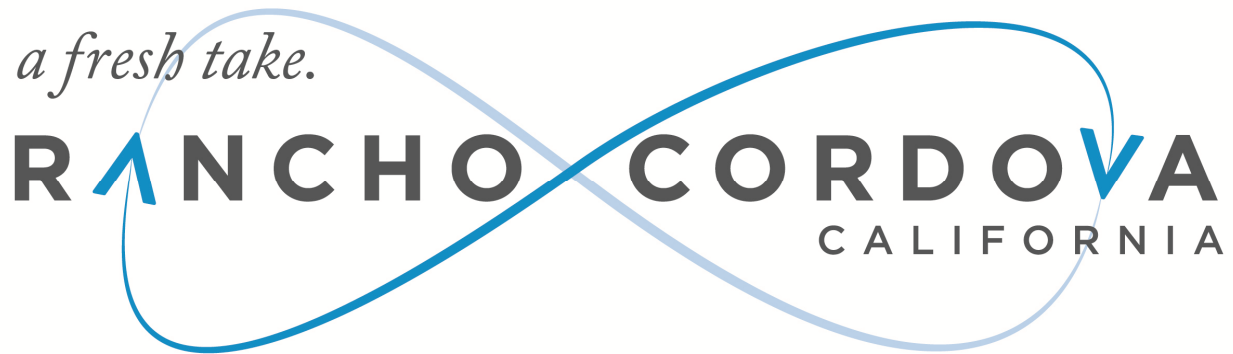


CITY OF RANCHO CORDOVA



CONCURRENT MEETING CITY COUNCIL/SUCCESSOR AGENCY TO THE CRA/RCFC

Monday, March 02, 2015

3:00 PM – Special Meeting

5:30 PM – Regular Meeting

AGENDA

Robert J. McGarvey, Mayor

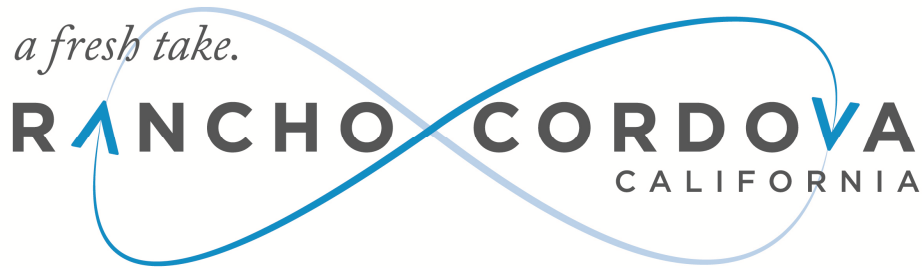
David Sander, Vice Mayor

Donald Terry, Council Member

Linda Budge, Council Member

Dan Skoglund, Council Member

CITY OF RANCHO CORDOVA



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

City Hall
2729 Prospect Park Drive, Rancho Cordova

Monday, March 02, 2015

3:00 PM – Special Meeting
American River Room North

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

AGENDA

1. STUDY SESSION - CALL TO ORDER/ROLL CALL

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

2. PUBLIC COMMENT

At a study session or 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 ITEM

- 3.1 **Subject:** Update on Ethics, Transparency, and Governance: Semi-Annual AB 1234 Ethics Training.

4. ADJOURNMENT OF STUDY SESSION

Mayor McGarvey 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, Sander, Skoglund, Terry and Mayor McGarvey.

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

George Burnash from Sacramento Law Enforcement Chaplaincy will give the invocation.

9. PRESENTATIONS

- 9.1 Certificate of Recognition from the Mayor to the New Army Enlistees of Rancho Cordova.

10. PUBLIC COMMENT

Citizens wishing to address the Council for any matter on the Consent Calendar or 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 unagendized item unless it can be demonstrated to be of an emergency nature or the need to take immediate action arose after the posting of the agenda.

11. COUNCIL REPORTS

12. CONSENT CALENDAR ITEMS - ROLL CALL VOTE

- 12.1 **Subject:** Meeting Minutes of February 17, 2015 Regular Meeting.
Recommendation: Adopt minutes.
- 12.2 **Subject:** Resolution Authorizing the City Manager to Execute the Third Amendment with Bureau Veritas North America, Inc. to Continue Providing On-Call Building Plan Review and Inspection Services for the Building and Safety Division.
Recommendation: Adopt Resolution No. 19-2015.
Result of Recommended Action: The contract amendment will increase the total contract amount from \$1,280,000 to \$1,630,000 to continue to provide plan review and inspection services for the Building and Safety Division through March 2017.
Staff Report: Elizabeth Sparkman, Senior Engineer.
Advances Goal: 5.

- 12.3 **Subject:** Resolution Authorizing the Public Works Director to Authorize the Submittal and Signing Authority of all Grant Applications to CalRecycle.
Recommendation: Adopt Resolution No. 25- 2015.
Result of Recommended Action: Adoption of this resolution will authorize the Public Works Director to authorize the submission and signing authority of all grant applications to CalRecycle including the Used Oil Competitive Grant Cycle 2.
Staff Report: Cyrus Abhar, Public Works Director and Kathy Garcia, Senior Civil Engineer.
Advances Goals: 1, 2, 3, 5.
- 12.4 **Subject:** Resolution of Consideration to Amend and Restate the Rate and Method of Apportionment of Special Tax, Increase the Authorized Principal Amount of Bonded Indebtedness and Increase the Annual Appropriations Limit for the Sunridge North Douglas Community Facilities District No. 2005-1.
Recommendation: Adopt Resolution No. 18-2015.
Result of Recommended Action: Adoption of this resolution begins the process of amending the Rate and Method of Apportionment for the Sunridge North Douglas Community Facilities District 2005-1, increases the authorized bonded indebtedness to a principal amount not to exceed Thirty Five Million Dollars (\$35,000,000) to finance the acquisition and construction of certain public facilities and the payment of certain fees and sets 5:30 p.m. on April 6, 2015 as the time and date for a public hearing on the matter. There is no financial impact to existing residents.
Staff Report: Michelle Mingay, Finance Department.
Advances Goal: 5.
- 12.5 **Subject:** Resolution Terminating Emergency Action and Authorizing Payment to Crusader Fence in the amount of \$19,370, for Supplies and Services Provided.
Recommendation: Adopt Resolution No. 26-2015.
Result of Recommended Action: Pursuant to Rancho Cordova Municipal Code 3.660.120, staff is informing Council of the action that was taken in an emergency situation that required immediate action without formal bid. Adoption of this resolution will terminate the emergency action and authorize payment to contractor for services provided.
Staff Report: Cyrus Abhar, Public Works Director.
Advances Goal: 2.
- 12.6 **Subject:** Resolution Amending CalHome Program Management Contract No. 12-2014.
Recommendation: Adopt Resolution No. 21-2015, approving contract 12-2014-1 for the not to exceed amount of \$102,000.
Result of Recommended Action: Adoption of recommended action authorizes approval of an amendment to Contract 12-2014, which allows the City Manager to amend the Professional Services Agreement with PMC from \$92,000 to \$102,000 for the provision of Program Management needs for the CalHome Owner-Occupied Residential Rehabilitation Program. The increase is due to the initial start-up costs associated with program management. This amendment will also change the term of the contract. The original agreement which is set to expire on February 18, 2016 will be amended to February 18, 2017.
Staff Report: Reed Flory, Housing Services Administrator, Housing Division and Peter Ibrahim, Housing Services Assistant.
Advances Goals: 1, 2, 3, 5.

- 12.7 **Subject:** Ordinance Amending Section 16.84 of the City Municipal Code Extending the Temporary Fee Deferral for Payments of Transportation Development Impact Fees for a Period of Three Years.
Recommendation: Waive first reading and introduce Ordinance No. 3-2015 approving an extension of the temporary fee deferral for payments of Transportation Development Impact Fees through June 30, 2016.
Result of Recommended Action: Adoption of this ordinance will allow the payment of the Transportation Development Impact Fee to be deferred to a later date in accordance with the City's current Temporary Fee Deferral Program which will also expire on June 30, 2016.
Staff Report: Michelle Mingay, Sr. Finance Analyst.
Advances Goal: 5.
- 12.8 **Subject:** Appointment of Real Property Negotiators.
Recommendation: Appoint Brian Nakamura, Joe Chinn, and Adam Lindgren as Real Property Negotiators.
Result of Recommended Action: This action will allow negotiation of price and payment terms for real property located at the underdeveloped area bordered by White Rock Grant Line Douglas and the industrial area east of Sunrise known as the Rio Del Oro Property Area.
Advances Goal: 5.

13. CONSENT PUBLIC HEARING ITEMS - ROLL CALL VOTE

- 13.1 **Subject:** Rivergate Shopping Center Unified Sign Program; Project No. DD8419 – Located at 2310-2352 Sunrise Boulevard.
Recommendation: Adopt Resolution No. 22-2015.
Result of Recommended Action: A Unified Sign Program for the Rivergate Shopping Center would uniformly regulate building-mounted signage throughout the existing shopping center, ensuring all signs conform to the City's typical standards for commercial centers. Signs would remain proportional to the building, be compatible in color, design, and material, and in keeping within the overall intent of the City's sign standards. The Sign Program would also allow one additional monument sign within the center.
Staff Report: Jessica Jordan, Principal Planner.
Advances Goals: 1, 2 , 6.
- 13.2 **Subject:** An Urgency Ordinance of the City Council of the City of Rancho Cordova Extending for One (1) Year a Temporary Moratorium on the Establishment, Expansion, and Operation of Private Smokers' Lounges, E-Cigarette Lounges, Vapor Bars, and Hookah Bars, to Become Effective March 17, 2015.
Recommendation: Hold a public hearing and adopt Urgency Ordinance No. 4-2015, extending for one (1) year a temporary moratorium on the establishment and operation of private smokers' lounges, e-cigarette lounges, vapor bars, and hookah bars, pending further review and possible amendment of zoning regulations applicable to these types of establishments.
Result of Recommended Action: Adoption of this Urgency Ordinance will extend the current ten (10) months and fifteen (15) day moratorium by one (1) year on the establishment, expansion or relocation of private smokers' lounges, e-cigarette lounges, vapor bars, and hookah bars. Extension of this moratorium is needed in order to: (1) address the community concerns regarding the establishment and operation of private smokers' lounges, e-cigarette lounges, vapor bars, and hookah bars; (2) continue studying the potential impacts that these types of businesses may have on the

public health, safety and welfare; (3) continue studying and determining what local regulations may be appropriate or necessary for private smokers' lounges, e-cigarette lounges, vapor bars, and hookah bars; (4) continue studying and determining the appropriate zoning and location for these types of businesses; and (5) continue determining appropriate measures to ensure the protection of public health, safety and welfare.

Staff Report: Adam U. Lindgren, City Attorney.

Advances Goals: 1, 2.

14. PUBLIC HEARING ITEMS

14.1 **Subject:** Grant Line 208 Rezone, Large Lot Tentative Subdivision Map, Small Lot Tentative Subdivision Map, Development Agreement Amendment; Project No. DD 8436 – Located south of Douglas Road and West of Grant Line Road.

Recommendation: Introduce and waive the first reading of Ordinance No. 2-2015 and adopt Resolution No. 24-2015.

Result of Recommended Action: Approval of the project would allow reconfiguration of the residential subdivision and overall reduction in units from 724 single family lots to 502 single family lots. Additionally, approval of the project would allow for amendments to the previously adopted Development Agreement to clarify the project's parks and infrastructure requirements. These modifications reflect the recent updates to the City's open space/park standards and Public Works improvement timing and standards.

Staff Report: Jessica Jordan, Principal Planner.

Advances Goals: 1, 2, 6.

15. REGULAR CALENDAR ITEMS

NONE.

16. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

17. CITY MANAGER'S REPORT

Update on Town Hall Meetings and Council Feedback.

18. ADJOURNMENT

Mayor McGarvey will adjourn the regular meeting to closed session in the Community Board Room.

19. CLOSED SESSION - CALL TO ORDER/ROLL CALL

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

20. CLOSED SESSION

Council may adjourn to Closed Session to discuss the following item(s):

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: Rio Del Oro Property, located at the underdeveloped area bordered by White Rock Grant Line Douglas and the industrial area east of Sunrise known as the Rio Del

Oro Property Area.

APN: 072-0370-045-0000; 072-0370-046-0000; 072-0370-047-0000; 072-0370-048-0000; 072-0370-071-0000; 072-0370-089-0000; 072-0370-092-0000; 072-0370-102-0000; 072-0370-103-0000; 072-0370-104-0000; 072-0370-105-0000; 072-0540-004-0000; 072-0540-005-0000; 072-0540-006-0000; 072-0540-011-0000; 072-0540-013-0000; 072-0540-014-0000; 072-0540-015-0000; 072-0540-016-0000; 072-0540-017-0000; 072-0540-021-0000; 072-0540-022-0000; 072-0540-023-0000

Agency negotiators: Brian Nakamura, Joe Chinn, Adam Lindgren.

Negotiating parties: Elliot Homes and Aerojet.

Under negotiation: Price and terms of payment.

21. OPEN SESSION - REPORT FROM CLOSED SESSION

The City Attorney will report on action taken in Closed Session.

22. ADJOURNMENT

ADDITIONAL INFORMATION

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.

CITYWIDE GOALS - (Adopted March 27, 2012)	
1.	Promote the Positive Image of Rancho Cordova
2.	Ensure a Safe, Inviting and Livable Community
3.	Empower Responsible Citizenship
4.	Establish Logical City Boundaries that Provide Regional Leadership and Address Financial Challenges
5.	Ensure the Availability of the Best Public Services in the Region while Practicing Sound Fiscal Management
6.	Drive Diverse Economic Opportunities

UPCOMING MEETINGS	
<i>Monday, March 16, 2015</i>	<i>City Council Regular Meeting (5:30 PM)</i>
<i>Tuesday, March 24, 2015</i>	<i>City Council Special Meeting (5:30 PM)</i>
<i>Wednesday, March 25, 2015</i>	<i>Town Hall Meeting at Williamson Elementary (6-7:30 PM)</i>
<i>Thursday, March 26, 2015</i>	<i>Town Hall Meeting at A.M. Winn Elementary (6-7:30 PM)</i>
<i>Friday, March 27, 2015</i>	<i>Town Hall Meeting at Navigator Elementary (6-7:30 PM)</i>
<i>Monday, March 30, 2015</i>	<i>Town Hall Meeting at Sunrise Elementary (6-7:30 PM)</i>
<i>Monday, April 6, 2015</i>	<i>City Council Special Meeting/Study Session (4:00 PM) and Regular Meeting (5:30 PM)</i>

If you have any technical questions related to the agenda items, please contact the appropriate department as follows:

DEPARTMENTAL GENERAL TELEPHONE NUMBERS	
Building and Safety Division	(916) 851-8760
City Attorney's Office	(916) 556-1531
City Clerk's Department	(916) 851-8720
City Manager's Office	(916) 851-8800
Communications Department	(916) 851-8791
Economic Development Department	(916) 851-8780
Finance Department	(916) 851-8730
Housing Division	(916) 851-8784
Human Resources Department	(916) 851-8740
IT Department	(916) 851-8700
Neighborhood Services – Animal Services	(916) 851-8770
Parks & Recreation (Cordova Recreation & Park District)	(916) 362-1841
Planning Department	(916) 851-8750
Public Works Department	(916) 851-8710
Rancho Cordova Police Department	(916) 875-9600
Redevelopment Department	(916) 851-8780
Sac Metro Fire District	(916) 859-4300

The Rancho Cordova City Council/Successor Agency to the CRA/RCFC will be videotaped in its entirety and will be cablecast without interruption on Metro Cable 14, the Government Affairs Channel on the Comcast and SureWest Cable Systems. Closed Captioning will be available on the playback cablecast. Tune to Metro Cable Channel 14, for playback times. A VHS copy is available for check out from any library branch, 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. The City does not control scheduling of this telecast and persons interested in watching the televised meeting should confirm this schedule with Metro Cable TV, Channel 14.

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

CERTIFICATION OF POSTING OF AGENDA

I, Mindy Cuppy, MMC, City Clerk for the City of Rancho Cordova, declare that the foregoing agenda for the Monday, March 02, 2015 Special and Regular Meeting of the Rancho Cordova City Council/Successor Agency to the CRA/RCFC was posted and available for review on Thursday, February 26, 2015 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 Thursday, February 26, 2015 at Rancho Cordova, California.


Mindy Cuppy, MMC, City Clerk



meyers | nave PUBLIC OFFICIAL TRAINING SERIES

AB 1234 ETHICS TRAINING



AB 1234 TRAINING REQUIREMENT

- Required “no later than one year from the first day of service with the local agency,” for new officials, and thereafter “at least once every two years.” Govt. code § (b) 53235.1
- General Ethics Principles
- Ethics Laws
 - Conflicts of Interest
 - Prohibition Against Personal Gain
 - Claiming the Perquisites of Office
 - Government Transparency Laws
 - Fair Process Laws

GENERAL ETHICS PRINCIPLES

- Values such as transparency, trustworthiness, respect, fairness and responsibility promote public trust in government.
- Importance of avoiding even the appearance of impropriety.



General Ethics Principles

- Ethics laws merely set minimum standards for conduct
- Ethics goes beyond legal requirements
 - About doing what we ought to do, rather than what's minimally required
 - Set a higher standard!

PROHIBITION ON USE OF OFFICE FOR PERSONAL GAIN

- Making decisions affecting your economic interests (Political Reform Act)
- Economic conflicts
- Conflicts and campaign contributions
- Conflicts with leaving office
- Contracting with your own agency (Gov. Code § 1090)
- Bribery

POLITICAL REFORM ACT OF 1974

The Political Reform Act applies to:

- Public officials with a financial interest making or attempting to influence a decision (Gov. Code § 87100)

POLITICAL REFORM ACT OF 1974

When Does A Public Official Have A Conflict?

8 Step Test has been replaced by a 4 Step Test - “Non-substantive” “Reorganization” but in reality tougher.

- Reasonably foreseeable
- Material financial effect
- Economic interest
- Different from the public generally

POLITICAL REFORM ACT OF 1974

The 4 Steps To Determine Conflict Of Interest

- Step 1: Is the financial effect “reasonably foreseeable?”
- Step 2: Is it “material”?
- Step 3: Is the effect on the official the same as on the “public generally?”
- Step 4: When is the official “making, participating in the making, or using his or her position to influence” the governmental decision from which the financial effects result?

POLITICAL REFORM ACT OF 1974

Step 1

IS THE FINANCIAL EFFECT “REASONABLY FORESEEABLE?”

- **“REALISTIC POSSIBILITY AND MORE THAN HYPOTHETICAL OR THEORETICAL”**
 - Old standard “substantial likelihood”

POLITICAL REFORM ACT OF 1974

Step 2

- IS IT “MATERIAL?”
- DEPENDS ON THE FINANCIAL INTEREST INVOLVED
- Most common – real property
 - Material if the subject of the decision.
 - Material if it meets any of a list of criteria; including 500 feet, change character or effect market value.

POLITICAL REFORM ACT OF 1974

Step 3

- **IS THE EFFECT ON THE SAME AS ON THE “PUBLIC GENERALLY?”**
 - No longer focus on “significant segment,”
 - Now 10% for property “public generally” focus on type
 - Financial effect is “noticeably disproportionate”

POLITICAL REFORM ACT OF 1974

Step 4

- WHEN IS THE OFFICIAL “MAKING, OR USING HIS OR HER POSITION TO INFLUENCE” THE GOVERNMENTAL DECISION FROM WHICH THE FINANCIAL EFFECTS RESULT?

POLITICAL REFORM ACT OF 1974

Recusal Actions Required Section 87105

- Publicly identify interest in sufficient detail
- Recuse self from discussions or acting on matter
- Leave room, unless matter on consent agenda
- **Exception:** May speak during public comment about effect on interest

POLITICAL REFORM ACT OF 1974

Penalties for Violation of Political Reform Act

- **Administrative Fine** - \$5,000 fine per violation imposed by FPCC
- **Civil Remedy** - If official derived economic benefit from decision, fine could amount to 3 times the benefit received
- **Criminal Sanctions** - If the official knowingly or willingly violated the law: misdemeanor conviction, fine of \$10,000 or 3 times value of benefit conferred (whichever is greater, and the official disqualified from public office for 4 years).

Conflicts of Interest and Campaign Contributions

- “Developer or Applicant Rule”
- Public officials are disqualified from making a decision involving a license, permit, or entitlement for use if official has accepted a campaign contribution exceeding \$250 from the party within the preceding 12 months (Gov. code § 84308)
- Official may not accept a campaign contribution exceeding \$250 while such an application is pending, and for three months after the decision is made
- “**Directly elected**” exception – (Gov. Code § 84308(a)(3); Cal Code of Regulation, Title 2 § 18438.1)

CONFLICT OF INTEREST WHEN LEAVING OFFICE

Lobbying Former Agency

- One year ban on lobbying former agency
- Applies to elected officials, city managers, county executives, and general managers
- Applies only if compensated and representing another person

Decisions involving Prospective Employers

- Public officials and employees are prohibited from being involved in governmental decisions directly relating to a prospective employer

PROHIBITION AGAINST SELF CONTRACTING

GOVERNMENT CODE SECTION 1090

GOVERNMENT CODE SECTION 1090

California Government Code Section 1090 prohibits an officer or employee of a public agency from participating in the making of a contract in which he or she has a financial interest

GOVERNMENT CODE SECTION 1090

Scope Of Section 1090 Conflict

- **Abstention does not** cure Section 1090 problem
- Entire governing body is precluded from entering into the contract
- Agency not allowed to make any payments on contract

GOVERNMENT CODE SECTION 1090

Financial Interest In A Contract

- “Financial interest” includes both direct and indirect interests
- Determination based on the connection between the contract and the official's interest

GOVERNMENT CODE SECTION 1090

Contracts Subject To Section 1090

- Contracts are defined broadly
- Includes renewal, extension, or renegotiation of existing contract

GOVERNMENT CODE SECTION 1090

"Participation" In Making A Contract

- Preliminary discussions
- Negotiations
- Compromises
- Reasoning
- Planning
- Drawing of plans and specifications
- Solicitation for bids

GOVERNMENT CODE SECTION 1090

Exceptions To Section 1090

- Remote interest (e.g. non-salaried officer of non-profit)
- Non-interest (e.g. salary per diem from another government agency)
- Rule of necessity

GOVERNMENT CODE SECTION 1090

Exceptions To Section 1090

Remote Interest Exceptions

- Public official does not have an interest in contract if the interest is “remote” and if fact of the remote interest is disclosed to the legislative body and noted in official records.
- Must recuse and note conflict for the record.
- Examples:
 - Employee or officer of non-profit
 - Landlord or tenant of contracting party
 - Salary or per diem from a directly involved government department
 - Supplier of same goods and services for 5 years prior to election/appointment
 - Employee of private party if:
 - 10 or more employees, and
 - Employed more than 3 years

GOVERNMENT CODE SECTION 1090

Exceptions To Section 1090

Non-interest Exceptions

- Public official is deemed not interested and may participate in making of the contract.
- Examples
 - Ownership of less than 3% of stock
 - Spouse of officer/employee of public agency, if the office holding or employment existed at least one year prior to the spouse's election/appointment
 - Salary or per diem from a non-directly involved government department
 - Nonsalaried member of nonprofit, with disclosure and noting in records

GOVERNMENT CODE SECTION 1090

Violation Of Section 1090

- Contracts made in violation of Section 1090 are void and unenforceable
- Payments made to the contracting party must be returned to the public agency
- Public agency entitled to retain any benefits it received

GOVERNMENT CODE SECTION 1090

Personal Consequences

Government Code Section 1097 provides that willful violations of Section 1090 are punishable by fine, imprisonment, and permanent disqualification from holding any office in California



GOVERNMENT CODE SECTION 1090

No Execution=No Violation

If the prohibited contract is never executed, there is no violation of Section 1090

If a potential Section 1090 conflict is discovered,
don't allow the contract to be executed

GOVERNMENT CODE SECTION 1090

- Even if a Section 1090 conflict does not exist, there may still be a conflict under the Political Reform Act
- FPPC granted more power to bring civil and administrative enforcement action. (AB 1090 (Fong) 2013)
 - Power to impose \$10,000 fine or 3x the value of the illegal contract.

BRIBERY

- A public official (elected, appointed or staff)
- Receives or agrees to receive any bribe
- Bribe is anything of “value or advantage”
- Official action influenced
- Penalties





COURT TIME: Leland Wong, flanked by attorneys Janet Levine and Jeffrey Rutherford, pleaded not guilty to bribery and other charges. The indictment caps a three-year investigation.

AL SEIB Los Angeles Times

City Hall Insider Accused of Bribery

Former commissioner Leland Wong is the only official to be indicted in the 'pay to play' probe.

By TED ROHRlich
Times Staff Writer

Leland Wong, a power broker in former Mayor James K. Hahn's administration, surrendered Wednesday to face a bribery and conflict-of-interest indictment that makes him the only public official accused of crimes in a three-year probe of alleged "pay to play" contracting practices in Los Angeles.

Wong was accused by the Los Angeles County Grand Jury on Tuesday of accepting \$100,000 in bribes from Ren-Gung Shyu, executive vice president of Taipei-based Evergreen Marine Corp., to get the giant Taiwanese shipping line more space at the Port of Los Angeles. Shyu, whose testimony remains under seal, was not accused of a crime.

Wong's indictment marks a milestone for prosecutors. A longtime figure in the city's elite governing class, he served as a powerful commissioner during three mayoral administrations. His case is the first in which prosecutors have filed charges involving alleged influence-peddling by a Hahn appointee.

But the charges are not the ones prosecutors set out to explore — trading city contracts for campaign contributions. News reports about such alleged practices

[See Wong, Page A18]

RELATED STORIES

Low profile: Wong accumulated power behind the scenes. **A18**

Milestone: D.A. draws a bead on a major political figure. **A19**

LA TIMES
8/24/06

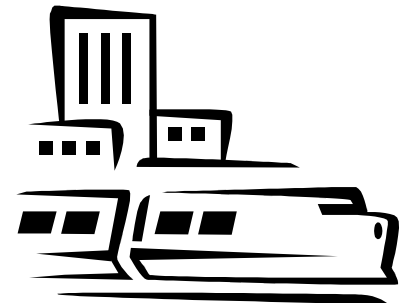
CLAIMING THE PERQUISITES (“PERKS”) OF OFFICE

State law places significant restrictions on the “perks” that a public official may receive. Regulated categories of “perks” include:

- Transportation by transportation companies
- Gifts
- Travel Payments
- Honoraria
- Misuse of Public Resources
- Mass Mailing at Public Expense
- Gifts of Public Funds

ILLEGAL GIFTS OF TRANSPORTATION PROHIBITION

- Constitutional Prohibition. Cal. Const. art. XII, § 7
- No free passes or discounts from transportation companies
- Severe penalty: forfeit office
- Applies to all forms of transportation



GIFT AND TRAVEL RESTRICTIONS

- Gift Limit Prohibition
 - Public officials and employees may not accept gifts from a single source during a calendar year in excess of **\$460**
 - Gifts in excess of limit from a single source during a 12 month period are disqualifying
 - Gifts in excess of **\$50** from a single source must be reported

GIFT AND TRAVEL RESTRICTIONS



- What is a gift?
 - Any payment or other benefit conferring a personal benefit for which the public official does not provide goods or services of equal or greater value.
- When is a gift accepted?
 - A gift has been received or accepted when the public official takes actual possession of the gift or exercises direction or control over the gift, including discarding the gift or turning it over to another person.

GIFT AND TRAVEL RESTRICTIONS

Exceptions to Gift Limitations

Exceptions to gift restrictions:

- Gifts not used and returned
- Gifts donated to 501(c)(3) organization (without claiming a deduction)
- Gifts from family members
- Informational material (books, papers)
- Campaign Contributions
- Any devise or inheritance

MORE GIFT EXCEPTIONS

- Home hospitality (w/some importation limitations)
- Gift exchanges of equal value
- Leave credits
- Disaster relief provisions
- Travel and subsistence as part of campaign activities
- Entrance to an event while performing a ceremonial role (includes one guest)
- Prizes received in a bona fide competition
- Benefits received as a guest attending a wedding
- Bereavement offerings associated with funerals

EVEN MORE GIFT EXCEPTIONS

- Acts of Neighborliness: Lending a tool
- Bona Fide Date or Dating Relationship
- Acts of Human Compassion: Money given to you to help with support because of a loss, or for your humanitarian efforts
 - Exceptions
 - Lobbyists
 - Someone coming before the City for a permit/entitlement
 - If you work for a regulatory agency and the gift giver is coming before your agency for (upon which it is reasonably foreseeable you will participate) a license or enforcement proceeding

GIFTS TO MEMBERS OF AN OFFICIAL'S FAMILY

- Immediate family includes spouse and dependent children
 - Dependent children: A child, under 18 years old and whom the official is entitled to claim as a dependent on his or her federal income tax.
 - “Official’s Child”: At least 18 but no more than 23 years old and is a full-time or part-time student; and
 - Has the same principal residence as official; and
 - Does not provide more than one-half of his or her own support.

GIFTS TO MEMBERS OF AN OFFICIAL'S FAMILY

- May be considered a payment to the public official when there is
 - No established relationship that would suggest an association between the donor and the family member
 - There is evidence to suggest that the donor had a purpose to influence the official.

GIFT AND TRAVEL RESTRICTIONS

Exceptions to Gift Limitations

Gift to the Public Agency

- Agency must control use of the gift
- Gift must be used for official agency business
- Agency must report on Form 801

We will be doing a separate, additional updated memorandums regard the Tickets Policy

TICKETS OR PASSES

- Admission to a facility, event, show or performance for an entertainment, amusement, recreational or similar purpose
- Not a gift if provided:
 - for official's admission to an event at which he/she performs a ceremonial role or function on behalf of the agency; OR
 - by the official's agency when official treats the ticket or pass as income consistent with tax laws and the agency reports the ticket or pass as income to the official
 - Policy posted on agency's website within 30 days
 - Transmitted to FPPC, if no website

GIFT AND TRAVEL RESTRICTIONS

Gifts of Travel



Travel payments may be subject to gift limit restrictions and/or may be reportable

GIFT AND TRAVEL RESTRICTIONS

Travel Payment Exceptions

Reimbursement for travel for the following is not subject to the \$460 gift limit or reporting requirements:

- Speeches or participation on a panel for official agency business
- Reimbursement provided by the official's government agency (compliance with agency's own policy required)
- Travel paid for from campaign funds

GIFT AND TRAVEL RESTRICTIONS

Travel Payment Exceptions (cont'd)

Travel payments not subject to the gift limit, but which may be reportable:

- Reasonably necessary in connection with a business, trade, or profession
- Speech or participation on a panel inside U.S. related to govt'l purpose for elected officials and officials specified in Gov. Code § 87200
- Travel that is reasonably related to a legislative or governmental purpose, or to an issue of state, national or international policy AND is provided by a government, government agency, foreign government, public or private educational institution, or a 501(c)(3) non-profit or foreign equivalent

GIFT AND TRAVEL RESTRICTIONS

Honoraria Ban

- Elected officials, city managers, city attorneys, and city treasures may not accept any payment for:
 - Giving a speech;
 - Publishing an article; or
 - Attending a public or private conference, convention meeting, social event, meal, or similar gathering.



GIFT AND TRAVEL RESTRICTIONS

Honoraria Exceptions

Not prohibited and not required to be disclosed on a Form 700, for example:

- Returned honorarium
- Honorarium donated to agency general fund
- Honorarium made directly to a bona fide non-profit organization
- Campaign contributions (but must be reported)

PROHIBITION AGAINST USE OF PUBLIC RESOURCES FOR PERSONAL OR POLITICAL PURPOSES

- Public officials and employees may not use public resources for private gain (whether financial or political)
- Government cannot expend resources to promote a partisan position in an election campaign, but it can educate about ballot measures.
- State law permits minimal/incidental use of agency resources.

MASS MAILING RESTRICTIONS

Mass mailings may not be sent at public expense

- A “mass mailing is:
 - A tangible item sent or delivered
 - to 200 or more people within a calendar month
 - that “features” an elected officer by:
 - Including the photograph or signature, or
 - singling out the officer by the manner of display of name or office in the layout, such as by headlines, captions, type size, typeface, or type color
 - For which the costs of design, production and printing exceed \$50 and are paid with public moneys.



MASS MAILING RESTRICTIONS

Exceptions to Mass Mailing Restrictions

- Letterhead
- Press releases
- Communications between government agencies
- Intra-agency communication
- Bills and legal notices
- Telephone directory, organizational chart or similar roster

ILLEGAL GIFTS OF PUBLIC FUNDS

Constitutional Prohibition

- Public Agencies may not make gifts of public funds.
- An expenditure is not a gift if it serves a public purpose, even if it benefits a private party.
- Legislative body's determination of a public purpose is given great deference.

GOVERNMENT TRANSPARENCY LAWS



GOVERNMENT TRANSPARENCY LAWS

- Economic Disclosure Laws (Form 700)
- Open Meeting Laws (The Ralph M. Brown Act)
- Public Records Laws (Public Records Act)

GOVERNMENT TRANSPARENCY LAWS

Form 700

- Must be filed upon taking office, leaving office, and on an annual basis, April 1 of every year.
- Require disclosure of personal financial interests
- Alert public officials to personal interests that might be affected
- Help inform the public about potential conflicts of interest

GOVERNMENT TRANSPARENCY LAWS

The Ralph M. Brown Act



GOVERNMENT TRANSPARENCY LAWS

The Ralph M. Brown Act

“ALL MEETINGS
OF THE LEGISLATIVE BODY
OF THE LOCAL AGENCY
SHALL BE OPEN AND PUBLIC
AND ALL PERSONS SHALL BE PERMITTED TO
ATTEND ANY MEETING EXCEPT
AS OTHERWISE PROVIDED”
(Gov. Code § 54953)

GOVERNMENT TRANSPARENCY LAWS

Meeting Defined

“Any congregation of a majority of the members of a legislative body at the same time and place to hear, discuss, or deliberate on any item that is within the subject matter jurisdiction of the legislative body or the local agency to which it pertains.”

GOVERNMENT TRANSPARENCY LAWS

Meeting Exceptions

- A “meeting” is NOT:
 - Individual contacts by members;
 - Attendance at a conference or open and public community meeting;
 - Attendance at a social or ceremonial function; or
 - Observing an open meeting of that body’s standing committees.

GOVERNMENT TRANSPARENCY LAWS EXCEPTION

- An ad hoc advisory committee consisting solely of less than a quorum of the legislative body is not subject to the Brown Act.
 - No continuing subject matter jurisdiction
 - Limited term
 - Compare standing committee, which has continuing subject matter jurisdiction or a meeting schedule fixed by charter, ordinance, resolution or other formal action

GOVERNMENT TRANSPARENCY LAWS

Serial meetings

- A majority of the legislative body may not discuss, deliberate, or take action by direct communication, intermediaries, or technology
- Examples:
 - Daisy Chain – A calls B; B calls C; etc.
 - Email – “Reply all”
 - Hub and Spoke – Intermediaries (can be a person or a document)

GOVERNMENT TRANSPARENCY LAWS

Meeting - Location

- Accessible to persons with disabilities
- Inside the public agency's boundaries, unless:
 - No facility within boundaries
 - Complying with law or court order
 - Inspecting real or personal property
 - Multi-agency meeting in another jurisdiction
 - Meet with state or federal officials
 - Closed session with attorney on pending litigation
 - Video or teleconferencing

GOVERNMENT TRANSPARENCY LAWS

Meeting – Regular Notice & Agenda

- 72 hours advance posting, including on website if the agency has one
- Time and location
- Description of each business item
- Alternative formats for persons with disabilities
- Public comment period
- No discussion of non-agendized items (brief responses to questions okay)

GOVERNMENT TRANSPARENCY LAWS

Meeting – Special Notice & Agenda

- Special Meetings
 - 24 hour posting/notice, and content same as regular agendas
 - No discussion of salaries for local agency executives
 - Public comment only on agenda items
 - No consideration of non-agendized matters
- Emergency
 - Imminent threat to public health or safety
 - 1 hour notice, but less if crippling disaster
 - Called by any member, content as necessary

GOVERNMENT TRANSPARENCY LAWS

Meeting- Closed Sessions

- Closed Session Meetings are Confidential
- “Safe harbors”
 - Real Estate Negotiations
 - Anticipated or Pending Litigation
 - Public Employee Appointments, Evaluations, Dismissal
 - Labor negotiations
 - Public security
- Announcements of actions in open session

GOVERNMENT TRANSPARENCY LAWS

PENALTIES AND REMEDIES

- Civil Remedies
 - Injunctive Relief
 - Invalidation of Action
 - Demand to Cure
 - Attorney's Fees
- Council Penalties
 - Fine
 - Jail
 - Referral to Grand Jury and/or District Attorney

GOVERNMENT TRANSPARENCY LAWS

California Public Records Act (Gov. Code § 6250 *et seq.*)



GOVERNMENT TRANSPARENCY LAWS

California Public Records Act (Gov. Code § 6250 *et seq.*)

The Public Records Act makes all non-exempt, state and local government agency records (including reasonably segregable, non-exempt portions of otherwise exempt records) in any form or medium subject to public inspection.

GOVERNMENT TRANSPARENCY LAWS

What is a Public Record?

“...any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.”
(Gov. Code § 6252(e))

GOVERNMENT TRANSPARENCY LAWS

What Is A Public Record? (cont'd)

“...any writing...”

Includes any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored. (Gov. Code § 6252(f).)

GOVERNMENT TRANSPARENCY LAWS

What is a Public Record? (Cont'd)

“...information relating to the conduct of the public's business...”

The mere custody of a writing by a public agency does not make it a “public record” under the Act. But if a record is kept by an officer because it is necessary or convenient to the discharge of official duties, it is a “public record.”

GOVERNMENT TRANSPARENCY LAWS

Public Records Exempt from Disclosure

- Preliminary drafts, draft notes or draft interagency and intra-agency memoranda
- Pending litigation
- Personnel records
- Medical, dental and other insurance records
- Closed session minutes and legal memoranda and other materials distributed in a closed session
- Records protected by the attorney-client privilege

GOVERNMENT TRANSPARENCY LAWS

Duty to Assist

- Assist the requester to identify records and information that are responsive to the request or to the purpose of the request, if stated
- Describe the information technology and physical location in which the records exist
- Provide suggestions for overcoming any practical basis for denying access to the records or information sought

GOVERNMENT TRANSPARENCY LAWS

Other Resources

- Confer with legal counsel
- FPPC Website: Economic Disclosure Fact Sheet.
www.fppc.ca.gov
- The Brown Act: Open Meetings for Legislative Bodies (2003)
- Open & Public IV: A User's Guide to the Ralph M. Brown Act
- The People's Business, LOCC (2008, update 2011)

FAIR PROCESS REQUIREMENTS



FAIR PROCESS REQUIREMENTS

Fair Processes

The Constitution, state law, and the common law all have a role in ensuring that public agencies operate fairly and avoid arbitrary decisions. The laws include:

- Common law bias prohibitions
- Due process requirements
- Incompatible offices
- Incompatible activities
- Disqualification from participating in decisions affecting family members
- Competitive bidding requirements

FAIR PROCESS REQUIREMENTS

Common Law Prohibition Against Bias

- A public officer must exercise the powers conferred on him or her with disinterested skill, zeal and diligence, and primarily for the benefit of the public
- No pre-determined, unchangeable positions for or against a particular party or individual

FAIR PROCESS REQUIREMENTS

Due Process Clause of 14th Amendment

- In quasi-judicial proceedings, officials should:
 - Act in a fair and impartial manner;
 - Apply legal standards to facts; and
 - Provide an opportunity to be heard and to rebut evidence

FAIR PROCESS REQUIREMENTS

Incompatible Offices

- Now codified at Government Code § 1099.
- ***Elements***
 - A person may not hold two public offices simultaneously
 - If the potential for conflict or overlap in the functions or responsibilities in the office exist
- Forfeiture of first office
- Common law rule often overridden by statute

INCOMPATIBLE ACTIVITIES

- Elements (Gov. Code § 1126):
 - Agency officers and employees shall not engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to his or her duties
- Only applies if the local agency has adopted a statement of incompatible activities.

Fair Processes Requirements

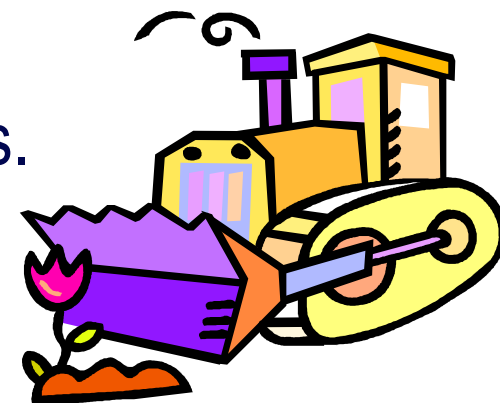
Anti-Nepotism Laws and Policies

- Disqualification from participating in decisions affecting family members (anti-nepotism laws)
 - Political Reform Act requires recusal when decisions have a material impact on one's spouse or dependent children.
 - Common law bias will require recusal in many cases.
- Jurisdiction's own policies often limit participation in matter affecting family members.

FAIR PROCESS REQUIREMENTS

Competitive Bidding Requirements

- Public works projects must be awarded to lowest responsible bidder.
 - Generally applies to construction projects.
- Purpose
 - Not to protect bidders
 - Guards against favoritism, fraud, and corruption
 - Prevents waste of public funds
 - Seeks to obtain best economic result for the public



FAIR PROCESS REQUIREMENTS

Definition of Public Project

“Public project:”

- A project for the erection, improvement, painting, or repair of public buildings and works.
- Work in or about streams, bays, waterfronts, embankments, or other work for protection against overflow.
- Street or sewer work except maintenance or repair.
Furnishing supplies or materials for any such project, including maintenance or repair of streets or sewers.

Contact Us With Questions

Adam U. Lindgren, City Attorney
alindgren@cityofranchocordova.org
510.368.1000

Leticia Ramirez, Deputy City Attorney
lramirez@cityofranchocordova.org
916.955.0493

Warm ups	Conflicts	Newsletter	Brown Act
<u>\$200</u> Tickets	<u>\$400</u> Conflicts	<u>\$600</u> Newsletter	<u>\$500</u> Brown Act
<u>\$200</u> 1090			<u>\$1000</u> Brown Act
<u>\$200</u> Public Works			

Warm-up Question \$200

- **Must this be reported this to the FPPC?**

The City has purchased a table to the high school crab feed. Two Council Members will sit at that table with staff.

\$200 Answer

- **Yes.**

Under the 2011 regulations, the tickets need to be reported to the FPPC on a Form 802 within 30 days of distribution.

Alternatively, the Council Members may ask the City to report the distribution as income to the council members and then treat it as such on their tax forms; or they can report the ticket as income on their Form 700 if its value is more than \$50.

- *What if a Council Member wants tickets for an independent, adult child?*

[Slide 1](#)

Warm-up \$200

- **When a Council Member has a financial interest in a City contract, is recusal from the discussion and vote on the matter always adequate?**

\$200 Answer

- **No.**

If the Council Member has more than a “remote” or “non-interest” in the contract, the City cannot enter into the contract.

[Slide 1](#)

Newsletter \$600

- **Is this a violation of the Political Reform Act?**

Council Members A and B helped local residents raise money to replace a badly damaged swing set in a City park. Council Member B pens an article about the effort for the City newsletter. The article highlights the work of the Council Members and includes photographs of both.

\$600 Answer

- **Yes.**

Under the Act's mass mailing regulations, a tangible item such as a newsletter delivered to one's residence, post office box, or place of employment may not feature an elected officer of the agency funding its distribution when more than \$50 of public funds are used to distribute it. An officer is featured when:

- 1) His or her photo, signature, or name is displayed on the document in a way which singles the individual out, OR
- 2) The item includes a reference to the officer and the officer prepared or cooperated in the preparation of the document.

[Slide 1](#)

Conflicts \$400

- **May you agree to vote in favor of a project in exchange for a promise of money from the applicant?**

\$400 Answer

- **No.**

This is a bribe, punishable by jail time.

[Slide 1](#)

Warm-up \$200

- **If the City wants to construct a gazebo at City Hall which will cost \$6,000, does it have to put the project out for bid?**

\$200 Answer

- **Yes.**

In general, public projects which cost more than \$5,000 must go through the public bidding process.

[Slide 1](#)

Brown Act for \$500

- **Is this a Brown Act violation?**

Mindy Cuppy sends an email to all Council Members and the City Manager inquiring about preferences for meeting dates on an agenda item regarding whether or not the Council should join in a regional effort to sponsor a “River Clean-up 5k Walk.”

Council Member A hits “reply all” and writes: “Given the importance of this issue, I’d like this on the next agenda. I’m willing to pull out of other Council commitments—like the new City Hall citizen training program—to make this happen.” All other Council Members read the email, but do not reply.

\$500 Answer

- It can be.

Under the Brown Act, a “serial meeting” is a meeting and subject to notice and agenda requirements. In 2008, the Act was changed to eliminate the requirement that a “collective concurrence as to action being taken” exist for a Brown Act violation to occur. Deliberation, discussion *or* action on a matter within the city’s jurisdiction by a majority amounts to a violation. Here we would be careful that no other Council Members “reply all” to avoid possible argument of “deliberation”.

It is okay to reply to all about simple scheduling issues, but **do not** to include any substantive information about your opinion on a matter of city business.

[Slide 1](#)

Brown Act for \$1000

- **Is this a Brown Act violation? (Staff briefings)**

The local paper runs an article about the “River Clean-up 5K” sponsorship and an editorial encouraging the Council to not participate because “we’ve invested in the river enough already.” Four Council Members contact the City’s Finance Director and request meetings to discuss details of the City budget. They want as much information as possible going into the meeting on exactly what funds are available and where they would come from.

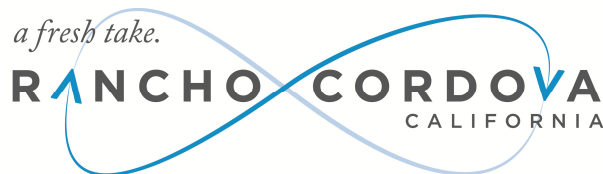
The Finance Director meets with each Council Member individually to answer their questions. Council Member D is the last to meet with the Finance Director. Council Member D asks if the Council’s catering budget can be cut by \$25,000 to help fund the walk. The Finance Director says “that’s exactly what Council member C suggested! You guys are like the same person sometimes.”

\$1000 Answer

- **No.**

Staff providing information to individual Council Members alone is not a violation. This situation could have risen to a violation if Council Member D then told Council Member A and B the story with all of the details regarding the budget ideas.

[Slide 1](#)



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

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

Tuesday, February 17, 2015

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

DRAFT MINUTES

1. CLOSED SESSION - CALL TO ORDER/ROLL CALL

Closed Session did not take place. Closed Session was cancelled, because it was not needed.

2. CLOSED SESSION

- 2.1 CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: (Number of potential cases: 1).

3. ADJOURNMENT

4. REGULAR MEETING - CALL TO ORDER / ROLL CALL

Mayor McGarvey called the regular meeting to order in the David B. Roberts Council Chambers at 6:04 PM.

Council Members Present: McGarvey, Sander, Terry, Budge (7:04 PM), Skoglund

Council Members Absent: None.

Staff Members Present: Nakamura, Lindgren, Cuppy, George, Abhar, Busch, Chinn, Goold, Haven, Holt, Silva, Adams, Meltzer

5. METRO CABLE TV TELEVISION ANNOUNCEMENT

The City Clerk read the meetings recordings and playback schedules.

6. PLEDGE OF ALLEGIANCE

Craig Osborn led the pledge.

7. INVOCATION

Kyle Kerchner from First Covenant Church will give the invocation.

8. OPEN SESSION - REPORT FROM CLOSED SESSION

There is no reportable action, because closed session was cancelled.

9. PRESENTATIONS

- 9.1 Business of Distinction Award Presented to Mike Jones from Barco Given by Ethan Meltzer, Economic Development Department.
- 9.2 Impact on Prop 47 Passage Presentation Given by Chief Michael Goold, Rancho Cordova Police Department and Steve Grippi, Sacramento County Chief Deputy District Attorney.

10. PUBLIC COMMENT

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

- Pamela Liu, regarding the Shen Yun World Tour that took place and wishing Council a Happy New Year.

Mayor McGarvey closed the public comment period.

11. COUNCIL REPORTS

Council reported on events since the last meeting.

12. CONSENT CALENDAR ITEMS - ROLL CALL VOTE

ACTION: Motion to approve by Skoglund second by Sander;
Carried by a 4:0 roll call vote. (Budge absent)

- 12.1 **Subject:** Meeting Minutes of February 2, 2015 Regular Meeting.
Recommendation: Adopt Minutes.

- 12.2 **Subject:** Quarterly Treasurer's Report.
Recommendation: Recommend the report be received and filed.
Result of Recommended Action: Provide City Council with information concerning the City's investment portfolio and to meet state code.
Staff Report: Liisa Behrends, Sr. Accountant.
Advances Goal: 4.

- 12.3 **Subject:** Resolution Awarding Construction Contract No.14-2015 in the Amount of

\$127,983 to Tim Paxin's Pacific Excavation, Inc. for the Routier Road at Rancho Cordova Senior Center Pedestrian Signal Project.

Recommendation: Adopt Resolution No.16-2015.

Result of Recommended Action: Adoption of this resolution will award construction contract No. 14-2015 with Tim Paxin's Pacific Excavation, Inc. in the amount of \$127,983.00, which will construct the Routier Road at Rancho Cordova Senior Center Pedestrian Signal Project.

Staff Report: Cyrus Abhar, Public Works Director and Chris Boyer, Associate Civil Engineer.

Advances Goals: 1, 2, 5.

- 12.4 **Subject:** Staff Update Regarding the Expansion of the Original Statewide Community Infrastructure Program (SCIP) Approved by City Council in 2007.

Recommendation: Authorize staff to expand the use of Statewide Community Infrastructure Program (SCIP) to include citywide residential projects and the addition of the Community Facilities Fee (Facilities Portion) to the list of impact fees to be funded by the program, as allowed in the original approval documents.

Result of Recommended Action: The SCIP program expansion will allow certain single and multi-family projects as well as Community Facilities Fees (Facilities Component) to be funded through the SCIP assessment program which provides an additional financing option for development projects.

Staff Report: Michelle Mingay, Finance Department.

Advances Goals: 5, 6.

- 12.5 **Subject:** Resolution Supporting Sacramento County's Legislative Bill that Would Authorize the Relinquishment of State Route 16 (SR16) between Watt Avenue and Grant Line Road in Sacramento County to the Local Agencies.

Recommendation: Adopt Resolution No. 17-2015.

Result of Recommended Action: Adoption of this resolution will formalize the City's support of the Legislative Bill sponsored by the County of Sacramento to relinquish State Route 16 between South Watt Avenue and Grant Line Road in Sacramento County from the State of California owned and operated roadway to the County of Sacramento (and a portion to the City of Rancho Cordova) making the roadway a locally owned and operated roadway. State legislative action must be taken in order to relinquish the portion of SR16 identified.

Staff Report: Cyrus Abhar, Public Works Director.

Advances Goals: 2, 5.

13. CONSENT PUBLIC HEARING ITEMS - ROLL CALL VOTE

NONE.

14. PUBLIC HEARING ITEMS

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

The applicant representing Clear Channel addressed council.

The applicant representing Sierra Outdoor/CBS addressed council.

The following individuals addressed council:

- Jessica Ocenosak and Darryl Schmidt, representing "Good Neighbors of Rancho Cordova", regarding items 14.1 and 14.2.
- Craig Osborn, in opposition of items 14.1 and 14.2.
- Chris Larsen, in opposition of item 14.1 and 14.2.
- James Worsnop, regarding items 14.1 and 14.2
- Mary Nestel, in opposition to items 14.1 and 14.2.
- Ginger Enricho, in opposition to items 14.1 and 14.2.

The applicant representing Sierra Outdoor/CBS readdressed council.

Mayor McGarvey closed the public comment period.

ACTION: Motion to continue items 14.1 and 14.2 to April 6, 2015 Regular City Council Meeting by Budge second by McGarvey;
Carried by a 4:1 roll call vote. (Terry dissenting)

14.1 **Subject:** Clear Channel Outdoor Digital Freeway Sign Conditional Use Permit and Operating Agreement; Project No. DD8480 – Located at 12137 Folsom Boulevard. Item continued from January 20, 2015 City Council Meeting.

Recommendation: The following recommendations provide the City Council with alternative approaches to address the proposed Digital Freeway Sign application:

1. Consistent with Council direction received on December 15, 2014, adopt Resolution 3-2015 denying the Clear Channel Outdoor Conditional Use Permit and Operating Agreement; OR
2. Consider additional information included within the staff report and the public testimony and provide staff with alternative direction as desired.

Result of Recommended Action: Adoption of the Resolution would deny the Clear Channel Outdoor project. Alternatively, the City Council can provide other direction regarding preparation of alternate Resolutions or conducting additional research to be brought back for consideration in the future.

Staff Report: Jessica Jordan, Principal Planner.

Advances Goals: 1, 6.

14.2 **Subject:** Sierra Outdoor/CBS Outdoor Digital Freeway Sign Conditional Use Permit and Operating Agreement; Project No. DD8490 – Located at 12125 Folsom Boulevard. Item continued from January 20, 2015 City Council Meeting.

Recommendation: The following recommendations provide the City Council with alternative approaches to address the proposed Digital Freeway Sign application:

1. Consistent with Council direction received on December 15, 2014, adopt Resolution 4-2015 approving the Sierra Outdoor/Outfront Media Conditional Use Permit and Operating Agreement; OR
2. Consider additional information included within the staff report and the public testimony and provide staff with alternative direction as desired.

Result of Recommended Action: Adoption of the Resolution would allow for Sierra Outdoor/Outfront Media to move forward with project construction. Alternatively, the City Council can provide other direction regarding preparation of alternate Resolutions or conducting additional research to be brought back for consideration in the future.

Staff Report: Jessica Jordan, Principal Planner.

Advances Goals: 1, 6.

15. REGULAR CALENDAR ITEMS

- 15.1 **Subject:** Consider the Request for a Loan of an Additional \$1 Million from the City to Urban Housing Communities (“UHC”) for the Horizons at New Rancho Senior Housing Development Located on the Old Stagger Inn site, and an Increase in the Advance from the General Fund to the Housing Trust Fund, in the Amount of \$1.5 Million to Advance Funds for Project Costs.

Recommendation: Adopt Resolution No. 15-2015.

Result of Recommended Action: Adoption of this Resolution will result in a request of the City Council to consider an amendment to the existing Disposition and Development and Loan Agreement (“DDLA”) with the developer, Urban Housing Communities (“UHC”). The amendments will renew the expired term of the DDLA as well as allow for the additional contribution of \$1 million. These amendments will permit the submittal of a more competitive tax credit application during the first round of 2015 Tax Credit Allocations.

The increased loan to UHC, as well as additional project costs explained below will require an increase in the advance to the Local Housing Trust Fund from the General Fund. If approved tonight, staff will prepare a formal reimbursement agreement between the City’s General Fund and the Local Housing Trust fund. The reimbursement agreement will be presented for council approval along with the proposed amendments to the DDLA referenced above.

Staff Report: Reed Flory, Housing Services Administrator.

Advances Goals: 1, 2, 3, 6.

ACTION: Motion to approve by Terry second by Budge;
Carried by a 4:0 roll call vote. (Skoglund absent)

16. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

Council Member Terry requested discussing what the City has done with the Housing Trust and if there are additional opportunities.

Council Member Terry requested adopting a resolution supporting state school bonds and a letter be sent to the governor encouraging him to support the school bonds.

