

CITY OF RANCHO CORDOVA



CITY COUNCIL MEETING Monday, September 16, 2024

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

**City Hall
2729 Prospect Park Drive
Rancho Cordova, CA 95670**

**Hilton Branson Convention Center - Lobby
200 E Main Street
Branson, MO 65616**

How to Observe or Listen to the Meeting:

- Online via Zoom: <https://cityofranhocordova.zoom.us/j/81630466928>
Webinar ID: 816 3046 6928
- By phone: +1 669 900 6833 or +1 253 215 8782
Webinar ID: 816 3046 6928

Public Comment

Members of the public who wish to address the City Council may do so in person during the meeting by completing and submitting a Speaker Card to the City Clerk.

Members of the public who wish to provide public comment via email will need to submit comments to CityClerk@cityofranhocordova.org no later than 2:00 p.m. on Monday, September 16, 2024. Written comments received no later than 2:00 p.m. will be distributed to the Council, filed in the record, and will not be read aloud. All comments submitted later than 2:00 p.m. will be distributed to the Council.

If you have questions related to the City Council Meeting, please contact the City Clerk's Office at (916) 851-8720 before Monday, September 16, 2024, at 2:00 p.m.

AGENDA

1. REGULAR MEETING - CALL TO ORDER/ROLL CALL

Council Members Linda Budge, Garrett Gatewood, Siri Pulipati, Donald Terry, and Mayor David Sander

2. METRO CABLE TV TELEVISION ANNOUNCEMENT

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

3. PLEDGE OF ALLEGIANCE

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

4. INVOCATION

Julie Steinbach with the United Methodist Church will give the invocation.

5. PRESENTATIONS

- 5.1. New Employee Introductions: Sam McKain, Animal Services Technician by April Stevenson, Management Analyst, and Elizabeth Hall, Administrative Assistant by Katrina Colvig, Administrative Assistant II.

6. PUBLIC COMMENT

Members of the public wishing to address the Council for any matter not on the agenda may do so at this time by completing and submitting a Speaker Card to the City Clerk.

For items on the agenda, speakers will be called by the Mayor at the point on the agenda when the item will be heard. Speakers are encouraged to keep comments to three minutes or less and to state name and community of residence.

Under the provisions of the California Government Code, the City Council is prohibited from discussing or taking immediate action on any item not on the agenda unless it can be demonstrated to be of an emergency nature or the need to take immediate action arose after the posting of the agenda.

7. COUNCIL REPORTS

8. CITY MANAGER'S REPORT

9. CONSENT CALENDAR ITEMS - ROLL CALL VOTE

- 9.1. **Subject:** Meeting Minutes from the Regular City Council Meeting of September 3, 2024.
Recommendation: Adopt the minutes.
- 9.2. **Subject:** Biennial Notice of Intention to Review and Amend the Conflict of Interest Code for the City of Rancho Cordova.
Recommendation: Receive Biennial Notice of Intention to Review and Amend the Conflict of Interest Code for the City of Rancho Cordova.

10. CONSENT PUBLIC HEARING ITEMS - ROLL CALL VOTE

- 10.1. **Subject:** An Ordinance of the City Council of the City of Rancho Cordova, State of California,

Amending Title 23, Zoning Code, Article 9 Specific Use Provisions of the City of Rancho Cordova Municipal Code.

Recommendation: Waive the first reading and introduce the Ordinance.

11. PUBLIC HEARING ITEMS

None.

12. REGULAR CALENDAR ITEMS

- 12.1. **Subject:** An Ordinance of the City Council of the City of Rancho Cordova, State of California, Repealing Sections 9.85.010-9.85.060 "Protection of Critical Infrastructure and Wildfire Risk Areas," and Adding Sections 9.85.010-9.85.070, to Title 9. Chapter 9.85 of the Rancho Cordova Municipal Code "Camping."

Recommendation: Waive the first reading and introduce the Ordinance.

13. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

14. ADJOURNMENT

ADDITIONAL INFORMATION

Special Meetings listed below are subject to change/cancellation without further notice.

Unless the Council adopts a motion to extend the meeting, any item that is not initiated before 11:00 p.m. will be continued to the next day at 5:30 p.m. 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.cityofranhocordova.org on Thursdays or Fridays prior to the Regular City Council Meeting.

UPCOMING MEETINGS

September 24, 2024	5:30 PM Special Meeting/Work Session
October 7, 2024	4:00 PM Special Meeting/5:30 PM Regular Meeting
October 21, 2024	5:30 PM Regular Meeting
October 29, 2024	5:30 PM Special Meeting/Work Session
November 4, 2024	4:00 PM Special Meeting/5:30 PM Regular Meeting
November 18, 2024	5:30 PM Regular Meeting
November 26, 2024	5:30 PM Special Meeting/Work Session
December 2, 2024	4:00 PM Special Meeting/5:30 PM Regular Meeting

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

The Rancho Cordova City Council meeting will be videotaped in its entirety and will be cablecast without interruption on Metro Cable 14, the Government Affairs Channel on the Comcast and Direct TV U-Verse Systems. Closed Captioning will be available on the playback cablecast. A DVD copy is available from the City Clerk's Department and a webcast of this meeting will be available for viewing via video streaming from the City's website within 48 hours of adjournment of this meeting.

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

CERTIFICATION OF POSTING OF AGENDA

I, Stacy Leitner, City Clerk for the City of Rancho Cordova, declare that the foregoing agenda for the September 16, 2024, Regular Meeting of the Rancho Cordova City Council was posted and available for review on September 12, 2024, 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 September 12, 2024, at Rancho Cordova, California.



Stacy Leitner, CMC
City Clerk

CITY OF RANCHO CORDOVA



CITY COUNCIL MEETING

Tuesday, September 3, 2024

4:00 PM PST – Special Meeting

5:30 PM PST – Regular Meeting

David B. Roberts Council Chambers

City Hall

2729 Prospect Park Drive, Rancho Cordova

Hilton Salt Lake City Center - Lobby

255 S W Temple St, Salt Lake City, UT 84101

DRAFT MINUTES

1. SPECIAL MEETING - CALL TO ORDER/ROLL CALL

Mayor Sander called the Special meeting to order in the David B. Roberts Council Chambers at 4:05 p.m.

Council Members Present: Linda Budge, Garrett Gatewood, Donald Terry, and Mayor David Sander (attended via teleconference)

Council Members Absent: Siri Pulipati

Staff Members Present: Stacy Leitner, Adam Lindgren, Persephonie Riley, and Micah Runner

2. PUBLIC COMMENT

Mayor Sander stated that public comment would be taken at the time the items on the agenda were heard.

3. SPECIAL MEETING

3.1. Subject: Economic Development Strategic Plan Update.

Recommendation: Receive the Economic Development Strategic Plan update from the Economic Development Department and TIP Strategies, Inc.

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

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ATTACHMENT 1

ACTION: Input was received regarding the Economic Development Strategic Plan Update.

- 3.2. **Subject:** Financing Options for Significant City Projects.

Recommendation: Receive the presentation.

ACTION: Input was received regarding Financing Options for Significant City Projects.

4. **ADJOURNMENT OF SPECIAL MEETING**

Mayor Sander adjourned the Special meeting to the Regular meeting at 5:50 p.m.

5. **REGULAR MEETING - CALL TO ORDER/ROLL CALL**

Mayor Sander re-opened the Special meeting at 6:08 p.m.

Mayor Sander opened the public comment period. The following individuals addressed the Council or submitted public comment via email:

1. Cheryl Putman

Mayor Sander closed the public comment period.

Mayor Sander adjourned to the Regular meeting at 6:11 p.m.

Mayor Sander called the Regular meeting to order in the David B. Roberts Council Chambers at 6:12 p.m.

Council Members Present: Linda Budge, Garrett Gatewood, Donald Terry, and Mayor David Sander (attended via teleconference)

Council Members Absent: Siri Pulipati

Staff Members Present: Stacy Leitner, Adam Lindgren, Persephonie Riley, and Micah Runner

6. **METRO CABLE TV TELEVISION ANNOUNCEMENT**

The City Clerk read the meetings recordings and playback schedule.

7. **PLEDGE OF ALLEGIANCE**

Council Member Donald Terry led the pledge.

8. **INVOCATION**

Ruby Smallwood with the Law Enforcement Chaplaincy gave the invocation.

9. **PRESENTATIONS**

None

ACTION: Motion to rearrange the agenda to hear item 15.1 after item 10 on the agenda by Budge second by Terry;
Motion passed with a 4:0 vote.

AYES: Budge, Gatewood, Terry, and Sander

NOES: None

ABSENT: Pulipati

ABSTAIN: None

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ATTACHMENT 1

10. PUBLIC COMMENT

Mayor Sander opened the public comment period. The following individuals addressed the Council or submitted public comment via email:

1. Helen Whelan Bashaw
2. James Garcia
3. James Oliver and Walter Lomax
4. Lisa Cooley

Mayor Sander closed the public comment period.

15. PUBLIC HEARING ITEMS

- 15.1. **Subject:** Public Hearing and Resolution Approving Maximum Rate Adjustments for Residential Solid Waste Collection and Street Sweeping Services for the Period from January 1, 2025, through July 1, 2029.

Recommendation: Conduct Public Hearing and Adopt the Resolution.

Mayor Sander opened the public comment period. The following individuals addressed the Council or submitted public comment via email:

1. Cheryl Putman
2. Wendi Casselman
3. James Garcia
4. Helen Whelan Bashaw
5. Jefferey Black
6. Nancy Copeland
7. Teresa Aguilar
8. Lynn Nicholls

Mayor Sander closed the public comment period.

ACTION: Motion to approve item 15.1. by Terry second by Budge;
Motion passed with a 4:0 vote.

AYES: Budge, Gatewood, Terry, and Sander

NOES: None

ABSENT: Pulipati

ABSTAIN: None

BREAK 7:49 p.m. – 7:56 p.m.

11. COUNCIL REPORTS

Council reported on events since the last meeting.

