct affordable housing units or to renovate existing dwellings, the City generally supports construction/renovation of affordable dwellings concurrent with the construction of market-rate housing when feasible.
 - For projects providing alternative contributions (land dedication, funds, etc.), timing of such contributions shall be identified in the project-specific Affordable Housing Plan, with the expectation that the City will pursue construction of affordable units generally concurrent with construction of project market-rate housing.
- At the City Council's discretion, land or other contributions provided by developers as specified within project-specific Affordable Housing Plans may be utilized to augment City efforts and the efforts of its nonprofit partners to provide affordable housing opportunities to all income levels throughout the community. The City will pursue supplemental funding to allow affordability to households earning less than 50 percent of area median income.
- To ensure the production and preservation of housing affordable to the City's workforce, no productive, reasonable program or incentive option will be excluded from consideration within project-specific Affordable Housing Plans. Possible incentives may include, but are not limited to:
 - Density bonuses
 - Fee waivers or deferrals (as reasonably available)
 - Expedited processing/priority processing
 - Reduced parking standards
 - Technical assistance with accessing funding
 - Modifications to development standards (on a case-by-case basis)
 - Other incentives

V: HOUSING

Funding Source: General Fund
 Responsible Agency: Housing Division, Planning, and Economic Development Departments
 Time Frame: The Affordable Housing Plan obligations will be implemented as projects are received by the Planning Department.

- **Action H.1.5.2** – The City will annually monitor and revise as necessary the Affordable Housing Plan negotiation and development process to ensure that the planning process does not pose a constraint on the development of housing.

Funding Source: General Fund
 Responsible Agency: Housing Division
 Time Frame: Annually monitor the Affordable Housing Plan.

- **Action H.1.5.3** – Together with the developer and nonprofit partners, the City will use maximum efforts to seek available resources to support the construction of affordable housing production for feasible projects, including, but not limited to, state and federal housing programs and the City programs such as the City's non-residential linkage fee (Local Housing Trust Fund).

Funding Source: State and federal housing programs and the City programs, such as the City's non-residential linkage fee (Local Housing Trust Fund)
 Time Frame: Apply for funding as available.

- **Action H.1.5.4** – Amend the Zoning Ordinance to allow and promote the use of density bonuses to provide affordable housing consistent with current state law.

Time Frame: Ongoing, as projects are processed through the Community Development Department. Comply with State Law by July 2022.

GOAL H.2 – ENCOURAGE THE IMPROVEMENT, REHABILITATION, AND REVITALIZATION/REINVESTMENT OF THE CITY'S EXISTING RESIDENTIAL NEIGHBORHOODS

Policy H.2.1 – Provide neighborhood revitalization in existing areas through housing rehabilitation (owner- and renter-occupied units).

- **Action H.2.1.1** – The City shall continue to apply for federal and state funds to fund the City's housing rehabilitation program to assist in the improvement of owner- and renter-occupied housing units in the City.

V: HOUSING

Funding Source: Community Development Block Grant (CDBG), or other funds (as funding becomes available to the City)

Responsible Agency: Housing Division, Neighborhood Services Division, and Economic Development Department

Time Frame: Apply for funding as NOFAs are released.

- **Action H.2.1.2** – Continue the use of the City’s Home Repair Program to provide health and safety repairs for households falling in the extremely low-, very low-, and low-income ranges. This is a grant for mobile and manufactured homeowners and single-family homeowners to address immediate health and safety problems.

Funding Source: CDBG or other funds (as funding becomes available to the City)

Responsible Agency: Housing Division, Neighborhood Services Division, and Economic Development Department

Time Frame: The City will provide loans as funding becomes available each year.

- **Action H.2.1.3** – Support churches and service clubs who organize semi-annual community improvement days by providing information about the event at the City Hall and on the City’s website. Continue to make information available to the community about other revitalization programs, including, but not limited to, Blight Busters, the Neighborhood Engagement Program, Sacramento Municipal Utility District (SMUD), and the Sacramento Tree Foundation.

Funding Source: CDBG or other funds (as funding becomes available to the City)

Responsible Agency: Housing Division, Community Engagement Division, and Neighborhood Services Division

Time Frame: Ongoing, as community improvement days occur and new programs become available.

- **Action H.2.1.4** – Continue to identify the most troubled multifamily projects (in terms of law enforcement, code enforcement, and blight conditions) and pursue the transformation or conversion of properties into uses that move the community into a more balanced housing market and that will not result in the loss of existing affordable housing units subsidized with federal, state, or local funds.

Funding Source: HOME Program and CDBG Program

Responsible Agency: Housing Division and Neighborhood Services Division

Time Frame: Annually identify properties, apply for available funding annually, as NOFAs are released.

V: HOUSING

- **Action H.2.1.5** – Continue to implement the Crime Prevention Through Environmental Design (CPTED) standards through the design review process.

Funding Source: General Fund
 Responsible Agency: Planning and Building Departments
 Time Frame: Implemented as part of the project processing and review of individual development applications.

Policy H.2.2 – Continue to implement the Folsom Boulevard Specific Plan.

- **Action H.2.2.1** – Continue to identify and implement opportunities on Folsom Boulevard for revitalization that will improve the Folsom Boulevard corridor, especially targeting the following:
 - Underutilized, blighted, and/or vacant shopping centers on Folsom Boulevard to increase mixed-use and reuse in that corridor.

Funding Source: General Fund
 Responsible Agency: Housing Division, Neighborhood Services Division, and Economic Development Department
 Time Frame: Mixed-use and revitalization opportunities are currently being developed through the Folsom Boulevard Specific Plan.

Policy H.2.3 – Ensure that existing housing stock within the City is maintained and remains habitable to assist in meeting the housing needs of the community.

- **Action H.2.3.1** – Continue implementing the Housing Stock Conservation Fee which is an annual fee collected on business licenses for multi-family properties. This program supports general code enforcement aimed at ensuring code compliance and general housing habitability. Additional code enforcement activities include targeted inspections by the Neighborhood Services Division to enforce higher standards for building maintenance, parking requirements, and landscaping.

Funding Source: CDBG Funds, General Fund
 Responsible Agency: Housing Division and Neighborhood Services Division
 Time Frame: Annually

V: HOUSING

Policy H.2.4 – Preserve housing units at risk of losing affordability status for units that are subsidized with federal, state, or local funds.

- **Action H.2.4.1** – The City will continue to undertake the following programs and activities during the planning period of the Housing Element. The efforts listed here represent a varied strategy to mitigate potential loss of “at-risk” units due to conversion to market-rate units. These local efforts use existing City and local resources as well as additional resources from the public and private sector should they become available.
 - Monitor owners of at-risk projects on an ongoing annual basis to determine their interest in selling, prepaying, terminating, or continuing participation in a subsidy program.
 - Maintain and annually update the inventory of “at-risk” projects using existing databases (e.g., California Housing Partnership Corporation [CHPC], United States Department of Housing and Urban Development [HUD], HCD, and California Tax Credit Allocation Committee).
 - Take all necessary steps to ensure that a project remains in or is transferred to an organization capable of maintaining affordability restrictions for the life of the project, including proactively ensuring notices to qualified entities, coordinating an action plan, and assisting with financial resources or supporting funding applications.
 - Ensure projects are monitored to see if they are subject to other state or local requirements regarding the provision of assistance to displaced tenants.
 - Annually monitor local investment in projects that have been acquired by non-profit or for-profit entities to ensure that properties are well managed and maintained and are being operated in accordance with the City’s property rehabilitation standards.
 - Work with owners, tenants, and nonprofit organizations to assist in the nonprofit acquisition of at-risk projects to ensure long-term affordability of the development. Contact property owners annually. Identify nonprofit partners and pursue funding on a project basis.

V: HOUSING

Annually meet with stakeholders and housing interests to participate and support, through letters and meetings and technical assistance, local legislators in federal, state, or local initiatives that address affordable housing preservation (e.g., support legislation that addresses at-risk projects, support full funding of programs that provide resources for preservation activities).

- Use available financial resources to restructure federally assisted preservation projects, where feasible, to preserve and/or extend affordability.
- Annually identify funding sources for at-risk preservation and acquisition rehabilitation and pursue these funding sources at the federal, state, or local levels to preserve at-risk units on a project-by-project basis.

Funding: Local Housing Trust Fund, CDBG
 Responsible Agency: Housing Division and Neighborhood Services Division
 Time Frame: Annually

- **Action H.2.4.2** – Work with interested individuals, nonprofit housing corporations, and for-profit developers to acquire rental housing projects that need rehabilitation, and transfer ownership, when necessary, to maintain the affordability of the units to low-income households.

Funding Source: General Fund, Local Housing Trust Fund, and other subsidies as available
 Responsible Agency: Housing Division
 Time Frame: Meet annually with interested individuals, nonprofit housing corporations, and for-profit developers.

GOAL H.3 – PROMOTE HOUSING DIVERSITY THROUGH PROVIDING A RANGE OF HIGH-QUALITY HOUSING CHOICES FOR THE COMMUNITY, INCLUDING SINGLE-FAMILY HOMES, DUPLEXES, TOWNHOMES/CONDOMINIUMS, LIVE-WORK UNITS, MIXED-USE, MULTIFAMILY, EXECUTIVE HOUSING, AND MOBILE HOMES, THAT SERVE ALL HOUSEHOLDS, RANGING FROM THE WORKFORCE TO EXECUTIVES TO SENIORS AND OTHER SPECIAL-NEEDS GROUPS.

Policy H.3.1 – Ensure that neighborhoods are developed in a balanced, sustainable manner, avoiding over-concentration of affordable housing or oversized rental complexes and providing a range of housing prices and rents.

V: HOUSING

- **Action H.3.1.1** – Continue to review other local jurisdictions’ programs that spread a range of housing types throughout the jurisdiction.

Funding Source: General Fund
 Responsible Agency: Housing Division
 Time Frame: Annually review

- **Action H.3.1.2** - The City has identified sites B-1, J-1, L-1, L-2, L-3, G-1, and G-2, in the Land Inventory (see Tables A-18, A-19, and A-20 in Appendix A), as appropriate, to meet a portion of the City’s RHNA. These sites are mixed-use sites and require a Conditional Use Permit (CUP) to allow for residential development. The CUP requirement ensures that the commercial uses are compatible with residential development. The sites already meet the location and environmental requirements of the CUP and therefore applications on these sites will be expedited. The City will monitor the development of these sites and, upon consultation with developers, should the CUP process pose a constraint to the development of Housing, the City will either change the CUP requirement to a Limited Use permit or find an alternative site.

Funding Source: General Fund
 Responsible Agency: Planning Department
 Time Frame: Annually monitor the CUP process to ensure it does not pose a constraint to any of the sites listed.

- **Action H.3.1.3** – Update Sections 23.901.060 and 23.901.065 of the City’s Zoning Code to comply with AB 881, SB 13, and AB 670 (2019), including approving ADUs and Junior ADUs ministerially and amending development standards and restrictions on owner-occupancy.

Funding Source: General Fund
 Responsible Agency: Housing Division
 Time Frame: By January 2022.

Policy H.3.2 – Provide a range of senior housing opportunities, including senior developments with single-story homes, independent living, assisted living, skilled nursing, and shared housing, and pursue opportunities and funding to convert existing apartment complexes to senior housing facilities.

V: HOUSING

- **Action H.3.2.1** – Research feasibility of converting existing multifamily rental housing to senior housing facilities, such as a congregate care or assisted living facility.

Funding Source: General Fund
 Responsible Agency: Planning Department, Housing Division, Building Department, and Sacramento Metro Fire District
 Time Frame: Evaluate the feasibility of converting units as sites are identified and funding becomes available.

Policy H.3.3 – Provide housing for the special needs populations, including housing accessible for persons with disabilities (including veterans as a primary target group), large households, the homeless, and single-parent households.

- **Action H.3.3.1** – Per Chapter 1.1.0 of the Zoning Code (Entitlements), the City will allow requests for reasonable accommodation in regard to relief from the various land use or zoning rules, policies, practices, and/or procedures that may be necessary to ensure equal access to housing designed for, intended for occupancy by, or with supportive services for individuals with disabilities as required in the Zoning Code. Additionally, the City will provide accessibility in housing for persons with physical and developmental disabilities by implementing state and federal requirements.

Funding Source: General Fund
 Responsible Agency: Planning Department, Building Department, and Housing Division
 Time Frame: Ongoing. Provide accessibility in housing for persons with disabilities as projects are processed through the Planning Department.

- **Action H.3.3.2** – Provide incentives for the development of single-room occupancy (SRO) and supportive housing units for identified special-needs groups. Incentives may include fee deferrals, reduced parking requirements, density bonus, priority permit processing, technical assistance in project processing, and accessing funding for the special needs. SROs are allowed with a CUP in the RD-20, RD-25, RD-30, and high-density residential (HDR) zones as well as General Commercial and Light Industrial (M-1). To ensure development standards do not constrain the development of SROs, the City will evaluate adopting development standards that may include:
 - 24-hour on-site management
 - Room limitation to single occupancy, with allowance for overnight guests

V: HOUSING

- Requirements for monthly tenancies
- Units must be 250–300 square feet in size and include kitchen or bathroom
- Parking ratio of one space per unit or less, and bicycle rack storage of one rack per five units

The Planning Department and Housing Division will review development standards to see if they act as a constraint as SRO applications are submitted.

Funding Source: General Fund, Local Housing Trust Fund, CDBG

Responsible Agency: Housing Division and Planning Department

Time Frame: Implemented as part of project processing and review of individual development applications

- **Action H.3.3.3** – Participate in regional coordination for homeless services and facilities. The City will continue to support existing facilities and programs (including financial support when appropriate and necessary) and will identify a zone to permit homeless facilities by-right, without discretionary review. The City will permit and continue to allow transitional and supportive housing in all residential zones subject to the same restrictions that apply to other residential uses of the same type in the same zone. Additionally, the City will revise the Zoning Ordinance to allow supportive housing without discretionary review in all zones that allow multifamily housing or mixed-use development, including nonresidential zones, as applicable. The allowed uses, along with corresponding development standards, are detailed in AB 2162. The City will establish managerial standards for homeless facilities that will include the following:
 - Maximum number of beds;
 - Off-street parking based upon demonstrated need;
 - Size and location of on-site waiting and intake areas;
 - Provision of on-site management;
 - Proximity to other shelters;
 - Length of stay;
 - Lighting; and
 - Security during hours when the shelter is open.

V: HOUSING

Funding Source: General Fund, State Emergency Shelter Program, HUD, other specialized funding

Responsible Agency: Housing Division

Time Frame: Participate in regional coordination on an annual basis. Allow emergency shelters by -right by May 2021. Develop managerial standards for homeless facilities and permit supportive housing per State Law within one year of adoption of the Housing Element.

- **Action H.3.3.4** – Per AB 101 (2019), amend the City’s Zoning Ordinance to allow low-barrier navigation centers for the homeless, per Government Code 65660-65668.

Funding Source: General Fund

Responsible Agency: Housing Division

Time Frame: By January 2022

Policy H.3.4 – The City will continue to promote equal housing opportunity for all persons, regardless of race, religion, sex, marital status, ancestry, national origin, color, disability, familial status, source of income, or sexual orientation.

- **Action H.3.4.1** – The City will continue implementation of its Analysis of Impediments to Fair Housing Choice to Affirmatively Further Fair Housing as part of a regional effort in consortium with Sacramento County and the City of Citrus Heights. The Plan is part of a fair housing effort that the City began in fiscal year 2012–2013 and that was continued by the City’s participation in the Sac Valley Fair Housing Collaborative’s Analysis of Impediments to Fair Housing Choice (AI) and includes:
 - Production, marketing, and distribution of fair housing materials, and marketing in non-English languages
 - Fair housing case intake, and routing of fair housing complaints through the City’s Fair Housing Representative
 - Routing of potential fair housing cases to the appropriate entities, including Sacramento Self-Help Housing, HUD, California Department of Fair Employment and Housing, Legal Services of Northern California, and the California Department of Consumer Affairs, etc.
 - Strategic implementation of activities and programs intended to address the impediments to fair housing identified in the Sac Valley Fair Housing Collaborative’s Analysis of Impediments to Fair Housing Choice (AI) completed in 2019.

V: HOUSING

Funding Source: General Fund, CDBG funds
 Responsible Agency: Housing Division
 Time Frame: Create a plan by June 2022 and implement on an ongoing basis.

GOAL H.4 – PURSUE SUSTAINABLE DEVELOPMENT AND ENERGY EFFICIENCY FOR NEW RESIDENTIAL DEVELOPMENT AND EXISTING HOUSING STOCK.

Policy H.4.1 – Require energy efficiency in the design and construction of housing developments through implementation of the State Energy Conservation Standards (Title 24). The long-term economic and environmental benefits of energy efficiency shall be weighed against any increased initial costs of energy saving measures. Encourage sustainable development by reducing energy use.

- **Action H.4.1.1** – Partner with SMUD and Pacific Gas and Electric Company (PG&E) to develop model programs for energy efficiency in new development without increasing costs to the homebuyer, and post and distribute information on currently available weatherization and energy conservation programs to residents and property owners as well as encourage participation in SMUD’s photovoltaic (solar), energy efficiency, peak reduction, and other comparable programs. The City will distribute information through the City’s newsletter, annual mailings in City utility billings, distribution of program information to community organizations and at municipal offices, and postings on the City’s website. To best capture the ethnic diversity of the community, information will be available in the four major languages used in the community and other languages on demand.

Funding Source: General Fund
 Responsible Agency: Planning and Building Departments
 Time Frame: Ongoing, provide information as programs are available

GOAL H.5 – PURSUE PUBLIC AND PRIVATE RESOURCES AVAILABLE TO PROMOTE DIVERSE HOUSING OPPORTUNITIES, AND PARTICULARLY TO ASSIST IN THE CREATION OF WORKFORCE HOUSING AND SPECIAL NEEDS HOUSING.

Policy H.5.1 – Partner with private organizations to encourage housing investment in the City.

- **Action H.5.1.1** – Continue to use the local housing trust to fund projects as funding is available. The housing trust is funded by for-profit and non-profit partners including major employers as well as funding from potential in-lieu fees and land grants from new developments.

V: HOUSING

Funding Source: General Fund
 Responsible Agency: Housing Division
 Time Frame: Ongoing as funding is available.

Policy H.5.2 – Pursue state and federal funding sources needed to achieve the desired range of housing choice.

- **Action H.5.2.1** – Pursue available and appropriate state and federal funding sources to support efforts to meet new construction needs of extremely low-, very low-, low-, and moderate-income households. Appropriate sources of funding will be determined on a case-by-case basis (see Funding Source and Time Frame that follow). The City will collaborate with nonprofit organizations and agencies, such as Northern California Construction Training, Community Housing Opportunity Corporation. Potential funding sources for this program will include the CDBG, HOME, and CalHome programs, the state Multifamily Housing Program, California Housing Finance Agency programs (such as HELP), tax-exempt bond financing, low-income housing tax credits, the Federal Home Loan Bank Affordable Housing Program, Affordable Housing Sustainable Communities Program, California Community Housing Agency, and various other HUD programs for special-needs groups.

Funding Source: Economic Development Initiations Grant (EDI) CDBG, HOME, CalHome, Multifamily Housing program, California Housing Finance Agency, HELP Program, HUD Program Section 221(d), Section 202 (elderly), Section 811 (persons with disabilities), Federal Home Loan Bank, Tax Exempt Bonds, Low-Income Housing Tax Credits (state and federal), and Housing Tax Increment Funds, Workforce Housing Reward Program Funds

Responsible Agency: Housing Division

Time Frame: Ongoing. The City will apply for all the above loans and grants as NOFAs are released from HCD.

- **Action H.5.2.2** – Work with financial institutions serving Rancho Cordova to solicit interest in providing financing for extremely low-, very low-, low-, and moderate-income housing as part of their responsibilities under the Federal Community Reinvestment Act (CRA). The City will seek specific lending commitments to be used in conjunction with state and federal funds. The City will work with interested lending institutions.

V: HOUSING

Funding Source: CDBG, HOME, and other funds (as funding becomes available to the City)

Responsible Agency: Housing Division

Time Frame: Meet with financial institutions serving Rancho Cordova regularly to determine what funding is available for lower-income households.

Policy H.5.3 – Cooperate with affordable housing providers and provide regulatory and financial incentives to develop, acquire, rehabilitate, and/or manage housing affordable to extremely low-, very low-, low-, or moderate-income households.

- **Action H.5.3.1** – To promote the development of affordable housing, the City will market available incentives by advertising on the City’s website, publishing brochures, and making referrals. The incentives for developers may include:
 - Financial assistance (based on availability of housing funds)
 - Expedited development review
 - Streamlined processing
 - Density bonuses

Given equal quality of design, priority will be given to projects containing units affordable to extremely low- and very low-income households.

Funding Source: General Fund

Responsible Agency: Housing Division and Planning Department

Time Frame: Offer incentives as projects are processed through the Planning Department.

- **Action H.5.3.2** – The City will establish a written policy or procedure and other guidance as appropriate to specify the SB 35 streamlining approval process and standards for eligible projects, as set forth under Government Code Section 65913.4.

Funding Source: General Fund

Responsible Agency: Housing Division and Planning Department

Time Frame: January 2022

V: HOUSING

Policy H.5.4 – Require non-residential development to provide for the affordable housing needs generated or contributed to by their development.

- **Action H.5.4.1** – The City will continue to explore the option of updating the existing Housing Trust Development Impact Fee (fee for non-residential development that funds the Local Housing Trust Fund) to better address the needs and desires of the City. The update to the fee program shall include the following:
 - An updated nexus study addressing the extremely low-, very low- and low-income housing needs generated by non-residential development, including the cost to provide a variety of lower-income housing types;
 - A fee structure based on defined types of non-residential development that are consistent with uses identified in the Zoning Code;
 - A fee component to cover administrative costs;
 - An annual inflationary adjustment;
 - Exempt uses; and
 - Allowed uses of the fee, including its use to provide pre-development, construction, and permanent financing for affordable multifamily projects and provide a homebuyer assistance program.

Funding Source: General Fund

Responsible Agency: Housing Division

Time Frame: Determine the viability of updating the Housing Trust Development Impact Fee by the end of fiscal year 2021. Annually review fee to determine if additional updates are necessary to reflect changes in real estate market.

V: HOUSING

QUANTIFIED OBJECTIVES SUMMARY

Based on the policies and actions outlined in the previous section, the following objectives (Table H-3) represent a reasonable expectation of the maximum number of new housing units that will be developed, rehabilitated, or conserved, and the number of households that will be assisted over the next eight years.

TABLE H-3
QUANTIFIED OBJECTIVES

Action Item	Extremely Low-Income	Very Low-Income	Low-Income	Moderate-Income	Total
New Construction Units					
City's RHNA	1,057	1,058	1,274	1,684	5,073
	1,057	1,058	1,274	1,684	5,073
Rehabilitation Units					
Owner-Occupied Housing Rehabilitation	0	120	120	0	240
Subtotal	0	120	120	0	240
Preservation/Conservation Units ¹					
Preservation Units	0	0	28	0	28
Subtotal	0	0	28	0	28
Total	1,057	1,178	1,422	1,684	5,341

Source: City of Rancho Cordova, 2020

¹ Objectives based off of actions 2.1.1 and 2.1.2

V: HOUSING

CITIZEN PARTICIPATION

Rancho Cordova, a city that incorporated recently as a result of the long-term efforts of its citizens, prioritizes the involvement of its residents in the development of plans aimed at improving the quality of life in the community, such as the General Plan and Housing Element.

Therefore, Rancho Cordova welcomes that Section 65583[c][8] of the California Government Code requires cities and counties to make a diligent effort to achieve participation by all segments of the community in preparing a Housing Element. Compliance with that regulation is in alignment with Rancho Cordova's approach to citizen participation.

The diligent effort required by state law means that local jurisdictions must do more than issue the customary public notices and conduct standard public hearings prior to adopting a Housing Element. State law requires cities and counties to take active steps to inform, involve, and solicit input from the public, particularly low-income and minority households that might otherwise not participate in the process. Active involvement of all segments of the community may include one or more of the following:

- Outreach to community organizations serving low-income, special needs, and underserved populations;
- Special workshops, meetings, or study sessions that include participation by these groups;
- Establishment of an advisory committee with representatives of various housing interests; and
- Public information materials translated into languages other than English if a significant percentage of the population is not English-proficient.

To meet the requirements of state law, the City of Rancho Cordova has completed the public outreach and community involvement activities described herein.

PUBLIC WORKSHOPS AND MEETINGS

In preparation for the update to the Housing Element, the City initiated broad public participation to gather input on Rancho Cordova's housing policies and implementation strategies. All workshops and meetings associated with the Housing Element update are listed here. Meetings were attended by residents of the City, developers, housing advocacy representatives, nonprofit housing organizations, and staff from the North State Building Industry Association.

V: HOUSING

- **June and August 2020** – Two public workshops were held, one in June 2020 and one to inform and educate the community about the Housing Element update process, and to identify housing issues in the City that informed the update process. Attendees included a variety of stakeholder types, including nonprofits, representatives from the development community, housing advocacy representatives, and residents. During the workshop, attendees were informally surveyed to address what concerns the community may have about housing and what income groups need more affordable housing.
- **September 2020** – A City Council study session was held in September 2020, that served as a general discussion to inform Council Members and the public about the Housing Element update process, and to receive feedback from City Council and attendees on proposed actions to include in the draft and vacant sites alternatives.
- **November 2020** – Upcoming City Council meeting to obtain approval of the first updated draft of the Housing Element, to be submitted to HCD.

Public Noticing

The public workshop and City Council meetings were formally noticed on the City's website. The public workshop held on August 26, 2020 was also informally noticed through email to housing stakeholders in the community, including developers, nonprofits, and housing advocacy representatives. The following is a list of organizations that were contacted and attended public meetings during the drafting of the Housing Element;

- Sacramento Housing Alliance
- Sunrise Health and Wellness Center
- North State Building Industry Association
- Cullen Realty

Consultations

In response to the COVID-19 pandemic, phone consultations were performed in lieu of in-person stakeholder meetings. Representatives from the following community groups, representing a broad cross-section of organizations focused on housing in Rancho Cordova, were contacted to discuss concerns and opportunities for housing in the City and the housing needs of special populations in the community:

- Mutual Housing
- Cordova Community Council
- Resources for Independent Living
- North State Building Industry Association

V: HOUSING

Consultation with Mutual Housing: On June 29, 2020, Keith Bloom, Director of Acquisitions at Mutual Housing, responded to a request for a stakeholder interview regarding the Rancho Cordova Housing Element Update. Mutual Housing is an affordable housing developer and operator in the Sacramento area. There was an interest expressed in supporting the City in understanding the strategies available to develop new affordable housing. The cost of renovating existing, older buildings to create affordable housing was described as having many challenges, particularly if some of the residents would not qualify for the affordable project and would need to be relocated. Impact fees were cited as a major line-item for developers, so an expansion of the impact fee waiver program would support the development of affordable projects. Because so many affordable projects rely on Low-Income Housing Tax Credits, it would be useful to developers for inventories of available development sites to also include whether or not the sites are in sufficiently close proximity to the amenities required for tax credit developments.

Consultation with Cordova Community Council: On June 29, 2020, Shelly Blanchard, Executive Director of the Cordova Community Council, responded to a request for a stakeholder interview regarding the Rancho Cordova Housing Element Update. The Cordova Community Council is a member organization made up of local businesses and community groups to coordinate community events and programs. It was noted that the City currently has areas where apartment buildings are highly concentrated, and few opportunities for higher-income earners who work in the City to purchase homes. This, along with lower-rated schools, has caused a certain amount of wealth to move to communities such as Roseville and Folsom. Community organizations see less investment from this wealth shift.

Consultation with Resources for Independent Living: On June 30, 2020, April Wick, Executive Director of Resources for Independent Living, responded to a request for a stakeholder interview regarding the Rancho Cordova Housing Element Update. Resources for Independent Living provides peer-supported services to persons with disabilities in the Sacramento area. Accessible housing is a major need across the Sacramento area. Rather than treating housing for persons with disabilities as “special” housing, or its residents as having special needs, local efforts and incentives should be focused on creating housing that is accessible to residents of all abilities and that allows residents to age in place. Additionally, when considering community engagement processes, local residents should be treated like assets and should be given space to “set the table” in the conversation.

Consultation with North State Building Industry Association: On June 30, 2020, Jeff Short, Legislative Advocate at the North State Building Industry Association (BIA), responded to a request for a stakeholder interview regarding the Rancho Cordova Housing Element Update. BIA represents members of the homebuilding industry within the Sacramento area. One recent positive change that was highlighted during the consultation was the City’s recent efforts toward transparency and ensuring that all developers had any necessary information about fees and regulations. This was a positive move to attract new

V: HOUSING

housing development. Existing fees and regulations were identified as a barrier to new development, and there is concern within the industry that inclusionary policies or “electric only” policies will be enacted, which could also limit housing development within the City.

Public Comments

One public comment has been received as of October 12, 2020. The commenter identified one potential site in their neighborhood that they recommended for inclusion and consideration in the sites inventory.

REVIEW OF PREVIOUS ELEMENT

Appendix B includes the City’s 2013-2021 Housing Element accomplishments.

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

TABLE OF CONTENTS

INTRODUCTION.....	5
HOUSING NEEDS AND OPPORTUNITIES	6
Population Characteristics.....	6
Population by Age	6
Population by Race and Ethnicity	7
Household Characteristics	8
Household Size.....	8
Income Characteristics	8
Household Income	8
Poverty.....	10
Employment Characteristics.....	11
Area Employment Trends	11
Special Housing Needs	13
Senior Households	13
Senior Housing	14
Disabled Persons	15
Developmental Disabilities.....	17
Female-Headed Households.....	18
Large Family Households	19
Agricultural Workers.....	19
Homeless Persons	19
Extremely Low-Income Households	21
Housing Characteristics	22
Household Tenure	22
Overcrowded Households	22
Housing Vacancy.....	22
Age of Housing Stock.....	23
Condition of Housing Stock	24
Housing Costs and Overpayment.....	24
For-Sale Housing Cost and Overpayment	24

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

Rental Housing Cost and Overpayment.....	25
Manufactured Home Parks	26
FACTORS CONTRIBUTING TO THE FUTURE HOUSING NEEDS OF RANCHO CORDOVA.....	27
Regional Housing Needs Allocation	27
FUTURE DEVELOPMENT POTENTIAL.....	28
Available Multi-family Sites	29
Realistic Capacity	29
Land Inventory Summary	37
Special Planning Areas.....	38
Villages of Zinfandel Special Planning Area.....	38
Suncreek Specific Plan	38
Rio del Oro Specific Plan	38
The Ranch Special Planning Area	39
Arboretum Specific Plan.....	39
Sunridge Specific Plan	40
Available Single-Family Sites	42
Accessory Dwelling Unit Capacity	42
HOUSING RESOURCES AND INCENTIVES	43
At-Risk Housing.....	43
Affordable Housing Projects in Rancho Cordova.....	44
Cost Analysis	45
Resources and Incentives for Affordable Housing.....	45
Incentives for Affordable Housing Development.....	51
Qualified Entities.....	51
HOUSING CONSTRAINTS	53
Governmental And Non-governmental Constraints.....	53
Governmental Constraints	53
Emergency Shelters.....	61
Transitional and Supportive Housing.....	62
Reasonable Accommodations	62
Infrastructure Capacity	76
Water Supply and Infrastructure	76

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

Wastewater Treatment	76
Non-governmental Constraints.....	77
Land Cost.....	77
Construction and Labor Costs.....	78
Availability of Financing.....	79
Opportunities for Energy Conservation.....	80
Assessment of Fair Housing.....	81
Summary of Fair Housing Issues	81
Opportunity Areas.....	82
Federal, State, and Local Data and Knowledge	85
Assessment of Contributing Factors to Fair Housing.....	87
Continue to Affirmatively Further Fair Housing.....	87

LAND INVENTORY MAPSError! Bookmark not defined.

LIST OF TABLES

Table A-1 Population by Gender and Age	6
Table A-2 Population by Race and Ethnicity.....	7
Table A-3 Household Size By Tenure.....	8
Table A-4 Household Income Distribution by Tenure.....	9
Table A-5 Poverty by Family Household Size and Composition	10
Table A-6 SACOG Employment Estimates	12
Table A-7 Employment By Industry	12
Table A-8 Population Over 65 Years Of Age.....	13
Table A-9 Tenure by Age of Householder.....	14
Table A-10 Residential Care Homes for the Elderly.....	14
Table A-11 Special Needs: Persons with a Disability.....	16
Table A-12 Developmentally Disabled Population by Age	17
Table A-13 Continuum of Care Statistics for Homeless Persons.....	20
Table A-14 Housing Units by Structure.....	22
Table A-15 Age of Housing.....	23
Table A-16 Households Overpaying	25
Table A-17 Median Rental Rates.....	25
Table A-18 Mobile Home Parks in Rancho Cordova.....	26
Table A-19 2013–2021 RHNA.....	28
Table A-20 Vacant Infill Sites	31

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

Table A-21 Underutilized Infill Sites	33
Table A-22 Greenfield Development.....	34
Table A-23 Land Inventory RHNA Summary.....	37
Table A-24 Subsidized and At-Risk Affordable Units.....	44
Table A-25 Affordable Housing Funding Resources	45
Table A-26 General Plan Residential Land Use Designations	53
Table A-27 Residential Development Standards	57
Table A-28 Allowed Uses and Permit Requirements for Residential Zoning Districts.....	64
Table A-29 Allowed Use and Permit Requirements for Mixed-Use Districts.....	66
Table A-30 Site Improvements.....	67
Table A-31 Community Facilities Fee.....	68
Table A-32 Planning Fees.....	69
Table A-33 Development Fees for a Single-Family Residential Unit and 100-Unit Project..	70
Table A-34 Development Fees for Multi-Family Residential Unit and Project	71
Table A-35 Estimated Application Processing Times	74
Table A-36 Health and Safety Code Violations	76
Table A-37 Vacant Land “For Sale”	78
Table A-38 Interest Rates for 15- and 30-Year Loans.....	79
Table A-39 Bases for Housing Discrimination Cases in Rancho Cordova.....	85

LIST OF FIGURES

Figure A-1 Top Employers in Rancho Cordova, 2017	11
Figure A-2 Single Family and Multi Family Unit Fees Charged.....	72
Figure A-3 TCAC Opportunity Areas Map and Sites Inventory.....	84

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

INTRODUCTION

The Housing Needs Assessment analyzes population and housing characteristics, identifies special housing needs among certain population groups, evaluates housing conditions, and provides other important information to support the goals, policies, and programs that will meet the needs of current and future Rancho Cordova residents.

The City utilized the Sacramento Area Council of Governments (SACOG) pre-approved data packet, which included data from the 2010 Census, 2014 to 2018 American Community Surveys, the California Department of Housing and Community Development, the California Department of Finance, and the Department of Housing and Urban Development's 2012-2016 Comprehensive Housing Affordability Strategy (CHAS). Additional data sources included community partners such as Sacramento Steps Forward, online real estate listings, and other City documents.

