

CONCURRENT MEETING
CITY COUNCIL/CRA/RCFC

Monday, December 21, 2009

5:30 p.m. – Regular Meeting



Dan Skoglund, Mayor

Ken Cooley, Vice Mayor

Robert J. McGarvey, Council Member

David Sander, Council Member

Linda Budge, Council Member

Rancho Cordova City Council/CRA/RCFC – AGENDA
Regular Meeting of December 21, 2009

2009

NOTE: PROPOSED REGULAR CITY COUNCIL MEETING DATES ARE SCHEDULED ON THE 1ST AND 3RD MONDAYS OF EACH MONTH, UNLESS WHEN FALLING ON A HOLIDAY, THE MEETING WILL BE SCHEDULED ON THE FOLLOWING TUESDAY (THESE DATES ARE SHADDED GREY AND ARE SUBJECT TO CHANGE). REFER TO HOLIDAY SCHEDULES BELOW.

S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
JANUARY							FEBRUARY							MARCH						
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11	12	13	14	15	16	17	15	16	17	18	19	20	21	15	16	17	18	19	20	21
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MAY							JUNE							JULY						
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SEPTEMBER							OCTOBER							NOVEMBER						
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2009 PROPOSED HOLIDAY SCHEDULE – CITY HALL CLOSED (SHOWN ITALICIZED)							INDEPENDENCE DAY (FRI, JUL 3 [OBSERVED])							DAY AFTER THANKSGIVING (FRI, NOV 27)						
NEW YEAR'S DAY (THURS, JAN 1)							LABOR DAY (MON, SEP 7)							CHRISTMAS EVE (THURS, DEC 24)						
MARTIN LUTHER KING JR. DAY (MON, JAN 19)							VETERAN'S DAY (WED, NOV 11)							CHRISTMAS DAY (FRI, DEC 25)						
PRESIDENT'S DAY (MON, FEB 16)							THANKSGIVING DAY (THUR, NOV 26)													
MEMORIAL DAY (MON, MAY 25)																				

2010

S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
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26	27	28	29	30			24	25	26	27	28	29	30	28	29	30				
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2010 PROPOSED HOLIDAY SCHEDULE – CITY HALL CLOSED (SHOWN ITALICIZED)							INDEPENDENCE DAY (SUN, JUL 4)							DAY AFTER THANKSGIVING (FRI, NOV 26)						
NEW YEAR'S DAY (FRI, JAN 1)							LABOR DAY (MON, SEP 6)							CHRISTMAS EVE (FRI, DEC 24)						
MARTIN LUTHER KING JR. DAY (MON, JAN 18)							VETERAN'S DAY (THUR, NOV 11)							CHRISTMAS DAY (SAT, DEC 25)						
PRESIDENT'S DAY (MON, FEB 15)							THANKSGIVING DAY (THUR, NOV 25)													
MEMORIAL DAY (MON, MAY 31)																				

2011

S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
JANUARY							FEBRUARY							MARCH						
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23	24	25	26	27	28	29	27	28	29	30	31			27	28	29	30	31		
30	31																			
MAY							JUNE							JULY						
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29	30	31												31						
SEPTEMBER							OCTOBER							NOVEMBER						
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18	19	20	21	22	23	24	16	17	18	19	20	21	22	20	21	22	23	24	25	26
25	26	27	28	29	30		23	24	25	26	27	28	29	27	28	29	30			
							30	31												
2011 PROPOSED HOLIDAY SCHEDULE – CITY HALL CLOSED (SHOWN ITALICIZED)							INDEPENDENCE DAY (MON, JUL 4)							DAY AFTER THANKSGIVING (FRI, NOV 25)						
NEW YEAR'S DAY (SAT, JAN 1)							LABOR DAY (MON, SEP 5)							CHRISTMAS EVE (SAT, DEC 24)						
MARTIN LUTHER KING JR. DAY (MON, JAN 17)							VETERAN'S DAY (FRI, NOV 11)							CHRISTMAS DAY (SUN, DEC 25)						



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

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

Monday, December 21, 2009

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

AGENDA

1. REGULAR MEETING – CALL TO ORDER / ROLL CALL

Council Members Budge, Sander, McGarvey, Cooley, and Mayor Skoglund

2. METRO CABLE TV TELEVISION ANNOUNCEMENT

The City 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

Rev. Ed Fedor, Pastor of River Valley Christian Church, will give the invocation.

5. SPECIAL CEREMONIES

- 5.1 Swearing-in of New Mayor Ken Cooley and Vice Mayor Bob McGarvey.
- 5.2 Presentation to Outgoing Mayor Dan Skoglund.

CELEBRATORY BREAK

Mayor Cooley will break for refreshments in honor of new Council officers.

6. PRESENTATIONS

- 6.1 Presentation by Executive Director Shelly Blanchard on Cordova Community Council Year End Report.

7. PUBLIC COMMENT

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

Note, under the provisions of the California Government Code, the City Council is prohibited from discussing or taking immediate action on any unagendized item unless it can be demonstrated to be of an emergency nature or the need to take immediate action arose after the posting of the agenda.

8. COUNCIL REPORTS

9. CONSENT CALENDAR ITEMS – ROLL CALL VOTE

- 9.1 **Subject:** Special and Regular Meeting Minutes of December 7, 2009

Recommendation: Adopt Minutes.

- 9.2 **Subject:** Ordinance Relating to Extension of Commercial Solid Waste Collection Franchise Agreements; Regulation of Construction Cleanup Companies; and Appointment of the Public Works Director as the Administrator of the Commercial Solid Waste Collection Franchise

Recommendation: Waive second reading and adopt Ordinance No. 23-2009 (Roll Call Vote)

Result of Recommended Action: Adoption of this ordinance will repeal Ordinance No. 22-2005 and Ordinance No. 41-2007, allow the commercial solid waste collection franchise agreements to be extended through December 31, 2015, and will require construction clean-up contractors to execute a commercial solid waste collection franchise with the City.

Staff Report: Cyrus Abhar, Public Works Department, and Steve Harriman, Public Works Department

Advances Goal: 4

- 9.3 **Subject:** Ordinance Amending the Folsom Boulevard Specific Plan, and Land Development Regulations as Recommended by the Planning Commission

Recommendation: Waive second reading and adopt Ordinance No. 24-2009 (Roll Call Vote).

Result of Recommended Action: The proposed modifications will reduce the number of non-conforming uses, allow businesses to continue operating in existing commercial buildings within residentially focused areas, allow building owner to find new tenant to fill vacancies, address concerns related to special regulated land uses, and increase consistency between the Folsom Boulevard Specific Plan and the Zoning Code.

Staff Report: Jeff Beiswenger, Planning Department

Advances Goals: 5, 8, and 9

- 9.4 **Subject:** Approval of Council Member Appointments to Regional Boards, Commissions, and Committees for 2010.
Recommendation: That Council Member appointments for 2010 be approved for the listed Boards and Commissions, reflected in the attachment to the staff report.
Result of Recommended Action: Action on this item will confirm the 2010 Rancho Cordova City Council Member appointees and alternates to various boards and commissions within the region to which Rancho Cordova provides leadership representation.
Staff Report: Mindy Cuppy, City Clerk's Department
Advances Goals: 1 through 13
- 9.5 **Subject:** Appointment of At-Large Planning Commissioners
Recommendation: That Council Members Nominate, and at Council's discretion appoint, two candidates to serve as the at-large members of the Planning Commission.
Result of Recommended Action: Action on this item will result in Council's nominations of two at-large members of the community to serve on the Planning Commission for terms commencing January 2010 and ending December 2013. Following nominations, Council will select and appoint at-large Planning Commissioners to serve from January 2010 through December 2013.
Staff Report: Mindy Cuppy, City Clerk
Advances Goals: 1 through 13
- 9.6 **Subject:** Resolution Adopting an Amendment to the Substantial Amendment to the 2008-09 Community Development Block Grant Application
Recommendation: Adopt Resolution No. 131-2009.
Result of Recommended Action: Adoption of this resolution will re-allocate CDBG-R funds to complete ADA accessibility improvements along the north side of Horn Road that is in a CDBG target area.
Staff Report: Reed Flory, Housing Services, and Cyrus Abhar, Public Works Department
Advances Goals: 1, 2, 4, 6, 8, and 11
GROWING STRONG NEIGHBORHOODS
- 9.7 **Subject:** Ordinance Approving an Amendment to the Villages of Zinfandel Development Agreement
Recommendation: Waive first reading and introduce Ordinance No. 25-2009. (**Roll Call Vote**)
Result of Recommended Action: Adoption of this ordinance will approve an amendment to the Villages of Zinfandel Development Agreement removing approximately 30 acres of land from the Villages of Zinfandel project. The Amendment will not change any substantive provisions of the Development Agreement for the remaining project. This amendment will comply with the previously approved Agreement between the City and the State of California.
Staff Report: Adam U. Lindgren, City Attorney's Office, and Joe Chinn, City Manager's Office
Advances Goal: 13

10. CONSENT PUBLIC HEARING ITEMS

NONE

11. PUBLIC HEARING ITEMS

NONE

12. REGULAR CALENDAR ITEMS

NONE

13. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

14. CITY MANAGER'S REPORT

15. ADJOURNMENT

ADDITIONAL INFORMATION

UNLESS THE COUNCIL ADOPTS A MOTION TO EXTEND THE MEETING, ANY ITEM THAT IS NOT INITIATED BEFORE 11 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.cityofranchocordova.org on Thursdays prior to the Regular City Council Meeting.

CITYWIDE GOALS - (Adopted March 20, 2006)	
13.	Continue To Provide Regional Leadership
12.	Establish Logical (City) Boundaries
11.	Practice Sound Fiscal Management
10.	Foster Responsible Citizenship
9.	Drive Diverse Economic Opportunities
8.	Sustain a Livable Community
7.	Improve the Quality of Housing In Rancho Cordova
6.	Ensure a Safe Community
5.	Establish a Vibrant Downtown
4.	Ensure the Availability of the Best Public Services in the Region
3.	Champion Employee Development & High Performance Work Environment
2.	Improve Transportation & Connectivity
1.	Foster a Positive Image of Rancho Cordova

UPCOMING MEETINGS	
Wednesday, December 23, 2009	FURLOUGH DAY – CITY HALL CLOSED
Thursday and Friday, December 24 & 25, 2009	CHRISTMAS HOLIDAY – CITY HALL CLOSED
Thursday, December 31, 2009	FURLOUGH DAY – CITY HALL CLOSED
Friday, January 1, 2010	NEW YEAR'S HOLIDAY – CITY HALL CLOSED
Monday, January 4, 2010	5:30 p.m. Work Session on AB1234 Mandated Training; Presentation on Medical Marijuana; and Discussion of 2010 Legislative Priorities
Monday, January 18, 2010	MARTIN LUTHER KING DAY HOLIDAY – CITY HALL CLOSED
Tuesday, January 19, 2010	4:00 p.m. Closed Session on Public Employee Performance Evaluation (City Attorney Review) 5:30 p.m. Regular Meeting

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

DEPARTMENTAL GENERAL TELEPHONE NUMBERS	
Building Department	(916) 851-8760
City Attorney's Office	(916) 556-1531
City Clerk's Department	(916) 851-8720
City Manager's Office	(916) 851-8800
Communications Department	(916) 851-8791
Economic Development Department	(916) 851-8780
Finance Department	(916) 851-8730
Housing Administration	(916) 851-8784
Human Resources Department	(916) 851-8740
IT Department	(916) 851-8700
Neighborhood Services – Animal Services	(916) 851-8770
Parks & Recreation (Cordova Recreation & Park District)	(916) 362-9602
Planning Department	(916) 851-8750
Public Works Department	(916) 851-8710
Rancho Cordova Police Department	(916) 875-9673
Redevelopment Department	(916) 851-8780
Sac Metro Fire District	(916) 566-4000

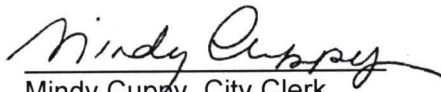
The Rancho Cordova City Council/CRA/RCFC will be videotaped in its entirety and will be cablecast without interruption on Metro Cable 14, the Government Affairs Channel on the Comcast and SureWest Cable Systems. Closed Captioning will be available on the playback cablecast. Tune to Metro Cable Channel 14, for playback times. A VHS copy is available for check out from any library branch, a DVD copy is available from the City Clerk's Department, and a webcast of this meeting will be available for viewing via Granicus Video Streaming from the City's website within 48 hours of adjournment of this meeting. The City does not control scheduling of this telecast and persons interested in watching the televised meeting should confirm this schedule with Metro Cable TV, Channel 14.

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

CERTIFICATION OF POSTING OF AGENDA

I, Mindy Cuppy, City Clerk for the City of Rancho Cordova, declare that the foregoing agenda for the December 21, 2009 Special and Regular Meeting of the Rancho Cordova City Council/CRA/RCFC was posted and available for review on December 17, 2009 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 web site at www.cityofranhocordova.org.

Signed this 17th day of December 2009 at Rancho Cordova, California.


Mindy Cuppy, City Clerk



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

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

Monday, December 7, 2009

**4:00 P.M. – Study Session
American River Community Room - North**

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

MINUTES

A. STUDY SESSION – CALL TO ORDER / ROLL CALL

Mayor Skoglund called the study session to order in the American River North Community Room at 4:16 p.m.

Council Members Present: Budge (left the meeting at 5:15 p.m.), McGarvey, Sander (arrived at 4:34 p.m.), Cooley, and Mayor Skoglund (left meeting at 5:06 p.m.)

Staff Present: Gaebler, Cuppy, Junker, Haven, Pearl, Sparkman, Miller, McMurtry, Runner, Chinn, Abhar, and Flory

B. PUBLIC COMMENT

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

C. STUDY SESSION ITEM

Subject: Discussion of City Gateways

Recommendation: Consider presentation by City staff and community representatives regarding City Gateways and provide general comments and direction to proceed, including guidance on subsequent Council involvement in Gateway planning efforts.

Result of Recommended Action: Council guidance and preliminary direction will allow staff and community members to begin efforts to define a City Gateways program. Assuming Council support to proceed, staff anticipates a report back to the Council in approximately two months with an update, and to request more specific guidance and direction.

Staff Report: Paul Junker, Planning Department

ACTION: Discussion item only; no action taken.

D. ADJOURNMENT OF STUDY SESSION

1. REGULAR MEETING – CALL TO ORDER / ROLL CALL

Mayor Skoglund called the regular meeting to order in the David B. Roberts Council Chambers at 5:48 p.m.

Council Members Present: Budge, McGarvey, Sander, Cooley, and Mayor Skoglund

Staff Present: Gaebler, Lindgren, Chinn, Cuppy, Lehr, Sparkman, Harriman, Oliver, Abhar, Richeal, Santini, Beiswenger, Junker, Haven, Flory, Bontrager, Silva, Trimberger, Gassaway, Garcia, and Pearl

2. METRO CABLE TV TELEVISION ANNOUNCEMENT

The City Clerk announced the meetings video recording and playback schedules.

3. PLEDGE OF ALLEGIANCE

The Mayor called on Senator Dave Cox to lead the Pledge.

4. INVOCATION

Mark Shetler, First Covenant Church, gave the invocation.

5. PRESENTATIONS

- 5.1 Introduction of Costa Rica Consul General Xinia Vargas from Los Angeles District.
- 5.2 Senator Dave Cox gave a State budget update.

6. PUBLIC COMMENT

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

- Pamela Liu/Michelle Chen inviting the Mayor and Council Members to NTDTV Sponsored Chinese Classical Dance and Music Show, Shen Yun.

Mayor Skoglund closed the public comment period.

7. COUNCIL REPORTS

Council reported on events since the last meeting.

8. CONSENT CALENDAR ITEMS

ACTION: Motion by Budge second by Sander and carried by a 5:0 vote Council approved the Consent Calendar.

8.1 **Subject:** Meeting Minutes

- a) Regular Meeting of November 16, 2009; and
- b) Special Meeting (Closed Session) of November 17, 2009.

Recommendation: Adopt Minutes.

8.2 **Subject:** Resolution Authorizing the Rancho Cordova Police Department to Enter into a Joint Service Agreement with the California Highway Patrol to Provide Pedestrian and Bicyclist Enhanced Enforcement and Education

Recommendation: Adopt Resolution No. 120-2009.

Result of Recommended Action: Adoption of this resolution will allow the Rancho Cordova Police Department to enter into a partnership agreement with the California Highway Patrol to provide pedestrian and bicyclist enhanced enforcing and education in the City of Rancho Cordova.

Staff Report: Rosanne Richeal, Rancho Cordova Police Department, and Greg Ferrero, California Highway Patrol

8.3 **Subject:** Resolution Declaring the Results of the Special Mailed-Ballot Election for the Shell Gas Station Expansion Project Annexation to Community Facilities District No. 2008-1 (Street Lighting and Road Maintenance)

Recommendation: Adopt Resolution No. 124-2009.

Result of Recommended Action: Adoption of this resolution will declare the results of the special mailed-ballot election for the Shell Gas Station Expansion Project Annexation to Community Facilities District No. 2008-1 (Street Lighting and Road Maintenance; orders the annexation; authorizes the special tax levy on the project; and directs the records of the Amended Notice of Special Tax Lien. There is no financial impact to existing residents.

8.4 **Subject:** Resolution Authorizing the Acquisition of Property and Authorizing Execution of a Certificate of Acceptance and Recordation of a Grant Deed for 2880 Gold Tailings Drive, APN: 072-0490-003

Recommendation: Adopt Resolution No. 126-2009.

Result of Recommended Action: Adoption of this resolution authorizes the City Manager to proceed with execution of documents as necessary to purchase and take possession of property located at 2880 Gold Tailings Drive.

Staff Report: Cyrus Abhar, Public Works Department, and Tom Trimberger, Public Works Department

- 8.5 **Subject:** Resolution Authorizing the City Manager to Execute Contract Between the City of Rancho Cordova and Calpo Hom and Dong Architects for Architectural Design Services for the Proposed City of Rancho Cordova Police Station Located at 2897 Kilgore Road and 2880 Gold Tailings Drive in the Amount of \$120,000
Recommendation: Adopt Resolution No. 129-2009.
Result of Recommended Action: Adoption of this resolution will allow the City Manager to Execute Contract No. 150-2009 Between the City of Rancho Cordova and Calpo Hom and Dong Architects for architectural design services for the design and construction of the City of Rancho Cordova Police Department.
Staff Report: Cyrus Abhar, Public Works Department, and Tom Trimberger, Public Works Department
- 8.6 **Subject:** Resolution Affirming the City's Continued Commitment to the South Sacramento Habitat Conservation Plan (SSHCP)
Recommendation: Adopt Resolution No. 130-2009.
Result of Recommended Action: Adoption of this resolution will affirm Councils' continued support of the SSHCP and directs City staff to continue participating within and supporting the SSHCP preparation.
Staff Report: Paul Junker, Planning Department
- 8.7 **Subject:** Resolutions Authorizing the City of Rancho Cordova to Participate with Sacramento Municipal Utilities District (SMUD), and the County of Sacramento in Pursuit of State Energy Program Grant Funding Applications
Recommendation: Adopt Resolution No. 127-2009 and Resolution No. 128-2009.
Result of Recommended Action: Adoption of Resolution No. 127-2009 will allow the City to collaborate with SMUD in seeking a State Energy Program Grant. Participation with the grant, if awarded, will allow Rancho Cordova residents to receive substantial rebates and incentives from SMUD for energy efficiency retrofits to their homes. Adoption of Resolution No. 128-2009 will allow the City to collaborate with the County of Sacramento as the lead applicant for purposes of qualifying for a separate State Energy Program Grant. Participation with this grant, if awarded, will provide funding for implementation, marketing and administration for the CaliforniaFIRST Program.
Staff Report: Cyrus Abhar, Public Works Department, and Rebecca Santini, Finance Department

9. CONSENT PUBLIC HEARING ITEMS – ROLL CALL VOTE

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

ACTION: Motion by Budge second by Cooley and carried by a 5:0 roll call vote Council approved the Consent Public Hearing Items with exception to Agenda Item 9.4 and 9.7 that were pulled for separate discussion.

- 9.1 **Subject:** Resolution Approving the City to Participate in the CaliforniaFIRST Program, Sponsored by the California Statewide Community Development Authority (California Communities)
Recommendation: Adopt Resolution No. 125-2009.
Result of Recommended Action: Adoption of this resolution will enable California Communities to accept applications from residential and commercial property owners in participating cities and counties for the financing of renewable energy, energy efficiency, and water efficiency improvements on their property. The improvements will be financed by the issuance of municipal bonds by California Communities, pursuant to the Improvement Bond Act of 1915. California Communities will levy an assessment on the owner's property to repay the portion of the bonds issued to finance the improvements on that property.
Staff Report: Donna Silva, Finance Department, and Cyrus Abhar, Public Works Department

- 9.2 **Subject:** Resolution and Ordinance Relating to Extension of Commercial Solid Waste Collection Franchise Agreements; Regulation of Construction Cleanup Companies; and Appointment of the Public Works Director as the Administrator of the Commercial Solid Waste Collection Franchise
Recommendation: That Council:
a) Waive first reading and introduce Ordinance No. 23-2009 (**Roll Call Vote**); and
b) Adopt Resolution No. 121-2009.
Result of Recommended Action: Adoption of the ordinance will repeal Ordinance No. 22-2005 and Ordinance No. 41-2007, allow the commercial solid waste collection franchise agreements to be extended through December 31, 2015, and will require construction clean-up contractors to execute a commercial solid waste collection franchise with the City. Adoption of the resolution will authorize the City Manager to execute the third amendments to the commercial solid waste collection franchise agreements; extend the terms through December 31, 2015; establish a mechanism for calculating the franchise fee for construction clean-up contractors; and appoint the Public Works Director or his/her designee as the administrator of the commercial solid waste collection franchise agreements.
Staff Report: Cyrus Abhar, Public Works Department, and Steve Harriman, Public Works Department
- 9.3 **Subject:** Ordinance Amending the Folsom Boulevard Specific Plan, and Land Development Regulations as Recommended by the Planning Commission
Recommendation: Waive first reading and introduce Ordinance No. 24-2009 (**Roll Call Vote**).
Result of Recommended Action: The proposed modifications will reduce the number of non-conforming uses, allow businesses to continue operating in existing commercial buildings within residentially focused areas, allow building owner to find new tenant to fill vacancies, address concerns related to special regulated land uses, and increase consistency between the Folsom Boulevard Specific Plan and the Zoning Code.
Staff Report: Jeff Beiswenger, Planning Department
- 9.5 **Subject:** Resolution Adopting the Midyear Amendments to the 2009-10 Community Development Block Grant (CDBG) Action Plan
Recommendation: Adopt Resolution No. 123-2009.
Result of Recommended Action: Adoption of this resolution will amend the 2009-10 CDBG Action Plan, authorize the City Manager to submit the amendment and all required certifications and forms to the Department of Housing and Urban Development (HUD), and allows staff to make technical modifications to the Action Plan to correct minor errors or as required by HUD.
Staff Report: Reed Flory, Economic Development Department and Sarah Bontrager, Planning Department
- 9.6 **Subject:** Community Redevelopment Agency Resolution Approving a Relocation Plan for Tenants of Woodberry Gardens Apartments Located at 2728 Woodberry Way
Recommendation: Adopt Agency Resolution No. CRA-10-2009.
Result of Recommended Action: Residents of Woodberry Gardens Apartments will be assisted and compensated for permanently vacating their residency.
Staff Report: Reed Flory, Economic Development Department

THE FOLLOWING ITEMS WERE PULLED FOR SEPARATE DISCUSSION:

- 9.4 **Subject:** Resolution Adopting the 2008-2013 Housing Element and Addendum to the General Plan Environmental Impact Report (EIR)

Recommendation: Adopt Resolution No. 122-2009.

Result of Recommended Action: Adoption of this resolution will approve the 2008-2013 Housing Element and Addendum to the General Plan EIR.

Staff Report: Reed Flory, Economic Development Department

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

- Shamus Roller in support of the item
- Valerie Feldman in support of the item
- Dennis Rogers in opposition of the item

Mayor Skoglund closed the public comment period.

ACTION: Motion by Sander second by Budge and carried by a 5:0 vote Council adopted Resolution No. 122-2009 with a recommendation that staff return in six months to report back to Council on clarification of language, and big picture discussion of development of Rancho Cordova Community.

- 9.7 **Subject:** Resolutions Determining the Public Interest and Necessity Require the Acquisition of Certain Real Property Interests, and Directing the Filing of Four Eminent Domain Proceedings for the Folsom Boulevard Enhancement Project

Recommendation: That Council make the findings and adopt the below Resolutions of Necessity authorizing eminent domain actions to acquire real property for minor road widening, public utility easements, and temporary construction easements for the Folsom Boulevard Enhancement Project:

- a) Resolution No. 114-2009 - Assessor Parcel 058-0280-010 – Dickenson Revocable Trust, et al Fee Simple, Access Rights, and Temporary Construction Easement
- b) Resolution No. 115-2009 - Assessor Parcel 058-0291-004 – Kogos Family Trust Public Utility Easement, and Temporary Construction Easement
- c) Resolution No. 116-2009 - Assessor Parcel 058-0280-009 – Ramesh Pitamber Temporary Construction Easement – received agreement
- d) Resolution No. 117-2009 - Assessor Parcel 058-0291-003 – Bill & Helen Kwong, et al Public Utility Easement, and Temporary Construction Easement

Result of Recommended Action: Adoption of the resolutions of necessity will allow the City Attorney to file eminent domain actions, and request court orders of possession so that the project can proceed on schedule. This action will ensure the property owners receive just compensation as determined by court. Attempts to negotiate voluntary purchase agreements with property owners or their representatives will continue after the adoption of the resolutions of necessity. No other residents or buildings will be taken. No person or business is being displaced, or will need to relocate and there are no associated relocation expenses.

Staff Report: Cyrus Abhar, Public Works Department and Adam Lindgren, City Attorney's Office

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

- Andrew Skinner in opposition of the item
- Dimitrios Kogos in opposition of the item

Mayor Skoglund closed the public comment period.

ACTION: Motion by Budge second by Cooley and carried by a 5:0 vote Council adopted Resolution No. 114-2009, Resolution No. 115-2009, and Resolution No. 117-2009. Resolution No. 116-2009 was not adopted because the Public Works Department has settled the case and reached an agreement with the property owner.

AT THIS POINT: Council took a brief recess. The full Council reconvened at 8:40 p.m.

10. PUBLIC HEARING ITEMS

NONE

11. REGULAR CALENDAR ITEMS

11.1 **Subject:** Discussion of Mather Bungalows Emergency Shelter

Recommendation: Consider presentation by proponents for the Mather Bungalows Emergency Shelter and determine adequacy and appropriateness of the proposed emergency shelter program.

Result of Recommended Action: Council comments will be provided to the Mather Bungalows Emergency Shelter proponents and to County of Sacramento staff charged with reviewing and overseeing the proposed emergency shelter. Council approval is not required for the implementation of this proposal.