12. CITY MANAGER'S REPORT

City Manager Micah Runner gave his report.

13. CONSENT CALENDAR ITEMS - ROLL CALL VOTE

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

ACTION: Motion to approve items 13.1 through 13.10 by Budge second by

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ATTACHMENT 1

Gatewood;
Motion passed with a 4:0 vote.

AYES: Budge, Gatewood, Terry, and Sander

NOES: None

ABSENT: Pulipati

ABSTAIN: None

- 13.1. **Subject:** Meeting Minutes from the Regular City Council Meeting of August 5, 2024, and the Special Meeting of August 27, 2024.
Recommendation: Adopt the minutes.
- 13.2. **Subject:** Second Reading of an Ordinance Establishing a Special Tax for Transit-Related Services for the Preserve Project.
Recommendation: Waive second reading and adopt the Ordinance.
- 13.3. **Subject:** A Resolution Authorizing the City Manager to Execute Contract Amendment No. 2020-220-2 with Dokken Engineering to Extend the Contract Term from December 31, 2024, to June 30, 2026, which Results in an Increase to the Contract Amount from \$800,000 to an Amount not to Exceed \$1,240,000 for Stormwater Support Services.
Recommendation: Adopt the Resolution.
- 13.4. **Subject:** A Resolution Designating a Voting Delegate and Alternate for the 2024 League of California Cities Annual Conference Held October 16-18, 2024, in Long Beach, California.
Recommendation: Adopt the Resolution.
- 13.5. **Subject:** A Resolution Authorizing the City Manager to Execute Contract No. 2024-115 with 50 Corridor Transportation Management Association in an Amount not to Exceed \$173,000 for Transportation Demand Management Services for Encouragement and Education of Sustainable Transportation within the City.
Recommendation: Adopt the Resolution.
- 13.6. **Subject:** A Resolution Authorizing the City Manager to Execute Contract Amendment No. 2021-336-03 to Increase the Contract Amount by \$69,838.24 to an Amount not to Exceed \$179,700.99 with Dewberry Engineers, Inc. for Design Services for the Mather Field Road Enhancements Project.
Recommendation: Adopt the Resolution.
- 13.7. **Subject:** A Resolution Authorizing the City Manager to Execute a Contract with Rancho Cordova Food Locker for Capacity-Building Services in an Amount not to Exceed \$350,000 of American Rescue Plan Act Funding.
Recommendation: Adopt the Resolution.
- 13.8. **Subject:** A Resolution Authorizing the City Manager to Execute a Memorandum of Understanding with Cordova Recreation and Park District for the Construction of a Dog Park at White Rock Park in an Amount not to Exceed \$500,000 of American Rescue Plan Act Funding.
Recommendation: Adopt the Resolution.
- 13.9. **Subject:** A Resolution Establishing the Number of the Community Enhancement & Investment Fund Citizen Oversight Board Members and Updating Oversight Board Member Duties to Include Reviewing Expenditure of Tax Revenues from Measures H and R and Providing Feedback for Use in the City's Hard Copy and Online Resources.
Recommendation: Adopt the Resolution.

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13.10. **Subject:** Treasurer's Report - June 30, 2024.

Recommendation: This report is informational only. It is recommended that the City Council receive and file the June 30, 2024, Treasurer's Report.

14. **CONSENT PUBLIC HEARING ITEMS - ROLL CALL VOTE**

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

ACTION: Motion to approve item 14.1 by Budge second by Gatewood;
Motion passed with a 4:0 vote.

AYES: Budge, Gatewood, Terry, and Sander

NOES: None

ABSENT: Pulipati

ABSTAIN: None

14.1. **Subject:** A Resolution Declaring a Protest Hearing and Authorizing the Mailing of Property Owner Ballot Relating to the Imposition of the Annual Stormwater Utility Fee for the Preserve Project.

Recommendation: Adopt the Resolution.

16. **REGULAR CALENDAR ITEMS**

16.1. **Subject:** Capital Southeast Connector Joint Power Authority Project Update - Presentation by Executive Director Derek Minnema.

Recommendation: Receive presentation.

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

ACTION: Input was received regarding the Capital Southeast Connector Joint Power Authority Project Update - Presentation by Executive Director Derek.

16.2. **Subject:** Fiscal Year 2023-24 Preliminary Year-End Financial Report.

Recommendation: Receive the report and adopt the Resolution approving the Fiscal Year 2023-24 Budget Amendment and Fiscal Year 2024-25 Full-Time/Part-Time Employee Salary Schedule.

Mayor Sander opened the public comment period. The following individuals addressed the Council or submitted public comment via email:

1. Jim Garcia

Mayor Sander closed the public comment period.

ACTION: Motion to approve item 16.2. by Terry second by Budge;
Motion passed with a 4:0 vote.

AYES: Budge, Gatewood, Terry, and Sander

NOES: None

ABSENT: Pulipati

ABSTAIN: None

17. **COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS**

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ATTACHMENT 1

None.

18. ADJOURNMENT

Mayor Sander adjourned the meeting in memory of Cress Williamson and Ron Howell at 8:44 p.m.

Stacy Leitner, CMC
City Clerk

MEMORANDUM



ITEM 9.2.

DATE: September 16, 2024
TO: Honorable Mayor and Council Members
FROM: Stacy Leitner, City Clerk
SUBJECT: **BIENNIAL NOTICE OF INTENTION TO REVIEW AND AMEND THE CONFLICT OF INTEREST CODE FOR THE CITY OF RANCHO CORDOVA**

RECOMMENDATION

Receive Biennial Notice of Intention to Review and Amend the Conflict of Interest Code for the City of Rancho Cordova.

RESULT OF RECOMMENDED ACTION

Filing of the Updated Conflict of Interest Code for the City of Rancho Cordova Designated Employees would result in the City's compliance with Fair Political Practices Commission requirements.

BACKGROUND

The Political Reform Act requires public agencies to adopt a Conflict of Interest Code. Under the Political Reform Act, each city is required to review its Conflict of Interest Code biennially and notify the City Council as to whether or not the Conflict of Interest Code needs to be amended or no amendment is required. The 2024 Local Agency Biennial Notice has been completed and submitted to the City Council ([Attachment 1](#)).

The Conflict of Interest Code designates positions required to file an annual Statement of Economic Interests (Form 700) and assigns disclosure categories specifying the types of interests that must be reported. These statements are held by the agency as public documents, with certain positions required to file a Statement of Economic Interests directly with the Fair Political Practices Commissions (FPPC), which administers the requirements of the Political Reform Act.

Elected officials and public employees who make or influence governmental decisions are required to submit a Statement of Economic Interests (Form 700). A Form 700 1) provides information to the public about an official's personal financial interests to ensure that officials are making decisions in the best interest of the public and not enhancing their personal finances and 2) serves as a reminder of potential conflicts of interests so the official can abstain from making or participating in governmental decisions that are deemed conflicts of interest.

Local agencies must review their Conflict of Interest Code biennially to ensure the Code

accurately designates the appropriate positions and requires disclosure by designated officials in the appropriate disclosure category. The City of Rancho Cordova's Conflict of Interest was last modified in 2022. The Political Reform Act requires all positions that make or participate in making governmental decisions be designated. The biennial review of the Conflict of Interest Code has been completed ([Attachment 2](#)). Positions proposed to be added to the Conflict of Interest Code or amended (position title and/or disclosure category) are shown in bold and highlighted in green; positions proposed to be removed because the job title has changed or has been eliminated are shown in strikethrough.

The City Council, City Manager, City Attorney, Treasurer/Administrative Services Director, and Planning Commissioners are mandated filers subject to the disclosure requirements set forth in Government Code Section 87200.

Prior to Council's consideration to adopt a resolution amending the Conflict of Interest Code at an upcoming council meeting in November 2024, employees impacted by this potential amendment will be notified.

FISCAL IMPACT AND FUNDING SOURCE

There is no fiscal impact.

ATTACHMENT(S)

1. Local Agency Biennial Notice
2. 2024 Proposed Changes to the City of Rancho Cordova Conflict of Interest Code

2024 Local Agency Biennial Notice

Name of Agency: _____

Mailing Address: _____

Contact Person: _____ Phone No. _____

Email: _____ Alternate Email: _____

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict of interest code and has determined that (*check one BOX*):

☐ **An amendment is required. The following amendments are necessary:**

(*Check all that apply.*)

- ☐ Include new positions
- ☐ Revise disclosure categories
- ☐ Revise the titles of existing positions
- ☐ Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
- ☐ Other (*describe*) _____

☐ **The code is currently under review by the code reviewing body.**

☐ **No amendment is required.** (If your code is over five years old, amendments may be necessary.)

Verification (to be completed if no amendment is required)

This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.

Signature of Chief Executive Officer

Date

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 1, 2024**, or by the date specified by your agency, if earlier, to:

(*PLACE RETURN ADDRESS OF CODE REVIEWING BODY HERE*)

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.

CONFLICT OF INTEREST CODE FOR THE CITY OF RANCHO CORDOVA

The Political Reform Act (Government Code Section 81000, et. seq.) requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations Section 18730) that contains the terms of a standard conflict of interest code and may be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission (FPPC) to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendices designating positions and establishing disclosure requirements shall constitute the conflict-of-interest code of the City of Rancho Cordova.

Individuals holding designated positions shall file their statements with the City Clerk, which will retain the statements and make the statements available for public inspection and reproduction. (Government Code Section 81088). Upon receipt of the statement for Public Officials specified in Government Code Section 87200, the City shall make and retain copies and forward the originals to the Fair Political Practices Commission.

DESIGNATED POSITIONS

The positions listed below constitute the list of designated positions required by the City of Rancho Cordova Conflict of Interest Code (2 Cal. Code of Regs. Section 18730). The individual occupying each position is deemed to make, or participate in the making of, decisions that may have a material effect on a financial interest of that individual. The individuals occupying the designated positions shall disclose their economic interests in accordance with the corresponding disclosure categories, defined in Section II below.

