



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

Monday, April 21, 2014

4:00 PM – Special Meeting

5:30 PM – Regular Meeting

Followed by Special Meeting/Closed Session

Mayor Skoglund will join a portion of the regular meeting and the closed session by telephone. Mayor Skoglund will be calling in from 10207 La Presa Way in Rancho Cordova, CA 95670. All references in this agenda to opportunities for public comment shall also apply to any members of the public who wish to address the City Council from the teleconference location.

AGENDA

Dan Skoglund, Mayor

Robert J. McGarvey, Vice Mayor

David Sander, Council Member

Donald Terry, Council Member

Linda Budge, Council Member



**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, April 21, 2014

**4:00 PM – Special Meeting
American River Community Room North**

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

**Followed by Special Meeting/Closed Session - Community Board Room
Mayor Skoglund will join a portion of the regular meeting and the closed session by
telephone. Mayor Skoglund will be calling in from 10207 La Presa Way in Rancho
Cordova, CA 95670. All references in this agenda to opportunities for public comment
shall also apply to any members of the public who wish to address the City Council from
the teleconference location.**

AGENDA

1. SPECIAL MEETING/WORK SESSION - CALL TO ORDER/ROLL CALL

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

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. Note, 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/WORK SESSION ITEM

- 3.1 Branding Presentation.

4. ADJOURNMENT OF STUDY SESSION

Vice 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, McGarvey, Sander, Terry and Mayor Skoglund.

6. METRO CABLE TV TELEVISION ANNOUNCEMENT

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

7. PLEDGE OF ALLEGIANCE

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

8. INVOCATION

George Burnash from River Valley Church will give the invocation.

9. PRESENTATIONS

- 9.1 Presentation of Proclamation for the 60th Anniversary of Rancho Cordova Little League.
- 9.2 Presentation of Proclamation to Cordova Community Council Honoring the 25th Anniversary of Kids' Day in the Park.
- 9.3 Presentation of International Code Council's Building Safety Month Proclamation.
- 9.4 Presentation of Proclamation for Public Service Recognition Week.
- 9.5 Introduction of New City Employee, Jeremiah Zillig, Code Enforcement Officer, Given By Kerry Simpson, Neighborhood Services Manager.
- 9.6 Introduction of New Assistant Police Chief, Lieutenant Chris Pittman Given by Joe Chinn, City Manager.

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.

Note, 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 April 7, 2014 Special Meeting and Regular Meeting, and April 9, 2014 Special Meeting.
Recommendation: Adopt Minutes.
- 12.2 **Subject:** Second Reading of Ordinance No. 9-2014, Amending Chapter 6.84 of the Rancho Cordova Municipal Code, Titled Indoor Air and Health Protection, to Include Indoor Prohibitions on Operating Electronic Cigarettes and Using Electronic Smoking Devices Wherever Tobacco Smoking is Prohibited, and Amending Chapter 6.86 of the Municipal Code to Include Electronic Cigarettes and Electronic Smoking Devices in the Definition of Tobacco Products.
Recommendation: Waive the second reading and adopt by title only Ordinance No. 9-2014.
Result of Recommended Action: Adoption of this Ordinance will prohibit the operation of electronic cigarettes and similar devices (electronic cigars and cigarillos) wherever other forms of smoking are prohibited in the City. This Ordinance will also expand the definition of "tobacco products" in the Municipal Code chapter related to selling tobacco products to minors to include electronic cigarettes and similar devices.
Staff Report: Kate Cook, Associate City Attorney and Adam Lindgren, City Attorney.
Advances Goals: 1, 2.
- 12.3 **Subject:** Appointment of Labor Negotiators.
Recommendation: Appoint Adam Lindgren and Bob Murray as Labor Negotiators.
Result of Recommended Action: This action will designate representatives authorized to negotiate salary and fringe benefits for the position of City Manager.
- 12.4 **Subject:** Resolution of Intention to Establish Community Facilities District 2014-1 (Montelena), to Levy a Special Tax therein, and to Incur Bonded Indebtedness in and for the District to Finance the Acquisition and Construction of certain Public Facilities, such as Roadways and Underground Utilities, and Long Term Maintenance Cost.
Recommendation: Adopt Resolution Nos. 18-2014 and 19-2014.
Result of Recommended Action: Adoption of these Resolutions begins the process of forming the Community Facilities District 2014-1 (Montelena), with bonded indebtedness in the principal amount not to exceed Twenty Eight Million Two Hundred Fifty Thousand Dollars (\$28,250,000) to pay for certain Public Facilities, such as roadways and underground utilities, and Long Term Maintenance Cost, and sets 5:30 p.m. on June 2, 2014 as the time and date for a public hearing on the matter.
Staff Report: Michelle Mingay, Sr. Finance Analyst.
Advances Goals: 5.
- 12.5 **Subject:** Resolution of Intention to Establish Community Facilities District No. 2014-2 (Street, Lighting, and Landscape Maintenance).
Recommendation: Adopt Resolution No. 20-2014 of Intention to form the Community

Facilities District No. 2014-2 (Street, Lighting and Landscape Maintenance).

Result of Recommended Action: Action on this item will declare the Council's intention to establish the CFD and a future annexation area, designate the name of the district, state the Council's intention to levy a special tax to pay for public street, lighting and landscape maintenance, and set 5:30 pm on June 2, 2014 as the time and date for a public hearing on the matter.

Staff Report: Elizabeth Sparkman, Senior Engineer & Cyrus Abhar, Public Works Director.

Advances Goals: 5.

- 12.6 **Subject:** Resolution Authorizing the City Manager to Execute a Cost Sharing Agreement with the County of Sacramento for the Joint Roadway Rehabilitation Project.

Recommendation: Adopt Resolution No. 24-2014.

Result of Recommended Action: Adoption of this resolution will require the City to overlay both the City side and the County side of Sunrise Boulevard from Zinfandel Road, north of Gold Express Drive. The County will overlay both sides of Sunrise Boulevard, north of Gold Express Drive to the American River Bridge.

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

Advances Goals: 1, 2, 5.

13. CONSENT PUBLIC HEARING ITEMS - ROLL CALL VOTE

- 13.1 **Subject:** Sunridge Lot J Development Agreement Amendment; Project No. DD8449 – Located at the Southeast Corner of Douglas Road and Rancho Cordova Parkway.

Recommendation: Introduce and waive the first reading of Ordinance No. 10-2014.

Result of Recommended Action: Adopting this Ordinance will clarify the development requirements for Sunridge Lot J and Cresleigh Homes with regards to park dedication and timing of park development. The amended Development Agreement will also memorialize park fee rates, require that the applicant provide a phasing plan, and require annexation into the City's stormwater drainage maintenance district.

Staff Report: Jessica Jordan, Senior Planner.

Advances Goals: 2.

14. PUBLIC HEARING ITEMS

- 14.1 **Subject:** A Resolution Approving and Adopting the 2014-2015 Community Development Block Grant (CDBG) Action Plan.

Recommendation: Approve Resolution No. 26-2014.

Result of Recommended Action: Approves 2014-2015 CDBG Action Plan and allows City Manager to sign necessary Housing & Urban Development (HUD) documentation for Action Plan submittal for annual allocation of CDBG funding.

Staff Report: Jessica Hayes, Housing and Neighborhood Development Analyst and Peter Ibrahim, Housing Services Assistant.

Advances Goals: 1, 2, 5, 6.

- 14.2 **Subject:** An Ordinance amending Chapter 23.119 and Chapter 23.743 of Title 23 of the Municipal Code Pertaining to Sign Regulations.

Recommendation: Introduce and waive the first reading of Ordinance No. 12-2014.

Result of Recommended Action: Adopting this Ordinance will amend the City's sign standards increasing allowable sign square footage and establishing updated

temporary sign standards to be more business-friendly. The amendments also include minor clean-up of contradictory language, updates to definitions, updates to the Unified Sign Program standards, modifications to electronic sign standards, and consolidation of real estate sign standards to ensure the Code is clear and understandable.

Staff Report: Jessica Jordan, Senior Planner.

Advances Goals: 1, 2, 6.

- 14.3 **Subject:** An Urgency Ordinance of the City Council of the City of Rancho Cordova Extending for Ten (10) Months and Fifteen (15) Days a Temporary Moratorium on the Establishment, Expansion, and Operation of Private Smokers' Lounges, E-Cigarette Lounges, Vapor Bars, and Hookah Bars, to Become Effective May 1, 2014.

Recommendation: Hold public hearing and adopt Urgency Ordinance No. 11-2014, extending for ten (10) months and fifteen (15) days 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 Ordinance will extend the current forty-five (45) day temporary moratorium by ten (10) months and fifteen (15) days 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 and Paul Junker, Planning Director.

Advances Goals: 1, 2.

15. REGULAR CALENDAR ITEMS

- 15.1 **Subject:** Resolution to Withdraw from the Regional Human Rights Fair Housing Commission.

Recommendation: Adopt Resolution No. 27 - 2014, approving the City's Withdrawal from the Regional Human Rights Fair Housing Commission (RHRFHC).

Result of Recommended Action: Adoption of this resolution will authorize the City Manager to serve notice on the RHRFHC of the City Council's election to withdraw from the Commission and the Joint Powers Agreement (JPA) dated January 22, 2008.

Staff Report: Jessica Hayes, Housing and Neighborhood Development Analyst.

Advances Goals: 1, 5.

16. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

17. CITY MANAGER'S REPORT

City Manager's Office: Management Support and Analysis, Special Projects, Communications and Administrative Support.

18. ADJOURNMENT

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

19. SPECIAL MEETING/CLOSED SESSION - CALL TO ORDER/ROLL CALL

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

20. SPECIAL MEETING/CLOSED SESSION

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

PUBLIC EMPLOYEE APPOINTMENT

Title: City Manager

Pursuant to Government Code Section 54957

CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: Adam Lindgren and Bob Murray.

Unrepresented employee: City Manager

Pursuant to Government Code Section 54957

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>Tuesday, April 29, 2014</i>	<i>City Council Special Meeting/Closed Session (5:30 PM)</i>
<i>Monday, May 5, 2014</i>	<i>CANCELLED: City Council Regular Meeting (5:30 PM)</i>
<i>Monday, May 12, 2014</i>	<i>City Council Special Meeting/Closed Session (8:00 AM)</i>
<i>Monday, May 19, 2014</i>	<i>City Council Special Meeting (10:30 AM) and Regular Meeting (5:30 PM)</i>
<i>Monday, May 23, 2014</i>	<i>City Council Special Meeting/Closed Session (2:00 – 5:00 PM)</i>
<i>Tuesday, May 27, 2014</i>	<i>City Council Special Meeting/Work Session (5:30 PM)</i>
<i>Monday, June 2, 2014</i>	<i>City Council Special Meeting/Work 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, CMC, City Clerk for the City of Rancho Cordova, declare that the foregoing agenda for the Monday, April 21, 2014 Special and Regular Meeting of the Rancho Cordova City Council/Successor Agency to the CRA/RCFC was posted and available for review on Thursday, April 17, 2014 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, April 17, 2014 at Rancho Cordova, California.


Mindy Cuppy, CMC, City Clerk



**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, April 07, 2014

**4:00 PM – Special Meeting
American River Community Room North**

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

Special Meeting/Work Session to Follow the Regular Meeting

MINUTES

1. SPECIAL MEETING/WORK SESSION - CALL TO ORDER/ROLL CALL

Vice Mayor McGarvey called the special meeting to order in the American River Community Room North at 4:12 PM.

Council Members Present: McGarvey, Budge, Sander, Terry (at 4:22 PM)

Council Members Absent: Skoglund

Staff Members Present: Chinn, Lindgren, Cuppy, Abhar, Junker, Cook, Haven

2. PUBLIC COMMENT

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

- Craig Morimoto

Vice Mayor McGarvey closed the public comment period.

3. SPECIAL MEETING/WORK SESSION ITEM

- 3.1 City Council Discussion Regarding Proposed Amendments to Rancho Cordova Municipal Code Sections on Smoking to Include Smoking Prohibitions for Outdoor Public Areas; Regulation of Hookah Bars and Smoking Lounges; and Tobacco Sales and Licenses.

Recommendation: Discuss the draft ordinance amending smoking regulations within the City's Municipal Code, and direct staff on whether to proceed with the item at a future meeting and whether any changes are necessary.

Result of Recommended Action: If directed to do so by City Council, staff will make amendments to the draft ordinance and present it at a subsequent meeting for discussion and possible adoption.

Staff Report: Adam Lindgren, City Attorney and Kate Cook, Associate City Attorney.

Advances Goals: 1, 2.

ACTION: Discussion item only; no action taken.

4. ADJOURNMENT

Vice Mayor McGarvey adjourned the special meeting to the regular meeting in the David B. Roberts Council Chambers at 5:27 PM.

5. REGULAR MEETING - CALL TO ORDER / ROLL CALL

Mayor Skoglund called the regular meeting to order in the David B. Roberts Council Chambers at 5:51 PM.

Council Members Present: McGarvey, Budge, Sander, Terry

Council Members Absent: Skoglund

Staff Members Present: Lindgren, Cuppy, Abhar, Chinn, Holt, Thomas, Norton, Goold, Singh, Snipes, George, Grossi, Haven, Cook, Blair, Stricker, Junker, Silva

6. METRO CABLE TV TELEVISION ANNOUNCEMENT

The City Clerk read the meetings recordings and playback schedules.

7. PLEDGE OF ALLEGIANCE

George Burnash led the pledge.

8. INVOCATION

The Reverend David McFarland from New Life Center gave the invocation.

9. PRESENTATIONS

- 9.1 Presentation of Proclamation to Cub Scout Pack 281 in Honor of Creek Week Volunteers.

- 9.2 Presentation of Proclamation to Erin Kilbane and Terrence McNamara from C.C. Myers, Inc. for Spanish Creek Bridge Project Winning a National Award.
- 9.3 Business of Distinction Award Presented to Koreana Plaza.
- 9.4 Bike Friendly Corridor Initiative Presentation by Rebecca Garrison, Executive Director of the 50 Corridor TMA.
- 9.5 Introduction of New City Employee, Amanda Norton, Economic Development Manager Given by Curt Haven, Economic Development Director.

10. PUBLIC COMMENT

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

- James Feci, commented on Municipal Code Chapter 9.28.020.
- Scott Hermansen and Deborah Barrel, thanking council for their donations to the Cordova High School music department uniform fundraising campaign.
- Karen Klinger, regarding Metro Fire Suppression Assessment.

Vice 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 items 12.1 and 12.2 by Budge second by Terry;
Carried by a 4:0 roll call vote. (Skoglund absent)

Item 12.3 was pulled for further discussion.

ACTION: Motion to approve item 12.3 by Budge second by Terry;
Carried by a 4:0 roll call vote. (Skoglund absent)

12.1 **Subject:** Meeting Minutes of March 17, 2014 Special Meeting, March 17, 2014 Regular Meeting, March 25, 2014 Special Meeting, and March 28, 2014 Special Meeting.

Recommendation: Adopt Minutes.

12.2 **Subject:** Resolution Authorizing the City Manager to Execute a Three Year Contract with Coastline Water Resources, Inc. for Storm Drain Maintenance Services in the Amount of \$1,718,700.

Recommendation: Adopt Resolution No. 22-2014.

Result of Recommended Action: Adoption of this resolution will allow the City to contract with Coastline Water Resources, Inc. to provide ongoing storm drain maintenance services for pipes, manholes, culverts, creeks, ditches, and other related services, including emergency and after-hours calls for response.

Staff Report: Dana Grossi, Management Technician; Britton Snipes, Senior Civil

Engineer; and Cyrus Abhar, Public Works Director.

Advances Goals: 1, 2, 5.

- 12.3 **Subject:** Resolution Authorizing the City Manager to Execute a Three Year Contract with County of Sacramento Consolidated Utilities Billing and Service in the Amount of \$401,122 to Provide Billing and Collection Services for the Storm Water Utility Fee.

Recommendation: Adopt Resolution No. 23-2014.

Result of Recommended Action: Adoption of this resolution will allow the City to contract with County of Sacramento Consolidated Utilities Billing and Service to provide billing and collection of the storm water utility fee that is charged to single-family residents, multi-family, and commercial developments.

Staff Report: Dana Grossi, Management Technician; Britton Snipes, Senior Civil Engineer; and Cyrus Abhar, Public Works Director.

Advances Goal: 5.

13. CONSENT PUBLIC HEARING ITEMS - ROLL CALL VOTE

NONE.

14. PUBLIC HEARING ITEMS

NONE.

15. REGULAR CALENDAR ITEMS

- 15.1 **Subject:** Consideration of An Ordinance of the Rancho Cordova City Council Amending Chapter 6.84 of the Rancho Cordova Municipal Code, Titled Indoor Air and Health Protection, to Include Indoor Prohibitions on Operating Electronic Cigarettes and Using Electronic Smoking Devices Wherever Tobacco Smoking is Prohibited, and Amending Chapter 6.86 of the Municipal Code to Include Electronic Cigarettes and Electronic Smoking Devices in the Definition of Tobacco Products.

Recommendation: Introduce and read by title only Ordinance No.9-2014.

Result of Recommended Action: Ordinance No. 9-2014 will come back for a second reading at the April 21, 2014 City Council Meeting.

Staff Report: Kate Cook, Associate City Attorney and Adam Lindgren, City Attorney.

Advances Goals: 1, 2.

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

- James Feci, asking Council to postpone for FDA regulation.
- Kimberly Bankston-Lee, in support of item 15.1.
- Craig Morimoto, in opposition of item 15.1.
- Tim Gibbs, in support of item 15.1.

Vice Mayor McGarvey closed the public comment period.

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

17. CITY MANAGER'S REPORT

18. ADJOURNMENT OF REGULAR MEETING

Vice Mayor McGarvey adjourned the regular meeting in memory of Eugene Ridenhower to the special meeting in the American River Room North at 7:58 PM.

19. SPECIAL MEETING/WORK SESSION - CALL TO ORDER /ROLL CALL

Vice Mayor McGarvey called the special meeting to order in the American River Community Room North at 8:16 PM.

Council Members Present: McGarvey, Budge, Sander, Terry

Council Members Absent: Skoglund

Staff Members Present: Lindgren, Cuppy, Abhar, Junker, Silva, Chinn, Thomas, Stricker, Jordan

20. PUBLIC COMMENT

Mayor Skoglund opened the public comment period. There were no speakers. Mayor Skoglund closed the public comment period.

21. SPECIAL MEETING/WORK SESSION ITEM

21.1 Arista del Sol Tentative Subdivision Map and Grant Line 208 Tentative Subdivision Map.

Recommendation: This work session will provide the City Council with an overview of the collaborative efforts of staff in evaluating proposed amendments to the Arista del Sol Tentative Subdivision Map and Grant Line 208 Tentative Subdivision Map. Staff will be seeking specific direction on a few design items in order to complete processing of the proposed subdivision maps.

Result of Recommended Action: Upon receipt of direction on the specific discussion topics, the applicant will prepare exhibits and staff will prepare documents necessary for scheduling the projects for City Council action. The approved subdivision maps will shape the community to be developed in the future on the eastern side of the new growth area of the City.

Staff Report: Jessica Jordan, Senior Planning and Albert Stricker, Senior Civil Engineer.

Advances Goals: 1, 2.

ACTION: Discussion item only; no action taken.

22. ADJOURNMENT

Vice Mayor McGarvey adjourned the special meeting to the closed session in the Community Board Room at 9:52 PM.

23. SPECIAL MEETING/CLOSED SESSION - CALL TO ORDER/ROLL CALL

Vice Mayor McGarvey called the special meeting to order in the Community Board Room at 10:03 PM.

Council Members Present: McGarvey, Budge, Sander, Skoglund (By Phone)

Council Members Absent: None

Staff Members Present: Lindgren, Cuppy, Peterson

24. PUBLIC COMMENT

Mayor Skoglund opened the public comment period. There were no speakers. Mayor Skoglund closed the public comment period.

25. SPECIAL MEETING/CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATORS
Agency designated representative: Adam Lindgren
Unrepresented employee: City Manager
Pursuant to Government Code Section 54957

PUBLIC EMPLOYEE APPOINTMENT
Title: City Manager
Pursuant to Government Code Section 54957

26. OPEN SESSION

26.1 Appointment of Labor Negotiators.

Recommendation: Appoint Labor Negotiators.

Result of Recommended Action: This action will designate representatives authorized to negotiate salary and fringe benefits for the position of City Manager.

City Attorney Adam Lindgren reported that there was no reportable action from closed session.

Action was not taken on item 26.1.

27. ADJOURNMENT

Vice Mayor McGarvey adjourned the meeting at 11:06 PM.

Mindy Cuppy, CMC, City Clerk



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

City Hall
2729 Prospect Park Drive, Rancho Cordova

Wednesday, April 09, 2014

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

DRAFT MINUTES

1. WORK SESSION - CALL TO ORDER/ROLL CALL

Vice Mayor McGarvey called the special meeting to order in the American River Community Room North at 5:48 PM.

Council Members Present: McGarvey, Budge, Sander, Terry (at 5:52 PM)

Council Members Absent: Skoglund

Staff Members Present: Lindgren, Cuppy, Abhar, Chinn, Silva, Gassaway, Junker, Sparkman

2. PUBLIC COMMENT

Vice Mayor McGarvey opened the public comment period. There were no speakers. Vice Mayor McGarvey closed the public comment period.

3. SPECIAL MEETING ITEM

- 3.1 **Subject:** Joint Work Session Between the Rancho Cordova City Council and the Cordova Recreation and Park District Board of Directors.

ACTION: Discussion item only; no action taken.

4. ADJOURNMENT

Vice Mayor McGarvey adjourned the meeting at 9:33 PM.

Mindy Cuppy, CMC, City Clerk

CITY OF RANCHO CORDOVA ORDINANCE NO. 9-2014

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA AMENDING PROVISIONS OF CHAPTERS 6.84 AND 6.86 OF THE RANCHO CORDOVA MUNICIPAL CODE TO PROHIBIT THE OPERATION OF ELECTRONIC CIGARETTES AND ELECTRONIC SMOKING DEVICES ANYWHERE SMOKING IS CURRENTLY PROHIBITED AND TO INCLUDE ELECTRONIC CIGARETTES IN THE DEFINITION OF TOBACCO PRODUCTS

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

Section 1. Purpose and Declarations.

WHEREAS, tobacco use causes death and disease and continues to be an urgent public health challenge, as evidenced by the following:

- Tobacco-related illness is the leading cause of preventable death in the United States, accounting for about 443,000 deaths each year;¹ and
- Scientific studies have concluded that tobacco use can cause chronic lung disease, coronary heart disease and stroke, in addition to cancer of the lungs, larynx, esophagus, and mouth;² and
- Some of the most common types of cancers, including stomach, liver, uterine, cervix, and kidney are related to tobacco use;³ and

WHEREAS, the safety and efficacy of electronic cigarettes is still unknown and electronic cigarettes deliver an unknown mix of potentially carcinogenic and toxic compounds, as evidenced by the following: a) nicotine content labeling is not accurate with some electronic cigarette manufacturers;⁴ b) nicotine related impurities content in cartridges and refills vary by electronic cigarette manufacturer;⁵ and c) the concentrations of some metal and silicate particles in electronic cigarette aerosol were higher than or equal to the levels contained in conventional cigarette smoke;⁶ and

WHEREAS, the U.S. Food and Drug Administration conducted laboratory analysis of electronic cigarette samples and found them to contain carcinogens and toxic chemicals to which users and

¹ US Department of Health and Human Services, Centers for Disease Control and Prevention. *Tobacco Use: Targeting the Nation's Leading Killer*. 2011, p. 2. Available at: www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco_AAG_2011_508.pdf.

² US Department of Health and Human Services, Centers for Disease Control and Prevention. *Tobacco Use: Targeting the Nation's Leading Killer*. 2011, p. 2. Available at: www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco_AAG_2011_508.pdf.

³ Leistikow B, Zubair K, Connolly GN, et al. "Male Tobacco Smoke Load and Non-Lung Cancer Mortality Associations in Massachusetts." *BMC Cancer*, 8:341, 2008. Available at: www.biomedcentral.com/1471-2407/8/341.

⁴ Trehy ML, Ye W, et al. "Analysis of Electronic Cigarette Cartridges, Refill Solutions, and Smoke for Nicotine and Nicotine Related Impurities." *Journal of Liquid Chromatography & Related Technologies*, 34:1442–1458, 2011.

⁵ *Id.*

⁶ Williams M, Villarreal A, Bozhilov K, Lin S, Talbot P (2013) Metal and Silicate Particles Including Nanoparticles Are Present in Electronic Cigarette Cartomizer Fluid and Aerosol. *PLoS ONE* 8(3): e57987. doi:10.1371/journal.pone.0057987

bystanders could potentially be exposed,⁷ suggesting that the same concerns present with secondhand smoke from conventional cigarettes may exist with electronic cigarettes; and

WHEREAS, it is unlawful to sell or furnish electronic cigarettes to minors,⁸ however minors are still able to obtain access to electronic cigarette products. A national survey revealed that between 2011 and 2012, middle school students who reported ever using electronic cigarettes increased from 1.4% to 2.7% and current use of electronic cigarettes increased from 0.6% to 1.1%.⁹ The same survey found that high school students who reported ever using electronic cigarettes increased from 4.7% to 10.0% while current use increased from 1.5% to 2.8%; and

WHEREAS, there is no Constitutional right to smoke;¹⁰ and

WHEREAS, it is the intent of the City Council, in enacting this Ordinance, to provide for the public health, safety, and welfare by discouraging the inherently dangerous behavior of smoking and tobacco use, including electronic cigarettes and electronic smoking devices, around non-tobacco users, especially children; by protecting the public from exposure to secondhand smoke where they live, work and play; by reducing the potential for children to wrongly associate smoking and tobacco use with a healthy lifestyle; and by affirming and promoting a healthy and nuisance-free environment in the City.

Section 2. Amendment of Code. Section 6.84.024 is hereby added to the Rancho Cordova Municipal Code, to read as follows:

6.84.024 E-Cigarette, electronic cigarette, or electronic smoking device

“E-cigarette” or “electronic cigarette” or “electronic smoking device” means any electronic or battery-operated device, the use of which resembles smoking, that can be used to deliver an inhalable dose of nicotine or other substances by delivering a vaporized solution. “E-Cigarette,” “electronic cigarette,” or “electronic smoking device” includes any such electronic smoking device, whether manufactured, distributed, marketed or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor. “E-Cigarette,” “electronic cigarette,” or “electronic smoking device” does not include any product specifically approved by the United States Food and Drug Administration for use in the mitigation, treatment, or prevention of disease.

Section 3. Amendment of Code. Section 6.84.041 is hereby added to the Rancho Cordova Municipal Code, to read as follows:

⁷ US Food and Drug Administration. *News Release, FDA and Public Health Experts Warn About Electronic Cigarettes*. July 22, 2009. Available at:

www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm173222.htm.

⁸ Cal. Health & Safety Code § 119405 (West 2013).

⁹ Centers for Disease Control and Prevention. *Electronic Cigarette Use Among Middle and High School Students—United States, 2011-2012. Morbidity and Mortality Weekly Report*. September 6, 2013 (survey results are available at http://www.cdc.gov/tobacco/data_statistics/surveys/nyts.)

¹⁰ Public Health Law & Policy, Technical Assistance Legal Center. *There Is No Constitutional Right to Smoke*. 2005. Available at www.phlpnet.org/tobacco-control/products/there-no-constitutional-right-smoke.

6.84.041 Smoke

“Smoke” means the gases, particles or vapors released into the air by combustion, electronic ignition or vaporization when the apparent or usual purpose of the combustion, electronic ignition or vaporization is human inhalation of the resulting combustion products, including but not limited to tobacco smoke, cigarette smoke, marijuana smoke, and gases, aerosol or vapor released by the ignition of e-cigarettes or electronic smoking devices. “Smoke” does not include the product of combustion of incense or similar products when used solely for olfactory purposes and not containing tobacco or nicotine.

Section 4. Amendment of Code. Section 6.84.045 of the Rancho Cordova Municipal Code is hereby amended, to read as follows:

“Smoking” means engaging in an act that generates smoke, as defined in Section 6.84.041 of the RCMC, including but not limited to the lighting or possession of a lighted pipe, cigar, cigarette, or hookah water pipe, an operating e-cigarette or electronic smoking device, as defined in Section 6.84.024 of the RCMC, or a lighted smoke inhalation device of any kind that generates smoke of any kind, from tobacco, marijuana, any liquid cartridge, or any other weed or plant. Smoking does not mean the operation of any device or product specifically approved by the United States Food and Drug Administration for the use in mitigation, treatment, or prevention of disease.

Section 5. Amendment of Code. Section 6.86.040 of the Rancho Cordova Municipal Code, within Chapter 6.86 on the distribution of tobacco products to minors, is hereby amended to read as follows:

“Tobacco product” shall mean any tobacco cigarette, cigar, pipe tobacco, smokeless tobacco, snuff, chewing tobacco, electronic cigarette, e-cigarette or electronic smoking device, as defined in Section 6.84.024 of the RCMC, or any other form of tobacco or product containing at least fifty percent tobacco which may be utilized for smoking, chewing, inhalation or other manner of ingestion. “Tobacco product” shall not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence, unless such product emits smoke as defined by Section 6.84.041 of the RCMC.

Section 6. CEQA. Approval of the amendments in this Ordinance is exempt from further environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a series of text amendments and additions, it can be seen with certainty that there is no possibility that this Ordinance will have a significant effect on the environment.

Section 7. 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 8. Effective Date. Within fifteen (15) days after adoption, a Summary of this Ordinance shall be published once in the Grapevine Independent, or the Sacramento Bee, a newspaper of general circulation printed and published in Sacramento County and circulated in the City of Rancho Cordova, in accordance with Government Code section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert J. McGarvey, Vice Mayor

ATTEST:

Mindy Cuppy, CMC, City Clerk

2259656.1

MEMORANDUM



DATE: April 21, 2014

TO: Honorable Mayor and Council Members

FROM: Michelle Mingay, Sr. Finance Analyst

SUBJECT: RESOLUTION OF INTENTION TO ESTABLISH COMMUNITY FACILITIES DISTRICT 2014-1 (MONTELENA), TO LEVY A SPECIAL TAX THEREIN, AND TO INCUR BONDED INDEBTEDNESS IN AND FOR THE DISTRICT TO FINANCE THE ACQUISITION AND CONSTRUCTION OF CERTAIN PUBLIC FACILITIES AND LONG TERM MAINTENANCE COST

RECOMMENDATION

Adopt Resolution 18-2014 and 19-2014.

RESULT OF RECOMMENDED ACTION

Adoption of these Resolutions begins the process of forming Community Facilities District 2014-1 (Montelena), authorizes the District to incur bonded indebtedness in a principal amount not to exceed Twenty Eight Million Two Hundred Fifty Thousand Dollars (\$28,250,000) to pay for certain Public Facilities, such as roadways and underground utilities, and Long Term Maintenance Cost and sets 5:30 p.m. on June 2, 2014 as the time and date for a public hearing on the matter.

BACKGROUND

The property owner of the Montelena project has requested the City proceed with the formation of a Mello-Roos Community Facilities District ("CFD") to assist in the funding of public infrastructure and long term maintenance within the project. The district is proposed to be called the City of Rancho Cordova Community Facilities District No. 2014-1 (Montelena), County of Sacramento, State of California (hereinafter referred to as "CFD No. 2014-1").

The expected land uses within the project currently contemplate the construction of 806 single family homes, 14.2 acres of commercial property, 15.5 acres of parks, 9.24 acres of landscape areas, and a 2.0 acre fire station site. Through the subdivision map and entitlement process, the CFD properties will be required to construct all appropriate infrastructures. The CFD program simply provides a funding mechanism for a part of the total costs. The balance of the costs will be paid by the developer.

City staff has reviewed the list of improvements and services authorized by CFD No. 2014-1 to make certain that all appropriate projects are included. Keep in mind however, that the underlying entitlement requirements and subdivision map processing are the governing documents for the scope and timing of improvements, the CFD simply provides a financing mechanism for the improvements.

The proposed special tax rate of \$1,237 per single family unit, in the base year (fiscal year 2014 - 2015), is comparable to the current rates being levied in the Anatolia CFD, which range between \$921 - \$1,530, and the Sunridge Park CFD, which range between \$1,286 - \$1,530, in 2014 dollars. The special tax will automatically increase annually, starting July 1, 2015, for the life of the CFD.

The Montelena CFD will also have a services component which complements Community Facilities District No. 2014-2 (Street, Lighting and Landscape Maintenance) (the "Maintenance CFD") which is also being approved this evening. In order to keep the maximum taxes within the development as low as possible, while still maximizing the total bonds that could be issued for this district, staff has agreed to move long term infrastructure maintenance items (i.e. road overlays, curb, gutter and sidewalk replacement, etc.) from the Maintenance CFD into the Facilities CFD since funding for these improvements are not needed for 30 - 50 years. This allows the district to use the taxing capacity for debt repayment during the first 35+ years (until bonds are paid off and a long term maintenance reserve has been fully funded) and then convert the facilities tax to a lower services tax which will be assessed in perpetuity.

A Resolution of Intention to establish CFD No. 2014-1 is attached. The resolution sets forth the City's intention to establish the CFD, designates the name of the district, identifies the facilities and services to be funded, calls for the preparation of a CFD Report and states the City's intention to levy a special tax to pay for these facilities and services. Attached to the Resolution of Intention is a boundary map (**Exhibit A**) that describes the proposed boundaries of CFD No. 2014-1, list of authorized facilities and services to be provided (**Exhibit B**), and the proposed Rate and Method of Apportionment (RMA) of Special Tax for CFD No. 2014-1 (**Exhibit C**), which details how and when the special tax will be levied on properties within the district. The resolution also sets 5:30 p.m., or as soon thereafter as possible, on June 2, 2014 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.

A Resolution Declaring the Intent to Incur Bonded Indebtedness is also attached. This Resolution declares there is a public convenience which requires bonded indebtedness and sets the not to exceed amount for the bonds at Twenty Eight Million Two Hundred Fifty Thousand Dollars (\$28,250,000). The bonds are to be used to finance the acquisition and contraction of and the payment of fees for the Facilities in and for the Community Facilities District.

This CFD is being formed with 100% property owner approval and the election by property owners is expected to generate a 100% favorable vote. It is anticipated the property owners will be waiving their rights to challenge the accelerated CFD formation process that is planned for this CFD.

ATTACHMENTS

1. Resolution No. 18-2014 including Exhibits A-C.
2. Resolution No. 19-2014.

CITY OF RANCHO CORDOVA

RESOLUTION NO. 18-2014

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
DECLARING ITS INTENTION TO ESTABLISH THE CITY OF RANCHO CORDOVA
COMMUNITY FACILITIES DISTRICT NO. 2014-1 (MONTELENA) AND TO LEVY A SPECIAL
TAX THEREIN TO FINANCE THE ACQUISITION AND CONSTRUCTION OF CERTAIN
PUBLIC FACILITIES AND TO CONTRIBUTE TO THE COST OF CERTAIN SERVICES IN
AND FOR SUCH COMMUNITY FACILITIES DISTRICT**

WHEREAS, the City Council (the "City Council") of the City of Rancho Cordova (the "City") has duly considered the advisability and necessity of establishing a community facilities district (the "CFD") related to new development in the City and levying a special tax therein to finance the acquisition and construction of certain public facilities and to contribute to the cost of certain services in and for such CFD under and pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982," being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California (the "Act"); and

WHEREAS, the City Council has determined that the establishment of such CFD is consistent with and follows the local goals and policies concerning the use of the Act that have been adopted by the City Council and are now in effect; and

WHEREAS, the City Council is fully advised in this matter;

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

Section 1. The above recitals are true and correct, and the City Council so finds and determines.

Section 2. It is the intention of the City Council to, and the City Council hereby proposes to, establish the CFD under and pursuant to the terms and provisions of the Act, to be known and designated as the "City of Rancho Cordova Community Facilities District No. 2014-1 (Montelena)", with the boundaries of the territory proposed for inclusion in the CFD being more particularly described and shown on that certain map entitled "Proposed Boundaries of the City of Rancho Cordova Community Facilities District No. 2014-1 (Montelena)" **Exhibit A** attached hereto and on file with the City Clerk. The City Clerk is hereby directed to sign the map as required and record, or cause to be recorded, the map of the boundaries of the CFD in the office of the Sacramento County Recorder within fifteen days of the date of adoption of this Resolution, but in any event at least fifteen days prior to the public hearing specified below.

Section 3. It is the intention of the City Council to finance the acquisition and construction of certain public facilities, which may include the payment of certain fees relating to public facilities (collectively the "Facilities") generally described as roadway, water, sewer, parks, and related improvements, under and pursuant to the Act in and for the CFD (which are public facilities or fees that the City is authorized by law to construct, own, operate or pay and that are necessary to meet increased demands placed upon the City as a result of development

occurring and anticipated to occur in the CFD), and to provide moneys for certain services (the "Services") which this City Council finds are services the City is authorized by law to provide and are necessary to meet increased demands placed upon local agencies as the result of development occurring within the area of the CFD, all as listed in **Exhibit B** attached hereto and incorporated herein and made a part hereof. The cost of financing the Facilities and Services includes incidental expenses comprising the costs of planning and designing the Facilities, together with the costs of environmental evaluations thereof, incidental costs related to the Facilities and Services, and all costs associated with the creation of the CFD, the issuance and administration of the CFD and of bonds, the determination of the amount of any special taxes or the collection or payment of any special taxes and costs otherwise incurred in order to carry out the authorized purposes of the CFD, together with any other expenses incidental to the acquisition and construction of the Facilities and the providing of the Services, which include but are not limited to the incidental expenses included in **Exhibit B**.

In connection with the financing of the Facilities, the City shall enter into an agreement with the developer of land in the CFD for acquisition of the Facilities, which agreement shall include a reservation of certain moneys available for acquisition of the Facilities, for the purpose of City prioritization and assurance of completion of construction of certain roadway Facilities which the City determines of a high priority for completion as a result of new development.

Section 4. It is the intention of the City Council that, except where funds are otherwise available, a special tax in the CFD sufficient to finance the acquisition and construction of the Facilities, which may include the payment of the fees for Facilities, and to provide the Services, including the payment of interest on and principal of bonds to be issued to finance Facilities and payment and including the repayment of funds advanced by the City for the CFD and including the repayment under any agreement (which shall not constitute a debt or liability of the City) of advances of funds or reimbursement for the lesser of the value or cost of work in-kind provided by any person for the CFD, which special tax shall be secured by recordation of a continuing lien against all nonexempt real property in the CFD, will be annually levied by the City Council within the boundaries of the CFD, and for particulars as to the rate and method of apportionment and manner of collection of such special tax reference is made to **Exhibit C**, attached hereto and incorporated herein and made a part hereof, which sets forth the rate and method of apportionment and manner of collection of such special tax in sufficient detail to allow each landowner or resident within the CFD to estimate the maximum amount that such person will have to pay to finance the acquisition and construction of the Facilities and the providing of the Services, and which specifies the conditions under which the obligation to pay the special tax for the Facilities may be prepaid and permanently satisfied as provided therein.

This Council hereby finds that the provisions of Section 53313.6, 53313.7 and 53313.9 of the Act (relating to adjustments to *ad valorem* property taxes and schools financed by a community facilities district) are inapplicable to the proposed CFD.

Section 5. Except as may otherwise be provided by law or by the rate and method of apportionment of the Special Tax for the CFD, all lands owned by any public entity, including the United States, the State of California and/or the City, or any departments or political subdivisions thereof, shall be omitted from the levy of the Special Tax to be made to cover the costs and expenses of the Services and the CFD. In the event that a portion of the property within the CFD shall become for any reason exempt, wholly or in part, from the levy of the Special Tax, this Council will, on behalf of the CFD, increase the levy to the extent necessary upon the remaining property within the CFD which is not exempt in order to yield the required

debt service payments and other annual expenses of the CFD, if any, subject to the provisions of the rate and method of apportionment of the Special Tax.

It is the intention of the City Council, pursuant to Section 53317.3 of the Government Code of the State of California, to continue to levy the special tax on property (that is not otherwise exempt from the special tax) that is acquired by a public entity through a negotiated transaction, or by gift or devise.

It is the intention of the City Council, pursuant to Section 53340.1 of the Government Code of the State of California, to levy the special tax on the leasehold or possessory interests in property owned by a public agency (which property is otherwise exempt from the special tax), to be payable by the owner of the leasehold or possessory interests in such property.

Section 6. It is the intention of the City Council, pursuant to Section 53317.5 of the Government Code of the State of California, to treat the obligation to pay the special tax levied against property that is acquired by a public entity through eminent domain proceedings as if it were a special annual assessment.

Section 7. It is the intention of the City Council, pursuant to Section 53325.7 of the Government Code of the State of California, to establish an appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, for the CFD.

Section 8. Notice is given that June 2, 2014, at the hour of 5:30 o'clock P.M., at the regular meeting place of the City Council, City Council Chambers, Rancho Cordova City Hall, 2729 Prospect Park Drive, Rancho Cordova, California 95670, has been fixed by the City Council as the time and place for a public hearing to be held by the City Council to consider the establishment of the CFD, the proposed rate and method of apportionment and manner of collection of such special tax and all other matters as set forth in this resolution. At such public hearing, any persons interested, including all taxpayers, property owners and registered voters within the CFD may appear and be heard, and the testimony of all interested persons or taxpayers for or against the establishment of the CFD and the levy of such special tax, or the extent of the CFD, or the acquisition or construction of or the payment of the fees for any of the Facilities proposed therefor, the financing of the Services, or the establishment of an appropriations limit therefor, or on any other matters set forth herein, will be heard and considered. Any protests to the foregoing may be made orally or in writing by any interested persons or taxpayers, except that any protests pertaining to the regularity or sufficiency of such proceedings shall be in writing and shall clearly set forth the irregularities and defects to which the objection is made; and the City Council may waive any irregularities in the form or content of any written protest and at such public hearing may correct minor defects in such proceedings. All written protests shall be filed with the City Clerk of the City on or before the time fixed for such public hearing, and any written protest may be withdrawn in writing at any time before the conclusion of such public hearing. At the conclusion of such public hearing, the City Council may abandon the proposed establishment of the CFD or may, after passing upon all protests, determine to proceed with establishing the CFD; provided, that if the owners of one-half (1/2) or more of the area of the land in the territory proposed to be included in the CFD that are not exempt from the special tax file written protests against the establishment of the CFD, and such protests are not withdrawn so as to reduce the value of the protests to less than such a majority, no further proceedings to establish the CFD or to levy such special tax shall be taken for a period of one (1) year from the date of such decision, except that if the majority protests of the landowners are only against the acquisition and construction of or the payment for a specified type or types of any of the Facilities or Services proposed for the CFD, those Facilities and/or

Services shall be eliminated from the resolution of formation of the CFD. Such public hearing may be continued from time to time, but shall be completed within thirty (30) days, except that if the City Council finds that the complexity of the CFD or the need for public participation requires additional time, such public hearing may be continued from time to time for a period not to exceed six (6) months. The City Council may at such public hearing modify this resolution by eliminating any of such Facilities or Services, or by changing the rate and method of apportionment of such special tax so as to reduce the maximum special tax for all or a portion of the owners of property within the CFD or by removing any territory from the CFD, except that if the City Council proposes to modify this resolution in a way that will increase the probable special tax to be paid by the owner of any lot or parcel of land in the CFD, the City Council shall obtain the consent of such affected owner or direct that a report be prepared that includes a brief analysis of the impact of the proposed modifications on the probable special tax to be paid by the owners of lots or parcels of land in the CFD, and the City Council shall receive and consider such report before approving any such modifications or any resolution forming the CFD which includes such modifications. If the City Council determines at the conclusion of such public hearing to proceed with the establishment of the CFD, the proposed voting procedure shall be by landowners voting in accordance with the Act, as there are less than twelve (12) registered electors residing within the CFD.

Section 9. The Finance Director of the City is hereby directed and ordered to study the CFD and, at or before the time of such public hearing, to cause to be prepared and filed with the City Council a report which shall contain a brief description of the Facilities and Services by type which in his opinion will be required to adequately meet the needs of the CFD, together with an estimate of the cost for financing the acquisition and construction of and the payment for the Facilities, cost of the Services to be paid from special taxes, and an estimate of the incidental expenses related thereto, and which such report shall further contain any other material that is related to the Facilities, the Services or the CFD. Such report shall, upon its presentation, be submitted to the City Council for review, and shall be made a part of the record of the public hearing on this resolution of intention to establish the CFD.

Section 10. In the opinion of the City Council, the public interest will not be served by allowing the property owners in the CFD to enter into a contract pursuant to Section 53329.5(a) of the Government Code of the State of California to do the work to be financed under the Act.

Section 11. Notice of the time and place of such public hearing shall be in the form required by the Act and shall be published in a newspaper of general circulation circulated in the area of the CFD, which such publication shall be made pursuant to Section 6061 of the Government Code of the State of California and shall be completed at least seven (7) days prior to the date set for such public hearing.

Section 12. This Resolution shall take effect from and after its adoption.

* * * * *

I hereby certify that the foregoing Resolution was duly adopted by the City Council of the City of Rancho Cordova, California, at a regularly scheduled meeting thereof, held on the _____ day of _____, 2014, by the following vote of the City Council:

AYES:
NOES:
ABSENT:
ABSTAIN:

Robert J. McGarvey, Vice Mayor

ATTEST:

Mindy Cuppy, CMC, City Clerk

EXHIBIT A

City of Rancho Cordova
Community Facilities District No. 2014-1 (Montelena)

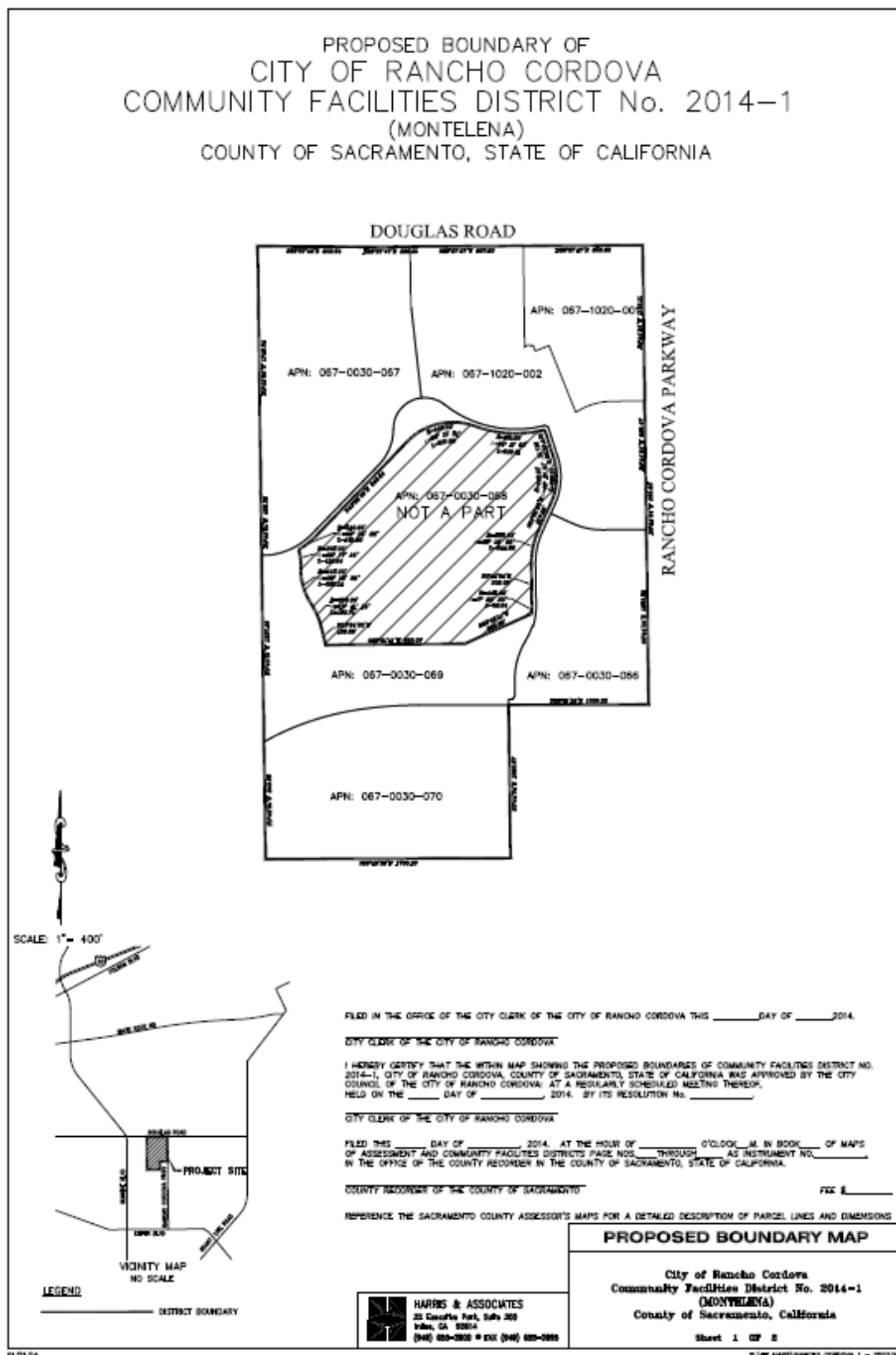


EXHIBIT B

City of Rancho Cordova
Community Facilities District No. 2014-1 (Montelena)

LIST OF FACILITIES AUTHORIZED TO BE FUNDED BY CFD No. 2014-1**ROADWAYS**

Including: Pavement, Curb, Gutter, Sidewalks, Joint Trench Utilities, Signals, Street Lights, Stop Signs, General Signage, Local & Regional Drainage, Landscaping & Irrigation (incl. backflow preventers), Soundwalls, Entry Monumentation, and Striping

- R-1 Douglas Road – Montelena’s western boundary to Rancho Cordova Parkway
- R-2 Rancho Cordova Parkway – Douglas to Chrysanthy
- R-3 Chrysanthy - Montelena’s western boundary to Rancho Cordova Parkway
- R-4 Montelena Drive
- R-5 Cobblebrook Drive - Montelena’s western boundary to Rancho Cordova Parkway
- R-6 Herodian Drive - Montelena’s western boundary to Cobble Brook Drive
- R-7 Tours Way – onsite to eastern project boundary
- R-8 Hartland Way – onsite to southern project boundary
- R-9 Sophistry Drive – onsite to southern project boundary
- R-10 Sewer/Detention Basin Access Road and associated appurtenances
- R-11 Misc. Open Space and Drainage Facilities fencing
- R-12 Any and all major streets, residential collectors and minor residential streets within Montelena

SANITARY SEWER FACILITIES

- S-1 Any and all major Sanitary Sewer facilities necessary to provide sewer service to Montelena

WATER FACILITIES

- W-1 Any and all major Water facilities necessary to provide water service to Montelena

DRAINAGE FACILITIES

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

PARK AND OPEN SPACE IMPROVEMENTS

- P-1 Park Lot A – 10.8 acres
- P-2 Park Lot B – 2.5 acres
- P-3 Park Lot C – 2.1 acres
- P-4 Pedestrian Bridge
- OS-1 Any and all improvements within major and minor open space areas along with paseos and trails such as, but not limited to, the preserve edge, basin edge, and roadways

EXHIBIT B

City of Rancho Cordova
Community Facilities District No. 2014-1 (Montelena)

SUNRISE DOUGLAS, CITY DEVELOPMENT IMPACT & COMMUNITY FACILITIES FEES AND DEVELOPMENT AGREEMENT FEES

- F-1 Sunrise Douglas Community Plan Roadway Fee
- F-2 Sunrise Douglas Community Plan Transit Shuttle Fee
- F-3 Sunrise Douglas Community Plan Supplemental Water Fee
- F-4 Sunrise Douglas Community Plan Interim Sewer Fee
- F-5 Sunrise Douglas Community Plan Administration Fee
- F-6 Park Renovation Fee
- F-7 Measure A Fee
- F-8 Cordova Recreation and Park Fee
- F-9 Transportation Impact Fee
- F-10 Supplemental Transportation Fee
- F-11 Community Facilities Fee – Facilities Component
- F-12 Community Facilities Fee – Library Component
- F-13 Any and all fees charged by the City for the purchase, construction, expansion, improvement or rehabilitation of facilities which provide a public benefit or are owned by a public agency

ENGINEERING STUDIES, PERMITTING, PUBLIC FACILITIES REPORT, FINANCING PLAN

- E-1 Consultant fees, application and processing fees, document production costs associated with the CFD preparation and processing of Public Facilities Reports, Engineering Studies, CFD Reports
- E-2 Financing Plans, Environmental Permitting, and Environmental Studies, as well as other costs associated with the District Formation and Bond Sale process

OTHER

- O-1 The purchase, construction, expansion, improvement or rehabilitation of any other facilities serving substantially the same purpose as the above described facilities
- O-2 The purchase, construction, expansion, improvement or rehabilitation of 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

EXHIBIT B

City of Rancho Cordova
Community Facilities District No. 2014-1 (Montelena)

LIST OF SERVICES TO BE FUNDED BY CFD No. 2014-1**SERVICES**

- Services-1 Maintenance and lighting of parks, parkways, streets, roads and open space
Maintenance means the furnishing of services and materials for the replacement of public streets, lighting and landscaping improvements, and appurtenant facilities, including the administration and overhead related to the maintenance activities
- Services-2 Reserve for Maintenance
The CFD special taxes may be collected and set-aside in designated funds, collected over several years, that may be used by the CFD to fund future maintenance and lighting of parks, parkways, streets, roads and open space and other services as determined by the CFD and allowed under the CFD laws

EXHIBIT B

City of Rancho Cordova
Community Facilities District No. 2014-1 (Montelena)

INCIDENTAL EXPENSES AND BOND ISSUANCE COSTS TO BE FUNDED BY CFD No. 2014-1

Incidental expenses may be incurred in connection with the CFD and repaid from Special Tax levies, including but are not limited to the following:

- Engineering services
- Special tax consultant services
- City review and administration
- Bond counsel services
- Bond counsel out of pocket expenses
- Independent financial advisor services
- Appraiser services
- Initial bond transfer agent, fiscal agent, registrar and paying agent fees
- Rebate calculation service set up charge
- Bond printing
- Offering memorandum printing and mailing costs
- Publishing, mailing and posting of notices
- Underwriter's discount
- Bond reserve fund
- Capitalized interest
- Bond syndication costs
- Governmental notification and filing costs
- Credit enhancement costs
- Real estate acquisition costs
- Special disclosure counsel
- Rating agency fees

In addition to annual allocations of the above costs, certain annual costs related to administration of the District and bonds issued for the District may be included in each annual special tax levy. These include:

- Annual bond transfer agent, fiscal agent, registrar and paying agent fees
- Annual rebate calculation costs
- Special tax consultant costs
- Other necessary consultant costs
- Costs of posting and collecting the special taxes
- Personnel costs of the City
- Arbitrage rebate
- Rating agency fees

EXHIBIT C

[ATTACH A COPY OF THE RATE AND METHOD OF APPORTIONMENT]

EXHIBIT C

CITY OF RANCHO CORDOVA COMMUNITY FACILITIES DISTRICT NO. 2014-1 (MONTELENA)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

Special Taxes applicable to each Assessor's Parcel in the City of Rancho Cordova Community Facilities District No. 2014-1 (Montelena) 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 the CFD, 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.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

“Accessory Unit” means a second residential unit of limited size (e.g., granny cottage, second unit) that shares a Parcel with a single-family detached unit.