Staff Report: Paul Junker, Planning Department, and Curt Haven, Economic Development Department

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

- Eugene Morris in opposition of the item
- Pat Wilcox in support of the item
- Jana Perry in support of the item
- Trina Wachope in support of the item
- Jessica Lee in support of the item
- Tim Brown in support of the item

ACTION: Discussion item only; no action taken by Council. Motion by McGarvey and second by Cooley and carried by a 2:2:1 (Cooley and McGarvey in favor, Sander and Skoglund opposed, Budge abstained) the vote failed to support the below five recommendations to the Sacramento Board of Supervisors and Council's concern for treatment of play area:

1. County shall conduct complete and detailed assessments of each dwelling prior to occupancy, including determination of risks related to mold, lead based paints and asbestos. Assessments reports shall be forwarded to City of Rancho Cordova for review.
2. Fencing shall be installed around the project and the associated playground area Entry to the facility shall be located to facilitate surveillance of access and to maximize site security.
3. County shall provide written commitment that the winter shelter program will close June 1 (30?) 2010 and shall not reopen pending approval of the City Council, working in conjunction with the County Board of Supervisors or their representatives.
4. An oversight committee of City and County staff shall meet monthly to monitors and resolve any problems or issues that arise during Project operation.
5. An exit strategy for the families and individuals leaving the shelter shall be prepared and shall ensure that the Rancho Cordova community is not impacted by transfers to surrounding motels within the community.

11.2 **Subject:** 2010 City Council Meeting Schedule

Recommendation: Staff recommends Council approve its meeting schedule for 2010.

Result of Recommended Action: Action on this item will approve the 2010 meeting schedule for the members of the Rancho Cordova City Council.

Staff Report: Ted Gaebler, City Manager's Office

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

ACTION: Motion by Cooley second by McGarvey and carried by a 5:0 vote Council approved the 2010 City Council Meeting Schedule.

11.3 **Subject:** Selection of 2010 Mayor and Vice Mayor

Recommendation: That Council selects its next Mayor and Vice Mayor in 2010.

Result of Recommended Action: Council will appoint its leadership officers, per Resolution No. 5-2004. The ceremonial seating of the new Mayor and Vice Mayor will take place at the next Council Meeting on December 21, 2009.

Staff Report: Mindy Cuppy, City Clerk's Department

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

ACTION: Motion by Budge second by Skoglund and carried by a 5:0 vote Council selected Council Member Cooley as next Mayor.

ACTION: Motion by Sander second by Cooley and carried by a 5:0 vote Council selected Council Member McGarvey as next Vice Mayor.

12. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

NONE

13. CITY MANAGER'S REPORT

City Manager Ted Gaebler thanked the Council for their support of the City Manager and Department annual review on November 17, 2009.

14. ADJOURNMENT

Mayor Skoglund adjourned the regular meeting at 10:17 p.m. in honor of the veterans who fought at Pearl Harbor, HI, on December 7, 1941.

Mindy Cuppy, City Clerk

CITY OF RANCHO CORDOVA

ORDINANCE NO. 23-2009

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
REPEALING ORDINANCE NO. 22-2005 AND ORDINANCE NO. 41-2007, AND
RESTATING AND AMENDING REGULATIONS RELATING TO COMMERCIAL SOLID
WASTE COLLECTION, TRANSPORTATION OR DISPOSAL AND ESTABLISHING
COMMERCIAL SOLID WASTE COLLECTION FRANCHISES**

WHEREAS, on November 7, 2005, the City Council adopted Ordinance No. 22-2005 and Resolution No. 140-2005, establishing the right of the City to execute non-exclusive franchise agreements with commercial solid waste hauling companies, to regulate the collection and disposal of solid waste within the City, and to allow the City Manager to execute the non-exclusive franchise agreements; and

WHEREAS, on December 18, 2006, the City Council adopted Resolution No. 196-2006, allowing the City Manager to execute one-year extensions to the non-exclusive franchise agreements through December 31, 2007. Subsequently, on December 17, 2007, the City Council adopted Ordinance No. 41-2007 and Resolution No. 147-2007, allowing the City Manager to execute two-year extensions to the non-exclusive franchise agreements through December 31, 2009; and

WHEREAS, this Ordinance repeals Ordinance No. 22-2005 and Ordinance No. 41-2007 in order to consolidate and simplify the City's regulations relating to commercial solid waste collection, transportation, recycling, and disposal within the City of Rancho Cordova; and

WHEREAS, this Ordinance also amends the previously adopted regulations by allowing the City Manager to execute extensions to the non-exclusive franchise agreements through December 31, 2015, and by requiring construction cleanup contractors to execute commercial solid waste franchise agreements with the City.

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

SECTION A. Repealing Ordinance No. 22-2005 and Ordinance No. 41-2007.

The City Council hereby repeals Ordinance No. 22-2005 and Ordinance No. 41-2007 in order to consolidate, restate and amend the regulations relating to commercial solid waste collection, transportation or disposal, and establishment of commercial solid waste collection franchises in one ordinance.

SECTION B. Restatement and Amendment of Regulations Relating to Commercial Solid Waste Collection, Transportation or Disposal and Establishing Commercial Solid Waste Collection Franchises.

The City Council hereby restates and amends the City's regulations relating to commercial solid waste collection, transportation or disposal and establishing commercial solid waste collection franchises to read as follows:

Section 1. Purpose and Declarations.

A. It is hereby declared and determined that the business of collecting and subsequently transporting, transferring, disposing and/or recycling of commercial solid waste generated, kept or accumulated within the incorporated limits of the City of Rancho Cordova affects the health,

safety, public welfare and quality of life of the inhabitants of the City. The City further declares that the business of collecting and disposing of commercial solid waste is a public service and should be regulated by the City. The use of any public street or public property in connection with such business is of great concern to the City and should be regulated by the City. Therefore, it is the purpose of this Ordinance to provide such regulation.

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

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

D. The City hereby elects to have the grant of franchises governed by this Ordinance, and any ordinances amendatory thereof, and these provisions shall constitute the exclusive procedure applicable to the granting of franchises for the conduct of the business of collecting, transporting or disposing of commercial solid waste.

Section 2. Definitions.

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

A. "Administrator" means the Administrator of the City's Solid Waste Program. The City Council shall designate by resolution the Administrator.

B. "City" means the City of Rancho Cordova.

C. "City Council" means the City Council of the City of Rancho Cordova.

D. "City Clerk" means the City Clerk of the City of Rancho Cordova.

E. "City Engineer" means the Engineer of the City of Rancho Cordova.

F. "City Limits" means the territorial jurisdiction of the City of Rancho Cordova.

G. "Collection" means the act of collecting and removing solid waste or recyclable material at the place of waste generation.

H. "Commercial Hauler" or "Hauler" means any person who loads, collects, hauls, or transports commercial solid waste, that was generated by another person or its employees or subcontractors in the course of providing its principal service, or manufacturing or constructing or assembling its major product; for a fee by use of any means, including, but not limited to, a dumpster truck, roll-off truck, a side-load, front-load, or rear-load garbage truck, or a trailer.

I. "Commercial Solid Waste" means all solid waste, as defined in this Ordinance, and generated by commercial and industrial sources, multi-family dwelling units and construction and demolition activities that is collected by a commercial hauler.

J. "Franchise" means a commercial solid waste collection franchise issued under the provisions of this Ordinance to a commercial hauler within the City.

K. "Franchisee" means a person or entity holding a Franchise issued pursuant to this Ordinance.

L. "Materials recovery facility" or "MRF" means a permitted solid waste facility where solid waste or recyclable materials are sorted, or separated, by hand or by use of machinery, for the purposes of recycling or composting. This definition shall apply only within the framework of materials recovery facility services and reporting of this Ordinance.

M. "Multi-family dwelling units" means five (5) or more residential dwelling units located on a single parcel of land.

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

O. "Police Chief" means the Chief of Police of the City of Rancho Cordova.

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

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

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

S. "Removal" means the act of taking solid wastes from the place of waste generation.

T. "Rubbish" means non-putrescible solid wastes such as ashes, paper, cardboard, tin cans, yard waste, wood, glass, bedding, crockery, plastics, rubber by-products and litter.

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

V. "Source Separate" or "Source Separated" means the keeping of recyclable materials independently containerized or clearly segregated from solid waste at the point of generation for the purpose of reuse or recycling and preventing them from being contaminated by solid waste.

W. "Treated medical waste" means medical waste as defined in subsection (a) of Health and Safety Code Section 25023.5.

Section 3. Collection or Transportation Prohibited.

Except as authorized by Sections 4 and 5 hereof, it shall be unlawful for any person to engage in the business of collecting, removing or transporting commercial solid waste, or otherwise organizing, directing sponsoring, brokering or causing the collection, removal or transportation of commercial solid waste within the City without possessing a valid Franchise granted by the City.

Section 4. Franchise Requirement.

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

- A. A franchise therefore has first been granted pursuant to the provisions of this Ordinance and such franchise is in full force and effect and a written franchise agreement therefore has been executed between such person and the City and such agreement is in full force and effect; or
- B. The commercial solid waste is generated and hauled by the same person.

Section 5. Exempt Collection or Transportation.

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

- A. The United States, State of California, a city, a special district or other local public agency, or any employee or member of the Armed Forces thereof, when collecting or transporting solid waste produced by operation of the public entity under a system of solid waste collection and transportation operated and maintained by the public agency;
- B. The owner, operator or occupant or employee of a farm or ranch consisting of five acres or more, when transporting for off-site disposal solid waste accumulated as a result of operation of the farm or ranch;
- C. An owner or occupant of a residential unit, when collecting or transporting rubbish, not containing garbage, from his or her residential premises to a lawful point of disposal;
- D. A person or employee thereof, when collecting or transporting dead animals, bones, meat scraps or food waste resulting from food processing plants for tallow or fertilizer, or other waste material to be used as raw material in manufacturing, or solid waste that is collected without charging a fee to the customer for purposes of salvage, provided that such persons shall reuse or recycle or cause to be reused or recycled all materials collected, and shall not transport or arrange for the transport of any collected materials to a disposal site; and
- E. An operator or employee thereof of one or more industrial plants which are under single ownership, when collecting or transporting wastes which cannot be handled by standard solid waste collection equipment or which involve significant health, operating or handling hazards, including but not limited to, rice hulls, tomato pulp, chemical residues, explosives, and other toxic, noxious or hazardous substances, provided that all such wastes shall be deposited at an appropriate disposal area permitted pursuant to California State Solid or Hazardous Waste Management Standards.

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

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

H. Any person collecting or transporting residue or non-processable waste from a solid waste management facility, including material recovery, composting, and transformation facilities.

I. Municipal corporations and other governmental agencies using their own vehicles engaged in the collection, transportation, or disposal of solid waste within the City.

Section 6. City Council Authority to Grant Franchise.

A. The City Council may and is hereby empowered to grant to a qualified applicant a nonexclusive franchise to engage in the business of collecting, transporting or disposing of commercial solid waste kept, accumulated or generated in the City.

B. The City Council may grant a franchise to an applicant based on compliance with this Ordinance. Any grant of a franchise by the City Council may be subject to such terms, conditions, rules, regulations, restrictions, and limitations as the City Council deems necessary to protect the public health, safety, or welfare.

C. The City Council hereby empowers and grants to the Administrator the authority to administer and negotiate non-substantive changes to the franchise agreements. The City Council may delegate authority by resolution to the Administrator to administer, negotiate and execute franchise agreements.

Section 7. Franchise Terms and Conditions.

A. All franchises shall be subject to the terms and conditions specified in this Ordinance, in the Franchise Agreement and in all other applicable federal, state and local laws and regulations.

B. In granting any franchise, the City Council may prescribe such other additional terms and conditions, not in conflict with this Ordinance, as in the judgment of the City Council are in the public interest.

C. Each Franchisee shall provide commercial solid waste collection, removal, recycling, and transportation services consistent with the provisions of this Ordinance, the terms and conditions of the Franchise issued to the Franchisee, and any applicable Federal, State, or local statute, ordinance, rule or regulation.

D. Each Franchisee shall provide services without undue interruptions caused by mechanical failures or other inadequacies of equipment and shall utilize equipment in quantities and of an age and quality adequate for the provisions of reliable service and to provide preventive and repair maintenance of such equipment sufficient to ensure reliability.

Section 8. Application for Franchise.

A. All applications for franchises pursuant to this Ordinance shall be in writing and shall be filed with the Administrator.

B. Each application for a franchise shall be submitted by the Applicant on a form provided by the Administrator. The application shall include all attachments required by the Administrator. At a minimum, the application shall contain the following information:

1. Identification.

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

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

- (a) Attestation that books and accounts of all revenue and income arising out of its operations will be kept in a manner that conforms to Generally Accepted Accounting Principals.
- (b) A statement that the applicant shall obtain insurance prior to commencing business subject to the franchise agreement.
- (c) A statement that the applicant shall maintain and report on a timely basis all operational information and data elements reasonably required by the City to comply with its reporting requirements such as those established under AB 939, and as defined in the franchise agreement.

- (d) A complete listing and explanation of any civil or criminal rulings or judgments in excess of five thousand dollars (\$5,000), or convictions against applicant, any of applicant's partners, major stockholders, corporate directors or parent or subsidiary companies, occurring within the last five (5) years. Applicants that are subject to the periodic reporting requirements of Section 13(a) of the Securities Exchange Act, may, in lieu of the information required by Section 8.B.(2)(d), submit the information reported pursuant to 17 CFR §§ 229.103 (Legal proceedings) and 229.403 (Security ownership of certain beneficial owners and management) on the most recent form 10-K filed by the Applicant with the Securities and Exchange Commission.

3. Facilities and Equipment.

- (a) A description of all vehicles and equipment that the applicant owns, has control of, or intends to acquire for the collection, transportation, or disposal of commercial waste in the City and which are subject to the provisions of the franchise agreement. A statement as to whether said vehicles and equipment are self-unloading and equipped with audible automatic back-up warning devices. The minimum vehicle description for existing vehicles shall include Vehicle Identification Number (VIN) and license plate number.
- (b) Evidence demonstrating that the applicant owns or will have access to suitable facilities for keeping vehicles and equipment clean and in good repair, and that the applicant owns or will have access to reasonable office and billing facilities.
- (c) Evidence demonstrating that the applicant owns or will have the legally enforceable right to use at least two collection vehicles, the bodies of which are closed, leak resistant, and constructed for the purpose of solid waste collection, transportation, and disposal. In the alternative, for the purposes of this provision, an applicant may demonstrate by the evidence that they service and transport open-top roll-off boxes for the collection, transportation, and disposal of non-putrescible waste and/or roll-off compaction boxes which are closed, leak resistance, and are constructed for the purpose of solid waste collection, transportation, and disposal.

4. Financial Resources. Applicant shall provide proof satisfactory to the Administrator that the applicant has adequate financial resources to conduct commercial solid waste collection services.

5. Diversion Plans. Each Franchisee shall submit a Diversion Plan with their Franchise Application. The Diversion Plan shall provide a detailed description of how the Franchisee intends to divert recyclable materials from commercial solid waste in order to assist the City in meeting the City's AB 939 reporting requirements.

6. Application for Police Chief Review.

- (a) The City may request that the Police Chief review each franchise application prior to the City issuing a Franchise. The Administrator may refer all franchise applications or renewals pursuant to this Ordinance to the Police Chief who, in conjunction with City staff, shall make such

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

- (b) If requested to review an application, the Police Chief shall evaluate each franchise application or proposal to determine whether the operation of the business which the applicant or party submitting the proposal represents would involve an unreasonable risk to the health, safety or general welfare of the public. In making such a determination the Police Chief shall consider the character of the applicant or party submitting the proposal and each director, officer, manager and other person who exercises policy control over the operations of the applicant or proponent, the business responsibility of the firm which the applicant or party submitting the proposal represents, and the manner in which the firm intends to conduct its business.
- (c) The Police Chief shall notify the Administrator of the results of the investigation conducted pursuant to this section. If the Police Chief recommends disapproval of the application or proposal, the reasons for disapproval shall be specified in writing. The Police Chief shall forward a copy of the statement of reasons to the Administrator and shall provide a copy to the applicant or party submitting the application.

7. Other.

- (a) Any other evidence that demonstrates that the applicant is able to render collection and subsequent transportation, and/or disposal services in accordance with applicable federal, state and local statutes.
- (b) Such additional information as may be reasonably requested by the Administrator.
- (c) During the application or proposal period and during the full term of any Franchise all information contained in the franchise application shall be kept up-to-date by the applicant who shall file a new verified statement within forty-eight (48) hours of any change indicating in detail the nature of any change in the information.

C. The application shall be signed by the person applying for the solid waste collection franchise or, in the case of a partnership or corporation, by a person authorized to bind the partnership or corporation.

Section 9. Franchise Application Review Process.

A. The City Council may award franchises for the collection of commercial solid waste within the City to applicants meeting all of the qualifications of this Ordinance.

B. Applicants may submit their completed application for a franchise, as provided in Section 8, to the Administrator for review and consideration at any time. The Administrator shall review such submittals and either make a recommendation to the City Council to award such franchise, or notify applicant of denial, within sixty (60) days of receiving a completed application.

C. The Administrator shall take into consideration all components of the completed application, including but not limited to:

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

The Administrator shall also have the authority to verify independently any and all statements made and implied in the application. The Administrator may also request clarification from applicant of any or all elements of the submitted application.

D. After the sixty (60) day review period, the Administrator shall either:

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

E. Upon concurrence with a positive recommendation, the City Council will award the franchise or will delegate authority to the Administrator to award the franchise within a reasonable period of time. The Administrator will notify applicant in writing of an award.

Section 10. Appeal Upon Denial of Award.

A. Within thirty (30) days of written notification of award denial or within sixty (60) days of Administrator's failure to act on the franchise application, applicant has the right to meet with the Administrator to review the items cited in the written notice and provide any additional evidence to support an award. Within fifteen (15) days of such meeting, the Administrator will make a final, written determination of the application, based on the reviews of additional evidence, together with the original application. Administrator will send a copy of all final, written determinations, including reasons for denial, if any, to both applicant and the City Council.

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

C. If the term of an applicant's existing franchise expires while the application is under City review, the City Council or the Administrator may administratively extend the term for such period of time as is required to complete the appeal process.

Section 11. Awarding of Franchise.

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

B. The franchisee must provide to the City copies of all required certificates of insurance, and copies of all required truck inspection forms as enumerated in the franchise agreement and this Ordinance. Should franchisee fail to maintain all such insurance and bonding requirements, uninterrupted for the term of the agreement, the City will immediately suspend or terminate the franchise.

C. If the franchisee's description of vehicles and equipment, as required under Section 8, has changed between the application date and the effective date of the franchise agreement, franchisee must submit to Administrator an amended description, including all identification elements required under Section 8, prior to commencing services authorized in the agreement.

Section 12. Requirements for Franchise Effectiveness.

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

A. The ordinance granting the franchise is effective.

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

C. Within twenty days from the date of adoption of the ordinance granting the franchise, or delegating authority to the Administrator to grant the franchise, the applicant to whom a franchise has been granted has filed with the City Clerk evidence of compliance with the insurance requirements specified in the franchise agreement.

Section 13. Termination or Suspension of Franchise.

A. All franchises granted pursuant to this Ordinance shall terminate on December 31, 2015. The franchise may be terminated for cause prior to that date. The City and the Franchisee may also enter into an agreement to terminate the franchise prior to that date.

B. The City Council shall have the right to terminate any franchise granted pursuant to this Ordinance if the City Council finds, after a public hearing following not less than fourteen days written notice to the franchisee, that:

1. The grantee has failed to comply with, or to do anything required of the grantee by, applicable provisions of this Ordinance, provisions of the ordinance granting the franchise, or provisions of the franchise agreement; or
2. Any provision of this part becomes or is declared to be invalid and the City Council expressly finds that such provision constitutes a material consideration to the grant or continuation of such franchise.

C. Any franchise granted pursuant to this part shall automatically be suspended whenever the Franchisee:

1. Fails to keep in full force and effect the insurance required by the franchise agreement; or
2. Fails to keep in full force and effect any applicable licenses or permits required by federal, state or local law. The suspension shall remain in effect until the Franchisee provides documentation satisfactory to the Administrator verifying that the reason for the suspension specified above no longer exists.

D. The Administrator may suspend any franchise granted under this part if the Franchisee fails to submit timely reports as described in Section 17 within fifteen days after written notice from the Administrator that a report is delinquent. The suspension shall remain in effect for the period specified in the Administrator's notice unless the suspension is reversed or modified by the Administrator or, upon appeal by the franchisee, by the City Council.

E. In the event the franchise granted pursuant to this part is terminated, the Franchisee shall have no right or authority to engage in commercial solid waste collection, transportation or disposal operations in the City unless and until a subsequent commercial solid waste collection franchise is granted to the Franchisee. Nothing herein shall require the City to grant any subsequent franchise to the Franchisee.

F. In the event the franchise granted pursuant to this part is suspended, the Franchisee shall have no right or authority to engage in commercial solid waste collection, transportation or disposal operations in the City during the period of suspension.

G. In the event any franchise granted pursuant to this part is terminated under subsection A. above, then within the time period specified by the City Council, the Franchisee shall:

1. Remove all of the Franchisee's, and any subcontractor's, solid waste containers from all service locations where services have been provided pursuant to such franchise; and
2. Properly dispose of any and all solid wastes in the containers at the time of removal.

H. If the Franchisee fails to remove any solid waste container or to properly dispose of any solid waste in any container within the time specified in subsection F above, the City may remove the container and/or dispose of the solid waste therein and may charge the Franchisee for the City's costs. The Franchisee shall pay to the City all of the costs incurred by the City in such removal and/or disposal within ten days of the date of the City's invoice for such costs.

Section 14. Franchise Transfer or Assignment.

Any franchise granted pursuant to this part is a privilege to be held in trust by the original Franchisee. A franchisee shall not sell, lease, transfer, assign or otherwise dispose of, either in whole or in part, whether by forced sale, merger, consolidation, bankruptcy, reorganization under bankruptcy laws or otherwise, a franchise issued pursuant to this Ordinance without the prior consent of the City Council. Any such consent of the City Council shall be subject to such terms and conditions as may be prescribed by the City Council. This restriction includes the transfer of ownership of the franchise, or a majority of the ownership or control of the franchisee, or the conveyance of a majority of the franchisee's stock to a new controlling interest. Franchises shall become void upon the abandonment of same by franchisee.

Section 15. Franchise Fees.

A. Each person engaging in the business of collecting, transporting or disposing of commercial solid waste kept, accumulated or generated in the City shall pay a franchise fee to the City. The City Council shall set the franchise fee by resolution.

B. Franchise fees shall be payable on a monthly basis, and shall be due and payable on the first day of the second month immediately following the month in which collection services were provided. Each payment shall be calculated in accordance with the provisions of this Ordinance.

C. The required franchise fee shall be paid to the Administrator. Each payment shall be accompanied by a written statement, verified by the person making the payment, or a duly authorized representative of the person, showing the calculation of the franchise fee payable in such form and detail as the Administrator may require and such other information as the Administrator may determine is material to a determination of the amount due.

D. No statement filed under this section shall be conclusive as to the matters set forth in such statement, nor shall the filing of such statement preclude the City from collecting by appropriate action the sum that is actually due and payable.

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

F. If franchise fees are not paid by the Franchisee at the times required by this section, then in addition to the franchise fees, the Franchisee shall pay a late payment charge in an amount equal to two percent (2%) of the franchise fee that is due plus interest equal to one and one-half (1½%) for each month in which the franchise fee was not timely paid.

G. Commercial solid waste franchise fees shall be payable on all gross collection revenues collected by a Franchisee from its commercial solid waste collection customers located within the City. The franchise fee shall be calculated based on gross collection revenues prior to Franchisee imposing the franchise fee on its customers. Franchisees shall also pay Franchise fees on revenues received from federal and state governments.

H. Franchise fees shall be payable by any person providing commercial solid waste services within the City after the effective date of this Ordinance, even where no franchise has been granted.

Section 16. Franchise Operations.

A. All new customer agreements executed after the effective date of the franchise must contain clauses that automatically terminate such customer agreements in the event that the Franchise or Franchise Agreement is terminated. Upon termination of any franchise, franchisee is required to notify all its customers in writing with thirty (30) days of such termination.

B. Franchisee must offer recycling services to each of its customers or provide its customers with a list of companies who provide recycling services in the area.

C. The agreement shall provide for the requirements relating to the frequency and hours of collection, the size, placement and care of the containers, and special collections.

Section 17. Reporting Requirements.

A. The Franchisee shall file with the Administrator a quarterly report of the quantities of commercial solid waste collected, transported, diverted, and/or disposed. Such report shall be in such form and detail as required by the Administrator. Specifically, the report shall contain the following information:

1. The commercial solid waste tonnage collected and removed within the City during the previous quarter;
2. The commercial solid waste tonnage collected and removed during the previous quarter within the City that was diverted and the location of the facility where such solid waste was diverted from landfill disposal;
3. The commercial solid waste tonnage collected and removed within the City that was disposed of during the previous quarter and the location of the disposal facility where the disposal of such waste occurred; and

B. Franchisees may use information supplied by certified MRFs to meet the requirements of this section.

C. All Franchisees shall maintain quarterly records, on forms prescribed by either the Administrator, containing such information as may be required pertaining to the number and types of accounts served by the Franchisee. This information shall be provided to the Administrator upon request.

D. A Franchisee's failure to file the reports required by this section shall constitute cause for termination or suspension of its Franchise pursuant to Section 13 hereof.

E. To the extent permitted by the California Public Records Act, any reports, plans, and information required by this Ordinance or the Franchise Agreement shall be deemed confidential and shall not be subject to public disclosure except for each Franchisee's aggregate totals.

F. If the quarterly report required under subsection A is not filed by the due date specified in the franchise agreement, the report shall be deemed delinquent, and the Franchisee shall pay to the City a delinquent report charge in the amount of fifty dollars. If the report remains delinquent for more than fifteen days, the Franchisee shall pay to the City a delinquent report charge in the amount of one hundred dollars. Such delinquent report charge shall be in addition to any franchise fees or other charges payable by the Franchisee for the same period of time.

Section 18. Recycling Facility Reporting Requirements.

A. All recycling facilities within the City shall provide semi-annual written reports to the Administrator, due 45 days after the close of the six-month reporting period, and including the following information for the previous six months:

1. The total aggregate tonnage of recyclable material received from generators located within the City;
2. The aggregate tonnage of recyclable material received from waste management and recycling operations in the City;

3. The aggregate tonnage of recyclable material received from Franchises operating within the City; and

4. The total aggregate amount of residuals generated at the facility and disposed of at a permitted solid waste disposal facility, expressed as a percentage of total tonnage received.

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

C. Recycling facilities receiving only scrap metals, agricultural waste, inert materials, and/or discarded, whitecoated, major appliances, that are not normally disposed of and thus cannot be counted towards the State's diversion requirements, are exempt from the reporting requirements of this Ordinance.