Council Member Terry requested an action item for the down payment assistance program.

17. CITY MANAGER’S REPORT

Brian Nakamura, City Manager, gave recognition to Stacia George, Deputy City Clerk, for receiving her Certified Municipal Clerk (CMC) certification.

18. ADJOURNMENT

Mayor McGarvey adjourned the meeting in memory of Ray Weber and William Gilmore at 9:13 PM.

MEMORANDUM

DATE: March 2, 2015

TO: Honorable Mayor and Council Members

FROM: Cyrus Abhar, Chief Building Official



SUBJECT: RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE THIRD AMENDMENT WITH BUREAU VERITAS NORTH AMERICA, INC. TO CONTINUE PROVIDING ON-CALL BUILDING PLAN REVIEW AND INSPECTION SERVICES FOR THE BUILDING AND SAFETY DIVISION

RECOMMENDATION

Adopt Resolution No. 19-2015.

RESULT OF RECOMMENDED ACTION

The contract amendment will increase the total contract amount from \$1,280,000 to \$1,630,000 to continue to provide plan review and inspection services for the Building and Safety Division through March 2017.

BACKGROUND

In May 2010, the City entered into an agreement with Bureau Veritas North America, Inc. to provide on-call plan review and technical support to the building and safety department. Since that time, the contract has been amended to increase the amount to \$1,280,000 and extended the term of services to March 1, 2017. In evaluating work performed under the existing contract and forecasting the potential work effort that will need to be done over the next two years, it is necessary to increase the current contract limit from \$1,280,000 to \$1,630,000.

ATTACHMENT

Resolution No. 19-2015, including Exhibit 1 Contract No. 39-2010-3.

CITY OF RANCHO CORDOVA

RESOLUTION NO. 19-2015

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
AUTHORIZING THE CITY MANAGER TO EXECUTE A THIRD AMENDMENT CONTRACT
WITH BUREAU VERITAS NORTH AMERICA, INC.**

WHEREAS, on May 3, 2010, the City of Rancho Cordova executed Contract 39-2010 with Bureau Veritas North America, Inc. in the amount of \$380,000 to provide building plan review and inspection services to the Building and Safety Division; and

WHEREAS, on March 29, 2010 the parties entered into a First Amendment to extend the term of services to January 1, 2015 and to increase the contract by \$900,000 bringing the total contract to \$1,280,000; and

WHEREAS, on January 1, 2015 the parties entered into a Second Amendment to extend the term of services to March 1, 2017; and

WHEREAS, continuance of these services will exceed the existing contract maximum and the parties wish to enter into this Third Amendment to increase the contract amount by \$350,000 bringing the total contract amount to \$1,630,000; and

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

WHEREAS, there are sufficient funds budgeted to cover the costs of the contract.

NOW, THEREFORE, BE IT HEREBY RESOLVED THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA does authorize the City Manager to execute the Third Amendment to the contract with Bureau Veritas North America, Inc.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the ____ day of ____, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert J. McGarvey, Mayor

ATTEST:

Mindy Cuppy, MMC, City Clerk

EXHIBIT 1**CONTRACT NO. 39-2010-3**

**THIRD AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE CITY OF RANCHO CORDOVA AND BUREAU VERITAS NORTH AMERICA, INC.**

This Third Amendment to the Agreement for Professional Services ("Amendment") is made by and between the City of Rancho Cordova ("City") and Bureau Veritas North America, Inc. ("Professional") as of March 1, 2015. City and Professional are hereinafter collectively referred to as the "Parties."

RECITALS

WHEREAS, the Parties entered into a Professional Services Agreement ("PSA") dated May 3, 2010 in the amount of \$380,000 for the purpose of providing on-call building plan review and inspection services for the Building and Safety Division; and

WHEREAS, on March 19, 2012 the parties entered into the First Amendment to extend the term of services to January 1, 2015 and to increase the amount of the contract by \$900,000 bringing the total contract amount to \$1,280,000; and

WHEREAS, on January 1, 2015 the Parties entered into the Second Amendment to extend the term of services to March 1, 2017; and

WHEREAS, this Third Amendment will increase the contract amount by \$350,000 bringing the total contract amount to \$1, 630,000; 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 2 of the PSA, "Compensation," provides for the City to pay Professional a sum not to exceed One Million Two Hundred and Eighty Thousand Dollars (\$1,280,000). 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 sentence of Section 2 of the PSA is amended to read as follows:

"City hereby agrees to pay Professional a sum not to exceed One Million Six Hundred and Thirty Thousand Dollars (\$1,630,000), notwithstanding any contrary indication that may be contained in Professional's proposal, for services to be performed and reimbursable costs incurred under this Agreement."

2. 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.

EXHIBIT 1

CONTRACT NO. 39-2010-3

3. 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.
4. **Contract Administration.** This Agreement shall be administered by Cyrus Abhar ("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:

Bureau Veritas North America, Inc.

Attn: Michael Vieira

180 Promenade Circle, Suite 150

Sacramento, CA 95834

Email Address (for Insurance Update Requests):

Andrea.coley@us.bureauveritas.com

Any written notice to City shall be sent to:

Elizabeth Sparkman

2729 Prospect Park Drive

Rancho Cordova, CA 95670

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

CITY OF RANCHO CORDOVA

PROFESSIONAL

Brian Nakamura, City Manager

Michael Vieira, Director of Operations

Date: _____

Date: _____

Attest:

Mindy Cuppy, MMC, City Clerk

Date: _____

Approved as to Form:

Adam Lindgren, City Attorney

Date: _____

MEMORANDUM



DATE: March 2, 2015

TO: Honorable Mayor and Council Members

FROM: Cyrus Abhar, Public Works Director and Kathy Garcia, Senior Engineer

SUBJECT: RESOLUTION AUTHORIZING THE PUBLIC WORKS DIRECTOR TO AUTHORIZE THE SUBMITTAL AND SIGNING AUTHORITY OF ALL GRANT APPLICATIONS TO CALRECYCLE

RECOMMENDATION

Adopt Resolution No. 25- 2015.

RESULT OF RECOMMENDED ACTION

Adoption of this resolution will authorize the Public Works Director to authorize the submission and signing authority of all grant applications to CalRecycle including the Used Oil Competitive Grant Cycle 2.

BACKGROUND

CalRecycle requires all jurisdictions who wish to apply for grant funds to pass a resolution that authorizes the submittal of the grant applications to CalRecycle and that a City representative is named the signing authority on behalf of the City. CalRecycle allows this resolution to remain in effective for five (5) years, at which time it must be renewed if the City wishes to submit any additional CalRecycle grants. CalRecycle is authorized to administer various grant programs to further California's efforts to reduce, recycle, and reuse solid waste, in turn preserving landfill capacity and protecting public health, safety and the environment.

ATTACHMENT

Resolution No. 25-2015.

CITY OF RANCHO CORDOVA

RESOLUTION NO. 25- 2015

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
AUTHORIZING SUBMITTAL AND SIGNING OF APPLICATION(S) FOR ALL
CALRECYCLE GRANTS**

WHEREAS, Public Resources Code sections 40000 et seq. authorize the Department of Resources Recycling and Recovery (CalRecycle) to administer various grant programs (grants) in furtherance of the State of California's (state) efforts to reduce, recycle and reuse solid waste generated in the state thereby preserving landfill capacity and protecting public health and safety and the environment; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish procedures governing the application, awarding, and management of the grants; and

WHEREAS, CalRecycle grant application procedures require, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of CalRecycle grants.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF COUNCIL OF THE CITY OF RANCHO CORDOVA as follows:

The City of Rancho Cordova authorizes the submittal of application(s) to CalRecycle for all grants for which the City of Rancho Cordova is eligible; and

The Public Works Director, or his/her designee is hereby authorized and empowered to execute in the name of the City of Rancho Cordova for all grant documents, including but not limited to, applications, agreements, amendments and requests for payment, necessary to secure grant funds and implement the approved grant project; and

These authorizations are effective for five (5) years from the date of adoption of this.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the ____ day of _____, 2015 by the following vote:

AYES:

NOES:

ABSENT:

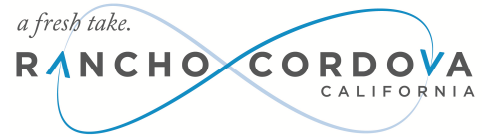
ABSTAIN:

Robert J. McGarvey, Mayor

ATTEST:

Mindy Cuppy, MMC, City Clerk

MEMORANDUM



DATE: March 2, 2015

TO: Honorable Mayor and Council Members

FROM: Michelle Mingay, Sr. Finance Analyst

SUBJECT: RESOLUTION OF CONSIDERATION TO AMEND AND RESTATE THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX, INCREASE THE AUTHORIZED PRINCIPAL AMOUNT OF BONDED INDEBTEDNESS AND INCREASE THE ANNUAL APPROPRIATIONS LIMIT FOR THE SUNRIDGE NORTH DOUGLAS COMMUNITY FACILITIES DISTRICT NO. 2005-1

RECOMMENDATION

Adopt Resolution 18-2015.

RESULT OF RECOMMENDED ACTION

Adoption of this resolution begins the process of amending the Rate and Method of Apportionment for the Sunridge North Douglas Community Facilities District 2005-1, increases the authorized bonded indebtedness to a principal amount not to exceed Thirty Five Million Dollars (\$35,000,000) to finance the acquisition and construction of certain public facilities and the payment of certain fees and sets 5:30 p.m. on April 6, 2015 as the time and date for a public hearing on the matter. There is no financial impact to existing residents.

BACKGROUND

Sunridge North Douglas Community Facilities District No. 2005-1 ("CFD 2005-1") was formed in 2005 to assist in the financing of the acquisition and construction of certain public facilities and the payment of certain fees within the North Douglas project. At the same time, the City Council declared the necessity to incur bonded indebtedness in the maximum principal amount of \$20,000,000 and set an annual appropriations limit of \$4,000,000.

After formation, the housing market slowed and development did not move forward as originally anticipated therefore bonds were never issued for this district. The property owners are now moving forward with the project and have asked the City to:

- Amend the Rate and Method of Apportionment (RMA) to extend the life of the district. It was anticipated bonds would be issued within a few years of the district being formed in 2005 therefore special taxes were authorized to be levied through 2040-2041 allowing for one or more series of bonds to be issued with a 30 year maturity. Because the district did not immediately issue bonds, the possibility of 30 year bonds under the current RMA is no longer possible. The property owners have asked for the term of this district to be extended to 2055-56 to again allow for one or more series of 30 year bonds to be issued for the North Douglas project.

- Increase the maximum principal amount of authorized bonded indebtedness for the CFD. The original not to exceed principle amount of \$20,000,000 was calculated using the 2005-06 maximum facilities special tax rate of \$1,510 per buildable RD-5 lot, established when the CFD was formed. In accordance with the terms of the RMA, the special tax rate has automatically increased 2% per year over the last 9 years, resulting in a 2014-15 maximum facilities special tax rate of \$1,804.59 per buildable RD-5 lot. Based on revised calculations using 2014-15 special tax rates along with the extension of the district by 15 years, the maximum principal amount of bonds has increased to \$35,000,000. Additionally, the annual appropriations limit should be increased from \$4,000,000 to \$35,000,000 to account for the increase in the total maximum special taxes that may be collected over the life of the district.

A Resolution of Consideration for CFD 2005-1 is attached. The resolution sets forth the City's intention to amend the RMA, increase the maximum principal amount of authorized bonded indebtedness and increase the annual appropriations limit for CFD 2005-1. Attached to the Resolution of Consideration is the proposed Amended and Restated Rate and Method of Apportionment (RMA) of Special Tax for CFD No. 2005-1 (**Exhibit A**), which details how and when the special tax will be levied on properties within the district, and the amended and restated list of authorized facilities to be provided (**Exhibit B**). The resolution also sets 5:30 p.m., or as soon thereafter as possible, on April 6, 2015 as the time and date for a hearing on the matters set forth therein. Notice of the Public Hearing will be published in the Grapevine Independent at least seven days prior to the hearing date.

This CFD is being amended with 100% property owner approval and the election by property owners is expected to generate a 100% favorable vote.

ATTACHMENT

Resolution 18-2015 including Exhibits A-B.

CITY OF RANCHO CORDOVA

RESOLUTION NO. 18-2015

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA FOR
CONSIDERATION TO AMEND AND RESTATE THE RATE AND METHOD OF
APPORTIONMENT OF SPECIAL TAX, INCREASE THE AUTHORIZED PRINCIPAL AMOUNT
OF BONDED INDEBTEDNESS AND INCREASE THE ANNUAL APPROPRIATIONS LIMIT
FOR THE SUNRIDGE NORTH DOUGLAS COMMUNITY FACILITIES DISTRICT NO. 2005-1**

WHEREAS, in proceedings heretofore conducted by the Council pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"), this Council has heretofore adopted a resolution calling a special election of the qualified landowner electors in the territory of land affected by a proposal to levy increased special taxes arising out of the proposed amendment of the special tax formula and list of authorized facilities of Sunridge North Douglas Community Facilities District No. 2005-1 (the "CFD"); and

WHEREAS, the Rate and Method of Apportionment of Special Tax for the CFD (as amended, the "Rate and Method"), attached as Exhibit B to the City Council's Resolution No. 131-2005 adopted by the City Council on October 17, 2005 (the "Resolution of Formation"), authorizes the levy of a "Special Tax" in the CFD in any fiscal year to pay the "Special Tax Requirement," subject to a "Maximum Special Tax"; and

WHEREAS, the Rate and Method of Apportionment of Special Tax for the CFD was amended pursuant to City Council's Resolution No. 115-2007 adopted by the City Council on October 1, 2007; and

WHEREAS, pursuant to Resolution No. 132-2005, adopted by the City Council on October 17, 2005, the City Council declared the necessity to incur bonded indebtedness in the maximum principal amount of \$20,000,000 within the boundaries of the CFD for the purpose of financing the costs of all or a portion of the Facilities; and

WHEREAS, at an election of the qualified electors in the CFD held on October 17, 2005, the qualified electors approved the incurring of bonded indebtedness in the maximum principal amount of \$20,000,000 and an annual appropriations limit of \$4,000,000; and

WHEREAS, pursuant to petitions received by the City, the City has been asked by the owners of the property in the CFD to (i) amend the Rate and Method to extend the life of the CFD to 2055-56, (ii) increase the maximum principal amount of authorized bonded indebtedness for the CFD to \$35,000,000 and (iii) increase the annual appropriations limit to \$35,000,000; and

WHEREAS, the proposed changes must occur following a public hearing and must be approved by two-thirds of the votes cast on the proposition at an election of the qualified electors in the CFD.

NOW, THEREFORE, BE IT HEREBY RESOLVED THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA.

Section 1. Name of Affected Area. This Resolution relates to the property in the CFD and the Rate and Method for the CFD.

Section 2. Amendment and Restatement of the Rate and Method. The proposed amended and restated Rate and Method (the "Amended and Restated Rate and Method") in the form attached hereto as **Exhibit A** and incorporated herein by reference is hereby approved by this City Council, subject to approval by two-thirds of the votes cast on the proposition of amending and restating the Rate and Method at an election of the qualified electors in the CFD.

Section 3. Maximum Authorized Bonded Indebtedness. It is the intention of the City Council, acting as the legislative body for the CFD, to cause bonds of the City to be issued for the CFD pursuant to the Act to finance in whole or in part the construction and/or acquisition of the Facilities in the aggregate principal amount of not to exceed \$35,000,000, which bonds shall be issued in such series and bear interest payable semi-annually or in such other manner as the City Council shall determine, at a rate not to exceed the maximum rate of interest as may be authorized by applicable law at the time of sale of such bonds, and shall mature not to exceed 40 years from the date of the issuance thereof. Issuance of such bonds is subject to approval by two-thirds of the votes cast on the proposition of the maximum authorized bonded indebtedness at an election of the qualified electors of the CFD.

Section 4. Appropriations Limit. The City Council hereby approves an amended annual appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, of the CFD in the amount of \$35,000,000, subject to approval by two-thirds of the votes cast on the proposition of the increased annual appropriations limit.

Section 5. Public Hearing. The City Council hereby sets April 6, 2015 at 6:00 p.m. (which date is at least 30 days and not more than 60 days after the date of this Resolution) or as soon thereafter as possible in the City Council Chambers located at 2729 Prospect Park Drive, Rancho Cordova, California, as the date and time for the public hearing on the question of (i) amending and restating the Rate and Method, (ii) increasing the maximum principal amount of authorized bonded indebtedness for the CFD to \$35,000,000 and (iii) increasing the annual appropriations limit to \$35,000,000.

Section 6. Public Notice. The City Clerk is hereby directed to cause notice of the public hearing to be given by publication one time in a newspaper published in the area of the CFD. The publication shall be completed at least 7 days before the date of the public hearing specified above. The notice shall comply with the provisions of Section 53335 of the Act.

Section 7. Effective Date. This Resolution shall take effect upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the _____ day of _____, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert J. McGarvey, Mayor

ATTEST:

Mindy Cuppy, MMC, City Clerk

EXHIBIT A

**CITY OF RANCHO CORDOVA
Community Facilities District No. 2005-1
(Sunridge North Douglas)**

**CITY OF RANCHO CORDOVA
SUNRIDGE NORTH DOUGLAS
COMMUNITY FACILITIES DISTRICT No. 2005-1**

**AMENDED AND RESTATED RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX
(ADOPTED MARCH 2015)**

This Amended and Restated Rate and Method of Apportionment for the City of Rancho Cordova Sunridge North Douglas Community Facilities District No. 2005-1 amends and restates in full the Rate and Method of Apportionment dated August 30, 2005 and a subsequent amendment thereto dated April 23, 2007.

Special Taxes applicable to each Assessor's Parcel in the City of Rancho Cordova Sunridge North Douglas Community Facilities District No. 2005-1 (herein "CFD No. 2005-1") shall be levied and collected according to the tax liability determined by the City Council through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 2005-1, unless exempted by law or by the provisions of Section G below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to the CFD unless a separate Rate and Method of Apportionment is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre or Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Map or other parcel map recorded at the County Recorder's Office.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, (commencing with Section 53311), Division 2 of Title 5 of the Government Code of the State of California.

"Administrative Expenses" means any or all of the following: the fees and expenses of any fiscal agent or trustee (including any fees or expenses of its counsel) employed in connection with any Bonds, and the expenses of the City in carrying out its duties with respect to CFD No. 2005-1 and the Bonds, including, but not limited to, the levy and collection of the Special Taxes, the fees and expenses of its counsel, charges levied by the County in connection with the levy and collection of Special Taxes, costs related to property owner inquiries regarding the Special Taxes, amounts needed to pay rebate to the federal government with respect to Bonds, costs associated with complying with continuing disclosure requirements under the California Government Code with respect to the Bonds and the Special Taxes, and all other costs and expenses of the City and County in any way related to the establishment or administration of CFD No. 2005-1.

"Administrator" shall mean the person or firm designated by the City to administer the Special Taxes according to this RMA.

“Assessor’s Parcel” or “Parcel” means a lot or parcel shown on an Assessor’s Parcel Map with an assigned Assessor’s Parcel number.

“Assessor’s Parcel Map” means an official map of the County Assessor designating Parcels by Assessor’s Parcel Number.

“Authorized Facilities” means those facilities that are authorized to be funded by CFD No. 2005-1.

“Authorized Services” means those services that are authorized to be funded by CFD No. 2005-1.

“Available Special Tax Revenues after Debt Service” means, after September 1st of each Fiscal Year, any Facilities Special Tax revenues that were levied and collected in the prior Fiscal Year and were not needed to (i) pay debt service on the Bonds that was due in the calendar year in which the Available Special Tax Revenues after Debt Service are being calculated, (ii) replenish Bond reserves, (iii) pay Administrative Expenses that have been incurred, or are expected to be incurred, by the City prior to receipt of additional Facilities Special Tax proceeds, or (iv) cover projected delinquencies in the current Fiscal Year.

“Bonds” means bonds or other debt (as defined in the Act), whether in one or more series, issued, insured or assumed by CFD No. 2005-1 related to public infrastructure and/or improvements that will serve property included within CFD No. 2005-1.

“Capitalized Interest” means funds in any capitalized interest account available to pay debt service on Bonds.

“CFD Update” means the date on which the Resolution Declaring Completion of Change Proceedings was adopted by the City Council as part of the 2015 change proceedings.

“City” means the City of Rancho Cordova.

“City Council” means the City Council of the City of Rancho Cordova.

“County” means the County of Sacramento.

“Designated Developed Property” means, in any Fiscal Year, any Parcel of Final Map Property for which the City has, by June 1 of the prior Fiscal Year, approved a written request submitted by the owner of such Parcel for the Parcel to be taxed as Developed Property in Step 1 of Section E below, instead of being taxed as Final Map Property pursuant to Step 2 in Section E. Once a Parcel has been categorized as Designated Developed Property, it shall continue to be taxed as Developed Property in all future Fiscal Years.

“Developed Property” means, in any Fiscal Year, all Parcels of Taxable Property for which a building permit for new construction was issued prior to June 1 of the preceding Fiscal Year, and all Parcels of Designated Developed Property.

“Expected Land Uses” means the total number of Residential Units expected within the CFD at the time of the CFD Update, as identified in Attachment 1 of this RMA. Pursuant to Section D of this RMA, the Administrator shall update Attachment 1 each time there is a Land Use Change.

“Expected Maximum Facilities Special Tax Revenues” means the amount of annual revenue that would be available within the CFD if the Maximum Facilities Special Tax was levied on the Expected Land Uses after assuming the loss of five additional RD-5 units. The Expected Maximum Facilities Special Tax Revenues are shown in Attachment 1 of this RMA and may be reduced due to prepayments in future Fiscal Years or Land Use Changes as set forth in Section D below.

“Facilities Special Tax” means a special tax levied in any Fiscal Year to pay the Facilities Special Tax Requirement.

“Facilities Special Tax Requirement” means the amount necessary in any Fiscal Year (i) to pay principal and interest on Bonds which are due in the calendar year which begins in such Fiscal Year, (ii) to create or replenish reserve funds to the extent such replenishment was not included in the computation of Facilities Special Tax Requirement in a previous Fiscal Year, (iii) to cure any delinquencies in the payment of principal or interest on Bonds which have occurred in the prior Fiscal Year, (iv) to pay Administrative Expenses that have not been included in the Services Special Tax Requirement, and (v) to pay a portion of the costs, as determined by the City, of Authorized Facilities. The Facilities Special Tax Requirement may be reduced in any Fiscal Year by (i) interest earnings on, or surplus balances in, funds and accounts for the Bonds to the extent that such earnings or balances are available to apply against debt service pursuant to the Indenture, Bond resolution, or other legal document that set forth these terms, (ii) Capitalized Interest, (iii) proceeds from the collection of penalties associated with delinquent Special Taxes, and (iv) any other revenues available to pay debt service on the Bonds as determined by the Administrator.

“Final Map” means a final map, or portion thereof, approved by the City or County pursuant to the Subdivision Map Act (California Government Code Section 66410 *et seq*) that creates SFD Lots. The term “Final Map” shall not include any large-lot subdivision map, Assessor’s Parcel Map, or subdivision map or portion thereof, that does not create SFD Lots, including Assessor’s Parcels that are designated as remainder parcels.

“Final Map Property” means, in any Fiscal Year, all Parcels of Single Family Detached Property for which a Final Map had recorded prior to June 30 of the preceding Fiscal Year and which have not yet become Developed Property.

“Fiscal Year” means the period starting July 1 and ending on the following June 30.

“Improvement Fund” means the account (regardless of its name) identified in the Indenture to hold funds that are available for expenditure to acquire or construct Authorized Facilities.

“Indenture” means the bond indenture, fiscal agent agreement, trust agreement, resolution or other instrument pursuant to which Bonds are issued, as modified, amended, and/or supplemented from time to time, and any instrument replacing or supplementing the same.

“Land Use Change” means a proposed or approved change to the Expected Land Uses after the CFD Update.

“Maximum Facilities Special Tax” means the greatest amount of Facilities Special Tax that can be levied on an Assessor’s Parcel in any Fiscal Year determined in accordance with Sections C and D below.

“Maximum Services Special Tax” means the greatest amount of Services Special Tax that can be levied on an Assessor’s Parcel in any Fiscal Year determined in accordance with Section C below.

“Non-Residential Property” means all Taxable Property in CFD No. 2005-1 that is designated with a commercial or industrial Zoning Designation, as determined by the City.

“Other Taxable Residential Property” means all residential Taxable Property in CFD No. 2005-1 that is designated with a Zoning Designation other than LDR/RD-5, LDR/RD-7, or LDR/RD-10.

“Proportionately” means, for Developed Property, that the ratio of the actual Special Taxes levied in any Fiscal Year to the Maximum Special Taxes authorized to be levied in that Fiscal Year is equal for all Assessor’s Parcels of Developed Property. For Final Map Property, “Proportionately” means that the ratio of the actual Special Taxes levied to the Maximum Special Taxes is equal for all Assessor’s Parcels of Final Map Property. For Undeveloped Property, “Proportionately” means that the ratio of the actual Special Taxes levied to the Maximum Special Taxes is equal for all Assessor’s Parcels of Undeveloped Property.

“Public Property” means any property within the boundaries of CFD No. 2005-1 that is owned by the City, federal government, State of California or other public agency.

“Required Coverage” means the amount by which the Expected Maximum Facilities Special Tax Revenues must exceed the Bond debt service and required Administrative Expenses, as set forth in the Indenture, Certificate of Special Tax Consultant, or other formation or bond document that sets forth the minimum required debt service coverage.

“Residential Unit” means a single family detached unit or an individual unit within a duplex, triplex, halfplex, fourplex, condominium, townhome, live/work, or apartment structure. A second unit (granny flat) that shares a Parcel with a single family detached unit shall not be considered a Residential Unit for purposes of levying the Special Taxes.

“RMA” means this Amended and Restated Rate and Method of Apportionment of Special Tax.

“Services Special Tax” means a Special Tax levied in any Fiscal Year to pay for Authorized Services.

“Services Special Tax Requirement” means that amount necessary in any Fiscal Year to (i) pay for Authorized Services, (ii) pay Administrative Expenses that have not been included in the Facilities Special Tax Requirement for the Fiscal Year, and (iii) cure any delinquencies in the payment of Services Special Taxes levied in the prior Fiscal Year.

“SFD Lot” means an individual residential lot, identified and numbered on a recorded Final Map, on which a building permit has been or is permitted to be issued for construction of a single family detached unit without further subdivision of the lot and for which no further subdivision of the lot is anticipated pursuant to an approved tentative map.

“Single Family Detached Property” means all Parcels within CFD No. 2005-1 that are developed or expected to be developed with single family detached homes.

“Special Tax” or “Special Taxes” means, collectively, the Facilities Special Tax and the Services Special Tax.

“Taxable Property” means all of the Assessor’s Parcels within the boundaries of CFD No. 2005-1 that are not exempt from the Special Tax pursuant to law or Section G below.

“Undeveloped Property” means, in any Fiscal Year, all Parcels of Taxable Property that are not Final Map Property or Developed Property, as defined herein.

“Zoning Designation” means the City of Rancho Cordova zoning designation that applies to a particular area within the CFD.

B. DATA FOR ADMINISTRATION OF SPECIAL TAX

On or about July 1 of each Fiscal Year, the Administrator shall identify the current Assessor’s Parcel numbers for all Parcels of Taxable Property. The Administrator shall also determine: (i) whether each Assessor’s Parcel of Taxable Property is Developed Property, Final Map Property, or Undeveloped Property, (ii) the Zoning Designation for each Parcel of Final Map Property and Developed Property, and (iii) the Facilities Special Tax Requirement and Services Special Tax Requirement.

In addition, the Administrator shall, *on an ongoing basis*, monitor whether Land Use Changes have been proposed that will affect the Expected Maximum Facilities Special Tax Revenues. If the Expected Maximum Facilities Special Tax Revenues will be reduced pursuant to a proposed Land Use Change, the Administrator shall apply the steps set forth in Section D below.

In any Fiscal Year, if it is determined that (i) a parcel map for a portion of property in CFD No. 2005-1 was recorded after January 1 of the prior Fiscal Year (or any other date after which the Assessor will not incorporate the newly-created Parcels into the then current tax roll), (ii) because of the date the parcel map was recorded, the Assessor does not yet recognize the new Parcels created by the parcel map, and (iii) one or more of the newly-created Parcels meets the definition of Developed Property, the Administrator shall calculate the Special Taxes for the property affected by recordation of the parcel map by determining the Special Taxes that applies separately to each newly-created Parcel, then applying the sum of the individual Special Taxes to the Parcel that was subdivided by recordation of the parcel map.

C. MAXIMUM SPECIAL TAX

1. *Developed Property and Final Map Property, Facilities Special Tax*

Following are the Maximum Facilities Special Tax rates for Parcels of Developed Property and Final Map Property in the CFD:

Land Use	Zoning Designation	Maximum Facilities Special Tax Fiscal Year 2014-15 *
Single Family Detached Property	LDR/RD-5	\$1,804.59 per SFD Lot
Single Family Detached Property	LDR/RD-7	\$1,649.23 per SFD Lot
Single Family Detached Property	LDR/RD-10	\$1,087.53 per SFD Lot
Other Taxable Residential Property	Any Designation Other than RD-5, RD-7 or RD-10	\$11,592.40 per Acre
Non-Residential Property	All Commercial and Industrial Designations	\$11,592.40 per Acre

** On July 1, 2015 and each July 1 thereafter, the Maximum Facilities Special Taxes shown above shall be increased by two percent (2%) of the amount in effect in the previous Fiscal Year.*

2. *Undeveloped Property, Facilities Special Tax*

The Maximum Facilities Special Tax for Undeveloped Property for Fiscal Year 2014-15 is \$11,592.40 per Acre. On July 1, 2015 and each July 1 thereafter, the Maximum Facilities Special Taxes for Undeveloped Property shall be increased by two percent (2%) of the amount in effect in the previous Fiscal Year.

3. *Developed Property, Services Special Tax*

The Maximum Services Special Tax for Developed Property in Fiscal Year 2014-15 is \$317.13 per Residential Unit and, for Non-Residential Property, \$0.01902 per square foot of gross Parcel area, which amounts shall on each July 1, commencing on July 1, 2015, be escalated by the increase, if any, in the United States Department of Labor Consumer Price Index (CPI) for the San Francisco-Oakland-San Jose Area for All Urban Consumers. The CPI used shall be as determined by the Bureau of Labor Statistics from April to April beginning with the period from April 2014 to April 2015.

D. CHANGES TO LAND USES WITHIN CFD NO. 2005-1

The Expected Maximum Facilities Special Tax Revenues were calculated based on the Expected Land Uses at the time of the CFD Update. The Administrator shall review Final Maps, tentative map revisions, and other approvals and Land Use Changes and compare the revised land uses to the Expected Land Uses to evaluate the impact on the Expected Maximum Facilities Special Tax Revenues.

If, prior to the Final Bond Sale, a Land Use Change is proposed that will result in a reduction in the Expected Maximum Facilities Special Tax Revenues, no action will be needed pursuant to this Section D as long as the reduction does not reduce debt service coverage on outstanding Bonds below the Required Coverage. Upon approval of the Land Use Change, the Administrator shall update Attachment 1 to show the reduced Expected Maximum Facilities Special Tax Revenues, which amount shall be used to size the Final Bond Sale.

If the proposed Land Use Change would reduce debt service coverage on outstanding Bonds below the Required Coverage, either (i) a prepayment must be made by the landowner requesting the Land Use Change to retire Bonds in an amount sufficient to maintain Required Coverage, or (ii) Steps 1 through 3 set forth below must be applied to reallocate the Expected Maximum Special Tax Revenue among the new land uses within the area affected by the Land Use Change.

If a Land Use Change is proposed after the Final Bond Sale, the following steps shall be applied:

- Step 1:* By reference to Attachment 1 (which shall be updated by the Administrator for each Land Use Change), the Administrator shall identify the Expected Maximum Facilities Special Tax Revenues for the area affected by the Land Use Change.
- Step 2:* The Administrator shall calculate the Expected Maximum Facilities Special Tax Revenues that could be collected from Taxable Property within the area affected by the Land Use Change if such change is approved.
- Step 3:* If the amount calculated in Step 2 is higher than that determined in Step 1, no further action is needed. If the revenues calculated in Step 2 are less than those calculated in Step 1, and if the landowner requesting the Land Use Change does not prepay a portion of Expected Maximum Facilities Special Tax Revenue in an amount sufficient to maintain Required Coverage, then the Maximum Facilities Special Tax for each Parcel of Taxable Property in the area affected by the Land Use Change shall be increased proportionately until the Expected Maximum Facilities Special Tax Revenues for the area affected by the Land Use Change is the same as it was prior to the Land Use Change.

If multiple Land Use Changes are proposed simultaneously by a single landowner (which may include approval of multiple Final Maps at one time), and the landowner requests that the impact of two or more of the Land Use Changes be considered together, the Administrator shall consider the combined effect of the Land Use Changes to determine if there is a reduction in Expected Maximum Facilities Special Tax Revenues. If there is a reduction, then the Maximum Facilities Special Tax for each Parcel of Taxable Property in the area affected by the Land Use Change shall be increased proportionately until the aggregate amount that can be levied within the area affected by the Land Use Change is equal to the amount that could have been levied prior to the proposed Land Use Change. If Land Use Changes are proposed simultaneously by multiple landowners, or if an individual landowner proposing multiple Land Use Changes does not request that such Land Use Changes be considered together, the Administrator shall consider the proposed Land Use Changes individually.

Notwithstanding the foregoing, once a certificate of occupancy has been issued for a Parcel of Single Family Detached Property or Single Family Attached Property, the Maximum Facilities Special Tax for the Parcel cannot be increased because of future Land Use Changes that may occur within the area in which the Parcel is located.

The duties imposed on the Administrator pursuant to this Section D to review Land Use Changes, and to review Final Maps and make certain calculations, are intended only to facilitate the administration of the Facilities Special Tax and to better assure the sufficiency of tax capacity to pay debt service on Bonds. Such duties are not intended to give any developer, subdivider, or owner of property the right to receive notice of the potential impact of Land Use Changes on the Facilities Special Tax applicable to a Parcel; and each developer, subdivider, or owner of property whose property is the subject of a Land Use Change shall be responsible for understanding the impact thereof on the Facilities Special Tax applicable to such property.

E. METHOD OF LEVY OF THE SPECIAL TAXES

1. Facilities Special Tax

Each Fiscal Year, the Administrator shall determine the Facilities Special Tax Requirement to be collected in that Fiscal Year. A Special Tax shall then be levied according to the following steps:

- Step 1:** If, in any Fiscal Year, the City determines that there are Authorized Facilities that have not yet been funded, the Maximum Facilities Special Tax may be levied on all Parcels of Developed Property. If all Authorized Facilities have been funded, the Special Tax shall be levied Proportionately on each Parcel of Developed Property up to 100% of the Maximum Facilities Special Tax for each Parcel.
- Step 2:** If additional revenue is needed after Step 1 in order to meet the Facilities Special Tax Requirement after Capitalized Interest has been applied to reduce the Facilities Special Tax Requirement, the Facilities Special Tax shall be levied Proportionately on each Parcel of Final Map Property up to 100% of the Maximum Facilities Special Tax for each Parcel.
- Step 3:** If additional revenue is needed after Step 2 in order to meet the Facilities Special Tax Requirement after Capitalized Interest has been applied to reduce the Facilities Special Tax Requirement, the Facilities Special Tax shall be levied Proportionately on each Parcel of Undeveloped Property up to 100% of the Maximum Facilities Special Tax for each Parcel.
- Step 4:** If additional revenue is needed after Step 3, the Facilities Special Tax shall be levied Proportionately on each Parcel of Public Property, exclusive of property exempt from the Special Tax pursuant to Section G below, up to 100% of the Maximum Facilities Special Tax for each.

2. *Services Special Tax*

The Maximum Services Special Tax in CFD No. 2005-1 shall be levied each Fiscal Year unless and until the City makes a determination in any Fiscal Year that the revenues generated from levy of the Maximum Services Special Tax exceed the Services Special Tax Requirement for that Fiscal Year. If such a determination is made, the Services Special Tax shall be levied Proportionately on each Parcel of Developed Property in CFD No. 2005-1 up to 100% of the Maximum Services Special Tax for Developed Property determined pursuant to Section C.3 above until the amount levied is equal to the Services Special Tax Requirement.

No Services Special Tax shall be levied in any Fiscal Year on Final Map Property or Undeveloped Property.

F. MANNER OF COLLECTION OF SPECIAL TAXES

The Special Taxes for CFD No. 2005-1 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that prepayments are permitted as set forth in Section H below and provided further that the City may directly bill the Special Taxes, may collect Special Taxes at a different time or in a different manner, and may collect delinquent Special Taxes through foreclosure or other available methods.

The Facilities Special Tax shall be levied and collected until principal and interest on Bonds have been repaid and Authorized Facilities to be constructed directly from Special Taxes proceeds have been completed. However, in no event shall Facilities Special Taxes be levied after Fiscal Year 2055-56. Under no circumstances may the Facilities Special Tax on a Parcel in residential use be increased in any Fiscal Year as a consequence of delinquency or default in payment of the Facilities Special Tax levied on another Parcel or Parcels by more than ten percent (10%) above the amount that would have been levied in that Fiscal Year had there never been any such delinquencies or defaults. The Services Special Tax will continue to be levied and collected unless and until the City determines that the Services Special Tax no longer needs to be levied to pay for Authorized Services.

G. EXEMPTIONS

Notwithstanding any other provision of this RMA, no Special Taxes shall be levied in any Fiscal Year on the following:

- (1) Public Property, except as otherwise authorized by Sections 53317.3 and 53317.5 of the Act.
- (2) Parcels that are owned by a public utility for an unmanned facility
- (3) Parcels that are subject to an easement that precludes any other use on the Parcel.

In addition, no Facilities Special Tax shall be levied on Parcels that have fully prepaid the Special Tax obligation assigned to the Parcel pursuant to the formula set forth in Section H below, and no Services Special Tax shall be levied on Final Map Property or Undeveloped Property.

H. PREPAYMENT OF FACILITIES SPECIAL TAX

The following definitions apply to this Section H:

“Outstanding Bonds” means all Previously Issued Bonds which remain outstanding, with the following exception: if a Facilities Special Tax has been levied against, or already paid by, an Assessor’s Parcel making a prepayment, and a portion of the Facilities Special Tax will be used to pay a portion of the next principal payment on the Bonds that remain outstanding (as determined by the Administrator), that next principal payment shall be subtracted from the total Bond principal that remains outstanding, and the difference shall be used as the amount of Outstanding Bonds for purposes of this prepayment formula.

“Previously Issued Bonds” means all Bonds that have been issued prior to the date of prepayment.

“Public Facilities Requirements” means either \$12,900,000 in 2015 dollars, which shall increase on January 1, 2016, and on each January 1 thereafter by the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or such lower number as shall be determined by the City as sufficient to fund improvements that are authorized to be funded by CFD No. 2005-1. The Public Facilities Requirements shown above may be adjusted or a separate Public Facilities Requirements identified each time property annexes into CFD No. 2005-1; at no time shall the added Public Facilities Requirement for that annexation area exceed the amount of public improvement costs that are expected to be supportable by the Maximum Facilities Special Tax revenues generated within that annexation area.

“Remaining Facilities Costs” means the Public Facilities Requirement minus public facility costs funded by Previously Issued Bonds, Available Special Tax Revenues after Debt Service, developer equity and/or any other source of funding.

The Facilities Special Tax obligation applicable to an Assessor’s Parcel in CFD No. 2005-1 may be prepaid and the obligation of the Assessor’s Parcel to pay the Facilities Special Tax permanently satisfied as described herein, provided that a prepayment may be made only if there are no delinquent Special Taxes with respect to such Assessor’s Parcel at the time of prepayment. The Services Special Tax obligation may not be prepaid. An owner of an Assessor’s Parcel intending to prepay the Facilities Special Tax obligation shall provide the City with written notice of intent to prepay. Within 30 days of receipt of such written notice, the City or its designee shall notify such owner of the prepayment amount for such Assessor’s Parcel. Prepayment must be made not less than 75 days prior to any redemption date for Bonds to be redeemed with the proceeds of such

prepaid Facilities Special Taxes. The Prepayment Amount shall be calculated as follows: (capitalized terms as defined below):

	Bond Redemption Amount
plus	Remaining Facilities Amount
plus	Redemption Premium
plus	Defeasance Requirement
plus	Administrative Fees and Expenses
less	<u>Reserve Fund Credit</u>
equals	Prepayment Amount

As of the proposed date of prepayment, the Prepayment Amount shall be determined by application of the following steps:

- Step 1. Compute the total Maximum Facilities Special Tax that could be collected from the Assessor's Parcel prepaying the Facilities Special Tax in the Fiscal Year in which prepayment would be received by the City. If this Section H is being applied to calculate a prepayment pursuant to Section D above, use, for purposes of this Step 1, the amount by which the Expected Maximum Facilities Special Tax Revenues have been reduced due to the Land Use Change that necessitated the prepayment.
- Step 2. Divide the Maximum Facilities Special Tax computed pursuant to Step 1 for such Assessor's Parcel by the total Expected Maximum Facilities Special Tax Revenues for all property in the CFD, as shown in Attachment 1 of this RMA or as adjusted by the Administrator after prepayments or Land Use Changes.
- Step 3. Multiply the quotient computed pursuant to Step 2 by the Outstanding Bonds to compute the amount of Outstanding Bonds to be retired and prepaid (*the "Bond Redemption Amount"*).
- Step 4. Compute the current Remaining Facilities Costs (if any).
- Step 5. Multiply the quotient computed pursuant to Step 2 by the amount determined pursuant to Step 4 to compute the amount of Remaining Facilities Costs to be prepaid (*the "Remaining Facilities Amount"*).
- Step 6. Multiply the Bond Redemption Amount computed pursuant to Step 3 by the applicable redemption premium, if any, on the Outstanding Bonds to be redeemed (*the "Redemption Premium"*).
- Step 7. Compute the amount needed to pay interest on the Bond Redemption Amount starting with the first Bond interest payment date after which the prepayment will be received until the earliest redemption date for the Outstanding Bonds. However, if Bonds are callable at the first interest

payment date after the prepayment has been received, Steps 7, 8 and 9 of this prepayment formula will not apply.

- Step 8:** Compute the amount of interest the City reasonably expects to derive from reinvestment of the Bond Redemption Amount plus the Redemption Premium from the first Bond interest payment date after which the prepayment has been received until the redemption date for the Outstanding Bonds.
- Step 9:** Subtract the amount computed pursuant to Step 8 from the amount computed pursuant to Step 7 (the "*Defeasance Requirement*").
- Step 10.** The administrative fees and expenses associated with the prepayment will be determined by the Administrator and include the costs of computing the prepayment, redeeming Bonds and recording any notices to evidence the prepayment and the redemption (the "*Administrative Fees and Expenses*").
- Step 11.** If and to the extent so provided in the Bond indenture, a reserve fund credit shall be calculated as a reduction in the applicable reserve fund for the Outstanding Bonds to be redeemed pursuant to the prepayment (the "*Reserve Fund Credit*").
- Step 12.** The Facilities Special Tax prepayment is equal to the sum of the amounts computed pursuant to Steps 3, 5, 6, 9, and 10, less the amount computed pursuant to Step 11 (the "*Prepayment Amount*").
- Step 13.** From the Prepayment Amount, the amounts computed pursuant to Steps 3, 6, and 9 shall be deposited into the appropriate fund as established under the Indenture and be used to retire Outstanding Bonds or make debt service payments. The amount computed pursuant to Step 5 shall be deposited into the Improvement Fund. The amount computed pursuant to Step 10 shall be retained in the account or fund that is established to pay Administrative Expenses.

Once a full prepayment of a Parcel's Facilities Special Tax obligation has been received, a Notice of Cancellation of Special Tax Lien shall be recorded against the Parcel to reflect the discharge of the Parcel's obligation to pay the Facilities Special Tax. However, a Notice of Cancellation of Special Tax Lien shall not be recorded until all Facilities Special Taxes levied on the Parcel in the current or prior Fiscal Years have been collected. The prepayment of a Facilities Special Tax shall not affect the perpetual obligation to pay the Services Special Tax.

2. *Partial Prepayment*

A partial prepayment may be made in an amount equal to any percentage of full prepayment desired by the party making a partial prepayment, except that the full amount of Administrative Fees and Expenses determined in Step 10 shall be included in the partial prepayment. The Maximum

Facilities Special Tax that can be levied on a Parcel after a partial prepayment is made shall be determined as follows:

- Step 1. Calculate the full prepayment (not including the amount collected for Administrative Fees and Expenses) that would be due from the Parcel if the entire Special Tax obligation were being prepaid pursuant to Section H.1 above.
- Step 2. Divide the partial prepayment amount for the Parcel (not including the amount collected for Administrative Fees and Expenses) by the amount computed in Step 1 to determine a percentage.
- Step 3. Subtract the percentage computed in Step 2 from 100% to determine the "Remaining Percentage."
- Step 4. Multiply the Remaining Percentage from Step 3 by the Maximum Facilities Special Tax for the Parcel to determine the new Maximum Facilities Special Tax that will be in effect for the Parcel after the partial prepayment is applied.

I. INTERPRETATION OF SPECIAL TAX FORMULA

Interpretations may be made by Resolution of the Council to interpret, clarify, and/or revise this RMA to correct any inconsistency, vagueness, or ambiguity as it relates to the Special Taxes, method of apportionment, classification of properties, or any definition applicable to the CFD, as long as such correction does not materially affect the levy and collection of Special Taxes. The City, upon the request of an owner of land within the CFD which is not Developed Property, may also amend this RMA in any manner acceptable to the City, by resolution or ordinance following a public hearing, upon the affirmative vote of such owner to such amendment and without the vote of owners of any other land within the CFD, provided such amendment only affects such owner's land.

ATTACHMENT 1

**CITY OF RANCHO CORDOVA
SUNRIDGE NORTH DOUGLAS
COMMUNITY FACILITIES DISTRICT No. 2005-1**

**EXPECTED LAND USES AND
EXPECTED MAXIMUM FACILITIES SPECIAL TAX REVENUES**

ATTACHMENT 1

Sunridge North Douglas Community Facilities District No. 2005-1 Expected Land Uses and Expected Maximum Facilities Special Tax Revenues

Village Designations Shown on Tentative Map	Zoning Designation	Expected # of Single Family Units	Maximum Facilities Special Tax per Buildable Lot [1]	Expected Maximum Facilities Special Tax Revenues [1]
Village 1	LDR/RD-5	88 units	\$1,804.59	\$158,804
Village 2	LDR/RD-5	79 units	\$1,804.59	\$142,563
Village 3	LDR/RD-5	72 units	\$1,804.59	\$129,930
Village 4	LDR/RD-5	82 units	\$1,804.59	\$147,976
Village 5	LDR/RD-5	77 units	\$1,804.59	\$138,953
Village 6	LDR/RD-7	75 units	\$1,649.23	123,692
Village 7	LDR/RD-7	128 units	\$1,649.23	\$211,101
Village 8	LDR/RD-10	62 units	\$1,087.53	\$67,427
Maximum Facilities Special Tax Revenues Based on Estimated Units at CFD Update				\$1,120,446
CFD Buffer (Assumes loss of five RD-5 Units)				<u>(\$9,023)</u>
Expected Maximum Facilities Special Tax Revenues, Fiscal Year 2014-15				\$1,111,423

- On July 1, 2015 and each July 1 thereafter, the Maximum Facilities Special Tax, CFD Buffer, and Expected Maximum Facilities Special Tax Revenues shall be increased by two percent (2%) of the amount in effect in the previous Fiscal Year.

EXHIBIT B

CITY OF RANCHO CORDOVA
Community Facilities District No. 2005-1
(Sunridge North Douglas)

AMENDED AND RESTATED
DESCRIPTION OF FACILITIES TO BE FINANCED BY THE CFD

ROADWAYS, LOCAL DRAINAGE, LANDSCAPING AND SOUNDWALLS

- R-1 Douglas Road – Jaeger Road to Americanos Road: Widening 2 center lanes to 4 plus median
- R-2 Douglas Road at Jaeger Road: 6x4 lane 3-way intersection widening & signalization
- R-3 Jaeger Rd. – Douglas Rd. to Chrysanthy (formerly Pyramid) Blvd: 2 center lanes plus median
- R-4 Alta Sunrise Reliever from Douglas Road to US 50: Initial planning & environmental work
- R-5 Zinfandel Drive Extension from Douglas Road to International Drive
- R-6 Grant Line Road at White Rock Road: Add additional exclusive left turn lane and signalization
- R-7 Americanos Road – North Douglas Frontage: Easterly frontage, including landscaping & soundwall
- R-8 Chrysanthy (formerly Pyramid) Blvd. – Anatolia I to Jaeger Rd: 2 center lanes plus median
- R-9 Chrysanthy (formerly Pyramid) Blvd. at Jaeger Rd: 4x4 lane 4-way intersection widening & signalization
- R-10 Douglas Road at Zinfandel Drive: Add through lanes to north and southbound approaches
- R-11 Sunrise Boulevard from Kiefer Boulevard to SR 16: Widening 2 center lanes to 4 plus median
- R-12 Sunrise Boulevard at Kiefer Boulevard: 6x4 lane 4-way intersection widening & signalization
- R-13 Sunrise Boulevard at SR 16: 6x6 lane 4-way intersection widening & signalization
- R-14 Sunrise Boulevard at Grant Line Road: 6x6 lane 3-way intersection widening & signalization
- R-15 Grant Line Road at SR 16: 6x4 lane 4-way intersection widening & signalization
- R-16 SR 16 at Bradshaw Road: 6x4 lane 4-way intersection widening & signalization
- R-17 SR 16 at Eagle's Nest Road: 6x4 lane 4-way intersection widening & signalization
- R-18 SR 16 at Excelsior: 6x4 lane 4-way intersection widening & signalization
- R-19 SR 16 from Sunrise Boulevard to Grant Line Road: Widening 2 center lanes to 4 plus median
- R-20 Douglas Road at Americanos Road: 6x4 lane 4-way intersection widening & signalization
- R-21 Americanos Road from Douglas Road north to SRSP Boundary: 2 center lanes plus median
- R-22 Douglas Road from Sunrise Boulevard to Jaeger Road: 2 center lanes plus median
- R-23 Douglas Road from Americanos Boulevard to Grant Line Road: 2 center lanes plus median

JOINT TRENCH UTILITIES

- JT-1 Douglas Road at Americanos
- JT-2 Americanos Blvd. – from Douglas Road north to SRSP Boundary
- JT-3 North Douglas – Collector Streets
- JT-4 North Douglas – Park frontage improvements

SANITARY SEWER FACILITIES

- S-1 Any and all major Sewer facilities necessary to provide sewer service to North Douglas

WATER FACILITIES

- W-1 Any and all major Water facilities necessary to provide water service to North Douglas
- W-2 North Douglas Water Storage Tanks and Booster Pump Station

DRAINAGE FACILITIES

- D-1 Any and all major Drainage facilities necessary to provide drainage conveyance, detention or water quality treatment for North Douglas

PARK IMPROVEMENTS

- P-1 Park A – 7.9 Acres
- P-2 Park Frontage Improvements

SUNRIDGE SPECIFIC PLAN FEES

- F-1 Sunridge Specific Plan Water Fees for North Douglas
- F-2 Sunridge Specific Plan Sewer Fees for North Douglas
- F-3 Sunridge Specific Plan Road Fees for North Douglas
- F-4 Sunridge Specific Plan Park Development Fees for North Douglas

ENGINEERING STUDIES, PERMITTING, PUBLIC FACILITIES REPORTS, FINANCING PLAN

- E-1 Consultant fees, application fees, processing fees, and document production costs associated with the CFD preparation and processing of Public Facilities Reports, Engineering Studies, CFD Reports, Financing Plans, Environmental Permitting, and Environmental Studies, as well as other costs associated with the District Formation and Bond Sale process

OTHER

- O-1 Any other facilities serving substantially the same purpose as the above described facilities
- O-2 Any other facilities permitted under the Mello-Roos Community Facilities Act of 1982, including the facilities described in Section 53313.5 of the California Government Code, as amended from time to time, provided that such facilities satisfy at least one of the following criteria: 1) augment, improve or expand existing District facilities that are primarily for the benefit of the District; or 2) repair or rehabilitate existing District facilities
- O-3 Services Component – Services for the District include obtaining, furnishing, operating, and maintaining police protection equipment or apparatus, paying the salaries and benefits of police protection personnel, and other such police protection service expenses as are deemed necessary for the benefit of residents in the community facilities district

MEMORANDUM

DATE: March 2, 2015

TO: Honorable Mayor and Council Members

FROM: Cyrus Abhar, Public Works Director

SUBJECT: **RESOLUTION TERMINATING EMERGENCY ACTION AND AUTHORIZING PAYMENT TO CRUSADER FENCE IN THE AMOUNT OF \$19,370, FOR SUPPLIES AND SERVICES PROVIDED**



RECOMMENDATION

Adopt Resolution No. 26-2015.

RESULT OF RECOMMENDED ACTION

Pursuant to Rancho Cordova Municipal Code 3.660.120, staff is informing Council of the action that was taken in an emergency situation that required immediate action without formal bid. Adoption of this resolution will terminate the emergency action and authorize payment to contractor for services provided.

BACKGROUND

There were several instances where the median fence along Folsom Blvd. was damaged and created a safety hazard. The damaged panels posed a clear and imminent danger requiring immediate action to prevent or mitigate the risk of injury to persons or the destruction of, or damage to property. The existence of this emergency situation required immediate action without formal bid. Public Works hired Crusader Fence to perform the needed work.

Pursuant to Section 22050 of the Public Contract Code and RCMC 3.60.120, City Council shall be made aware of such emergency and terminate the emergency action. By adopting Resolution No. 26-2015, City Council officially terminates the emergency action and authorizes payment to Crusader Fence, in the amount of \$19,370, for supplies and services provided.

Public Works is seeking cost recovery for repairs via the City's Subrogation Program.

ATTACHMENT

Resolution No. 26-2015.

2405036.1

CITY OF RANCHO CORDOVA

RESOLUTION NO. 26-2015

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
TERMINATING EMERGENCY ACTION AND AUTHORIZING PAYMENT TO CRUSADER
FENCE FOR SUPPLIES AND SERVICES PROVIDED**

WHEREAS, a public health and safety hazard existed consisting of damaged median fence panels along Folsom Boulevard; and

WHEREAS, the damaged panels posed a clear and imminent danger requiring immediate action to prevent or mitigate the risk of injury to persons or the destruction of, or damage to property; and

WHEREAS, this constituted an emergency and necessitated the utilization of emergency powers, including but not limited to the emergency procurement of supplies and services authority granted pursuant to RCMC 3.60.20 and RCMC 3.60.120; and

WHEREAS, pursuant to Section 22050 of the Public Contract Code and RCMC 3.60.120, Council shall be made aware of such emergency; and

WHEREAS, by this resolution Council terminates the emergency action and authorizes payment to Crusader Fence in the amount of \$19,370, for supplies and services provided.

NOW, THEREFORE, BE IT HEREBY RESOLVED THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA acknowledges the existence of an emergency situation which required immediate action without formal bid.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the _____ day of _____, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert J. McGarvey, Mayor

ATTEST:

Mindy Cuppy, MMC, City Clerk

2405038.1

MEMORANDUM

DATE: March 2, 2015

TO: Honorable Mayor and Council Members

FROM: Reed Flory, Housing Services Administrator
Peter Ibrahim, Housing Services Assistant

SUBJECT: **A RESOLUTION AMENDING CALHOME PROGRAM MANAGEMENT CONTRACT NO. 12-2014.**



RECOMMENDATION

Adopt Resolution No. 21-2015, approving contract 12-2014-1 for the not to exceed amount of \$102,000.