POSITION	CATEGORY
Accountant	2
Animal Services Officer I/II	2
Assistant Building Official	1
Assistant City Attorney	1
Assistant City Clerk	1
Assistant City Manager	1
Assistant Civil Engineer	2
Assistant Community Development Director	1
Assistant Finance Director	1
Assistant Planner	2
Assistant Police Chief	1
Assistant Public Works Director	1
Assistant to the City Manager	1
Associate Civil Engineer	2
Associate Planner	2
Building Inspector I/II	2

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ATTACHMENT 2

POSITION	CATEGORY
Building Inspector Supervisor	2
Building Permit Services Supervisor	2
Business Systems Analyst	1
Building Official	1
Chief Building Official	1
Chief Innovation/Information Officer	1
City Clerk	1
City Engineer/Public Works Director	1
Code Enforcement Officer I/II	2
Code Enforcement Supervisor	2
Communications & Legislative Affairs & Community Engagement Director	1
Communications Officer I/II	2
Community Development Director	1
Community Engagement Analyst I/II	2
Community Enhancement Analyst (Management Analyst)	2
Community Enhancement Technician	2
Community Services Director	1
Deputy City Attorney	1
Deputy City Manager	1
Development Senior Analyst	2
Economic Development Director	1
Economic Development Analyst	2
Economic Development Manager	1
Engineering Manager	2
Facilities Services Manager	2
Facilities Services Supervisor	2
Finance Analyst I/II	2
Finance Manager	1
Housing and Neighborhood Development Analyst II	2
Human Resources Analyst I/II	2
Human Resources Manager	1
Information Technology Director	1
Information Technology Analyst I	2
Information Technology Analyst II	2
Information Technology Manager	1
Maintenance & Operations Supervisor	2
Management Analyst I/II	2
Neighborhood Services Manager	1

ITEM 9.2.

ATTACHMENT 2

POSITION	CATEGORY
Neighborhood Services Supervisor	1
Planning Manager	1
Police Chief	1
Principal Building Inspector	2
Principal Civil Engineer	1
Principal Engineer	1
Principal Planner	1
Program Manager	2
Public Works Division Manager- Maintenance and Operations	1
Reinvestment Analyst	1
Senior Accountant	2
Senior Animal Services Officer	1
Senior Building Inspector	2
Senior Building Plans Examiner	2
Senior Civil Engineer	2
Senior Code Enforcement Officer	1
Senior Communications Officer	1
Senior Community Enhancement Analyst	1
Senior Engineer	2
Senior Environmental Planner	2
Senior Finance Analyst	2
Senior Human Resources Analyst	1
Senior Information Technology Analyst	1
Senior Management Analyst	1
Senior Planner	1
Senior Transportation Planner	2
Supervising Building Inspector	2

Consultants shall be designated on a case-by-case basis, depending upon the nature of their services.

BOARDS AND COMMISSIONS	CATEGORY
Community Enhancement and Investment Fund Oversight Board Member	1

PUBLIC OFFICIALS SPECIFIED IN GOVERNMENT CODE SECTION 87200

Members of the Rancho Cordova City Council
City Manager
City Attorney
Treasurer / Administrative Services Director
Members of the Rancho Cordova Planning Commission

DISCLOSURE CATEGORIES

Disclosure Category 1

Individuals in this category shall disclose all interests in real property located within the City and all investments in, business positions with, and sources of income from entities having an interest in real property within the City or entities which are of the type to do business with or within the City.

Disclosure Category 2

Individuals in this category shall disclose all investments and business positions in business entities, and income from sources which: (1) are contractors or subcontractors engaged in the performance of work or services of the type utilized by the City, or (2) which manufacture or sell supplies, material, machinery or equipment of the type utilized by the City.

Disclosure Category 3

Individuals in this category shall disclose all investments and business positions in business entities, and income from sources which: (1) are contractors or subcontractors engaged in the performance of work or services of the type utilized by the designated employee's department, or (2) which manufacture or sell supplies, material, machinery or equipment of the type utilized by the designated employee's department.

MEMORANDUM

ITEM 10.1.



DATE: September 16, 2024

TO: Honorable Mayor and Council Members

FROM: Chance Finley-Ross, Assistant Planner

SUBJECT: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA, STATE OF CALIFORNIA AMENDING TITLE 23, ZONING CODE, ARTICLE 9 SPECIFIC USE PROVISIONS OF THE CITY OF RANCHO CORDOVA MUNICIPAL CODE**

RECOMMENDATION

Waive the first reading and introduce the Ordinance.

RESULT OF RECOMMENDED ACTION

The City Council would introduce the Ordinance and waive the first reading. The Ordinance would then be scheduled for a second reading and adoption at a subsequent City Council meeting. Approval of the Ordinance would amend Title 23 Zoning Code, Article 9 Specific Use Provisions, Section 23.901.060 Accessory dwelling units.

BACKGROUND

Periodically, amendments to the Municipal Code are necessary to address ambiguities, provide clarification, and to be consistent with customary practice or comply with changes in State law. Changes to State legislation regarding Accessory Dwelling Units (ADU) over the past few years have aimed to reduce barriers to property owners constructing these types of housing units. The City's current ADU regulations were reviewed for consistency with recent ADU State legislation, therefore the amendments proposed are mostly clean up.

ANALYSIS

Section 23.901.060 Accessory Dwelling Unit (ADU) Ordinance Update

An updated Section 23.901.060 Accessory Dwelling Units has been prepared to ensure the Zoning Code meets State ADU requirements. Primary revisions to this section include updates to the maximum height allowances for detached and attached ADUs to remain consistent with recent updates to state law, as well as updates to off-street parking requirements, updates to deed-restriction applicability, and updates to referenced and applicable state law sections. The revisions also contain minor grammatical and structural revisions for improved clarity to the Accessory Dwelling Unit section.

Attachment 3 includes all draft amendments, shown in track changes. Draft amendments are
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shown with track changes with new draft language underlined and language proposed for removal with strikethroughs. Only those sections with proposed changes are included in the attached documents as excerpts from the Rancho Cordova Zoning Code. As a note, Attachment 2 includes all the amendments in a non-track change format. This is provided as an exhibit to the Ordinance.

ENVIRONMENTAL ANALYSIS

CEQA requires analysis of agency approvals of discretionary “projects.” A “project,” under CEQA, is defined as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” (CEQA Guidelines, § 15378.) As reflected in State CEQA Guideline 15061 (b) (3), an activity is not subject to CEQA, “where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment...”. The proposed amendments are not a “project” within the meaning of CEQA because the amendments seek to further regulate or clarify uses that are already present in the City or provide consistency with State law and no significant expansion of these activities can reasonably be anticipated to occur. Because no expansion of uses or activities is reasonably anticipated, no possibility exists that the ordinance will result in a significant effect on the environment. Thus, the proposed ordinance is not subject to the requirements of CEQA. However, in the event that adoption of the ordinance is considered a CEQA project, it would nonetheless qualify for categorical exemptions as set forth below.

CEQA Guidelines Section 15061(b)(3) states that a project is exempt from CEQA “where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” The approval of the code amendments set forth in the proposed ordinance does not approve any physical development and it would not result in direct or indirect physical changes in the environment. Any specific development projects that may result from these changes will be subject to environmental review. The proposed amendments are consistent with the City’s General Plan. For these reasons, the proposed amendments would not have the potential to result in individually or cumulatively significant effects on the environment and these Zoning Code amendments are exempt from review under CEQA and no further environmental review is necessary.

FISCAL IMPACT AND FUNDING SOURCE

There is no fiscal impact.

ATTACHMENT(S)

1. Ordinance
2. Exhibit A to the Ordinance
3. Track Changes

CITY OF RANCHO CORDOVA

ORDINANCE NO. XX-2024

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA, STATE
OF CALIFORNIA AMENDING TITLE 23, ZONING CODE, ARTICLE 9 SPECIFIC USE
PROVISIONS OF THE CITY OF RANCHO CORDOVA MUNICIPAL CODE**

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

WHEREAS, the City conducts periodic updates of the provisions of the Rancho Cordova Municipal Code (RCMC) to ensure compliance with current laws, changes in local policy, consistency with adopted plans and programs, clarify ambiguities, address changing market conditions, reflect best practices, and to address issues or concerns with current regulations; and

WHEREAS, Title 23 Chapter 23.901 Residential Uses Section 23.901.060 Accessory Dwelling Units of the Municipal Code, sets forth provisions for Accessory Dwelling Units; and

WHEREAS, The Ordinance would amend Section 23.901.060 to make the accessory dwelling unit provisions consistent with State law and to make minor grammatical and structural changes for improved clarity; and

WHEREAS, on September 16, 2024, the City Council held a properly noticed public hearing for this Ordinance and considered all oral and written testimony.

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

- A. **CEQA Compliance.** CEQA requires analysis of agency approvals of discretionary “projects.” A “project,” under CEQA, is defined as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” (CEQA Guidelines, § 15378.) As reflected in State CEQA Guideline 15061 (b) (3), an activity is not subject to CEQA, “[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment...” The proposed amendments are not a “project” within the meaning of CEQA because the amendments seek to provide clarification of uses, standards and/or enforcement procedures, address inconsistencies between definitions, delete text that is no longer necessary. Because no expansion of uses or activities is reasonably anticipated, no possibility exists that the ordinance will result in a significant effect on the environment. Thus, the proposed ordinance is not subject to the requirements of CEQA. However, in the event that adoption of the ordinance is considered a CEQA project, it would nonetheless qualify for categorical exemptions as set forth below.

CEQA Guidelines Section 15061(b)(3) states that a project is exempt from CEQA “where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” The approval of the code amendments set

forth in the proposed ordinance does not approve any physical development and it would not result in direct or indirect physical changes in the environment. Any specific development projects that may result from these changes will be subject to environmental review. The proposed amendments are consistent with the City's General Plan. For these reasons, the proposed amendments would not have the potential to result in individually or cumulatively significant effects on the environment and these Zoning Code amendments are exempt from review under CEQA and no further environmental review is necessary.