Section 19. Restrictions on Franchisees.

The following restrictions shall be applicable to Franchisees:

A. Except to meet the two-truck requirement of Section 8(B)(3)(c), no Franchisee shall, by contract, subcontract, or otherwise, share with another Franchisee any office space associated with operations under a Franchise.

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

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

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

E. Each Franchisee shall provide to the Administrator such information as the Administrator determines is reasonably necessary to facilitate effective administration of the Franchise under the provisions of this Ordinance. Diversion information may be provided consistent with the framework for materials recovery facility (MRF) services and reporting of Section 17.

F. Notwithstanding any other provisions of this Ordinance, it shall be allowable for a Franchisee having an interest in a materials recovery facility (MRF) to provide a reporting service, a solid waste processing service, and/or a recyclables processing service to another Franchisee consistent with the framework for MRF services and reporting of Section 17.

Section 20. Medical Waste.

A. Franchisees shall not be required to divert treated medical waste.

B. All franchisees shall nevertheless on a quarterly basis report to the Administrator all combined or separately collected treated medical waste tonnage disposed of during the previous quarter by disposal location. The Franchisee may rely on and use guidelines, forms and other appropriate material to assist franchisees in preparing such reports developed by the WRMD. A franchisee's failure to file the required treated medical waste disposal reports shall constitute cause for termination or suspension of its franchise pursuant to Section 13 hereof.

C. No treated medical waste from commercial solid waste generators shall be delivered by a permittee to a materials recovery facility for the purpose of recycling.

Section 21. Inspection Authority.

A. Each Franchisee shall at all times maintain accurate and complete accounts of all revenues and income arising out of its operations under the franchise granted pursuant to this Ordinance; all solid waste collected, transported and/or disposed of; the source of such solid waste; and the final destination of such solid waste. Franchisee's books, accounts and records reasonably necessary for the enforcement of this Ordinance and the franchise agreement shall be made available for inspection, examination and audit during normal business hours by authorized officers, employees and agents of the City. The City shall give written notice at least three (3) days prior to any inspection, audit or examination of these records.

B. Where the Administrator determines that an audit is necessary, Franchisees shall be responsible for reimbursement of audit costs, including any City staff or Consultant services, to perform audits of accounts of all Franchisee revenues and income arising out of operations under the franchise granted pursuant to this Ordinance.

Section 22. Enforcement.

Except as otherwise expressly provided, the provisions of this Ordinance shall be administered and enforced within the City by the Administrator or other staff and enforcement officials designated by the Administrator.

Section 23. Abatement Proceedings.

Any operation or activity contrary to the provisions of this Ordinance or a Franchise Agreement, including the terms and conditions of any Franchise, is unlawful and shall constitute a public nuisance. The Administrator is authorized to commence in the name of the City actions or proceedings to abate and enjoin any such operation or activity.

Section 24. Notices.

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

B. Any written notice or other communication to a Franchisee which is authorized or required by this Ordinance shall be deemed served and effective for all purposes when deposited in the United States mail, postage prepaid, and addressed to the latest address of the Franchisee shown on the in the City records pertaining to the Franchise.

Section 25. On-Site Storage.

Every owner of any multiple family dwelling units and every owner, operator or keeper of any business with a fixed location in the City which generates solid waste and/or recyclable materials shall provide and at all times keep within an enclosure, or conveniently located near an enclosure or building, water-tight containers for solid waste and suitable containers for recyclable materials, and shall cause to be deposited in such containers, and not elsewhere, all solid waste and/or recyclable materials which accumulates on the premises. The containers shall have tightly fitted covers and shall not leak or permit the escape of odors. Notwithstanding the requirements of this section, generators shall not be required to set out or store recyclable materials together with solid waste and generators shall be allowed to appropriately store recyclable materials for collection separate from solid waste. It shall be unlawful for any person to fail to comply with the requirements of this section. Containers shall be clearly identified with the name of the Franchisee.

Section 26. Signs.

Each Franchisee shall have permanently displayed in a prominent place on the exterior of each truck utilized in the collection, removal or transportation of commercial solid waste under its Franchise a sign which contains such information as is required by regulation of the City Engineer adopted pursuant to the provisions of the California Code of Regulations, Title 14, section 17344.

Section 27. Office Required.

Every Franchisee shall at all times maintain a central office within the City, or within the metropolitan area immediately adjacent to the City, where the agent, servant or representative of the Franchisee can be reached by telephone 9:00 a.m. through 5:00 p.m., Mondays through Fridays, legal holidays excepted. Such office shall have a local telephone number so that customers served by the Franchisee may contact the Franchisee without the necessity of making a long distance telephone call.

Section 28. Solid Waste Disposal Restrictions.

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

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

Section 29. Use of Containers.

No person other than a customer who has contracted for service with a Franchisee, or a person with such customer's consent, shall deposit solid waste into a commercial solid waste bin, drop box or compactor placed in the City by a Franchisee for the purpose of receiving solid waste.

Section 30. Commercial Solid Waste and Recyclables Ownership.

Commercial solid waste and recyclables lawfully deposited in bins, drop-boxes or other containers used by a Franchisee for collection for either disposal or recycling shall become the property of the Franchisee upon its deposit in any such container.

Section 31. Indemnification.

Each Franchisee must agree to defend, with counsel to be agreed upon by both parties, indemnify, and hold harmless, City and its agents, officers, servants, and employees, from and against any and all claims asserted or liability established for damages or injuries to any person or property, including injury to City employees, agents, or officers which arise from, or are connected with, or are caused or claimed to be caused by acts or omissions of franchisee, or their agents, officers or employees, in the performance of the nonexclusive franchise agreement, or in performing the work or services therein, and all costs and expenses of investigating and defending against same; provided, however, that franchisee's duty to indemnify and hold harmless shall not include any claims or liability arising from the established active negligence, sole negligence, or sole willful misconduct of the City, its agents, officers, or employees. This indemnification requirement shall be included in every Franchise Agreement.

Section 32. Insurance.

A. Each franchisee shall maintain, at its own expense, insurance coverages, as provided in the franchise agreement or as established from time to time by the Administrator. All such insurance shall remain in effect, uninterrupted, through the term of the franchise agreement.

B. Minimum insurance coverage shall include the following items, in amounts to be determined by the Administrator: Comprehensive General Liability and Insurance Services Office covering Broad Form Comprehensive General Liability Automobile Liability; Worker's Compensation insurance as required by the Labor Code of the State of California and Employers Liability insurance.

C. The City and each member agency, and in their capacities as such, their officers, agents and employees shall be named as primary insureds in such policies. All such policies shall contain a provision requiring that written notice be mailed to the City by the insurer not less than thirty days in advance of the cancellation, modification or reduction of the insurance, or failure to renew such insurance, whether by the insurer or insured, and whether for non-payment of premium or otherwise. Certificates of insurance shall be filed with the Administrator prior to the issuance of any Franchise.

D. Any act, omission or circumstance which results in the holder of a Franchise being out of compliance with the requirements of this section during the term of the Franchise shall constitute grounds for the immediate suspension of the Franchise, without advance notice or hearing, pending re-establishment of compliance by the Franchisee with the requirements hereof.

Section 33. Rules and Regulations.

A. The collection and subsequent transportation and disposal of commercial solid waste within the City is under the supervision of the Administrator who shall have the power to promulgate rules and regulations regulating such collection and subsequent transportation and disposal, including but not limited to:

1. Commercial solid waste generation, storage, recycling, recovery, accumulation, collection, removal, transportation and disposal;

2. The manner in which commercial solid waste collection and recycling services are provided;

3. Types of commercial solid waste and recycling containers and vehicles used therefore;

4. The operation and maintenance of sanitary methods of commercial solid waste disposal;

5. Reporting requirements for recycling facilities.

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

C. All such rules and regulations shall be consistent with the provisions of this Ordinance and shall be effective on the thirtieth (30th) day following the filing of any such rules and regulations with the City Clerk.

D. Any person who asserts that he or she is aggrieved by the terms or application of a regulation issued pursuant to this section may appeal the issuance of such regulation by filing a written notice of appeal with the City Clerk. The notice of appeal shall specifically identify the regulation or regulations from which the appeal is taken and the reasons for the appeal. Upon receipt of such notice, the City Clerk shall schedule the appeal for a public hearing by the City Council, notice of which shall be given in the manner prescribed by Section 24 hereof. At the conclusion of the public hearing, the City Council shall be vested with jurisdiction to deny the appeal or to rescind or modify the regulation. The City Council's determination in this regard shall be final.

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

F. It shall be unlawful and constitute a violation of this Ordinance for any person to violate or otherwise fail to comply with any rule or regulation issued pursuant to this section.

Section 34. Vehicle Inspection and Tags.

A. All vehicles and other equipment used in the collection and subsequent transportation, and disposal of commercial solid waste in the City shall be inspected as often as the Administrator deems necessary and at such times and places as shall be designated by said Administrator. No vehicle shall be used in the collection and subsequent transportation, and/or disposal of commercial solid waste within the City unless it carries a current, unrevoked tag or decal issued by the City authorizing such activity. The Administrator shall provide for each vehicle operated by franchisee, a durable tag or decal upon payment of the applicable fee. Such tag or decal shall be securely fastened and maintained by the franchisee on each vehicle so as to be clearly visible. The Administrator may suspend the tag or decal of any vehicle that fails to

meet the requirements of this section, and such vehicle shall not be used for the collection and subsequent transportation or disposal of refuse until the tag or decal has been reinstated by the Administrator. In the event any vehicle fails to meet the requirements of this section, or in the event any vehicle becomes temporarily or permanently inoperable or unavailable, the franchisee may transfer said vehicle's tag or decal to another vehicle to be operated by franchisee, which vehicle has passed inspection and does meet the requirements of this section. The Franchisee must notify the Administrator of any changes to its vehicles or tags.

B. All trucks and containers used in the collection, removal, transportation or storage of commercial solid waste in the City shall be subject to inspection by the City Engineer for the purpose of determining whether or not the trucks and containers comply with California Code of Regulations, Title 14, section 17341 through 17345.

Section 35. Vehicle Requirements.

A. The bodies of vehicles used in the collection, removal or transportation of commercial solid waste in the City shall have beds of metal or other impervious material which can be cleaned, and shall otherwise be of a type approved by the City Engineer Department adopted pursuant to the California Code of Regulations, Title 14, section 17341.

B. The City Engineer shall be authorized to issue administrative regulations pertaining to specifications for vehicles and containers, the cleansing and disinfecting thereof, and other sanitary measures in connection therewith.

Section 36. Covered Load Requirement.

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

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

C. Every permitted or non-permitted waste disposal facility located within the City shall post signs notifying the public that it is illegal to haul uncovered loads to the facility. These facilities shall cooperate with the City enforcement staff by providing covered load education and promotion information to their customers to help assure the effectiveness of this Ordinance.

Section 37. Rights Reserved to City.

In addition to all other rights reserved to the City under this Ordinance, the following shall apply:

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

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

C. The Franchisee shall have no recourse whatsoever against the City, its officers, employees or agents or any of the City member entities, their officers, employees, or agents for any loss, cost, expense or damage arising out of any provision or requirement of this Ordinance.

or of any franchise issued under this Ordinance or because of the enforcement of this Ordinance.

D. There is hereby expressly reserved to the City the power and authority to amend any section of this Ordinance so as to require additional or greater standards on the part of the Franchisee and the power and authority to increase the franchise fees to be paid by the Franchisee pursuant to Section 15.

Section 38. Other Franchise Provisions.

A. The City Council may expand or contract the scope of franchise agreements over time due to changes in law or interpretations of law.

B. The Administrator shall have the right to inspect franchisee's records for purposes of determining AB 939 and other reporting requirements. The Administrator may also inspect franchisee's records to determine proper calculation and payment of franchise fees. The Administrator will provide franchisee with at least three (3) days advanced written notice of its intent to inspect any of franchisee's records.

C. The Administrator retains the right to terminate or suspend the agreement, as provided in the agreement.

Section 39. Criminal Penalties for Violations.

The following criminal penalties apply to violations of this Ordinance.

A. **Violation as Misdemeanor.** Unless otherwise specified by this Ordinance, violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of terms and conditions established in connection with franchisees issued pursuant to this Ordinance, shall constitute a misdemeanor.

B. **Penalty for Misdemeanor.** Unless otherwise specified in this Ordinance, any person, whether as principal, agent, employee or otherwise, who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$1,000 or imprisoned for not more than six (6) months in the County Jail, or by both such fine and imprisonment. Each day such violation continues shall be considered a separate offense. Such penalties shall be in addition to any late fees, civil penalties, administrative civil penalties, civil penalties, or other charges payable to the City by a Franchisee for the same period of time or for the same violations.

C. **Violation as Infraction.** Unless otherwise specified by this Ordinance, the following violations by a Franchisee are infractions.

1. **Delinquent Payment of Franchise Fee.** A delinquent payment of a franchise fee that is not received by the City before the first day of the month following the due date established under Section 15, subsection B, is a violation and a separate violation for every month the payment remains delinquent thereafter.
2. **Delinquent Payment of Franchise Fee Late Charge.** A delinquent payment of a late payment charge and/or interest charges for a late franchise fee payment (under Section 15, subsection F) that is not received by the City before the first day of the month following the due date is a violation and a separate violation for every month the payment remains delinquent thereafter.

3. Delinquent Payment of Late Report Charge. A delinquent payment of a late charge for a delinquent quarterly report of diversion (under Section 17, subsection F) that is not received before the first day of the month following the due date is a violation and a separate violation for every month the payment remains delinquent thereafter.
4. Delinquent Payment of Audit Fee. A delinquent payment of an Audit Fee (under Section 21, subsection B) that is not received by the City before the first day of the month following the due date is a violation and a separate violation for every month the payment remains delinquent thereafter.
5. Delinquent Diversion Report. A delinquent quarterly report of diversion (under Section 17) that is not received by the City before the first day of the third month following the end of the quarter reporting is a violation and a separate violation for every month the report remains delinquent thereafter.
6. Incomplete Diversion Report. If a quarterly report of diversion (under Section 17) that is received by the City is incomplete, the inadequacy must be remedied or corrected by the Franchisee before the first day of the third month following the end of the quarter or it is a violation and a separate violation for every month the report remains incomplete thereafter. A complete quarterly report of diversion includes all information as may be required by the Administrator. Partial quarterly reports of diversion will be considered incomplete.

D. **Penalty for Infraction.** Unless otherwise specified by this Ordinance, an infraction is punishable by a fine not exceeding two hundred dollars (\$200) for a first violation of any offense under subsection C within the preceding twelve-month period; a fine of five hundred dollars (\$500) for a second violation of the same offense under subsection C within the preceding twelve-month period; and a fine of one thousand dollars (\$1,000) for each additional violation of the same offense under subsection C within the preceding twelve-month period. The Administrator or the City Attorney shall also have the discretion to elevate any infraction under subsection C to a misdemeanor, punishable under subsection B. Such penalties shall be in addition to any late fees, civil penalties, administrative civil penalties, or other charges payable to the City by a Franchisee for the same period of time or for the same violation.

E. **Separate Remedies.** Each civil, criminal, or administrative civil penalty imposed pursuant to this Ordinance for any separate violation shall be separate, and in addition to, any other provision of law and does not supersede or limit any and all other legal remedies and penalties, civil, administrative or criminal which may be applicable under other laws.

Section 40. Civil Penalties for Violations.

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

A. **Administrative Civil Penalties.** In addition to any other remedies provided by this Ordinance, any person who violates any provision of this Ordinance, shall be liable for an administrative civil penalty to be imposed by the Administrator. The amount of the penalty shall not be more than one thousand dollars (\$1,000) for each day of violation. Any person, who knowingly violates any provision of this Ordinance, after reasonable notice of the violation, is liable for an administrative civil penalty of not more than one thousand dollars (\$1,000) for each day of violation. In determining the civil, criminal, and administrative civil penalties imposed pursuant to this Ordinance, all relevant circumstances shall be considered, including but not limited to, the extent of harm or potential harm caused by the violation, the nature of the

violation and the period of time over which it occurred, the frequency of past violations, and the corrective action, if any, taken by the violator.

B. Administrative Civil Penalty Procedure

1. Notice of Violation. The Administrator shall notify the violator in writing of the time within an alleged violation must be remedied or corrected. The notice shall provide that an administrative civil penalty will be imposed if the continuing violation is not remedied or corrected within the time stated.
2. Notice of Penalty and Opportunity for Hearing. Notice of any administrative civil penalty shall set forth the alleged acts or failures to act that constitute a basis for liability and the amount of the proposed administrative civil penalty. The notice of administrative civil penalty shall be served by personal service or certified mail and shall inform the person so served that the administrative civil penalty imposed may be administratively reviewed by a City designated Hearing Officer before it is enforced if a request for hearing is timely filed. The notice shall also specify the procedure for requesting a hearing before the Hearing Officer.
3. Administrative Review. If a person desires administrative review of the administrative civil penalty imposed by the Administrator, it shall request a hearing by timely filing a written request pursuant to the provisions of Section 43 of this Ordinance. The written request for an appeal must be accompanied by an administrative hearing fee, as established by the City Council of Directors of City. Any such appeal shall be in writing, shall state the specific reasons therefore and grounds asserted for relief, and shall be filed with the Administrator not later than fifteen (15) calendar days after the date of service of any such decision. A hearing shall be conducted by the Hearing Officer pursuant to Section 43 of this Ordinance unless the person has waived the right to a hearing or has entered into a settlement agreement with the Administrator. A person waives the right to a hearing by so stating in writing or by failure to file with the Administrator a written request for hearing within fifteen (15) days after service of the notice of opportunity for hearing.
4. Effective Date. Where the person has waived the right to a hearing or where the person has entered into a settlement agreement, the administrative civil penalty shall not be subject to review by any court, the Hearing Authority, or any other agency and shall be effective 15 days after notice of the penalty is served. Where a hearing has been held, the penalty shall be effective 20 days after the decision of the Hearing Authority becomes final.
5. Judicial Review. The manner of contesting the final order of the Hearing Officer concerning any administrative civil penalty is governed by Government Code Section 53069.4, or any successor provision thereto. Service of the notice of appeal authorized by Government Code Section 53069.4 upon the City shall be by service upon the City Clerk.
6. Payment of Costs of Enforcement/Collection. In addition to any penalty, sanction, fine or imprisonment, each person who violates this Ordinance, shall be required to pay any and all expenses of enforcement including costs necessary to bring the person into compliance with this Ordinance. In addition to all remedies contained herein, City may pursue all reasonable and legal means in collecting those sums authorized and due.

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

Section 41. Settlement Process.

The Administrator may adopt a written settlement agreement process for the settlement of violations of this Ordinance, which shall take into consideration the penalty factors set forth in Section 40.

Section 42. Hearing Officer.

Whenever the term "Hearing Officer" is utilized in this Ordinance, it shall be deemed to refer to one or more qualified persons assigned the responsibility of conducting a hearing by the City Manager.

Section 43. Appeals.

Any decision of the Administrator may be appealed to a Hearing Officer appointed by the City Manager. Any such appeal shall be in writing, shall state the specific reasons therefore and grounds asserted for relief, and shall be filed with the Administrator not later than fifteen (15) days after the date of service of any such decision. If an appeal is not filed within the time or in the manner prescribed above, the right to review of the action against which complaint is made shall be deemed to have been waived.

Section 44. Appeal Hearing.

A. Not later than thirty (30) days following the date of filing an appeal within the time and in the manner prescribed by Section 43, the Hearing Officer shall conduct a hearing for the purpose of determining whether the appeal should be granted. Written notice of the time, date and place of the hearing shall be mailed to the appellant not later than ten (10) days preceding the date of the hearing.

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

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

2. Scope. Only those matters or issues specifically raised by the appellant(s) in the written appeal shall be considered in the hearing on appeal.
3. Oaths and Certification. The Hearing Officer has the power to administer oaths and affirmations and to certify official acts.
4. Oral evidence. Oral evidence shall only be taken on oath or affirmation.
5. Rights of Parties. Each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any matter relevant to the issues of the hearing even though the matter was not raised in the direct examination, to impeach any witness regardless of which party first called him or her to testify, to present rebuttal evidence and to represent himself or herself or to be represented by anyone of his or her choice who is lawfully permitted to do so. No appellant shall be required to testify without his or her consent.
6. At the conclusion of the hearing, the Hearing Authority shall prepare a written decision that either grants or conditionally grants or denies the appeal, and contains findings of fact and conclusions. Notice of the written decision, including a copy thereof, shall be filed with the Administrator and served not later than thirty (30) days following the date on which the hearing is closed on the appellant and on other persons who appeared at the hearing and requested a copy. Service shall be by personal delivery or certified mail.

C. City and appellant shall jointly pay for the costs of the hearing.

SECTION C. Severability.

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

SECTION D. Effective Date and Publication.

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

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova this _____
day of _____ 2009, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dan Skoglund, Mayor

ATTEST:

Mindy Cuppy, City Clerk

CITY OF RANCHO CORDOVA

ORDINANCE NO. 24-2009

**AN ORDINANCE OF THE CITY COUNCIL
AMENDING THE FOLSOM BOULEVARD SPECIFIC PLAN, LAND DEVELOPMENT
REGULATIONS**

WHEREAS, the City of Rancho Cordova ("City") adopted Ordinance 57-2006, establishing the Folsom Boulevard Specific Plan ("FBSP"), amending the Zoning Code, and amending the Zoning Code map designations for the properties within the Sunrise Boulevard South Planning Area, the Downtown Planning Area and Convention Overlay District; and

WHEREAS, the certified Environmental Impact Report prepared for the adopted General Plan was found to adequately address all significant environmental impacts associated with the adoption of the FBSP, the Zoning Code amendment, and Zoning Code map amendment, and therefore no additional environmental review was necessary pursuant to California Environmental Quality Act ("CEQA") Guidelines 15183(a) and California Public Resources Code Section 21083.3; and

WHEREAS, amendments to the FBSP were adopted on July 7, 2008, establishing more detailed development standards and implementation guidelines; and

WHEREAS, a Mitigated Negative Declaration for the 2008 FBSP Amendment was prepared and circulated, in accordance with the requirements of CEQA; and

WHEREAS, it is now the City's desire to amend the FBSP in order to further implement the goals and objectives of the General Plans; and

WHEREAS, these amendments will serve the interests of property owners by facilitating the continued use of properties currently used for commercial purposes; and

WHEREAS, on November 12, 2009, the Planning Commission held a properly noticed public hearing at which it received a report from City staff, oral and written testimony from the public, and deliberated on the item, following which the Planning Commission recommended the City Council adopt the FBSP Amendments and the environmental determination, as presented; and

WHEREAS, the City Council public hearing was noticed in accordance with the requirements set forth in Government Code sections 65090 and 65091.

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

SECTION 1: Recitals. The foregoing recitals are true and correct and made a part of this Ordinance.

SECTION 2: Findings. The City Council hereby finds:

- A. CEQA Compliance.** The proposed amendments are exempt from environmental review under the CEQA Guidelines, Section 15061(b)(3). Section 15061(b)(3) states the general rule that "CEQA applies only to projects, which have the potential for causing a significant effect on the environment."

The proposed amendments (replacement chapters) would allow the continuation of existing uses on parcels which have been rezoned. These existing uses, while considered non-conforming in light of new zoning adopted as part of the FBSP, were permitted uses at the time of their inception. Allowing the continuation of existing uses would not have a significant impact on the environment because these uses were previously analyzed and permitted. Because the proposed changes to the FBSP would not have a significant impact on the environment, the proposed changes are exempt from CEQA review under Section 15061(b)(3).

B. Consistency with the General Plan. The proposed amendments to the Folsom Boulevard Specific Plan Amendment are consistent with the General Plan as required by Government Code Section 65454 as follows:

1. Overall Vision to contribute to the new Downtown area (Policy LU.6.3 et al);
2. Revitalize Folsom Boulevard (LU.6.4 et al);
3. Create incentives for economic prosperity but establishing a vibrant mix of uses (Policy ED.2.1 et al);
4. Redevelop and regenerate community, by facilitating the redevelopment of outdated buildings and properties (Policy ED.1.2 et al);
5. Revitalize existing businesses and strengthen commercial viability of new businesses (Goal ED.6 et al).

SECTION 3: Amendments. The City Council hereby replaces Chapter I, Chapter II, Chapter IV and Chapter VIII in full, and the first page of Chapter IX of the Folsom Boulevard Specific Plan with the replacement chapters set forth in **Exhibit A**.

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

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the 21st day of December 2009, by the following vote:

AYES:

NOES:

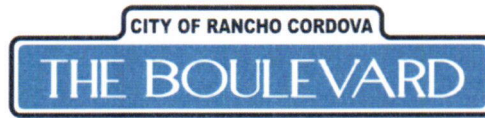
ABSENT:

ABSTAIN:

Dan Skogland, Mayor

ATTEST:

Mindy Cuppy, City Clerk



CHAPTER

I

INTRODUCTION AND PLACEMAKING

A. THE SPECIFIC PLAN

WHAT IS A SPECIFIC PLAN?

A specific plan is a regulatory tool that local governments use to implement their General Plans and to guide development in a localized area. While the General Plan is the primary guide for growth and development in a community, a Specific Plan is able to focus on the unique characteristics of a special area by customizing the planning process and land use regulations to that area. A Specific Plan is enacted pursuant to Section 65450 et seq. of the California Government Code, and implements the General Plan by further refining the objectives for the Project Area.

PURPOSE AND APPLICABILITY

The purpose of the Folsom Boulevard Specific Plan (FBSP) is to establish a policy and regulatory document to guide subsequent development and redevelopment of the Project Area. As previously noted, this Specific Plan implements the vision, goals, policies, and actions of the City's General Plan by further refining the objectives for the Project Area and by establishing unique zoning to allow for implementation of the General Plan in keeping with the City's desires for this area. The City intends to revitalize and transform this vital corridor into a more vibrant and successful boulevard with "pulse points" of commercial activity with new residential and office mixed-use spaces in between.

The policy guidance and regulatory provisions in this Folsom Boulevard Specific Plan apply to those parcels within the Project Area described in Section D and illustrated in Figure I-1. Generally, the Project Area consists of non-residential and multi-family residential property along the Folsom Boulevard (the Boulevard) corridor between Bradshaw Road and Sunrise Boulevard.

B. RELATIONSHIP TO OTHER PLANS AND POLICIES

RELATIONSHIP TO THE GENERAL PLAN

The Folsom Boulevard Specific Plan is consistent with the City's General Plan, as adopted in June 2006. Specifically, the Folsom Boulevard Specific Plan implements the following provisions of the General Plan:

INTRODUCTION AND PLACEMAKING

The General Plan Vision in Relation to Folsom Boulevard

- The Overall Vision for the City of Rancho Cordova is to “Build a City” that is a vibrant destination place in the region and intentionally seeks change in land use for profound improvement in the City. The Land Use Vision is for a balanced and integrated mix of uses connected by lively streets with a new Downtown as the “heart” of the City.
- The General Plan’s Urban Design Vision is for a stronger sense of character and identity, a mix of uses, development of memorable places, supportive of transit-oriented developments, and an emphasis on civic buildings.
- The Economic Development Vision is to market the City’s strengths, create incentives for economic prosperity, and establish a vibrant Downtown and a more balanced mix of uses.