“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 California Government Code.

“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 the CFD and the Bonds, including, but not limited to, the levy and collection of 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 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 the CFD.

“Administrator” means the person or firm designated by the City to administer the Special Taxes according to this RMA.

“Annual Escalation Factor” means the annual percentage increase, if any, in the McGraw-Hill Engineering News Record Construction Cost Index (ENR CCI) for the San Francisco area from January of the previous year to January of the year in which the Special Tax is levied. In the event the ENR CCI is no longer reported, the City Manager or Finance Director shall select a similar index to replace it.

“Assessor’s Parcel” or “Parcel” means a lot or parcel shown on a County Assessor’s Parcel Map with an assigned County 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 the public facilities authorized to be financed, in whole or in part, by Facilities Special Taxes collected within the CFD, pursuant to the documents adopted by the City Council at CFD Formation.

“Authorized Services” means those services that are authorized to be funded by Services Special Taxes collected within the CFD, pursuant to the documents adopted by the City Council at CFD Formation.

“Bonds” means bonds or other debt (as defined in the Act), whether in one or more series, issued or assumed by the CFD to fund Authorized Facilities or to refund Bonds issued by the CFD.

“CFD” or “CFD No. 2014-1” means the City of Rancho Cordova Community Facilities District No. 2014-1 (Montelena).

“CFD Formation” means the date on which the Resolution of Formation to form CFD No. 2014-1 was adopted by the City Council.

“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.

“Developed Property” means, in any Fiscal Year, all Parcels of Taxable Property for which a use permit or building permit for new construction (which shall not include a permit issued solely for construction of the foundation if another permit remains to be issued for vertical construction of the building) was issued prior to June 30 of the preceding Fiscal Year.

“Expected Land Uses” means the total number of Units expected within the CFD at the time of CFD Formation, as identified in Attachments 1 and 2 of this RMA.

“Expected Maximum Facilities Special Tax Revenues” means the amount of annual revenue that would be available if the Maximum Facilities Special Tax was levied on the Expected Land Uses.

The Expected Maximum Facilities Special Tax Revenues are shown in Attachment 2 of this RMA and may be reduced due to prepayments in future Fiscal Years.

“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 that begins in such Fiscal Year, (ii) to create and/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, (v) to pay directly for Authorized Facilities, and (vi) to fund all or a portion of the Long-Term Maintenance Reserve. 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 sets forth these terms, (ii) proceeds from the collection of penalties associated with delinquent Facilities Special Taxes, and (iii) any other revenues available to pay debt service on the Bonds as determined by the Administrator.

“Final Bond Sale” means the last series of Bonds that will be issued on behalf of CFD No. 2014-1 (excluding any Bond refundings), as determined in the sole discretion of the City.

“Final Map” means a final map, or portion thereof, recorded by the 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 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.

“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.

“Long-Term Maintenance Reserve” means, in Fiscal Year 2014-15, an amount equal to \$4,300,000 that will be used to pay for street overlays; repair and replacement of curbs, gutters, sidewalks, and street lights; and any other long-term facility repair and replacement that the City determines is authorized and needed to serve properties in the CFD. The amount shown above shall be adjusted on July 1, 2015 and each July 1 thereafter by the Annual Escalation Factor until the Long-Term Maintenance Reserve has been fully funded, as determined by the City.

“Maximum Facilities Special Tax” means the greatest amount of Facilities Special Tax that can be levied on a Parcel in any Fiscal Year, as 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 a Parcel in any Fiscal Year after the Trigger Event, as determined in accordance with Section C.2 below.

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

“Multi-Family Property” means, in any Fiscal Year, all Parcels of Developed Property for which a building permit or use permit has been issued for construction of a residential structure with five or more Units that share a single Assessor’s Parcel number, are offered for rent to the general public, and cannot be purchased by individual homebuyers.

“Non-Residential Property” means all Assessor’s Parcels of Developed Property for which a building permit was issued for an office, commercial, retail, industrial or mixed-use building, as determined by the City.

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

“Public Property” means any property within the boundaries of the CFD that is owned by or irrevocably offered for dedication to the federal government, State of California, County, City, or other local governments or public agencies.

“Residential Property” means, collectively, Single Family Detached Property, Single Family Attached Property, and Multi-Family Property. If a building includes both Units and non-residential land uses, the Units within the building shall be categorized as Residential Property for purposes of this RMA.

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

“Services Special Tax” means a special tax levied in any Fiscal Year after the Trigger Event has taken place to pay the Services Special Tax Requirement.

“Services Special Tax Requirement” means the amount of revenue needed in any Fiscal Year after the Trigger Event to pay for: (i) Authorized Services, (ii) Administrative Expenses, and (iii) amounts needed to cure any delinquencies in the payment of Services Special Taxes which have occurred in

the prior Fiscal Year. In any Fiscal Year, the Services Special Tax Requirement shall be reduced by surplus amounts available (as determined by the City) from the levy of the Services Special Tax in prior Fiscal Years, including revenues from the collection of delinquent Services Special Taxes and associated penalties and interest.

“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 Attached Property” means, in any Fiscal Year, all Parcels of Developed Property for which a building permit or use permit was issued for construction of a residential structure consisting of two or more Units that share common walls, have separate Assessor’s Parcel numbers assigned to them (except for a duplex unit, which may share a Parcel with another duplex unit), and may be purchased by individual homebuyers (which shall still be the case even if the Units are purchased and subsequently offered for rent by the owner of the Unit), including such residential structures that meet the statutory definition of a condominium contained in Civil Code Section 1351.

“Single Family Detached Property” means, in any Fiscal Year, all Parcels of Developed Property for which a building permit was issued for construction of a Unit that does not share a common wall with another Unit.

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

“Taxable Non-Residential Property” means any property within the CFD that, based on reference to Attachment 1, was expected to be Residential Property and instead becomes Non-Residential Property. Notwithstanding the foregoing, if the City determines that, at the time a Parcel is rezoned from residential to non-residential land uses, an equal amount of Acreage within the CFD is rezoned to Residential Property and is subject to the levy of Special Taxes, the Non-Residential Property can be deemed exempt from Special Taxes if the Administrator determines that there is no loss in Expected Maximum Facilities Special Tax Revenues from granting such exemption.

“Taxable Property” means all of the Assessor’s Parcels within the boundaries of the CFD which are not exempt from the Special Taxes pursuant to law or Section G below.

“Taxable Public Property” means any property within the CFD that, based on reference to Attachment 1, was expected to be Residential Property and instead becomes Public Property. Notwithstanding the foregoing, if the City determines that, in the Fiscal Year in which the Parcel would first be categorized as Taxable Public Property, an equal amount of Acreage within the CFD that was expected to be Public Property is rezoned to Residential Property and is subject to the levy of Special Taxes, the Parcel of Public Property can be deemed exempt from Special Taxes if the Administrator determines that there is no loss in Expected Maximum Facilities Special Tax Revenues from granting such exemption.

“Trigger Event” means, in any Fiscal Year, that, on or before June 30 of the prior Fiscal Year, the City made a finding that (i) all Bonds secured by the levy and collection of Facilities Special Taxes

in the CFD have been fully repaid, (ii) all Administrative Expenses have been paid or reimbursed to the City, and (iii) the Long-Term Maintenance Reserve has been fully funded. In the first Fiscal Year in which the Administrator finds that the Trigger Event occurred in the prior Fiscal Year, and in each Fiscal Year thereafter, the Facilities Special Tax shall cease to be levied, and the Services Special Tax determined for each Parcel pursuant to Section C.2 shall be levied as needed to pay the Services Special Tax Requirement.

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

“Unit” means a single family detached unit or an individual unit within a duplex, triplex, halfplex, fourplex, condominium, townhome, live/work, or apartment structure. An Accessory Unit that shares a Parcel with a single-family detached unit shall not be considered a separate Unit for purposes of this RMA.

B. DATA FOR ADMINISTRATION OF SPECIAL TAXES

On or about July 1 of each Fiscal Year, the Administrator shall identify the current Assessor’s Parcel numbers for all Parcels of Developed Property, Final Map Property, and Undeveloped Property within the CFD. The Administrator shall also determine: (i) which Parcels of Developed Property are Residential Property and Non-Residential Property; (ii) by reference to the condominium plan, site plan, or other document, the number of Units on each Parcel of Single Family Attached Property and Multi-Family Property; (iii) whether the Trigger Event has occurred; and (iv) the Facilities Special Tax Requirement or, if the Trigger Event has occurred, the Services Special Tax Requirement for the Fiscal Year.

In any Fiscal Year, if it is determined that: (i) a parcel map for property in the CFD 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) a building permit was issued prior to June 30 of the prior Fiscal Year for development on one or more of the newly-created parcels, the Administrator shall calculate the Special Tax for Units within the subdivided area and levy such Special Tax on the master Parcel that was subdivided by recordation of the parcel map.

C. MAXIMUM SPECIAL TAXES

1. *Facilities Special Tax*

Table 1 below identifies the Maximum Facilities Special Tax for Parcels in the CFD, both before and after the Trigger Event subject to potential adjustments that may occur to the Maximum Facilities Special Tax pursuant to Section D below.

TABLE 1
MAXIMUM FACILITIES SPECIAL TAX

<i>Type of Property</i>	<i>Maximum Facilities Special Tax Prior to the Trigger Event (Fiscal Year 2014-15)*</i>	<i>Maximum Facilities Special Tax After the Trigger Event (Fiscal Year 2014-15)*</i>
<u>Residential Property:</u> Single Family Detached Property Single Family Attached Property Multi-Family Property	\$1,237 per Unit \$1,237 per Unit \$8,715 per Acre	\$0.00 per Unit \$0.00 per Unit \$0.00 per Acre
Taxable Non-Residential Property	\$8,715 per Acre	\$0.00 per Acre
Taxable Public Property	\$8,715 per Acre	\$0.00 per Acre
Final Map Property	\$1,237 per SFD Lot	\$0.00 per SFD Lot
Undeveloped Property	\$8,715 per Acre	\$0.00 per Acre

*** On July 1, 2015 and on each July 1 thereafter, all figures shown in Table 1 above shall be increased by an amount equal to 2.0% of the amount in effect for the prior Fiscal Year.**

2. *Services Special Tax*

Table 2 below identifies the Maximum Services Special Tax for Parcels within the CFD, both before and after the Trigger Event.

TABLE 2
MAXIMUM SERVICES SPECIAL TAX

<i>Type of Property</i>	<i>Maximum Services Special Tax Prior to the Trigger Event (Fiscal Year 2014-15)*</i>	<i>Maximum Services Special Tax After the Trigger Event (Fiscal Year 2014-15)*</i>
<u>Residential Property:</u> Single Family Detached Property Single Family Attached Property Multi-Family Property	\$0.00 per Unit \$0.00 per Unit \$0.00 per Unit	\$164 per Unit \$130 per Unit \$93 per Unit
Taxable Non-Residential Property	\$0.00 per Acre	\$1,149 per Acre
Taxable Public Property	\$0.00 per Acre	\$1,149 per Acre
Final Map Property	\$0.00 per SFD Lot	\$164 per SFD Lot
Undeveloped Property	\$0.00 per Acre	\$1,149 per Acre

*** On July 1, 2015 and on each July 1 thereafter, all figures shown in Table 2 above shall be increased by the Annual Escalation Factor.**

D. ADJUSTMENTS TO THE MAXIMUM FACILITIES SPECIAL TAX

The Expected Maximum Facilities Special Tax Revenues were calculated based on the Expected Land Uses at CFD Formation. 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 change to the Expected Land Uses (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 amount committed to in the Bond documents. Upon approval of the Land Use Change, the Administrator shall update Attachment 2 to show the reduced Expected Maximum Facilities Special Tax Revenues, which amount shall be used to size the Final Bond Sale.

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

Step 1: By reference to Attachment 2 (which will be updated by the Administrator each time a Land Use Change has been processed according to this Section D), the

Administrator shall identify the Expected Maximum Facilities Special Tax Revenues;

- Step 2:** The Administrator shall calculate the Maximum Facilities Special Tax Revenues that could be collected from Taxable Property if the Land Use 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 the portion of the Expected Maximum Facilities Special Tax Revenues in an amount that corresponds to the lost revenue, 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 land owner (which may include approval of multiple Final Maps at one time), the Administrator may consider the combined effect of all the Land Use Changes to determine if there is a reduction in Expected Maximum Facilities Special Tax Revenues. If there is a reduction, the Administrator shall increase the Maximum Facilities Special Tax proportionately in all of the Final Maps being proposed by the landowner until the aggregate amount that can be levied within the Final Maps is equal to the amount that could have been levied prior to the proposed Land Use Changes. If Land Use Changes are proposed simultaneously by multiple landowners, the Administrator shall consider the proposed Land Use Changes individually.

E. METHOD OF LEVY OF THE SPECIAL TAXES

1. *Facilities Special Tax*

Each Fiscal Year prior to the Trigger Event, the Administrator shall determine the Facilities Special Tax Requirement and levy the Facilities Special Tax on all Parcels of Taxable Property as follows:

- Step 1:** In all Fiscal Years through and including Fiscal Year 2029-30, the Maximum Facilities Special Tax shall be levied on all Parcels of Developed Property and Final Map Property. Any Facilities Special Tax proceeds collected that are not needed to pay debt service on the Bonds, replenish reserves, or pay Administrative Expenses shall be used to pay directly for Authorized Facilities.

After Fiscal Year 2029-30, the Facilities Special Tax shall be levied Proportionately on each Parcel of Developed Property, other than Taxable Public Property, up to 100% of the Maximum Facilities Special Tax for each Parcel until the amount levied on Developed Property is equal to the Facilities Special Tax Requirement;

- Step 2:** After Fiscal Year 2029-30, if additional revenue is needed after Step 1 to pay 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;
- Step 3:** In any Fiscal Year, if additional revenue is needed after Step 2 to pay 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;
- Step 4:** In any Fiscal Year, if additional revenue is needed after Step 3 to pay the Facilities Special Tax Requirement, the Facilities Special Tax shall be levied Proportionately on each Parcel of Taxable Public Property, up to 100% of the Maximum Facilities Special Tax.

2. *Services Special Tax*

Each Fiscal Year after the Trigger Event, the Administrator shall determine the Services Special Tax Requirement and levy the Services Special Tax on all Parcels of Taxable Property as follows:

- Step 1:** The Services Special Tax shall be levied Proportionately on each Parcel of Developed Property, other than Taxable Public Property, up to 100% of the Maximum Services Special Tax for each Parcel until the amount levied on Developed Property is equal to the Services Special Tax Requirement;
- Step 2:** If additional revenue is needed after Step 1 to pay the Services Special Tax Requirement, the Services Special Tax shall be levied Proportionately on each Parcel of Final Map Property, up to 100% of the Maximum Services Special Tax;
- Step 3:** If additional revenue is needed after Step 2 to pay the Services Special Tax Requirement, the Services Special Tax shall be levied Proportionately on each Parcel of Undeveloped Property, up to 100% of the Maximum Services Special Tax;
- Step 4:** If additional revenue is needed after Step 3 to pay the Services Special Tax Requirement, the Services Special Tax shall be levied Proportionately on each Parcel of Taxable Public Property, up to 100% of the Maximum Services Special Tax.

F. **MANNER OF COLLECTION OF SPECIAL TAXES**

The Special Taxes shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that the City may directly bill, collect at a different time

or in a different manner, and/or collect delinquent Special Taxes through foreclosure or other available methods.

The Facilities Special Tax shall be levied until the first Fiscal Year after the Fiscal Year in which the Trigger Event has occurred; however, in no event shall Facilities Special Taxes be levied after Fiscal Year 2065-66. 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 may be levied and collected in perpetuity.

G. EXEMPTIONS

Notwithstanding any other provision of this RMA, no Special Taxes shall be levied on the following: (i) Public Property, except Taxable Public Property, (ii) Non-Residential Property, except Taxable Non-Residential Property, (iii) Parcels that are designated as permanent open space or common space on which no structure is permitted to be constructed, (iv) Parcels owned by a public utility for an unmanned facility, or (v) Parcels subject to an easement that precludes any use on the Parcel other than that permitted by the easement. In addition, no Facilities Special Tax shall be levied on any Parcel that has fully prepaid the Facilities Special Tax obligation assigned to the Parcel, as determined pursuant to the formula set forth in Section H below. Notwithstanding the foregoing, if a Facilities Special Tax has been levied on a Parcel in any Fiscal Year, and the Parcel subsequently meets the criteria for any of the exempted categories above, the Parcel shall remain subject to the Facilities Special Tax levy unless and until a prepayment is made to release the Parcel from its Facilities Special Tax obligation. If, in any Fiscal Year, a Parcel of Public Property is converted to private use, such Parcel shall be subject to the levy of Special Taxes.

H. PREPAYMENT OF FACILITIES SPECIAL TAX

The following definitions apply to this Section H:

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

“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 \$12,000,000, or such other number as shall be determined by the City to be an appropriate estimate of the net construction proceeds that will be generated from all Bonds that have been or are expected to be issued on behalf of the CFD.

“Remaining Facilities Costs” means the Public Facilities Requirements (as defined above), minus public facility costs funded by Previously Issued Bonds (as defined above), developer equity, or any other source of funding.

1. Full Prepayment

The Facilities Special Tax obligation applicable to a Parcel in the CFD may be fully prepaid and the obligation of the 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 Parcel at the time of prepayment. The Services Special Tax obligation may not be prepaid. An owner of a 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 Parcel. Prepayment must be made not less than 50 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.** Determine the total Maximum Facilities Special Tax that could be collected from the Parcel prepaying the Facilities Special Tax in the Fiscal Year in which prepayment would be received by the City.
- Step 2.** Divide the Maximum Facilities Special Tax computed pursuant to Step 1 by the Expected Maximum Facilities Special Tax Revenues for the Fiscal Year in which prepayment would be received by the City.
- 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 last Bond interest payment date on which interest has been or will be paid by Facilities Special Taxes already levied until the earliest redemption date for the Outstanding Bonds.
- 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:** Take the amount computed pursuant to Step 7 and subtract the amount computed pursuant to Step 8 (the “**Defeasance Requirement**”).
- Step 10.** Determine the costs of computing the prepayment amount, redeeming Bonds, and recording any notices to evidence the prepayment and redemption (the “**Administrative Fees and Expenses**”).
- Step 11.** If and to the extent so provided in the 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 Construction 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.

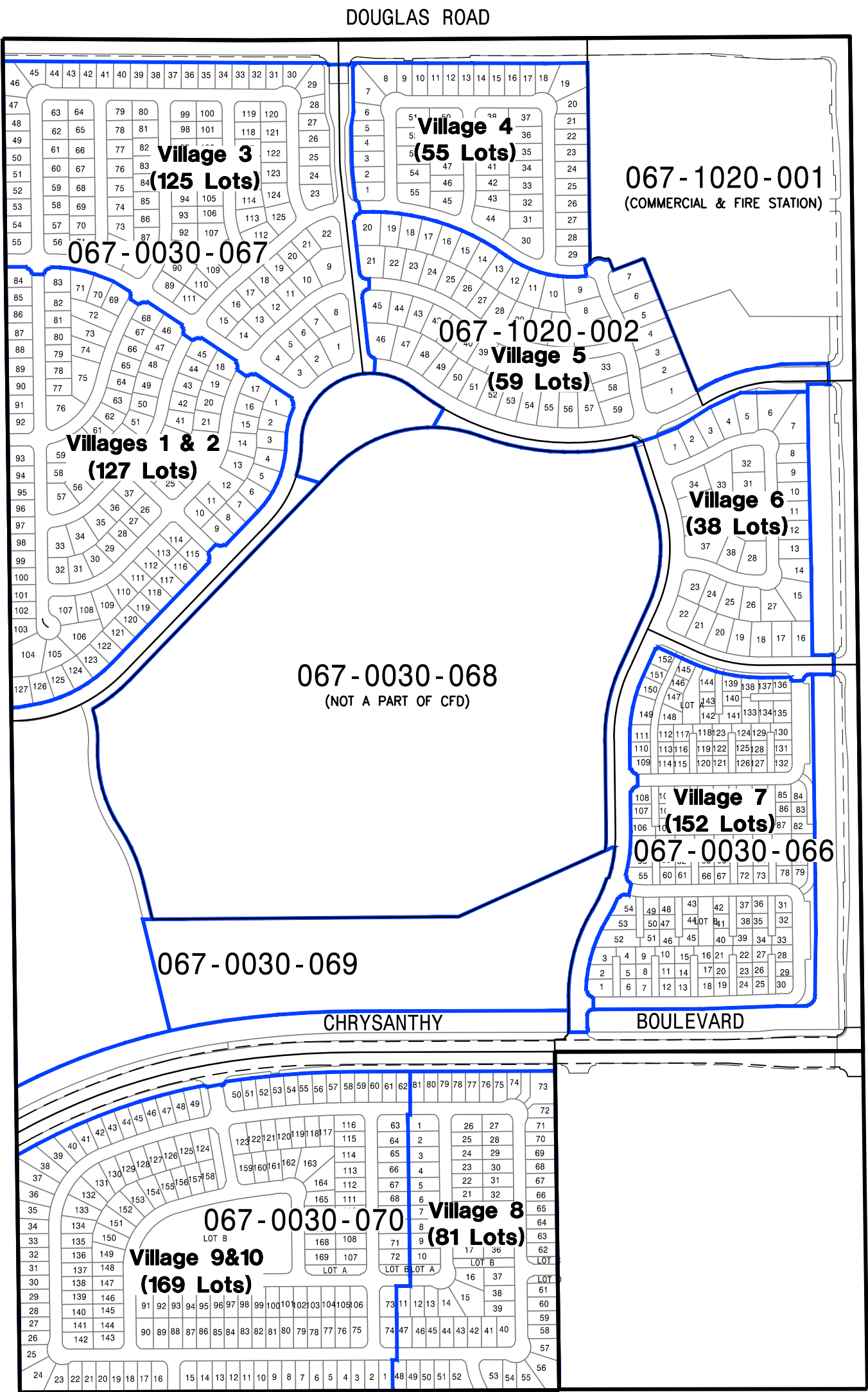
2. *Partial Prepayment*

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 of the RMA may be made and applied by City staff administering the CFD for purposes of interpreting the RMA to apply the Special Taxes consistently among land classifications or to actual land uses upon development in a manner fair and consistent with other land uses, or to clarify any vagueness or ambiguity as it relates to the Special Tax rates, method of apportionment, technicalities, classification of properties or any definition applicable to the CFD. Such interpretations shall be delivered to the Administrator in a written communication.



0 200 400 800
SCALE: 1"=400'

MONTELENA
ATTACHMENT 1: IDENTIFICATION OF TAX ZONE AND EXPECTED LAND USES
CITY OF RANCHO CORDOVA COUNTY OF SACRAMENTO, CA.

Mackay & Soms
ENGINEERS PLANNERS SURVEYORS
1552 Eureka Road, Suite 100, Roseville, CA 95661 (916) 773-1189

APRIL 2014
27042.00

ATTACHMENT 2

City of Rancho Cordova Community Facilities District No. 2014-1 (Montelena)

Expected Land Uses and Expected Maximum Facilities Special Tax Revenues

Village	Expected Land Uses	Estimated Facilities Special Tax per Unit FY 2014-15*	Expected Maximum Facilities Special Tax Revenues FY 2014-15*
Village 1	80 Units	\$1,237 per Unit	\$ 98,960
Village 2	78 Units	\$1,237 per Unit	\$ 96,486
Village 3	94 Units	\$1,237 per Unit	\$116,278
Village 4	55 Units	\$1,237 per Unit	\$ 68,035
Village 5	59 Units	\$1,237 per Unit	\$ 72,983
Village 6	38 Units	\$1,237 per Unit	\$ 47,006
Village 7	152 Units	\$1,237 per Unit	\$188,024
Village 8	81 Units	\$1,237 per Unit	\$100,197
Village 9	82 Units	\$1,237 per Unit	\$101,434
Village 10	87 Units	\$1,237 per Unit	\$107,619
Total	806 Units	\$1,237 per Unit	\$997,022

* On July 1, 2015 and each July 1 thereafter, the Estimated Facilities Special Tax per Unit and the Expected Maximum Facilities Special Tax Revenues shall be increased by two percent (2%) of the amount in effect in the prior Fiscal Year.

CITY OF RANCHO CORDOVA

RESOLUTION NO. 19-2014

**A RESOLUTION DECLARING ITS INTENTION TO INCUR BONDED INDEBTEDNESS IN
AND FOR THE CITY OF RANCHO CORDOVA COMMUNITY FACILITIES DISTRICT
NO. 2014-1 (MONTELENA) TO FINANCE THE ACQUISITION AND CONSTRUCTION OF
CERTAIN PUBLIC FACILITIES**

WHEREAS, the City Council (the "City Council") of the City of Rancho Cordova (the "City") has duly adopted Resolution No. 18-2014 (the "Resolution of Intention") on April 21, 2014, wherein it declared its intention to establish a community facilities district under and pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982," being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California (the "Act"), to be known and designated as the "City of Rancho Cordova Community Facilities District No. 2014-1 (Montelena)" (the "CFD"), and to levy a special tax therein to finance the acquisition and construction of certain public facilities (the "Facilities") and the cost of certain services, as listed in Exhibit A to the Resolution of Intention and incorporated therein and made a part hereof, which Facilities are generally described as roadway, water, sewer, parks and related improvements and incidental costs thereto and all costs associated with the CFD, under and pursuant to the Act in and for the CFD;

WHEREAS, the Act provides authorization for the CFD to issue bonds to finance the Facilities; and

WHEREAS, the City Council is fully advised in this matter.

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

Section 1. The above recitals are true and correct, and the City Council so finds and determines.

Section 2. The City Council hereby declares that the public convenience and necessity require that a bonded indebtedness in the principal amount of not to exceed Twenty Eight Million Two Hundred Fifty Thousand Dollars (\$28,250,000) be incurred to finance the acquisition and construction of, and payment of the fees, for the Facilities in and for the CFD, which amount includes all costs and estimated costs incidental to, or connected with, the accomplishment of the purpose for which such bonded indebtedness is proposed to be incurred, including, but not limited to, the estimated costs of acquisition of land, rights-of-way, capacity or connection fees, satisfaction of contractual obligations relating to expenses or the advancement of funds for expenses existing at the time the bonds are issued pursuant to the Act, architectural, engineering, inspection, legal, fiscal, and financial consultant fees, bond and other reserve funds, discount fees, interest on any bonds of the CFD estimated to be due and payable within two (2) years of issuance of the bonds, election costs, and all costs of issuance of the bonds, including, but not limited to, fees for bond counsel, disclosure counsel, costs of obtaining credit ratings, bond insurance premiums, fees for letters of credit, and other credit enhancement costs, and printing costs.

Section 3. Notice is given that June 2, 2014, at the hour of 5:30 o'clock P.M., at the regular meeting place of the City Hall, Council Chambers, 2729 Prospect Park Drive, Rancho Cordova, California 95670, has been fixed by the City Council as the time and place for a public hearing to be held by the City Council to consider the incurring of such bonded indebtedness to finance the acquisition and construction of the Facilities in and for the CFD. At such public hearing, any persons interested, including all taxpayers, property owners and registered voters within the CFD, may appear and be heard on the proposed debt issue or on any other matters set forth herein, and they may present any matters relating to the necessity for incurring such bonded indebtedness to finance the acquisition and construction of the Facilities which will be secured by a special tax to be levied within the CFD.

Section 4. Notice of the time and place of such public hearing shall be in the form required by the Act and shall be published in a newspaper of general circulation circulated in the area of the CFD, which such publication shall be made pursuant to Section 6061 of the Government Code of the State of California and shall be completed at least seven (7) days prior to the date set for such public hearing.

Section 5. This Resolution shall take effect from and after its adoption.

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, Vice Mayor

ATTEST:

Mindy Cuppy, City Clerk

MEMORANDUM



DATE: April 21, 2014

TO: Honorable Mayor and Council Members

FROM: Cyrus Abhar, Public Works Director
Elizabeth Sparkman, Senior Engineer

SUBJECT: RESOLUTION OF INTENTION TO ESTABLISH COMMUNITY FACILITIES DISTRICT NO. 2014-2 (STREET, LIGHTING AND LANDSCAPING MAINTENANCE)

RECOMMENDATION

Adopt Resolution No. 20-2014 of Intention to form the Community Facilities District No. 2014-2 (Street, Lighting and Landscaping Maintenance).

RESULT OF RECOMMENDED ACTION

Action on this item will declare the Council's intention to establish the CFD and a future annexation area, designate the name of the district, state the Council's intention to levy a special tax to pay for public street, lighting and landscaping maintenance, and set 5:30 p.m. on June 2, 2014 as the time and date for a public hearing on the matter.

BACKGROUND

The Council has approved projects in the City, including the Montelena project. This project has a condition of approval which requires that the property owner annex to a new District to be formed by the City of Rancho Cordova to fund operation and maintenance of streets, street lights and landscaping improvements within the public right of way. This condition will be satisfied by the formation of and participation in a CFD for public streets, lighting and landscaping maintenance which is the subject of tonight's action.

The property owner of the Montelena project has requested the City form a community facilities district pursuant to the Mello-Roos Community Facilities Act of 1982 (State of California Government Code Section 53311 et seq.) to provide the method of financing for public streets, lighting and landscaping maintenance required to meet the condition.

DISCUSSION

The property owner submitted a petition for the City to institute the proceedings to form a Mello-Roos Community Facilities District. In addition, the property owner has provided advanced funding for costs associated with the formation of the CFD. This district is proposed to be called the City of Rancho Cordova Community Facilities District No.

2014-2 (Street, Lighting and Landscaping Maintenance), County of Sacramento, State of California (hereinafter referred to as “CFD No. 2014-2.”) CFD No. 2014-2 will initially include the project generally known as the Montelena Project, but can expand in the future as other projects in need of maintenance of public streets, lighting and landscaping improvements annex to the district. The maintenance services to be funded by special taxes include the furnishing of services and materials for the ordinary and usual operation, maintenance, and servicing of the public streets, lighting and landscaping improvements. Section 53320 of the Mello-Roos Act requires that City Council consider a resolution of intention to form a community facilities district within 90 days after a petition is filed with the City.

A Resolution of Intention to establish CFD No. 2014-2 is attached. The resolution sets forth the City’s intention to establish the CFD, designates the name of the district, identifies the services to be funded, and states the City’s intention to levy a special tax to pay for these services. The resolution also sets forth a Future Annexation Area where future projects may annex upon the unanimous consent of property owners. By designating a Future Annexation Area, future developments may annex into CFD No. 2014-2 without any further public hearing if there is unanimous consent to the annexation by all property owners within the territory to be annexed. A boundary map for each annexation must still be approved by City Council, but there is no public hearing required for such approval. This process will allow future annexations to proceed with cost and time savings. Designation of a Future Annexation Area does not preclude further annexations or zones, outside this area, to be added to the district. The resolution also sets 5:30 p.m., or as soon thereafter as possible, on June 2, 2014 as the time and date for a hearing on the matters set forth therein. Notice of the Public Hearing will be published in the Daily Recorder at least seven days prior to the hearing date. Furthermore, a notice of the hearing will be mailed to each property owner within the proposed district boundaries.

Attached to the Resolution of Intention is a boundary map (**Exhibit A**) that describes the proposed boundaries of CFD No. 2014-2 as well as the boundary of the Future Annexation Area, description of the types of maintenance services to be provided (**Exhibit B**), and the proposed Rate and Method of Apportionment (RMA) of Special Tax for CFD No. 2014-2 (**Exhibit C**), which details how the special tax will be levied on properties commencing with Fiscal Year 2014/2015. The RMA establishes maximum taxes for ordinary use parcels based on land use classifications based upon fair share contributions towards the costs to maintain the public streets, lighting and landscaping services in the City.

The maximum special rates for Fiscal Year 2014/2015 for ordinary use parcels in the RMA are summarized on the following table:

Table 1
Maximum Special Tax for All Tax Zones
(unless otherwise specified)

Land Use Class	Ordinary Use Parcels	Residential Alley Parcels	Decorative Lighting Parcels	Additional Load Parcels	Soundwall Parcels	Additional Load and Decorative Lighting Parcels	Residential Alley and Decorative Lighting Parcels	Residential Alley and Soundwall Parcels	Decorative Lighting and Soundwall Parcels	Residential Alley, Decorative Lighting and Soundwall Parcels	
Single Family Detached Property	\$374.78	\$406.87	\$380.51	N/A	\$390.71	N/A	\$412.60	\$425.31	\$396.30	\$428.15	per Unit
Single Family Attached Property	\$296.07	\$321.43	\$300.60	N/A	\$308.66	N/A	\$325.96	\$336.00	\$313.07	\$338.23	per Unit
Multi-Family Property	\$213.62	\$231.92	\$216.89	N/A	\$222.70	N/A	\$235.18	\$242.43	\$225.89	\$244.04	per Unit
Commercial Property	\$559.17	N/A	\$567.72	\$580.39	\$582.94	\$588.94	N/A	N/A	\$591.27	N/A	per 1,000 Square Feet
Hotel Property	\$221.12	N/A	\$224.50	N/A	\$230.52	N/A	N/A	N/A	\$233.81	N/A	per Unit
Industrial Property	\$168.65	N/A	\$171.23	\$175.05	\$175.82	\$177.63	N/A	N/A	\$178.33	N/A	per 1,000 Square Feet
Office Property	\$558.42	N/A	\$566.96	N/A	\$582.16	N/A	N/A	N/A	\$590.48	N/A	per 1,000 Square Feet

Table 2
Tax Zone 1 (Montelena)

Land Use Class	Decorative Lighting and Soundwall Parcels	
Single Family Detached Property	\$279.85	per Unit
Single Family Attached Property	\$221.08	per Unit
Multi-Family Property	\$159.52	per Unit
Commercial Property	\$210.00	per 1,000 Square Feet
Hotel Property	\$165.11	per Unit
Industrial Property	\$125.93	per 1,000 Square Feet
Office Property	\$210.00	per 1,000 Square Feet

As projects annex into CFD No. 2014-2, staff will determine the appropriate rate category applicable per land use category and any additional factors specifically related to each project.

In tonight's action, the council is requested to Adopt Resolution No. 20-2014 which approves the Boundary Map, declares the Council's intention to levy a special tax for the services financed by the CFD, calls for the preparation of a CFD Report, sets June 2, 2014 as the date and time for a public hearing on the formation of the district and the levy of a special tax, and directs the City Clerk to give notice of the public hearing.

ATTACHMENTS

1. Resolution No. 20-2014
2. Exhibits A – Boundaries of the CFD and Future Annexation Area
3. Exhibit B – Description of District Services
4. Exhibit C – Rate and Method of Apportionment of Special Tax

ATTACHMENT 1

CITY OF RANCHO CORDOVA

RESOLUTION NO. 20-2014

A RESOLUTION OF THE CITY COUNCIL OF INTENTION TO
ESTABLISH A COMMUNITY FACILITIES DISTRICT AND FUTURE ANNEXATION AREACITY OF RANCHO CORDOVA
COMMUNITY FACILITIES DISTRICT NO. 2014-2
(STREET, LIGHTING AND LANDSCAPING MAINTENANCE)

WHEREAS, under Mello-Roos Community Facilities Act of 1982, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing at Section 53311, of the California Government Code (the "Act"), this Council is authorized to establish a community facilities district and to act as the legislative body for a community facilities district; and

WHEREAS, this Council, having received petitions from the owners of not less than 10% of the area of land proposed to be included in the proposed community facilities district, now desires to proceed with the establishment of a community facilities district in order to finance costs of public services for street, lighting and landscaping and to maintain public infrastructure necessary or incident to development in an area of the City.

WHEREAS, pursuant to Section 53339.2 of the Act, this Council further desires to undertake proceedings to provide for future annexation of territory to the proposed community facilities district.

NOW, THEREFORE, IT IS ORDERED as follows:

1. Authority. This Council proposes to conduct proceedings to establish a community facilities district pursuant to the Act, and hereby determines that public convenience and necessity require that a future annexation area be established pursuant to the Act.

2. Name of CFD. The name proposed for the community facilities district is City of Rancho Cordova Community Facilities District No. 2014-2 (Street, Lighting and Landscaping Maintenance) (the "CFD").

The name proposed for the territory proposed to be annexed into the CFD in the future is "City of Rancho Cordova Community Facilities District No. 2014-2 (Street, Lighting and Landscaping Maintenance) (Future Annexation Area)" (the "Future Annexation Area").

3. Boundaries Described. The proposed boundaries of the CFD and the Future Annexation Area are as shown on the map of it on file with the City Clerk, a copy of which is attached and marked Exhibit A, which boundaries are hereby preliminarily approved and to which map reference is hereby made for further particulars. The City Clerk is hereby directed to record, or cause to be recorded, the map of the boundaries of the CFD and the Future Annexation Area in the office of the Sacramento County Recorder within fifteen days of the

ATTACHMENT 1

date of adoption of this Resolution, but in any event at least fifteen days prior to the public hearing specified below.

Parcels within the Future Annexation Area shall be annexed to the CFD only with the unanimous approval (each, a "Unanimous Approval") of the owner or owners of each parcel or parcels at the time that parcel or those parcels are annexed, without any requirement for further public hearings or additional proceedings.

4. Services. The type of services proposed to be financed by the CFD and pursuant to the Act shall consist of those listed on Exhibit B hereto and hereby incorporated herein (the "Services"). The Council hereby determines that the Services are necessary to meet increased demands placed upon local agencies as the result of development occurring within the area of the CFD and the Future Annexation Area.

5. Special Tax. Except to the extent that funds are otherwise available to the CFD to pay for the Services, a special tax (the "Special Tax") sufficient to pay the costs thereof, secured by recordation of a continuing lien against all non-exempt real property in the CFD, will be levied annually within the CFD, and collected in the same manner as ordinary ad valorem property taxes, or in such other manner as this Council or its designee shall determine, including direct billing of the affected property owners. The proposed rate and method of apportionment of the Special Tax among the parcels of real property within the CFD in sufficient detail to allow each landowner within the proposed CFD to estimate the maximum amount such owner will have to pay, are described in Exhibit C attached hereto and hereby incorporated herein. This Council hereby finds that the provisions of Section 53313.6, 53313.7 and 53313.9 of the Act (relating to adjustments to ad valorem property taxes and schools financed by a community facilities district) are inapplicable to the proposed CFD.

As required by Section 53339.3(d) of the Act, the Council hereby determines that the special tax proposed to pay for one or more Services to be supplied within the Future Annexation Area will be equal to the special taxes levied to pay for the same Services in the original area of the CFD, except that a higher or lower tax may be levied within the territory proposed to be annexed or to be annexed in the future to the extent that the actual cost of providing the services in that territory is higher or lower than the cost of providing those services in the existing district.

6. Exempt Property. Except as may otherwise be provided by law or by the rate and method of apportionment of the Special Tax for the CFD, all lands owned by any public entity, including the United States, the State of California and/or the City, or any departments or political subdivisions thereof, shall be omitted from the levy of the Special Tax to be made to cover the costs and expenses of the Services and the CFD. In the event that a portion of the property within the CFD shall become for any reason exempt, wholly or in part, from the levy of the Special Tax, this Council will, on behalf of the CFD, increase the levy to the extent necessary upon the remaining property within the CFD which is not exempt in order to yield the required debt service payments and other annual expenses of the CFD, if any, subject to the provisions of the rate and method of apportionment of the Special Tax.

ATTACHMENT 1

7. Election. The levy of the Special Tax shall be subject to the approval of the qualified electors of the CFD at a special election. The proposed voting procedure shall be by mailed or hand-delivered ballot among the landowners in the proposed CFD, with each owner having one vote for each acre or portion of an acre such owner owns in the CFD.

A special tax shall be levied in the Future Annexation Area only with the Unanimous Approval of the owner or owners of each parcel or parcels at the time that parcel or those parcels are annexed, without any requirement for further public hearings or additional proceedings.

8. CFD Report. The City's Director of Public Works (or deputy or designee thereof) as the officer having charge and control of the Services in and for the CFD, or the designee of such officer, is hereby directed to study said proposed Services and to make, or cause to be made, and file with the City Clerk a report in writing, (the "CFD Report"), which shall be a part of the record of the public hearing hereinafter specified and which report shall present the following:

(a) A description of the Services by type which will be required to adequately meet the needs of the CFD.

(b) An estimate of the fair and reasonable cost of the Services including the cost of acquisition of lands, rights-of-way and easements, any physical facilities required in conjunction therewith and incidental expenses in connection therewith, and all other related costs as provided in Section 53345.3 of the Act.

9. Public Hearing. Monday, June 2, 2014, at 5:30 p.m. or as soon as possible thereafter, in the City Hall, Council Chambers, 2729 Prospect Park Drive, Rancho Cordova, California, be, and the same are hereby appointed and fixed as the time and place when and where this Council, as legislative body for the CFD, will conduct a public hearing on the establishment of the CFD and the Future Annexation Area and consider and finally determine whether the public interest, convenience and necessity require the formation of the CFD, the Future Annexation Area and the levy of the Special Tax.

10. Notice of Hearing. 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 and the Future Annexation Area. The publication shall be completed at least seven days before the date of the public hearing specified above. The City Clerk shall also cause notice of the hearing to be given to each property owner within the CFD by first class mail, postage prepaid, to each such owner's addresses as it appears on the most recent tax records of Sacramento County or as otherwise known to the City Clerk to be correct. Such mailing shall be completed not less than fifteen days before the date of the public hearing. Each of the notices shall be substantially in the form specified in Section 53322 of the Act, with a form summarizing the provisions hereof hereby specifically approved.

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:

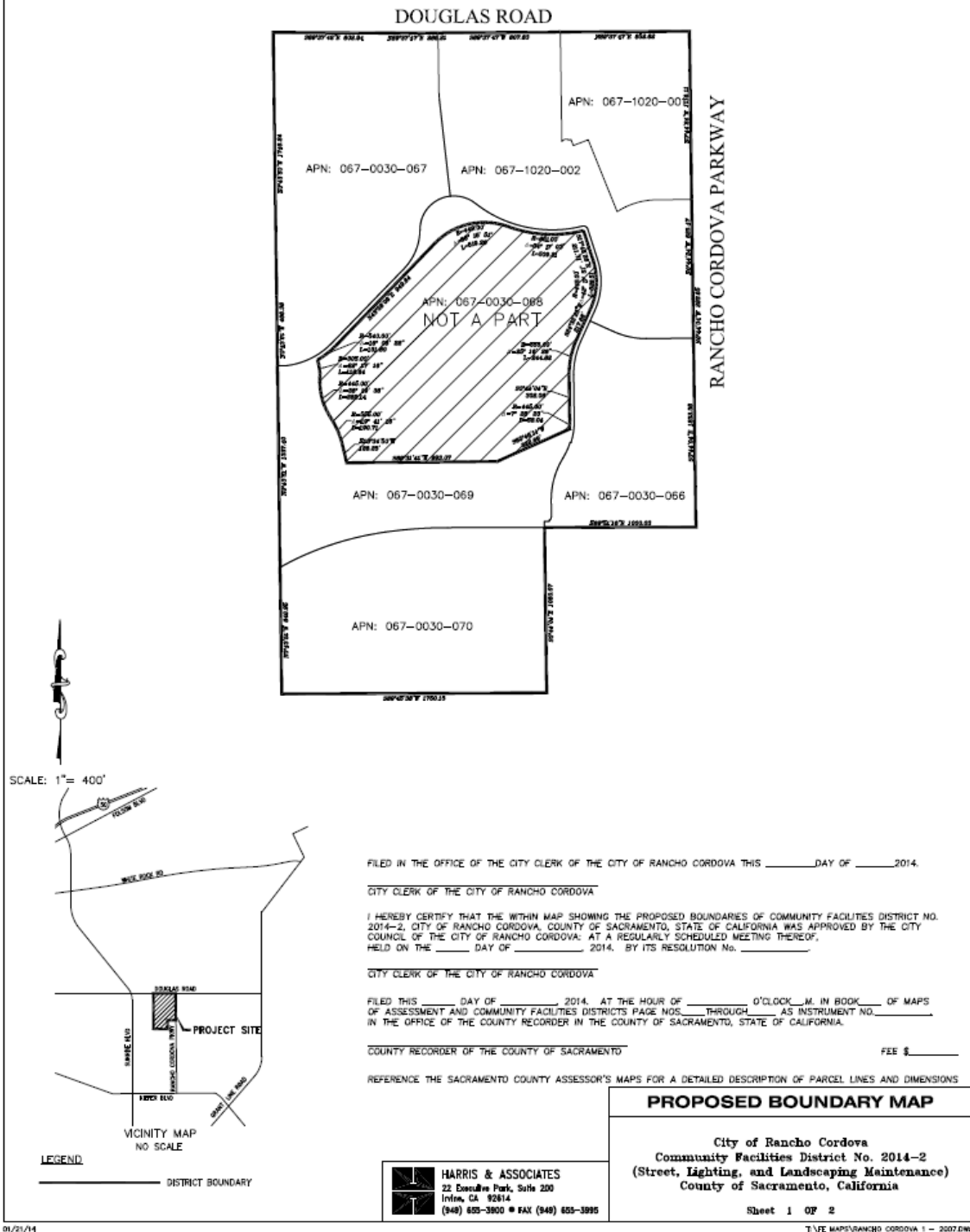
Robert J. McGarvey, Vice Mayor

ATTEST:

Mindy Cuppy, City Clerk

EXHIBIT A**CITY OF RANCHO CORDOVA
COMMUNITY FACILITIES DISTRICT NO. 2014-2
(STREET, LIGHTING AND LANDSCAPING MAINTENANCE)****BOUNDARIES OF THE CFD AND FUTURE ANNEXATION AREA**

PROPOSED BOUNDARY OF
CITY OF RANCHO CORDOVA
COMMUNITY FACILITIES DISTRICT No. 2014-2
(STREET, LIGHTING, AND LANDSCAPING MAINTENANCE)
COUNTY OF SACRAMENTO, STATE OF CALIFORNIA



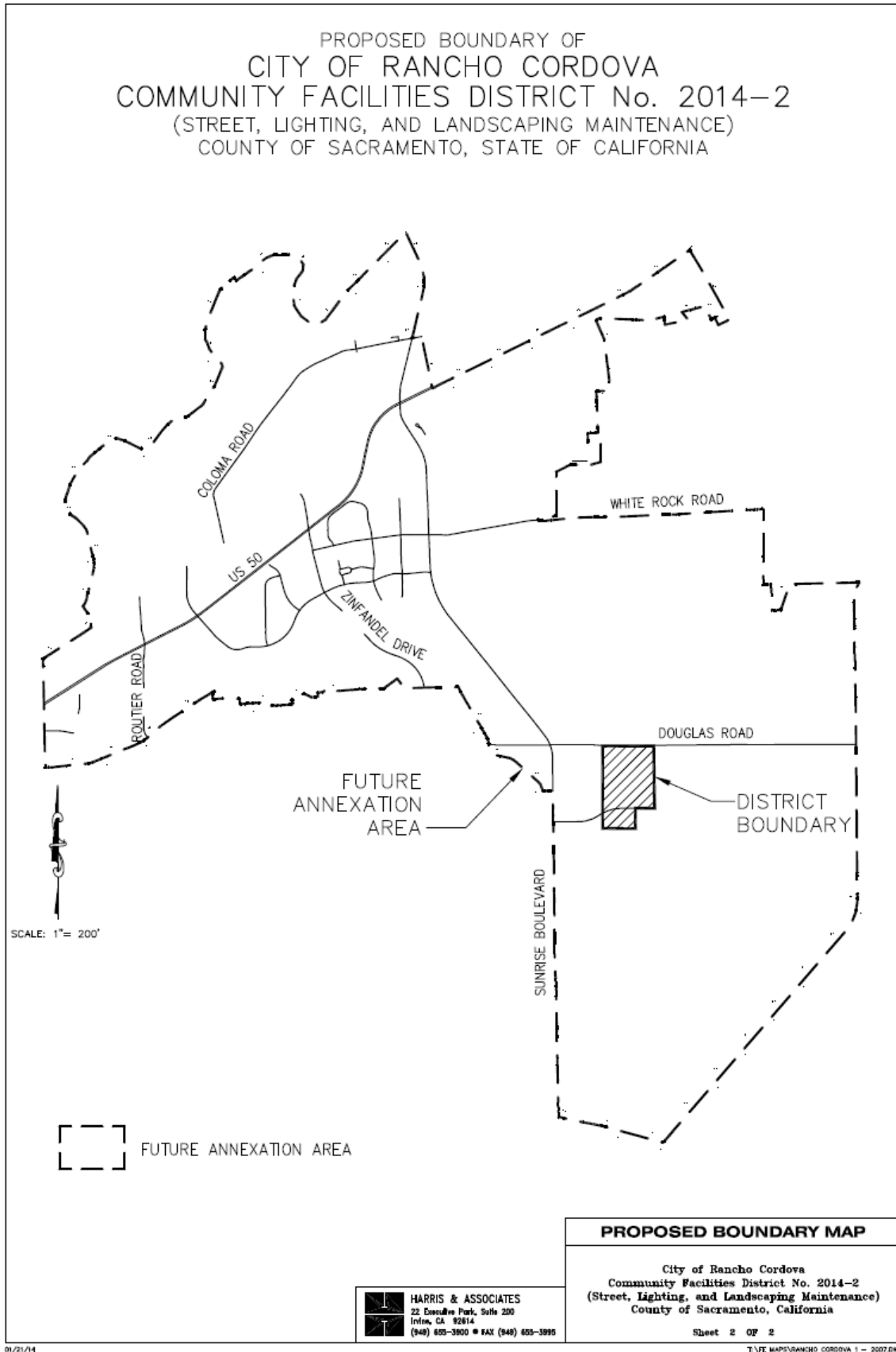


EXHIBIT B**CITY OF RANCHO CORDOVA
COMMUNITY FACILITIES DISTRICT NO. 2014-2
(STREET, LIGHTING AND LANDSCAPING MAINTENANCE)****DESCRIPTION OF DISTRICT SERVICES**

DESCRIPTION OF DISTRICT SERVICES

Description of services:

Maintenance of public street, lighting and landscaping improvements

- Maintenance means the furnishing of services and materials for the ordinary and usual operation, maintenance and servicing of the public street, lighting and landscaping improvements, dedicated easements, and appurtenant facilities, and administration and overhead of all aspects of the CFD.

Reserve Fund

- The CFD special taxes may be collected and set-aside in designated funds, collected over several years, that may be used by the CFD to fund future repairs to public streets, lighting and landscaping improvements and other services as determined by the CFD.

EXHIBIT C**CITY OF RANCHO CORDOVA
COMMUNITY FACILITIES DISTRICT NO. 2014-2
(STREET, LIGHTING AND LANDSCAPING MAINTENANCE)****RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX**

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax applicable to each Assessor's Parcel in Community Facilities District No. 2014-2 (Street, Lighting and Landscaping Maintenance) shall be levied and collected according to the tax liability determined by the City Council, acting in its capacity as the legislative body of CFD No. 2014-2, through the application of the appropriate Special Tax rate, as described below. All of the property in CFD No. 2014-2, unless exempted by law or by the provisions of Section E below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 2014-2 unless a separate Rate and Method of Apportionment of Special Tax 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 subdivision map, a final parcel map, a final approved condominium plan, or functionally equivalent final map or instrument recorded in the Office of the County Recorder. If the area shown on said map is in square footage, Acreage shall be calculated by dividing the square footage by 43,560.

“Additional Load and Decorative Lighting Parcel” means any Parcel that is determined by the City to be both an Additional Load Parcel and a Decorative Lighting Parcel.

“Additional Load Parcel” means any Parcel of Commercial Property or Industrial Property that is determined by the City to create excessive wear and tear on the roadways and/or a high volume of vehicular traffic.

“Administrative Expenses” means the costs incurred by the City to determine, levy and collect the Special Tax, including salaries of City employees and fees of consultants and the costs of collecting installments of the Special Taxes upon the general tax rolls, preparation of required reports, and any other costs required to administer the CFD.

“Administrator” means the person or firm designated by the City to administer the Special Taxes according to this Rate and Method of Apportionment of Special Tax.

“Annual Escalation Factor” means the annual percentage increase in the McGraw-Hill Engineering News Record Construction Cost Index (ENR CCI) for the San Francisco area from January of the previous year to January of the year that the Special Tax is levied. In the event that the ENR CCI defined above is no longer reported, the City Council shall select a similar index to replace it.

“Assessor's Parcel” or “Parcel” means a lot or parcel shown in 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 Services” means the public services authorized to be funded by CFD No. 2014-2 as set forth in the documents adopted by the City Council when the CFD was formed.

“CFD” or **“CFD No. 2014-2”** means the City of Rancho Cordova Community Facilities District No. 2014-2 (Street, Lighting and Landscaping Maintenance).

“City” means the City of Rancho Cordova.

“City Council” means the City Council of the City of Rancho Cordova, acting as the legislative body of CFD No. 2014-2.

“Commercial Property” means, in any Fiscal Year, all Developed Property for which a building permit or use permit has been issued for a commercial establishment which includes, but is not limited to, retail stores, clothing stores, book stores, convenience stores, drug stores, professional services (i.e., barber shops, dry cleaners), restaurants, supermarkets, hospitals, movie theaters, appliance and electronics stores, home supply stores, auto parts stores, and other retail uses. The City shall make the determination if a Parcel is Commercial Property.

“County” means the County of Sacramento.

“Decorative Lighting Parcel” means any Parcel of Developed Property that is determined by the City to have or benefit from decorative lighting features.

“Developed Property” means, in any Fiscal Year, all Parcels of Taxable Property for which a use permit or building permit for new construction of a residential or non-residential structure (which shall not include a permit issued solely for construction of the foundation if another permit remains to be issued for vertical construction of the building) was issued prior to June 30 of the preceding Fiscal Year.

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

“Hotel Property” means, in any Fiscal Year, all Developed Property for which a building permit or use permit has been issued for a structure that constitutes a place of lodging providing sleeping accommodations and related facilities for travelers.

“Industrial Property” means, in any Fiscal Year, all Developed Property for which a building permit or use permit has been issued for construction of an industrial, manufacturing, or warehousing structure. The City shall make the determination if a Parcel is Industrial Property.

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

“Multi-Family Property” means, in any Fiscal Year, all Parcels of Developed Property for which a building permit or use permit has been issued for construction of a residential structure with five (5) or more Units that share a single Assessor’s Parcel number, all of which are offered for rent to the general public and cannot be purchased by individual homebuyers.