- B. **The proposed amendment is consistent with the General Plan.** The attached Zoning Code Amendments ("Amendment") are consistent with the General Plan. The amendments would address inconsistencies, delete text that are no longer necessary, and provide clarifying language for implementation.
- C. **The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.** The amendments would address inconsistencies, delete text that is no longer necessary, and provide clarifying language for implementation. None of these proposed amendments will be detrimental to the public interest, health, safety, convenience, or welfare of the City.
- D. **The proposed amendments are internally consistent with other applicable provisions in this Zoning Code.** The Amendments have been reviewed for consistency with the entirety of the Zoning Code and are consistent with other applicable provisions of the Zoning Code.

Section 3. Amendments to Title 23 Zoning Code

The City Council hereby adopts the amendments to Title 23 Zoning Code of the Rancho Cordova Municipal Code, as shown and incorporated in Exhibit A to this Ordinance.

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 adoption.

ITEM 10.1.

ATTACHMENT 1

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the ____ day of ____, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

David Sander, Mayor

ATTEST:

Stacy Leitner, CMC
City Clerk

Rancho Cordova

Municipal Code Amendments

Note to Reader: Only those sections and/or subsections listed within this document are being amended. Unless otherwise indicated, all sections and subsections prior to and after the amended section and/or subsection shall remain, unchanged.

23.901.060 Accessory dwelling units.

A. Purpose and Intent. This section establishes regulations and a ministerial review process for accessory dwelling units. Accessory dwelling units are intended to expand housing opportunities for low-income and moderate-income or elderly households by increasing the number of rental units available within existing neighborhoods while maintaining the architectural character of the area.

B. Applicability. This section applies to all accessory dwelling units, including junior accessory dwelling units, as defined.

C. Where Permitted. Accessory dwelling units are permitted by right in any zoning district which permits single-family or multifamily homes.

D. Relationship to General Plan and Zoning.

1. Any accessory dwelling unit which conforms with the requirements of this chapter shall be deemed to be consistent with the General Plan designation and zoning for the parcel, regardless of any limitations on residential density imposed by the General Plan or zoning.
2. Accessory dwelling units shall not be counted when determining residential density for conformance with General Plan or zoning.

E. Permits and Approval.

1. Ministerial Action. Approval or denial of an accessory dwelling unit or junior accessory dwelling unit is a ministerial action and subject to compliance with the standards in this section.
2. Building Permit. All accessory dwelling units or junior accessory dwelling units shall require a building permit, subject to all the standard application and processing fees and procedures that apply to building permits generally. No other separate planning-related permit is required.
3. Issuance of Permit. The city shall issue a building permit for an accessory dwelling unit within 60 calendar days from the date on which the city received a completed submittal package application, unless either:
 - a. The applicant requests a delay, in which case the 60-day time period is put on hold for the period of the requested delay; or
 - b. The application to create an accessory dwelling unit or junior accessory dwelling unit is submitted with an application to create a new single-family or new multifamily dwelling on the parcel. The city may delay acting on the permit application for the accessory dwelling unit or junior accessory dwelling unit until the city acts on the permit application to create the new single-family or new multifamily dwelling on the parcel.

F. Definitions. The following words and phrases shall, for the purposes of this chapter, have the meanings respectively ascribed to them by this section, as follows:

1. “Accessory dwelling unit or ADU means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary dwelling. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation and shall be constructed on the same parcel as the single-family or multifamily dwelling unit that is the primary dwelling unit or will be situated. An accessory dwelling unit also includes the following: (a) an efficiency unit, as defined in Section [17958.1](#) of the Health and Safety Code, and (b) a manufactured home, as defined in Section [18007](#) of the Health and Safety Code. This definition shall be interpreted as consistent with and including the definition of accessory dwelling unit found in Government Code Section [66313](#).
2. “Accessory structure” means a structure that is accessory and incidental to a dwelling located on the same parcel. This definition shall be interpreted as consistent with and including the definition of accessory structure found in Government Code Section [66313](#).
3. “Car share” means a program that allows customers hourly access to shared vehicles from a dedicated home location, with the vehicles required to be returned to that same location at the end of the trip.
4. “Efficiency kitchen” means a cooking facility that includes all of the following:
 - a. A cooking facility with appliances.
 - b. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
5. Efficiency Unit. As defined in Section [17958.1](#) of the Health and Safety Code.
6. Junior Accessory Dwelling Unit or JADU. A “junior accessory dwelling unit” means a unit that is contained entirely within a single-unit primary dwelling. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the primary dwelling. This definition shall be interpreted as consistent with and including the definition of junior accessory dwelling unit found in Government Code Section [66313](#).
7. “Living area” means the interior habitable area of a dwelling unit including basements and attics, but does not include a garage or any accessory structure. This definition shall be interpreted as consistent with and including the definition of living area found in Government Code Section [66313](#).
8. “Passageway” means a pathway that is unobstructed, clear to the sky and extends from a street or alley to one entrance of the accessory dwelling unit. This definition shall be interpreted as consistent with and including the definition of passageway found in Government Code Section [66313](#).
9. “Primary dwelling” means an existing or proposed residential structure on a lot with an accessory dwelling unit.
10. “Public transit” means a location, including but not limited to a bus stop or train station, where the public may access buses, trains, subway, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
11. Single-Unit and Multi-Unit. “Single-unit” means the same as a single-family dwelling and “multi-unit” means multifamily dwellings with two or more units.
12. “Tandem parking” means two or more automobiles parked on a driveway or in any other location on a parcel, lined up behind one another.

G. Types of Accessory Dwelling Units. The following are the types of accessory dwelling units:

1. Accessory dwelling unit, attached and detached, as defined below.
 - a. Attached. An accessory dwelling unit that is attached to an existing or proposed primary dwelling, such as through a shared wall, floor, or ceiling, including attached garages, storage areas or similar uses, or within an accessory structure. An attached accessory dwelling unit can be created by converting a portion of an existing primary dwelling, by constructing a new primary dwelling with an integral accessory dwelling unit, or by constructing an addition to an existing primary dwelling.
 - b. Detached. An accessory dwelling unit that is physically detached or separated from the primary dwelling. Detached includes a second-story addition above an existing detached structure. A detached accessory dwelling unit can be new construction or the conversion or expansion of an existing structure.
2. Junior Accessory Dwelling Unit. An attached accessory dwelling unit is a unit that meets specific criteria as specified below.
 - a. Maximum of 500 square feet in size.
 - b. Contained entirely within a single-unit primary dwelling.
 - c. Has a separate entrance from the main entrance to the primary dwelling.
 - d. Has a bathroom that is either in the junior ADU or in the primary dwelling.
 - e. Includes an efficiency kitchen.

H. Number of Accessory Dwelling Units or Junior Accessory Dwelling Units per Lot or Parcel in Zones Which Allow Single-Family Homes. The following number of accessory dwelling units apply in all zoning districts that allow single-family homes as a permitted use:

1. One attached or detached accessory dwelling unit shall be allowed on a parcel with a primary dwelling unit.
2. One junior accessory dwelling unit shall be allowed on a parcel with a primary dwelling.
3. Up to one attached or detached accessory dwelling unit and one junior accessory dwelling unit shall be allowed on a single parcel.

I. Type and Number of Accessory Dwelling Units per Lot with an Existing Multifamily Home. The following apply to accessory dwelling units in all zoning districts that allow multifamily homes as a permitted use:

1. Accessory Dwelling Units.
 - a. At least one ADU or up to 25 percent of the existing multifamily units shall be allowed within an existing multifamily dwelling.
 - b. Accessory dwelling units in a multifamily development may be created only through the conversion of parts of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages.

2. Detached Accessory Dwelling Units.

- a. Up to two detached accessory dwelling units shall be allowed on a parcel with existing multifamily structures, subject to compliance with the development standards for detached accessory dwelling units in this chapter.
- b. If the existing multifamily dwelling has a rear or side setback of less than four feet, no modification of the existing multifamily dwelling shall be required as a condition of approving the application to construct an accessory dwelling unit.

J. Development Standards for Attached and Detached Accessory Dwelling Units. The following standards apply to accessory dwelling units:

1. Attached Accessory Dwelling Units.

- a. Location. Attached accessory dwelling units shall be located on the same lot or parcel as an existing or proposed primary dwelling unit and be attached to the primary dwelling unit by at least one wall or by a ceiling (above or below the primary dwelling unit) on a lot that is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.
- b. Size. The total floor area of an attached accessory dwelling unit shall not exceed 850 square feet for a one-bedroom unit or 1,000 square feet for an accessory dwelling unit that provides more than one bedroom. If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling. These limits do not include up to 150 square feet of area added to the primary dwelling for the sole purpose of providing ingress and egress to the accessory dwelling unit.
- c. Setbacks.
 - i. Front yard setback: Per the zoning district standard for the primary dwelling.
 - ii. Side yard: Four feet.
 - iii. Rear yard: Four feet.
 - iv. No setback shall be required for an existing living area or accessory structure, or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit.
- d. Height. 25 feet or the height limitation in the local zoning ordinance that applies to the primary dwelling, whichever is lower. This height requirement shall not require the city to allow an accessory dwelling unit to exceed two stories
- e. Access. An attached accessory dwelling unit shall have direct exterior access separate from the main entrance to the primary dwelling.
- f. Design. Accessory dwelling units shall be compatible with the architectural style, materials, and colors of the primary dwelling unit.
- g. Passageway. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

h. Fire Sprinklers. An attached accessory dwelling unit shall not be required to provide fire sprinklers if they are not required for the primary dwelling.

i. Landscape. Landscaped areas within setbacks shall meet the requirements of this code.

j. Before permit issuance, the city shall be provided with a copy of the recorded deed restriction, which shall run with the land, using the city's form.

k. No provisions within this section, including lot coverage or legal nonconformity, shall preclude an attached minimum 800-square-foot accessory dwelling unit that is at least 16 feet in height with four-foot side yard and rear yard setbacks, and that is constructed in compliance with all other development standards.