The 2010 Census marked a change in the way that the U.S. Census Bureau collected data. The 2010 Census forms were much shorter and collected a fraction of the data previously collected. To supplement the shorter form, the American Community Survey (ACS) was utilized to create sample based data sets. While the ACS provides a much larger range of data, it also comes with a margin of error. There are a few data sets referenced in this table that do not perfectly match totals or percentages. Those inconsistencies are the results of variable margins of error inherent in the ACS data source.

The Housing Needs Assessment comprises four sections. The first section focuses on demographic information, including population, ethnicity, age, income, employment, and housing characteristics. The demographic background is followed by an outline of the general characteristics of the community and an identification of those characteristics that may have significant impacts on housing needs in the community.

The second section describes the City's resources, historic development patterns, and housing opportunities. It also discusses the City's existing housing stock and potential areas for future housing development.

The third section centers on the governmental and non-governmental constraints to housing development in Rancho Cordova. The City established planning, zoning, and building standards that guide residential development patterns and influence housing availability and affordability. There are also numerous non-governmental constraints, such as environmental and housing market conditions, that affect the location, availability, affordability, and type of housing that is constructed in Rancho Cordova. Non-governmental constraints include such factors as the availability and cost of preparing and developing land for housing, as well as the business decisions of individuals and organizations in the home building, finance, real estate, and rental housing industries.

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

The final section of the Housing Needs Assessment covers energy conservation opportunities that may reduce costs to homeowners and infrastructure costs to the City. A reduction in basic living costs through energy savings will allow more households to afford adequate housing.

HOUSING NEEDS AND OPPORTUNITIES

POPULATION CHARACTERISTICS

Rancho Cordova became an incorporated city on July 1, 2003. It is the 7th community in Sacramento County to incorporate and is also California's 478th city. A part of the greater Sacramento region, Rancho Cordova lies on the Highway 50 corridor between Sacramento and Folsom and is situated between Mather Field and the American River.

Population by Age

The City of Rancho Cordova has continued to grow in population each year over the past ten years, according to the California Department of Finance (DOF). The DOF estimates the City's population to be 78,381 in 2020. **Table A-1** identifies the population distribution in the City of Rancho Cordova by gender and age in 2010 and 2018.

The age groups that experienced the largest percent change in population are people aged over 85 years, followed by 65–74, 60–64 and 75–84. However, the groups with the greatest total growth in population were those aged 25–34 and 35–44. The population of teenagers aged 15–19, very young children (under five years), and young adults aged 20–24 all decreased during this period. The median age in the City increased slightly from 33 to 34.7.

TABLE A-1
POPULATION BY GENDER AND AGE

ACS	2010	2018
Male	31,693	35,776
Female	33,083	36,280
Total	64,776	72,056
Under 5	5,380	5,014
5 to 9	4,587	5,164
10 to 14	4,351	4,913
15 to 19	4,481	3,964
20 to 24	4,653	4,583
25 to 34	10,859	12,745
35 to 44	8,649	10,246

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

ACS	2010	2018
45 to 54	8,757	9,142
55 to 59	3,574	4,258
60 to 64	2,851	3,599
65 to 74	3,679	4,670
75 to 84	2,243	2,791
85 and over	712	967
Median Age	33	34.7

Source: 2010 Census Summary File 1 and 2014–2018 American Community Survey

Population by Race and Ethnicity

According to the 2018 American Community Survey, the largest ethnic group in Rancho Cordova is White, representing 49.1 percent of the City's total population. Persons of Hispanic origin saw the largest increase in population in the City between 2010 and 2018 and constituted 21.6 percent of the population in the 2018 ACS. Asians make up the third largest ethnic group in the City at 13 percent. African Americans make up the fourth largest ethnic group in the City, representing 8.8 percent of Rancho Cordova's population. Race and ethnicity characteristics are shown in **Table A-2**.

TABLE A-2
POPULATION BY RACE AND ETHNICITY

Year	White	Hispanic	African American	American Indian & Alaska Native	Asian	Native Hawaiian & Pacific Islander	Other Race	Two or More Races
2010	33,863	12,740	6,286	398	7,645	506	158	3,180
2018	35,385	15,599	6,309	213	9,392	568	377	4,213

Source: 2010 Census Summary File 1 and 2014–2018 American Community Survey

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

HOUSEHOLD CHARACTERISTICS

Household Size

According to the 2014–2018 ACS, the average household size for Rancho Cordova is 2.7 persons per household in owner-occupied and renter-occupied housing. **Table A-3** shows that, in Rancho Cordova, the majority of households are two-person and one-person households (32.0 and 23.7 percent, respectively). The next largest percentage was for three-person households (17.4 percent). Large households of five or more persons made up approximately 13 percent of households in the City.

TABLE A-3
HOUSEHOLD SIZE BY TENURE

Total Households	Owner 13,941	Renter 11,229	Total 25,170	% of Total
1-person	3,067	2,902	5,969	23.7%
2-person	4,772	3,291	8,063	32.0%
3-person	2,506	1,866	4,372	17.4%
4-person	1,835	1,740	3,575	14.2%
5-person	951	829	1,780	7.1%
6-person	448	410	858	3.4%
7-or-more person	362	191	553	2.2%
Average Household Size	2.7	2.7	2.7	

Source: 2014–2018 American Community Survey

INCOME CHARACTERISTICS

Household Income

Household income is one of the most significant factors affecting housing choice and opportunity. Income largely determines a household's ability to purchase or rent housing while balancing housing costs with the costs of other necessities. Income levels vary considerably among households, affecting preferences for tenure, location, and housing type. While higher-income households have more discretionary income to spend on housing, lower- and moderate-income households are limited in the range of housing they can afford. Typically, as the income of a household decreases, the incidence of housing cost burdening and overcrowding increases.

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

For the purpose of evaluating housing affordability, housing need, and eligibility for housing assistance, income levels are defined by guidelines adopted each year by the California Department of Housing and Community Development (HCD). For Sacramento County, the applicable median income for a family of four in 2020 is \$86,300. HCD has defined the following income categories for Sacramento County, based on the median income for a household of four persons:

- Extremely low income: 0 to 30 percent of median income (\$0 to \$26,200)
- Very low income: 31 to 50 percent of median income (\$26,201 to \$43,150)
- Low income: 51 to 80 percent of median income (\$43,151 to \$69,050)
- Moderate income: 81 to 120 percent of median income (\$69,051 to \$103,550)
- Above moderate income: Above 120 percent of median income (\$103,551 or more)

HCD does not estimate median income for cities, but information provided by SACOG based on the 2012–2016 CHAS indicates that the median four-person household income for Rancho Cordova is approximately \$79,970. **Table A-4** illustrates the income distribution in 2016 by tenure, along with 2020 countywide income levels. As shown in **Table A-4**, approximately 3,600, or 15 percent, of the total number of households are considered extremely low income.

TABLE A-4
HOUSEHOLD INCOME DISTRIBUTION BY TENURE

Income	Owner-Occupied Households		Renter-Occupied Households		Total Households	
	Households	Percentage	Households	Percentage	Households	Percentage of Total
Extremely Low (\$0 to \$26,200)	1,125	8.4%	2,475	22.4%	3,600	14.7%
Very Low (\$26,201 to \$43,150)	1,410	10.5%	2,375	21.5%	3,785	15.5%
Low (\$43,151 to \$69,050)	2,045	15.3%	2,445	22.1%	4,490	18.4%
Median (\$69,051 to \$86,300)	1,275	9.5%	1,245	11.3%	2,520	10.3%
Above Median (\$86,331 or more)	7,530	56.3%	2,520	22.8%	10,050	41.1%
Total	13,385		11,060		24,445	

Source: 2012–2016 CHAS, HCD 2020

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

Poverty

The poverty threshold is set nationally and is based on a federally defined level of income for minimum subsistence. The dollar threshold for poverty is adjusted for household size and composition. Poverty rates and income are greatly affected by economic conditions and job availability. **Table A-5** shows the poverty distribution for the City of Rancho Cordova as tabulated in the 2014–2018 ACS.

According to the 2014–2018 ACS, about 11 percent of families in the City of Rancho Cordova had incomes below the poverty level. Approximately 24 percent of family households are female-headed households, and 25 percent of all female-headed households had incomes below the poverty level. The largest group of family households in poverty is either three- or four-person households.

TABLE A-5
POVERTY BY FAMILY HOUSEHOLD SIZE AND
COMPOSITION

Number of Persons in Household	Total Number of Family Households	Number of Family Households in Poverty	Percentage of Family Households in Poverty	Number of Female- Headed Family Households	Number of Female- Headed Family Households in Poverty	Percentage of Female- Headed Households in Poverty
2 persons	7,294	668	3.9%	1,994	425	10.1%
3–4 persons	7,284	862	5.0%	1,816	525	12.4%
5–6 persons	2,299	267	1.5%	392	104	2.5%
7 or more	403	81	0.5%	15	9	0.2%
Total	17,280	1,878	10.9%	4,217	1,063	25.2%

Source: 2014–2018 American Community Survey

Note: Family household is defined as: a household containing a householder and at least one other person related to the householder by birth, marriage, or adoption.

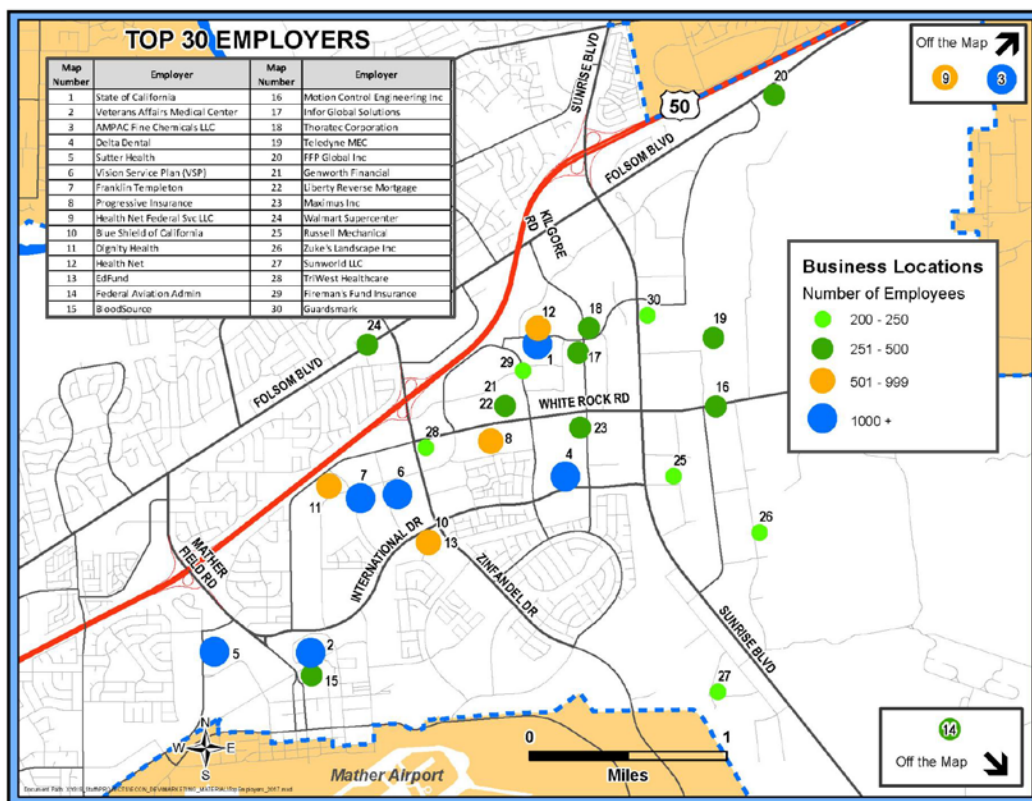
APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

EMPLOYMENT CHARACTERISTICS

Area Employment Trends

The work force in the Sacramento metropolitan area encompasses professional, technical, production, transportation, and service occupations. The region's manufacturing sector has grown steadily since the late 1970s, spurred by the expansion of high-technology industries. The major employers in Rancho Cordova and the surrounding vicinity represent a wide range of employment sectors and generally employ from 75 to over 1,000 employees. Of the top 25 largest employers in Sacramento County, two are in Rancho Cordova: Aerojet Rocketdyne Inc. and AMPAC Fine Chemicals. **Figure A-1** shows the location of the largest employers in Rancho Cordova.

FIGURE A-1
TOP EMPLOYERS IN RANCHO CORDOVA, 2017



Source: SelectRanchoCordova.org

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

According to SACOG, employment in Rancho Cordova is expected to continue to grow throughout the 2021–2029 Housing Element cycle. **Table A-6** shows SACOG’s employment predictions for the City of Rancho Cordova.

TABLE A-6
SACOG EMPLOYMENT ESTIMATES

2016 Estimates	2040 Forecast
59,503	79,410

Source: SACOG Housing Needs

The City has a very strong employment base with an estimated jobs/housing balance of approximately 2:1, meaning there are two job opportunities in Rancho Cordova for every household.¹ While these estimates support the impression of Rancho Cordova as a strong jobs center, it is important to remember that these are estimates, and that the number fluctuates with the economy.

Table A-7 shows employment by industry for civilians in the City of Rancho Cordova, along with the estimated median incomes for those industries. The top three employment sectors in the City are education, health and social services with a median income of \$44,181; professional, scientific, management, administrative, and waste management services with a median income \$33,662; and retail trade with a median income of \$21,567.

TABLE A-7
EMPLOYMENT BY INDUSTRY

2014–2018 American Community Survey	Estimated Workforce	Estimated Median Income
Employed civilian population 16 years and over	34,518	\$36,585
Agriculture, forestry, fishing and hunting, and mining	92	\$21,284
Construction	2,067	\$39,196
Manufacturing	2,219	\$52,835
Wholesale trade	913	\$32,176
Retail trade	3,898	\$21,567
Transportation and warehousing, and utilities	1,980	\$35,769
Information	547	\$50,337
Finance, insurance, real estate, and rental and leasing	3,023	\$44,214

¹ A jobs/housing balance under 1.5 is a sign of a bedroom, or mainly residential, community. A jobs/housing balance over 2 is a sign of a jobs-rich community.

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

2014–2018 American Community Survey	Estimated Workforce	Estimated Median Income
Professional, scientific, management, administrative, and waste management services	4,626	\$33,662
Educational, health, and social services	6,319	\$44,181
Arts, entertainment, recreation, accommodation, and food services	3,417	\$17,048
Other services (except public administration)	1,581	\$31,742
Public administration	3,836	\$59,705

Source: 2014–2018 American Community Survey

SPECIAL HOUSING NEEDS

Household groups with special needs include seniors, mentally and physically disabled persons, large families, female-headed households, agricultural workers, and homeless persons. Households with special housing needs often have greater difficulty finding decent and affordable housing. As a result, these households may more frequently experience cost burdening, overcrowding, and various other significant housing problems.

SENIOR HOUSEHOLDS

Senior households have special housing needs, primarily as a result of physical disabilities or limitations, reduced incomes, and increased health care costs. Senior households may also need in-home support services, assistance with personal care and financial affairs, and networks of care to provide a wide variety of services and daily assistance. According to the 2014–2018 ACS, 8,428 persons in Rancho Cordova are 65 years and older, as shown in **Table A-8**, and these seniors account for approximately 12 percent of the City's total population.

TABLE A-8
POPULATION OVER 65 YEARS OF AGE

Age Group	Population
65–69	2,755
70–74	1,915
75–79	1,621
80–84	1,170
85 and over	967

Source: 2014–2018 American Community Survey

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

While the City of Rancho Cordova has 8,428 seniors in the City population, there are 4,871 senior households. A senior household is where the head of the household is a senior. Of the senior households, approximately 77 percent own their own homes, and 23 percent rent homes, as shown in **Table A-9**.

TABLE A-9
TENURE BY AGE OF HOUSEHOLDER

Tenure	65 to 74 Years	75 to 84 Years	85+ Years	% of Total Occupied Senior Households
Owner	1,961	1,347	442	77.0%
Renter	771	249	101	23.0%
Total	2,732	1,596	543	100.0%

2014–2018 American Community Survey

SENIOR HOUSING

Rancho Cordova has one major skilled nursing facility and nine smaller licensed residential care homes that provide care and assistance to elderly residents who are partially self-sufficient. Assisted living is provided mainly in smaller facilities.

The affordability of these facilities is difficult to assess, as the actual cost of care at many homes varies widely and is based on the amount of care that an individual resident requires.

TABLE A-10
RESIDENTIAL CARE HOMES FOR THE ELDERLY

Facility Name	Address	Capacity (persons)	Type of Facility
Elite Home Care	3292 Oselot Way	6	Assisted Living
Grace Residential Care Home, McGregor Home*	2112 McGregor Drive	6	Assisted Living
Joyful Living Residential Care*	1655 Solsberry Way	6	Assisted Living
Ohana Hospitality	5117 Heather Ranch Way	6	Assisted Living
Sunriver Senior Care, LLC	11229 Pecos River Court	6	Assisted Living
Summerset Assisted Living	2341 Vehicle Drive	135	Assisted Living
Tender Home Senior Care	3499 Ponzi Court	6	Assisted Living
Elizabeth Care Homes, Rancho Cordova Care Home	10609 Charbono Way	6	Assisted Living

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

Facility Name	Address	Capacity (persons)	Type of Facility
Rancho Home Care	10961 Alandale Way	6	Assisted Living
Royal Gardens Elder Care	10812 Glenhaven Way	6	Assisted Living
Total Capacity, Residential Care Homes for the Elderly		189	–

Source: State of California Community Care Licensing Division

*License pending as of June 2020

Seniors needing less care than offered by an assisted living facility may choose to live in a senior-oriented rental complex. As of July 2020, Coloma Woods was the only age-restricted affordable complex for seniors age 62 and older in Rancho Cordova. Coloma Woods has 28 one-bedroom units. The project is federally financed and therefore the rents are 30 percent of each tenant's income, the common standard of affordability.

DISABLED PERSONS

Disabilities, as defined by the California Government Code, include but are not limited to physical and mental disabilities. A mental disability involves any mental or psychological disorder or condition, such as intellectual disabilities, organic brain syndrome, emotional or mental illness, or specific learning disabilities that limit a major life activity. Some mental disabilities are commonly referred to as developmental disabilities. A physical disability covers any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that affects body systems. Possible physical disabilities include those that are neurological, immunological, or musculoskeletal in nature, as well as those that involve the respiratory, cardiovascular, reproductive, genitourinary, hemic and lymphatic, or digestive systems and those involving the special sense organs, speech organs, skin, or endocrine system. A mental or physical disability limits a major life activity, such as a physical, mental, or social activity, including working, by making such activities difficult.

Some physical, mental, or developmental disabilities may prevent a person from working, restrict a person's mobility, or make caring for oneself difficult. Therefore, disabled persons often have special housing needs related to their potentially limited earning capacity, their need for accessible and affordable housing, and the higher health costs associated with their disabilities. Additionally, people with disabilities require a wide range of housing choices, based on the type and severity of their disability. Housing needs can range from institutional care facilities to facilities that support partial or full independence (e.g., group care homes). Supportive services such as living skills training and employment assistance may need to be integrated into the housing situation. Housing may need to be physically accessible as well, to accommodate people with physical disabilities. Examples of accessible features in housing include widened doorways and hallways, ramps, bathroom modifications (e.g., lowered

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

countertops, grab bars, adjustable showerheads), and special sensory devices including smoke alarms and flashing lights.

Table A-11 shows the total number of disabilities by disability type and employment group. Many of these persons have more than one disability, which is why there are a higher number of disabilities than there are disabled persons.

The City of Rancho Cordova incorporates the Federal Fair Housing Act, the California Fair Employment and Housing Act of 1964, and the Americans with Disabilities Act (ADA), as supported in Title 24 of the California Government Code, as part of its building requirements. These three statutes address the fair housing and building standards for persons with disabilities adhered to by the City.

TABLE A-11
SPECIAL NEEDS: PERSONS WITH A DISABILITY

	Total Disabled Population	In Labor Force	Unemployed	Not in Labor Force
Total with a Disability	6,775	2,588	473	3,714
Hearing Difficulty	1,094	316	0	778
Vision Difficulty	1,917	695	297	925
Cognitive Difficulty	3,429	951	373	2,105
Ambulatory Difficulty	2,993	748	93	2,152
Self-Care Difficulty	1,416	189	122	1,105
Independent Living	2,721	439	297	1,985

Source: 2018 American Community Survey, One-Year Estimate

Note: Disability categories are not mutually exclusive and residents may have more than one disability; accordingly, the sum of all disabled categories is greater than the total number of residents with a disability.

An analysis of the City's codes and development procedures was completed to identify any constraints to the development of housing for persons with disabilities. No specific governmental constraints to the development of disabled housing were identified. This Housing Element includes programs to monitor the City's development procedures and remove constraints if any become apparent.

In order to accommodate persons with disabilities, residential care facilities for six or fewer adults or eight or fewer children are allowed in the City's residential zones by right. Residential care facilities with more than six adults or eight children are permitted in all land use zones in the City by obtaining a conditional use permit. Other than the requirement of obtaining a conditional use permit, no special design or permitting standards have been established for residential care facilities. The conditional use permits do not have any special provisions required for the development of a residential care facility.

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

Developmental Disabilities

Senate Bill (SB) 812 requires the City to include in the special housing needs analysis the needs of individuals with a developmental disability within the community. According to Section 4512 of the Welfare and Institutions Code, “developmental disability” means a disability that originates before an individual attains age 18 years, continues or can be expected to continue indefinitely, and constitutes a substantial disability for that individual, which includes intellectual disability, cerebral palsy, epilepsy, and autism.

Many developmentally disabled persons can live and work independently within a conventional housing environment. More severely disabled individuals require a group living environment where supervision is provided. The most severely affected individuals may require an institutional environment where medical attention and physical therapy are provided. Because developmental disabilities exist before adulthood, the first issue in supportive housing for the developmentally disabled is the transition from the person’s living situation as a child to an appropriate level of independence as an adult.

The California Department of Developmental Services currently provides community-based services to approximately 243,000 persons with developmental disabilities and their families through a statewide system of 21 regional centers, four developmental centers, and two community-based facilities. The Alta Regional Center is one of 21 regional centers in California that provide point of entry to services for people with developmental disabilities. The center is a private, nonprofit community agency that contracts with local businesses to offer a wide range of services to individuals with developmental disabilities and their families.

The Alta Regional Center designs programs according to age, specialization, and geographic location. The following information (**Table A-12**) from the Alta Regional Center provides a closer look at Rancho Cordova’s population of developmentally disabled persons.

TABLE A-12
DEVELOPMENTALLY DISABLED POPULATION SERVED
BY ALTA REGIONAL CENTER, BY AGE

Zip Code Area	0-17 Years	18+ Years	Total
95670	257	234	491
95741	0	<11	>0
95742	92	1	153

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

There are a number of housing types appropriate for people living with a development disability: rent-subsidized homes, licensed and unlicensed single-family homes, inclusionary housing, Section 8 vouchers, special programs for home purchase, HUD housing, and SB 962 homes. The design of housing-accessibility modifications, the proximity to services and transit, and the availability of group-living opportunities represent some of the types of considerations that are important in serving this need group. Incorporating “barrier-free” design in all new multi-family housing (as required by California and federal fair housing laws) is especially important to provide the widest range of choices for disabled residents. Special consideration should also be given to the affordability of housing, as people with disabilities may be living on a fixed income.

In order to assist in the housing needs for persons with developmental disabilities, the City will implement programs to coordinate housing activities and outreach with the Alta Regional Center and encourage housing providers to designate a portion of new affordable housing developments for persons with disabilities, especially persons with developmental disabilities, and pursue funding sources designated for persons with special needs and disabilities. Action H.3.3.1 implements state and federal requirements to not exclude persons with physical and developmental disabilities from participating in housing programs.

FEMALE-HEADED HOUSEHOLDS

Single-parent households are male- or female-headed households with children under the age of 18 living at home. Single-parent households generally have lower disposable incomes than two-parent households, meaning that their necessary expenses are a larger portion of their total incomes. Therefore, finding affordable, decent, and safe housing is often more difficult for single-parent households and especially female-headed households, who show a generally higher rate of poverty than single-parent male-headed households according to the 2014–2018 ACS. Single-parent and female-headed households may also have special needs involving the availability of daycare or childcare, health care, and other supportive services.

According to data from the 2014–2018 ACS, 4,217 households, or 24.4 percent of all family households in Rancho Cordova, are female-headed households. Female-headed households comprise the overwhelming majority of all single-parent households. Of households headed by a female, 51.2 percent (2,159 households) have related children under 18 present. Of the 2,448 female-headed households with related children under 18, 36.1 percent are classified as below the poverty level.

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

LARGE FAMILY HOUSEHOLDS

Large family households are defined as households containing five or more persons. They are considered a special needs group because there is a limited supply of adequately sized housing to accommodate their needs. Generally, as the number of household members increases, the number of bedrooms needed to accommodate the household also increases. For example, a five-person household would require three or four bedrooms, and a six-person household would usually require four bedrooms. According to the 2014–2018 ACS, just under 13 percent of all households in Rancho Cordova (12.6 percent of owner households and 12.7 of renter households) include five or more persons (totaling 3,191 households). Of the large households, 55.2 percent (1,761 households) are owners and 44.8 percent (1,430 households) are renters. According to the 2014–2018 ACS, 63.1 percent of the housing units in the area have three or more bedrooms. Approximately 86 percent of the owner-occupied housing units and 34.6 percent of the renter-occupied housing units have three or more bedrooms, according to the 2014–2018 ACS. As the majority of three-bedroom or larger units in the City are owner occupied, rental housing for large family households may be far more difficult to find.

AGRICULTURAL WORKERS

Agricultural workers earn their primary income through permanent or seasonal agricultural labor. According to the 2014–2018 ACS, less than 1 percent of all employed persons in Rancho Cordova work in the farming, forestry, and fishing occupation. The types of agricultural production in the City do not require large numbers of migrant and seasonal farm laborers, and a large influx of farm labor does not occur. It is assumed that the housing need for the limited number of farmworkers in the City is met through existing housing.

Employee housing serving six or fewer employees is considered a single-family residence and is allowed in all residential zones. Any application for farmworker housing is treated in the same way as other affordable housing projects, and the resources the City has to offer for affordable housing are available for the development of the project. Incentives such as expedited permitting process, streamlining, and modification of development standards are available for the production of farmworker housing.

HOMELESS PERSONS

Homeless individuals and families have the most immediate housing need of any special needs group. They also have one of the most difficult housing needs to meet, because of the diversity and complexity of the factors that led to their homelessness and as a result of community opposition to facilities serving homeless clients. However, California state law requires that Housing Elements estimate the need for emergency shelter for homeless people.

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

Due to the transitional nature of homelessness, it is difficult to get a concrete count of homeless persons in the City of Rancho Cordova or of homeless persons in the Sacramento area who identify Rancho Cordova as their place of origin. Every two years, Sacramento County's Continuum of Care does a point-in-time count of homeless persons. While this number fluctuates over the year, the count provides some basis for evaluating the needs for homelessness services in Sacramento County. **Table A-13** details changes in the homeless population for Sacramento County in 2017 and 2019.

TABLE A-13
**CONTINUUM OF CARE STATISTICS FOR HOMELESS
PERSONS IN SACRAMENTO COUNTY**

Year	2017	2019	Percentage Change
Individuals Experiencing Homelessness	3,365	5,570	65.5%
Sheltered	1,613	1,670	3.5%
Unsheltered	2,052	3,900	90.1%
Chronic Homeless	1,126	1,671 ¹	48.4%
Veterans	469	667	42.2%
Families with Children	186	372	100.0%
Transitional-Age Youth	242	415	71.5%
LGBT Persons, Unsheltered ²	-	351	-

Source: Sacramento Steps Forward Point-in-Time (PIT) Count Report, 2019

1. Count estimate per PIT report, 30% of homeless population.

2. New survey category in 2019. Count based on 9% estimate of unsheltered persons, per PIT report.

Between the 2017 and 2019 Point in Time (PIT) counts, the number of individuals experiencing homelessness increased by just over 65 percent, and the majority of that growth occurred within the unsheltered population. Approximately 30 percent of the population who were experiencing homelessness were experiencing chronic homelessness. The 2019 PIT count also surveyed unsheltered persons regarding their sexual and gender orientation and estimated that 9 percent of unsheltered persons identify as LGBT. As of the 2019 PIT count, 249 of the county's 3,900 unsheltered residents experiencing homelessness were in Rancho Cordova, representing approximately 6 percent of the unsheltered homeless population. An officer from the Homeless Outreach Team at the Rancho Cordova Police Department was able to confirm that this estimate of 249 homeless residents in the City was an accurate estimate of the typical homeless population. This is proportionate to Rancho Cordova's overall percentage of the regional population.

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

The only food bank in the City, Rancho Cordova Food Locker at 10479 Coloma Road, provides a walk-in food service program and maintains a one- to three-day supply of emergency food.

With the exception of two large countywide-serving transitional housing project within City boundaries (Mather Community Campus and the Mather Veterans Village), which provide 80 beds of year-round emergency shelter, the City of Rancho Cordova has few resources for homeless persons. The Rancho Cordova Homeless Assistance Resource Team (HART) provides 30 beds of winter shelter for several months each year through partnership with local faith groups.

The Mather Community Campus in Rancho Cordova is a transitional housing project that provides housing, job training, and employment to individuals and families on the former Mather Field Air Force Base. Residents are referred either from emergency shelters or from residential substance abuse treatment facilities. The Mather Community Campus has units to serve 70 families and 40 units for single veterans. Singles are housed in studio units with a bedroom and bathroom, and they share a dining hall area for meals. The family housing contains a kitchen and bathroom and can be converted from one to four bedrooms. Mather Veteran's Village, a collaborative veterans housing project on the air force base, was fully completed in 2020. The development includes 100 units of permanent supportive housing, including 88 one-bedroom and 12 two-bedroom units, and up to 60 beds of transitional housing, for formerly homeless and disabled veterans. The majority of other shelters and services for homeless individuals and families are in the city of Sacramento.

EXTREMELY LOW-INCOME HOUSEHOLDS

Assembly Bill 2634 (Lieber, 2006) requires the quantification and analysis of existing and projected housing needs of extremely low-income households. Elements must also identify zoning to encourage and facilitate supportive housing and single-room occupancy units (SROs).

Extremely low-income households typically comprise persons with special housing needs, including but not limited to persons experiencing homelessness or near-homelessness, persons with substance abuse problems, and farmworkers. As previously mentioned in **Table A-4**, approximately 3,600, or 14.7 percent, of the City's households are considered extremely low-income households (CHAS 2012–2016). The City's Zoning Code allows for SROs with a conditional use permit in the RD-20, RD-25, and RD-30 zones.

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

HOUSING CHARACTERISTICS

HOUSEHOLD TENURE

According to the 2014–2018 ACS, there is a higher percentage of owner-occupied households in Rancho Cordova (55.4 percent) than renter-occupied households (44.6 percent). According to the California Department of Finance's 2020 estimates, single-family homes in Rancho Cordova made up just over 60 percent of the housing stock (**Table A-14**). Multi-family housing units in complexes of five or more units accounted for 21.3 percent of the housing stock.; **Table A-14** provides the 2020 California Department of Finance estimate of housing units by structure.

TABLE A-14
HOUSING UNITS BY STRUCTURE

	Total Housing Units	SF Detached	SF Attached	2–4 Units	5+ Units	Mobile Homes
2020	28,340	17,036	1,688	2,054	6,048	1,514

Source: Department of Finance Housing Estimate, 2020

OVERCROWDED HOUSEHOLDS

Overcrowding occurs where there is more than one person per room (excluding bathrooms) in an occupied housing unit. Overcrowding is often the result of an inadequate supply of affordable and decent housing. Households that are unable to afford larger housing units may be forced to rent or purchase housing that is too small to meet their needs. According to the 2012–2016 CHAS data derived by the US Census for HUD, 4.4 percent of households in Rancho Cordova were overcrowded and another 1.3 percent of households were severely overcrowded. There were 1,395 households living in overcrowded situations in the City, which equates to approximately 5.7 percent of households.

HOUSING VACANCY

Vacancy trends in housing are analyzed using the “vacancy rate,” an indicator of housing supply and demand. For example, if the demand for housing is greater than the supply, the vacancy rate is likely low and the price of housing is increasing. According to “Raising the Roof, California Housing Development Projections and Constraints, 1997–2020,” the desirable vacancy rate in a community is 5 percent, which accounts for normal turnover in owner-occupied and rental housing. Generally, when the vacancy rate is less than 5 percent, the demand for housing exceeds the supply, and both buyers and renters may see an increase in housing costs. The lack of competition associated with very low rental vacancy rates may

APPENDIX A – DRAFT HOUSING
ELEMENT NEEDS ASSESSMENT

have a tendency to reduce incentives for reinvestment and maintenance and may have the potential to result in a rise in the incidence of Fair Housing abuse.

The 2014–2018 ACS notes that the vacancy rate in Rancho Cordova was 0.6 percent for homeownership and 3.9 percent for rental housing. These vacancy rates would generally be considered low to very low.

AGE OF HOUSING STOCK

For many communities, the age and condition of housing stock provide an additional measure of housing adequacy and availability. Although the age of housing does not always indicate substandard conditions, neighborhoods with many homes over 30 years old are more likely than recently built neighborhoods to have many homes in need of maintenance, utility and amenity updates, rehabilitation, or replacement. Homes with deferred maintenance usually exhibit signs of aging, such as peeling or faded paint, cracked siding, or missing or broken shingles or shakes, suggesting a need for repair or replacement of those components in the near future. Homes in need of rehabilitation require immediate repair or replacement of components in disrepair to avoid health and safety problems. Homes in need of replacement require repair or replacement of so many components that it may be more cost-effective to demolish the home and construct a new dwelling. While Rancho Cordova has some newer neighborhoods and some newly developing areas, a great deal of the City’s existing housing stock is 30 or more years old. Based on conversations with City staff and the 2014–2018 ACS data, it is assumed that as many as 18,157 or 76.0 percent of the City’s housing stock may need either extensive repair or replacement, based on the age of the home (Table A-15). However, most homeowners are able to complete these ongoing maintenance and repair projects. Approximately 30 homes undergo rehabilitation each year through City subsidized programs.

TABLE A-15
AGE OF HOUSING

Year Built	Rancho Cordova	
	Number	Percentage
1939 or earlier	242	0.9%
1940–1959	3,514	13.3%
1960–1969	4,535	17.2%
1970–1979	6,360	24.2%
1980–1989	3,506	13.3%
1990–1999	1,847	7.0%
2000–2009	4,895	18.6%
2010–2013	958	3.6%

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

Year Built	Rancho Cordova	
	Number	Percentage
2014–2018	466	1.8%
2019	0	0.0%
Total	26,323	

Source: 2014–2018 American Community Survey, Rancho Cordova Planning Department

CONDITION OF HOUSING STOCK

Without performing a physical inspection, it may be assumed that overcrowded units, units lacking complete plumbing, and units constructed before 1940 exhibit substandard conditions. According to the 2012–2016 CHAS, less than 1 percent of occupied housing units in Rancho Cordova lacked adequate plumbing or kitchen facilities, and less than 1 percent were built before 1940.