“Non-Residential Property” means, collectively, Commercial Property, Hotel Property, Industrial Property, and Office Property.

“Office Property” means, in any Fiscal Year, all Parcels of Developed Property for which a building permit or use permit has been issued for a building in which professional, banking, insurance, real estate, administrative or in-office medical or dental activities are conducted. The City shall make the determination if a Parcel is Office Property.

“Ordinary Use Parcel” means any Parcel of Taxable Property that is not an Additional Load Parcel, Decorative Lighting Parcel, Residential Alley Parcel, Additional Load and Decorative Lighting Parcel, or Residential Alley and Decorative Lighting Parcel.

“Proportionately” means that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Parcels of Developed Property.

“Public Property” means any property within the boundaries of CFD No. 2014-2 that is owned by the federal government, State of California, County, City, or other public agency.

“Residential Alley and Decorative Lighting Parcel” means any Parcel that is determined by the City to be both a Residential Alley Parcel and a Decorative Lighting Parcel.

“Residential Alley Parcel” means any Parcel of Residential Property that is determined by the City to have residential alleys that are part of the public roadways.

“Residential Property” means, collectively, Single Family Attached Property, Single Family Detached Property, and Multi-Family Property.

“Single Family Attached Property” means, in any Fiscal Year, all Parcels of Developed Property for which a building permit was issued for construction of a residential structure consisting of two (2) to four (4) Units that share common walls, have separate Assessor’s Parcel numbers assigned to them (except for a duplex unit, which may share an Assessor’s Parcel with another duplex unit), and are offered as for-sale Units (which shall still be the case even if the Units are purchased and subsequently offered for rent by the owner of the Unit(s)), including such residential structures that meet the statutory definition of a condominium contained in Civil Code Section 1351.

“Single Family Detached Property” means, in any Fiscal Year, all Parcels of Developed Property for which a building permit was issued for construction of a Unit that does not share a common wall with another Unit.

“Soundwall Parcel” means any Parcel of Developed Property whose tract boundary is encompassed by soundwalls maintained within the CFD.

“Special Tax Requirement” means the amount of revenue needed in any Fiscal Year to pay for the following: (i) Authorized Services, (ii) Administrative Expenses, and (iii) amounts needed to cure any delinquencies in the payment of Special Taxes which have occurred or (based on delinquency rates in prior years) may be expected to occur in the Fiscal Year in which the tax will be collected.

“Special Tax” means a special tax levied in any Fiscal Year on property within CFD No. 2014-2 to pay the Special Tax Requirement.

“Square Foot,” “Square Footage,” or “Square Feet” means the building square footage reflected on the original building permit issued for construction of a building.

“Taxable Property” means all Assessor’s Parcels within the boundaries of CFD No. 2014-2 which are not exempt from the Special Tax pursuant to law or Section E below.

“Taxable Public Property” means, in any Fiscal Year, all Assessor’s Parcels in CFD No. 2014-2 that had, in prior Fiscal Years, been taxed as Developed Property and subsequently came under the ownership of a public agency.

“Tax Zone” means a mutually exclusive tax zone identified in Attachment 1 of this Rate and Method of Apportionment of Special Tax, as may be updated to include new Parcels or new tax zones added to the CFD as a result of future annexations.

“Unit” means an individual single-family detached unit or an individual residential unit within a duplex, triplex, fourplex, townhome, condominium, or apartment structure. Unit shall also mean a rentable single hotel room or rentable unit on a Parcel of Hotel Property.

B. DATA COLLECTION FOR ANNUAL TAX LEVY

Each Fiscal Year, the Administrator shall identify the current Assessor’s Parcel number for all Parcels of Taxable Property within CFD No. 2014-2 and shall determine within which Tax Zone each Assessor’s Parcel is located. Upon each annexation of property into CFD No. 2014-2, the Administrator shall update Attachment 1 to include the new Assessor’s Parcel number(s). In addition, for all Parcels of Developed Property, if applicable to the Tax Zone in which the Parcels are located, the Administrator shall determine if each Parcel is an Ordinary Use Parcel, an Additional Load Parcel, a Residential Alley Parcel, a Decorative Lighting Parcel, an Additional Load and Decorative Lighting Parcel, or a Residential Alley and Decorative Lighting Parcel.

Based on review of building permit records for property within the CFD, the Administrator shall determine which Parcels in the CFD are Developed Property for purposes of levying the Special Tax pursuant to Section D below. For Single Family Attached Property, Multi-Family Property, and Hotel Property, the number of Units shall be determined by referencing the condominium plan, apartment plan, site plan or other development plan for the property. For Residential Property,

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the Administrator shall determine the Square Footage of each Unit. For Non-Residential Property, the Administrator shall determine the Acreage of, and Square Footage on, each Parcel.

If a Parcel in the CFD is rezoned prior to such Parcel becoming Developed Property, the City may in its sole discretion, move the Parcel to a different Tax Zone based on the rezone. If a Parcel rezones after the Parcel has been taxed as Developed Property in prior Fiscal Years, the City can either continue to apply the Maximum Special Tax to the Parcel that had applied prior to the rezone or, in the City's sole discretion, allow for the Parcel to be moved to a different Tax Zone based on the rezone.

In any Fiscal Year, if it is determined that (i) a parcel map for a portion of property in CFD No. 2014-2 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 Tax for the property affected by recordation of the parcel map by determining the Special Tax 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. All Tax Zones

The following Maximum Special Taxes apply to all Parcels of Developed Property within each Tax Zone of CFD No. 2014-2, unless otherwise specified in Attachment 1.

a. Ordinary Use Parcels

**MAXIMUM SPECIAL TAXES
ORDINARY USE PARCELS
(FISCAL YEAR 2014-15)**

Land Use Class	Maximum Special Tax
Single Family Detached Property	\$374.78 per Unit
Single Family Attached Property	\$296.07 per Unit
Multi-Family Property	\$213.62 per Unit
Commercial Property	\$559.17 per 1,000 Square Feet
Hotel Property	\$221.12 per Unit
Industrial Property	\$168.65 per 1,000 Square Feet
Office Property	\$558.42 per 1,000 Square Feet

On each July 1, commencing July 1, 2015, the Maximum Special Taxes shown above shall be increased by the Annual Escalation Factor.

b. Residential Alley Parcels

**MAXIMUM SPECIAL TAXES
RESIDENTIAL ALLEY PARCELS
(FISCAL YEAR 2014-15)**

Land Use Class	Maximum Special Tax
Single Family Detached Property	\$406.87 per Unit
Single Family Attached Property	\$321.43 per Unit
Multi-Family Property	\$231.92 per Unit
Commercial Property	N/A
Hotel Property	N/A
Industrial Property	N/A
Office Property	N/A

On each July 1, commencing July 1, 2015, the Maximum Special Taxes shown above shall be

increased by the Annual Escalation Factor.

c. Decorative Lighting Parcels

**MAXIMUM SPECIAL TAXES
DECORATIVE LIGHTING PARCELS
(FISCAL YEAR 2014-15)**

Land Use Class	Maximum Special Tax
Single Family Detached Property	\$380.51 per Unit
Single Family Attached Property	\$300.60 per Unit
Multi-Family Property	\$216.89 per Unit
Commercial Property	\$567.72 per 1,000 Square Feet
Hotel Property	\$224.50 per Unit
Industrial Property	\$171.23 per 1,000 Square Feet
Office Property	\$566.96 per 1,000 Square Feet

On each July 1, commencing July 1, 2015, the Maximum Special Taxes shown above shall be increased by the Annual Escalation Factor.

d. Additional Load Parcels

**MAXIMUM SPECIAL TAXES
ADDITIONAL LOAD PARCELS
(FISCAL YEAR 2014-15)**

Land Use Class	Maximum Special Tax
Single Family Detached Property	N/A
Single Family Attached Property	N/A
Multi-Family Property	N/A
Commercial Property	\$580.39 per 1,000 Square Feet
Hotel Property	N/A
Industrial Property	\$175.05 per 1,000 Square Feet
Office Property	N/A

On each July 1, commencing July 1, 2015, the Maximum Special Taxes shown above shall be increased by the Annual Escalation Factor.

e. Soundwall Parcels

**MAXIMUM SPECIAL TAXES
SOUNDWALL PARCELS
(FISCAL YEAR 2014-15)**

Land Use Class	Maximum Special Tax
Single Family Detached Property	\$390.71 per Unit
Single Family Attached Property	\$308.66 per Unit
Multi-Family Property	\$222.70 per Unit
Commercial Property	\$582.94 per 1,000 Square Feet
Hotel Property	\$230.52 per Unit
Industrial Property	\$175.82 per 1,000 Square Feet
Office Property	\$582.16 per 1,000 Square Feet

On each July 1, commencing July 1, 2015, the Maximum Special Taxes shown above shall be

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increased by the Annual Escalation Factor.

f. Additional Load and Decorative Lighting Parcels

**MAXIMUM SPECIAL TAXES
ADDITIONAL LOAD AND DECORATIVE LIGHTING PARCELS
(FISCAL YEAR 2014-15)**

Land Use Class	Maximum Special Tax
Single Family Detached Property	N/A
Single Family Attached Property	N/A
Multi-Family Property	N/A
Commercial Property	\$588.94 per 1,000 Square Feet
Hotel Property	N/A
Industrial Property	\$177.63 per 1,000 Square Feet
Office Property	N/A

On each July 1, commencing July 1, 2015, the Maximum Special Taxes shown above shall be increased by the Annual Escalation Factor.

g. Residential Alley and Decorative Lighting Parcels

**MAXIMUM SPECIAL TAXES
RESIDENTIAL ALLEY AND DECORATIVE LIGHTING PARCELS
(FISCAL YEAR 2014-15)**

Land Use Class	Maximum Special Tax
Single Family Detached Property	\$412.60 per Unit
Single Family Attached Property	\$325.96 per Unit
Multi-Family Property	\$235.18 per Unit
Commercial Property	N/A
Hotel Property	N/A
Industrial Property	N/A
Office Property	N/A

On each July 1, commencing July 1, 2015, the Maximum Special Taxes shown above shall be increased by the Annual Escalation Factor.

h. Residential Alley and Soundwall Parcels

**MAXIMUM SPECIAL TAXES
RESIDENTIAL ALLEY AND SOUNDWALL PARCELS
(FISCAL YEAR 2014-15)**

Land Use Class	Maximum Special Tax
Single Family Detached Property	\$425.31 per Unit
Single Family Attached Property	\$336.00 per Unit
Multi-Family Property	\$242.43 per Unit
Commercial Property	N/A
Hotel Property	N/A
Industrial Property	N/A
Office Property	N/A

On each July 1, commencing July 1, 2015, the Maximum Special Taxes shown above shall be increased by the Annual Escalation Factor.

i. Decorative Lighting and Soundwall Parcels

**MAXIMUM SPECIAL TAXES
DECORATIVE LIGHTING AND SOUNDWALL PARCELS
(FISCAL YEAR 2014-15)**

Land Use Class	Maximum Special Tax
Single Family Detached Property	\$396.30 per Unit
Single Family Attached Property	\$313.07 per Unit
Multi-Family Property	\$225.89 per Unit
Commercial Property	\$591.27 per 1,000 Square Feet
Hotel Property	\$233.81 per Unit
Industrial Property	\$178.33 per 1,000 Square Feet
Office Property	\$590.48 per 1,000 Square Feet

On each July 1, commencing July 1, 2015, the Maximum Special Taxes shown above shall be increased by the Annual Escalation Factor.

j. Residential Alley, Decorative Lighting, and Soundwall Parcels

**MAXIMUM SPECIAL TAXES
RESIDENTIAL ALLEY, DECORATIVE LIGHTING AND SOUNDWALL PARCELS
(FISCAL YEAR 2014-15)**

Land Use Class	Maximum Special Tax
Single Family Detached Property	\$428.15 per Unit
Single Family Attached Property	\$338.23 per Unit
Multi-Family Property	\$244.04 per Unit
Commercial Property	N/A
Hotel Property	N/A
Industrial Property	N/A
Office Property	N/A

On each July 1, commencing July 1, 2015, the Maximum Special Taxes shown above shall be increased by the Annual Escalation Factor.

D. METHOD OF LEVY AND COLLECTION OF SPECIAL TAX

Each Fiscal Year, the Special Tax shall be levied as follows until the amount of the levy equals the Special Tax Requirement for that Fiscal Year:

First: The Special Tax shall be levied proportionately on each Parcel of Developed Property up to 100% of the Maximum Special Tax determined for each category of Developed Property within the CFD and each Tax Zone until the amount levied is equal to the Special Tax Requirement for the Fiscal Year.

Second: If additional revenue is needed after the first step has been completed, the Special Tax shall be levied proportionately on each Parcel of Taxable Public Property up to 100% of the Maximum Special Tax that would have applied to the Parcel had the Parcel not become Public Property until the amount levied is equal to the Special Tax Requirement for the Fiscal Year.

The Special Tax for CFD No. 2014-2 shall be collected at the same time and in the same manner as ordinary ad valorem property taxes provided, however, that the City may (under the authority of Government Code Section 53340) collect Special Taxes at a different time or in a different manner if necessary to meet CFD No. 2014-2 financial obligations and the Special Tax shall be equally

subject to foreclosure if delinquent.

E. LIMITATIONS

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax, no Special Tax shall be levied on (i) any Parcel of Public Property that is not Taxable Public Property, and (ii) any Parcel in CFD No. 2014-2 that is not Developed Property.

F. DURATION OF SPECIAL TAX

The Special Tax shall be levied in perpetuity to fund the Special Tax Requirement, unless no longer required as determined at the sole discretion of the City Council.

G. INTERPRETATION OF SPECIAL TAX FORMULA

The City reserves the right to make minor administrative and technical changes to this document that do not materially affect the Rate and Method of Apportionment of Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. The City may make interpretations by ordinance or resolution for purposes of clarifying any vagueness or ambiguity in this Rate and Method of Apportionment of Special Taxes.

ATTACHMENT 1

CITY OF RANCHO CORDOVA COMMUNITY FACILITIES DISTRICT NO. 2014-2 (STREET, LIGHTING AND LANDSCAPING MAINTENANCE)

IDENTIFICATION OF TAX ZONES

TAX ZONE 1

Assessor's Parcels Included in Tax Zone 1 *	Fiscal Year In Which Property Was Added to CFD No. 2014-2
067-0030-066 067-0030-067 067-0030-069 067-0030-070 067-1020-001 067-1020-002	2013-14

*** The property identified by the Assessor's Parcel Numbers listed above shall remain part of the identified Tax Zone regardless of changes in the configuration of the Assessor's Parcels or changes to APNs in future Fiscal Years. As APNs change, the City may update Attachment 1 to reflect the most current APNs and Tax Zones consistent with the categories of Developed Property set forth in the Rate and Method of Apportionment of Special Tax for CFD No. 2014-2.**

Tax Zone 1 – Maximum Special Taxes

The following Maximum Special Taxes apply to all Parcels of Developed Property within Tax Zone 1 of CFD No. 2014-2. These Maximum Special Taxes do not incorporate the long-term maintenance activities which are included as a part of CFD No. 2014-1 (Montelena).

**MAXIMUM SPECIAL TAXES
ORDINARY USE PARCELS
(FISCAL YEAR 2014-15)**

Land Use Class	Ordinary Use Parcels Maximum Special Tax Zone 1	Soundwall and Decorative Lighting Parcels Maximum Special Tax Zone 1
Single Family Detached Property	\$275.49 per Unit	\$279.85 per Unit
Single Family Attached Property	\$217.64 per Unit	\$221.08 per Unit
Multi-Family Property	\$157.03 per Unit	\$159.52 per Unit
Commercial Property	\$210.00 per 1,000 Square Feet	\$210.00 per 1,000 Square Feet
Hotel Property	\$162.54 per Unit	\$165.11 per Unit
Industrial Property	\$123.97 per 1,000 Square Feet	\$125.93 per 1,000 Square Feet
Office Property	\$210.00 per 1,000 Square Feet	\$210.00 per 1,000 Square Feet

On each July 1, commencing July 1, 2015, the Maximum Special Taxes shown above shall be increased by the Annual Escalation Factor.

MEMORANDUM



DATE: April 21, 2014

TO: Honorable Mayor and Council Members

FROM: Cyrus Abhar, Public Works Director
Chris Boyer, Associate Civil Engineer

SUBJECT: RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A COST SHARING AGREEMENT WITH THE COUNTY OF SACRAMENTO FOR THE JOINT ROADWAY REHABILITATION PROJECT

RECOMMENDATION

Adopt Resolution No. 24-2014.

RESULT OF RECOMMENDED ACTION

Adoption of this resolution will authorize the City Manager to execute a cost sharing agreement with the County of Sacramento (County) in which the City will overlay both the City side and the County side of Sunrise Boulevard from Zinfandel Drive to the north side of Trinity River Drive. Under this proposed agreement, the County will be required to overlay both the City and County sides of Sunrise Boulevard, north of Trinity River Drive to the American River Bridge crossing.

BACKGROUND

Sunrise Boulevard is a major roadway connector for commuters and goods and services crossing the American River. As such, the roadway on Sunrise Boulevard receives a large amount of traffic that wears down the life of the roadway. Sunrise Boulevard is in need of maintenance due to standard wear and tear. Currently, the City Limits end at the west side or midpoint of Sunrise Boulevard. The east side of Sunrise Boulevard is owned and maintained by the County.

The City and the County began discussing the maintenance needs of Sunrise Boulevard two years ago. It was determined that it would be more cost effective and cause less issues during construction to overlay both sides of the road at the same time. The City and County put together a detailed cost estimate for all of the work necessary along Sunrise Boulevard. The agreement defines two projects, one for the City and one for the County. The City's project will stretch from Zinfandel Drive to just north of Trinity River Drive and will include improvements to the portions of Sunrise Boulevard that fall within both the City and the County. The Public Works Department has received federal funding for their portion of the Sunrise Boulevard rehabilitation and expects to begin construction this summer. The County's project will follow within the next two years and pick up where the City's project ends. The County's project will include a section of Sunrise located in the City that is equal to the improvements to the County facilities included in the City's project.

FISCAL IMPACTS

The total cost for the project is approximately \$3,000,000. Funding for this project consists of \$1,900,000 from Federal Grants and the remaining balance will be funded from Gas Tax.

This project is included in the City's current approved Capital Improvement Plan (CIP) and is included in the 13/14 Budget.

ATTACHMENT

Resolution No. 24-2014 including Exhibit A – Cost Sharing Agreement.

CITY OF RANCHO CORDOVA

RESOLUTION NO. 24-2014

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
AUTHORIZING THE CITY MANAGER TO EXECUTE A COST SHARING AGREEMENT WITH
THE COUNTY OF SACRAMENTO FOR THE JOINT ROADWAY REHABILITATION
PROJECT**

WHEREAS, the City wishes to enter into a cost sharing agreement with the County of Sacramento for the rehabilitation of Sunrise Boulevard;

WHEREAS, the City's designated project area will stretch from Zinfandel Drive to just north of Trinity River Drive and will include improvements to the portions of Sunrise Boulevard that falls within both the City and the County;

WHEREAS, the County's project area is equal to the improvements to the County facilities included in the City's project and will include both sides of Sunrise Boulevard, north of Trinity River Drive to the American River Bridge crossing; and

WHEREAS, such agreement will exceed the maximum amount that the City Manager has the authorization to approve.

NOW, THEREFORE, BE IT HEREBY RESOLVED THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA authorizes the City Manager to execute a cost sharing agreement with the County of Sacramento, attached as **Exhibit A**, in a form approved by the City Attorney.

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, Vice Mayor

ATTEST:

Mindy Cuppy, CMC, City Clerk

EXHIBIT A

County Contract No. 52383

City Contract No. 36-2014

**AGREEMENT FOR COST SHARING OF A JOINT ROADWAY REHABILITATION PROJECT
BETWEEN THE COUNTY OF SACRAMENTO AND THE CITY OF RANCHO CORDOVA
ALONG SUNRISE BOULEVARD FROM COLOMA ROAD TO THE
AMERICAN RIVER BRIDGE**

THIS AGREEMENT is made and entered into on _____, 2014, by and between the COUNTY OF SACRAMENTO, a political subdivision of the State of California, hereinafter referred to as "COUNTY, " and the CITY OF RANCHO CORDOVA, a municipal corporation organized and existing under the laws of the State of California, hereinafter referred to as "CITY."

RECITALS

WHEREAS, CITY has proposed to rehabilitate Sunrise Boulevard between Coloma Road and the American River Bridge, (Project), which section of roadway is a shared boundary between CITY and COUNTY; and

WHEREAS, the east side of this roadway section is within COUNTY'S jurisdiction, and the west side of this roadway section is within CITY'S jurisdiction; and

WHEREAS, it is in the public interest to complete the roadway rehabilitation on both sides of the road at the same time; and

WHEREAS, a cost evaluation has been completed showing that the Project can be split into two projects of approximate equal cost at a location 762 feet north of the northern crosswalk at Gold Express Drive, with CITY rehabilitating both sides of the roadway for the length north from Coloma Road to said location ("City's Project"), and COUNTY rehabilitating both sides of the roadway for the length north from said location to the American River Bridge ("County's Project", and

WHEREAS, California Streets and Highways Code Section 1710 permits a city and county to agree that the city shall construct, repair and maintain designated county highways or portions thereof with the cost to be paid by the county to the city; and

WHEREAS, California Streets and Highways Code Section 1680 permits a county, with a four-fifths vote of the members of its Board of Supervisors, to extend aid for maintenance of certain streets within a city's jurisdiction; and

WHEREAS, CITY and COUNTY desire to enter into this Agreement on the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the mutual promises hereinafter set forth, CITY and COUNTY agree as follows:

1. TERM

This Agreement shall be effective and commence as of the date first written above and shall remain in effect until completion of construction of the improvements covered by

EXHIBIT A

County Contract No. 52383

City Contract No. 36-2014

this Agreement , final acceptance thereof, and conclusion of the one-year warranty periods.

2. NOTICE

Any notice, demand, request, consent, or approval that either party hereto may or is required to give the other pursuant to this Agreement shall be in writing and shall be either personally delivered or sent by mail, addressed as follows:

To COUNTY:

Attn: Reza Moghissi, Division Chief
Maintenance and Operations Division
Department of Transportation
County of Sacramento
4100 Traffic Way,
Sacramento, CA 95827

To CITY:

Attn: Cyrus Abhar
Public Works Director
City of Rancho Cordova
2729 Prospect Park Drive
Rancho Cordova, CA 95670

Either party may change the address to which subsequent notice and/or other communications can be sent by giving written notice designating a change of address to the other party, which shall be effective upon receipt.

3. SCOPE OF AGREEMENT

- A. Scope. The scope of this Agreement includes CITY'S construction of its Sunrise Boulevard Overlay Project to rehabilitate both the east and west sides of Sunrise Boulevard from Coloma Road to 762 feet north of Gold Express Drive and COUNTY'S construction of a future overlay to rehabilitate both the east and west sides of Sunrise Boulevard from 762 feet north of Gold Express Drive north to the American River Bridge. The boundaries for each project are more particularly delineated in the map attached hereto as Exhibit A and incorporated herein by this reference
- B. City of Rancho Cordova Estimated Project Construction Cost, \$1,500,000.
 - 1) Design and Construction of the Project. CITY shall design the City's Project and award and administer a construction contract. In advance of advertising for bids, CITY shall provide design documents to COUNTY and allow COUNTY input and approval regarding the design as it affects that side of the roadway in COUNTY jurisdiction.
 - 2) Change Orders. Proposed change orders which affect construction in COUNTY jurisdiction of City's Project shall be submitted to COUNTY'S Project Manager for approval prior to formal approval by CITY. COUNTY shall not unreasonably withhold approval of change orders and shall provide such approval within five (5) working days after submittal from CITY.
 - 3) Encroachment Permit. COUNTY shall issue to CITY, at no cost to CITY, an encroachment permit covering the portion of City's Project within COUNTY'S jurisdiction. CITY shall comply with all provisions of said encroachment permit.

EXHIBIT A

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- 4) Inspections. CITY shall perform all inspections as part of CITY'S administration of its construction contracts for City's Project, including all inspections of work completed within COUNTY'S jurisdiction.
- 5) Release of Liens. Upon completion of City's Project, CITY shall provide, in form satisfactory to the COUNTY, evidence that all of the costs of the Project have been fully paid, including any and all lien claims. Upon request of COUNTY, CITY shall provide lien releases under California Civil Code Section 3262(d) to assure that payment of any outstanding claims of CITY'S contractors, subcontractors and suppliers have been paid.

C. County of Sacramento Estimated Project Construction Cost, \$1,500,000.

- 1) Design and Construction of the Project. COUNTY shall design County's Project and award and administer a construction contract. In advance of advertising for bids, COUNTY shall provide design documents to CITY and allow CITY input and approval regarding the design as it affects that side of the roadway in CITY jurisdiction
- 2) Change Orders. Proposed change orders which affect construction in CITY jurisdiction of County's Project shall be submitted to CITY'S Project Manager for approval prior to formal approval by COUNTY. CITY shall not unreasonably withhold approval of change orders and shall provide such approval within five (5) working days after submittal from COUNTY.
- 3) Encroachment Permit. CITY shall issue to COUNTY, at no cost to COUNTY, an encroachment permit covering the portion of County's Project within CITY'S jurisdiction. COUNTY shall comply with all provisions of said encroachment permit.
- 4) Inspections. COUNTY shall perform all inspections as part of COUNTY'S administration of its construction contracts for County's Project, including all inspections of work completed within CITY'S jurisdiction.
- 5) Release of Liens. Upon completion of County's Project, COUNTY shall provide, in form satisfactory to the CITY, evidence that all of the costs of the Project have been fully paid, including any and all lien claims. Upon request of CITY, COUNTY shall provide lien releases under California Civil Code Section 3262(d) to assure that payment of any outstanding claims of COUNTY'S contractors, subcontractors and suppliers have been paid.

D. Substantial Completion Deadline. Each party will provide substantial completion of its project by December 31, 2017.

4. **SHARING OF COSTS**

- A. CITY shall pay all design and construction costs and expenses incurred for the preparation and administration of the construction contract and for the required related services to complete City's Project, including work in COUNTY jurisdiction.
- B. COUNTY shall pay all design and construction costs and expenses incurred for the preparation and administration of the construction contract and for the required related services to complete County's Project, including work in CITY jurisdiction.

EXHIBIT A

County Contract No. 52383

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- C. The parties agree that the costs of each project are, at time of execution of this Agreement, estimated to be equal and shall be deemed to continue to be equal throughout the duration of this Agreement absent extraordinary unforeseen conditions in the field, in which event, the parties shall meet and confer and, as necessary, formally amend this Agreement to reflect any change in cost-share or responsibilities between the parties to respond to the unforeseen conditions.

5. COMPLIANCE WITH LAWS

Each of the parties hereto shall observe and comply with all applicable Federal, State, County and City laws, regulations and ordinances.

6. GOVERNING LAWS AND JURISDICTION

This Agreement shall be deemed to have been executed and to be performed within the State of California and shall be construed and governed by the internal laws of the State of California. Any legal proceedings arising out of or relating to this Agreement shall be brought in Sacramento County, California.

7. LICENSES AND PERMITS

- A. Construction contractors for each of the parties shall possess and maintain all necessary licenses, permits, certificates and credentials required by the laws of the United States, the State of California, County of Sacramento and all other appropriate governmental agencies, including any certification and credentials required by either party. Failure to maintain the licenses, permits, certificates, and credentials shall be deemed a breach of this Agreement and constitutes grounds for the termination of this Agreement.
- B. Each of the parties further certifies to the other party that it and its principals and construction contractor are not debarred, suspended, or otherwise excluded from or ineligible for, participation in federal, state or county government contracts.

8. INDEMNIFICATION

- A. CITY shall defend, indemnify and hold harmless COUNTY, its Board of Supervisors, officers, directors, agents, employees and volunteers from and against all demands, claims, actions, liabilities, losses, damages, and costs, including reasonable attorneys' fees, arising out of or resulting from the performance of the Agreement, caused in whole or in part by the negligent or intentional acts or omissions of CITY'S officers, directors, agents, employees, volunteers or contractors.
- B. COUNTY shall defend, indemnify, and hold harmless CITY, its officers, directors, agents, employees, volunteers and contractors from and against all demands, claims, actions, liabilities, losses, damages and costs, including reasonable attorneys' fees, arising out of or resulting from the performance of the Agreement, caused in whole or in part by the negligent or intentional acts or omissions of COUNTY'S Board of Supervisors, officers, directors, agents, employees, contractors or volunteers.
- C. It is the intention of CITY and COUNTY that the provisions of this paragraph be interpreted to impose on each party responsibility to the other for the acts and omissions of their respective officers, directors, agents, employees, volunteers,

EXHIBIT A

County Contract No. 52383

City Contract No. 36-2014

contractors, and the COUNTY'S Board of Supervisors and/or CITY'S Council. It is also the intention of CITY and COUNTY that, where comparative fault is determined to have been contributory, principles of comparative fault will be followed and each party shall bear the proportionate cost of any damage attributable to the fault of that party, its officers, directors, agents, employees, volunteers, contractors, and the COUNTY'S Board of Supervisors and/or CITY'S Council.

- D. The provisions of this indemnity shall survive the expiration or termination of the Agreement.

9. INSURANCE

Each party, at its sole cost and expense, shall carry insurance –or self-insure - its activities in connection with this Agreement, and obtain, keep in force and maintain, insurance or equivalent programs of self-insurance, for general liability, workers compensation, and business automobile liability adequate to cover its potential liabilities hereunder. Each party agrees to provide the other thirty (30) days' advance written notice of any cancellation, termination or lapse of any of the insurance or self-insurance coverages.

10. SUBCONTRACTS, ASSIGNMENT

- A. CITY and COUNTY remain legally responsible for the performance of all contract terms including work performed by third parties under subcontracts. Any subcontracting will be subject to all applicable provisions of this Agreement.
- B. This Agreement is not assignable by either party in whole or in part, without the prior written consent of the other party.

11. AMENDMENT AND WAIVER

Except as provided herein, no alteration, amendment, variation, or waiver of the terms of this Agreement shall be valid unless made in writing and signed by both parties. Waiver by either party of any default, breach or condition precedent shall not be construed as a waiver of any other default, breach or condition precedent, or any other right hereunder. No interpretation of any provision of this Agreement shall be binding upon either party unless agreed in writing by both party's Director and counsel.

12. SUCCESSORS

This Agreement shall bind the successors of each party in the same manner as if they were expressly named.

13. TIME

Time is of the essence of this Agreement.

14. INTERPRETATION

This Agreement shall be deemed to have been prepared equally by both of the parties, and the Agreement and its individual provisions shall not be construed or interpreted more favorably for one party on the basis that the other party prepared it.

EXHIBIT A

County Contract No. 52383

City Contract No. 36-2014

15. DIRECTOR

As used in this Agreement, "Director" shall mean, as context determines, the Director of COUNTY'S Department of Transportation or the Director of CITY'S Department of Public Works, or their designees.

16. DISPUTES

- A. In the event of any dispute arising out of or relating to this Agreement, the parties shall attempt, in good faith, to promptly resolve the dispute mutually between themselves. If the dispute cannot be resolved by mutual agreement, nothing herein shall preclude either party's right to pursue remedy or relief by civil litigation, pursuant to the laws of the State of California.
- B. In the event that any proceedings, judicial or otherwise, are brought to enforce the terms of this Agreement, each party shall bear its own attorney fees and costs in prosecuting or defending such proceedings.

17. TERMINATION

- A. This Agreement may be terminated by mutual written consent of the parties.
- B. Either party may terminate this Agreement for cause upon providing thirty (30) days written notice to the other party stating the cause and giving a reasonable period in which to cure the default, which period shall be stated in the notice.
- C. The Director for either party has authority to terminate this Agreement provided such termination is accomplished in accordance with either subparagraph A or B, above.

18. AUDITS AND RECORDS

Upon either party's request, the other party or its designee shall have the right at reasonable times and intervals to audit financial and program records as such requesting party deems necessary to determine compliance with legal and contractual requirements and the correctness of claims. Each party shall maintain such records for a period of four years following termination of the Agreement, and shall make them available for copying upon request at the requesting party's expense.

19. PRIOR AGREEMENTS

This Agreement constitutes the entire contract between CITY and COUNTY regarding the subject matter of this Agreement. Any prior agreements, whether oral or written, between the parties regarding the subject matter of this Agreement are hereby terminated effective immediately upon full execution of this Agreement.

20. SEVERABILITY

If any term or condition of this Agreement or the application thereof to any person(s) or circumstance is held invalid or unenforceable, such invalidity or unenforceability shall not affect other terms, conditions, or applications which can be given effect without the invalid term, condition, or application; to this end the terms and conditions of this Agreement are declared severable.

21. FORCE MAJEURE

Neither party shall be liable or responsible for delays or failures in performance resulting from events beyond the reasonable control of such party and without fault or negligence

EXHIBIT A

County Contract No. 52383

City Contract No. 36-2014

of such party. Such events shall include but not be limited to acts of God, strikes, lockouts, riots, acts of war, epidemics, acts of government, fire, power failures, nuclear accidents, earthquakes, unusually severe weather, acts of terrorism, or other disasters, whether or not similar to the foregoing, and acts or omissions or failure to cooperate of the other party or third parties (except as otherwise specifically provided herein).

22. SURVIVAL OF TERMS

All services performed and deliverables provided pursuant to this Agreement are subject to all of the terms, conditions, price discounts and rates set forth herein, notwithstanding the expiration of the initial term of this Agreement or any extension thereof. Further, the terms, conditions and warranties contained in this Agreement that by their sense and context are intended to survive the completion of the performance, cancellation or termination of this Agreement shall so survive.

23. AUTHORITY TO EXECUTE

Each person executing this Agreement represents and warrants that he or she is duly authorized and has legal authority to execute and deliver this Agreement for or on behalf of the parties to this Agreement. Each party represents and warrants to the other that the execution and delivery of the Agreement and the performance of such party's obligations hereunder have been duly authorized.

24. COUNTERPARTS

This Agreement may be executed in counterparts. The Agreement shall be deemed executed when it has been signed by both parties.

(SIGNATURE PAGE FOLLOWS)

EXHIBIT A

County Contract No. 52383

City Contract No. 36-2014

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the day and year first written above.

COUNTY OF SACRAMENTO, a political
subdivision of the State of California

CITY OF RANCHO CORDOVA,
a municipal corporation

By: _____
Michael J. Penrose, Director
Department of Transportation

By: _____

Name: _____

Title: _____

Date: _____

Date: _____

Agreement approved by
Board of Supervisors with authority delegated
to the Director to execute:

Agenda Date: _____

Item Number: _____

Resolution Number: _____
(4/5th Vote Required)

Reviewed and Approved by County Counsel

Approved as to Form by City Attorney:

By: _____
William Burke, Deputy County Counsel

By: _____

Date: _____

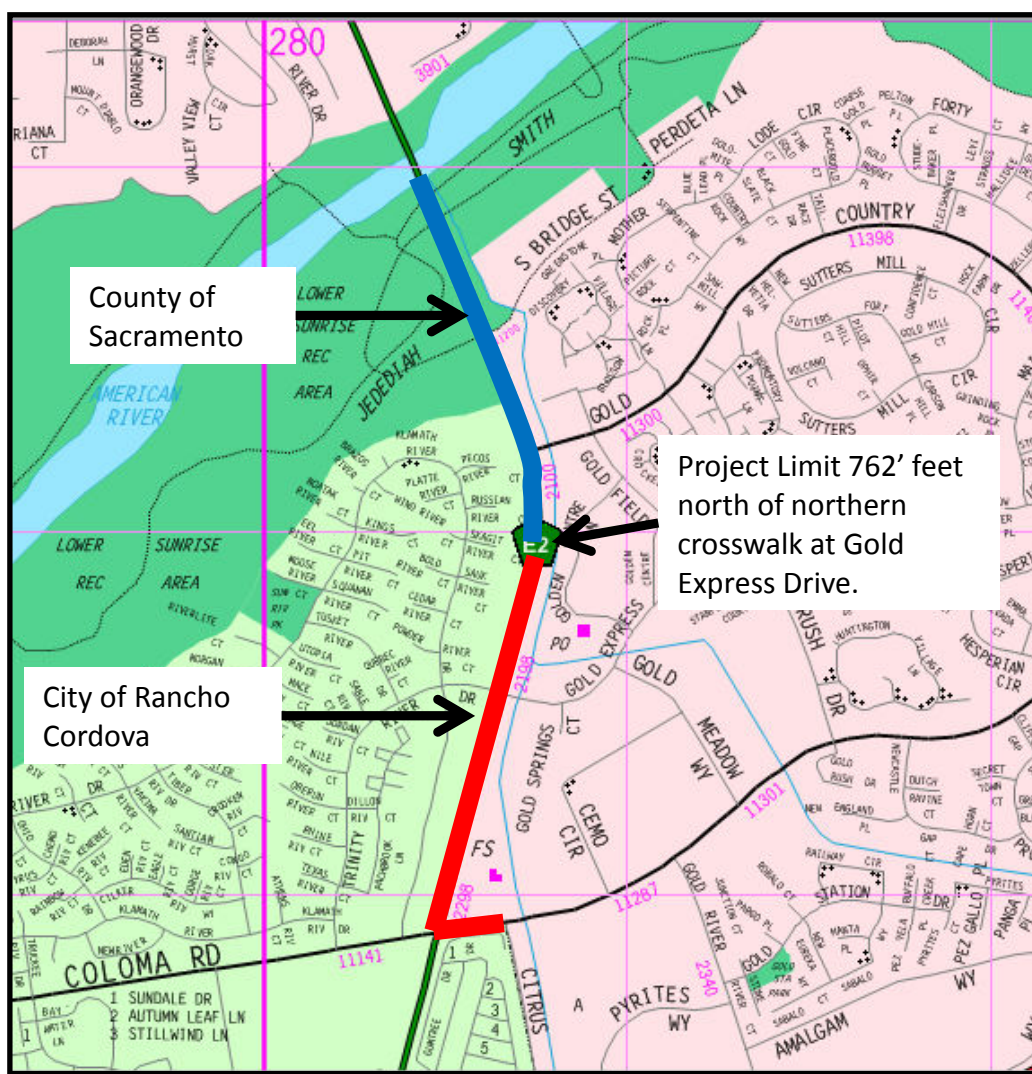
Date: _____

Prepared by: _____
Susan Wright, Administrative Services Officer II
Contract and Purchasing Services Division
Sacramento County Department of General Services
Phone: (916) 876-6285

Exhibit A

LOCATION MAP

(Agreement for cost sharing of a joint roadway rehabilitation project between the County of Sacramento and the City of Rancho Cordova along Sunrise Boulevard from Coloma Road to the American River Bridge.)



MEMORANDUM

DATE: April 21, 2014

TO: Honorable Mayor and Council Members

FROM: Jessica Jordan, Senior Planner

SUBJECT: SUNRIDGE LOT J DEVELOPMENT AGREEMENT AMENDMENT; PROJECT NO. DD8449 – LOCATED AT THE SOUTHEAST CORNER OF DOUGLAS ROAD AND RANCHO CORDOVA PARKWAY.



PROPERTY OWNER/APPLICANT:

Cresleigh Homes Corporation
 Ms. Deana Ellis
 433 California Street, 7th Floor
 San Francisco, CA 94104

PROJECT: Sunridge Lot J Development Agreement Amendment
FILE: DD8449
LOCATION: Southeast corner of Douglas Road and Rancho Cordova Parkway in the Sunridge Specific Plan
APN: 067-0040-016
PLANNER: Jessica Jordan, Senior Planner

RECOMMENDATION

Introduce and waive the first reading of Ordinance No. 10-2014.

RESULT OF RECOMMENDED ACTION

Adopting this Ordinance will clarify the development requirements for Sunridge Lot J and Cresleigh Homes with regards to park dedication and timing of park development. The amended Development Agreement will also memorialize park fee rates, require that the applicant provide a phasing plan, and require annexation into the City's stormwater drainage maintenance district.

BACKGROUND

Required Permits and Regulatory Basis

Section 23.158 of the Zoning Code establishes the process for adopting and amending a development agreement between the City and the applicant.

The original Sunridge Lot J project was approved in February 2006. A number of legal issues regarding the Sunridge EIR, Federal Permitting and the down turn in the economy have impacted these projects and kept them from moving forward. With the stated issues now

resolved, the applicant is requesting fairly modest changes to the Lot J project and previously approved Development Agreement. There are no modifications to the project's tentative subdivision map at this time.

PROJECT ANALYSIS

Proposed amendments to the Development Agreement will change several sections of the original Development Agreement in the following way:

- Restatement of Section 6 “Project Approvals” of the Recitals to reflect the appropriate environmental documentation for the project, memorialize the substantial compliance determination of the modified tentative subdivision map, and memorialize the first amendment to the Development Agreement
- Restatement of Section 5.2 of the Agreement extending the term to 2024 (original DA term was 2021)
- Restatement of Section 6.4.1 of the Agreement establishing updated park dedication requirements, timing of development standards, and updating the park fees (original DA required 7 acres/1,000 population and included a development impact fee of \$11,027)
- Restatement of Section 6.4.2 of the Agreement clarifying timing of park land dedication (original DA established two way to fulfill park requirements including payment of per unit fee or entering into a park improvement agreement)
- Restatement of Section 6.4.3 of the Agreement updating the in-fill park and open space renovation fee (original DA required payment of a \$1,500 park renovation fee for each residential parcel)
- Addition of new Section 6.4.6 establishing a requirement for a phasing plan
- Restatement of Section 10.1.iii regarding the project's stormwater drainage system (original DA referenced the Sacramento County Department of Water Resources for drainage maintenance)
- Other minor revisions related to agreement enforcement, replacement of DA exhibits, and acknowledgement of the City's changed policy on purple pipe requirements.

ENVIRONMENTAL ANALYSIS

The project has been reviewed and it has been determined to be exempt under Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) of the California Environmental Quality Act Guidelines. The Sunridge Lot J project is an approved subdivision within the Sunridge Specific Plan, which is consistent with the City's General Plan. An Environmental Impact Report and Mitigated Negative Declaration were previously prepared. The currently proposed amendments to the Development Agreement will not result in alterations to the project that would result in any new environmental impacts.

ATTACHMENTS

1. Ordinance 10-2014, including 1st Amendment to the Sunridge Lot J Development Agreement (**Exhibit A**) with Exhibits.
2. 500 foot radius map and mailing list.

ATTACHMENT 1**CITY OF RANCHO CORDOVA****ORDINANCE NO. 10-2014****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
ADOPTING A FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR THE
SUNRIDGE LOT J PROJECT****THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA DOES ORDAIN AS FOLLOWS:****Section 1. Recitals.**

A. 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.

B. On May 15, 2006, the City and Cresleigh Homes Corporation entered into a Development Agreement for the Sunridge Lot J Project, consisting of 82 acres of low density residential development. (Ordinance Number 21-2006). The Sunridge Lot J Project is located at the southeast corner of Douglas Road and Rancho Cordova Parkway (hereinafter known as the "Property"). The Sunridge Lot J Project remains undeveloped.

C. The Sunridge Lot J 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.

D. On April 17, 2006, the City approved an Initial Study and a Mitigated Negative Declaration ("MND") for the Tentative Subdivision Map of the Sunridge Lot J Project, pursuant to the California Environmental Quality Act ("CEQA"). In the Initial Study and 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 Ordinance 21-2006, which adopted the Development Agreement, are still accurate and relevant to the Amendment.

E. Pursuant to Government Code section 65868, City and Landowner desire to modify the Development Agreement to reflect certain changes and modifications to the obligations of the Landowner to pay certain fees for park renovations at existing city parks, and for park

ATTACHMENT 1

improvements at new city parks, and to revise the Landowner's park dedication obligations, all as more fully set forth in the attached First Amendment to the Development Agreement ("First Amendment.")

F. On April 21, 2014, the City Council, as the legislative body for purposes of Development Agreement approval, held a properly noticed public hearing pursuant to Government Code section 65867 and considered all comments received in writing and all testimony received at the public hearing. Following the public hearing, the Applicant is required pay all costs associated with processing of the First Amendment and to maintain a minimum \$5,000 deposit with the City for DA compliance review as the project builds out.

Section 2: Findings.

Therefore, on the basis of: (a) the foregoing recitals, which are hereby incorporated herein; (b) the City of Rancho Cordova's General Plan and General Plan EIR; (c) the SDCP/SRSP EIR; and (d) the Sunridge Lot J MND, the City Council finds and determines that:

A. The First Amendment to the Development Agreement is consistent with the objectives, policies, general land uses and programs specified and contained in the City's General Plan in that: (a) The Project remains predominantly low-density residential and consistent with the General Plan and Zoning Code; (b) the Project is consistent with the fiscal policies of the General Plan with respect to provisions of infrastructure and public services; and, (c) the First Amendment to the Amended Development Agreement include provisions relating to financing public services, construction and maintenance of public facilities, park development fees and similar provisions to replace those set forth in the Sunridge Specific Plan.

B. The First Amendment and Amended Development Agreement are compatible with the uses authorized in, and the regulations prescribed for, the land use area in which the real property is located.

C. The First Amendment to the Development Agreement is in conformity with public convenience, general welfare and good land use policies in that the First Amendment and Amended Development Agreement will continue to implement land use guidelines set forth in the General Plan and help fund infrastructure and parks needed to serve new development.

D. The First Amendment will not be detrimental to the health, safety and general welfare in that the Project will proceed in accordance with the programs and policies of the General Plan.

E. The First Amendment will not adversely affect the orderly development of property, or the preservation of property values, in that the amendment is consistent with the General Plan.

F. The First Amendment is consistent with and includes the substantive elements of Government Code sections 65864 through 65869.5, and has been processed consistent with all the procedural requirements thereof.

Section 3: Approval of First Amendment to Development Agreement.

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

ATTACHMENT 1**Section 4: Recordation**

Within ten (10) days after the First Amendment to the Development Agreement is executed by the City Manager, the City Clerk shall submit the amendment to the County Recorder for recordation.

Section 5: Severability.

If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of this Ordinance that can be given effect without the invalid provision and, to this end, the provisions of this Ordinance are severable. This City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance be enforced.

Section 6: Publication and Effective Date.

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

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

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert J. McGarvey, Vice Mayor

ATTEST:

Mindy Cuppy, CMC, City Clerk

OFFICIAL BUSINESS

Document entitled to free recording
Government Code §6103

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

City of Rancho Cordova
2729 Prospect Park Drive
Rancho Cordova, CA 95670
Attn: City Clerk

(SPACE ABOVE LINE RESERVED FOR RECORDER'S USE)

**FIRST AMENDMENT TO DEVELOPMENT AGREEMENT
RELATIVE TO SUNRIDGE LOT J
BY AND BETWEEN
THE CITY OF RANCHO CORDOVA AND CRESLEIGH HOMES CORPORATION**

**FIRST AMENDMENT TO DEVELOPMENT AGREEMENT
RELATIVE TO SUNRIDGE LOT J
BY AND BETWEEN
THE CITY OF RANCHO CORDOVA AND CRESLEIGH HOMES CORPORATION**

This First Amendment to the Development Agreement ("First Amendment"), is entered into on _____, 2014, by and between the CITY OF RANCHO CORDOVA, a California municipal corporation ("City"), and CRESLEIGH HOMES CORPORATION, a California corporation ("Landowner"). City and Landowner are hereinafter collectively referred to as the "Parties," and singularly as a "Party."

RECITALS

A. The City and Landowner, entered into a Development Agreement dated May 15, 2006 and recorded on July 18, 2006 in the Official Records of Sacramento County at Book 20060718, Page 0928 (the "Agreement" or "Development Agreement") establishing certain development rights for real property located in the City of Rancho Cordova, California, as more particularly described in Exhibit A-1 and Exhibit A-2 of the Agreement (the "Property").

B. Pursuant to Government Code section 65868, City and Landowner now desire to modify and revise the Agreement to reflect certain further changes and modifications to the obligations of the Landowner to pay certain fees for park renovations at existing city parks and for park improvements at new city parks and to revise the Landowner's park dedication obligations, all as more fully set forth below in this First Amendment.

C. This First Amendment amends certain provisions of the Agreement applicable to the entire Property and was adopted by City Ordinance No. [REDACTED]-2014 on [REDACTED], 2014.

D. The City finds that this First Amendment is in furtherance of the previously granted Project approvals, is not a new project, and is covered by the existing Sunridge Specific Plan EIR, Addendum, and the Mitigated Negative Declaration.

AGREEMENT

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

2. Restatement of Section 6 of the Recitals concerning "Project Approvals." City and Landowner agree that 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 the City on July 1, 2003, by City Resolution No. 06-2003 and as amended by City Ordinance No. 26-2004 (the “Specific Plan”);

6.2 The Mitigated Negative Declaration adopted on April 17, 2006 and Amendments to the Mitigation Monitoring Reporting Program by Resolution No. 31-2006, the Addendum to the Final EIR of the Sunridge Specific Plan and Zoning Ordinance dated April 3, 2006, the recertified Revised EIR for the Sunrise Douglas Community Plan and the Sunridge Specific Plan dated October 2011;

6.3 The Rezoning of the Property approved on May 15, 2006 by City Ordinance No. 20-2006;

6.4 The Tentative Subdivision Map approved on April 17, 2006 by City Resolution No. 55-2006, with minor modifications deemed by the City to be in substantial compliance of the original approval;

6.5 The Development Agreement adopted on May 15, 2006 by City Ordinance No. 21-2006, as amended on [REDACTED], 2014 by City Ordinance No. [REDACTED]-2014 adopting this First Amendment to the Development Agreement.”

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 [REDACTED], 2024, which date is a period of ten (10) years from the effective date of City Ordinance No. [REDACTED]-2014 approving the First Amendment, unless said term is terminated, modified or extended by circumstances set forth in this Agreement. Following the 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

City and Landowner agree that Landowner’s obligation to dedicate land for new parks and open space shall be satisfied by Landowner’s dedication of 6.53 net acres of park and open space land within the Project, set forth more specifically in the revised Exhibit E of the Development Agreement, which is attached as Exhibit 1 to the First Amendment (the “Dedicated Land”).

(ii) Park and Open Space Land Improvement

The Landowner agrees it will improve both park and open space lands shown in Exhibit 1 of the First Amendment. Landowner's obligation to improve these lands requires Landowner to design, engineer, construct and install park and open space facility improvements including street frontage improvements (i.e., "turnkey parks" and open space) consistent with (a) the First Amendment, (b) the "Park Development Agreement" which will be negotiated between the Landowner and the Park District prior to the preparation of the design and cost estimate under this Section, and (c) then applicable City standards.

The Parties agree that the timing and complete improvement of the parks and open space shown in Exhibit 1 of the First Amendment is a critical issue.

The timing of the improvement of park and open space sites shall comply with the requirements of the First Amendment and the requirements of the Park Development Agreement. In addition to the general authority under the First Amendment, the City has the specific authority to withhold building permits if the design or improvements of park and open space are not in full compliance with the requirements of the First Amendment and the Park Development Agreement.

Landowner will prepare a design and cost estimate for the improvements of both park and open space lands shown in Exhibit 1 of the First Amendment. Landowner must receive written approval by the City and Park District of the design and cost estimate prior to beginning any work on the improvements.

Landowner will complete and make all the improvements in Lot E as shown in Exhibit 1 of the First Amendment, open and fully operational prior to the issuance by the City of the 185th residential building permit for the Project (prior to issuance of that permit, the City will have issued just under 50% of the total 369 residential building permits anticipated to be issued for the Project).

Landowner will award a contract for, and start construction of, the improvements in Lot D, as shown in Exhibit 1 of the First Amendment, prior to issuance by the City of the 185th residential building permit for the Project. Landowner will complete and make all the improvements in Lot D open and fully operational prior to the earlier of (a) 18 months from the date the City issues the 185th residential building permit for the Project, or (b) issuance by the City of the 277th residential building permit for the Project (prior to issuance of that permit, the City will have issued just under 75% of the total 369 building permits anticipated to be issued for the Project).

Landowner's maximum financial obligation to design, engineer and construct, including construction management of the improvements provided for in this subparagraph (ii) is Two Million Seven Hundred Seventy Eight Thousand Five Hundred Seventy Dollars

(\$2,778,570) dollars ("Cost Limits"). The Cost Limits will inflate each year beginning January 1, 2015, by the methodology described in Section 6.4.1 subparagraph (iii) until the parks are constructed. In the event that total costs, after bidding, exceed the Cost Limits, the Landowner shall give written notice to the Park District and the City within thirty (30) days of receiving the bids requesting to meet and confer regarding the excess of the Cost Limits.

(iii) Parks Fees

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 the Park District and the City to design, construct and install park improvements and community open space (the "Park Development Impact Fee"). The Park Development Impact Fee will be paid prior to the issuance of each residential building permit within the Project. The Park Development Impact Fee will be Two Thousand Four Hundred Sixty Four Dollars and Forty One Cents (\$2,464.41) for each single-family residential parcel or residential parcel equivalent, which amount is based upon and already reflects Landowner's agreement to turnkey both of the two (2) parks shown in Exhibit 1 of the First Amendment. Of the Two Thousand Four Hundred Sixty Four Dollars and Forty One Cents (\$2,464.41) Park Development Impact Fee, Two Thousand Three Hundred Fifty Four Dollars and Twenty Five Cents (\$2,354.25) is for parks and One Hundred Ten Dollars and Sixteen Cents (\$110.16) is for community open spaces, such as but not limited to a public plaza and gathering space.

The Park Development Impact Fee shall be adjusted on January 1, 2015 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.

Landowner understands that under the Development Agreement, it is subject to a 7 acres per 1,000 residents park standard. By Resolution 128-2013, adopted on November 18, 2013, the City reduced the General Plan park acreage and open space standards to 6 acres per 1,000 residents. The City now agrees to apply the new

standard and reduce the Landowner's dedication requirement to 6.53 acres and Landowner's Park Development Impact Fee obligation to Two Thousand Four Hundred Sixty Four Dollars and Forty One Cents (\$2,464.41) for each single-family residential parcel or residential parcel equivalent, as in the First Amendment.

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 Land for Parks and Open Space. Prior to the recordation of any residential small lot final subdivision map in the Project which contains a portion of the Dedicated Land, but not prior to construction of model homes, Landowner shall irrevocably offer for dedication to the Park District (i) that portion of the Dedicated Land that is encompassed within such residential small lot final subdivision map and which is identified in the Specific Plan as a community park or a neighborhood park site, and (ii) that portion of the Dedicated Land that is encompassed within such residential small lot final subdivision map and which is identified in the Specific Plan as a neighborhood green, park corridor or trail.

Prior to the recordation of any residential small lot final subdivision map in the Project which contains a portion of the Dedicated Land, but not prior to construction of model homes, Landowner shall enter into Park Development Agreements with the Park District for the improvement of the Dedicated Land that will be dedicated within such residential small lot final subdivision map."