RESULT OF RECOMMENDED ACTION

Adoption of recommended action authorizes approval of an amendment to Contract 12-2014, which allows the City Manager to amend the Professional Services Agreement with PMC from \$92,000 to \$102,000 for the provision of Program Management needs for the CalHome Owner-Occupied Residential Rehabilitation Program. The increase is due to the initial start-up costs associated with program management. This amendment will also change the term of the contract. The original agreement which is set to expire on February 18, 2016 will be amended to February 18, 2017.

BACKGROUND

The Owner-Occupied Residential Rehabilitation Program is designed to improve the City's aging single family detached housing stock by encouraging low- and moderate-income homeowners to rehabilitate their homes, eliminate health and safety hazards, consider energy conservation measures, and bring homes into compliance with the current building codes. The City has a large stock of aging homes that are in serious need of health and safety repairs and improvements. The effects of these aging homes frequently results in visually dilapidated neighborhoods that have difficulty in attracting new investment and non-rental homeowners. Additionally, increased amounts of City resources are spent on enforcing health and safety code violations, resources that could otherwise be spent elsewhere. As an effort towards furthering the City's Growing Strong Neighborhoods initiative, the CalHome Rehab program's long-term goals include the following:

- Reduce the number of substandard housing units within the City;
- Extend the useful life of affordable units;
- Maintain the existing affordable housing stock;
- Reduce lead-based paint hazards for children under 6 years of age;
- Improve quality of life and independence for persons with special needs, including the elderly and the disabled;

- Support the continued rehabilitation of affordable housing using income from loan repayments; and
- Service loans and administer the program in the most responsive cost-efficient manner possible.

On August 7th, 2012 the City of Rancho Cordova received an award from the State of California Department of Housing and Community Development for \$720,000. The original term of with the State was set to expire on April 4th, 2015. The City requested an extension on the award as the program was just getting under way. On February 5th, 2015, the City received a new standard agreement through April 4th, 2016.

FISCAL ANALYSIS

The State will reimburse up to 13% of the total grant award for Activity Delivery Fees, in our case, \$92,000. The amended increases the contract by \$10,000, which will be covered by the General Fund.

ATTACHMENT

Resolution 21-2015.

CITY OF RANCHO CORDOVA

RESOLUTION NO.21-2015

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
AMENDING CALHOME PROGRAM MANAGEMENT
CONTRACT NO. 12-2014**

WHEREAS, on August 7, 2012 the City of Rancho Cordova was awarded \$720,000 in grant funding from the State's Department of Housing and Community Development (HCD) for the CalHome Owner-Occupied Rehabilitation Program; and

WHEREAS, the City entered into a Professional Services Agreement with Pacific Municipal Consultants (PMC) on February 18, 2014 for the purpose of CalHome Owner-Occupied Rehabilitation Program Management in the amount of \$92,000; and

WHEREAS, this amendment will allow an increase not to exceed the amount from \$92,000 to \$102,000; and

WHEREAS, the City received an extension for the CalHome grant through April 4, 2016; and

WHEREAS, this amendment will also extend the term of the Professional Services Agreement by one year from February 18, 2016 to February 18, 2017; and,

WHEREAS, those services will exceed the maximum amount the City Manager has authorization to approve.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA authorizes the City Manager to execute a first amendment (Contract No. 15-2014-1) with PMC in a form approved by the City Attorney. This resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the ____ day of _____, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert J. McGarvey, Mayor

ATTEST:

Mindy Cuppy, MMC, City Clerk

1687027.1

MEMORANDUM

DATE: March 2, 2015

TO: Honorable Mayor and Council Members

FROM: Michelle Mingay, Sr. Finance Analyst



SUBJECT: ORDINANCE AMENDING SECTION 16.84 OF THE CITY MUNICIPAL CODE EXTENDING THE TEMPORARY FEE DEFERRAL FOR PAYMENTS OF TRANSPORTATION DEVELOPMENT IMPACT FEES FOR A PERIOD OF THREE YEARS

RECOMMENDATION

Waive first reading and introduce Ordinance No. 3-2015 approving an extension of the temporary fee deferral for payments of Transportation Development Impact Fees through June 30, 2016.

RESULT OF RECOMMENDED ACTION

Adoption of this Ordinance will allow the payment of the Transportation Development Impact Fee to be deferred to a later date in accordance with the City's current Temporary Fee Deferral Program which will also expire on June 30, 2016.

BACKGROUND

The temporary fee deferral program (the "Program") was established in May 2008, in response to requests from a distressed homebuilder and concerns with the effects of the economic downturn on non-residential and residential construction. The current program allows residential and non-residential developers to defer the payment of eligible impact fees, normally paid at the time of building permit issuance, to the earlier of i) 24 hours prior to final inspection, ii) temporary certificate of occupation or iii) twelve months from the deferral date. Developer impact fees are one-time infrastructure and facility charges collected on new building permits to mitigate the cost of new development by recovering a proportional share of the cost of public infrastructure needed to provide service to new customers.

Fees eligible for temporary deferral under the current Program include:

- Transportation Development Impact Fees
- Community Facilities Fees – Library
- Park Renovation Fee
- Local Housing Trust Fund (non-residential projects only)
- Certain Specific Plan Area fees, including:
 - Capital Village fees for park renovation and transportation impact
 - Sunrise Douglas fees for interim sewer, roadway construction and transit shuttle program

- Villages of Zinfandel fees for park renovation and roadway construction

The original Program was established for a one year period, expiring on June 30, 2009. Due to the extended decline in the housing market, the Program expiration was also extended multiple times, in 2009, 2010 and 2013, with the current Program expiring on June 30, 2016.

When the last Program extension was brought to Council for approval in June 2013, staff had thought all of the fees included in the Program, that were being collected under the authority of an Ordinance, had already been amended to include the revised expiration date so an Ordinance amendment was not included as part of the Council action extending the Program. It has been brought to staff's attention that was not the case; while the expiration date for the Sunrise Douglas (SD) Plan Area Fees had been updated the Transportation Developer Impact Fee had not. As such, staff has prepared the attached Ordinance extending the expiration date for the Transportation Development Impact Fee to June 30, 2016.

ATTACHMENT

Ordinance No. 3-2015.

CITY OF RANCHO CORDOVA

ORDINANCE NO. 3-2015

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
AMENDING SECTION 16.84 OF THE CITY MUNICIPAL CODE EXTENDING THE
TEMPORARY DEFERRAL FOR PAYMENTS OF TRANSPORTATION DEVELOPMENT
IMPACT FEES FOR A PERIOD OF THREE YEARS**

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

Section 1.

WHEREAS, in May 2008, in response to the nationwide downturn in the housing market, the City Council adopted Resolution No. 51-2008 establishing a Temporary Developer Impact Fee Deferral Program; and

WHEREAS, the City Council also adopted Urgency Ordinance No. 14-2008 amending the City Municipal Code by adding Sections 16.83.105 and 16.84.065, which provided the City Manager the authority to defer certain development impact fees. The temporary fee deferral provisions were set to automatically expire on June 30, 2009; and

WHEREAS, in April 2009, in response to the continued downturn in the housing market, the City Council adopted Ordinance No. 10-2009 and Resolution No. 33-2009 to extend the time period of the Development Impact Fee Deferral Program for an additional one year period, expiring on June 30, 2010; and

WHEREAS, in October 2010, in response to the continued downturn in the housing market, the City Council adopted Ordinance No. 32-2010 and Resolution No. 120-2010 to extend the time period of the Development Impact Fee Deferral Program for a three year period, expiring on June 30, 2013; and

WHEREAS, in June 2013, in response to the continued downturn in the housing market, the City Council adopted Ordinance No. 7-2013 and Resolution No. 73-2013 extending the time period of the Development Impact Fee Deferral Program for a three year period, expiring on June 30, 2016; and

WHEREAS, this ordinance is needed to amend the Municipal Code to extend the time period of the Transportation Development Impact Fee Deferral Period in order to allow the fee to continue to be deferred under the current Temporary Developer Impact Fee Deferral Program; and.

Section 2. Section 16.84.065 of the Rancho Cordova Municipal Code, titled "Payment of Developer Fees – Temporary Deferral," is hereby amended to read as follows:

16.84.065 PAYMENT OF TRANSPORTATION FEE – TEMPORARY DEFERRAL

Notwithstanding any other requirement in Section 16.84.060 or this chapter, due to the temporary and acute nationwide slowdown in the housing market, the City Manager shall have the authority to consider and approve requests to defer payment of development impact fees imposed pursuant to this Chapter to the earlier of 24 hours prior to scheduling a final inspection, issuance of a temporary or final certificate of occupancy, or one year from the date the deferral is approved by the City Manager. This section shall automatically expire and be of no force and effect after June 30, 2016.

Section 3. Severability

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

Section 4. Effective Date

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

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the ____ day of ____, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert J. McGarvey, Mayor

ATTEST:

Mindy Cuppy, MMC, City Clerk

MEMORANDUM

DATE: March 2, 2015
TO: Honorable Mayor and Council Members
FROM: Jessica Jordan, Principal Planner



SUBJECT: RIVERGATE SHOPPING CENTER UNIFIED SIGN PROGRAM; PROJECT NO. DD8419 – LOCATED AT 2310-2352 SUNRISE BOULEVARD.

PROPERTY OWNER/APPLICANT:

Ethan Conrad Properties
 Mr. Ethan Conrad
 1300 National Drive, Suite 100
 Sacramento, CA 95834

PROJECT: Rivergate Shopping Center Unified Sign Program – A Unified Sign Program (USP) would regulate building-mounted signage uniformly within the Rivergate Shopping Center. The USP would also allow for one additional monument sign for a specific future tenant.
FILE: DD8419
LOCATION: 2310-2352 Sunrise Boulevard
APN: 058-0261-026, and -027
PLANNER: Jessica Jordan

RECOMMENDATION

Adopt Resolution 22-2015.

RESULT OF RECOMMENDED ACTION

A Unified Sign Program for the Rivergate Shopping Center would uniformly regulate building-mounted signage throughout the existing shopping center, ensuring all signs conform to the City's typical standards for commercial centers. Signs would remain proportional to the building, be compatible in color, design, and material, and in keeping within the overall intent of the City's sign standards. The Sign Program would also allow one additional monument sign within the center.

REQUIRED PERMITS AND REGULATORY BASIS

Section 23.743.120(C)(2) of the Zoning Code allows a project to pursue a Unified Sign Program when the buildings and facilities are of a size, shape, height, or the site is of such geographical conditions or location that office use sign provisions are not appropriate. Section 23.743.040(D) establishes the purpose, standards, and approval process for Unified Sign Programs.

BACKGROUND

The Rivergate Shopping Center is the large multiple tenant shopping center located on the west side of Sunrise Boulevard between Zinfandel Drive and Coloma Road. The shopping center was originally constructed around the late 1970's. In 2013/2014, Ethan Conrad Properties embarked on a partial remodel of the center to modernize many of the existing buildings, creating three new tenant spaces within one larger store, and adding square footage through the addition of several new buildings. The site is zoned Commercial Mixed-Use (CMU).

Figure 1: Rivergate Shopping Center



The Rivergate Shopping Center is currently occupied by a variety of commercial tenants, each of which has some quantity of building-mounted signage. Additionally, there are currently four monument signs within the Rivergate Shopping Center site located on the Coloma Road,

Zinfandel Drive, and Sunrise Boulevard frontages. Monument signs were constructed with the original project development and have been maintained in good condition over time. In 2013, the City Council approved a Conditional Use Permit to allow for substantial modification to the monument sign on Zinfandel Drive and the monument sign at the main entry on Sunrise Boulevard. The existing monument signs were small, single tenant monument signs. Through the CUP, the developer was permitted to increase the size of these monuments and upgrade them to larger, multi-tenant signs. As these signs were permitted by other means and such permits have been acted upon by the property owner, the proposed Uniform Sign Program (USP) cannot regulate them. As described in detail below, the USP would include one additional monument sign at the site for a specific tenant.

The shopping center is partially located within one the City's Special Sign Corridors, as described in Section 23.743.120 of the Zoning Code. The Special Sign Corridor is a 500 foot buffer from the centerline of Sunrise Boulevard within which signs visible from the roadway are restricted to the typical Office Use standards or a 1:1 ratio (1 square foot of signage per foot of frontage). The provisions of the Special Sign Corridor allow a development to request a USP in the event the development can demonstrate that the 1:1 ratio limitations are not appropriate for the subject property.

The applicant initially proposed a USP in early 2014 as allowed by the Zoning Code in order to establish typical commercial standards for building-mounted signage for the shopping center. The USP was fairly simple due to the limited scope of signage type the USP was established to cover. The Planning Director intended to approve the USP in July 2014 however, upon notification of the forthcoming action, a City Council Call Up was filed with the Planning Department. Based on comments received within the Call Up, the applicant worked with staff to revise the USP accordingly. The USP provided herein incorporates these revisions.

PROJECT ANALYSIS

The Rivergate USP would establish a variety of standards for building mounted signage within the Rivergate Shopping Center including the property owner approval process, measurement approach, design criteria, and other technical details related to building-mounted signage. In particular, the proposed USP relies upon the city-wide Zoning Code standards for Commercial Uses to establish the allowable square footages for building-attached signage. If approved, the USP would allow tenants within the Rivergate Shopping Center to have either 2 square feet per 1 linear foot or 3 square feet per 1 linear foot of building-attached signage depending on distance from the Sunrise Boulevard right-of-way.

In addition to the building-attached signage regulations, the USP would allow for one additional monument sign to be located within the southeastern corner of the Rivergate Shopping Center, adjacent to a future pad building (Chick-fil-A). The proposed monument sign incorporates the building materials and colors of the future Chick-fil-A building and the stone veneer used throughout the remodeled areas of the center. The monument sign is within the height and size limits of the Code for commercial centers. The proposed monument sign is located adjacent to the south side of the future Chick-fil-A building within a large landscape planter area. The monument sign is designed to be tastefully visible but unobtrusive to passersby. The proposed Chick-fil-A monument sign is shown in the figure below.

The USP in its entirety is included in **Attachment 1**.

Figure 2: Chick-fil-A Monument Sign



The Rivergate Shopping Center has been constructed in a manner and is of a size and building mass that is typical for shopping centers throughout the region. The location along Sunrise Boulevard, Coloma Road, and Zinfandel Drive are highly traveled and passersby would anticipate the type of signage being proposed. As such, the deviation to allow greater than 1:1 signage at the Rivergate Shopping Center is supported in this case.

The USP would result in signs that are in proportion and scale with existing buildings and be compatible in design and material. The USP is not representative of a special privilege for Rivergate as other similar commercial centers would be eligible for a similar USP. Overall, the USP would regulate signs to be unobtrusive and in a similar manner to the overall intent of the city-wide sign regulations. Signage will be sized in a manner appropriate to the site and to serve the needs of the traveling public near the site.

ATTACHMENT

Resolution 22-2015, including Rivergate Unified Sign Program (**Exhibit A**) and Conditions of Approval (**Exhibit B**).

ATTACHMENT 1

CITY OF RANCHO CORDOVA

RESOLUTION NO. 22-2015

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
APPROVING THE RIVERGATE SHOPPING CENTER UNIFIED SIGN PROGRAM –
PROJECT NO. DD8419**

WHEREAS, Ethan Conrad Properties (hereinafter referred to as Applicant) filed an application with the City of Rancho Cordova for a Unified Sign Program for the Rivergate Shopping Center located at the northwest corner of Zinfandel Drive and Sunrise Boulevard. (Assessor's Parcel Number: 058-0261-026, and -027); and

WHEREAS, the Unified Sign Program was reviewed and noticed for approval in July 2014; and

WHEREAS, prior to formal approval, a City Council Call Up consistent with Section 23.167 of the Zoning Code was filed with the Planning Department; and

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

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

NOW, THEREFORE, BE IT HEREBY RESOLVED THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA that the Council approves the Rivergate Shopping Center Unified Sign Program (**Exhibit A**), subject to the following findings and attached Conditions of Approval (**Exhibit B**):

- A. Finds the project site was adequately analyzed according to the California Environmental Quality Act (CEQA) Guidelines and is Exempt under Section 15153, Projects Consistent with a Community Plan, General Plan, or Zoning, as supported by the following:

CEQA Guidelines Section 15183 (Public Resources Code §21083.3), provides that projects which are consistent with a Community Plan, General Plan or Zoning for which an EIR has been certified "shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site." An EIR was certified by the City Council for the adoption of the City of Rancho Cordova General Plan (SCH 2005022137).

The proposed Unified Sign Program would allow signage consistent with any CMU (Commercial Mixed Use) zoned property within the City limits and is consistent with the General Plan. No potential new impacts related to the project have been identified that would necessitate further environmental review beyond the impacts and issues already disclosed and analyzed in the General Plan EIR. No other special circumstances exist that would create a reasonable possibility that the proposed project will have a significant adverse effect on the environment.

ATTACHMENT 1

- B. Approve the Unified Sign Program subject to the Conditions of Approval herein, and subject to the findings as defined by Zoning Code Section 23.119.040 and evidence as follows:

1. Finding: The proposed sign program does not violate provisions of the zoning code and the municipal code.

Evidence: The request for a Unified Sign Program is allowed per Section 23.743.120(C)(2) of the Zoning Code. The USP would allow the Rivergate Shopping Center to install building-attached signage consistent with commercial centers throughout the city. It does not violate the provisions of the Municipal Code in full.

2. Finding: The proposed sign program is generally consistent with location, size, height, setback and other requirements of the underlying zoning district and applicable design guidelines for signs permitted with or without a unified sign program requirement.

Evidence: The USP would establish signage standards for Rivergate that are consistent with the underlying zoning designation of CMU (Commercial Mixed Use). Allowable signage ratios are taken directly from the Code standards for Commercial Use signs. Height, setback, and other provisions such as installation details and lighting sources are the same as those within the Code.

3. Finding: The appearance, scale, materials, design and graphics, and orientation of signs are in keeping with the character of the site and buildings, and the surrounding neighborhood.

Evidence: The Rivergate Shopping Center is a typical commercial center consisting of several large multi-tenant buildings near the rear of the property and several medium-sized single and multi-tenant buildings along the property edges with a joint use parking lot in the center. Building-attached signage allowed through the USP would be appropriately sized to the tenant space and located above the tenant entry doors. Signs will face all three of the major roadways adjacent to the center, oriented with the corresponding tenant space. Signage will be in keeping with the character of the area which includes heavily traveled roadways and other commercial centers.

4. Finding: Approval of the unified sign program would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity in which the project is located.

Evidence: The USP is in the public interest to ensure appropriately sized signage within the commercial development of the city. Health, safety, and welfare of the residents or properties within the city limits will not be adversely impacted by the provisions of the USP.

ATTACHMENT 1

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the _____ day of _____, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert J. McGarvey, Mayor

ATTEST:

Mindy Cuppy, MMC, City Clerk

Rivergate Shopping Center

Sign Criteria Guidelines

CONTENTS

1	Introduction & Objective
2	Location Plan
3	Sign Approval Process
4	Sign Area Measurements
5	Signage Design Criteria
6	Prohibited Signs
7	Preferred Sign Types and Materials
8	Examples of Reverse Channel
9	Halo Neon Aluminum Letter Signage
10	Structural and Electrical Design Criteria
11	Sign Construction
12	Major Tenant Signage on Building 5,000 SF +
13	Minor Tenant Signage on Building < 2,500 SF
14	Monument Sign A
15	Monument Sign B
16	Monument Sign C
17	Monument Sign D
18	Monument Sign E

The Owner/Developer may implement any or all of the sign types outlined herein in accordance with these criteria and subject of the approval of the City of Rancho Cordova

EXHIBIT A**INTRODUCTION**

The Rivergate Shopping Center is a large multiple tenant shopping center, with approximately 140,000 square feet of existing building area, located on the west side of Sunrise Boulevard between Zinfandel Drive and Coloma Road. The shopping center was originally constructed around the late 1970's. In 2013, Ethan Conrad Properties began renovating the aging shopping center through refurbishing existing tenant spaces, converting a large single tenant store into three separate tenant spaces, and adding approximately 10,000 square feet of new commercial space. Improvements to the center's parking lot and landscaping have brought the Rivergate Shopping Center into the modern age.

OBJECTIVE

The objective of the following sign criteria is to provide standards and specifications that assure consistent quality, size, variety, and placement for Tenant signs throughout the Rivergate Shopping Center. This criterion is also intended to stimulate creative invention and achieve the highest standard of excellence in environmental graphic communication. Such excellence is best achieved through open and frequent dialogue between Tenant and Operator/Owner. Signage at Rivergate Shopping Center is an integral part of the center's image and appeal, so signs must be thoughtfully designed, placed and proportioned to the individual architectural façade on which they are placed. Care in the design and installation of store signs will enhance customer's appreciation.

This Sign Program mainly focuses on the placement, style, and design of building-attached signage. Two directory monument signs existed on the property prior to City incorporation. Two new directory monument signs were previously approved through a Conditional Use Permit in November 2013. No alterations to those previously approved monuments signs are included in this Sign Program. An additional monument sign, for a future Tenant, is included in this Sign Program as an allowable sign.

EXHIBIT A

LOCATION PLAN



EXHIBIT A**SIGN APPROVAL PROCESS**

All signage will require written approval of the Owner/Developer and the City of Rancho Cordova.

Step 1. Tenant shall submit two (2) copies of detailed shop drawings to the Owner/Developer for approval. Drawings must include building elevation to which the signs will be attached, sign dimensions, graphics, locations, colors, and method of attachment.

Step 2. Prior to installation, all signs shall be reviewed to ensure they conform to this criterion and for the overall design quality. Approval or disapproval of these submittals based on the aesthetics and design shall remain the sole and absolute right of the owner/developer. Tenants must obtain sign permits from the City of Rancho Cordova.

Responsibility for Signage. Tenant shall pay the costs for its sign(s) installed on the premises and the pylon signs, including design, manufacture, installation, maintenance, removal and city permits. Each Tenant shall be responsible, repair and solely pay for any damage to any surface caused by the signage or installation of the signage.

Tenant's sign contractor must carry workmen's compensation and public liability insurance against all damage suffered or done by any and all persons and/or property while engaged in the construction or erection of signs in the amount of \$1,000,000 per occurrence. Evidence of this insurance must be provided to Developer prior to installation naming the Owner and Developer as additional insured.

Upon vacancy, Tenant shall remove sign and restore fascia to original condition at Tenant's sole cost and expense within fifteen (15) days of expiration of term or earlier termination of Tenant's lease.

EXHIBIT A**SIGN AREA MEASUREMENTS**

Rivergate Shopping Center is located in the City's Special Sign Corridor, which would typically restrict building mounted signage to standards applicable to Office uses. In this case, the Shopping Center is of an appropriate height, and location to warrant the use of the City's sign standards allowances for commercial uses. This Unified Sign Program provides the framework for such an allowance while ensuring signs remain proportional to the building, are compatible in color, design, and material, and are in keeping with the City's intent for overall sign standards. As such, allowable square footages for Rivergate are as follows:

Sign Type	Maximum Number Permitted	Maximum Area	Maximum Height	Illumination Allowed
Building-Attached Signage	No maximum	< 50ft from ROW: 2:1; ≥ 50ft from ROW: 3:1	Not extending about the roofline of the building	Yes

As stated previously, this Sign Program will only address one new monument sign within the Center. All other monument signs were pre-existing or previously approved by the City Council through a Conditional Use Permit. Any alterations to these monument signs would require review by the appropriate approving authority and through the appropriate approval process (i.e. amendment of the previously issued Conditional Use Permit). The new monument sign provided for within this Sign Program is included as "Monument Sign E" and shown on the Location Plan and corresponding Exhibit.

All signs within the Rivergate Shopping Center are also subject to the development, maintenance, and removal provisions established in Section 23.743.090 of Title 23 of the City's Municipal Code, as included in part here:

- 1. Generally.** When the sign is composed of letters applied to the building without a distinctive background (e.g., channel letters), the area of the sign may be measured by the height of the letters times the length of each line of letters and may be computed at 75 percent; otherwise, the area of the sign shall be measured to the outside perimeter of the sign, including the area of any voids within a simple bounding perimeter. See Figure 23.743-5 (Sign Area).

Figure 23.743-5: Sign Area

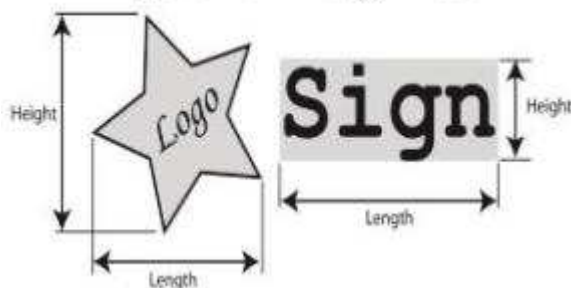
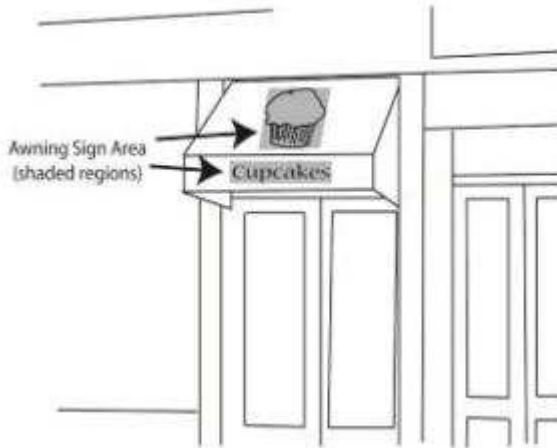


EXHIBIT A

- 2. Awning or Canopy Signs.** Sign copy which is applied to an awning or canopy shall be computed at 100 percent of the area within a single rectangle enveloping the sign copy.

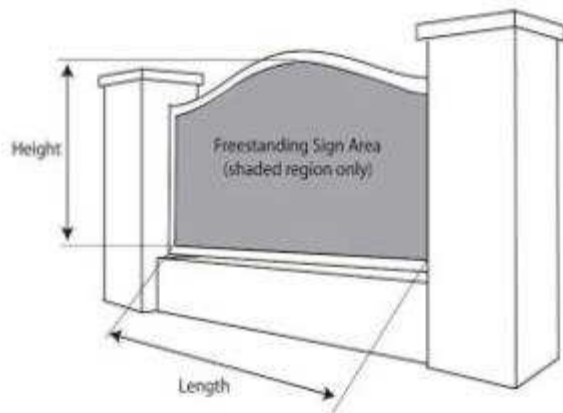
See Figure 23.743-6 (Awning or Canopy Sign Area below.

Figure 23.743-6: Awning or Canopy Sign Area



- 3. Freestanding Signs.** Freestanding signs are to be computed as total height by the total length of the sign or signs for one side for double-faced signs, excluding framework of separate single wood post or masonry column and single wood or masonry beam. The base of a monument sign is not part of the sign. See Figure 23.743-7 (Freestanding Sign Area).

Figure 23.743-7: Freestanding Sign Area



- 4. Three-Dimensional Objects.** Where a sign consists of one or more three-dimensional objects (e.g., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), the sign area shall be measured at their maximum projection upon a vertical plane, as viewed from a position in the public right-of-way which produces the largest visual projection. Such area contributes to the overall allowable sign area for the development type.

EXHIBIT A

B. Measurement of Sign Height. Sign height shall be measured from the uppermost part of the sign used in determining the area of the sign to the lowest elevation at the base of the sign.

C. Maintenance of Signs. All signs shall comply with the following criteria:

1. All transformers, equipment, programmers, and other related items shall be screened and/or painted to match the building or shall be concealed within the sign.
2. All permanent signs shall be constructed of quality, low-maintenance materials such as metal, concrete, natural stone, glass, and acrylics. Techniques shall be incorporated during construction to reduce fading and damage caused by exposure to sunlight or degradation due to other elements.
3. All signs shall be constructed in compliance with any applicable building, electrical, or other code in effect at the time of construction or maintenance, with particular respect to wind and seismic loads and overturning moment.
4. All freestanding signs that incorporate lighting shall have underground utility service.
5. Signs shall be cleaned, updated, and/or repaired as necessary to maintain an attractive appearance and to ensure safe operation of the sign. Unacceptable sign conditions include broken or missing sign faces, broken or missing letters, chipped or peeling paint, water damage, missing or inoperative lights, exposed mechanical or electrical components, and missing or broken fasteners. Failure to respond to a written request from the city to perform maintenance work shall result in revocation of the sign's permit or status as exempt from permit, subject to the appeal provisions of this code.
6. All temporary signs and banners shall be made of a material designed to maintain an attractive appearance for as long as the sign is displayed.
7. All illuminated signs shall be of such intensity or arranged in such a manner so as to avoid unreasonable glare for abutting properties or vehicular traffic.

D. Illumination Standards. The artificial illumination of signs, either from an internal or external source, shall be designed to minimize negative impacts on surrounding rights-of-way and properties. The following standards shall apply to all illuminated signs:

1. External light sources shall be directed and shielded to limit direct illumination of an object other than the sign;
2. The light from an illuminated sign shall not be of an intensity or brightness that will create glare or other negative impact on residential properties in direct line of sight to the sign;
3. Unless otherwise permitted by another provision of this chapter, signs shall not have blinking, flashing, or fluttering lights, or other illumination devices that have a changing

EXHIBIT A

light intensity, brightness, or color, unless otherwise allowed as an electronic message sign;

4. Colored lights shall not be used in a manner so as to be confused with traffic control devices;

5. Reflective type bulbs and incandescent lamps that exceed 15 watts shall not be used on the exterior surface of signs so that the face of the bulb or lamp is exposed to a public right-of-way or adjacent property; and

6. Light sources shall utilize energy-efficient fixtures to the greatest extent possible.

E. Sign Removal or Replacement. When a sign is removed or replaced, all brackets, poles, and other structural elements that support the sign shall also be removed. Affected building surfaces shall be restored to match the adjacent portion of the structure. This provision does not apply to routine maintenance.

G. Location of Building Signs. Building signs may be located along any frontage of a building that faces directly onto a public right-of-way or an internal circulation path of the site. Orientation of signs such that they face directly onto residential property is to be avoided and is allowed only when there is no practical alternative and the visibility of the sign from the residence is minimized. Building-mounted signage on multi-story buildings shall be integrated into the building architecture and shall not be installed in a manner that results in the sign either extending above the roofline or appearing as such.



SIGNAGE DESIGN CRITERIA

The following are general graphic guidelines to be used in the development of all signage and graphic elements.

1. Signs shall be centered horizontally and vertically over each Tenant Space unless otherwise directed by Owner/Developer and approved by the City of Rancho Cordova. Signs shall not exceed 70% of the length of the width of the tenant frontage.
2. Signage and environmental graphics should be conceived as an integral part of the design of the exterior storefront.
3. Primary storefront identification shall be limited to Tenant's trade name, as approved in the lease, or as otherwise approved in writing.
4. All illuminated signs must be controlled by Owner/Developer's house panel and illuminated during general operating hours, as defined by the Owner/Developer.
5. Signage and graphics applied directly to the storefront glass should have matching letters and features on both sides of the glass to create a finished look when viewed from either side. Storefront glass signs should be reviewed by the City of Rancho Cordova.
6. Exposed signage lamps and fixtures are subject to approval by the Owner/Developer and his architect.
7. Signs shall be designed to be not only imaginative but also of top aesthetic quality. Signs also must be compatible with, and complementary to, nearby and connecting facades.
8. The square footage of individually applied graphics includes the area within the rectangular box surrounding the image: top of the box must align with the tallest letter height or symbol and the bottom of the box must align with the lowest letter descended or symbol.
9. Signage and environmental graphics should be considered and created as integral parts of the design.
10. Signs and typography shall appear always balanced and appropriately sized within the context of the sign space and the building as a whole.
11. A nationally recognized Tenant may utilize various established corporate insignias.
12. All signs should be placed out of reach and should fit comfortably within the architecture, leaving sufficient margins and space around them. Thickness, height, and colors of sign lettering and graphics should be visually balanced and in proportion to other building signs.
13. Tenant signage that incorporates logos, corporate identities and/or images denoting the business type shall be encouraged. Logo design and color are subject to approval by Owner/Developer.
14. Wall signs must be attached with no visible means of attachment, unless attachments themselves represent intentional design statement. Drilling shall preferably be located at mortar lines/joints.

EXHIBIT A

15. All logo images and typefaces are to be accurately reproduced; lettering that approximates typestyle will not be deemed acceptable. Any manufactured work deemed to be below standard may be rejected by the Owner/Developer.
16. Raceways are allowed only if concealed from view.

EXHIBIT A**PROHIBITED SIGNS**

1. Exposed junction boxes, lamps, tubing, transformers, conduit, raceways or any type of neon crossovers.
2. Unless approved in advance, internally illuminated boxed or cabinet type signs. Cabinet signs shall not be considered.
3. Advertising devices (attraction boards, flags, banners).
4. Simulated materials or wall covering.
5. Sign manufacturer's names, stamps, or decals visible from normal viewing angles or the street.
6. Cloth, paper, cardboard, gatorboard, foam- core, stickers, or decals.
7. Visible fastening devices, unless vital to the design.
8. Search or flood lights.
9. Luminous, vacuum formed acrylic signs and letters.
10. Temporary signs, including A-frames.
11. Channel letters with light-transmitting acrylic letters.
12. Any sign not in conformance with these criteria.
13. Moving neon or animated signs (swinging, rotating, flashing, blinking, strobing), plus any moving electronic message boards or centers, or temporary lighting, (search, flood, or fluorescent gel lights, as examples).
14. Internally illuminated awnings.
15. Glazed ceramic tile work that forms pat- terns or fields.
16. Outlined tubing used to outline, illuminate, or accentuate a building or other structure.
17. Signs that project over a parapet or roof line or are on a building's roof.
18. Off-premise signs, including signs or graphics applied to a stationary vehicle or vendor identification.
19. Signs that use mechanical movement, noise, flashing or blinking lights.
20. Signs or graphics painted directly on the outside of a building.
21. Inflatable signs, including balloons.
22. Landscaping that forms a message.
23. Flying signs.
24. Graphics on trash bins.

EXHIBIT A**PREFERRED SIGN TYPES AND MATERIALS**

1. Reverse channel lettering with halo neon. Dimensional letters with seamless edge treatments.
2. Dimensional shapes and forms of metal, hardwood, glass, or other permanent appearing material.
3. Mixed media signs that use multi-dimensional forms and combine colors, shapes, lighting and materials.
4. Polished metal.
5. Geometric and three-dimensional shapes and forms.

EXHIBIT A

EXAMPLES OF REVERSE CHANNEL HALO NEON ALUMINUM LETTER SIGNAGE

Day Time



Night Time



EXHIBIT A**STRUCTURAL AND ELECTRICAL DESIGN CRITERIA**

1. The fabricator will be responsible for performing the complete structural design of the signs and incorporating all safety factors needed to protect the Owner/Developer and sign fabricator from public liability. Structural designs that meet the criteria of rational engineering analysis and conform to all applicable national and local codes will be acceptable.
 - a. The engineer must design sign to resist wind loads in accordance with local, state and federal building codes.
 - b. The fabricator must include foundations whenever they are integral to the signage and graphics work. This includes concrete foundations for signs.
 - c. Calculations signed and sealed by a registered professional engineer in California must be submitted to the Owner/Developer for review when appropriate.
2. All signs and their installation shall comply with all applicable city building and electrical codes and shall bear U.L. label.
3. Electrical design for illuminated signs shall be the responsibility of the sign fabricator.
 - a. Grounding for all ground-mounted signs must be provided.
 - b. Lighting medium must be indicated on the drawings.
 - c. A disconnect switch must be provided.
 - d. Provide access to concealed transformers.

EXHIBIT A**SIGN CONSTRUCTION**

Tenant's sign contractor must install completely and connect sign display and primary wiring at sign location per Owner/ Developer's approval. Signs shall be connected to the Tenant-provided J-box.

All signs and installation of same must comply with applicable city building and electrical codes, and bear a U.L. label.

For proper drainage, all exterior signs shall be mounted 1/2" from building.

All penetrations of exterior façade must be sealed watertight, and finished to match adjacent material, subject to Owner/ Developer's approval.

All exterior signs shall be secured by concealed fasteners, stainless steel, nickel or cadmium plated.

All exposed letter sheet metal returns shall be of 24 gauge, painted with one coat of primer and two coats enamel to match face color. All trim cap to match the face and returns, 3/4" in thickness.

Internal illumination to be 30-milli-amp neon installation, labeled in accordance with the "National Board of Fire Under- writers Specifications." No other labels or identification will be permitted on exposed sign surfaces unless required by local ordinances.

Labels

No visible labels shall be allowed on completed signs unless required by law.

SUBMITTALS

1. Shop drawings

The drawings are to show all materials, thicknesses, finishes, construction details, installation details, of structure, artwork and illumination as well as the location of all seams, finished and unfinished.

The sign contractor shall make any changes indicated by the designer and Owner/Developer and resubmit the shop drawings for final approval. Approved shop drawings must be received by the fabricator prior to fabrication.

The sign fabricator shall submit two (2) sets of prints to Owner/Developer. These drawings are to be submitted one month before the date they need to be returned to the fabricator.

Shop drawings will be reviewed for compliance with the design intent only. The sign contractor is responsible for all other aspects of fabrication, as well as coordination with site contractors and related trades.

2. Samples

The fabricator shall submit two (2) samples of each material in the finish and texture specified and each paint color on the material and in the finish specified on the drawings.

The fabricator shall provide the Owner/Developer with complete care and maintenance for the installed pieces.

EXHIBIT A**MAJOR TENANT SIGNAGE ON BUILDING**

More Than 5,000 Sq. Feet



EXHIBIT A

MINOR TENANT SIGNAGE ON BUILDING

Less Than 2,500 Sq. Feet



EXHIBIT A

MONUMENT SIGN A



EXHIBIT A

MONUMENT SIGN B



EXHIBIT A

MONUMENT SIGN C



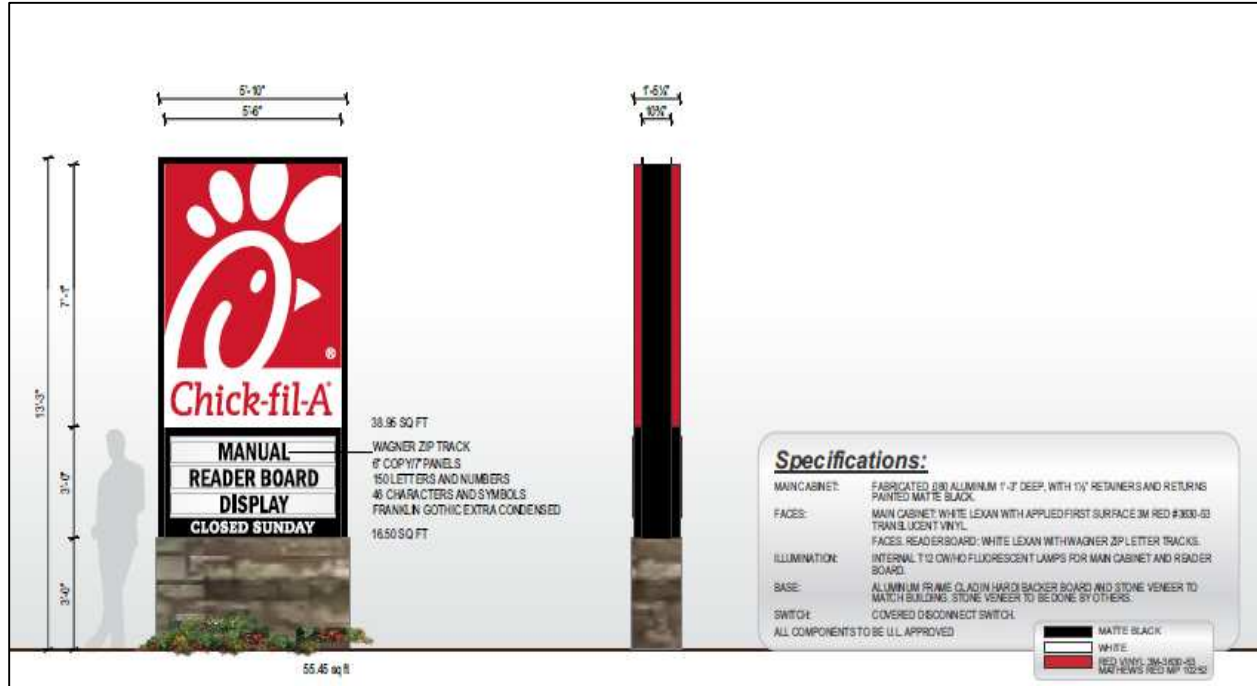
EXHIBIT A

MONUMENT SIGN D



EXHIBIT A

MONUMENT SIGN E



Conditions of Approval

EXHIBIT B

		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date & Signature)</u>
1.	The action approves the Rivergate Shopping Center Unified Sign Program, located at 2310-2352 Sunrise Boulevard (APN 058-0261-026, and -027), as described in the March 2, 2015 staff report and associated attachments. Any significant modification to the standards for building-attached signage and the monument sign provided through the Program shall require amendment to the Unified Sign Program.	ON-GOING	PLANNING	
2.	This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.	ON-GOING	PLANNING	
3.	The Applicant shall hold harmless the City, its Council Members, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.	ON-GOING	PLANNING	
4.	The Applicant shall not carry a negative account balance with the City for the processing of the project. If a negative account balance occurs, it will be the developer's responsibility to pay the balance due, in order to avoid delays in the processing of future permits or recordation of maps. Please email the Finance Department at billings@cityoffranchocordova.org for the status of your account with the City.	ON-GOING	FINANCE	

Rivergate Shopping Center Unified Sign Program DD-8419

**Rancho Cordova City Council
Jessica Jordan, Project Planner
March 2, 2015**

Project Request

- A Unified Sign Program (USP) to uniformly regulated building-mounted signage within the Rivergate Shopping Center
- The USP would also allow for one additional monument sign for a specific tenant

Site Location



Background

- There are currently 4 existing monument signs located on Coloma Road, Zinfandel Drive, and Sunrise Boulevard.
- The sign on Coloma and one sign on Sunrise Boulevard are original to the center.
- In 2013, the Council approved a Conditional Use Permit to allow upgrades to the other Sunrise monument sign and the one on Zinfandel Drive.

Background

Permitted
modifications to
monument signs
have been
completed

SIGN A: 10'x20' MONUMENT SIGN - SUNRISE BLVD

AP#058-026-1027



PROPOSED



EXISTING

SIGN B: 10'x10' MONUMENT SIGN - ZINFANDEL DRIVE

AP#058-026-1027



PROPOSED

10'-0"



EXISTING

30'

Background

- A simple USP was initially drafted in 2014 to allow for increased square footage of building-mounted signage in the Special Sign Corridor.
- Council Call Up was received in appropriate time frame indicating concerns.
- The applicant has worked to re-draft the USP to respond to Council concerns.

Proposed USP Standards

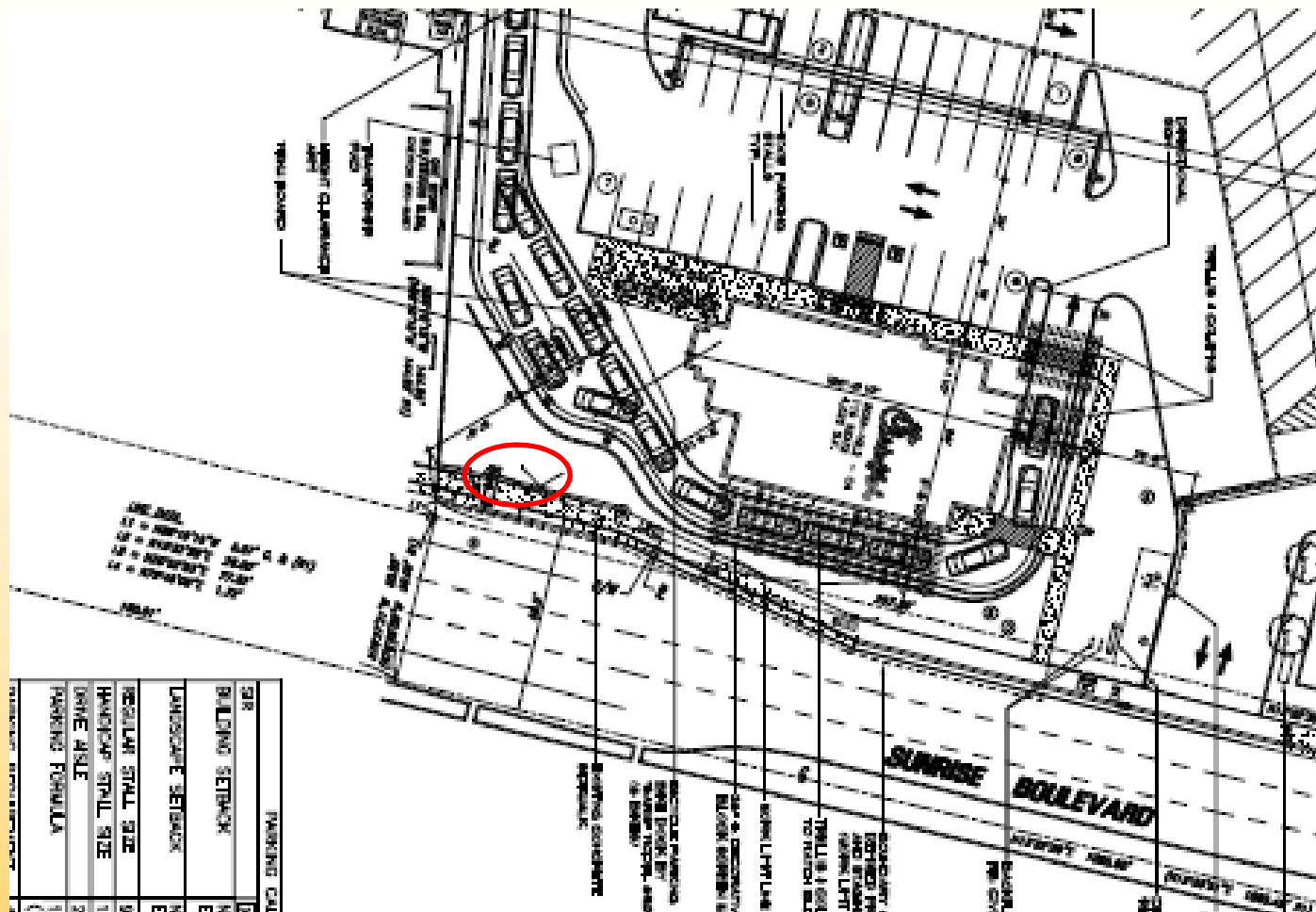
- Building-mounted signage would be allowed consistent with city-wide commercial use standards:
 - 2:1 within 50 feet of ROW
 - 3:1 when +50 feet from ROW
- Not extending above roof line
- Uniform maintenance and lighting standards
- Not to exceed 70% of the tenant space

Proposed USP Standards

- A tenant specific monument sign is also requested.
- Meets size and height standards
- Located within landscaped area and unobtrusive to passersby



Chick-fil-A Site Plan



Recommended Motion

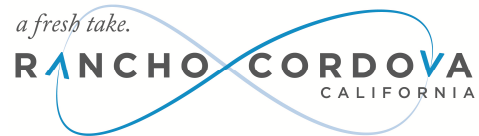
- “I move that City Council determine the project Categorically Exempt under Section 15183, Projects consistent with a Community Plan, General Plan, or Zoning, of the California Environmental Quality Act (CEQA) and approve the Unified Sign Program for the Rivergate Shopping Center, Project No. DD8419, subject to the Unified Sign Program (Exhibit A) and Conditions of Approval (Exhibit B) contained in the Resolution.”

MEMORANDUM

DATE: March 2, 2015

TO: Honorable Mayor and Council Members

FROM: Adam U. Lindgren, City Attorney



SUBJECT: AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA EXTENDING FOR ONE (1) YEAR A TEMPORARY MORATORIUM ON THE ESTABLISHMENT, EXPANSION, AND OPERATION OF PRIVATE SMOKERS' LOUNGES, E-CIGARETTE LOUNGES, VAPOR BARS, AND HOOKAH BARS, TO BECOME EFFECTIVE MARCH 17, 2015

RECOMMENDATION

Hold a public hearing and adopt Urgency Ordinance No. 4-2015, extending for one (1) year a temporary moratorium on the establishment and operation of private smokers' lounges, e-cigarette lounges, vapor bars, and hookah bars, pending further review and possible amendment of zoning regulations applicable to these types of establishments.

RESULT OF RECOMMENDED ACTION

Adoption of this Urgency Ordinance will extend the current ten (10) months and fifteen (15) day moratorium by one (1) year on the establishment, expansion or relocation of private smokers' lounges, e-cigarette lounges, vapor bars, and hookah bars. Extension of this moratorium is needed in order to: (1) address the community concerns regarding the establishment and operation of private smokers' lounges, e-cigarette lounges, vapor bars, and hookah bars; (2) continue studying the potential impacts that these types of businesses may have on the public health, safety and welfare; (3) continue studying and determining what local regulations may be appropriate or necessary for private smokers' lounges, e-cigarette lounges, vapor bars, and hookah bars; (4) continue studying and determining the appropriate zoning and location for these types of businesses; and (5) continue determining appropriate measures to ensure the protection of public health, safety and welfare.

BACKGROUND

Original Moratorium and First Extension

On March 17, 2014, the City Council approved Ordinance No. 8-2014, which was an urgency ordinance that established a forty-five (45)-day temporary moratorium on the development, establishment, and operation of private smokers' lounges, e-cigarette lounges, vapor bars, and hookah bars within the City. On April 21, 2014, the City Council approved Urgency Ordinance No. 11-2014 which extended the forty-five (45)-day moratorium for an additional ten (10) months and fifteen (15) days. The moratorium will expire on March 17, 2015, unless extended by a 4/5 vote of the City Council.

The City has received and anticipates additional inquiries regarding the establishment and operation of private smokers' lounges within the City. The City has also received complaints regarding the impacts related to second-hand smoke from these establishments.

Government Code's Requirements for Extension of Moratorium

Government Code section 65858 allows a City to extend a moratorium prohibiting any uses that may be in conflict with a contemplated zoning proposal that the legislative body or the planning department is considering, studying, or intends to study, within a reasonable time. The extension, just like the original adoption of the temporary moratorium, requires at least a four-fifths vote of the Council. Government Code section 65858 allows for the moratorium to be extended twice, once for ten (10) months and fifteen (15) days and a second time for an additional year, so long as a current and immediate threat to the public safety, health, or welfare exists.

Council and Staff Study of Impacts and Potential Regulations and/or Zoning Code Changes

As directed by the City Council, staff has begun the process of addressing community concerns over the establishment of private smokers' lounges, e-cigarette lounges, vapor bars, and hookah bars in the City, studying their potential impacts on the community, and what local regulations and/or zoning code changes may be needed in order to ensure the protection of public health, safety and welfare. The City Council held a study session on April 7, 2014 to discuss this issue. During this meeting, City Council directed staff to return with sample regulations related to the location and operation of smoking lounges and hookah bars. Staff needs more time to complete its research and to make recommendations to the City Council.

ANALYSIS

The attached Urgency Ordinance would extend the current ten (10) months and fifteen (15) day moratorium by one (1) year, on the establishment, expansion or relocation of private smokers' lounges, e-cigarette lounges, vapor bars, and hookah bars in the City. If approved, it would continue to prevent the issuance of any permit or any applicable license or entitlement for use, including but not limited to, the issuance of a business license or building permit for these types of uses during the term of the extension. As described in this Staff Report and the attached Urgency Ordinance, the establishment of these types of businesses could pose a threat to the public health, safety, and welfare.

Staff would use this time to further study the community concerns regarding the establishment and operation of private smokers' lounges, e-cigarette lounges, vapor bars, and hookah bars and the impacts that these types of businesses may have on the public health, safety and welfare. Staff will continue to analyze what local regulations may be appropriate, including the appropriate zoning and location for these types of businesses, hours' limitations, and possible ventilation requirements to protect neighboring uses. Immediate health, safety, and welfare concerns include impacts these businesses may have on minors; as well as negative health effects on employees, passersby, and neighboring businesses and residents.

Definitions

The Urgency Ordinance defines the following terms:

- **Private Smokers' Lounges:** Any enclosed area in or attached to a tobacco store that is dedicated, in whole or in part, to the use of tobacco or e-cigarette products, including but not limited to cigarettes, cigars, pipes, hookahs, e-cigarettes, hookah pens, e-hookahs, or vape pipes. The term "tobacco store" shall have the same meaning as that term is given in Section 6.84.050 of the Rancho Cordova Municipal Code, as that section may be amended from time to time, and which is currently defined as "a place utilized primarily for the sale to members of the general public at retail of tobacco products or accessories, and in which the sale of any other products is merely incidental."
- **E-Cigarette Lounges and Vapor Bars:** Any facility, building, structure or location, whether fixed or mobile, where customers utilize a heating element that vaporizes a liquid solution that releases nicotine or flavored vapor, including but not limited to e-cigarettes, hookah pens, e-hookahs, or vape pipes.
- **Hookah Bar:** Any facility, building, structure or location, whether fixed or mobile, where customers utilize hookahs, pipes, or other mechanisms placed at various locations throughout the establishment to smoke tobacco or other substances.

What the Moratorium Does and Does Not Prevent

While the City's codes contain zoning regulations concerning "smoke shops," as well as regulations on smoking within certain establishments, the codes do not address smoking lounges. For example, the Municipal Code currently permits smoking of tobacco within smoke shops, also known as tobacco stores. However, the Code is silent as to "private smokers' lounges," which are portions of smoke shops dedicated to the use of tobacco and smoking products.

The Urgency Ordinance is therefore intended to extend a moratorium on the establishment, expansion or relocation of private smokers' lounges, e-cigarette lounges, vapor bars, and hookah bars in the City while staff further studies the community concerns and impacts related to these establishments.

The Urgency Ordinance is not intended to prohibit the establishment, expansion or relocation of smoke shops and tobacco stores that do not operate private smokers' lounges, e-cigarette lounges, vapor bars, or hookah bars.

Voting Requirement

This attached Urgency Ordinance shall take effect on March 17, 2015 following passage and adoption by at least four-fifths (4/5) vote of the City Council on March 2, 2015. The Urgency Ordinance shall be effective one (1) year from March 17, 2015.

This report constitutes the written report required by Government Code section 65858(d).

REQUESTED MOTION

"I move that the City Council adopt Urgency Ordinance No. 4-2015, extending by one (1) year the moratorium on the establishment, expansion, and operation of private smokers' lounges, e-cigarette lounges, vapor bars, and hookah bars, to become effective March 17, 2015."

ATTACHMENT

Draft Urgency Ordinance No. 4-2015, extending by one (1) year a temporary moratorium on the establishment, expansion, and operation of private smokers' lounges, e-cigarette lounges, vapor bars, and hookah bars, to become effective March 17, 2015.

2401735.2

CITY OF RANCHO CORDOVA

ORDINANCE NO. 4-2015

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA EXTENDING BY ONE (1) YEAR A TEMPORARY MORATORIUM ON THE ESTABLISHMENT, EXPANSION, AND OPERATION OF PRIVATE SMOKERS' LOUNGES, E-CIGARETTE LOUNGES, VAPOR BARS, AND HOOKAH BARS

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

Section 1. Purpose and Declarations.