HOUSING COSTS AND OVERPAYMENT

FOR-SALE HOUSING COST AND OVERPAYMENT

The residential real estate market had enjoyed an increase in prices resulting from low mortgage rates, decreasing home sales inventory, and a steadily growing labor market through 2005. In 2006, 2007, and 2008, the housing market collapsed, resulting in a dramatic drop in housing prices, a very high foreclosure rate, and a large number of abandoned and foreclosed homes. Since the recession, increased population in the City combined with pressure on the housing market statewide has increased demand for housing in the Sacramento area. Relatedly, median list prices for homes in Rancho Cordova have increased over the past few years. The median list price in the City of Rancho Cordova was \$437,000 in January 2020, according to Zillow.com. This is a significant increase compared to four years prior in February 2016, when median list price hit a five-year low of \$289,000.

Overpayment compares the total cost of shelter with a household's ability to pay for that shelter. Shelter cost is defined as the monthly cost of owning or renting a home, including the mortgage or rent, property taxes, insurance, and utilities. Specifically, HUD's definition of overpayment is a monthly shelter cost in excess of 30 percent of a household's gross income and does not include utilities, transportation costs, or other living expenses outside rent or mortgage payments.

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

Table A-16 shows the estimated monthly housing cost burden for Rancho Cordova residents. According to 2012–2016 CHAS data, approximately 17.2 percent of owner-occupied households experience a cost burden of 30 to 50 percent of their income, and 11.4 percent pay more than 50 percent of their income toward housing costs. Among renters, 25.8 percent of households experience a housing cost burden of 30 to 50 percent of their income, and 23.4 percent pay more than 50 percent of their income on housing costs each month.

TABLE A-16
HOUSEHOLDS OVERPAYING

Cost Burden	Homeowners		Renters		Total	
	Households	% of Total	Households	% of Total	Households	% of Total
<30%	9,415	70.4%	5,455	49.3%	14,870	60.8%
30–50%	2,295	17.2%	2,860	25.8%	5,155	21.1%
>50%	1,520	11.4%	2,585	23.4%	4,105	16.8%
<i>Cost Burden Not Available</i>	<i>150</i>	<i>1.1%</i>	<i>165</i>	<i>1.5%</i>	<i>315</i>	<i>1.3%</i>
Total	13,380		11,065		24,445	

Source: 2012–2016 CHAS

RENTAL HOUSING COST AND OVERPAYMENT

Table A-17 shows the median monthly rents for homes in Rancho Cordova and Roseville based on a June 2020 survey of 73 rental listings on Craigslist.org. Roseville was selected as a point of comparison due to the similar number of available rental listings at the time of the survey. As of the date of the survey, there were no studio homes listed in either city, and no rentals with four or more bedrooms were available in Roseville. For homes with one to three bedrooms, median rental rates were consistently lower in Rancho Cordova than in Roseville.

TABLE A-17
MEDIAN RENTAL RATES

Number of Bedrooms	Rancho Cordova	Roseville
Studio	-	-
1BR	\$1,270	\$1,629
2BR	\$1,495	\$1,940
3BR	\$1,645	\$2,022
4BR+	\$2,350	-

Source: Survey of Rental Listings, Craigslist.org, June 2020

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

MANUFACTURED HOME PARKS

Manufactured homes are often a source of affordable housing in communities where stick-built homes are beyond the price range of low- and moderate-income households. In the Sacramento area, there are currently many manufactured homes for sale, and they vary considerably in price, quality, and age. Very inexpensive manufactured homes are generally those built before 1980, some of which may have structural problems. Newer manufactured home models can be quite large, with more than 2,500 square feet and four bedrooms. Amenity upgrades similar to those found in new stick-built homes are offered by many manufactured home dealers, and interiors are now comparable in appearance to those of homes in new subdivisions. Although manufactured homes have often been stigmatized for their poor construction and lack of appreciation, all new manufactured homes now must meet or exceed construction standards set by the US Department of Housing and Urban Development. Owners of manufactured homes generally rent a lot in a manufactured home park and pay separately for their utilities. New manufactured-home buyers usually choose a park in which to locate their home, while most purchasers of used manufactured homes leave their home in the park where it was originally located. Rancho Cordova has nine manufactured home parks with just over 1,400 manufactured home spaces and 15 RV spaces (**Table A-18**).

TABLE A-18
MANUFACTURED OR MOBILE HOME PARKS IN RANCHO CORDOVA

Name	Address	Mobile Home Spaces	RV Spaces
Aspen Grove Mobile Home Community	10299 McCracken Drive	22	15
Bradshaw Mobile Home Park	3501 Bradshaw Road	140	0
Briarwood Mobile Home Park	2950 Routier Road	105	0
Centennial Estates	9885 Mills Station Road	183	0
Colonial Estates	10026 Horn Road	144	0
Cordovan Mobilehome Estate	10035 Mills Station Road	177	0
Mobile Country Club ¹	2473 Sunrise Boulevard	479	0
Park Royale Mobile Village	2910 Routier Road	95	0
Twilight RV and Mobile Home Park	61 Rocket Circle	60	0
Total	9 properties	1,405	15

Source: California Department of Housing and Community Development; online search via Google, June 2020

1. *This park is restricted to persons 55 years of age or older.*

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

FACTORS CONTRIBUTING TO THE FUTURE HOUSING NEEDS OF RANCHO CORDOVA

The high foreclosure rates that stemmed from subprime mortgages have resulted in tightened lending standards. Fewer households qualify for market-rate financing, though the for-sale market is beginning to rebound, and low interest rates have helped stabilize the market-rate mortgage market. However, the number of households requiring affordable rental and owner housing opportunities will continue to grow. Therefore, the need to plan for affordable housing in Rancho Cordova will remain important through 2029.

REGIONAL HOUSING NEEDS ALLOCATION

A Regional Housing Needs Plan (RHNP) is mandated by the State of California (Government Code Section 65584), and it requires regions to address expected housing issues and needs, which are based on future growth projections for the area. The RHNP is developed by the Sacramento Area Council of Governments (SACOG) and allocates to cities and counties their “fair share” of the region’s projected housing needs or growth. A fair share of housing units is calculated for each of four income groups based on projected population growth, and on the jurisdiction’s amount of available vacant land. Fair share needs are allocated over the eight-year planning period for every jurisdiction’s Housing Element. The RHNP, which covers a span of eight years, also identifies and quantifies the existing housing needs for each jurisdiction. SACOG’s current Regional Housing Needs Plan schedule is from June 30, 2021, through August 31, 2029.

The intent of the RHNP is to ensure that local jurisdictions address not only the needs of their immediate areas but fill the projected housing needs for the entire region. Another major goal of the RHNP is to ensure that every community provides an opportunity for a mix of affordable housing to all economic segments of its population. The RHNP jurisdictional allocations are made to guarantee that adequate sites and zoning are provided to address existing and anticipated housing demands during the planning period and that market forces are not inhibited from addressing the housing needs for all populations within a particular community.

Table A-19 provides the Regional Housing Needs Allocation (RHNA) target for the planning period 2021 through 2029 (also referred to as “basic construction needs”) for each of the four household income groups for the City of Rancho Cordova.

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

TABLE A-19
2013–2021 RHNA

Total Number of Units (based on proportion of MTP/SCS 2020 projection)	Number of Units	% of Total
Extremely Low Income	1,057	11.7%
Very Low Income	1,058	11.7%
Low Income	1,274	14.1%
Moderate Income	1,684	18.6%
Above Moderate Income	3,994	44.0%
Total Number of Units	9,067	100.0%

Source: SACOG, 2020

Based on the above projections, the City of Rancho Cordova will need to provide an additional 3,389 affordable housing units, or 37.4 percent of all new housing units, to people in the very low- to low-income groups in order to comply with SACOG's RHNP allocation targets for these income levels. Of the 2,115 very low-income need, 50 percent (1,057 units) are presumed to be needed for extremely low-income households (households with incomes below 30 percent AMI). In addition, the City will have to provide 5,678 housing units available to moderate and above moderate income-households. SACOG anticipates a total of 9,067 new housing units for the City of Rancho Cordova by 2029.

FUTURE DEVELOPMENT POTENTIAL

An important component of the Housing Element is the identification of sites for future housing development and evaluation of the adequacy of these sites. The identification of these sites will help in fulfilling the City's share of regional housing needs as determined by SACOG. **Tables A-20, A-21, and A-22** show a detailed analysis of the residential development potential for multi-family and single-family development. The sites listed in **Tables A-20, A-21, and A-22** are opportunity sites. The City is working with developers and property owners to ensure that sufficient sites will be available through the end of the planning period (2029).

The City of Rancho Cordova currently has approximately 82 acres of vacant infill land, 18 acres of underutilized land, and approximately 588 acres of vacant greenfield land available for residential development. This section provides the inventory of vacant land that is available in the City of Rancho Cordova for both multi- and single-family residential development. **Tables A-20, A-21, and A-22** provide the development information for the vacant, underutilized, and greenfield acreage in the City's land inventory.

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

AVAILABLE MULTI-FAMILY SITES

The City of Rancho Cordova currently has approximately 84.6 acres of vacant and underutilized infill sites and 78.9 acres of greenfield sites that are zoned to accommodate multi-family development. These sites are adjacent to existing residential developments, indicating that infrastructure is available, and the sites do not have other known constraints to development. Sites with residential densities of at least 30 units per acre are anticipated to accommodate housing units affordable to low-income households.

Sites with multiple use designations, such as commercial/multi-family and office/multi-family, are considered appropriate sites to accommodate future multi-family uses. Multi-family development is allowed on sites with Limited Commercial (LC), Shopping Commercial (SC), and Business Professional (BP) zoning based on the same standards and approval process as multi-family development in the RD-20 and RD-40 zones. RD-20 standards apply to LC and SC sites, while RD-40 standards apply to BP sites. Therefore, the City considers these sites both appropriate and adequate for multi-family development. Area Maps A through N in Appendix C identify the sites listed in the vacant land inventory.

REALISTIC CAPACITY

To demonstrate that multi-family housing can be accommodated in commercial zones that allow residential development, the following projects have been or are being processed through the Planning Department. Many projects have been approved and are waiting for developers to move forward.

- Capital Village. This 827-unit project on approximately 34 acres ranges in densities from 7 to 17 units per acre and was rezoned from MP (Office Park Industrial) to Capital Village Special Planning Area. The project has completed construction. Planning staff processed the application for this project, which consisted of a rezone and development of a master planned community and included complex environmental issues, in six months.
- Anatolia II - Sundance. This 114-unit (10 units per acre) housing project consisting of 114 detached single-family homes is on an 11.9-acre LC (Limited Commercial) site. This project is located on Site R-5 in the inventory of available sites (Table A-22).

In addition to the vacant land available for multi-family development, the City's adopted Folsom Boulevard Specific Plan (FBSP) establishes policy guidance and regulatory provisions for the development and redevelopment of the FBSP project area. The FBSP area spans a stretch of land along the Sacramento Regional Transit light rail line and includes four existing transit stops. The FBSP contains transit-oriented development (TOD) overlay zones with a maximum residential density of 80 dwelling units per acre.

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

Table A-20 details the vacant infill sites available for multi- and single-family residential development. **Table A-21** details the underutilized infill sites potentially available for single- and multi-family residential development. **Table A-22** details the greenfield development currently working through the planning process. Some of the plans identified in **Table A-22** are expected to break ground during the 2021–2029 Housing Element cycle. There are a number of finished lots ready for development spread throughout the area. **Table A-22** also includes the housing estimates for greenfield development that is not expected to break ground during the 2021–2029 Housing Element cycle.

APPENDIX A – DRAFT HOUSING
ELEMENT NEEDS ASSESSMENT

TABLE A-20
VACANT INFILL SITES

Map Reference	APN	Parcel Size Acres	% Used	Zoning	GP Des.	Allowable Density	Unit Capacity	Infrastructure	On-Site Constraints	Income Category	Existing Use	Comments
Sunrise North												
A-1	056-0430-001	1.6	100%	MDR	MDR	RD-20	20	Yes	None	Mod	Vacant	Capacity based on a previous application for a 20-unit townhouse project that has expired.
Mather Redevelopment Area												
B-1	067-0010-056	3.72	50%	BP/GC/SC	MF SPA	RD-40	45	Yes	None	VL/L	Vacant	Requires a CUP ¹ (Assumes 80% of 30 du acre for 1/2 of the parcel).
J-1	067-0010-064	6		LC/SC	OPMU	18.1–40	180	Yes	None	VL/L	Vacant	
Folsom Boulevard Specific Plan												
C-1	075-0450-005	41.99	24%	UR2	FBSP	6.1-40	240	With Development	None	VL/L	Vacant	10 acres of Folsom Blvd frontage (Assumes 80% of 30 du/acre for 10 acres).
C-2	076-0020-019	1.4	50%	UR2	FBSP	6.1-40	17	Yes	None	VL/L	Vacant	Assumes 80% of 30 du/acre for 1/2 of the total parcel.
C-3	076-0020-021	7.34	50%	UR2	FBSP	6.1-40	88	Yes	None	VL/L	Vacant	Assumes 80% of 30 du/acre for 1/2 of the total parcel.
C-4	076-0020-020	0.45	50%	UR2	FBSP	6.1-40	5	Yes	None	VL/L	Vacant	Assumes 80% of 30 du/acre for 1/2 of the total parcel.
C-5	076-0020-022	0.58	50%	UR2	FBSP	6.1-40	7	Yes	None	VL/L	Vacant	Assumes 80% of 30 du/acre for 1/2 of the total parcel.
Countryside/Lincoln Village Planning Area												
D-1	077-0200-022	0.44	50%	LC	CMU	10-18	3	Yes	None	Mod	Vacant	Assumes 50% of the site at 18 units/acre with an 80% site capacity.
D-2	068-0030-044	5.1	50%	VCMU	VCMU	10-18	92	Yes	None	Mod	Vacant	Assumes density of 18 du/acre of full 5.1 acres (92 units) will actually be built on the back half of the parcel, resulting is a factual density of 36 du/acre.
Annexation Sites												
F-1	072-0240-004	5.65		HDR/RMU	HDR/RMU	18.1-80	194	Yes	None	VL/L	Vacant	Capacity based on approved county project in 2008.
F-2	058-0270-031	1.04		GC	GC	10-40	5	Yes	None	VL/L	Vacant	Capacity based on approved county project in 2008.

APPENDIX A – DRAFT HOUSING
ELEMENT NEEDS ASSESSMENT

Map Reference	APN	Parcel Size Acres	% Used	Zoning	GP Des.	Allowable Density	Unit Capacity	Infrastructure	On-Site Constraints	Income Category	Existing Use	Comments
F-3	058-0270-034	1.41		GC	GC	10-40	34	Yes	None	VL/L	Vacant	Capacity is based on 30 units/acre at 80% site capacity.
Bradshaw and Highway 50												
G-1	068-0160-083	3.84		OPMU	CS/LCPA	10-18	29	Yes	None	Mod	Vacant	OPMU allows for 49% of the site to be residential with a density of 18 units/acre (80% site capacity). Based on a total residential buildable area of 2.05 acres, 29 units can be accommodated.
G-2	068-0160-084	1.32		OPMU	CS/LCPA	10-18		Yes	None	Mod	Vacant	

Source: City of Rancho Cordova, September 2020

1. These units are within areas that include a conditional use permit process. This process includes a review by the City Council that focuses on design compatibility with the surrounding area. The City does not see this as a constraint to development. See the City’s Zoning Code for a complete analysis of the CUP process.

APPENDIX A – DRAFT HOUSING
ELEMENT NEEDS ASSESSMENT

TABLE A-21
UNDERUTILIZED INFILL SITES

Map Reference	APN	Parcel Size Acres	% Used	Zoning	GP Des.	Allowable Density	Unit Capacity	Income Category	Existing Use	Comments*
Town Center TOD										
H-1	058-0291-003	8.07		UR1 (TOD)	FBSP	10–80	194	VL/L	Half of parcel is retail and half is vacant land	Assumes 30 units per acre, 80% site capacity.
H-2	072-0280-024	6.97	14%	CMU (TOD)	DTPA	10–80	24	VL/L	Parking lot – interested in redevelopment	Assumes 1 acre built at 30 units per acre at 80% site capacity.
Subtotal VL/L		9.07					218			
Folsom Boulevard Specific Plan (Potential New Markets Tax Credits Proposal)										
I-1	077-0030-011	1.76		MDR	UR1	6.1–18	25	Mod	Trailer park	Assumes 18 du/acre at 80% site capacity.
I-2	077-0030-010	0.81		MDR	UR1	6.1–18	12	Mod	Trailer park	Assumes 18 du/acre at 80% site capacity.
I-3	077-0030-013	0.78		MDR	UR1	6.1–18	11	Mod	Dilapidated apartment	Assumes 18 du/acre at 80% site capacity.
I-4	077-0181-011	0.99		MDR	UR1	6.1–18	14	Mod	Very dilapidated	Assumes 18 du/acre at 80% site capacity.
I-5	077-0181-021	0.22		MDR	UR1	6.1–18	3	Mod	One duplex	Assumes 18 du/acre at 80% site capacity.
I-6	077-0181-020	0.28		MDR	UR1	6.1–18	4	Mod	Two duplexes	Assumes 18 du/acre at 80% site capacity.
I-7	077-0181-023	0.1		MDR	UR1	6.1–18	1	Mod	Duplex	Assumes 18 du/acre at 80% site capacity.
I-8	077-0181-018	0.28		MDR	UR1	6.1–18	4	Mod	Two duplexes	Assumes 18 du/acre at 80% site capacity.
I-9	077-0181-022	0.1		MDR	UR1	6.1–18	1	Mod	Duplex	Assumes 18 du/acre at 80% site capacity.
I-10	077-0181-017	0.12		MDR	UR1	6.1–18	2	Mod	Duplex	Assumes 18 du/acre at 80% site capacity.
I-11	077-0181-013	0.19		MDR	UR1	6.1–18	3	Mod	Duplex—huge open yard	Assumes 18 du/acre at 80% site capacity.
I-12	077-0181-012	0.23		MDR	UR1	6.1–18	3	Mod	Duplex—huge open yard	Assumes 18 du/acre at 80% site capacity.
I-13	077-0030-012	0.34		CMU		6.1–18	5	Mod	Little business—huge parking lot not needed	Assumes 18 du/acre at 80% site capacity.
I-14	077-0030-008	0.22		CMU		6.1–18	3	Mod	Little business—half of the lot not in use, general interest in area	Assumes 18 du/acre at 80% site capacity.
I-15	077-0030-009	0.45		CMU		6.1–18	6	Mod	Residence—little house and little garage, general interest in area	Assumes 18 du/acre at 80% site capacity.
I-16	077-0030-005	1.71		CMU		6.1–18	25	Mod	Commercial with back half of the lot vacant	Assumes 18 du/acre at 80% site capacity.
Subtotal MOD		8.58					122			

Source: City of Rancho Cordova, September 2020

APPENDIX A – DRAFT HOUSING
ELEMENT NEEDS ASSESSMENT

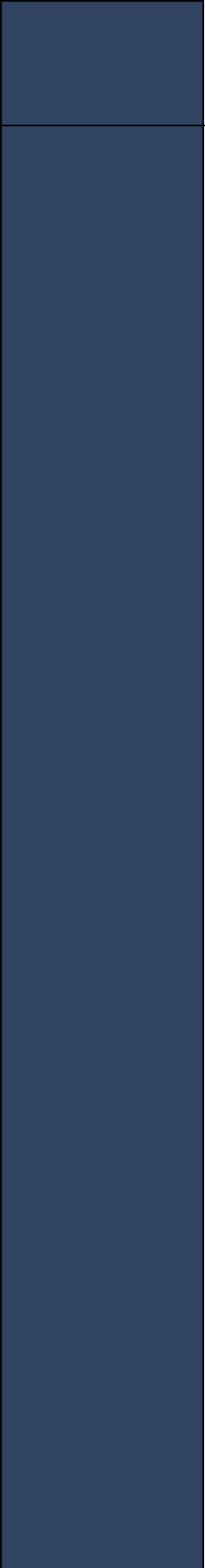
TABLE A-22
GREENFIELD DEVELOPMENT

Map Reference	APN	Acres	Total SP Acres	% Used	GP/Zoning	Allowable Density	Assumed Capacity	Total Unit Capacity Est.	Infra.	On-Site Constraints	Income Category	Existing Use	Comments
Villages of Zinfandel Special Planning Area													
L-1	072-2360-028	10.3	10.3	50%	BP	RD-40	123	123	Yes	None	VL/L	Vacant	Assuming 30 units/acre and 80% site capacity based on surrounding projects; requires CUP.
L-2	072-2360-029	11.09	11.09	50%	BP	RD-40	133	133	Yes	None	VL/L	Vacant	Assuming 30 units/acre and 80% site capacity based on surrounding projects; requires CUP.
L-3	072-2360-030	9.4	9.4	50%	BP	RD-40	112	112	Yes	None	VL/L	Vacant	Assuming 30 units/acre and 80% site capacity based on surrounding projects; requires CUP.
Sun Creek Specific Plan													
M-1	Multiple APNs	1.7	1.7		HDR	26-50	85	85	Yes	None	VL/L	Vacant	Assume 50 units/acre at 100% site capacity
M-2	Multiple APNs	24.6	42.5		HDR	26-40	1105	1105	Yes	None	VL/L	Vacant	Assumed 26 units/acre at 100% site capacity
M-3	Multiple APNs	5.7	43.7		MDR	12.1-18	200	504	Yes	None	Mod	Vacant	Assumes dwelling unit count identified in August 2012 version of Sun Creek Specific Plan, Appendix C, Table 3-3.
M-4	Multiple APNs	44	316		MDR	6.1-12	500	2286	Yes	None	Abv Mod	Vacant	Assumes 12 units/acre at 80% site capacity. Currently, 322 acres are zoned in this area for MDR, but only 25% has infrastructure available to support development.
M-5	Multiple APNs	33	176.7		LDR	2.1-6	200	899	Yes	None	Abv Mod	Vacant	Assumes dwelling-unit count identified in August 2012 version of Sun Creek Specific Plan, Appendix C, Table 3-3.
Rio Del Oro Specific Plan													
N-1	Multiple APNs	12	98		HDR	18.1-40	860	2548	Yes	None	VL/L	Vacant	Assumes built density of 26 du/acre
N-2	Multiple APNs	45	256		MDR	6.1-18	850	3680	Yes	None	Mod		Assumes 80% of 18 du/acre
N-3	Multiple APNs	170	1518.5		LDR	2.1-6	816	7295	Yes	None	Abv Mod		Assumes 80% of 6 du/acre

APPENDIX A – DRAFT HOUSING
ELEMENT NEEDS ASSESSMENT

Map Reference	APN	Acres	Total SP Acres	% Used	GP/Zoning	Allowable Density	Assumed Capacity	Total Unit Capacity Est.	Infra.	On-Site Constraints	Income Category	Existing Use	Comments
The Ranch at Sunridge Special Planning Area													
O-1	Multiple APNs	0	7.14		HDR	RD 30 / RD 40	214	214	No	None	VL/L	Vacant	Pending approved maps.
O-2	Multiple APNs	5	105.4		MDR/GC	RD 20	149	149	No	None	Mod	Vacant	Pending approved maps.
O-3	Multiple APNs	15	142.3		LDR	RD 10	1191	1191	No	None	Abv Mod	Vacant	Pending approved maps.
Anatolia II													
R-1	067-0430-037	2.76	2.76		HDR	18.1-20	66	66	Yes	None	VL/L	Vacant	Assumes 24 du/acre with density bonus.
R-3	067-0430-043	5.9	5.9		HDR	18.1-20	85	94	Yes	None	VL/L	Vacant	Assumes 80% of 20 du/acre.
R-4	067-0430-044	1.17	1.17		HDR	18.1-20	11	19	Yes	None	VL/L	Vacant	Assumes 80% of 20 du/acre.
R-5	067-0030-040	15.96	15.96	50%	LC	10-18	114	114	Yes	None	Mod	Vacant	Approved at 114 units.
Montelena													
U-1	Multiple APNs	11.8	11.8		MDR	RD 7	66	66	No	None	Mod	Vacant	Pending Development Agreement.
U-2	Multiple APNs	163.7	163.7		LDR	RD 5	655	655	No	None	Abv Mod	Vacant	Pending Development Agreement.
Arista del Sol													
V-1	Multiple APNs	0	158.2		LDR	5-10	806 100	906	No	None	Abv Mod Mod	Vacant	
Douglas 103													
AA-1	067-0040-026	0	12.03		MDR	RD 10	213 88	213 88	No No	None None	Mod Abv Mod	Vacant	Pending finished lots.

Source: City of Rancho Cordova



APPENDIX A – DRAFT HOUSING
ELEMENT NEEDS ASSESSMENT

This page intentionally left blank.

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

LAND INVENTORY SUMMARY

Table A-23 compares the RHNA requirements to the City's capacity for new housing. The table is divided into affordability ranges and developing areas, comparable to the land inventory tables above.

TABLE A-23
LAND INVENTORY RHNA SUMMARY

RHNA		VL/L	M	AM
		3,389	1,684	3,994
Vacant Infill	Sunrise North	0	20	0
	Mather RDA	225	0	0
	Folsom Boulevard	357	0	0
	Countryside/Lincoln Village	0	95	0
	Annexation Sites	233	0	0
	Bradshaw and Highway 50	0	29	0
Underutilized Infill	Town Center TOD	218	0	0
	Folsom Boulevard New Markets		122	0
Greenfield	Villages of Zinfandel SPA	368	0	0
	Suncreek SP	1190	200	700
	Rio Del Oro SP	860	850	816
	The Ranch @ Sunridge	214	149	1191
	Anatolia II	162	114	0
	Montelena	0	66	655
	Arista del Sol	0	100	806
	Douglas 103	0	213	88
Land Capacity Total		3,827	1,958	4,256
Accessory Dwelling Unit Capacity		40	0	0
Surplus		478	274	262

Source: City of Rancho Cordova, September 2020

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

SPECIAL PLANNING AREAS

Villages of Zinfandel Special Planning Area

The Villages of Zinfandel Special Planning area is mostly developed. The medium-density Veranda single-family neighborhood is the last housing area to be developed and will be completed early in the 2021–2029 Housing Element cycle. There are also some commercial lots, as identified in the “Vacant Greenfield Sites” list of the above land inventory. These lots would require a conditional use permit to develop as multi-family residential projects. Analysis has indicated that the CUP requirement does not pose a constraint to multi-family development. The single-family residential component of the Villages of Zinfandel Special Planning Area will most likely be fully developed during the 2013–2021 Housing Element Cycle. The commercial segment will develop as viable projects are presented. The Villages of Zinfandel Special Planning Area development agreement did not include an affordable housing requirement. However, the commercial sites that may be developed residential with a CUP pose unique opportunities for high-density multi-family residential development and have been previously considered for a condominium development.

Suncreek Specific Plan

The proposed Suncreek Specific Plan is near Sunrise Boulevard and Douglas Road. Proximity to Sunrise Boulevard and Grant Line Road make the area ideal for public transit. Current proposals include several residential neighborhoods, with some office and commercial development. Mixed-use commercial, recreational parks, trails, and schools are also planned. Development agreements and affordable housing plans have been executed with all the property owners within the Suncreek Specific Plan.

The affordable housing plans will require the dedication of three sites, with the purchase option of a fourth site to the City, as well as a per-door residential in-lieu fee that the City will use to sponsor the development of affordable housing in the planning area. With the completion of the adjacent Sunridge Specific Plan parcels and the entitlement of the adjacent Ranch Specific Plan complete, it is reasonable to expect all areas of the Suncreek Specific Plan, including all of the sites to be dedicated to the City and the remaining high density sites, to be developable in the 2021–2029 Housing Element cycle.

Rio del Oro Specific Plan

The Rio del Oro Specific Plan was adopted by the City Council on September 7, 2010. At the same time, the City Council approved a “tier one development agreement” that vested the Specific Plan, land use designations, development densities, and intensity of uses (among other things). The plan encompasses approximately 3,828 acres south of White Rock Road, east of Sunrise Boulevard, and north of Douglas Road. The first phase broke ground in 2020, but the area remains mostly undeveloped with dredger tailings. Development is anticipated to begin

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

in phases, with phases 1, 2, and 3 likely to be completed during the 2021–2029 Housing Element cycle. As approved, the entire Rio del Oro project area would contain approximately 13,523 residential units at a variety of densities, with several village centers, a local town center, and two regional commercial sites. Phases 1, 2 and 3 are expected to develop 2,526 of this total number of units during the 2021-2029 Housing Element cycle. Future adjustments to the land use plan resulting from amendments to the City's Open Space policies may result in small increases in total residential units. Approximately one-third of the land area would be retained as natural wetland preserve and improved open space. A network of major roadways, connector streets, and local streets integrate into the City's planned roadway system and create walkable neighborhoods. The project area also includes both office and light industrial uses, primarily within the Mather Field Noise Contours. The City has executed affordable housing plans with the two Rio del Oro owners. These affordable housing plan include a residential per-door in-lieu fee with the option to purchase several identified parcels of high-density (HD) zoned land. The affordable housing plans also indicates a minimum development density for 98 acres of High Density (HD) zoned land. Consistent with the assumptions of this Housing Element, a minimum development density of 26 units per acre will be required for up to 98 acres of land zoned HD in Rio del Oro.

The Ranch Special Planning Area

The Ranch is proposed to be primarily residential, but will incorporate open space and commercial uses and preserve some wetlands on the site. The initial phase of development in the Ranch will include the northwest corner and move east to tie into infrastructure that either exists currently or will be under construction on a concurrent time scale. The most logical second phase of development will include the southern portion of the site. The City has executed an affordable housing plan with the Ranch that will include an in-lieu fee for each single-family home built as well as the dedication of one high density site to the City.

Arboretum Specific Plan

The proposed Arboretum Specific Plan is at the southernmost border of the City's undeveloped incorporated land. When development does begin in the Arboretum, it will most likely be phased from the southwestern corner and move east and north as infrastructure is completed. The proposed Arboretum Specific Plan will most likely include a negotiated affordable housing plan that will provide for the development of multi-family and affordable housing in the specific planning area. It is not expected to break ground during this housing element cycle and therefore is not included in the analysis.

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

Sunridge Specific Plan

The Sunridge Specific Plan was approved before the City's incorporation and did not include an affordable housing plan or any requirements for multi-family or affordable housing performance. There are some subdevelopments in the Sunridge Specific Plan that include RHNA-obligated properties or have a multi-family obligation that was negotiated after the City's incorporation.

Sunridge Park

The approved Sunridge Park development is complete. The Sunridge Park project did not include a multi-family or affordable housing component at approval and will be almost exclusively single-family homes on low-density parcels.

Anatolia II

The City is assuming that three of the four Anatolia II sites will develop with affordable units. Site R-1 is a City-owned site, making this a prime site for an affordable project. The City is also working with interested developers to evaluate the viability of an affordable housing project on that site. The site capacity is based on the assumed project capacity. It is assumed that this would be a mix of affordable family and senior housing. Site R-5 is currently proposed to be developed as a project with 114 detached single-family homes.

Anatolia IV

This project includes 203 single-family lots, a 2.6-acre park, and four landscape corridor lots; it is currently under construction. It is expected that the Anatolia IV project will reach buildout during the 2021–2029 Housing Element cycle.

Montelena (in the Sunridge Specific Plan)

The approved Montelena project is in the Sunridge Specific Plan Area. The project site is generally bounded by Rancho Cordova Parkway to the east, the Anatolia I subdivision to the west, Douglas Road to the north, and the Anatolia II subdivision to the south. The Montelena project covers 251.9 acres and proposes the construction of 721 dwelling units. Although the area will be primarily residential, plans also include a community park area, detention basin, fire station, and wetland preserve. The approved project does not include an affordable housing plan and has no designated multi-family development planned. It is expected to start construction during the 2021–2029 Housing Element cycle and may reach buildout within the next eight years.

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

Arista del Sol

The Arista del Sol project is on approximately 158 acres adjacent to the Ranch Specific Plan Area, which is now entitled for development, and the Grant Line 208 subdivision, which is now under construction. Because the Grant Line 208 subdivision is expected to be completed early in the 2021–2029 Housing Element cycle, the Arista Del Sol project is expected to be developed during the 2021–2029 Housing Element cycle. The project does not include an affordable housing plan or a multi-family housing obligation.

Sunridge Lot J

The Lot J project is on an approximately 81.1-acre parcel and includes a tentative subdivision map to create 342 residential lots, a park site, and 3 landscape corridor lots. It is currently under construction and will be completed during the 2021–2029 Housing Element cycle. The project does not include an affordable housing plan or a multi-family housing obligation.

Douglas 103

The Douglas 103 project is on approximately 40 acres adjacent to Douglas Road. The project is currently under construction and will be completed during the 2021–2029 Housing Element cycle. The project does not include an affordable housing plan or a multi-family housing obligation.

Douglas 98

The Douglas 98 project is on approximately 100 acres and has a final approved map for 528 residential lots. The project is under construction and will be completed during the 2021–2029 Housing Element cycle. The project does not include an affordable housing plan or a multi-family housing obligation.

Grantline 208

The Grantline 208 project is on approximately 210 acres and includes 503 single-family homes, wetland preserve, an elementary school, and neighborhood greens. It is currently under construction and is expected to be completed within the 2021–2029 Housing Element cycle. The project does not include an affordable housing plan or a multi-family housing obligation.

Mather East

The Mather East project is on an approximately 12-acre parcel and is adjacent to existing infrastructure. No plans to complete development have been routed through the City. The project does not include an affordable housing plan or a multi-family development obligation, and it is unknown if it will develop during the 2021–2029 Housing Element cycle.

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

North Douglas

The North Douglas project is on an approximately 119-acre parcel and includes a final subdivision map that creates 665 residential lots and has completed construction. The project does not include an affordable housing plan or a multi-family development obligation.

Development accelerated during the latter half of the 2013–2021 Housing Element cycle. Most of the large areas entitled before 2013 were either under construction or completing construction. Two areas also completed their entitlements—one of these, Rio Del Oro, broke ground in 2020. Housing construction is expected to continue at a similar pace during the 2021–2029 Housing Element cycle, with the potential buildout of many greenfield areas and the possible entitlement of the Arboretum project.

AVAILABLE SINGLE-FAMILY SITES

As is shown in **Table A-20** and **Table A-21**, there is potential for 217 single-family dwelling units on 14.12 vacant and underutilized infill acres in the City as well as 1,690 units on 333.93 acres on greenfield sites, as shown on **Table A-22**. These units are split between the moderate and above-moderate affordability levels, though the housing products for moderate- and above-moderate-income households do not necessarily have a clear delineation, and the City's projections are based on proposed densities. Some development projects have reacted to the changes in the housing market that resulted from the market collapse in 2007 by introducing smaller units on smaller lots that will generally be more affordable. These housing products are generally zoned at 10 to 20 dwelling units per acre. For the purpose of moderate and above-moderate housing, land zoned or planned for RD-10 to RD-20 is identified as affordable to households with a moderate income, and land zoned or planned for densities lower than RD-10 are identified as affordable to households with an above-moderate income.

ACCESSORY DWELLING UNIT CAPACITY

The City considers ADUs an affordable housing option for lower- and moderate-income households. In an effort to promote ADUs, the City has included Action 3.1.1 to amend the zoning ordinance to comply with state law regarding ADUs.