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 it shall pay City the total sum of One Thousand Twenty Dollars and Thirty Three Cents (\$1,020.33) for each residential parcel shown on the final maps for the Property (the "Park Renovation Fee"). Beginning January 1, 2015, the fee shall be adjusted annually on each January 1st 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 that portion of the City outlined in the revised Exhibit C of the Development Agreement, which is attached to the First Amendment as Exhibit 2. 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 California Government Code Section 66477 (the "Quimby Act"). Landowner agrees that it shall not claim any 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 to correspond to the new Citywide funding mechanism, provided that the Landowner does not challenge or oppose the approval or implementation of the new Citywide funding mechanism.”

7. Addition of New Section 6.4.6. City and Landowner agree to add a new Section 6.4.6 to the Development Agreement as follows to provide for a Phasing Plan:

“6.4.6 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 and other utilities, and the large lot phasing plan will be based on the City’s Guiding Principles for Phasing of Transportation, Infrastructure and Utility Services to the satisfaction of the 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 small lot final map for an individual phase, the Landowner 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 the City’s Public Works Department. The small lot phasing plan will also be defined by the City’s Guiding Principles for Phasing.

Prior to issuance of building permits (except permits for model homes) with 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 necessary for adequate public access and land use shall be fully constructed and accepted to the satisfaction of the City’s Public Works Department.

At the discretion of the City’s Public Works Department, the final lift of asphalt only (e.g. upper approximately 1.5 inches of asphalt) may be deferred to prior to the first occupancy in a phase. The structural street section shall be designed to accommodate construction traffic loads until such time that the finish lift of asphalt concrete is installed. All other improvements shall be fully completed and accepted for maintenance prior to issuance of the first building permit in the applicable phase.”

8. Restatement of Section 10.1.iii concerning the Project’s Stormwater Drainage System. City and Landowner agree that Section 10.1.iii of the Agreement is hereby deleted and replaced with the following:

“iii. City and Landowner agree and acknowledge that the Project’s stormwater drainage system will need ongoing maintenance following its installation. Landowner agrees that prior to the recordation of the first final subdivision map at the Property, Landowner shall annex the property into a new stormwater drainage maintenance district formed by the City for the purpose of providing a financial mechanism to fund the operation and maintenance of the Project’s stormwater drainage system. If a new district has not been formed by the City prior to the time of recordation of the first final subdivision map at the Project, then landowner may satisfy this obligation by annexing the Property into the County of Sacramento Stormwater Utility District pursuant to the Sacramento County Water Agency Code and comply with the Sacramento County Improvement Standards.”

9. Violation of Park District Park Development Agreement. Landowner agrees that the City will be a third party beneficiary of any Park Development Agreement between the Landowner and the Park District. Landowner agrees that any violation of the Park Development Agreement between the Landowner and the City or the Park District may be enforced by the City as a violation of this First Amendment.

10. Repeal of Requirement for Use of Recycled Water. Pursuant to the City Council’s adoption of Resolution No. 9-2014 on February 18, 2014, the Project shall not be required to install a dual plumbed recycled water system, commonly referred to as “purple pipe.” The Landowner shall be entitled to amend its improvement plans to remove any and all such requirements.

11. Exhibits. Exhibit E of the Agreement, “Diagram of Park Land Dedication,” is replaced with Exhibit 1 to this First Amendment, titled “Parkland and Open Space Dedication.” Exhibit C of the Agreement, “Infill Park and Open Space Map,” is replaced with Exhibit 2 to this First Amendment, titled “Infill and Open Space Map.”

12. Notices. Section 28, “Notices,” of the Agreement is amended to replace the Landowner’s name and address to read as follows:

Cresleigh Home Corporation
3005 Douglas Blvd, #110
Roseville, CA 95661

With Copy to:

Abbott & Kindermann, LLP
2100 21st Street
Sacramento, CA 95818

13. Form of Agreement. The last sentence of Section 29 of the Agreement which described the Agreement and its exhibits as constituting the entire understanding and agreement of the Parties is hereby deleted.

14. 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.

15. All Other Terms Remain in Force. Except as amended by Sections 1 through 12 above, all terms and conditions of the Agreement remain in full force and effect.

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

17. 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.

18. 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 Agreement in duplicate by its City Manager and attested to by its City Clerk under the authority of Ordinance No. ____-2014, adopted by the Council of City on _____, 2014, and Landowner has caused this Agreement to be executed.

City of Rancho Cordova

Cresleigh Homes Corporation

By: _____

By: _____

Name: Joe Chinn

Name: _____

Title: Interim City Manager

Title: _____

Date: _____, 2014

Date: _____, 2014

ATTEST:

By: _____
Mindy Cuppy, City Clerk

APPROVED AS TO FORM:
City Attorney

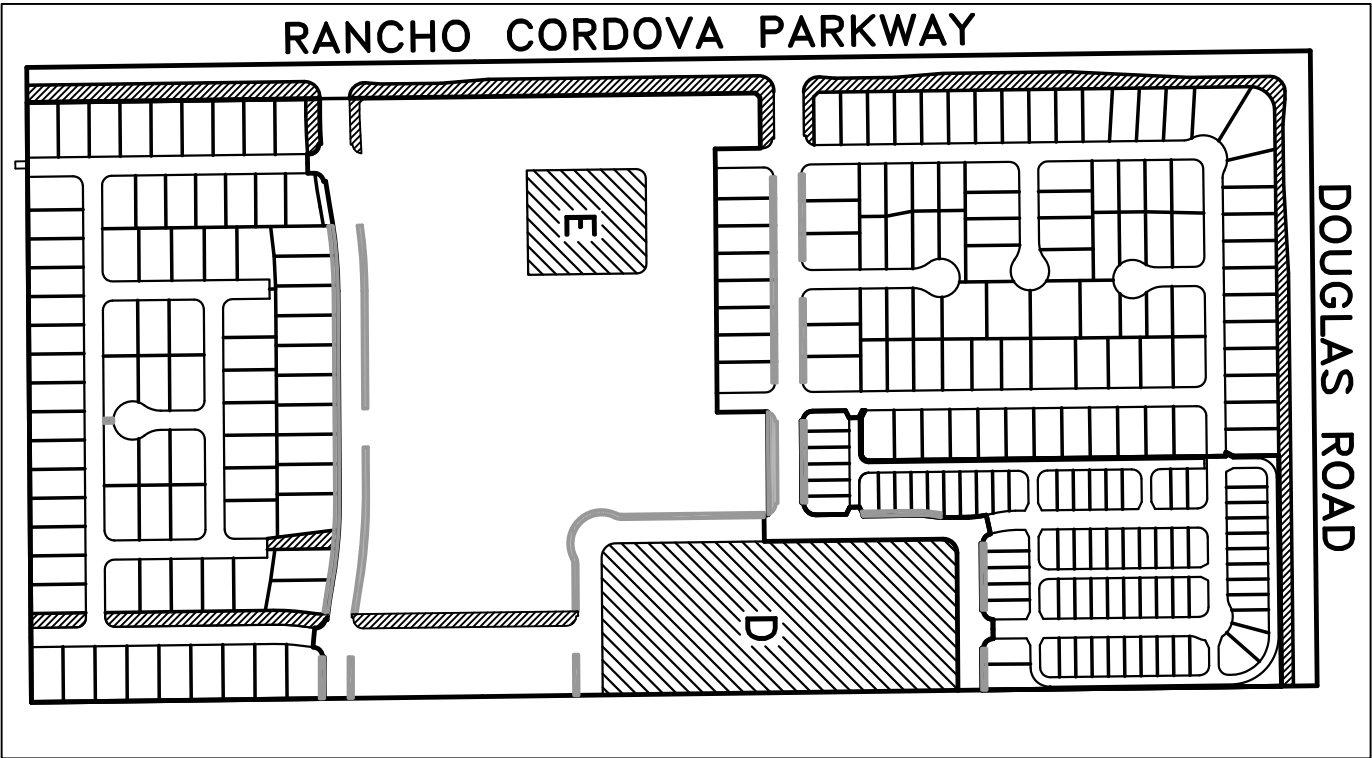
By: _____
Adam U. Lindgren

[Attach Certificate of Acknowledgment – Civil Code § 1189]

EXHIBIT 1
DIAGRAM OF PARK LAND DEDICATION

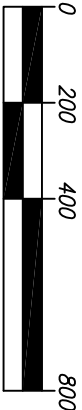
EXHIBIT A

EXHIBIT 1
PARKLAND & OPEN SPACE DEDICATION EXHIBIT FOR:
SUNRIDGE LOT 'J'
CITY OF RANCHO CORDOVA, CALIFORNIA



LEGEND

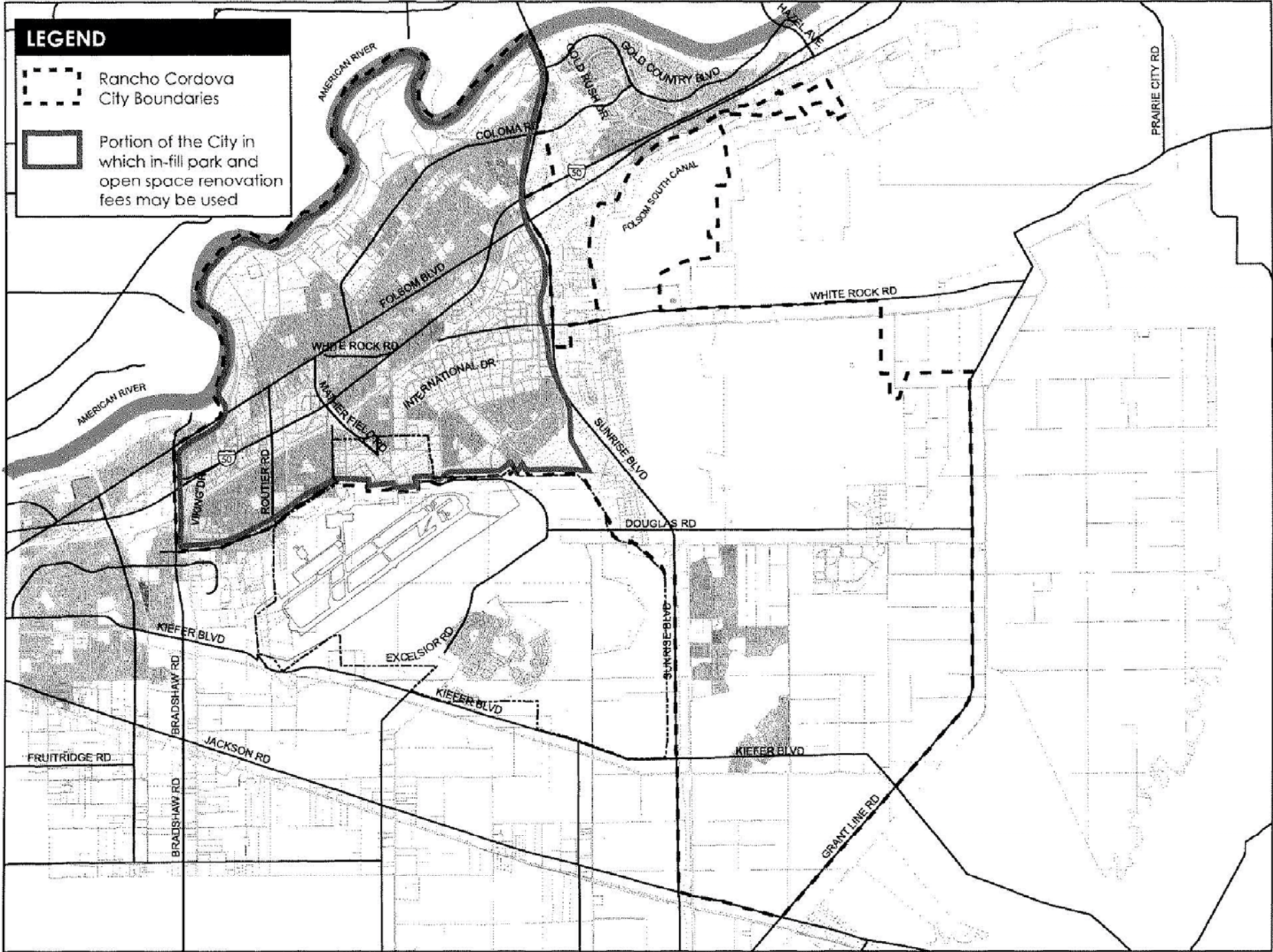
- | | | |
|---------------------|----------|--|
| PARK SITE | 6.58 AC. |  |
| LANDSCAPE CORRIDOR | 3.60 AC. |  |
| PEDESTRIAN CORRIDOR | |  |



SCALE: 1"=400'

CALC:	FIRST AMENDMENT TO DEVELOPMENT AGREEMENT	DATE: 03/14
DRN:	SUNRIDGE LOT 'J'	SCALE: 1"=400'
CKD:	CITY OF RANCHO CORDOVA	FB: N/A
APRVD:	MSA ENGINEERING, INC. ROSEVILLE, CALIFORNIA	W.D. 07 10E AGENDA ITEM 13.1

EXHIBIT 2
INFILL PARK AND OPEN SPACE MAP



AGENDA ITEM 13.1

STATE OF CALIFORNIA)
) ss.
COUNTY OF SACRAMENTO)

On _____ before me, _____, (here insert name and title of the officer), personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

500' RADIUS MAP SUNRIDGE LOT J

CITY OF RANCHO CORDOVA, COUNTY OF SACRAMENTO, CALIFORNIA
FEBRUARY 2014
MSA ENGINEERING INC.
PAGE 1 of 1



- 1 067-0930-003
- 2 067-0930-004
- 3 067-0930-005
- 4 067-0930-006
- 5 067-0930-007
- 6 067-0930-008
- 7 067-0930-009
- 8 067-0930-010
- 9 067-0930-011
- 10 067-0930-012
- 11 067-0930-013
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- 134 067-0800-038
- 135 067-0800-037

ATTACHMENT 2

067-0030-066-0000

MONTELENA DOUGLAS LLC
5241 ARNOLD AVE
MCCLELLAN CA 95652

067-0650-052-0000

SUNRIDGE PARK LLC
7700 COLLEGE TOWN DR
#109
SACRAMENTO CA 95826

067-0800-002-0000

KENNETH RAY MARTIN
4255 CHOTEAU CIR
RANCHO CORDOVA CA 95742

067-0800-005-0000

WILLIAM III
4243 CHOTEAU CIR
RANCHO CORDOVA CA 95742

067-0800-008-0000

GERALD N TELEP
4231 CHOTEAU CIR
RANCHO CORDOVA CA 95742

067-0800-011-0000

MARK MCKINSTRY
4219 CHOTEAU CIR
RANCHO CORDOVA CA 95742

067-0800-014-0000

BRANDON M & JUDITH E YATES
4207 CHOTEAU CIR
RANCHO CORDOVA CA 95742

067-0800-017-0000

BRANDON & ERIN WEISS
4195 CHOTEAU CIR
RANCHO CORDOVA CA 95742

067-0800-039-0000

KRISTINE L BALLARD
4279 BORDERLANDS DR
RANCHO CORDOVA CA 95742

067-0800-042-0000

BRIAN & SUSAN C TONKS
4291 BORDERLANDS DR
RANCHO CORDOVA CA 95742

067-0040-008-0000

K HOVNANIAN AT JAEGER RANCH LLC
1375 EXPOSITION BLVD
#300
SACRAMENTO CA 95815

067-0650-053-0000

SUNRIDGE PARK LLC
7700 COLLEGE TOWN DR
#109
SACRAMENTO CA 95826

067-0800-003-0000

DENA MRIZEK
4251 CHOTEAU CIR
RANCHO CORDOVA CA 95742

067-0800-006-0000

A LESLIE
4239 CHOTEAU CIR
RANCHO CORDOVA CA 95742

067-0800-009-0000

ZACHARIAH S & RENDI L JOHNSTON
4227 CHOTEAU CIR
RANCHO CORDOVA CA 95742

067-0800-012-0000

JOANNA MURRAY
4215 CHOTEAU CIR
RANCHO CORDOVA CA 95742

067-0800-015-0000

BRIDGET D & MATTHEW A BALL
4203 CHOTEAU CIR
RANCHO CORDOVA CA 95742

067-0800-037-0000

GREGORY & KIMMI HNATH
4271 BORDERLANDS DR
RANCHO CORDOVA CA 95742

067-0800-040-0000

FENG ZHAO
4283 BORDERLANDS DR
RANCHO CORDOVA CA 95742

067-0800-043-0000

JAIME & JASON SANCHEZ
4295 BORDERLANDS DR
RANCHO CORDOVA CA 95742

067-0040-016-0000

CRESLEIGH HOMES CORPORATION
433 CALIFORNIA ST
#7TH
SAN FRANCISCO CA 94104

067-0800-001-0000

AYAKO A HIRAHARA
4259 CHOTEAU CIR
RANCHO CORDOVA CA 95742

067-0800-004-0000

ERIC & KENDRA STEWART
4247 CHOTEAU CIR
RANCHO CORDOVA CA 95742

067-0800-007-0000

HEE B & JUNG H PYUN
4235 CHOTEAU CIR
RANCHO CORDOVA CA 95742

067-0800-010-0000

TED WOOD
4223 CHOTEAU CIR
RANCHO CORDOVA CA 95742

067-0800-013-0000

JAMIE S WILSON
4211 CHOTEAU CIR
RANCHO CORDOVA CA 95742

067-0800-016-0000

SCOTT A BIASOTTI
4199 CHOTEAU CIR
RANCHO CORDOVA CA 95742

067-0800-038-0000

JOSEPH NYIRADI
4275 BORDERLANDS DR
RANCHO CORDOVA CA 95742

067-0800-041-0000

MARIA S MAYO
4287 BORDERLANDS DR
RANCHO CORDOVA CA 95742

067-0800-044-0000

DANNY ROBERSON
12211 CEDAR BOG WAY
RANCHO CORDOVA CA 95742

ATTACHMENT 2

067-0800-045-0000
AMANDA FREESE
12215 CEDAR BOG WAY
RANCHO CORDOVA CA 95742

067-0800-046-0000
ROBERT & VINCE MAZZOLA
12219 CEDAR BOG WAY
RANCHO CORDOVA CA 95742

067-0800-047-0000
RONALD V LAGRADEZ
12223 CEDAR BOG WAY
RANCHO CORDOVA CA 95742

067-0800-048-0000
PARKER CHRISTOPHER M
12227 CEDAR BOG WAY
RANCHO CORDOVA CA 95742

067-0800-049-0000
JOSE A HERNANDEZ
12231 CEDAR BOG WAY
RANCHO CORDOVA CA 95742

067-0800-050-0000
GARNER FAMILY TRUST
PO BOX 1045
IONE CA 95640

067-0800-050-0000
OCCUPANT
12235 CEDAR BOG WAY
RANCHO CORDOVA CA 95742

067-0800-063-0000
PAUL A & LAURA N QUEZADA
12234 CEDAR BOG WAY
RANCHO CORDOVA CA 95742

067-0800-064-0000
CHRISTOPHER & CYNTHIA MERRY
12230 CEDAR BOG WAY
RANCHO CORDOVA CA 95742

067-0800-065-0000
ROBERT D HOLMES
12226 CEDAR BOG WAY
RANCHO CORDOVA CA 95742

067-0800-066-0000
CRISPIN L TIPTON
12222 CEDAR BOG WAY
RANCHO CORDOVA CA 95742

067-0800-067-0000
LUIS A & CHARLOTTE MARTINEZ
12218 CEDAR BOG WAY
RANCHO CORDOVA CA 95742

067-0800-068-0000
JOSHUA B & ELAINE A JOHNSON
12214 CEDAR BOG WAY
RANCHO CORDOVA CA 95742

067-0800-069-0000
MICHAEL RIVERA
12210 CEDAR BOG WAY
RANCHO CORDOVA CA 95742

067-0800-070-0000
HUYEN TRINH THI TRAN
4216 CHOTEAU CIR
RANCHO CORDOVA CA 95742

067-0800-071-0000
PRATIK & RINALI SHAH
4212 CHOTEAU CIR
RANCHO CORDOVA CA 95742

067-0800-072-0000
WAYNE J DIAS
4208 CHOTEAU CIR
RANCHO CORDOVA CA 95742

067-0800-073-0000
LYNETTE RAISBECK
154 TOMLINSON DR
FOLSOM CA 95630

067-0800-073-0000
OCCUPANT
4204 CHOTEAU CIR
RANCHO CORDOVA CA 95742

067-0800-074-0000
MEGAN CHERINKA
4200 CHOTEAU CIR
RANCHO CORDOVA CA 95742

067-0800-075-0000
WEILING CHIANG
4196 CHOTEAU CIR
RANCHO CORDOVA CA 95742

067-0800-076-0000
JOHN & MARTHA CHRISTY
4192 CHOTEAU CIR
RANCHO CORDOVA CA 95742

067-0800-083-0000
CARL S OLSON
12204 HETCH HECHY DR
RANCHO CORDOVA CA 95742

067-0800-084-0000
ALBERTO G SANCHEZ TORRES
3363 TRISHA WAY
STOCKTON CA 95206

067-0800-084-0000
OCCUPANT
12208 HETCH HECHY DR
RANCHO CORDOVA CA 95742

067-0800-085-0000
CORY B & EMILIE A SMART
12212 HETCH HECHY DR
RANCHO CORDOVA CA 95742

067-0800-086-0000
WILLIE JONES
12216 HETCH HECHY DR
RANCHO CORDOVA CA 95742

067-0800-087-0000
ERIN & STEVE SALMERI
12220 HETCH HECHY DR
RANCHO CORDOVA CA 95742

067-0800-088-0000
NATALIE VOLLRATH
1200 CREEKSIDE DR
#2123
FOLSOM CA 95630

067-0800-088-0000
12224 HETCH HECHY DR
RANCHO CORDOVA CA 95742

ATTACHMENT 2

067-0800-089-0000
CATHERINE E SAVAS
12228 HETCH HECHY DR
RANCHO CORDOVA CA 95742

067-0800-090-0000
CHRISTOPHER L & AMY D PIERCE
12232 HETCH HECHY DR
RANCHO CORDOVA CA 95742

067-0800-091-0000
JOAN & STEVEN MCCLAIN
12236 HETCH HECHY DR
RANCHO CORDOVA CA 95742

067-0800-094-0000
SCHNEE LANGDON
12237 CONSERVANCY WAY
RANCHO CORDOVA CA 95742

067-0800-095-0000
NITIN JAIN
12233 CONSERVANCY WAY
RANCHO CORDOVA CA 95742

067-0800-096-0000
MARJORIE A FELLENBERG
12229 CONSERVANCY WAY
RANCHO CORDOVA CA 95742

067-0800-097-0000
LAKEISHA Y ALEXANDER
12225 CONSERVANCY WAY
RANCHO CORDOVA CA 95742

067-0800-098-0000
CHRISTOPHER D & ALICIA M PIVETTI
12221 CONSERVANCY WAY
RANCHO CORDOVA CA 95742

067-0800-099-0000
FEDERAL NATL MTG ASSOCIATION
PO BOX 650043
DALLAS TX 75265

067-0800-099-0000
OCCUPANT
12217 CONSERVANCY WAY
RANCHO CORDOVA CA 95742

067-0800-100-0000
SIDNEY FOGAL
12213 CONSERVANCY WAY
RANCHO CORDOVA CA 95742

067-0800-101-0000
AZUSENA & JOHN CONNOLLY
12209 CONSERVANCY WAY
RANCHO CORDOVA CA 95742

067-0800-102-0000
KRISTIE LEA & BENJAMIN AVILA
12212 CONSERVANCY WAY
RANCHO CORDOVA CA 95742

067-0800-103-0000
JEANNE MARIE
12216 CONSERVANCY WAY
RANCHO CORDOVA CA 95742

067-0800-104-0000
ROXANNE LEMAIRE
12220 CONSERVANCY WAY
RANCHO CORDOVA CA 95742

067-0800-105-0000
JENNIFER M & RANDALL E LABAY
12224 CONSERVANCY WAY
RANCHO CORDOVA CA 95742

067-0800-106-0000
CECIL L & JESSIE M WIARD
12228 CONSERVANCY WAY
RANCHO CORDOVA CA 95742

067-0800-107-0000
NAGALAKSHMI BASA
12232 CONSERVANCY WAY
RANCHO CORDOVA CA 95742

067-0800-108-0000
JOHN W & JENNIFER CAMPBELL
16 HILLSIDE PL
#5M
NORWALK CT 6854

067-0800-108-0000
OCCUPANT
12236 BORDERLANDS DR
RANCHO CORDOVA CA 95742

067-0800-120-0000
WILLIAM LINN
4268 BORDERLANDS DR
RANCHO CORDOVA CA 95742

067-0800-121-0000
TYLER J & KARESSA U BORJA
4272 BORDERLANDS DR
RANCHO CORDOVA CA 95742

067-0800-122-0000
HOUSTON REVOCABLE TRUST
11858 BLUE TOPAZ WAY
RANCHO CORDOVA CA 95742

067-0800-123-0000
LYNDE & MATTHEW STEPHENS
4280 BORDERLANDS DR
RANCHO CORDOVA CA 95742

067-0800-124-0000
DENIS FEDOROV
4284 BORDERLANDS DR
RANCHO CORDOVA CA 95742

067-0800-125-0000
PAUL C & SYLVIA A DEAVER
4288 BORDERLANDS DR
RANCHO CORDOVA CA 95742

067-0800-126-0000
JOYTUN NAHAR
4292 BORDERLANDS DR
RANCHO CORDOVA CA 95742

067-0800-127-0000
BEHCHET Y & EMINE U RASIM
12189 CONSERVANCY WAY
RANCHO CORDOVA CA 95742

067-0800-128-0000
TYLER J & NICOLE M SYKES
12193 CONSERVANCY WAY
RANCHO CORDOVA CA 95742

067-0800-129-0000
NOVA M EDWARDS
12197 CONSERVANCY WAY
RANCHO CORDOVA CA 95742

ATTACHMENT 2

067-0800-130-0000

JOSEPH E T & ERICA M HAIGHT
12201 CONSERVANCY WAY
RANCHO CORDOVA CA 95742

067-0800-131-0000

VAN P & REBECCA L DAM
12205 CONSERVANCY WAY
RANCHO CORDOVA CA 95742

067-0800-132-0000

MARTINA KANAU
12200 HETCH HECHY DR
RANCHO CORDOVA CA 95742

067-0820-001-0000

RICHARD L ASHMUN
12241 HABITAT WAY
RANCHO CORDOVA CA 95742

067-0820-006-0000

THERESA MARIE GRAY
12240 HABITAT WAY
RANCHO CORDOVA CA 95742

067-0820-007-0000

BELINDA & JOSEPH ROWAN
12236 HABITAT WAY
RANCHO CORDOVA CA 95742

067-0820-008-0000

KARI & SCOTT JENKINS
12232 HABITAT WAY
RANCHO CORDOVA CA 95742

067-0820-009-0000

GARY & YINGHONG SHI
1165 TERRACINA DR
EL DORADO HILL CA 95762

067-0820-009-0000

OCCUPANT
12228 HABITAT WAY
RANCHO CORDOVA CA 95742

067-0820-010-0000

VERALYN F AMORES
12224 HABITAT WAY
RANCHO CORDOVA CA 95742

067-0820-011-0000

ALMA L CERVANTES
12213 CANYONLANDS DR
RANCHO CORDOVA CA 95742

067-0820-012-0000

CARMELITA GOLDSBY
12217 CANYONLANDS DR
RANCHO CORDOVA CA 95742

067-0820-013-0000

OLEG & INNA SHAMBRA
12221 CANYONLANDS DR
RANCHO CORDOVA CA 95742

067-0820-014-0000

YONG CHA
12225 CANYONLANDS DR
RANCHO CORDOVA CA 95742

067-0820-015-0000

SAMUEL & TANDRA GUESS
12229 CANYONLANDS DR
RANCHO CORDOVA CA 95742

067-0820-016-0000

DESTINY L BROWN
12233 CANYONLANDS DR
RANCHO CORDOVA CA 95742

067-0820-017-0000

DAVID INOUE
12237 CANYONLANDS DR
RANCHO CORDOVA CA 95742

067-0820-018-0000

DWIGHT E DAVID
12241 CANYONLANDS DR
RANCHO CORDOVA CA 95742

067-0930-003-0000

WOODSIDE 05N L P
111 WOODMERE RD
#190
FOLSOM CA 95630

067-0930-004-0000

WOODSIDE 05N L P
111 WOODMERE RD
#190
FOLSOM CA 95630

067-0930-005-0000

COURTNEY RIDLEY
4016 BRANIGAN LAKE WAY
RANCHO CORDOVA CA 95742

067-0930-006-0000

WOODSIDE 05N L P
111 WOODMERE RD
#190
FOLSOM CA 95630

067-0930-007-0000

WOODSIDE 05N L P
111 WOODMERE RD
#190
FOLSOM CA 95630

067-0930-008-0000

LUKASZ G KOSAKOWSKI
4028 BRANIGAN LAKE WAY
RANCHO CORDOVA CA 95742

067-0930-009-0000

ASMIA MONIB
4032 BRANIGAN LAKE WAY
RANCHO CORDOVA CA 95742

067-0930-010-0000

OLSON TRUST
140 SILVERWOOD DR
SCOTTS VALLEY CA 95066

067-0930-010-0000

OCCUPANT
4036 BRANIGAN LAKE WAY
RANCHO CORDOVA CA 95742

067-0930-011-0000

JODY R & BRANDY D HACK
4040 BRANIGAN LAKE WAY
RANCHO CORDOVA CA 95742

067-0930-012-0000

QUOC & KATIE NHAM
4044 BRANIGAN LAKE WAY
RANCHO CORDOVA CA 95742

067-0930-013-0000

ANTHONY WILSON
4048 BRANIGAN LAKE WAY
RANCHO CORDOVA CA 95742

ATTACHMENT 2

067-0930-014-0000
KATHERINE LUI
4052 BRANIGAN LAKE WAY
RANCHO CORDOVA CA 95742

067-0930-015-0000
JANARDHAN SINGARAJU
4056 BRANIGAN LAKE WAY
RANCHO CORDOVA CA 95742

067-0930-016-0000
JOSHUA L & ANJEELECA WOOD
4060 BRANIGAN LAKE WAY
RANCHO CORDOVA CA 95742

067-0930-017-0000
JEFFREY & KOLBI C PARRISH
4064 BRANIGAN LAKE WAY
RANCHO CORDOVA CA 95742

067-0930-018-0000
JASMINE DIXON
4068 BRANIGAN LAKE WAY
RANCHO CORDOVA CA 95742

067-0930-019-0000
JOYCE LOVELY PASCUAL
4072 BRANIGAN LAKE WAY
RANCHO CORDOVA CA 95742

067-0930-020-0000
PHANI B DOGIPARTHI
4076 BRANIGAN LAKE WAY
RANCHO CORDOVA CA 95742

067-0930-021-0000
SHYAMA CHAKROBORTY 2013 TRUST
100 HINKLE CT
FOLSOM CA 95630

067-0930-021-0000
OCCUPANT
4080 BRANIGAN LAKE WAY
RANCHO CORDOVA CA 95742

067-0930-022-0000
SUSHMA VUTUKURI
4084 BRANIGAN LAKE WAY
RANCHO CORDOVA CA 95742

067-0930-023-0000
STEPHEN R & MARY K BRAND
4088 BRANIGAN LAKE WAY
RANCHO CORDOVA CA 95742

067-0930-024-0000
DANA A LITTLE
12212 HABITAT WAY
RANCHO CORDOVA CA 95742

067-0930-025-0000
JOSHUA NOEGEL
12216 HABITAT WAY
RANCHO CORDOVA CA 95742

067-0930-026-0000
EDGAR B & PENELOPE WOFFORD
12220 HABITAT WAY
RANCHO CORDOVA CA 95742

067-0930-027-0000
SUSAN J SIPE
12237 HABITAT WAY
RANCHO CORDOVA CA 95742

067-0930-028-0000
VAN Y KRISTIN
12233 HABITAT WAY
RANCHO CORDOVA CA 95742

067-0930-029-0000
DENISE A BROERS
28039 NANTUCKET ST
CASTAIC CA 91384

067-0930-029-0000
OCCUPANT
12229 HABITAT WAY
RANCHO CORDOVA CA 95742

067-0930-030-0000
SHAWN STEVENS
12225 HABITAT WAY
RANCHO CORDOVA CA 95742

067-0930-031-0000
CHRISTOPHER C & JANELLE K BRIGHT
12221 HABITAT WAY
RANCHO CORDOVA CA 95742

067-0930-032-0000
JUSTO VILA
12217 HABITAT WAY
RANCHO CORDOVA CA 95742

067-0930-033-0000
EDWARD & VANESSA BALOGH
12213 HABITAT WAY
RANCHO CORDOVA CA 95742

067-0930-034-0000
BHUPENDRA M & NIRMALA KHATRI
4037 BRANIGAN LAKE WAY
RANCHO CORDOVA CA 95742

067-0930-035-0000
BRIAN R BELLER
4033 BRANIGAN LAKE WAY
RANCHO CORDOVA CA 95742

067-0930-036-0000
JACOB & BALI DINES
4029 BRANIGAN LAKE WAY
RANCHO CORDOVA CA 95742

067-0930-037-0000
SOOK KYUNG JEONG
4025 BRANIGAN LAKE WAY
RANCHO CORDOVA CA 95742

067-0930-038-0000
SUSAN L DEWITT
4021 BRANIGAN LAKE WAY
RANCHO CORDOVA CA 95742

067-0930-039-0000
WOODSIDE 05N L P
111 WOODMERE RD
#190
FOLSOM CA 95630

067-0930-040-0000
JOANNE & DONNE L JAVELLANA
4013 BRANIGAN LAKE WAY
RANCHO CORDOVA CA 95742

067-0930-041-0000
NAVPREET GILL
4009 BRANIGAN LAKE WAY
RANCHO CORDOVA CA 95742

ATTACHMENT 2

067-0930-046-0000
SUNRIDGE PARK LLC
7700 COLLEGE TOWN DR
#109
SACRAMENTO CA 95826

067-1020-001-0000
MONTELENA DOUGLAS LLC
5241 ARNOLD AVE
MCCLELLAN CA 95652

067-1020-002-0000
MONTELENA DOUGLAS LLC
5241 ARNOLD AVE
MCCLELLAN CA 95652

072-0370-104-0000
AEROJET GENERAL CORPORATION
PO BOX 13222
SACRAMENTO CA 95813

MEMORANDUM



DATE: April 21, 2014

TO: Honorable Mayor and Council Members

FROM: Jessica Hayes and Peter Ibrahim, Housing Services Division

SUBJECT: **A RESOLUTION APPROVING AND ADOPTING THE 2014-15
COMMUNITY DEVELOPMENT BLOCK GRANT ACTION PLAN**

RECOMMENDATION

Approve Resolution 26-2014.

RESULT OF RECOMMENDED ACTION

Approves 2014-2015 CDBG Action Plan and allows City Manager to sign necessary Housing & Urban Development (HUD) documentation for Action Plan submittal for annual allocation of CDBG funding.

ADVANCES GOALS: 1, 2, 5, and 6.

BACKGROUND

Each year, the City receives an entitlement allocation of CDBG funding from the US Department of Housing and Urban Development (HUD). For FY 2014-15, the City's allocation is \$ 564,180.

CDBG Program

The federal objective of the CDBG program is to develop viable urban communities by providing decent housing, a suitable living environment, and expanded economic opportunities, principally for low- and moderate-income persons (below 80 percent of area median income). At least 70 percent of the City's CDBG funds must be used for activities that benefit low- and moderate-income persons.

All activities must meet one of the following national objectives for the program: 1) benefit low- and moderate-income persons, 2) prevent or eliminate slums or blight, or 3) meet a community development need having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community.

CDBG funds may be used for a variety of community development activities, including acquisition of real property, rehabilitation of residential and non-residential structures,

construction of public facilities and improvements, public services, and economic development and job creation/retention activities.

Action Plan

In order to receive CDBG funds, the City is required to prepare an annual budget plan, called the Action Plan. The Action Plan is the implementing document for the Consolidated Plan, a five-year plan for the City's housing, community development, economic development, infrastructure, and community services goals. The Action Plan identifies the projects to be funded and goals to be accomplished during the CDBG fiscal year.

The 2014-2015 program year marks the ninth year the City will receive its CDBG funding as a formula allocation directly from HUD and the fourth year under the current Consolidated Plan for the period 2011-2016. In past program years, the City has funded a variety of projects that provided services to low- and moderate-income households. These projects included but were not limited to housing repair, homeless prevention services, fair housing services, youth programs, senior meal programs, and public facility improvements. The 2014-2015 Action Plan continues to support these efforts.

ANALYSIS

Funding Process

In January 2014, the CDBG application was made available via ZoomGrants to all those who were interested in submitting requests to fund eligible CDBG activities. The application was advertised in the *Grapevine*, posted on the City's website, and sent to several local and regional non-profit organizations. Applications were due on March 3, 2014. On February 19, 2014, the City held a public workshop to solicit input from local residents and service providers and to assist those interested in the preparation of 2014-15 applications. Training and technical assistance to potential applicants was also provided at the meeting.

The City has been steadily working toward a more transparent and consistent CDBG application and award process. The implementation of ZoomGrants, which provided both application access and will act as the project tracking instrument for the 2014-2015 program year, was a solid step toward long-term sustainable program consistency. The improved application process assisted in implementing a new CDBG application review process. City staff was invited to volunteer to review and rate the applications. Four staff members from departments with no fiscal interest in the CDBG program volunteered and provided ranked reviews of the applications. Their work was very valuable in helping staff keep transparency in our CDBG awards. It also helped us to identify the potential weaknesses in our application, and to provide good feedback to our grant applicants to help them be stronger grant writers for future funding opportunities.

Funding Requests

Program funds are divided into three categories: Administration (20%), Services (15%) and Capital Improvements/Programs (65%). The recommended funding levels generally reflect modest reductions from last year's allocations. Two requests from the Public

Works Department for funding from the Capital Improvements/Program components have been recommended for funding and can be accommodated within Program funding parameters. The Project and Service programs identified in the proposed draft 2014-2015 CDBG Action Plan (**Attachment 2**), are those projects/programs recommended to be most likely to succeed and to be responsive to the needs of our community. Of primary importance to the reviewing committee when reviewing applications for CDBG funding is the capability of applicants to expend grant funds in a timely manner as well as the applicants' ability to maintain compliance with CDBG regulations while producing the greatest benefit to the City. Consideration was given to a variety of thresholds that projects must meet to comply with CDBG objectives. The national objective that was cited in all applications was "benefit low- and moderate-income persons." The community priorities for public services, as set out in the Consolidated Plan, include youth services, senior services, and economic development.

It should be noted that there was an increase in funding requests from all applicants over last year's awards. However, the City's CDBG funding was cut by approximately 9%, leaving staff with the difficult decision to make cuts as fairly as possible given the needs and priorities identified in the 2011-2016 CDBG Consolidated Plan.

Program	2013-2014	2014-2015	Reduction
Code Enforcement	\$82,000	\$78,000	(\$4,000)
Rental Housing Inspection	\$82,000	\$78,000	(\$4,000)
Emergency Repair Grant Program	\$120,727.85**	\$40,717	(\$80,010.85)
Respite C.L.U.B. by Cordova Neighborhood Church	\$8,000	\$9,000	\$1,000
Youth Services by Folsom Cordova Community Partnership	\$20,000	\$20,000	(0)
Senior Nutrition by Meals on Wheels	\$37,500	\$35,000	(\$2,500)
Homeless Prevention & Counseling by Sacramento Self-Help Housing	\$18,000	\$18,000	(0)
Affirmatively Advancing Fair Housing	\$21,283	\$2,627 from Services, \$11,836 from P&A (\$14,463 total)	(\$6,820)
CDBG Planning and Administration	\$118,377.80	\$112,836 (\$14,463 dedicated to Fair Housing)	(\$12,309)

Continued next page.

New Programs	2013-2014	2014-2015	
Neil Orchard Senior Activities Center Pedestrian Traffic Signal	NA	\$70,000	NA
ADA Sidewalk Improvements		\$100,000	
TOTAL		\$564,180	

* Code Enforcement and Rental Housing Inspection activities together have generally averaged about 24% of the total CDBG budget. This reduction keeps these activities at the 24% ratio.

** The 2013-2014 program year included funds that had been recaptured from previous years incomplete or under-budget projects. The program had been on hiatus for almost two years and there was a significant wait list of qualified applicants who were in need of emergency repairs.

In addition to the continued programs identified above, the 2014-2015 Action Plan also includes one new "Capital Improvement" effort. This is the:

Neil Orchard Senior Center Pedestrian Traffic Signal \$ 70,000

The Neil Orchard Senior Center Pedestrian Traffic Signal project was an application submitted by the Public Works Department. The project will install a pedestrian signal at the Senior Activities Center on Routier Road to allow for safe crossing from the bus stop on the east side of the road to the Senior Center on the west side of the road.

HUD requires that all communities receiving HUD funds, which include CDBG, agree to Affirmatively Advance Fair Housing in the recipient community. HUD has recently given new attention to the fair housing obligations inherent in HUD based funding, and has clearly stated that jurisdictions must carefully monitor and interact with the community to ensure fair housing obligations are being met. During the 2013-2014 program year the City formulated a Fair Housing Plan and took on the responsibility for responding to potential fair-housing complaints. Neighborhood Services and Housing Division staff have risen to the fair housing challenge and have gained significant experience in responding to a variety of fair housing and life circumstance complaints. This experience has helped clarify the need for truly effective fair housing enforcement, as well as the value of timely tenant-landlord counseling, and good inter-agency cooperation. Staff have begun meeting with the cities of Elk Grove and Citrus Heights, as well as the County and City of Sacramento and the SHRA to discuss opportunities for leveraging of our fair housing funds and improving fair housing and tenant-landlords support services across jurisdictional boundaries. These partnerships have great potential for both providing superior fair housing enforcement for our residents and laying groundwork for future collaborative efforts.

ATTACHMENTS

1. Resolution 26-2014.
2. Draft 2014-15 CDBG Action Plan.

ATTACHMENT 1**CITY OF RANCHO CORDOVA****RESOLUTION NO. 26-2014**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
 APPROVING AND ADOPTING THE 2014-15 COMMUNITY DEVELOPMENT BLOCK GRANT
 ACTION PLAN, AND AUTHORIZING THE CITY MANAGER TO SUBMIT THE ACTION PLAN
 TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

WHEREAS, the Community Development Block Grant (CDBG) Program, authorized pursuant to Title 1 of the Housing and Community Development Act of 1974, as amended (Act), requires that jurisdictions provide for the issuance of grants in order to attain the objective of providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low- and moderate-income; and

WHEREAS, there has been presented to, and reviewed by this City Council, the 2014-2015 CDBG Action Plan (Action Plan), which describes programs to be funded, in compliance with the goals and objectives of the 2011-2016 Consolidated Plan, for the 2014-2015 program year; and

WHEREAS, there has been presented to, and reviewed by this City Council, Certifications to the U.S. Department of Housing and Urban Development (HUD), including those regarding affirmatively furthering fair housing, anti-displacement and relocation plan, drug free workplace, anti-lobbying, authority of jurisdiction, consistency with strategic plan, citizen participation, community development plan, following Consolidated Plan, use of funds, prohibition of excessive force, compliance with anti-discrimination laws, and lead-based paint; and

WHEREAS, the City has not yet received the annual application form for CDBG funding (Standard Form 424), and is awaiting an annual funding amount from HUD; and

WHEREAS, the Action Plan, and a notice of the 30-day public comment period, have been published for citizen comment prior to forwarding the documents to City Council for approval; and

WHEREAS, the City Council held public hearings on April 21, 2014 to provide an opportunity for the public to comment on the information provided in the Action Plan.

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

1. Approves the adoption of Resolution 26-2014, which approves:
 - a. The Action Plan, which serves as the CDBG budget for July 1, 2014 to June 30, 2015 (FY 2014-15);
 - b. Certifications required by HUD that state the City of Rancho Cordova will continue to conduct its activities in accordance with applicable statutes and regulations governing the CDBG program, as identified in the Certifications in Appendix A of the Action Plan.

ATTACHMENT 1

2. Authorizes the City Manager, or his designee, to execute and file the Application, Certifications, and all documents, including the Action Plan and SF 424, that are required to receive CDBG funding, for and on behalf of the City of Rancho Cordova, and to make minor changes to those documents where necessary.

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, Vice Mayor

ATTEST:

Mindy Cuppy, CMC, City Clerk

2014-2015 CDBG Action Plan (Proposed)



PUBLIC HEARING

Housing Services Division

Jessica Hayes, Housing and Community Development Analyst

Peter Ibrahim, Housing Services Assistant

Purpose and Funding



- Action Plan is:
 - 1 year budgeting plan for spending CDBG monies
 - Required by the grant funder (HUD)
 - 4th action plan in implementation of 5-year Consolidated Plan for the 2011-2016 planning period
- Purpose – CDBG Funding is intended to fulfill specific HUD goals, called national objectives:
 - Benefit low- and moderate-income persons
 - Prevent or eliminate slum or blight
 - Meet a community development need having a particular urgency because existing conditions pose a serious/immediate threat to the health and welfare of community

Purpose and Funding



- City received an allocation of \$564,180 for FY 14-15
- Changes in Funding
 - 2006 – \$704,227
 - 2007 – \$702,906
 - 2008 – \$682,662
 - 2009 – \$692,016
 - 2010 – \$750,483
 - 2011 – \$626,561
 - 2012 – \$560,195
 - 2013 – \$591,889
 - **2014 – 564,180**

ZoomGrants

- ZoomGrants provides online grant management services
 - Application input
 - Ratings and rankings all done online
 - Award notification, financial reports and invoices

City of Rancho Cordova
City of Rancho Cordova CDBG Grant Application - FY 2014-2015

USD\$ 0.00 Available
 3/3/2014 Deadline

My Account | Dashboard | Applications | Custom Report | Compare Applications | Scoring Report | Financial | Reporting | Export Data | Program Setup

Applications

Submitted Applications | Incomplete Applications

Include: ☒ Approved ☐ Undecided ☐ Declined/Not Qualified

☐	Submitted Applications	USD\$ Requested	Votes (For-Against)	Trial Decisions (Committee)	Official Decisions (Committee)
☐	City of Rancho Cordova General Code Enforcement	USD\$ 82,600.00 Print PDF	4 - 1	USD\$ 78,000.00	USD\$ 78,000.00
☐	City of Rancho Cordova Rental Housing	USD\$ 82,600.00 Print PDF	5 - 0	USD\$ 78,000.00	USD\$ 78,000.00
☐	City of Rancho Cordova Senior Center Pedestrian Traffic Signal	USD\$ 150,000.00 Print PDF	5 - 0	USD\$ 70,000.00	USD\$ 70,000.00
☐	City of Rancho Cordova - Housing Services Division Emergency Repair Grant Program	USD\$ 50,000.00 Print PDF	5 - 0	USD\$ 40,717.00	USD\$ 40,717.00
☐	City of Rancho Cordova, Public Works 2015 ADA Sidewalk Improvement Projects	USD\$ 101,500.00 Print PDF	4 - 1	USD\$ 100,000.00	USD\$ 100,000.00
☐	Cordova Neighborhood Church Cordova Neighborhood Church: Respite C.L.U.B.	USD\$ 10,000.00 Print PDF	5 - 0	USD\$ 9,000.00	USD\$ 9,000.00
☐	Meals on Wheels by ACC Senior Nutrition Program	USD\$ 38,070.00 Print PDF	5 - 0	USD\$ 35,000.00	USD\$ 35,000.00
☐	Sacramento Self Help Housing Housing Counseling RC	USD\$ 37,000.00 Print PDF	5 - 0	USD\$ 11,000.00	USD\$ 11,000.00
☐	Sacramento Self Help Housing Tenant/Landlord Dispute RC	USD\$ 27,340.00 Print PDF	5 - 0	USD\$ 7,000.00	USD\$ 7,000.00
☐	The Folsom Cordova Community Partnership Group Mentoring	USD\$ 27,066.00 Print PDF	5 - 0	USD\$ 20,000.00	USD\$ 20,000.00
10 Submitted Applications		USD\$ 606,176.00		USD\$ 448,717.00	USD\$ 448,717.00
				USD\$ -	USD\$ -
				448,717.00	448,717.00
				USD\$ 0.00	USD\$ 0.00

(same answer for each selected)
 (different answers for each)

ZoomGrants

Housing solicited City Hall staff to serve on reviewing committee:

- Amanda Norton – Economic Development
- Jessica Jordan – Planning
- Keith Misner – Finance
- Stacey Peterson – Human Resources

Reviewing committee finalized their scoring and recommendations. Housing met with them to discuss final funding allocation and debrief on the review process.



City of Rancho Cordova
City of Rancho Cordova CDBG Grant Application - FY 2014-2015

My Account | Dashboard | Applications | Custom Report | Compare Applications | Scoring Report | Financial | Reporting

City of Rancho Cordova
General Code Enforcement
USD\$ 82,600.00 Requested

Application | Applicant Information | Application Questions | Budget | Documents | Extra | Activity Log

Post-Decision | Financial | Report 1 | Report 2 | Report 3 | Report 4

Review Tools | My Private Notes | Discussion | Scoring | Decisions

Scoring

Instructions [show/hide](#)

Committee Scoring Questions

1 Did the applicant provide a sufficiently detailed description of the activity to be funded through?
Comment

2 Did the applicant adequately identify activity beneficiaries
Comment

3 Did the applicant identify sufficient need for program activities in the City of Rancho Cordova?
Comment

4 Did the applicant sufficiently identify the accomplishments for their activity?
Comment

5 Did the applicant sufficiently identify measurable goals or outputs for their activity?
Comment

6 Did the applicant identify sufficient funding from CDBG & alternative funding sources to successfully carry out their activity?
Comment

7 Did the applicant identify short and long term benefits that will be accrued to their activity
Comment

8 Did the applicant identify sufficient organizational capacity to carry out the described activity successfully and on budget
Comment

Proposed CDBG Activities and Projects



Activity Name	Description	Output	Funding
Rental Housing Inspection Program	Inspect rental units in CDBG target areas to find and correct code violations.	800 homes	\$78,000
Code Enforcement	Provide code enforcement services in CDBG target areas	800 homes	\$78,000
Emergency Repair Grant Program	Emergency repairs for very low- and low-income homeowners facing health and safety problems (including mobile homes)	8 grants	\$40,717
Police Activities League (PAL)	Supervise the acquisition and renovation of a dedicated building to house PAL activities (Project is funded, will be completed during the 2014-2015 program year)	1 public facility acquired and renovated	\$0 (funding acquired in previous program years)
Pedestrian Traffic Signal	Install pedestrian signal at the Neil Orchard Senior Activities Center on Routier Road to allow for safe crossing from the bus stop to the Center.	1 pedestrian traffic signal	\$70,000
Public Works ADA Improvements	Sidewalk repair and gap completion projects, including installation of wheelchair ramps, crosswalks, and damaged sidewalk repairs	1 public works project completed	\$100,000

Proposed CDBG Activities and Projects



Activity Name	Description	Output	Funding
Group Mentoring Initiative	Provide youth support and improve community involvement through intensive one-on-one youth mentoring	80 youth served	\$20,000
Meals on Wheels	Provide homebound seniors with hot meals or frozen heat-and-serve meals and provide lunch to seniors at the Cordova Senior Center.	205 seniors provided meals	\$35,000
Sacramento Self-Help Housing	Provide housing services to residents who are in danger of homelessness, or who are already homeless. Will also be our primary resource for Tenant/Landlord mediation.	150 households provided housing counseling and 100 households provided counseling for tenant/landlord	\$11,000 for Housing Counseling \$7,000 for Tenant/Landlord dispute
Respite C.L.U.B.	Provides senior respite day care services to seniors with severe memory loss.	29 seniors provided day care services	\$9,000
Fair Housing	Provide fair housing services to residents by responding to inquiries of illegal housing discrimination and investigating discrimination complaints.	30 households provided assistance and education	\$2,627 Services Funding (in addition to \$11,836 from Planning and Admin.)
Planning and Administration	Provide general administration of the CDBG program, including all planning and reporting activities	1 year of program administration.	\$112,836 (\$11,836 of this total to be used to further Fair Housing efforts)



2014-2015 CDBG DRAFT ACTION PLAN

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APPENDICES (APPENDICES WILL BE ADDED TO ACTION PLAN DOCUMENT AFTER CITY COUNCIL ADOPTION)

Appendix A: Certifications

Appendix B: Resolution

LIST OF TABLES

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EXECUTIVE SUMMARY

The 2014-2015 Action Plan is a one-year plan to address the community development and low- and moderate-income community needs in the City of Rancho Cordova. It is the fourth Action Plan in the implementation of the City's five-year Consolidated Plan for the period 2011-2016. City Housing Services Division staff are responsible for implementing both the Consolidated Plan and the Annual Action plan. The City plans to use a variety of funding sources to meet its housing and community development needs, including Local Housing Trust Fund money, Community Development Block Grant (CDBG), and CalHome funds, as well as other local funds.

The City is scheduled to receive \$564,180 for its 2014-2015 allocation of CDBG funding from the U.S. Department of Housing and Urban Development. The 2014-2015 program year marked the first time that the City has teamed with ZoomGrants (www.zoomgrants.com) to provide an efficient online application process. Rather than handling paper applications, staff has convenient online access to the grantees information and documents. Moreover, ZoomGrants has the ability to streamline application reviews and committee collaboration regarding CDBG applications. After the notice for applications, staff hosted a technical workshop to introduce ZoomGrants and answer questions related to this year's application process

In the 2012-2013 and 2013-2014 program years, the City executed 2-year contracts with its subrecipients providing CDBG funded services. These organizations include: Folsom Cordova Community Partnership (FCCP), Meals on Wheels (MOW), Sacramento Self-Help Housing (SSH), and Respite C.L.U.B. by the Cordova Neighborhood Church (CNC). The City has contracted with these organizations in the past for the CDBG services they provide, and is confident in their capacity to report regularly on activities performed. To save time and administrative burden on the part of both the City and the organizations, staff has recommended the implementation of 2-year contracts for the 2014-2015 program year to allow for a continuation of these services through the 2015-2016 program year. All subrecipients will be reporting achievements on an annual basis, which will be reported through IDIS and the Consolidated Annual Performance Evaluation Report (CAPER).

Throughout the process of drafting the Action Plan, City staff encouraged citizen participation and feedback. Staff invited residents to attend a Public Hearing on April 21, 2014 at City Hall to provide feedback on the proposed 2014-2015 Action Plan, and gave individuals an opportunity to review the draft document. The document was made available at City Hall and on the City's website on March 21, 2014. Staff provide key objectives below, based on feedback received and staff's knowledge of services and infrastructure needs in the community.