A. At its March 2, 2014 regular meeting, pursuant to California Government Code section 65858, the City Council of the City of Rancho Cordova adopted Urgency Ordinance No. 8-2014 imposing a forty-five (45)-day moratorium on the establishment and operation of private smokers' lounges, e-cigarette lounges, vapor bars, and hookah bars; and

B. At its April 21, 2014 regular meeting, pursuant to California Government Code section 65858, the City Council of the City of Rancho Cordova adopted Urgency Ordinance No. 11-2014 extending the moratorium by ten (10) months and fifteen (15) days on the establishment and operation of private smokers' lounges, e-cigarette lounges, vapor bars, and hookah bars; and

C. Urgency Ordinance No. 4-2015 will extend the moratorium on the establishment and operation of private smokers' lounges, e-cigarette lounges, vapor bars, and hookah bars for an additional one (1) year beginning on March 17, 2015.

D. Government Code section 65858 authorizes the extension of a moratorium, after a noticed public hearing, to prohibit uses of land which may conflict with a contemplated general plan, specific plan, or zoning proposal which the legislative body, planning commission or planning department is considering or studying or intends to study within a reasonable period of time. The public hearing on this Urgency Ordinance was properly noticed; and

E. This Urgency Ordinance incorporates by reference all the findings provided in Urgency Ordinance No. 8-2014 and Urgency Ordinance No. 11-2014 and their accompanying staff reports, as well as the staff report accompanying this Urgency Ordinance No. 4-2015, including the following:

1. The Planning Department of the City of Rancho Cordova has received and anticipates receiving more inquiries regarding the establishment of private smokers' lounges, e-cigarette lounges, vapor bars or hookah bars.

2. The Rancho Cordova Municipal Code is silent with regard to the regulation and location of private smokers' lounges, e-cigarette lounges, vapor bars and hookah bars, except that in general, uses not specified as permitted are not allowed.

3. In order to address community concerns regarding the establishment of private smokers' lounges, e-cigarette lounges, vapor bars and hookah bars, it is necessary for the City to study the potential impact such facilities may have on the public health, safety and welfare.

4. Private smokers' lounges, e-cigarette lounges, vapor bars and hookah bars are typically adults-only uses in a commercial setting and may not be appropriate near uses where minors are present.

5. It is necessary that the City further study the possible adoption of amendments to the City's Municipal Code and Zoning Code regarding private smokers' lounges, e-cigarette lounges, vapor bars and hookah bars. Staff needs more time to study whether to limit such businesses to certain zoning districts, and which zoning districts would be appropriate for such uses.

6. Second-hand smoke or vapors from private smokers' lounges, e-cigarette lounges, vapor bars and hookah bars may negatively affect employees, adjacent businesses, nearby property owners, and pedestrians, and staff needs additional time to study ventilation requirements and other regulations concerning these impacts.

7. There is a current and immediate threat to the public health, safety and welfare of the community if private smokers' lounges, e-cigarette lounges, vapor bars and hookah bars locate in the City without proper regulations in place. Absent the adoption of this Urgency Ordinance extending the moratorium, it is likely that the establishment and operation of private smokers' lounges, e-cigarette lounges, vapor bars and hookah bars in locations within the City, without appropriate controls in place to regulate the impacts on the community, will result in harmful effects to the businesses, property owners and residents of the City.

F. As directed by the City Council by Urgency Ordinance No. 8-2014 and by Urgency Ordinance No. 11-2014, staff is continuing to study the potential impacts private smokers' lounges, e-cigarette lounges, vapor bars and hookah bars may have on the public health, safety and welfare, and the possible adoption of amendments to the City's Municipal Code and Zoning Code regarding private smokers' lounges, e-cigarette lounges, vapor bars and hookah bars; and

G. Pursuant to Article XI, Section 7 of the California Constitution, the City of Rancho Cordova may make and enforce, within its limits, all local police, sanitary, and other ordinances and regulations not in conflict with general laws; and

H. California Government Code section 65858, subdivision (a) provides: that city legislative bodies may, to protect public safety, health and welfare, adopt as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body is considering or studying or intends to study within a reasonable time; that adoption of such urgency measures requires a four-fifths vote of the legislative body; that such measures shall be of no effect forty-five (45) days from the date of adoption, and may be extended a maximum of two times and have a maximum total duration of two (2) years; and

I. California Government Code section 65858, subdivision (c) provides: that legislative bodies may not adopt or extend such interim ordinances unless they contain findings that there is a current and immediate threat to the public health, safety, or welfare, and that the approval of additional entitlements would result in that threat to the public health, safety or welfare; and

J. The City Council desires to: (1) further address community concerns regarding the establishment and operation of private smokers' lounges, e-cigarette lounges, vapor bars and hookah bars; (2) further study the potential impacts that private smokers' lounges, e-cigarette lounges, vapor bars and hookah bars may have on the public health, safety and welfare; (3) further study and determine what local regulations may be appropriate or necessary for private smokers' lounges, e-cigarette lounges, vapor bars and hookah bars; (4) further study and determine the appropriate zoning and location for private smokers' lounges, e-cigarette lounges, vapor bars and hookah bars; and (5) determine appropriate controls for protection of public health and welfare; and

K. In accordance with California Government Code section 65858, subdivision (c), which provides that such interim ordinances that have the effect of denying approvals needed for the development of projects with a significant component of multifamily housing (as defined in California Government Code section 65858, subdivisions (g) and (h)) may not be extended except upon written findings adopted by the legislative body as specified in the subdivision, the City Council hereby finds that the moratorium extension established pursuant to this Urgency Ordinance will not have the effect of denying approvals needed for the development of projects with a significant component of multi-family housing; and that, therefore, the findings specified in Section 65858, subdivision (c), need not be made; and

L. Staff shall continue its efforts to conduct a study of the potential impacts of private smokers' lounges, e-cigarette lounges, vapor bars and hookah bars, and

possible amendments to the City's Municipal Code for clear, consistent and uniform regulations related to the establishment, location and operation of such businesses; and

M. Pursuant to Section 15001 of the California Environmental Quality Act (CEQA) Guidelines, this Urgency Ordinance is exempt from CEQA based on the following:

1. This Urgency Ordinance is not a project within the meaning of Section 15378 of the State CEQA Guidelines, because it has no potential for resulting in physical change in the environment, directly or ultimately.

2. This Urgency Ordinance is categorically exempt from CEQA under Section 15308 of the CEQA Guidelines as a regulatory action taken by the City pursuant to its police power and in accordance with Government Code section 65858 to assure maintenance and protection of the environment pending the evaluation and adoption of contemplated local legislation, regulation and policies.

3. This Urgency Ordinance is not subject to CEQA under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. For the reasons set forth in subparagraphs (1) and (2), above, it can be seen with certainty that there is no possibility that this Urgency Ordinance will have a significant effect on the environment.

Section 2. Moratorium Extended.

A. Findings and Purpose.

This Urgency Ordinance is declared to be an interim ordinance as defined by California Government Code section 65858. This Urgency Ordinance is deemed necessary based on the following findings of the City Council of the City as set forth in Section 1 of this Urgency Ordinance, and the additional information set forth below:

1. The purpose of this Urgency Ordinance is to protect the public safety, health and welfare from a current and immediate threat posed by the issuance of an applicable license or entitlement. The facts constituting the urgency are: private smokers' lounges, e-cigarette lounges, vapor bars and hookah bars are typically adults-only uses that may not be appropriate in areas where minors are present. The City of Rancho Cordova does not currently have standards in the Municipal Code related to the location, operation and concentration of private smokers' lounges, e-cigarette lounges, vapor bars and hookah bars within the City.

2. Issuing permits, business licenses or other applicable licenses or entitlements providing for the establishment, expansion, and/or operation of private smokers' lounges, e-cigarette lounges, vapor bars and hookah bars, prior to the

completion of the City's study of the potential impact of such facilities, poses a current and immediate threat to the public health, safety, and welfare.

3. In light of the potential for these adults-only commercial uses to be located near uses where minors are present, it is necessary, in accordance with Government Code section 65858, to extend the moratorium on the issuance of entitlements for, and the establishment of, new private smokers' lounges, e-cigarette lounges, vapor bars and hookah bars in the City for a period of one (1) year to provide time for the City Council to further evaluate and consider possible adoption of legislation, guidelines and/or policies as required to avert the potential impacts of private smokers' lounges, e-cigarette lounges, vapor bars and hookah bars. No decisions have been made about whether or not additional requirements are necessary or about the content of any additional requirements that may be considered or adopted.

B. Scope.

In accordance with the authority granted the City of Rancho Cordova under Article XI, Section 7 of the California Constitution and California Government Code section 65858, from and after the effective date of this Urgency Ordinance, March 2, 2015, no permit or any other applicable license or entitlement for use, including, but not limited to, the issuance of a business license, building permit, conditional use permit, or other land use approval, shall be approved or issued for the establishment, expansion, or operation of private smokers' lounges, e-cigarette lounges, vapor bars and hookah bars in the City of Rancho Cordova.

C. Definitions.

1. For purposes of this Urgency Ordinance, "e-cigarette lounges" and "vapor bars" means any facility, building, structure or location, whether fixed or mobile, where customers utilize a heating element that vaporizes a liquid solution that releases nicotine or flavored vapor, including but not limited to e-cigarettes, hookah pens, e-hookahs, or vape pipes.

2. For purposes of this Urgency Ordinance, a "hookah bar" means any facility, building, structure or location, whether fixed or mobile, where customers utilize hookahs, pipes, or other mechanisms placed at various locations throughout the establishment to smoke tobacco or other substances.

3. For purposes of this Urgency Ordinance, "private smokers' lounges" means any enclosed area in or attached to a tobacco store that is dedicated, in whole or in part, to the use of tobacco or e-cigarette products, including but not limited to cigarettes, cigars, pipes, hookahs, e-cigarettes, hookah pens, e-hookahs, or vape pipes. The term "tobacco store" shall have the same meaning as that term is given in Section 6.84.050 of the Rancho Cordova Municipal Code, as that section may be amended from time to time, and which is currently defined as "a place utilized

primarily for the sale to members of the general public at retail of tobacco products or accessories, and in which the sale of any other products is merely incidental.”

Section 3. Severability.

If any provision of this Urgency 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 Urgency Ordinance are severable. The City Council of the City of Rancho Cordova 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 4. Effective Date and Duration.

This Urgency Ordinance shall become effective March 17, 2015, if passed and adopted by at least four-fifths vote of the City Council on March 2, 2015 and shall be in effect for one (1) year there from.

Section 5. Penalties.

Any person who violates any section of this Urgency Ordinance shall be guilty of a misdemeanor and subject to a fine of up to one thousand dollars (\$1,000) and/or imprisonment in the county jail for up to a period of six (6) months.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the ____ day of _____, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert J. McGarvey Mayor

ATTEST:

Mindy Cuppy, MMC, City Clerk

2401729.2

MEMORANDUM

DATE: March 2, 2015
TO: Honorable Mayor and Council Members
FROM: Jessica Jordan, Principal Planner



SUBJECT: GRANT LINE 208 REZONE, LARGE LOT TENTATIVE SUBDIVISION MAP, SMALL LOT TENTATIVE SUBDIVISION MAP, DEVELOPMENT AGREEMENT AMENDMENT; PROJECT NO. DD8437 – LOCATED SOUTH OF DOUGLAS ROAD AND WEST OF GRANT LINE ROAD

PROPERTY OWNER: ARI 208 LLC Mr. Angelo Christie 7700 College Town Drive, Suite 101 Sacramento, CA 95826	APPLICANT/DEVELOPER: AKT Investments, Inc. Mr. Angelo Christie 7700 College Town Drive Suite 101 Sacramento, CA 95826
PROJECT: Grant Line 208 – Grant Line 208 is a previously approved residential development, located within the southeastern portion of the City within the Sunridge Specific Plan. The project includes a rezone and large lot and small lot tentative subdivision maps that will modify the previous lotting pattern throughout the project site. Overall, the land uses will be very similar and the residential lot count will be reduced from 724 to 502 single family lots. The project also includes a Development Agreement Amendment to reflect recent modifications to the City's open space/park standards and public works improvement timing and standards. FILE: DD8437 LOCATION: South of Douglas Road and West of Grant Line Road APN: 067-0040-023, 024 & 025 PLANNER: Jessica Jordan	

RECOMMENDATION

Introduce and waive the first reading of Ordinance 2-2015 and adopt Resolution 24-2015.

RESULT OF RECOMMENDED ACTION

Approval of the project would allow reconfiguration of the residential subdivision and overall reduction in units from 724 single family lots to 502 single family lots. Additionally, approval of the project would allow for amendments to the previously adopted Development Agreement to clarify the project's parks and infrastructure requirements. These modifications reflect the recent updates to the City's open space/park standards and Public Works improvement timing and standards.

REQUIRED PERMITS AND REGULATORY BASIS

The project will need the following entitlements in order to proceed into the next phase of development:

- A. Rezone – Section 23.146 et.al. of the City’s Municipal Code establishes the process for amending the Zoning Map of the City and the supporting evidence supporting the rezone is provided in the ordinance.
- B. Large and Small Lot Tentative Subdivision Maps – The Subdivision Map Act of the State of California and Title 22 of the City’s Municipal Code guide the division of land in accordance with the Zoning Code.
- C. Development Agreement Amendment – Section 23.158 et.al. of the City’s Municipal Code establishes the process for adopting and amending a Development Agreement between the City and the applicant.

Permits required after Approval:

The following permits will be required subsequent to the approval of this permit.

- Final Map
- Improvement Plans/Grading Permit
- Major Design Review for new housing
- Building Permits

BACKGROUND

The Grant Line 208 subject property is an approximate 210 acre parcel in the northeast portion of the Sunridge Specific Plan and is bounded by Grant Line Road on the east and is approximately 1,700 feet south of Douglas Road. The site and surrounding areas are currently vacant, undisturbed land.



The Grant Line 208 project was originally approved in 2006 and included a General Plan Amendment, Specific Plan Amendment, Rezone consistent with the SunRidge Specific Plan, and a Tentative Subdivision Map. The original Tentative Subdivision map included 724 lots in the RD-5, 7 & 10 residential designations. The project also included an 11.6 acre site for an elementary school as well as a 1.5 acre and a 7.7 acre site for potential parks along Americanos Boulevard. A Development Agreement was also adopted in 2006, vesting the project entitlements for a 15 year term.

Following approval of Grant Line 208 in 2006, legal challenge to the required federal wetland permit for the project was filed. As a result a new wetland determination was performed and an enlarged wetland preserve was identified on the east side of the project along Grant Line Road.

The newly configured Grant Line 208 project was discussed with the City Council at a Study session on April 7, 2014. The general purpose of the study session was to familiarize the City Council with the revised project and to gain specific direction on a few specific topics. These topics included pedestrian and bicycle connectivity, detention basin design and Grant Line road alignment. After much discussion, the City Council provided general support for the project and deemed the pedestrian connectivity and detention basin design to be adequate.

ANALYSIS

The current proposed project includes several requests to revise the development to reflect current City standards and the current development market. Additionally, the Applicant has obtained the requisite permits from the Army Corps of Engineers due to the presence of wetland resources on the property. As noted above, the ACOE permit requires the designation of a large wetland reserve along the eastern project boundary, which was not accounted for in the original development configuration. These changes since 2006 have resulted in the need to amend the Grant Line 208 development and as such, the project requests include:

Rezone:

The proposed rezone would amend the zoning designations for several portions of the property. The table below provides the breakdown of how zoning designations would be redistributed within the new small lot tentative subdivision map. The rezone and amended map would reduce the overall unit count for the project from 724 residential lots to 502 residential lots. A formal rezone exhibit is included in **Attachment 1, Exhibit 1A**.

Zoning Designation	Land Use	Existing Acres	Proposed Acres	Difference
RD-5	Single Family Residential	32.1	30.2	-1.9
RD-7	Single Family Residential	16.9	16.3	-0.6
RD-10	Single Family Residential	67.2	67.3	0.1
O	Parks and Open Space	94.4	96.8	2.4
		210.6	210.6	0.0
1 – The proposed change reflects a reduction in park acres from 22.0 to 8.4 acres and an increase in wetland preserves from 68.1 to 79.6 acres.				

Large Lot Tentative Subdivision Map:

For the purposes of future sale and preservation easements, the project includes a Large Lot Tentative Subdivision Map, which would create 16 individual parcels upon recordation of the map. The large lot parcels generally follow the overall zoning designation boundaries. Six of these parcels would be used for residential development. The other 10 parcels represent parks, wetland preservation areas, and the project's commercial property.

Small Lot Tentative Subdivision Map:

The small lot tentative subdivision map would create 502 single family residential lots and various additional lots to accommodate parks, open space, landscape corridors, detention basins, and other infrastructure supportive of the overall development.



Development Agreement Amendment:

The Development Agreement Amendment would serve several functions. The amended language would establish timing and development requirements for the project's park obligations, would establish the requirement to pay a supplemental fee related to traffic impacts, and would update storm drain and other relevant city items to reflect accurate city standards.

As indicated above, the proposed amendments to the previously approved Grant Line 208 project are reflective of change in standards, wetland requirements, and market conditions for this type of development. Specifically, the original project was approved when the total parks and open space standard was 7.0 acres per 1,000 persons. Through coordination with the Building Industry Association (BIA) and a series of facilitated discussions, the total parks and open space obligation has been reduced to 6.0 acres per 1,000 persons. Additionally, the Applicant has received their permits to move forward with development from the Army Corps of Engineers, requiring additional land set aside for wetland preservation. Since 2006, the development climate has also changed and the applicant foresees this reconfiguration as being a more plausible development configuration.

Staff is supportive of the proposed changes as they reflect current standards and would provide future residents with adequate parks, connectivity both on- and off-street, and would generally result in a nicely developed neighborhood. The project revisions have been reviewed by all interested agencies and conditions of approval have been placed on the map to ensure the project continues to comply with City standards over time.

ENVIRONMENTAL

The City prepared an Addendum to analyze whether supplemental environmental review to the SDCP/SRSP EIR (State Clearinghouse Number 97022055) was required for the Project under CEQA ("2015 Addendum"). The analysis in the 2015 Addendum shows that none of the standards under CEQA for preparation of subsequent or supplement environmental review (either a Negative Declaration or EIR) have occurred or are met for the Project. The Grant Line 208 project will not result in any new or substantially more severe impacts and that prior analysis contained in the originally certified EIR and adopted MND adequately address all environmental impacts. Further environmental review is not required because the proposed amendments do not meet the criteria for preparing a subsequent EIR or Negative Declaration under State CEQA Guidelines section 15162.

RECOMMENDED MOTION

Move the City Council introduce and waive the first reading of Ordinance 2-2015 approving a Rezone and Development Agreement Amendment and adopt Resolution 24-2015 approving a Large Lot Tentative Subdivision Map and Small Lot Tentative Subdivision Map for the Grant Line 208 project, subject to the Conditions of Approval and attached Exhibits.

ATTACHMENTS

1. Ordinance 2-2015 approving the Rezone (**Exhibit 1A**) and Development Agreement Amendment (**Exhibit 1B**) for the Grant Line 208 project.
2. Resolution 24-2014 approving the Large Lot (**Exhibit 2A**) and Small Lot Tentative Subdivision Maps (**Exhibit 2B**), Conditions of Approval (**Exhibit 2C**), and Phasing Plan (**Exhibit 2D**) for the Grant Line 208 project.
3. Addendum to the Mitigated Negative Declaration.
4. 500' Radius Map and Mailing List.

ATTACHMENT 1

CITY OF RANCHO CORDOVA

ORDINANCE NO. 2-2015

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
APPROVING A REZONE AND DEVELOPMEN AGREEMENT AMENDMENT FOR GRANT
LINE 208 – PROJECT NO. DD8437**

THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA DOES ORDAIN AS FOLLOWS:**Section 1. Purpose and Declarations.**

WHEREAS, AKT Investments, Inc (hereinafter referred to as Applicant) filed an application with the City of Rancho Cordova to modify the Grant Line 208 development project located on the west side of Grant Line Road, approximately 1,700 feet south of Douglas Boulevard. (Assessor's Parcel Number 067-0040-023, -024, & -025); and

WHEREAS, in order to strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Section 65864, *et seq.*, of the Government Code (the "Development Agreement Statute"), authorizing the City, and any person having a legal or equitable interest in the real property, to enter into a development agreement and establish certain development rights in the property, which is the subject of the development project application. Pursuant to Government Code section 65868, Development Agreements may be amended by mutual assent of the parties; and

WHEREAS, in April 2006, the City and Grantline Investments LLC entered into a Development Agreement for the Grant Line 208 Project, consisting of 210 acres of low and medium density residential development (Ordinance Number 07-2006). The Grant Line 208 Project (hereinafter known as the "Property") remains undeveloped; and

WHEREAS, the Grant Line 208 Project is within the Sunrise Douglas Community Plan and the SunRidge Specific Plan ("SDCP/SRSP") area. The SDCP/SRSP was approved by the County of Sacramento ("County") in July 2002. The County also prepared and certified an Environmental Impact Report ("EIR") (State Clearinghouse Number 97022055) for the SDCP/SRSP. In July 2003, the City of Rancho Cordova incorporated an area that included the SDCP and SRSP. In response to litigation involving the SDCP/SRSP EIR, the City subsequently rescinded approval of the SDCP/SRSP. On November 7, 2012, the City certified a partially Revised EIR for the SDCP/SRSP, however, at that time the City, determined to carry out the projects within the SDCP/SRSP area without re-approving the SDCP/SRSP; and

WHEREAS, in March 2006, the City adopted a Mitigated Negative Declaration as the CEQA environmental review for the Grant Line 208 Project among others ("Sunridge East MND") which relied upon the SDCP/SRSP EIR that was incorporated by reference into the Sunridge East MND; and

WHEREAS, in the Sunridge East MND, the City concluded that the Project would not have a significant impact on the environment due to the mitigation measures adopted by the City in the SDCP/SRSP EIR and the MND. All environmental impacts were reviewed and addressed at the time the Project was approved. All recitals and findings of determination in

ATTACHMENT 1

Ordinance 07-2006, which adopted the Development Agreement, are still accurate and relevant to the Amendment; and

WHEREAS, Pursuant to Government Code section 65868, City and Landowner now desire to modify the Development Agreement to reflect certain changes and modifications to the obligations of the Landowner to pay certain fees for parks, to revise the Landowner's park dedication obligations, and to establish standards and fees for certain Public Works improvements, all as more fully set forth in the attached Development Agreement Amendment; and

WHEREAS, the requested approvals by Landowner to the Grant Line 208 Project include the Development Agreement Amendment and amendment to the City's Zoning Map; and

WHEREAS, the attached Zoning Map amendment changes 2.5± acres within the Grant Line 208 Project from to RD-5 and RD-7 to RD-10 and Parks/Open Space; and

WHEREAS, an Addendum to the previously certified EIR and MND was prepared in accordance with the California Environmental Quality Act (CEQA). No significant impacts were identified. On the basis of the Addendum, comments received, and the whole record, there is no substantial evidence that the Project will have a significant adverse impact on the environment. The Addendum reflects the City Council's independent judgment and analysis.

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

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

Section 2. Findings

The City Council hereby finds that:

A. **CEQA Compliance.** The City prepared an Addendum to analyze whether supplemental environmental review to the SDCP/SRSP EIR (State Clearinghouse Number 97022055) was required for the Project under CEQA ("2015 Addendum"). The analysis in the 2015 Addendum shows that none of the standards under CEQA for preparation of subsequent or supplement environmental review (either a Negative Declaration or EIR) have occurred or are met for the Project. The Grant Line 208 project will not result in any new or substantially more severe impacts and that prior analysis contained in the originally certified EIR and adopted MND adequately address all environmental impacts. Further environmental review is not required because the proposed amendments do not meet the criteria for preparing a subsequent EIR or Negative Declaration under State CEQA Guidelines section 15162.

B. **Required Findings.** The attached Development Agreement Amendment and Zoning Map Amendment are consistent with the following additional required findings:

ATTACHMENT 1

Finding: The development agreement is consistent with the General Plan objectives, policies, land uses and implementation programs and any other applicable Specific Plans.

Evidence: The Grant Line 208 Development Agreement Amendment is consistent with the City's current adopted policies relative to parks and open space obligations and Public Work infrastructure requirements. There are no Specific Plans that apply.

Finding: The development agreement is in conformance with the public convenience and general welfare of persons residing in the immediate area and will not be detrimental or injurious to property or persons in the general neighborhood or the general welfare of the residents of the city as a whole.

Evidence: The Grant Line 208 Development Agreement Amendment will ensure that the future development of the site occurs in a manner consistent with the obligations and expectations of a residential neighborhood. The project site is located in an undeveloped portion of the city and as such, no persons or property will be adversely impacted by the project. The continued development of the city will provide new residents and commercial services not currently available to the general residents of the city as a whole.

Finding: The development agreement will promote orderly development of property or the preservation of property values.

Evidence: The Grant Line 208 Development Agreement Amendment will ensure that the future development of the site occurs in an orderly manner, establishing required timing of construction for parks, payments of fees, and public works infrastructure.

Finding: The proposed amendment is consistent with the General Plan.

Evidence: The proposed rezone of the Grant Line 208 project site relies on appropriate zoning designations for the subject property and the future surrounding development areas. All designations are consistent with the corresponding General Plan Land Use Designation and development expectation for the area.

Finding: The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the city.

Evidence: Rezone of the Grant Line 208 project will support future development and is in the public interest to continue creating a healthy and varied residential community within the city. There are not anticipated effects of the project that would be detrimental to public health, safety, and welfare.

Finding: The proposed amendment has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA).

Evidence: The proposed Grant Line 208 project was reviewed and an Addendum was prepared for the project. The analysis in the 2015 Addendum shows that none of the standards under CEQA for preparation of subsequent or supplement environmental review (either a Negative Declaration or EIR) have occurred or are met for the Project. The Grant Line 208 Project will not result in any new or substantially more severe

ATTACHMENT 1

impacts and that prior analysis contained in the originally certified EIR and adopted MND adequately address all environmental impacts. Further environmental review is not required because the proposed amendments do not meet the criteria for preparing a subsequent EIR or Negative Declaration under State CEQA Guidelines section 15162.

Finding: The site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provisions of utilities) for the requested zoning designations and anticipated land uses/development.

Evidence: The project site is physically suitable for the future development of residential, commercial, open space, parks, and preservation uses. The project has been planned to be compatible with future surrounding developments. There are no physical constraints limiting the construction to occur consistent with the Grant Line 208 Tentative Subdivision Map. The project has been conditioned to ensure that all necessary utilities and roadways are constructed in a timely manner to best serve the future residents of the Grant Line 208 Project.

Section 3. Approval of the Development Agreement Amendment

The City Council hereby approves the Development Agreement Amendment, attached to this Ordinance and incorporated herein by reference as **Exhibit 1B**, and authorizes the City Manager to sign the amended Development Agreement after the effective date of this Ordinance.

Section 4. Approval of the Zoning Map Amendment

The City Council hereby adopts the Grant Line 208 Zoning Exhibit attached in **Exhibit 1A**.

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 inception.

ATTACHMENT 1

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the _____ day of _____, 2014 by the following vote:

AYES:

NOES:

ABSENT:

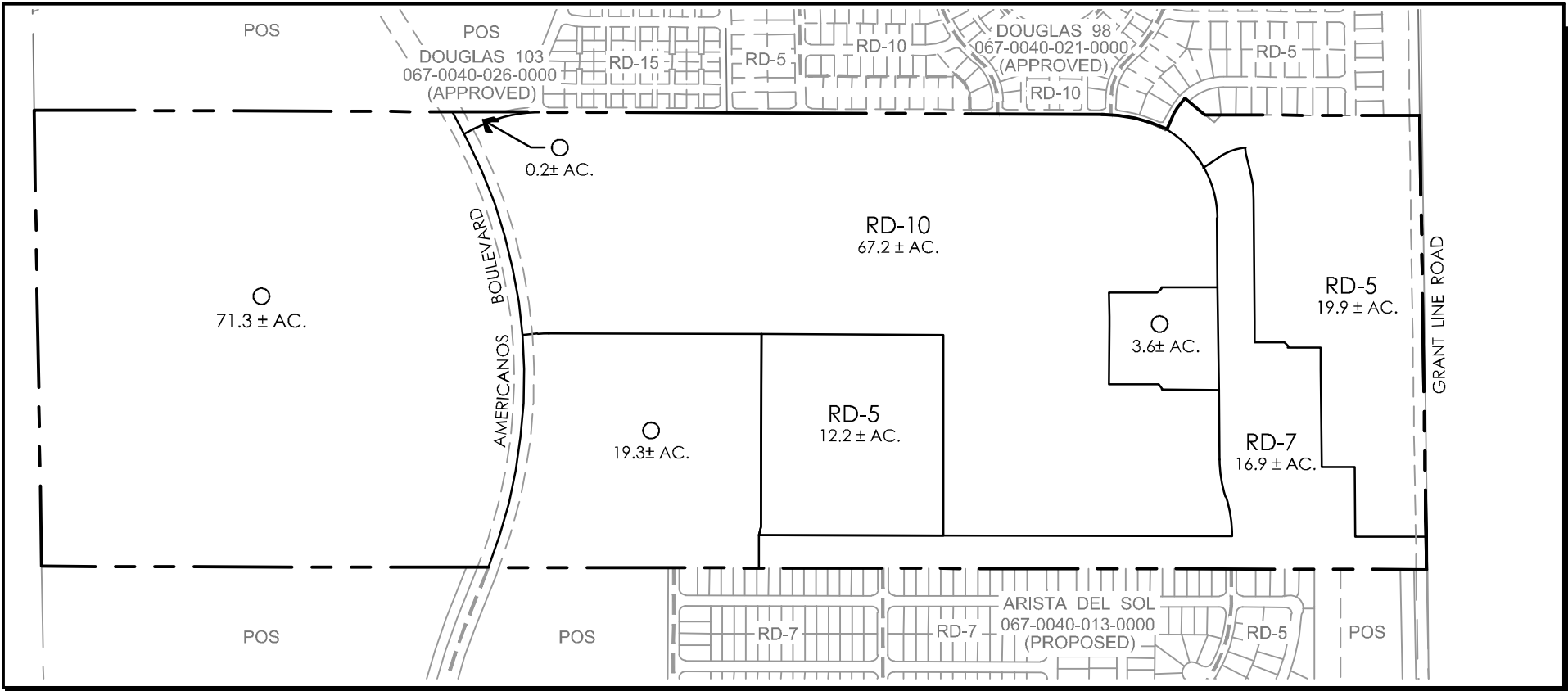
ABSTAIN:

Robert J. McGarvey, Mayor

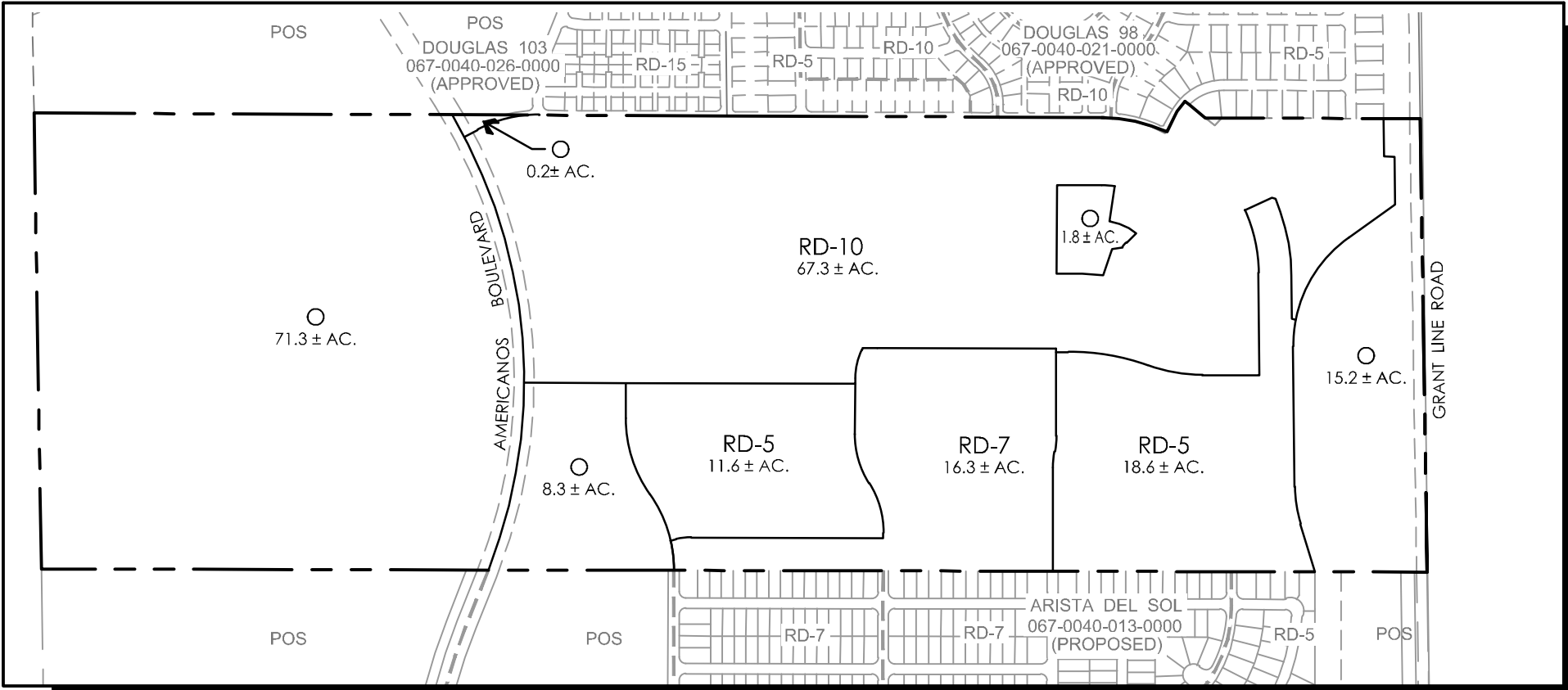
ATTEST:

Mindy Cuppy, MMC, City Clerk

ZONING EXHIBIT
GRANTLINE 208
CITY OF RANCHO CORDOVA, CALIFORNIA
FEBRUARY 4, 2015

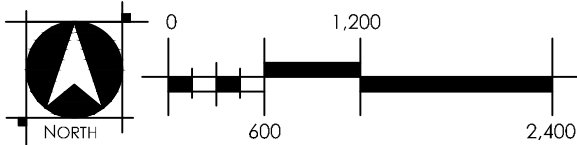


Existing Zoning Designations



Proposed Zoning Designations

SUMMARY TABLE				
DESIGNATION	LAND USE	EXISTING	PROPOSED	DIFFERENCE
RD-5	SINGLE FAMILY RESIDENTIAL	32.1	30.2	-1.9
RD-7	SINGLE FAMILY RESIDENTIAL	16.9	16.3	-0.6
RD-10	SINGLE/ MULTI FAMILY RESIDENTIAL	67.2	67.3	0.1
O	PARKS AND OPEN SPACE	94.4	96.8	2.4
TOTAL		210.6	210.6	0.0



OFFICIAL BUSINESS
Document entitled to free recording
Government Code Section 6103

RECORDING REQUESTED BY AND
WHEN RECORDED, MAIL TO:

City of Rancho Cordova
3121 Gold Canal Drive
Rancho Cordova, CA 95670
Attn: City Clerk

(SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE)

**FIRST AMENDMENT TO DEVELOPMENT AGREEMENT
RELATIVE TO GRANTLINE 208
BY AND BETWEEN THE CITY OF RANCHO CORDOVA
AND ARI 208, LLC**

This First Amendment to Development Agreement ("**First Amendment**") is entered into this ____ day of _____, 2015, by and between the **CITY OF RANCHO CORDOVA**, a municipal corporation ("**City**"), and **ARI 208, LLC**, a California limited liability company ("**Landowner**"), who agree as follows.

RECITALS

A. City and Pulte Home Corporation, a Michigan corporation, entered into that certain Development Agreement dated June 19, 2006 ("**Agreement**") recorded on July 26, 2006, in the Office of the Sacramento County Recorder in Book 20060728, Page 598, Official Records, which established certain development rights in certain real property located in the City of Rancho Cordova, California, as more particularly described in **Exhibit A-1** and **Exhibit A-2** to the Agreement (the "**Property**").

B. The Property has changed ownership since City and Pulte Home Corporation entered into the Agreement. On December 24, 2008, Pulte Home Corporation assigned all of its rights, title, interest and obligations under the Agreement to Sacramento Grantline Venture Group, LLC, a California limited liability company ("**SGVG**"), and SGVG assumed all of said rights and obligations under the Agreement. On April 3, 2009, SGVG assigned all its rights, title, interest and obligations under the Agreement to **GL One Investors, LLC**, a California limited liability company ("**GL One**"), and GL One assumed all of said rights and obligations of SGVG under the Agreement. ARI 208, LLC, a California limited liability company currently owns the Property and has assumed all of the interests and obligations of GL One in the Agreement by virtue of that certain Assumption Agreement Relative to Grantline 208, dated September 24, 2009. Landowner has provided City with a title report indicating its ownership in fee of the Property.

C. Pursuant to Government Code section 65868, City and Landowner now desire to modify and amend the Agreement to reflect certain changes to Landowner's obligations to pay certain fees for park renovations at existing City parks and improvements at new City parks, to revise Landowner's park obligations, to modify certain traffic thresholds in exchange for a supplemental fee, to update obligations relating to the funding of police services, and to make other revisions, all as more fully set forth below in this First Amendment.

D. This First Amendment amends certain provisions of the Agreement applicable to the entire Property, and was adopted by City Ordinance No. __-2015 on _____, 2015. All capitalized terms used in this First Amendment shall have the same meaning as set forth in the Agreement.

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual covenants contained herein, the parties hereby agree to amend the Agreement as follows:

AGREEMENT

1. Incorporation of Recitals. Recitals A through D are hereby incorporated herein, including the documents referenced in the Recitals.

2. Restatement of Section 6 of the Recitals Concerning “Project Approvals.” Section 6 of the Recitals of the Agreement is hereby deleted and replaced with the following:

“6. **Project Approvals.** The following land use approvals (together the “**Project Approvals**”) have been granted for the Property, which entitlements are the subject of this Agreement.

6.1 The Sunridge Specific Plan adopted by the County of Sacramento, as adopted by City on July 1, 2003, by City Resolution No. 06-2003 (the “**Specific Plan**”);

6.2 The Mitigation Measures in both the Environmental Impact Report certified by the County of Sacramento in July 2002 (State Clearinghouse No. 97022055), as revised by City on November 7, 2011, and the Mitigated Negative Declaration adopted on _____, 2006, as further analyzed in the Addendum dated _____, 201__;

6.3 The Rezoning of the Property, approved by City on _____, by City Ordinance No. 08-2006 as further amended on _____ by City Ordinance No. __-2015;

6.4 The Large Lot Tentative Subdivision Map approved on _____ by City Resolution No. __-2015 (attached hereto as **Exhibit 1**);

6.5 The Small Lot Tentative Subdivision Map approved on _____ by City Resolution No. __-2015 (attached hereto as **Exhibit 2**);

6.6 The Agreement adopted on June 19, 2006, by City Ordinance No. 34-2006 as amended on _____, 2015 by City Ordinance No. __-2015 adopting the First Amendment.”

3. Restatement of Section 5.2 concerning the “Term.” City and Landowner agree that Section 5.2 of the Agreement is hereby deleted and replaced with the following:

“**5.2 Term.** Upon the execution of the First Amendment, the term of this Agreement shall commence on the Effective Date and extend to _____, 2030, which date is a period of fifteen (15) years from the date that City

Ordinance No. ____-2015 approving the First Amendment takes effect, unless said term is terminated, modified or extended by circumstances set forth in this Agreement. Following expiration of the term, this Agreement shall not affect any right or duty created by City approvals for the Property adopted prior to, concurrently with, or subsequent to the approval of this Agreement.”

4. Restatement of Section 6.4.1 Concerning the “New Park Development Obligation.” City and Landowner agree that Section 6.4.1 of the Agreement is hereby deleted and replaced with the following:

“6.4.1 New Park Development Obligation.”

(i) Dedication of Quimby Park Land.

Landowner’s obligation to dedicate land to the Cordova Recreation and Park District (“**Park District**”) pursuant to California Government Code Section 66477 (the “**Quimby Act**”) shall be satisfied by Landowner’s dedication of Lot B to Park District and payment of in lieu fees for the 0.5 acre shortfall as shown on the Large Lot Tentative Subdivision Map, attached hereto as **Exhibit 1**. The payment of in lieu fees for this 0.5 acre shortfall shall be paid to City prior to the recordation of the first final subdivision map.

If City elects to move forward with the proposed bicycle/pedestrian undercrossing of Americanos Boulevard (the “**Undercrossing**”) pursuant to Section 6.4.8(a) hereof, Landowner hereby acknowledges that it will be responsible for payment of additional in lieu fees for the resulting shortfall in park land dedication. City shall provide Landowner with written notice of its decision whether to move forward with the Undercrossing prior to the issuance of the 250th building permit by City for the Project. Upon receipt of notice from City that the Undercrossing will be constructed, City shall calculate the additional shortfall in park land dedication resulting therefrom. The payment of in lieu fees for any shortfall resulting from construction of the Undercrossing shall be paid to City prior to the recordation of the first final small lot subdivision map within Phase 2 of the Project as shown on the large lot phasing plan as described in Section 6.4.7 herein. In the event Landowner records the first final small lot subdivision map within Phase 2 of the Project as shown on the large lot phasing plan as described in Section 6.4.7 herein prior to issuance of the 250th building permit by City for the Project, and City subsequently provides Landowner with written notice of its decision to move forward with the Undercrossing prior to the issuance of the 250th building permit by City for the Project, then Landowner shall pay in lieu fees for any shortfall resulting from construction of the Undercrossing within 60 days of receipt of said written notice from City. Failure to pay the in lieu fees as required under this Section shall be a violation of this Agreement authorizing the City to pursue all remedies available under this Agreement and in law, including but not limited to, ceasing to issue further building permits for the Project until the in lieu fees have been paid in full by Landowner.

(ii) Dedication of Neighborhood Greens Park Land.

Landowner’s obligation to dedicate park land to City for neighborhood green open space shall be satisfied by Landowner’s dedication of Lot E to Park District,

as shown on the Large Lot Tentative Subdivision Map, attached hereto as **Exhibit 1**.

(iii) Park Land Improvement.

A “**Park Development Agreement**” is being negotiated between Landowner and Park District detailing Landowner’s obligations regarding the design, construction, installation, and timing of the Quimby Act and neighborhood green park improvements. Landowner shall enter into the Park Development Agreement prior to the recordation of any final subdivision map.

In addition to the general authority under Section 17 of the First Amendment, City has the specific authority to withhold building permits if Landowner is not in compliance with its requirements under the First Amendment or the Park Development Agreement.

(iv) Timing of Park Land Improvements.

Landowner shall commence construction of the improvements to the neighborhood green park, shown as Lot E in **Exhibit 1** of the First Amendment, prior to the issuance of the 166th residential building permit for the Project by City (prior to the issuance of that permit, City will have issued 33% of the total 502 residential building permits for the Project). Landowner shall complete and make all the improvements to the neighborhood green park open and fully operational within one (1) year from the issuance of the 167th residential building permit for the Project by City. City, at its discretion, may allow additional time for minor punch list work to be completed. Pursuant to the terms of the Park Development Agreement to be negotiated between Landowner and Park District, Landowner shall enter into an agreement to reimburse Park District the costs for oversight of the design and construction of the turnkey neighborhood green park.

The neighborhood green park, shown as Lot E in **Exhibit 1**, will be designed and constructed to a maximum budget of Five Hundred Seventy Seven Thousand Five Hundred Ninety Eight Dollars (\$577,598) (“**Maximum Budget**”), which shall include administration costs, management costs, and all other applicable costs reimbursed to City and Park District, as well as onsite utility costs and related connection fees. The design and construction will be adjusted as required to provide a complete project for the Maximum Budget unless otherwise approved by City and Park District prior to commitment of funds in excess of the Maximum Budget. However, in no event shall Landowner be required to commit funds in excess of the Maximum Budget. Further, Landowner shall not be required to construct neighborhood green improvements the cost of which would be in excess of the Maximum Budget unless the City provides the excess funding. The Maximum Budget shall be adjusted on January 1, 2016 and annually thereafter, no later than January 15th by the method provided in Section 6.4.1(v) of the First Amendment, similar to park development impact fees.

(v) Park Development Impact Fee and In Lieu Fee.

Landowner shall pay a park development impact fee for each single-family residential parcel or residential parcel equivalent on the Property to mitigate the costs for Park District and City to design, construct and install park improvements

(the “**Park Development Impact Fee**”). The Park Development Impact Fee will be paid prior to issuance of each residential building permit within the Project. The Park Development Impact Fee will be Nine Thousand, Eleven Dollars and Ninety-Two Cents (\$9,011.92) for each single-family residential parcel or residential parcel equivalent. Of the Nine Thousand Eleven Dollars and Ninety-Two Cents (\$9,011.92) Park Development Impact Fee, Eight Thousand Eight Hundred Sixty-Seven Dollars and Fifty-Six Cents (\$8,867.56) is for Quimby Act park development and One Hundred Forty-Four Dollars and Thirty-Six Cents (\$144.36) is for a community gathering place – plaza and administration by the City.

The Park Development Impact Fee shall be adjusted on January 1, 2016 and annually thereafter, no later than January 15th by the method provided in City Ordinance No. 05-2014 as follows:

- (a) A “mean” index will be computed by averaging the index for 20 U.S. cities with the index for San Francisco by resort to the most recent October issue of the Engineering News Record magazine Construction Cost Index.
- (b) An adjustment factor shall be computed by dividing the “mean” index as calculated in subsection (a) of this Section by the “mean” index for the previous October.
- (c) The adjusted Park Development Impact Fee shall be calculated by multiplying the adjustment factor, as calculated in subsection (b) of this Section, by the Park Development Impact Fee in place prior to the annual adjustment.

The Park Development Impact Fee does not currently include the cost of park street frontage improvements at parks. However, if at any point prior to construction of park street frontage improvements, the Park Development Impact Fee is amended to include the cost of such improvements, to the extent Landowner constructs any park street frontage improvements, Landowner shall be entitled to credits against the payment of the Park Development Impact Fee described in this Section 6.4.1. To the extent Landowner cannot utilize such credits, Landowner shall be entitled to receive reimbursements for its construction of such park street frontage improvements.

Additionally, if and when City adopts the Citywide Park Improvement Fee, or an Area-Wide Park Improvement Fee applicable to the Project, Landowner and City agree that the portion of the Park Development Impact Fee used for parks (currently Eight Thousand Eight Hundred Sixty-Seven Dollars and Fifty-Six Cents (\$8,867.56)) will automatically adjust to the City adopted Citywide Park Improvement Fee or the Area-Wide Park Improvement Fee. The portion of the Park Development Impact Fee used for City’s community gathering place – plaza and administration (One Hundred Forty-Four Dollars and Thirty-Six Cents (\$144.36)) will continue as required under the First Amendment. Under no circumstances shall Landowner be required to pay any new Citywide/ Area-Wide Park Improvement Fee in addition to the portion of the Park Development Impact Fee used for parks as set forth in the First Amendment.

City further agrees and acknowledges that the park land dedication and neighborhood green being provided at the Project pursuant to the First Amendment will satisfy Quimby Act park land and community open space dedication requirements, except for a 0.5 acre shortfall in park land as well as any additional shortfall in park land resulting from Landowner's construction of the proposed Undercrossing, for which an in lieu fee payment shall be made pursuant to Section 6.4.1(i) hereof. If necessary, Landowner will prepare and record a lot line adjustment to accurately reflect the lot line between the Undercrossing and the park land dedicated pursuant to this Section."

5. Restatement of Section 6.4.2 Concerning the "Timing of Dedications and Improvements of Parks." City and Landowner agree that Section 6.4.2 of the Agreement is hereby deleted and replaced with the following:

"6.4.2 Timing of Dedications of Parks. Landowner shall irrevocably offer to dedicate the neighborhood green site shown in **Exhibit 1** to City or Park District prior to the recordation of the first final subdivision map. As of the Effective Date, City and Park District have not determined which entity, City or Park District, will design, own, operate and maintain the neighborhood green. City will inform Landowner of City's decision regarding the neighborhood green prior to, or at the time, Landowner requests approval of the first final subdivision map. Landowner shall irrevocably offer to dedicate the park site and Undercrossing site prior to the recordation of the large lot map creating these parcels. The Parties hereby acknowledge that recordation of the first final subdivision map creating the park site and Undercrossing site is the appropriate timing to irrevocably offer to dedicate these sites, as the Parties expect that the necessary lot line adjustment, if any, will have been made, and the final configuration of the park site and Undercrossing site will be known. The park site and neighborhood green site will be accepted by Park District for maintenance pursuant to the terms of the Park Development Agreement. The Undercrossing site will be accepted by City.

6. Restatement of Section 6.4.3 Concerning the "In-fill Park and Open Space Renovation and Acquisition Fee." City and Landowner agree that Section 6.4.3 of the Agreement is hereby deleted and replaced with the following:

"6.4.3 In-fill Park and Open Space Renovation and Acquisition Fee. Landowner agrees that development of the Property shall be subject to the park renovation fee (the "**Park Renovation Fee**"). Landowner agrees that it shall pay City the total sum of One Thousand Fifty Dollars and Fifty-Two Cents (\$1,050.52) for each residential parcel shown on the final small lot final subdivision maps for the Property. Beginning January 1, 2016, the fee shall be adjusted annually on each January 1 based upon the percentage change in the United States Department of Labor Consumer Price Index for all Urban Consumers for the San Francisco-Oakland-San Jose area between August and August of each year. This fee shall be paid to City no later than prior to issuance of the building permit for each residential parcel for the Property. It shall be used by City, at its sole discretion, to acquire, renovate, repair, improve or maintain parks or open space in the City. This payment is made voluntarily by Landowner. It is in addition to all other existing park fees, and construction and dedication obligations, including without limitation any fees paid pursuant to the Quimby Act. Landowner agrees that it shall not claim credit or right to reimbursement of any other existing park

fees, and construction and dedication obligations, including Quimby Act fees, as a result of paying the Park Renovation Fee required under this Section 6.4.3. If and when the City reduces or eliminates the Park Renovation Fee on a Citywide basis (by adoption of a park tax, special sales tax or other measure), then the Park Renovation Fee under this Section 6.4.3 shall be automatically adjusted or eliminated to correspond to the new Citywide funding mechanism, provided that Landowner does not challenge or oppose the approval or implementation of the new Citywide funding mechanism.”

7. Restatement of Section 6.4.4 Concerning the “Police Tax.” City and Landowner agree that Section 6.4.4 of the Agreement is hereby deleted and replaced with the following:

“6.4.4 Police Tax. Landowner and City agree that the Property shall be subject to the Police Tax enacted by City Ordinance No. 38-2006 pertaining to Police Tax Zone 37. Within 180 days following the date of the City Council’s approval of the First Amendment, Landowner shall support the annexation of the Project into Community Facilities District 2013-2 (**“Police Services CFD”**), and cover Landowner’s fair share costs of the Police Services CFD annexation not to exceed Seven Thousand Dollars (\$7,000). City agrees that the new Police Services CFD will provide that on lands designated for all residential land use categories, the base year FY 2014/2015 Police Maximum Services Special Tax shall be Four Hundred Eighty Three Dollars and Thirty-Nine Cents (\$483.39) annually per residential unit or residential unit equivalent. The special tax imposed by the Police Services CFD will be payable on a parcel within the Property only after a building permit has been issued by City for the construction of a building on that particular parcel and there will be no undeveloped land tax imposed by the Police Services CFD. The new Police Services CFD shall further provide that on each July 1 commencing July 1, 2015, the Police Special Tax shall be escalated by the increase, if any, in the United States Department of Labor Consumer Price Index (**“CPI”**) for all Urban Consumers for the San Francisco-Oakland-San Jose Area. The CPI shall be used as determined by the United States Department of Labor Bureau of Labor Statistics from April to April as set forth in the Rate and Method of Apportionment for the Police Services CFD. However, in no event shall the tax per parcel for any fiscal year be less than the amount established for the prior fiscal year. If the CPI is discontinued, or revised, such other government index or computation with which it is replaced shall be used by the Police Services CFD in order to obtain substantially the same result as would be obtained if the CPI had not been discontinued or revised. The Police Services CFD shall specify that the Police Special Tax shall commence being payable annually following issuance of a building permit for each parcel subject to the Police Special Tax.

Within 60 days of the annexation of the Project into the Police Services CFD, the City Council will rescind City Ordinance No. 38-2006 pertaining to Police Tax Zone 37. Landowner acknowledges that no final small lot subdivision maps shall be approved by City prior to the annexation of the Project into the Police Services CFD.

Landowner agrees that it will not vote to repeal or amend the Police Special Tax being imposed in the amounts set forth above, and that any such vote by

Landowner would constitute an event of default under this Agreement as amended hereby. In the event of such a default by Landowner, then in addition to all other remedies available to City, Landowner shall be obligated to pay under this Agreement, as amended hereby, the difference between the amount of the Police Special Tax before Landowner's vote to repeal or amend the tax, and the amount of the proposed Police Special Tax set forth above."

8. Restatement of Section 6.4.5 Concerning the "Road Maintenance Conditions." City and Landowner agree that Section 6.4.5 of the Agreement is hereby deleted and replaced with the following:

"6.4.5 Streets, Street Lighting and Landscaping Maintenance. Landowner and City agree that Landowner shall participate in or provide a funding mechanism for maintenance services for the fair share of existing and all new public improvements associated with the project including, but not limited to, streets, bridges/culverts, traffic signals, traffic signs, striping and legends, ITS operations, street lights and safety lights, public frontage, median landscape improvements, and regional trails. This may be accomplished through annexation to City's Communities Facilities District No. 2014-2 (Street, Lighting and Landscaping Maintenance), or other financial mechanism as may be proposed and provided by Landowner for the same purpose of providing a financial mechanism to fund the operation and maintenance of the Project's public improvements. Landowner shall support the annexation of the Project into Community Facilities District 2014-2, and cover Landowner's fair share costs of the CFD annexation not to exceed Seven Thousand Dollars (\$7,000)."

9. Addition of Section 6.4.6. "Stormwater Utility Fee." City and Landowner agree to add a new Section 6.4.6 of the Agreement as follows:

"6.4.6 Stormwater Utility Fee. Landowner and City agree that Landowner shall participate in or provide a funding mechanism for maintenance services for the Project's stormwater drainage and flood protection system. This may be accomplished through annexation to City's Stormwater Utility Fee District, or other financial mechanism as may be proposed and provided by Landowner for the same purpose of providing a financial mechanism to fund the operation and maintenance of the Projects stormwater drainage and flood protection system. Landowner shall support the annexation of the Project into City's Stormwater Utility Fee District, and cover Landowner's fair share costs of the annexation not to exceed Seven Thousand Dollars (\$7,000)."

10. Addition of Section 6.4.7. "Phasing Plan." City and Landowner agree to add a new Section 6.4.7 of the Agreement as follows:

"6.4.7 Phasing Plan. Prior to approval of any final map, Landowner shall provide a large lot phasing plan addressing sequencing and full build-out of major public infrastructure throughout the Project limits. The large lot phasing plan shall show all public facilities including, but not limited to, major roadways, bike trails, sewer, water, drainage, facilities, parks, park road frontage improvements and other utilities, and will be based on City's Guiding Principles for Phasing of Transportation, Infrastructure and Utility Services, to the satisfaction of City's Public Works Department. The large lot phasing plan may be revised as needed during the development of the Project.

Prior to approval of any final small lot subdivision map for an individual phase, Landowners shall prepare and submit to City a “small lot phasing plan” that addresses full build-out of all secondary streets and utility infrastructure. The small lot phasing plan will show the blocks of the small lot tentative map to be constructed and all roads, bike trails and other infrastructure required to serve the use of the proposed units within each block to the satisfaction of City’s Public Works Department. The small lot phasing plan will also be defined by City’s Guiding Principles for Phasing.

