



City of Sacramento

915 I Street, Sacramento, CA, 95814

www.CityofSacramento.org

To: Honorable Mayor and Members of the City Council; Financing Authority; Housing Authority; Redevelopment Agency

Meeting Date: 12/7/2010

Report Type: Consent

Title: Development Oversight Commission (DOC) Recommendations

Location: Citywide

Recommendation: Receive and File.

Contact: Max Fernandez, Director of Community Development, (916) 808-7940; David Kwong, Planning Director, (916) 808-2691.

Presenter: David Kwong, Planning Director, 916 808-2691

Department: Community Development Dept

Division: Administration

Dept ID: 21001011

Attachments

1-Description/Analysis

City Attorney Review

- Approved as to Form

Sabina D. Gilbert

December 1, 2010 SDG

Description/Analysis

Issue: On August 5, 2010, City staff presented to City Council the Development Oversight Commission's (DOC's) Annual Report for 2009-2010. The report listed the Commission's review of accomplishments and challenges for the last year. On that same date, staff requested that the recommendation to extend the current sunset date (December 2010) of the DOC, as provided in Sacramento City Code section 2.90.080, be continued. This would allow for additional outreach and discussion to occur between City staff and the DOC and to return to Council with further information and recommendations.

Since that time, staff convened three special DOC workshop meetings on September 15th, October 13th, and November 10th to discuss the purpose, goals, vision, and future of the DOC. The meetings were facilitated by a professional facilitator (Laura Mason-Smith) to provide objectivity and neutrality to the discussion, given the nature of the proposal; that is, the sunsetting of the DOC.

Policy Considerations: A sincere discussion was held among the DOC members and staff. Discussion focused on the role of the DOC given the state of the economy. Discussion also entailed redefining the role of the commission and of the goals of the DOC.

It was evident in the discussions that the DOC and staff have been working for years to make the planning and building permit process better and more efficient. It was also clear that staff has the appropriate attitude and perspective in providing customer service. Staff also stressed that we now have to make adjustments and, in some cases, significant adjustments, to department procedures and protocols to address the outcome of the audit in regard to operating procedures. These cultural changes were understood and noted in the discussion.

There was considerable discussion on attitudes, processes, procedures, and cultural changes both in the past and those needed in the future. The recognition of these past and future changes and needs, as well as to the need for the next step forward, were viewed positively by all parties.

As such, discussion then focused on economic development and recovery. There was discussion on the broader picture of the City's economic goals of business retention, attraction and business development, as opposed to viewing just development alone.

It was at the special meeting of September 15th that the DOC took action expressing support of the December 31, 2010 sunset date for the DOC. At the next two meetings, staff worked with the DOC to refine recommendations to the City Council in regard to whether there should be a new and broader economic development commission as opposed to a commission that focused primarily on development, given the prior discussion. At the conclusion of the meeting, staff and the DOC agreed upon meeting informally as a staff and a focus group of interested community members (developers, community members, financial community members) to discuss further the need of an economic development commission, its constituency, and its goals and vision in

concert with a broader based city staff team including staff from Community Development, Transportation, Economic Development, Utilities and the City Manager's Office.

Environmental Considerations: Under the California Environmental Quality Act (CEQA) guidelines, continuing administrative activities do not constitute a project and are therefore exempt from review.

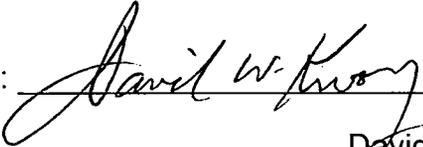
Commission/Committee Action: On September 15, 2010, the Development Oversight Commission unanimously expressed support of the December 31, 2010 sunset date for the DOC.

Rationale for Recommendation: Staff believes that the Commission has been instrumental in leading and supporting positive changes that have occurred in the City's development review services. However, many of the most pressing challenges now facing the City are broader in scope than the original planning and building process improvement focus of the DOC, mostly notably the City's economic recovery and development, and call for the involvement of a broader constituency. Therefore, staff recommends that the December 31, 2010 sunset date for the DOC not be extended. No action is required by Council.

Financial Considerations: There are no financial considerations at this time. As funding is identified, staff will return to Council in order to implement the initiatives.

Emerging Small Business Development (ESBD): There are no ESBD considerations with this report.