OBJECTIVES

The City's key objectives for the 2014-2015 funding period are based on the public surveys used in the 2011-2016 Consolidated Plan and include the following:

- Improve housing opportunities, accessibility, affordability, and sustainability:
 - Continue to fund the City's Emergency Repair Grant Program to make it possible for more residents to receive emergency health and safety repairs to their homes.
 - Continue to arrest decline in deteriorated areas of the City by requiring rental property owners to fix code violations and improve their properties, and continuing code enforcement efforts.
- Continue assisting community-based organizations with funding that allows them to provide new or expanded services to target low-income residents, especially seniors and youth;
- Improve accessibility to public facilities for youth and seniors, primarily providing after school activities through PAL and daytime activities for seniors at the Cordova Senior Center.
- Improve accessibility, including ADA improvements, to public infrastructure, such as sidewalks, crosswalks, and other public facilities, that increase public safety and improve the living environment of the City.

OUTCOMES

The City's housing outcomes for this planning period (July 1, 2014 – June 30, 2015) are primarily directed at providing needed services for youth, homeless, and seniors in the community, improving accessibility to community facilities, and providing funding for our Emergency Repair Grants Program to provide more residents a chance to receive emergency health and safety repairs in their homes.

The City intends to continue to fund five public services programs, which are expected to benefit approximately 750 residents in the 2014-2015 program year:

- Senior Nutrition Services, which provides homebound seniors with hot meals or frozen heat-and-serve meals, and provides lunch to seniors at the Cordova Senior Center.
- Group Mentoring Initiative, which provides youth support and improves community involvement through intensive youth mentoring.
- Sacramento Self-Help Housing, which provides services to residents who are in danger of homelessness, or who are already homeless, to aid them in securing stable housing. Sacramento Self-Help Housing will also provide tenant/landlord mediation to assist low income and very low income renters who have a conflict with their landlord or property manager.

- Respite CLUB, which provides affordable, senior respite day care services to senior with severe memory loss.

The City also plans to fund various capital improvements projects to benefit the community:

- City will continue to fund its Rental Housing Inspection Program, in which the Neighborhood Services Department inspects rental units in CDBG target areas to find and correct code violations.
- City will also continue funding its Code Enforcement activities, in which Neighborhood Services Code Enforcement officials provide code enforcement services in CDBG target areas.
- The City plans to continue funding the Emergency Repair Grant Program (ERGP), so that residents may continue to receive needed health and safety repairs to their homes.
- The City has already funded (through previous years' CDBG monies) and will supervise the acquisition and renovation of a community facility for at risk youth, which is expected to benefit at least 250 youth the first year of operation. The Police Activities League (PAL) will provide after-school activities to low-and moderate-income youth.
- The City plans on funding the installation of a pedestrian signal at the Neil Orchard Senior Activities Center on Routier. The signal will allow for safe crossing from the bus stop to the senior center.
- Additionally, the City funds an annual sidewalk program that removes and replaces damaged curbs, gutters, and sidewalks to meet current ADA standards throughout the City.

EVALUATION OF PAST PERFORMANCE

The 2013-2014 program year is still in progress, and the Consolidated Annual Performance and Evaluation Report (CAPER) will be available for review in August of 2014. The CAPER for the previous 2012-13 program year was accepted by HUD as adequate, and is available on the City's website for viewing.

CITIZEN PARTICIPATION PROCESS

The City utilized the 2011-2016 Citizen Participation Plan in the creation of this Action Plan. The 2014-2015 draft Action Plan will be presented at a City Council meeting on April 21st for Council approval. This Action Plan was noticed on March 21st, and made available for public comment. According to the City's Citizen Participation Plan, the Public Comment Period must be open for a minimum of 30 days.

Any public comment the City receives will be included in the Appendix to this document.

INTRODUCTION

The U.S. Department of Housing and Urban Development (HUD) requires all government entities receiving federal Community Development Block Grant (CDBG) funds to prepare an Annual Action Plan. The Action Plan outlines funding priorities and discusses how activities will meet the community needs identified in the Consolidated Plan. The activities described in this Action Plan are proposed to be undertaken during the period between July 1, 2014 and June 30, 2015.

The major objectives of activities undertaken during the 2014-2015 funding year will be the furthering of issues identified in the 2011-2016 Consolidated Plan, which include efforts to:

- Arrest decline in deteriorated areas of the City by requiring rental property owners to fix code violations and improve their properties, and by increasing code enforcement efforts;
- Assist community-based organizations with funding that allows them to provide new or expanded services to target low-income residents, especially seniors and youth;
- Improve accessibility to public facilities for youth primarily through after school activities.
- Improve accessibility to public infrastructure around the City, including public right-of-way, sidewalk, crosswalks, and removal of other ADA barriers.

RESOURCES

The City of Rancho Cordova has been allocated \$564,180 in CDBG funding for the 2014-2015 program year. While some residents in the City may live in Section 8 properties or use Housing Choice Vouchers (formerly Section 8), these programs are managed by the local public housing authority, Sacramento Housing and Redevelopment Agency. The City supports private developers in their applications for low-income housing tax credits, when possible, but does not manage or administer affordable housing.

The City does not have any CDBG programs that are currently bringing in any program income. All program income from previous program years has been obligated, spent, and drawn down from HUD.

ACTIVITIES TO BE UNDERTAKEN

Table 1 provides a description of the activities to be undertaken during the 2014-2015 program year. The one-year objective (output) and the estimated amount of CDBG funding allocated to each activity are identified. All activities are anticipated to be completed during the program year (July 1, 2014 to June 30, 2015). More detailed descriptions of activities follow the table.

The City chose to emphasize increased access to public facilities, continued funding for health and safety improvements to residents' homes, and continued funding of public services activities with its CDBG funding, as there are relatively few other sources of funding available to finance these activities. Within public services, the City gave a high priority to activities serving seniors and youth, as well as providing fair housing support, education, and service efforts in the community.

TABLE 1

PROPOSED CDBG ACTIVITIES AND PROJECTS: PROGRAM YEAR 2014-2015

Goal	Activity Name	Activity Description	Output	Funding
Housing				
HS-1, HS-2	Rental Housing Inspection Program	Inspect rental units in CDBG target areas to find and correct code violations.	800 units inspected	\$78,000
HS-1, HS-2	Code Enforcement	Provide code enforcement services in CDBG target areas	800 units inspected	\$78,000
HS-1, HS-2	Emergency Repair Grant Program	Emergency repairs for very low- and low-income homeowners facing health and safety problems (including mobile homes)	8 grants	\$40,717
Public Facilities				

CD-2 CD-3 CD-4	Police Activities League (PAL)	Supervise the acquisition and renovation of a dedicated building to house PAL activities (Project is funded, will be completed during the 2014-2015 program year)	1 public facility acquired and renovated	\$0*
CD-2 CD-3 CD-4	Public Works ADA Improvements	Sidewalk repair and gap completion projects, including installation of wheelchair ramps, crosswalks, and damaged sidewalk repairs	1 public works project completed	\$100,000
CD-2 CD-3 CD-4	Neil Orchard Senior Activities Center – Pedestrian Traffic Signal	This project will install a pedestrian signal at the Senior Activities Center on Routier Road to allow for safe crossing from the bus stop on the East side of the road to the Senior Center on the West side of the road	1 public works project completed	\$70,000
Public Services				
CD-2, CD-3	Group Mentoring Initiative (Folsom Cordova	Provide youth support and improve	100 youth served	\$20,000

	Community Partnership)	community involvement though intensive one-on-one youth mentoring		
CD-1, CD-3	Senior Nutrition Program (Meals on Wheels)	Provide homebound seniors with hot meals or frozen heat-and-serve meals and provide lunch to seniors at the Cordova Senior Center.	175-250 seniors provided meals. A daily average of 36 Home Delivered Meal participants and 22 Congregate Meal participants.	\$35,000
HA-1, CD-3	Sacramento Self-Help Housing	Provide housing services to residents who are in danger of homelessness, or who are already homeless, to aid them in securing stable housing.	150 households provided counseling	\$11,000
HA-1, CD-3	Sacramento Self-Help Housing	Responds to requests from Rancho Cordova residents who are in danger of becoming homeless due to conflicts with their landlord or property manager and are seeking assistance.	100 households provided counseling	\$7,000
CD-1, CD-3	Respite C.L.U.B.	Provides senior respite day care services to seniors with	29 seniors provided day care services	\$9,000

severe memory loss.				
HS-1, HS-2	Fair Housing	Provide fair housing services to residents by responding to inquiries of illegal housing discrimination and investigating discrimination complaints.	30 households provided assistance and education	\$2,627 Services Funding (in addition to \$11,836 from Planning and Admin.)
Planning & Admin				
	Planning and Administration	Provide general administration of the CDBG program, including all planning and reporting activities	1 year of program administration.	\$112,836 (\$14,463 of this total to be used to further Fair Housing efforts)

* Project was funded in previous program year(s), and is expected to be completed during the 2014-2015 program year.

HOUSING ACTIVITIES

RENTAL HOUSING INSPECTION PROGRAM

The rental housing inspection program is an area benefit activity wherein CDBG is partially funding the salary and benefits for 1 FTE code enforcement officer whose duties will include inspecting rental units within the CDBG target area (see Figure 1). The City has many rental units which, due to general age and deferred maintenance, are out of compliance with applicable codes. This program, in coordination with private investment by property owners, will arrest the decline of the area by requiring landlords to improve their properties to meet health and safety standards.

2014-15 Output: 800 rental units inspected

Outcome Category: DH-3 "Decent Housing with Purpose of New or Improved Sustainability"

Goals Addressed: HS-1, HS-2

Funding: \$78,000

CODE ENFORCEMENT

The code enforcement program is also an area benefit activity wherein CDBG is partially funding the salary and benefits for 1 FTE code enforcement officer whose responsibilities will include responding to code enforcement complaints and proactively enforcing City's health and safety code in single family homes and businesses in the CDBG target area.

2014-15 Output: 800 units inspected

Outcome Category: DH-3 "Decent Housing with Purpose of New or Improved Sustainability"

Goals Addressed: HS-1, HS-2

Funding: \$78,000

EMERGENCY REPAIR GRANT PROGRAM

The Emergency Repair Grant Program (ERGP) provides loans of up to \$10,000 for mobile homes and single family homes to low and moderate income owner-occupants who need to address immediate health and safety deficiencies in their properties.

2014-15 Output: 8 loans to be made

Outcome Category: DH-2 "Affordability of Decent Housing"

Goals Addressed: HS-1, HS-2

Funding: \$40,717

PUBLIC FACILITIES

POLICE ACTIVITIES LEAGUE (PAL) FACILITY ACQUISITION

2014-15 Output: 1 public facility to be acquired through long-term lease
 Outcome Category: SL-1 "Availability/Accessibility of Suitable Living Environment"
 Goals Addressed: CD-2, CD-3, CD-4
 Funding: \$0 – Project is completely funded; facility acquisition/renovation pending

PUBLIC WORKS ADA IMPROVEMENTS

The City plans to dedicate \$100,000 in CDBG funds to its Public Works Department for the Pedestrian Improvement Program, which will allow for continued development and improvement of annual sidewalk repair and gap completion projects that provide safety and consistency in the existing pedestrian network. These improvements may include the installation of wheelchair ramps, crosswalks, and damaged sidewalk repairs.

2014-15 Output: 1 public works project completed
 Outcome Category: SL-1 "Availability/Accessibility of Suitable Living Environment"
 Goals Addressed: CD-2, CD-3, CD-4
 Funding: \$100,000

NEIL ORCHARD SENIOR ACTIVITIES CENTER PEDESTRIAN TRAFFIC SIGNAL

The City plans to dedicate \$70,000 in CDBG funds to its Public Works Department for the Rancho Cordova Senior Center Pedestrian Traffic Signal. This project will install a pedestrian signal at the senior center on Routier Road to allow for safe crossing from the bus stop on the East side of the road to the senior center on the west side of the road.

2014-15 Output: 1 public works project completed
 Outcome Category: SL-1 "Availability/Accessibility of Suitable Living Environment"
 Goals Addressed: CD-2, CD-3, CD-4
 Funding: \$70,000

PUBLIC SERVICES

GROUP MENTORING INITIATIVE

The Group Mentoring Initiative, operated by the Folsom Cordova Community Partnership (FCC), is a program that facilitates one-on-one mentoring for at-risk and disadvantaged youth. The program uses a multi-faceted mentoring and activity-based curriculum to encourage youth to stay away from socially disadvantageous activities and to pursue education and active community engagement.

2014-15 Output: 100 youth served

Outcome Category: SL-1 "Availability/Accessibility of Suitable Living Environment"

Goals Addressed: CD-2, CD-3

Funding: \$20,000

SENIOR NUTRITION SERVICES (MEALS ON WHEELS)

The Senior Nutrition Services program (MOW) provides homebound seniors with hot meals or frozen heat-and-serve meals, and provides lunch to seniors at the Cordova Senior Center. MOW has received CDBG funding in previous program years, and provides a valued service to the City's senior population.

2014-15 Output: 205 seniors provided with meals

Outcome Category: SL-1 "Availability/Accessibility of Suitable Living Environment"

Goals Addressed: CD-1, CD-3

Funding: \$35,000

SACRAMENTO SELF-HELP HOUSING

Sacramento Self-Help Housing, Inc. provides counseling and housing referrals to homeless and near-homeless individuals and households. With funding, the organization plans to continue operating in the City's primary low-income service center, the Rancho Cordova Neighborhood Center. In addition to providing counseling services, the organization will continue to provide tenant-landlord counseling, case management, and fair housing referrals. The proposed funding amount accounts for these additional services.

2014-15 Output: 150 households provided counseling

Outcome Category: SL-1 "Availability/Accessibility of Suitable Living Environment"

Goals Addressed: HA-1, CD-3

Funding: \$18,000

RESPIRE CLUB

Respite C.L.U.B. is a service provided by the Cordova Neighborhood Church. The C.L.U.B., which has received CDBG funding in past years, provides affordable, senior respite day care service to seniors with severe memory loss. The program provides a much-needed service to seniors in the community, while also providing respite to individual caregivers (family members) who might otherwise need to pursue permanent living facilities for the seniors they care for.

2014-15 Output: 24 seniors provided day care services

Outcome Category: SL-1 "Availability/Accessibility of Suitable Living Environment"

Goals Addressed: CD-1, CD-3

Funding: \$9,000

FAIR HOUSING

The 2012-2013 Action Plan identified the City's need to re-evaluate its efforts to Affirmatively Further Fair Housing. During the evaluation, the City identified tenant-landlord counseling and fair housing referral to be critical components of preventing homelessness and ensuring the affirmative furthering of fair housing in the community. The City is working with Sacramento Self-Help Housing to provide tenant-landlord counseling, case management, and fair housing referrals. The funding below will pay for training and staff time for the City's new Fair Housing Representative, who will respond to calls and complaints received related to fair housing.

2014-15 Output: 30 households assisted

Outcome Category: SL-1 "Availability/Accessibility of Suitable Living Environment"

Goals Addressed: HS-1, HS-2

Funding: \$14,463 (\$2,627 from Services, \$11,836 from Planning and Administration)

PLANNING AND ADMINISTRATION ACTIVITIES

PLANNING AND ADMINISTRATION

The planning and administration funding is intended to provide funding for general staff administration of CDBG programs and activities, including Integrated Disbursement and Information System (IDIS) training, program set-up, reporting, planning, and subrecipient training and monitoring.

2014-15 Output: Quality administration of the CDBG program

Goals Addressed: PA-1

Funding: \$112,836 (\$14,463 of this total to go to furthering Fair Housing efforts)

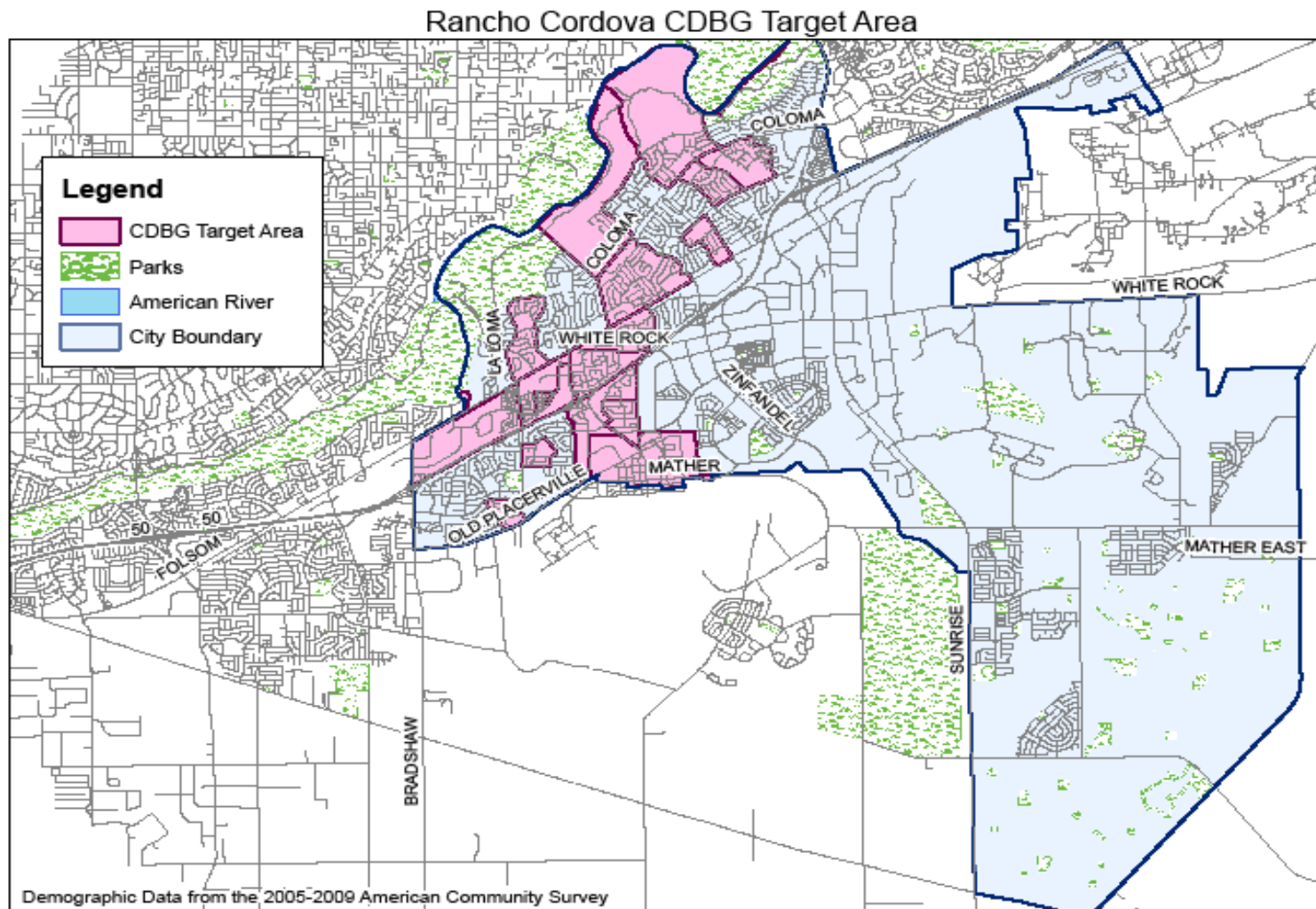
GEOGRAPHIC DISTRIBUTION

Geographic distribution of activities is widely varied, but most take place in or near low- and moderate-income areas. The location of an activity largely depends on the type of activity. Some of the City's 2014-15 activities, such as Meals on Wheels and housing counseling, are able to be offered to residents throughout the entire City. Figure 1 shows the CDBG Target Area for the program year 2014-15.

The Rental Housing Inspection Program and Code Enforcement activities funded by CDBG will take place in the City's designated CDBG Target Areas (Figure 1). The investment of other public and private funds in these areas will provide a comprehensive approach to revitalization.

The City of Rancho Cordova strives to make all of its programs and activities available to eligible low- and moderate-income residents regardless of sex, race, religious background, or disability. As a result, many programs, including senior services, youth services, and housing counseling will be available to residents citywide. Significant additional funding will also be used in the low and moderate income areas, as needed.

Figure 1



HOMELESS AND OTHER SPECIAL NEEDS POPULATIONS

The City's strategy related to the needs of the homeless, those at risk of homelessness, and other special needs populations involves funding a variety of supportive services offered locally or regionally to Rancho Cordova residents. Currently, Rancho Cordova is home to the Mather Community Campus, a major supportive housing facility for formerly homeless individuals, but all of our resources have very limited capacity. As identified in the 2011-2016 Consolidated Plan, the City's goal is to encourage a system of collaborative supportive services, located in the City, to allow for accessibility for residents. The City is seeking additional funding for programs and services aimed directly at assisting its homeless and special needs populations, as levels of CDBG funding appear to be in decline. For the 2014-15 program year, programs aimed at homeless and other special needs populations include:

- Homeless and family assistance to locate temporary or permanent housing, provided by Sacramento Self-Help Housing;
- Senior services, provided by Meals on Wheels and Cordova Neighborhood Church's Respite C.L.U.B.; and
- Youth services, provided by Police Activities League and Folsom Cordova Community Partnership.

In addition, the City in collaboration with the Veterans Affairs Hospital, Veterans Resource Center of America, Sacramento County, and Mercy Housing California, is actively pursuing the development of approximately 60 transitional housing opportunities for homeless veterans and 100 units of permanent supportive housing as part of the Mather Veterans Village development project. Furthermore, the Housing Division is in the process of developing affordable senior rental housing in the CDBG target area. The project is slated to be funded from 9% Tax Credits (potentially \$9 million) rather than CDBG. Finally, the City's Adopted Housing Element also identifies strategies to remove potential constraints to housing for persons with disabilities. These strategies include:

H.3.3 – Provide housing for the special needs populations, including housing accessible for persons with disabilities (including veterans as a primary target group), large households, the homeless, and single-parents households.

These programs have been used to help low and moderate income disabled home-owners to address health and safety issues and to improve accessibility in their homes.

While the City does not operate any transitional housing facilities, it does cooperate with the County of Sacramento's Continuum of Care. The City is also home to one of the larger

transitional housing facilities in the area located at the Mather Community Campus. The City's plan for the 2014-15 program year is to continue cooperating and actively engaging the County of Sacramento in its attention to homeless issues. These issues also include chronic homelessness and near homelessness. The City of Rancho Cordova also contracts with Sacramento Self-Help to provide housing counseling and homelessness prevention to Rancho Cordova residents. Sacramento Self-Help is accessible to Rancho Cordova residents via the internet, by telephone, and by walk-in appointment at their Rancho Cordova office. The City will also continue the ADA Accessibility Improvements identified in the 2013-14 Action Plan through Public Works ADA Improvements . These activities include replacing deficient sidewalks, curb-cuts, and other pedestrian ADA improvements in the City. The City has also initiated in 2013-2014 an ADA Accessibility Improvement Program with Public Works to provide funding for sidewalk repairs and other ADA upgrades funded through CDBG over the next three CDBG program years.

OBSTACLES TO ADDRESSING UNDER-SERVED NEEDS

While there are several constraints to meeting the needs of target-income residents, the primary obstacle is the lack of available resources for services within the City's boundaries. Many services are located in the City of Sacramento or the County of Sacramento unincorporated areas that are not convenient for the residents of Rancho Cordova; additionally, those services located locally often do not have sufficient capacity to meet current needs and the City does not have sufficient resources to help those local service providers to build that capacity.

The City plans to use its CDBG funds to promote the local provision of services for low- and moderate-income residents in Rancho Cordova. Furthermore, the City will also encourage area service providers to offer services in the community. In the 2014-15 program year, several organizations (including Sacramento Self-Help Housing, Cordova Neighborhood Church, and Folsom Cordova Community Partnership) are expected to provide services within Rancho Cordova.

REMOVE BARRIERS TO AFFORDABLE HOUSING

The City is undertaking a number of actions to reduce potential barriers and constraints to affordable housing as well as housing for special needs populations. These include creating funds in support of affordable housing development, as well as offering fee reductions, regulatory incentives, density incentives, as well as the operation of two home rehabilitation and repair programs, and several other options. These include the actions and policies listed above, in the Foster and Maintain Affordable Housing section, and the policies and actions listed above in the section on Homeless and Other Special Needs Populations, and can be found with additional detail in the City's 2014-2021 Housing Element.

DEVELOP INSTITUTIONAL STRUCTURE

The Housing Services Division within the City's Economic Development Department will be responsible for the management, implementation, and monitoring of the Consolidated Plan documents, including the Action Plan.

City staff will administer the programs and activities funded with CDBG funds. These staff members will work with the individual City divisions, such as Public Works, as well as partner districts, such as Folsom Cordova Unified School District and, to develop procedures and coordinate the administration of programs that will be carried out by these divisions. Designated staff will also work closely with the providers of CDBG-funded services and programs that are not carried out by the City.

ENHANCE COORDINATION

The City will continue its work with neighboring jurisdictions such as the County of Sacramento, City of Sacramento, City of Citrus Heights, City of Elk Grove, City of Folsom, and other surrounding jurisdictions, including the Sacramento Housing and Redevelopment Agency and SACOG, to address the regional issues that affect the needs of target-income persons as well as special needs populations. The City intends to reinvigorate the regional CDBG working group to help streamline reporting and monitoring requirements for local service providers that operate within all/some of the jurisdictions. The goal in this effort is to reduce the burden of providing services within each jurisdiction with CDBG funding. The City also intends to work directly with service providers and local, state, and federal agencies (e.g., HUD and HCD).

PUBLIC HOUSING NEEDS

There are ten Public Housing apartment complexes or single family homes that include some of the 747 affordable housing units in Rancho Cordova. Some of these units are administered by Sacramento Housing and Redevelopment Agency (SHRA), which serves as the public housing authority for Sacramento County. The City of Rancho Cordova does not have its own local housing authority. Resident initiatives are handled directly by SHRA.

ANTI-POVERTY STRATEGY

The City's anti-poverty strategy is based on revitalizing the City's existing housing stock to provide safe and decent places to live, and supporting social services agencies that provide various services that promote income and housing stability. In addition, the City's strategy is to provide supportive services for target-income residents, including senior and youth services.

In the 2014-15 program year, the City plans the following anti-poverty programs:

- Senior nutrition programs, such as Meals on Wheels;
- Housing crisis intervention services, provided by Sacramento Self-Help Housing;

- Homeless services, provided by Sacramento Self-Help Housing and the processes set out in Sacramento County's Continuum of Care program; and
- Youth services aimed at fostering community involvement and increasing post-secondary education opportunities for low- and moderate-income youth.

LEAD-BASED PAINT HAZARDS

The City will comply with the Residential Lead-Based Paint Hazard Reduction Act of 1992 as implemented in 24 CFR 35 Subpart B. Compliance includes the following strategies.

HOUSING REHABILITATION

All housing rehabilitation activities funded under this Plan will assess lead hazard risk before proceeding. This includes the planned Emergency Repair Program. This applies to any work on structures constructed prior to January 1, 1978. The work will comply with the appropriate level of protection indicated in 24 CFR 35.100.

All work on homes constructed prior to January 1, 1978, will have a lead hazard risk assessment conducted as described at 24 CFR 35.110.

At the completion of any prescribed lead hazard reduction activities, a clearance examination is required as described at 24 CFR 35.110.

INFORMATION AND EDUCATION

Households that participate in housing activities under this Plan, including home purchase, rental assistance, or rehabilitation, will be given educational material regarding the hazards of lead-based paint, signs of lead poisoning, and strategies to reduce exposure. Materials will include the use of HUD/EPA publications such as "Protect Your Family from Lead in Your Home." Information will be provided in multiple languages.

TESTING

Blood testing of children occupying housing constructed prior to January 1, 1978 will be encouraged for all housing rehabilitation or emergency repair projects to ensure health and safety needs are being met. Testing can be in conjunction with housing programs, public health programs, or other programs conducted under this Plan.

MONITORING PLAN

The City of Rancho Cordova has developed a monitoring system to ensure that the activities carried out in furtherance of the Plan are done so in a timely manner in accordance with the federal monitoring requirements of 24 CFR 570.501(V) and 24 CFR 85.40 and all other applicable laws, regulations, policies, and sound management and accounting practices. The objectives of the monitoring plan are described in more detail in the Consolidated Plan.

ANALYSIS OF IMPEDIMENTS COMPLIANCE

During the 2012-2013 program year, the City completed a comprehensive review of its current Analysis of Impediments to identify progress and next steps to help ensure fair housing access and choice in the Rancho Cordova Community. The CDBG funds that have been allocated to Fair Housing efforts will be utilized to help the City make progress in addressing the specific impediments identified in the Analysis of Impediments study completed in the 2010-2011 program year. City staff are working on a marketing plan for educating the community about fair housing rights. A general fair housing informational brochure has been printed and is in distribution, and fair housing flyers have been printed in 5 commonly spoken languages in the City (Spanish, Tagalog, Chinese, Russian, and Vietnamese).

MEMORANDUM

DATE: April 21, 2014

TO: Honorable Mayor and Council Members

FROM: Jessica Jordan, Senior Planner

SUBJECT: **AN ORDINANCE AMENDING CHAPTER 23.119 AND CHAPTER 23.743 OF TITLE 23 OF THE MUNICIPAL CODE PERTAINING TO SIGNS**



RECOMMENDATION

Introduce and waive first reading of Ordinance 12-2014.

RESULT OF RECOMMENDED ACTION

Adopting this Ordinance will amend the City's sign standards, increasing allowable sign square footage and establishing updated temporary sign standards to be more business-friendly. The amendments also include minor clean-up of contradictory language, updates to definitions, updates to the Unified Sign Program standards, modifications to electronic sign standards, and consolidation of real estate sign standards to ensure the Code is clear and understandable.

BACKGROUND

Based on City Council direction received in April and July of 2013, staff commenced drafting amendments to the City's sign standards in hopes of making signs easier to permit and regulate throughout the City. Planning worked collaboratively with several other departments including Code Enforcement, Economic Development, and Legal to modify the sign standards in many ways. A meeting with sign industry professionals also took place to ensure our standards are in keeping with the overall sign industry.

A work session with the City Council was conducted on March 25, 2014 to review the proposed amendments in full. Additionally, staff sought and received direction on a few specific topics to address in the amended Code.

DRAFT CODE

The effort of these amendments was aimed at improving the City's signs standards to reflect a more modern approach to signage rather than undertaking a complete overhaul of the Sign Code. In part, the changes are responsive to issues the City has heard from the business community over the last several years. In summary, the amendments include:

- Modifications to Chapter 23.119 to reflect the changes proposed in Chapter 23.743
- Minor revisions to Table of Contents
- Removal of duplications in basic sign policies
- Clarifying revisions to definitions

- Removal of outdated standards and references
- Minor modifications to sign exemptions
- Addition of a New Business Sign provision
- Modification of various standards in Table 23.743-1 for building mounted and freestanding signs
- Update electronic signs section
- Increase to allowable temporary signs
- Removal of multi-development kiosk sign type
- Establishment of one cohesive real estate signs section

These amendments were reviewed by the City Council during the March 25, 2014 Work Session. In response to the specific discussions conducted during the work session, the version of Chapter 23.743 included in **Attachment 1 – Exhibit C** has been further modified as follows:

1. Increase allowable square footage of political signs from 24 square feet to 32 square feet (Section 23.743.045(A)(2)(e))
2. Add pole signs to the prohibited sign types list (Section 23.743.050(Y))
3. Decrease the height of freestanding signs in Integrated Developments from 20 feet to 10 feet (Table 23.743-1, Commercial Uses).
4. Removed footnote #2 regarding freestanding sign allowances of long parcels (Table 23.743-1)
5. Allow electronic signs with a Limited Use Permit in all zones (Section 23.743.065(B)(1))
6. Allow A-frames as a temporary sign type with specific standards (Section 23.743.030, 23.743.070, Table 23.743-3, Section 23.743.100(A))
7. Allow inflatables as part of a temporary sign package with a TUP (Section 23.743.070, Table 23.743-3)
8. Allow freestanding signs in the Special Sign Corridor with an Administrative Use Permit (currently a full Conditional Use Permit is required)
9. Allow Unified Sign Program for projects proposing building-mounted and/or freestanding commercial signage beyond the limitations established by the Corridor (Section 23.119.020, Section 23.743.040(D)(2), Section 23.743.120(C))
10. Remove Sign Amortization from consideration (returned Section 23.743.140 to original text with addition of abandoned sign provision)
11. Address design of signs on multi-story buildings (Section 23.743.090(G))
12. Mannequin signs versus sign twirlers (no revision to Code required)
13. Establish a \$60 TUP fee for temporary signs (forthcoming under separate action)

The Record of Revisions memorializing all of the changes within the chapter, included as **Attachment 2**, has also been updated to reflect the above items.

A-frame Signs

As directed by Council, staff has drafted standards specific to A-frame signs to provide for their safe use within the City limits. These signs will only be allowed with issuance of a Temporary Use Permit and subject to the following standards:

1. A-frame signs shall only contain information and advertising for the establishment placing the sign.

2. A-frame signs shall not be located within the public right-of-way, clear vision triangle, required path of travel, parking spaces, drive aisles, and landscape planters, and shall not block building entries or emergency exits.
3. A-frame signs shall have a locking arm or other device to stabilize the structure.
4. A-frame signs shall be displayed only during the regular business hours of the establishment.
5. A-frame signs shall not be illuminated.
6. A-frame signs shall be made of sturdy material not susceptible to fading or damage from use and weather. The use of paper or cloth is not permitted unless located within a glass or plastic enclosure.

Staff seeks Council concurrence with the above proposed standards.

ENVIRONMENTAL ANALYSIS

In compliance with the requirements of the California Environmental Quality Act ("CEQA"), the City determined that the proposed Zoning Code Amendments were consistent with the Environmental Impact Report prepared for the General Plan certified in June 2006 and completed a General Plan EIR Addendum (provided in **Attachment 1 – Exhibit A**).

FINANCIAL IMPLICATIONS TO CITY

There are no financial implications to the City in amending the Municipal Code. A separate staff report and Resolution will be forwarded to the City Council at the next available meeting that will address the establishment of a separate TUP fee for temporary signs.

ATTACHMENTS

1. Ordinance 12-2014, including General Plan EIR Addendum (**Exhibit A**), Amended Chapter 23.119 (**Exhibit B**), and Amended Chapter 23.743 (**Exhibit C**).
2. Record of Revisions.

ATTACHMENT 1

CITY OF RANCHO CORDOVA

ORDINANCE NO. 12-2014

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
AMENDING CHAPTER 23.119 AND CHAPTER 23.743 OF TITLE 23 OF THE MUNICIPAL
CODE PERTAINING TO SIGNS**

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

Section 1. Purpose and Declarations.

WHEREAS, the City's Municipal Code is periodically amended to ensure the Code continues to reflect the goals, policies, and implementation measures of the City's General Plan, complies with all applicable Federal and State laws, and remains accurate and usable; and

WHEREAS, for some time, the City has been receiving comments and suggestions for updates to the sign standards; and

WHEREAS, in response to the customer call and need to provide some clarifying and clean-up amendments to the sign standards, the City has been working on updates to the sign standards for approximately one year; and

WHEREAS, amendments have been made to increase allowable sign square footage and establish updated temporary sign standards to be more business-friendly; and

WHEREAS, the amendments also include minor clean-up of contradictory language, updates to definitions, updates to the Unified Sign Program standards, modifications to electronic sign standards, and consolidation of real estate sign standards to ensure the Code is clear and understandable; and

WHEREAS, the certified Environmental Impact Report prepared for the previously adopted General Plan was found to adequately address all potential environmental impacts associated with the adoption of the proposed Zoning Code amendment; and

WHEREAS, these amendments were analyzed and determined to be within the scope of the General Plan EIR and require no further environmental review under State CEQA Guidelines Section 15162; and

WHEREAS, the City is authorized to adopt this Zoning Code Amendment pursuant to its "police power" granted by section 7 of article XI of the California Constitution, in that by establishing appropriate land uses and development standards for the efficient, orderly, and compatible development of real property, adoption of the Zoning Code Update is reasonably related to the protection of the public health, safety, and welfare; and

WHEREAS, the Amendment implement's the General Plan's vision and is adopted in the public's interest, and is otherwise consistent with federal and state law; and

WHEREAS, on April 21, 2014, the City Council held a properly noticed public hearing for this Ordinance.

ATTACHMENT 1**Section 2: Findings.** The City Council hereby finds:

A. **CEQA Compliance.** In compliance with the requirements of the California Environmental Quality Act ("CEQA"), the City determined that the proposed Zoning Code Amendments were consistent with the Environmental Impact Report prepared for the General Plan certified in June 2006 and completed a General Plan EIR Addendum (provided in Attachment 1 as **Exhibit A**).

B. **The proposed amendment is consistent with the General Plan.** The attached Zoning Code Amendment ("Amendment" or "proposed Amendment") is consistent with the General Plan as required by Government Code Section 65454. The Amendment is consistent with and implements the following provisions of the City's adopted General Plan:

General Plan Goals, Policies, and Actions:

- Urban Design Goal UD. – Ensure that projects are designed in keeping with the context of surrounding areas and overall community.

Finding: The purpose of the proposed amendments to Chapters 23.119 and Chapter 23.743 pertaining to signs was not an overhaul of the City's standards rather it is aimed at responding to the business community and providing modern, up-to-date sign standards. Signs play an important role in ensuring the community is designed in a cohesive manner. The amended sign standards respond to the business community by allowing more signage in general but, also will continue to ensure the City is a pleasing environment and not littered with excessive signage. Such assurances are found through the Zoning Clearance and discretionary permitting process, both of which are maintained within the proposed amendments. These amendments will allow the City to provide business customers with additional sign opportunities and be consistent with the General Plan's call to maintain the quality of the overall community.

C. **The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.** The attached Zoning Code Amendment is focused on all code sections pertaining to signs. The amendments are aimed at increasing allowable sign square footage and establishing updated temporary sign standards to be more business-friendly. The amendments also include minor clean-up of contradictory language, updates to definitions, updates to the Unified Sign Program standards, modifications to electronic sign standards, and consolidation of real estate sign standards to ensure the Code is clear and understandable. None of the proposed amendments will be detrimental to the public interest, health, safety, convenience, or welfare of the City.

D. **The proposed amendment is internally consistent with other applicable provisions of this zoning code.** The attached Zoning Code Amendment is focused on all code sections pertaining to signs. The proposed amendments have been reviewed to ensure Title 23 will remain internally consistent.

Section 3. Amendments to Title 23

The City Council hereby adopts amended Chapter 23.119 of Title 23 (Zoning) of the Municipal Code in **Exhibit B** and amended Chapter 23.743 of Title 23 (Zoning) of the Municipal Code in **Exhibit C**, attached and incorporated herein.

ATTACHMENT 1**Section 4. 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 5. 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.

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, Vice Mayor

ATTEST:

Mindy Cuppy, CMC, City Clerk



ZONING CODE AMENDMENTS

(Addendum to the General Plan Final EIR)

INTRODUCTION

This document is an addendum to the City of Rancho Cordova's General Plan Environmental Impact Report (EIR) prepared pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15164 for the proposed Zoning Code Amendments. The City-Sponsored Zoning Code Amendments is an activity within the scope of the General Plan Program EIR.

The environmental effects of the adoption and implementation of the General Plan were disclosed and analyzed in the Rancho Cordova General Plan Draft and Final EIR (State Clearinghouse No. 2005022137). The Draft EIR identified General Plan policies and action items that provide mitigation of identified significant environmental impacts, as well as identified mitigation measures in the form of additional policies and action items for significant impacts (see Draft EIR pages 2.0-7 through -52). Some General Plan policies, action items and mitigation measures were refined as a result of input during public review as identified in the Final EIR (see Final EIR pages 2.0-8 through -57). However, there were several significant environmental effects that were identified as significant and unavoidable in the areas of land use, agriculture, population/housing/employment, traffic, air quality, noise, aggregate resources, water supply, biological resources, cultural resources, wastewater, and visual resources. The Rancho Cordova City Council adopted a Statement of Overriding Considerations with the adoption of the General Plan which identified specific benefits that outweighed these significant impacts, including the following: (see City of Rancho Cordova Resolution No. 116-2006):

- Provision of needed residential dwelling units to meet regional housing needs and provide diverse housing opportunities.
- General Plan provides comprehensive land use and transportation planning that maintains a compact urban form inside the Planning Area and implements Smart Growth principles.
- Economic benefits from the implementation of the General Plan through retention of existing businesses and jobs as well as attraction of new jobs and businesses.
- The General Plan would accommodate regional growth by proposing a concentrated development pattern that balances employment, residential, retail and recreational uses, linked to transportation system improvements. Benefits include reduction in vehicle miles traveled in region.
- Provision of significant park acreage as well as establishment of open space for mitigation for impacts on natural resources.

PROJECT DESCRIPTION

The proposed Zoning Code Amendments include revisions to the City's Sign standards. Amendments to Chapter 23.119 clarify the applicability and approval findings for a Unified Sign Program to be consistent with Chapter 23.743. Amendments within Chapter 23.743 range from minor clean-up of contradictory language, updates to definitions, revisions to specific sign standards for land use types, modifications to electronic sign standards, consolidation of real estate sign standards, and updates to temporary sign standards.

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 has already been certified. 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 certified EIR 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 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 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 under consideration adequate under CEQA.

An addendum is considered the appropriate CEQA document for the proposed Zoning Code Amendments, as described above, because:

First, the Zoning Code amendments are consistent with the General Plan, are limited in nature, and do not constitute substantial changes to the existing policies and actions in the General Plan. Overall, the proposed amendments would not cause a new significant impact or substantially increase the severity of a previously identified significant impact from the General Plan Final EIR that would require major revisions to the General Plan Final EIR (State CEQA Guidelines Section 15162[a][1]). All impacts would be nearly equivalent to the impacts previously analyzed in the General Plan Final EIR.

Second, the City is not aware of any substantial changes in circumstances that would cause a new significant impact or substantially increase the severity of a previously identified significant impact requiring major revisions to the General Plan EIR (State CEQA Guidelines Section 15162[a][2]). There have been no changes in the environmental conditions in the City not

EXHIBIT A

previously contemplated and analyzed in the General Plan EIR that would result in new or substantially more severe environmental impacts.

Third, there is no new information of substantial importance (which was not known or could not have been known at the time of the General Plan adoption in June 2006) that identifies: a new significant impact (condition “A” under State CEQA Guidelines Section 15162[a][3]); a substantial increase in the severity of a previously identified significant impact (condition “B” State CEQA Guidelines Section 15162[a][3]); mitigation measures or alternatives previously found infeasible that would now be feasible and would substantially reduce one or more significant effects of the General Plan; or mitigation measures or alternatives which are considerably different from those analyzed in the General Plan EIR which would substantially reduce one or more significant effects on the environment (conditions “C” and “D” State CEQA Guidelines Section 15162[a][3]). None of the “new information” conditions listed in the State CEQA Guidelines Section 15162[a][3] are present in this case to trigger the need for a subsequent EIR.

Lastly, all subsequent projects pursuing entitlements pursuant to the Zoning Code will be subject to additional environmental review. No projects resulting in environmental impacts will be allowed by right under the proposed amendments. Therefore, there is no direct, or reasonably foreseeable indirect, impact on the environment. (Guidelines section 15060(c)(2).) Therefore, no conditions have occurred that would require the preparation of a subsequent or supplemental EIR or MND and no further environmental review is necessary at this time.

CONCLUSION

The City has reviewed the potential environmental impacts related to the proposed Zoning Code Amendments. The City finds that no new or substantially more severe impacts would result from these amendments and that prior analysis contained in the originally certified EIR adequately address all environmental impacts. The Zoning Code Amendments would not result in increased development density than disclosed and analyzed in the General Plan EIR. 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.

Chapter 23.119 UNIFIED SIGN PROGRAM

Sections:

23.119.010	Purpose.
23.119.020	Applicability.
23.119.030	Procedure.
23.119.040	Approval findings.
23.119.050	Conditions of approval.

23.119.010 Purpose.

The purpose of the unified sign is to adopt unique and specific design and development standards for multitenant and mixed-use developments. The intent is to integrate a project's signs with the design of the structures to achieve a unified architectural statement. A unified sign program provides a means for defining common sign regulations for multitenant projects, to encourage maximum incentive and latitude in design and display of multiple signs, and to achieve, not circumvent, the intent of this code. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.7.010)].

23.119.020 Applicability.

A unified sign program shall be required for:

- A. All new integrated developments as defined in RCMC 23.707.020;
- B. All new multitenant shopping centers, office parks, and other multitenant or mixed-use development of three or more separate tenants/uses that share either the same parcel or structure and use common access and parking facilities; and
- C. All redesign, remodel, or redevelopment of existing uses as identified in RCMC 23.743.040(D)(2) where more than 50% of the building square footage or 50% of the building façade would be modified if not already covered by a unified sign program.
- D. Any commercial development within the Special Sign Corridor proposing a Unified Sign Program as allowed in RCMC 23.743.120(C)(2).

23.119.030 Procedure.

The procedure is provided in RCMC 23.110.150 (C), Director Determinations – Public Hearing. [Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.7.030)].

23.119.040 Approval findings.

The director shall approve, or approve with conditions, an application for a unified sign program after finding all of the following:

- A. The proposed sign program does not violate provisions of this zoning code and the municipal code.
- B. 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.

C. 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.

D. 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. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.7.040)].

If the director does not make all of these findings, he/she shall deny the unified sign program.

23.119.050 Conditions of approval.

In approving a Unified Sign Program, the director may impose any reasonable conditions to ensure that the approval will comply with the findings required by RCMC 23.119.040m as well as any performance criteria and development standards contained within this code.

Chapter 23.743 SIGNS

Sections:

- 23.743.010 Purpose.
- 23.743.020 Basic policies for sign regulations.
- 23.743.030 Definitions.
- 23.743.040 Permit requirements for signs.
- 23.743.045 Sign exemptions.
- 23.743.050 Prohibited signs.
- 23.743.060 Allowed permanent on-site sign standards.
- 23.743.065 Standards for electronic message signs.
- 23.743.070 Allowed temporary on-site sign standards.
- 23.743.080 Allowed off-site sign standards.
- 23.743.085 Real estate sign standards.
- 23.743.090 General development, maintenance, and removal provisions for all sign types.
- 23.743.100 Special development standards for specific sign types.
- 23.743.110 Special sign districts.
- 23.743.120 Special sign corridors.
- 23.743.130 Gateway signage program.
- 23.743.140 Nonconforming and abandoned signs.
- 23.743.150 Digital freeway signs overlay.

23.743.010 Purpose.

This chapter establishes regulations for signs within the city for the purposes of safeguarding and protecting the public health, safety, and welfare through appropriate prohibitions, regulations, and controls on the design, location, and maintenance of signs. The city recognizes that signs have the potential to enhance the overall character and quality of the built environment and do provide for economic benefit from real property within the city. However, the city also recognizes the inherent public interest in regulating the time, place, and manner in which signs, both commercial and noncommercial in nature, display their message. Such interest is based on a desire to enhance traffic safety in the community by ensuring that signage does not distract motorists or obstruct or otherwise impede traffic circulation, and a desire to ensure aesthetic, architectural, and cosmetic compatibility with the surrounding community by limiting visual clutter of the streetscape, such as through the regulation of oversized signs and excessive temporary signs.

The standards of this chapter apply to signs in all zoning districts. Only signs authorized by this chapter shall be allowed. [Ord. 16-2012 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.15.010)].

23.743.020 Basic Policies for sign regulations

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A. Enforcement. The planning director is authorized and directed to administer the provisions of this chapter. The neighborhood services director is authorized and directed to enforce the provisions of this chapter.

B. Interpretations. All interpretations of this chapter are to be made with consideration to the city's message neutrality and message substitution policies. When a particular type of sign is proposed in a permit application and is not, within this chapter, expressly identified as either an exempted, prohibited, or allowed sign type, the planning director shall approve, conditionally approve, or disapprove the application based on the most similar sign type that is expressly regulated by this chapter.

C. Message Neutrality. It is the city's policy and intent to regulate both commercial and noncommercial signs in a viewpoint-neutral or content-neutral manner.

D. Message Substitution. Subject to the property owner's consent, the message on any type of existing sign may be substituted with a noncommercial message, in whole or in part, without consideration of message content; provided, that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech or favoring of any particular noncommercial message over any other noncommercial message. In addition, any on-site commercial message may be substituted, in whole or in part, for any other on-site commercial message; provided, that the sign structure or mounting device is legal without consideration of message content. This provision does not create a right to increase the total amount of signage on a parcel, lot, or land use; does not affect the requirement that a sign structure or mounting device be properly permitted; does not allow a change in the physical structure of a sign or its mounting device; and does not allow the substitution of an off-site commercial message in place of an on-site commercial message or a noncommercial message.

E. Off-Site/On-Site Distinction. Within this chapter, the distinction between on-site (or on-premises or point-of-sale) and off-site (or off-premises or nonpoint-of-sale) applies only to commercial speech messages.

F. Discretionary Approvals. Whenever any zoning certification, variance, conditional use permit, unified sign program or special planning area approval, or other sign-related decision is made, such determination shall be based only on the noncommunicative aspects of the sign, such as size, height, orientation, location, setback, illumination, spacing, scale, and mass of the structure. Graphic design may be evaluated only for a unified sign program and then only as applicable to commercial message signs.

G. Mixed-Use Zones/Developments. As described in RCMC 23.743.060 (Allowed permanent on-site sign standards), on-site signs are regulated by development type, rather than by zoning district. However, when multiple use types are present within one development (e.g., commercial and office, office and industrial), the development standards for signs applicable to that site shall be those applicable to the majority of uses in the development. For instance, if the predominant use in a development is commercial, then sign(s) for any other use type located with that same development shall also be governed by those same regulations (e.g., an office use in a commercial development shall be held to the standards for commercial developments). Additionally, the following rules shall apply:

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1. Commercial uses on the ground floor of a multi-story building where nonretail uses (e.g., office, residential) are located above the retail, regardless of the zoning district of predominant use, shall solely be regulated by the commercial sign standards.

2. Office uses above the first floor of a multi-story building where the ground floor uses are predominantly commercial in character shall be solely regulated by the office sign standards for building-attached signs.

3. Residential uses in any configuration within a mixed use development shall be solely regulated by the applicable exempt signs and Home Occupation sign standards.

H. Owner Consent. No sign may be placed on private property without the consent of the property owner or persons holding the present right of possession and control.

I. Illegal Signs. A sign shall be considered an illegal sign when it does not conform to the provisions and standards of this chapter, zoning certification has not been approved, and it is not otherwise determined to be a nonconforming sign as provided in RCMC 23.743.140 (Nonconforming and abandoned signs). Illegal signs may be abated by the city. [Ord. 16-2012 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.15.020)].

23.743.030 Definitions

For the purpose of this chapter, the following terms shall have the definitions set forth herein:

“A-frame sign” means a portable sign or advertising device which rest on the ground and are not permanently affixed to the ground or attached to a building.

“Abandoned sign” means any sign a) which is located on a premises that has been vacated for a period of at least 90 days, b) which displays no message for a period of at least 90 days, or c) which no longer advertises or identifies an ongoing establishment, product, or service available on the premises where the display is located for a period of at least 90 days. Abandoned signs are regulated in RCMC 23.743.140 (Nonconforming and abandoned signs).

“Animated sign” means any sign which uses mechanical or electrical movement or change of lighting, either natural or artificial, to depict action or to create visual motion or the appearance thereof.

“Area (of a sign)” means the measurable surface area of a sign, calculated as described in RCMC 23.743.090 (General development, maintenance, and removal provisions for all sign types).

“Awnings” means any roof-like structure extending over or in front of a place (i.e. over a patio or in front of a window or door).

“Balloon sign” means a flexible bag made of a material such as rubber, latex, polychloroprene, or a nylon fabric that is filled with a gas such as helium, hydrogen, nitrous oxide, or air. A balloon qualifies as a “sign” when it is larger than eight cubic feet in volume or is stationed at or above 10 feet above the ground.

“Banner” means any sign of lightweight fabric or similar material that is mounted to a building, fence, or wall at one or more edges. Flags shall not be considered banners (see “flag” definition).

“Billboard” means a sign which meets one or more of the following criteria (also see “off-site or off-premises sign”):

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A. A permanent structure sign which is used for the display of off-site commercial messages;

B. A permanent structure sign which constitutes a principal, separate, or secondary use, as opposed to an accessory use, of the parcel on which it is located;

C. An outdoor sign used as advertising for hire, e.g., on which display space is made available to parties other than the owner or operator of the sign or occupant of the parcel (not including those who rent space from the sign owner, when such space is on the same parcel or in the same development as the sign), in exchange for a rent, fee, or other consideration; or

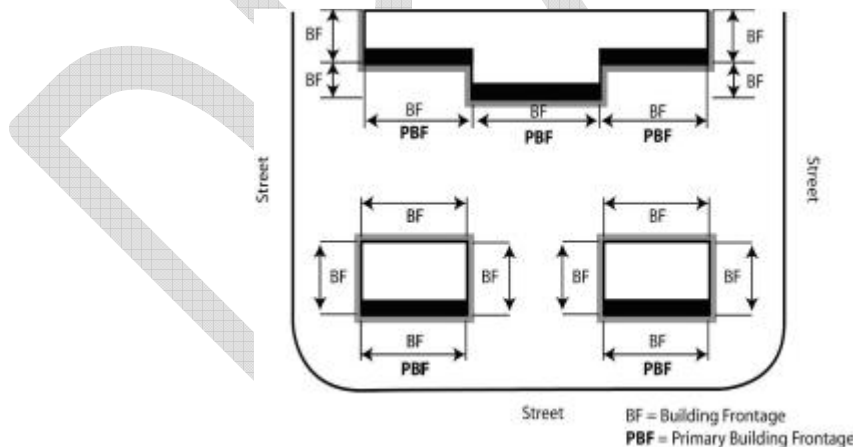
D. An off-site outdoor advertising sign on which space is leased or rented.

“Blade/bracket sign” means a small, pedestrian-oriented sign that projects perpendicular from a structure (bracket sign) or is hung beneath a canopy (blade sign; may also be referred to as an “projecting sign”).

“Building-attached sign” means a sign placed on a wall, awning, canopy, parapet, or a projecting sign. Also see “wall sign,” “canopy sign,” and “blade/bracket sign.”

“Building frontage, primary” means the building frontage that faces the street. In cases where a building has more than one street frontage, the longest of the street frontages shall be considered the primary building frontage. In cases where a business has no building frontage facing a street, the building frontage with the primary business entrance shall be considered the primary building frontage (e.g., an entrance facing a courtyard) (see Figure 23.743-1 (Building Frontage and Primary Building Frontage)). For multitenant buildings, ground floor tenants may have their primary frontage determined independently of the rest of the building based upon the aforementioned rules.

Figure 23.743-1: Building Frontage and Primary Building Frontage



“Canopy sign” means any sign that is part of or attached to an awning, canopy, or other material or structural protective cover over a door, entrance, window, or outdoor service area.

“Changeable copy sign” means a sign or portion of a sign with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than once per day shall be considered an animated sign and not a changeable copy sign.