VISION STATEMENT

In “Building a City”, Rancho Cordova will:

- Have a place in the region as a vibrant destination;
- Control its destiny, including the establishment of meaningful boundaries;
- Become a catalyst for change and an example to other cities nationwide of excellence and innovation in government;
- Avoid the pitfalls of other cities, standing on the shoulders of past planning and city-building efforts, and gathering together the best ideas and programs from around the nation and around the world;
- Intentionally seek change in both land use and the scope of the City’s operations to effect profound improvement in the City; and
- Have measurable fiscal success and be able to provide the services and functions that make Rancho Cordova a desirable place to live, work, and play.

General Plan Goals, Policies, and Actions in Relation to Folsom Boulevard

Land Use Goal LU.1 – Achieve a balanced and integrated land use pattern throughout the community. (and corresponding policies and actions)

Land Use Goal LU.5 – Redevelop and regenerate existing areas of the City. (and corresponding policies and actions)

Urban Design Goal UD.4 – Ensure that projects are designed in keeping with the context of surrounding areas and overall community. (and corresponding policies and actions)

Economic Development Goal ED.3 – Establish a vibrant Downtown Rancho Cordova with a mix of uses and central gathering places for daytime and nighttime activities. (and corresponding policies and actions)

INTRODUCTION AND PLACEMAKING

Economic Development Goal ED.4 – Create a convention center in Rancho Cordova that attracts local, regional and statewide events to Rancho Cordova. (and corresponding policies and actions)

Economic Development Goal ED.6 – Revitalize existing businesses and strengthen the commercial viability of new business along Folsom Boulevard. (and corresponding policies and actions)

In addition to the above-listed items, the Boulevard Vision, Big Ideas, and Land Plan herein implement the smart growth concepts, the land use categories, and the Folsom Boulevard Planning Area land use, circulation, and transit concepts in the Land Use Element. The General Plan actually directs the creation of a Specific Plan for Folsom Boulevard.

General Plan Environmental Compliance

Environmental review for this Specific Plan document falls within the umbrella of the Rancho Cordova General Plan Environmental Compliance. All development projections of this Specific Plan respect the thresholds set forth in the General Plan.

OTHER PLANS AND POLICIES

Zoning Code. This FBSP replaces the zoning regulations for property within the Project Area. Where there is conflict between the provisions of the FBSP and the City's zoning code, the Specific Plan shall prevail. However, where the Specific Plan is silent on general site development regulations (e.g., landscaping, signage) or specific ~~at-use provisions~~ regulations (e.g., density bonuses, adult businesses), the existing zoning code shall apply. ~~(Note: At the time of adoption of this Specific Plan, an update to the City's Zoning Code was underway. Elements of this Specific Plan's Chapter V—Private Realm: Form-Based Standards and Guidelines informed the City's overall Code update.)~~

Citywide Design Guidelines. The FBSP includes some development and design provisions that are unique to the Project Area. However, except as otherwise specifically stated, subsequent development within the Project Area will be required to comply with the Citywide Design Guidelines.

Redevelopment Plan and Strategy. The FBSP will serve to implement the City's Redevelopment Plan and Strategy. It is anticipated that once the strategies for this corridor are developed, key provisions will be incorporated into the Specific Plan and action steps thereof.

Improvement Standards. Except as otherwise specifically identified in the FBSP, development within the Project Area will comply with the City's adopted Improvement Standards.

Transit Master Plan. The Transit Master Plan establishes the City's vision for transit. Central to this vision is Regional Transit's Gold Line that runs along Folsom Boulevard. The Transit Master Plan proposes a system of city, neighborhood, and regional services, most of which ultimately connect to light rail stations along Folsom Boulevard. The FBSP aims to implement the Transit Master Plan's goal by creating more active and dense transit-oriented development along Folsom Boulevard through its regulations and guidelines for urban form.

C. PLAN ADMINISTRATION

The City's planning agencies (staff and decision makers) will have primary responsibility for ensuring implementation of the Folsom Boulevard Specific Plan. Subsequent development within the Project Area

INTRODUCTION AND PLACEMAKING

that is subject to Design Review will be required to be consistent with this adopted Specific Plan and any subsequent amendments hereto. This Specific Plan also includes new policies for nonconforming uses to ensure that existing nonconforming uses (see Chapter VIII - Plan Implementation for more detail on nonconforming uses) are allowed to continue in perpetuity in the same manner in which they exist on the date of Specific Plan adoption. However, new regulations in this document such as integrated and mixed use development provisions in Chapter IV - Private Realm: Land Use and Development Standards, will expand the opportunities for allowed use and development should nonconforming uses choose to evolve or transform.

D. PROJECT AREA

The Folsom Boulevard Specific Planning Area as illustrated in Figure I-1 is approximately four miles in length and includes all of the parcels with frontage on Folsom Boulevard between Bradshaw Road and Sunrise Boulevard as well as some parcels contiguous to those adjacent properties. The Specific Plan Area is part of the larger General Plan-designated Folsom Boulevard Planning Area, which extends approximately eleven miles of the Boulevard's length between Watt Avenue and Hazel Avenue. The Folsom Boulevard Specific Plan contains portions of the General Plan's Downtown Planning Area and portions of the Convention Overlay area. While these are only partially within the Specific Plan boundary, they are key areas for General Plan implementation. The Specific Plan only has the power to regulate the development that occurs within the City's limits, although the Plan includes public and private development guidelines and standards that might influence the surrounding unincorporated areas so that the Boulevard transitions smoothly into the City of Rancho Cordova.

E. DOCUMENT ORGANIZATION

The Folsom Boulevard Specific Plan is organized as follows:

Chapter I – Introduction and Placemaking: This chapter covers the purpose, background, and geographical boundary of the Specific Plan as well as its relationship to other planning documents.

Chapter II – Vision for Folsom Boulevard's Transformation: This chapter communicates the vision for the Boulevard as derived from the General Plan and the planning and outreach process.

Chapter III – Development Review Process: This chapter outlines procedures for Design Review and density transfer that are necessary for achieving the Folsom Boulevard Vision.

Chapter IV – Private Realm: Land Use and Development Standards: This chapter includes descriptions of all the specific plan base districts, including the land use plan depicting the locations of each district and the Permitted Uses Tables. This chapter also includes the Form-Based Development Standards, including the Regulating Plan, Development Standards Tables, and Parking Standards.

Chapter V – Public Realm: Mobility: The mobility chapter outlines general recommendations for transportation improvements that will help support the vision for the Planning Area. The section includes a discussion of existing and future traffic operations and suggested right-of-way modifications to create unique pulse points of activity while maintaining functionality. A discussion of the Boulevard's transit, bike and parking facilities and pedestrian connectivity are also provided in this chapter.

INTRODUCTION AND PLACEMAKING

Chapter VI – Public Realm: Gateways and Streetscaping: These guidelines and schematics focus on elements that will occur in the public realm including gateways and directional signage, landscaping, street furniture and fixtures, design of public spaces, and public activities and events.

Chapter VII – Infrastructure and Public Facilities: This section summarizes the infrastructure, public facilities, and public utilities serving the Plan Area, their current operating condition, and their ability to serve the Area upon Plan build-out. Subjects addressed include sewer, drainage/stormwater, public water, dry utilities, public safety, schools, and parks.

Chapter VIII – Plan Implementation: This section recommends strategic improvements for the Boulevard's transformation throughout the Plan life. This section provides a discussion of the economic condition and future target demand for redevelopment as well as incentives for bringing about new development. An implementation action plan prioritizes programs, policies, and projects for the next 20 years and beyond. The action plan identifies parties responsible for making that change and describes funding sources that can be used in the items' implementation. This chapter is also home to the Specific Plan's administration section which outlines how the Plan will be administered and maintained and how development projects will be processed.

Chapter IX – Glossary: This section alphabetically lists the definitions for all land use classifications used in this Specific Plan.

F. PLACEMAKING ON FOLSOM BOULEVARD

The ultimate goal of the Folsom Boulevard Specific Plan (FBSP) is to help the Boulevard reinvent itself as a great PLACE. Rancho Cordova is committed to achieving citywide goals in an effort to create great places throughout the community. The relationship of Folsom Boulevard as the primary roadway and transit corridor through the historic core of Rancho Cordova signifies that it should serve a key role in the City's place making vision. Creating a great place is the ultimate mission for all who have or want to have a stake in the future of Folsom Boulevard.

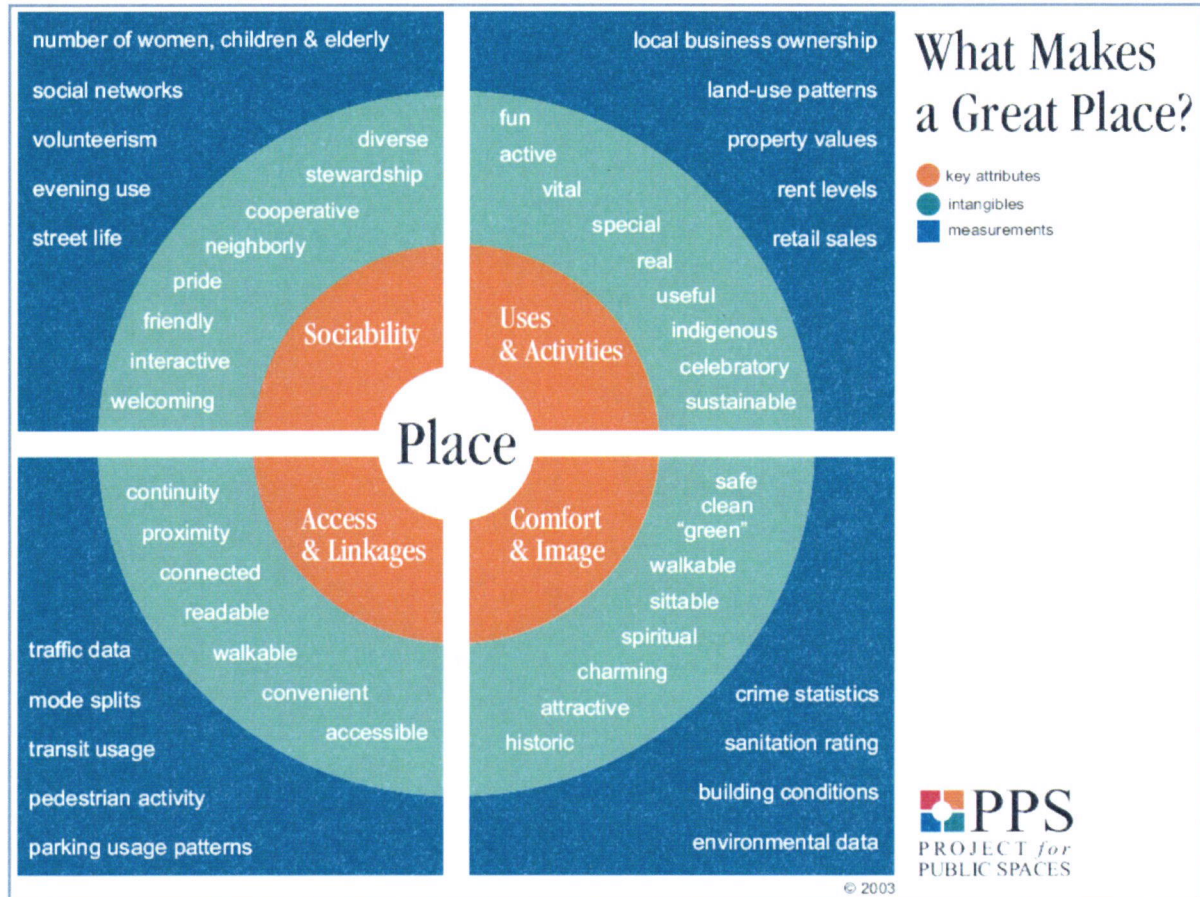
The Project for Public Spaces (PPS) created the graphic below to identify the ingredients that combine to make a great place. For Rancho Cordova, the FBSP document plays a critical role in creating a great place by creating ground rules for development along the corridor. As implemented over time, the FBSP will guide both public and private investments along the corridor so that the final result is a Place that has many of the necessary ingredients.

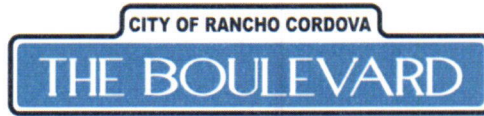
CITYWIDE GOALS

1. Foster a Positive Image of Rancho Cordova
2. Improve Transportation & Connectivity
3. Champion Employee Development & a high performance work environment
4. Ensure the Availability of The Best Public Services in the Region
5. Establish a Vibrant Downtown
6. Ensure a Safe Community
7. Improve the Quality of Housing In Rancho Cordova
8. Sustain a Livable Community
9. Drive Diverse Economic Opportunities
10. Foster Responsible Citizenship
11. Practice Sound Fiscal Management
12. Establish Logical (City) Boundaries
13. Continue To Provide Regional Leadership

INTRODUCTION AND PLACEMAKING

The FBSP provides a clear understanding of the vision that the community has set for development along the Boulevard. This document will be used by property owners, decision makers, and City staff as a set of regulations containing location-specific land use and zoning policy for future development. The Specific Plan sets the framework for the future revitalization strategies, streetscape improvements and other capital improvement projects.





CHAPTER

II

VISION FOR FOLSOM BOULEVARD'S TRANSFORMATION

FOLSOM BOULEVARD VISION:

To repurpose the street from primarily a local-serving commercial area saturated with underutilized commercial development to a complement of regional- and local-serving retail, residential, and office while creating vibrant “places” and less intense “spaces” in between.

A. PLAN GOALS

As guided by the Rancho Cordova General Plan, the goals for revitalizing Folsom Boulevard remain consistent with guiding City policy. To that end, this Specific Plan reinforces the goals and objectives that serve to accomplish the Boulevard's enhancement. The following is a summary of the overall goals for the Planning Area.

- Create a Boulevard that will serve as the high-intensity development center of the City.
- Develop transit-oriented activity nodes strategically located at light rail stations and freeway interchanges; these nodes will serve as catalyst sites for redevelopment.
- Provide additional housing opportunities and developments that support transit ridership.
- Designate locations to develop a skyline of the City's tallest buildings with residential densities near 80 units per acre in a mixed-use setting.
- Ensure development will take advantage of the proximity and availability of light rail to and from the Area.
- Create opportunity for identifiable project design that contributes to the enhanced character of the City.

VISION FOR FOLSOM BOULEVARD'S TRANSFORMATION

- Enrich the pedestrian environment along the Boulevard through well designed and appropriately scaled/articulated projects.
- Create a cohesive and improved streetscape corridor.
- Include the integration of Downtown Rancho Cordova in the planning process.
- Produce a final Specific Plan that includes: a land use plan; development and design provisions; improvement standards and corresponding cost estimates; redevelopment strategies; and an action plan for change.
- Within identified future residential areas, allow for existing business to gradually relocate over time while minimizing the number of nonconforming land uses.

B. VISION FOR FOLSOM BOULEVARD

Folsom Boulevard's role as a street has changed significantly over the last 50 years. With a long history of service as a vital business and transportation corridor, the Boulevard is a significant arterial to the entire Sacramento area and subsequently is one of the greatest light rail and transit-oriented development opportunity locations in the region. Historically, the corridor served primarily as a traveler's route for additional traffic generated from Mather Air Force Base and the Aerojet facility, but the last few decades have seen an increase in the number of residents and non-vehicular travelers in the immediate area. Therefore, a need to address changing land uses has arisen. Folsom Boulevard is now a more local street that connects neighborhoods, shopping areas, and freeway entrances. This is the street that ties the community together.

As Highway 50 becomes more congested, there will be an increasing demand from other government agencies to expand traffic capacity. However, much of the new capacity would simply induce more demand, and the new lanes and signals will make the street a less hospitable place to live, work, and shop. The City's first General Plan has redefined what Folsom Boulevard will be in form and function. In more local terms, the Boulevard can become a street that links local places, taking on a more people-friendly character that is conducive to place making.

As the link between local places, the street can take on a different character up and down its length, faster and more of a through-route in some places and slower and more urban in others. The very look of the street can change if it is no longer intended to primarily move through traffic. Folsom Boulevard can now become a corridor of places and spaces, of gathering places and open spaces. The places or "pulse points" would be concentrations of a complementary mix of commercial uses and activity with less developed areas of residential and office uses between them (the spaces).

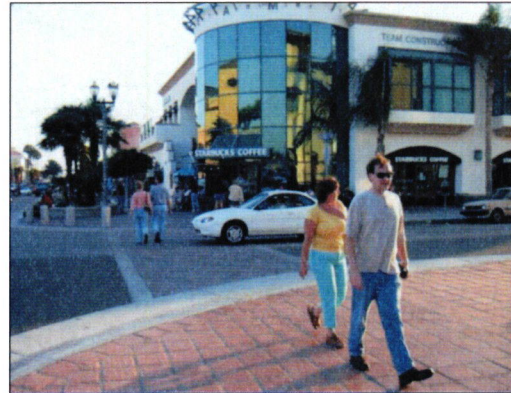
Pulse points are destinations to work, shop, eat, or meet friends, reached on foot or by car. These pulse points become a kind of pedestrian oasis; a place to walk that is a relief from our auto-oriented surroundings. Each pulse point should have its own character and purpose. Some may serve the immediate neighborhood while others will have a citywide draw. Regardless of their access or location, pulse points should become concentrated centers of activity where people can chain several stops together.

Pulse Point – (p ls) (point) - Focusing investment in a specific location or node to avoid diluting limited public funds and sending a strong signal to the private sector as to where their investments can be best leveraged.

Dave Leland – Leland Consulting

VISION FOR FOLSOM BOULEVARD'S TRANSFORMATION

For the pulse points to gain activity, new retail development should be focused and intensified at strategic locations, while the balance of the corridor should transition to a blend of lower-intensity, greener stretches of boulevard. These greener segments of The Boulevard should be more residential in nature, and although lower-intensity will be high in density, in keeping with the compact and transit oriented urban environment the Boulevard Vision reflects. The predominantly residential development should provide a variety of housing options, and allow for a mix of complementary uses to serve the residents and promote smart growth.



The City's first General Plan (adopted in June 2006) establishes policy direction for future growth and change for this new City. Under the authority and direction of the General Plan, the land use and zoning provisions for the Folsom Boulevard Planning Area are to be carried out by a more focused Specific Plan document.

BIG IDEAS

As one of the initial steps in the Specific Plan process, the market demand for retail and office space was analyzed, consistent with the assumptions and methodology used in the General Plan Pro Forma. Based upon this analysis, extensive work on the retail components of the City's General Plan, field surveys of the Boulevard's existing conditions, and stakeholder interviews that identified obstacles to and opportunities for new development, the team's real estate strategists drafted a Development Strategy for future development of the Boulevard Planning Area. The following outlines seven key concepts or "Big Ideas" introduced in the Folsom Boulevard Development Strategy document to help guide Folsom Boulevard's revitalization.

1) **Treat Folsom Boulevard as a Link Between Local Places**

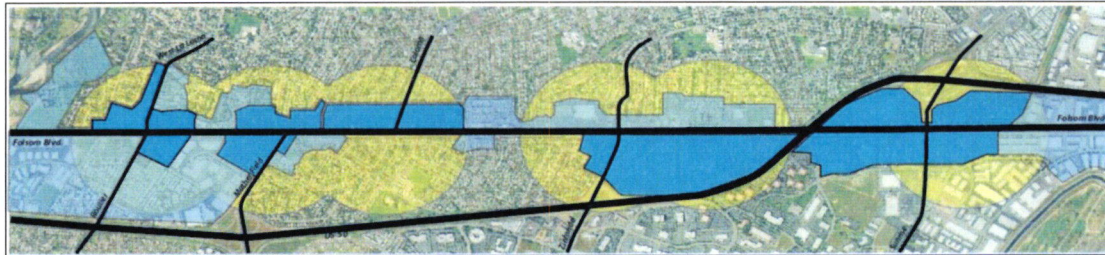
Rather than perpetuating the trend of marginal strip retail for the stretch of the Boulevard, development should vary in intensity, creating places and spaces in between.

2) **Establish Pulse Points of Activity**

The supply and demand analysis done as part of this Specific Plan found that the corridor is currently functioning with a retail surplus of approximately 60 percent. This large surplus helps explain why rent and sales levels at many retailers are so low. In order to increase the economic health of the corridor's retail, retail locations should be focused rather than diluted along the corridor. Some pulse points of activity (Illustrated in Figure II-1) have been identified as strategic locations for retail based on location, existing health, access, developer input, and other economic identifiers. The following pulse points were identified by the community as priority locations for revitalization (listed west to east):

VISION FOR FOLSOM BOULEVARD'S TRANSFORMATION

Figure II-1 Pulse Point Locations



- Routier/La Loma – The vision for this pulse point is that of a medium-density mixed-use environment which is primarily residential but is inclusive of some office use to balance the jobs/housing ratio. The character of Routier Road and La Loma Drive should change to create main streets that are perpendicular to Folsom Boulevard. These streets should be designed to improve north-south connectivity across the Boulevard for autos, bikes, and pedestrians. As should all pulse points, this node should include a public space that is centrally located and easily accessible by the majority of residents.
- Mather Field/Mills Station – This pulse point is the top revitalization priority site as emphasized by the community. Mather Field/Mills Station should evolve into a balanced transit-oriented development (TOD) with jobs, housing, and local-serving retail. The goal is to improve connectivity and provide north/south access (auto and pedestrian) across the Boulevard. This urban environment should include an active public space near the transit station and should be high in density.
- Coloma – As an entry into one of the larger neighborhoods of Rancho Cordova, the Coloma pulse point should establish an identifiable neighborhood gateway with small-scale retail to serve its proximate residents. Coloma should serve as a 90-degree main street off of the Boulevard and provide a charming neighborhood feel despite its high volume of traffic. The pulse point should be integrated with residential and office development and should be lower in density than other pulse points. Pedestrian and auto connectivity across the Boulevard should be improved, and pedestrian refuge islands and bulbouts should be provided for pedestrian safety.
- Zinfandel – The future Downtown of Rancho Cordova should be a vital commercial environment with the integration of supporting residential and office uses. The town center should include entertainment and civic uses (the long-term future site of City Hall, a library and/or senior center) and should connect to neighboring areas through a more intimate pedestrian-friendly street network that has a more traditional downtown mixed-use environment. North-south connectivity across the Boulevard should be a priority. This area should provide a space for public gatherings in the form of a public square, community green, or plaza (adjacent to a civic or retail node), as well as act as the City's main street or promenade.

VISION FOR FOLSOM BOULEVARD'S TRANSFORMATION

- Sunrise – With visibility and access at its highest, this pulse point provides an opportunity for monumental development. With a convention overlay, this pulse point should attract innovative solutions for a convention center campus and/or supporting uses and a public space, as well as perpetuation of the large-scale retail development that is currently existing. The focus should be on softening the large-scale development through smaller retail “liner buildings” and creating a more friendly and pedestrian-scaled internal street network. Connectivity between the existing transit station and a future convention center venue and supporting uses is key to the success of this pulse point’s function. For more discussion on connectivity, see Chapter VI. Public Realm -Mobility.



3) Establish Transit Villages

Transit villages are places where people can live day-to-day without using their cars. While there may be opportunities for vertical mixed-use with housing over retail or office, this style of development is not essential for the concept to work. It is far more important that the transit village is an attractive place to live, if not a residential neighborhood in its own right, then at least a true place with parks and open space. Pioneering new housing may initially require the construction of townhouses or other lower-density housing in the first phases, to be followed by higher-density condominiums after proving the location in the market. Getting these villages started may also require some City support for catalytic uses, such as a library branch or day care center, that generate regular and heavy use.

The most obvious locations for these transit villages are at the Zinfandel and Mills light rail stations. The Butterfield area also holds high potential for mixing offices and housing with some convenience retail. The Horn Road stop is a strong location for a major medium-density project, but the potential for retail development there is very limited.

4) Create a Downtown with a Grand Public Space

Since incorporation, Rancho Cordova residents and policy makers have voiced support for creating a Downtown for their community. As identified in the General Plan, the Downtown area includes a portion of the Folsom Boulevard Specific Plan, but also extends beyond the Folsom Boulevard Specific Plan area to International Drive at its southern limit. Through public outreach, almost unanimous support was heard for creating the most intense activity center of the Downtown in the Zinfandel Drive area near Olson Drive on the west side of the Highway 50 overpass, so that it will be near those who voted for incorporation. Key features and opportunities include the creation of:

VISION FOR FOLSOM BOULEVARD'S TRANSFORMATION



- A Town Square - The town square provides a public realm where people can meet and linger. It is the place people go to relax and celebrate, to people watch, to simply enjoy living in a place.

- A Main Street - It is indeed possible to reconfigure the various shopping centers in the Zinfandel Drive area to create a true main street. Properly linked together, these places would have activity morning, noon, and night.

- A Downtown Civic Center – Long-term, the City Hall will have more visibility if it is located in a shopping area where there is activity before, during, and after regular business hours. The City could make a new City Hall the centerpiece of the redevelopment of the Zinfandel Drive/Olson Drive area, located next to a public square or at the end of a main street.

- Community Facilities - There is an opportunity here to add civic uses that bring the community together. Possibilities include a performing arts center, senior center, recreation complex, library, or other buildings that attract day-to-day use.

- Downtown Housing - Downtowns across the country are becoming places to both shop and live. Higher-density residential development in and around the city center will help link it to surrounding neighborhoods. Land immediately north across Folsom Boulevard should be redeveloped with mid-rise housing and integrated with streets and walking routes leading to the new Downtown or Town Center. The RT platform and tracks should be rebuilt so that they provide a pedestrian link between Folsom Boulevard and the shopping areas to the south.

- Freeway Visibility - Highway 50 wraps around this area, and there is an opportunity to use this curve to draw attention to the City Center with pylons or some other form of vertical structure that announces the City Center. The proposed pedestrian bridge over the freeway here can be part of this gateway to the City.



5) Re-Green the Boulevard in Targeted Locations

The pulse point concept dealt with creating places along the boulevard. This concept deals with the spaces in between. For the pulse points to gain activity, new retail development should be focused and intensified at strategic locations, while the balance of the corridor should transition to a blend of lower-intensity, greener stretches of boulevard. These strips may have fewer driveways and curb cuts and can be landscaped along the curb to create

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greener stretches of the Boulevard. In these areas, the City might create narrow sidewalks along the RT line and buffer the tracks with more landscaping.