2. Detached Accessory Dwelling Unit Development Standards.

a. Location. Detached accessory dwelling units shall be located on the same lot or parcel as an existing or proposed primary dwelling on a lot that is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.

b. Size. A detached accessory dwelling unit shall not exceed 850 square feet for a one-bedroom unit or 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

c. Setbacks.

i. Front yard setback: Per the zoning district standard for the primary dwelling.

ii. Side yard: Four feet.

iii. Rear yard: Four feet.

c. Height. The maximum height of a detached accessory dwelling unit shall be:

- i. 16 feet for new structures built specifically as an accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit. Existing structures taller than 16 feet can be converted to an accessory dwelling unit consistent with the requirements of this chapter.
- ii. 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor.
- iii. 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling.

e. Design. Detached accessory dwelling units shall be compatible with the architectural style, materials, and colors of the primary dwelling unit.

f. Passageway. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

g. Fire Sprinklers. An attached accessory dwelling unit shall not be required to provide fire sprinklers if they are not required for the primary dwelling.

h. Landscape. All setback areas shall be landscaped as required by this code.

i. Before permit issuance, the city shall be provided with a copy of the recorded deed restriction, which shall run with the land, using the city's form.

j. Building Separation. An accessory dwelling unit shall comply with the building separation requirements of the underlying zone, but in no case shall said requirement prohibit an accessory dwelling unit that is a minimum of 800 square feet, maximum of 16 feet in height with four-foot side and rear yard setbacks.

k. No provisions within this section, including lot coverage or legal nonconformity, shall preclude a detached minimum 800-square-foot accessory dwelling unit that is at least 16 feet in height with four-foot side yard and rear yard setbacks, and that is constructed in compliance with all other development standards.

3. Junior Accessory Dwelling Unit Development Standards.

a. Location. Shall be located on the same lot or parcel as a primary dwelling unit and be within the walls of the single-family residence, including an attached garage, of the primary dwelling unit by at least one wall or by a ceiling. The junior accessory dwelling unit may be located above or below the primary dwelling unit.

b. Size. Maximum of 500 square feet of living area.

c. Setbacks. If the primary dwelling unit is expanded to create the junior accessory dwelling unit, the addition shall maintain setbacks of four feet from side and rear yards or the same setback as the existing structure, whichever is less. Front setback shall be the same as the existing structure or per the zoning district for the primary structure, whichever is less. Larger setbacks shall apply if required by fire or building codes on a case-by-case basis.

d. Access. A junior accessory dwelling unit shall have a separate entrance separate from the main entrance to the primary dwelling.

e. Kitchen. Each junior accessory dwelling unit shall include an efficiency kitchen which must include (i) a cooking facility with appliances and (ii) a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

f. Utilities.

i. A junior accessory dwelling unit shall not be considered a separate or new dwelling unit for the purposes of calculating connection fees or capacity charges for utilities, including water, sewer, or power service, or impact fees.

ii. No new or separate utility connection between the junior accessory dwelling unit and the utility shall be required, although the property owner may voluntarily install a submeter for the junior accessory dwelling unit.

iii. Any utility charges or fees shall be consistent with state law.

g. Parking. No additional off-street parking is required for the junior accessory dwelling unit.

h. Owner Occupancy and Deed Restriction.

- i. A person with legal or equitable title to the primary dwelling shall reside on the property in either the primary dwelling or junior accessory dwelling unit as that person's legal domicile and permanent residence.
- ii. The owner occupancy requirement does not apply if the property is entirely owned by a governmental agency, land trust, or nonprofit housing organization.
- iii. Prior to issuance of a building permit for a junior accessory dwelling unit, a deed restriction shall be recorded in the chain of title of the primary single-unit property. The form of the deed restriction shall be approved by the city attorney pursuant to Government Code Section [66333](#).
- iv. The deed restriction shall run with the land and shall be enforced against future property owners.

K. Impact Fees.

1. Impact Fee Requirements.

- a. No city-imposed impact fees shall be charged for an accessory dwelling unit that is less than 750 square feet in size.
- b. For accessory dwelling units 750 square feet or larger, city-imposed impact fees shall be charged proportionately in relation to the square footage of the primary dwelling.
- c. Impact fees do not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

L. Required Parking for Accessory Dwelling Units.

1. Number of Parking Spaces. Parking for accessory dwelling units shall be provided per the following:

- a. One off-street parking space, covered or uncovered, is required for each attached and detached accessory dwelling unit or bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.
- b. Notwithstanding any other section, no off-street parking is required for an attached or detached accessory dwelling unit if one or more of the following applies:
 - i. The accessory dwelling unit is located within one-half-mile walking distance of public transit, including transit stations and bus stations.
 - ii. When on-street parking permits are required by the city, but not offered to the occupant of the accessory dwelling unit.
 - iii. The accessory dwelling unit is part of the proposed or existing primary residence.
 - iv. The accessory dwelling unit is located within an architecturally and historically significant historic district.
 - v. When there is a car share vehicle located within one block of the accessory dwelling unit.

- vi. When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the accessory dwelling unit or the parcel satisfies any other criteria listed in this chapter.
 - c. Off-street parking shall be permitted in setback areas in locations determined by the city or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.
2. When a garage, carport, or covered parking structure is demolished to allow for the construction of an accessory dwelling unit or for the conversion of a structure to an accessory dwelling unit it shall not be required to be replaced.
3. Guest parking spaces shall not be required for accessory dwelling units under any circumstances. [Ord. 17-2021 § 3 (Exh. A); Ord. 4-2017 § 3 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 5.1.060)].

Rancho Cordova

Municipal Code Amendments

TRACK CHANGES

23.901.060 Accessory dwelling units.

A. Purpose and Intent. This section establishes regulations and a ministerial review process for accessory dwelling units. Accessory dwelling units are intended to expand housing opportunities for low-income and moderate-income or elderly households by increasing the number of rental units available within existing neighborhoods while maintaining the architectural character of the area.

B. Applicability. This section applies to all accessory dwelling units, including junior accessory dwelling units, as defined.

C. Where Permitted. Accessory dwelling units are permitted by right in any zoning district which permits single-family or multifamily homes.

D. Relationship to General Plan and Zoning.

1. Any accessory dwelling unit which conforms with the requirements of this chapter shall be deemed to be consistent with the General Plan designation and zoning for the parcel, regardless of any limitations on residential density imposed by the General Plan or zoning.
2. Accessory dwelling units shall not be counted when determining residential density for conformance with General Plan or zoning.

E. Permits and Approval.

1. Ministerial Action. Approval or denial of an accessory dwelling unit or junior accessory dwelling unit is a ministerial action and subject to compliance with the standards in this section.
2. Building Permit. All accessory dwelling units or junior accessory dwelling units shall require a building permit, subject to all the standard application and processing fees and procedures that apply to building permits generally. No other separate planning-related permit is required.
3. Issuance of Permit. The city shall issue a building permit for an accessory dwelling unit within 60 calendar days from the date on which the city received a completed submittal package application, unless either:
 - a. The applicant requests a delay, in which case the 60-day time period is put on hold for the period of the requested delay; or
 - b. The application to create an accessory dwelling unit or junior accessory dwelling unit is submitted with an application to create a new single-unit family or new multifamily dwelling ~~dwelling~~ on the parcel. The city may delay acting on the permit application for the accessory dwelling unit or junior accessory dwelling unit until the city acts on the permit application to create the new single-unit family or new multifamily dwelling on the parcel ~~dwelling~~.

F. Definitions. The following words and phrases shall, for the purposes of this chapter, have the meanings respectively ascribed to them by this section, as follows:

1. "Accessory dwelling unit or ADU means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary dwelling. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation and shall be constructed on the same parcel as the single-family or multifamily dwelling unit that is the primary dwelling unit or will be situated. An accessory dwelling unit also includes the following: (a) an efficiency unit, as defined in Section [17958.1](#) of the Health and Safety Code, and (b) a manufactured home,

as defined in Section [18007](#) of the Health and Safety Code. This definition shall be interpreted as consistent with and including the definition of accessory dwelling unit found in Government Code Section [66313.65852.2](#).

2. “Accessory structure” means a structure that is accessory and incidental to a dwelling located on the same parcel. This definition shall be interpreted as consistent with and including the definition of accessory structure found in Government Code Section [6631365852.2](#).

3. “Car share” means a program that allows customers hourly access to shared vehicles from a dedicated home location, with the vehicles required to be returned to that same location at the end of the trip.

4. “Efficiency kitchen” means a cooking facility that includes all of the following:

- a. ~~A cooking facility with appliances. A sink with a drain.~~
- b. ~~A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit. An appliance for cooking.~~
- c. ~~A food preparation counter.~~
- d. ~~Food storage cabinets that are of reasonable size in relation to size of the unit.~~

5. Efficiency Unit. As defined in Section [17958.1](#) of the Health and Safety Code.

6. Junior Accessory Dwelling Unit or JADU. A “junior accessory dwelling unit” means a unit that is contained entirely within a single-unit primary dwelling. A junior accessory dwelling unit may include separate sanitation ~~facilities, or facilities or~~ may share sanitation facilities with the primary dwelling. This definition shall be interpreted as consistent with and including the definition of junior accessory dwelling unit found in Government Code Section [6631365852.22](#).

7. “Living area” means the interior habitable area of a dwelling unit including basements and attics, but does not include a garage or any accessory structure. This definition shall be interpreted as consistent with and including the definition of living area found in Government Code Section [6631365852.2](#).

8. “Passageway” means a pathway that is unobstructed, clear to the sky and extends from a street or alley to one entrance of the accessory dwelling unit. This definition shall be interpreted as consistent with and including the definition of passageway found in Government Code Section [6631365852.2](#).

9. “Primary dwelling” means an existing or proposed residential structure on a lot with an accessory dwelling unit.

10. “Public transit” means a location, including but not limited to a bus stop or train station, where the public may access buses, trains, subway, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

11. Single-Unit and Multi-Unit. “Single-unit” means the same as a single-family dwelling and “multi-unit” means multifamily dwellings with two or more units.