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“Channel letter sign” means a sign made up of individual letters that are independently mounted to a wall or other surface. The “air space” between the letters is not part of the sign structure but rather of the building facade. A logo may also be considered a channel letter provided it is clearly distinguishable from other sign elements.

“Commercial mascot” means a human or live animal used as a commercial advertising or signaling device. Sometimes called sign twirlers or sign clowns.

“Commercial message” means any sign wording, logo, or other representation that names or advertises a business, product, service, or other commercial activity.

“Community interest group sign” means a sign identifying fraternal, benevolent, social services, and religious organizations and setting forth time, place, and location of meetings within the city.

“Construction sign” means a temporary sign located on a site where physical construction is occurring or is scheduled to begin in the near future.

“Development,” for the purposes of this chapter, shall mean a proposed or already-constructed building or group of buildings.

“Digital display area” means the portion of a digital freeway sign that consists of digital display area(s) used for general commercial advertising. See also “Sign structure.”

“Digital freeway sign” means an off-site outdoor advertising sign with one or more digital display areas. A digital freeway sign may be internally or externally illuminated. Digital freeway signs are always considered off-site signs and are regulated as such.

“Directional sign, on-site” means a sign located on the same property as an establishment, primarily providing direction to guide vehicles and pedestrians to businesses, including but not limited to those signs identifying parking areas and circulation patterns.

“Directory sign” means a pedestrian-oriented sign that identifies or lists the names and locations of tenants at a multitenant site.

“Electronic graphic display sign” means a sign or portion thereof that displays electronic static images, static graphics or static pictures, with or without text information. Electronic graphic display signs include projected images or messages with these characteristics on buildings or other objects.

“Electronic message sign” means an electronic sign that displays one or more messages. An electronic message sign could be used as a message delivery method for a wall sign, a monument sign or other freestanding sign, or a billboard, subject to all applicable provisions and limitations in the Code. Digital freeway signs utilizing electronic messaging technology are subject to the standards and permit requirements in RCMC 23.743.150.

“Establishment” means any nonresidential use of land involving structures, as defined in the building code and the presence of human beings during normal hours of operation such as, but not limited to, businesses, schools, hospitals, hotels and motels, and offices and libraries.

“Exempt sign” means a sign which is not subject to zoning certification or temporary use permit.

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“Face change” means a change in color, material, copy, graphics, or visual image that requires the installation of a new or modified sign face, but which does not involve any change to an existing sign structure or mounting device.

“Feather Flag” means a temporary, on-site fabric sign installed on a temporary pole made of PVC or other flexible material and commonly used for the temporary promotion of a business, service, or other commercial activity on a specific non-residential property.

“Flag” means any fabric, banner, or bunting containing distinctive colors, patterns, or design that displays the symbol(s) of a nation, state, local government, company, organization, belief system, idea, or other meaning installed on a permanent pole with a permanent foundation.

“Flashing sign” means an illuminated sign that exhibits changes in light or color effect by blinking or any other such means so as to provide intermittent illumination.

“Freestanding sign” means a sign that is self-supporting in a fixed location and not attached to a building. Permanent freestanding signs are of three types: monument, pole, and pylon. Temporary freestanding signs, typically constructed of wood, are subject to issuance of a Temporary Use Permit as described in Section 23.743.070 of this Chapter.

“Future tenant signs” means signs erected for the purpose of announcing the future occupancy of a new tenant, other than the current resident tenant.

“Garage, yard, estate, and other home-based sales” means the occasional nonbusiness public sale of secondhand household and other goods incidental to household uses by a person or persons from a residential use.

“Gas pricing signs” means signs identifying the brand, types, octane rating, etc., of gasoline for sale, as required by state law.

“Gateway entry sign” means a sign located at a major entrance into the City and regulated in Section 23.743.130 of this Chapter.

“General advertising” means the business of advertising or promoting other businesses or causes using methods of advertising, in contrast to self-promotion or on-site advertising; also known as advertising for hire.

“Governmental/civic sign” means any temporary or permanent sign erected and maintained by or required by the city or the county, state, or federal government for the purpose of providing official governmental information to the general public, including but not limited to traffic direction, city entrance, or for designation of direction to any school, hospital, historical site, or public service, property or facility.

“Home occupation sign” means a sign located at a residence advertising a business or profession legally conducted in the residence.

“Iconic signage” means expressions of a business without the use of words or copy that thereby make maximum use of logos and graphics to represent the establishment.

“Illuminated sign” means a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign. This includes signs made from neon or other gas tube(s) that are bent to form letters, symbols, or other shapes. Excludes electronic message sign, which is separately defined.

“Incidental sign” means a sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, including but not limited to rest rooms, phones, credit cards, or hours of business.

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“Menu/order board sign” means a sign installed in a drive-through facility and oriented so as to be visible primarily by drive-through customers.

“Monument sign” means a permanent on-site sign constructed upon a solid-appearing base or pedestal, whose exterior is constructed of stone, brick, or concrete, the total width of which is at least 50 percent of the overall height of the sign. See Figure 23.743-2 (Monument Sign).

Figure 23.743-2: Monument Sign



“Noncommercial sign” means a sign which displays noncommercial speech, e.g., commentary or advocacy on topics of public debate and concern.

“Noncommunicative aspects” means those aspects of a sign which are not directly communicative, such as sign height, setback, illumination, spacing, density, etc.

“Nonconforming sign” means a sign lawfully erected and legally existing at the time of the effective date of an ordinance, but which does not conform to the current provisions of this chapter. Nonconforming signs shall be amortized pursuant to the provisions of Section 23.743.140 and, at the conclusion of the amortization period, shall either be removed pursuant to the provisions of Section 23.743.140, modified to meet the requirements of this chapter, or replaced with a new sign that is in compliance with the requirements of this chapter.

“Off-site or off-premises sign” means a sign which directs attention to a business, profession, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the same lot or parcel on which said sign is located. This definition shall include billboards, posters, panels, painted bulletins, and similar advertising displays. The off-site/on-site distinction applies only to commercial messages. Off-site signs meet any one of the following criteria:

A. A permanent structure sign which is used for the display of off-site commercial messages;

B. A permanent structure sign which constitutes a principal, separate, or secondary use, as opposed to an accessory use, of the parcel on which it is located;

C. An outdoor sign used as advertising for hire, e.g., on which display space is made available to parties other than the owner or operator of the sign or occupant of the parcel (not including those who rent space from the sign owner, when such space is on the same parcel or is the same development as the sign), in exchange for a rent, fee, or other consideration; or

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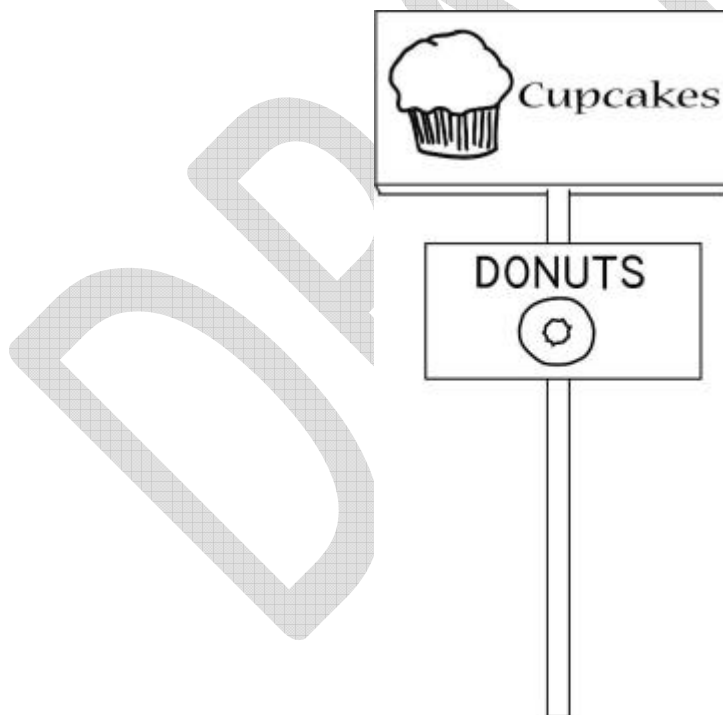
D. An off-site outdoor advertising sign on which space is leased or rented.

“On-site or on-premises sign” means a sign which directs attention to a business, profession, commodity, service, or entertainment conducted, sold, or offered upon the lot or parcel on which the sign is placed. The off-site/on-site distinction applies only to commercial messages. In the case of multiple-tenant commercial or industrial developments, a sign is considered on site whenever it is located anywhere within the integrated development. In the case of a duly approved unified sign program, a sign anywhere within the area controlled by the program may be considered on site when placed at any location within the area controlled by the unified sign program.

“Pennant” means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, attached to a rope, wire, or string, usually in a series, designed to move in the wind and attract attention.

“Pole sign” means an on-site freestanding sign, supported by a sign structure from the ground, which identifies businesses located on the same parcel or in the same integrated development on which the sign is located. Generally, pole signs are supported by one or more metal or wood posts, pipes, or other vertical supports. The support structure is not integrated into the overall design of the sign. See Figure 23.743-3 (Pole Sign).

Figure 23.743-3: Pole Sign



“Portable sign” means any advertising device defined as a sign that is not permanently attached to a building or to the ground. Portable signs include, but are not limited to, signs designed to be transported by means of wheels; signs configured as A-frame or T-frame; menu and sandwich board signs; and umbrellas used for advertising. Clothing or other aspects of personal appearance are not within this definition (see “commercial mascot”).

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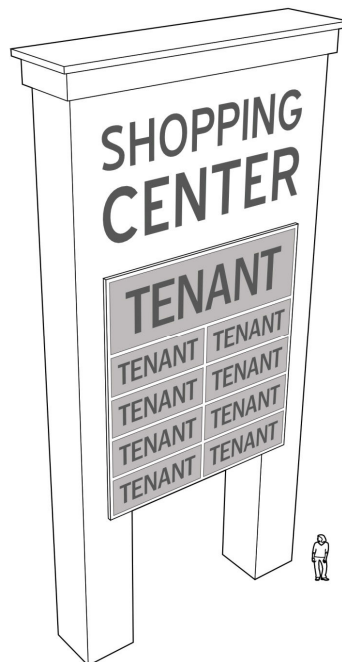
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“Primary site frontage” is the longest frontage of a site that adjoins or fronts onto a public right-of-way.

“Projecting sign” means a sign that projects perpendicular from a structure (bracket sign) or is hung beneath a canopy (blade sign).

“Pylon sign” means an on-site freestanding sign of extensive height, supported by a sign structure from the ground, which identifies businesses located on the same parcel or in the same integrated development on which the sign is located. Pylon signs are designed such that the support structure and the sign face are designed as one architecturally unified and proportional element. See Figure 23.743-4 (Pylon Sign).

Figure 23.743-4: Pylon Sign



“Readerboard sign” means a sign on which copy is changed manually in the field or electronically, including but not limited to theater marquee signs, business directories, church and museum signs, and gas price signs.

“Real estate sign” means any sign, temporary in nature, the copy of which concerns a proposed economic transaction involving real property. This definition does not include occupancy signs at establishments offering transient occupancy, such as hotels and motels.

“Roof sign” means a sign installed on a roof or projecting above the eave of a building or mounted on an arcade or parapet.

“Roofline” means the top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

“Sign” means any structure, part thereof, device, fixture, or placard or inscription which is located upon, attached to, or painted or represented on any land, or on the outside of any building or structure, or on an awning, canopy, marquee or similar appendage, or permanently affixed to the glass on the outside or inside of a window so as to be seen from the outside of the building, and which displays or includes any

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numeral, letter, word, model, banner, emblem, insignia, symbol, device, light, trademark, or other representation used as, or in the nature of, an announcement, advertisement, attention arrester, direction, warning, or designation of any person, firm, group, organization, place, commodity, product, service, business, profession, enterprise, or industry when such image is visible from any public right-of-way. Notwithstanding the generality of the foregoing, the following are not within this definition:

A. Architectural features. Decorative or architectural features of buildings (not including lettering, trademarks, or moving parts).

B. Fireworks, etc. The legal use of fireworks, candles, and artificial lighting not otherwise regulated by this chapter.

C. Gravestones and grave markers.

D. Manufacturers' marks. Marks on tangible products which identify the maker, seller, provider, or product and which customarily remain attached to the product even after sale.

E. Newsracks and newsstands.

F. Personal appearance. Items or devices of personal apparel, decoration, or appearance, including tattoos, makeup, wigs, costumes, masks, etc. (but not including commercial mascots).

G. Symbols embedded in architecture. Symbols of noncommercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently integrated into the structure of a permanent building which is otherwise legal. The definition also includes foundation stones and cornerstones.

"Sign structure" means the portion of a digital freeway sign other than the digital display area, including but not limited to supporting pole(s), display frame and all ancillary equipment and utilities installed on the sign site.

"Subdivision directional sign" means a temporary or otherwise limited-term sign for the purpose of providing direction for vehicular and/or pedestrian traffic to the initial home sales of multiple lots with single or multiple builder(s) within a master planned community, including both single-family and multifamily for-sale products. All other home sales are included within the definition of "real estate sign."

"Subdivision permanent identification sign" means a sign located at the entrance to the subdivision for the purpose of a permanent identification of the subdivision. Such signs are of a permanent nature, usually constructed of long-lasting, weather-resistant materials such as stone or metal.

"Temporary sign" means a sign not constructed or intended for long-term use. If a sign does not qualify as a "structure" under the building code, it is presumably a temporary sign, but subject to the interpretation of the planning director consistent with the interpretations policy in RCMC 23.743.030(B) (Interpretations). Types of temporary signs include building-attached banners, temporary freestanding signs, and portable signs.

"Three-dimensional object sign" means a sign that comprises a three-dimensional object that graphically or iconically brands an establishment or development. Such signs may be used as both building-attached or freestanding signs. See also "Iconic Sign".

"Time/temperature sign" means an electronic or mechanical device that shows time and/or temperature but contains no business identification or advertising.

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“Vehicle sign (large)” means any sign exceeding 10 square feet in area mounted, painted, placed on, attached or affixed to a trailer, watercraft, truck, automobile or other form of motor vehicle so parked or placed so that the sign thereon is discernible from a public street or right-of-way as a means of communication and which by its location, size, and manner of display is reasonably calculated to exhibit commercial advertising, identifying an on-site business, or supplying directional information to an off-site business. A vehicle sign may be defined as a vehicle that functions primarily as a sign rather than as a transportation device as determined by consideration of any combination of the following factors:

- A. The absence of a current, lawful license plate affixed to the vehicle on which the sign is displayed;
- B. The vehicle on which the sign is displayed is inoperable as defined by this city code;
- C. The vehicle on which the sign is displayed is not parked in an identified parking space on the lot;
- D. The vehicle on which the sign is displayed is not regularly used for transportation associated with the use it advertises;
- E. The vehicle remains parked on the premises after normal business hours when customers and employees are not normally present on the premises and is not part of the business’s vehicle fleet;
- F. The vehicle remains parked in the same vicinity on the property in a location which maximizes its visibility from the public street or right-of-way on a regular basis.

“Video display sign” means a sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs.

“Wall sign” means a sign attached directly to an exterior wall of a building or dependent upon a building for support with the exposed face of the sign located in such a way as to be substantially parallel to such exterior building wall to which it is attached or supported by.

“Weekend directional stake sign” means a sign, customarily displayed on the weekends, measuring less than nine square feet in area, mounted on a wooden stake, and identifying the location and name of an active new home sales location/subdivision.

“Wind sign” means a sign that spins or is otherwise propelled by the force of air moving across its face.

“Window sign” means a sign attached to, suspended behind, placed, or painted upon the window or glass door of a building and intended for viewing from the exterior of such building. This definition does not include merchandise offered for sale on site when on display in a window. [Ord. 16-2012 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.15.030)].

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23.743.040 Permit requirements for signs.

A. Zoning Certification Required. To ensure compliance with the regulations of this chapter and except as otherwise exempted, no person shall erect, move, alter, replace, or maintain any sign within the city of Rancho Cordova without first obtaining zoning certification from the designated approving authority as established in Chapter 23.113 RCMC (Zoning Certification). Zoning certification shall not be required for the maintenance of an existing sign, such as repainting, which does not result in a change or alteration in the size, shape, illumination, or text of said sign.

B. Temporary Use Permit Required. A temporary use permit shall be required prior to establishment of any new temporary sign as required by this chapter.

C. Limited Use Permit (LUP) Required for Electronic Changeable Copy Signs, Electronic Graphic Display Signs and Video Display Signs as defined by this Chapter. An LUP shall be required prior to issuance of a building permit (and corresponding zoning certification), for any new electronic message signs, regardless of the type of application (wall sign, monument sign, etc.). Development standards are provided for this sign type in RCMC 23.743.065. The applicant must satisfy the conditions of approval established through the LUP process prior to and/or in conjunction with the subsequent administrative issuance of the sign permit. Digital freeway signs utilizing electronic messaging technology may only be approved subject to a CUP and are subject to the standards and permit requirements in RCMC 23.743.150.

D. Unified Sign Program.

1. Purpose. The purpose of the unified sign program is to adopt unique and specific design and development standards for multitenant and mixed-use developments. The intent is to integrate a project's signs with the design of the structures to achieve a unified architectural statement. A unified sign program provides a means for defining common sign regulations for multitenant projects, to encourage maximum incentive and latitude in the design and display of multiple signs, and to achieve, not circumvent, the intent of this chapter.

2. Applicability. A unified sign program shall be required for:

- a. All new integrated developments as defined in RCMC 23.707.020;
- b. All new multitenant shopping centers, office parks, and other multitenant or mixed-use developments of three or more separate tenants/uses that share either the same parcel or structure and use common access and parking facilities;
- c. All redesign, remodel, or redevelopment of existing uses identified in RCMC 23.743.040(D)(2) where more than 50% of the building square footage or 50% of the building façade would be modified if not already covered by a unified sign program; and

d. Any commercial development within the Special Sign Corridor proposing a Unified Sign Program as allowed in RCMC 23.743.120(C)(2).

3. Approval of a Unified Sign Program. The designated approving authority for unified sign programs, and amendments or revisions thereto, shall be as identified in Chapter 23.119 RCMC (Unified Sign Program). The Unified Sign Program shall be reviewed concurrently with the project's Design Review. If signs will not impact the overall design of the project, the Planning Director may waive the concurrent review and require the Unified Sign Program as a condition of approval of the Design Review. This

requirement may also be waived on a case-by-case basis for minor pad-building remodel projects.

4. Standards. The unified sign program shall include criteria for building-attached and freestanding signs for tenants, anchors, and the overall development itself to establish consistency of sign type, location, logo and/or letter height, lines of copy, illumination, and construction details of signs for the project. All signs within the development shall be consistent with the unified sign program as the adopted program for signs within the development. The message substitution policy of this chapter shall be deemed incorporated in every sign program, even if the sign program documents do not explicitly so state.

23.743.045 Sign exemptions.

A. Exempt Signs. The following sign types are exempt from the permit requirements of this chapter and title but still must satisfy any and all other applicable permit requirements (e.g., building, electrical, plumbing, grading, encroachment). Any exception to the limitations for exempt signs listed herein shall require a variance pursuant to Chapter 23.143 RCMC (Variance). However, consideration of the variance request shall not evaluate the message or graphic design of a sign.

1. Exempt Signs Without Limitations. The following signs are exempt from zoning certification and city review:

- a. All devices which are excluded from the definition of a sign;
- b. Approved highway directional signs;
- c. Railroad signal signs;
- d. Signs prohibiting trespassing and hunting;
- e. Warning signs required by law or erected by public agencies;
- f. Utility company signs identifying cables, conduits, danger, and so forth;
- g. Public notices and announcements authorized by courts and public officials, including neighborhood watch signs (e.g., governmental/civic signs);
- h. Signs on buses, light rail, or other mass transit vehicles and taxis;
- i. Signs on vehicles (except where defined as "vehicle signs (large)" by this chapter) and vessels, including license plates, license plate frames, registration insignia, noncommercial messages, messages relating to the business for which the vehicle or vessel is an instrument or tool (not including general advertising), and messages relating to the proposed sale, lease, or exchange of the vehicle or vessel;
- j. Signs located entirely within a building or other enclosed structure and not visible from the exterior, or located at least five feet from the window, provided the building or enclosed structure is otherwise legal;
- k. Signs erected out of doors within courtyards and mall spaces (below the height of enclosed buildings) within the buildable portion of the lot where signs are not visible from a public street or adjacent parcel;
- l. Signs on shopping carts, golf carts, and horse-drawn carriages;
- m. Name plates and incidental signs;
- n. Vending machines which do not display off-site commercial messages;
- o. Graphic images which are only visible from above, such as those visible only from airplanes or helicopters, only if not visible from the street surface or public right-of-way;

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p. On residential uses, holiday and cultural observance decorations that are displayed for not more than 45 calendar days per year (cumulative, per parcel or use) and that do not include commercial advertising messages;

q. Change of copy that does not alter the size, location, or illumination of a sign (see RCMC 23.743.020(D), Message Substitution) (e.g., face change); and

r. Official notification signs of name and address information for property owner and/or caretaker of multi-family housing as required by law.

2. Exempt Signs with Limitations. The following signs are exempt from zoning clearance; provided, that they meet the size, height, duration, and/or maximum number limitations listed:

a. Freestanding street address identification signs. Freestanding signs which only indicate the street address of the property on which the sign is located; provided, that the sign does not exceed an area of four square feet and is located with a setback of at least five feet with a height no greater than 30 inches.

b. Window signs limited to painted signs on glazing, poster paper signs, and place cards attached to the inside of glazing of store fronts; provided, that no more than 25 percent of the store front window area, calculated using the measurements of the store front in its entirety, is covered. In the case of convenience stores and other similar retail establishments, views from the public right-of-way to the cash register area shall not be impeded by window signs or merchandise. The intent is to provide visibility of the sales counter for increased public safety.

c. Flags, on a permanent pole with a permanent foundation, provided they meet the following standards. The minimum setback from the public right-of-way for all poles is 10 feet.

i. Agricultural and Residential Zones and Uses. There shall be no limit on the number of flags or the number or height of poles.

ii. All Other Zones. A maximum of two poles. The maximum allowed height of each pole is 25 feet.

d. Temporary construction signs provided there are no more than two signs per site, not individually exceeding 24 square feet in area, set back at least 10 feet from the public right-of-way, not to exceed 10 feet in height, and not illuminated. Signs may be attached to a building, provided they do not exceed the roofline or parapet wall of the building. Signs must be stationary and must be removed at the time of the final inspection for occupancy.

e. Political, religious, and civic campaign signs, not exceeding 32 square feet in size. Such signs shall be located on private property (with owner's consent) and set back a minimum of 10 feet from the public right-of-way. Such signs are authorized in any zone for a period not to exceed 90 days provided such signs are removed within 10 days following the conclusion of the campaign.

f. Electronic time and temperature signs as part of an on-site advertising sign are permitted as regulated by development standards contained in RCMC 23.743.065, Standards for electronic message signs.

g. On-site directional signs. Exit, entrance, or other on-site traffic directional signs are permitted. When located within a required front yard or street side yard area, the maximum height of any directional sign shall be 30 inches and the maximum size shall be four square feet. No advertising or message other than for traffic directions

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shall be displayed and such signs shall be subject to review and enforcement authority. The use of iconic signage as part of on-site directional signs is highly encouraged and may be required as part of a unified sign program. For village centers, local town centers, regional town centers, and other special developments and districts, it may be appropriate to design directional signs with the height and appearance similar to a city street sign.

h. Community interest group signs (e.g., fraternal, benevolent, social services, and religious organizations) displaying a noncommercial message, such as time and place/location of meetings, provided said signs are combined onto a common sign structure, the overall area of which does not exceed 100 square feet, and the area devoted to any one organization does not exceed 20 square feet. Such signs may be located off site of where the activity takes place; however, no more than four locations for such signs will be permitted within the city. Such signs must be set back a minimum of 25 feet from the public right-of-way in residential districts and 10 feet in nonresidential and mixed-use districts and must be located a minimum of 75 feet from any other freestanding sign.

j. Menu/order board signs. A maximum of two menu/order board signs shall be permitted for each drive-in or drive-through establishment; provided, that each sign does not exceed a maximum of 40 square feet in sign area and each sign be limited in height to eight feet. Menu/order board signs do not count toward the total allowed signage for the establishment as described in Table 23.743-1 (Allowed Permanent On-Site Sign Standards). [Ord. 16-2012 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.15.040)].

k. New business signs. Newly established businesses and businesses under new ownership may rely upon temporary signage for the initial 60 days during which the business is first opened or initial 60 days of new ownership without need of a Temporary Use Permit. Types, sizes, and locations of all such temporary signs allowed for new businesses shall be those identified in RCMC 23.743.070. Following the initial 60 day period, the business must convert to permanent signage of the types and sizes allowed by the Code or must have been issued a Temporary Use Permit for the continued use of the temporary signs in the timeframes allowed. The initial 60 day period does not contribute to the time allowances established by the Temporary Use Permit.

23.743.050 Prohibited signs.

The signs listed in this section are inconsistent with the purposes and standards of this chapter as described below and as such are prohibited in all zoning districts, unless specifically authorized by another provision of this chapter:

- A. Moving or rotating signs, except barber poles at barbershops.
- B. Signs with flashing, moving, or animated illumination (e.g., flashing signs), except barber poles at barbershops and electronic readerboards. Sign content must remain static and not change message or appearance and may only change message or appearance after a minimum period of 60 minutes.
- C. Any sign displaying any obscene matter.

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D. Signs located within the clear vision triangle as defined by Improvement Standard 4-18, Visibility Restrictions at Driveways and Intersections and any future updates thereto.

E. Signs which imitate or resemble official traffic warning devices or signs, that by color, location, content, or lighting may confuse or disorient vehicular or pedestrian traffic, excluding on-site directional signs as specified in RCMC 23.743.040.

F. Portable signs (e.g., A-frame sign), except as provided for real estate signs as provided in RCMC 23.743.040(E)(2)(i) or as permitted as a temporary sign with a temporary use permit as provided in RCMC 23.743.070.

G. Temporary signs, except when a valid Temporary Use Permit has been issued or as otherwise exempted in RCMC 23.743.040 (Permit requirements and exemptions for signs).

H. Inflatable or lighter-than-air devices (e.g., balloon sign) of any kind when attached or secured from the ground or to any object on the ground, except for residential real estate as part of zoning certification and under the standards of RCMC 23.743.085 (Real estate sign standards) or except when a valid Temporary Use Permit has been issued as provided for in RCMC 23.743.070.

I. Portable readerboard advertising devices which are readerboard signs affixed with wheels so as to make them moveable signs.

J. Signs projecting over roofs and roof signs except where specifically provided for under the provisions of signs attached to buildings.

K. Signs projecting from buildings except where provided for in a special sign district ordinance or otherwise specifically provided for.

L. Banners, except when allowed through a temporary use permit or a grand opening event as described in RCMC 23.743.070.

M. Pennant flags and string pennant flags.

N. Wind signs.

O. Vehicle signs (large) as defined in this chapter.

P. Video display signs prohibited except as provided for in RCMC 23.743.065.

Q. Electronic changeable copy signs are prohibited except as provided for in RCMC 23.743.065.

R. Digital freeway signs are prohibited except as provided for in RCMC 23.743.150.

S. Electronic graphic display sign prohibited except as provided for in RCMC 23.743.065.

T. Signs with fluctuating illumination are prohibited, including any changes in light intensity or use of intermittent, strobe or moving light that does not fall under the definition of another sign type (e.g., video display sign).

U. Any other advertising device attached to a building, fence, pole, or vehicle on display not specifically mentioned, unless otherwise provided for in this code.

V. Any sign in the public right-of-way unless otherwise permitted in this code or by the public works director (e.g., encroachment permit).

W. Signs on portions of a structure exempted from the height requirements as described in RCMC 23.701.050 (Height exceptions) when said features exceed the height limit of the underlying zone. [Ord. 16-2012 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.15.050)].

X. Pylon signs as defined in this chapter.

Y. Pole signs as defined in this chapter.

23.743.060 Allowed permanent on-site sign standards.

Table 23.743-1 (Allowed Permanent On-Site Sign Standards) lists the development standards for all on-site permanent signs. These regulations are based on use type, rather than by zoning district, except as otherwise described herein. Only those signs that are permitted are listed. As provided in RCMC 23.743.040(A), all signs require zoning clearance prior to construction/installation, unless otherwise exempted. The purpose of these regulations is to regulate permanent signs that have a commercial message so that they comply and are consistent with the intent of this chapter. Regulations for temporary signs are listed in RCMC 23.743.070 (Allowed temporary on-site sign standards). Regulations for off-site signs are listed in RCMC 23.743.080 (Allowed off-site sign standards). General development, maintenance, and removal provisions for on-site signs are listed in 23.743.090.

The following rules apply to permanent signs regulated by this section:

A. Collective Sign Area. The total sign area allowed herein for each sign type may be distributed among the maximum number of signs permitted for that sign type. For example, the total allowed area for wall signs for a particular establishment may be distributed amongst the maximum number of wall signs allowed for that same establishment.

C. Sign Area Allowance. Allowable sign area is either a set square footage per establishment or is based on a ratio of sign area to primary building frontage. It is calculated as described in RCMC 23.743.090 (General development, maintenance, and removal provisions for all sign types). Where a ratio is described, it applies up to the listed maximum sign area.

D. Building Frontage for Multiple Story Office Buildings. For multi-story office buildings, the maximum sign area for building-attached signs is based on the primary building frontage of the building, not of the tenants. The total area allowed may be distributed among the tenants at the owner's discretion.

Table 23.743-1: Allowed Permanent On-Site Sign Standards

Sign Type	Maximum Number Permitted	Maximum Area ³	Maximum Height	Illumination Allowed	Minimum Setback from ROW	Other Standards
Home Occupations						
Building-Attached Sign	All types	1/home occupation	4 sf	Not extending above the roofline of the building	No	
Agricultural Uses						
Freestanding Sign	Monument only	1/establishment	Parcels < 5 ac, 16 sf; Parcels > 5 ac, 24 sf	6 ft	No	10 ft
Permanent Subdivision Identification Signs						
Freestanding Sign	Monument or on fence/wall, not in ROW	1/entrance	24 sf	6 ft	Yes	10 ft
	Monument, w/in ROW	1/entrance	24 sf	6 ft	No	¹
Multifamily Dwellings and Complexes						
Building-Attached Signs	All types	1/entrance	24 sf	Not extending above the roofline of the building	Yes	
Freestanding Sign	Monument only	1/entrance	24 sf	6 ft	Yes	10 ft
Commercial Uses						
Building-Attached Signs	All types	No maximum	< 50 ft from ROW; 2:1: ≥ 50 ft from ROW; 3:1	Not extending above the roofline of the building	Yes	
Freestanding Signs for	Monument only	1/project entrance	50 sf	10 ft	Yes	10 ft

Sign Type		Maximum Number Permitted	Maximum Area ³	Maximum Height	Illumination Allowed	Minimum Setback from ROW	Other Standards
Individual Buildings not part of an Integrated Development							
Freestanding Signs for Integrated Developments	Monument only	1/project entrance	150 sf/sign	10 ft	Yes	10 ft	
Office Uses							
Building-Attached Signs	All types	1/establishment /building frontage	1:1	Not extending above the roofline of the building	Yes		
Freestanding Signs for Individual Buildings not part of an Integrated Development	Monument only	1/project entrance	25 sf	10 ft	Yes	10 ft	
Freestanding Signs for Integrated Developments	Monument only	1/project entrance	50 sf/sign	10 ft	Yes	10 ft	
Industrial Uses							
Building-Attached Signs	All types	No maximum	< 50 ft from ROW; 2:1; ≥ 50 ft from ROW; 3:1	Not extending above the roofline of the building	Yes		
Freestanding Signs for Individual Buildings not part of an Integrated Development	Monument only	1/parcel	40 sf	10 ft	Yes	10 ft	
Freestanding Signs for Integrated	Monument only	1/project entrance	40 sf/sign	10 ft	Yes	10 ft	

Sign Type		Maximum Number Permitted	Maximum Area ³	Maximum Height	Illumination Allowed	Minimum Setback from ROW	Other Standards
Developments							
Automotive Service Stations²							
Building-Attached Signs	All types	No max	125 sf all signs	Not extending above the roofline of the building	Yes		
Freestanding Signs	Monument only	2	36 sf for freestanding signs. 52 sf including pricing signs	10 ft	Yes	10 ft	
Institutional and Public/Quasi-Public Uses							
Building-Attached Signs	All types	1	24 sf	Not extending above the roofline of the building	Yes		
Freestanding Signs	Monument only	1/main entrance	24 sf	6 ft	Yes	10 ft	
Public Assembly Uses							
Building-Attached Signs	All Types	1	36 sf total	Not extending above the roofline of the building	Yes		
Freestanding Sign	Monument only	1	24 sf for freestanding sign	6 ft	Yes	10 ft	

Notes:

1. Within median island, sign must be set back three feet from sides and 12 feet from ends.
2. Excludes the gas pricing component of the subject sign, which is regulated by state law.
3. Maximum total sign area may be exceeded with the approval of a unified sign program. Signage may also be permitted to exceed the total signage allowance based on primary site or building frontage by 25 percent with the approval of a unified sign program.

[Ord. 16-2012 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.15.060)].

23.743.065 Standards for electronic message signs.

A. Applicability. Permit requirements for electronic message signs are established in RCMC 23.743.040(C). Provisions of this section apply to the following sign types as defined in this chapter:

1. Video display signs;
2. Electronic graphic display signs; and
3. Time and temperature signs.

B. Development Standards. The following provisions apply to electronic message signs:

1. Signs are permitted in any zoning district and must be located a minimum distance of 100 feet from an abutting residential district boundary.
2. An electronic sign or signs are limited to a maximum of 32 square feet per site and shall be included as part of the total sign area allowances established by Table 23.743-1.
3. Sign must be located on the site of the use identified or advertised by the sign.
4. Audio speaker or any form of pyrotechnics are prohibited in association with any electronic message signs.
5. Illumination levels shall be regulated such that the illumination is appropriate to the time of day through the use of such means as light meters and programmed illumination regulation or LEDs that are designed to limit the spread of light. Dimmer controls that are automatically responsive to surrounding light levels are highly encouraged.
6. Time Temperature Signs. A time and/or temperature signs does not count toward the otherwise applicable limits as to number and size of signs for the property on which it is located, provided:
 - a. Maximum Area and Height. The sign shall have a maximum area of 36 square feet and shall comply with the height requirements established in Table 23.743-1 (Allowed Permanent On-Site Sign Standards) for the type of sign (building/freestanding) to which it is attached.
 - b. Design. The sign shall be designed in a manner that is architecturally compatible with other signs and with the structure on which it is placed.

23.743.070 Allowed temporary on-site sign standards.

This section describes standards for temporary on-site signs. All temporary signs require a temporary use permit prior to their establishment. Temporary commercial signs may include, but are not limited to, signs for special product, sale, or event advertising. All temporary signs must comply with the standards listed in Table 23.743-2 (Allowed Temporary On-Site Sign Standards) and are subject to the following:

A. Time Duration. Permitted for a period not to exceed 60 days. No more than two temporary use permits for temporary signs shall be issued for the same property per calendar year.

B. Sign Area. The allowable combined square footage of all temporary signage on a single property shall not exceed 200 square feet.

C. Illumination. Temporary signs may not be internally illuminated. Any external illumination of temporary signage shall comply with section 23.743.090(D).

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D. Message. Temporary signs displaying a commercial message shall be limited to on-site signage only. Off-site signage displaying a commercial message shall not be permitted.

E. Prohibited signs. No prohibited signs identified in section 23.743.050 shall be permitted as a temporary sign.

Table 23.743-3: Allowed Temporary On-Site Sign Standards

Type	Maximum Temporary Number Permitted	Maximum Area	Maximum Height	Minimum Setback from ROW ¹
Commercial, Office, and Industrial Uses, Temporary Building-Attached Signs	2/establishment	2:1	roofline	
Commercial, Office, and Industrial Uses, Freestanding Signs	2/establishment	32 sf/sign	10 ft	5 ft
Commercial, Office, and Industrial Uses, Feather Flags	5/establishment	50 sf	12 ft	5 ft
Commercial, Office, and Industrial Uses, A-frame Signs ²	1/establishment	8 sf	4 ft	5 ft
Commercial, Office, and Industrial Uses, Inflatables	1/establishment	100 sf	25 ft	10 ft
Multifamily Dwelling Complexes (e.g., apartments)	3/complex	< 10 units: 24 sf > 10 units: 32 sf	roofline if on building; otherwise 10 ft	5 ft
Agricultural Uses	1/establishment	5 sf	5 ft	5 ft
Public/Quasi-Public Uses	2/use	5 sf/sign	5 ft	5 ft

Notes:

1. Must be located outside of the clear vision triangle.
2. Must comply with standards in RCMC 23.743.100(A)
[Ord. 16-2012 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.15.070)].

23.743.080 Allowed off-site sign standards.

New off-site commercial signage is prohibited within the city except as permitted in this section and RCMC 23.743.150, Digital freeway signs overlay. Existing off-site commercial signs (e.g., billboards) not permitted pursuant to subsection (C) of this section or RCMC 23.743.150 are considered nonconforming signs as regulated by RCMC 23.743.140. However, consistent with state law, the city does permit off-site subdivision directional signs as regulated in RCMC 23.743.085. Off-site signs shall be regulated as follows:

A. Billboard Relocation. Off-site signs which meet the eligibility criteria outlined below may be relocated from one location to another location, subject to issuance of a conditional use permit from the city council. Billboard relocations that include the use of a digital display area(s) must meet the permit requirements and development standards identified in RCMC 23.743.150, in addition to the eligibility criteria outlined below.

1. Eligibility Criteria for Existing Signs and Site Locations.

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a. Existing sign has been documented by the applicant/owner to have been lawfully erected and maintained.

b. Site has not been acquired by any public agency necessitating sign removal.

c. Existing sign owner and/or property owner has not been notified by the city that the sign must be amortized because it is presently located in an agricultural or residential zone.

d. The proposed sign location is within an industrial zone.

2. Development Standards for Relocated Signs. Relocated billboard signs shall comply with the following standards:

a. Area. The maximum area allowed shall be 720 square feet.

b. Length. The maximum length allowed shall be 50 feet.

c. Location. Each off-site sign shall be located not less than 300 feet from any other off-site sign nor closer than 75 feet from any on-site freestanding sign. No off-site sign shall be located within 200 feet of a parcel located within any agricultural or residential zone nor shall any such off-site sign be located more than 1,000 feet from a parcel lawfully used for commercial or industrial purposes. Each off-site sign shall be so located that the part of the sign closest to the street right-of-way shall be not less than 50 feet from the right-of-way. An off-site sign may be permitted with a setback the same as the building on the parcel, with a minimum setback of 25 feet.

d. Height. The maximum height shall be 30 feet.

e. Measurement of the Spacing of Off-Site Signs Regulated by This Section.

i. When measuring the separation of signs or uses along a public street, the location of each sign shall be projected at right angles to the center line of the street and distance measured along the street center line between the two points projected thereto.

ii. When measuring distance between signs located on parcels located at intersecting streets, the sign location is to be projected at right angles to the street center line and the distance is measured on the center line of the two streets between the two projected points. Only one off-site sign shall be permitted per corner parcel.

iii. Any measurement from a sign to another land use zone shall be by straight line measurements from the closest point of the sign to the zoning boundary.

f. Aesthetics.

i. The sign will not require removal or substantial trimming of existing vegetation or landscaping.

ii. The sign will not obstruct or obscure on-site signs on the same or adjacent properties.

g. Traffic Safety.

i. The sign will not be a visibility hazard to traffic on adjacent streets or parking areas.

ii. The sign will not reduce parking availability as required by this title.

iii. The sign will not interfere with on-site vehicular circulation.

h. Compatibility. The sign will not have substantial detrimental effects on views from and light striking adjacent or surrounding properties.

3. Proposed Sign and Site Location Guidelines for Relocated Signs within Automotive and Industrial Areas. The following guidelines are not mandatory but should

be considered by the designated approving authority during public hearings on conditional use permit applications for relocated signs:

a. All relocated off-site signs should be freestanding and should be built with a single supporting post, if at all possible, and should be located on no more than two supporting posts.

b. Signs should not be relocated into any special sign district.

c. Double-paneled signs should not have an interior angle between the face of the panels greater than 20 degrees. [Ord. 16-2012 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.15.080)].

23.743.085 Real estate sign standards

This section describes the standards for on- and off-site limited term signs associated with real estate sales activities.

A. Allowed on-site real estate signs are exempt from permit, subject to the following limitations:

1. Not more than one on-site for sale sign and one for lease sign is permitted per property frontage.

2. The size of all on-site nonresidential real estate signs is limited to a maximum of 10 feet in height and an area of 32 square feet and shall be set back a minimum of three feet from the right-of-way (window signs are exempt from setback requirement) and shall not obstruct the corner visibility requirements of Improvement Standard 4-18, Visibility Restrictions at Driveways and Intersections.

3. The size of all residential real estate signs is limited to 10 square feet and must be set back a minimum of three feet and shall not obstruct the corner visibility requirements of Improvement Standard 4-18, Visibility Restrictions at Driveways and Intersections.

B. Allowed off-site real estate signs. Portable real estate signs located off site from the property advertised, for purposes of directing traffic to the property in question, may be allowed, provided they do not exceed an overall size of nine square feet each, including supports, and do not exceed a height of 30 inches. Such signs may not be located within the public right-of-way and may only be displayed on weekends and holidays when open house sales activities are ongoing (e.g., the home is open to the public for viewing and inspection). One sign may be placed for each change in direction of travel to a maximum of five signs.

C. Allowed temporary signs for subdivision real estate sales. Signs of this type are temporary, limited-term signs that provide direction/location information to motorists and pedestrians for initial home sales of multiple lots with a single builder within a master planned community, including both single-family and multifamily for-sale products. These signs are allowed during active home sales and must be removed when sales have concluded. These signs are exempt from permit, subject to the following limitations:

1. On-site subdivision balloons. 5 balloons per sales trailer or model home complex to a maximum height of 65 feet are allowed.

2. On-site subdivision directional signs. 1 temporary subdivision directional sign per subdivision entrance to a maximum of 6 such signs are allowed.

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Each sign can be up to 32 square feet and a maximum height of 10 feet. Signs must be setback 10 feet from the right of way.

3. On-site subdivision flags. Up to 10 flag poles per subdivision are allowed. Flags can be up to 15 square feet each and up to 20 feet tall. Poles must be setback 10 feet from the right of way.

4. Weekend directional stake signs. Weekend directional stake signs are those signs customarily displayed on the weekends, measuring less than nine square feet in area, and mounted on wooden stakes. Such signs may be used to identify the name and location of active home sales as part of a new residential subdivision/condominium project; provided, that each face of the sign does not exceed four square feet, and it is mounted such that it is no more than four feet tall from the ground and is set back a minimum of five feet from the edge of the roadway pavement. Additionally, such signs are only allowed on a temporary basis from noon on Friday to no later than noon on the following Monday. In the event that Friday is a nationally recognized holiday, said signs may be erected on Thursday after noon. In the event that Monday is a nationally recognized holiday, said signs may remain in place until Tuesday by noon. In no event may a weekend directional stake sign be located within a roadway median.

5. Off-site subdivision freestanding signs. Off-site subdivision freestanding signs are allowed within the city limits, up to 5 such signs per subdivision, to a maximum of 32 square feet and 10 feet in height for each individual sign. These signs are prohibited within the public right of way or on any city-owned property. These signs shall be kept in good repair for the duration of the homes sales activities.

23.743.090 General development, maintenance, and removal provisions for all sign types.

This section describes the standards applied to the development, maintenance, and removal of signs within the city.

A. Measurement of Sign Area.

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

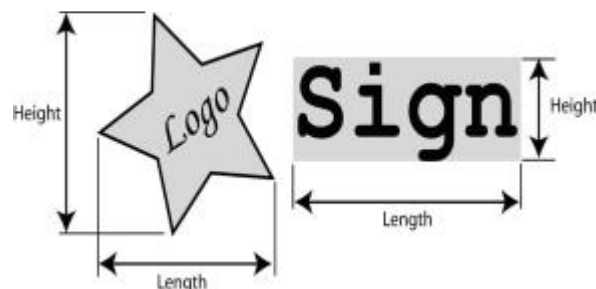


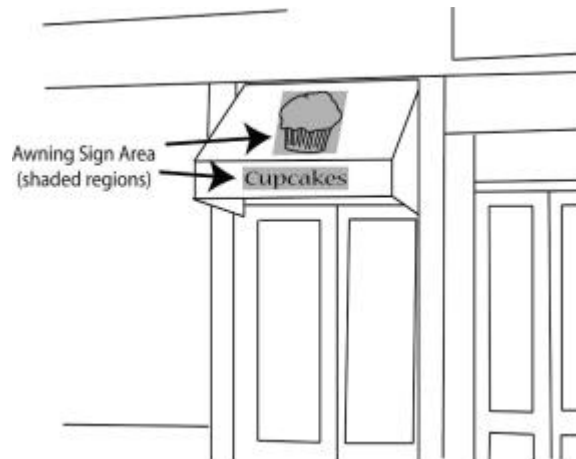
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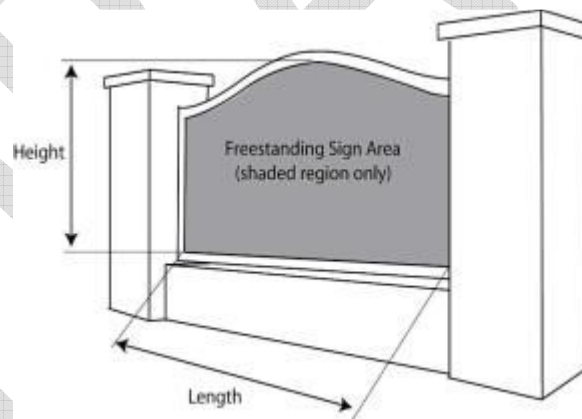
2. Awning or Canopy Signs. Sign copy which is applied to an awning or canopy shall be computed at 100 percent of the area within a single rectangle enveloping the sign copy. See Figure 23.743-6 (Awning or Canopy Sign Area).

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.

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:

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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 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.

F. Setback and Spacing of Freestanding Signs.

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1. The minimum setback distance for signs shall be measured from the back of the public right-of-way, unless an encroachment permit is granted.

2. Except as provided herein, setback for signs shall be measured from the future right-of-way as provided by subsection (F)(1) of this section to the closest edge of the sign. For streets which are improved to a width less than the future right-of-way, setback for signs may be measured from the existing improvements meeting current city standards; provided, that a relocation agreement shall be recorded at the owner's expense which guarantees that the property owner agrees to relocate the sign at his/her own expense to the required setback from the right-of-way at such time that the city widens (or causes to be widened) the street to the future right-of-way. For parcels where improvements are not complete to meet present city standards, setback shall be measured from that point which would abut city standard improvements if they were installed. For parcels that do not have existing improvements and where other parcels within the same block have improvements, the setback may be measured from a projection of existing street improvements within the same block. In no case shall a sign be located within the dedicated right-of-way.

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. [Ord. 16-2012 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.15.090)].

23.743.100 Special development standards for specific sign types.

This section describes the standards for certain types of signs as defined in RCMC 23.743.030 (Definitions). These provisions are consistent with the development standards for signs as listed in Table 23.743-1 (Allowed Permanent On-Site Sign Standards).

A. A-frame Signs. A-frame signs may be permitted with a Temporary Use Permit and subject to the standards in Table 23.743-3 and the following:

1. A-frame signs shall only contain information and advertising for the establishment placing the sign.

2. A-frame signs shall not be located within the public right-of-way, clear vision triangle, required path of travel, parking spaces, drive aisles, and landscape planters, and shall not block building entries or emergency exits.

3. A-frame signs shall have a locking arm or other device to stabilize the structure.

4. A-frame signs shall be displayed only during the regular business hours of the establishment.

5. A-frame signs shall not be illuminated.

6. A-frame signs shall be made of sturdy material not susceptible to fading or damage from use and weather. The use of paper or cloth is not permitted unless located within a glass or plastic enclosure.

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B. Awning and Canopy Signs. Awning or canopy signs may be permitted only as an integral part of the awning or canopy to which they are attached or applied. Awning and canopy signs shall be regularly cleaned and kept free of dust and visible defects.

C. Blade/Bracket Signs. All signs projecting over walks, halls, corridors, passageways, or aisles shall be installed in compliance with the Handicapped Access Regulations, California Code of Regulations, Title 24, State Building Code, Part 2, Section 2-1721, entitled "Protruding Objects."

D. Freestanding Signs.

1. Design. The mass/scale of a freestanding sign shall be consistent with the overall design of the building. The design and placement of the sign shall not interfere with the required clear vision triangle.

2. Landscape Requirements. See RCMC 23.716.060(H) (Signs).

3. Construction. Only monument signs are permitted types of permanent freestanding signs in the city. Signs constructed with exposed metal poles that are not architecturally integrated into the design of the sign are considered pole signs and are prohibited. Freestanding signs may be constructed with poles as a substructure; provided, that the poles are covered with architectural cladding or coverings so they appear to be architecturally integrated.

E. Building-Attached Signs. Building-attached signs (e.g., wall signs, channel letter signs) shall comply with the following development standards:

1. Location. The sign shall not be placed to obstruct any portion of a window, doorway, transom, or other architectural detail.

2. Maximum Area and Height. The sign shall not project above the edge of a structure and shall comply with the height requirements established in Table 23.743-1 (Allowed Permanent On-Site Sign Standards).

3. Projection from Wall. The sign shall not project from the surface upon which it is attached more than required for construction purposes and in no case more than 18 inches. See RCMC 23.743.090 (General development, maintenance, and removal provisions for all sign types) for three-dimensional elements on all signs. [Ord. 16-2012 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.15.100)].

23.743.110 Special sign districts.

Nothing within this chapter shall prohibit the city from establishing special sign districts for specific areas or districts of the city. The intent of these special sign districts is to provide a uniform and consistent branding and identification for areas of the city which would benefit from such regulations. Examples may include, but are not limited to, the downtown and the convention district. As part of the special sign district, the city may adopt special development standards for private party signs that apply to property within the special sign district. The designated approving authority for adoption of special sign districts shall be the city council and the process for adoption shall be the same as for text amendments to this zoning code. Upon adoption, each special sign district shall be listed herein for reference, and the boundaries and title of the special sign district shall be added to or otherwise designated on the city zoning map. Applications for zoning clearance under the regulations of a special sign district shall be reviewed in the same manner as other zoning clearances for signs. [Ord. 16-2012 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.15.110)].

23.743.120 Special sign corridors.

A. Purpose and Designation. The special sign corridors are hereby designated along state highways, county roads, and rivers which accommodate the traveling public. These types of corridors have traditionally attracted large, bright, gaudy signs in an effort to attract the attention of the traveler to a business or a product which may or may not be related to the travel way or the needs of the traveler. The purpose of the regulations in this section is to make provisions for signs that identify the name and type of business in an aesthetic manner that complements the architecture of the building and serves the needs of the traveling public.

B. Locations and Boundaries of Special Sign Corridors. The following roads, rivers, and other travel ways shall have a special sign corridor established for them based upon a radius/buffer from the established centerline of the roadway as identified. These special sign corridors and their respective radii shall be delineated on the city zoning map (see RCMC 23.301.030, Zoning map).

1. U.S. Highway 50: 1,000-foot radius/buffer;
2. Sunrise Boulevard from the American River to Jackson Highway: 500-foot radius/buffer;
3. American River centerline/northern city limits: 500-foot radius/buffer.

C. Permit Required.

1. Within the special sign corridors, an administrative use permit shall be required from the designated approving authority prior to issuance of zoning clearance for any freestanding sign located within the special sign corridor. A freestanding sign included in an approved Unified Sign Program provided for by RCMC 23.743.120(C)(2) is exempt from the Administrative Use Permit requirement. For all other signs, only zoning clearance (administrative approval) is required.

2. Where the building and facilities are of size, shape, height, or of such geographical conditions or location that office use sign provisions are not appropriate, building-mounted signage and freestanding signs for said parcel or integrated development may be considered by Unified Sign Program when the designated approving authority finds that the proposed sign or signs:

- a. Are proportional and in scale with the buildings.
- b. Are compatible in design, color, and material with the building and surrounding area.
- c. Do not constitute a special privilege over adjoining uses.
- d. Do not block from view existing buildings and existing signs.
- e. Are unobtrusive.
- f. Are in keeping with the intent of the sign regulations.
- g. Do not exceed the height and size allocation established in Table 23.743-1 for signs located on parcels in the same zone which are not within the special sign corridor.

D. Applicability to Special Standards. Unless otherwise exempted, all signs proposed for property located either entirely or partially within a special sign corridor shall require issuance of zoning certification and shall conform to the special development standards herein established. Those signs specifically exempted from these special standards include the following:

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1. Signs otherwise exempt from the requirement for zoning clearance as identified in RCMC 23.743.040(E) (Exempt Signs), provided they conform to any applicable development standards listed therein (e.g., directional signs);

2. Signs for automotive service stations, limited to signage specifically required by state law;

3. Signs which can be shown by the applicant through a visual simulation or other quantifiable justification to not be visible from the roadway or travel way associated with the respective special sign corridor.

E. Prohibited Signs. In addition to the provisions of RCMC 23.743.050 (Prohibited signs), the following additional sign types shall be prohibited within special sign corridors:

1. Pole signs.

2. Any off-site sign except the following:

a. Off-site subdivision signs developed consistent with the standards of RCMC 23.743.080(B) (Multi-Development Kiosk); or

b. Billboards relocated pursuant to the standards of RCMC 23.743.080(C) (Billboard Relocation), provided the sign being relocated to the special sign corridor was already located within a special sign corridor.

c. Digital freeway signs allowed pursuant to the standards of RCMC 23.743.150 (Digital freeway signs overlay), provided the digital freeway sign is a refurbished, existing traditional billboard, or replaces an existing sign that is being relocated from elsewhere within the special sign corridor.

F. Standards for Signs in Special Sign Corridors.

1. Generally, all signs located within a special sign corridor, regardless of associated use type or underlying zoning district, shall conform to the development standards listed in Table 23.743-1 (Allowed Permanent On-Site Sign Standards) for office uses.

2. The exception to this standard shall be, as described in subsection (D) of this section (Applicability to Special Standards), if an applicant can demonstrate that a proposed sign will not be visible from the roadway or travel way associated with the respective special sign corridor, that sign may be developed consistent with the provisions for the associated use type.

3. For parcels with no public street frontage and being served by access easement, mutual parking agreement, or a private road, that parcel may have one monument sign at the point of access to a public or private street consistent with the following standards:

a. The maximum area allowed shall be 24 square feet.

b. The maximum height allowed shall be six feet.

c. The minimum setback allowed shall be 10 feet from existing street improvements or right-of-way line, or as otherwise determined by enforcement agency when other than a public street.

d. A minimum of 50 feet of spacing shall be maintained between the subject freestanding sign and any other freestanding sign.

e. The sign shall be located within a landscaped area with a minimum of three feet of landscape area in each direction. [Ord. 16-2012 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.15.120)].