6) Revitalizing Adjoining Neighborhoods

Folsom Boulevard is surrounded by the core neighborhoods of Rancho Cordova's Riverside District, the traditional center of the community. The neighborhoods adjacent to and development along Folsom Boulevard are intertwined, and problems with blight, code enforcement, and crime effect the entire community. Stricter code enforcement, non-profit purchase of problem properties, improving streets, and other improvements can help raise neighborhood values. Implementation mechanisms such as creation of a community development corporation or special financing programs can act as a catalyst for change that will improve the fortunes of the Riverside District neighborhood and Folsom Boulevard.



7) Create Neighborhood Gateways

Rancho Cordova is defined by its people and by its neighborhoods, and yet for much of its length these neighborhoods are hidden behind strip commercial. There is often little sense of how one stretch of the Boulevard differs from another. The street needs more landmarks to announce arrival, and these landmarks could take the form of monuments, neighborhood centers, artwork, or even unique landscaping that differentiate unique areas and neighborhoods along the Boulevard.

Figure II-2 depicts the location of critical Pulse Points and illustrates the “Big Idea” concept along the corridor.

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CHAPTER
III
DEVELOPMENT PROCESS

The FBSP utilizes a form-based code approach which is concerned with the interaction and relationship between the public realm (e.g. streets and transit facilities) and the private realm (e.g., buildings and related private property improvements). This chapter describes the development process for new public and private sector projects within the Plan Area, including the A.) Design Review process, the evaluation of B.) Development Capacity and Density Transfers and Bonuses, and the evaluation of C.) Integrated Developments within mixed use districts.

A. DESIGN REVIEW

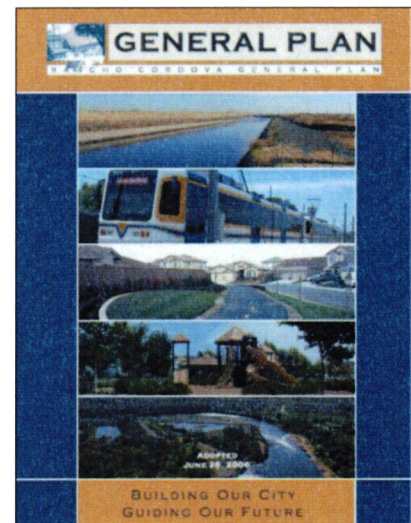
All development projects within the Plan Area are required to go through a Design Review process. The majority of projects will be required to follow the City's standard Design Review process; however, for projects that qualify, an Expedited Design Review process is available. The following sections describe both processes and how to qualify for Expedited Design Review.

STANDARD DESIGN REVIEW

The City's standard Design Review process is described in full detail in the City's Zoning Code; this section is a summary provided for convenience.

The City's standard Design Review process requires a staff level review to determine compliance with the following requirements:

- 1) Implement the regulating plan by meeting the minimum form-based development standards, both of which can be found in Chapter IV - Private Realm: Land Use and Development Standards.
- 2) As applicable, implement improvements specified in Chapter V - Public Realm: Mobility and Chapter VI. Public Realm – Gateways and Streetscaping.
- 3) Meet or exceed the City of Rancho Cordova Design Guidelines, available as a separate document.



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Because the City's Design Guidelines allow some flexibility in terms of design, a higher level of review is necessary. Upon completion of staff review, the project will be presented in a public hearing to the appropriate hearing body. The hearing bodies are the Planning Commission and City Council with the following review responsibilities:

- **Planning Commission** – The Planning Commission is the primary review body for residential design reviews, including residential site plans, landscape plans, and model home designs. The Planning Commission also makes recommendations to the City Council on commercial design review applications. Appeals go to the City Council.
- **City Council** – The City Council is the review body for commercial projects and the appeal body for all design review applications. The Planning Commission holds a public hearing on all commercial projects and makes a recommendation to the City Council.

EXPEDITED DESIGN REVIEW

The City recognizes that its standard Design Review process can be cumbersome for applicants of small projects and may indirectly discourage potential applicants from bringing forward quality projects. The solution is not to waive Design Review but to allow for more expedited review, which ensures that quality projects are built without subjecting good projects to long approval processes. The Expedited Design Review was created for these kinds of projects. Projects that do not meet the requirements for an Expedited Design Review will follow the City's standard Design Review process.

The Expedited Design Review process is less discretionary than the standard Design Review process because projects that qualify for Expedited Design Review must meet all the objectives and standards contained within this Specific Plan.

To qualify for Expedited Design Review, a project must meet the following requirements:

- 1) Provide one or more of the Demand Projects listed in Chapter VIII - Implementation. Staff will make the determination whether or not a project falls within the Demand Projects "Wish List."
- 2) Implement the regulating plan by meeting the complete set of form-based development standards, both of which can be found in Chapter IV - Private Realm: Land Use and Development Standards. (Note: There are more restrictive development standards for projects that qualify for Expedited Design Review.
- 3) As applicable, implement improvements specified in Chapter V - Public Realm: Mobility and Chapter VI - Public Realm: Gateways and Streetscaping.

Because the Expedited Design Review process was created to reward qualifying projects with a shortened review time, projects will be heard by only one hearing body. Upon completion of staff review, the project will be presented in a public hearing to the Design Review Board. (Expedited Design Review will not be available until the Design Review Board has been established. Decision making authority should be vested with the City Council until formation of the Board.) The Design Review Board has the following review responsibilities:

- **Design Review Board** – The Expedited Design Review hearing body is the Design Review Board (DRB) – specially created to review projects that qualify for expedited review. The Board is

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composed of a minimum of three members, and is recommended to include one Planning Commissioner, one City Councilmember, and one design or planning professional with a background in urban design. The board will meet on an as-needed basis to process applications in a timely manner. Board members are recommended by the City Manager and appointed by the City Council. Appeals of DRB decisions go to the City Council.

A qualifying project will be reviewed by the DRB within 30 days following completion of the project application. Public noticing is required for all DRB Hearings. Nearby residents are to be notified and allowed to comment and appeal. Appeals would be heard by the City Council.

B. DEVELOPMENT CAPACITY AND DENSITY TRANSFER/BONUS

GENERAL PLAN DEVELOPMENT POTENTIAL FOR FOLSOM BOULEVARD SPECIFIC PLAN

The land plan established for Folsom Boulevard expands development opportunities along the corridor. The property along the corridor currently has approximately 2,745 dwelling units, 35% of the 7,468 units expected at build-out. The Folsom Boulevard Specific Plan has been designed with a flexible density transfer system to be used in limited cases where additional dwelling units are needed to facilitate the construction of transit-oriented developments, construct parking structures, and accomplish other objectives that will help build vibrant mixed-use pulse points.

The Rancho Cordova General Plan Land Use Element establishes development potential for the entire General Plan Planning Area. The development potential is intended to provide a realistic development envelope for build-out as a percentage of the maximum development capacity for each land use category. Said another way, development potential reflects a likely development scenario consistent with the City's vision, rather than assuming all property develops at a maximum capacity. Development potential for this FBSP Project Area is assumed in the General Plan to be approximately 8,000 dwelling units as outlined below. This development potential serves as the target development or holding capacity for the Plan Area.

Table III-1 General Plan Development Envelope

General Plan Planning Area	Dwelling Units Within FBSP
Folsom Boulevard Planning Area (within FBSP)	6,000
Downtown Planning Area (within FBSP)	2,000
Total	8,000

FOLSOM BOULEVARD SPECIFIC PLAN DENSITY TRANSFER AND DENSITY BONUS

The Folsom Boulevard Specific Plan implements the General Plan by establishing a more detailed land plan with parcel-level zoning designations and corresponding development standards. Consistent with the General Plan, this Specific Plan establishes allowable residential density ranges, then identifies the target (or likely) residential development assumption, which is less than the maximum allowable density. The fixed density assumption reflects an average development assumption given existing conditions and infill/redevelopment assumptions consistent with the new land use districts as outlined in Table III-2 - Development Potential. For several mixed use districts, the fixed density assumption is the same as the

DEVELOPMENT PROCESS

minimum allowable density. In no case where residential development is proposed shall the density fall below the minimum density listed in the table. Calculations for the Transit-Oriented Development (TOD) Overlay District reflect parcels (and portions thereof) that fall within one-quarter mile of an existing or proposed light rail station.

Table III-2 Development Potential

FBSP Land Use Districts	# Parcels	# Acres	Allowable Density Range	Fixed Density Assumption	Target Residential Development Potential
MDRUR1	105	259	10-18 du/ac	10	2,599
RMUUR2	34	28	6-40 du/ac	10	282
RMUUR2-TOD	14	22	20-80 du/ac	20	433
CMU	31	39	10-18 du/ac	10	392
CMU Downtown	9	5	10-40 du/ac	10	48
CMU TOD	43	26	20-80 du/ac	20	529
CMU Downtown/TOD	73	92	20-80 du/ac	20	1,840
OPMU	48	89	10-18 du/ac	10	891
OPMU Downtown	3	7	10-18 du/ac	10	68
OPMU TOD	13	23	20-80 du/ac	20	470
OPMU Downtown/TOD	9	21	20-80 du/ac	20	428
OIMU	86	172	n/a	n/a	n/a
T	19	59	n/a	n/a	n/a
TOTAL	487	845			7,980

Notes:

1. Includes portions of parcels within each category. The total number of parcels within the Specific Plan is 446 parcels.

The target development assumption (fixed density assumption) in the table above results in a residential development potential of 7,980 dwelling units consistent with the General Plan. At present, there are approximately 2,745 residential dwelling units within the Folsom Boulevard Project Area (35% of the assumed residential development for the Project Area). The new development opportunities created by rezoning property along the corridor is expected to result in 5,235 additional dwelling units (7,980 du minus 2,745 du). The development potential reflects this new zoning and assumes that all property (except property designated Office Industrial Mixed Use and Transportation Corridor) may include some residential development. As properties redevelop, the number of residential units actually constructed will vary considerably, with some properties not building any residential units and some properties exceeding the expected number of units.

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The density transfer system creates a method for tracking the “under-build” of projects along the corridor and allow the “un-used” residential capacity on other parcels where needed to build quality projects. Table III-3 identifies four development scenarios that vary based on the number of residential units constructed.

Table III-3 – Development Scenarios

Project Scenario	Description	Bonus Units
1. Under-build	Project built below target density	Units below target density are catalogued and available for use as part of a bonus project
2. Target Density	Project built at expected number of units	No bonus units created
3. Development Potential	Project built at maximum development potential	No bonus units created
4. Development Potential + bonus	Project requires bonus units to be built	Requires City Council approval to use surplus “banked” units

Dwelling
unit bank

Although target development assumptions are set below the maximum development potential, infill development and redevelopment of property can be developed at the maximum development potential by right. A tracking system will ensure development occurs consistent with the General Plan (provided in Appendix E). All of the 400+ parcels in the corridor are listed with acreage, zoning, existing residential development (if any), and the target residential development potential based on the fixed density assumption for the zoning designation. This tracking log includes spaces to list actual infill and redevelopment as it occurs, with a final column identifying whether development of an individual parcel occurred below, at, or above the target residential development potential.

As the corridor is redeveloped, any underutilized residential units tracked in the City’s system will be “banked” as additional capacity that the City Council can grant above and beyond the maximum development potential for the zoning of any parcel(s). For example, if 6 parcels are developed or redeveloped with 200 fewer units than the target residential development potential, the Folsom Boulevard Specific Plan has an additional carrying capacity of 200 units that can be reallocated to other parcels within the Plan Area above and beyond the maximum zoning of any particular property.

The City Council will be the approving authority to grant requests for density transfer/density bonus associated with any additional capacity (Density Bank – Appendix E) for the Folsom Boulevard Specific Plan. Preference will be given to projects located within one-quarter mile of transit and projects located within the Downtown.

DEVELOPMENT PROCESS

C. INTEGRATED DEVELOPMENTS

For purposes of this Specific Plan, an integrated development is a group of two or more adjacent parcels or uses planned and/or developed in a joint manner which may include shared buildings, public spaces, landscape, and/or parking facilities. Whether integrated developments are under single or multiple ownership, the objective is to maximize development opportunities and minimize site constraints for a dynamic mix of uses (horizontally and/or vertically) with high-quality and compatible design. Integrated developments are often governed by a common business, tenant, homeowner or other association, or by common conditions, covenants, and restrictions (CC&Rs), regardless of whether such uses or entities are located on the same lot or parcel. Individual parcels and pieces of the development act as puzzle pieces that connect and work together to create a seamless picture.

Integrated developments allow the transfer of development rights across property lines. For example, a combined commercial and residential development would use the following steps to determine development parameters:

1. Calculate the minimum required number of residential units based on the acreage of residential zoning.
2. Calculate the maximum allowed number of residential units based on the acreage of residential zoning plus 50% of any mixed use zone.
3. Calculate the minimum amount of required commercial square footage based on acreage of commercial mixed use zoning and minimum FAR.
4. Calculate the maximum amount of required commercial square footage based on acreage of commercial mixed use zoning and the maximum permitted FAR in these zones, plus additional square footage of commercial permitted with the UR₂ district. Up to 49 % of the square footage of new development within UR₂ may be commercial.
- 4-5. The residential units and commercial square footage may be placed anywhere within the integrated development site.

REVIEW OF INTEGRATED DEVELOPMENTS

The City encourages integrated developments as a means to maximize development opportunities and to create dynamic and high-quality projects throughout the community. Design Review is required for integrated developments primarily to ensure quality design, but also to allow flexibility in development standards for vertical and/or horizontal integration of uses. Integrated developments may also require a Conditional Use Permit, depending upon the proposed uses as permitted in Chapter IV - Private Realm: Land Use and Development Standards of this Specific Plan. In reviewing integrated developments, the City will analyze the combined development rights applicable to the individual subject parcels that comprise the integrated development. The development rights of each parcel are available, on an aggregate basis, to the entire integrated development.

For example, if an integrated development includes parcels zoned Office Professional Mixed use (OPMU) and parcels zoned Commercial Mixed Use (CMU), the corresponding development rights are not constrained to each individual parcel, respectively. Rather, the integrated development may redistribute the development

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rights available in the CMU zone in some portion of the integrated development other than just the property(s) zoned CMU. The intent is to provide design flexibility and promote a better integration of uses than would otherwise be available for non-integrated or stand-alone developments. Figure III-1 and III-2 illustrate the concept of integrated development. Note – the City will also review the relationship of the uses and how the different pieces of the development are integrated together (e.g., pedestrian circulation and spaces, parking, lighting, access).

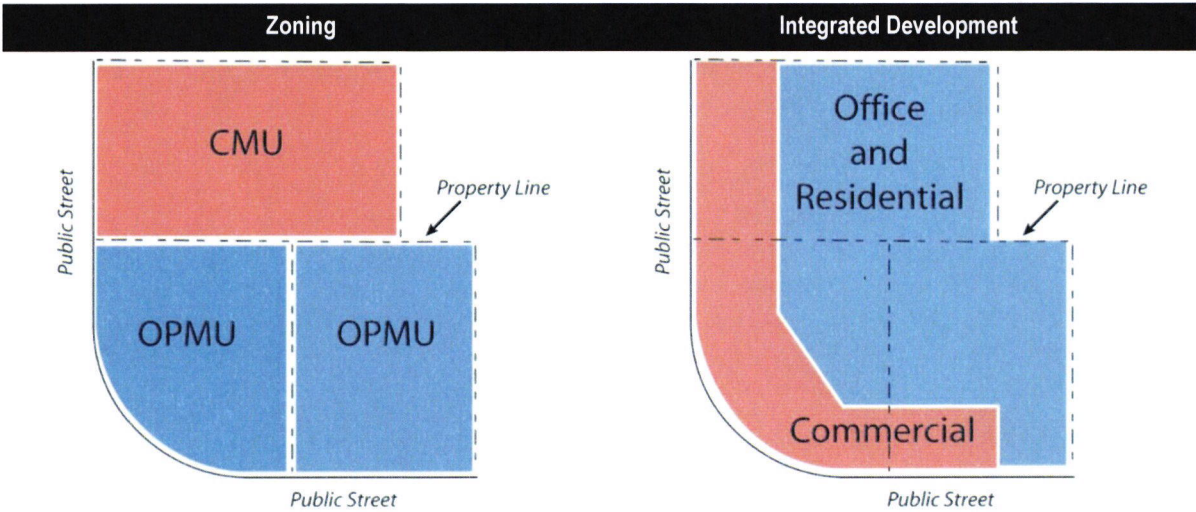
TYPES OF INTEGRATED DEVELOPMENTS

Integrated developments can be achieved in a number of ways. This section is intended to explain a variety of scenarios in which integrated developments may be considered. In all cases, the individual pieces work together to create the integrated development. Integrated developments may include a combination of developed and undeveloped parcels. In certain cases to provided additional flexibility and if referenced below, a Conditional Use Permit may be considered to provide a higher ratio of a certain use types than would be otherwise permitted by the underlying zoning designation.

- (a) **Single Parcel with Multiple Uses.** A property owner may submit a design review application for an integrated development for a single parcel that includes multiple uses in a single building or in multiple buildings on the site (either vertically or horizontally). Specifically, the City may grant a Conditional Use Permit to deviate from the predominant use of a mixed-use designation by up to 10 percent (e.g., to allow 41, rather than 51 percent office use in an Office Professional Mixed Use Zone).
- (b) **Single Parcel with Supportive Use.** A property owner may submit a design review application for an integrated development for a single parcel that includes a supportive use that would normally be permitted within the zone but is not proposed in conjunction with a primary use (e.g., restaurant use within the OIMU zone). In such instances, the City will consider a Conditional Use Permit application on a case-by-case basis to determine if the proposed use can function as an integrated use with surrounding uses. In approving the proposed use, the designated approving authority shall make the following findings:
 - (1) That the proposed use supports the activities of the surrounding uses;
 - (2) That the proposed use does not cause the character or overall development pattern of the area to change contrary to the development characteristics of the underlying zoning district; and
 - (3) That the intensity of the proposed use does not create a use that is predominant within the integrated development and, as such, would otherwise require a rezoning.
- (c) **Common Ownership of Multiple Parcels.** In instances where multiple parcels (either contiguous with shared property lines or located across the street from one another) are under the sole ownership of one party or ownership entity, a design review application may be submitted that involves all of the subject properties and as such will be considered together with respect to the design consideration and development rights. Figure IV-3 illustrates one possible approach to integrated development across a public right-of-way.

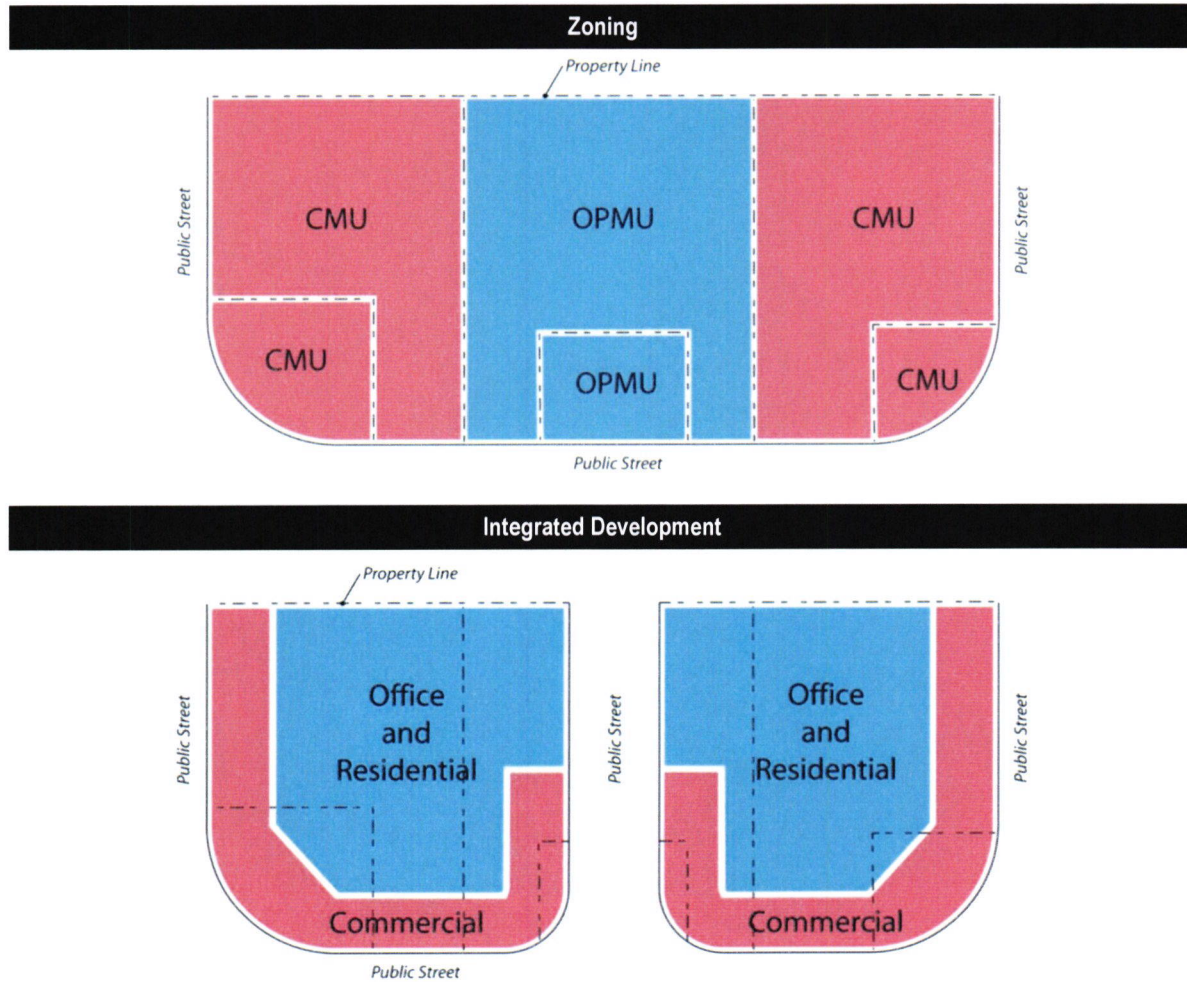
DEVELOPMENT PROCESS

Figure III-1 Integrated Development



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Figure III-2 Integrated Development Across a Public Right-of-Way



Chapter

IV

PRIVATE REALM - LAND USE AND DEVELOPMENT STANDARDS

When Rancho Cordova incorporated as a new city in 2003, the Sacramento County Zoning Code was adopted as the City's interim Zoning Code. The City has since made updates to this code, including a new zoning map, new districts, and updated development standards. Part of this update has included adoption of the Folsom Boulevard Specific Plan. Under this Specific Plan, the land plan includes a simplified approach to zoning (in contrast to the previous zoning) in that it has condensed the land use categories from approximately 40 to 5. This reduction of categories allows for more flexibility in what is permitted in each land designation, leaving the development community less restricted in the use that inhabits new development and keeping the focus on quality building form, placement, and orientation. The regulatory approach provided under this Specific Plan will allow this ~~that will~~ important part of the Rancho Cordova community to transform over time into a series of vibrant mixed-use commercial centers and residential neighborhoods. stand the test of time.

This chapter includes the land use plan, permitted uses, and form-based development standards for future development and redevelopment of the Boulevard within City limits. This chapter constitutes the zoning regulations for property within the Folsom Boulevard Specific Plan.

The following summarizes the components of this chapter:

- A. **Land Use Designations** describe the land use districts for the Planning Area and reflect the development assumptions in the development strategy in terms of mix of uses and density and intensity of development. These zoning districts are consistent with the land use policies and designations in the City's General Plan.
- B. **Folsom Boulevard Land Use Map** translates the community's Vision for the Boulevard by applying the new mixed-use land use designations for individual property throughout the corridor. The land use map is reflective of the development strategy for Folsom Boulevard and is informed by a number of economic factors such as market supply and demand analysis and broker/developer insight.
- C. **Permitted Uses Matrix** identify permitted use provisions for all of the land use categories applied within the Project Area. Permitted use listings are provided by general use category on the basis of common function, product, or compatibility characteristics. For a detailed list of use definitions, please see Chapter IX – Glossary.

PRIVATE REALM - LAND USE AND DEVELOPMENT STANDARDS

- D. **Development Standards** for each of the land designations listed herein can be found in this section. For each designation, this Specific Plan, along with other development standards (e.g., landscaping requirements, signs, parking development standards) listed in other sections of the Zoning Code as well as relevant Citywide Design Guidelines, are intended to assist property owners and project designers in understanding the City's minimum requirements and expectations for high-quality development. In any case, key features of successful development include relationship to the primary and secondary street frontages, pedestrian access and circulation, and the relationship between uses. Project design must be of high quality and incorporate timeless architecture, providing residential uses with convenient access to services. Where site development standards are in conflict with the site development standards in other parts of the City's Zoning Code, this Specific Plan prevails as it applies to the mixed use zoning districts. The designated approving authority will review development applications against these standards to determine compliance with applicable zoning regulations.

A. LAND USE DESIGNATIONS AND CLASSIFICATIONS

The following land use districts for the Folsom Boulevard Specific Plan reflect the development assumptions in the development strategy in terms of mix of uses and density and intensity of development. The mixed use land use zones established by this chapter are intended to:

- Implement the goals, policies, and land use categories described in the City's General Plan.
- Promote the integration of compatible land uses in a vertical and/or horizontal manner that provides additional opportunities for commercial, office, residential, and industrial uses in the City.
- Promote public health, safety, and welfare.

SPECIFIC PLAN BASE DISTRICTS

Urban Reserve (UR) ~~Medium-Density Residential (MDR)~~ District

Purpose and Characteristics

The purpose of the Urban Reserve ~~Medium-Density Residential~~ (UR~~MDR~~) District is intended to create a mixed use neighborhood environment where existing businesses continue to serve the community, new residential development is encouraged, and over time, commercial properties are rebuilt as residential or mixed use developments. is to designate property for the development of a wide range of housing types with a density between 10.1 and 18.0 dwelling units per acre. The UR~~MDR~~ district is ultimately intended for small lot single-family detached, single-family attached (e.g., townhomes, condominiums, brownstones), ~~and~~ small apartment complexes, and neighborhood serving retail and service establishments. This district provides a transition between the single-family residential neighborhoods of the City to the more urban locations near transit stops and commercial centers. The Urban Reserve district is not intended to contain a concentration of commercial uses, since those uses should be focused near transit stations and in commercial "Pulse Point" locations.