12. “Tandem parking” means two or more automobiles parked on a driveway or in any other location on a parcel, lined up behind one another.

G. Types of Accessory Dwelling Units. The following are the types of accessory dwelling units:

1. Accessory dwelling unit, attached and detached, as defined below.

a. Attached. An accessory dwelling unit that is attached to an existing or proposed primary dwelling, such as through a shared wall, floor, or ceiling, including attached garages, storage areas or similar uses, or within an accessory structure. An attached accessory dwelling unit can be created by converting a portion of an existing primary dwelling, by constructing a new primary dwelling with an integral accessory dwelling unit, or by constructing an addition to an existing primary dwelling.

b. Detached. An accessory dwelling unit that is physically detached or separated from the primary dwelling. Detached includes a second-story addition above an existing detached structure. A detached accessory dwelling unit can be new construction or the conversion or expansion of an existing structure.

2. Junior Accessory Dwelling Unit. An attached accessory dwelling ~~unit that~~unit is a unit that meets specific criteria as specified below.

a. Maximum of 500 square feet in size.

b. Contained entirely within a single-unit primary dwelling.

c. Has a separate entrance from the main entrance to the primary dwelling.

d. Has a bathroom that is either in the junior ADU or in the primary dwelling.

e. Includes an efficiency kitchen.

H. Number of Accessory Dwelling Units or Junior Accessory Dwelling Units per Lot or Parcel in Zones Which Allow Single-Family Homes. The following number of accessory dwelling units apply in all zoning districts that allow single-family homes as a permitted use:

1. One attached or detached accessory dwelling unit shall be allowed on a parcel with a primary dwelling unit.

2. One junior accessory dwelling unit shall be allowed on a parcel with a primary dwelling.

3. Up to one attached or detached accessory dwelling unit and one junior accessory dwelling unit shall be allowed on a single parcel.

I. Type and Number of Accessory Dwelling Units per Lot with an Existing Multifamily Home. The following apply to accessory dwelling units in all zoning districts that allow multifamily homes as a permitted use:

1. ~~Attached~~ Accessory Dwelling Units.

a. At least one ADU or up to 25 percent of the existing multifamily units shall be allowed within an existing multifamily dwelling.

b. ~~Attached~~a Accessory dwelling units in a multifamily development may be created only through the conversion of parts of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages.

2. Detached Accessory Dwelling Units.

- a. Up to two detached accessory dwelling units shall be allowed on a parcel with existing multifamily structures, subject to compliance with the development standards for detached accessory dwelling units in this chapter.
- ~~a-b.~~ If the existing multifamily dwelling has a rear or side setback of less than four feet, no modification of the existing multifamily dwelling shall be required as a condition of approving the application to construct an accessory dwelling unit.

J. Development Standards for Attached and Detached Accessory Dwelling Units. The following standards apply to accessory dwelling units:

1. Attached Accessory Dwelling Units.

- a. Location. Attached accessory dwelling units shall be located on the same lot or parcel as an existing or proposed primary dwelling unit and be attached to the primary dwelling unit by at least one wall or by a ceiling (above or below the primary dwelling unit) on a lot that is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.
- b. Size. The total floor area of an attached accessory dwelling unit shall not exceed 850 square feet for a one-bedroom unit or 1,000 square feet for an accessory dwelling unit that provides more than one bedroom. If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling. These limits do not include up to 150 square feet of area added to the primary dwelling for the sole purpose of providing ingress and egress to the accessory dwelling unit.
- c. Setbacks.
 - i. Front yard setback: Per the zoning district standard for the primary dwelling.
 - ii. Side yard: Four feet.
 - iii. Rear yard: Four feet.
 - iv. No setback shall be required for an existing living area or accessory ~~structure~~structure, or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit.
- d. Height. 25 feet or the height limitation in the local zoning ordinance that applies to the primary dwelling, whichever is lower. This height requirement shall not require the city to allow an accessory dwelling unit to exceed two stories~~Per the zoning district standard for the primary dwelling.~~
- e. Access. An attached accessory dwelling unit shall have direct exterior access separate from the main entrance to the primary dwelling.
- f. Design. Accessory dwelling units shall be compatible with the architectural style, materials, and colors of the primary dwelling unit.
- g. Passageway. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

h. Fire Sprinklers. An attached accessory dwelling unit shall not be required to provide fire sprinklers if they are not required for the primary dwelling.

i. Landscape. Landscaped areas within setbacks shall meet the requirements of this code.

j. Before permit issuance, the city shall be provided with a copy of the recorded deed restriction, which shall run with the land, using the city's form ~~pursuant to Government Code Section 65852.2.~~

k. No provisions within this section, including lot coverage or legal nonconformity, shall preclude an attached minimum 800-square-foot accessory dwelling unit that is at least 16 feet in height with four-foot side yard and rear yard setbacks, and that is constructed in compliance with all other development standards.

2. Detached Accessory Dwelling Unit Development Standards.

a. Location. Detached accessory dwelling units shall be located on the same lot or parcel as an existing or proposed primary dwelling on a lot that is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.

b. Size. A detached accessory dwelling unit shall not exceed 850 square feet for a one-bedroom unit or 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

c. Setbacks.

i. Front yard setback: Per the zoning district standard for the primary dwelling.

ii. Side yard: Four feet.

iii. Rear yard: Four feet.

~~c.~~ d. Height. The maximum height of ~~an a detached~~ accessory dwelling unit shall be:

i. -16 feet for new structures built specifically as an accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling -unit. Existing structures taller than 16 feet can be converted to an accessory dwelling unit consistent with the requirements of this chapter.

ii. 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor.

~~+~~iii. 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling.

e. Design. Detached accessory dwelling units shall be compatible with the architectural style, materials, and colors of the primary dwelling unit.

f. Passageway. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

g. Fire Sprinklers. An attached accessory dwelling unit shall not be required to provide fire sprinklers if they are not required for the primary dwelling.

h. Landscape. All setback areas shall be landscaped as required by this code.

i. Before permit issuance, the city shall be provided with a copy of the recorded deed restriction, which shall run with the land, using the city's form, ~~pursuant to Government Code Section 65852.2.~~

j. Building Separation. An accessory dwelling unit shall comply with the building separation requirements of the underlying zone, but in no case shall said requirement prohibit an accessory dwelling unit that is a minimum of 800 square feet, maximum of 16 feet in height with four-foot side and rear yard setbacks.

k. No provisions within this section, including lot coverage or legal nonconformity, shall preclude a detached minimum 800-square-foot accessory dwelling unit that is at least 16 feet in height with four-foot side yard and rear yard setbacks, and that is constructed in compliance with all other development standards.

3. Junior Accessory Dwelling Unit Development Standards.

a. Location. Shall be located on the same lot or parcel as a primary dwelling unit and be within the walls of the single-family residence, including an attached garage, of the primary dwelling unit by at least one wall or by a ceiling. The junior accessory dwelling unit may be located above or below the primary dwelling unit.

b. Size. Maximum of 500 square feet of living area.

c. Setbacks. If the primary dwelling unit is expanded to create the junior accessory dwelling unit, the addition shall maintain setbacks of four feet from side and rear yards or the same setback as the existing structure, whichever is less. Front setback shall be the same as the existing structure or per the zoning district for the primary structure, whichever is less. Larger setbacks shall apply if required by fire or building codes on a case-by-case basis.

d. Access. A junior accessory dwelling unit shall have a separate entrance separate from the main entrance to the primary dwelling.

e. Kitchen. Each junior accessory dwelling unit shall include an efficiency kitchen which must include (i) a cooking facility with appliances and (ii) a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

f. Utilities.

i. A junior accessory dwelling unit shall not be considered a separate or new dwelling unit for the purposes of calculating connection fees or capacity charges for utilities, including water, sewer, or power service, or impact fees.

ii. No new or separate utility connection between the junior accessory dwelling unit and the utility shall be required, although the property owner may voluntarily install a submeter for the junior accessory dwelling unit.

iii. Any utility charges or fees shall be consistent with state law.

g. Parking. No additional off-street parking is required for the junior accessory dwelling unit.

h. Owner Occupancy and Deed Restriction.

i. A person with legal or equitable title to the primary dwelling shall reside on the property in either the primary dwelling or junior accessory dwelling unit as that person's legal domicile and permanent residence.

ii. The owner occupancy requirement does not apply if the property is entirely owned by a governmental agency, land trust, or nonprofit housing organization.

iii. Prior to issuance of a building permit for a junior accessory dwelling unit, a deed restriction shall be recorded in the chain of title of the primary single-unit property. The form of the deed restriction shall be approved by the city attorney pursuant to Government Code Section ~~6633365852.2~~.

iv. The deed restriction shall run with the land and shall be enforced against future property owners.

K. Impact Fees.

1. Impact Fee Requirements.

a. No city-imposed impact fees shall be charged for an accessory dwelling unit that is less than 750 square feet in size.

b. For accessory dwelling units 750 square feet or larger, city-imposed impact fees shall be charged proportionately in relation to the square footage of the primary dwelling.

c. Impact fees do not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

L. Required Parking for Accessory Dwelling Units.

1. Number of Parking Spaces. Parking for accessory dwelling units shall be provided per the following:

a. One off-street parking space, covered or uncovered, is required for each attached and detached accessory dwelling unit or bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

b. Notwithstanding any other section, no off-street parking is required for an attached or detached accessory dwelling unit if one or more of the following applies:

i. The accessory dwelling unit is located within one-half-mile walking distance of public transit, including transit stations and bus stations.

ii. When on-street parking permits are required by the city, but not offered to the occupant of the accessory dwelling unit.

iii. The accessory dwelling unit is part of the proposed or existing primary residence.

iv. The accessory dwelling unit is located within an architecturally and historically significant historic district.

v. When there is a car share vehicle located within one block of the accessory dwelling unit.

vi. When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the accessory dwelling unit or the parcel satisfies any other criteria listed in this chapter.

c. Off-street parking shall be permitted in setback areas in locations determined by the city or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

2. When a garage, carport, or covered parking structure is demolished to allow for the construction of an accessory dwelling unit or for the conversion of a structure to an accessory dwelling unit it shall not be required to be replaced.