In an effort to project ADUs to accommodate a portion of the City's lower income RHNA, the City took a conservative approach and assumed that five units would be approved each year. With the new state law relaxing requirements for ADUs, it is safe to assume that the City will receive more than five annually through the planning period.

The City does not track rental prices for ADUs; however, in an effort to show affordability for these types of units, the City relied on rental rates for one-bedroom units identified in Table A-17 as a proxy for ADU rental rates and shows that the median monthly rent of a one-bedroom unit in the City was \$1,270 in June 2020. According to HCD 2020 income limits, a

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

low-income household can afford a monthly rental cost of \$1,726 without being cost burdened. Comparing the rental rates with the affordability of low-income households shows that ADUs are appropriate to credit toward the County's lower-income RHNA.

Assuming the City approves five ADUs per year over the 8-year planning period, the City can assume an ADU capacity of 40 units.

HOUSING RESOURCES AND INCENTIVES

AT-RISK HOUSING

Housing element law in the California Government Code (Section 65583) requires jurisdictions to include a study of all low-income housing units that may at some future time become unaffordable upon the expiration of affordability restrictions. Three general cases create the opportunity for the conversion of affordable units to market rate:

- Prepayment of HUD mortgages Section 221(d)(3), Section 202, and Section 236
- Opt-outs and expirations of project-based Section 8 contracts
- Other cases

A prepayment of HUD mortgages Section 221(d)(3) involves a privately owned project with HUD providing either below-market-interest-rate loans or market-rate loans with subsidy to the tenants. In a Section 236 complex, HUD provides assistance to the owner to reduce the costs to tenants by paying most of the interest on a market-rate mortgage. Additional rental subsidy may be provided to the tenant. With Section 202, HUD provides a direct loan to nonprofit organizations for project development and rental subsidy for low-income tenants. All Section 202 handicapped units are designed for physically handicapped, mentally disabled, and chronically mentally ill residents.

In a Section 8 contract for new construction or substantial rehabilitation, HUD provides a subsidy to the owner for the difference between a tenant's ability to pay and the contract rent. The likelihood for opt-outs increases when the market rents exceed the contract rents.

Other cases that create the opportunity for the conversion of affordable housing include the expiration of low-income use periods of various financing sources, such as low income housing tax credit (LIHTC); bond financing; density bonuses; CHFA, CDBG, and HOME funds; and redevelopment funds.

As shown at the bottom of **Table A-24**, one of the federally assisted multi-family housing complexes in Rancho Cordova, Coloma Woods, is at risk of losing its affordability restrictions during the Housing Element planning period.

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

AFFORDABLE HOUSING PROJECTS IN RANCHO CORDOVA

There are 22 housing developments in Rancho Cordova providing subsidized housing, with a total of 758 low- and very-low-income units. The address, number of affordable units by bedroom size and income level, and source of financing for each affordable development is provided in **Table A-24**.

TABLE A-24
SUBSIDIZED AND AT-RISK AFFORDABLE UNITS

Name	Address	Subsidized Units	Program	Source
Sunrise Meadows	11020 Coloma Rd	94	LIHTC, LMSA	HUD
Gold Ridge-El Parque	2605 El Parque Cir	3	Public Housing	SHRA
Gold Ridge-El Parque	2609 El Parque Cir	3	Public Housing	SHRA
Gold Ridge-El Parque	2613 El Parque Cir	3	Public Housing	SHRA
Gold Ridge-El Parque	2617 El Parque Cir	3	Public Housing	SHRA
Gold Ridge-El Parque	2619 El Parque Cir	3	Public Housing	SHRA
Gold Ridge-El Parque	2623 El Parque Cir	3	Public Housing	SHRA
Gold Ridge-El Parque	2701 El Parque Cir	4	Public Housing	SHRA
Gold Ridge-El Parque	2703 El Parque Cir	4	Public Housing	SHRA
Gold Ridge-El Parque	2707 El Parque Cir	4	Public Housing	SHRA
2970 Portsmouth	2970 Portsmouth Dr	9	Public Housing	SHRA
Gold Ridge-El Parque	10730 Coloma Rd	24	Public Housing	SHRA
Cordova Meadows Apartments	2312 Sierra Madre Court	183	LIHTC	HUD
Rancho Cordova Apartments	10685 Coloma Road	91	LIHTC	HUD
The Crossings @ New Rancho	2708 & 2728 Woodberry Way	17	LIHTC	CTCAC
Mather Veterans Village	3615 Bleckely Street	50	LIHTC	
Mills Tower Apartments	10499 Mills Tower Dr	9	Sec 8 NC	HUD
SUBTOTAL		507		
At-Risk Units				
Coloma Woods	2300 Heather Glen Ln	28	Sec 8 NC	HUD
Subtotal		28		
Total		535		

Source: SACOG, 2020

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

COST ANALYSIS

The cost of maintaining the assisted units is estimated to be significantly less than the cost required to replace the units through new construction. Conserving assisted units generally requires subsidizing the difference between market-rate and assisted rents.

The cost of acquiring an apartment complex with more than five units ranges from \$152,500 per dwelling unit to \$229,000 per dwelling unit (sales data of comparable rental housing taken from loopnet.com July 2020). Based on this information, the acquisition cost of an individual 28-unit multi-family rental complex in Rancho Cordova would range from \$5.17 to \$5.46 million.

Since land prices and land availability are generally the limiting factors to development of low-income housing, it is estimated that subsidizing rents to preserve assisted housing is both more feasible and more economical than constructing new units.

RESOURCES AND INCENTIVES FOR AFFORDABLE HOUSING

Efforts by the City to assist in the development, rehabilitation, and preservation of affordable housing would utilize organizational and financial types of resources. **Table A-25** lists local, state, and federal housing programs that are valuable resources for developing affordable housing, preserving “at-risk” housing, and rehabilitating housing.

TABLE A-25
AFFORDABLE HOUSING FUNDING RESOURCES

Program Name	Description	Eligible Activities
Federal Programs		
Community Development Block Grant (CDBG) Program	The Department of Housing and Urban Development (HUD) awards Community Development Block Grants annually to entitlement jurisdictions and states for general activities, including housing, and economic development activities. HUD also offers various other programs that can be utilized by the City and nonprofit and for-profit agencies for the preservation of low-income housing units such as Section 202 and Section 108 loan guarantees. The annual appropriation for CDBG is split between states and local jurisdictions called “entitlement communities.” The City of Rancho Cordova was granted entitlement status in January 2005 and began its funding cycle in July 2006.	Acquisition Rehabilitation Homebuyer Assistance Economic Development Assistance Homeless Assistance Public Services Infrastructure Replacement

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

Program Name	Description	Eligible Activities
HOME Investment Partnerships Program	The Home Investment Partnerships Program (HOME) was created under the Cranston Gonzalez National Affordable Housing Act enacted in November 1990. HOME funds are awarded annually as formula grants to participating jurisdictions. HUD establishes Home Investment Trust Funds for each grantee, providing a line of credit that the jurisdiction may draw upon as needed. The program's flexibility allows states and local governments to use HOME funds for grants, direct loans, loan guarantees, or other forms of credit enhancement or rental assistance or security deposits.	Acquisition Rehabilitation Homebuyer Assistance Rental Assistance
Housing Choice Voucher (HCV) Rental Assistance	Provides rental assistance payments to owners of market-rate properties on behalf of very-low-income tenants.	Rental Assistance
Section 811	Provides grants to nonprofit developers of supportive housing for disabled persons. The grants may be used to construct or rehabilitate group homes, independent living facilities, and intermediate care facilities. The grants may also have a rental assistance component.	Acquisition Rehabilitation New Construction Rental Assistance
Section 203(k)	Provides fixed-rate, low-interest loans to organizations wishing to acquire and rehabilitate property.	Land Acquisition Rehabilitation Refinancing of Existing Debt
Low Income Housing Tax Credits (LIHTC)	In 1986, Congress created the federal Low Income Housing Tax Credits to encourage private investment in the acquisition, rehabilitation, and construction of low-income rental housing. Because high housing costs in California make it difficult, even with federal credits, to produce affordable rental housing, the California legislature created a state low-income housing tax credit program to supplement the federal credit. The state credit is essentially identical to the federal credit, the Tax Credit Allocation Committee allocates both, and state credits are only available to projects receiving federal credits. Twenty percent of federal credits are reserved for rural areas and 10 percent for nonprofit sponsors. To compete for the credit, rental housing developments have to reserve units at affordable rents to households at or below 46 percent of area median income. The targeted units must be reserved for the target population for 55 years.	New Construction
Mortgage Credit Certificate Program	Offers income tax credits to first-time homebuyers. The County distributes the credits.	Homebuyer Assistance

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

Program Name	Description	Eligible Activities
Supportive Housing Program (SHP)	Offers grants to agencies who offer supportive housing and services to the homeless.	Transitional Housing Housing for Disabled Persons Supportive Housing Support Services
Community Reinvestment Act	The Community Reinvestment Act (CRA), enacted by Congress in 1977, is intended to encourage depository institutions to help meet the credit needs of the communities in which they operate, including low- and moderate-income neighborhoods, consistent with safe and sound banking operations. The CRA requires that each insured depository institution's record in helping meet the credit needs of its entire community be evaluated periodically. That record is taken into account in considering an institution's application for deposit facilities, including mergers and acquisitions.	New Construction Rehabilitation Acquisition Support Services Supportive Housing Homebuyer Assistance
State Programs		
Emergency Solutions Grant	Awards grants to nonprofits for the provision of shelter support services.	Support Services
Multi-Family Housing Program (MHP)	Provides loans for new construction, rehabilitation, and preservation of affordable rental housing. Payments on the loans are deferred for a specified period of time.	New Construction Rehabilitation Preservation
CalHOME	Provides grants to local governments and nonprofit agencies for homebuyer assistance, rehabilitation, and new construction. The agency also finances acquisition, rehabilitation, and replacement of manufactured homes.	Homebuyer Assistance Rehabilitation New Construction
California Self-Help Housing Program	Provides grants for the administration of mutual self-help housing projects.	Homebuyer Assistance New Construction Administrative Costs
Emergency Housing and Assistance Program	Provides grants to support emergency housing.	Shelters Transitional Housing
Affordable Housing and Sustainable Communities Program	Provides funding to support infill development projects with the goal of reducing greenhouse gas emissions.	New Construction Rehabilitation
Veterans Housing and Homeless Prevention Program	Provides funding to buy, construct, rehabilitate or preserve affordable multi-family housing for veterans and their families.	Acquisition Construction Rehabilitation Preservation

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

Program Name	Description	Eligible Activities
SB2 – Building Jobs and Homes Act	Provides planning grant funding to jurisdictions for plans and process improvements that will help to accelerate housing production.	Planning
No Place Like Home	Through a County application process, provides loans to acquire, develop, preserve, or rehabilitate permanent supportive housing facilities.	Permanent Supportive Housing
Infrastructure Infill Grant	Provides gap financing for infrastructure improvements necessary to support the development of affordable infill housing.	Infrastructure Improvements
Local Housing Trust Fund Program	Provides matching grants to funds provided by Local Housing Trust Funds.	Site Acquisition Site Development Homebuyer Assistance Transitional Housing Emergency Shelter Multi-Family Housing
Transit Oriented Development Program	Supports the development of affordable multi-family rental housing near transit stations through low-interest loans.	New Construction Rehabilitation Infrastructure Improvements
CalHFA Programs		
Affordable Housing Partnership Program	Provides lower interest rate CalHFA loans to homebuyers who receive local secondary financing.	Homebuyer Assistance
Self-Help Builder Assistance Program	Provides lower interest rate CalHFA loans to owner-builders who participate in mutual self-help housing projects. Also provides site acquisition, development financing, and construction financing for self-help projects.	Homebuyer Assistance Site Acquisition Site Development Home Construction
California Housing Assistance Program	Provides 3% silent second loans in conjunction with 97% CalHFA first loans to give eligible homebuyers 100% financing.	Homebuyer Assistance
Extra Credit Teacher Program	Provides \$7,500 silent second loan with forgivable interest in conjunction with lower-interest-rate CalHFA first loans to assist eligible teachers in buying homes.	Homebuyer Assistance
Housing Enabled by Local Partnerships	Provides 3% interest rate loans, with repayment terms up to 10 years, to local government entities for locally determined affordable housing priorities.	Wide Range of Eligible Activities

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

Program Name	Description	Eligible Activities
Low Income Housing Tax Credits	Provides state tax credits for rental housing programs.	New Construction Rehabilitation
Predevelopment Loan Program	The California Department of Housing and Community Development (HCD) administers the program, which provides funds to pay the initial costs of developing affordable housing developments. Priority is given to applications with matching financing from local redevelopment agencies or federal programs.	Pre-development
Multifamily Housing Program	HCD conducts the acquisition and rehabilitation component of the Multifamily Housing Program to acquire and rehabilitate existing affordable rental housing. Priority is given to projects currently subject to regulatory restrictions that may be terminated. Assistance is provided through low interest construction and permanent loans. Eligible applicants include local government agencies, private nonprofit organizations, and for-profit organizations.	Rental Acquisition Rental Rehabilitation
Transitional Housing Program for Emancipated Foster/Probation Youth (THP-Plus)	This program provides funds for housing and services for persons who need support services for transition-age youth.	Supportive Housing Foster Care
Special Needs Housing Program	Allows local governments to use Mental Health Services Act (MHSA) funds to finance the development of permanent supportive rental housing.	New Construction Supportive Housing
Home Mortgage Purchase Program	CalHFA sells bonds to raise funds for providing below-market-rate loans to qualifying first-time homebuyers.	Homebuyer Assistance

Local Program and Private Sources

Local Housing Trust Fund	The City of Rancho Cordova has a Local Housing Trust Fund (LHTF) (originally adopted under Sacramento County, funded through the Housing Development Impact Fee), which provides a linkage between the demand for very-low-income housing and the development of commercial, office, industrial, and other nonresidential uses that create lower-paying employment opportunities and generate a demand for very low-income housing. Nonresidential developments in Rancho Cordova are required to pay into the LHTF on a square-footage basis at building permit. The housing fee is in effect at the time the building permit is to be issued. The fees are as follows: Office \$.97 per square foot Hotel \$.92 per square foot	New Construction
--------------------------	---	------------------

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

Program Name	Description	Eligible Activities
	R&D \$.82 per square foot Commercial \$.77 per square foot Manufacturing \$.61 per square foot	
Public Housing Authority Rental Subsidy	The local PHA is operated by SHRA, which manages housing and community development activities, including conventional or low-rent public housing and the Housing Choice Vouchers program (Section 8 certificate). The conventional housing program involves housing developments that are managed and maintained by SHRA. The Housing Choice Vouchers program involves a tenant-based rental subsidy administered by the agency. Qualified families are selected and certified from a waiting list. A qualified family can utilize the vouchers at any decent, sanitary, and safe housing unit (single-family or multi-family). The tenant's portion of the rent is based on 30% of the adjusted family gross income. SHRA subsidizes the difference between the tenant's portion and the contract rent. However, Fair Market Rents (FMR) restricts the actual contract rent, as determined by HUD. The Section 8 voucher program is similar to the certificate program, except the tenant's housing contract rent in the certificate program is not restricted by FMR.	Tenant-Based Rental Assistance
Federal Home Loan Bank System	Facilitates affordable housing programs (AHP), which subsidize the interest rates for affordable housing. The San Francisco Federal Home Loan Bank District provides local service in California. Interest rate subsidies under the AHP can be used to finance the purchase, construction, and/or rehabilitation of rental housing. Very-low-income households must occupy at least 20% of the units for the useful life of the housing or the mortgage term.	Acquisition New Construction Rehabilitation
Tax Exempt Housing Revenue Bond	The City can support low-income housing by issuing housing mortgage revenue bonds requiring the developer to lease a fixed percentage of the units to low-income families at specific rental rates.	New Construction Rehabilitation Acquisition
Federal National Mortgage Association (Fannie Mae)	Fannie Mae offers a variety of mortgages, including traditional fixed-rate, low down-payment for underserved low-income areas, and mortgages that fund the purchase and rehabilitation of a home.	Homebuyer Assistance Rehabilitation

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

Program Name	Description	Eligible Activities
California Community Reinvestment Corporation	Nonprofit mortgage banking consortium designed to provide long-term debt financing for affordable multi-family rental housing. Nonprofit and for-profit developers contact member banks.	New Construction Rehabilitation Acquisition
Freddie Mac HomeOne and Renovation Mortgages	Provides down-payment assistance to first-time homebuyers and second mortgages that include a rehabilitation loan. The City provides gap financing for the rehabilitation component.	Homebuyer Assistance Rehabilitation

Source: City of Rancho Cordova. 2020

INCENTIVES FOR AFFORDABLE HOUSING DEVELOPMENT

In addition to the affordable housing resources in **Table A-25**, the City anticipates offering incentives to promote the development of housing affordable to very-low- and low-income households. Such incentives as the City may offer to encourage the development of affordable housing will include, but are not limited to:

- Financial assistance (based on availability of federal, state, local foundation, and private housing funds)
- Expedited development review
- Streamlined development application processing
- Modification of development requirements such as reduced parking standards for seniors, assisted care, and special needs housing on a case-by-case basis

QUALIFIED ENTITIES

There are several nonprofit organizations active in the Sacramento County region that have the managerial capacity to own and manage assisted rental housing.

- ACLC Inc
- Affordable Housing Foundation
- Eskaton Properties Inc.
- Housing Corporation of America
- Norwood Family Housing

APPENDIX A – DRAFT HOUSING
ELEMENT NEEDS ASSESSMENT

- ROEM Development Corporation
- Rural California Housing Corp
- Sacramento Valley Organizing Community
- Satellite Housing Inc.
- Volunteers of America

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

HOUSING CONSTRAINTS

GOVERNMENTAL AND NON-GOVERNMENTAL CONSTRAINTS

Various interrelated factors may constrain the ability of the private and public sectors to provide adequate housing that meets the housing needs for all economic sectors of the community. These constraints can be divided into two categories: governmental and non-governmental. Governmental constraints consist of land use controls, development standards, processing fees, development impact fees, code enforcement, site improvement costs, development permit and approval processing, and provision for a variety of housing. Non-governmental constraints include land availability, environment issues, vacancy rates, land cost, construction costs, and availability of financing.

Governmental Constraints

Land Use Controls

The Rancho Cordova General Plan establishes policies that guide all new development, including any residential development. These policies, along with zoning regulations, control the amount and distribution of land allocated for different land uses in the City. The land use designations established by the General Plan that allow single-family and multi-family residential development are provided in **Table A-26**.

TABLE A-26
GENERAL PLAN RESIDENTIAL LAND USE
DESIGNATIONS

Designations	Residential Land Uses	
	Dwelling Units per Gross Acre	Notes
Rural Residential (RR)	0.1–0.5	Designates areas near the edge of the City in a more natural setting where larger ranchette-style homes on 2- to 10-acre lots are predominant. May include limited farming and agriculture.
Estate Residential (ER)	0.51–2.0	Generally characterized by larger “executive” homes on generous lots ranging in size from 0.5 acre to 2 acres. Appropriate for urban-to-rural transition areas, significant natural areas, and integrated into neighborhoods with a variety of housing types.
Low Density Residential (LDR)	2.1–6.0	Predominantly single-family detached homes in traditional neighborhoods. Representative densities are consistent with the majority of the older housing stock in Rancho Cordova.

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

Medium Density Residential (MDR)	6.1–18.0	Generally characterized by small-lot single-family detached or single-family attached (i.e., condominium/townhome-type) development. The wide variety of site development patterns and architectural styles that represent this density range is often referred to as “Village Residential.”
High Density Residential (HDR)	18.1–40.0	Predominantly apartments, condominiums, or clustered single-family units, generally in multi-story configurations. Parking is typically provided in traditional surface lots, but parking structures may be used at high densities.
Commercial and Mixed Land Uses		
Designations	Dwelling Units per Gross Acre	Notes
Residential Mixed Use	6.1–40.0	Multi-family is allowed at a minimum density of 6.1 units per acre and a maximum density of 40 units per gross acre.
Commercial Mixed Use	2.1–18.0	Multi-family is allowed at a minimum density of 2.1 units per acre and a maximum density of 18 units per gross acre.
Office Mixed Use	2.1–18.0	Multi-family is allowed at a minimum density of 2.1 units per acre and a maximum density of 18 units per gross acre.
Village Center Mixed Use	6.1–18.0	Multi-family is allowed at a minimum density of 6.1 units per acre and a maximum density of 18 units per gross acre.
Town Center Mixed Use	6.1–18.0	Multi-family is allowed at a minimum density of 6.1 units per acre and a maximum density of 18 units per gross acre.
Transit-Oriented/ Town Center Mixed Use	18–80.0	Multi-family is allowed at a minimum density of 18 units per acre and a maximum density of 80 units per gross acre.
Regional Town Center	6.1–40.0	Multi-family is allowed at a minimum density of 6.1 units per acre and a maximum density of 40 units per gross acre.
Agriculture		
Designation	Minimum Parcel Size (Gross Acres)	Notes
Rural Agriculture	10–100	Rural areas where some agricultural uses may occur, but where residential homes on lots of 10 to 100 acres are the predominant land use.
General Agriculture	100+	Areas set aside for commercial agricultural production. Minimum parcel size is 100 acres to ensure economic viability for farming operations.

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

Other Designations	
Designation	Notes
Planning Areas	Planning areas are subject to the preparation of more detailed comprehensive plans.
Folsom Boulevard Planning Area (FBPA)	The Folsom Boulevard Planning Area will serve as the high-intensity development center of the City. The tallest buildings with residential densities near 80 units per acre will be developed here in a mixed-use setting (overall average density assumed is 24 units per acre).
Rio Del Oro Planning Area	The Rio Del Oro Planning Area will contain a mix of low-, medium-, and high-density residential units with an average density of approximately 6 to 8 units per acre. Residential areas will be developed as an interconnected series of walkable neighborhoods served by Neighborhood Center and Village Centers.
Suncreek/Preserve Planning Area	The Suncreek/Preserve Planning Area is within the approved Sunrise Douglas Community Plan area. Based on previous approval and current development requests, land uses in the Suncreek/Preserve Planning Area could result in the development of approximately 1,200 acres of single-family and multi-family residential areas, accompanied by 450 acres of supporting commercial, office, and mixed uses.
Countryside/Lincoln Village Planning Area	This planning area is almost entirely developed and includes primarily residential development. Existing residential development contains a high concentration of low- and moderate-income households with limited east-west connectivity.

Source: City of Rancho Cordova

Note: This table provides a summary of land use designations described in the Land Use Element and is not intended to establish land uses.

Residential Development Standards

The City of Rancho Cordova Zoning Code is the guiding document for residential development policies. The policies establish and control the type, location, and density of residential development in Rancho Cordova. The zoning regulations serve to protect and promote the health, safety, and general welfare of the community residents and also implement the goals and policies of the General Plan. The specific residential land use zones in Rancho Cordova and the respective minimum and maximum densities are shown in **Table A-27**. In addition to zoning and density requirements, the City of Rancho Cordova further controls residential development through development standards. **Table A-27** also details the development standards that are applied to residential development in the City.

The City's parking requirements for residential projects are dependent on the housing type. Parking requirements may be reduced or negotiated through the entitlement process. Single-family residential units are required to have two off-street spaces per unit. The number of parking spaces required for multi-family residential units ranges from 1.5 off-street spaces for one-bedroom units to two spaces for units with two or more bedrooms. An additional 0.6 parking space per unit is required to accommodate guests in multi-family residential projects.

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

Mobile homes and accessory dwelling units are required to have two parking spaces per unit, except where an accessory dwelling unit is within one-half mile of public transit or one block of car share, or in a historic or architectural district. Actual observed parking requirements for affordable senior and special needs developments near transit hubs and after completing design review are considerably less than the normal standard. The Zoning Code allows the required off-street parking spaces to be provided in a garage, under a carport, on an open dust-free surface, or any combination of these.

Building setbacks, maximum height limits, and open space requirements are also compulsory for all housing developments in the City. The requirements are minimal and none are considered to constrain development—as evidenced by the amount of housing development occurring in the City—but are used to ensure an aesthetically pleasing project that allows for recreational uses and open space areas.

APPENDIX A – DRAFT HOUSING
ELEMENT NEEDS ASSESSMENT

TABLE A-27
RESIDENTIAL DEVELOPMENT STANDARDS

Development Standard	RR	ER	RD-1	RD-2	RD-3	RD-4	RD-5	RD-6	RD-7	RD-10 ¹	RD-15 ¹	RD-20 ¹	RD-25	RD-30	MDR (UR1 in FBSP)	HDR	RMH ²
Density (gross, neighborhood, or development average for product type) ³																	
Minimum	1 du/ 10 ac	1 du/ 1.9 ac	1 du/ 2 ac	1 du/ 0.9 ac	2.1 du/ac	3.1 du/ac	4.1 du/ac	5.1 du/ac	6.1 du/ac	7.1 du/ac	10.1 du/ac	18.1 du/ac	20.1 du/ac	25.1 du/ac	6.1 du/ac	20.1 du/ac	7.1 du/ac
Maximum	1 du/ 2 ac	2 du/ac	1 du/ac	2 du/ac	3.0 du/ac	4.0 du/ac	5.0 du/ac	6.0 du/ac	7.0 du/ac	10.0 du/ac	15.0 du/ac	20.0 du/ac	25.0 du/ac	30.0 du/ac	18.0 du/ac	40.0 du/ac	18.0 du/ac
Setbacks (minimum)																	
Front – General		30 ft				20 ft			18 ft	18 ft ¹				18 ft			
Front – Living Area			n/a				14 ft				n/a				10 ft		n/a
Side – Interior Lot/Detached Units	15 ft					5 ft				5 ft			25 ft		3 ft	20 ft	5 ft
Side – Interior Lot/Attached Units	n/a					n/a				5 ft			n/a		0 ft		n/a
Side – Street Side/Corner Lot	30 ft						12.5 ft						25 ft		12.5 ft	15 ft	15 ft
Side – Zero Lot Line	n/a					0 ft/10 ft				0 ft/10 ft			0 ft/10 ft		0 ft/10 ft		n/a
Rear – In General ⁴					25 ft ⁵					20 ft			20 ft		10 ft	20 ft	20 ft
Rear – Setback to Alley ROW									3 ft								
Lot Dimensions (minimum)																	
Width/Frontage – Interior Lot	250 ft	75 ft	75 ft		65 ft							n/a					
Width/Frontage – Corner Lot	250 ft	100 ft	75 ft		65 ft							n/a					
Depth	100 ft									n/a							
Height (maximum)																	
Primary Structure/Unit	40 ft						30 ft						40 ft		45 ft	60 ft	30 ft
Accessory Structure					16 ft							16 ft			26 ft	26 ft	16 ft
Lot Coverage (maximum)	25%	30%					75%						75%		75%	75%	n/a
Common Open Space Requirement (minimum) ⁶						n/a							25%		n/a	25%	n/a

Source: City of Rancho Cordova Zoning Code, 2020

Notes:

1. Setback standards may be amended during the design review process to accommodate innovative housing types or adjust for unique site conditions.
2. These development standards address overall development of a mobile home park. Standards for individual mobile home lots within a park or mobile home subdivision can be found in RCMC 23.901.050 (Mobile homes and mobile home parks).
3. Residential developers are encouraged to avoid the monotonous use of similar lot sizes on adjacent parcels. This code does not require minimum lot sizes to avoid monotonous lot configurations and home sizes.
4. Encroachments are permitted into the rear yard according to Chapter 23.704 RCMC.
5. The required minimum rear setback for lots less than 125 feet in depth in RD-1 to RD-10 is 20 percent of minimum lot depth.
6. Common open space includes all landscaped areas outside of the required landscape corridors along adjoining streets, active and passive recreation areas, other outdoor amenities, and natural open space areas. Reductions in the required open space area to a minimum of 20 percent of the gross area for exceptional architecture design may be granted by the designated approving authority.

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

Specific Plan and Special Planning Areas

Rancho Cordova has Specific Plan (SP) and Special Planning Areas (SPA) that are each distinguished by their location and unique development characteristics. Once adopted, SPs and SPAs replace the zoning of the property with zoning unique to the project area. While SPs rely on the existing development standards in the Zoning Code, SPAs may establish development standards for minimum lot area, building setbacks, lot width and depth, and building height that differ slightly from citywide development standards. Specifically, SPAs are designed to protect certain resources of the City from incompatible land uses and to preserve areas with unique social, architectural, or environmental characteristics not otherwise adequately protected by regular zoning. In general, the intent of an SPA is to allow flexibility in development standards and existing zoning. Developers are encouraged to vary housing designs and densities in these areas, including such types as mixed-use commercial/residential developments and carriage houses. Developers are required to maintain minimum densities based on the established zoning for the area.

In many cases, SPs and SPAs allow unique uses and development standards for the planning area. These unique zoning provisions may increase flexibility for subsequent development within the planning area. All SPs and SPAs must be consistent with the City's General Plan. The SPAs and SPs are not considered to hamper housing development and, in reality, may promote housing development through the easing of some standards.

Overall, the Rancho Cordova residential development standards do not constrain the development of new housing or affordable housing. Significant constraints to the development of affordable housing are generally non-governmental, including high land and construction costs, lack gap financing for affordable projects, and a variety of other market factors.

Design Guidelines

The City of Rancho Cordova recently adopted Design Guidelines that apply to all new development within the City and may apply to modifications within existing developments. The Design Guidelines do not pose a constraint on the development of housing in the City of Rancho Cordova but represent the City's guiding policies with respect to the quality of design expected for all projects within the City. Experience with projects funded by the Low Income Housing Tax Credit demonstrates that well-designed multi-family low- and very-low-income apartment complexes contribute to community acceptance and improved living conditions for the residents of such rental housing. These guidelines are intended to:

- Create an integrated community framework.

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

- Promote a mix of uses, both at the street level and within individual structures, that captures the essence of the community and contributes to the health and vitality of the City.
- Respect the existing uses and environment while maximizing opportunities for smart, vibrant development that shapes a new identity for the City.
- Encourage pedestrian-oriented development that is successful and attractive to residents and visitors.

The designated approving authority for design review in Rancho Cordova is the City Council. The City Council will review and approve, conditionally approve, or deny design review applications using the guiding principles and design concepts described in the Design Guidelines.

The Design Guidelines allow flexible alternative standards for streets, bikeways, open space, parks, and streetscape design. They encourage many pedestrian-oriented design aspects, including sidewalks separated from the street by landscaping, landscaped medians, tree preservation within the right-of-way, traffic circles, curb extensions to slow traffic, and other approved traffic-calming devices. To promote the incorporation of separated sidewalks, minimum front and street side yard setbacks may be modified. Street systems are required to be designed to improve traffic circulation in and through the site.

Parks and open space should be consistent with current open space plans adopted by the City. The specific location of parks and open space are to be determined by the Planning Department and the City Council in conjunction with area plans or subdivision map review.

Bikeways are required throughout each project and may be incorporated into the street design or as separate bike/pedestrian pathways.

Streetscape design includes landscaping, lighting, and the use of street furniture to make the street more inviting to the pedestrian.

The City's Design Guidelines would have minimal financial impact on the development of housing and promote sustainable housing by encouraging quality of design and pedestrian-friendly neighborhoods. No specific materials or building techniques are required in the Design Guidelines, and a multitude of designs are acceptable to the City.

The City encourages neighborhood design patterns to utilize a mix of densities and lot sizes to create a diversity of housing products.

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

By adopting special standards that allow for flexibility in design and an increase in density, the Design Guidelines promote the development of housing affordable to lower-income households. The following standards have been incorporated into the Design Guidelines to increase densities and promote affordability:

- On corner lots, the minimum lots sizes and widths in the underlying zoning district shall apply to combined lots for duplexes and halfplexes.
- Minimum building setbacks in the RD-7 zoning districts have been reduced to 18 feet for the front yard.
- Minimum lot sizes and widths have been eliminated to allow for greater densities and design flexibility.

Provision for a Variety of Housing

The Housing Element must identify adequate sites that are available for the development of housing types for all economic segments of the population. Housing types include single-family residential housing, multi-family residential housing, residential accessory dwelling units, mobile homes, duplexes and halfplexes, and residential care homes. **Table A-28** (see below) identifies allowed uses and corresponding permit requirements for the residential zoning districts, and **Table A-29** identifies allowed uses and permit requirements for mixed-use districts of Rancho Cordova.

EMERGENCY SHELTERS

California Health and Safety Code (Section 50801) defines an emergency shelter as “housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or households may be denied emergency shelter because of an inability to pay.” Action H.3.3.3 will amend the City zoning to permit emergency shelters by-right without a conditional use permit in a zone appropriate to accommodate a shelter.

This paragraph will be updated once a zone is identified. The X zone is appropriate to accommodate an emergency shelter, because of the proximity to services and shopping. There are currently XX vacant parcels that would be appropriate for an emergency shelter, totaling XX acres. Additionally, the City has identified XX parcels that are not vacant but have uses that could accommodate an emergency shelter, such as a warehouse building. The total square footage of the building is XX square feet.

Through Action H.3.3.3, City will add development and managerial standards that will be consistent with Government Code Section 65583(a)(4).

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

These standards include such items as:

- Lighting
- On-site management
- Maximum number of beds or persons to be served nightly by the facility
- Off-street parking based on demonstrated need.
- Security during hours that the emergency shelter is in operation

Action H.3.3.4 will also allow the development of low-barrier navigation centers by-right in any zone that permits multi-family or mixed-use residential uses.

TRANSITIONAL AND SUPPORTIVE HOUSING

Transitional housing is defined in Section 50675.2 of the Health and Safety Code as rental housing for stays of at least six months but where the units are recirculated to another program recipient after a set period. It may be designated for a homeless individual or family transitioning to permanent housing. This housing can take many structural forms, such as group housing and multi-family units, and may include supportive services to allow individuals to gain necessary life skills in support of independent living.

Supportive housing is defined by Section 50675.14 of the Health and Safety Code as housing with linked on-site or off-site services with no limit on the length of stay and occupied by a target population as defined in Health and Safety Code Section 53260 (i.e., low-income persons with mental disabilities, AIDS, substance abuse or chronic health conditions, or persons whose disabilities originated before the age of 18). Services linked to supportive housing usually focus on retaining housing, living and working in the community, and/or health improvement.

The City's Zoning Code allows transitional housing as a residential use without the requirement of a conditional use permit and subject to the same restrictions that apply to other residential uses of the same type in the same zone. Action H.3.3.3 will amend the Zoning Code to include supportive housing within these uses.

REASONABLE ACCOMMODATIONS

The City provides housing for special needs populations, including housing accessible for persons with disabilities (including veterans as a primary target group), large households, the homeless, and single-parent households. The City provides accessibility in housing for persons with disabilities by implementing state and federal requirements and undertaking the following actions: (1) review regulations and procedures for City-funded or -operated housing programs

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

to ensure that they do not exclude participation by persons with disabilities; and (2) include accessibility considerations in the preparation of the City’s capital improvement plan and the allocation of funding for capital improvements in support of housing and residential neighborhoods.