Prior to issuance of building permits (except permits for model homes) within an individual map phase, all streets and improvements shown on the small lot phasing plan, all streets necessary for access to the proposed homes, associated improvements included in the approved improvement plans, landscaping and other infrastructure as necessary for adequate public access and use shall be fully constructed and accepted to the satisfaction of City’s Public Works Department.

Landowner shall have no further responsibility for improvements after meeting the improvement requirements of the applicable phase (or sub-phase). The Phasing Plan may be amended from time-to-time upon approval by the Public Works Director.”

11. Addition of Section 6.4.8. “New Supplemental Traffic Impact Fee.” City and Landowner agree to add a new Section 6.4.8 to the Agreement as follows:

“6.4.8 New Supplemental Traffic Impact Fee. City and Landowner agree Landowner shall pay a new supplemental traffic impact development fee to City in the amount of Five Thousand Sixty Dollars (\$5,060) for each residential lot shown on the final small lot subdivision maps for the Property (the **“Supplemental Traffic Impact Fee”**). Landowner shall pay the Supplemental Traffic Impact Fee in the following increments: (i) Eight Hundred Sixty-Five Dollars (\$865) for each residential lot at the time of recordation of a final small lot subdivision map for the residential lot; and (ii) Four Thousand One Hundred Ninety-Five Dollars (\$4,195) at the time of issuance of a building permit for a residential lot. By agreeing to pay the Supplemental Traffic Impact Fee, City agrees that Landowner and the Property will have satisfied its obligation under the Conditions of Approval and Mitigation Monitoring Reporting Program for offsite traffic improvements and shall not be made subject to constructing or funding the construction of offsite roadway improvements. The term **“offsite roadway improvements”** as used in the preceding sentence shall include Grant Line Road and associated frontage improvements. City agrees that it will apply the Supplemental Traffic Impact Fee to fund the Rancho Cordova Parkway Interchange or the costs of other roadway improvements needed to improve access to U.S. Highway 50 from the Project area. Landowner shall be entitled to fee credits against and/or reimbursements from this Supplemental Traffic Impact Fee should Landowner construct any improvements otherwise intended to be funded by such Supplemental Traffic Impact Fee. The above Supplemental Traffic Impact Fee will not be subject to increase or decrease as a result of changes in any City traffic impact fees.”

12. Addition of Section 6.4.8(a). “Bicycle/Pedestrian Undercrossing.” City and Landowner agree to add a new Section 6.4.8(a) of the Agreement as follows:

“6.4.8(a) Bicycle/Pedestrian Undercrossing and Reimbursement.

City and Landowner agree that Landowner shall have no obligation to construct the Undercrossing unless it is budgeted/included in each of the following City documents: (i) City’s Capital Improvement Plan; (ii) City’s Bicycle Master Plan; and (iii) City’s Pedestrian Master Plan. To the extent the Undercrossing is included in each of these documents and City has provided Landowner with written notice of its decision to move forward with the Undercrossing prior to the issuance of the 250th building permit by City for the Project, pursuant to conditions of approval for the Small Lot Tentative Subdivision Map, attached hereto as **Exhibit 1**, Landowner shall commence construction of the Undercrossing prior to recordation of the first final small lot subdivision map within Phase 2 of the Project as shown on the large lot phasing plan as described in Section 6.4.7 herein. Additionally, City shall approve plans and specifications for the Undercrossing prior to the award of the contract for the Project. Landowner shall follow all public contracting code requirements for use of public funds. Upon approval of the plans and specifications, Landowner and City shall enter into a reimbursement agreement containing a reimbursement schedule consistent with this Section.

Once the construction contract for the Undercrossing has been executed and bonds posted for its completion pursuant to City ordinance, Landowner shall be entitled to full reimbursement in the amount of the construction cost of the Undercrossing (including all customary soft costs, the hard construction costs and permitted administrative costs) (“**Construction Cost**”). City hereby agrees to reimburse Landowner for the Construction Cost on a progress payment basis as follows: Landowner shall first invoice City upon City’s approval of plans and specifications for the Undercrossing, and City shall reimburse Landowner for all customary soft costs incurred by Landowner for preparation and City approval of said plans and specifications. Thereafter, Landowner shall invoice City upon completion of twenty-five (25) percent, fifty (50) percent, seventy-five (75) percent, and one hundred (100) percent of the work under the construction contract. City shall reimburse Landowner within thirty (30) days of receipt of each invoice. Landowner hereby agrees to submit with each invoice documentation supporting the amount of the invoice, including proof of Landowner’s payment in the amount thereof.

If the total Construction Cost is less than One Million Two Hundred Thousand Dollars (\$1,200,000), Landowner’s payment of in lieu fees for any park dedication shortfall resulting from construction of the Undercrossing shall be included as a Construction Cost, subject to reimbursement as described in this Section, but not to exceed One Million Two Hundred Thousand Dollars (\$1,200,000). If the total Construction Cost is equal to or greater than One Million Two Hundred Thousand Dollars (\$1,200,000), Landowner’s payment of in lieu fees for any park dedication shortfall resulting from construction of the Undercrossing shall not be reimbursable.”

13. Addition of Section 6.4.9. "Formation of Open Space Maintenance District."

City and Landowner agree to add a new Section 6.4.9 of the Agreement as follows:

"6.4.9 Additional Mello-Roos Maintenance Community Facilities District. At its sole discretion, City shall consider for inclusion in a Mello-Roos Community Facilities District, or other financing mechanism, the costs to maintain the wetland preserves within the Project as finally determined by the Army Corps of Engineers in its approval of the 404 Permit for the development of the Project."

14. Restatement of Section 10.1(i) Concerning "Formation, Consent, Waiver and Special Benefit." City and Landowner agree that Section 10.1(i) of the Agreement is hereby deleted and replaced with the following:

"i. Provide the City assured funding for the ongoing maintenance and operation of public facilities and all Improvements required herein or in the Project Approvals, whether such facilities and Improvements are located within or outside of the boundaries of the Project, including: public roads, public alleys and associated frontage improvements such as curb, gutter and sidewalks, intersection signals, and street signs; road special features (e.g. speed bumps, textured or painted surfaces, modified crosswalks, etc.); project monument signs; City owned neighborhood greens; all public landscaping, including street frontage landscaping and road medians; streetlights within the Property and upon the Property frontages and statuary, fountains or ornamental structures."

15. Restatement of Section 10.1(ii) Concerning "Formation, Consent, Waiver and Special Benefit." City and Landowner agree that Section 10.1(ii) of the Agreement is hereby deleted and replaced with the following:

"ii. Cause to be established appropriate funding mechanisms, to the satisfaction of Park District, to fund the ongoing maintenance of park facilities, Park District owned neighborhood greens and improvements within the Project, and any other park improvements pursuant to the Project Approvals."

16. Restatement of Section 20 Concerning "Transfers and Assignments." City and Landowner agree that Section 20 of the Agreement is hereby deleted and replaced with the following:

"20. Transfers and Assignments. From and after recordation of this Agreement against the Property, Landowner shall have the full right to assign this Agreement, as amended hereby, as to the Property, or any portion thereof, in connection with any sale, transfer or conveyance thereof, and upon the express written assignment by Landowner and assumption by the assignee of such assignment in the form attached hereto as **Exhibit 4** and the conveyance of Landowner's interest in the Property related thereto, Landowner shall be released from any further liability or obligation hereunder related to the portion of the Property so conveyed and the assignee shall be deemed to be the "Landowner," with all rights and obligations related thereto, with respect to such conveyed property.

Landowner shall also have the full right to assign or hypothecate all or any portion of its interest in any rights to fee credits and/or reimbursements as

security for financing any improvements required for the Project, including, but not limited to, the Undercrossing.”

17. Violation of Park Development Agreement. Landowner agrees that City will be a third party beneficiary of the Park Development Agreement, but only if Park District consents to such third party beneficiary status in the Park Development Agreement. Provided that Park District identifies City as a third party beneficiary of the Park Development Agreement, Landowner agrees that any violation of the Park Development Agreement may be enforced by City as a violation of this First Amendment. If for any reason City is not identified as a third party beneficiary of the Park Development Agreement, Landowner agrees to amend the Project’s Development Agreement to include terms detailing Landowner’s obligations regarding the design, construction, installation, and timing of park improvements.

18. Exhibits. **Exhibit B** “Grantline 208 Large Lot Tentative Subdivision Map”, **Exhibit C** “Grantline 208 Small Lot Tentative Subdivision Map”, **Exhibit D-1** “Land Use Map for the Property”, **Exhibit D-2** “Land Use Table”, and **Exhibit E** “Diagram of Park Land Dedication” to the Agreement are all replaced with **Exhibit 1** “Large Lot Tentative Subdivision Map” and **Exhibit 2** “Small Lot Tentative Subdivision Map” to this First Amendment. **Exhibits 1 and 2** to this First Amendment include all the categories of information previously provided in the five replaced exhibits in the Agreement.

19. Definition of Terms. All capitalized terms used in this First Amendment shall have the same definition as provided in the Agreement, except where a different definition has been supplied in this First Amendment.

20. All Other Terms in Force. Except as amended by this First Amendment, all terms and conditions of the Agreement remain in full force and effect.

21. Recording. Within ten (10) days after the Effective Date, City shall record this First Amendment with the Sacramento County Recorder’s Office.

22. Counterparts. The Parties may execute this First Amendment in counterparts, each of which will be considered an original, but all of which will constitute the same instrument.

23. Entire Agreement. This First Amendment sets forth the Parties’ entire understanding regarding the matters set forth above. It supersedes all prior or contemporaneous agreements, representations, and negotiations regarding those matters (whether written, oral, express, or implied) and may be modified only by another written agreement signed by all Parties. This First Amendment will control if any conflict arises between it and the Agreement.

IN WITNESS WHEREOF, the City of Rancho Cordova, a municipal corporation, has authorized the execution of this First Amendment in duplicate by its City Manager and attested to by its City Clerk under the authority of Ordinance No. _____, adopted by the Council of the City on _____ day of _____, 20____, and Landowner has caused this First Amendment to be executed.

“CITY”

CITY OF RANCHO CORDOVA,
a municipal corporation

“LANDOWNER”

ARI 208, LLC
a California limited liability company

By: _____

By: _____

Name: _____

Name: _____

Its: _____

Its: _____

ATTEST:

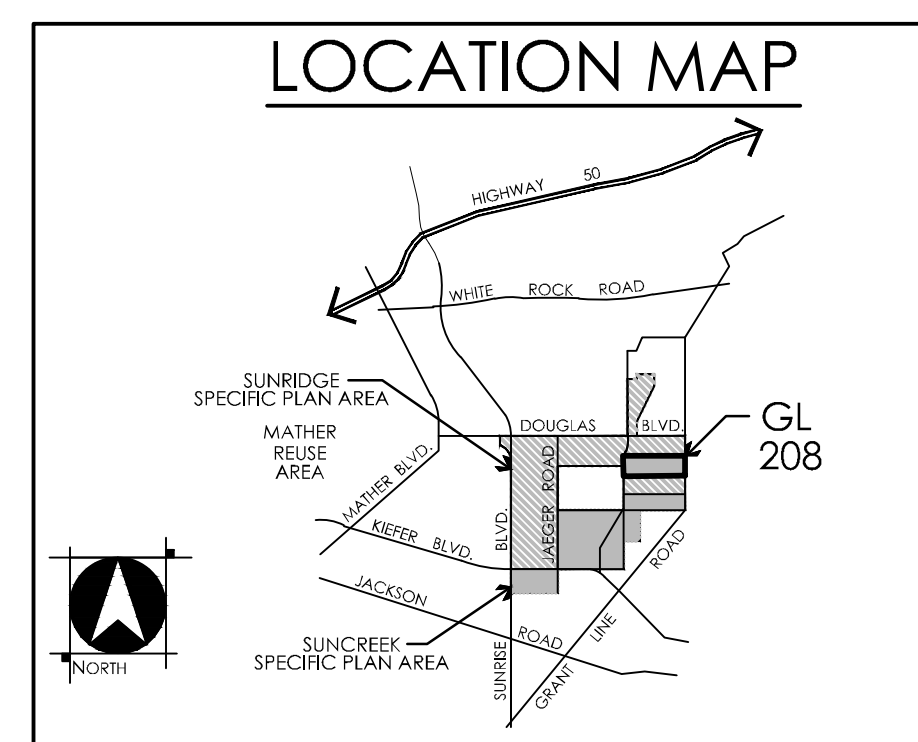
City Clerk

APPROVED AS TO FORM:

Adam U. Lindgren
City Attorney

EXHIBIT “1”

Large Lot Tentative Map and Land Use Summary



LARGE LOT TENTATIVE SUBDIVISION MAP

GRANTLINE 208

CITY OF RANCHO CORDOVA, CALIFORNIA
FEBRUARY 4, 2015

PROJECT NOTES

OWNER/APPLICANT

GRANTLINE INVESTORS, LLC
c/o RIVER WEST INVESTMENTS, INC.
3001 I STREET, SUITE 130
CONTACT: ANGELO CHRISTIE
PHONE: (916) 383-2500

PLANNER/ENGINEER/SURVEYOR

WOOD RODGER'S INC.
3301 'C' STREET, BLDG. 100B
SACRAMENTO, CA 95816
CONTACT: STAN METTE/JOHN HODGSON PE #49187
PHONE: (916) 341-7760

ASSESSOR'S PARCEL NUMBER

067-0040-023, 024 & 025

AREA

210.6± ACRES

EXISTING/PROPOSED GENERAL PLAN

LDR

EXISTING/PROPOSED ZONING

RD-5, RD-7, RD-10, O

NUMBER OF LARGE LOTS

16 LARGE LOTS

PUBLIC SERVICES & FACILITY PROVIDERS

IMPROVEMENTS:	COUNTY OF SACRAMENTO
WATER:	COUNTY OF SACRAMENTO
SEWER:	SACRAMENTO COUNTY SANITATION DISTRICT #1
DRAINAGE:	COUNTY OF SACRAMENTO
ELECTRICITY:	S.M.U.D.
GAS:	PACIFIC GAS & ELECTRIC
TELEPHONE:	SBC
SCHOOL DISTRICT:	ELK GROVE UNIFIED SCHOOL DISTRICT
FIRE DISTRICT:	SACRAMENTO METRO FIRE DISTRICT
PARK DISTRICT:	CORDOVA RECREATION & PARK DISTRICT

NOTE:

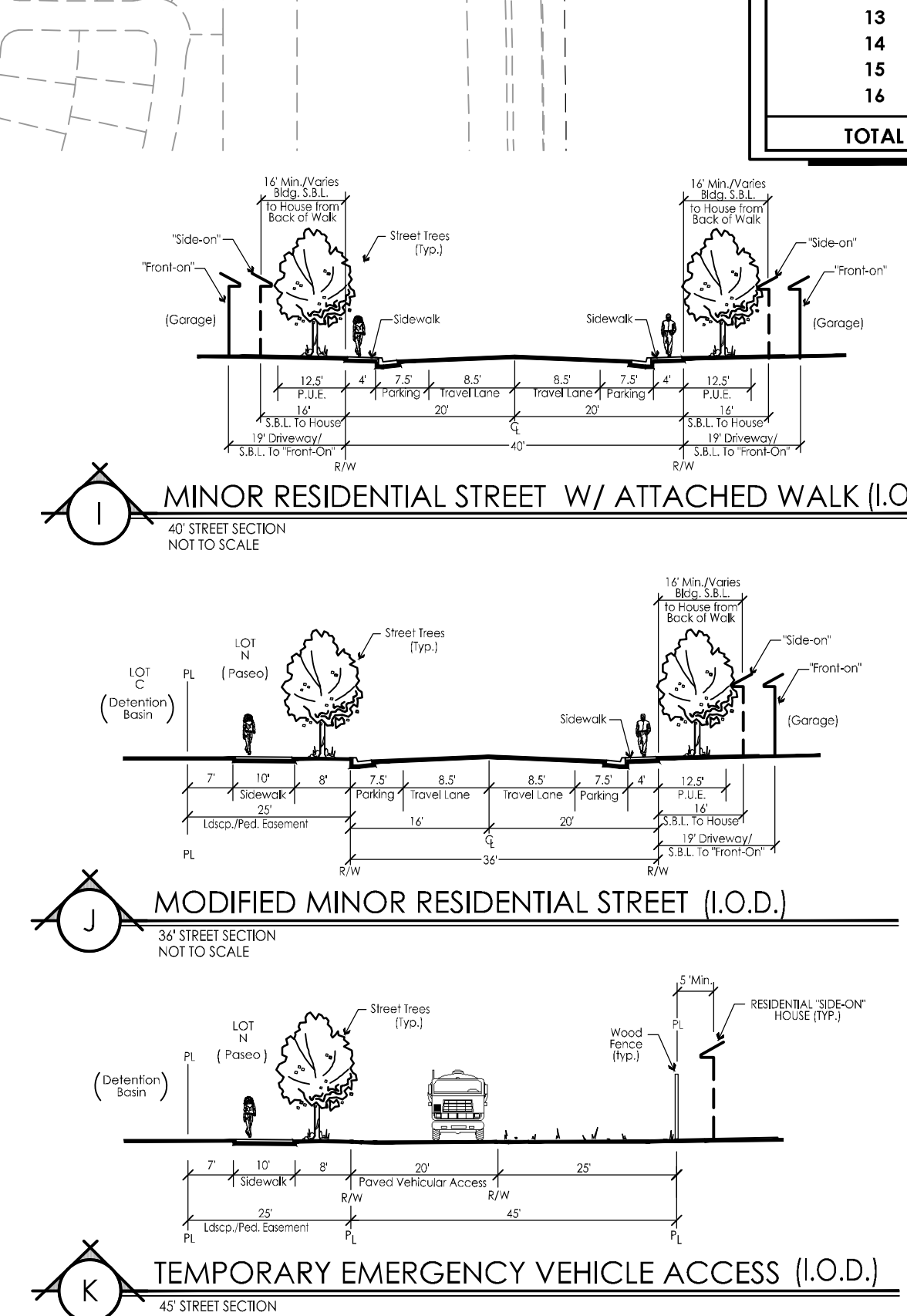
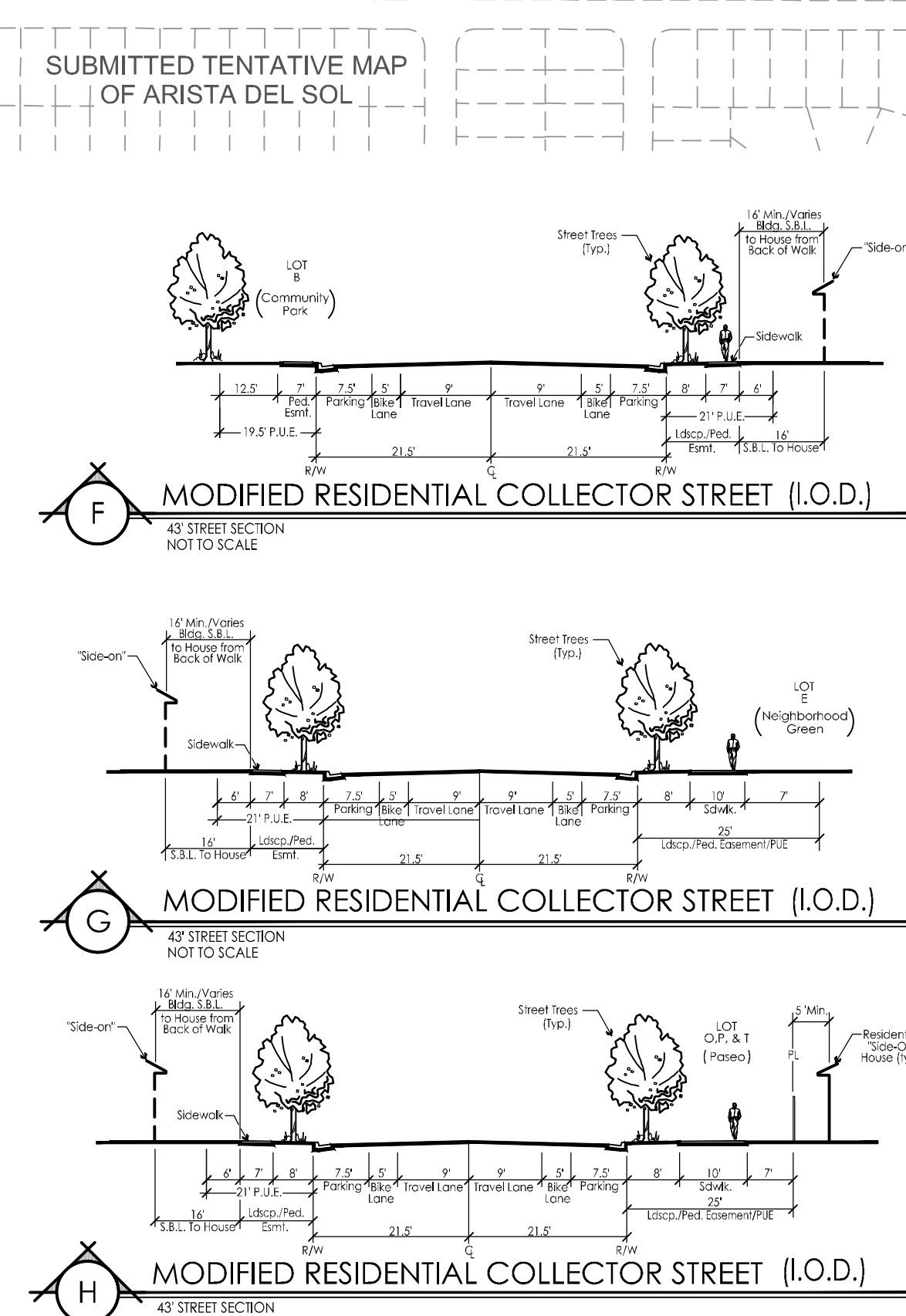
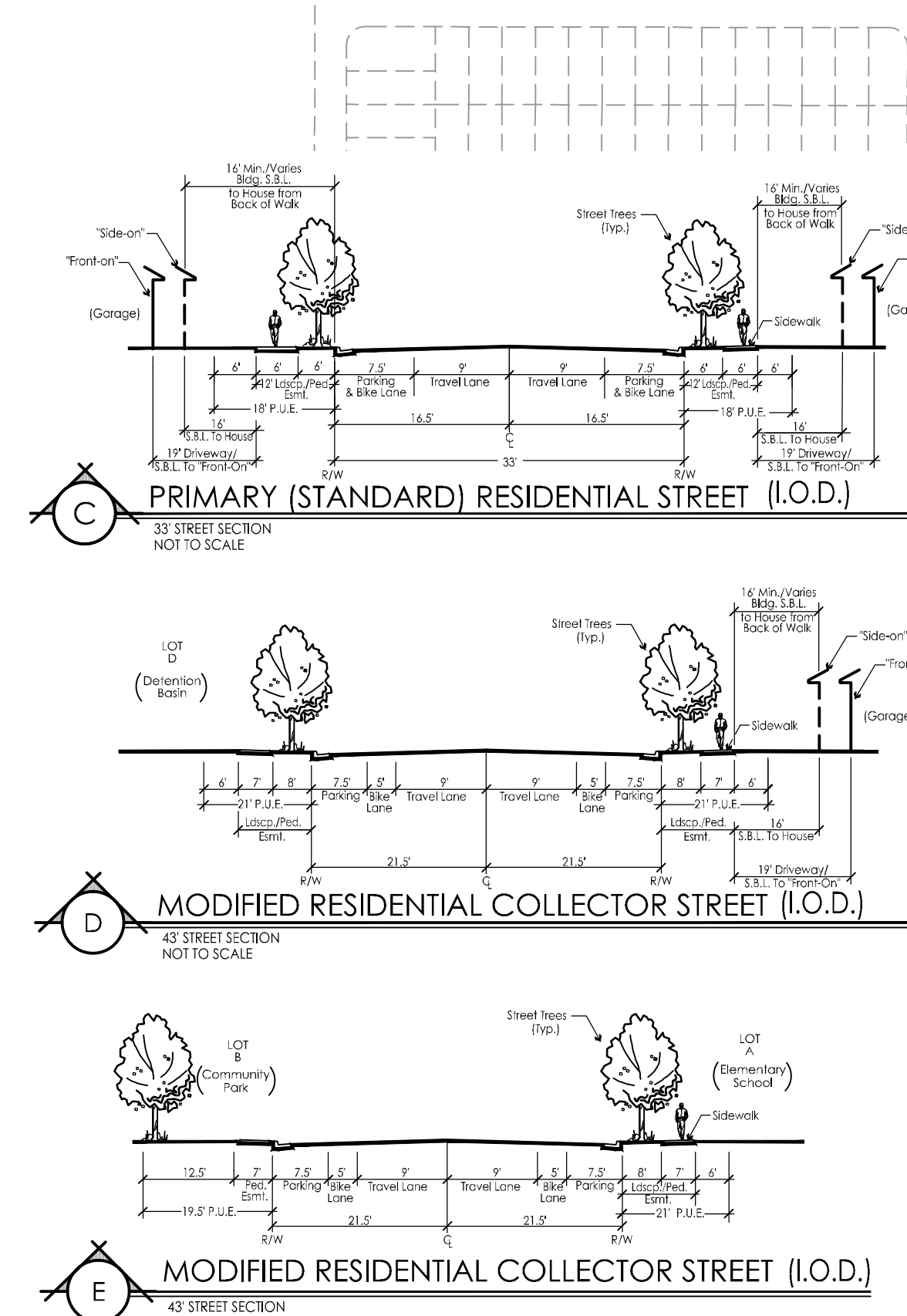
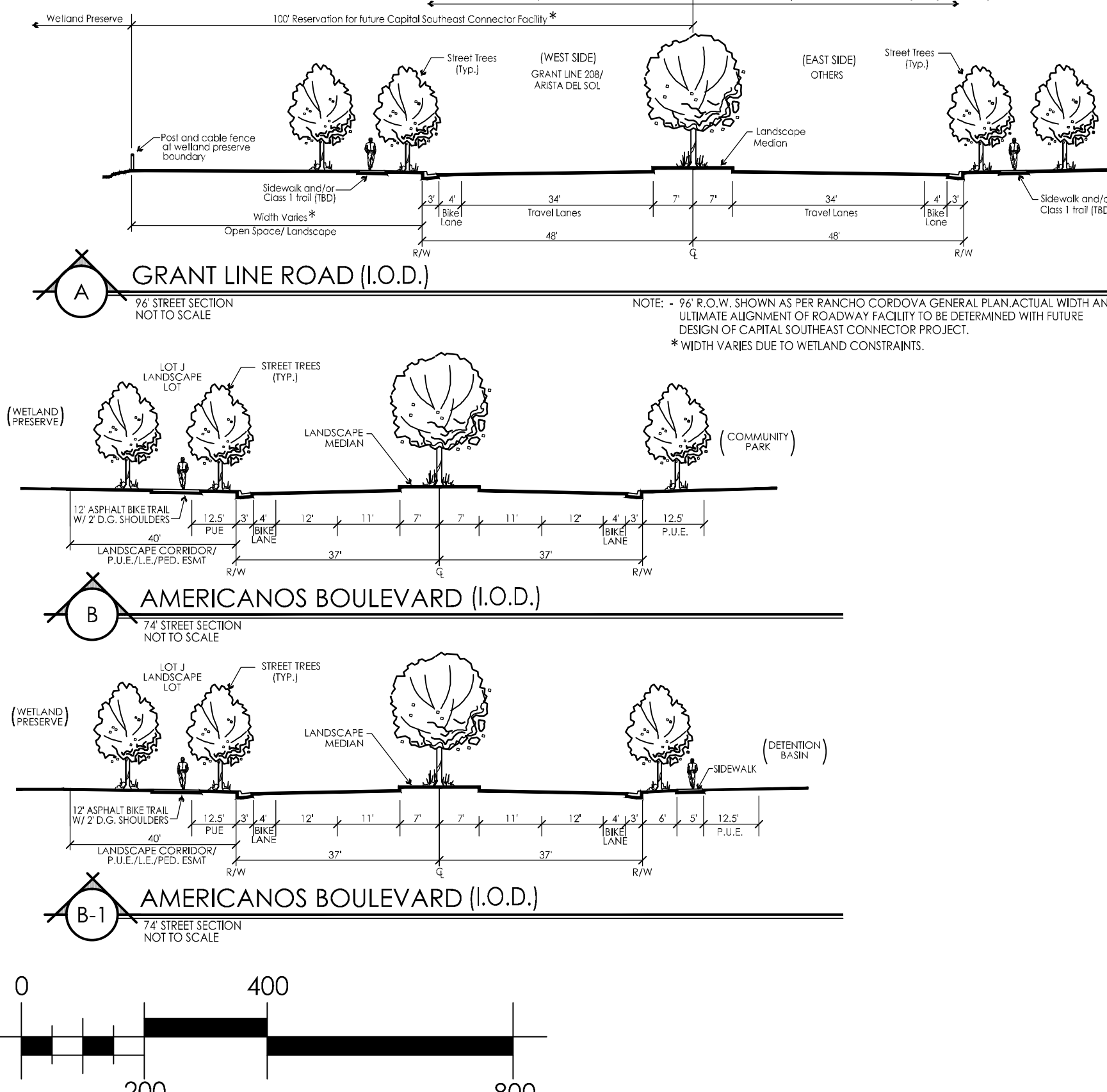
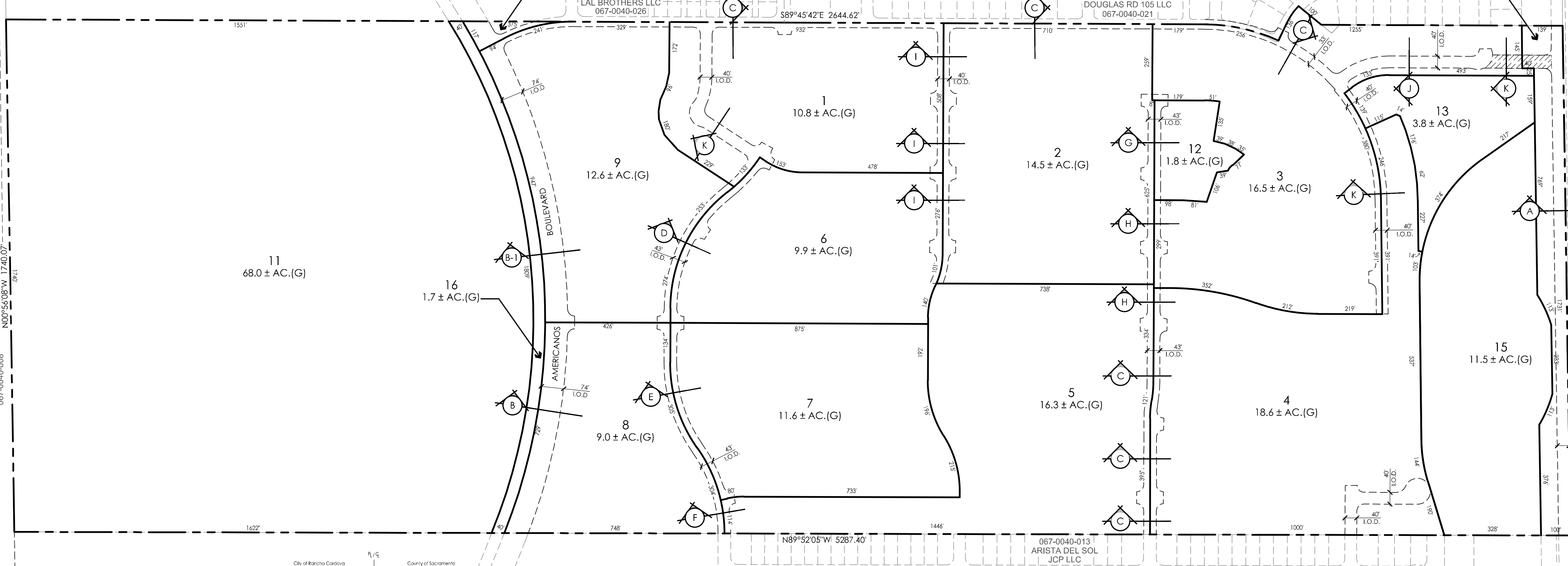
- SUBDIVIDER(S) RESERVES THE RIGHT TO FILE MULTIPLE FINAL MAPS PURSUANT TO SECTION 66456.1 OF THE SUBDIVISION MAP ACT.
- THIS IS AN APPLICATION FOR A DEVELOPMENT PERMIT.
- A PUBLIC UTILITY EASEMENT WILL BE LOCATED ADJACENT TO ALL RIGHTS OF WAY AS SHOWN OR AS APPROVED BY THE CITY ENGINEER.
- LARGE LOT NUMBERING IS FOR IDENTIFICATION PURPOSES ONLY AND DOES NOT INDICATE PHASING OF DEVELOPMENT. ULTIMATE DEVELOPMENT PHASING SHALL BE ORDERLY AND WILL BE DETERMINED AT FINAL MAP AND/OR IMPROVEMENT PLAN STAGE.
- AERIAL TOPOGRAPHY SHOWN HEREON WAS FLOWN IN DECEMBER 2003
- THIS EXHIBIT IS FOR TENTATIVE MAP PURPOSES ONLY. ALL SITE CHARACTERISTICS TO BE VERIFIED PRIOR TO FINAL MAP.
- LOT 11 ACCESS TO BE PROVIDED ACROSS LOT 16 AT A LOCATION TO BE DETERMINED.

LAND USE SUMMARY

VILLAGE NO.	ZONING DESIGNATION	LAND USE	GROSS ACRES±
1	RD-10	SINGLE FAMILY	10.8
2	RD-10	SINGLE FAMILY	14.5
3	RD-10	SINGLE FAMILY	14.5
4	RD-5	SINGLE FAMILY	18.6
5	RD-7	SINGLE FAMILY	16.3
6	RD-10	SINGLE FAMILY	9.9
7	RD-5	ELEMENTARY SCHOOL	11.6
8	RD-5	COMMUNITY PARK	9.0
9	RD-10	DETENTION BASIN	12.6
10	O	LANDSCAPE LOT	0.3
11	O	WETLAND PRESERVE	68.0
12	O	NEIGHBORHOOD GREEN	1.8
13	RD-10	DETENTION BASIN	3.8
14	O	GRANT LINE PARKWAY	3.7
15	O	WETLAND PRESERVE	11.5
16	O	LANDSCAPE LOT	1.7
TOTAL			210.6

SACTO N.Y. CONSERVANCY
JANUARY 17, 2015
067-0040-023

AGENDA ITEM 14.1



WOOD RODGER'S
DEVELOPING INNOVATIVE DESIGN SOLUTIONS
3301 C St, Bldg. 100-B Sacramento, CA 95816
Tel 916.341.7760 Fax 916.341.7760

EXHIBIT “2”

Small Lot Tentative Map and Land Use Summary

TENTATIVE SUBDIVISION MAP

GRANTLINE 208

CITY OF RANCHO CORDOVA, CALIFORNIA
FEBRUARY 4, 2015

PARK DEDICATION TABLE

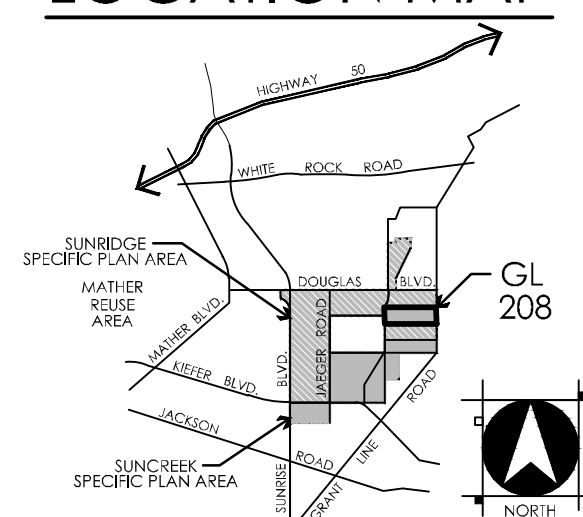
PARK SUMMARY TABLE	DEDICATION REQUIREMENT	NET ACRES REQUIRED	NET ACRES PROVIDED	IN-LIEU FEE ACREAGE
COMMUNITY PARK	5 AC/1000 POPULATION (2.95 POP/HOUSEHOLD)	7.40	7.9	0.50
NEIGHBORHOOD GREEN	1 AC/1000 POPULATION (2.95 POP/HOUSEHOLD)	1.48	1.5	-0.02
TOTAL		8.88	9.4	0.49 Acres

* INCLUDES LOT B (COMMUNITY PARK) AND LOT U (UNDERCROSSING RESERVATION).

BUILDING SETBACKS AND P.U.E. NOTES

STREET FACILITY	MIN.	CATEGORY	MEASURED FROM	STREET FACILITY	MIN.	CATEGORY	MEASURED FROM	STREET FACILITY	MIN.	CATEGORY	MEASURED FROM
RESIDENTIAL COLLECTOR STREET (SECTION C)											
15'		LANDSCAPE/PEDESTRIAN ESMT.	R/W AT B.O.C.	PRIMARY (STANDARD) RESIDENTIAL STREET (SECTION D)							
19'		DRIVEWAY/FRONT-LOADED GARAGE SETBACK	B.O.W.	15'		LANDSCAPE/PEDESTRIAN ESMT.	R/W AT B.O.C.	19'		DRIVEWAY/FRONT-LOADED GARAGE SETBACK	R/W AT B.O.W.
12.5'		PUBLIC UTILITY EASEMENT	R/W AT B.O.W.	19'		DRIVEWAY/FRONT-LOADED GARAGE SETBACK	B.O.W.	12.5'		PUBLIC UTILITY EASEMENT	R/W AT B.O.W.
16'		FRONT PORCH/LIVING AREA SETBACK	B.O.W.	12.5'		PUBLIC UTILITY EASEMENT	R/W AT B.O.W.	16'		FRONT PORCH/LIVING AREA SETBACK	R/W AT B.O.W.
16'		STREET SIDEYARD SETBACK	B.O.W.	16'		FRONT PORCH/LIVING AREA SETBACK	B.O.W.	16'		STREET SIDEYARD SETBACK	R/W AT B.O.W.
4'/5'		INTERIOR SIDEYARD SETBACK (MAINTAIN 9' MINIMUM BLDG. SEPERATION)	PL	4'/5'		STREET SIDEYARD SETBACK	B.O.W.	4'/5'		INTERIOR SIDEYARD SETBACK (MAINTAIN 9' MINIMUM BLDG. SEPERATION)	PL
KEY:											
R/W - RIGHT OF WAY			B.O.W. - BACK OF WALK			P.U.E. - PUBLIC UTILITY EASEMENT					
B.O.C. - BACK OF CURB			PL - PROPERTY LINE								

LOCATION MAP



PROJECT NOTES

OWNER/APPLICANT

GRANTLINE INVESTORS, LLC
C/O AKT INVESTMENTS, INC.
SACRAMENTO, CA 95826
7700 COLLEGE TOWN DRIVE, SUITE 101
CONTACT: ANGELO CHRISTIE
PHONE: (916) 383-2500

PLANNER/ENGINEER/SURVEYOR

WOOD RODGER'S INC.
3301 "C" STREET, BLDG. 100B
SACRAMENTO, CA 95816
CONTACT: STAN METTE/JOHN HODGSON PE #49187
PHONE: (916) 341-7760

ASSESSOR'S PARCEL NUMBER

067-0040-023, 024 & 025

AREA

210.64 ACRES

EXISTING/PROPOSED GENERAL PLAN

LDR

EXISTING/PROPOSED ZONING

RD-5, RD-7, RD-10, O

NUMBER OF LOTS

502 SINGLE FAMILY LOTS

- 1 ELEMENTARY SCHOOL LOT
- 1 COMMUNITY PARK LOT
- 1 COMMUNITY PARK/ UNDERCROSSING RESERVATION
- 1 NEIGHBORHOOD GREEN LOT
- 2 WETLAND PRESERVE LOTS
- 2 DETENTION BASIN LOTS
- 1 GRANTLINE PARKWAY LOT
- 2 LANDSCAPE LOTS
- 10 PEDESTRIAN PASEO LOTS

PUBLIC SERVICES & FACILITY PROVIDERS

IMPROVEMENTS:	COUNTY OF SACRAMENTO
WATER:	COUNTY OF SACRAMENTO
SEWER:	SACRAMENTO COUNTY SANITATION DISTRICT #1
DRAINAGE:	COUNTY OF SACRAMENTO
ELECTRICITY:	S.M.U.D.
GAS:	PACIFIC GAS & ELECTRIC
TELEPHONE:	SBC
SCHOOL DISTRICT:	ELK GROVE UNIFIED SCHOOL DISTRICT
FIRE DISTRICT:	SACRAMENTO METRO FIRE DISTRICT
PARK DISTRICT:	CORDOVA RECREATION & PARK DISTRICT