3. Guest parking spaces shall not be required for accessory dwelling units under any circumstances. [Ord. 17-2021 § 3 (Exh. A); Ord. 4-2017 § 3 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 5.1.060)].

23.901.065 Junior accessory dwelling units.

Repealed by Ord. 1-2022. [Ord. 4-2017 § 3 (Exh. B)].

MEMORANDUM



ITEM 12.1.

DATE: September 16, 2024
TO: Honorable Mayor and Council Members
FROM: Russell Ducharme, Neighborhood Services Manager
SUBJECT: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA, STATE OF CALIFORNIA, REPEALING SECTIONS 9.85.010-9.85.060 "PROTECTION OF CRITICAL INFRASTRUCTURE AND WILDFIRE RISK AREAS," AND ADDING SECTIONS 9.85.010-9.85.070, TO TITLE 9. CHAPTER 9.85 OF THE RANCHO CORDOVA MUNICIPAL CODE "CAMPING"**

RECOMMENDATION

Waive the first reading and introduce the Ordinance.

RESULT OF RECOMMENDED ACTION

The Ordinance would come back for a second reading and adoption on October 7, 2024.

BACKGROUND

While the City continues to receive some complaints about homeless encampments, the City's combination of services and enforcement of its critical infrastructure ordinance are working. The City's homeless population has decreased in the last few years and the City has been able to remediate major encampments. Nevertheless, illegal camping remains a significant issue in communities across the region and the country - and one on which a recent U.S. Supreme Court decision gives the City the opportunity to update its enforcement tools and practices.

Prior legal restraints on clearing homeless encampments.

The measures that different cities take to address illegal camping and unsheltered individuals range from a "hands off" approach to enforcement-led approaches. In *Martin v. City of Boise* (2019) 920 F.3d 584, 602, the United States Court of Appeals for the Ninth Circuit held that "the Eighth Amendment prohibits the imposition of criminal penalties for sitting, sleeping, or lying outside on public property for homeless individuals who cannot obtain shelter." This prompted local jurisdictions in California to only enforce illegal camping if there were "practically available" shelter beds. While the City of Rancho Cordova provides a variety of supportive services and funding for homeless individuals, and supports private and nonprofit shelter providers, the City does not itself operate homeless shelters. The City relies upon programs administered by the County of Sacramento to work with homeless individuals to identify the services and care they need, and sign them up for programs and services. Without an adequate method of tracking available shelter beds, the City was not able to take enforcement action on illegal camping in

compliance with Boise. This made enforcement difficult, particularly for service-resistant unhoused individuals.

In 2019, the COVID-19 pandemic had a significant impact on the enforcement of illegal camping. The County of Sacramento Health Order encouraged people to stay at home or at their place of residence:

*CDC guidance for those experiencing homelessness outside of shelters should continue to be followed. To maintain public health and safety, **local governments should allow people who are living unsheltered, in cars, RV's, and trailers, or in encampments on public property to remain where they are**, unless the people living in those locations are provided with a) real-time access to individual rooms or housing units for households, with appropriate accommodations including for disabilities, and b) a clear plan to safely transport those households. Do not cite persons experiencing homelessness for using cars, RV's, and trailers as shelter during community spread of COVID-19. Do not remove property from people experiencing homelessness, which includes their shelter (e.g., tents, vehicles, or other living structures), hygiene equipment, food supplies, water, and personal items. Items that people who are living unsheltered designate as trash and request to be removed can be disposed of, as can detritus which has spoiled. **Clearing encampments causes people to disperse throughout the community and break connections with service providers, increasing the potential for infectious disease spread. Exceptions are encampments that pose an imminent and significant public safety hazard or adversely impact critical infrastructure as designated by local, state, and federal law, regulations, or orders.** (Order of the Health Officer of the County of Sacramento, September 29, 2020. Emphasis added.)*

The Health Order did give enforcement agencies some latitude, provided that critical infrastructure assets were formally identified through an ordinance. In August of 2022, the City passed a critical infrastructure and wildfire risk ordinance (Ordinance No. 13-2022) to provide enforcement tools to protect important facilities and public safety within the City while complying the State Health Order.

Changing legal context: The U.S. Supreme Court's Grants Pass decision.

The City of Grants Pass, Oregon, had enacted several ordinances that prohibited camping on City property and subjected homeless individuals to civil fines, followed by criminal penalties. The Ninth Circuit took up a legal challenge to the Grants Pass ordinances based on its Boise decision in 2022. It held that broad anti-camping ordinances such as those of Grants Pass are unconstitutional if they impose civil fines that can lead to criminal punishment.

The Ninth Circuit's decision on the Grants Pass ordinances was reviewed by the United States Supreme Court in its most recent term. Its decision, *City of Grants Pass v. Johnson*, decided on June 28, 2024, overturned the Ninth Circuit's prior holding in the case as well as Boise, holding that the Grants Pass anti-camping ordinances did not violate the Eighth Amendment when they were applied in a manner targeting the conduct of camping in public spaces, rather than the status of being homeless.

Notably, the decision did not decide whether anti-camping ordinances violate other U.S. constitutional provisions such as the Due Process Clause, and unhoused individuals that are the subject of enforcement actions can still challenge any enforcement applied to them utilizing the defenses available to them under state law.

Conduct vs. Status: The Court distinguished between penalizing conduct (camping in public spaces) and penalizing status (being homeless). It emphasized that the ordinances were constitutional as long as they addressed the act of camping and not the individual's status as homeless.

Public Health and Safety: The Court acknowledged a city's interest in maintaining public health, safety, and welfare, which includes regulating the use of public spaces to prevent hazards and ensure accessibility for all community members.

Supportive Measures: The decision noted the importance of cities providing supportive services and resources to homeless individuals. The Court suggested that punitive measures alone are insufficient without adequate support systems.

Perspectives from the City of Rancho Cordova.

In January 2024, Sacramento Steps Forward conducted its biannual point in time (PIT) count of unhoused individuals of Sacramento County. This count followed the methodology of previous PIT counts by taking a statistical sampling of census tracts across Sacramento County, including Rancho Cordova. Overall, the count estimates 6,615 people were experiencing homelessness in Sacramento County, which is a 28.7% decrease from the last count in 2022. The count for Rancho Cordova decreased from 156 in 2022 to 52 in 2024. The number of unhoused individuals county wide decreased by 40.8%, from 6,664 to 3,944. The number of homeless veterans also dropped from 625 in 2022 to 548 in 2024. Nearly 90% of homeless respondents surveyed during the count said that they had been residents of Sacramento County for more than six months, with 62% saying they originated in Sacramento or had been lifelong residents.

The City of Rancho Cordova receives complaints about homeless encampments and City staff recognize how important these complaints are to the citizens who file them. But the data indicates that the scope of the challenge relating to camping and homelessness in Rancho Cordova is similar to, and even less than, many surrounding communities. Please see the PIT count for the surrounding communities within Sacramento County.

Sacramento County Areas	Total Unsheltered	Percent of Total
City of Sacramento	3053	77.4%
Unincorporated County	561	14.2%
Folsom	133	3.4%
Elk Grove	83	2.1%
Citrus Heights	62	1.6%
Rancho Cordova	52	1.3%
Galt	0	-
Isleton	0	-
Total	3944	100%

DISCUSSION:

The proposed ordinance would update the City of Rancho Cordova Municipal Code consistent with the Grants Pass decision by regulating the act of camping and storing personal property rather than the status of individuals. It ensures that enforcement is based on conduct, avoiding unconstitutional penalties based on status. Camping in public spaces often leads to health

hazards, unsanitary conditions, and increased risks of fire and crime. The ordinance is necessary to mitigate these risks and maintain the safety and cleanliness of public spaces.

The City of Rancho Cordova has long demonstrated its commitment to a holistic approach of combining services, education and enforcement. The resources provided by the City, Sacramento County and various local nonprofits ensure access to shelters, housing programs, and other essential services. The City primarily uses non-enforcement methods when working with homeless individuals and responding to citizen complaints. The City has a team of homeless outreach staff, which includes a homeless outreach navigator, to work with unhoused individuals to provide temporary housing, rehabilitation help, coordinate with County service providers, and mobilize other resources. The City is continuing to expand homeless outreach tools and access to available shelter to address homelessness in Rancho Cordova.

In implementing the ordinance, enforcement officers will attempt to inform homeless individuals of the prohibition against camping and give them an opportunity to comply with the Ordinance, before taking any enforcement action, ensuring a compassionate and fair approach.

FISCAL IMPACT AND FUNDING SOURCE

There would be no direct fiscal impact on the City. However, the City's Code Enforcement Division may assign resources to enforce the Ordinance. The Neighborhood Services Department has determined that the Ordinance will not significantly impact Code Enforcement's ability to respond to other calls.

ATTACHMENT(S)

1. Ordinance
2. Presentation

CITY OF RANCHO CORDOVA

ORDINANCE NO. XX-2024

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA, STATE OF CALIFORNIA, REPEALING SECTIONS 9.85.010-9.85.060 “PROTECTION OF CRITICAL INFRASTRUCTURE AND WILDFIRE RISK AREAS,” AND ADDING SECTIONS 9.85.010-9.85.070, TO TITLE 9, CHAPTER 9.85 OF THE MUNICIPAL CODE “CAMPING”

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

Section 1. Purpose and Declarations.