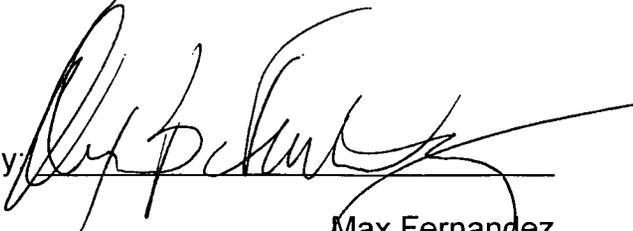
Respectfully Submitted by:



David Kwong

Planning Director

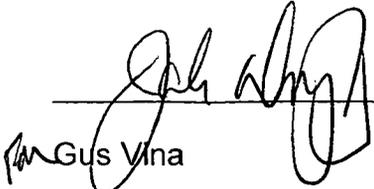
Approved by:



Max Fernandez

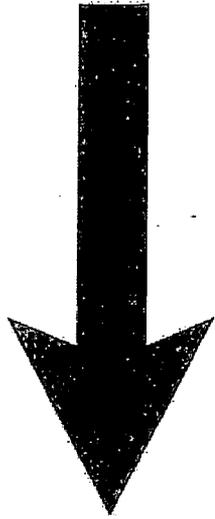
Director of Community Development

Recommendation Approved:



Gus Vina

Interim City Manager



Patch T



City of Sacramento

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To: Honorable Mayor and Members of the City Council; Financing Authority; Housing Authority; Redevelopment Agency

Meeting Date: 12/7/2010

Report Type: Consent

Title: Construction and Demolition Recycling Program

Location: Citywide

Recommendation: Adopt a Resolution amending Resolution No. 2009-027 by modifying the "Covered Project" threshold for the Construction and Demolition Debris Recycling Ordinance specified in Chapter 8.124 of the Sacramento City Code.

Contact: Edison Hicks, Integrated Waste General Manager, 808-4949; Marty Strauss, Integrated Waste Planning Superintendent, 808-4934; Chris Thoma, Waste Reduction Coordinator, 808-4833

Presenter: Not Applicable

Department: Department of Utilities

Division: Solid Waste Administrative Scv

Dept ID: 14001711

Attachments

- 1-Description/Analysis
- 2-Background
- 3-Amending Resolution
- 4-Original Resolution

City Attorney Review

- Approved as to Form

Janeth D. San Pedro

J. San Pedro 12/1/10

City Treasurer Review

- Previous direction has been given on this issue or it is outside the Treasurer's scope
City Treasurer

Approvals/Acknowledgements

Marty Hanneman, Director
Department of Utilities

John Dangberg
John Dangberg
Assistant City Manager

Marty Hanneman

Eileen Teichert, City Attorney

Shirley Concolino, City Clerk
Gus Vina, Interim City Manager

Russell Fehr, City Treasurer

Construction and Demolition Debris Recycling Ordinance Update

Description/Analysis

Issue: On January 13, 2009, the Sacramento City Council adopted the City's current Construction and Demolition (C&D) Debris Recycling Ordinance which is codified in Sacramento City Code Chapter 8.124. The C&D Recycling Ordinance requires City Council to establish by resolution the threshold for a covered project that will be subject to the recycling requirements. Resolution No. 2009-027 (Attachment 3) established the covered project threshold as any work requiring a building permit with a job value of \$250,000 or more.

Effective January 1, 2011, the California Building Standards Commission (CBSC) will be implementing new construction and demolition debris recycling requirements specified in Title 24, Part 11 of the California Code of Regulations, also known as "CALGreen". Sections 4.408 and 5.408 of CALGreen require 50% diversion of C&D debris recycling for all new construction, regardless of job valuation. This report recommends that City Council adopt the attached resolution modifying the "Covered Project" threshold to be consistent with the CALGreen requirements. City staff will also update the C&D Debris Recycling program guidelines to require 50% diversion of C&D debris generated by a covered project.

Resolution No. 2009-007 also directed staff to evaluate and review the C&D Debris Recycling program and make recommendations to Council prior to January 1, 2012 concerning the threshold amount for a covered project. A lower threshold amount would have captured more residential development. Staff estimates an additional 208 out of a total of 836 possible covered projects for calendar year 2010 would be included if the threshold is lowered from \$250,000 to \$100,000. Since CALGreen only applies to all new construction, almost all of which would exceed the \$250,000 project value threshold, staff is recommending the current threshold of \$250,000 be maintained for projects that are not new construction.