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

TABLE A-28
ALLOWED USES AND PERMIT REQUIREMENTS FOR
RESIDENTIAL ZONING DISTRICTS

Land Use Category	RR	ER	RD -1	RD -2	RD -3	RD -4	RD -5	RD -6	RD -7	RD- 10	RD- 15	RD- 20	RD- 25	RD- 30	MDR	HDR	RMH
Residential Uses																	
Adult Day Care Home	P	P	P	P	P	P	P	P	P	P	P	N	N	N	N	N	N
Caretaker Housing	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP
Dwelling, Multi-Family	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	N
Dwelling, Accessory Unit	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Dwelling, Single-Family	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N	P
Dwelling, Two-Family	N	N	N	N	N	AUP ²	AUP ²	AUP ²	AUP ²	P	P	P	P	P	P	N	N
Emergency Shelter ³	N	N	N	N	N	N	N	N	C	C	C	C	C	C	C	C	C
Employee Housing	AUP	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Family Day Care Home, Small or Large	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Group Residential	C	C	N	N	N	N	N	N	N	C	P	P	P	P	P	P	N
Guest House	P	P	P	P	P	P	P	P	P	P	P	N	N	N	P	N	N
Home Occupations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Live-Work Facility	N	N	N	N	N	N	AUP	AUP	AUP	P	P	P	P	P	P	P	N
Manufactured Home	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Mobile Home	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P
Mobile Home Park	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P
Residential Care Home, Small ⁴	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N
Residential Care Home, Large ⁴	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	N

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

Land Use Category	RR	ER	RD -1	RD -2	RD -3	RD -4	RD -5	RD -6	RD -7	RD- 10	RD- 15	RD- 20	RD- 25	RD- 30	MDR	HDR	RMH
Single Room Occupancy (SRO)	N	N	N	N	N	N	N	N	N	N	N	C	C	C	N	C	N
Transitional/Supportive Housing ³	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Source: City of Rancho Cordova Zoning Code, 2020

Notes:

- 1 Use regulations in the table are shown with representative symbol by use classification listing: “P” symbolizes uses permitted allowed by right, “AUP” symbolizes uses that require approval of a administrative use permit, “C” symbolizes uses that require approval of a conditional use permit, and “N” symbolizes uses that are not permitted.*
- 2 Duplexes/ halfplexes are permitted (P) on corner lots by right. On interior lots, an administrative use permit (AUP) is required. In such instances, duplexes/ halfplexes are exempt from the density requirements of the zoning district, provided that the overall neighborhood or subdivision has an average density within the allowable range.*
- 3 Emergency Shelters are permitted without a conditional use permit in the OIMU and LIBP zones; transitional housing shall be treated like similar uses as required by state law (e.g., a single-family home used for transitional housing is subject to same requirements as a typical single-family home).*
- 4 Senior independent living facilities are required to meet provisions in Section 23.901.070 of the Rancho Cordova Municipal Code.*

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

TABLE A-29
ALLOWED USE AND PERMIT REQUIREMENTS
FOR MIXED-USE DISTRICTS

Land Use Category	RMU	CMU	OPMU	OIMU	LIBP	VC	LTC	RTC
Residential Uses								
Adult Day Care Home	P	N	N	N	N	N	N	N
Caretaker Housing	P	P	P	P	P	P	P	P
Dwelling, Multi-Family	P ¹	P ^{1, 2}	P ^{1, 2}	N	N	P ¹	P ¹	P ¹
Dwelling, Accessory Unit	P	N	N	N	N	N	N	N
Dwelling, Single-Family	P ¹	P ^{1, 2}	P ^{1, 2}	N	N	P ¹	P ¹	P ¹
Dwelling, Two-Family	P ¹	P ^{1, 2}	P ^{1, 2}	N	N	P ¹	P ¹	P ¹
Emergency Shelter	C	C	C	P	P	N	N	N

Source: City of Rancho Cordova Zoning Code, 2020

Notes: P = Permitted use

S = Permitted use subject to special conditions

C = Permitted use subject to the issuance of a conditional use permit

1. See the density restrictions in the underlying zoning district. Subject to development plan review by Planning Director. Projects of 80–150 units are subject to development plan review by the City Council. Projects of more than 150 units are subject to development plan review by the City Council.
2. This use is permitted or conditionally permitted as specified only in conjunction with the predominant use of the mixed-use district. In other words, this use is only allowed as part of an integrated development.

Density Bonus

State law requires that cities and counties provide a density increase of up to 35 percent over the otherwise maximum allowable residential density (or bonuses of equivalent financial value) when developers agree to construct housing with units affordable to low- or moderate-income households. Adopted in 2008 and updated in 2012, Section 23.710 of the City's Municipal Code provides density bonuses up to 35 percent, consistent with Government Code Section 65915. The City has included Action H.1.5.4 to comply with current State Density Bonus Law.

Site Improvements, Development Impact Fees, and Processing Fees

Costs associated with site improvements are often a significant part of the total cost of new residential development. Site improvement costs are usually charged for the provision of sanitary sewer and water service and for necessary transportation improvements, as well as any other necessary infrastructure or services. In addition, the City may require payment for various off-site improvements as a part of project mitigation measures (e.g., payment for an off-site traffic signal).

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

Developers of new residential projects are also required to construct all on-site streets, sidewalks, curbs, gutters, and any necessary additions to affected off-site arterials.

Generally, new residential streets are to comply with the City's street standards as outlined in Title 22 of the Municipal Code and as adopted in the current improvement standards. A minor residential street is required to have a right-of-way of 40 feet, with a pavement width of 32 feet and a 4-foot-wide sidewalk on each side (**Table A-30**). Minor residential streets are used when serving fewer than 100 single-family residential units.

Primary residential streets are required to have a 50-foot right-of-way, with a pavement width of 42 feet, and may serve up to 400 single-family and duplex units. These standards are considered necessary in order to sustain and improve the quality of life in Rancho Cordova. However, alternative designs to improve the aesthetics, pedestrian experience, or circulation are encouraged, with the condition that minimum pavement width for public and private streets shall be consistent with the City's adopted residential street standards. Examples of alternative designs may include sidewalks separated from the back of curb by a landscape planter strip, landscaped medians, traffic circles, and other approved traffic-calming devices.

TABLE A-30
SITE IMPROVEMENTS

Type	Service	Street Width	Sidewalk Width (each side)	Total
Minor Residential	Up to 99 single-family	32	4	40
Primary Residential	100 to 399 single-family and duplexes	42	4	50
Collector Street	400 or more residential units	48	4	56
Collector Street	Multi-family, industrial, commercial	48	6	60
Arterial Street	N/A	72	6	84

Source: City of Rancho Cordova Improvement Standards, 2020

Rancho Cordova collects fees from new development projects to cover the costs of planning review and permit processing, which include plan checks and inspection fees. A more detailed discussion of the development permit and approval processing is provided in the next section.

A variety of development impact fees are often assessed on new residential projects that include City-controlled fees (e.g., development application fees, building permit fees) and non-City-controlled fees (e.g., school impact fees, utility connection fees). Other components of total project costs are the utility service connection fees (e.g., sewer and water connection fees).

APPENDIX A – DRAFT HOUSING
ELEMENT NEEDS ASSESSMENT

The various planning review and processing fees, development impact fees, and utility service connection fees collectively can add significantly to the cost of new housing. The City of Rancho Cordova has adopted citywide impact fees for all developments including those of single-family and multi-family projects. A breakdown of the community facility fee for single-family and multi-family projects is shown in **Table A-31**. **Table A-32** provides a listing of planning fees charged by the City of Rancho Cordova. The breakdown of the total fee for a 100-unit single-family residential development, as well as the per-unit fee, is provided in **Table A-33**. Development fees, including building, planning, and impact fees, for a 1,600-square-foot home are estimated to be \$46,195 (**Table A-33**). **Table A-34** provides development fees per multi-family unit and for a multi-family project. The estimated development fees for a 900-square-foot multi-family unit are \$28,650 (**Table A-34**).

TABLE A-31
COMMUNITY FACILITIES FEE

	Single-Family Residential (per unit)	Multi-Family Residential (per unit)
Community Facilities Fee—Facilities	\$3,410.39	\$2,664.74
Community Facilities Fee—Library	\$698.51	\$546.24
	\$4,108.90	\$3,210.98

Source: City of Rancho Cordova 2005 Residential Fee Schedule

Table A-33 lists the planning fees and deposits associated with development projects and use permits.

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

TABLE A-32
PLANNING FEES

Description	Deposit Amount	Fee Amount
General Plan Amendment	\$15,000	--
Rezone	\$15,000	--
Specific Plan Initiation	\$5,000	--
Special Planning Area Initiation	\$5,000	--
Zoning Ordinance Amendment	\$10,000	--
Design Review – Major	\$10,000	--
Design Review – Minor	\$5,000	--
Design Review Amendment	\$5,000	--
Development Agreement	\$10,000	--
Development Agreement Amendment	\$5,000	--
Conditional Use Permit	\$10,000	--
Conditional Use Permit Amendment	\$5,000	--
Use Permit – Condo Conversion	\$8,000	--
Tentative Parcel Map	\$10,000	--
Tentative Parcel Map Extension	\$1,000	--
Tentative Parcel Map Resubmission	\$5,000	--
Tentative Parcel Map Waiver – Condo	\$3,000	--
Tentative Parcel Map Amendment	\$3,000	--
Tentative Subdivision Map (1–20 lots)	\$10,000	--
Tentative Subdivision Map (21 or more)	\$20,000	--
Tentative Subdivision Map Amendment	\$5,000	--
Variance	\$10,000	--
Nonconforming Use Certificate	\$3,000	--
Initial Study Deposit (Negative Declaration/EIR)	\$5,000	--
SSHCP Permit Deposit	\$5,000	--
Development Agreement Annual Compliance Review	\$5,000 minimum balance for the term of the Agreement	--
Limited Use Permit	\$4,000	--
Planning Director Determination – Public Hearing	\$1,500	--
Planning Director Determination – No Public Hearing	\$1,000	--
Unified Sign Program	\$2,000	--
Reasonable Accommodation	\$2,000	--

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

Description	Deposit Amount	Fee Amount
Administrative Use Permit	--	\$1,184
Adjustment	--	\$1,231
Temporary Use Permit	--	\$241
Signs Temporary Use Permit	--	\$60
Boundary Line Adjustment	--	\$942
PCN (Public Convenience and Necessity)	--	\$1,830
Zoning Verification Letter	--	\$397
Appeals of Planning Director Decision to City Council	--	\$4,383
Appeals of Decision to City Council	--	\$4,373
Appeal of Zoning Decision to City Council	--	\$2,590

Source: City of Rancho Cordova Planning Department, 2014

TABLE A-33
**DEVELOPMENT FEES FOR A SINGLE-FAMILY
RESIDENTIAL UNIT AND 100-UNIT PROJECT**

	Unit ¹	100-Unit Project
Planning Application/Plan Check Fees		
Building Permit Fee	\$1,398.60	\$139,860
Plan Review Fee	\$932.40	\$93,240
Zone Check Fee	\$121.21	\$12,121
Impact Fees		
General Plan Cost Recovery Fee	\$120.41	\$12,041
Capital Fire Facilities Fee	\$1,280	\$120,800
Community Facilities Fee	\$4,108.90	\$410,890
Measure A Impact Fee		
Measure A Impact Fee	\$1,329	\$132,900
Transit Fee		
Regional Transit	\$175	\$17,500
Drainage Fee		
Zone 11A	\$4,193.75 (0.25-acre parcel)	\$419,375
Zone 11B	\$2,860.50 (0.25-acre parcel)	\$286,500
Schools		
Folsom Cordova Unified Fee	\$9,952	\$995,200
Elk Grove Unified Fee	\$10,144	\$1,014,400

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

	Unit ¹	100-Unit Project
Utility Connection Charges		
Water Connection	\$17,601	\$1,760,100
Sewer Connection		
Sacramento Area Sewer District	\$4,791 (0.25-acre parcel)	\$479,100
Total	\$44,670–46,195	\$4,467,000–4,619,500

Source: City of Rancho Cordova Building & Public Works Department, 2020

¹ Units are assumed to be 1,600 square feet on 0.25 acre, valued at \$280,000, and built in new subdivisions. Infill development may be somewhat less expensive.

TABLE A-34
**DEVELOPMENT FEES FOR MULTI-FAMILY
RESIDENTIAL UNIT AND PROJECT**

	Unit ¹	100-Unit Project
Planning Application/Plan Check Fees		
Building Permit Fee	\$1,501.80	\$150,180
Plan Review Fee	\$1,001.20	\$100,120
Zone Check Fee	\$130.16	\$13,016
Impact Fees		
General Plan Cost Recovery Fee	\$65.14	\$6,514
Capital Fire Facilities Fee	\$1,000	\$100,000
Community Facilities Fee	\$3,210.98	\$321,098
Measure A Impact Fee		
Measure A Impact Fee	\$930	\$93,000
Transit Fee		
Regional Transit	\$356	\$35,600
Drainage Fee		
Zone 11A	\$810.73 (26 units per acre)	\$81,073
Zone 11B	\$540.08 (26 units per acre)	\$54,008
Schools		
Folsom Cordova Unified Fee	\$5,598	\$559,800
Elk Grove Unified Fee	\$5,706	\$570,600
Utility Connection Charges		
Water Connection	\$13,200.75	\$1,320,075
Sewer Connection		
Sacramento Area Sewer District	\$737 (26 units/acre)	\$73,700
Total	\$28,271–\$28,650	\$2,827,100– \$2,865,000

Source: City of Rancho Cordova Building & Public Works Department, 2020

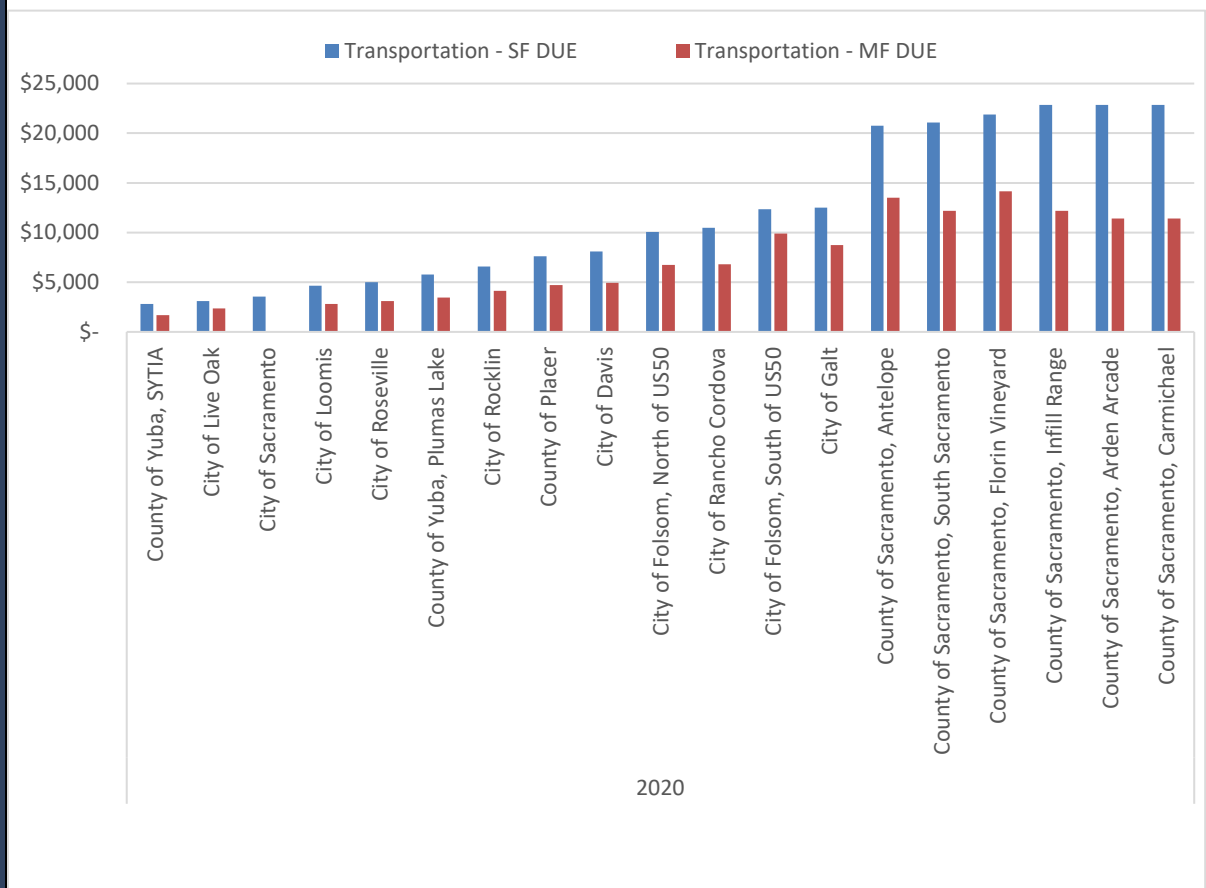
¹ Units are assumed to be 900 square feet on 0.05 acre, built in a previously undeveloped area. Infill development may be somewhat less expensive.

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

SACOG Impact Fee Study

In 2020, SACOG published a comparative study of the estimated development impact fees for jurisdictions across the Sacramento area. At the time of the study, Rancho Cordova's per-unit fees for single-family development were the fourth-highest in the region, at \$49,197 per unit. This is similar to the level of fees charged by Rocklin (\$46,136 per unit) but significantly lower than the next highest rate, charged by Sacramento County for development in the Antelope area (\$70,494). For multi-family housing, the City's impact fees were more moderate at \$32,384, which was similar to those charged by Rocklin (\$31,169 per unit) and Galt (\$33,313). While fees for transportation infrastructure made up the largest percentage of the overall required development fees, at \$10,749 for single-family homes and \$6,821 per unit for multi-family units these fees were in the middle of the overall trend for the region.

FIGURE A-2
SINGLE FAMILY AND MULTI FAMILY UNIT FEES
CHARGED



APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

Accessory Dwelling Units

Accessory dwellings units are a viable option for providing affordable units in some communities. However, in Rancho Cordova, little interest has been expressed in constructing such units, and therefore the costs are not easily estimated. No second units have been constructed since 2014, and the amount of existing undeveloped land indicates that affordable housing need may be met through other means.

The City currently allows accessory dwelling units by right in single-family residential zones, in compliance with Government Code Section 65852.2. Action H.1.5. will amend the Zoning Code to ensure compliance with state law.

Specific Plan Areas

Specific Plan areas in the City of Rancho Cordova (e.g., Sunridge, Villages at Zinfandel) address land distribution, open space availability, infrastructure, and financing mechanisms for portions of the community. Development costs differ between Specific Plan areas and are dependent on the cost of infrastructure, public services, and other associated improvement requirements. **Table A-33** showed the estimated development costs for a single-family home in a Specific Plan area. The estimated development fees for a 1,600-square-foot, single-family home are \$46,195, including planning, building, and impact fees per unit. Development fees for proposed Specific Plans, such as Rio del Oro and the Suncreek Specific Plan, will be based on infrastructure financing plans that will be developed as the specific plans go through the entitlement process.

Development Permit and Approval Process

Applications for development projects are submitted to the City's Planning Department. The application process varies depending on the type of entitlement that is being requested. In most cases, the planning application process requires a public hearing before the City Council. In case of design review for multi-family or commercial projects, a public hearing will be required before the City Council. The permitting process in Rancho Cordova does not create any unnecessary delays or increases to the cost of housing. In addition, City staff accelerates the application process by allowing concurrent review of the following entitlements:

- Tentative map reviews
- Design review
- Special development permits
- Rezones
- Development agreements

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

The steps in the approval process for housing developments differ with the type and conditions of the development. Single-family subdivisions that do not require any change to the zoning are submitted to the Planning Department, reviewed by staff for their conformance to the Design Guidelines, and presented at a public hearing before the City Council for approval.

Multi-family projects are processed in the same manner but are subject to design review by the City Council. Specific plans, rezoning requests, subdivisions, and variances require staff and City Council review for approval. Multi-family development in commercial and business zones requires the same procedure as in residential zones. As previously stated, City staff allows concurrent review of entitlements to process multi-family projects in a timely manner, and the City's Design Review process has minimal financial impact on the development of housing but promotes sustainable development by encouraging quality design and pedestrian-friendly neighborhoods.

Many other factors, such as public sentiment, may also affect the approval of a project. The time frame for processing an application in the City of Rancho Cordova is no longer than that of the majority of jurisdictions in the region and may be considerably shorter. A complete listing of the lengths of estimated application-processing times is given in **Table A-35**.

TABLE A-35
ESTIMATED APPLICATION PROCESSING TIMES

Applications	Time Frame	
Individual Single-Family Home (one/two story)	Building Permit	15 days
Staff Level Use Permits		3–4 months
Subdivision Design Review		3–5 months
Commercial and Multi-Family Design Review		3–5 months
Projects with Environmental Review	Negative Declaration Environmental Impact Report	Less than 90 days Approximately 1 year
Rezoning		6–8 months
General Plan Amendment		6–8 months
Boundary Line Adjustment		Less than 30 days
Tentative Parcel Map		4 months
Tentative Subdivision Map		6 months
Conditional Use Permit		3–5 months

Source: City of Rancho Cordova Planning and Building Departments

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

Design Review

In 2012, the City Council dissolved the City of Rancho Cordova Planning Commission. The Council's goal was to remove barriers to development and improve the speed and efficiency by which development applications and projects were processed. The responsibilities of the Planning Commission were split between City Planning staff and the City Council. Most of the minor or routine development decisions are made at the staff level, while design review and major project decision are brought before the City Council.

The City Council's design review process for multi-family housing follows a straightforward and efficient path to approval, and in a worst-case scenario would add no more than two weeks to the review process. Prior to construction of multi-family developments, the City requires approval of a Design Review package for the project. Such projects are considered by the City Council, and the approval or denial of the project is based on four criteria:

- Consistency with the General Plan, any applicable Specific Plan, and the City's design guidelines.
- Project design (architecture and site improvements) that enhances the character of the neighborhood.
- Architecture, scale, and design details that are compatible with adjoining or nearby properties.
- Project circulation design that will not create conflicts with vehicular, bicycle, or pedestrian transportation modes.

Since adoption of the City design guidelines and the establishment of the design review process, the City has never denied a project based on findings that the project design did not meet the required findings in the Zoning Code. Therefore, the design review is not seen as a constraint to the development of housing.

Code Enforcement

The City of Rancho Cordova Code Enforcement Division enforces a broad range of federal, state, and municipal codes and standards designed to maintain a healthy, safe, and clean environment and preserve the quality of life standards that residents and businesses enjoy in Rancho Cordova. These codes include the 2019 California Building Code, 2010 California Plumbing Code, 2010 California Mechanical Code, 2010 California Electrical Code, 1997 Uniform Code for the Abatement of Dangerous Buildings, 2000 Uniform Swimming Pool Spa and Hot Tub Code, and all appendices thereof, and the Americans with Disabilities Act (ADA) included as a part of CCR, Title 24. The City has not adopted local amendments to these codes. Enforcement of development and building standards does not constrain the

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

production or improvement of housing in the City. The presence of an active code enforcement effort serves to maintain the condition of the City's housing stock.

TABLE A-36
HEALTH AND SAFETY CODE VIOLATIONS

Health and Safety Violation	2016	2017	2018	2019
Water Intrusion/Mold	110	260	274	136
Structural Deficiencies	19	28	22	6
HVAC/Mechanical/Plumbing	9,956	9,676	5,134	3,750
Maintenance Deficiencies	3,015	3,155	2,316	1,331
Pest Infestation	243	333	353	158
Building Code Violations	858	763	534	362
Complaint Total	14,201	14,215	8,633	5,743

Sources: City of Rancho Cordova Neighborhood Services Division. 2020

INFRASTRUCTURE CAPACITY

Water Supply and Infrastructure

Buildout of the General Plan is estimated to occur around the year 2030 with the addition of 53,480 housing units. The General Plan EIR has determined that buildout of the General Plan will require additional treatment, capacity, storage capacity, and other conveyance facilities to meet the projected water demands. In addition, new development under the General Plan will not proceed without verification and determination that adequate water supply and adequate water supply infrastructure exists and does not contribute to service area shortfalls.

Wastewater Treatment

The Sacramento Regional Water Treatment Plant (SRWTP) currently has permitted capacity of 181 million gallons per day (mgd) for Average Dry Weather Flows (ADWF), and currently operates under this capacity. It is estimated that the district will have sufficient wastewater treatment capacity through the year 2048. The Sacramento Area Sewer District is currently undergoing an update of its System Capacity Plan. As of the 2010 System Capacity Plan, much of the residentially zoned areas of the city have planned sewer capacity of between 5.51 and 10 ESD (Equivalent Single-Family Dwelling) per acre. Some higher-density residential areas, community services-zoned parcels, and mixed-use residential areas are planned for 10.01 to 30.0 ESD per acre. Because not all developments utilize the maximum sewer capacity for which they are planned, upzoning a parcel or parcels beyond their currently planned capacity may not require infrastructure improvements to accommodate the increased sewer use.

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

The SRWTP is currently undergoing an upgrade process called the ECHOWater Project. The project will not add capacity to the SRWTP, but will allow the plant to comply with effluent requirements. The SRWTP also participates in Regional San's Harvest Water Project, which will provide recycled water to southern parts of the county for use in agricultural irrigation.

Environment

The City of Rancho Cordova incorporates various environmental qualities that require protection and therefore constrain residential development. The most notable environmental constraint is the presence of wetlands. There are no significant portions of the City located in the 100-year floodplain, but much of the newly developing area has significant wetlands. The City is relatively flat and does not incorporate any significant geologic features like hills or ridges.

NON-GOVERNMENTAL CONSTRAINTS

Land Cost

The cost of raw, developable land creates a direct impact on the cost for a new home and is considered a non-governmental constraint. A higher cost of land raises the price of a new home. Therefore, developers sometimes seek to obtain City approvals for the largest number of lots allowable on a parcel of land.

Table A-37 shows a sample of vacant land for sale and properties with development potential in both Rancho Cordova and surrounding communities as of July 2020. There were two parcels listed in the City of Rancho Cordova at the time that would permit residential uses. Both were within Commercial Mixed Use zones. The parcels were listed at \$199,900 and \$295,000 and were each less than half an acre. Depending on the size and location of the parcel, the sample vacant parcels in areas surrounding Rancho Cordova ranged from \$195,000 to \$600,000. On a per-unit basis, the parcels in Rancho Cordova were among the least expensive, at \$66,633 and \$42,143, owing to the high unit density permitted in the Commercial Mixed-Use zones.

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

TABLE A-37
VACANT LAND “FOR SALE”

Type	Lot Size (Acres)	Total Units ¹	Location	Price	Price per Unit
Mixed Use - CMU	0.18	3	Rancho Cordova (95670)	\$199,900	\$66,633
Mixed Use – CMU (FBSP)	0.42	7	Rancho Cordova (95670)	\$295,000	\$42,143
Residential – RD5	0.23	1	Citrus Heights (95621)	\$195,000	\$195,000
Residential – RD10	0.27	2	Citrus Heights (95610)	\$227,500	\$113,750
Residential – RD2	3.18	6	Citrus Heights (95610)	\$314,151	\$52,359
Residential – RD5	1.08	9	Fair Oaks (95628)	\$480,000	\$53,056
Residential – RD2	0.52	1	Fair Oaks (95628)	\$280,000	\$280,000
Residential - RD2	3.45	7	Orangevale (95662)	\$600,000	\$85,714
Agricultural-Residential - AR2	2.00	1	Orangevale (95662)	\$329,000	\$329,000

Source: Zillow.com, July 14, 2020

1. The maximum number of units allowed by the Zoning Code was used in calculating total units.

Construction and Labor Costs

Many factors affect the cost of building a house, including the type of construction, materials, site conditions, finishing details, amenities, and structural configuration. The cost of raw land is estimated to be \$54,388 per unit, based on the average of the two currently available parcels in the city. Once a vacant parcel is purchased, the contractor has to make certain site improvements to prepare for building on the property. Such improvements include connections to existing utility systems and rough grading, plus installation of water and sewer lines. The estimated costs for these types of improvements are \$40,000 per unit.

An internet source of construction cost data (www.building-cost.net), provided by the Craftsman Book Company, estimates the per-square-foot cost of a single-story home in the Rancho Cordova area to be approximately \$134.81 per square foot. This cost estimate is based on a 2,000-square-foot house of good-quality construction with a two-car garage and forced-air heating. The total construction costs are estimated at \$269,627, excluding land costs.

If labor or material costs increased substantially, the cost of construction in Rancho Cordova could rise to a level that impacts the price of new construction and rehabilitation. Therefore, increased construction costs have the potential to constrain new housing construction and the rehabilitation of existing housing.

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

Availability of Financing

The cost of borrowing money to finance the construction of housing or to purchase a house affects the amount of affordably priced housing in Rancho Cordova. Fluctuating interest rates can eliminate many potential homebuyers from the housing market or render a housing project infeasible that could have been developed at lower interest rates. When interest rates decline, sales increase. The reverse has been true when interest rates increase. Over the past decade, there has been a dramatic growth in alternative mortgage products, including graduated mortgages and variable or adjustable rate mortgages (ARMs). These types of loans allow homeowners to take advantage of lower initial interest rates and to qualify for larger home loans.

Nevertheless, the fixed interest rate mortgage remains the preferred type of loan, especially during periods of low, stable interest rates. Most governmental programs that seek to increase homeownership among low- and moderate-income households rely on loan products that provide fixed interest rates below prevailing market rates, either for the principal loan or for a second loan that provides part of the down payment for home purchase. Many programs offer deferred second loans to facilitate homeownership. **Table A-38** shows interest rates for 15- and 30-year fixed-rate conventional and jumbo loans in the Rancho Cordova area as well as 7-year adjustable rate mortgages. In Sacramento County, the limit for conventional loans is \$569,250, which may put mortgages for larger homes in the city into the higher-rate “jumbo” category. Interest rates change on a daily basis.

TABLE A-38
INTEREST RATES FOR 15- AND 30-YEAR LOANS

Loan Product	Conforming		Jumbo	
	Interest Rate	APR	Interest Rate	APR
30-Year Fixed Rate	3.000%	3.093%	3.250%	3.314%
15-Year Fixed Rate	2.500%	2.721%	3.000%	3.098%
7/1 ARM (30 Years)	2.625%	2.813%	2.625%	2.746%

Source: WellsFargo.com, as of July 16, 2020.

Notes: In Sacramento County, jumbo loans are defined as loans higher than \$569,250 (via <https://www.nerdwallet.com/blog/mortgages/jumbo-loan-limits/>).

Rates are subject to change on a daily basis.

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

OPPORTUNITIES FOR ENERGY CONSERVATION

Energy-related costs could directly impact the affordability of housing in Rancho Cordova. Title 24 of the California Administrative Code sets mandatory energy standards for new development and requires the adoption of an “energy budget.” The housing industry must meet these standards, and the City is responsible for enforcing the energy conservation regulations. Alternatives that are available to the housing industry to meet the energy standards include:

- A passive solar approach that requires suitable solar orientation, appropriate levels of thermal mass, south-facing windows, and moderate insulation levels.
- Higher levels of insulation than what was previously required, but not requiring thermal mass or window orientation requirements.
- Active solar water heating in exchange for less stringent insulation and/or glazing requirements.

The utility companies serving Rancho Cordova, including SMUD and PG&E, offer various programs to promote the efficient use of energy and assist lower-income customers.

The Sacramento Municipal Utility District (SMUD) provides electricity to the Sacramento metropolitan area. SMUD has a free shade tree program where homes with an eastern, western, or southern exposure that heats up during the day could receive free trees from SMUD. In addition, SMUD provides rebates and financing assistance for the replacement and installation of energy-efficient equipment and materials. Examples of the programs and rebates include the installation of central air conditioning, Energy Star sun-reflecting coating, duct improvements, insulation, and a solar water heater.

Pacific Gas and Electric Company (PG&E) provides natural gas to consumers in Rancho Cordova and provides a variety of energy conservation services for residents. In addition, PG&E offers energy assistance programs for lower-income households to help them conserve energy and control utility costs. These programs include the California Alternate Rates for Energy (CARE) and the Relief for Energy Assistance through Community Help (REACH). Energy efficiency rebates are also available for multi-family properties.

The CARE program provides a 15 percent monthly discount on gas and electric rates to households with qualified incomes, certain nonprofit organizations, homeless shelters, hospices, and other qualified nonprofit group living facilities.

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

The REACH program provides one-time energy assistance to customers who have no other way to pay their energy bill. The intent of REACH is to assist low-income households, particularly the elderly, disabled, sick, working poor, and the unemployed, who experience hardships and are unable to pay for their necessary energy needs.

In addition, the California Department of Health and Human Services funds the Home Energy Assistance Program (HEAP), which provides financial assistance to eligible low-income persons to offset the costs of heating and cooling their housing unit.

State law requires that “...the general plan and elements and parts thereof comprise an integrated, internally consistent, and compatible statement of policies....” The purpose of requiring internal consistency is to avoid policy conflict and provide a clear policy guide for the future maintenance, improvement, and development of housing within the City.

ASSESSMENT OF FAIR HOUSING

AB 686 requires that all housing elements due on or after January 1, 2021, must contain an Assessment of Fair Housing (AFH) consistent with the core elements of the analysis required by the federal Affirmatively Furthering Fair Housing (AFFH) Final Rule of July 16, 2015.

Under state law, AFFH means “taking meaningful actions, in addition to combatting discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics.”

The City has completed the following:

- Include a program that affirmatively furthers fair housing and promotes housing opportunities throughout the community for protected classes (applies to housing elements beginning January 1, 2019). (Action H.3.4.1)
- Conduct an assessment of fair housing, which includes summary of fair housing issues; an analysis of available federal, state, and local data; local knowledge; and an assessment of the contributing factors for the fair housing issues.
- Prepare the housing element land inventory and identification of sites through the lens of affirmatively furthering fair housing.

Summary of Fair Housing Issues

The California Government Code Section 8899.50 requires that all state and local agencies ensure that their laws, programs, and activities affirmatively further fair housing. As part of this requirement, the City of Rancho Cordova is required to include an Assessment of Fair Housing in this Housing Element and ensure that the identification of sites for future housing

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

is consistent with goals and programs to affirmatively further fair housing. In 2019, Sac Valley Fair Housing Collaborative published a draft of its Analysis of Impediments to Fair Housing Choice (A), a joint effort between the City of Rancho Cordova and other jurisdictions in the Sacramento Valley. The AI put forth actions that will guide the participating communities to overcome historic patterns of segregation, foster inclusive communities, and promote fair housing. It resulted in several goals and actions that the City is committed to pursuing. This AFH furthers the AI through a consistent process put forth by HCD.

Fair housing issues include concentration of low-income housing, disproportionate access to services, housing design that make it inaccessible to an individual with a disability, discriminatory actions when renting or selling a housing unit, addressing housing needs disproportionately across the City, etc. The City proactively addresses any potential issues that may arise through ongoing review of land use policies, permitting practices, and building codes to ensure compliance with state and federal fair housing laws. In addition, when considering development proposals, including Specific Plans or other policy documents, the City will endeavor to ensure that all persons have equal access to sound and affordable housing (Policy H.3.4).