The ~~Urban Reserve (UR)~~ has two sub-districts (UR₁ and UR₂) which have different characteristics and requirements when new residential or mixed use projects occur. When new development occurs, the required density range of residential development and the mix of allowed uses will vary depended on the sub-district

PRIVATE REALM - LAND USE AND DEVELOPMENT STANDARDS

~~designation and designate the required density range of residential development and determine the mix of uses permitted on vacant land and when property redevelops:~~

- ~~• UR-1. Required density of between 10.1 and 18 dwelling units per acre. Permitted land uses are listed in Table IV-1 and Table IV-2. The uses listed in Table IV-1 are only permitted in existing Active Commercial Structures. See Table IV-2 for list of permitted uses. This sub-district is ultimately intended for small lot single-family detached, single-family attached (e.g., townhomes, condominiums, brownstones), and small apartment complexes, and neighborhood serving retail and service establishments. This district provides a transition between the single-family residential neighborhoods of the City to the more urban locations near transit stops and commercial centers.~~
- ~~• UR-2. Required density of between 6.1 and 40 dwelling units per acre. Permitted land uses for the Folsom Boulevard base districts are listed in Table IV-1 and Table IV-2, below. The uses listed in Table IV-1 are only permitted in existing Active Commercial Structures. See Table IV-2 for list of permitted uses. While the predominate future development pattern within this district will have a medium to high density housing focus, the City encourages the vertical and/or horizontal integration of commercial and/or office uses that are compatible with residential development, particularly at the edge of neighborhoods to provide needed and compatible services.~~

Permitted Uses

The uses permitted in the ~~URMDR~~ District shall be those uses specified in Table IV-1 – Permitted Uses for Existing Commercial Structures and Table IV-2 – Permitted Uses for Folsom Boulevard Base Districts.

Development Standards

The development standards that apply to this district are listed in Section D.

Residential Mixed Use (RMU) District

Purpose and Characteristics

~~The purpose of the Residential Mixed Use (RMU) District is to designate property for the development of medium and high density housing that may incorporate office and/or commercial services. While the predominant use of the development is residential, the City encourages the vertical and/or horizontal integration of commercial and/or office uses that are compatible with the residential development. This RMU District does not preclude development that is solely residential, but rather encourages a mix of uses. Consistent with the General Plan, this district allows between 6.1 and 40.0 dwelling units per acre. The RMU district promotes the integration of retail and office uses into the edges of neighborhoods.~~

Permitted Uses

~~The uses permitted in the RMU District shall be those uses specified in Table IV-1 – Permitted Uses for Folsom Boulevard Base Districts.~~

Development Standards

~~The development standards that apply to this district are listed in Section D.~~

PRIVATE REALM - LAND USE AND DEVELOPMENT STANDARDS

Commercial Mixed Use (CMU) District

Purpose and Characteristics

The purpose of the Commercial Mixed Use (CMU) District is to designate property for vibrant commercial and mixed-use development. While a predominately commercial district, the CMU category is designed to provide for the integration of retail and service commercial uses with office and/or residential uses. In multiple story buildings, retail uses are the predominant use on the ground floor. Commercial retail and service uses (including general retail, personal services, and minor auto services) are permitted by right and more intense commercial and service uses are conditionally permitted. Business and professional office uses, as well as residential uses (density between 10 and 18 units per acre; 10 to 40 units per acre in the Downtown), are also permitted by right when integrated vertically or horizontally with commercial uses.

Permitted Uses

- | The uses permitted in the CMU District shall be those uses specified in Table IV-24 - Permitted Uses for Folsom Boulevard Base Districts.

Development Standards

The development standards that apply to this district are listed in Section D.

Office Professional Mixed Use (OPMU) District

Purpose and Characteristics

The purpose of the Office Professional Mixed Use (OPMU) District is to designate property for the development of larger office buildings and business parks with supporting retail and service uses. The predominant use is office, but commercial uses may be integrated into office buildings or located horizontally in freestanding buildings. This district also allows residential uses to be integrated with office use where compatible at a density between 10 and 18 units per acre. Public and quasi-public uses are permitted in this district by right.

Permitted Uses

- | The uses permitted in the OPMU District shall be those uses specified in Table IV-24 - Permitted Uses for Folsom Boulevard Base Districts.

Development Standards

The development standards that apply to this district are listed in Section D.

Office Industrial Mixed Use (OIMU) District

Purpose and Characteristics

The purpose of the Office Industrial Mixed Use (OIMU) District is to designate property for a wide range of office and light industrial development. The OIMU district is intended for the seamless integration of office and light industrial uses with supporting retail and service uses. Offices may be developed in an office park setting, but most office and light industrial development stands alone. Commercial and other support services may be integrated vertically and/or horizontally in this district, but the predominant use of integrated developments is office and/or light industrial. Public and quasi-public uses are permitted by right in this district.

PRIVATE REALM - LAND USE AND DEVELOPMENT STANDARDS

Permitted Uses

The uses permitted in the OIMU District shall be those uses specified in Table IV-~~24~~ - Permitted Uses for Folsom Boulevard Base Districts.

Development Standards

The development standards that apply to this district are listed in Section D.

Transportation Corridor (T) District

Purpose and Characteristics

The purpose of the Transportation Corridor (T) District is to designate property specifically for transportation purposes (e.g., light rail tracks/station, multi-modal transportation hubs, park and ride facilities). Such properties typically include transportation infrastructure (e.g., rails, catenaries, signals), but may also include related and supporting uses (e.g., stations with transit and services for riders).

Permitted Uses

The uses permitted in the T District shall be those uses specified in Table IV-~~24~~ - Permitted Uses for Folsom Boulevard Zoning Districts.

Development Standards

The development standards that apply to this district are listed in Section D.

SPECIFIC PLAN OVERLAY DISTRICTS

Convention Overlay District

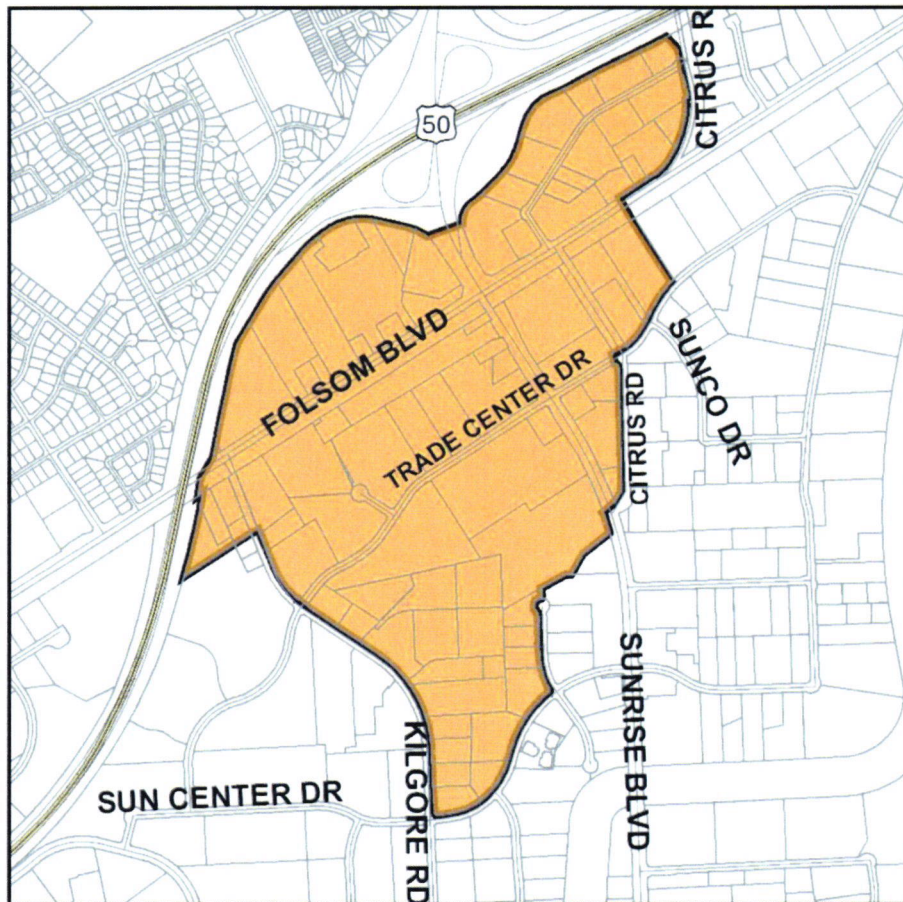
Purpose and Characteristics

The purpose of the Convention Overlay (CO) District is to establish an area in the City specifically for the development of a convention center with related and supporting uses. The Convention District is intended to be a special place in the City that is entertaining, vibrant, and inviting to tourists, visitors, and residents alike. This overlay district supplements the provisions of the underlying base districts for the special purposes identified herein. Where there is conflict between this overlay district and the underlying base district, the overlay district regulations prevail.

Applicability

The Convention Overlay District is applied to those parcels described in Figure IV-1, consistent with the General Plan's Convention Overlay.

Figure IV-1 Convention Center Overlay



Permitted Uses

The uses permitted in the OPMU District shall be those uses specified in Table IV-32 - Permitted Uses in the Convention Overlay District.

Development Standards

Development standards for property in the Convention Overlay are included in Section D.

Transit Oriented Development (TOD) Overlay

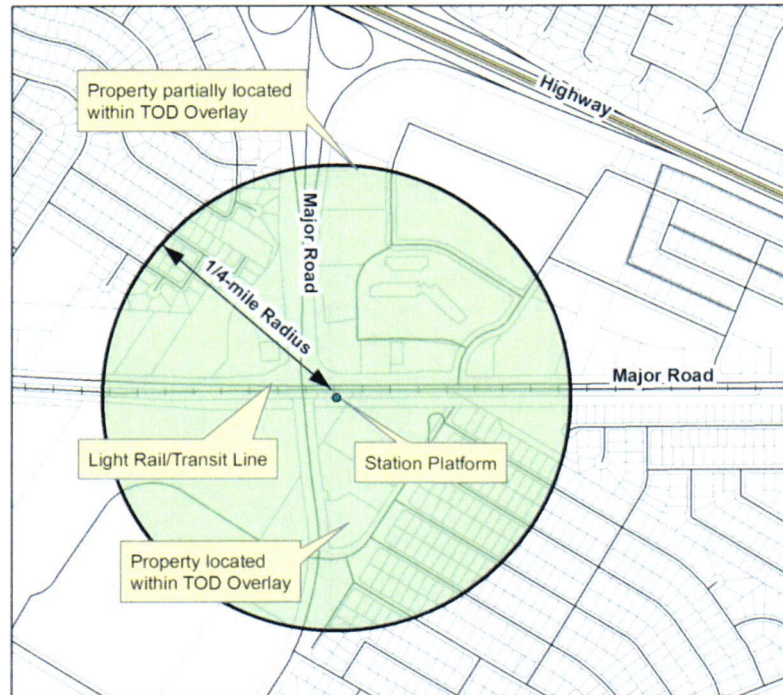
Purpose and Characteristics

The purpose of the Transit Oriented Development (TOD) Overlay is to promote and provide for higher density and intensity uses as part of or in proximity to transit stations. The objective of locating more intensive uses near transit stations is to promote transit services along major transit corridors of the City. The TOD Overlay implements the Local Transit Oriented Development and Regional Transit Oriented Development Land Use Categories of the General Plan.

Applicability

The TOD Overlay shall be applied to properties that are located within one-quarter mile of an existing or planned light rail station within the Folsom Boulevard Specific Plan Area. In determining the extent of the applicability, a circle of one-quarter mile in radius shall be drawn from a central point at the designated station location (e.g., station platform). See Figure IV-2 for a prototypical example of a TOD Overlay.

Figure IV-2 Prototypical TOD Overlay



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Properties Partially Located within the TOD Overlay

The provisions of the TOD Overlay shall only apply to those portions of property located within the one-quarter mile radius circle. Those portions of parcels designated TOD Overlay but not included within the one-quarter mile radius circle shall have development standards consistent with the underlying base district (see section on Integrated Development as described later in this chapter) and may only be developed consistent with the development standards of the based district. Qualifying integrated developments, as described below, may locate more intense development outside of the one-quarter mile radius circle, provided the provisions of this Section are observed.

Special Standards for Integrated Development

When a portion of an integrated development, as defined in Chapter III, includes both an area designated Transit Oriented Development Overlay and an area not subject to the development standards of the Transit Oriented Development Overlay, the development potential for the site shall be determined on an aggregate basis. For example, if half of a ten acre site is designated Transit Oriented Development Overlay and the other half is designated Commercial Mixed Use, then the development potential of the first half is 400 dwelling units (80 du/ac x 5 acres) and the potential of the second half is 90 dwelling units (18 du/ac x 5 acres), resulting in a total potential of 490 dwelling units. Consistent with the provisions for integrated developments, the 490 dwelling units may be located anywhere within the development, except that the majority of the units shall be located within the one-quarter mile radius. The Designated Approving Authority, as part of Design Review, may allow the majority of the units to be located outside of the quarter mile radius, provided that pedestrian uses and gathering spaces are located within the radius and connect the residential area(s) to the transit station.

Development Standards

Development standards for property in the TOD Overlay are included in Section D - Form-Based Development Standards.

B. THE LAND PLAN/ZONING MAP

The Folsom Boulevard Specific Plan land use policies establish six base districts for the Project Area as shown in the Land Use Map in Figure IV-3. The districts include ~~Urban Reserve Medium-Density Residential (URMDR)~~ District, ~~Residential Mixed-Use (RMU)~~ District, Commercial Mixed Use (CMU) District, Office Professional Mixed Use (OPMU) District, Office Industrial Mixed Use (OIMU) District, and Transportation Corridor (T) District. In addition, two overlay districts are identified: Convention Overlay (CO) and Transit-Oriented Development (TOD) Overlay Districts. These base districts and overlay districts will facilitate the Planning Area's transformation from its current land use configuration to the one described by the Specific Plan's vision. This configuration includes the mixing of commercial retail and service uses, office uses, and residences at pulse point activity centers, the inclusion of new mixed-density neighborhoods and the densification of existing neighborhoods throughout the Planning Area, and the continued inclusion of light industrial and office uses in select locations.

The proposed land plan and designations introduce significant changes to the existing land use pattern along Folsom Boulevard. Currently, the Boulevard is lined with automobile-oriented commercial retail and service uses. The Specific Plan seeks to focus these commercial activities in combination with office and residential uses at the pedestrian-oriented, mixed-use pulse points. Planned land use designations for ~~the~~ parcels in the vicinity of pulse points includes a combination of CMU, OPMU, and ~~URRMU~~ designations. In addition,

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policies give preference to replacing vacated and underutilized commercial areas with new mixed-density residential developments and increasing the density of a few existing residential areas along the Boulevard.

The land plan also creates changes to the land use pattern south of Folsom Boulevard. Today, parcels in the area between Routier Road and Mather Field Road feature industrial, office, and warehouse uses. The plan calls for the eventual transformation of industrial and warehouse uses in this area, expanding office uses and introducing commercial service uses onto all of the parcels adjacent to Mather Field Road, and developing the remainder of the properties in the area into a new mixed-density residential neighborhood. Specifically, parcels adjacent to Mather Field Road are designated OPMU and CMU. In addition, the area bounded by Bradshaw Road and Routier Road currently includes a low-density residential neighborhood and a mixture of industrial, office, and warehouse uses. This plan allows for an increase in residential densities in the neighborhood (of high-quality development) and the eventual transformation of warehouse uses for a new employment area of office and light industrial development in proximity to supportive uses and transit. The planned designation for this area includes a combination of UR-MDR and OIMU.

The Specific Plan also allows, by right, public and quasi-public uses in all base districts, except the T District.

C. PERMITTED USES

PERMITTED LAND USES AND PERMIT REQUIREMENTS

Permitted land uses ~~for the Folsom Boulevard base districts~~ are listed in Table IV-1 ~~and Table IV-2, below~~. The uses listed in Table IV-1 are only permitted in existing Active Commercial Structures. Use listings are grouped by a general category on the basis of common function, product, or compatibility characteristics and are defined in Chapter IX – Glossary.

ACTIVE COMMERCIAL STRUCTURES

Within the boundaries of the FBSP, an Active Commercial Structure is defined as a permanent building completely, or partially occupied and used for commercial purposes. The existing commercial use must be listed as permitted (with or without a use permit) on Table IV-1. Existing commercial uses not listed on Table IV-1 are considered Non-Conforming Uses and are subject to the requirements of Section E7 of this Chapter. Properties containing Active eCommercial sStructures are also eligible for conversion to any use listed on Table IV-2.

A commercial structure is considered to be inactive after a period of three years or more without an active commercial use within any portion of the building and without an active commercial lease. The commercial use or lease must be for a use listed in Table IV-1. If a building is determined to be an Inactive Commercial Structure according to the process outlined below, the property is only eligible for the list of residentially focused uses listed in Table IV-2 within the UR-1 or UR-2 sub-districts. To be declared an Inactive Commercial Building, the City must follow the procedure outlined below. categories.

DETERMINATION PROCEDURE FOR INACTIVE COMMERCIAL STRUCTURE

Any buildings that were completely vacant and without an active lease prior to the first adoption of this Specific Plan on June 30, 2008 are considered to be Inactive Commercial Structures without any additional action required by the City to make this determination. For buildings that became vacant after June 30, 2008, the determination procedure in this section applies.

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If a building is inactive for a period longer than three years, the City may initiate a Inactive Commercial Structure determination procedure. To be considered an Inactive Commercial Structure all of the following must apply:

- The structure has not contained a permitted use as listed in Table IV-1 ~~or IV-2~~ for a period of ~~three years~~ (thirty-six months) or longer;
- The structure is not currently under lease to a legitimate business enterprise that is known to operate a commercial establishment that is listed as permitted use on Table IV-1. ~~[One year after the date that the lease expires, the building will be considered an Inactive Commercial Structure without any additional action required by the City. A lease that is renewed while the building is vacant does not extend the thirty-six month time period.]~~

If a building is classified as an Inactive Commercial Structure then the property is only eligible for uses listed on Table IV-2. The following procedure will classify a building as an Inactive Commercial Structure ~~will be following to make the determination~~:

1. The City Planning Department will notify the property owner in writing that the commercial structure on the property in question has been classified as an Inactive Commercial Structure and that this classification will result in a reduction in the range of commercial uses available for the property.
2. The property owner will have 90 days to appeal this determination in writing to the Planning Department. If no appeal is filed then the determination will stand. If an appeal is filed then a hearing will be conducted by the Planning Director to determine the merit of the objection.
3. Upon appeal the ~~property owner will be required to provide~~ following evidence is required ~~that~~:
 - a. The property owner shall demonstrate that ~~t~~ the building has contained an active commercial use that is listed on Table IV-1 at some point within the last thirty-six months and, if required, present a valid use permit; or
~~or If the~~ property is vacant but currently under lease to a third party and is not available for re-occupation by a different user at this time, the ~~the~~ property owner must demonstrate existence of this lease and that the business occupied the building prior to vacating. The lease must be for a legitimate commercial enterprise that is known for operating a business that is listed as a permitted use on Table IV-1. If required for the specified use, a use permit must be provided; and
 - b. ~~Any City code violations shall be presented as evidence.~~
4. The appeal could have three potential outcomes:
 - a. The property owner is unsuccessful in the appeal and the Planning Director decision stands. ~~(go to #4 below)~~. When new development occurs it must comply with the use listings in Table IV-2 and related requirements.

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- b. The property owner is successful in demonstrating that an active commercial use, listed on Table IV-1 was occupying the structure within the last thirty-six months. However, the building is now vacant. This information will be used to determine when the thirty-six month clock should begin. After the end of the newly established thirty-six month period, the building will be classified as an Inactive Commercial Structure without any additional action necessary by the City.
- c. The property owner is successful in demonstration that the commercial structure is currently under an active lease for a legitimate commercial enterprise that is known for operating a business that is listed as a permitted use on Table IV-1. One year after the date that the lease expires, the building will be considered an Inactive Commercial Structure without any additional action required by the City. A lease that is renewed while the building is vacant does not extend the thirty-six month time period.

5. All code violations shall be adequately addressed prior to any additional City approvals related to the property or structure.

PERMITTED EXPANSIONS OF EXISTING COMMERCIAL BUILDINGS

Buildings classified as active Commercial Structures within the UR district may be expanded, replaced or improved within the following limits. Both limits apply and must be met:

1. The expansion of the commercial structure shall not exceed twenty-five percent (25%) of the floor area of the existing structure; and
2. The value of the improvement, as verified by the Building Official Department, shall not exceed fifty percent (50%) of the assessed value of the existing structure according to the most recent County tax assessor data unless a more recent appraisal is submitted by the applicant.

Expansions, improvements or building replacements that exceed the above limits are prohibited. The intent of these limits is to limit the life-span of commercial buildings to encourage commercial properties to convert to residential use or mixed-use developments within the Urban Reserve zoning district.

SIMILAR USES

When a use is not specifically listed in this Specific Plan, it shall be understood that the use may be permitted if the Planning Director determines that the use is similar to other uses listed. It is further recognized that every conceivable use cannot be identified in this Specific Plan and, anticipating that new uses will evolve over time, this section establishes the Director's authority to compare a proposed use and evaluate its similarities, operation, impacts, or scale to those uses listed in this Specific Plan. In determining "similarity," the Director shall make all of the following findings:

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- (a) The characteristics of and activities associated with the proposed use are equivalent to one or more of the listed uses and will not involve a higher level of activity or population density than the uses listed in the district.
- (b) The proposed use will be consistent with the purposes of the applicable land use district.
- (c) The proposed use will be consistent with the General Plan and this Specific Plan.

Determinations will be made in writing and will contain the facts that support the determination. The Department will maintain all such determinations on record at the public counter for review by the general public. All determinations will be provided to the Planning Commission, City Council, City Manager, City Attorney, and City Clerk as an information item within 30 days of the Director's determination. The Director's decision may be appealed as addressed in the Appeals section of the City's Zoning Code.

Figure IV-3 Land Use Map (11x17)

FRONT

Figure IV-3 – Land Use Map (11x17)

BACK

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PERMITTED USE TABLE FOR ACTIVE ~~EXISTING~~ COMMERCIAL STRUCTURES

Table IV-1 below identifies permitted use provisions for uses within ~~existing~~ Active Commercial Structures as defined on page IV-9) ~~commercial structures~~ within the Urban Reserve (UR) District only. Definitions of each use are established in Chapter IX – Glossary. Many uses that are not permitted within the FBSP, are permitted, or conditionally permitted, in one or more other zones outside of the FBSP area. Please consult the City's Municipal Code for applicable zoning.

Permitted use provisions are symbolized in the table as follows:

- P = land use permitted by right
- L = land use permitted with approval of a Limited Use Permit
- C = land use permitted with approval of a Conditional Use Permit
- N = land use not permitted¹

Table IV-1 Permitted Uses for Existing Commercial Structures

Land Use – Use Classification	
<u>Residential Use Listings</u>	
<u>Live-Work Facility</u>	<u>P¹</u>
<u>Recreation, Education, and Public Assembly Uses</u>	
<u>Clubs, Lodges, Private Meeting Halls</u>	<u>P</u>
<u>Indoor Amusement/ Entertainment</u>	<u>P</u>
<u>Indoor Fitness and Sports Facilities</u>	<u>P</u>
<u>Libraries and Museums</u>	<u>P</u>
<u>Outdoor Commercial Recreation</u>	<u>C</u>
<u>Parks and Public Plazas</u>	<u>P</u>
<u>Public Safety Facility</u>	<u>P</u>
<u>Religious Institutions</u>	<u>P</u>
<u>Schools – Public</u>	<u>P</u>
<u>Schools – Private, Special/Studio</u>	<u>P</u>
<u>Theatres and Auditoriums</u>	<u>P</u>
<u>Utility, Transportation, and Communication Use Listings</u>	
<u>Heliports</u>	<u>N</u>
<u>Park and Ride Facility</u>	<u>N</u>

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<u>Telecommunications Facility</u>	<u>C³</u>
<u>Transit Stations and Terminals</u>	<u>N</u>
<u>Utility Facility and Infrastructure</u>	<u>L⁴</u>
<u>Retail, Services, and Office Listings</u>	
<u>Adult-Related Business</u>	<u>N</u>
<u>Alcoholic Beverage Sales</u>	<u>C</u>
<u>Banks and Financial Services</u>	<u>P</u>
<u>Bars and Nightclubs</u>	<u>C⁵</u>
<u>Bed and Breakfast</u>	<u>N</u>
<u>Building Materials Stores and Yards</u>	<u>P^{7,6,7}</u>
<u>Business Support Services</u>	<u>P</u>
<u>Drive-in/Drive-through sales/services</u>	<u>C</u>
<u>Equipment Sales and Rental</u>	<u>N</u>
<u>Home Improvement Supplies</u>	<u>L²</u>
<u>Hotels/Motels</u>	<u>P</u>
<u>Kennels</u>	<u>C</u>
<u>Medical Services – Extended Care</u>	<u>C</u>
<u>Medical Services - General</u>	<u>P</u>
<u>Medical Services – Hospital</u>	<u>P</u>
<u>Office – Business and Professional</u>	<u>L²</u>
<u>Office – Accessory</u>	<u>P</u>
<u>Offices – Temporary</u>	<u>P</u>
<u>Personal Services</u>	<u>P</u>
<u>Personal Services, Restricted</u>	<u>C</u>
<u>Restaurants</u>	<u>P</u>
<u>Retail – Accessory</u>	<u>P</u>
<u>Retail - General</u>	<u>P</u>
<u>Veterinary Facility</u>	<u>P</u>
<u>Automotive and Vehicle Use Listings</u>	
<u>Auto Parts Sales</u>	<u>P⁷</u>
<u>Auto/Vehicle Retail Sales/Rental</u>	<u>C</u>
<u>Auto and Vehicle Sales, Wholesale</u>	<u>N</u>
<u>Auto and Vehicle Storage</u>	<u>N</u>

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<u>Car Wash and Detailing</u>	<u>C^{6,8}</u>
<u>Service Stations</u>	<u>C</u>
<u>Vehicle Services – Major</u>	<u>N</u>
<u>Vehicle Services – Minor</u>	<u>C⁶</u>
<u>Industrial, Manufacturing, and Processing Use Listings</u>	
<u>Fuel Storage and Distribution</u>	<u>N</u>
<u>Manufacturing – Major</u>	<u>N</u>
<u>Manufacturing – Minor</u>	<u>N</u>
<u>Manufacturing – Small Scale</u>	<u>P</u>
<u>Personal Storage Facility</u>	<u>N</u>
<u>Printing and Publishing</u>	<u>C</u>
<u>Recycling Facility – Collection</u>	<u>C</u>
<u>Recycling Facility – Processing</u>	<u>N</u>
<u>Recycling Facility–Scrap/Dismantling</u>	<u>N</u>
<u>Research and Development</u>	<u>N</u>
<u>Storage yards</u>	<u>N</u>
<u>Warehousing and Distribution</u>	<u>N</u>
<u>Special Regulated Uses</u>	
<u>Card Rooms</u>	<u>N</u>
<u>Check Cashing Businesses</u>	<u>N</u>
<u>Massage Parlor</u>	<u>N</u>
<u>Pawn Shops</u>	<u>N</u>
<u>Recycling Facility / Collection Facility</u>	<u>N</u>
<u>Sexually Oriented Businesses</u>	<u>N</u>
<u>Smoke Shops</u>	<u>N</u>
<u>Tattoo Parlors</u>	<u>N</u>
<u>Thrift Stores</u>	<u>N</u>

Notes:

1. Shall not exceed 18 dwelling units per acre.
2. This use is limited as specified only in conjunction with the predominant use of the mixed use district. In other words, this use is only allowed as part of an integrated development and is permitted with approval of a Limited Use Permit by the Planning Director.
3. Subject to the provisions for Transmission Facilities and Utility and Public Service sections of the City Zoning Code.
4. Subject to the provisions for Wireless Communication Facilities section of the City Zoning Code.
5. All forms of speaker amplification exterior to the building shall be prohibited unless authorized in combination with project approval or amendment thereto.