23.743.130 Gateway signage program.

A. Establishment and Purpose. The city does hereby establish a gateway signage program for the purposes of establishing special signage at key entrances into the city and major districts within the city. The city recognizes that by providing major signage opportunities at key entrances to the city and major districts (e.g., downtown, convention area, regional town center), the businesses, activities, events, and places of the community can be promoted for the greater public benefit.

B. Location Requirements for Gateway Signs. Gateway signs may be located at each of the entrances to the city from U.S. Highway 50, including Bradshaw Road, Mather Field Road, Zinfandel Drive, Sunrise Boulevard, and Rancho Cordova Parkway. Gateway signs must be located on property within the city limits, within the city's public right-of-way, or within the Caltrans right-of-way upon issuance of a Caltrans encroachment permit. Gateway signs may also be located as part of any regional town center zone.

C. Administration, Design, and Operation of Gateway Signs. The gateway signage program is a city-administered program. The process for securing sites, designing the signs, leasing or otherwise providing space on the sign for identification of uses and events in the city, maintaining the signs, and other functions shall be established by city council resolution and may be updated from time to time as deemed necessary by the council. Nothing herein shall prohibit the city from acquiring the services of a private organization for purposes of designing, constructing, maintaining, and operating the sign(s).

D. Special Development Standards for Gateway Signs. Because of the unique location and purpose of gateway signs, the following general development standards shall apply:

1. As a freestanding sign, gateway signs may be either monument or pylon signs. The maximum height allowed shall be 60 feet. The maximum allowed area for all signage on each gateway sign shall be 1,000 square feet.

2. No more than one sign shall be located at each freeway off-ramp site or regional town center zone.

3. The sign should include the city logo and identification, through text and/or iconic signage, of the area of the city with which it is associated (e.g., Cordova Town Center, Sunrise Station, Mills Station/Mather Field).

4. All other development standards listed in RCMC 23.743.090 (General development, maintenance, and removal provisions for all sign types) shall be adhered to, especially illumination standards. [Ord. 16-2012 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.15.130)].

23.743.140 Nonconforming and abandoned signs.

A. Except as otherwise provided in this chapter, any sign lawfully in use on the effective date of the ordinance codified in this title, or any amendment thereto, shall be considered a legal use and as such may continue to operate and exist, provided:

1. Nonconforming signs shall be kept in good repair and visual appearance. Structural alterations or modifications of any nonconforming sign are prohibited. Structural repair resulting in same size and shape is permitted subject to the provisions

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of RCMC Title 18. Change of copy on a nonconforming sign shall be allowed, provided the change does not increase the area of the sign (see RCMC 23.743.040).

2. Whenever any modifications, alterations, or changes occur or are proposed as provided in Chapter 23.170 RCMC (Nonconforming Uses and Structures), the sign shall be brought into conformance with the provisions, standards, and regulations of this chapter, requiring issuance of zoning clearance.

B. The city council or other designated approving authority may, as a condition of rezoning, design review or use permit (any type), or other development entitlement, require any nonconforming sign on the applicable property to be removed or altered so as to comply with the provisions of this chapter.

C. Off-site signs, except off-site subdivision directional signs that were lawfully erected pursuant to the zoning code in effect immediately prior to December 26, 1985, and which do not comply with Sacramento County Ordinance No. SZC 85-124, shall be nonconforming signs subject to the remedies in Business and Professions Code Section 5412. The failure to have a conditional use permit for an off-site sign as of December 26, 1985, shall not, by itself, cause a sign to become nonconforming.

D. Sign structures which have no message attached to them for more than 90 days shall be considered abandoned signs and as such may be abated by the city. For regulatory purposes, any factors indicating abandonment shall not begin occurring until 90 days after the ordinance codified in this chapter first goes into effect. [Ord. 16-2012 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.15.140)].

F. Abandoned Signs. An abandoned sign pursuant to Section 23.743.030 shall be removed or altered within 90 days after it becomes an abandoned sign.

23.743.150 Digital freeway signs overlay.

A. Purpose and Designation. The digital freeway signs overlay is hereby established to enable the consideration of digital freeway signs in certain, specific locations within the city. Digital freeway signs located within the overlay area that meet the development standards established below may be permitted through a conditional use permit. Digital freeway signs are only allowed as billboard relocations or as conversions of an existing billboard in place.

B. Location. The digital freeway signs overlay encompasses two specific geographies in the northeastern area of the city. As seen in Figure 23.743-8, the Sunrise Boulevard area is bound by Highway 50 on the north, Folsom Boulevard on the south, Citrus Road on the west, and the terminus of the industrially zoned parcels on the east. Also, as seen in Figure 23.743-8, the Hazel Avenue area is bound by Highway 50 on the north, Folsom Boulevard on the south, and Hazel Avenue on the east. Digital freeway signs proposed outside of these two specific areas are prohibited.

Figure 23.743-8: Digital Freeway Signs Overlay Location

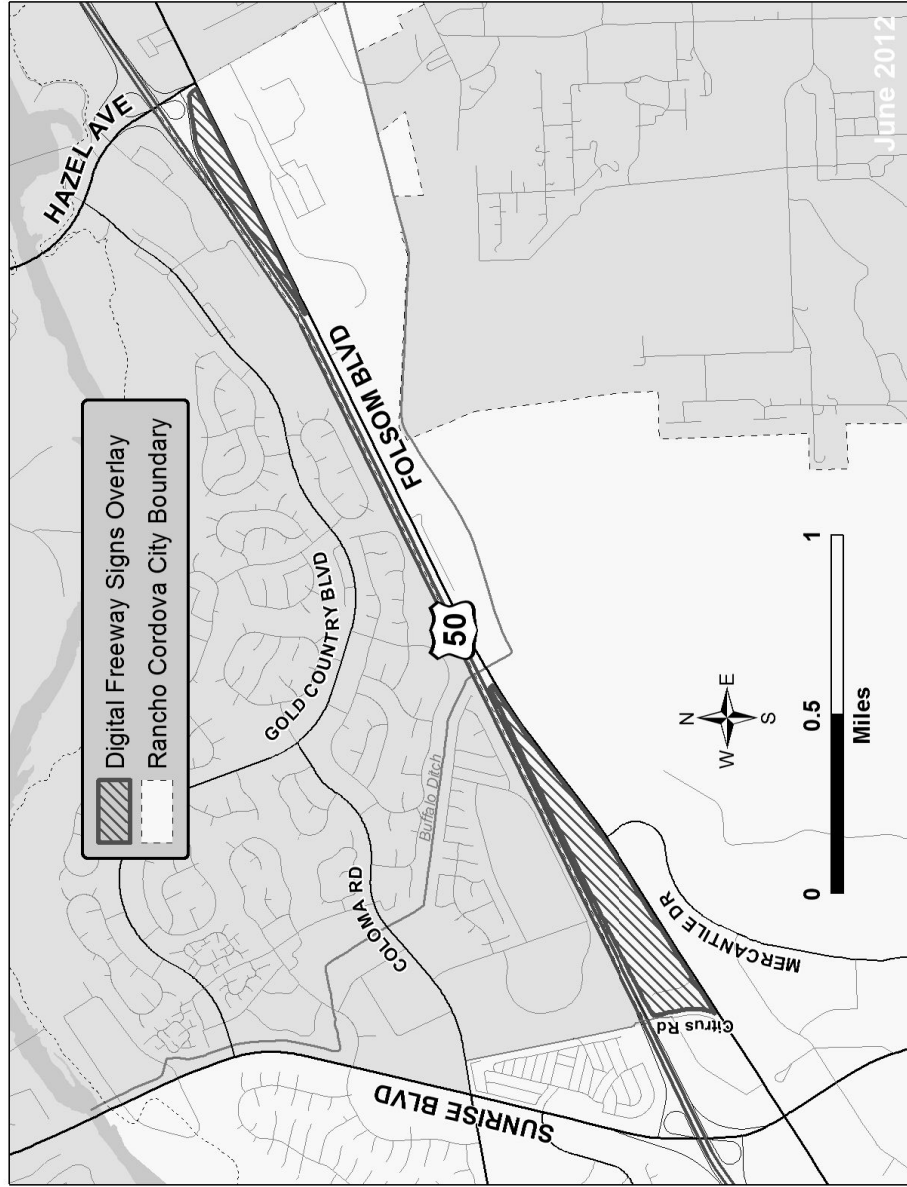


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C. Development Standards.

1. Legally existing billboards may be refurbished to become a digital freeway sign, subject to the development standards below and issuance of a conditional use permit.

a. Number of Faces. A digital freeway sign may consist of, at most, two digital display areas, each positioned to be visible only by opposing directions of traffic. Double-faced signs shall not have an interior angle between the face of the panels greater than 45 degrees.

b. Height. The maximum height shall be 60 feet.

c. Area. The maximum area of each digital display area is 672 square feet.

d. Distance between Signs. No digital freeway sign shall be located within 2,500 feet of any other digital freeway sign within the city limits.

e. Sign Structure. The sign structure supporting and surrounding the digital display area shall be as small as feasibly possible so as to avoid any unnecessary height or width to the sign. The sign structure shall not add stylistic or architectural detailing to further call attention to the sign.

f. Pole Cladding. Decorative pole covering is required for newly constructed digital freeway signs as well as any existing traditional billboard that is converted to a digital freeway sign. Such covering shall be simple and streamlined in material and design so as to not call further attention to the sign.

g. Message Display. Digital freeway signs shall display static messages only, and shall not have animation, movement, or the appearance or optical illusion of movement in or on any part of the sign structure, design, or pictorial segment of the sign. Each static message shall not include flashing or scintillating lighting, or varying light intensity.

h. Minimum Display Time. Each message on the sign must be displayed for a minimum of eight seconds.

i. Illumination. Digital freeway signs shall not operate at brightness levels of more than 0.3 foot-candles above ambient light, as measured using a foot-candle meter at a distance of 250 feet from the sign face. Each digital display area shall have a light sensing device that will adjust the brightness of the sign as ambient light conditions change throughout the day.

j. Aesthetics. The sign will not require substantial trimming or reduction of existing vegetation and landscaping. The sign will not obstruct or obscure on-site signs on the same or adjacent properties.

k. Traffic Safety. The sign shall not create a visibility hazard to traffic on adjacent streets, freeways, or parking areas. The sign will not reduce parking availability as required by this title. The sign will not interfere with on-site vehicular circulation.

l. Future Technologies. There may be alternate, preferred, or superior technology available in the future to illuminate digital freeway signs. These alternate technologies may be incorporated into existing legally permitted digital freeway signs in the future without additional permissions from the city council so long as (i) the requisite maximum brightness standards are met and (ii) no exterior physical change to the digital display area will occur. The owner is responsible for obtaining any required ministerial permits for technology improvements as required by applicable code.

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standards. The city will expedite any such required approvals for technology that is superior in energy efficiency over previous generations or types.

m. Community Messaging. The city shall be provided with access to a portion of the total available display time to allow the city to present messages of community interest. This access shall also include other appropriate agencies for the purpose of displaying public safety messages such as “Amber Alert” messages and emergency-disaster communications.

n. Quality and Maintenance Plan. The applicant must establish a quality and maintenance plan in order to ensure implementation of all above-listed development standards and to assure the proper maintenance and repair of the digital freeway sign as needed.

2. Billboard Removal. For every one digital freeway sign installed, the applicant must permanently remove at least four legally existing billboard structures (each of which may have more than one billboard sign face) within the city prior to operation of the digital freeway sign. An existing billboard being refurbished as a digital freeway sign may count as one of the four required permanent removals.

3. Operating Agreement. At the applicant’s request, the city and applicant may enter into an operating agreement in conjunction with the issuance of a conditional use permit for a digital freeway sign. The city and applicant may use the operating agreement, on a case-by-case basis, to deviate from the development standards in subsection (C)(1) of this section or reduce the required billboard removals under subsection (C)(2) of this section. The city council will only approve an operating agreement if it determines that the operating agreement achieves community benefits that are equivalent to those that would be achieved through strict compliance with subsection (C)(1) or (C)(2) of this section. [Ord. 23-2013 § 3 (Exh. A); Ord. 16-2012 § 3 (Exh. A)].

Sign Related Code Standards **Record of Proposed Revisions:**

Chapter 23.119

- Revisions for consistency with section 23.743.040(D)

Chapter 23.743: Table of Contents

- Separated Permit Requirements and Exemptions into individual sections
- Added new Real Estate signs section

23.743.010: Purpose

- No change

23.743.020: Basic Policies for sign regulations

- Deleted “G. Residential Uses Combined with Nonresidential Uses” because it duplicates the regulations in “H. Mixed Use Zones/Developments”
- Re-lettered section H as section G
- Added additional clarifying provision for residential uses in the mixed use zones (#3) to new section G
- Replaced the word “institutional” with “industrial” in the parenthetical phrase in the second sentence.
- Re-lettered last two sections for consistent formatting

23.743.030: Definitions

- Amended definition of “Abandoned sign” to reflect changes to Sign Abatement
- Amended ‘Awnings’ for clarity
- Amended “Blade/bracket sign”, last parenthetical phrase went from “under canopy sign” to “projecting sign”
- Added “fence and/or wall” to the definition of ‘Banner’
- Amended :.”Changeable copy sign” for clarity
- Deleted “Changeable copy sign, electronic” to alleviate duplication of definitions
- Amended “Electronic graphic display sign” for clarity
- Amended “Electronic message sign” for clarity
- Amended “Establishment” for clarity
- Amended “Exempt sign” for clarity
- Added a definition for “feather flag”
- Added “installed on a permanent pole with a concrete foundation” to definition of “flag”
- Deleted first definition of “flashing sign” to avoid duplication
- Amended “Flashing sign” for clarity
- Revisions to “Freestanding sign” to differentiate between a permanent freestanding sign and a temporary one; deleted the following from the definition, “It includes a sign connected or attached to a sign structure, fence, or wall that is not an integral part of a building” for clarity.
- Removed typo in “Gateway entry sign”
- Fixed typo in “Iconic sign” definition
- Amended “Monument sign” to clarify these are permanent on-site signs

ATTACHMENT 2

- Removed “Multivision sign” to reflect modern technology
- Deleted “Name plate”
- Amended “Nonconforming sign” to clarify provisions of the amortization program
- Added ‘integrated’ and ‘unified sign’ to the “On-site or on-premises sign” definition
- Added ‘integrated’, removed reference to monument sign and pylon sign in the “Pole sign” definition
- Removed ‘on-site or off-site’ from “Portable sign” definition
- Added definition of “Projecting sign”
- Added ‘integrated’, removed reference to monument sign and pole sign to the “Pylon sign” definition
- Added new graphic for Pylon sign
- Deleted “Subdivision sign” definition
- Clarified a single and/or multiple builders can be included on one “Subdivision directional sign”
- Revisions to “Temporary signs” definition to clarify possible temporary sign types, removed references to real estate signs, which are regulated separately
- Added cross reference to “Iconic signage” in the “Three dimensional object sign”
- Deleted Under canopy sign

23.743.040: Permit requirements for signs

- Included reference to appropriate section in Temporary Use Permit Required section
- Removed reference to Multivision sign at 23.743.040(C)
- Modified section 23.743.040(D)(2) to include Integrated Developments as defined elsewhere in the Code
- Deleted “adopted after the effective date of the ordinance codified in this chapter” from 23.743.040(D)(2)(c); added % limits to the remodel, redesign qualifying for the sign program requirement
- Moved timing requirements of the unified sign program to section 3 (Approval of a Unified Sign Program; moved requirement to concurrent with Design Review, allowed waiver of such requirement on case-by-case basis for minor pad buildings

23.743.045: Sign exemptions

- Re-lettered for formatting consistency
- Added 1(r) Official notification signs of name and address information for property owner and/or caretaker of multi-family housing as required by law
- Amended (2)(b)
- Modified standards for flags in (2)(c) to differentiate between exempt flags and ‘feather flags’ which are regulated as temporary signs, removed illumination requirement
- Modified temporary construction signs to allow two signs per site instead of one
- Increased allowable square footage of political signs from 24 square feet to 32 square feet
- Removed Real estate signs and moved to new section 23.743.085

ATTACHMENT 2

- Revised the allowed number of menu/order boards to two per drive through instead of one to reflect current drive through development trends; removed the allowance to obtain an LUP for additional signs of this type.
- Added 23.743.045(A)(2)(k) New Business Signs to allow for a short term period during which new businesses can use temporary signage without need for a TUP

23.743.050: Prohibited signs

- Revised reference to clear vision triangle at 23.743.050(D), triangle is defined by PW Improvement Standard not by Zoning Code
- Changed 'zoning certification' to 'Temporary Use Permit' within 23.743.050(G)
- Added pylon signs to the list of prohibited signs
- Updated reference to new real estate sign section at 23.743.050(H)
- Removed Multivision sign as a prohibited sign type as the sign type is no longer permitted
- Added pylon signs and pole signs to the prohibited sign list

23.743.060: Allowed permanent on-site sign standards

- Included reference to section 23.743.090 in introductory paragraph to ensure reader is aware of general development, maintenance, and removal provisions that apply to on-site signs.
- Removed "and standards" from this sentence: "The following rules apply to permanent signs regulated by this section:"
- Removed 23.743.060(B) "Minimal Illumination" to avoid conflict and duplication with section 23.743.090(D)
- Reformatted section hierarchy
- Removed 23.743.060(E) to avoid conflict and duplication with section 23.743.020(G)
- Revisions to Table 23.743-1
 - Added allowance for building-attached signs within multifamily complexes
 - Removed maximum allowable area for building-mounted monument signs
 - Added additional allowances for monument signs for Commercial uses
 - Removed maximum allowable area for building-mounted signs for Office uses
 - Added additional allowances for monument signs for Office uses
 - Removed maximum allowable area for building-mounted signs for Industrial uses
 - Added additional allowances for monument signs for Industrial uses
 - Changed the freestanding signs requirement from 1/major entrance to 1/main entrance in the Institutional and Public/Quasi-Public Uses listing
 - Changed "Religious Institutions" listing to "Public Assembly Uses"; provided additional allowances for such uses
 - Removed regulation of park signs
 - Removed footnote 2
 - Removed footnote 3
 - Renumbered remaining footnotes and applied to table as appropriate

23.743.065: Standards for electronic message signs

ATTACHMENT 2

- Retooled standards for electronic message signs so they would all be found within one location
- Removed multivision sign as an allowable sign type
- Revised language in 23.743.065(B)(1) to allow electronic signs in any zone
- Formatting revisions
- Rewrote section A for clarity
- Added standard from 23.743.100(E)
- Removed Table 23.743-2 because it was no longer needed

23.743.070: Allowed temporary on-site sign standards

- Amended 23.743.070(A) to allow temporary signs for a period of 60 days (increased from 30 days) for 2 periods (decreased from 4 times per year) within a given year.
- Removed “Inflatable signs are prohibited” from this section
- Added A-frame signs and inflatables as allowed temporary signs per the specified standards in Table 23.743-3
- Added new provision to establish an allowable maximum square footage for temporary signage (formerly in footnote 4 of Table 23.743-3, needed to be more prominent in the Code) increased from 100 to 200 sf.
- Added new provision regarding prohibited sign types
- Revisions to Table 23.743-3
 - Moved from On-site Subdivision sign types from Table 23.743-3 to the new Real Estate signs section (23.743.085)
 - Modified allowable square footage of Commercial building-attached signs from 100 sf to a ratio of 2:1
 - Increased allowable square footage of a temporary freestanding sign to 32 sf (from 24 sf) to reflect the size of a standard piece of plywood
 - Added a new listing and standards for feather flags
 - Increased the allowable number of temporary signs for Public/Quasi-Public Uses from 1/use to 2/use
 - Removed footnotes 2, 3, 4, and 5

23.743.080: Allowed off-site sign standards

- Revised introductory paragraph to refer reader to new section 23.743.085 for real estate signage regulations
- Moved weekend directional signs and Multi-development Kiosk to new section 23.743.085
- Re-lettered Billboard Relocation
- Removed “automotive or” from 23.743.080(A)(1)(d) because there are no such zones in the City.
- Revised 23.743.080(A)(3)(b) to read “any special sign district” instead of “the special sign district”

23.743.085: Real estate sign standards

- This section is mainly just reformatted, existing content to help regulations read more clearly for both on- and off-site temporary real estate signs
- Changed reference from RCMC Chapter 12 to Improvement Standards for clear vision triangle at 23.743.085(A)(2) and (3)

ATTACHMENT 2

- Deleted Multi-development kiosk, added onsite subdivision freestanding signs

23.743.090: General development standards

- Deleted 23.743.090(A)(3)(a) to eliminate confusion. “Freestanding signs that have more than one face (e.g., two-sided, three-sided) shall have the sign area computed based on the largest area.”
- Added standard at 23.743.090(G) to provide building signage within an integrated development some flexibility and add design standards for multi-story building signs.

23.743.100: Special development standards for specific sign types.

- Renamed to “Special development standards for specific sign types”
- Add development standards for A-frame signs
- Deleted 23.743.100(D) Electronic Message Signs because it contradicts the standards in 23.743.040(C) and 23.743.065
- Moved 23.743.100(E) Time and Temperature Signs to section 23.743.065

23.743.110: Special sign districts

- No change

23.743.120: Special sign corridors

- Revised the required permit for a freestanding sign from Conditional Use Permit to an Administrative Use Permit in Section 23.743.120(C)(1)
- Amended the requirements to allow a Unified Sign Program for projects that want to have signage beyond the limitations established in the Special Sign Corridor in Section 23.743.120(C)(2)

23.743.130: Gateway signage program

- Deleted reference to pylon sign at 23.743.130(D)(1)

23.743.140: Nonconforming and abandoned signs

- Addition of new provision specific to abandoned signs at 23.743.140(G)

23.743.150: Digital freeway overlay

- No change

MEMORANDUM

DATE: April 21, 2014
TO: Honorable Mayor and Council Members
FROM: Jessica Jordan, Senior Planner
SUBJECT: SUPPLEMENTAL INFORMATION FOR AGENDA ITEM 14.2 - AN
ORDINANCE AMENDING CHAPTER 23.119 AND CHAPTER 23.743 OF TITLE
23 OF THE MUNICIPAL CODE PERTAINING TO SIGNS



ADDITIONAL REVISIONS

The attached Exhibits B and C to Ordinance 12-2014 have been modified based on analysis completed after distribution of the staff report. Modifications are shown in track changes for easy reference. Deletions are shown as strikethrough, additions in underline.

Chapter 23.119 UNIFIED SIGN PROGRAM

Sections:

23.119.010	Purpose.
23.119.020	Applicability.
23.119.030	Procedure.
23.119.040	Approval findings.
23.119.050	Conditions of approval.

23.119.010 Purpose.

The purpose of the unified sign is to adopt unique and specific design and development standards for multitenant and mixed-use developments. The intent is to integrate a project's signs with the design of the structures to achieve a unified architectural statement. A unified sign program provides a means for defining common sign regulations for multitenant projects, to encourage maximum incentive and latitude in design and display of multiple signs, and to achieve, not circumvent, the intent of this code. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.7.010)].

23.119.020 Applicability.

A unified sign program shall be required for:

- A. All new integrated developments as defined in RCMC 23.707.020;
- B. All new multitenant shopping centers, office parks, and other multitenant or mixed-use development of three or more separate tenants/uses that share either the same parcel or structure (vertical mixed-use) and use common access and parking facilities; and
- C. All redesign, remodel, or redevelopment of existing uses as identified in RCMC 23.743.040(D)(2) where more than 50% of the building square footage or 50% of the building façade would be modified if not already covered by a unified sign program.
- D. Any sign or grouping of signs within the Special Sign Corridor proposing a Unified Sign Program as allowed in RCMC 23.743.120(C)(2).

23.119.030 Procedure.

The procedure is provided in RCMC 23.110.150 (C), Director Determinations – Public Hearing. [Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.7.030)].

23.119.040 Approval findings.

The director shall approve, or approve with conditions, an application for a unified sign program after finding all of the following:

- A. The proposed sign program does not violate provisions of this zoning code and the municipal code.

B. 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.

C. 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.

D. 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. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.7.040)].

If the director does not make all of these findings, he/she shall deny the unified sign program.

23.119.050 Conditions of approval.

In approving a Unified Sign Program, the director may impose any reasonable conditions to ensure that the approval will comply with the findings required by RCMC 23.119.040m as well as any performance criteria and development standards contained within this code.

Chapter 23.743 SIGNS

Sections:

- 23.743.010 Purpose.
- 23.743.020 Basic policies for sign regulations.
- 23.743.030 Definitions.
- 23.743.040 Permit requirements for signs.
- 23.743.045 Sign exemptions.
- 23.743.050 Prohibited signs.
- 23.743.060 Allowed permanent on-site sign standards.
- 23.743.065 Standards for electronic message signs.
- 23.743.070 Allowed temporary on-site sign standards.
- 23.743.080 Allowed off-site sign standards.
- 23.743.085 Real estate sign standards.
- 23.743.090 General development, maintenance, and removal provisions for all sign types.
- 23.743.100 Special development standards for specific sign types.
- 23.743.110 Special sign districts.
- 23.743.120 Special sign corridors.
- 23.743.130 Gateway signage program.
- 23.743.140 Nonconforming and abandoned signs.
- 23.743.150 Digital freeway signs overlay.

23.743.010 Purpose.

This chapter establishes regulations for signs within the city for the purposes of safeguarding and protecting the public health, safety, and welfare through appropriate prohibitions, regulations, and controls on the design, location, and maintenance of signs. The city recognizes that signs have the potential to enhance the overall character and quality of the built environment and do provide for economic benefit from real property within the city. However, the city also recognizes the inherent public interest in regulating the time, place, and manner in which signs, both commercial and noncommercial in nature, display their message. Such interest is based on a desire to enhance traffic safety in the community by ensuring that signage does not distract motorists or obstruct or otherwise impede traffic circulation, and a desire to ensure aesthetic, architectural, and cosmetic compatibility with the surrounding community by limiting visual clutter of the streetscape, such as through the regulation of oversized signs and excessive temporary signs.

The standards of this chapter apply to signs in all zoning districts. Only signs authorized by this chapter shall be allowed. [Ord. 16-2012 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.15.010)].

23.743.020 Basic Policies for sign regulations

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A. Enforcement. The planning director is authorized and directed to administer the provisions of this chapter. The neighborhood services director is authorized and directed to enforce the provisions of this chapter.

B. Interpretations. All interpretations of this chapter are to be made with consideration to the city's message neutrality and message substitution policies. When a particular type of sign is proposed in a permit application and is not, within this chapter, expressly identified as either an exempted, prohibited, or allowed sign type, the planning director shall approve, conditionally approve, or disapprove the application based on the most similar sign type that is expressly regulated by this chapter.

C. Message Neutrality. It is the city's policy and intent to regulate both commercial and noncommercial signs in a viewpoint-neutral or content-neutral manner.

D. Message Substitution. Subject to the property owner's consent, the message on any type of existing sign may be substituted with a noncommercial message, in whole or in part, without consideration of message content; provided, that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech or favoring of any particular noncommercial message over any other noncommercial message. In addition, any on-site commercial message may be substituted, in whole or in part, for any other on-site commercial message; provided, that the sign structure or mounting device is legal without consideration of message content. This provision does not create a right to increase the total amount of signage on a parcel, lot, or land use; does not affect the requirement that a sign structure or mounting device be properly permitted; does not allow a change in the physical structure of a sign or its mounting device; and does not allow the substitution of an off-site commercial message in place of an on-site commercial message or a noncommercial message.

E. Off-Site/On-Site Distinction. Within this chapter, the distinction between on-site (or on-premises or point-of-sale) and off-site (or off-premises or nonpoint-of-sale) applies only to commercial speech messages.

F. Discretionary Approvals. Whenever any zoning certification, variance, conditional use permit, unified sign program or special planning area approval, or other sign-related decision is made, such determination shall be based only on the noncommunicative aspects of the sign, such as size, height, orientation, location, setback, illumination, spacing, scale, and mass of the structure. Graphic design may be evaluated only for a unified sign program and then only as applicable to commercial message signs.

G. Mixed-Use Zones/Developments. As described in RCMC 23.743.060 (Allowed permanent on-site sign standards), on-site signs are regulated by development type, rather than by zoning district. However, when multiple use types are present within one development (e.g., commercial and office, office and industrial), the development standards for signs applicable to that site shall be those applicable to the majority of uses in the development. For instance, if the predominant use in a development is commercial, then sign(s) for any other use type located with that same development shall also be governed by those same regulations (e.g., an office use in a commercial development shall be held to the standards for commercial developments). Additionally, the following rules shall apply:

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1. Commercial uses on the ground floor of a multi-story building where nonretail uses (e.g., office, residential) are located above the retail, regardless of the zoning district of predominant use, shall solely be regulated by the commercial sign standards.

2. Office uses above the first floor of a multi-story building where the ground floor uses are predominantly commercial in character shall be solely regulated by the office sign standards for building-attached signs.

3. Residential uses in any configuration within a mixed use development shall be solely regulated by the applicable exempt signs and Home Occupation sign standards.

H. Owner Consent. No sign may be placed on private property without the consent of the property owner or persons holding the present right of possession and control.

I. Illegal Signs. A sign shall be considered an illegal sign when it does not conform to the provisions and standards of this chapter, zoning certification has not been approved, and it is not otherwise determined to be a nonconforming sign as provided in RCMC 23.743.140 (Nonconforming and abandoned signs). Illegal signs may be abated by the city. [Ord. 16-2012 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.15.020)].

23.743.030 Definitions

For the purpose of this chapter, the following terms shall have the definitions set forth herein:

“A-frame sign” means a portable sign or advertising device which rest on the ground and are not permanently affixed to the ground or attached to a building.

“Abandoned sign” means any sign a) which is located on a premises that has been vacated for a period of at least 90 days, b) which displays no message for a period of at least 90 days, or c) which no longer advertises or identifies an ongoing establishment, product, or service available on the premises where the display is located for a period of at least 90 days. Abandoned signs are regulated in RCMC 23.743.140 (Nonconforming and abandoned signs).

“Animated sign” means any sign which uses mechanical or electrical movement or change of lighting, either natural or artificial, to depict action or to create visual motion or the appearance thereof.

“Area (of a sign)” means the measurable surface area of a sign, calculated as described in RCMC 23.743.090 (General development, maintenance, and removal provisions for all sign types).

“Awnings” means any roof-like structure extending over or in front of a place (i.e. over a patio or in front of a window or door).

“Balloon sign” means a flexible bag made of a material such as rubber, latex, polychloroprene, or a nylon fabric that is filled with a gas such as helium, hydrogen, nitrous oxide, or air. A balloon qualifies as a “sign” when it is larger than eight cubic feet in volume or is stationed at or above 10 feet above the ground.

“Banner” means any sign of lightweight fabric or similar material that is mounted to a building, fence, or wall at one or more edges. Flags shall not be considered banners (see “flag” definition).

“Billboard” means a sign which meets one or more of the following criteria (also see “off-site or off-premises sign”):

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A. A permanent structure sign which is used for the display of off-site commercial messages;

B. A permanent structure sign which constitutes a principal, separate, or secondary use, as opposed to an accessory use, of the parcel on which it is located;

C. An outdoor sign used as advertising for hire, e.g., on which display space is made available to parties other than the owner or operator of the sign or occupant of the parcel (not including those who rent space from the sign owner, when such space is on the same parcel or in the same development as the sign), in exchange for a rent, fee, or other consideration; or

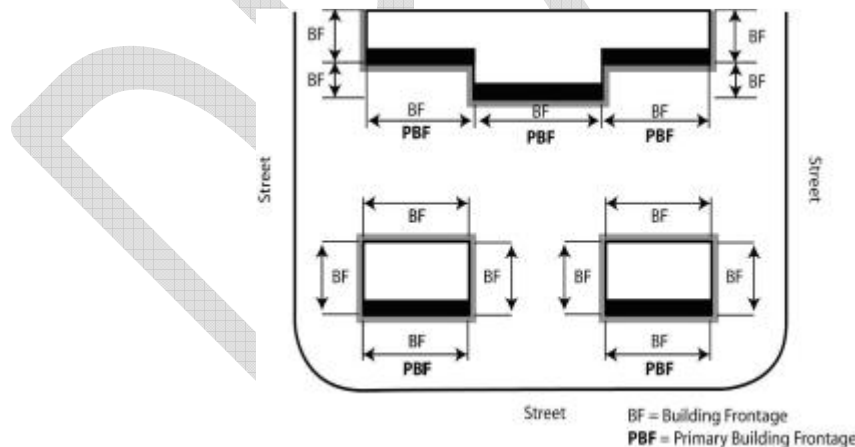
D. An off-site outdoor advertising sign on which space is leased or rented.

“Blade/bracket sign” means a small, pedestrian-oriented sign that projects perpendicular from a structure (bracket sign) or is hung beneath a canopy (blade sign; may also be referred to as an “projecting sign”).

“Building-attached sign” means a sign placed on a wall, awning, canopy, parapet, or a projecting sign. Also see “wall sign,” “canopy sign,” and “blade/bracket sign.”

“Building frontage, primary” means the building frontage that faces the street. In cases where a building has more than one street frontage, the longest of the street frontages shall be considered the primary building frontage. In cases where a business has no building frontage facing a street, the building frontage with the primary business entrance shall be considered the primary building frontage (e.g., an entrance facing a courtyard) (see Figure 23.743-1 (Building Frontage and Primary Building Frontage)). For multitenant buildings, ground floor tenants may have their primary frontage determined independently of the rest of the building based upon the aforementioned rules.

Figure 23.743-1: Building Frontage and Primary Building Frontage



“Canopy sign” means any sign that is part of or attached to an awning, canopy, or other material or structural protective cover over a door, entrance, window, or outdoor service area.

“Changeable copy sign” means a sign or portion of a sign with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than once per day shall be considered an animated sign and not a changeable copy sign.

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“Channel letter sign” means a sign made up of individual letters that are independently mounted to a wall or other surface. The “air space” between the letters is not part of the sign structure but rather of the building facade. A logo may also be considered a channel letter provided it is clearly distinguishable from other sign elements.

“Commercial mascot” means a human or live animal used as a commercial advertising or signaling device. Sometimes called sign twirlers or sign clowns.

“Commercial message” means any sign wording, logo, or other representation that names or advertises a business, product, service, or other commercial activity.

“Community interest group sign” means a sign identifying fraternal, benevolent, social services, and religious organizations and setting forth time, place, and location of meetings within the city.

“Construction sign” means a temporary sign located on a site where physical construction is occurring or is scheduled to begin in the near future.

“Development,” for the purposes of this chapter, shall mean a proposed or already-constructed building or group of buildings.

“Digital display area” means the portion of a digital freeway sign that consists of digital display area(s) used for general commercial advertising. See also “Sign structure.”

“Digital freeway sign” means an off-site outdoor advertising sign with one or more digital display areas. A digital freeway sign may be internally or externally illuminated. Digital freeway signs are always considered off-site signs and are regulated as such.

“Directional sign, on-site” means a sign located on the same property as an establishment, primarily providing direction to guide vehicles and pedestrians to businesses, including but not limited to those signs identifying parking areas and circulation patterns.

“Directory sign” means a pedestrian-oriented sign that identifies or lists the names and locations of tenants at a multitenant site.

“Electronic graphic display sign” means a sign or portion thereof that displays electronic static images, static graphics or static pictures, with or without text information. Electronic graphic display signs include projected images or messages with these characteristics on buildings or other objects.

“Electronic message sign” means an electronic sign that displays one or more messages. An electronic message sign could be used as a message delivery method for a wall sign, a monument sign or other freestanding sign, or a billboard, subject to all applicable provisions and limitations in the Code. Digital freeway signs utilizing electronic messaging technology are subject to the standards and permit requirements in RCMC 23.743.150.

“Establishment” means any nonresidential use of land involving structures, as defined in the building code and the presence of human beings during normal hours of operation such as, but not limited to, businesses, schools, hospitals, hotels and motels, and offices and libraries.

“Exempt sign” means a sign which is not subject to zoning certification or temporary use permit.

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“Face change” means a change in color, material, copy, graphics, or visual image that requires the installation of a new or modified sign face, but which does not involve any change to an existing sign structure or mounting device.

“Feather Flag” means a temporary, on-site fabric sign installed on a temporary pole made of PVC or other flexible material and commonly used for the temporary promotion of a business, service, or other commercial activity on a specific non-residential property.

“Flag” means any fabric, banner, or bunting containing distinctive colors, patterns, or design that displays the symbol(s) of a nation, state, local government, company, organization, belief system, idea, or other meaning installed on a permanent pole with a permanent foundation.

“Flashing sign” means an illuminated sign that exhibits changes in light or color effect by blinking or any other such means so as to provide intermittent illumination.

“Freestanding sign” means a sign that is self-supporting in a fixed location and not attached to a building. Permanent freestanding signs are of three types: monument, pole, and pylon. Temporary freestanding signs, typically constructed of wood, are subject to issuance of a Temporary Use Permit as described in Section 23.743.070 of this Chapter.

“Future tenant signs” means signs erected for the purpose of announcing the future occupancy of a new tenant, other than the current resident tenant.

“Garage, yard, estate, and other home-based sales” means the occasional nonbusiness public sale of secondhand household and other goods incidental to household uses by a person or persons from a residential use.

“Gas pricing signs” means signs identifying the brand, types, octane rating, etc., of gasoline for sale, as required by state law.

“Gateway entry sign” means a sign located at a major entrance into the City and regulated in Section 23.743.130 of this Chapter.

“General advertising” means the business of advertising or promoting other businesses or causes using methods of advertising, in contrast to self-promotion or on-site advertising; also known as advertising for hire.

“Governmental/civic sign” means any temporary or permanent sign erected and maintained by or required by the city or the county, state, or federal government for the purpose of providing official governmental information to the general public, including but not limited to traffic direction, city entrance, or for designation of direction to any school, hospital, historical site, or public service, property or facility.

“Home occupation sign” means a sign located at a residence advertising a business or profession legally conducted in the residence.

“Iconic signage” means expressions of a business without the use of words or copy that thereby make maximum use of logos and graphics to represent the establishment.

“Illuminated sign” means a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign. This includes signs made from neon or other gas tube(s) that are bent to form letters, symbols, or other shapes. Excludes electronic message sign, which is separately defined.

“Incidental sign” means a sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, including but not limited to rest rooms, phones, credit cards, or hours of business.

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“Menu/order board sign” means a sign installed in a drive-through facility and oriented so as to be visible primarily by drive-through customers.

“Monument sign” means a permanent on-site sign constructed upon a solid-appearing base or pedestal, whose exterior is constructed of stone, brick, or concrete, the total width of which is at least 50 percent of the overall height of the sign. See Figure 23.743-2 (Monument Sign).

Figure 23.743-2: Monument Sign



“Noncommercial sign” means a sign which displays noncommercial speech, e.g., commentary or advocacy on topics of public debate and concern.

“Noncommunicative aspects” means those aspects of a sign which are not directly communicative, such as sign height, setback, illumination, spacing, density, etc.

“Nonconforming sign” means a sign lawfully erected and legally existing at the time of the effective date of an ordinance, but which does not conform to the current provisions of this chapter.

“Off-site or off-premises sign” means a sign which directs attention to a business, profession, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the same lot or parcel on which said sign is located. This definition shall include billboards, posters, panels, painted bulletins, and similar advertising displays. The off-site/on-site distinction applies only to commercial messages. Off-site signs meet any one of the following criteria:

A. A permanent structure sign which is used for the display of off-site commercial messages;

B. A permanent structure sign which constitutes a principal, separate, or secondary use, as opposed to an accessory use, of the parcel on which it is located;

C. An outdoor sign used as advertising for hire, e.g., on which display space is made available to parties other than the owner or operator of the sign or occupant of the parcel (not including those who rent space from the sign owner, when such space is on the same parcel or is the same development as the sign), in exchange for a rent, fee, or other consideration; or

D. An off-site outdoor advertising sign on which space is leased or rented.

“On-site or on-premises sign” means a sign which directs attention to a business, profession, commodity, service, or entertainment conducted, sold, or offered upon the lot or parcel on which the sign is placed. The off-site/on-site distinction applies only to

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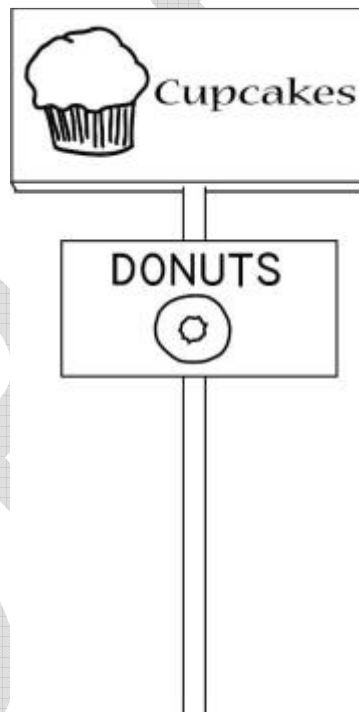
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commercial messages. In the case of multiple-tenant commercial or industrial developments, a sign is considered on site whenever it is located anywhere within the integrated development. In the case of a duly approved unified sign program, a sign anywhere within the area controlled by the program may be considered on site when placed at any location within the area controlled by the unified sign program.

“Pennant” means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, attached to a rope, wire, or string, usually in a series, designed to move in the wind and attract attention.

“Pole sign” means an on-site freestanding sign, supported by a sign structure from the ground, which identifies businesses located on the same parcel or in the same integrated development on which the sign is located. Generally, pole signs are supported by one or more metal or wood posts, pipes, or other vertical supports. The support structure is not integrated into the overall design of the sign. See Figure 23.743-3 (Pole Sign).

Figure 23.743-3: Pole Sign



“Portable sign” means any advertising device defined as a sign that is not permanently attached to a building or to the ground. Portable signs include, but are not limited to, signs designed to be transported by means of wheels; signs configured as A-frame or T-frame; menu and sandwich board signs; and umbrellas used for advertising. Clothing or other aspects of personal appearance are not within this definition (see “commercial mascot”).

“Primary site frontage” is the longest frontage of a site that adjoins or fronts onto a public right-of-way.

“Projecting sign” means a sign that projects perpendicular from a structure (bracket sign) or is hung beneath a canopy (blade sign).

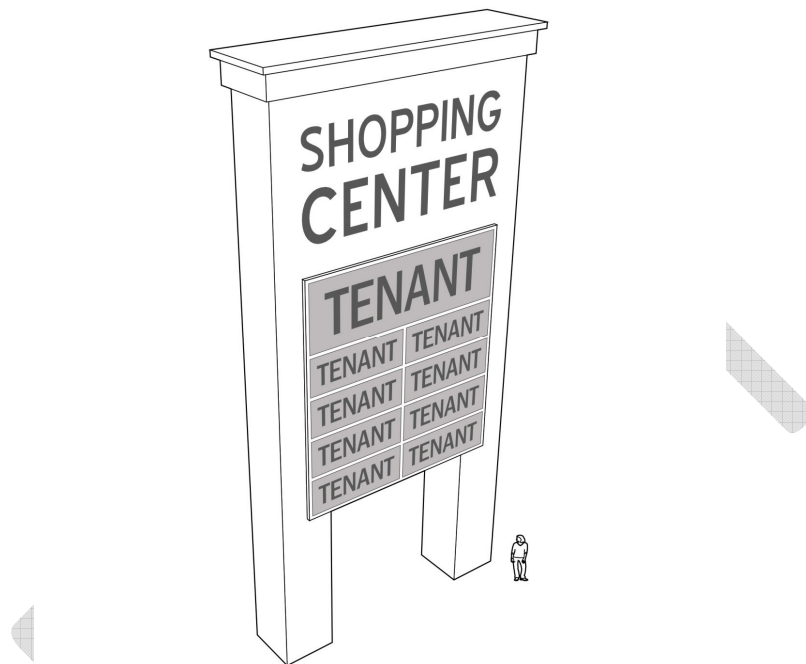
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“Pylon sign” means an on-site freestanding sign of extensive height, supported by a sign structure from the ground, which identifies businesses located on the same parcel or in the same integrated development on which the sign is located. Pylon signs are designed such that the support structure and the sign face are designed as one architecturally unified and proportional element. See Figure 23.743-4 (Pylon Sign).

Figure 23.743-4: Pylon Sign



“Readerboard sign” means a sign on which copy is changed manually in the field or electronically, including but not limited to theater marquee signs, business directories, church and museum signs, and gas price signs.

“Real estate sign” means any sign, temporary in nature, the copy of which concerns a proposed economic transaction involving real property. This definition does not include occupancy signs at establishments offering transient occupancy, such as hotels and motels.

“Roof sign” means a sign installed on a roof or projecting above the eave of a building or mounted on an arcade or parapet.

“Roofline” means the top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

“Sign” means any structure, part thereof, device, fixture, or placard or inscription which is located upon, attached to, or painted or represented on any land, or on the outside of any building or structure, or on an awning, canopy, marquee or similar appendage, or permanently affixed to the glass on the outside or inside of a window so as to be seen from the outside of the building, and which displays or includes any numeral, letter, word, model, banner, emblem, insignia, symbol, device, light, trademark, or other representation used as, or in the nature of, an announcement, advertisement, attention arrester, direction, warning, or designation of any person, firm, group, organization, place, commodity, product, service, business, profession,

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enterprise, or industry when such image is visible from any public right-of-way. Notwithstanding the generality of the foregoing, the following are not within this definition:

A. Architectural features. Decorative or architectural features of buildings (not including lettering, trademarks, or moving parts).

B. Fireworks, etc. The legal use of fireworks, candles, and artificial lighting not otherwise regulated by this chapter.

C. Gravestones and grave markers.

D. Manufacturers' marks. Marks on tangible products which identify the maker, seller, provider, or product and which customarily remain attached to the product even after sale.

E. Newsracks and newsstands.

F. Personal appearance. Items or devices of personal apparel, decoration, or appearance, including tattoos, makeup, wigs, costumes, masks, etc. (but not including commercial mascots).

G. Symbols embedded in architecture. Symbols of noncommercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently integrated into the structure of a permanent building which is otherwise legal. The definition also includes foundation stones and cornerstones.

"Sign structure" means the portion of a digital freeway sign other than the digital display area, including but not limited to supporting pole(s), display frame and all ancillary equipment and utilities installed on the sign site.

"Subdivision directional sign" means a temporary or otherwise limited-term sign for the purpose of providing direction for vehicular and/or pedestrian traffic to the initial home sales of multiple lots with single or multiple builder(s) within a master planned community, including both single-family and multifamily for-sale products. All other home sales are included within the definition of "real estate sign."

"Subdivision permanent identification sign" means a sign located at the entrance to the subdivision for the purpose of a permanent identification of the subdivision. Such signs are of a permanent nature, usually constructed of long-lasting, weather-resistant materials such as stone or metal.

"Temporary sign" means a sign not constructed or intended for long-term use. If a sign does not qualify as a "structure" under the building code, it is presumably a temporary sign, but subject to the interpretation of the planning director consistent with the interpretations policy in RCMC 23.743.030(B) (Interpretations). Types of temporary signs include building-attached banners, temporary freestanding signs, and portable signs.

"Three-dimensional object sign" means a sign that comprises a three-dimensional object that graphically or iconically brands an establishment or development. Such signs may be used as both building-attached or freestanding signs. See also "Iconic Sign".

"Time/temperature sign" means an electronic or mechanical device that shows time and/or temperature but contains no business identification or advertising.

"Vehicle sign (large)" means any sign exceeding 10 square feet in area mounted, painted, placed on, attached or affixed to a trailer, watercraft, truck, automobile or other form of motor vehicle so parked or placed so that the sign thereon is discernible from a public street or right-of-way as a means of communication and which by its location,

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size, and manner of display is reasonably calculated to exhibit commercial advertising, identifying an on-site business, or supplying directional information to an off-site business. A vehicle sign may be defined as a vehicle that functions primarily as a sign rather than as a transportation device as determined by consideration of any combination of the following factors:

- A. The absence of a current, lawful license plate affixed to the vehicle on which the sign is displayed;
- B. The vehicle on which the sign is displayed is inoperable as defined by this city code;
- C. The vehicle on which the sign is displayed is not parked in an identified parking space on the lot;
- D. The vehicle on which the sign is displayed is not regularly used for transportation associated with the use it advertises;
- E. The vehicle remains parked on the premises after normal business hours when customers and employees are not normally present on the premises and is not part of the business's vehicle fleet;
- F. The vehicle remains parked in the same vicinity on the property in a location which maximizes its visibility from the public street or right-of-way on a regular basis.

"Video display sign" means a sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs.

"Wall sign" means a sign attached directly to an exterior wall of a building or dependent upon a building for support with the exposed face of the sign located in such a way as to be substantially parallel to such exterior building wall to which it is attached or supported by.

"Weekend directional stake sign" means a sign, customarily displayed on the weekends, measuring less than nine square feet in area, mounted on a wooden stake, and identifying the location and name of an active new home sales location/subdivision.

"Wind sign" means a sign that spins or is otherwise propelled by the force of air moving across its face.

"Window sign" means a sign attached to, suspended behind, placed, or painted upon the window or glass door of a building and intended for viewing from the exterior of such building. This definition does not include merchandise offered for sale on site when on display in a window. [Ord. 16-2012 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.15.030)].

23.743.040 Permit requirements for signs.

A. Zoning Certification Required. To ensure compliance with the regulations of this chapter and except as otherwise exempted, no person shall erect, move, alter, replace, or maintain any sign within the city of Rancho Cordova without first obtaining zoning certification from the designated approving authority as established in Chapter 23.113 RCMC (Zoning Certification). Zoning certification shall not be required for the

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maintenance of an existing sign, such as repainting, which does not result in a change or alteration in the size, shape, illumination, or text of said sign.

B. Temporary Use Permit Required. A temporary use permit shall be required prior to establishment of any new temporary sign as required by this chapter.

C. Limited Use Permit (LUP) Required for Electronic Changeable Copy Signs, Electronic Graphic Display Signs and Video Display Signs as defined by this Chapter. An LUP shall be required prior to issuance of a building permit (and corresponding zoning certification), for any new electronic message signs, regardless of the type of application (wall sign, monument sign, etc.). Development standards are provided for this sign type in RCMC 23.743.065. The applicant must satisfy the conditions of approval established through the LUP process prior to and/or in conjunction with the subsequent administrative issuance of the sign permit. Digital freeway signs utilizing electronic messaging technology may only be approved subject to a CUP and are subject to the standards and permit requirements in RCMC 23.743.150.

D. Unified Sign Program.

1. Purpose. The purpose of the unified sign program is to adopt unique and specific design and development standards for multitenant and mixed-use developments. The intent is to integrate a project's signs with the design of the structures to achieve a unified architectural statement. A unified sign program provides a means for defining common sign regulations for multitenant projects, to encourage maximum incentive and latitude in the design and display of multiple signs, and to achieve, not circumvent, the intent of this chapter.

2. Applicability. A unified sign program shall be required for:

- a. All new integrated developments as defined in RCMC 23.707.020;
- b. All new multitenant shopping centers, office parks, and other multitenant or mixed-use developments of three or more separate tenants/uses that share either the same parcel or structure (vertical mixed-use) and use common access and parking facilities;
- c. All redesign, remodel, or redevelopment of existing uses identified in RCMC 23.743.040(D)(2) where more than 50% of the building square footage or 50% of the building façade would be modified if not already covered by a unified sign program; and
- d. Any sign or grouping of signs within the Special Sign Corridor proposing a Unified Sign Program as allowed in RCMC 23.743.120(C)(2).

3. Approval of a Unified Sign Program. The designated approving authority for unified sign programs, and amendments or revisions thereto, shall be as identified in Chapter 23.119 RCMC (Unified Sign Program). The Unified Sign Program shall be reviewed concurrently with the project's Design Review. If signs will not impact the overall design of the project, the Planning Director may waive the concurrent review and require the Unified Sign Program as a condition of approval of the Design Review. This requirement may also be waived on a case-by-case basis for minor pad-building remodel projects.

4. Standards. The unified sign program shall include criteria for building-attached and freestanding signs for tenants, anchors, and the overall development itself to establish consistency of sign type, location, logo and/or letter height, lines of copy, illumination, and construction details of signs for the project. All signs within the

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development shall be consistent with the unified sign program as the adopted program for signs within the development. The message substitution policy of this chapter shall be deemed incorporated in every sign program, even if the sign program documents do not explicitly so state.

23.743.045 Sign exemptions.

A. Exempt Signs. The following sign types are exempt from the permit requirements of this chapter and title but still must satisfy any and all other applicable permit requirements (e.g., building, electrical, plumbing, grading, encroachment). Any exception to the limitations for exempt signs listed herein shall require a variance pursuant to Chapter 23.143 RCMC (Variance). However, consideration of the variance request shall not evaluate the message or graphic design of a sign.

1. Exempt Signs Without Limitations. The following signs are exempt from zoning certification and city review:

- a. All devices which are excluded from the definition of a sign;
- b. Approved highway directional signs;
- c. Railroad signal signs;
- d. Signs prohibiting trespassing and hunting;
- e. Warning signs required by law or erected by public agencies;
- f. Utility company signs identifying cables, conduits, danger, and so forth;
- g. Public notices and announcements authorized by courts and public officials, including neighborhood watch signs (e.g., governmental/civic signs);
- h. Signs on buses, light rail, or other mass transit vehicles and taxis;
- i. Signs on vehicles (except where defined as "vehicle signs (large)" by this chapter) and vessels, including license plates, license plate frames, registration insignia, noncommercial messages, messages relating to the business for which the vehicle or vessel is an instrument or tool (not including general advertising), and messages relating to the proposed sale, lease, or exchange of the vehicle or vessel;
- j. Signs located entirely within a building or other enclosed structure and not visible from the exterior, or located at least five feet from the window, provided the building or enclosed structure is otherwise legal;
- k. Signs erected out of doors within courtyards and mall spaces (below the height of enclosed buildings) within the buildable portion of the lot where signs are not visible from a public street or adjacent parcel;
- l. Signs on shopping carts, golf carts, and horse-drawn carriages;
- m. Name plates and incidental signs;
- n. Vending machines which do not display off-site commercial messages;
- o. Graphic images which are only visible from above, such as those visible only from airplanes or helicopters, only if not visible from the street surface or public right-of-way;
- p. On residential uses, holiday and cultural observance decorations that are displayed for not more than 45 calendar days per year (cumulative, per parcel or use) and that do not include commercial advertising messages;
- q. Change of copy that does not alter the size, location, or illumination of a sign (see RCMC 23.743.020(D), Message Substitution) (e.g., face change); and

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r. Official notification signs of name and address information for property owner and/or caretaker of multi-family housing as required by law.