The City's Housing Division refers discrimination complaints to Sacramento Self-Help Housing, HUD, California Department of Fair Employment and Housing, Legal Services of Northern California, and the California Department of Consumer Affairs, and other fair housing organizations and agencies. Additionally, the City will produce, market, and distribute information to residents in English and other languages on what fair housing laws are and provide information on assistance, advice, and enforcement activities that are available (Action H.3.4.1)

Opportunity Areas

California Government Code Section 65583(c)(10)(A) requires jurisdictions to identify sites to meet their RHNA that are consistent with their duty to affirmatively further fair housing and to create integrating and balanced patterns. In order to do this, the City reviewed their identified sites in the context of the 2020 TCAC/HCD Opportunity map, which indexes census tracts in the City by access to educational, environmental, and economic health factors and patterns of integration. There are five categorizations: High Segregation and Poverty, Low Resource, Moderate Resource, High Resource, and Highest Resource. In an area of high segregation and poverty, at least 30 percent of the population is below the federal poverty level, and patterns of racial segregation exist. For purposes of evaluating fair housing, resource levels refer to the geographic proximity and ease of access to resources such as low-cost transportation, jobs, and high-quality schools, with Low Resource areas having the most limited access.

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

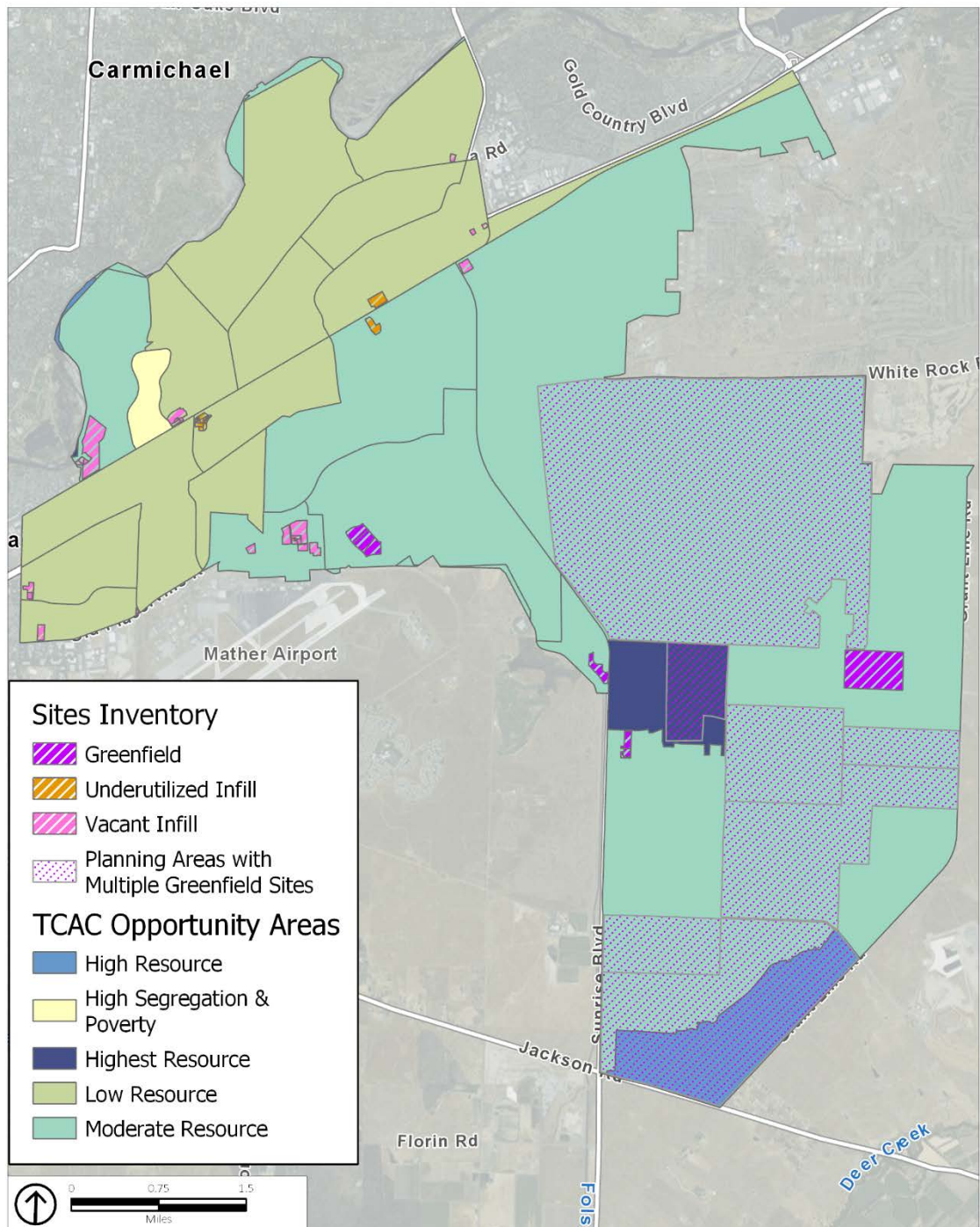
There are 21 census tracts within the City boundaries (Figure X). Of these, 1 is categorized as an area of High Segregation and Poverty, 12 are categorized as Low Resource areas, and the remaining 8 are categorized as Moderate, High, and Highest Resource areas. The area of segregation and poverty abuts Folsom Boulevard to the south and is located between La Loma Drive and W. La Loma Drive. The Low Resource areas exist both north and south of Folsom Boulevard. The area to the north is west of La Loma Drive and stretches north to the American River and east to the City boundary at Sunrise Boulevard, Highway 50, and Hazel Avenue. To the south of Folsom Boulevard, the Low Resource areas encompass the tracts between Bradshaw Road east to South White Rock Road and the area located between Mather Field Road to the west, Folsom Boulevard to the north, Highway 50 to the south, and Zinfandel Drive to the east. Most of the remainder of the City is made up of Moderate Resource areas, with the exception of one High and one Highest Resource tract in the southern reaches of the City.

As seen in **Figure A-3**, no vacant, underutilized, or greenfield sites have been identified in the High Segregation and Poverty area to meet RHNA. While 11 sites have been identified in the Low Resource Areas to meet the City's lower-income household regional housing needs, these are expected to yield just 474 of the anticipated 3,705 lower-income units for this planning period, or approximately 12.8 percent of lower-income units. Therefore, while there are sites for lower-income housing identified in Low Resource areas, the City is not overconcentrating this housing in areas with poor access to opportunity. Most of the lower-income housing is projected to be constructed in Moderate Resource areas through Specific Plan areas.

While the sites analysis through the lens of opportunity demonstrates that lower-income housing will be distributed across the City to affirmatively further fair housing, the City will continue to work to improve access to opportunity for all residents and address patterns of segregation throughout the City.

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

FIGURE A-3
TCAC OPPORTUNITY AREAS MAP AND SITES
INVENTORY



APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

Federal, State, and Local Data and Knowledge

HUD's Region IX Office of Fair Housing and Equal Opportunity (FHEO) tracks all fair housing cases that have been reported to their office or filed the California Department of Fair Employment and Housing as part of the Fair Housing Assistance Program (FHAP). Between these two agencies' records, the FHEO reported 17 housing discrimination cases filed by residents of the City of Rancho Cordova between January 1, 2013, and September 1, 2020. These cases included discriminatory refusal to rent, failure to make reasonable accommodations, discriminatory terms, and other discriminatory acts. The number of cases reported provides a snapshot of discrimination cases that exist because many go unreported or are referred to other agencies. Of the 17 cases filed, nearly two-thirds (11) were discrimination based on disability, with retaliatory actions being the second most common basis for a complaint (**Table 39**).

TABLE A-39
BASES FOR HOUSING DISCRIMINATION CASES IN
RANCHO CORDOVA

Basis	Number	Percent
Disability	11	64.7%
Familial Status	1	5.9%
Race	2	11.8%
National Origin	2	11.8%
Religion	0	0.0%
Retaliation	3	17.6%
Sex	1	5.9%
Color	0	0.0%
Total Cases	17*	100.0%

Source: HUD Region IX Office of Fair Housing and Equal Opportunity, 2020

**The number of alleged bases exceeds the total number of cases because some cases alleged multiple bases.*

In order to gather public input on fair housing issues, the City assisted with extensive community engagement that was conducted as part of the AI development process with residents and stakeholders across the Sacramento region. Engagement techniques included focus groups and subsequent in-depth interviews, “pop ups” at local events, and a resident survey. Resident focus groups targeted protected classes and groups who disproportionately experience housing discrimination, including African American and Hispanic residents, low-income families, residents with disabilities, and transgender residents. Stakeholder focus groups included those who work in housing, real estate, supportive services, education,

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

transportation, advocacy, and more. While this engagement process included residents and stakeholders from across the region, the findings represent Rancho Cordova as well.

The resident survey presented the top 12 housing challenges faced by residents and ask the level to which they agree with the statement. Respondents in Rancho Cordova were less likely than those in the region as a whole to agree with statements like “I worry about my rent going up to an amount I can’t afford,” and as likely to agree with statements such as “My home/apartment is in poor condition (such as mold or needs repairs).” Through demographic analysis and focus groups of low-income residents, the study was able to identify several needs and areas for potential improvement, including the following:

Homeownership. Homeownership rates between Black and White communities in the city had a gap of more than 30 percentage points, and the gap between White and Hispanic homeownership rates is greater than 20 percentage points.

Housing Opportunities for Disabled Residents. Disabled residents in Rancho Cordova were less likely to live alone (15 percent) than disabled residents of the region as a whole (21 percent). Additionally, labor force participation among Rancho Cordova residents with disabilities is among the lowest in the region; this may be related to the specific constraints of resident disabilities but may also speak to the distance between accessible housing and accessible job opportunities.

Multilingual Information. Approximately one in four residents was born outside the US. Fifteen percent of residents have limited English proficiency, which has increased over time as it has in the region as a whole.

Poverty and Ethnic Concentration. As with many jurisdictions in the region, Rancho Cordova experienced an increase in the number of people living in poverty between 2010 and 2016. However, compared to most other jurisdictions in the county of a similar size, the increase has been the same or smaller. As a percentage of the total population, the percentage of individuals in poverty increased by one percentage point (from 16 percent to 17 percent).

The City of Rancho Cordova has one census tract that is considered a Racially/Ethnically Concentrated Area of Poverty (R/ECAP), as defined by HUD. The tract is in the Cordova Meadows area surrounded by La Loma Dr, W La Loma Drive, and Folsom Blvd. A R/ECAP is any area with a non-white population of more than 50 percent and either a poverty rate of 40 percent or more or a poverty rate of more than three times the average poverty rate for the county. As of the 2014–2018 ACS, the population of this R/ECAP tract was estimated to be 2,445. A disproportionately high percentage of Black residents in Rancho Cordova live in this area, including a majority of project-based Section 8 housing and Housing Choice Voucher recipients. No public housing projects are located in the R/ECAP.

APPENDIX A – DRAFT HOUSING ELEMENT NEEDS ASSESSMENT

The labor market engagement gap between Asian residents in Rancho Cordova and White residents is approximately 1.5 times greater than that of African American, Hispanic, or Native American residents.

Building Maintenance and Code Enforcement. In a focus group, a low-income Rancho Cordova resident described receiving a 30-day eviction notice as a result of having an additional child. Residents in this focus group also expressed concerns about lack of code enforcement and delayed maintenance of their apartment building, and some had been evicted when their landlord received code enforcement violations.

Local Facilities and Infrastructure. Compared to the rest of the region, residents in Rancho Cordova are less likely to live in neighborhoods with proficient schools. Lower-income residents in particular expressed concerns about school options, because the primary way to address the lack of quality schools was to move to an unaffordable neighborhood. Lower-income neighborhoods were also identified as lacking safety features for students walking to school, such as streetlights and sidewalks.

Assessment of Contributing Factors to Fair Housing

The AI development process identified several barriers to fair housing in Rancho Cordova and throughout the Sacramento region, including the following:

- Limited affordable rental options, furthering limited economic opportunity;
- Insufficient number of accessible units for households with a disability;
- Strict rental policies such as income requirements;
- Disparities in access to lending based on race;
- Limited access to affordable transportation outside of the City of Sacramento grid.

Location, adequate infrastructure, housing supply, and fair leasing and sales practices are the greatest contributing factors to fair housing issues. Areas with limited access to jobs and education or with poor public infrastructure are most likely to experience fair housing issues. Given that these issues are present throughout Rancho Cordova, the City will work to further fair housing and address historic patterns of segregation and poverty through the goals, policies, and actions in this Housing Element.

Continue to Affirmatively Further Fair Housing

The City has included Action H.3.4.1 to affirmatively further fair housing in Rancho Cordova and to address significant disparities in housing needs and in access to opportunity for all groups protected by state and federal law.

APPENDIX B – REVIEW OF THE
2013-2021 HOUSING ELEMENT PROGRAMS

Action	Timeline	Implementation Status	Action
Action H.1.1.1 – The City will work with the Economic Development Department to inquire with larger employers in the community to determine salary information and employee preference regarding housing type.	Funding Source: General Fund Responsible Agency: Economic Development Department Time Frame: Inquire with employers once every two years	The City Economic Development Department receives California Employment Development Department (EDD) data with salary information in relation to industries.	Continue
Action H.1.2.1 – Residential development projects of 100 gross acres or more shall include a minimum of 5 percent of the total project residential developable acreage (net) for residential uses of 30 units per acre or higher. This minimum high density acreage requirement is calculated to satisfy projected RHNA to the City. Additionally, the City will require a minimum of 5 percent for residential uses of 10 units per acre or higher. Development projects with a requirement of less than 5 acres in either or both categories may opt to designate land off-site, if deemed appropriate for the project. If projects propose densities higher than the identified density, the required acreage shall be decreased accordingly. For example, if a project is required to provide 15 acres at 30 units per acre, that project could alternatively provide 11.25 acres at 40 units per acre. Similarly, if the project’s requirement for land with density of 10 units per acre was 6 acres, the project could alternatively provide 4 acres at 15 units per acre. For the purpose of satisfying the 5 percent for land uses at or above 30 units per acre, sites must meet the following requirements: • Sites must be zoned exclusively residential. • Acres used to satisfy RHNA requirements will be required to maintain set minimum densities. • Sites must be of sufficient size to accommodate a minimum of 16 units per site. • Sites must be proximate to public transportation routes which provide ready access to fixed rail.	Funding Source: General Fund, Local Housing Trust Fund Responsible Agency: Planning Department, Housing Division Time Frame: Ongoing, as residential applications are received.	The City has met the high-density set-asides in all of the new Development Entitlements that have been recently approved or are currently under review. As part of the development review process, all new housing projects are reviewed for their compliance to these housing standards. The Ranch Project, which was approved in 2019, includes an Affordable Housing Plan. The project includes a land dedication of 7.14 acres that will be dedicated to the City. This land will be developed at a minimum of 26 units per acre.	Continue
Action H.1.3.1 – The City’s Zoning Code accommodates and facilitates the development of executive housing options in Specific Plans and large subdivisions (500+ units) in the Rural Residential (RR) and the Estate Residential (ER) zones.	Funding Source: General Fund Responsible Agency: Planning Department Time Frame: Ongoing, as projects are possessed though the Planning Department.	The Suncreek and Rio Del Oro Specific Plans were approved in 2013 and 2016, respectively. These plans include a variety of housing types and densities, ranging from 6.1 dwelling units per acre (d.u./acre) to 40 d.u./acre. As addressed in the 2013–2021 Housing Element land use and sites inventory, the City’s current zoning standards, accompanied with vacant land, has the capacity to meet the City’s fair share of the housing needs within the current planning cycle.	Continue
Action H.1.4.1 – As part of an ongoing effort to promote transit oriented development the City will coordinate with regional partners to incentivize the production of housing for persons living and working in same community. • SACOG – The City will continue to work with SACOG to identify and apply for grant opportunities aimed at planning and promoting TOD development along the Regional Transit Light Rail lines. • Regional Transit – The City will continue to cooperate with Regional Transit in identifying transit needs in the community and working to provide viable solutions. These may include negotiating new bus routes, partnering to provide special or commuter routes, creating and maintaining a discount RT pass program for low-and very low-income residents living in the City’s affordable housing, and leveraging new infill development projects around existing mass transit infrastructure (Transit Oriented Development). • Local and Regional Complete Streets Advocate groups – The City will continue to work with local	Funding Source: General Fund Responsible Agency: Public Works, Housing Division, Planning, and Economic Development departments Time Frame: The City will coordinate efforts to apply for funding for transit-oriented developments as Notices of Funding Available (NOFAs) are released and will create project requirements and incentives to encourage reduced auto use in transit nodes.	The City is maintaining a commitment to TOD high-density residential in review of all projects to be located adjacent to Regional Transit access points. The Crossings, an affordable multifamily project near Zinfandel Regional Transit Authority (RTA) light rail station, was approved and is currently occupied. In addition, the City purchased a 10-acre TOD property in 2018 and has plans to look at providing housing and community uses at this site. In addition, all new master plans and specific plans currently under review contain a variety of multimodal transportation options that focus on	Continue

APPENDIX B – REVIEW OF THE
2013-2021 HOUSING ELEMENT PROGRAMS

Action	Timeline	Implementation Status	Action
and regional Complete Streets Advocate groups to improve transportations options in the City, including bicycle lanes, improved pedestrian access, and better connectivity between existing alternative transportation options and local mass transit (such as dedicated pedestrian pathways), particularly in development projects located immediately adjacent to transit services.		linkages (i.e., bike to bus, bus to light rail) to improve connectivity and usage of existing transit systems.	
Action H.1.5.1 – The City has established the following guidelines to provide direction for the review of Affordable Housing Plans associated with individual development projects and to provide direction for the preparation of an Affordable Housing Ordinance if one is to be developed. • The Affordable Housing Plan shall be approved in conjunction with the earliest stage of project entitlement, typically with the City Council approval of the Specific Plan, Development Agreement, or other primary land use entitlement. • The Affordable Housing Plan shall specify and include the following: ○ A projection of the number of dwelling units that will be developed as affordable to extremely low-, very low-, low , moderate-, and above moderate-income households. ○ The number of affordable ownership and rental units to be produced. Such split shall be approved by the City Council based on housing needs, market conditions, and other relevant factors. The split of ownership and rental units shall be addressed within the Plan of each individual project. ○ Program options within project-specific Affordable Housing Plans may include but are not limited to the following: ▪ Actual production (on-site or off-site) of affordable units (including ownership and rental opportunities in the form of corner units, halfplexes, duplexes, cottages, creative alternative housing products, etc.). ▪ Land dedication (on-site and off-site). ▪ Rehabilitation of existing residential structures located within existing City neighborhoods. ▪ Payment of in-lieu fees. • The timing for completion of affordable housing obligations includes the following considerations: ○ For projects proposing to construct affordable housing units or to renovate existing dwellings, the City generally supports construction/renovation of affordable dwellings concurrent with the construction of market-rate housing when feasible. ○ For projects providing alternative contributions (land dedication, funds, etc.), timing of such contributions shall be identified in the project specific Affordable Housing Plan, with the expectation that the City will pursue construction of affordable units generally concurrent with construction of project market-rate housing. • At the City Council’s discretion, land or other contributions provided by developers as specified within project-specific Affordable Housing Plans may be utilized to augment City efforts and the efforts of its nonprofit partners to provide affordable housing opportunities to all income levels throughout the community. The City will pursue supplemental funding to allow affordability to households earning less than 50 percent of area median income. • In order to ensure the production and preservation of housing affordable to the City’s workforce, no productive, reasonable program or incentive option will be excluded from consideration within project-specific Affordable Housing Plans. Possible incentives may include, but are not limited to: ○ Density bonuses ○ Fee waivers or deferrals (as reasonably available) ○ Expedited processing/priority processing ○ Reduced parking standards ○ Technical assistance with accessing funding ○ Modifications to development standards (on a case-by-case basis) ○ Other incentives	Funding Source: General Fund Responsible Agency: Housing Division, Planning, and Economic Development Departments Time Frame: The Affordable Housing Plan obligations will be implemented as projects are received by the Planning Department.	The City has negotiated Affordable Housing Plans (AHPs) with the developers of the Suncreek Specific Planning Area, Rio del Oro, and The Ranch Special Planning Area, as per Housing Element standards. Future Specific Plans will also include AHPs. The total of these for areas with AHPs is 4,777 units at build out.	Continue

APPENDIX B – REVIEW OF THE
2013-2021 HOUSING ELEMENT PROGRAMS

Action	Timeline	Implementation Status	Action
Action H.1.5.2 – The City will annually monitor and revise as necessary, the Affordable Housing Plan negotiation and development process to ensure that the planning process does not pose a constraint on the development of housing.	Funding Source: General Fund Responsible Agency: Housing Division Time Frame: Annually monitor the Affordable Housing Plan.	Staff has monitored the current processes and applications annually and has not identified any constraints to the development of housing.	Continue
Action H.1.5.3 – Together with the developer and nonprofit partners, the City will use maximum efforts to seek available resources to support the construction of affordable housing production, including but not limited to state and federal housing programs and the City programs such as the City’s non-residential linkage fee (Local Housing Trust Fund).	Funding Source: State and federal housing programs and the City programs such as the City’s non-residential linkage fee (Local Housing Trust Fund) Responsible Agency: Housing Division, Planning, and Economic Development Departments Time Frame: Apply for funding as available.	During the planning period, the City partnered with three non-profit developers and one for-profit housing developer. Two permanent supportive housing developments were completed. Additionally, the City's developer partnerships worked on one transitional housing development and one affordable family housing development. These projects included 100 permanent supportive housing units, up to 60 transitional beds, and 17 affordable family units.	Modify
Action H.2.1.1 – The City shall continue to apply for federal and state funds to fund the City’s housing rehabilitation program to assist in the improvement of owner- and renter-occupied housing units in the City.	Funding Source: Community Development Block Grant (CDBG), or other funds (as funding becomes available to the City) Responsible Agency: Housing Division, Neighborhood Services Division and Economic Development Department Time Frame: Apply for funding as Notices of Funding Available (NOFAs) are released.	During the previous Housing Element period, the City made a total of 12 loans through its CalHOME-funded home rehabilitation program. These loans provided funds to low-income homeowners in need of health and safety repairs. The City will look into applying for additional CalHOME funding in future funding cycles. About 30 single-family homes are rehabilitated each year. In addition, the City has strongly encouraged rental housing owners and managers to re-invest and upgrade rental housing stock through the Rental Housing Inspection Program.	Continue
Action H.2.1.2 – Continue the use of the City’s Emergency Repair Program to provide health and safety repairs for households falling in the extremely low-, very low-, and low-income ranges. This is a grant for mobile homeowners and single family homeowners to address immediate health and safety problems.	Funding Source: Community Development Block Grant (CDBG), or other funds (as funding becomes available to the City) Responsible Agency: Housing Division, Neighborhood Services Division and Economic Development Department Time Frame: The City will provide loans as funding becomes available each year.	The Emergency Repair Program, funded in part by the City’s CDBG allocation, funded 42 home repairs during the previous Housing Element period. These grants funded roof repairs and other emergency health and safety repairs for extremely low-, very low-, and low-income owners of single-family and mobile homes.	Modify

APPENDIX B – REVIEW OF THE
2013-2021 HOUSING ELEMENT PROGRAMS

Action	Timeline	Implementation Status	Action
Action H.2.1.3 – Support churches and service clubs who organize semi-annual community improvement days by providing information about the event at City Hall and on the City’s website. Continue to make information available to the community about other revitalization programs including but not limited to Blight Busters, the Neighborhood Improvement Program, SMUD, and the Sacramento Tree Foundation.	Funding Source: Community Development Block Grant (CDBG), or other funds (as funding becomes available to the City) Responsible Agency: Housing Division, Neighborhood Services Division and Economic Development Department Time Frame: Ongoing, as community improvement days occur and new programs become available.	The City’s Volunteer Program worked with local businesses and residents to provide residential improvement and revitalization programs to impacted neighborhoods. The City’s Volunteer Program organized residential improvement and revitalization, such as Re-build Day, Blight Busters, and other clean-up and beautification projects. These projects engaged volunteers from local businesses, residents, and church organizations.	Modify
Action H.2.1.4 – Continue to identify the most troubled multi-family projects (in terms of law enforcement, code enforcement, and blight conditions) and aggressively pursue the transformation or conversion of such properties into uses that move the community into a more balanced housing market and that will not result in the loss of existing affordable housing units subsidized with federal, state, or local funds.	Funding Source: HOME Program and CDBG Program Responsible Agency: Housing Division and Neighborhood Services Division Time Frame: Ongoing.	Throughout the previous Housing Element period, the City’s Rental Housing Inspection program has continued to strongly encourage rental housing property owners and managers to make necessary health and safety improvements, focusing on properties with the highest calls for service. The City has also been formulating ordinances that would include services of a community prosecutor and other fee-based site review to continue to bolster that encouragement.	Continue.
Action H.2.1.5 – Continue to implement the Crime Prevention Through Environmental Design (CPTED) standards through the design review process.	Funding Source: General Fund Responsible Agency: Planning and Building Departments Time Frame: Implemented as part of the project processing and review of individual development applications.	The Planning Department has continuously used CPTED standards as part of the design review process for new entitlements and has applied these safety design standards to numerous use permits and design review applications at both staff-level review and projects that went before the City Council for approval. Additionally, the City continues to consult with the City’s police department for further CPTED and other safety standards.	Continue
Action H.2.2.1 – Continue to identify and implement opportunities on Folsom Boulevard for revitalization that will improve the Folsom Boulevard corridor, especially targeting the following: Underutilized, blighted, and/or vacant shopping centers on Folsom Boulevard to increase mixed use and reuse in that corridor.	Funding Source: General Fund Responsible Agency: Housing Division, Neighborhood Services Division, and Economic Development Department Time Frame: Mixed-use and revitalization opportunities are currently being developed through the Folsom Boulevard Specific Plan.	The City has continuously worked with both property owners and developers along Folsom Blvd. to identify development opportunities. The City has encouraged private owners to make frontage and landscape improvements along the boulevard. In 2013, the City partnered with Portland State University to develop an infill program to encourage use of underused sites in this corridor. Additionally, one multifamily affordable housing project was approved on Folsom Blvd.	Continue

APPENDIX B – REVIEW OF THE
2013-2021 HOUSING ELEMENT PROGRAMS

Action	Timeline	Implementation Status	Action
Action H.2.3.1 – Continue implementing the Housing Stock Conservation Fee which is an annual fee collected on business licenses for multi-family properties. This program supports general code enforcement aimed at ensuring code compliance and general housing habitability. Additional code enforcement activities include targeted inspections by the Neighborhood Services Division to enforce higher standards for building maintenance, parking requirements, and landscaping.	Funding Source: CDBG Funds, General Fund Responsible Agency: Housing Division and Neighborhood Services Division Time Frame: Annually	The City is continuing to collect the Housing Stock Conservation Fee on business licenses.	Continue
Action H.2.4.1 – The City will continue to undertake the following programs and activities during the planning period of the Housing Element. The Housing Division and Neighborhood Services Division will implement these efforts. The efforts listed below represent a varied strategy to mitigate potential loss of “at-risk” units due to conversion to market-rate units. These local efforts utilize existing City and local resources. They include efforts to secure additional resources from the public and private sector should they become available. • Monitor owners of at-risk projects on an ongoing annual basis, in coordination with other public and private entities to determine their interest in selling, prepaying, terminating, or continuing participation in a subsidy program. • Maintain and annually update the inventory of “at-risk” projects through the use of existing databases (e.g., California Housing Partnership Corporation (CHPC), HUD, State HCD, and California Tax Credit Allocation Committee). • Take all necessary steps to ensure that a project remains in or is transferred to an organization capable of maintaining affordability restrictions for the life of the project, including proactively ensuring notices to qualified entities, coordinating an action plan with qualified entities upon notice, and assisting with financial resources or supporting funding applications. • Ensure projects are monitored to see if they are subject to other State or local requirements regarding the provision of assistance to displaced tenants. • Annually monitor local investment in projects that have been acquired by non-profit or for-profit entities to ensure that properties are well managed and maintained and are being operated in accordance with the City’s property rehabilitation standards. • Work with owners, tenants, and nonprofit organizations to assist in the nonprofit acquisition of at-risk projects to ensure long-term affordability of the development. Annually contact property owners, gauge interest, and identify nonprofit partners and pursue funding and preservation strategy on a project basis. • Annually meet with stakeholders and housing interests to participate and support, through letters and meetings and technical assistance, local legislators in federal, state, or local initiatives that address affordable housing preservation (e.g., support state or national legislation that addresses at-risk projects, support full funding of programs that provide resources for preservation activities). • Use available financial resources to restructure federally assisted preservation projects, where feasible, in order to preserve and/or extend affordability. • Annually identify funding sources for at-risk preservation and acquisition rehabilitation and pursue these funding sources at the federal, state, or local levels to preserve at-risk units on a project-by-project basis.	Funding: Local Housing Trust Fund, CDBG Responsible Agency: Housing Division and Neighborhood Services Division Time Frame: Annually	The City has developed an affordable housing monitoring plan, and since 2018 has provided monitoring to City-funded affordable housing programs. The City continues to update its information regarding at-risk and other affordable housing units. The City continues to meet with nonprofit developers and other stakeholders and look for funding to maintain existing and at-risk affordable units and develop new affordable housing.	Modify

APPENDIX B – REVIEW OF THE
2013-2021 HOUSING ELEMENT PROGRAMS

Action	Timeline	Implementation Status	Action
Action H.2.4.2 – Work with interested individuals, nonprofit housing corporations, and for-profit developers to acquire rental housing projects in need of rehabilitation, and transfer ownership, when necessary, to maintain the affordability of the units to low-income households.	Funding Source: General Fund, Local Housing Trust Fund and other subsidies as available Responsible Agency: Housing Division Time Frame: Ongoing	Throughout the Housing Element period, the City has continuously worked with both for-profit and non-profit developers to identify potential rehabilitation projects.	Continue
Action H.3.1.1 – Continue to review other local jurisdictions’ programs that spread a range of housing types throughout the jurisdiction.	Funding Source: General Fund Responsible Agency: Housing Division Time Frame: Ongoing	The City has encouraged best practices by maintaining ongoing contact with other jurisdictions’ housing programs and creating a matrix of information about other jurisdictions’ programs.	Continue
Action H.3.1.2 - The City has identified sites B-1, B-2, L-1, L-2, and L-3, in the Land Inventory (see Tables A-18, A-19, and A-20 in the Appendix) as appropriate to meet a portion of the City’s RHNA. These sites are mixed use sites and require a Conditional Use Permit to allow for residential development. The CUP requirement ensures that the commercial uses are compatible with residential development. The sites already meet the location and environmental requirements of the CUP and therefore applications on these sites will be expedited. The City will monitor the development of these sites and upon consultation with developers should the CUP process pose a constraint to the development of Housing, the City will either change the CUP requirement to a Limited Use permit or find alternative sites.	Funding Source: General Fund Responsible Agency: Planning Department Time Frame: Annually monitor the CUP process to ensure it doesn’t pose a constraint to any of the sites listed above.	These sites are located throughout the City, including Villages of Zinfandel and the Mather Special Plan Area. Discussion with applicants is ongoing and occurs when applicants approach the City. The Limited-Use Permit was eliminated from the entitlement process in June 2017. The City will update the codes to comply with the 2019 state laws.	Modify
Action H.3.2.1 – Research feasibility of converting existing multi-family rental housing to senior housing facilities, such as a congregate care or assisted living facility.	Funding Source: General Fund Responsible Agency: Planning Department, Housing Division, Building Department, and Sacramento Metro Fire District Time Frame: Evaluate the feasibility of converting units as sites are identified and funding becomes available.	The City did not have an opportunity to identify a conversion facility during this period. However, a new retirement congregate care facility was approved in 2019 and The Ranch Special Planning Area includes an active adult neighborhood.	Continue
Action H.3.3.1 – Provide accessibility in housing for persons with physical and developmental disabilities by implementing state and federal requirements by undertaking the following actions: Review regulations and procedures for City-funded or City-operated housing programs to ensure that housing needs for persons with physical and developmental disabilities are addressed. The City will continue to encourage and support housing for persons with physical and developmental disabilities, which will include assessing the need for elevator access, continued review of zoning standards, and implementation of the City’s reasonable accommodation program.	Funding Source: General Fund Responsible Agency: Planning Department, Building Department, and Housing Division Time Frame: Ongoing. Provide accessibility in housing for persons with disabilities as projects are processed through the Planning Department.	The City has sponsored two supportive housing projects that are targeting groups that have a high percentage disabled population: seniors and homeless veterans. Phase 3 of Mather's Veteran Village, which provides transitional and permanent supportive housing, is complete, and Phase 2 is expected to open in the near future.	Modify

APPENDIX B – REVIEW OF THE
2013-2021 HOUSING ELEMENT PROGRAMS

Action	Timeline	Implementation Status	Action
Action H.3.3.2 – Provide incentives for the development of single-room occupancy (SRO) and supportive housing units for identified special needs groups. Incentives may include fee deferrals, reduced parking requirements, density bonus, priority permit processing, technical assistance in project processing, and accessing funding for the special needs. SROs are allowed with a conditional use permit in the RD-20, RD-25, RD-30, and high density residential (HDR) zones. To ensure development standards do not constrain the development of SROs, the City will evaluate adopting development standards which may include: • 24-hour on-site management • Room limitation to single occupancy, with allowance for overnight guests • Requirements for monthly tenancies • Units must be 250–300 square feet in size and include kitchen or bathroom • Parking ratio of one space per unit or less, and bicycle rack storage of one rack per 5 units The Planning Department and Housing Division will review development standards to see if they act as a constraint as SRO applications are submitted.	Funding Source: General Fund, Local Housing Trust Fund, CDBG Responsible Agency: Housing Division and Planning Department Time Frame: Implemented as part of project processing and review of individual development applications	The City did not receive any SRO applications or inquiries during this period. However, a student housing application was received in 2019 for a medical school.	Continue
Action H.3.3.3 – Participate in regional coordination for homeless services and facilities. The City will continue to support existing facilities and programs (including financial support when appropriate and necessary) and permit homeless facilities in the Office/Industrial/Mixed Use (OIMU) and the Light Industrial Business Park (LIBP) zones. The City will permit and continue to allow transitional and supportive housing in all residential zones subject to the same restrictions that apply to other residential uses of the same type in the same zone. The City will establish managerial standards for homeless facilities that will include the following: maximum number of beds; • Off-street parking based upon demonstrated need; • Size and location of on-site waiting and intake areas; • Provision of on-site management; • Proximity to other shelters; • Length of stay; • Lighting; and • Security during hours when the shelter is open	Funding Source: General Fund, State Emergency Shelter Program, HUD, other specialized funding Responsible Agency: Housing Division Time Frame: Participate in regional coordination on an annual basis. Develop managerial standards for homeless facilities within one year of adoption of the Housing Element.	The City participates in the Continuum of Care through Sacramento County. Transitional housing facilities receive special consideration during the entitlement process, including parking reductions and density bonuses. All transitional facilities are required to have a management plan. The City is the physical location of the Mather Community Campus. Sacramento County and Volunteers of America operate four separate programs at this location, including a transitional housing program, a veteran’s transitional housing program, and a transitional age youth housing and services center.	Modify
Action H.3.4.1 – The City will continue implementation of its Fair Housing Plan that works to affirmatively further fair housing. The Plan is part of a new fair housing effort that the City began in fiscal year 2012-2013, and includes: • Production, marketing, and distribution of fair housing materials, and marketing in non-English languages • Fair housing case intake, and routing of fair housing complaints through the City’s Fair Housing Representative • Routing of potential fair housing cases to the appropriate entities, including Sacramento Self-Help Housing, HUD, California Department of Fair Employment and Housing, Legal Services of Northern California, and the California Department of Consumer Affairs, etc. • Strategic implementation of activities and programs intended to address the impediments to fair housing identified in the City’s Analysis of Impediments to Fair Housing (AI) completed in 2010.	Funding Source: General Fund, CDBG funds Responsible Agency: Housing Division Time Frame: Ongoing	The City has taken a regional approach by partnering with neighboring jurisdictions and organizations, such as Project Sentinel, Sacramento Self-help Housing, the Sacramento Housing and Redevelopment Agency, and the Rental Housing Association. Through these partnerships, the City has been able to attain scale and leverage funding for robust Fair Housing enforcement.	Modify