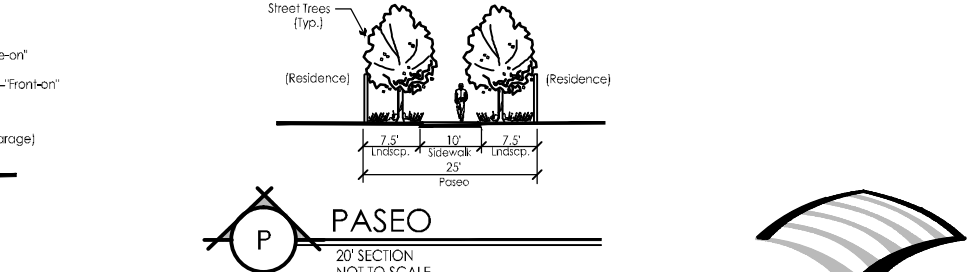
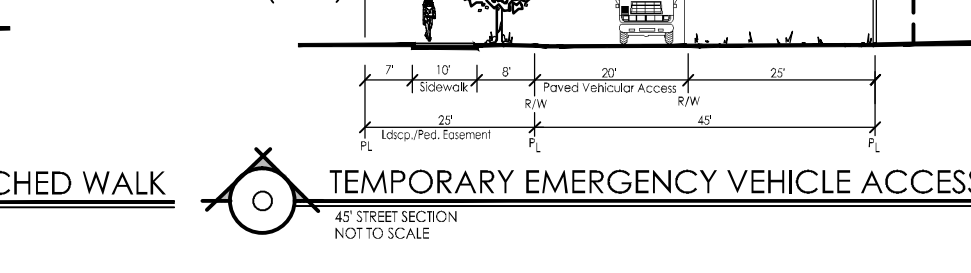
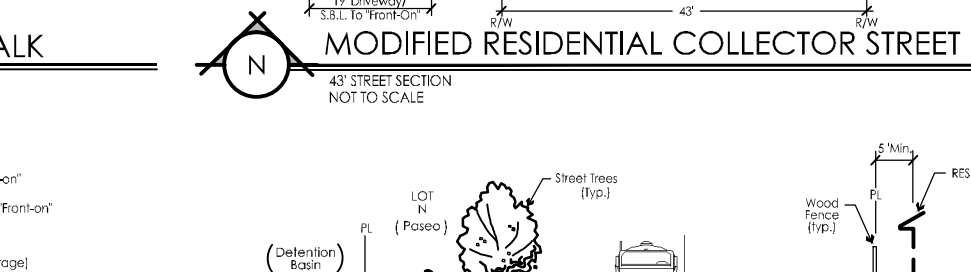
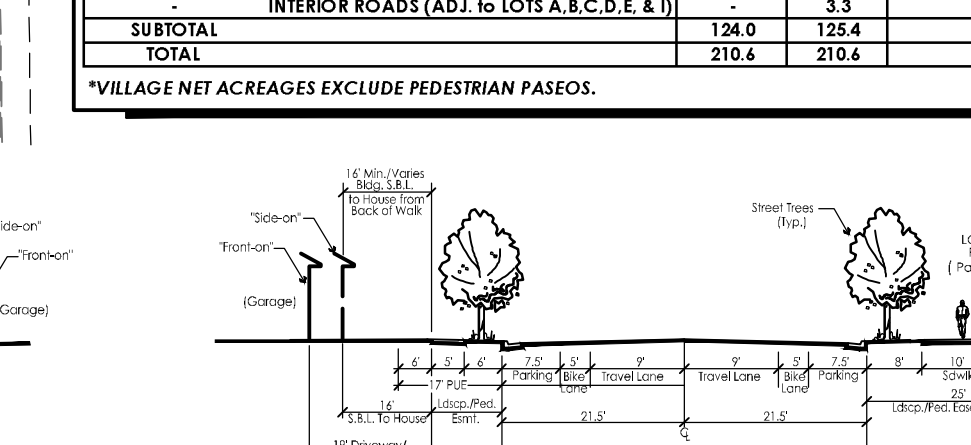
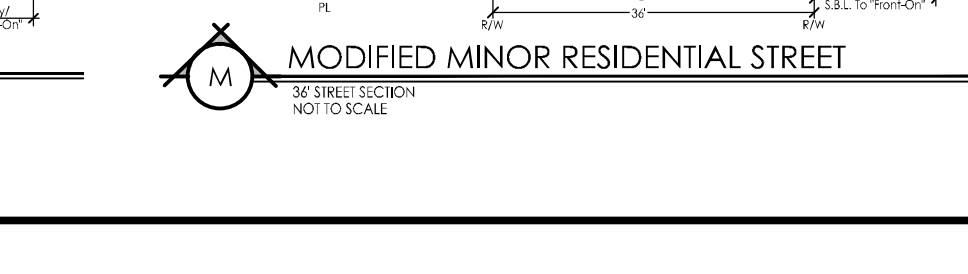
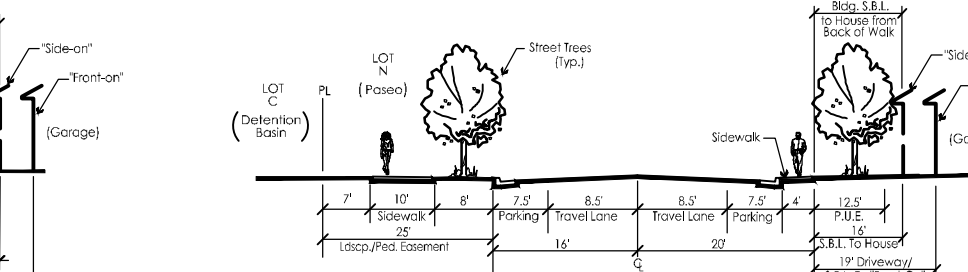
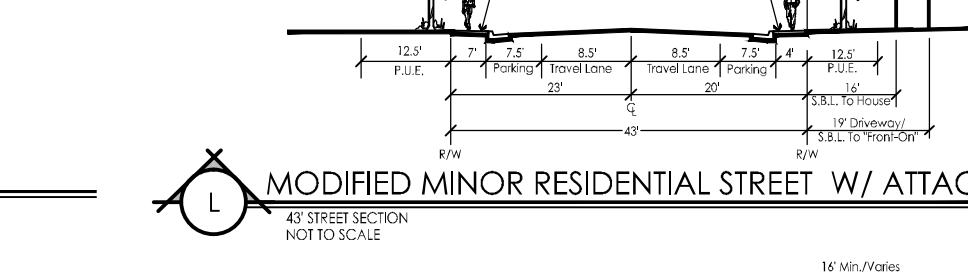
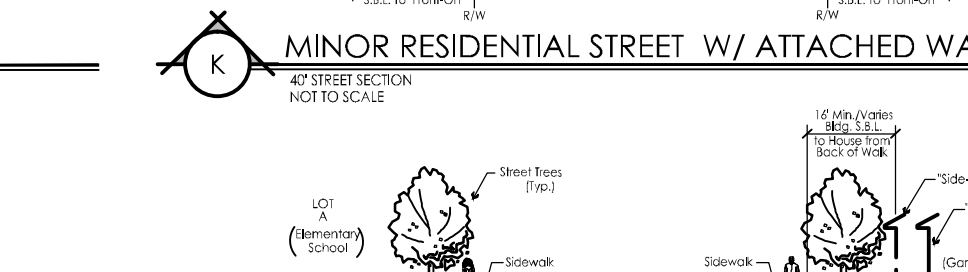
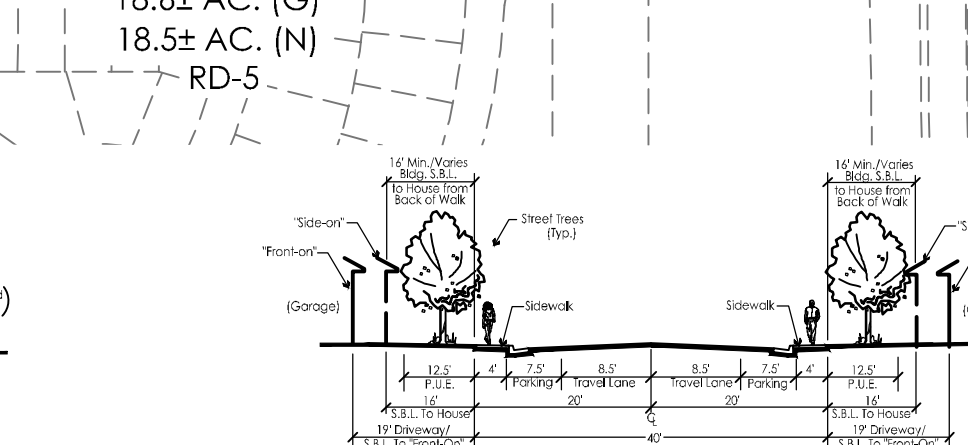
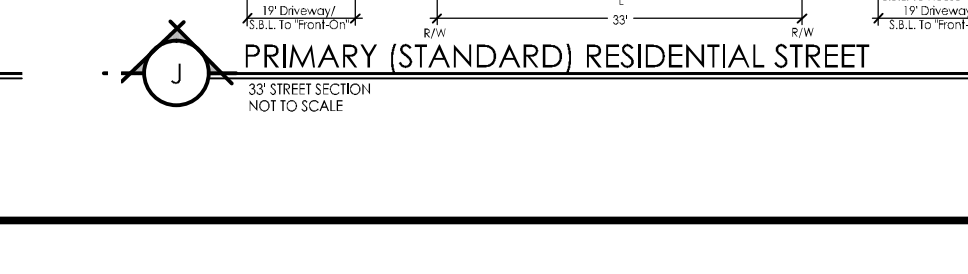
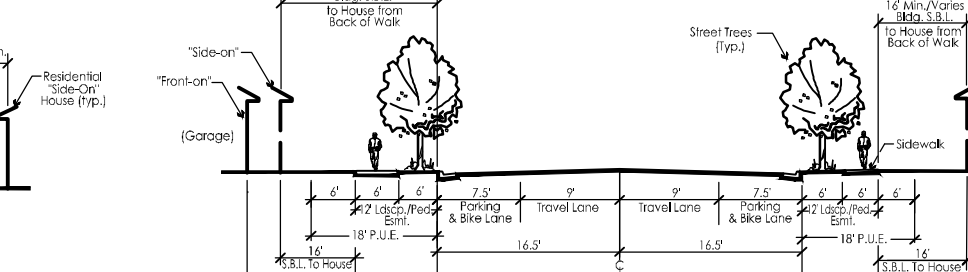
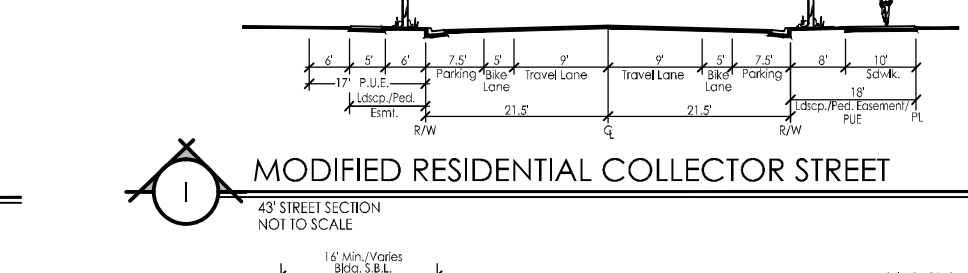
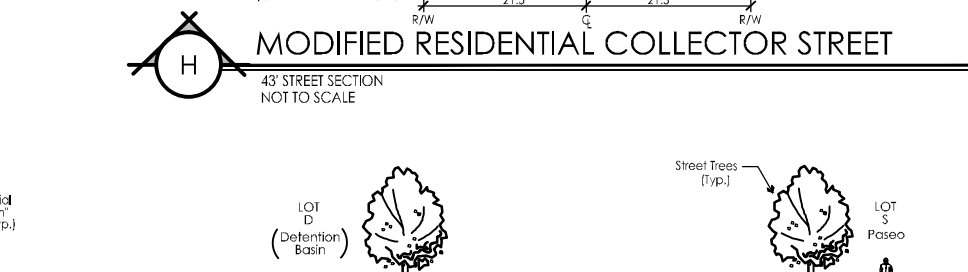
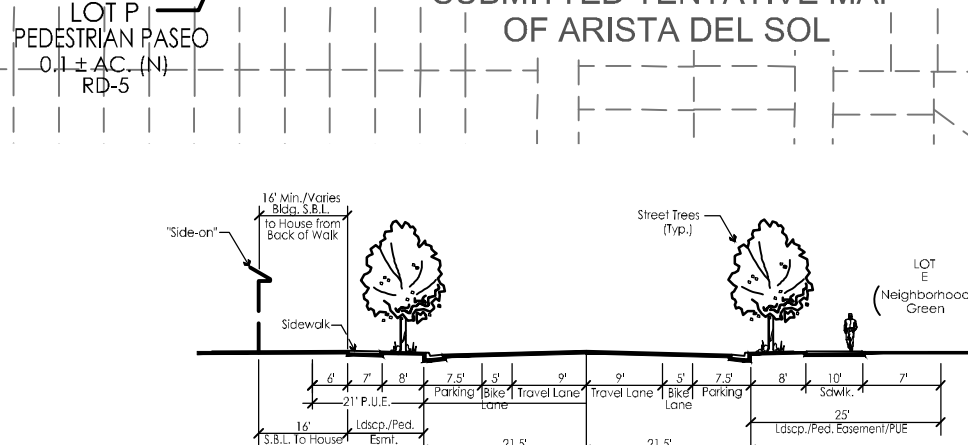
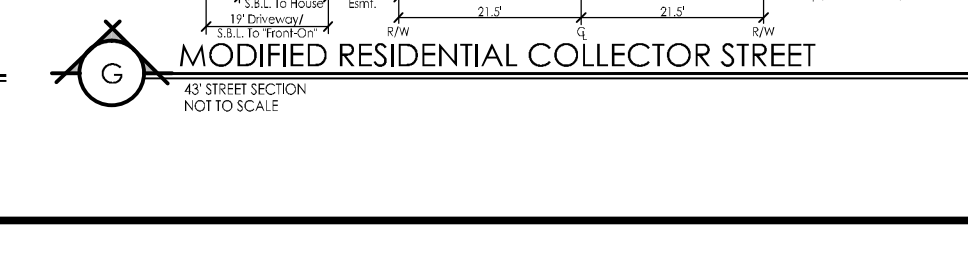
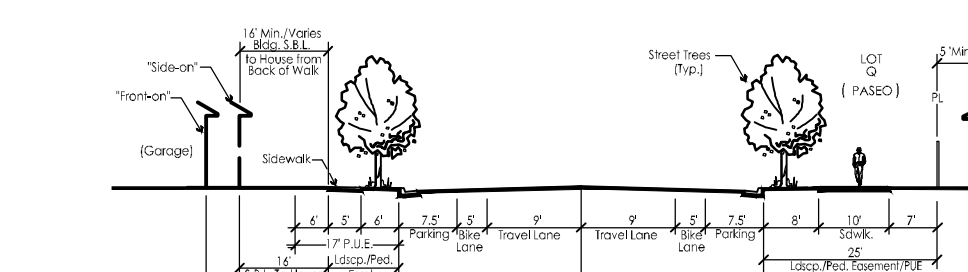
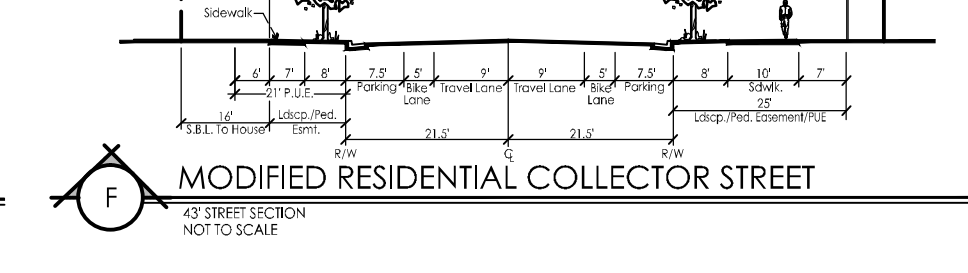
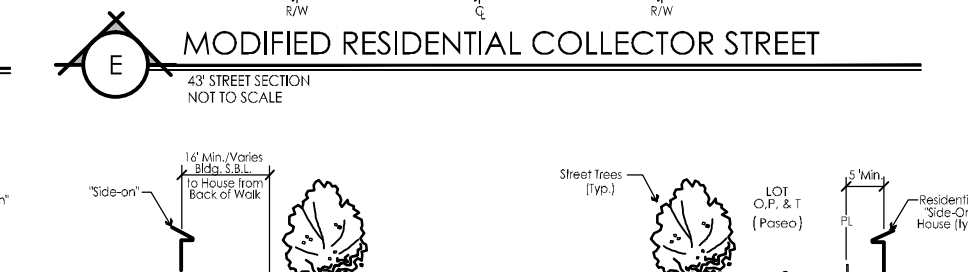
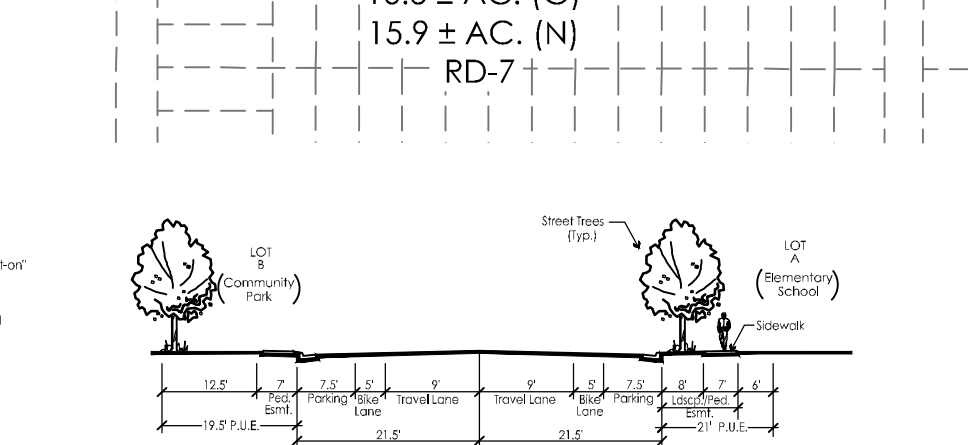
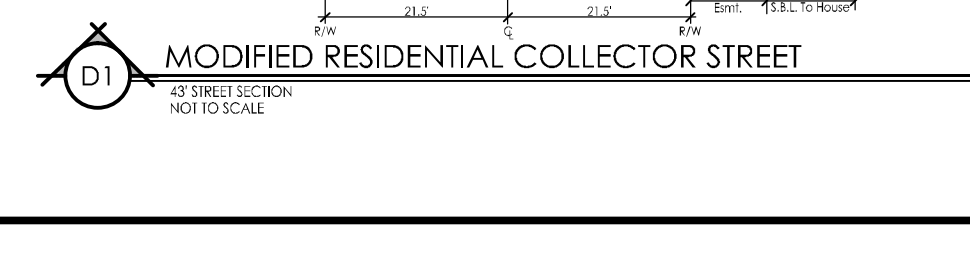
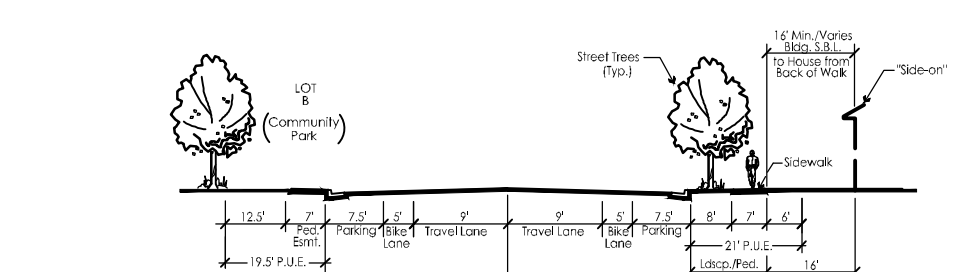
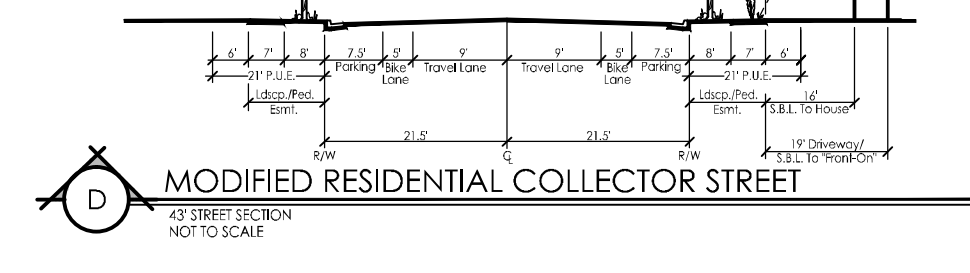
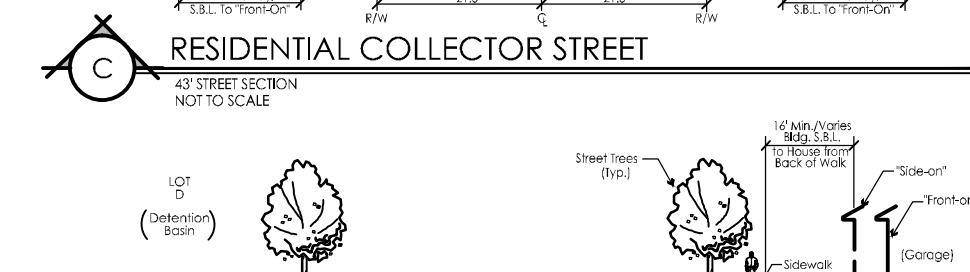
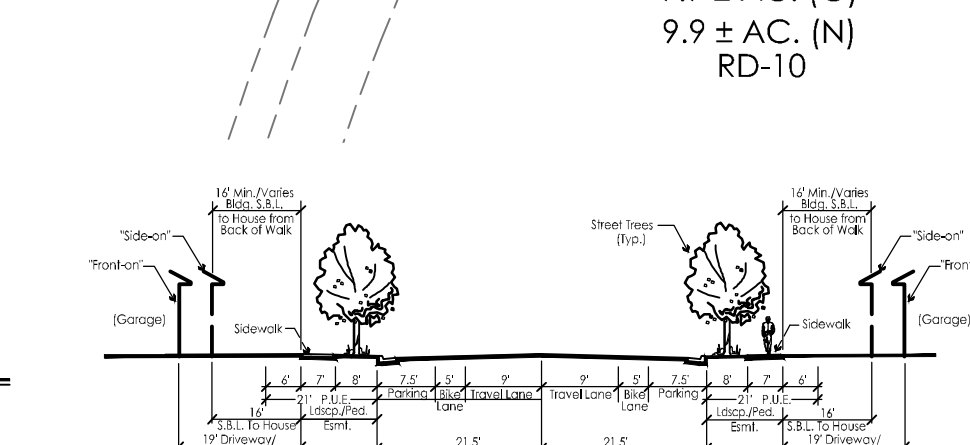
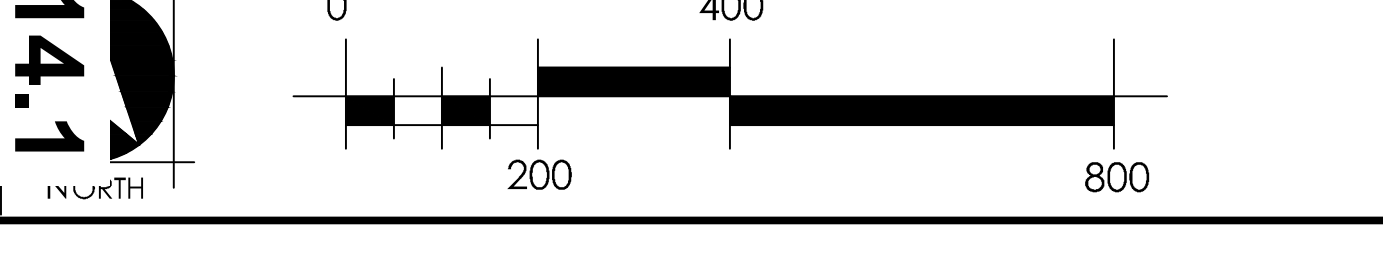
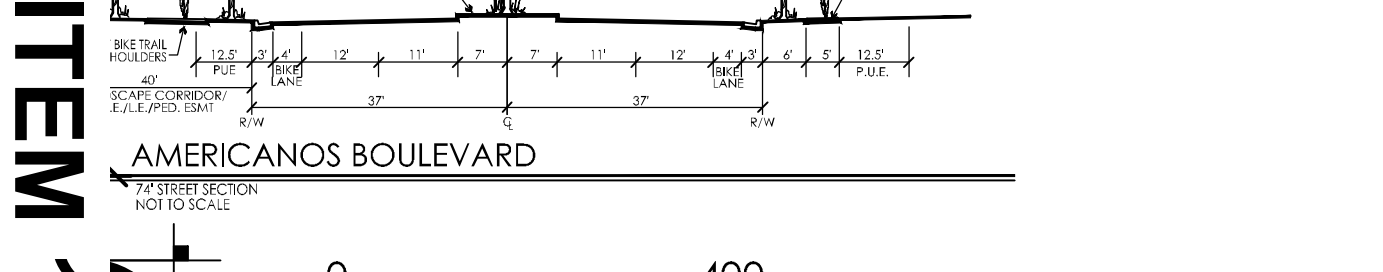
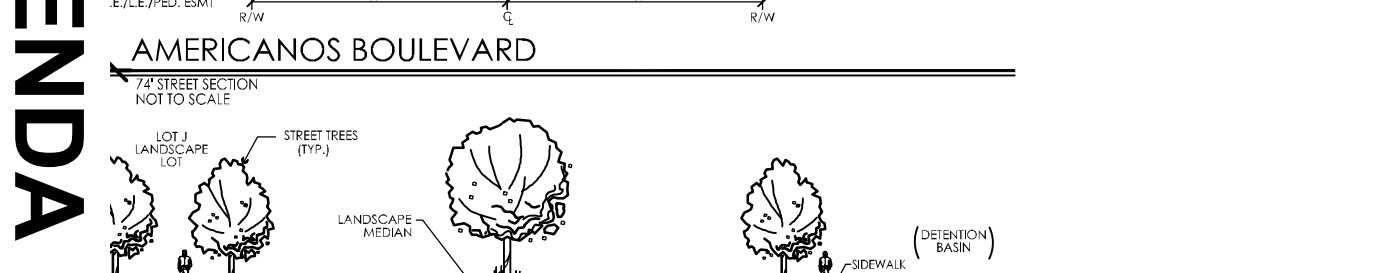
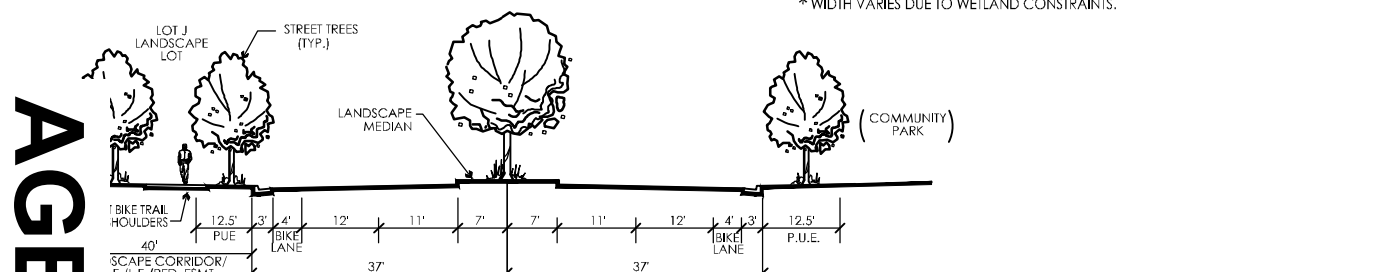
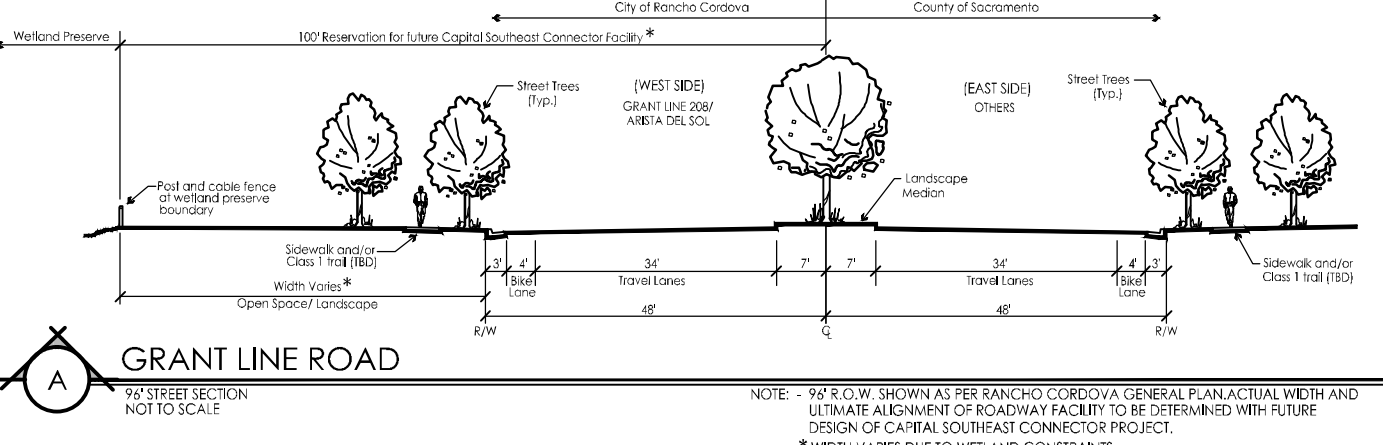
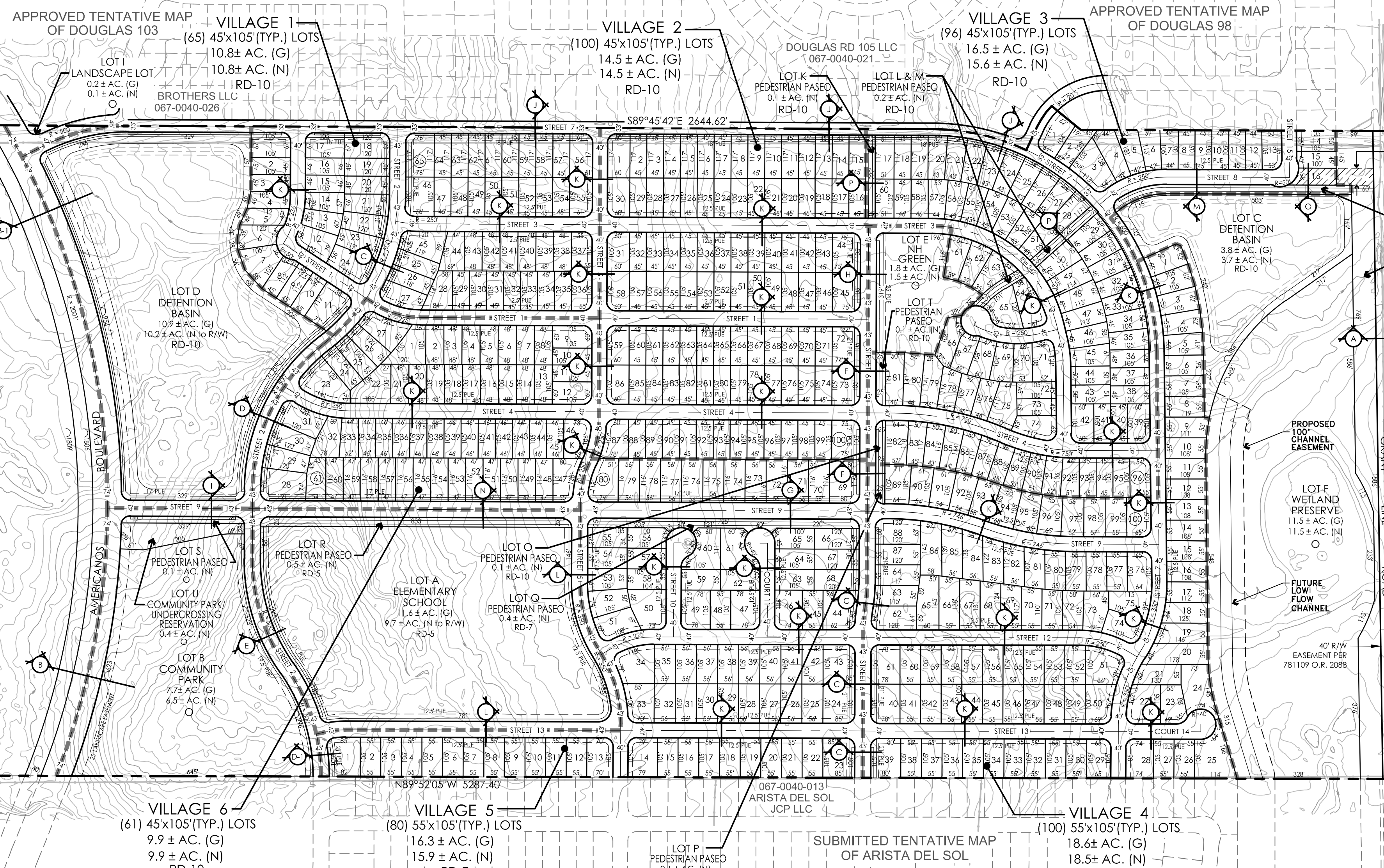
NOTE:

- SUBDIVIDER(S) RESERVES THE RIGHT TO FILE MULTIPLE FINAL MAPS PURSUANT TO SECTION 66456.1 OF THE SUBDIVISION MAP ACT.
- THIS IS AN APPLICATION FOR A DEVELOPMENT PERMIT.
- A PUBLIC UTILITY EASEMENT WILL BE LOCATED ADJACENT TO ALL RIGHTS OF WAY AS SHOWN OR AS APPROVED BY THE CITY ENGINEER.
- VILLAGE (LARGE LOT) NUMBERING IS FOR IDENTIFICATION PURPOSES ONLY AND DOES NOT INDICATE PHASING OF DEVELOPMENT. ULTIMATE DEVELOPMENT PHASING SHALL BE ORDERLY AND WILL BE DETERMINED AT FINAL MAP AND/OR IMPROVEMENT PLAN STAGE.
- AERIAL TOPOGRAPHY SHOWN HEREON WAS FLOWN IN DECEMBER 2003
- THIS EXHIBIT IS FOR TENTATIVE MAP PURPOSES ONLY. ALL SITE CHARACTERISTICS TO BE VERIFIED PRIOR TO FINAL MAP.
- ALL EXISTING EASEMENTS TO BE ABANDONED AND REDEDICATED.
- LOT G ACCESS TO BE PROVIDED ACROSS LOT J AT A LOCATION TO BE DETERMINED.

LAND USE SUMMARY

VILLAGE/LOT #	LAND USE	GROSS ACRES	* NET ACRES	DENSITY	DWELLING UNITS	ZONING DESIGNATION
1	SP RESIDENTIAL (45X105 TYP.)	10.8	10.8	4.0	45	RD-10
2	SP RESIDENTIAL (45X105 TYP.)	14.5	14.5	4.9	100	RD-10
3	SP RESIDENTIAL (45X105 TYP.)	16.5	16.5	4.2	70	RD-10
4	SP RESIDENTIAL (55X105 TYP.)	18.6	18.6	5.4	100	RD-5
5	SP RESIDENTIAL (55X105 TYP.)	16.3	16.3	6.0	80	RD-7
6	SP RESIDENTIAL (45X105 TYP.)	9.9	9.9	6.2	61	RD-10
SUBTOTAL		86.6	86.2	5.9	502	
B	ELEMENTARY SCHOOL	11.4	11.4			RD-5
C	COMMUNITY PARK	7.7	4.5			O
D	DETENTION BASIN	3.8	3.7			RD-10
E	NEIGHBORHOOD GREEN	10.9	10.2			O
F	WETLAND PRESERVE	1.8	1.5			O
G	WETLAND PRESERVE	11.5	11.5			O
H	GRANT LINE PARKWAY	2.1	2.1			O
I	LANDSCAPE LOT	0.2	0.1			O
J	LANDSCAPE LOT	1.7	1.7			O
K-T	PEDESTRIAN PASEO	-	2.0			VARIES
U	COMMUNITY PARK/ UNDERCROSSING RES.	-	0.4			O
V	AMERICANOS BLVD/GRANT LINE RD	-	4.7			VARIES
W	INTERIOR ROADS (ADJ. TO LOTS A,B,C,D,E & I)	-	4.7			VARIES
SUBTOTAL		134.0	132.4			
TOTAL		210.6	210.6		502	

*VILLAGE NET ACRES EXCLUDE PEDESTRIAN PASEOS.



WOOD RODGER'S
DESIGNING INNOVATIVE DESIGN SOLUTIONS
3301 C St, Bldg. 100-B
Sacramento, CA 95816
Tel 916.341.776
Fax 916.341.776

TENTATIVE SUBDIVISION MAP - GRANTLINE 208

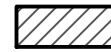
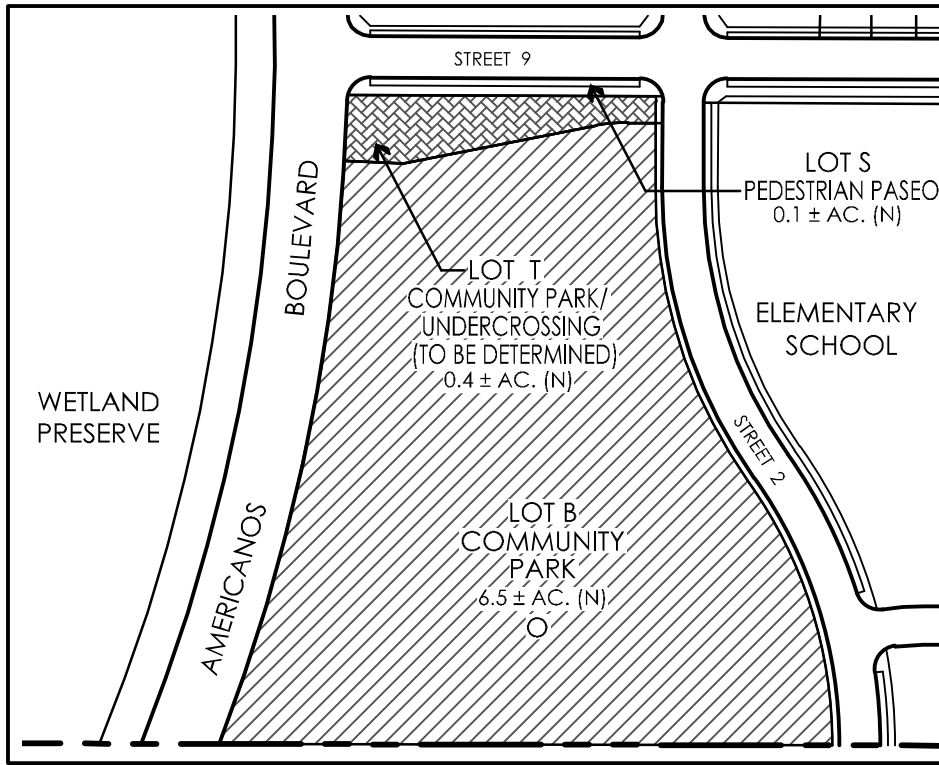
FIGURE 1

EXHIBIT 1B

PARKLAND/OPEN SPACE DEDICATION & MAINTENANCE EXHIBIT

GRANTLINE 208

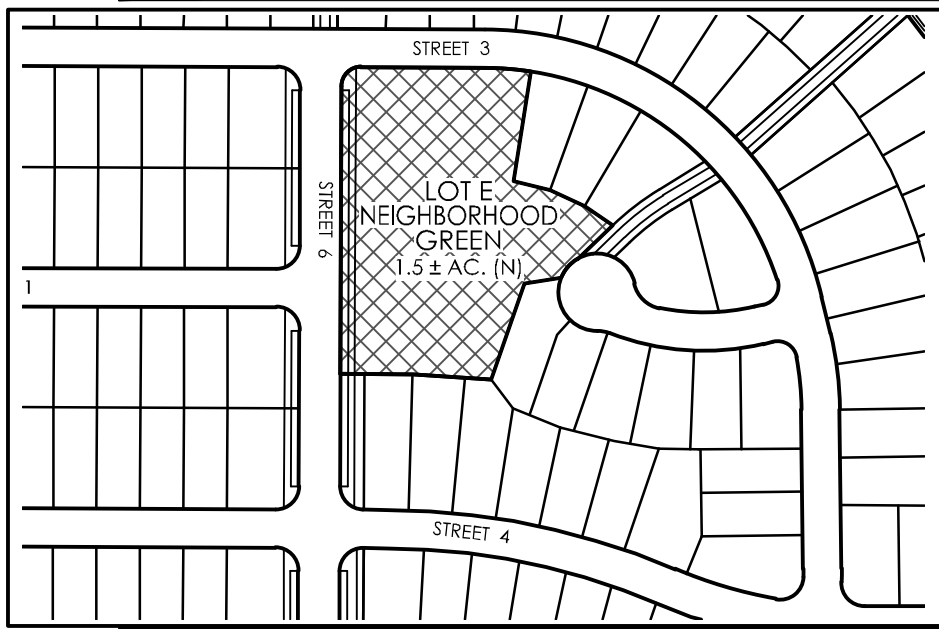
CITY OF RANCHO CORDOVA, CALIFORNIA



TO BE DEDICATED TO THE CORDOVA RECREATION & PARK DISTRICT



TEMPORARY UNDERCROSSING RESERVATION (CITY TO PROVIDE WRITTEN NOTICE OF INTENT TO DEVELOPER PRIOR TO BE ISSUANCE OF BUILDING PERMIT #250.)

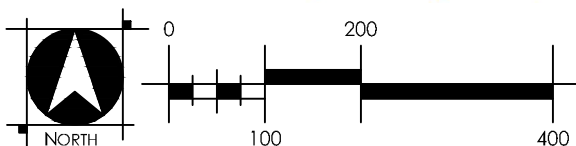


TO BE DEDICATED TO THE CITY OF RANCHO CORDOVA

FEBRUARY 23, 2015

PARK SUMMARY TABLE	DEDICATION REQUIREMENT	NET ACRES REQUIRED	NET ACRES PROVIDED	IN-LIEU FEE ACREAGE
COMMUNITY PARK DEDICATION (LOT B & T)	5 AC/1000 POPULATION (2.95 POP/HOUSEHOLD)	7.40	6.90	0.50
NEIGHBORHOOD GREEN	1 AC/1000 POPULATION (2.95 POP/HOUSEHOLD)	1.48	1.50	-0.02
TOTAL		8.89	8.40	0.49 Acres

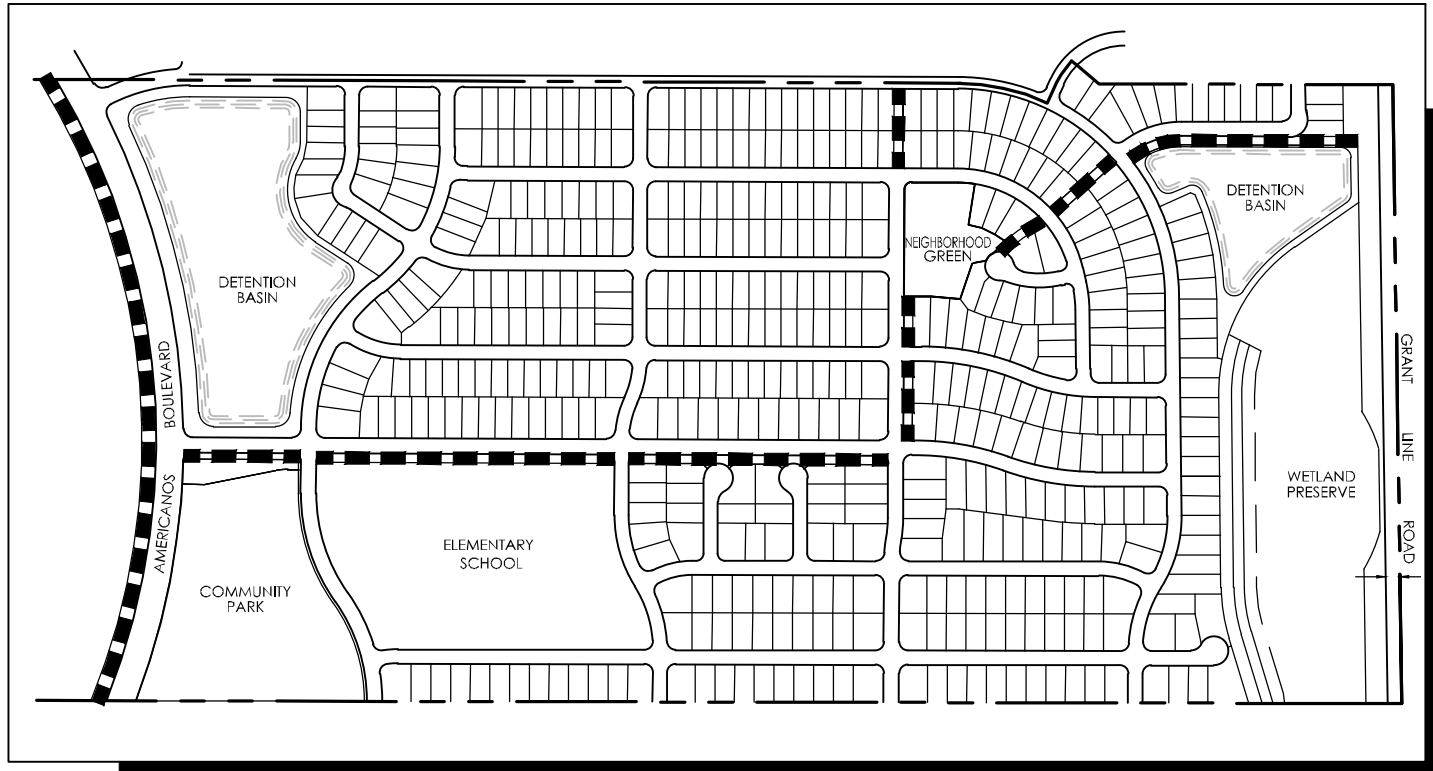
Note: Based on 502 DU. Net acreage of Community Park dedication is calculated to back of curb along Americanos Blvd and to back of walk along all other adjacent residential streets and excludes Lot S (Pedestrian Paseo).



WOOD RODGERS
 DEVELOPING INNOVATIVE DESIGN SOLUTIONS
 3301 D STREET, BLDG. 100-B, SACRAMENTO, CA 95816
 PHONE: (916) 341-7760 FAX: (916) 341-7761

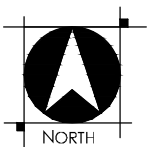
AGENDA ITEM 14.1

FIGURE 2
 LANDSCAPE/PEDESTRIAN PASEO LOT
 DEDICATION EXHIBIT
GRANTLINE 208
 CITY OF RANCHO CORDOVA, CALIFORNIA



LANDSCAPE/PEDESTRIAN PASEO LOTS TO BE DEDICATED TO THE
 CITY OF RANCHO CORDOVA

NOT TO SCALE



ATTACHMENT 2

CITY OF RANCHO CORDOVA

RESOLUTION 24-2015

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
APPROVING A LARGE LOT TENTATIVE SUBDIVISIONS MAP AND A SMALL LOT
TENTATIVE SUBDIVISION MAP FOR GRANT LINE 208 – PROJECT NO. DD8437**

WHEREAS, the Grant Line 208 Project is part of the Sunrise Douglas Community Plan (“SDCP”) and Sunridge Specific Plan (“SRSP”) approved by the County of Sacramento (“County”) in July 2002. The County certified an environmental impact report (“EIR”) for the SDCP and SRSP in July 2002 (State Clearinghouse Number 97022055) (“SDCP/SRSP EIR”) prepared in accordance with the California Environmental Quality Act (“CEQA”). On November 7, 2011, the City certified a Court-Ordered Partially Revised Draft Environmental Impact Report (Revised DEIR) to the SDCP/SRSP EIR addressing long-term water supply plan and other water supply related issues (State Clearinghouse Number 97022055); and

WHEREAS, the City Council originally approved a General Plan Amendment, Specific Plan Amendment, Rezone, Development Agreement, and Tentative Subdivision Map for the Grant Line 208 Project in February and March 2006 as part of its approval for the Sunridge East Projects (“Existing Project”). The City adopted a Mitigated Negative Declaration as the CEQA environmental review for these approvals (“Sunridge East MND”) which relied upon the SDCP/SRSP EIR that was incorporated by reference into the Sunridge East MND; and

WHEREAS, on April 19, 2006, the City Council approved an Addendum pursuant to CEQA (“2006 Addendum”) to the SDCP/SRSP EIR that analyzed the impact of revisions to Mitigation Measures in the Master Mitigation Monitoring and Reporting Program for the SDCP/SRSP EIR (“MMRP”) relating to phasing of certain transportation improvements (City Council Resolution No. 31-2006). The mitigation measures establish limits on the total number of residential dwelling units that are allowed to be recorded in final maps until construction commences on certain transportation improvements (the “Transportation Improvements Thresholds”). Mitigation Measure 37a is part of the Transportation Improvements Thresholds (“Mitigation Measure 37a”). The City Council approved amendments to the Transportation Improvement Thresholds as set forth in City Council Resolution No. 31-2006 and City Council Resolution No. 103-2013. Those Transportation Improvement Thresholds remain applicable to the Grant Line 208 Project; and

WHEREAS, the 2006 Addendum found that the amendments to the Transportation Improvements Thresholds would not create a new or substantially more severe significant environmental impact than those previously identified in the SDCP/SRSP EIR. Therefore, no supplement to the SDCP/SRSP EIR and no further environmental review was required under CEQA; and

WHEREAS, the City adopted its General Plan and certified the General Plan EIR in June 2006 which included the SRSP and the Existing Project; and

WHEREAS, in October 2013, AKT Investments, Inc (hereinafter referred to as Applicant) filed an application with the City of Rancho Cordova for a Rezone, Development

ATTACHMENT 2

Agreement Amendment, Large Lot Tentative Subdivision Map, and a Small Lot Tentative Subdivision Map for the existing Grant Line 208 Project (collectively, "Project"); and

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

WHEREAS, the 502 residential lots authorized under the Project Tentative Subdivision Map would result in about 8,217 entitled residential lots in the SRSP area. Since this number of lots would exceed the 6,500 lot threshold in Mitigation Measure 37a, the City contracted with DKS Associates to perform a traffic analysis to determine if the approval of the lots under the Project maps would result in unacceptable traffic conditions. Mitigation Measure 37a allows the City Council to approve the development of units in excess of 6,500 if no unacceptable traffic conditions would result. The results of the DKS traffic analysis are set forth in the Technical Memorandum on the Traffic Analysis for East Douglas Development Projects by DKS Associates dated July 30, 2014 ("DKS Memo"); and

WHEREAS, the DKS Memo identifies the traffic improvements needed to address the impacts of full build-out of the Sunridge Specific Plan, including Grant Line 208, which would equal about 8,217 units. The DKS Memo identifies 4 improvements needed to be constructed so that full buildout would not result in unacceptable traffic conditions without the completion of the construction of all of the improvements listed in Mitigation Measure 37a prior to the traffic generated by the development of the lots; and

WHEREAS, the Project developer has agreed in the proposed amendment to the Development Agreement to pay a supplemental traffic impact fee which will be used to fund the four traffic improvements identified in the DKS Memo ((1) Grant Line Road and Douglas Road intersection; (2) Sunrise Boulevard and Douglas Road intersection; (3) Sunrise Boulevard segment from Kiefer Boulevard to Jackson Road); and (4) Douglas Road segment from Rancho Cordova Parkway to Americanos Boulevard, as well as the traffic improvements identified in Mitigation Measure 37a; and

WHEREAS, the City prepared an Addendum to analyze whether supplemental environmental review to the SDCP/SRSP EIR, Sunridge East MND, the 2006 Addendum and General Plan EIR were required for the Project under CEQA ("2015 Addendum"). The analysis in the 2015 Addendum shows that none of the standards under CEQA for preparation of subsequent or supplement environmental review (either a Negative Declaration or EIR) have occurred or are met for the Project. The Project impacts are identified in the SDCP/SRSP EIR, Sunridge East MND and 2006 Addendum and no further environmental review is required under CEQA; and

WHEREAS, the Large Lot Tentative Subdivision Map and Small Lot Tentative Subdivision Map have been reviewed by all interested parties and been conditioned to ensure compliance with all applicable standards; and

WHEREAS, the City Council considered the requests at a duly noticed public hearing on March 2, 2015 and received a staff report and public testimony at the public hearing; and

ATTACHMENT 2

WHEREAS, the City Council considered the 2015 Addendum and the SDCP/SRSP EIR, Sunridge East MND, the 2006 Addendum and General Plan EIR prior to approving the Project.

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

1. California Environmental Quality Act (CEQA)

Finding: None of the standards under CEQA for preparation of subsequent or supplement environmental review (either a Negative Declaration or EIR) have occurred or are met for the Project. The Project impacts are identified in the SDCP/SRSP EIR, Sunridge East MND, 2006 Addendum and General Plan EIR and no further environmental review is required under CEQA.

Evidence: These findings constitute a summary of the information contained in the entire record relating to the Project. The detailed facts to support the findings are set forth in the 2015 Addendum, including the DKS Memo, and elsewhere in the record. Other facts and information in the record that support each finding that are not included below are incorporated herein by reference.

- A. The Project involves modifications to the Existing Project analyzed in the SDCP/SRSP EIR, Sunridge East MND, 2006 Addendum and General Plan EIR, which are collectively referred to herein as "Approved CEQA Documents". Pursuant to CEQA, the City analyzed whether the changes to the Existing Project or other circumstances met the CEQA requirements for preparing supplemental environmental review (Public Resources Code Section 21165 or CEQA Guidelines Sections 15162 or 15163).
- B. The modifications to the Existing Project include rezone of 2.5 acres of residential land to open space for long term wetland preservation, reduction in overall residential units from 724 to 502, and reduction of overall parks and open space obligations consistent with the City's current standards. These proposed modifications to the Existing Project are collectively referred to herein as "Project Modifications".
- C. These Project Modifications do not trigger any of the standards for the preparation of supplemental environmental review under Public Resources Code Section 21165 or CEQA Guidelines Sections 15162 or 15163.
- D. The Project Modifications do not constitute substantial changes to the Existing Project that will require major revisions to the approved CEQA documents due to new significant environmental effects or a substantial increase in severity of previously identified significant effects. The Project Modifications do not constitute substantial changes to the Existing Project. The Project Modifications will reduce the overall number of units and park acres developed within the Grant Line 208 project site while increasing the number of acres dedicated to wetland preservation.
- E. The Project Modifications will not result in new or substantially more severe significant impacts that were not identified in the Approved CEQA Documents.

ATTACHMENT 2

As set forth in the 2015 Addendum, the Project Modifications would have similar or lesser impacts than those identified in the Approved CEQA Documents. This is primarily due to the fact that the Project will result in overall reduction in traffic generation due to the decreased units and will add acres for wetland preservation that were not identified in the original project.

- F. The City is not aware of any new information of substantial importance or substantial changes in circumstances that would result in new or substantially more severe impacts or meet any other standards in Sections 21165 or CEQA Guidelines Sections 15162 or 15163. The impacts of development of urban uses within the City limits and Planning Area were analyzed in the General Plan EIR. There have been no major amendments to the City General Plan that significantly change projected development in the City under the City's 2006 General Plan which included the SRSP and the Existing Project. Furthermore, due to the recession, development is proceeding slower than was projected under the Approved CEQA Documents.

Finding: An exception from the requirements of Mitigation Measure 37a is approved for the Project as authorized under the MMRP.

Evidence: Mitigation Measure 37a allows the City to approve lots for residential units in the SRSP area in excess of 6,500 without the completion of construction of all of the improvements listed in the Mitigation Measure prior to the traffic generated by the development of the lots, if a traffic analysis showed that the traffic generated would not result in unacceptable conditions.

Based on the evidence in the DKS Memo and elsewhere in the record, the traffic generated by the buildout of lots in the SRSP area (approximately 8,217 lots, including the Grant Line 208 development) would not result in unacceptable traffic conditions without the completion of construction of all of the improvements listed in the Mitigation Measure prior to the traffic generated by the development of the lots if four identified traffic improvements are constructed. The Project developer has agreed in the proposed amendment to the Development Agreement to pay a supplemental traffic impact fee which will be used to fund the four traffic improvements identified in the DKS Memo ((1) Grant Line Road and Douglas Road intersection; (2) Sunrise Boulevard and Douglas Road intersection; (3) Sunrise Boulevard segment from Kiefer Boulevard to Jackson Road); and (4) Douglas Road segment from Rancho Cordova Parkway to Americanos Boulevard as well as the traffic improvements identified in Mitigation Measure 37a.

2. The Large Lot and Small Lot Tentative Subdivision Maps (**Exhibits 2A and 2B respectively**) will modify the original plan adopted in 2006, wherein the new plan includes 502 single family dwelling lots, a reduction of 222 lots less than the original approval of 724, subject to the Conditions of Approval (**Exhibit 2C**) for the Grant Line 208 Project.

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

1. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.

ATTACHMENT 2

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

Evidence: The above Findings #1 through #6 do not apply to the proposed Tentative Subdivision Map, for the following reasons:

1. The proposed Map is consistent with the density limits as specified in the vested Land Use Policy Plan of the General Plan. The new plan is less impacting than the original Land Plan, due to the reduction of 222 lots for a new total of 502 lots.
2. The proposed Project is providing its park and open space obligations through dedication of 6.9 acres for parks and 1.5 acres of City open space lands, with public greenways linking the parks. Payment of in lieu fees for a shortage of 0.49 acres for the current park obligation will be made prior to Final Map.
3. The design or improvements of the proposed subdivision is consistent with the goals of the Rancho Cordova General Plan. The Project is consistent with the adopted design guidelines for subdivision design that promotes internal pedestrian connectivity using greenways and trails, and providing a street system that interconnects with the other projects in the area.
4. The site is physically suitable for the proposed development. The Applicant is proposing to reduce the original project lots from 724 to 502. The Project can be served by all necessary services, and has provided documentation to meet the requirements of Government Code Section 66473.7.
5. The site is physically suitable for the proposed density of development. The Grant Line 208 Project, as amended, would still provide suitable area for future housing products that was originally conceived in the planning area. A reduction of approximately 30% of the original project is being changed by this action.
6. The design of the subdivision and improvements are not likely to cause substantial environmental damage, injure fish and wildlife or cause serious health problems. The Addendum analyzed the impacts of the Project. Mitigation Measures are imposed on the Project under the MMRP and the Project is subject to the policies in the City General Plan to reduce and mitigate environmental impacts. Based on the foregoing, the subdivision

ATTACHMENT 2

and improvements are not likely to cause substantial environmental damage, injure fish and wildlife or cause serious health problems.

7. No conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision, have been identified.

NOW THEREFORE BE IT FURTHER RESOLVED, that the City Council of the City of Rancho Cordova hereby:

Approves the Large Lot Tentative Subdivision Map and Small Lot Tentative Subdivision Map set forth in **Exhibits 2A and 2B** attached hereto, with Conditions of Approval as set forth in **Exhibit 2C**, and Phasing Plan as set forth in **Exhibit 2D**, attached hereto, for the Grant Line 208 Project.

EFFECTIVE DATE: This Resolution shall take effect upon the effective date of Ordinance No. 2-2015 rezoning a portion of the new Grant Line 208 Project and amending the original Development Agreement for the Grant Line 208 Project.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on this ____ day of _____, 2015.

AYES:

NOES:

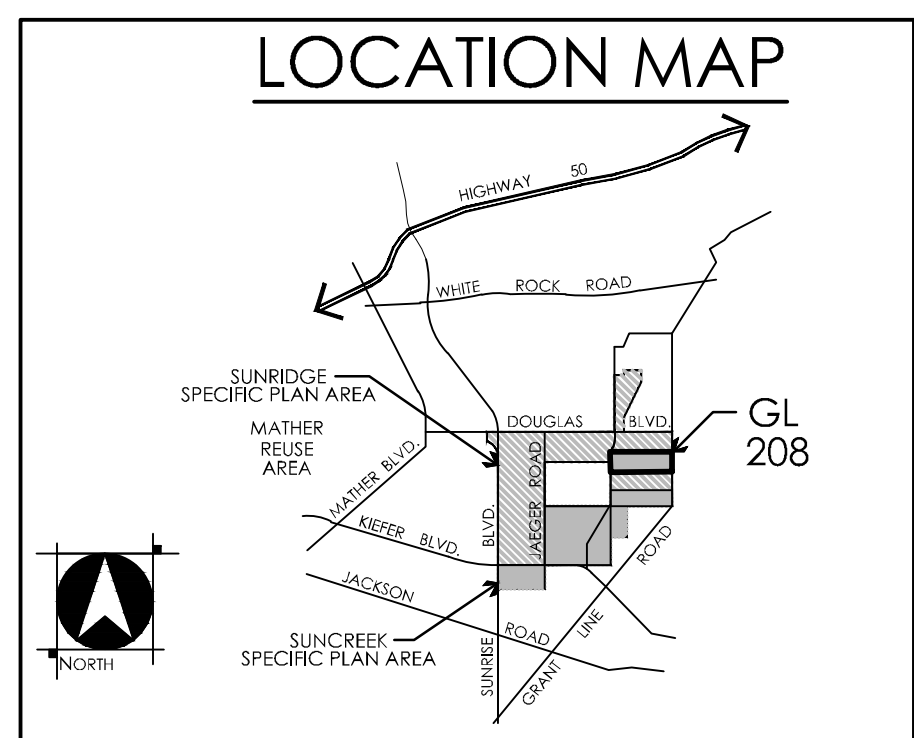
ABSENT:

ABSTAIN:

Robert J. McGarvey, Mayor

ATTEST:

Mindy Cuppy, MMC, City Clerk



LARGE LOT TENTATIVE SUBDIVISION MAP

GRANTLINE 208

CITY OF RANCHO CORDOVA, CALIFORNIA

FEBRUARY 4, 2015

PROJECT NOTES

OWNER/APPLICANT

GRANTLINE INVESTORS, LLC
c/o RIVER WEST INVESTMENTS, INC.
3001 I STREET, SUITE 130
CONTACT: ANGELO CHRISTIE
PHONE: (916) 383-2500

PLANNER/ENGINEER/SURVEYOR

WOOD RODGER'S INC.
3301 'C' STREET, BLDG. 100B
SACRAMENTO, CA 95816
CONTACT: STAN METTE/JOHN HODGSON PE #49187
PHONE: (916) 341-7760

ASSESSOR'S PARCEL NUMBER

067-0040-023, 024 & 025

AREA

210.6± ACRES

EXISTING/PROPOSED GENERAL PLAN

LDR

EXISTING/PROPOSED ZONING

RD-5, RD-7, RD-10, O

NUMBER OF LARGE LOTS

16 LARGE LOTS

PUBLIC SERVICES & FACILITY PROVIDERS

IMPROVEMENTS:	COUNTY OF SACRAMENTO
WATER:	COUNTY OF SACRAMENTO
SEWER:	SACRAMENTO COUNTY SANITATION DISTRICT #1
DRAINAGE:	COUNTY OF SACRAMENTO
ELECTRICITY:	S.M.U.D.
GAS:	PACIFIC GAS & ELECTRIC
TELEPHONE:	SBC
SCHOOL DISTRICT:	ELK GROVE UNIFIED SCHOOL DISTRICT
FIRE DISTRICT:	SACRAMENTO METRO FIRE DISTRICT
PARK DISTRICT:	CORDOVA RECREATION & PARK DISTRICT

NOTE:

- SUBDIVIDER(S) RESERVES THE RIGHT TO FILE MULTIPLE FINAL MAPS PURSUANT TO SECTION 66456.1 OF THE SUBDIVISION MAP ACT.
- THIS IS AN APPLICATION FOR A DEVELOPMENT PERMIT.
- A PUBLIC UTILITY EASEMENT WILL BE LOCATED ADJACENT TO ALL RIGHTS OF WAY AS SHOWN OR AS APPROVED BY THE CITY ENGINEER.
- LARGE LOT NUMBERING IS FOR IDENTIFICATION PURPOSES ONLY AND DOES NOT INDICATE PHASING OF DEVELOPMENT. ULTIMATE DEVELOPMENT PHASING SHALL BE ORDERLY AND WILL BE DETERMINED AT FINAL MAP AND/OR IMPROVEMENT PLAN STAGE.
- AERIAL TOPOGRAPHY SHOWN HEREON WAS FLOWN IN DECEMBER 2003
- THIS EXHIBIT IS FOR TENTATIVE MAP PURPOSES ONLY. ALL SITE CHARACTERISTICS TO BE VERIFIED PRIOR TO FINAL MAP.
- LOT 11 ACCESS TO BE PROVIDED ACROSS LOT 16 AT A LOCATION TO BE DETERMINED.