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6. —All activities shall occur within a completely enclosed building or shall be located behind a solid/screened enclosure directly adjacent to the building.

7. Maximum gross floor area is less than 5,000 square feet.

PERMITTED USE TABLE FOR BASE DISTRICTS

Table IV-2 below identifies permitted use provisions for all base districts. Definitions of each use are established in Chapter IX - Glossary.

Permitted use provisions are symbolized in the table as follows:

- P = land use permitted by right
- L = land use permitted with approval of a Limited Use Permit
- C = land use permitted with approval of a Conditional Use Permit
- N = land use not permitted

Table IV-2 Permitted Uses for Folsom Boulevard Base Zoning Districts

Land Use – Use Classification	Zoning Districts					
	UR-1MDR	UR-2RMU	CMU	OPMU	OIMU	T
Residential Use Listings						
Adult Day Care Home	P	P	N	N	N	N
Child Day Care Facility	C	P	C	C	C	N
Caretaker Housing	P	P	P	P	P	N
Dwelling, Multifamily	P ¹	P ¹	L 1, 2-46	L 1, 2-46	N	N
Dwelling, Second Unit	P ³	P ³	N	N	N	N
Dwelling, Single-family	P ¹	P ¹	L 1, 2-46	L 1, 2-46	N	N
Dwelling, Two-family	P ¹	P ¹	L 1, 2-46	L 1, 2-46	N	N
Emergency Shelter	C	C	N	N	N	N
Family Day Care Home, Small	P	P	N	N	N	N
Family Day Care Home, Large	C	C	N	N	N	N
Home Occupation	P	P	P	P	N	N
Live-Work Facility	P ¹	P ¹	P ¹	P ¹	N	N
Residential Care Home	P	P	N	N	N	N
Community Service Use Listings						
Clubs, Lodges, Private Meeting Halls	N	P ¹¹	P	P	P	N

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Land Use – Use Classification	Zoning Districts					
	UR-1MDR	UR-2RMU	CMU	OPMU	OIMU	T
Indoor Amusement/ Entertainment	N	C ¹¹	P	P	P	N
Indoor Fitness and Sports Facilities	N	C ¹¹	P	P	C	N
Libraries and Museums	P	P ¹¹	P	P	P	N
Outdoor Commercial Recreation	N	N	C	P	P	N
Parks and Public Plazas	P	P ¹¹	P	P	P	P
Public Safety Facility	P	P ¹¹	P	P	P	P
Religious Institutions	P	P ¹¹	P	P	P	N
Schools – Public	P	P ¹¹	P	P	P	N
Schools – Private, Special/Studio	P	P ¹¹	P	P	P	N
Theatres and Auditoriums	N	C ¹¹	P	P	P	N
Utility, Transportation, and Communication Use Listings						
Heliports	N	N	C	C	C	N
Park and Ride Facility	N	C ¹¹	P	P	P	L ¹⁵⁻¹⁶
Telecommunications Facility	C ⁴	C ^{4, 11}	C ⁴	P ⁴	P ⁴	C
Transit Stations and Terminals	N	C ¹¹	P	P	P	P
Utility Facility and Infrastructure	L ⁵⁻¹⁶	L ^{5, 11-16}	L ⁵⁻¹⁶	L ⁵⁻¹⁶	L ⁵⁻¹⁶	P
Retail, Service, and Office Listings						
Adult-Related Business	N	N	N	N	N	N
Alcoholic Beverage Sales	N	C ¹¹	C	C	C	N
Banks and Financial Services	N	P ¹¹	P	P	P	N
Bars and Nightclubs	N	C ^{6, 11}	C ⁶	C ⁶	C ⁶	N
Bed and Breakfast	C	P ¹¹	N	N	N	N
Building Materials Stores and Yards	N	N	P ⁷	N	C ⁷	N
Business Support Services	N	L ^{7, 8, 11-16}	P	P	P	N
Drive-in/Drive-through sales/services	N	N	C ⁹	C ^{N9}	N	N
Equipment Sales and Rental	N	N	N	N	P	N
Home Improvement Supplies	N	L ^{2, 11-16}	L ²⁻¹⁶	L ²⁻¹⁶	P	N
Hotels/Motels	N	C ¹¹	P	P	C	N
Kennels	N	N	C	N	L ¹⁶	N

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Land Use – Use Classification	Zoning Districts					
	UR-1MDR	UR-2RMU	CMU	OPMU	OIMU	T
Medical Services – Extended Care	C	P ¹¹	C	N	N	N
Medical Services - General	N	P ¹¹	P	P	P	N
Medical Services – Hospital	N	P ¹¹	P	P	P	N
Office – Business and Professional	N	L ^{2, 11-16}	L ²⁻¹⁶	P	P	N
Office – Accessory	N	P ¹¹	P	L ¹¹⁻¹⁶	L ¹¹⁻¹⁶	N
Offices – Temporary	P	P ¹¹	P	P	P	N
Personal Services	N	P ^{8, 11}	P	P	P	N
Personal Services, Restricted	N	N	C	C	C	N
Restaurants	N	L ^{2, 11-16}	P	L ²⁻¹⁶	L ²⁻¹⁶	N
Retail – Accessory	N	L ^{2, 11-16}	P	L ⁹⁻¹⁶	L ⁹⁻¹⁶	N
Retail - General	N	L ^{2, 11, 12-16}	P	N	N	N
Veterinary Facility	N	N	P	P	P	N
Automotive and Vehicle Use Listings						
Auto Parts Sales	N	N	P ¹³	N	N	N
Auto/Vehicle Retail Sales/Rental	N	N	C	N	N	N
Auto and Vehicle Sales, Wholesale	N	N	N	N	C	N
Auto and Vehicle Storage	N	N	N	N	C ¹³	N
Car Wash and Detailing	N	N	C ¹⁰	N	C	N
Service Stations	N	N	C	N	C	N
Vehicle Services – Major	N	N	N	N	C	N
Vehicle Services – Minor	N	N	C ¹⁰	N	C	N
Industrial, Manufacturing, and Processing Use Listings						
Fuel Storage and Distribution	N	N	N	N	N	N
Manufacturing – Major	N	N	N	N	N	N
Manufacturing – Minor	N	N	N	N	P	N
Manufacturing – Small Scale	N	N	P	N	P	N
Personal Storage Facility	N	N	N	N	C	N
Printing and Publishing	N	N	C	C	P	N
Recycling Facility – Collection	N	N	C	P	C	N

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Land Use – Use Classification	Zoning Districts					
	UR-1MDR	UR-2RMU	CMU	OPMU	OIMU	T
Recycling Facility – Processing	N	N	N	N	N	N
Recycling Facility– Scrap/Dismantling	N	N	N	N	N	N
Research and Development	N	N	N	P	P	N
Storage yards	N	N	N	N	L ^{14, 16}	N
Warehousing and Distribution	N	N	N	N	L ^{14, 16}	N
Special Regulated Uses						
<u>Card Rooms</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Check Cashing Businesses</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Massage Parlor</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Pawn Shops</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Recycling Facility, Collection Facility</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Sexually Oriented Businesses</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Smoke Shops</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Tattoo Parlors</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Thrift Store</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>

Notes:

1. See the density restrictions in the underlying zoning district.
2. This use is limited as specified only in conjunction with the predominant use of the mixed use district. In other words, this use is only allowed as part of an integrated development and is permitted with approval of a Limited Use Permit by the Planning Director.
3. Second dwelling units shall be consistent with development standards listed in Sections 305-80 through 305-84, of the City's zoning code
4. Subject to the provisions for Transmission Facilities and Utility and Public Service sections of the City Zoning Code.
5. Subject to the provisions for Wireless Communication Facilities section of the City Zoning Code.
6. All forms of speaker amplification exterior to the building shall be prohibited unless authorized in combination with project approval or amendment thereto.
7. All activities shall occur within a completely enclosed building or shall be located behind a solid/screened enclosure directly adjacent to the building.
8. Maximum gross floor area is less than 5,000 square feet.
9. Limited to a maximum of 25 percent of the gross floor area of the integrated development.
10. No portion of the use shall be located within 500 feet of an intersection within the CMU District.
11. Limited to less than 50 percent of the gross floor area of the integrated development.
12. Maximum tenant space shall be 15,000 square feet.
13. All activity and storage must be located within an enclosed structure.
14. All activity must be entirely screened from public view and not within 200 feet of a residential use.
15. As a surface parking lot, this use is allowed with a limited use permit, but may eventually convert to a use of higher density and intensity based on development potential.
16. ~~Limited Use Permit or Planning Director approval.~~

PERMITTED USES FOR FOLSOM BOULEVARD OVERLAY DISTRICTS

Permitted Uses for the Convention Overlay District

Table IV-2 below identifies the permitted use provisions within the Convention Overlay District. These permitted use provisions are specific and unique to the CO and supersede and replace the permitted uses of the base district. Similar uses may be determined as identified in the Nonconforming Policy Section of Chapter VIII - Implementation. Definitions of each use are established in Chapter IX - Glossary.



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Permitted use provisions are symbolized in the table as follows:

- P = land use permitted by right
- L = land use permitted with approval of a Limited Use Permit
- C = land use permitted with approval of a Conditional Use Permit
- N = land use not permitted

Table IV-2 Permitted Uses in the Convention District Overlay

Land Use Category	Convention Overlay District
Residential Uses	
Caretaker Housing	C
Dwelling, Multi-Family	P1
Dwelling, Single Family	C
Dwelling, Two-Family	C
Home Occupations	C
Live-Work Facility	C
Recreation, Education, and Public Assembly Uses	
Clubs, Lodges, and Private Meeting Halls	P
Indoor Amusement/Entertainment Facility	P
Indoor Fitness and Sports Facility	C
Libraries and Museums	P
Outdoor Commercial Recreation	C
Parks and Public Plazas	P
Public Safety Facility	P
Religious Institutions	C
Schools, Private and Special/Studios	P
Schools, Public	P
Theaters and Auditoriums	P

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Land Use Category	Convention Overlay District
Utility, Transportation, and Communication Use Listings	
Heliports	C
Park and Ride Facility	C
Telecommunication Facility	C
Transit Stations and Terminals	C
Utility Facility and Infrastructure	C
Retail, Service, and Office Uses	
Alcoholic Beverage Sales	C
Banks and Financial Services	P
Bars and Nightclubs	C
Bed and Breakfast Inns	C
Building Materials Stores and Yards	C
Business Support Services	C
Child Day Care Facility	C
Drive-in and Drive-through Sales and Service	N
Home Improvement Supplies	C
Hotels and Motels	P
Medical Services, General	C
Medical Services, Extended Care	C
Medical Services, Hospitals	C
Offices, Business and Professional	P
Offices, Accessory	P
Personal Services	P
Restaurants	P
Retail, Accessory	P
Retail, General	P
Veterinary Facility	C
Automobile and Vehicle Uses	
Auto and Vehicle Sales and Rental	C2
Car Washing and Detailing	C
Service Stations	C
Vehicle Services, Minor	C

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Land Use Category	Convention Overlay District
Industrial, Manufacturing, and Processing Uses	
Manufacturing – Small Scale	C
Printing and Publishing	C
Research and Development	C

Notes:

1. The use is permitted in conjunction with the predominant use of the underlying Base District. In other words, this use is only allowed as part of an integrated development.
2. Rental only.

Permitted Uses for Transit-Oriented Development (TOD) Overlay Districts

Permitted uses for properties within a TOD Overlay District are determined by the base district. See Table IV-1 Permitted Uses for Folsom Boulevard Base Districts.

D. DEVELOPMENT STANDARDS

The development standards for the Plan Area are organized into two categories: General Development Standards that apply to the areas outside the Pulse Points, and Form-Based Development Standards that apply to the areas within the Pulse Points.

GENERAL DEVELOPMENT STANDARDS (OUTSIDE PULSE POINTS)

Properties in the Plan Area that are outside the Pulse Point boundaries are subject to the Development Standards for their base land use designations, as contained in the Citywide Zoning Code. Variations on these development standards occur for projects designated Transportation Corridor (T), and projects located within the Convention Overlay District of the Transit Oriented Development (TOD) Overlay District; there variations are expressed in Table IV-5, Table IV-6, and Table IV-7, respectively.

FORM BASED DEVELOPMENT STANDARDS (WITHIN PULSE POINTS)

The Form Based Development Standards contained in this section apply to the properties that are within the Pulse Point boundaries. (The Pulse Point boundaries are designated on the Regulating Plan figures.) Unlike traditional development standards that determine development standards based on land use designation, Form-Based Development Standards are based on a Regulating Plan. Figure IV-4 illustrates the Regulating Plan for the entire Plan Area; Figures IV-5 through IV-9 ~~are provide more detailed enlarge the~~ Regulating Plans to focus on each of the Pulse Points.

Implementation of the Regulating Plan has the following advantages:

- Creates an internal street network that reduces vehicular traffic on Folsom Boulevard and the need for individual curb-cuts for each project;
- Allows connectivity between adjacent parcels for multi-modal access (vehicles, bicycles, and pedestrians);

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- Creates more connectivity to Light Rail Transit Stations;
- Creates a more pedestrian and bicycle friendly environment; and
- Allows for a greater intensity of development and the potential to reduce surface parking lots.

Regulating Plan

The Regulating Plan identifies the ~~conceptual~~ ~~desired~~ roadway network to serve the Folsom Boulevard Area within each Pulse Point. This roadway network is critical to the successful revitalization of Folsom Boulevard since it creates the underlying framework for new development to occur. Each individual project will be required to implement the applicable portions of the Regulating Plan.

A necessary part of a successful roadway network is how land uses adjacent to the roadway interface with the street. Land uses will be required to meet design standards that reinforce the local street network and multi-modal aspects of the plan.

How to Use the Regulating Plans

The purpose of the Regulating Plans is to guide future development, but not to dictate the exact location of all future streets, pedestrian pathways, frontages types or other site planning elements. The following rules apply:

- Roadways and connection points should match the locations identified on the Regulating Plan unless labeled “Location Adjustable.” A revision to the Regulating Plan may be proposed to change the location of any roadway.
- Roadways and connection points denoted as “location adjustable” may be moved and/or consolidated, but not eliminated. This does not require an amendment to the Regulating Plan.
- Several road types may be considered within each Regulating Plan for internal connectivity. For example, Local Roadways could be replaced in some instances by pedestrian paseos that do not carry vehicular traffic. An amendment to the Regulating Plan would be required.

Figure IV-4 Regulating Plan for the Entire Boulevard – 11x17

FRONT

BACK

Figure IV-5 Enlarged Regulating Plan Router/ La Loma Pulse Point

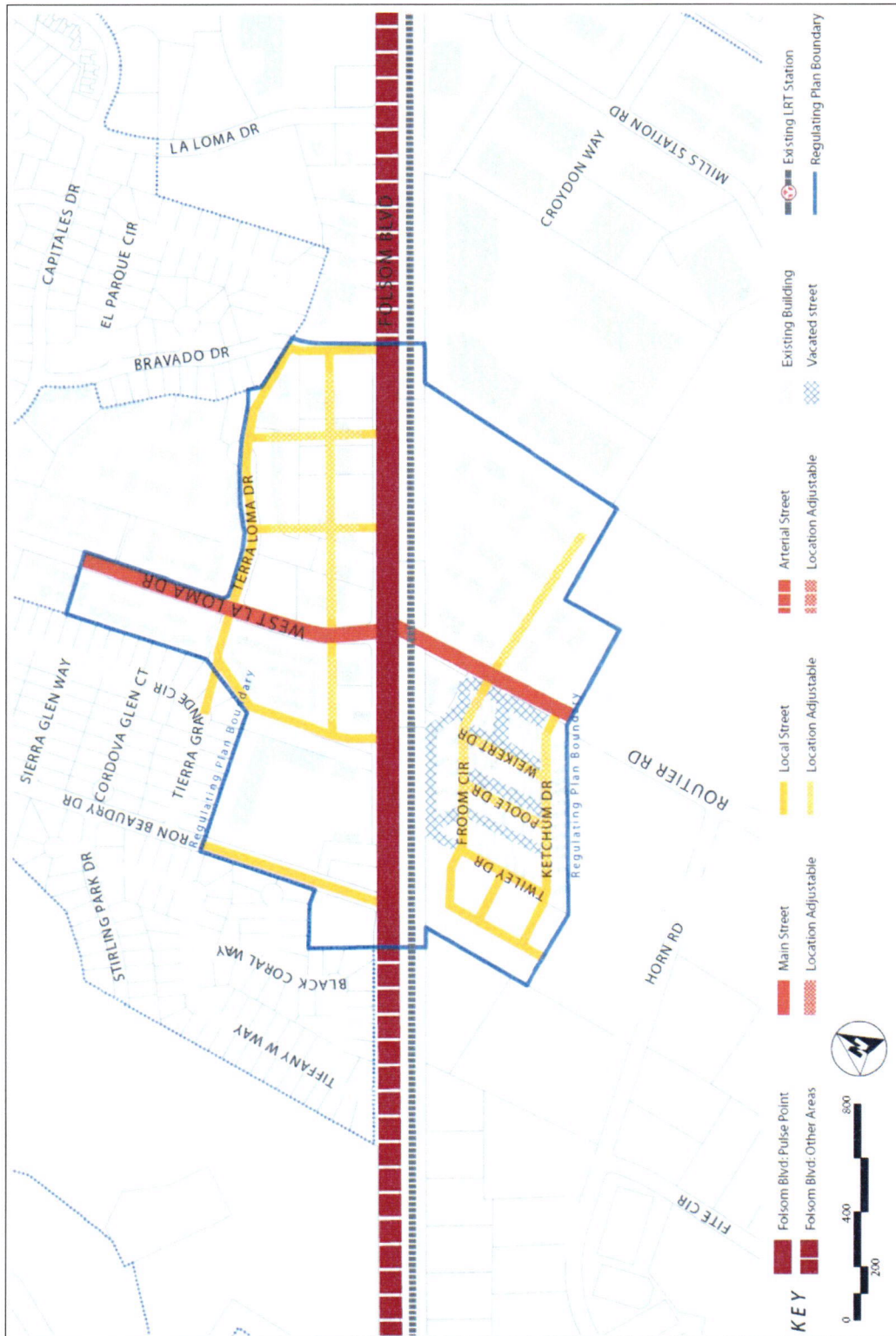
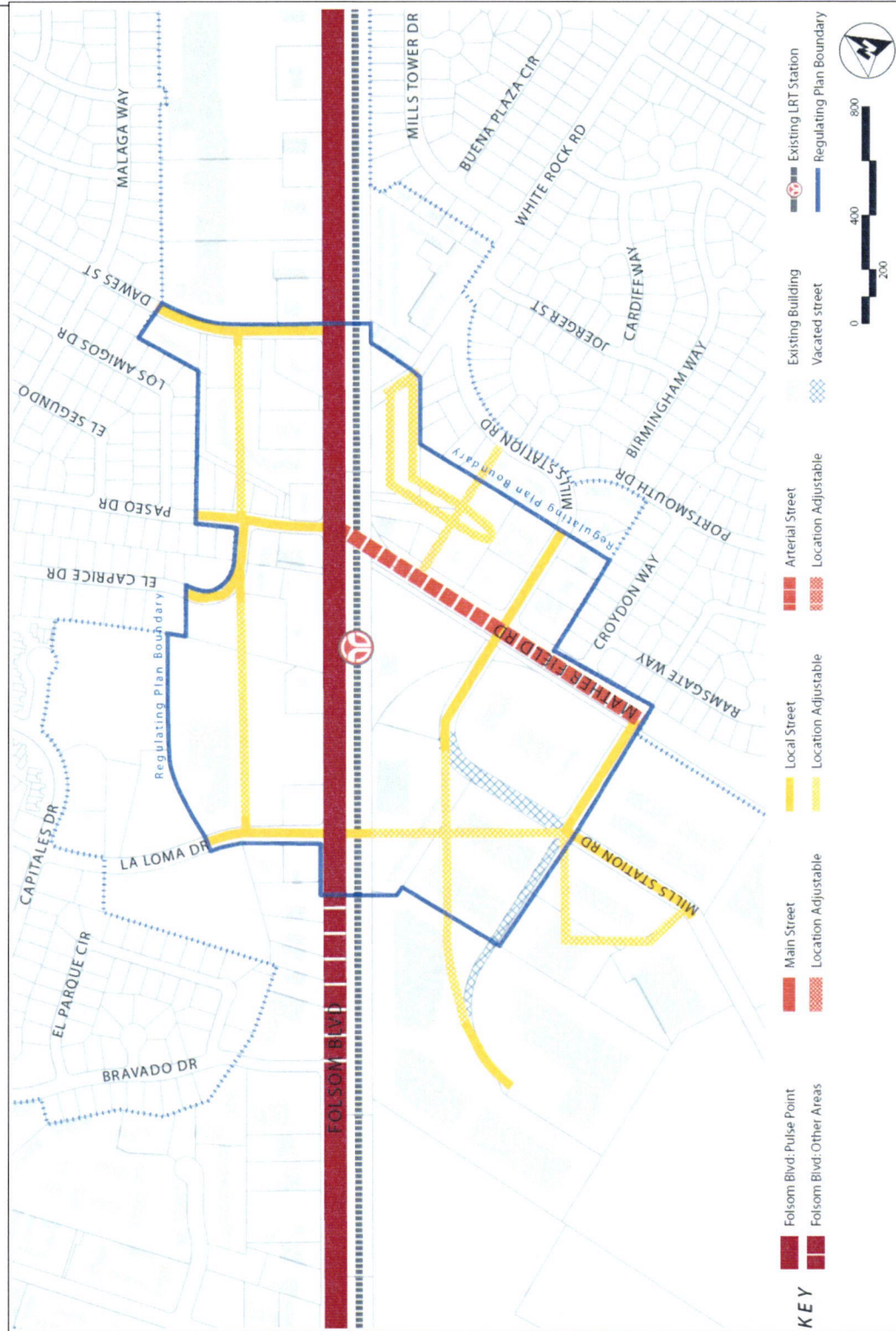