APPENDIX B – REVIEW OF THE
2013-2021 HOUSING ELEMENT PROGRAMS

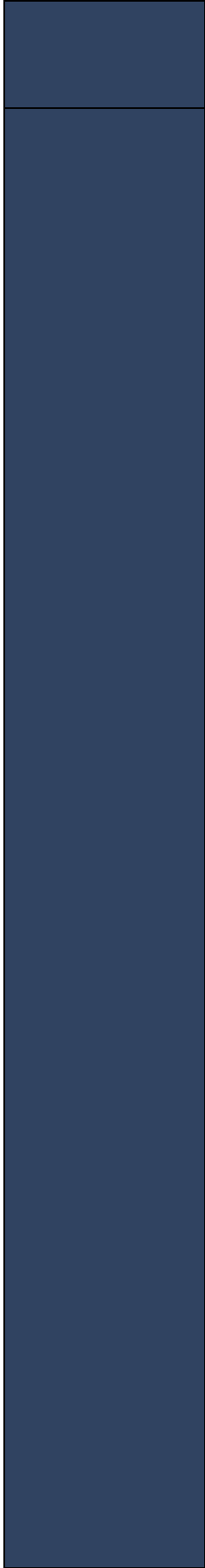
Action	Timeline	Implementation Status	Action
Action H.3.4.2 – Per Chapter 1.1.0 of the Zoning Code (Entitlements), the City will allow requests for reasonable accommodation in regard to relief from the various land use or zoning rules, policies, practices, and/or procedures that may be necessary to ensure equal access to housing designed for, intended for occupancy by, or with supportive services for individuals with disabilities as required in the Zoning Code.	Funding Source: General Fund Responsible Agency: Planning Department Time Frame: Ongoing	The City has continuously worked to accommodate individuals that require reasonable accommodations consistent with the provision of the zoning code. During the previous Housing Element period, there were no formal reasonable application submittals.	Combine with Action H3.3.1
Action H.4.1.1 – Partner with SMUD and PG&E to develop model programs for energy efficiency in new development without increasing costs to the homebuyer, and post and distribute information on currently available weatherization and energy conservation programs to residents and property owners as well as encourage participation in SMUD’s photovoltaic (solar), energy efficiency, peak reduction, and other comparable programs. The City will distribute information through the City’s newsletter, annual mailings in City utility billings, distribution of program information to community organizations and at municipal offices, and postings on the City’s website. To best capture the ethnic diversity of the community, information will be available in the four major languages used in the community and other languages on demand.	Funding Source: General Fund Responsible Agency: Planning and Building Departments Time Frame: Ongoing	The Planning Department and Building Department have continuously coordinated efforts to encourage energy efficiency in design. In 2018, the City and Mercy Housing successfully implemented Sacramento Municipal Utility District’s (SMUD’s) virtual net-metering program on Mather Veterans Village Phase 1 and has planned to extend the program to Phases 2 and 3. The City has also partnered with Grid Alternatives.	Continue
Action H.5.1.1 – Consider creating a local housing foundation/trust that may be funded by for profit and non-profit partners as well as major employers as well as funding from potential in-lieu fees and land grants from new developments.	Funding Source: General Fund Responsible Agency: Economic Development Department Time Frame: Determine viability of creating a local housing trust fund by end of fiscal year 2014.	In 2019, the City established a trust that is funded through the Housing Trust Development Impact Fees. The Affordable Housing Plans include an in-lieu fee for each market rate housing unit, land dedication, and land purchase options.	Modify
Action H.5.2.1 – Pursue available and appropriate state and federal funding sources to support efforts to meet new construction needs of extremely low-, very low-, low-, and moderate-income households. Appropriate sources of funding will be determined on a case-by-case basis. (See Program Timeframe and Potential Funding below.) The City will collaborate with nonprofit organizations and agencies such as Northern California Construction Training, Community Housing Opportunity Corporation. Potential funding sources for this program will include the CDBG, HOME, CalHome, and BEGIN programs, the state Multi-Family Housing Program, California Housing Finance Agency programs (such as HELP), tax exempt bond financing, low-income housing tax credits, the Federal Home Loan Bank Affordable Housing Program, and various other HUD programs for special needs groups.	Funding Source: Economic Development Initiations Grant (EDI) CDBG, HOME, CalHome, BEGIN, Multi-Family Housing program, California Housing Finance Agency, HELP Program, HUD Program Section 221(d), Section 202 (elderly), Section 811 (persons with disabilities), Federal Home Loan Bank, Tax Exempt Bonds, Low-Income Housing Tax Credits (state and federal), and Housing Tax Increment Funds, Workforce Housing Reward Program Funds Responsible Agency: Housing Division Time Frame: Ongoing. The City will apply for all of the above loans and grants as Notices of Funding Available (NOFAs) are released from HCD.	The City has continuously submitted applications for grants and other affordable housing funding, including: • HOME • CalHOME • UrbanLift • Infill grant • Affordable Housing Sustainable Communities • Tax Credits	Modify

APPENDIX B – REVIEW OF THE
2013-2021 HOUSING ELEMENT PROGRAMS

Action	Timeline	Implementation Status	Action
Action H.5.2.2 – Work with financial institutions serving Rancho Cordova to solicit interest in providing financing for extremely low-, very low-, low-, and moderate-income housing as part of their responsibilities under the Federal Community Reinvestment Act (CRA). The City will seek specific lending commitments to be used in conjunction with state and federal funds. The City will work with interested lending institutions. and developers to use existing CRA-funded programs through the Federal Home Loan Bank Board and the Federal Reserve Bank Board.	Funding Source: CDBG, HOME and other funds (as funding becomes available to the City) Responsible Agency: Housing Division Time Frame: Meet with financial institutions serving Rancho Cordova regularly to determine what funding is available for lower-income households.	The City has continuously explored opportunities to work with financial institutions to encourage CRA investment. A number of banks already operate in the City, providing very low-cost down payment programs, and providing mortgages to low- and moderate-income households.	Continue
Action H.5.3.1 – To promote the development of affordable housing, the City will market available incentives by advertising on the City’s website, publishing brochures and making referrals. The incentives for developers may include: - Financial assistance (based on availability of housing funds) - Expedited development review - Streamlined processing - Density bonuses Given equal quality of design, priority will be given to projects containing units affordable to extremely low and very low-income households.	Funding Source: General Fund Responsible Agency: Housing Division and Planning Department Time Frame: Offer incentives as projects are processed through the Planning Department.	The City has continuously worked to encourage development of affordable housing projects as funds and resources become available.	Continue
Action H.5.4.1 – The City will continue to explore the option of updating the existing Housing Trust Development Impact Fee (fee for non-residential development that funds the Local Housing Trust Fund) to better address the needs and desires of City. The update to the fee program shall include the following: - An updated nexus study addressing the extremely low-, very low- and low-income housing needs generated by non-residential development, including the cost to provide a variety of lower-income housing types; - A fee structure based on defined types of non-residential development that are consistent with uses identified in the Zoning Code; - A fee component to cover administrative costs; - An annual inflationary adjustment; - Exempt uses; and - Allowed uses of the fee, including its use to provide pre-development, construction, and permanent financing for affordable multi-family projects and provide a homebuyer assistance program.	Funding Source: General Fund Responsible Agency: Housing Division Time Frame: Determine the viability of updating the Housing Trust Development Impact Fee by end of fiscal year 2016. Annually review fee to determine if additional updates are necessary to reflect changes in real estate market.	The City assessed the opportunity to update the Housing Trust Development Impact Fee but did not update the fee. It was determined that the current impact fee meets the desires of the City.	Remove.

APPENDIX B – REVIEW OF THE
2013-2021 HOUSING ELEMENT PROGRAMS

This page intentionally left blank





Rancho Cordova

Housing Element Update

**City Council Meeting
November 16, 2020**



Agenda

- » **Housing Element Overview**
- » **Regional Housing Needs Assessment and Sites Inventory**
- » **Public Input Received**
- » **New, Modified, and Continued Programs**
- » **Housing Element Schedule**
- » **Discussion**

Housing Element



Housing Element Overview

- » Adoption Deadline: May 15, 2021
- » Required Element of the General Plan
- » State-mandated update schedule
(Cal Gov't Code § 65588)
- » Review and certified by State (HCD) for compliance with State law
- » Plan to meet existing and projected housing needs of all economic segments of the community
- » Plan for accommodating a jurisdiction's fair share of the regional housing need.



Draft Housing Element

- » Review of Previous Housing Element
 - » Report on implementation of programs from the 2014-2021 Housing Element
- » Updates to Goals, Policies, and Programs
- » Public Participation
 - Consultations and workshop



Draft Housing Element

» Housing Needs Assessment

» Existing Housing Needs

» Special Housing Needs Group

» Housing Resources and Constraints

- Future Housing Need
- Land Inventory
- Governmental and Non-Governmental Constraints



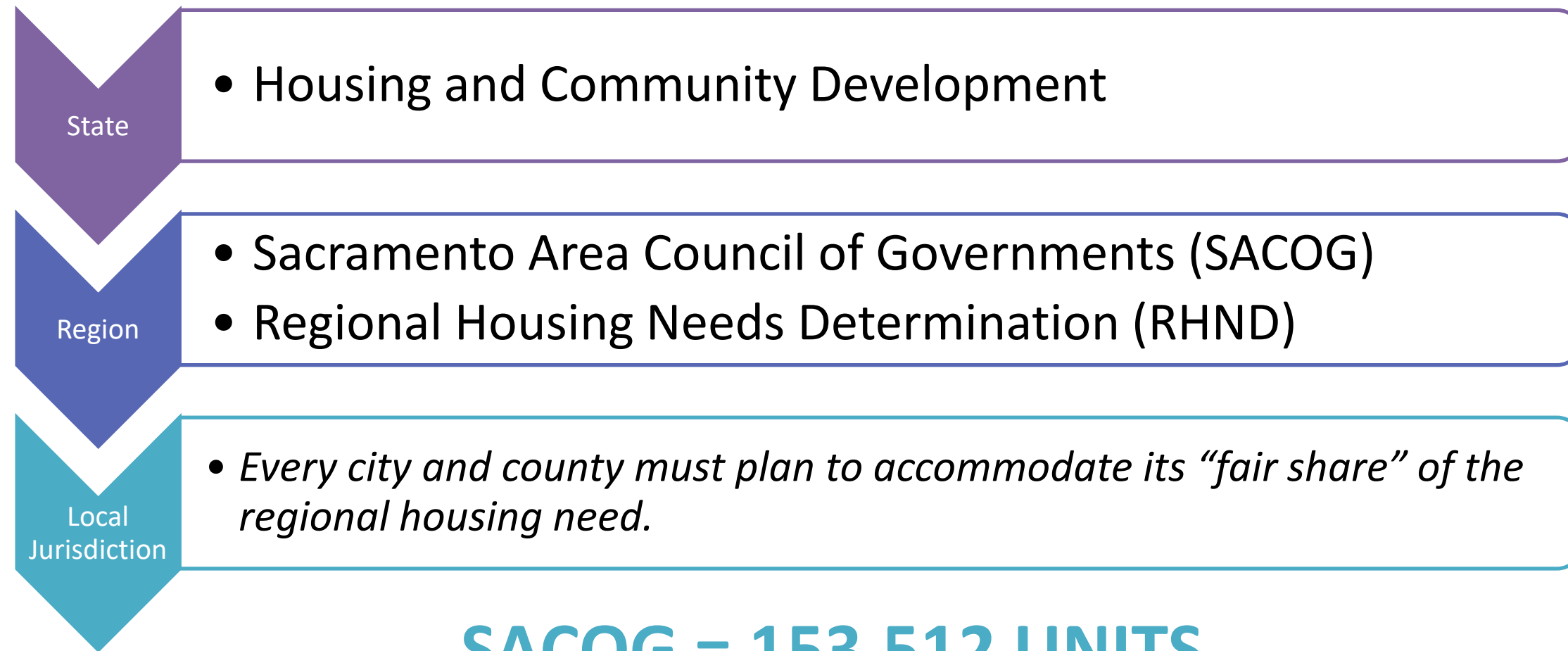
Regional Housing Needs Assessment



ITEM 15.1.

Regional Housing Needs **ALLOCATION** (RHNA)

ATTACHMENT 2



SACOG = 153,512 UNITS

Sacramento County 93,196 UNITS

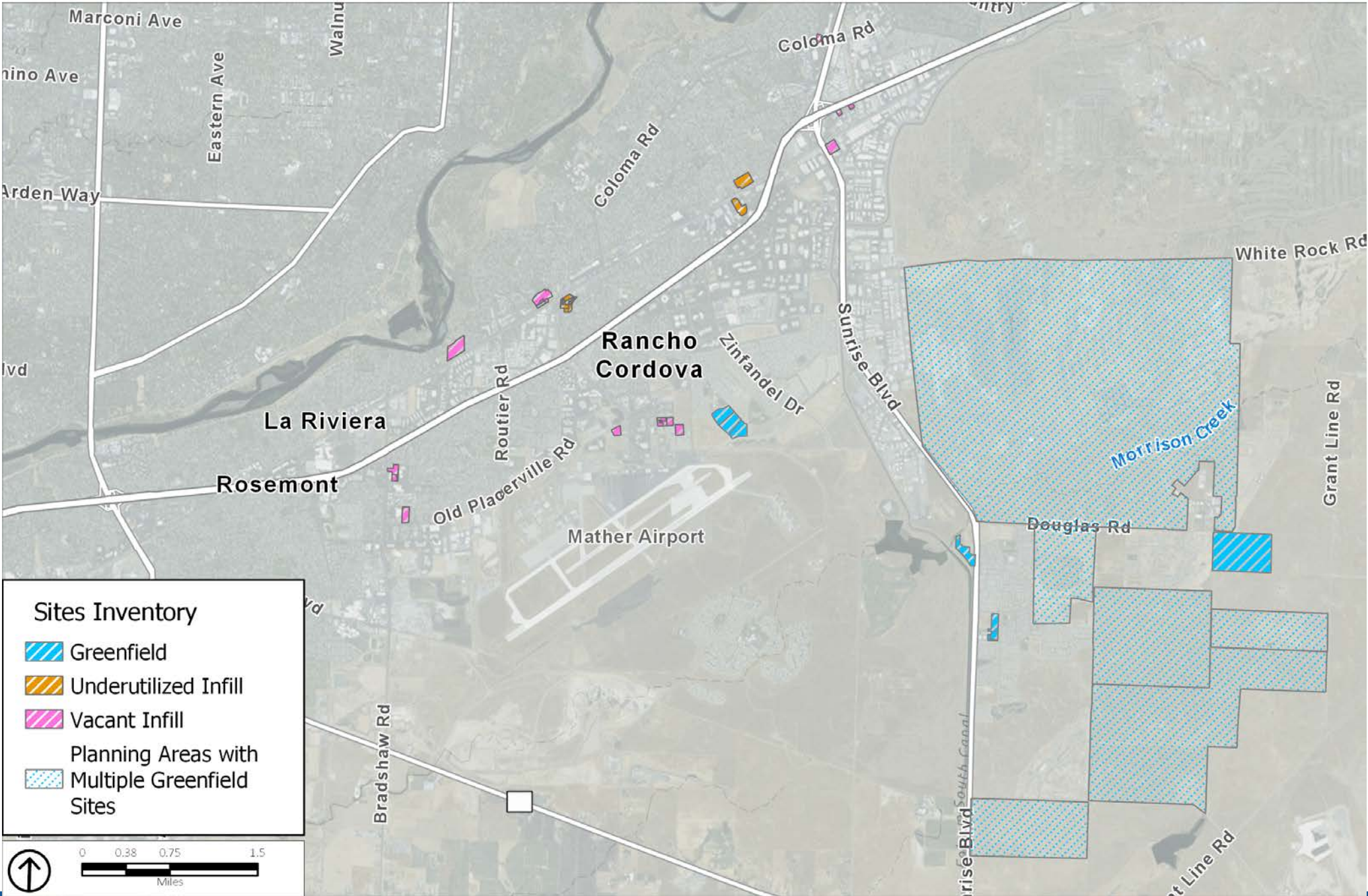
Rancho Cordova = 9,067 UNITS

Meeting Rancho Cordova's RHNA

Income Category	2021-2029 RHNA	Vacant Infill	Underutilized Infill	Greenfield	Projected ADUs	Surplus
Very Low (31-50% of Median Income)	2,115	815	218	2,794	40	478
Low (51-80% of Median Income)	1,274					
Moderate (81-120% of Median Income)	1,684	144	122	1,692	0	274
Above Moderate (>120% of Median Income)	3,994	0	0	4,256	0	262
Total	9,067	959	340	8,742	40	1,014

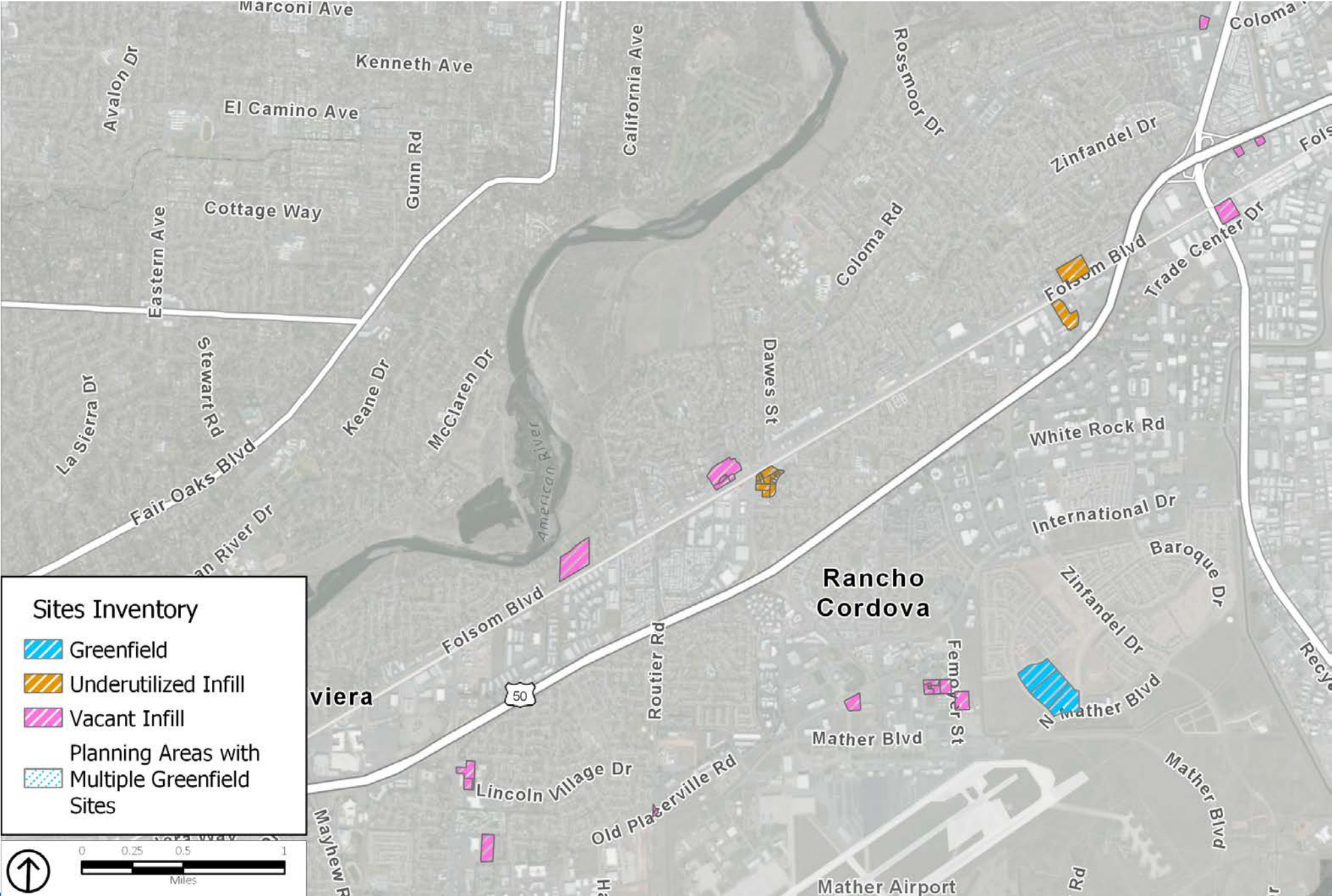
ITEM 15.1

Sites Inventory – All Sites



ITEM 15.1

Sites Inventory – Infill Sites

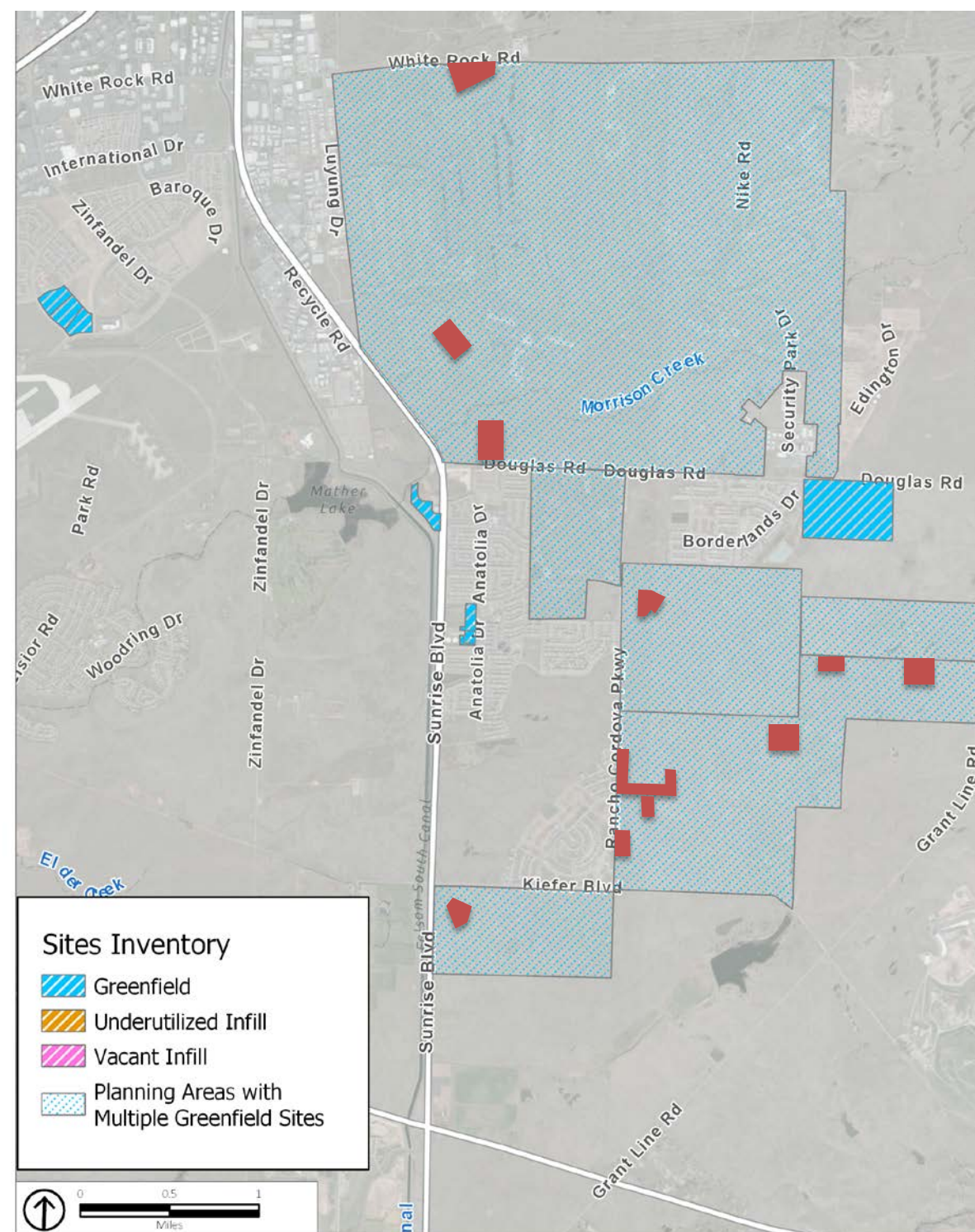


ITEM 15.1.

Sites Inventory - Greenfield Sites



Approximate locations of
Low/Very Low Income
RHNA sites in the
Greenfield Areas identified
for the 6th Cycle



Public Input Received



Public Workshop

- » Held virtually on August 26, 2020
- » Presentation on:
 - Overview of Housing Element
 - Background
 - Regional Housing Needs Assessment
 - Sites Inventory
- » Attendees included stakeholders including nonprofits, representatives from the development community, housing advocacy representatives, and residents

City of Rancho Cordova 2021 – 2029 Housing Element Update

Virtual Community Workshop



Rancho Cordova invites you to participate in workshop to discuss the 2021 – 2029 Housing Element update. Please join us to learn more about the update process, identify specific needs and opportunities, and share your insights and ideas on how the City can improve housing opportunities.

The Housing Element establishes goals, policies, and implementation measures to guide the development of housing in Rancho Cordova. Please join us at this virtual community workshop to help plan for housing needs in the city through 2029.

Send written input or questions ahead of the workshops to: **Stefan Heisler**
sheisler@cityofranchocordova.org

AUGUST 26th 2020 @ 11:00 am - 12:30 pm

We Need Your Input The Housing Element establishes goals, policies, and implementation measures to guide the development of housing in Rancho Cordova. Please join us at this virtual community workshop to help plan for housing needs in the city through 2029.

This meeting will be interactive and conducted online. Meeting participants can join by desktop, tablet, and phone. Please register for the meeting at the Eventbrite link below to receive further information about how to join!

We look forward to “seeing” you there!

CLICK HERE to Register for the Virtual Workshop and learn more about the Project

<https://www.eventbrite.com/e/115233195590/>



Public Workshop (continued)

» Attendees were asked about their housing concerns. Input received included:

- Encourage senior and multi-generational housing, in part by allowing ADUs
- Ensure there are no net loss housing issues in the upcoming RHNA (adequate sites identified, surplus sites available)
- Address racial equity in housing and affirmatively furthering fair housing
- Ensure evolving needs of the special needs communities are identified and addressed
- Preserve housing affordability by preventing investors from buying homes to rent at high prices
- Focus on infill development, placing affordable housing near transit opportunities
- Explore innovative financing mechanisms for affordable housing

Stakeholder Consultations

- » Consultations conducted with representatives from community groups to discuss concerns and opportunities for housing in the City and housing needs of special populations
- » Four agencies consulted:
 - Mutual Housing
 - Cordova Community Council
 - Resources for Independent Living
 - North State Building Industry Association



Stakeholder Consultations (continued)

» Feedback received:

- Developers support the City in honing strategies to develop new affordable housing
- The City has high concentrations of apartments and few opportunities for high-income earners who work in the City to purchase homes
- Cost of renovating existing older buildings to create affordable housing is a challenge
- Existing fees (including impact fees) and regulations are a major hurdle for affordable housing development
- Accessible housing is an unmet need in the Sacramento areas and should be prioritized
- City's recent efforts for transparency is appreciated by the developer community



City Council Meeting

- » Held virtually on September 21, 2020
- » Overview of Sites Inventory and Policies
- » Input received included:
 - Consider changes to the Sites Inventory, focusing on Sites C-1 (Kassis site) and J-1 (Mather AFB site)
 - Consider lowering development impact fees in new policy for transparency
 - Consider a new TOD policy that would address barriers to affordable development



City Council Meeting (continued)

» Received three public comments

- Development on Site C-1 should be thoughtful and appropriate
- High crime areas need to be addressed as growth in the City continues
- How will the City achieve the very low-income and low-income components of their RHNA in this housing element when they struggled to reach it in the 5th cycle housing element.
- The City should research how lowering developer impact fees could help facilitate affordable and transit-oriented development.
- Interest in seeing the parcel-specific land inventory.

Implementing Actions



New Programs

- » **Action H.1.5.4**, Allow and promote the use of density bonuses
- » **Action H.3.1.3**, Comply with state law regarding ADUs and Junior ADUs
- » **Action H.3.3.4**, Allow low-barrier navigation centers for the homeless.
- » **Action H.5.3.2**, SB 35 - establish a written policy to streamline the approval process

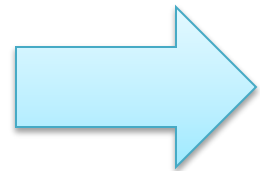
Minor Edits and Updates to Existing Actions

- » Action H.1.5.3, Affordable Housing Production
- » Action H.2.1.2, Emergency Repair Program
- » Action H.2.1.3, Volunteer Program
- » Action H.2.4.1, Affordable Housing Monitoring Plan
- » Action H.3.1.2, Conditional Use Permit for RHNA
- » Action H.3.3.1, Housing for Disabled Persons
- » Action H.3.3.3, Homeless Services and Facilities
- » Action H.3.4.1, Fair Housing Plan
- » Action H.5.1.1, Local Housing Foundation/Trust
- » Action H.5.2.1, State and Federal Funding

Project Schedule



Project Schedule



May 2020	• Project Kickoff
June 2020	• Draft Preparation • Stakeholder Consultations
August 2020	• Community Workshop
September 2020	• City Council Meeting
November 2020	• Public Review Draft Available • City Council Hearing - Submit to HCD (60-days) • Begin CEQA Process
January 2020	• Conditional Compliance letter from HCD
March 2021	• City Council Adoption Hearing (*May 15, 2021)
April	• Submittal to HCD – Certification Review (90-days)

Action

- » Direct Staff to submit the Draft Housing Element to HCD for the 60-day review period.