Policy Considerations: The staff recommendation is consistent with the City's strategic plan focus areas of sustainability and livability, and contributes to the City's efforts to reduce waste and comply with the 50% diversion/recycling mandate, required by the California Integrated Waste Management Act of 1989, or AB 939.

Environmental Considerations:

California Environmental Quality Act (CEQA): This staff recommendation is exempt from CEQA pursuant to Section 15308 of the CEQA Guidelines, which exempts actions taken by regulatory agencies to assure the maintenance, restoration, enhancement or protection of the environment. Recycling of C&D debris will contribute to the enhancement of the environment by keeping waste out of landfills and decreasing the amount of methane gas generated by landfills.

Commission/Committee Action: Not Applicable

Construction and Demolition Debris Recycling Ordinance Update

Rationale for Recommendation: Adoption of the recommended changes will contribute to the City meeting the State's 50% diversion requirement and align the City's C&D Debris Recycling ordinance with the new CALGreen requirements for new construction projects.

Financial Considerations: Implementation of CALGreen recycling requirements will be funded through the existing fees paid by applicants for building permits.

Emerging Small Business Development (ESBD): No goods or services will be purchased as a result of the proposed actions in this report. Therefore, there are no Emerging Small Business Development issues.

Attachment #1: Background

Proposed Changes

The California Building Standards Commission (CBSC) will require stricter construction and demolition recycling requirements as of January 1, 2011. These requirements are being implemented through new state building codes, which are part of the California Code of Regulations, Title 24, Part 11, or "CALGreen". CALGreen requires at least 50% diversion of all waste generated during new construction.

To ensure that the City's C&D Debris Recycling Ordinance does not conflict with the State's building codes, City staff is changing the City's C&D ordinance guidelines from the current five types of material to the State's 50% diversion requirement for all non-hazardous C&D debris. City staff also recommends modifying the "covered project" threshold to include all new construction projects regardless of job valuation. The existing \$250,000 threshold will remain for projects that are not new construction. Sacramento County is implementing similar changes, which will provide consistency between both jurisdictions.

The Current C&D Debris Recycling Ordinance

On March 1, 2009, the City of Sacramento adopted its current construction and demolition (C&D) debris recycling ordinance, codified in Chapter 8.124 of the Sacramento City Code. The accompanying City Council Resolution No. 2009-027 established the threshold for covered projects that would be subject to the C&D debris recycling ordinance as all projects requiring a building permit with job values of \$250,000 or more. The C&D Debris Recycling Program required 100% diversion of these five different types of material:

1. Scrap metal
2. Inert material (i.e., concrete, brick, soil)
3. Wood pallets
4. Corrugated cardboard
5. Clean wood waste (i.e., unpainted wood)

Applicants have the option of either separating the material out at the site, then bringing it to an authorized recycling facility, or putting all of their C&D debris into one load, and bringing it to one of three mixed C&D recycling facilities, certified by the Sacramento Solid Waste Authority (SWA). Those three facilities currently are:

1. Allied Waste Elder Creek Transfer Facility
8642 Elder Creek Rd, Sacramento, CA 95828
2. K&M
3562 Ramona Avenue, Sacramento, CA 95826
3. L&D Landfill
8635 Fruitridge Rd, Sacramento, CA 95826

Construction and Demolition Debris Recycling Ordinance Update

Job Value Threshold

When City staff presented the current C&D ordinance to the Sacramento City Council, they committed to reporting back to the Council on whether to lower the job value threshold to \$100,000 from \$250,000. This would include more building permits under the C&D ordinance, and thus require more debris recycling within the city. City staff is not recommending lowering the threshold at this time for projects that are not new construction, as the number of non-minor building permits within the city continues to steadily decline since 2005:

Year	# of Permits
2005	7,246
2006	7,145
2007	6,042
2008	4,890
2009	3,429
2010	3,114

Since most permits for new construction projects will be valued over \$250,000 and captured under the CALGreen requirements, staff is recommending the current threshold of \$250,000 be maintained for projects that are not new construction. Sacramento County is also keeping their C&D ordinance threshold to all CALGreen projects and those with a job value of \$250,000 or more. If the City's ordinance job value threshold is left unchanged, we will remain consistent with Sacramento County.