WHEREAS, the City of Rancho Cordova is committed to protecting the health, safety, welfare, and quality of life of all of its residents; and

WHEREAS, homelessness is one of the most complex and urgent challenges for cities and other governments in California, where approximately half of all the homeless individuals in the United States reside; and

WHEREAS, the Supreme Court of the United States has recognized in *Grants Pass v. Johnson*, decided June 28, 2024, that the Eighth Amendment of the United States Constitution allows governments to prohibit the act of camping on public property, overturning the Ninth Circuit’s 2019 decision, *Martin v. Boise*; and

WHEREAS, unpermitted camping on public and private property poses a significant risk to the health, safety and welfare (including sanitation), of all the City’s residents, housed and unhoused alike; and

WHEREAS, unpermitted obstructions on sidewalks and public rights of way pose an increased risk to pedestrians, particularly children, the elderly, and people with disabilities or vision-impairments, when they must navigate around them; and

WHEREAS, the City of Rancho Cordova desires to regulate the act of camping on public property regardless of the reasons why such camping occurs, and not the status of being homeless; and

WHEREAS, the City of Rancho Cordova intends to implement a scheme of progressive enforcement of its prohibition on camping on public and private property, and seeks to uphold the rights, dignity, and property of individuals experiencing homelessness.

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

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

A. **CEQA Compliance.** CEQA requires analysis of agency approvals of discretionary “projects.” A “project,” under CEQA, is defined as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” (CEQA Guidelines, § 15378.) As reflected in State CEQA Guideline 15061 (b) (3), an activity is not subject to CEQA, “[w]here it

can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment..." The proposed amendments are not a "project" within the meaning of CEQA because the amendments seek to provide clarification of uses, standards and/or enforcement procedures, address inconsistencies or delete text that is no longer necessary. Because no expansion of uses or activities is reasonably anticipated, no possibility exists that the ordinance will result in a significant effect on the environment. Thus, the proposed ordinance is not subject to the requirements of CEQA. However, in the event that adoption of the ordinance is considered a CEQA project, it would nonetheless qualify for categorical exemptions as set forth below.

CEQA Guidelines Section 15061(b)(3) states that a project is exempt from CEQA "where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." The approval of the code amendments set forth in the proposed ordinance does not approve any physical development and it would not result in a direct or indirect physical changes in the environment. For these reasons, the proposed amendments would not have the potential to result in individually or cumulatively significant effects on the environment and these Municipal Code amendments are exempt from review under CEQA and no further environmental review is necessary.

Section 3. Amendments to Title 9 Public Peace, Morals, and Safety

Sections 9.85.010 to 9.85.060 are hereby repealed and replaced, and Sections 9.85.010 to 9.85.070, are added to the City of Rancho Cordova Municipal Code, to read as follows:

Chapter 9.85 CAMPING

9.85.010 Findings and purpose.

The streets and public property within the City should be readily accessible and available to residents and the public at large. The use of these areas for camping purposes or storage of personal property interferes with the rights of others to use the areas for which they were intended. Such activity can constitute a public health and safety hazard that adversely impacts the neighborhoods, commercial property and general welfare of the City. Camping on private property without the consent of the owner, proper sanitary measures and for other than a minimal duration adversely affects private property rights as well as public health, safety, and welfare. The purpose of this chapter is to maintain streets, parks, creeks and other public and private areas, whether paved or unpaved, within the City in a clean, sanitary and accessible condition and to adequately protect the health, safety and public welfare of the community, while recognizing that, subject to reasonable conditions, camping and camp facilities associated with special events can be beneficial to the cultural and educational climate in the City.

9.85.020 Definitions.

When used in this chapter, the following words and phrases have the following meanings:

"Camp" means to place, pitch or occupy camp facilities; to live temporarily in a camp facility or outdoors; or to use camp paraphernalia.

“Camp facilities” include, but are not limited to, tents, huts, vehicles, vehicle camping outfits, trailers, lean-tos, temporary shelters, tarpaulins, sleeping mattresses or pads, sleeping bags, or bedding.

“Camp paraphernalia” includes, but is not limited to, bedrolls, tarpaulins, cots, beds, sleeping bags, mattress, hammocks, cooking facilities, appliances, and similar equipment.

“Store” means to put aside or accumulate for use when needed, to put for safekeeping, or to place or leave in a location.

9.85.030 Unlawful Camping.

A. No person shall camp anywhere in the City of Rancho Cordova, whether on public or private property, except as hereinafter expressly permitted in Section 9.85.040 of this chapter.

B. It shall be an affirmative defense under this chapter for any person, without the purpose of habitation, to temporarily occupy and use a vehicle for emergency reasons including, but not limited to: escape from or avoidance of an abusive person(s), avoidance of driving a vehicle while under the influence of alcohol or drugs, even though the person may sleep during the period of that use. For purposes of this section, “temporarily occupy” means a duration of twelve hours or less.

9.85.040 Permitted camping.

Camping is permitted in the City of Rancho Cordova only under the following circumstances:

A. On public property specifically set aside and clearly marked for public camping purposes.

B. In the rear or side yard of a residential structure with the consent of the owner or occupant, as long as the campsite is separated from the street by a fence, hedge or other permanent obstruction, and is not visible from the public right-of-way, for no longer than four consecutive days and no more than seven days in any thirty-day period.

C. In conjunction with events authorized and expressly provided for in a special event or temporary use permit issued by the City.

9.85.050 Storage of personal property in public places.

It shall be unlawful for any person to store or leave unattended camp facilities or camp paraphernalia on public property, unless such storage is expressly authorized and in conjunction with a permitted camping activity under this chapter.

9.85.060 Public nuisance declared.

A. Any Camp facilities or Camp paraphernalia established in the City in violation of this chapter is declared to be a public nuisance, and the City enforcement official is authorized to abate the nuisance and remove camp facilities and camp paraphernalia as authorized by Rancho Cordova Municipal Code Chapter 16.18 or as authorized by law.

9.85.070 Violation—Penalty.

- A. Any person who violates any provision in this chapter is guilty of an infraction, punishable by a one hundred dollar fine.
- B. Any person cited for a second violation of the same section within a twelve-month period is guilty of an infraction, punishable by a two hundred dollar fine.
- C. Any person found in violation of any section of this chapter for the third time within a twelve-month period is guilty of a misdemeanor, punishable by a fine not to exceed five hundred dollars, or imprisonment not to exceed six months.
- D. In addition to any other remedy allowed by law, any person who violates a provision of this chapter is subject to criminal sanctions, civil actions, and administrative penalties pursuant to Rancho Cordova Municipal Code section 1.01.190.
- E. All remedies prescribed under this chapter are cumulative and the election of one or more remedies does not bar the city from the pursuit of any other remedy to enforce this chapter.

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 _____ 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

David Sander, Mayor

ITEM 12.1.

ATTACHMENT 1

ATTEST:

Stacy Leitner, CMC
City Clerk

An Ordinance of the City Council of the City of Rancho Cordova Repealing Sections 9.85.010-9.85.060 “Protection of Critical Infrastructure and Wildfire Risk Areas,” and Adding Sections 9.85.010-9.85.070, to Title 9, Chapter 9.85 of the Municipal Code “Camping”

September 16, 2024



Meeting Goals

- Provide background on recent case law surrounding illegal camping
- Present new Ordinance

Illegal Camping History

2009 Boise v. Martin:

- In 2018 the United States Court of Appeals for the Ninth Circuit held that “the Eighth Amendment prohibits the imposition of criminal penalties for sitting, sleeping, or lying outside on public property for homeless individuals who cannot obtain shelter.”
- The ruling held that cities cannot enforce anti-camping Ordinances if they do not have enough homeless shelter beds available for their homeless population. It did not necessarily mean a city cannot enforce any restrictions on camping on public property.

COVID-19

- 2019 CDC State guidance and Sacramento County Health Officer Health order
 - Do not break up camps
 - Allowed people to live in RV's and vehicles
- Sacramento County Health Officer Public Health Order
 - Health order provided latitude on enforcing illegal camping around critical infrastructure and wildfire risk areas provided an Ordinance is adopted designating critical infrastructures within the city

Critical Infrastructure And Wildfire Risk Areas

- In 2022, the Rancho Cordova City Council adopted the Protection of Critical Infrastructure and Wildfire Risk areas Ordinance.
- The Ordinance was utilized when the ability to access or maintain an identified critical infrastructure facility was blocked or wildfire risk area was in danger of catching fire.

Martin vs. Boise appeal: Grant's Pass Decision

- More recently, in 2022, the City of Grant Pass enacted several Ordinances that prohibit camping on City property and subject homeless individuals to civil fines, followed by criminal penalties. The Ninth Circuit took up the question in 2022 of whether Grants Pass was prohibited by the *Boise* decision from enforcing these Ordinances, and decided that broad anti-camping Ordinances are unconstitutional if they impose civil fines that can lead to criminal punishment, and that cities cannot have a complete ban on camping materials such as bedding, sleeping bags, etc.
- This appellate decision was taken up by the United States Supreme Court. The high Court's recent landmark decision, *Johnson v. City of Grants Pass*, overturned the appellate court, and *Boise*, and held that the anti-camping ordinances did not violate the Eighth Amendment when they were applied in a manner targeting the conduct of camping in public spaces, rather than the status of being homeless.

Grant's Pass findings

- ***Conduct vs. Status***: The Court distinguished between penalizing conduct (camping in public spaces) and penalizing status (being homeless). It emphasized that the Ordinances were constitutional as long as they addressed the act of camping and not the individual's status as homeless.
- ***Public Health and Safety***: The Court acknowledged the City's interest in maintaining public health, safety, and welfare, which includes regulating the use of public spaces to prevent hazards and ensure accessibility for all community members.
- ***Supportive Measures***: The decision noted the importance of cities providing supportive services and resources to homeless individuals. The Court suggested that punitive measures alone are insufficient without adequate support systems.

Proposed Camping Ordinance

- The proposed Ordinance will replace the Critical Infrastructure Ordinance to stay current with the most recent case law.
- The proposed Ordinance will have the same enforcement capabilities as the repealed Ordinance when addressing critical infrastructures and wildfire risk area.
- The proposed Ordinance provides clear definitions as it relates to Camp, Camping Facilities, Camping Paraphernalia, and Storage of personal property.

Recommendation

- Waive the first reading of the Ordinance and introduce a proposed Ordinance, repealing Sections 9.85-9.85.060 and adding Sections 9.85.010 to 9.85.070 to Title 9, Chapter 9.85, of the Municipal Code, titled “Camping.”

THANK YOU

QUESTIONS & DISCUSSION