Public Review Draft

» Please submit feedback/comments to:

- Stefan Heisler, City of Rancho Cordova – sheisler@cityofranchocordova.org
- Jennifer Gastelum, PlaceWorks – jgastelum@placeworks.com
- Cynthia Walsh, PlaceWorks – cwalsh@placeworks.com

» Project-specific questions:

- Planning Department Contact – 916-851-8750 or planningservices@cityofranchocordova.org

Thank you



Continuing Programs

- » Action H.1.1.1, Salary Data
- » Action H.1.2.1, High-Density Requirement
- » Action H.1.3.1, Executive Housing
- » Action H.1.4.1, Transit-Oriented Development
- » Action H.1.5.1, Affordable Housing Plan
- » Action H.1.5.2, Monitor Affordable Housing Plans
- » Action H.2.1.1, Rehabilitation Funding
- » Action H.2.1.4, Rental Housing Inspection
- » Action H.2.1.5, Crime Prevention Through Environmental Design
- » Action H.2.2.1, Folsom Boulevard Revitalization
- » Action H.2.3.1, Housing Stock Conservation Fee
- » Action H.2.4.2, Housing Rehabilitation
- » Action H.3.1.1, Housing Types Best Practices
- » Action H.3.2.1, Conversion Housing
- » Action H.3.3.2, Single Room Occupancy
- » Action H.4.1.1, Energy Efficiency Programs
- » Action H.5.2.2, CRA Investment
- » Action H.5.3.1, Affordable Housing Incentives

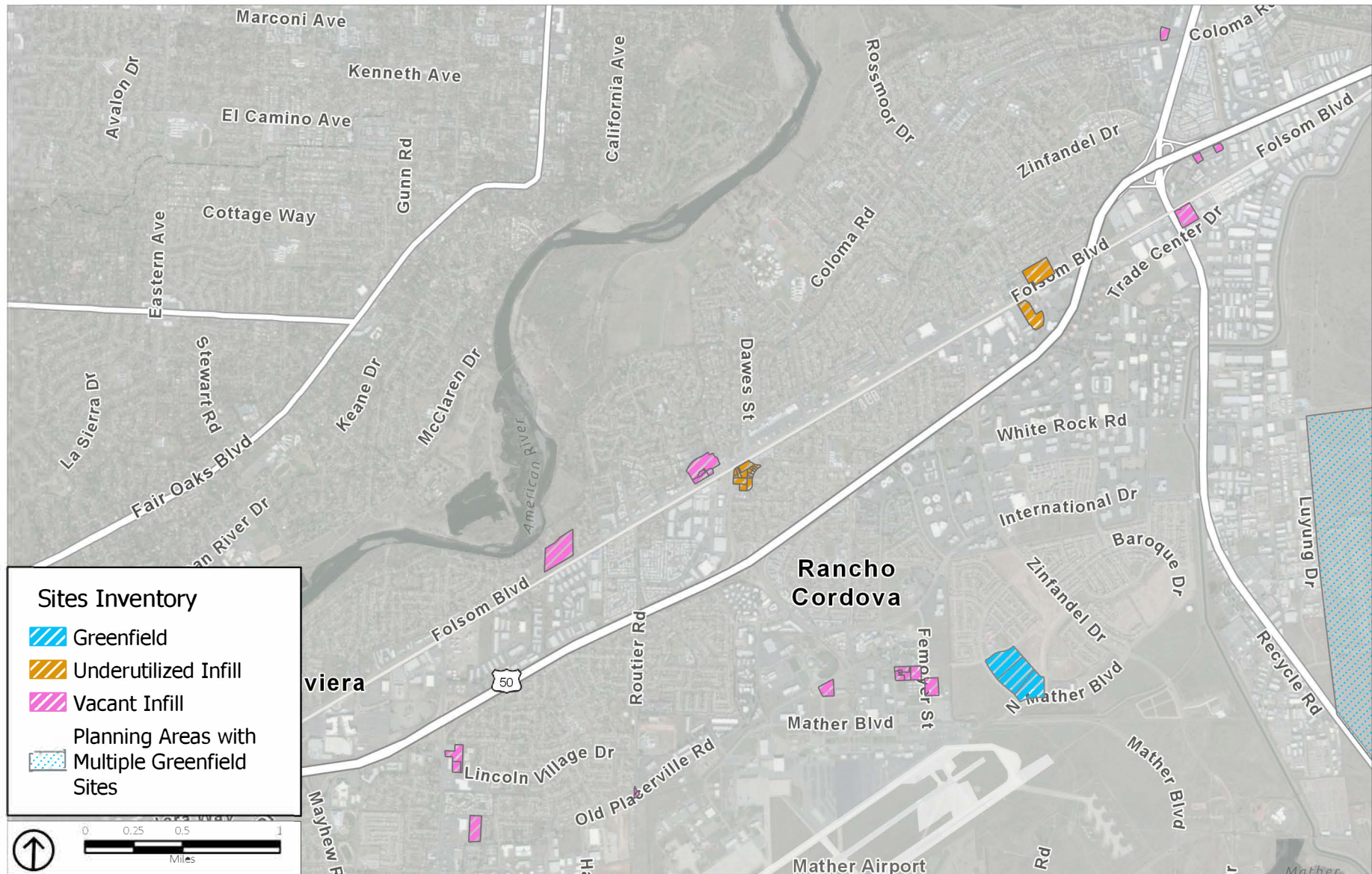
Removed Programs

- » Action H.5.4.1, Update the Housing Trust Development Impact Fee
 - Refers to the City's existing impact fee on non-residential development
 - Impact fee will remain as-is



CITY OF RANCHO CORDOVA
HOUSING ELEMENT 2021-2029

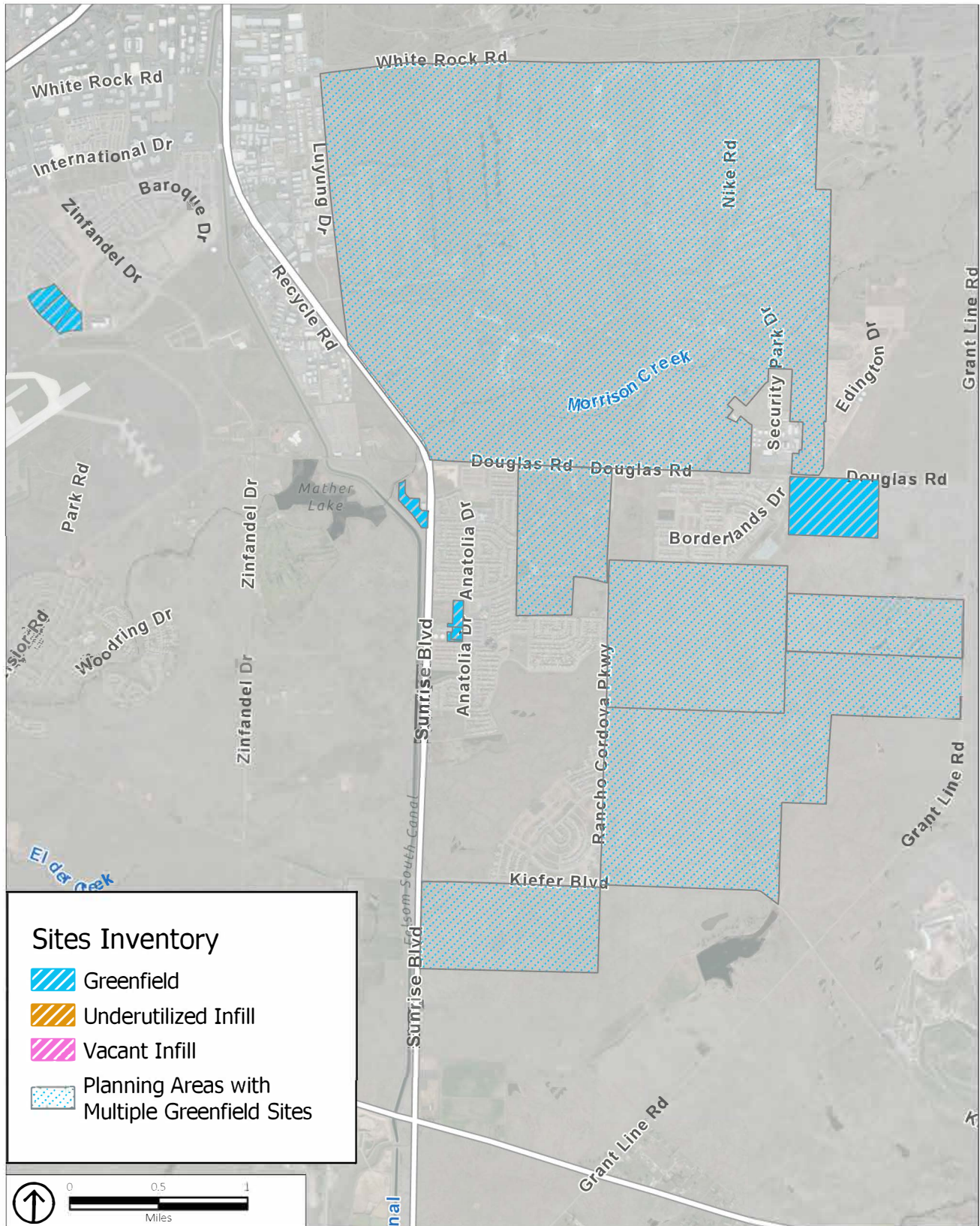
HOUSING RESOURCES AND OPPORTUNITIES



Sites Inventory - Map 2



HOUSING RESOURCES AND OPPORTUNITIES



Sites Inventory - Map 3

V: HOUSING

REDLINE COMPARISON GOALS, POLICIES, AND ACTIONS

The purpose of this section is to provide a plan for meeting the housing needs of the existing and future residents of Rancho Cordova. The plan includes goals, policies, and actions directed toward the preservation, improvement, and development of a range of housing types and choices affordable to all income ranges in Rancho Cordova. Specifically, the goals, policies, and actions are designed to address the housing needs identified in the Housing Needs Assessment of this Housing Element. The housing program provides a foundation upon which detailed housing activities can be developed and implemented. The Housing Element includes the following goals:

- Goal H.1: Balance Employment and Housing
- Goal H.2: Neighborhood Preservation and Rehabilitation
- Goal H.3: Encourage Housing Opportunities
- Goal H.4: Pursue Sustainable Design
- Goal H.5: Pursue Housing Resources

V: HOUSING

GOAL H.1 – SEEK A BALANCE OF HOUSING OPPORTUNITIES APPROPRIATE FOR THE RANGE OF JOBS AVAILABLE AND PLANNED IN THE CITY.

Policy H.1.1 – Improve the City’s jobs-housing balance by ensuring that housing development in Rancho Cordova provides opportunities for all income levels to serve the full range of available and projected jobs in the City.

- **Action H.1.1.1** – The City will work with the Economic Development Department to inquire with larger employers in the community and determine salary information and employee preference for housing type.

Funding Source:	General Fund
Responsible Agency:	Economic Development Department
Time Frame:	Inquire with employers once every two years.

Policy H.1.2 – Maintain adequate sites that support a range of housing types appropriate for the City’s housing needs, considering employment projections, household growth, and the City’s share of regional housing needs.

- **Action H.1.2.1** – Residential development projects of 100 gross acres or more shall include a minimum of 5 percent of the total project residential developable acreage (net) for residential uses of 30 units per acre or higher. This minimum high-density acreage requirement is calculated to satisfy projected RHNA to the City. Additionally, the City will require a minimum of 5 percent for residential uses of 10 units per acre or higher. Development projects with a requirement of less than 5 acres in either or both categories may opt to designate land off-site, if deemed appropriate for the project. If projects propose densities higher than the identified density, the required acreage shall be decreased accordingly.

For example, if a project is required to provide 15 acres at 30 units per acre, that project could alternatively provide 11.25 acres at 40 units per acre. Similarly, if the project’s requirement for land with density of 10 units per acre was 6 acres, the project could alternatively provide 4 acres at 15 units per acre.

To satisfy the 5 percent for land uses at or above 30 units per acre, sites must meet the following requirements:

- Sites must be zoned exclusively for residential use.
- Acres used to satisfy RHNA requirements will be required to maintain set minimum densities.
- Sites must be of sufficient size to accommodate a minimum of 16 units per site.

V: HOUSING

- Sites must be proximate to public transportation routes that provide ready access to fixed rail.

Funding Source: General Fund, Local Housing Trust Fund
 Responsible Agency: Planning Department, Housing Division
 Time Frame: Ongoing, as residential applications are received.

Policy H.1.3 – Promote a broader range of housing options for executives.

- **Action H.1.3.1** – The City’s Zoning Code accommodates and facilitates the development of executive housing options in Specific Plans and large subdivisions (more than 500 units) in the Rural Residential (RR) and the Estate Residential (ER) zones.

Funding Source: General Fund
 Responsible Agency: Planning Department
 Time Frame: Ongoing, as projects are possessed through the Planning Department.

Policy H.1.4 – Promote higher-density housing in close proximity to transit, employment, and appropriate services, such as transit-oriented development.

- **Action H.1.4.1** – As part of an ongoing effort to promote transit-oriented development (TOD), the City will coordinate with regional partners to incentivize the production of housing for persons living and working in the same community.
 - SACOG – The City will continue to work with SACOG to identify and apply for grant opportunities aimed at planning and promoting TOD along the Regional Transit Light Rail lines.
 - Regional Transit – The City will continue to cooperate with Regional Transit to identify transit needs in the community and work to provide viable solutions. These may include negotiating new bus routes, partnering to provide special or commuter routes, creating and maintaining a discount Regional Transit pass program for low- and very low-income residents living in the City’s affordable housing, and leveraging new infill development projects around existing mass transit infrastructure (TOD).
 - Local and Regional Complete Streets Advocate groups – The City will continue to work with local and regional Complete Streets Advocate groups to improve transportation options in the City, including bicycle lanes, improved pedestrian access, and better connectivity between existing alternative transportation options and local mass transit (such as dedicated pedestrian pathways), particularly in development projects located immediately adjacent to transit services.

V: HOUSING

Funding Source:	General Fund
Responsible Agency:	Public Works, Housing Division, Planning, and Economic Development departments
Time Frame:	The City will coordinate efforts to apply for funding for transit-oriented developments as Notices of Funding Available (NOFAs) are released and will create project requirements and incentives to encourage reduced auto use in transit nodes.

Policy H.1.5 – Developers of new residential projects within the newly developing areas of the City (generally in the large, vacant areas south of Highway 50) shall prepare an Affordable Housing Plan (Plan) for the project for City review and approval that identifies the project's plan for providing affordable housing.

- **Action H.1.5.1** – The City has established the following guidelines to provide direction for the review of Affordable Housing Plans associated with individual development projects and to provide direction for the preparation of an Affordable Housing Ordinance if one is to be developed.
 - The Affordable Housing Plan shall be approved in conjunction with the earliest stage of project entitlement, typically with the City Council approval of the Specific Plan, Development Agreement, or other primary land use entitlement.
 - The Affordable Housing Plan shall specify and include the following:
 - A projection of the number of dwelling units that will be developed as affordable to extremely low-, very low-, low-, moderate-, and above-moderate-income households.
 - The number of affordable ownership and rental units to be produced. Such split shall be approved by the City Council based on housing needs, market conditions, and other relevant factors. The split of ownership and rental units shall be addressed within the Plan of each individual project.
 - Program options within project-specific Affordable Housing Plans may include, but are not limited to, the following:
 - Actual production (on-site or off-site) of affordable units (including ownership and rental opportunities in the form of corner units, halfplexes, duplexes, cottages, creative alternative housing products, etc.).
 - Land dedication (on-site and off-site).

V: HOUSING

- Rehabilitation of existing residential structures located within existing City neighborhoods.
- Payment of in-lieu fees.
- The timing for completion of affordable housing obligations includes the following considerations:
 - For projects proposing to construct affordable housing units or to renovate existing dwellings, the City generally supports construction/renovation of affordable dwellings concurrent with the construction of market-rate housing when feasible.
 - For projects providing alternative contributions (land dedication, funds, etc.), timing of such contributions shall be identified in the project-specific Affordable Housing Plan, with the expectation that the City will pursue construction of affordable units generally concurrent with construction of project market-rate housing.
- At the City Council's discretion, land or other contributions provided by developers as specified within project-specific Affordable Housing Plans may be utilized to augment City efforts and the efforts of its nonprofit partners to provide affordable housing opportunities to all income levels throughout the community. The City will pursue supplemental funding to allow affordability to households earning less than 50 percent of area median income.
- To ensure the production and preservation of housing affordable to the City's workforce, no productive, reasonable program or incentive option will be excluded from consideration within project-specific Affordable Housing Plans. Possible incentives may include, but are not limited to:
 - Density bonuses
 - Fee waivers or deferrals (as reasonably available)
 - Expedited processing/priority processing
 - Reduced parking standards
 - Technical assistance with accessing funding
 - Modifications to development standards (on a case-by-case basis)
 - Other incentives

V: HOUSING

Funding Source: General Fund
 Responsible Agency: Housing Division, Planning, and Economic Development Departments
 Time Frame: The Affordable Housing Plan obligations will be implemented as projects are received by the Planning Department.

- **Action H.1.5.2** – The City will annually monitor and revise as necessary the Affordable Housing Plan negotiation and development process to ensure that the planning process does not pose a constraint on the development of housing.

Funding Source: General Fund
 Responsible Agency: Housing Division
 Time Frame: Annually monitor the Affordable Housing Plan.

- **Action H.1.5.3** – Together with the developer and nonprofit partners, the City will use maximum efforts to seek available resources to support the construction of affordable housing production for feasible projects, including, but not limited to, state and federal housing programs and the City programs such as the City's non-residential linkage fee (Local Housing Trust Fund).

Funding Source: State and federal housing programs and the City programs, such as the City's non-residential linkage fee (Local Housing Trust Fund)

~~Responsible Agency: Housing Services Division, Planning and Economic Development Departments~~

Time Frame: Apply for funding as available.

- **NEW Action H.1.5.4** – Amend the Zoning Ordinance to allow and promote the use of density bonuses to provide affordable housing consistent with current state law.

Time Frame: Ongoing, as projects are processed through the Community Development Department. Comply with State Law by July 2022.

V: HOUSING

GOAL H.2 – ENCOURAGE THE IMPROVEMENT, REHABILITATION, AND REVITALIZATION/REINVESTMENT OF THE CITY’S EXISTING RESIDENTIAL NEIGHBORHOODS

Policy H.2.1 – Provide neighborhood revitalization in existing areas through housing rehabilitation (owner- and renter-occupied units).

- **Action H.2.1.1** – The City shall continue to apply for federal and state funds to fund the City’s housing rehabilitation program to assist in the improvement of owner- and renter-occupied housing units in the City.

Funding Source: Community Development Block Grant (CDBG), or other funds (as funding becomes available to the City)

Responsible Agency: Housing Division, Neighborhood Services Division, and Economic Development Department

Time Frame: Apply for funding as NOFAs are released.

- **Action H.2.1.2** – Continue the use of the City’s ~~Emergency~~ Home Repair Program to provide health and safety repairs for households falling in the extremely low-, very low-, and low-income ranges. This is a grant for mobile ~~and manufactured~~ homeowners and single-family homeowners to address immediate health and safety problems.

Funding Source: ~~Community Development Block Grant (CDBG)~~ or other funds (as funding becomes available to the City)

Responsible Agency: Housing ~~Services~~ Division, Neighborhood Services Division, and Economic Development Department

Time Frame: The City will provide loans as funding becomes available each year.

- **Action H.2.1.3** – Support churches and service clubs who organize semi-annual community improvement days by providing information about the event at the City Hall and on the City’s website. Continue to make information available to the community about other revitalization programs, including, but not limited to, Blight Busters, the Neighborhood ~~Improvement~~Engagement Program, ~~Sacramento Municipal Utility District (SMUD)~~, and the Sacramento Tree Foundation.

Funding Source: ~~Community Development Block Grant (CDBG)~~ or other funds (as funding becomes available to the City)

Responsible Agency: Housing ~~Services~~ Division, ~~Community Engagement Division, and~~ Neighborhood Services Division ~~and Economic Development Department~~

V: HOUSING

Time Frame: Ongoing, as community improvement days occur and new programs become available.

- **Action H.2.1.4** – Continue to identify the most troubled multifamily projects (in terms of law enforcement, code enforcement, and blight conditions) and pursue the transformation or conversion of properties into uses that move the community into a more balanced housing market and that will not result in the loss of existing affordable housing units subsidized with federal, state, or local funds.

Funding Source: HOME Program and CDBG Program
Responsible Agency: Housing Division and Neighborhood Services Division
Time Frame: Annually identify properties, apply for available funding annually, as NOFAs are released.

V: HOUSING

- **Action H.2.1.5** – Continue to implement the Crime Prevention Through Environmental Design (CPTED) standards through the design review process.

Funding Source: General Fund
 Responsible Agency: Planning and Building Departments
 Time Frame: Implemented as part of the project processing and review of individual development applications.

Policy H.2.2 – Continue to implement the Folsom Boulevard Specific Plan.

- **Action H.2.2.1** – Continue to identify and implement opportunities on Folsom Boulevard for revitalization that will improve the Folsom Boulevard corridor, especially targeting the following:
 - Underutilized, blighted, and/or vacant shopping centers on Folsom Boulevard to increase mixed-use and reuse in that corridor.

Funding Source: General Fund
 Responsible Agency: Housing Division, Neighborhood Services Division, and Economic Development Department
 Time Frame: Mixed-use and revitalization opportunities are currently being developed through the Folsom Boulevard Specific Plan.

Policy H.2.3 – Ensure that existing housing stock within the City is maintained and remains habitable to assist in meeting the housing needs of the community.

- **Action H.2.3.1** – Continue implementing the Housing Stock Conservation Fee which is an annual fee collected on business licenses for multi-family properties. This program supports general code enforcement aimed at ensuring code compliance and general housing habitability. Additional code enforcement activities include targeted inspections by the Neighborhood Services Division to enforce higher standards for building maintenance, parking requirements, and landscaping.

Funding Source: CDBG Funds, General Fund
 Responsible Agency: Housing Division and Neighborhood Services Division
 Time Frame: Annually

V: HOUSING

Policy H.2.4 – Preserve housing units at risk of losing affordability status for units that are subsidized with federal, state, or local funds.

- **Action H.2.4.1** – The City will continue to undertake the following programs and activities during the planning period of the Housing Element. ~~The Housing Services Division and Neighborhood Services Division will implement these efforts.~~ The efforts listed here represent a varied strategy to mitigate potential loss of “at-risk” units due to conversion to market-rate units. These local efforts utilize existing City and local resources. ~~They include efforts to secure additional resources from the public and private sector should they become available.~~ as well as additional resources from the public and private sector should they become available.
 - Monitor owners of at-risk projects on an ongoing annual basis, ~~in coordination with other public and private entities~~, to determine their interest in selling, prepaying, terminating, or continuing participation in a subsidy program.
 - Maintain and annually update the inventory of “at-risk” projects using existing databases (e.g., California Housing Partnership Corporation [CHPC], United States Department of Housing and Urban Development [HUD], HUD, State HCD, and California Tax Credit Allocation Committee).
 - Take all necessary steps to ensure that a project remains in or is transferred to an organization capable of maintaining affordability restrictions for the life of the project, including proactively ensuring notices to qualified entities, coordinating an action plan ~~with qualified entities upon notice~~, and assisting with financial resources or supporting funding applications.
 - Ensure projects are monitored to see if they are subject to other state or local requirements regarding the provision of assistance to displaced tenants.
 - Annually monitor local investment in projects that have been acquired by non-profit or for-profit entities to ensure that properties are well managed and maintained and are being operated in accordance with the City’s property rehabilitation standards.
 - Work with owners, tenants, and nonprofit organizations to assist in the nonprofit acquisition of at-risk projects to ensure long-term affordability of the development. ~~Annually contact property owners, gauge interest, and identify nonprofit partners and pursue funding and preservation strategy on a project basis.~~ Contact property owners annually. Identify nonprofit partners and pursue funding on a project basis.

V: HOUSING

- Annually meet with stakeholders and housing interests to participate and support, through letters and meetings and technical assistance, local legislators in federal, state, or local initiatives that address affordable housing preservation (e.g., support legislation that addresses at-risk projects, support full funding of programs that provide resources for preservation activities).
- Use available financial resources to restructure federally assisted preservation projects, where feasible, to preserve and/or extend affordability.
- Annually identify funding sources for at-risk preservation and acquisition rehabilitation and pursue these funding sources at the federal, state, or local levels to preserve at-risk units on a project-by-project basis.

Funding: Local Housing Trust Fund, CDBG
 Responsible Agency: Housing ~~Services~~ Division and Neighborhood Services Division
 Time Frame: Annually

- **Action H.2.4.2** – Work with interested individuals, nonprofit housing corporations, and for-profit developers to acquire rental housing projects that need rehabilitation, and transfer ownership, when necessary, to maintain the affordability of the units to low-income households.

Funding Source: General Fund, Local Housing Trust Fund, and other subsidies as available
 Responsible Agency: Housing Division
 Time Frame: Meet annually with interested individuals, nonprofit housing corporations, and for-profit developers.

GOAL H.3 – PROMOTE HOUSING DIVERSITY THROUGH PROVIDING A RANGE OF HIGH-QUALITY HOUSING CHOICES FOR THE COMMUNITY, INCLUDING SINGLE-FAMILY HOMES, DUPLEXES, TOWNHOMES/CONDOMINIUMS, LIVE-WORK UNITS, MIXED-USE, MULTIFAMILY, EXECUTIVE HOUSING, AND MOBILE HOMES, THAT SERVE ALL HOUSEHOLDS, RANGING FROM THE WORKFORCE TO EXECUTIVES TO SENIORS AND OTHER SPECIAL-NEEDS GROUPS.

Policy H.3.1 – Ensure that neighborhoods are developed in a balanced, sustainable manner, avoiding over-concentration of affordable housing or oversized rental complexes and providing a range of housing prices and rents.

V: HOUSING

- **Action H.3.1.1** – Continue to review other local jurisdictions’ programs that spread a range of housing types throughout the jurisdiction.

Funding Source: General Fund
 Responsible Agency: Housing Division
 Time Frame: Annually review

- **Action H.3.1.2** - The City has identified sites B-1, ~~B-2~~, J-1, L-1, L-2, L-3, G-1, and G-2 in the Land Inventory (see Tables A-18, A-19, and A-20 in ~~the~~ Appendix A), as appropriate, to meet a portion of the City’s RHNA. These sites are mixed-use sites and require a Conditional Use Permit (CUP) to allow for residential development. The CUP requirement ensures that the commercial uses are compatible with residential development. The sites already meet the location and environmental requirements of the CUP and therefore applications on these sites will be expedited. The City will monitor the development of these sites and, upon consultation with developers, should the CUP process pose a constraint to the development of Housing, the City will either change the CUP requirement to a Limited Use permit or find an alternative sites.

Funding Source: General Fund
 Responsible Agency: Planning Department
 Time Frame: Annually monitor the CUP process to ensure it ~~doesn’t~~ does not pose a constraint to any of the sites listed ~~above~~.

- **NEW Action H.3.1.3** – Update Sections 23.901.060 and 23.901.065 of the City’s Zoning Code to comply with AB 881, SB 13, and AB 670 (2019), including approving ADUs and Junior ADUs ministerially and amending development standards and restrictions on owner-occupancy.

Funding Source: General Fund
Responsible Agency: Housing Division
Time Frame: By January 2022.

Policy H.3.2 – Provide a range of senior housing opportunities, including senior developments with single-story homes, independent living, assisted living, skilled nursing, and shared housing, and pursue opportunities and funding to convert existing apartment complexes to senior housing facilities.

V: HOUSING

- **Action H.3.2.1** – Research feasibility of converting existing multifamily rental housing to senior housing facilities, such as a congregate care or assisted living facility.

Funding Source: General Fund
 Responsible Agency: Planning Department, Housing Division, Building Department, and Sacramento Metro Fire District
 Time Frame: Evaluate the feasibility of converting units as sites are identified and funding becomes available.

Policy H.3.3 – Provide housing for the special needs populations, including housing accessible for persons with disabilities (including veterans as a primary target group), large households, the homeless, and single-parent households.

- ~~**Action H.3.3.1** – Provide accessibility in housing for persons with physical and developmental disabilities by implementing state and federal requirements by undertaking the following actions:~~
- ~~Review regulations and procedures for City-funded or City-operated housing programs to ensure that housing needs for persons with physical and developmental disabilities are addressed. The City will continue to encourage and support housing for persons with physical and developmental disabilities, which will include assessing the need for elevator access, continued review of zoning standards, and implementation of the City's reasonable accommodation program.~~

Per Chapter 1.1.0 of the Zoning Code (Entitlements), the City will allow requests for reasonable accommodation in regard to relief from the various land use or zoning rules, policies, practices, and/or procedures that may be necessary to ensure equal access to housing designed for, intended for occupancy by, or with supportive services for individuals with disabilities as required in the Zoning Code. Additionally, the City will provide accessibility in housing for persons with physical and developmental disabilities by implementing state and federal requirements.

Funding Source: General Fund
 Responsible Agency: Planning Department, Building Department, and Housing ~~Services~~ Division
 Time Frame: Ongoing. Provide accessibility in housing for persons with disabilities as projects are processed through the Planning Department.

- **Action H.3.3.2** – Provide incentives for the development of single-room occupancy (SRO) and supportive housing units for identified special-needs groups. Incentives may include fee deferrals, reduced parking requirements, density bonus, priority

V: HOUSING

permit processing, technical assistance in project processing, and accessing funding for the special needs. SROs are allowed with a CUP in the RD-20, RD-25, RD-30, and high-density residential (HDR) zones as well as General Commercial and Light Industrial (M-1). To ensure development standards do not constrain the development of SROs, the City will evaluate adopting development standards that may include:

- 24-hour on-site management
- Room limitation to single occupancy, with allowance for overnight guests
- Requirements for monthly tenancies
- Units must be 250–300 square feet in size and include kitchen or bathroom
- Parking ratio of one space per unit or less, and bicycle rack storage of one rack per five units

The Planning Department and Housing Division will review development standards to see if they act as a constraint as SRO applications are submitted.

Funding Source: General Fund, Local Housing Trust Fund, CDBG
 Responsible Agency: Housing Division and Planning Department
 Time Frame: Implemented as part of project processing and review of individual development applications

- **Action H.3.3.3** – Participate in regional coordination for homeless services and facilities. The City will continue to support existing facilities and programs (including financial support when appropriate and necessary) ~~and permit homeless facilities in the Office/Industrial/Mixed Use (OIMU) and the Light Industrial Business Park (LIBP) zones and will identify a zone to permit homeless facilities by-right, without discretionary review.~~ The City will permit and continue to allow transitional and supportive housing in all residential zones subject to the same restrictions that apply to other residential uses of the same type in the same zone. Additionally, the City will revise the Zoning Ordinance to allow supportive housing without discretionary review in all zones that allow multifamily housing or mixed-use development, including nonresidential zones, as applicable. The allowed uses, along with corresponding development standards, are detailed in AB 2162. The City will establish managerial standards for homeless facilities that will include the following:
 - Maximum number of beds;
 - Off-street parking based upon demonstrated need;

V: HOUSING

- Size and location of on-site waiting and intake areas;
- Provision of on-site management;
- Proximity to other shelters;
- Length of stay;
- Lighting; and
- Security during hours when the shelter is open.

Funding Source: General Fund, State Emergency Shelter Program, HUD, other specialized funding

Responsible Agency: Housing ~~Services~~ Division

Time Frame: Participate in regional coordination on an annual basis. Allow emergency shelters by -right by May 2021. Develop managerial standards for homeless facilities and permit supportive housing per State Law within one year of adoption of the Housing Element.

- **NEW Action H.3.3.4** – Per AB 101 (2019), amend the City’s Zoning Ordinance to allow low-barrier navigation centers for the homeless, per Government Code 65660-65668.

Funding Source: General Fund

Responsible Agency: Housing Division

Time Frame: By January 2022

Policy H.3.4 – The City will continue to promote equal housing opportunity for all persons, regardless of race, religion, sex, marital status, ancestry, national origin, color, disability, familial status, source of income, or sexual orientation.

- **Action H.3.4.1** – The City will continue implementation of its ~~Fair Housing Plan that works to affirmatively further fair housing~~ Analysis of Impediments to Fair Housing Choice to Affirmatively Further Fair Housing as part of a regional effort in consortium with Sacramento County and the City of Citrus Heights. The Plan is part of a ~~new~~ fair housing effort that the City began in fiscal year 2012–2013 and that was continued by the City’s participation in the Sac Valley Fair Housing Collaborative’s Analysis of Impediments to Fair Housing Choice (AI) and includes:
 - Production, marketing, and distribution of fair housing materials, and marketing in non-English languages

V: HOUSING

- Fair housing case intake, and routing of fair housing complaints through the City's Fair Housing Representative
- Routing of potential fair housing cases to the appropriate entities, including Sacramento Self-Help Housing, HUD, California Department of Fair Employment and Housing, Legal Services of Northern California, and the California Department of Consumer Affairs, etc.
- Strategic implementation of activities and programs intended to address the impediments to fair housing identified in the City's Analysis of Impediments to Fair Housing (AI) completed in 2010-Sac Valley Fair Housing Collaborative's Analysis of Impediments to Fair Housing Choice (AI) completed in 2019.

Funding Source: General Fund, CDBG funds

Responsible Agency: Housing ~~Services~~ Division

Time Frame: Ongoing-Create a plan by June 2022 and implement on an ongoing basis..

GOAL H.4 – PURSUE SUSTAINABLE DEVELOPMENT AND ENERGY EFFICIENCY FOR NEW RESIDENTIAL DEVELOPMENT AND EXISTING HOUSING STOCK.

Policy H.4.1 – Require energy efficiency in the design and construction of housing developments through implementation of the State Energy Conservation Standards (Title 24). The long-term economic and environmental benefits of energy efficiency shall be weighed against any increased initial costs of energy saving measures. Encourage sustainable development by reducing energy use.

- **Action H.4.1.1** – Partner with SMUD and Pacific Gas and Electric Company (PG&E) to develop model programs for energy efficiency in new development without increasing costs to the homebuyer, and post and distribute information on currently available weatherization and energy conservation programs to residents and property owners as well as encourage participation in SMUD's photovoltaic (solar), energy efficiency, peak reduction, and other comparable programs. The City will distribute information through the City's newsletter, annual mailings in City utility billings, distribution of program information to community organizations and at municipal offices, and postings on the City's website. To best capture the ethnic diversity of the community, information will be available in the four major languages used in the community and other languages on demand.

Funding Source: General Fund

Responsible Agency: Planning and Building Departments

Time Frame: Ongoing, provide information as programs are available

V: HOUSING

GOAL H.5 – PURSUE PUBLIC AND PRIVATE RESOURCES AVAILABLE TO PROMOTE DIVERSE HOUSING OPPORTUNITIES, AND PARTICULARLY TO ASSIST IN THE CREATION OF WORKFORCE HOUSING AND SPECIAL NEEDS HOUSING.

Policy H.5.1 – Partner with private organizations to encourage housing investment in the City.

- **Action H.5.1.1** – ~~Consider creating a local housing foundation/trust that may be funded~~ Continue to use the local housing trust to fund projects as funding is available. The housing trust is funded by for-profit and non-profit partners including major employers as well as funding from potential in-lieu fees and land grants from new developments.

Funding Source: General Fund

Responsible Agency: Housing Division ~~Economic Development Department~~

Time Frame: ~~Determine viability of creating a local housing trust fund by end of fiscal year 2014.~~ Ongoing as funding is available.

Policy H.5.2 – Pursue state and federal funding sources needed to achieve the desired range of housing choice.

- **Action H.5.2.1** – Pursue available and appropriate state and federal funding sources to support efforts to meet new construction needs of extremely low-, very low-, low-, and moderate-income households. Appropriate sources of funding will be determined on a case-by-case basis (see Program Timeframe and Potential Funding below ~~Funding Source and Time Frame that follow~~). The City will collaborate with nonprofit organizations and agencies, such as Northern California Construction Training, Community Housing Opportunity Corporation. Potential funding sources for this program will include the CDBG, HOME, and CalHome, ~~and BEGIN~~ programs, the state Multifamily Housing Program, California Housing Finance Agency programs (such as HELP), tax-exempt bond financing, low-income housing tax credits, the Federal Home Loan Bank Affordable Housing Program, Affordable Housing Sustainable Communities Program, California Community Housing Agency, and various other HUD programs for special-needs groups.

Funding Source: Economic Development Initiations Grant (EDI) CDBG, HOME, CalHome, ~~BEGIN~~, Multifamily Housing program, California Housing Finance Agency, HELP Program, HUD Program Section 221(d), Section 202 (elderly), Section 811 (persons with disabilities), Federal Home Loan Bank, Tax Exempt Bonds, Low-Income

V: HOUSING

Housing Tax Credits (state and federal), and Housing Tax Increment Funds, Workforce Housing Reward Program Funds

Responsible Agency: Housing ~~Services~~ Division

Time Frame: Ongoing. The City will apply for all the above loans and grants as ~~“Notices of Funding Available” (NOFAs)~~ are released from HCD.

- **Action H.5.2.2** – Work with financial institutions serving Rancho Cordova to solicit interest in providing financing for extremely low-, very low-, low-, and moderate-income housing as part of their responsibilities under the Federal Community Reinvestment Act (CRA). The City will seek specific lending commitments to be used in conjunction with state and federal funds. The City will work with interested lending institutions.

Funding Source: CDBG, HOME, and other funds (as funding becomes available to the City)

Responsible Agency: Housing Division

Time Frame: Meet with financial institutions serving Rancho Cordova regularly to determine what funding is available for lower-income households.

Policy H.5.3 – Cooperate with affordable housing providers and provide regulatory and financial incentives to develop, acquire, rehabilitate, and/or manage housing affordable to extremely low-, very low-, low-, or moderate-income households.

- **Action H.5.3.1** – To promote the development of affordable housing, the City will market available incentives by advertising on the City’s website, publishing brochures, and making referrals. The incentives for developers may include:
 - Financial assistance (based on availability of housing funds)
 - Expedited development review
 - Streamlined processing
 - Density bonuses

Given equal quality of design, priority will be given to projects containing units affordable to extremely low- and very low-income households.

Funding Source: General Fund

Responsible Agency: Housing Division and Planning Department

V: HOUSING

Time Frame: Offer incentives as projects are processed through the Planning Department.

- **NEW Action H.5.3.2** – The City will establish a written policy or procedure and other guidance as appropriate to specify the SB 35 streamlining approval process and standards for eligible projects, as set forth under Government Code Section 65913.4.

Funding Source: General Fund

Responsible Agency: Housing Division and Planning Department

Time Frame: January 2022

Policy H.5.4 – Require non-residential development to provide for the affordable housing needs generated or contributed to by their development.

- **Action H.5.4.1** – The City will continue to explore the option of updating the existing Housing Trust Development Impact Fee (fee for non-residential development that funds the Local Housing Trust Fund) to better address the needs and desires of the City. The update to the fee program shall include the following:
 - An updated nexus study addressing the extremely low-, very low- and low-income housing needs generated by non-residential development, including the cost to provide a variety of lower-income housing types;
 - A fee structure based on defined types of non-residential development that are consistent with uses identified in the Zoning Code;
 - A fee component to cover administrative costs;
 - An annual inflationary adjustment;
 - Exempt uses; and
 - Allowed uses of the fee, including its use to provide pre-development, construction, and permanent financing for affordable multifamily projects and provide a homebuyer assistance program.

Funding Source: General Fund

Responsible Agency: Housing Division

Time Frame: Determine the viability of updating the Housing Trust Development Impact Fee by the end of fiscal year 2021. Annually review fee to determine if additional updates are necessary to reflect changes in real estate market.