LAND USE SUMMARY

VILLAGE NO.	ZONING DESIGNATION	LAND USE	GROSS ACRES±
1	RD-10	SINGLE FAMILY	10.8
2	RD-10	SINGLE FAMILY	14.5
3	RD-10	SINGLE FAMILY	14.5
4	RD-5	SINGLE FAMILY	18.6
5	RD-7	SINGLE FAMILY	16.3
6	RD-10	SINGLE FAMILY	9.9
7	RD-5	ELEMENTARY SCHOOL	11.6
8	RD-5	COMMUNITY PARK	9.0
9	RD-10	DETENTION BASIN	12.6
10	O	LANDSCAPE LOT	0.3
11	O	WETLAND PRESERVE	68.0
12	O	NEIGHBORHOOD GREEN	1.8
13	RD-10	DETENTION BASIN	3.8
14	O	GRANT LINE PARKWAY	3.7
15	O	WETLAND PRESERVE	11.5
16	O	LANDSCAPE LOT	1.7
TOTAL			210.6

SACTO N.Y. CONSERVANCY
JANUARY 2015
067-0040-013
K. HOUNANIAN AT
JANUARY 2015
067-0040-008

AGENDA ITEM 14.1

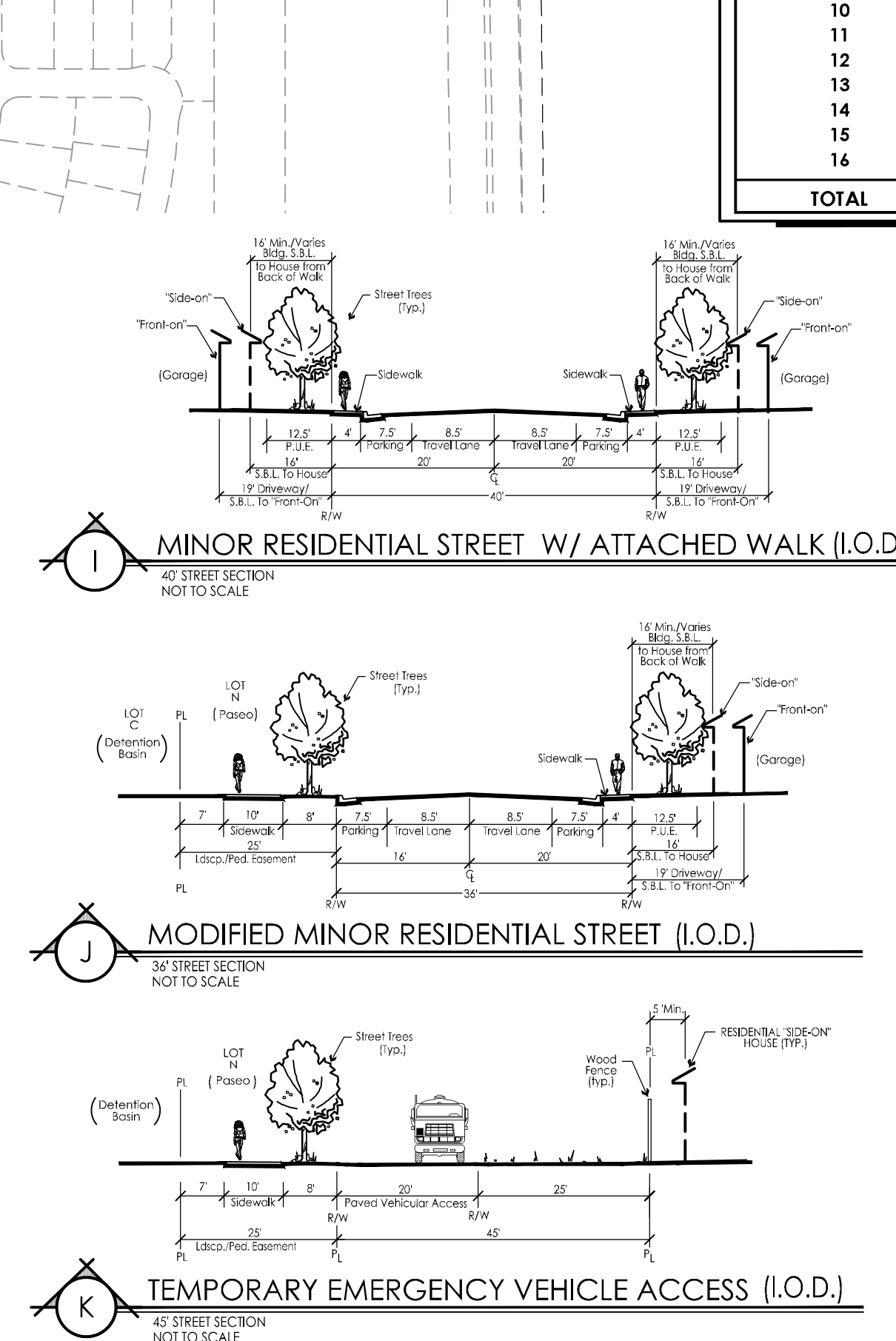
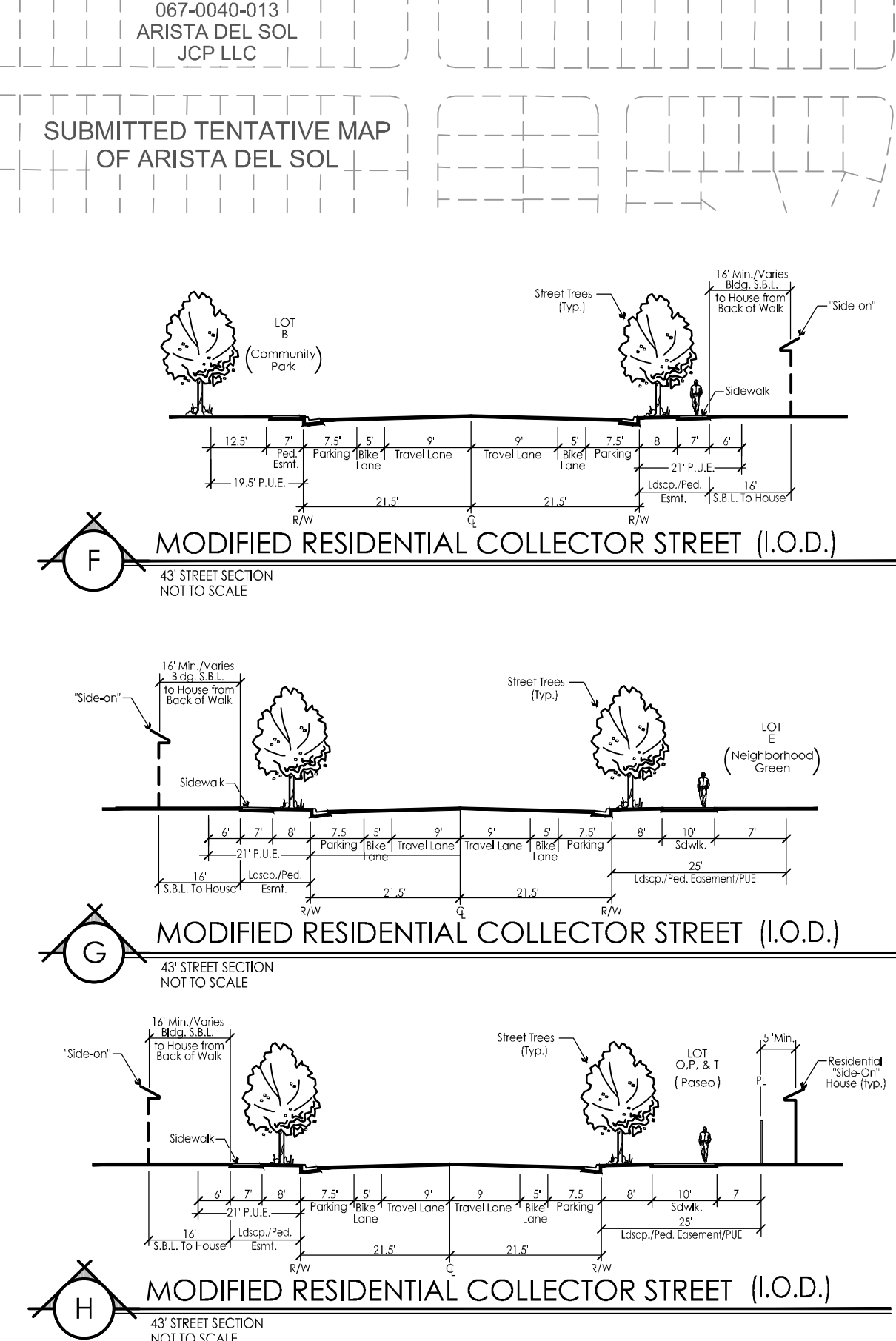
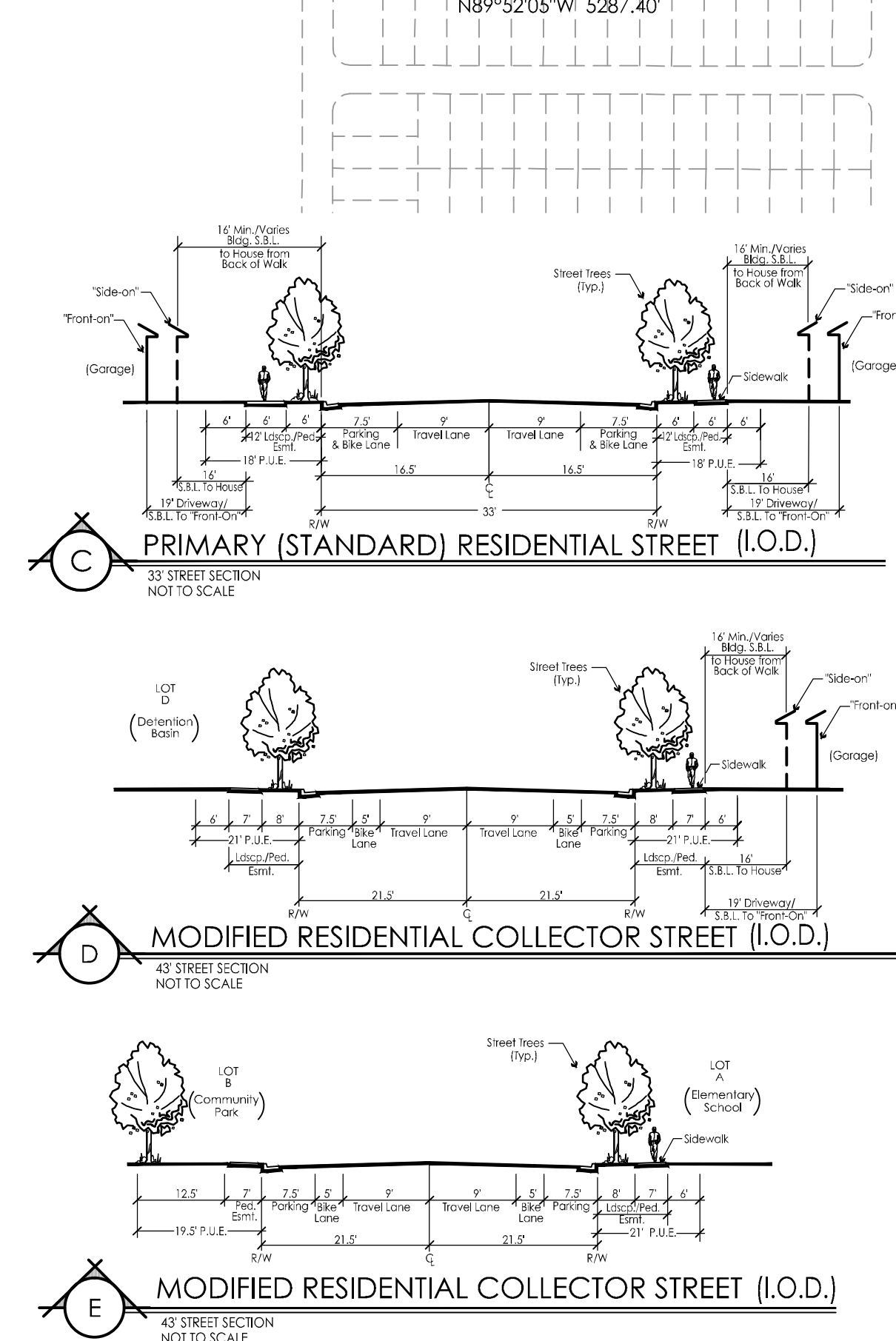
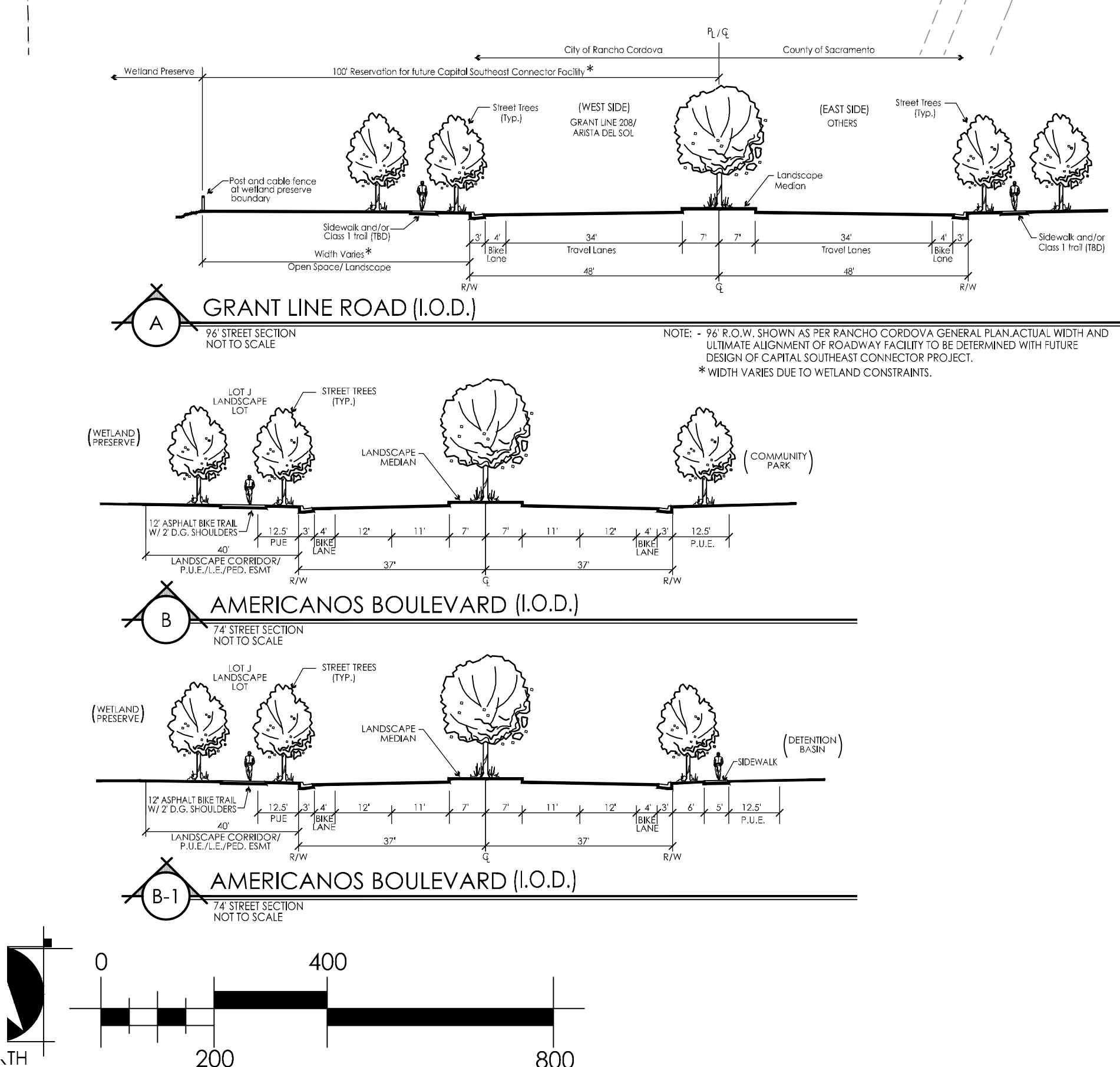


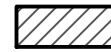
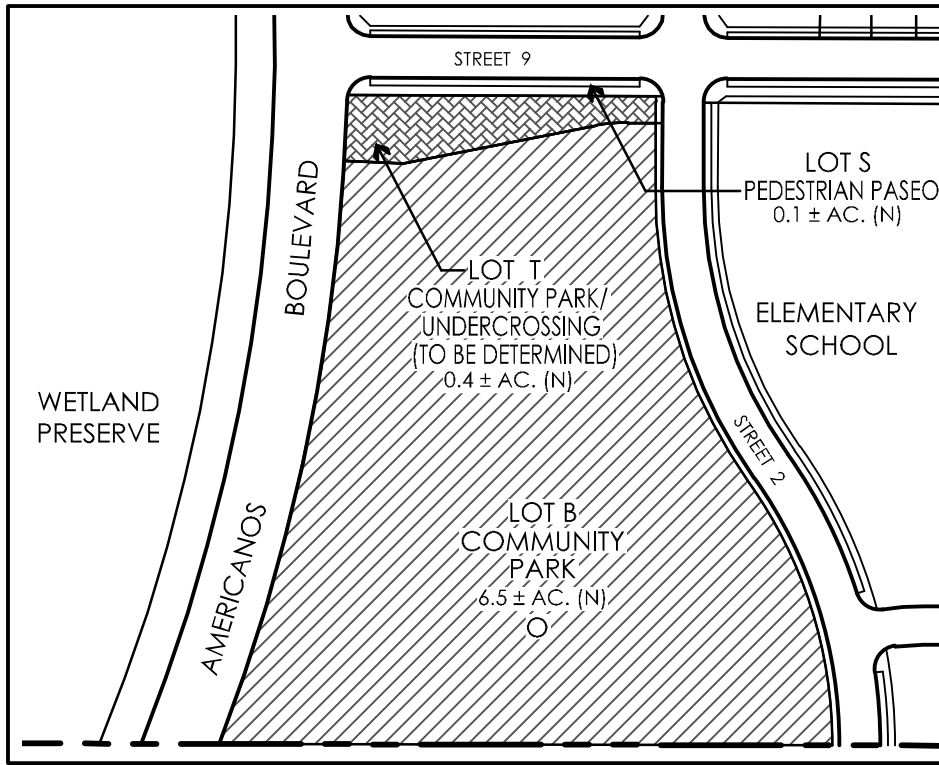
FIGURE 1

EXHIBIT 2B

PARKLAND/OPEN SPACE DEDICATION & MAINTENANCE EXHIBIT

GRANTLINE 208

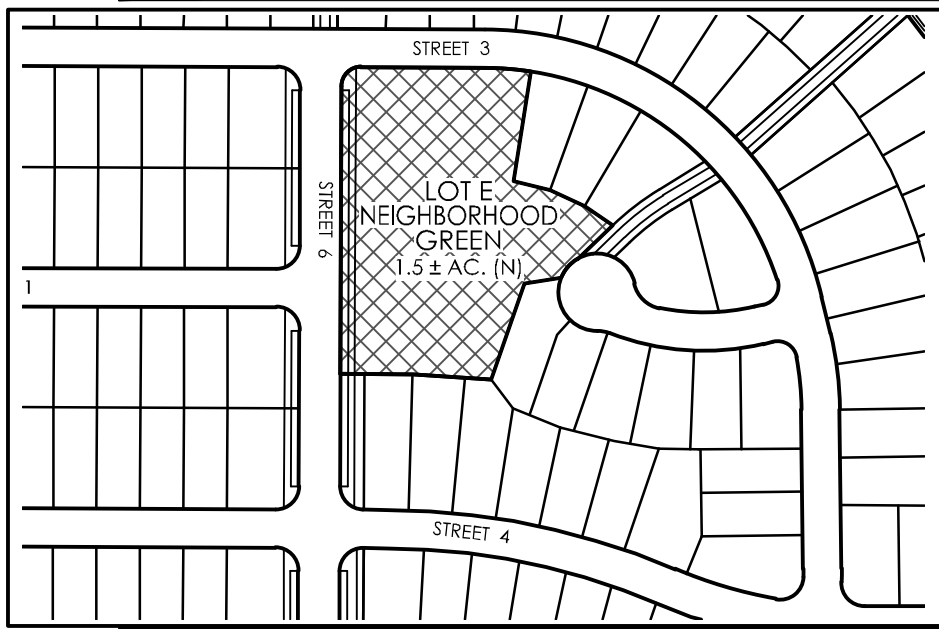
CITY OF RANCHO CORDOVA, CALIFORNIA



TO BE DEDICATED TO THE CORDOVA RECREATION & PARK DISTRICT



TEMPORARY UNDERCROSSING RESERVATION (CITY TO PROVIDE WRITTEN NOTICE OF INTENT TO DEVELOPER PRIOR TO BE ISSUANCE OF BUILDING PERMIT #250.)

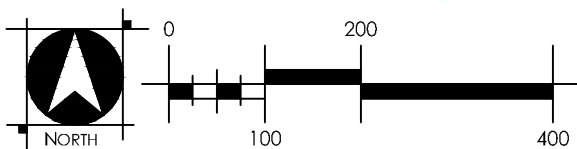


TO BE DEDICATED TO THE CITY OF RANCHO CORDOVA

FEBRUARY 23, 2015

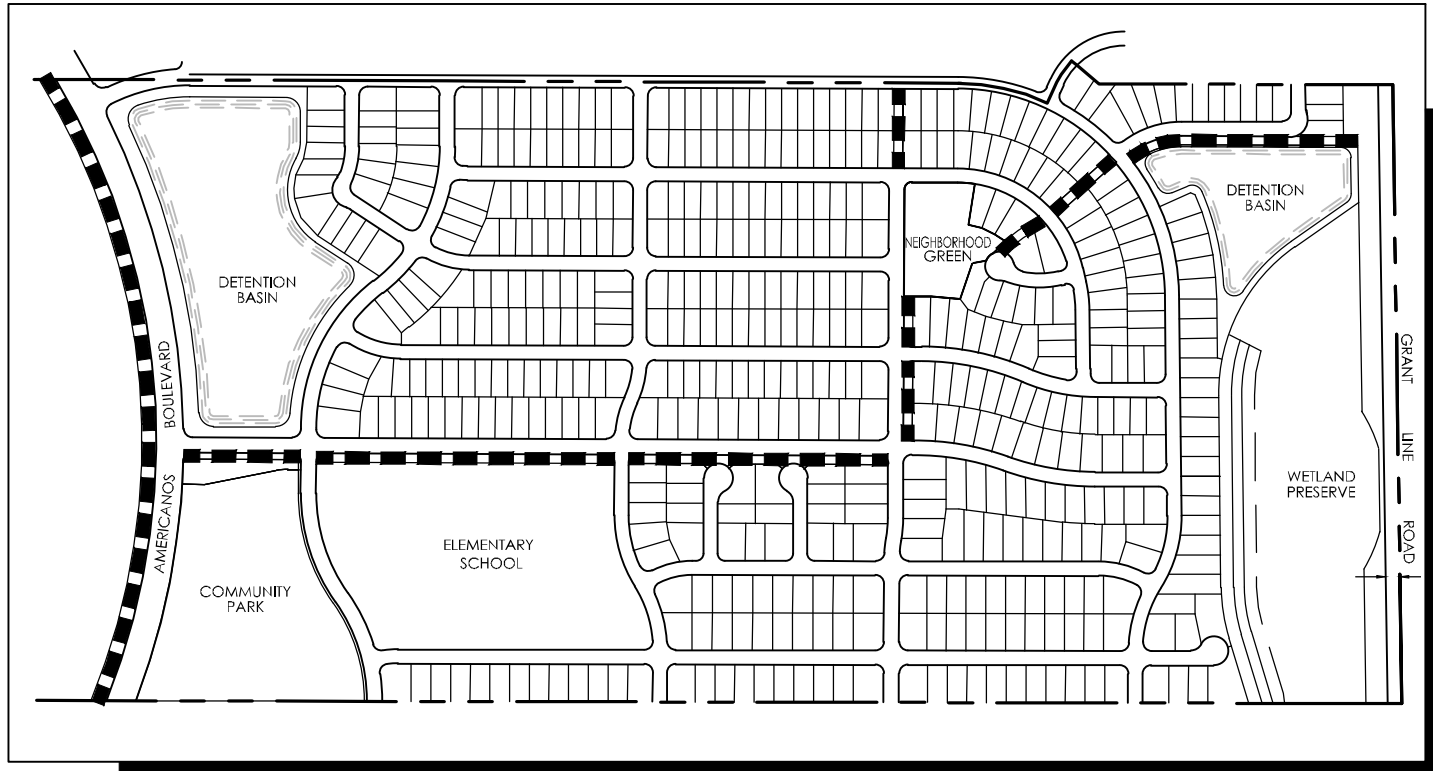
PARK SUMMARY TABLE	DEDICATION REQUIREMENT	NET ACRES REQUIRED	NET ACRES PROVIDED	IN-LIEU FEE ACREAGE
COMMUNITY PARK DEDICATION (LOT B & T)	5 AC/1000 POPULATION (2.95 POP/HOUSEHOLD)	7.40	6.90	0.50
NEIGHBORHOOD GREEN	1 AC/1000 POPULATION (2.95 POP/HOUSEHOLD)	1.48	1.50	-0.02
TOTAL		8.89	8.40	0.49 Acres

Note: Based on 502 DU. Net acreage of Community Park dedication is calculated to back of curb along Americanos Blvd and to back of walk along all other adjacent residential streets and excludes Lot S (Pedestrian Paseo).



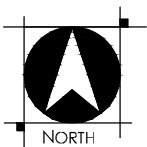
WOOD RODGERS
 DEVELOPING INNOVATIVE DESIGN SOLUTIONS
 3301 D STREET, BLDG. 100-B, SACRAMENTO, CA 95816
 PHONE: (916) 341-7760 FAX: (916) 341-7761
AGENDA ITEM 14.1

FIGURE 2
 LANDSCAPE/PEDESTRIAN PASEO LOT
 DEDICATION EXHIBIT
GRANTLINE 208
 CITY OF RANCHO CORDOVA, CALIFORNIA



LANDSCAPE/PEDESTRIAN PASEO LOTS TO BE DEDICATED TO THE
 CITY OF RANCHO CORDOVA

NOT TO SCALE



Conditions of Approval and MMRP

EXHIBIT 2C

	<u>Timing/ Implementation</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
1.	The project approval is for a Rezone, Development Agreement Amendment, a Large Lot Tentative Subdivision Map and a Small Lot Tentative Subdivision Map for 502 lots in the RD-5, 7 and 10 residential designations. An 11 acre elementary school site is provided in the southwestern portion of the project site. Additionally, a 6.9 acre portion of the Community Park is provided, along with a 1.5 acre Neighborhood Green. The project also includes 79 acres of wetland preserve. Based in part on traffic analyses completed during this application, the zoning conditions and mitigation measures applicable to the Sunridge Specific Plan for offsite traffic improvements tied to a traffic threshold cap will be satisfied through the payment of the Supplemental Traffic Fee as described in the Amended Development Agreement.	On-Going.	Planning	
2.	The Tentative Subdivision Map approval is valid for three years from the date of City Council approval, unless an extension of time is subsequently approved per Government Code Section 66452.6(e), or unless extended by the terms of the Development Agreement.	Three years, commencing with the date of approval.	Planning	
3.	Applicant/Developer shall hold harmless the City, its Council Members, its officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant/Developer further agrees to provide a defense for the City in any such action.	On-Going.	Planning	

Conditions of Approval and MMRP

EXHIBIT 2C

	<u>Timing/ Implementation</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification</u> (date and Signature)
4.	Applicant/Developer shall not carry a negative account balance with the City for the processing of the project. If a negative account balance occurs, it will be the developer's responsibility to pay the balance due, in order to avoid delays in the processing of future permits or recordation of maps. Please email the Finance Department at billings@cityofranchocordova.org for the status of your account with the City.	On-Going	Finance	
5.	The applicant shall comply with all the mitigation measures included in the Mitigated Negative Declaration dated August, 2005, and pay the costs of any technical consultant services incurred during implementation of the MMRP.	On-Going.	Planning	
6.	This action does not relieve the applicant/developer of the obligation to comply with all ordinances, statutes, regulations, and procedures.	On-Going	Planning	
7.	Repair all damage to existing road system attributed to the construction of the project, as determined by the Public Works Director.	On-Going	Public Works	
8.	Applicant/Developer shall submit payment as needed for Plan Review/ Plan Check Fees required by the Cordova Recreation and Parks District (CRPD).	On-Going	CRPD	
9.	Applicant and successors in interest thereof, shall be responsible for repair and/or replacement of all non-asphalt and/or enhanced surface treatments of streets and drives (such as stamped/colored/decorative concrete, concrete pavers, etc) within SASD easements on private property damaged by SASD maintenance and repair operations, including landscaping, channelizations, lighting, fountain area, sidewalk, and any other appurtenances conflicting therein. This requirement shall be set	On-Going	SASD	

Conditions of Approval and MMRP

EXHIBIT 2C

	<u>Timing/ Implementation</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification</u> (date and Signature)
	forth in easement grant documents and be a covenant running with the land, be a responsibility of successors in interest in future land transfers, and divisions, and by language approved by SASD. SASD will only replace asphalt and standard concrete roadway/driveway disturbed due to maintenance/repair of its sewer line. If disturbed surfacing consists of decorative or stamped concrete, SASD will only replace with standard concrete.			
	Prior to Grading or Improvement Plan Approval.			
10.	Applicant shall record the Conditions of Approval/Mitigation Monitoring Report Program and pay recordation fees to the County Recorder's Office.	Prior to issuance of Improvement Plans, grading permit, or recordation of any map.	Planning	
11.	Connection to the SASD sewer system shall be required to the satisfaction of SASD. SASD Design Standards apply to any on-site and off-site sewer construction.	Prior to Issuance of Improvement Plans	SASD	
12.	Each parcel with a sewage source shall have a separate connection to the SASD public sewer system. If there is more than one building in any single parcel and the parcel is not proposed for split, then each building on that parcel shall have a separate connection to a private on-site sewer line or SASD public sewer line.	Prior to Issuance of Improvement Plans	SASD	
13.	In order to obtain sewer service for this project, construction of onsite and offsite sewer infrastructure will be required. Sewer infrastructure shall be constructed as per the approved sewer study.	Prior to Issuance of Improvement Plans	SASD	

Conditions of Approval and MMRP

EXHIBIT 2C

	<u>Timing/ Implementation</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification</u> (date and Signature)
14.	SASD shall require an amendment to the already approved Subdivision Level (Level 3) sewer study prior to recordation of Final Map or submittal of Improvement Plans for plan check to SASD, whichever comes first. The amended study shall demonstrate the quantity of discharge and any "flow through sewage" along with appropriate pipe sizes and related appurtenances from this subject project and other upstream areas and shall be done in accordance with the SASD's most recent "Minimum Sewer Study Requirements". The study shall be done on a no "Shed-shift" basis unless approved by SASD in advance and in compliance with the SASD Design Standards.	Prior to issuance of Improvement Plans or Final Map, whichever comes first	SASD	
15.	Traffic control devices shall be designed where needed to the satisfaction of the City Engineer. Traffic control locations will be determined at time of improvement plan submittal.	Prior to Improvement Plans	Public Works	
16.	Provide drainage easements to the City of Rancho Cordova, install facilities pursuant to the Rancho Cordova Floodplain Management Ordinance, Sacramento County Water Agency Code (SCWA), and City of Rancho Cordova Improvement Standards, and pay any fee required by the SCWA Code. Final geometry and alignments of drainage facilities will be finalized based on subsequent analysis and engineering performed by the applicant to the satisfaction of the City of Rancho Cordova. Any SCWA funding is contingent upon a need by SCWA, pursuant to Title 2 of the SCWA Code. All drainage studies are subject to alternative analyses.	Prior to issuance of Improvement Plans	Public Works	
17.	Minimum pad/floor elevations shall be required pursuant to the Sacramento County and City of Rancho Cordova Floodplain Management Ordinance.	Prior to issuance of Improvement Plans	Public Works	

	<u>Timing/ Implementation</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
18.	Applicant shall prepare improvement plans and construct or bond for the dedicated landscape corridors, trails and other open space facilities, according to the approved tentative map, and to the satisfaction of the City Engineer. The following specifications shall be applied to trails in the project: § Trails must be located above the 10-year flood plain. § Open fencing shall be required along all open space, drainage corridors and parkways, constructed in accordance with plans and specifications approved by the City of Rancho Cordova, unless otherwise specified in these conditions. § Open fencing will not be required adjacent to residential lots next to Lots L, M, O, P and Q. Wood fencing may be installed at these locations. § Provide a striped pedestrian crossing for the trail system when it crosses a public right-of-way. Developer shall install all required signage for the trail.	Prior to the issuance of Improvement Plans or final map for the phase in which the improvement(s) are located, whichever comes first.	Public Works/Planning	
19.	All Park Capital Improvement Plans and Specifications for parks and other areas to be owned and maintained by CRPD must be prepared by a licensed landscape architect with necessary sub-consultants mutually acceptable to CRPD and the Applicant/Developer. The responsible landscape architect in charge will be retained throughout the construction process to review the construction and attend construction meetings on a weekly basis.	Prior to the issuance of Improvement Plans for the phase in which the improvement(s) are located	CRPD	

Conditions of Approval and MMRP

EXHIBIT 2C

	<u>Timing/ Implementation</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification</u> (date and Signature)
20.	Applicant/Developer shall plan for adequate drainage facilities to the boundary of the park site at a depth sufficient to accept all drainage requirements for the improved park site. CRPD and the City of Rancho Cordova shall review and approve the public improvement plans for the street frontages and utilities adjacent to a park site prior to installation.	Prior to the issuance of Improvement Plans or Final Map	Public Works/CRPD	
21.	Provide utility stubs into the park site for electricity, water, drainage, and sewer on Improvement Plans. A natural gas stub shall be provided on large neighborhood park sites, community park sites, and where otherwise specified by CRPD. CRPD shall give written approval for all locations of utility service points of connection on all land to be dedicated or maintained by CRPD, prior to approval of infrastructure construction documents.	Prior to issuance of Improvement Plans for the phase in which the park is located	CRPD	
22.	Applicant/Developer shall rough grade the park site pursuant to the grading plans and specifications approved by the Public Works Department and CRPD. Park site shall be graded to drain. Rough grading to provide for uniformly graded site. At no time subsequent to the rough grading will the developer use the site for a staging area, a disposal site during construction or ANY soil stockpiling without the written approval of CRPD. All park sites shall be brought to a MINIMUM SOIL CONDITION prior to turnover to CRPD. This includes screening of all cobble, tilling of clay, and removal of all other deleterious material, bringing the site to a minimum acceptable condition prior to the actual soil preparation as follows:	Prior to final inspection of the rough grading plan	Public Works/CRPD	

	<u>Timing/ Implementation</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	1. The soil depth shall be a minimum 18” inches of fertile, friable topsoil. Topsoil shall be free from foreign materials, including oil, herbicides, or chemical substances. 2. The soil shall contain no more than 10% of cobble 2 inches or greater in diameter. This may be achieved either by screening or by importing of fill. 3. The topsoil shall be uniform in texture and possess the following characteristics: a. Reaction (pH) saturated paste6.0-7.6 b. Salinity (EC_edS/m) saturation exact<3.0 c. Sodium adsorption ratio (SAR)<6.0 d. Boron in saturation exact, ppm<1.0 TEXTURE Particle Size USDA Sieve Size Objective – % Passing Gravel 2.0 >95% Course sands 0.5 >75% Silt plus clay 0.05* <35% *Use Hydrometer method Verification for conformance with topsoil parameters shall be provided via a fertility, agricultural suitability and partial size soil test. All applicable costs and fees of grading and soil preparation shall be paid as provided in the Park Development Agreement.			

Conditions of Approval and MMRP

EXHIBIT 2C

	<u>Timing/ Implementation</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
23.	Potable water service will be provided by the Sacramento County Water Agency (SCWA). Provide separate public water service to each parcel or building. All water lines shall be located within a public right-of-way or within easements dedicated to SCWA. Easements shall be reviewed and approved by SCWA prior to Improvement Plan approval or Final Map approval.	Prior to Improvement Plans or Final Map, whichever comes first	SCWA	
24.	Destroy all abandoned wells on the proposed project site in accordance with the requirements of the Sacramento County Environmental Health Division. Clearly show all abandoned/destroyed wells on the improvement plans for the project. Prior to abandoning any existing agricultural wells, applicant shall use water from the agricultural wells for grading and construction.	Prior to the issuance of Improvement Plans/Abandonment shall be completed prior to Issuance of first Building Permit in phase where well is located	SCWA	
Prior to Recordation of a Final Maps				
25.	Complete and implement a master drainage study for the project, with approval from the Public Works Department.	Prior to recordation of the First Final Map for the project	Public Works	
26.	Grant Irrevocable Offer of Dedication for all streets to serve the Large Lots, to the satisfaction of the City Engineer.	Prior to recordation of Large Lot Map	Public Works	
27.	Dedicate the right-of-way for Grant Line Road and Americanos Boulevard, within the project boundary, pursuant to City of Rancho Cordova Improvement Standards.	Prior to recordation of Large Lot Map	Public Works	
28.	Property Owner/Applicant shall participate in or provide a funding mechanism for maintenance services for the fair share of existing and all new public improvements associated with the project	Prior to recordation of the First Final Map	Public Works	

Conditions of Approval and MMRP

EXHIBIT 2C

	<u>Timing/ Implementation</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification</u> (date and Signature)
	including, but not limited to, streets, bridges/culverts, traffic signals, traffic signs, striping and legends, ITS operations, street lights and safety lights, and public frontage and median landscape improvements. This may be accomplished through annexation to the City of Rancho Cordova's Communities Facilities District No. 2014-2 (Street, Lighting and Landscaping Maintenance), or other financial mechanism as may be proposed and provided by the Property Owner for the same purpose of providing a financial mechanism to fund the operation and maintenance of the project's public improvements. All costs associated with the annexation or other financial mechanism as may be proposed shall be borne by the Property Owner/Applicant.			
29.	Dedicate a standard 12.5-foot public utility easement, or smaller to the satisfaction of the Sacramento Municipal Utility District (SMUD), for underground facilities and appurtenances adjacent to all public street rights-of-way. Dry utilities shall be located to the satisfaction of SMUD, the other dry utility providers and the City of Rancho Cordova.	Prior to recordation of Large Lot Map and Small Lot Subdivision Maps	Public Works	
30.	Dedicate the right-of-way and drainage improvements on Grant Line Road.	Prior to recordation of Large Lot Map	Public Works	
31.	Dedicate the right of way for Grant Line Road and Americanos Boulevard within the project boundary, based on the designed width shown on the final map. Install or bond for public street improvements for Americanos Boulevard pursuant to City of Rancho Cordova Improvement Standards, to the satisfaction of the City Engineer. Developer shall install or bond for the "first phase" of Americanos	Prior to recordation of Large Lot Map	Public Works	

Conditions of Approval and MMRP

EXHIBIT 2C

	<u>Timing/ Implementation</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification</u> (date and Signature)
	Boulevard improvements as shown on the approved Phasing Plan cross sections.			
32.	Property Owner/Applicant shall participate in or provide a funding mechanism for maintenance services for the project's stormwater drainage and flood protection system. This may be accomplished through annexation to the City of Rancho Cordova's Stormwater Utility User Fee District, or other financial mechanism as may be proposed and provided by the Property Owner for the same purpose of providing a financial mechanism to fund the operation and maintenance of the projects stormwater drainage and flood protection system. All costs associated with the annexation or other financial mechanism as may be proposed shall be borne by the Property Owner/Applicant.	Prior to recordation of the first Final Map	Public Works	
33.	Sewer easements may be required. If required, all sewer easements shall be dedicated to SASD, in a form approved by the SASD District Engineer. All SASD sewer easements shall be at least 20 feet in width and ensure continuous access for installation and maintenance. SASD will provide maintenance only in public rights-of-way and in easements dedicated to SASD.	Prior to recordation of the Small lot Subdivision Map	SASD	
34.	Developing this property will require payment of sewer impact fees to both SASD and Sacramento Regional County Sanitation District (SRCSD), in accordance with each district's ordinances.	Prior to recordation of Small Lot Subdivision Map	SASD	
35.	All real property dedicated to CRPD for parks, or open space shall be zoned "O", and will otherwise be free and clear of any past or future taxes or assessments; any liens or encumbrances; and all easements will be disclosed on the tentative map. Any structures, walls, fences, wells or storage tanks must be removed in accordance with applicable laws and regulations prior to the	Prior to recordation of Small Lot Subdivision Map	CRPD	

Conditions of Approval and MMRP

EXHIBIT 2C

	<u>Timing/ Implementation</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	acceptance of any grant deeds or easements.			
36.	Owner/Applicant/Developer shall work with CRPD to provide a fair share funding mechanism for maintenance of all lands being dedicated to CRPD including Neighborhood Green, park landscaping, and other associated facilities. All costs associated with setting up the CFD or annexation shall be borne by the Property Owner/Applicant.	Prior to recordation of any Small Lot subdivision Map	CRPD	
37.	The Landowner shall enter into a Park Development Agreement (Park DA) with the Cordova Recreation and Park District. The Park DA shall address, among other things, the design and improvement of all parks within the Project, the Landowner's obligation to construct the neighborhood green as a "turnkey" project, the timing of park construction, and the credits and reimbursement to which Landowner shall be entitled in connection with the construction of such park improvements upon the Property. Landowner shall pay the costs of preparing the Park DA.	Prior to Recordation of Final Map	CRPD	
38.	Provide separate public water service to each parcel. All water lines shall be located within a public right-of-way or within easements dedicated to Sacramento County Water Agency (SCWA). Easements shall be reviewed and approved by SCWA prior to Improvement Plan approval or Final Map approval.	Prior to Improvement Plans or Final Map, whichever comes first	SCWA	
39.	Dedicate the Landscape Corridors, adjacent to Grant Line Road and Americanos Boulevard, as shown on the map, as public utility easements for overhead and underground facilities and appurtenances.	Prior to recordation of the Small Lot Subdivision map for the phase which contains the corridors.	SMUD	

Conditions of Approval and MMRP

EXHIBIT 2C

	<u>Timing/ Implementation</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification</u> (date and Signature)
40.	Dedicate to the City all the right-of-ways as shown on the Tentative Map and install or bond for public street improvements, consistent with the City adopted cross sections to the satisfaction of the City Engineer.	Prior to Recordation of the Subdivision Map	Public Works	
41.	Wetland Preserve Lots F & G shall have a maintenance entity established and financing plan in place in accordance with applicable wetland permits.	Prior to Recordation of the Small Lot Subdivision Map	Public Works/ Planning	
42.	Each final map shall show easements or other mapped provisions for the placement of centralized mail delivery units.	Prior to recordation of Subdivision Map for each phase	Public Works	
43.	Offsite drainage improvements and easements shall be provided pursuant to the Sacramento County Floodplain Management Ordinance, and the City of Rancho Cordova Improvement Standards.	Prior to recordation of each final Small Lot Subdivision Map	Public Works	
44.	Provide drainage easements and install or bond for facilities, including any fee, to the satisfaction of the City.	Prior to recordation of final Small Lot Subdivision Map where easements and/or facilities are located	Public Works	
45.	Dedicate land through an irrevocable deed of dedication or pay in lieu fees, or both for park purposes, as required and in accordance with the procedures and standards set forth in Chapter 22.40, Title 22 of the Rancho Cordova Municipal Code , or as stipulated in the Development Agreement for the project. Utility easements on park property other than the standard 12.5'	Prior to recordation of Subdivision Map	CRPD	

Conditions of Approval and MMRP

EXHIBIT 2C

	<u>Timing/ Implementation</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification</u> (date and Signature)
	PUE adjacent to ROW must be approved prior to CRPD acceptance. Any structures, walls, fences, wells, storage tanks, other items or encumbrances inhibiting Quimby park use and/or development must be approved by the CRPD.			
46.	Applicant/Developer shall deliver to the City a certificate from CRPD stating that the required Development Application Fee has been paid and the Park Development Agreement has been executed.	Prior to recordation of first Small Lot Final Subdivision Map	Planning	
47.	Applicant/Developer shall record a "Notice of Active Recreational Park Use" in a form approved by CRPD, which encumbers all lots within 1000 feet of any park site.	Prior to recordation of each Small Lot Final Subdivision Map	Planning/ CRPD	
Prior to the Issuance of Building Permits				
48.	Applicant shall submit improvement plans to the satisfaction of the Public Works Department. Improvement plans shall include, but shall not be limited to, all streets, water, sewer, storm drain, lighting, signage and striping, and other associated facilities for all streets and other public areas depicted on the tentative map or tentative map phase. Number, size, and location of driveways are subject to approval by the Public Works Department. Prior to acceptance of the improvements, as-built grading and improvement plans (1 full size and 1 half size hard copy), as well as a compact disc containing these plans in AutoCAD	Prior to issuance of the first building permit within each phase	Public Works	

	<u>Timing/ Implementation</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	A GIS shape file, or equivalent to the satisfaction of the City Engineer, of the improvement plans shall be provided.			
49.	Prior to issuance of the first building permit within a phase, a contract shall be let and construction shall be undertaken for (1) the streets and infrastructure depicted on the approved Phasing Plan and other necessary associated improvements for that phase of the project and (2) the associated on-site improvements shown on the approved improvement plans for that phase of the project. Infrastructure and on-site improvements shall be adequate for public access and use to the satisfaction of the Public Works Department. The developer may request that the approved phasing plan be divided into subphases. Infrastructure and improvement requirements for any subphase shall be subject to approval from the City Engineer. A revised phasing plan shall be submitted for depicting the infrastructure and on-site improvements to be constructed for the subphase. Prior to the first occupancy within a phase all streets and improvements depicted on the approved Phasing Plan shall be fully constructed and completed to the satisfaction of the City Engineer. At the discretion of the City Engineer, the final lift of asphalt only (e.g. upper approximately 1.5 inches of asphalt) may be deferred to prior to the first occupancy. The structural section shall be designed to accommodate construction traffic and loads until such time that the finish lift of asphalt concrete is installed.	Prior to issuance of the first building permit within each phase	Public Works	

Conditions of Approval and MMRP

EXHIBIT 2C

	<u>Timing/ Implementation</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification</u> (date and Signature)
50.	Provide access arrangements and install working fire hydrants which meet the required fire flow demands pursuant to the requirements of Sacramento Metropolitan Fire District (SMFD), prior to any combustible construction or combustible materials storage on site.	Prior to the issuance of the first building permit	SMFD	
51.	Applicant/Developer shall submit complete landscape planting and irrigation plans for corridor landscaping for review and approval.	Prior to the issuance of the first building permit within each phase	Public Works	
52.	Applicant/Developer shall provide a construction Phasing Plan for street construction, for model homes and the phases of home construction, for each village area to the satisfaction of the City Engineer.	Prior to the issuance of the first building permit within each phase.	Public Works	
53.	The project developer/owner shall pay Zone 40 development fees applicable at the time of building permit issuance in accordance with Title 4 of the SCWA Code.	Prior to issuance of any building permits	SCWA	
54.	Prior to the issuance of any building permits for the project, the project shall conform to the specific provisions of the City of Rancho Cordova Landscaping Ordinance (Municipal Code Title 23, Chapter 23.716).	Prior to issuance of the first building permits	SCWA	
55.	Applicant/Developer shall install signage on all park sites notifying surrounding residential units of future park construction and identifying park amenities. CRPD will have final approval of the sign prior to installation.	Prior to issuance of the first building permit within each phase	CRPD	
Prior to Final Inspection				
56.	Provide public sanitary sewer and water supply facilities in accordance with the Sacramento County Improvement Standards. The trunk and collector system for the project will not be accepted	Prior to final inspection of the first unit	CSD-1	

Conditions of Approval and MMRP

EXHIBIT 2C

	<u>Timing/ Implementation</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification</u> (date and Signature)
	for maintenance until the downstream sewer system serving the project is also accepted for maintenance.			
57.	All streets providing access to the homes shall be constructed and accepted for maintenance to the satisfaction of the City Engineer.	Prior to final inspection of the first unit	Public Works	
58.	Improve all the landscaped lots according to the approved plans. Layout of the sidewalk shall be reviewed and approved by the Community Development Director. All improvements shall be reviewed and accepted by public works prior to assuming maintenance responsibility.	Prior to final inspection of the first unit	Public Works	
59.	Construct a minimum 6-foot high sound barrier, as measured from the top of curb, according to the designs in the SRSP, along all rear yard lots 14-16 in Village 3 bordering Grant Line Road. The noise barrier shall be wrapped around the south side of lot 16 to the front building setback line. All walls shall be constructed utilizing graffiti resistant materials. Construction of the wall around Lot 16 shall occur once the emergency vehicle access has been abandoned and prior to issuance of the building permit for the residential unit.	Prior to final inspection of the first unit bordering Chrysanthy Blvd and Americanos Blvd	Planning	
60.	Construct open metal along the western edge of the drainage corridor, bordering the residential lots.	Prior to final inspection of the first unit bordering the western edge of the drainage corridor	Planning	
61.	Developer shall construct all necessary street frontage improvement abutting the dedicated park site including, but not limited to, on street parallel parking, vertical curb, gutter, street paving, utilities (water, sewer, electrical, storm drain, phone, and	Prior to Park Construction or per the Park Development	Public Works/CRPD	

Conditions of Approval and MMRP

EXHIBIT 2C

	<u>Timing/ Implementation</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification</u> (date and Signature)
	gas), street lights, and sidewalks. Sidewalk is not required on the park frontage adjacent to Americanos Boulevard.	Agreement		
62.	When improvements to landscape corridors and trails are complete and accepted by the City Engineer, the improved property shall be conveyed by a grant deed to the City of Rancho Cordova for ongoing maintenance, operation, repair and replacement. Developer shall be responsible to pay the direct cost associated with the performance of this work until such time as the City of Rancho Cordova incorporates the cost of doing this work into the financing mechanism annual budget and collects the additional tax revenues required to fund the costs of this work.	Prior to the first final inspection within each phase	Public Works/Planning	

Conditions of Approval

General Information and Compliance Items:

The following items are noted for the applicant's information. These items are required by other local agencies, the City, state or federal agencies, and are not conditions of approval of the project.

1. Though not required, it is recommended that all single-family dwellings be equipped with an automatic fire sprinkler system. As approximately 80% of all fire deaths occur in residential dwellings, these life safety systems drastically improve the occupant's chance of surviving a fire. (Fire Department)
2. Permits and/or fees are required for the following reviews: civil plans, architectural plans, fire sprinkler plans and fire alarm plans. Additional permits and fees may apply depending upon the scope of the project. (Fire Department)
3. The installation of on-site or off-site fire protection equipment, including fire hydrants and water mains, shall meet the standards of the Metro Fire District and the water purveyor having jurisdiction. (Fire Department)
4. The installation of addresses, landscaping, tree wells and/or traffic islands are subject to the standards outlined by the Metro Fire District.
5. Gas service may be available to this project if desired. The developer should contact PGE's Service Planning Department as soon as possible to coordinate construction so as not to delay the project. (PGE)
6. Developers will construct a concrete base for placement of the centralized mail delivery unit after construction of curb, gutter and sidewalk. Specifications and location of such base shall be determined pursuant to the applicable requirements of the Postal Service and the Sacramento County Public Works Agency, with due consideration of street light location, traffic safety, security, and consumer convenience. (Post Office)
7. Homes that have attached garages with secondary access doors will have solid core or metal covered doors with dead bolt locks. (Police Department)
8. Skylight side panels that are placed next to entrance doors will not be on the same side as the lock mechanism of the door. Only one panel may be installed per door, adjacent to the hinges. (Police Department)
9. All external door frames, including the side garage, will have screws that are a minimum of three inches long in the strike plate. Strike plates should be anchored with a minimum of four screws. (Police Department)
10. The Police Department highly recommends that homes be designed with the front of the garage aligned with or set back from the front of the house. This will improve visibility from inside the home of the entire block. Homes with covered front porches promote resident involvement with neighbors, which in turn helps reduce crime. (Police Department)
11. On-site source and control measures are required for this project in accordance with the latest version of the City/County Guidance Manual (Guidance Manual of On-Site Storm Water Quality Control Measures). In all cases, source control measures on the improvement plans will include provision of a permanent storm drain message "No Dumping – Flows to Creek" or other approved message shall be stamped in concrete at each inlet. Other on-site source and treatment control measure(s) should also be used in accordance with specific residential activities referenced in the Guidance Manual. The final design of the proposed on-site source and treatment controls will be approved by the Department of Water Resources. (Water Resources)

Conditions of Approval

12. Project proponents and/or future successors of interests shall comply with all 'Water Supply' provisions established in Ordinance No. SZC 2002-0014, Control No. 93-0243.
13. All pedestrian access ramps affected by this project must be installed/upgraded pursuant to the State of California Title 24 Code of Regulations and to the satisfaction of the Department of Transportation of the Public Works Agency.

GRANTLINE 208

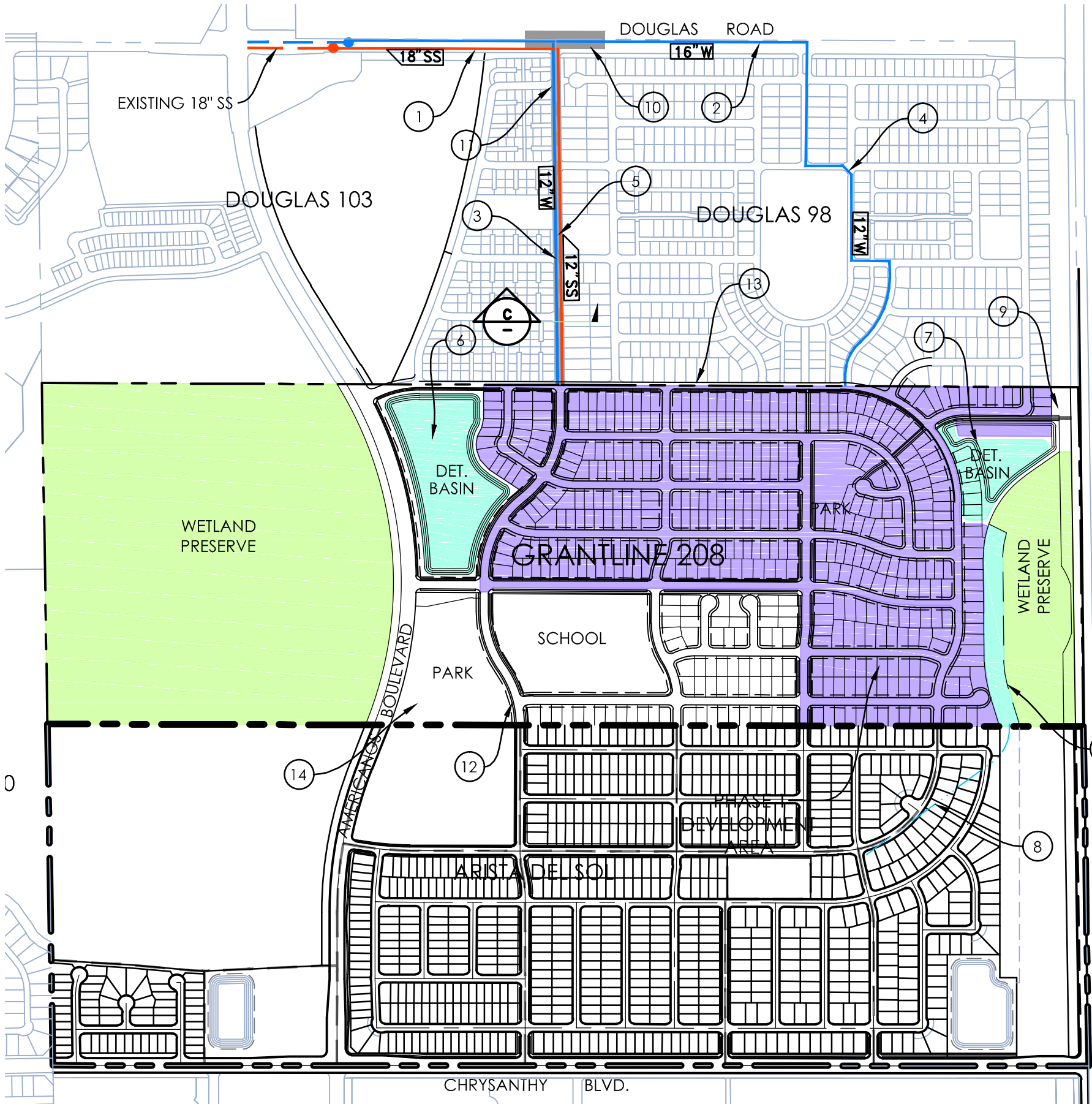
PHASE 1 ACCESS & INFRASTRUCTURE PLAN

BASED ON DEVELOPMENT AS A STAND-ALONE PROJECT

PHASE 1 INFRASTRUCTURE IMP'S

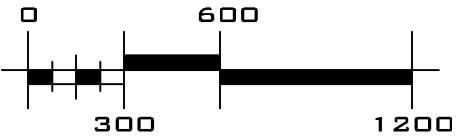
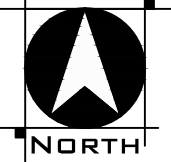
1. 18" SEWER MAIN CONNECTION TO EXISTING SYSTEM ON DOUGLAS ROAD EAST OF AMERICANOS BOULEVARD.
2. 16" WATER T-MAIN CONNECTION TO EXISTING SYSTEM ON DOUGLAS ROAD EAST OF AMERICANOS BOULEVARD.
3. 12" WATER THROUGH DOUGLAS 98 TO DOUGLAS ROAD.
4. SECONDARY 12" WATER THROUGH DOUGLAS 98 TO DOUGLAS ROAD.
5. 12" SEWER THROUGH DOUGLAS 98 TO DOUGLAS ROAD.
6. WESTERLY DETENTION BASIN AND REQUIRED IMPROVEMENTS. MAY BE PHASED TO ACCOMMODATE PARTIAL DEVELOPMENT OF THE WATERSHED AREA..
7. EASTERLY DETENTION BASIN AND REQUIRED IMPROVEMENTS.
8. RECONSTRUCTED LAGUNA CREEK INCLUDING OFFSITE INTERIM CHANNEL TO EXISTING CREEK.
9. INTERIM EMERGENCY VEHICLE ACCESS TO GRANTLINE ROAD.
10. INTERIM DOUGLAS ROAD WIDENING FOR ENTRY IF NOT PREVIOUSLY CONSTRUCTED BY OTHERS. INCLUDING PHASED TRAFFIC SIGNAL CONSTRUCTION. SUBJECT TO CITY REIMBURSEMENT.
11. TWO LANE ROAD IMPROVEMENT TO DOUGLAS ROAD.
12. THE COLLECTOR ROAD THROUGH PHASE 2 TO THE ARISTA DEL SOL PROPERTY BOUNDARY WILL BE CONSTRUCTED WITH PHASE 1 IF IT WILL CONNECT, TO THE SATISFACTION OF THE CITY, TO A ROAD EXTENDING SOUTH INTO ARISTA DEL SOL.
13. COLLECTOR ROAD ALONG THE NORTHERLY BOUNDARY WILL INCLUDE ONE LANE IN EACH DIRECTION AND THE SOUTHERLY FRONTAGE IMPROVEMENTS. NORTHERLY FRONTAGE IMPROVEMENTS WILL NOT BE INCLUDED
14. IF PARK DISTRICT ELECTS TO MOVE FORWARD WITH PARK DEVELOPMENT DURING PHASE 1 AND NOTIFIES DEVELOPER THAT (1) IMPROVEMENT PLANS HAVE BEEN APPROVED FOR PARK IMPROVEMENTS, AND (2) PARK DISTRICT WILL ADVERTISE FOR BIDS FOR PARK CONSTRUCTION WITHIN SIX (6) MONTHS OF SUCH NOTIFICATION TO DEVELOPER ("NOTIFICATION"), DEVELOPER SHALL ENTER INTO A CONTRACT FOR AND COMMENCE CONSTRUCTION OF THE PARK FRONTAGE IMPROVEMENTS PRIOR TO ISSUANCE OF THE 356TH BUILDING PERMIT. NOTWITHSTANDING THE FOREGOING, IF PARK DISTRICT'S NOTIFICATION OCCURS AFTER ISSUANCE OF THE 356TH BUILDING PERMIT, DEVELOPER SHALL COMMENCE CONSTRUCTION WITHIN NINETY (90) DAYS AFTER RECEIPT OF NOTIFICATION. UNDER NO CIRCUMSTANCES SHALL PARK FRONTAGE CONSTRUCTION COMMENCE LATER THAN ISSUANCE OF THE FIRST BUILDING PERMIT WITHIN PHASE 2, NOR SHALL FIRST OCCUPANCY IN PHASE 2 BE PERMITTED PRIOR TO COMPLETION OF PARK FRONTAGE TO THE SATISFACTION OF THE CITY ENGINEER. PARK FRONTAGE IMPROVEMENTS SHALL INCLUDE: (1) FULL IMPROVEMENT OF THE EASTERLY PARK FRONTAGE STREET; (2) CURB, GUTTER, AND SIDEWALK FOR THE NORTHERLY PARK FRONTAGE STREET; AND (3) CURB, GUTTER, AND DRAINAGE IMPROVEMENTS NECESSARY TO ACCOMMODATE PARK DRAINAGE (WHICH MAY INCLUDE TEMPORARY FACILITIES) FOR THE WESTERLY PARK FRONTAGE STREET (AMERICANOS). UPON COMMENCEMENT OF CONSTRUCTION OF THE PARK FRONTAGE IMPROVEMENTS, DEVELOPER SHALL USE COMMERCIALY REASONABLE EFFORTS TO SUBSTANTIALLY COMPLETE SUCH IMPROVEMENTS WITHIN SIX (6) MONTHS, DURING WHICH TIME THE CITY SHALL CONTINUE ISSUING BUILDING PERMITS. THE CITY ENGINEER SHALL HAVE THE AUTHORITY TO EXTEND THIS SIX (6) MONTH PERIOD IF, DESPITE COMMERCIALY REASONABLE EFFORTS BY DEVELOPER, PARK FRONTAGE IMPROVEMENTS CANNOT BE COMPLETED DUE TO EVENTS BEYOND DEVELOPER'S CONTROL, INCLUDING, BUT NOT LIMITED TO, WEATHER DELAYS.