2. Exempt Signs with Limitations. The following signs are exempt from zoning clearance; provided, that they meet the size, height, duration, and/or maximum number limitations listed:

a. Freestanding street address identification signs. Freestanding signs which only indicate the street address of the property on which the sign is located; provided, that the sign does not exceed an area of four square feet and is located with a setback of at least five feet with a height no greater than 30 inches.

b. Window signs limited to painted signs on glazing, poster paper signs, and place cards attached to the inside of glazing of store fronts; provided, that no more than 25 percent of the store front window area, calculated using the measurements of the window area in its entirety, is covered. In the case of convenience stores and other similar retail establishments, views from the public right-of-way to the cash register area shall not be impeded by window signs or merchandise. The intent is to provide visibility of the sales counter for increased public safety.

c. Flags, on a permanent pole with a permanent foundation, provided they meet the following standards. The minimum setback from the public right-of-way for all poles is 10 feet.

i. Agricultural and Residential Zones and Uses. There shall be no limit on the number of flags or the number or height of poles.

ii. All Other Zones. A maximum of three poles. The maximum allowed height of each pole is 25 feet.

d. Temporary construction signs provided there are no more than two signs per site, not individually exceeding 24 square feet in area, set back at least 10 feet from the public right-of-way, not to exceed 10 feet in height, and not illuminated. Signs may be attached to a building, provided they do not exceed the roofline or parapet wall of the building. Signs must be stationary and must be removed at the time of the final inspection for occupancy.

e. Political, religious, and civic campaign signs, not exceeding 32 square feet in size. Such signs shall be located on private property (with owner's consent) and set back a minimum of 10 feet from the public right-of-way. Such signs are authorized in any zone for a period not to exceed 90 days provided such signs are removed within 10 days following the conclusion of the campaign.

f. Electronic time and temperature signs as part of an on-site advertising sign are permitted as regulated by development standards contained in RCMC 23.743.065, Standards for electronic message signs.

g. On-site directional signs. Exit, entrance, or other on-site traffic directional signs are permitted. When located within a required front yard or street side yard area, the maximum height of any directional sign shall be 30 inches and the maximum size shall be four square feet. No advertising or message other than for traffic directions shall be displayed and such signs shall be subject to review and enforcement authority. Complex and/or company names or logos can be included on on-site directional signs and shall contribute to the overall size allowance of this sign type. The use of iconic signage as part of on-site directional signs is highly encouraged and may be required as part of a unified sign program. For village centers, local town centers, regional town

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centers, and other special developments and districts, it may be appropriate to design directional signs with the height and appearance similar to a city street sign.

h. Community interest group signs (e.g., fraternal, benevolent, social services, and religious organizations) displaying a noncommercial message, such as time and place/location of meetings, provided said signs are combined onto a common sign structure, the overall area of which does not exceed 100 square feet, and the area devoted to any one organization does not exceed 20 square feet. Such signs may be located off site of where the activity takes place; however, no more than four locations for such signs will be permitted within the city. Such signs must be set back a minimum of 25 feet from the public right-of-way in residential districts and 10 feet in nonresidential and mixed-use districts and must be located a minimum of 75 feet from any other freestanding sign.

j. Menu/order board signs. A maximum of two menu/order board signs shall be permitted for each drive-in or drive-through establishment; provided, that each sign does not exceed a maximum of 40 square feet in sign area and each sign be limited in height to eight feet. Menu/order board signs do not count toward the total allowed signage for the establishment as described in Table 23.743-1 (Allowed Permanent On-Site Sign Standards). [Ord. 16-2012 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.15.040)].

k. New business signs. Newly established businesses and businesses under new ownership may rely upon temporary signage for the initial 60 days during which the business is first opened or initial 60 days of new ownership without need of a Temporary Use Permit. Types, sizes, and locations of all such temporary signs allowed for new businesses shall be those identified in RCMC 23.743.070. Following the initial 60 day period, the business must convert to permanent signage of the types and sizes allowed by the Code or must have been issued a Temporary Use Permit for the continued use of the temporary signs in the timeframes allowed. The initial 60 day period does not contribute to the time allowances established by the Temporary Use Permit.

23.743.050 Prohibited signs.

The signs listed in this section are inconsistent with the purposes and standards of this chapter as described below and as such are prohibited in all zoning districts, unless specifically authorized by another provision of this chapter:

- A. Moving or rotating signs, except barber poles at barbershops.
- B. Signs with flashing, moving, or animated illumination (e.g., flashing signs), except barber poles at barbershops and electronic readerboards. Sign content must remain static and not change message or appearance and may only change message or appearance after a minimum period of 60 minutes.
- C. Any sign displaying any obscene matter.
- D. Signs located within the clear vision triangle as defined by Improvement Standard 4-18, Visibility Restrictions at Driveways and Intersections and any future updates thereto.
- E. Signs which imitate or resemble official traffic warning devices or signs, that by color, location, content, or lighting may confuse or disorient vehicular or pedestrian traffic, excluding on-site directional signs as specified in RCMC 23.743.040.

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F. Portable signs (e.g., A-frame sign), except as provided for real estate signs as provided in RCMC 23.743.040(E)(2)(i) or as permitted as a temporary sign with a temporary use permit as provided in RCMC 23.743.070.

G. Temporary signs, except when a valid Temporary Use Permit has been issued or as otherwise exempted in RCMC 23.743.040 (Permit requirements and exemptions for signs).

H. Inflatable or lighter-than-air devices (e.g., balloon sign) of any kind when attached or secured from the ground or to any object on the ground, except for residential real estate as part of zoning certification and under the standards of RCMC 23.743.085 (Real estate sign standards) or except when a valid Temporary Use Permit has been issued as provided for in RCMC 23.743.070.

I. Portable readerboard advertising devices which are readerboard signs affixed with wheels so as to make them moveable signs.

J. Signs projecting over roofs and roof signs except where specifically provided for under the provisions of signs attached to buildings.

K. Signs projecting from buildings except where provided for in a special sign district ordinance or otherwise specifically provided for.

L. Banners, except when allowed through a temporary use permit or a grand opening event as described in RCMC 23.743.070.

M. Pennant flags and string pennant flags.

N. Wind signs.

O. Vehicle signs (large) as defined in this chapter.

P. Video display signs prohibited except as provided for in RCMC 23.743.065.

Q. Electronic changeable copy signs are prohibited except as provided for in RCMC 23.743.065.

R. Digital freeway signs are prohibited except as provided for in RCMC 23.743.150.

S. Electronic graphic display sign prohibited except as provided for in RCMC 23.743.065.

T. Signs with fluctuating illumination are prohibited, including any changes in light intensity or use of intermittent, strobe or moving light that does not fall under the definition of another sign type (e.g., video display sign).

U. Any other advertising device attached to a building, fence, pole, or vehicle on display not specifically mentioned, unless otherwise provided for in this code.

V. Any sign in the public right-of-way unless otherwise permitted in this code or by the public works director (e.g., encroachment permit).

W. Signs on portions of a structure exempted from the height requirements as described in RCMC 23.701.050 (Height exceptions) when said features exceed the height limit of the underlying zone. [Ord. 16-2012 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.15.050)].

X. Pylon signs as defined in this chapter.

Y. Pole signs as defined in this chapter.

Z. Changeable copy signs as defined in this chapter.

23.743.060 Allowed permanent on-site sign standards.

Table 23.743-1 (Allowed Permanent On-Site Sign Standards) lists the development standards for all on-site permanent signs. These regulations are based on use type,

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rather than by zoning district, except as otherwise described herein. Only those signs that are permitted are listed. As provided in RCMC 23.743.040(A), all signs require zoning clearance prior to construction/installation, unless otherwise exempted. The purpose of these regulations is to regulate permanent signs that have a commercial message so that they comply and are consistent with the intent of this chapter. Regulations for temporary signs are listed in RCMC 23.743.070 (Allowed temporary on-site sign standards). Regulations for off-site signs are listed in RCMC 23.743.080 (Allowed off-site sign standards). General development, maintenance, and removal provisions for on-site signs are listed in 23.743.090.

The following rules apply to permanent signs regulated by this section:

A. Collective Sign Area. The total sign area allowed herein for each sign type may be distributed among the maximum number of signs permitted for that sign type. For example, the total allowed area for wall signs for a particular establishment may be distributed amongst the maximum number of wall signs allowed for that same establishment.

C. Sign Area Allowance. Allowable sign area is either a set square footage per establishment or is based on a ratio of sign area to primary building frontage. It is calculated as described in RCMC 23.743.090 (General development, maintenance, and removal provisions for all sign types). Where a ratio is described, it applies up to the listed maximum sign area.

D. Building Frontage for Multiple Story Office Buildings. For multi-story office buildings, the maximum sign area for building-attached signs is based on the primary building frontage of the building, not of the tenants. The total area allowed may be distributed among the tenants at the owner's discretion.

Table 23.743-1: Allowed Permanent On-Site Sign Standards

Sign Type	Maximum Number Permitted	Maximum Area ²	Maximum Height	Illumination Allowed	Minimum Setback from ROW	Other Standards
Home Occupations						
Building-Attached Sign	All types	1/home occupation	4 sf	Not extending above the roofline of the building	No	
Agricultural Uses						
Freestanding Sign	Monument only	1/establishment	Parcels < 5 ac, 16 sf; Parcels > 5 ac, 24 sf	6 ft	No	10 ft
Permanent Subdivision Identification Signs						
Freestanding Sign	Monument or on fence/wall, not in ROW	1/entrance	24 sf	6 ft	Yes	10 ft
	Monument, w/in ROW	1/entrance	24 sf	6 ft	No	
Multifamily Dwellings and Complexes						
Building-Attached Signs	All types	1/entrance	24 sf	Not extending above the roofline of the building	Yes	
Freestanding Sign	Monument only	1/entrance	24 sf	6 ft	Yes	10 ft
Commercial Uses						
Building-Attached Signs	All types	No maximum	< 50 ft from ROW; 2:1: ≥ 50 ft from ROW; 3:1	Not extending above the roofline of the building	Yes	
Freestanding Signs for	Monument only	1/project entrance	50 sf	10 ft	Yes	10 ft

Sign Type		Maximum Number Permitted	Maximum Area ²	Maximum Height	Illumination Allowed	Minimum Setback from ROW	Other Standards
Individual Buildings not part of an Integrated Development							
Freestanding Signs for Integrated Developments	Monument only	1/project entrance	150 sf/sign	10 ft	Yes	10 ft	
Office Uses							
Building-Attached Signs	All types	1/establishment /building frontage	1:1	Not extending above the roofline of the building	Yes		
Freestanding Signs for Individual Buildings not part of an Integrated Development	Monument only	1/project entrance	25 sf	10 ft	Yes	10 ft	
Freestanding Signs for Integrated Developments	Monument only	1/project entrance	50 sf/sign	10 ft	Yes	10 ft	
Industrial Uses							
Building-Attached Signs	All types	No maximum	< 50 ft from ROW; 2:1; ≥ 50 ft from ROW; 3:1	Not extending above the roofline of the building	Yes		
Freestanding Signs for Individual Buildings not part of an Integrated Development	Monument only	1/parcel	40 sf	10 ft	Yes	10 ft	
Freestanding Signs for Integrated	Monument only	1/project entrance	40 sf/sign	10 ft	Yes	10 ft	

Sign Type		Maximum Number Permitted	Maximum Area ²	Maximum Height	Illumination Allowed	Minimum Setback from ROW	Other Standards
Developments							
Automotive Service Stations¹							
Building-Attached Signs	All types	No max	125 sf all signs	Not extending above the roofline of the building	Yes		
Freestanding Signs	Monument only	2	36 sf for freestanding signs.	10 ft	Yes	10 ft	
Institutional and Public/Quasi-Public Uses							
Building-Attached Signs	All types	1	24 sf	Not extending above the roofline of the building	Yes		
Freestanding Signs	Monument only	1/main entrance	24 sf	6 ft	Yes	10 ft	
Public Assembly Uses							
Building-Attached Signs	All Types	1	36 sf total	Not extending above the roofline of the building	Yes		
Freestanding Sign	Monument only	1	24 sf for freestanding sign	6 ft	Yes	10 ft	

Notes:

1. Excludes the gas pricing component of the subject sign, which is regulated by state law.
2. Maximum total sign area may be exceeded with the approval of a unified sign program. Signage may also be permitted to exceed the total signage allowance based on primary site or building frontage by 25 percent with the approval of a unified sign program.

[Ord. 16-2012 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.15.060)].

23.743.065 Standards for electronic message signs.

A. Applicability. Permit requirements for electronic message signs are established in RCMC 23.743.040(C). Provisions of this section apply to the following sign types as defined in this chapter:

1. Video display signs;
2. Electronic graphic display signs; and
3. Time and temperature signs.

B. Development Standards. The following provisions apply to electronic message signs:

1. Signs are permitted in any zoning district and must be located a minimum distance of 100 feet from an abutting residential district boundary.
2. An electronic sign or signs are limited to a maximum of 32 square feet per site and shall be included as part of the total sign area allowances established by Table 23.743-1.
3. Sign must be located on the site of the use identified or advertised by the sign.
4. Audio speaker or any form of pyrotechnics are prohibited in association with any electronic message signs.
5. Illumination levels shall be regulated such that the illumination is appropriate to the time of day through the use of such means as light meters and programmed illumination regulation or LEDs that are designed to limit the spread of light. Dimmer controls that are automatically responsive to surrounding light levels are highly encouraged.
6. Time Temperature Signs. A time and/or temperature signs does not count toward the otherwise applicable limits as to number and size of signs for the property on which it is located, provided:
 - a. Maximum Area and Height. The sign shall have a maximum area of 36 square feet and shall comply with the height requirements established in Table 23.743-1 (Allowed Permanent On-Site Sign Standards) for the type of sign (building/freestanding) to which it is attached.
 - b. Design. The sign shall be designed in a manner that is architecturally compatible with other signs and with the structure on which it is placed.

23.743.070 Allowed temporary on-site sign standards.

This section describes standards for temporary on-site signs. All temporary signs require a temporary use permit prior to their establishment. Temporary commercial signs may include, but are not limited to, signs for special product, sale, or event advertising. All temporary signs must comply with the standards listed in Table 23.743-2 (Allowed Temporary On-Site Sign Standards) and are subject to the following:

A. Time Duration. Permitted for a period not to exceed 60 days. No more than two temporary use permits for temporary signs shall be issued for the same property per calendar year.

B. Sign Area. The allowable combined square footage of all temporary signage on a single property shall not exceed 200 square feet.

C. Illumination. Temporary signs may not be internally illuminated. Any external illumination of temporary signage shall comply with section 23.743.090(D).

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D. Message. Temporary signs displaying a commercial message shall be limited to on-site signage only. Off-site signage displaying a commercial message shall not be permitted.

E. Prohibited signs. No prohibited signs identified in section 23.743.050 shall be permitted as a temporary sign.

Table 23.743-3: Allowed Temporary On-Site Sign Standards

Type	Maximum Temporary Number Permitted	Maximum Area	Maximum Height	Minimum Setback from ROW ¹
Commercial, Office, and Industrial Uses, Temporary Building-Attached Signs	2/establishment	2:1	roofline	
Commercial, Office, and Industrial Uses, Freestanding Signs	2/establishment	32 sf/sign	10 ft	5 ft
Commercial, Office, and Industrial Uses, Feather Flags	5/establishment	50 sf	12 ft	5 ft
Commercial, Office, and Industrial Uses, A-frame Signs ²	1/establishment	8 sf	4 ft	5 ft
Commercial, Office, and Industrial Uses, Inflatables	1/establishment	100 sf	25 ft	10 ft
Multifamily Dwelling Complexes (e.g., apartments)	3/complex	< 10 units: 24 sf > 10 units: 32 sf	roofline if on building; otherwise 10 ft	5 ft
Agricultural Uses	1/establishment	5 sf	5 ft	5 ft
Public/Quasi-Public Uses	2/use	5 sf/sign	5 ft	5 ft

Notes:

1. Must be located outside of the clear vision triangle.
2. Must comply with standards in RCMC 23.743.100(A)
[Ord. 16-2012 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.15.070)].

23.743.080 Allowed off-site sign standards.

New off-site commercial signage is prohibited within the city except as permitted in this section and RCMC 23.743.150, Digital freeway signs overlay. Existing off-site commercial signs (e.g., billboards) not permitted pursuant to subsection (C) of this section or RCMC 23.743.150 are considered nonconforming signs as regulated by RCMC 23.743.140. However, consistent with state law, the city does permit off-site subdivision directional signs as regulated in RCMC 23.743.085. Off-site signs shall be regulated as follows:

A. Billboard Relocation. Off-site signs which meet the eligibility criteria outlined below may be relocated from one location to another location, subject to issuance of a conditional use permit from the city council. Billboard relocations that include the use of a digital display area(s) must meet the permit requirements and development standards identified in RCMC 23.743.150, in addition to the eligibility criteria outlined below.

1. Eligibility Criteria for Existing Signs and Site Locations.

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a. Existing sign has been documented by the applicant/owner to have been lawfully erected and maintained.

b. Site has not been acquired by any public agency necessitating sign removal.

c. Existing sign owner and/or property owner has not been notified by the city that the sign must be amortized because it is presently located in an agricultural or residential zone.

d. The proposed sign location is within the Digital Freeway Signs Overlay in Figure 23.743-8.

2. Development Standards for Relocated Signs. Relocated billboard signs shall comply with the following standards:

a. Area. The maximum area allowed shall be 720 square feet.

b. Length. The maximum length allowed shall be 50 feet.

c. Location. Each off-site sign shall be located not less than 300 feet from any other off-site sign nor closer than 75 feet from any on-site freestanding sign. No off-site sign shall be located within 200 feet of a parcel located within any agricultural or residential zone nor shall any such off-site sign be located more than 1,000 feet from a parcel lawfully used for commercial or industrial purposes. Each off-site sign shall be so located that the part of the sign closest to the street right-of-way shall be not less than 50 feet from the right-of-way. An off-site sign may be permitted with a setback the same as the building on the parcel, with a minimum setback of 25 feet.

d. Height. The maximum height shall be 30 feet.

e. Measurement of the Spacing of Off-Site Signs Regulated by This Section.

i. When measuring the separation of signs or uses along a public street, the location of each sign shall be projected at right angles to the center line of the street and distance measured along the street center line between the two points projected thereto.

ii. When measuring distance between signs located on parcels located at intersecting streets, the sign location is to be projected at right angles to the street center line and the distance is measured on the center line of the two streets between the two projected points. Only one off-site sign shall be permitted per corner parcel.

iii. Any measurement from a sign to another land use zone shall be by straight line measurements from the closest point of the sign to the zoning boundary.

f. Aesthetics.

i. The sign will not require removal or substantial trimming of existing vegetation or landscaping.

ii. The sign will not obstruct or obscure on-site signs on the same or adjacent properties.

g. Traffic Safety.

i. The sign will not be a visibility hazard to traffic on adjacent streets or parking areas.

ii. The sign will not reduce parking availability as required by this title.

iii. The sign will not interfere with on-site vehicular circulation.

h. Compatibility. The sign will not have substantial detrimental effects on views from and light striking adjacent or surrounding properties.

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3. Proposed Sign and Site Location Guidelines for Relocated Signs within Automotive and Industrial Areas. The following guidelines are not mandatory but should be considered by the designated approving authority during public hearings on conditional use permit applications for relocated signs:

a. All relocated off-site signs should be freestanding and should be built with a single supporting post, if at all possible, and should be located on no more than two supporting posts.

b. Signs should not be relocated into any special sign district.

c. Double-paneled signs should not have an interior angle between the face of the panels greater than 20 degrees. [Ord. 16-2012 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.15.080)].

23.743.085 Real estate sign standards

This section describes the standards for on- and off-site limited term signs associated with real estate sales activities.

A. Allowed on-site real estate signs are exempt from permit, subject to the following limitations:

1. Not more than one on-site for sale sign and one for lease sign is permitted per property frontage.

2. The size of all on-site nonresidential real estate signs is limited to a maximum of 10 feet in height and an area of 32 square feet and shall be set back a minimum of three feet from the right-of-way (window signs are exempt from setback requirement) and shall not obstruct the corner visibility requirements of Improvement Standard 4-18, Visibility Restrictions at Driveways and Intersections.

3. The size of all residential real estate signs is limited to 10 square feet and must be set back a minimum of three feet and shall not obstruct the corner visibility requirements of Improvement Standard 4-18, Visibility Restrictions at Driveways and Intersections.

B. Allowed off-site real estate signs. Portable real estate signs located off site from the property advertised, for purposes of directing traffic to the property in question, may be allowed, provided they do not exceed an overall size of nine square feet each, including supports, and do not exceed a height of 30 inches. Such signs may not be located within the public right-of-way and may only be displayed on weekends and holidays when open house sales activities are ongoing (e.g., the home is open to the public for viewing and inspection). One sign may be placed for each change in direction of travel to a maximum of five signs.

C. Allowed temporary signs for subdivision real estate sales. Signs of this type are temporary, limited-term signs that provide direction/location information to motorists and pedestrians for initial home sales of multiple lots with a single builder within a master planned community, including both single-family and multifamily for-sale products. These signs are allowed during active home sales and must be removed when sales have concluded. These signs are exempt from permit, subject to the following limitations:

1. On-site subdivision balloons. 5 balloons per sales trailer or model home complex to a maximum height of 65 feet are allowed.

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2. On-site subdivision directional signs. 1 temporary subdivision directional sign per subdivision entrance to a maximum of 6 such signs are allowed. Each sign can be up to 32 square feet and a maximum height of 10 feet. Signs must be setback 10 feet from the right of way.

3. On-site subdivision flags. Up to 10 flag poles per subdivision are allowed. Flags can be up to 15 square feet each and up to 20 feet tall. Poles must be setback 10 feet from the right of way.

4. Weekend directional stake signs. Weekend directional stake signs are those signs customarily displayed on the weekends, measuring less than nine square feet in area, and mounted on wooden stakes. Such signs may be used to identify the name and location of active home sales as part of a new residential subdivision/condominium project; provided, that each face of the sign does not exceed four square feet, and it is mounted such that it is no more than four feet tall from the ground and is set back a minimum of five feet from the edge of the roadway pavement. Additionally, such signs are only allowed on a temporary basis from noon on Friday to no later than noon on the following Monday. In the event that Friday is a nationally recognized holiday, said signs may be erected on Thursday after noon. In the event that Monday is a nationally recognized holiday, said signs may remain in place until Tuesday by noon. In no event may a weekend directional stake sign be located within a roadway median.

5. Off-site subdivision freestanding signs. Off-site subdivision freestanding signs are allowed within the city limits, up to 5 such signs per subdivision, to a maximum of 32 square feet and 10 feet in height for each individual sign. These signs are prohibited within the public right of way or on any city-owned property. These signs shall be kept in good repair for the duration of the homes sales activities.

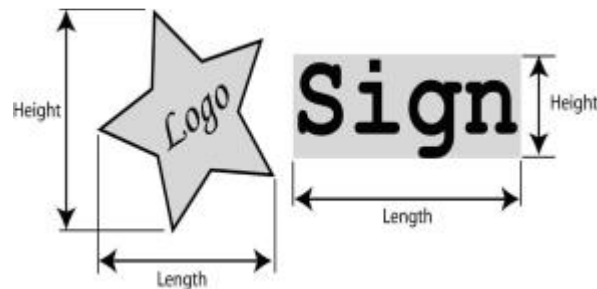
23.743.090 General development, maintenance, and removal provisions for all sign types.

This section describes the standards applied to the development, maintenance, and removal of signs within the city.

A. Measurement of Sign Area.

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



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).

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

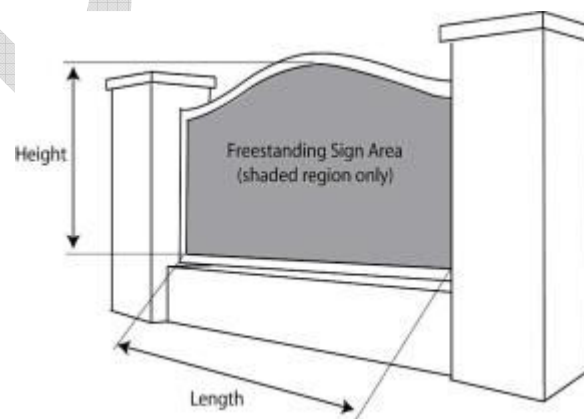


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4. Three-Dimensional Objects. Where a sign consists of one or more three-dimensional objects (e.g., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), the sign area shall be measured at their maximum projection upon a vertical 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.

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 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;

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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.

F. Setback and Spacing of Freestanding Signs.

1. The minimum setback distance for signs shall be measured from the back of the public right-of-way, unless an encroachment permit is granted.

2. Except as provided herein, setback for signs shall be measured from the future right-of-way as provided by subsection (F)(1) of this section to the closest edge of the sign. For streets which are improved to a width less than the future right-of-way, setback for signs may be measured from the existing improvements meeting current city standards; provided, that a relocation agreement shall be recorded at the owner's expense which guarantees that the property owner agrees to relocate the sign at his/her own expense to the required setback from the right-of-way at such time that the city widens (or causes to be widened) the street to the future right-of-way. For parcels where improvements are not complete to meet present city standards, setback shall be measured from that point which would abut city standard improvements if they were installed. For parcels that do not have existing improvements and where other parcels within the same block have improvements, the setback may be measured from a projection of existing street improvements within the same block. In no case shall a sign be located within the dedicated right-of-way.

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. [Ord. 16-2012 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.15.090)].

23.743.100 Special development standards for specific sign types.

This section describes the standards for certain types of signs as defined in RCMC 23.743.030 (Definitions). These provisions are consistent with the development standards for signs as listed in Table 23.743-1 (Allowed Permanent On-Site Sign Standards).

A. A-frame Signs. A-frame signs may be permitted with a Temporary Use Permit and subject to the standards in Table 23.743-3 and the following:

1. A-frame signs shall only contain information and advertising for the establishment placing the sign.

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2. A-frame signs shall not be located within the public right-of-way, clear vision triangle, required path of travel, parking spaces, drive aisles, and landscape planters, and shall not block building entries or emergency exits.

3. A-frame signs shall have a locking arm or other device to stabilize the structure.

4. A-frame signs shall be displayed only during the regular business hours of the establishment.

5. A-frame signs shall not be illuminated.

6. A-frame signs shall be made of sturdy material not susceptible to fading or damage from use and weather. The use of paper or cloth is not permitted unless located within a glass or plastic enclosure.

B. Awning and Canopy Signs. Awning or canopy signs may be permitted only as an integral part of the awning or canopy to which they are attached or applied. Awning and canopy signs shall be regularly cleaned and kept free of dust and visible defects.

C. Blade/Bracket Signs. All signs projecting over walks, halls, corridors, passageways, or aisles shall be installed in compliance with the Handicapped Access Regulations, California Code of Regulations, Title 24, State Building Code, Part 2, Section 2-1721, entitled "Protruding Objects."

D. Freestanding Signs.

1. Design. The mass/scale of a freestanding sign shall be consistent with the overall design of the building. The design and placement of the sign shall not interfere with the required clear vision triangle.

2. Landscape Requirements. See RCMC 23.716.060(H) (Signs).

3. Construction. Only monument signs are permitted types of permanent freestanding signs in the city. Signs constructed with exposed metal poles that are not architecturally integrated into the design of the sign are considered pole signs and are prohibited. Freestanding signs may be constructed with poles as a substructure; provided, that the poles are covered with architectural cladding or coverings so they appear to be architecturally integrated.

E. Building-Attached Signs. Building-attached signs (e.g., wall signs, channel letter signs) shall comply with the following development standards:

1. Location. The sign shall not be placed to obstruct any portion of a window, doorway, transom, or other architectural detail.

2. Maximum Area and Height. The sign shall not project above the edge of a structure and shall comply with the height requirements established in Table 23.743-1 (Allowed Permanent On-Site Sign Standards).

3. Projection from Wall. The sign shall not project from the surface upon which it is attached more than required for construction purposes and in no case more than 18 inches. See RCMC 23.743.090 (General development, maintenance, and removal provisions for all sign types) for three-dimensional elements on all signs. [Ord. 16-2012 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.15.100)].

23.743.110 Special sign districts.

Nothing within this chapter shall prohibit the city from establishing special sign districts for specific areas or districts of the city. The intent of these special sign districts is to provide a uniform and consistent branding and identification for areas of the city

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which would benefit from such regulations. Examples may include, but are not limited to, the downtown and the convention district. As part of the special sign district, the city may adopt special development standards for private party signs that apply to property within the special sign district. The designated approving authority for adoption of special sign districts shall be the city council and the process for adoption shall be the same as for text amendments to this zoning code. Upon adoption, each special sign district shall be listed herein for reference, and the boundaries and title of the special sign district shall be added to or otherwise designated on the city zoning map.

Applications for zoning clearance under the regulations of a special sign district shall be reviewed in the same manner as other zoning clearances for signs. [Ord. 16-2012 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.15.110)].

23.743.120 Special sign corridors.

A. Purpose and Designation. The special sign corridors are hereby designated along state highways, county roads, and rivers which accommodate the traveling public. These types of corridors have traditionally attracted large, bright, gaudy signs in an effort to attract the attention of the traveler to a business or a product which may or may not be related to the travel way or the needs of the traveler. The purpose of the regulations in this section is to make provisions for signs that identify the name and type of business in an aesthetic manner that complements the architecture of the building and serves the needs of the traveling public.

B. Locations and Boundaries of Special Sign Corridors. The following roads, rivers, and other travel ways shall have a special sign corridor established for them based upon a radius/buffer from the established centerline of the roadway as identified. These special sign corridors and their respective radii shall be delineated on the city zoning map (see RCMC 23.301.030, Zoning map).

1. U.S. Highway 50: 1,000-foot radius/buffer;
2. Sunrise Boulevard from the American River to Jackson Highway: 500-foot radius/buffer;
3. American River centerline/northern city limits: 500-foot radius/buffer.

C. Permit Required.

1. Within the special sign corridors, an administrative use permit shall be required from the designated approving authority prior to issuance of zoning clearance for any freestanding sign located within the special sign corridor. A freestanding sign included in an approved Unified Sign Program provided for by RCMC 23.743.120(C)(2) is exempt from the Administrative Use Permit requirement. For all other signs, only zoning clearance is required.

2. Where the building and facilities are of size, shape, height, or of such geographical conditions or location that office use sign provisions are not compatible with building design and size, building-mounted signage and freestanding signs for said parcel or integrated development may be considered by Unified Sign Program when the designated approving authority finds that the proposed sign or signs:

- a. Are proportional and in scale with the buildings.
- b. Are compatible in design, color, and material with the building and surrounding area.
- c. Do not constitute a special privilege over adjoining uses.

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- d. Do not block from view existing buildings and existing signs.
- e. Are unobtrusive.
- f. Are in keeping with the intent of the sign regulations.
- g. Do not exceed the height and size allocation established in Table 23.743-1 for signs located on parcels in the same zone which are not within the special sign corridor.

D. Applicability to Special Standards. Unless otherwise exempted, all signs proposed for property located either entirely or partially within a special sign corridor shall require issuance of zoning clearance and shall conform to the special development standards herein established. Those signs specifically exempted from these special standards include the following:

1. Signs otherwise exempt from the requirement for zoning clearance as identified in RCMC 23.743.040(E) (Exempt Signs), provided they conform to any applicable development standards listed therein (e.g., directional signs);
2. Signs for automotive service stations, limited to signage specifically required by state law;
3. Signs which can be shown by the applicant through a visual simulation or other quantifiable justification to not be visible from the roadway or travel way associated with the respective special sign corridor.

E. Prohibited Signs. In addition to the provisions of RCMC 23.743.050 (Prohibited signs), the following additional sign types shall be prohibited within special sign corridors:

1. Pole signs.
2. Any off-site sign except the following:
 - a. Off-site subdivision signs developed consistent with the standards of RCMC 23.743.080(B) (Multi-Development Kiosk); or
 - b. Billboards relocated pursuant to the standards of RCMC 23.743.080(C) (Billboard Relocation), provided the sign being relocated to the special sign corridor was already located within a special sign corridor.
 - c. Digital freeway signs allowed pursuant to the standards of RCMC 23.743.150 (Digital freeway signs overlay), provided the digital freeway sign is a refurbished, existing traditional billboard, or replaces an existing sign that is being relocated from elsewhere within the special sign corridor.

F. Standards for Signs in Special Sign Corridors.

1. Generally, all signs located within a special sign corridor, regardless of associated use type or underlying zoning district, shall conform to the development standards listed in Table 23.743-1 (Allowed Permanent On-Site Sign Standards) for office uses.
2. The exception to this standard shall be, as described in subsection (D) of this section (Applicability to Special Standards), if an applicant can demonstrate that a proposed sign will not be visible from the roadway or travel way associated with the respective special sign corridor, that sign may be developed consistent with the provisions for the associated use type.
3. For parcels with no public street frontage and being served by access easement, mutual parking agreement, or a private road, that parcel may have one

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monument sign at the point of access to a public or private street consistent with the following standards:

- a. The maximum area allowed shall be 24 square feet.
- b. The maximum height allowed shall be six feet.
- c. The minimum setback allowed shall be 10 feet from existing street improvements or right-of-way line, or as otherwise determined by enforcement agency when other than a public street.
- d. A minimum of 50 feet of spacing shall be maintained between the subject freestanding sign and any other freestanding sign.
- e. The sign shall be located within a landscaped area with a minimum of three feet of landscape area in each direction. [Ord. 16-2012 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.15.120)].

23.743.130 Gateway signage program.

A. Establishment and Purpose. The city does hereby establish a gateway signage program for the purposes of establishing special signage at key entrances into the city and major districts within the city. The city recognizes that by providing major signage opportunities at key entrances to the city and major districts (e.g., downtown, convention area, regional town center), the businesses, activities, events, and places of the community can be promoted for the greater public benefit.

B. Location Requirements for Gateway Signs. Gateway signs may be located at each of the entrances to the city from U.S. Highway 50, including Bradshaw Road, Mather Field Road, Zinfandel Drive, Sunrise Boulevard, Hazel Avenue, and Rancho Cordova Parkway. Gateway signs must be located on property within the city limits, within the city's public right-of-way, or within the Caltrans right-of-way upon issuance of a Caltrans encroachment permit. Gateway signs may also be located as part of any regional town center zone.

C. Administration, Design, and Operation of Gateway Signs. The gateway signage program is a city-administered program. The process for securing sites, designing the signs, leasing or otherwise providing space on the sign for identification of uses and events in the city, maintaining the signs, and other functions shall be established by city council resolution and may be updated from time to time as deemed necessary by the council. Nothing herein shall prohibit the city from acquiring the services of a private organization for purposes of designing, constructing, maintaining, and operating the sign(s).

D. Special Development Standards for Gateway Signs. Because of the unique location and purpose of gateway signs, the following general development standards shall apply:

1. As a freestanding sign, gateway signs may be either monument or pylon signs. The maximum height allowed shall be 60 feet. The maximum allowed area for all signage on each gateway sign shall be 1,000 square feet.
2. No more than one sign shall be located at each freeway off-ramp site or regional town center zone.
3. The sign should include the city logo and identification, through text and/or iconic signage, of the area of the city with which it is associated (e.g., Cordova Town Center, Sunrise Station, Mills Station/Mather Field).

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4. All other development standards listed in RCMC 23.743.090 (General development, maintenance, and removal provisions for all sign types) shall be adhered to, especially illumination standards. [Ord. 16-2012 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.15.130)].

23.743.140 Nonconforming and abandoned signs.

A. Except as otherwise provided in this chapter, any sign lawfully in use on the effective date of the ordinance codified in this title, or any amendment thereto, shall be considered a legal use and as such may continue to operate and exist, provided:

1. Nonconforming signs shall be kept in good repair and visual appearance. Structural alterations or modifications of any nonconforming sign are prohibited. Structural repair resulting in same size and shape is permitted subject to the provisions of RCMC Title 18. Change of copy on a nonconforming sign shall be allowed, provided the change does not increase the area of the sign (see RCMC 23.743.040).

2. Whenever any modifications, alterations, or changes occur or are proposed as provided in Chapter 23.170 RCMC (Nonconforming Uses and Structures), the sign shall be brought into conformance with the provisions, standards, and regulations of this chapter, requiring issuance of zoning clearance.

B. The city council or other designated approving authority may, as a condition of rezoning, design review or use permit (any type), or other development entitlement, require any nonconforming sign on the applicable property to be removed or altered so as to comply with the provisions of this chapter.

C. Off-site signs, except off-site subdivision directional signs that were lawfully erected pursuant to the zoning code in effect immediately prior to December 26, 1985, and which do not comply with Sacramento County Ordinance No. SZC 85-124, shall be nonconforming signs subject to the remedies in Business and Professions Code Section 5412. The failure to have a conditional use permit for an off-site sign as of December 26, 1985, shall not, by itself, cause a sign to become nonconforming.

D. Sign structures which have no message attached to them for more than 90 days shall be considered abandoned signs and as such may be abated by the city. For regulatory purposes, any factors indicating abandonment shall not begin occurring until 90 days after the ordinance codified in this chapter first goes into effect. [Ord. 16-2012 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.15.140)].

F. Abandoned Signs. An abandoned sign pursuant to Section 23.743.030 shall be removed or altered within 90 days after it becomes an abandoned sign.

23.743.150 Digital freeway signs overlay.

A. Purpose and Designation. The digital freeway signs overlay is hereby established to enable the consideration of digital freeway signs in certain, specific locations within the city. Digital freeway signs located within the overlay area that meet the development standards established below may be permitted through a conditional use permit. Digital freeway signs are only allowed as billboard relocations or as conversions of an existing billboard in place.

B. Location. The digital freeway signs overlay encompasses two specific geographies in the northeastern area of the city. As seen in Figure 23.743-8, the

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Sunrise Boulevard area is bound by Highway 50 on the north, Folsom Boulevard on the south, Citrus Road on the west, and the terminus of the industrially zoned parcels on the east. Also, as seen in Figure 23.743-8, the Hazel Avenue area is bound by Highway 50 on the north, Folsom Boulevard on the south, and Hazel Avenue on the east. Digital freeway signs proposed outside of these two specific areas are prohibited.

DRAFT

Figure 23.743-8: Digital Freeway Signs Overlay Location

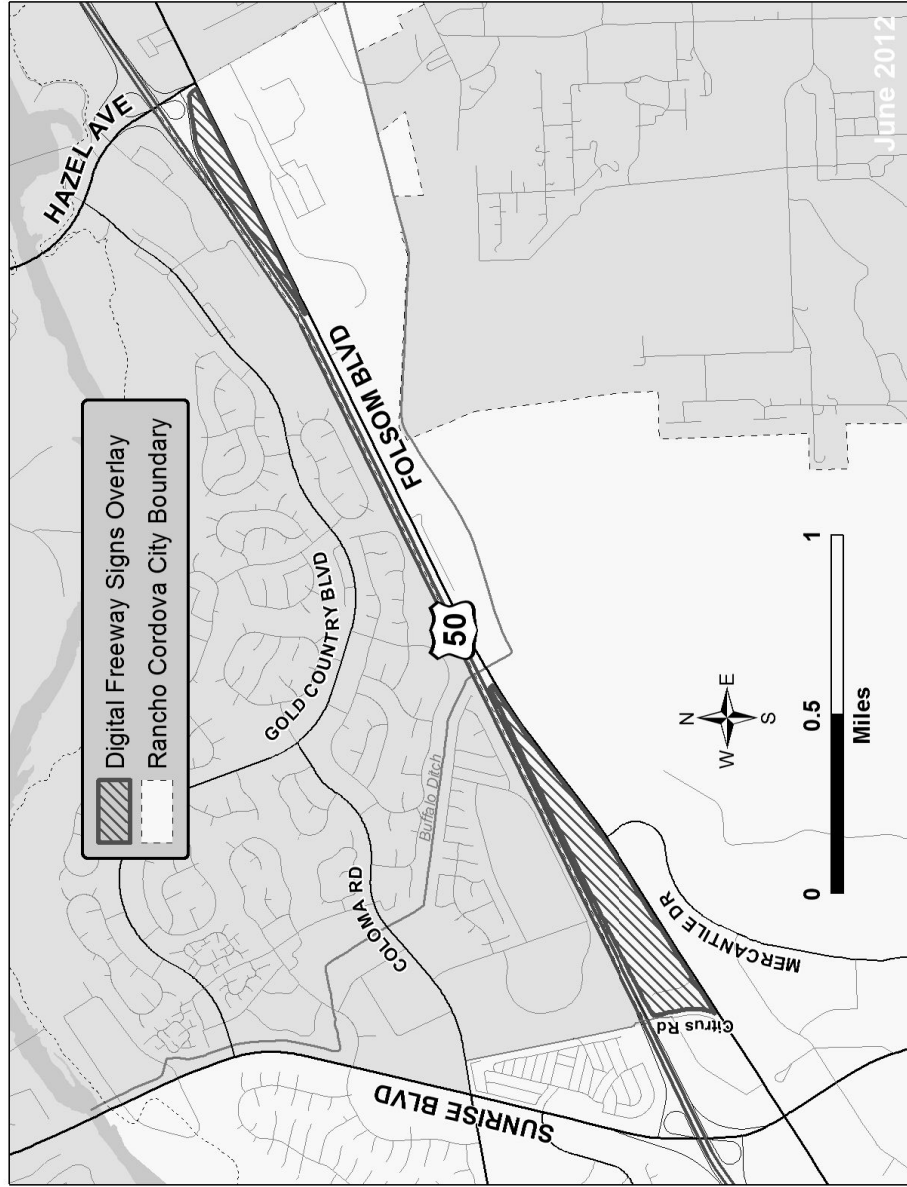


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C. Development Standards.

1. Legally existing billboards may be refurbished to become a digital freeway sign, subject to the development standards below and issuance of a conditional use permit.

a. Number of Faces. A digital freeway sign may consist of, at most, two digital display areas, each positioned to be visible only by opposing directions of traffic. Double-faced signs shall not have an interior angle between the face of the panels greater than 45 degrees.

b. Height. The maximum height shall be 60 feet.

c. Area. The maximum area of each digital display area is 672 square feet.

d. Distance between Signs. No digital freeway sign shall be located within 2,500 feet of any other digital freeway sign within the city limits.

e. Sign Structure. The sign structure supporting and surrounding the digital display area shall be as small as feasibly possible so as to avoid any unnecessary height or width to the sign. The sign structure shall not add stylistic or architectural detailing to further call attention to the sign.

f. Pole Cladding. Decorative pole covering is required for newly constructed digital freeway signs as well as any existing traditional billboard that is converted to a digital freeway sign. Such covering shall be simple and streamlined in material and design so as to not call further attention to the sign.

g. Message Display. Digital freeway signs shall display static messages only, and shall not have animation, movement, or the appearance or optical illusion of movement in or on any part of the sign structure, design, or pictorial segment of the sign. Each static message shall not include flashing or scintillating lighting, or varying light intensity.

h. Minimum Display Time. Each message on the sign must be displayed for a minimum of eight seconds.

i. Illumination. Digital freeway signs shall not operate at brightness levels of more than 0.3 foot-candles above ambient light, as measured using a foot-candle meter at a distance of 250 feet from the sign face. Each digital display area shall have a light sensing device that will adjust the brightness of the sign as ambient light conditions change throughout the day.

j. Aesthetics. The sign will not require substantial trimming or reduction of existing vegetation and landscaping. The sign will not obstruct or obscure on-site signs on the same or adjacent properties.

k. Traffic Safety. The sign shall not create a visibility hazard to traffic on adjacent streets, freeways, or parking areas. The sign will not reduce parking availability as required by this title. The sign will not interfere with on-site vehicular circulation.

l. Future Technologies. There may be alternate, preferred, or superior technology available in the future to illuminate digital freeway signs. These alternate technologies may be incorporated into existing legally permitted digital freeway signs in the future without additional permissions from the city council so long as (i) the requisite maximum brightness standards are met and (ii) no exterior physical change to the digital display area will occur. The owner is responsible for obtaining any required ministerial permits for technology improvements as required by applicable code.

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standards. The city will expedite any such required approvals for technology that is superior in energy efficiency over previous generations or types.

m. Community Messaging. The city shall be provided with access to a portion of the total available display time to allow the city to present messages of community interest. This access shall also include other appropriate agencies for the purpose of displaying public safety messages such as “Amber Alert” messages and emergency-disaster communications.

n. Quality and Maintenance Plan. The applicant must establish a quality and maintenance plan in order to ensure implementation of all above-listed development standards and to assure the proper maintenance and repair of the digital freeway sign as needed.

2. Billboard Removal. For every one digital freeway sign installed, the applicant must permanently remove at least four legally existing billboard structures (each of which may have more than one billboard sign face) within the city prior to operation of the digital freeway sign. An existing billboard being refurbished as a digital freeway sign may count as one of the four required permanent removals.

3. Operating Agreement. At the applicant’s request, the city and applicant may enter into an operating agreement in conjunction with the issuance of a conditional use permit for a digital freeway sign. The city and applicant may use the operating agreement, on a case-by-case basis, to deviate from the development standards in subsection (C)(1) of this section or reduce the required billboard removals under subsection (C)(2) of this section. The city council will only approve an operating agreement if it determines that the operating agreement achieves community benefits that are equivalent to those that would be achieved through strict compliance with subsection (C)(1) or (C)(2) of this section. [Ord. 23-2013 § 3 (Exh. A); Ord. 16-2012 § 3 (Exh. A)].

MEMORANDUM



DATE: April 21, 2014

TO: Honorable Mayor and Council Members

FROM: Adam U. Lindgren, City Attorney
Paul Junker, Planning Director

SUBJECT: **AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA EXTENDING FOR TEN (10) MONTHS AND FIFTEEN (15) DAYS A TEMPORARY MORATORIUM ON THE ESTABLISHMENT, EXPANSION, AND OPERATION OF PRIVATE SMOKERS' LOUNGES, E-CIGARETTE LOUNGES, VAPOR BARS, AND HOOKAH BARS, TO BECOME EFFECTIVE MAY 1, 2014**

RECOMMENDATION

Hold public hearing and adopt Urgency Ordinance No. 11-2014, extending for ten (10) months and fifteen (15) days 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 Ordinance will extend the current forty-five (45) day temporary moratorium by ten (10) months and fifteen (15) days 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

On March 17, 2014, the City Council approved Ordinance No. 8-2014, which was an urgency ordinance that established a 45-day temporary moratorium on the development, establishment, and operation of private smokers' lounges, e-cigarette lounges, vapor bars, or hookah bars within the City. This ordinance was effective immediately, and will expire on May 1, 2014, unless extended by 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 forty-five (45) day moratorium by ten (10) months and fifteen (15) days, 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 become effective immediately upon passage and adoption by at least four-fifths (4/5) vote of the City Council, and beginning May 1, 2014 shall be in effect for ten (10) months and fifteen (15) days therefrom unless extended by the City in accordance with California Government Code section 65858.

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. 11-2014, extending by ten months and fifteen days the moratorium on the establishment, expansion, and operation of private smokers' lounges, e-cigarette lounges, vapor bars, and hookah bars, to become effective May 1, 2014."

ATTACHMENT

Draft Urgency Ordinance 11-2014, extending by ten (10) months and (15) days a temporary moratorium on the establishment, expansion, and operation of private smokers' lounges, e-cigarette lounges, vapor bars, and hookah bars, to become effective May 1, 2014.

2261416.1

CITY OF RANCHO CORDOVA**ORDINANCE NO. 11-2014****AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA EXTENDING BY TEN (10) MONTHS AND FIFTEEN (15) DAYS A TEMPORARY MORATORIUM ON THE ESTABLISHMENT, EXPANSION, AND OPERATION OF PRIVATE SMOKERS' LOUNGES, E-CIGARETTE LOUNGES, VAPOR BARS, AND HOOKAH BARS, TO BECOME EFFECTIVE MAY 1, 2014****THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA DOES ORDAIN AS FOLLOWS:****Section 1. Purpose and Declarations.**

A. At its March 17, 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 45-day moratorium on the establishment and operation of private smokers' lounges, e-cigarette lounges, vapor bars, and hookah bars; and

B. Ordinance No. 8-2014 will, unless extended, expire by its own terms on May 1, 2014; and

C. 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

D. This Urgency Ordinance incorporates by reference all the findings provided in Urgency Ordinance No. 8-2014 and its accompanying staff report, as well as the staff report accompanying this Ordinance No. 11-2014, 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; and

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; and

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; and

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; and

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; and

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; and

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; and

E. As directed by the City Council by Ordinance No. 8-2014, staff is studying 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

F. On April 7, 2014, the City Council held a study session 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 to 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. During this April 7, 2014 meeting, City Council directed staff to study the issue and present sample regulations for these land uses; 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 45 days from the date of adoption, and may be extended a maximum of two times and have a maximum total duration of 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 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 ordinance is exempt from CEQA based on the following:

1. This 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 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 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 ordinance will have a significant effect on the environment.

Section 2. Moratorium Extended.

A. Findings and Purpose.

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

1. The purpose of this 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 ten (10) months and fifteen (15) days 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 ordinance, May 1, 2014, 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 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 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 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 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 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 Ordinance shall become effective May 1, 2014, if passed and adopted by at least four-fifths vote of the City Council and shall be in effect for ten (10) months and fifteen (15) days there from unless extended by the City Council in accordance with California Government Code section 65858.

Section 5. Penalties.

Any person who violates any section of this 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 _____, 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert J. McGarvey, Vice Mayor

ATTEST:

Mindy Cuppy, CMC, City Clerk
2261396.1

MEMORANDUM

DATE: April 21, 2014

TO: Honorable Mayor and Council Members

FROM: Jessica Hayes, Housing Services Division

SUBJECT: Resolution to Withdraw from the Regional Human Rights Fair Housing Commission.



RECOMMENDATION

Adopt Resolution No. 27 - 2014, approving the City's Withdrawal from the Regional Human Rights Fair Housing Commission (RHRFHC).

RESULT OF RECOMMENDED ACTION

Adoption of this resolution will authorize the City Manager to serve notice on the RHRFHC of the City Council's election to withdraw from the Commission and the Joint Powers Agreement (JPA) dated January 22, 2008.

BACKGROUND

Every jurisdiction that receives funding from the Federal Department of Housing and Urban Development (HUD), such as Community Development Block Grant (CDBG), Neighborhood Stabilization Program (NSP), HOME, and other similar funding streams must agree to "Affirmatively Further Fair Housing" in that jurisdiction. Recently, HUD has taken a much closer look at how jurisdictions are meeting their fair housing obligations, and has provided more detail regarding the responsibilities jurisdictions face in enforcing fair housing and how fair housing should be "affirmatively furthered". HUD's additional scrutiny, including a HUD presentation on fair housing responsibilities held at Rancho Cordova City Hall in April of 2012, has encouraged jurisdictions to take a very active role in fair housing support and enforcement.

In January of 2008 the City Council of the City of Rancho Cordova (along with the Cities of Elk Grove and Citrus Heights) elected to become a member of an existing Joint Powers Agreement (JPA) with the County and the City of Sacramento for the funding and board oversight of the Regional Human Rights Fair Housing Commission. The RHRFHC had a long history of advocacy in the region and has become the chief provider of fair housing enforcement for the Sacramento Housing and Redevelopment Agency (SHRA) as well as the Sacramento Metro region. The City of Rancho Cordova contracted with the RHRFHC for similar fair housing support funded by CDBG dollars.

The City of Rancho Cordova's grants specialists, in partnership with the Cities of Citrus Heights and Elk Grove, monitored the RHRFHC in 2009 and again in 2011 and found material deficiencies in each monitoring that led staff to recommend that the RHRFHC's application for CDBG funds for the 2012-2013 program year be denied. This recommendation followed a

similar action taken by SHRA in 2011, after an independent Analysis of Impediments to Fair Housing (AI) which found that RHRFHC case resolution policies acted as impediments to Fair Housing. The Cities of Elk Grove and Citrus Heights also chose to remove CDBG funds from the RHRFHC during the following fiscal and calendar periods.

The RHRFHC operated for a year on reduced funding, without addressing the material findings from the joint monitoring or the impediments identified in SHRA's AI. During that period the Cities of Rancho Cordova, Elk Grove, and Citrus Heights partnered in Fair Housing training for key staff and developed independent Fair Housing Enforcement Plans designed to meet HUD's requirements. The RHRFHC reported that it was facing severe fiscal duress during the beginning of the 2014-2015 fiscal year, and the County of Sacramento was identified as the RHRFHC's sole funder. In addition to significant operating deficits, the RHRFHC was also facing an unfunded CalPERS pension liability of approximately \$2.6 million.

In March of 2014 the County recommended to the RHRFHC's board that the Commission be dissolved, and their operations wound down. The Commission's Board approved the appointment of La Shelle Dozier, the Executive Director of SHRA to oversee the wind-down process. In order for this process to be completed in a timely and responsible manner, the JPA must be terminated.

Termination of the JPA requires that each of the member jurisdictions withdraw by governing body resolution. The Governing Board of the RHRFHC is meeting on May 22, 2014, and has requested that the City of Rancho Cordova submit a resolution of withdrawal prior to that date. The City of Citrus Heights withdrew from the RHRFHC on February 13, 2014. The attached resolution will withdraw the City of Rancho Cordova from the RHRFHC, as per the Governing Board's request, and will allow the City Manager to submit the withdrawal in a timely manner.

ATTACHMENT

Resolution No. 27 - 2014: A Resolution of the City Council of the City of Rancho Cordova Approving the City's Withdrawal from the Regional Human Rights Fair Housing Commission.

CITY OF RANCHO CORDOVA

RESOLUTION NO. 27-2014

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
APPROVING THE CITY'S WITHDRAWAL FROM THE REGIONAL HUMAN RIGHTS/FAIR
HOUSING COMMISSION**

WHEREAS, on January 22, 2008 a Joint Exercise of Powers Agreement ("JPA") was enacted establishing the Regional Human Rights/Fair Housing Commission ("Commission") by and between the cities of Sacramento, Citrus Heights, Elk Grove, Rancho Cordova, and the County of Sacramento; and

WHEREAS, the City Council of the City of Rancho Cordova now desires to withdraw from the Commission; and

WHEREAS, Section 12 of the JPA, "Withdrawal," allows any member to "withdraw from the Commission upon service of written notice in the form of a resolution of the Member's governing body electing to withdraw and make payment of any obligations due to the Commission."; and

WHEREAS, Section 12 states that "(w)ithdrawal shall take effect at the end of the Member's annual funding cycle;" and

WHEREAS, the annual funding cycle ends June 30, 2014; and

WHEREAS, the City of Rancho Cordova has no obligations due to the Commission.

NOW THEREFORE, The City Council hereby elects to withdraw from the Joint Exercise of Powers Agreement establishing the Regional Human Rights/Fair Housing Commission, effective June 30, 2014; and directs the City Manager to serve this Resolution by mail on the Sacramento Regional Human Rights/Fair Housing Commission, to the attention of the Board Chair and Executive Director.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert J. McGarvey, Vice Mayor

ATTEST:

Mindy Cuppy, CMC, City Clerk