Attachment #2: Amending Resolution

RESOLUTION NO.

Adopted by the Sacramento City Council

**AMENDMENT TO RESOLUTION NO. 2009-027 MODIFYING THE COVERED
PROJECT THRESHOLD FOR THE CONSTRUCTION AND DEMOLITION DEBRIS
RECYCLING ORDINANCE**

BACKGROUND

A. On January 13, 2009, the Sacramento City Council adopted the City's current Construction and Demolition (C&D) Debris Recycling Ordinance which is codified in Sacramento City Code Chapter 8.124. The C&D Debris Recycling Ordinance requires City Council to establish by resolution the threshold for a covered project that will be subject to the recycling requirements of the ordinance.

B. Resolution No. 2009-027, adopted by the City Council on January 13, 2009, established the covered project threshold as any work requiring a building permit with a job value of \$250,000.

C. Effective January 1, 2011, the California Building Standards Commission (CBSC) will be implementing new construction and demolition debris recycling requirements specified in Title 24, Part 11 of the California Code of Regulations, also known as "CALGreen." CALGreen sections 4.408 and 5.408 require 50% diversion of C&D debris for all newly constructed buildings regardless of job or project valuation.

D. The covered project threshold established by Resolution 2009-027 needs to be modified to be consistent with CALGreen requirements. City staff will also update the C&D Debris Recycling program guidelines to require 50% diversion of C&D debris generated by a covered project.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL
RESOLVES AS FOLLOWS:**

Section 1. Section 1 of Resolution No. 2009-027 is amended to read as follows:

"Covered Project" threshold. Any construction, addition, repair, alteration, remodel, or renovation work on any building or structure subject to Title 24, Part 11 the California Code of Regulations ("CALGreen"), or with a project value of \$250,000 or greater, shall be subject to the provisions of Chapter 8.124 of the Sacramento City Code.

Construction and Demolition Debris Recycling Ordinance Update

Section 2. All other provisions of Resolution No. 2009-027 shall remain unchanged.

RESOLUTION NO. 2009-027

Adopted by the Sacramento City Council

January 13, 2009

APPROVING THRESHOLD, FEES, FINES AND SECURITY DEPOSITS RELATED TO RECYCLING OF CONSTRUCTION AND DEMOLITION DEBRIS

BACKGROUND

- A. As adopted by the City Council, the Construction and Demolition Debris Recycling ordinance requires establishment by the City Council of the following:
1. The threshold for a covered project that will be subject to the recycling requirements of the ordinance;
 2. The amount of the processing fee to cover the costs of implementing, administering and enforcing the requirements of the ordinance;
 3. The amount of the civil penalty to be imposed for a violation of the provision of the ordinance; and
 4. The amount of the performance security deposit that would be required when a person who has been assessed with a civil penalty submits an application for a permit for a covered project within one year of the penalty assessment.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. "Covered Project" threshold. Any construction, addition, repair, alteration, remodel, or renovation work on any building or structure with a project value of \$250,000 or greater shall be subject to the provisions of Chapter 8.124 of the Sacramento City Code.
- Section 2. The City of Sacramento Fee and Charge Report is amended to include the following fees as established pursuant to Chapter 8.124 of the Sacramento City Code:

C&D Debris Recycling Processing Fee	0.04% of project value or \$40, whichever is greater, with maximum of \$800
C&D Debris Recycling Civil Penalty	First offense: \$50 - \$250 Second offense: \$251 - \$500 Subsequent offenses: \$501 - \$1500
C&D Debris Recycling Security Deposit	1% of project value or \$250, whichever is greater, with maximum of \$10,000

Section 3. Staff is directed to evaluate and review the C&D Debris Recycling program and make recommendations to the City Council prior to January 1, 2012 related to the threshold for a covered project and the amounts for the processing fee, civil penalty and security deposit.

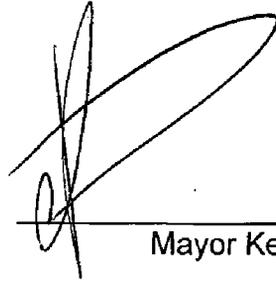
Adopted by the City of Sacramento City Council on January 13, 2009 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters, and Mayor Johnson.

Noes: None.

Abstain: None.

Absent: None.



Mayor Kevin Johnson

Attest:



Shirley Concolino, City Clerk