INFRASTRUCTURE TIMING NOTE
PRIOR TO ISSUANCE OF THE FIRST BUILDING PERMIT WITHIN A PHASE: A CONTRACT SHALL BE LET AND CONSTRUCTION SHALL BE UNDERTAKEN FOR ALL STREETS AND IMPROVEMENTS SHOWN ON THE PHASING PLAN AND ALL STREETS NECESSARY FOR ACCESS TO THE PROPOSED HOMES TO THE SATISFACTION OF THE PUBLIC WORKS DEPARTMENT. PRIOR TO OCCUPANCY WITHIN A PHASE: ALL STREETS AND IMPROVEMENTS SHOWN ON THE PHASING PLAN SHALL BE FULLY CONSTRUCTED AND COMPLETED TO THE SATISFACTION OF THE CITY ENGINEER. DEVELOPER SHALL HAVE THE ABILITY TO SUB-PHASE EACH PHASE WITH PRIOR APPROVAL FROM THE CITY ENGINEER.





WOOD RODGERS
DEVELOPING INNOVATIVE DESIGN SOLUTIONS
3301 C St, Bldg. 100-B Tel 916.341.7760
Sacramento, CA 95816 Fax 916.341.7767

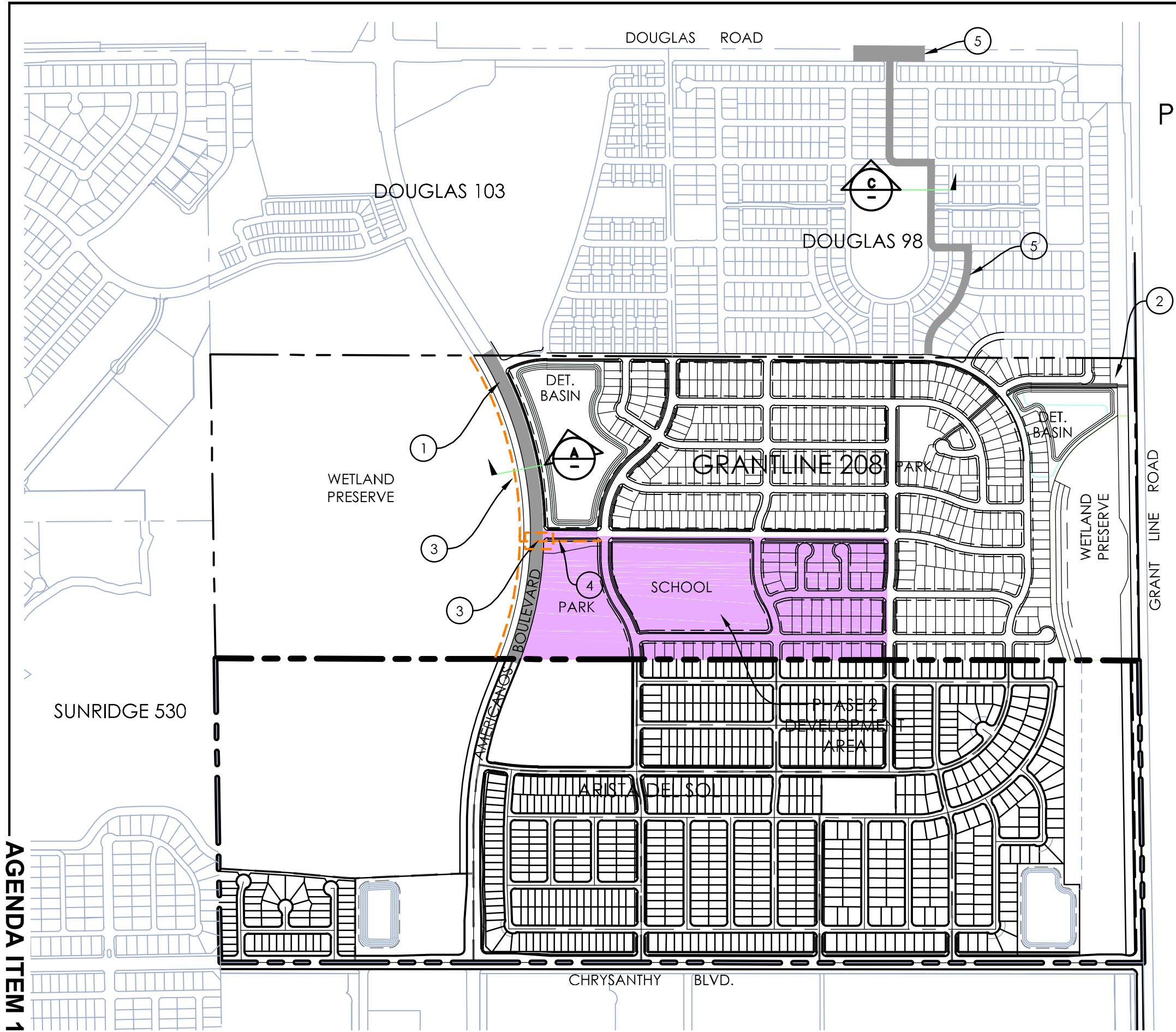


GRANTLINE 208

PHASE 2 ACCESS & INFRASTRUCTURE PLAN

PHASE 2 INFRASTRUCTURE IMP'S

- 1. AMERICANOS BOULEVARD OUTSIDE LANE IMPROVEMENTS PER SECTION A.
- 2. EVA TO GRANTLINE. TO BE CLOSED WHEN SECOND ACCESS IS IN PLACE.
- 3. BIKE TRAIL ON THE WEST SIDE OF AMERICANOS AND THE AMERICANOS BIKE UNDERCROSSING TO BE CONSTRUCTED WITH PHASE 2. UNDERCROSSING TO BE CONSTRUCTED WITH PHASE 2 ONLY IF IT IS INCLUDED IN THE BIKEWAY MASTER PLAN AND IS A CITY REIMBURSABLE FEE PROGRAM PROJECT. BIKE TRAIL TO BE 12' WIDE ASPHALT WITH 2' WIDE DECOMPOSED GRANITE SHOULDERS.
- 4. 10' WIDE BIKE TRAIL THROUGH PARK SITE TO BE CONSTRUCTED WITH PHASE 2. BIKE TRAIL TO BE 10' WIDE ASPHALT WITH 2' WIDE DECOMPOSED GRANITE SHOULDERS.
- 5. TWO LANE ROAD CONNECTION TO DOUGLAS ROAD IS REQUIRED IF ANOTHER SECOND ACCESS IS NOT IN PLACE. THE CONNECTION TO DOUGLAS, IF REQUIRED TO BE CONSTRUCTED BY GRANTLINE 208, WILL INCLUDE INTERIM DOUGLAS ROAD WIDENING FOR THE ENTRY.

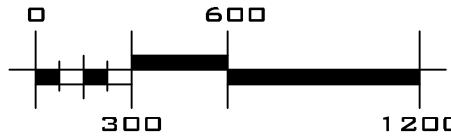




WOOD RODGERS
DEVELOPING INNOVATIVE DESIGN SOLUTIONS
3301 C St, Bldg. 100-B Tel 916.341.7760
Sacramento, CA 95816 Fax 916.341.7767



NORTH



0 300 600 1200

GRANT LINE 208

Grant Line 208 Project Modifications

CEQA Addendum



City of Rancho Cordova

2729 Prospect Park Drive
Rancho Cordova, CA 95670

February 2015



CEQA ADDENDUM FOR THE GRANT LINE 208 PROJECT

INTRODUCTION

This document is an addendum to previous environmental documents prepared pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15164 for the approved Grant Line 208 project.

The Grant Line 208 project is part of the Sunrise Douglas Community Plan ("SDCP") and Sunridge Specific Plan ("SRSP") approved by the County of Sacramento ("County") in July 2002. The County certified an Environmental Impact Report ("EIR") for the SDCP and SRSP in July 2002 (State Clearinghouse Number 97022055) ("SDCP/SRSP EIR") prepared in accordance with the California Environmental Quality Act ("CEQA"). Subsequently, the City certified a Court-Ordered Partially Revised Draft Environmental Impact Report (Revised DEIR) to the SDCP/SRSP EIR addressing long-term water supply plan and other water supply related issues (State Clearinghouse Number 97022055).

The City Council originally approved a General Plan Amendment, Specific Plan Amendment, Rezone, Development Agreement, and Tentative Subdivision Map for the Grant Line 208 project in February and March 2006 as part of its approval for the Sunridge East Projects. The City adopted a Mitigated Negative Declaration as the CEQA environmental review for these approvals ("Sunridge East MND") which relied upon the SDCP/SRSP EIR that was incorporated by reference into the Sunridge East MND. This addendum hereby incorporates by reference both the previously certified EIR and adopted MND.

The City adopted its General Plan and certified the General Plan EIR in June 2006 which included the SRSP and the Grant Line 208 project.

Currently, a revised project has been proposed that includes 222 fewer dwelling units than previously approved. Project approvals would include a Rezone, Tentative Subdivision Map Amendment, and a Development Agreement Amendment. The intent of this addendum is to analyze the project modifications and to determine if further environmental review is necessary.

PROJECT DESCRIPTION

The Grant Line 208 subject property is an approximate 210 acre parcel in the northeast portion of the Sunridge Specific Plan and is bounded by Grant Line Road on the east and is approximately 1,700 feet south of Douglas Road. The site and surrounding areas are currently vacant, undisturbed land.

The new plan includes 502 single family dwelling units, 222 dwelling units less than the original approval of 724 (See **Attachment 2, Exhibit 2A** and **2B** of the Staff Report for the proposed Amended Tentative Subdivision Maps). The reduction in units is mainly due to the creation of a wetland preserve on the east side of the project adjacent to Grant Line Road. The table below compares the existing approved zoning for the project site with the proposed zoning as part of the project amendments:

Zoning Designation	Land Use	Existing Acres	Proposed Acres	Difference
RD-5	Single Family Residential	32.1	30.2	-1.9
RD-7	Single Family Residential	16.9	16.3	-0.6
RD-10	Single Family Residential	67.2	67.3	0.1
O	Parks and Open Space	94.4	96.8	2.4
		210.6	210.6	0.0
1 – The proposed change reflects a reduction in park acres from 22.0 to 8.4 acres and an increase in wetland preserves from 68.1 to 79.6 acres.				

EXPLANATION OF THE DECISION NOT TO PREPARE A SUBSEQUENT ENVIRONMENTAL IMPACT REPORT OR MITIGATED NEGATIVE DECLARATION

CEQA Guidelines Sections 15162 and 15164 set forth the criteria for determining the appropriate environmental documents, if any, that must be completed when changes are proposed to a project for which an EIR/MND has already been certified/adopted. These guidelines allow a lead agency to prepare an addendum if all of the following conditions are met:

- Substantial changes to the project do not require major revisions to the previously adopted EIR/MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified potentially significant effects.
- Substantial changes with respect to the circumstances under which the project is undertaken do not require major revisions of the previous EIR/MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- No new mitigation measures or alternatives which are considered different from those analyzed in the EIR/MND or which were previously found not to be feasible are identified.
- No new information of substantial importance becomes available which shows new significant effects or significant effects substantially more severe than previously discussed.
- Only minor technical changes or additions are necessary to make the EIR/MND under consideration adequate under CEQA.

An addendum is considered the appropriate CEQA document for the proposed modifications, as described above, because:

- There are no new substantial changes to the project that would result in new significant environmental effects or a substantial increase in the severity of a previously identified potentially significant effect, and
- There is no new information of substantial importance that shows new significant effects or significant effects would be substantially more severe than previously discussed.

POTENTIAL ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

The following analysis describes how the proposed Grant Line 208 modifications relate to the prior analysis conducted for the Grant Line 208 project. The proposed modifications would result in 502 single family dwelling units, a reduction of 222 dwelling units than the original approval of 724 dwelling units.

The development footprint of the project site has not changed in relationship to the previously approved Grant Line 208 project. Impacts relating to Aesthetics, Air Quality, Agricultural Resources, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise Population and Housing, Public Services, Recreation, and Utilities and Service Systems would be equal or less than previously disclosed.

No substantial changes have occurred to the project site and or the surrounding area that would change the prior analysis and or conclusions. The project modifications would not create any new or additional significant impacts that were not already identified in the Master EIR or MND; nor would they cause any impacts peculiar to the project or parcels. Mitigation measures relating to these impact areas are included in the SDCP/SRSP EIR and Sunridge East MND are still applicable and would reduce impacts to the furthest extent feasible.

Traffic and Circulation

Mitigation measure 37a in the SDCP/SRSP EIR requires that construction of certain roadway improvements be started prior to 6,500 dwelling units being developed in the SDCP/SRSP area. The mitigation measure also states that if a project is going to exceed the 6,500 dwelling unit threshold that a determination must be made that the project will not result in unacceptable traffic congestion or safety problems.

Since the proposed 502 dwelling units would exceed the 6,500 lot threshold in Mitigation Measure 37a of the SDCP/SRSP EIR, the City contracted with DKS Associates to perform a traffic analysis to determine if the approval of the lots under the proposed project would result in unacceptable traffic conditions as allowed under mitigation measure 37a (See **Appendix A** for DKS traffic analysis). The DKS traffic analysis identifies 4 improvements needed to be constructed so that full buildout will not result in unacceptable traffic conditions.

Furthermore, the project proponent has agreed in the proposed amendment to the Development Agreement to pay a supplemental traffic impact fee which will be used to fund the traffic improvements identified in the traffic analysis. Requiring the payment of the supplemental traffic fee as part of the project will ensure that traffic related impacts will be less than significant and no further analysis is necessary.

Conclusion

The City has reviewed the potential environmental impacts related to proposed modifications to the Grant Line 208 project. The City finds that no new or substantially more severe impacts would result from these modifications and that prior analysis contained in the originally certified EIR and adopted MND adequately address all environmental impacts. Based on the criteria discussed above, an addendum is considered the appropriate level of documentation to satisfy the requirements of CEQA, and no further analysis is required.

REFERENCES

City of Rancho Cordova General Plan: Final Adopted Version. November 2006.

Sunrise Douglas Community Plan/Sunridge Specific Plan EIR. July 2002. State Clearinghouse Number 97022055.

Sunridge East Mitigated Negative Declaration (MND). February, 2006.

Traffic Analysis for East Douglas Development Projects. DKS Associates. July 30, 2014.

Appendix A

Traffic Impact Analysis

MEMORANDUM

DATE: July 30, 2014
TO: Mark Thomas
FROM: John P. Long and Cameron Shew
SUBJECT: Traffic Analysis for East Douglas Development Projects

The City has asked DKS Associates to conduct an analysis of the traffic impacts of three proposed “East Douglas” development projects (Douglas 103, Grantline 208 and Arista del Sol) focused on the issues related to the Sunridge Specific Plan “threshold conditions”. This memorandum summarizes the background and conclusions of that analysis.

Background

Sacramento County placed “threshold conditions” of approval on the Sunrise/Douglas area (the Sunridge Specific Plan) that identified levels of residential development that could not be exceeded until specific roadway improvements in the area (the so-called “Threshold Improvements”) were under construction or completed. The City of Rancho Cordova inherited those conditions at the time of its incorporation. During 2005-2006, the City conducted the “Rancho Cordova Infrastructure Phasing Study” that re-evaluated the timing of the Threshold Improvements. The phasing study concluded that some adjustments could be made to the timing of those improvements. The City made modifications in April 2006 to some threshold requirements but did not change the list of Threshold Improvements identified when development in the Sunridge Specific Plan exceeds 6,500 dwelling units.

In 2013, DKS assisted the City in an evaluation of traffic impacts of the Douglas 98 development. That analysis concluded that entitled development levels within the Sunridge Specific Plan plus the Douglas 98 project (a total of about 6,677 dwelling units) would not cause roadway segments impacts that would trigger the need for any of the “Threshold Improvements”.

The list of Threshold Improvements for development beyond 6,677 dwelling units includes improvements to roadways and intersections both within the City and outside the City. The most challenging improvement for the City to fund and implement is the construction of two continuous traffic lanes on Rancho Cordova Parkway from Douglas Road to US 50 plus an interchange access to US 50.

With the Douglas 98 project, the City has now entitled approximately 6,677 dwelling units in Sunridge Specific Plan and currently about 3,000 of those units have been built. The proposed Douglas 103, Grantline 208 and Arista del Sol projects have about 1,540 dwelling units. If those developments are approved, there would be about 8,217 entitled dwelling units in the Sunridge Specific Plan. The City has asked DKS to determine if significant impacts would result if 8,217 dwelling units are entitled without the implementation of the list of Threshold Improvements for development beyond 6,677 dwelling units.

The Threshold Improvements are a subset of the long-range transportation systems contained in the General Plans of the City of Rancho Cordova and Sacramento County and will eventually be constructed by the City and/or the County. The reason for establishing thresholds was a concern that if certain



improvements are not constructed in the near-term, as development occurs in the Sunridge Specific Plan and surrounding areas, significant traffic congestion could occur on some roadway segments and intersections.

Conditions have changed since the 2006 Transportation Infrastructure Phasing Study, including the following:

- Several key Threshold Improvements have been constructed (described below)
- The City is working on engineering and environmental analysis for some of the other threshold improvements.
- The economic downturn has slowed the pace of development, which allows more time for the City to get environmental clearance, design, and implement improvements
- Sacramento County has substantially changed the timing of its traffic signals on Sunrise Boulevard from US 50 north to the American River, which has reduced queuing and delay on Sunrise Boulevard south of US 50.

The following key roadway improvements have been constructed since 2006:

- Widening of Sunrise Boulevard to six lanes from Sunrise Park Drive to Douglas Road – this is a threshold improvement
- Widening of Sunrise Boulevard to five lanes from Douglas Road to Kiefer Boulevard – this is a threshold improvement
- Widening of Douglas Road to five lanes from Sunrise Boulevard to future Rancho Cordova Parkway – this is a threshold improvement
- Extension of Zinfandel Drive to Douglas Road – this is a threshold improvement
- Extension of International Drive to Sunrise Boulevard – this is not a threshold improvement but it provides an important relief route for segments of Sunrise Boulevard and White Rock Road that were the focus of the threshold improvements.
- Changes in Sunrise Boulevard traffic signal operations - longer cycle lengths on Sunrise Boulevard north of US 50 have increased northbound p.m. peak hour capacity, and reduced the length of queuing south of US 50.

In 2012, the City asked DKS to evaluate how these changes would affect the timing of the Threshold Improvements, particularly how changes in the timing of the Rancho Cordova/US 50 interchange would affect delay/congestion on Sunrise Boulevard.

The extensions of Zinfandel Drive and International Drive, both of which were opened in 2011, have changed travel patterns and have opened new routes for people to avoid traffic congestion on Sunrise Boulevard. Together with the changes in signal timing on Sunrise Boulevard, these new roadway connections have substantially reduced delay and queuing south of US 50. Thus DKS concluded that while Sunrise Boulevard would operate at LOS E at some intersections between US 50 and White Rock Road, those intersections would not operate at LOS F conditions until development in the City's Growth Area (east of Sunrise Boulevard) reaches levels that are significantly greater than 6,677 dwelling units.



The interchange is clearly needed to allow long-term development in the City's Growth Area and the City still has a challenge to fund and implement that improvement.

Traffic Analysis

DKS has conducted a focused traffic analysis in the vicinity of the East Douglas development projects to assist with determining the need and phasing of roadway segment and intersection improvements, including the Threshold Improvements, at an increased development level of 8,217 residential units. Roadway segment analysis was conducted for selected portions of Douglas Road, Jackson Road, and Sunrise Boulevard. Intersection analysis was performed for the following intersections:

- Sunrise Boulevard & White Rock Road
- Sunrise Boulevard & International Drive
- Sunrise Boulevard & Douglas Road
- Sunrise Boulevard & Chrysanthy Boulevard
- Sunrise Boulevard & Kiefer Boulevard
- Sunrise Boulevard & Jackson Road
- Grant Line Road & Douglas Road

There are currently approximately 3,000 dwelling units in the project that are captured in "existing conditions" traffic count data. This study of an 8,217 dwelling unit scenario represents an increase in approximately 5,217 units)

Existing Conditions

Traffic counts were conducted at the study intersections in May 2013, as part of the Jackson Corridor Joint Traffic Impact Study. A level of service analysis, using Highway Capacity Manual (HCM) 2010 methods, is summarized in Table 1. Currently all intersections operate at an acceptable level of service today in both the AM and PM peak hours, with the exception of Sunrise Boulevard and Jackson Road (which operates at LOS "E" in the AM peak hour). Synchro LOS calculations are provided in Appendix A.

24-hour tube counts (taken in 15 minute intervals) were conducted in May 2013, also as part of the Jackson Corridor Joint Traffic Impact Study. A level of service analysis, using planning level of service criteria for roadway segments, is shown in Table 2. Currently all roadway segments operate at an acceptable level of service today, with the exception of Sunrise Boulevard between US-50 and Trade Center Drive, and between Kiefer Boulevard and Jackson Road.

Existing Plus Project Conditions

To prepare traffic forecasts, DKS refined the roadway network in the SACMET regional travel demand model to a higher level of detail. The model was employed to track the number of vehicles making each turning movement (left, through, right) at each intersection approach, for both the existing and existing plus project model runs. The growth in each turning movement (whether positive or negative) between the existing and the existing plus project scenarios was calculated, and added to the existing count to develop a forecast. These forecasted volumes were then imported into Synchro to conduct a level of service analysis (see Appendix for Synchro LOS calculations), which is shown in Table 1. The 8,217 DU scenario would trigger impacts to the following intersections in the AM peak hour:



- Sunrise Boulevard and Douglas Road
- Grant Line Road and Douglas Road

Similar to the “growth increment” approach used in the intersection analysis, the change in volume on each roadway segment between “existing” and “existing plus project” was calculated and then added to an existing count. The level of service analysis in Table 2 indicates that the 8,217 DU scenario would trigger impacts to the following segments

- Douglas Road between Rancho Cordova Parkway and Americanos Boulevard
- Sunrise Boulevard between Kiefer Boulevard and Jackson Road

Recommended Intersection Mitigations

Grant Line Road/Douglas Road Intersection

The recommended mitigation measure for the impact at the Grant Line Road/Douglas Road intersection is as follows:

- Replace the all-way stop control (AWSC) with a traffic signal
- Widen the southbound approach to provide one through lane and a right turn pocket
- Widen the northbound approach to provide one through lane and a left turn pocket
- Widen the eastbound approach to provide for separate left and right turn lanes

This would improve operations from LOS “E” to LOS “B” in the AM peak hour.

Sunrise Boulevard/Douglas Road Intersection

The ultimate mitigation to relieve congestion along Sunrise Boulevard will be the construction of Rancho Cordova Parkway from a new US-50 interchange to White Rock Road, followed by its extension to Douglas Road. Before Rancho Cordova Parkway is constructed, development in Sunridge Specific Plan is expected to primarily access employment centers and the freeway through the intersection of Sunrise Boulevard and Douglas Road. In the morning much of this traffic would be making a right turn from westbound Douglas Boulevard onto northbound Sunrise Boulevard. This movement conflicts with the heavy amount of northbound traffic on Sunrise Boulevard flowing through this intersection, which will cause significant delays.

In the interim condition, prior to the extension of Rancho Cordova Parkway north of Douglas Boulevard, the City may consider partially or fully mitigating this impact as follows:

- Partial mitigation from LOS “F” to LOS “E” may be achieved by providing dual westbound right turn lanes, **or** providing a right turn overlap phase (with a green right turn arrow) while southbound left vehicles are going.
- Full mitigation from LOS “F” to LOS “D” may be achieved by providing **both** dual westbound right turn lanes **and** westbound right turn overlap phasing.

Table 1: Intersection Levels of Service													
Intersection		AM Peak Hour						PM Peak Hour					
		Existing Conditions (3,000 DU)			Existing Plus Project (8,217 DU)			Existing Conditions (3,000 DU)			Existing Plus Project (8,217 DU)		
		Control	LOS	Delay (s/veh)	Control	LOS	Delay (s/veh)	Control	LOS	Delay (s/veh)	Control	LOS	Delay (s/veh)
65	Sunrise Boulevard & White Rock Road	Signal	D	47.8	Signal	D	53.2	Signal	D	51.6	Signal	D	54.0
66	Sunrise Boulevard & International Drive/Monier Circle	Signal	D	47.8	Signal	D	54.1	Signal	D	45.8	Signal	D	53.1
67	Sunrise Boulevard & Douglas Road	Signal	D	51.7	Signal	F	109.2	Signal	D	46.5	Signal	D	54.8
68	Sunrise Boulevard & Chrysanthy Boulevard	Signal	C	27.0	Signal	D	40.8	Signal	C	21.0	Signal	C	25.4
69	Sunrise Boulevard & Kiefer Boulevard	Signal	D	53.6	Signal	D	53.1	Signal	C	27.0	Signal	C	26.3
70	Sunrise Boulevard & Jackson Road	Signal	E	57.0	Signal	E	55.8	Signal	D	47.2	Signal	D	51.9
78	Grant Line Road & Douglas Road	All-way stop	C	15.2	All-way stop	E	42.8	All-way stop	B	12.3	All-way stop	C	23.1
Note: Bold values represent unacceptable levels of service. Red shaded values indicate project impacts.													

Table 2: Roadway Segment Levels of Service												
Roadway Segment	From	To	Existing (3,000 DU)					Existing Plus Project (8,217 DU)				
			Travel Lanes	Facility Type ¹	Daily Volume	V/C Ratio	LOS	Travel Lanes	Facility Type ¹	Daily Volume	V/C Ratio	LOS
Douglas Rd	Mather Blvd	Zinfandel Dr	2	Arterial M	6,635	0.37	A	2	Arterial M	9,780	0.54	A
Douglas Rd	Zinfandel Dr	Sunrise Blvd	2	Arterial M	8,369	0.46	A	2	Arterial M	13,050	0.73	C
Douglas Rd	Sunrise Blvd	Rancho Cordova Pkwy	5	Arterial M	3,674	0.10	A	5	Arterial M	19,600	0.54	A
Douglas Rd	Rancho Cordova Pkwy	Americanos Blvd	2	Arterial M	3,674	0.20	A	2	Arterial M	17,310	0.96	E
Douglas Rd	Americanos Blvd	Grant Line Rd	2	Arterial M	3,674	0.20	A	2	Arterial M	8,770	0.49	A
Jackson Rd	Bradshaw Rd	Excelsior Rd	2	Rural Hwy	13,030	0.57	D	2	Rural Hwy	13,760	0.60	E
Jackson Rd	Excelsior Rd	Eagles Nest Rd	2	Rural Hwy	10,478	0.46	D	2	Rural Hwy	11,410	0.50	D
Jackson Rd	Eagles Nest Rd	Sunrise Blvd	2	Rural Hwy	9,976	0.44	D	2	Rural Hwy	10,590	0.46	D
Jackson Rd	Sunrise Blvd	Grant Line Rd	2	Rural Hwy	13,306	0.58	D	2	Rural Hwy	13,640	0.60	E
Sunrise Blvd	US-50	Folsom Blvd	6	Arterial M	54,500	1.01	F	6	Arterial M	55,300	1.02	F
Sunrise Blvd	Folsom Blvd	Trade Center Dr	6	Arterial M	49,500	0.92	E	6	Arterial M	51,510	0.95	E
Sunrise Blvd	Trade Center Dr	White Rock Rd	6	Arterial M	34,571	0.64	B	6	Arterial M	38,130	0.71	C
Sunrise Blvd	White Rock Rd	Douglas Rd	6	Arterial M	25,811	0.48	A	6	Arterial M	37,740	0.70	B
Sunrise Blvd	Douglas Rd	Kiefer Blvd	5	Arterial M	21,878	0.61	B	5	Arterial M	23,250	0.65	B
Sunrise Blvd	Kiefer Blvd	Jackson Rd	2	Arterial M	16,894	0.94	E	2	Arterial M	17,750	0.99	E
Sunrise Blvd	Jackson Rd	Florin Rd	2	Rural S	11,181	0.56	D	2	Rural S	11,630	0.58	D
Sunrise Blvd	Florin Rd	Grant Line Rd	2	Rural S	7,752	0.39	D	2	Rural S	7,720	0.39	D

Note: **Bold** values reflect unacceptable level of service. **Red shaded** values indicate project impacts.

¹ The following classifications are used to determine daily roadway capacity:

- Arterial M - Arterial, Moderate Access Control,
- Rural Hwy - Rural 2-lane Highway
- Rural S - Rural 2-lane Road, 24'-36' of pavement, Paved Shoulders



With the right-turn signal overlap, southbound U-turns should be prohibited at this intersection. The volume of southbound U-turns is currently very low and could be provided about 1,000 feet south at the Herodian Drive/Sunrise Boulevard intersection. The dual right-turn lane would increase the distance for pedestrians to cross Douglas Road but are currently a limited number of pedestrians at this intersection. However, the number of southbound U-turns and pedestrians at this intersection will eventually change once the latter phases of the Rio del Oro project are developed on the north side of Douglas Road.

Once Rancho Cordova Parkway is constructed (providing the ultimate LOS mitigation for the Douglas Road/Sunrise Boulevard intersection), the westbound right-turn overlap should be removed and the City could consider removing the second westbound right turn lane.

Recommended Roadway Segment Mitigations

Douglas Road from Rancho Cordova Parkway to Americanos Boulevard

The recommended mitigation measure is widening this segment of Douglas Road from 2 to 4 lanes. This will improve operations from LOS “E” to LOS “A”.

Sunrise Boulevard from Kiefer Boulevard to Jackson Road

The recommended mitigation measure is widening this segment of Sunrise Boulevard from 2 to 4 lanes. This will improve operations from LOS “E” to LOS “A”.

Potential Implementation Strategy

DKS’ analysis determined that a higher level of development (8,217 dwelling units) will trigger impacts to the following intersections and roadway segments:

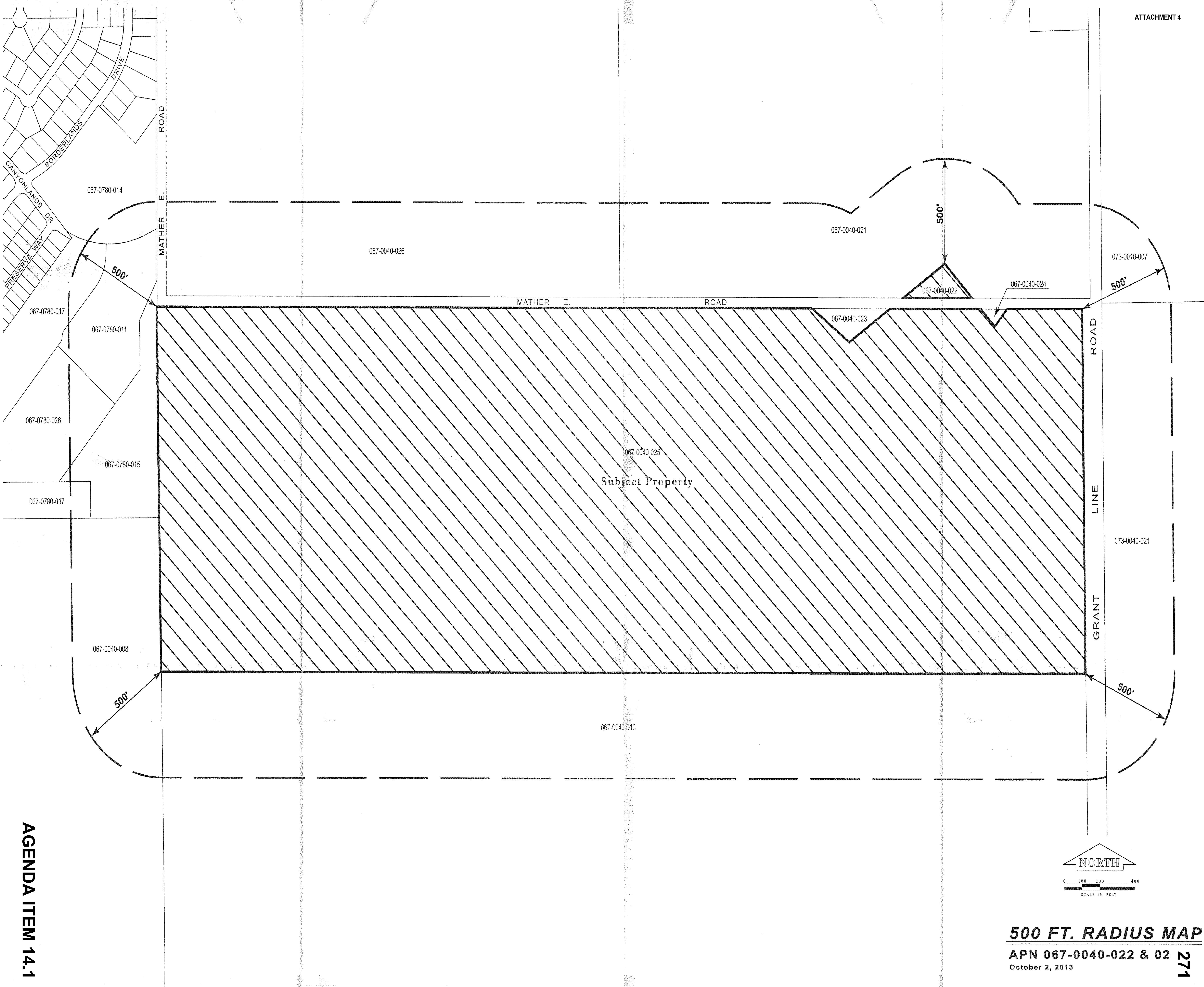
- Grant Line Road & Douglas Road (a.m. peak hour)
- Sunrise Boulevard & Douglas Road (a.m. peak hour)
- Douglas Road from Rancho Cordova Parkway to Americanos Boulevard
- Sunrise Boulevard from Kiefer Boulevard to Jackson Road

Improvements have been identified for each of these four significant impacts that will result in the intersection and roadway segments operating at acceptable levels. Based on discussions with City staff, these improvements could be implemented as follows:

1. Grant Line Road & Douglas Road intersection: The impact at this intersection will be addressed by City’s planned near-term improvement that will install a traffic signal and provide separate left-turn and/or right-turn lanes on all three intersection approaches. That improvement has been designed and is funded through a Caltrans grant and a supplemental fee from developments in the Sunridge Specific Plan will be used as needed. This planned improvement is expected to be implemented in a timely manner
2. Sunrise Boulevard and Douglas Road intersection: This impact is caused by an interim condition (prior to Rancho Cordova Parkway extension) of heavy westbound right turns during the AM peak hour. The improvement would provide a westbound dual right turn lanes and/or overlap phasing to temporarily result in the intersection operating in an acceptable manner. This improvement is expected to be implemented in a timely manner with funding from a supplemental fee on developments in the Sunridge Specific Plan.



3. Douglas Road from Rancho Cordova Parkway to Americanos Boulevard: This roadway segment impact would be addressed by widening the roadway from 2 to 4 lanes. The North Douglas development has a condition of approval to widen this section of roadway when their development exceeds 330 dwelling units (out of a total of 660 dwelling units). If this widening is not constructed by the North Douglas development before traffic generated by other development warrants the widening of this segment of Douglas Road to 4 lanes, then the improvement will be built in a timely manner with funding from various mechanisms, including a supplemental fee from developments in the Sunridge Specific Plan.
4. Sunrise Boulevard from Kiefer Boulevard to Jackson Road: This roadway segment impact would be addressed by widening the roadway from 2 to 4 lanes. The City has identified this as a “Core Improvement” since 1) volume increases from many of the proposed new developments in the City near Sunrise Boulevard will trigger its need and 2) it is needed in the near term. The implementation for the “Core Improvements” and their funding will come from the various funding mechanisms, including a supplemental fee from developments in the Sunridge Specific Plan. With these funding mechanisms, the City expects the Core Improvements to be implemented, including widening Sunrise Boulevard from Kiefer Boulevard to Jackson Road to 4 lanes, in a timely manner.



067-0040-022
DOUGLAS RD 105 LLC
7700 COLLEGE TOWN DR 201
SACRAMENTO CA 95826

067-0040-025
ARI 208 LLC
7700 COLLEGE TOWN DR 101
SACRAMENTO CA 95826

067-0040-008
K HOVNANIAN AT JAEGER RANCH LLC
1375 EXPOSITION BLVD 300
SACRAMENTO CA 95815

067-0040-013
ARISTA DEL SOL JCP LLC
2020 L ST
SACRAMENTO CA 95811

067-0040-021
DOUGLAS RD 105 LLC
7700 COLLEGE TOWN DR 201
SACRAMENTO CA 95826

067-0040-023
ARI 208 LLC
7700 COLLEGE TOWN DR 101
SACRAMENTO CA 95826

067-0040-024
ARI 208 LLC
7700 COLLEGE TOWN DR 101
SACRAMENTO CA 95826

067-0040-026
LAL BROTHERS LLC
3400 WATERMARKE PL
IRVINE CA 92612

067-0780-011
SUNRIDGE PARK LLC
7700 COLLEGE TOWN DR 109
SACRAMENTO CA 95826

067-0780-014
SUNRIDGE PARK LLC
7700 COLLEGE TOWN DR 109
SACRAMENTO CA 95826

067-0780-015
SACTO VLY CONSERVANCY
PO BOX 163351
SACRAMENTO CA 95816

067-0780-017
SUNRIDGE PARK LLC
7700 COLLEGE TOWN DR 109
SACRAMENTO CA 95826

067-0780-017
SUNRIDGE PARK LLC
7700 COLLEGE TOWN DR 109
SACRAMENTO CA 95826

067-0780-026
SACRAMENTO MUNICIPAL UTILITY
DISTRICT
6201 S ST
SACRAMENTO CA 95817

073-0010-007
TRACY BYPASS TRUST
PO BOX 607
REDWOOD CITY CA 94064

073-0040-021
CONWY LLC
5241 ARNOLD AVE
MCCLELLAN CA 95652

WOOD RODGERS
3301 C ST BLDG 100-B
SACRAMENTO CA 95816

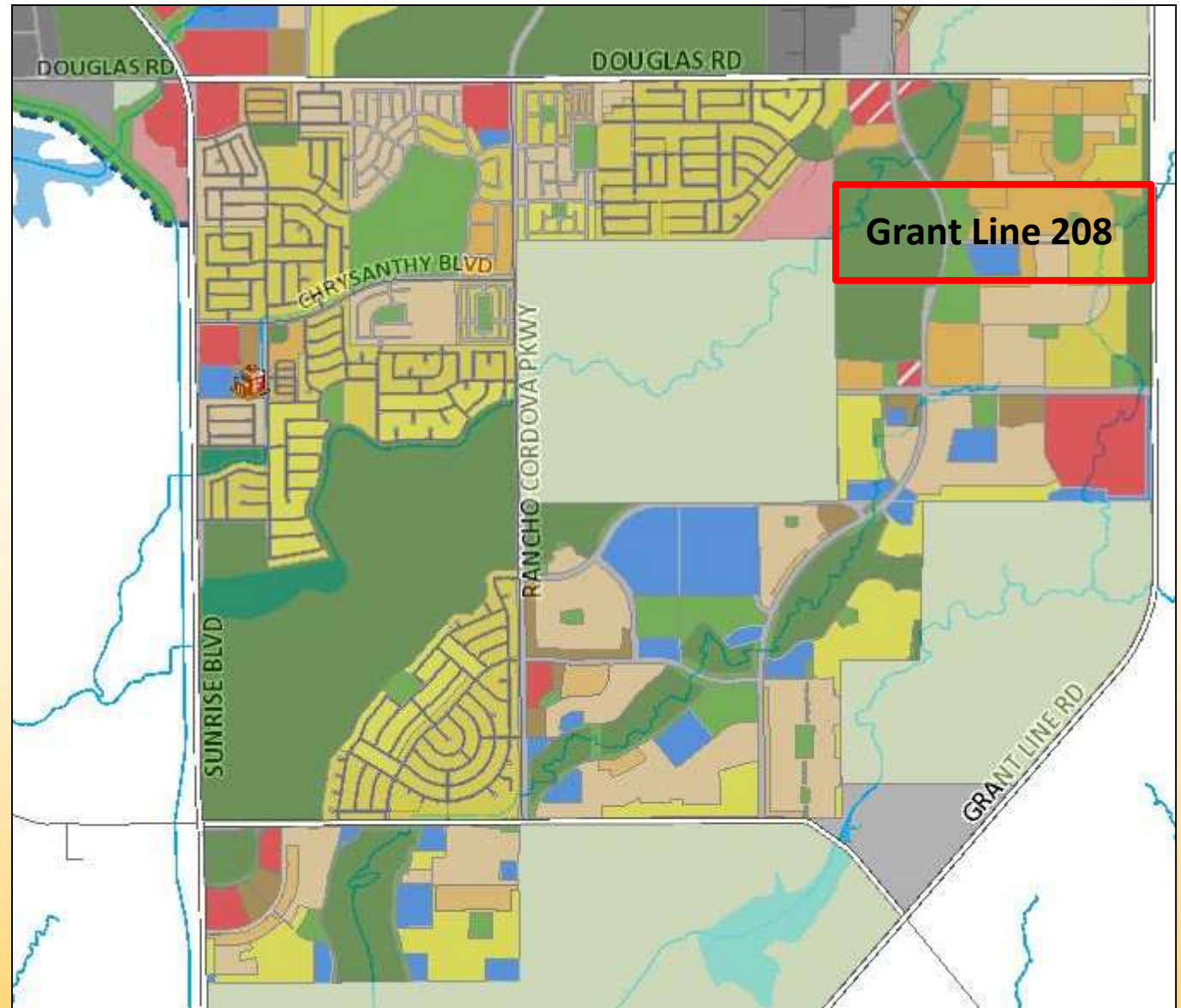
Grant Line 208 Rezone, LLTSM, SLTSM, Development Agreement Amendment – DD8437

Rancho Cordova City Council
Jessica Jordan, Project Planner
March 2, 2015

Project Request

- Rezone of residential zoning to allow a reduction of units from 724 to 502 residential lots
- Large Lot Tentative Subdivision Map and Small Lot Tentative Subdivision Map to support development of the site
- Development Agreement Amendment to reflect current City policies and standards

Vicinity Map



Project Background

- Grant Line 208 project was originally approved in 2006 with 724 single family lots, an elementary school site, parks, open space, and wetland preserve areas.
- Following approval, legal challenge to the federal wetland permits was filed and resulted in new configurations for preserve areas.

Project Background

- The newly reconfigured project was discussed at a City Council Study Session on April 7, 2014.
- Topics discussed included general project overview, pedestrian connectivity, detention basin design, and Grant Line Road alignment.
- The Council provided general support for the project.

Illustrative Map



Analysis

- Rezone

Zone	Land Use	Existing Acres	Proposed Acres	Difference
RD-5	SFD	32.1	30.2	-1.9
RD-7	SFD	16.9	16.3	-0.6
RD-10	SFD	67.2	67.3	0.1
O	Parks and Open Space	94.4	96.8	2.4
Total		210.6	210.6	
Proposed change reflects a reduction in park acres from 22.0 to 8.4 acres and an increase in wetland preserves from 68.1 to 79.6 acres				

Analysis

- Both the large and small lot maps have been reviewed and conditioned to comply with all applicable standards.
- The Development Agreement Amendment updates the project's parks obligations, establishes a supplemental traffic fee, and other updates to relevant city items.
- All of the updates to the project are consistent with city policy and are supported by staff.

Recommended Motions

- Introduce and waive the first reading of Ordinance 2-2015
- Adopt Resolution 24-2015

MEMORANDUM

DATE: March 2, 2015
TO: Honorable Mayor and Council Members
FROM: Jessica Jordan, Principal Planner



SUBJECT: GRANT LINE 208 REZONE, LARGE LOT TENTATIVE SUBDIVISION MAP, SMALL LOT TENTATIVE SUBDIVISION MAP, DEVELOPMENT AGREEMENT AMENDMENT; PROJECT NO. DD8437 – LOCATED SOUTH OF DOUGLAS ROAD AND WEST OF GRANT LINE ROAD

Following publication of the staff report, some minor clarifications and revisions were identified. Should the City Council move to adopt the Grant Line 208 entitlements, the following modifications should be included in the motion.

Project Statistics

The table below is a modified version of the table found on page 4 of the original staff report. There is no change to the overall lot count or configuration of the project. Rather, the numbers included below reflect a consistent reporting of net acreages for the various development types in the project. The original staff report did not consistently refer to acreage numbers as net or gross. This modification provides an “apples to apples” comparison of the previously approved project and the current proposal.

Zoning Designation	Land Use	Existing Acres (N)	Proposed Acres (N)	Difference
RD-5	Single Family Residential	14.5	18.5	4
RD-7	Single Family Residential	16.5	15.9	-0.6
RD-10	Single Family Residential	66.2	50.8	-15.4
RD-5	Elementary School	11.0	9.7	-1.3
O	Parks and Open Space	85.5	87.9	2.4
	Parkway/Roads/Detention Basins/Paseos	16.9	27.8	10.9
		210.6	210.6	
1 – The proposed change reflects a reduction in park acres from 17.4 to 9.9 acres and an increase in wetland preserves from 68.1 to 79.5 acres.				

Development Agreement Amendment

The applicant has requested the following minor revisions to two sections of the Development Agreement Amendment (additions in bold, deletions in strikethrough):

“6.4.1 New Park Development Obligation.

- (i) Dedication of Quimby Park Land. *(second paragraph, fifth sentence)*

".....In the event Landowner records the first final small lot subdivision map within Phase 2 of the Project as shown on the large lot phasing plan as described in Section 6.4.7 herein prior to issuance of the 250th building permit by City for the Project, and City subsequently provides Landowner with written notice of its decision to move forward with the Undercrossing prior to the issuance of the 250th building permit by City for the Project, then Landowner shall pay in lieu fees for any shortfall resulting from construction of the Undercrossing within **sixty** (60) days of receipt of said written notice from City...."

(ii) Dedication of Neighborhood Greens Park Land. *(first sentence)*

"Landowner's obligation to dedicate park land to City for neighborhood green open space shall be satisfied by Landowner's dedication of Lot E ~~to Park District~~, as shown on the Large Lot Tentative Subdivision Map, attached hereto as Exhibit 1."

(iv) Timing of Park Land Improvements. *(first paragraph, second sentence)*

".....Landowner shall complete and make all the improvements to the neighborhood green park open and fully operational within one (1) year from the issuance of the ~~166167~~th residential building permit for the Project by City...."

"6.4.2 Timing of Dedications of Parks. (sixth sentence)

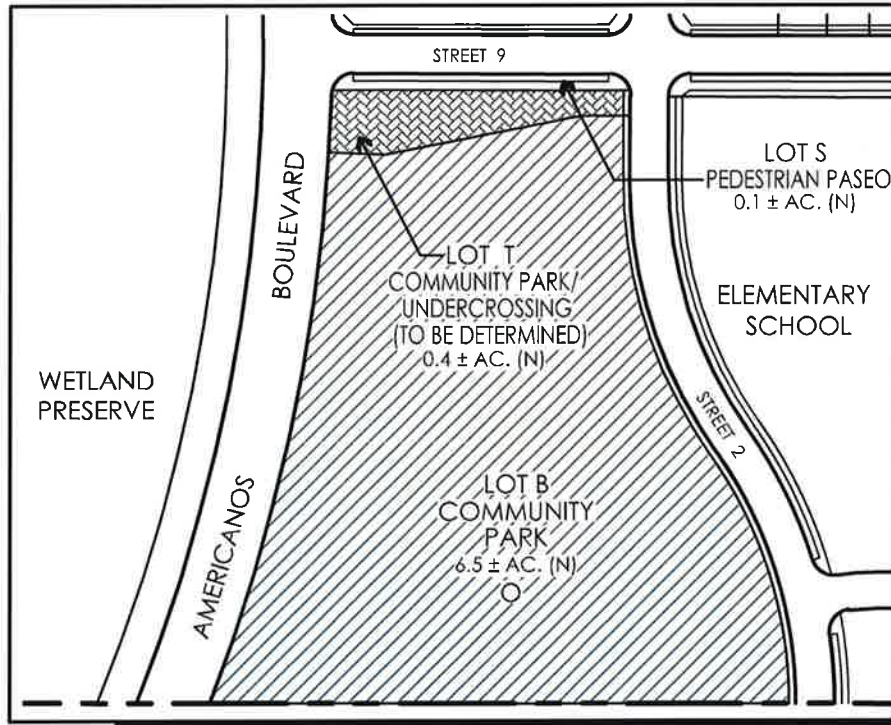
"...The park site and ~~neighborhood green site~~ will be accepted by Park District for maintenance pursuant to the terms of the Park Development Agreement. The Undercrossing site will be accepted by City...."

In addition to these text changes, a revised Figure 1 is included here. The original exhibit included a reference that Lot E, Neighborhood Green, was being dedicated to the City, which is inaccurate. Lot E will be dedicated to the Cordova Recreation and Parks District.

Conditions of Approval

Two minor modifications to Conditions of Approval 1 and 18 are also identified below. Amendment to item 1 clarifies the project acreage and item 18 includes Lot T in the exception for open-view fencing, which was an oversight.

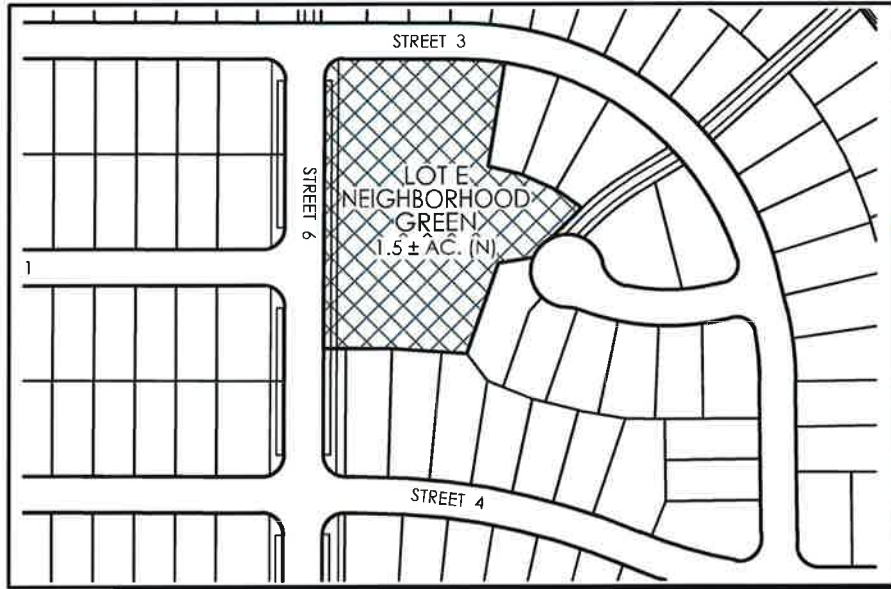
FIGURE 1
PARKLAND/OPEN SPACE DEDICATION & MAINTENANCE EXHIBIT
GRANTLINE 208
 CITY OF RANCHO CORDOVA, CALIFORNIA



TO BE DEDICATED TO THE
 CORDOVA RECREATION &
 PARK DISTRICT



TEMPORARY UNDERCROSSING
 RESERVATION (CITY TO
 PROVIDE WRITTEN NOTICE OF
 INTENT TO DEVELOPER PRIOR
 TO BE ISSUANCE OF BUILDING
 PERMIT #250.)

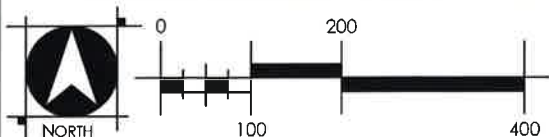


NEIGHBORHOOD GREEN

FEBRUARY 23, 2015

PARK SUMMARY TABLE	DEDICATION REQUIREMENT	NET ACRES REQUIRED	NET ACRES PROVIDED	IN-LIEU FEE ACREAGE
COMMUNITY PARK DEDICATION (LOT B & T)	5 AC./1000 POPULATION (2.95 POP/HOUSEHOLD)	7.40	6.90	0.50
NEIGHBORHOOD GREEN	1 AC./1000 POPULATION (2.95 POP/HOUSEHOLD)	1.48	1.50	-0.02
TOTAL		8.89	8.40	0.49 Acres

Note: Based on 502 DU. Net acreage of Community Park dedication is calculated to back of curb along Americanos Blvd and to back of walk along all other adjacent residential streets and excludes Lot S (Pedestrian Paseo).



WOOD RODGERS
 DEVELOPING INNOVATIVE DESIGN SOLUTIONS
 3301 C STREET, BLDG. 100-B, SACRAMENTO, CA 95816
 PHONE: (916) 341-7760 FAX: (916) 341-7767

	<u>Timing/ Implementation</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
1.	The project approval is for a Rezone, Development Agreement Amendment, a Large Lot Tentative Subdivision Map and a Small Lot Tentative Subdivision Map for 502 lots in the RD-5, 7 and 10 residential designations. A 9.7 acre elementary school site is provided in the southwestern portion of the project site. Additionally, a 6.9 acre portion of the Community Park is provided, along with a 1.5 acre Neighborhood Green. The project also includes 79.5 acres of wetland preserve. Based in part on traffic analyses completed during this application, the zoning conditions and mitigation measures applicable to the Sunridge Specific Plan for offsite traffic improvements tied to a traffic threshold cap will be satisfied through the payment of the Supplemental Traffic Fee as described in the Amended Development Agreement. Applicant shall prepare improvement plans and construct or bond for the dedicated landscape corridors, trails and other open space facilities, according to the approved tentative map, and to the satisfaction of the City Engineer. The following specifications shall be applied to trails in the project: ▪ Trails must be located above the 10-year flood plain. ▪ Open fencing shall be required along all open space, drainage corridors and parkways, constructed in accordance with plans and specifications approved by the City of Rancho Cordova, unless otherwise specified in these conditions. ▪ Open fencing will not be required adjacent to residential lots next to Lots L, M, O, P, Q, and T. Wood fencing may be installed at these locations. ▪ Provide a striped pedestrian crossing for the trail system when it crosses a public right-of-way. Developer shall install all required signage for the trail.	On-Going.	Planning	
18.		Prior to the issuance of Improvement Plans or final map for the phase in which the improvement(s) are located, whichever comes first.	Public Works/Planning	