Figure IV-6 Enlarged Regulating Plan Mather/Mills Pulse Point



PRIVATE REALM - LAND USE AND DEVELOPMENT STANDARDS

Figure IV-7 Enlarged Regulating Plan Coloma Pulse Point

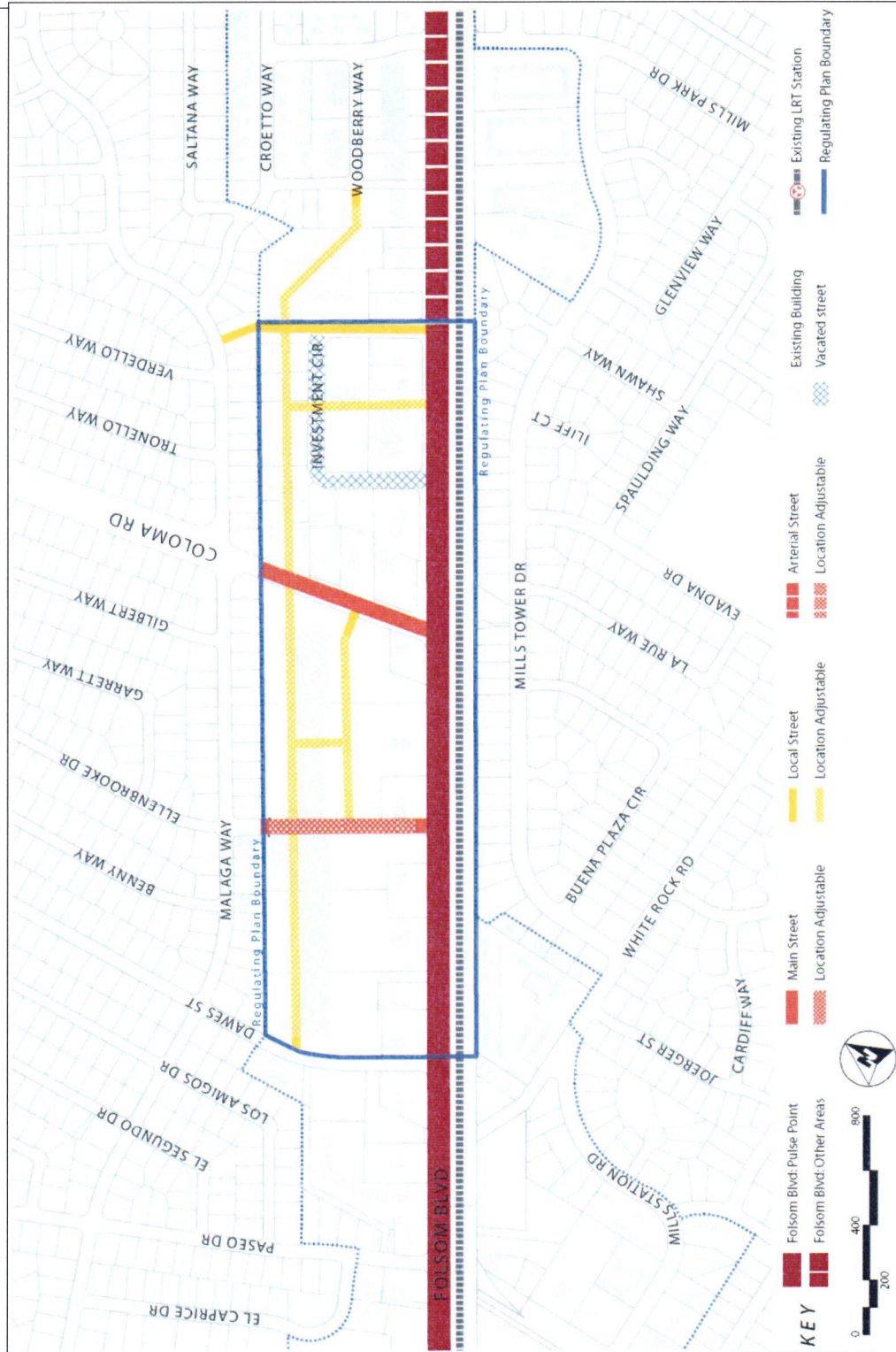
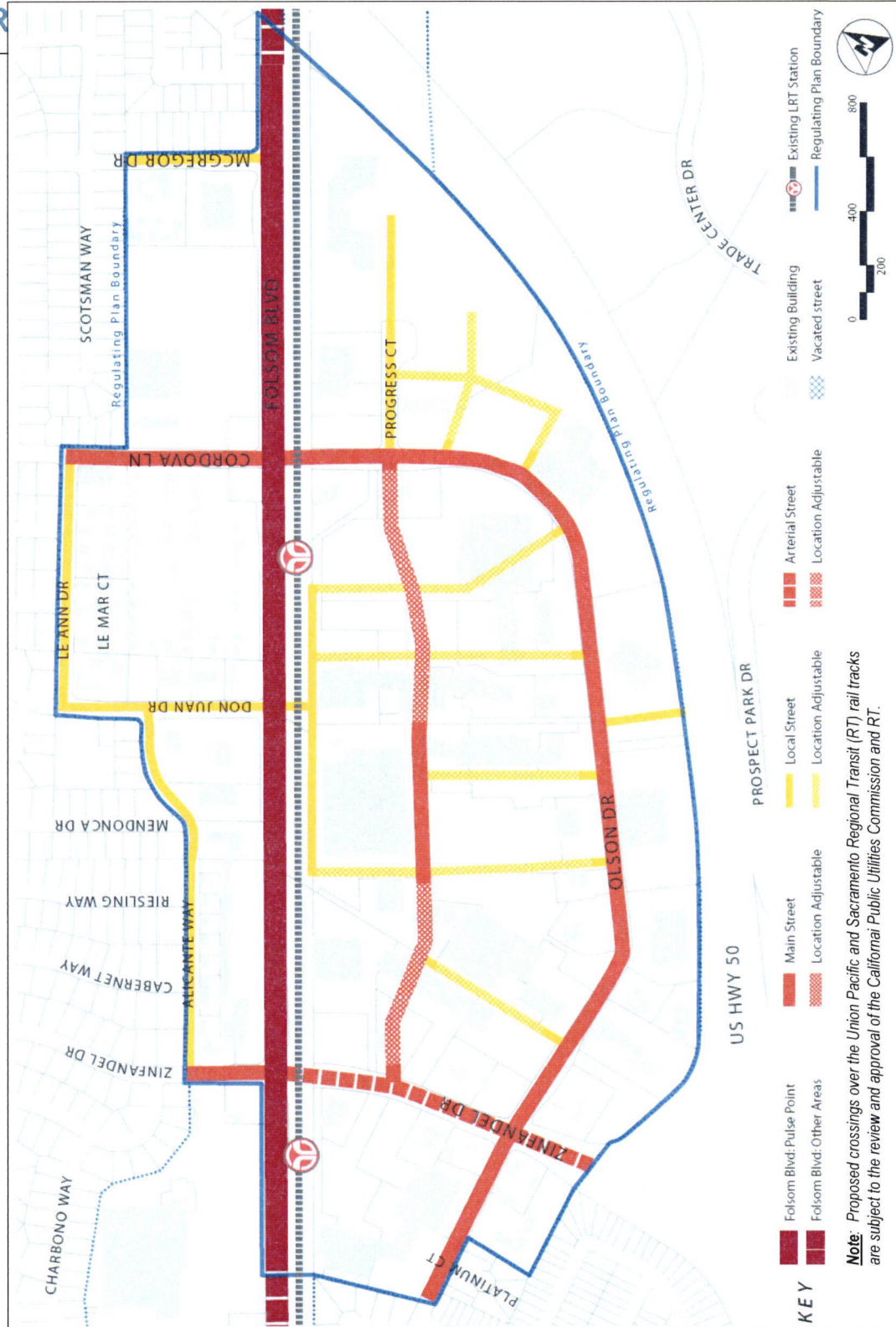
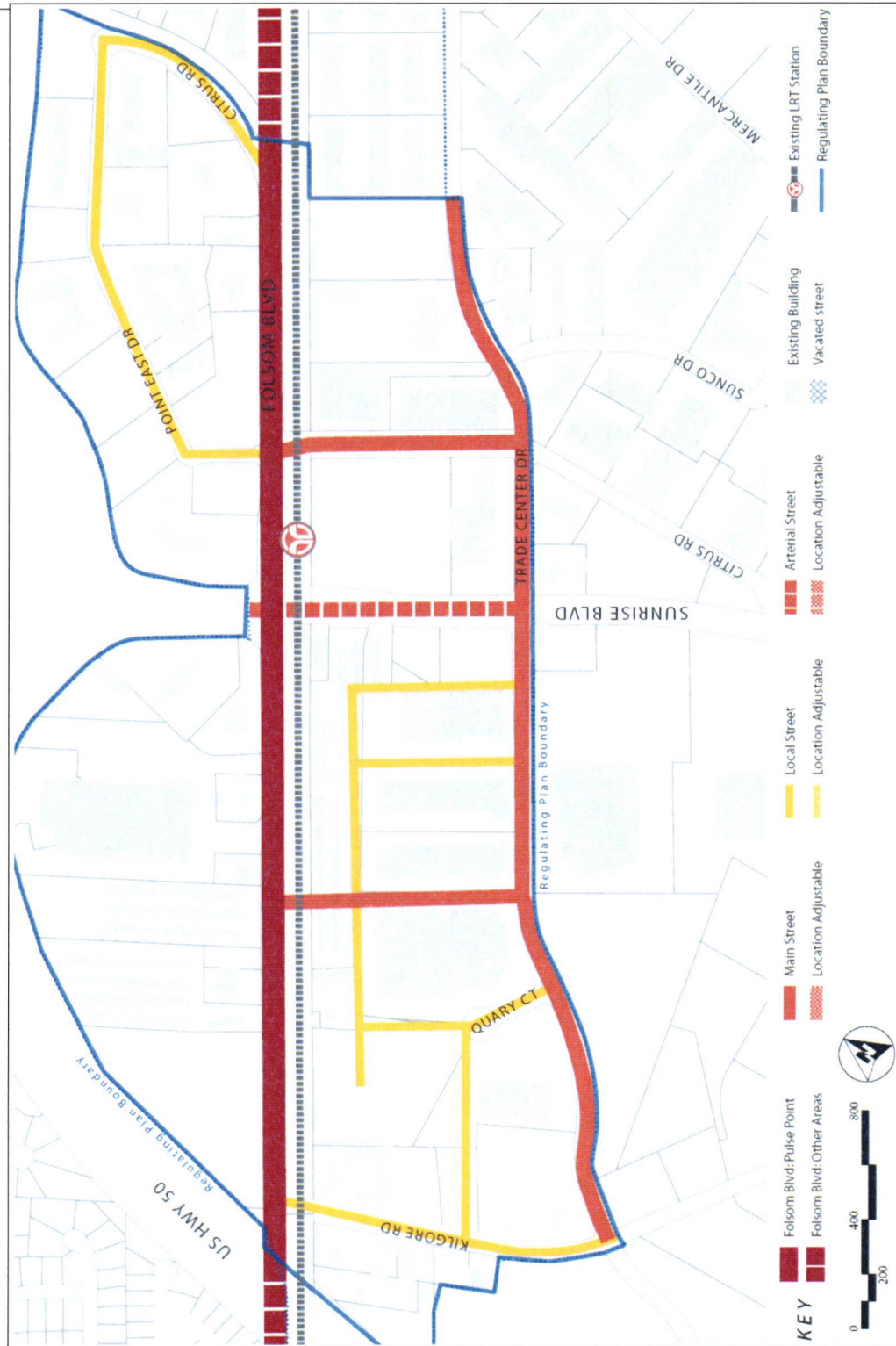


Figure IV-8 Enlarged Regulating Plan Zinfandel Pulse Point



PRIVATE REALM - LAND USE AND DEVELOPMENT STANDARDS

Figure IV-9 Enlarged Regulating Plan Sunrise Pulse Point



PRIVATE REALM - LAND USE AND DEVELOPMENT STANDARDS

Form Based Development Standards

The Form Based Development Standards are contained in Tables IV-3 through IV-7 below. All developments within the Pulse Point boundaries of the Plan Area will be subject to the requirements in Table IV-3: Form Based Development Standards, and Table IV-4: Development Standards by Frontage Type. Variations on these development standards occur for projects designated Transportation Corridor (T), and projects located within the Convention Overlay District of the Transit Oriented Development (TOD) Overlay District; these variations are expressed in Table IV-5, Table IV-6, and Table IV-7, respectively.

Table IV-3 Form Based Development Standards

Standard	Requirements by Street Frontage		
	Folsom Boulevard: Pulse Point/Main Street	Local Street	Folsom Boulevard/Arterial Street
Connectivity	Maximum block length/perimeter: 600'/2,000' Through block pedestrian connection: 350 ft minimum Cul de sacs prohibited	Maximum block length/perimeter: 400'/1,500' Through block pedestrian connection 200 ft minimum Cul de sacs prohibited	Maximum block length/perimeter: 660'/2,640' Through block pedestrian connection 350 ft minimum Cul de sacs prohibited
Density	Refer to density ranges of base or overlay district, as applicable.		
Lot Size	NA	1,200 sf minimum	NA
Setbacks			
Front	No minimum Maximum shall be no more than 10 ft. except forecourt frontage may be 20 ft	Minimum of 6 ft for dwelling	No minimum Maximum shall be no more than 10 ft. except forecourt frontage may be 20 ft
Side	No minimum required	Minimum of 5 ft	No minimum required
Rear	No minimum required, except when abutting Single Dwelling Residential Zone where minimum is 20 ft.	Minimum of 10 ft	No minimum required, except when abutting Single Dwelling Residential Zone where minimum is 20 ft.
Parking	NA	Minimum of 20 ft for garage or parking	NA
Lot Coverage	50% minimum	50% maximum	
Building Height	65 ft/ 4 stories maximum 20 ft minimum	45 ft/ 3 stories maximum	65 ft/ 4 stories maximum 20 ft maximum
Parking Standards	[Coordinate with Specific Area Plan]		

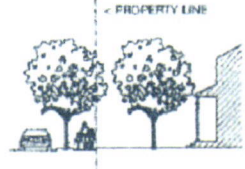
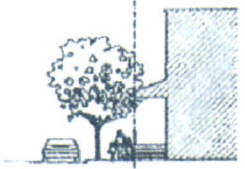
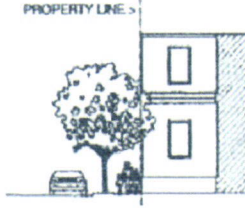
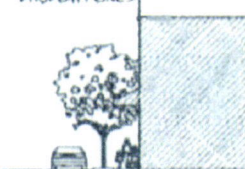
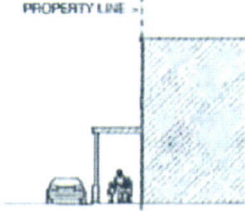
PRIVATE REALM - LAND USE AND DEVELOPMENT STANDARDS

Parking Lot Perimeter Treatment	All surface parking located between the building and the street must have a landscape buffer not less than five feet in width, consisting of groundcover, trees and shrubs measuring at least 3 feet high. A three foot high wall or planter may be substituted for shrubs. Groundcover and trees must still be provided.	All surface parking located between the building and the street must have a landscape buffer not less than seven feet in width, consisting of groundcover, trees and shrubs measuring at least 3 feet high. A three foot high wall or planter may be substituted for shrubs. Groundcover and trees must still be provided.	
Frontage Types (See Table IV-4)	▪ Stoop ▪ Forecourt ▪ Storefront ▪ Gallery	▪ Front yard & porch ▪ Stoop	▪ Stoop ▪ Forecourt ▪ Storefront ▪ Gallery
Minimum Building Frontage	80%	50%	30%
Street Level Fenestration	The wall area between two and ten feet above grade shall have at least 75% fenestration	The wall area between two and ten feet above grade shall have at least 50 percent fenestration	The wall area between two and ten feet above grade shall have at least 75 percent fenestration
Upper Level Fenestration	The wall area between three and eight feet as measured from that story's finished floor level shall have at least 25 percent fenestration	The wall area between three and eight feet as measured from that story's finished floor level shall have at least 25 percent fenestration	The wall area between three and eight feet as measured from that story's finished floor level shall have at least 25 percent fenestration.
Awnings, Canopies	Awnings, canopies, recesses or similar pedestrian shelters shall be provided along at least 60% of the building's ground floor level where the building abuts a sidewalk, plaza, pedestrian access way or outdoor seating area		

PRIVATE REALM - LAND USE AND DEVELOPMENT STANDARDS

Development Standards by Frontage Type

Table IV-4 Development Standards by Frontage Type

Frontage Types	
1. Front Yard and Porch. The building façade is set back from the property line (frontage line) as required by the applicable zone, with a front porch providing a covered entry. A fence or wall not more than 36 inches high may define the private space of the year. Porches shall be at least six feet deep and 12 feet wide and may be elevated no more than 36 inches above the surrounding grade.	
2. Stoop. The building façade is placed close to the property line with the ground floor either elevated a minimum of 24 inches (but no more than 36 inches) above the sidewalk, or the façade is up to 10 feet from the back of the sidewalk, with an optional low fence not more than 36 inches at the back of the sidewalk. This type is suitable for ground floor residential uses with minimal setbacks.	
3. Forecourt. Most of the building façade is at the property line with a portion of the façade set back. The resulting forecourt is suitable for gardens, restaurant seating, or an entry plaza. This type should be used sparingly and in conjunction with other Frontage Types, as an extensive setback deters pedestrians. Trees within Forecourts should be placed to have their canopies overhang the street's sidewalk. A low wall of fence no greater than 36 inches high may also be placed at the property line.	
4. Storefront. The building façade is placed at or close to the property line with the building entrance (which may be recessed) at sidewalk grade. This Frontage Type is intended for retail uses and is commonly equipped with an awning. An awning extending over the public sidewalk requires City approval. Transparent windows shall occupy at least 65% of the first floor wall area of each storefront.	
5. Gallery. A gallery is a storefront with an attached colonnade that projects over a sidewalk. This Frontage type is intended for retail use, but only when the sidewalk is fully covered by the arcade so that a pedestrian must walk under it. The City must approve any portion of the structure that extends into the public right of way.	

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Special Development Standards

Transportation Corridor (T) Zone Development Standards

Except as otherwise provided by state and federal law or as otherwise regulated by another governing body recognized by the state as having land use authority over the property, the following development standards are applicable to the T zone.

Table IV-5 Development Standards for Transportation Corridor (T) Zone

Development Standard		T
Setbacks		
Front		25 ft.
Street-side		25 ft.
Interior and Rear		10 ft.
Height Limit		
Primary Structures		45 ft.

Convention Overlay District Development Standards

To supplement the standards set forth in this chapter, the following development standards are applicable to property in the Convention Overlay District.

Table IV-6 Development Standards for the Convention Overlay District

Development Standard		Convention Overlay District
*See Tables IV-3 and IV-4 for all development standards except for height limit as listed below:		
Height Limit		
Primary Structures		No maximum ¹

1. While there is no height maximum, the regulations of the Federal Aviation Administration (FAA) limit the height of structures to between 150 and 350 feet based on location. See the Safety Element of the General Plan for more information. FAA approval is required for all structures over 150 feet in height.

Transit Oriented Development (TOD) Overlay Development Standards

The following development standards are applicable to projects within the TOD Overlays. These standards, along with other development standards (e.g., landscaping requirements, parking standards) in this Specific Plan and Citywide Design Guidelines, are intended to assist property owners and project designers in understanding the City's minimum requirements and expectations for high quality development. Where site development standards listed herein are in conflict with the site development standards in other land use categories of this Plan, these standards shall apply. The Designated Approving Authority will review development applications against these standards to determine compliance with applicable development regulations.

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Table IV-7 Development Standards for TOD Overlay Districts

Development Standard	TOD Overlay	
	Minimum	Maximum
Density¹	20.0 du/ac	80.0 du/ac
Floor Area Ratio²	0.50	3.0
Height	No minimum	No maximum ³

Notes:

1. The minimum and maximum density standards are only applicable to mixed use and integrated developments that include residential uses. Residential projects shall include a minimum of four units.
2. Includes residential uses and square footage. See Chapter IX-Glossary for a definition of Floor Area Ratio (FAR).
3. While there is no height maximum, the regulations of the Federal Aviation Administration (FAA) limit the height of structures to between 150 and 350 feet based on location. See the Safety Element of the General Plan for more information. FAA approval is required for all structures over 150 feet in height approval is required for all structures over 150 feet in height.

PARKING AND LOADING STANDARDS

Parking standards for vehicles and bicycles are provided in Chapter 23.719 of the Zoning Code.

~~provided in this section are unique to the FBSP and are intended to allow for more flexibility and to respond to unique parking needs of mixed-use development. The standards in this section apply to all FBSP base and overlay districts. Unless specifically provided in this section, the parking requirements in City's zoning code shall apply. Standards for off-street loading and unloading are provided in the Citywide Zoning Code.~~

Table IV-8 Vehicle and Bicycle Parking Standards for FBSP Zoning Districts

Land Use Type	Parking Ratios (Minimum)	
	Vehicular	Bicycle ¹
Residential Uses		
Single-family (attached or detached)	2 spaces / du	1 space/ du
Multi-family		
Studio/One bedroom	1.25 spaces/ du	1 space/ du
Two bedroom	1.5 spaces/ du	1.25 spaces/ du
Three or more bedroom	1.75 spaces/ du	1.50 spaces/ du
Visitor	0.25 spaces/ du	
Community Service Uses	Refer to Off-Street Parking in City Zoning Code	
Retail, Service, and Office Uses ²		
Accessory or related retail, service and office	See corresponding parking requirement	
Retail and service (general)	3.7 spaces/ 1000 sf	0.3 spaces / 1000 sf

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Land Use Type	Parking Ratios (Minimum)	
	Vehicular	Bicycle ¹
Bulky materials stores (e.g., home improvement, appliances)	2.0 spaces/1000 sf	0.2 spaces/ 1000 sf
Office	3.5 space/ 1000 sf	0.4 spaces/ 1000 sf
Motel	1.0 space/ room	0.1 spaces/ room
Equipment, nursery, lumber storage, rental or sales	1.0 space/ 1000 sf (site)	0.2 spaces/ 1000 sf (site)
Automotive and Vehicle Uses		
Service station with convenience store	3.7 spaces/ 1000 sf ³	0.2 spaces/ 1000 sf
Service/Repair	3.0 spaces/service bay	0.2 spaces/ 1000 sf
Auto/Vehicle retail sales/Rental	1.0 space/ 1000 sf (site)	0.2 spaces/ 1000 sf (site)
Industrial, Manufacturing & Processing Uses		
Industrial (general)	1.5 spaces/ 1000 sf	0.2 spaces / 1000 sf
Manufacturing	1.7 spaces/ 1000 sf	0.2 spaces/ 1000 sf
Warehousing/storage	0.5 spaces/ 1000 sf	0.1 spaces/ 1000 sf
Research and Development/Laboratories	3.0 spaces/ 1000 sf	0.3 spaces/ 1000 sf

Notes:

1. ~~a) Bicycle parking is not required if residential structures has access to an enclosed garage.~~
- ~~b) All required residential bicycle parking shall be covered and enclosed in a secure lockable area (e.g., individual bike locker, covered and gated enclosures, indoor bicycle room).~~
- ~~c) A minimum of 50% of all non-residential bicycle parking shall be covered and enclosed in a secure lockable area (e.g., individual bike locker, covered and gated enclosures, indoor bicycle room).~~
- ~~d) Exceptions to bike parking requirements may be permitted through the CUP or the Special Review of parking processes.~~
2. Maximum parking for retail, service, and office uses is 5 spaces/1000 square feet. Exceptions may be allowed for Special Review of Parking.
3. Parking adjacent to gas pumps shall not be used to satisfy this requirement.

Parking Reductions

- (a) ~~Parking reductions from the above standards may be permitted with a Special Review of Parking (under the parking requirements in the City's Zoning Code) and shall take into consideration the following factors:~~
- ~~(1) The combination of land uses results in varying peak parking demands.~~
 - ~~(2) Availability of on-street parking adjacent to the site or within walking distance.~~
 - ~~(3) Proximity of transit facility (bus lines or light rail stops).~~
 - ~~(4) Other special considerations that reduce parking demand.~~

~~(b) The following parking reductions are permitted, by right (without a Special Review of Parking):~~

- ~~(1) Each on-street parking space immediately adjacent to the site may be used towards satisfying commercial parking requirements.~~
- ~~(2) Visitor parking is not required for residential projects integrated with commercial or office projects.~~
- ~~(3) The proximity of transit facility allow one the following parking reductions:~~
 - ~~(aa) Ten percent reduction for bus stop adjacency;~~
 - ~~(bb) Twenty percent reduction for light rail stop adjacency; and~~
 - ~~(cc) Ten percent reduction for project within one quarter-mile of light rail stop.~~

E. NONCONFORMING USES AND STRUCTURES

[Note: This section has been moved from Chapter VIII to this Chapter, which is more appropriate location and will be easier for code users to find. The time period extension from six months to eighteen months and other changes to this section adopted by the Council earlier this year are intact]

Purpose and Applicability

This article establishes special regulations for nonconforming land uses and structures that were lawful before the adoption or amendment of this Specific Plan, but which would be prohibited, regulated, or restricted differently under the current terms of this Specific Plan or future amendments. It is the intent of these regulations to allow the continuation of nonconformities under limited conditions outlined herein or due to reconstruction in the event of natural disaster and the potential expansion of nonconformities on a case-by-case basis where specific findings can be made.

These nonconforming regulations apply only ~~to the mixed-use zoning districts~~ within the Folsom Boulevard Specific Plan Area.

Continuation, Reoccupancy and Maintenance of Nonconforming Uses and Structures

- (a) A nonconforming use may continue to operate in perpetuity, be transferred, or be sold, provided that the use shall not be enlarged or intensified nor be expanded to occupy a greater area than it lawfully occupied before becoming nonconforming, except as provided in Nonconforming Use Permit Procedures below. Likewise, plans for any use approved as of the date this chapter becomes effective may be carried out as approved. Any extension of such approval, for which the applicant was entitled to apply as of the effective date, may be granted according to the regulations in effect prior to the effective date; if granted, such extension will be considered the same as an approval granted before the effective date.

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(b) A nonconforming structure may be maintained or improved as follows:

- (1) Maintenance and repair. A nonconforming structure may be maintained and repaired.
- (2) Seismic retrofitting and Building Code compliance. Repairs, alterations or reconstruction to reinforce un-reinforced masonry structures or to comply with Building Code requirements shall be allowed, provided that the work is exclusively to comply with applicable earthquake safety standards and the Building Code.
- (3) Structural alteration of a nonconforming structure to improve safety or to reduce fire hazard.

Modification and Expansion of Nonconforming Uses and Structures

A nonconforming use or structure may, subject to the provisions of the Nonconforming Use Permit section, be modified or expanded as follows:

- (a) Structural modification. Addition, enlargement, extension, or relocation of a nonconforming structure may be allowed if the changes to the structure conform to applicable provisions of this Specific Plan. Such modifications may not expand the extent of the nonconforming aspect of the structure or result in any new nonconforming conditions for the subject property.
- (b) Expansion of use. Expansion or modification of a nonconforming use may be allowed subject to the Nonconforming Use Permit Procedures section.
- (c) Exterior improvements or expansion of structures may also require design review approval in keeping with the City's Zoning Code.

Destruction and Replacement of Nonconforming Uses and Structures

If a nonconforming structure, or a conforming structure occupied by a nonconforming use, is involuntarily damaged or destroyed, the structure may be repaired or rebuilt and reoccupied in the same manner in which it originally existed if the restoration is started within one year of the date of the damage and is diligently pursued to completion.

Loss of Nonconforming Status

If a nonconforming use is discontinued for a continuous period of eighteen months or more, rights to nonconforming status shall terminate. The Planning Director shall base determination of discontinuance on evidence including the removal of equipment, furniture, machinery, structures, or other components of the nonconforming use, disconnected or discontinued utilities, or no business records to document continued operation. Maintenance of a valid business license shall of itself not be considered a continuation of the use. Without further action by the City, any subsequent use of the site or structure shall comply with all of the regulations of the applicable district and all other applicable provisions of this Specific Plan and relevant sections of the Zoning Code.

Extension of Non-Conforming Use Status

A property owner may request of the Planning Director, an additional 6 months extension to the 18 month nonconforming use time period. Such a request must be supported by any of the following:

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- (a) Evidence of active marketing the tenant space accompanied with regular maintenance of the property in a manner that supports such marketing efforts.
- (b) A signed lease agreement and anticipated occupancy within the extension period.
- (c) Issuance of a valid building permit for interior or exterior remodel and anticipated occupancy within the extension period.

Nonconforming Use Permit Procedures

- (a) Permit requirements. A Nonconforming Use Permit is required for the expansion or modification of existing nonconforming structures or uses as identified in the Allowed Uses Section. The intent of this permit is to allow for individual review of requests to expand or modify a nonconforming use in a manner that ensures compatibility with surrounding areas and uses.
- (b) Approving authority. The City Council shall be the final decision-making body for all Nonconforming Use Permits. The Planning Commission shall hear and provide a recommendation to the City Council for action on each Nonconforming Use Permit.
- (c) Required findings. A Nonconforming Use Permit shall be granted only when the designated approving authority determines that the proposed use or activity complies with all of the following findings.
 - (1) The establishment, maintenance, or operation of the use expansion applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the City.
 - (2) The benefit to the public health, safety, or welfare exceeds the detriment inherent in the expansion of nonconformity.
 - (3) The modified or expanded nonconforming structure or use would not be incompatible with reasonably foreseeable uses as allowed under the applicable zoning regulations.
 - (4) The modified or expanded nonconforming structure or use would be consistent with the General Plan.
- (d) Conditions/Guarantees. The designated approving authority may impose conditions and/or require guarantees for the Nonconforming Use Permit to ensure compliance with this section and other applicable provisions of this title and to prevent adverse or detrimental impact to surrounding neighborhoods.

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CHAPTER VIII PLAN IMPLEMENTATION

The successful implementation of this Specific Plan is critical to the future of Folsom Boulevard. With a lifespan of 20 years and beyond, this Plan should be used as a guide for immediate, short-term, and long-term steps towards the Boulevard's revitalization.

Due to the nature of changing economic conditions and trends, it may be necessary for the City to revisit and reprioritize this Specific Plan's implementation steps. The tools and administrative procedures in this implementation plan should be considerate of market shifts and development conditions and should be used at the discretion of the plan's administrators to be flexible or rigid so as to accommodate new development and facilitate the Boulevard's revitalization and journey toward the vision's realization.

A. ECONOMIC CONDITIONS INFLUENCING DEVELOPMENT POTENTIALS IN PLAN AREA

An effective Specific Plan needs to be based on a realistic understanding of the market and demographic conditions affecting the Plan area. Simply changing zoning on a map will not attract development unless there is an underlying market demand for a particular land use. On the other hand, if there is immediate demand for a desirable land use that is not permitted under existing regulations, a change in zoning can bring about very significant results. Moreover, appropriate zoning changes can be made more effective if coupled with regulations that address other potential barriers to development (e.g., onerous parking requirements).

The following is a summary of key existing conditions that will influence the realistic range of future development opportunities in the Specific Plan Area:

- The planning area is nearly "built out," with few vacant parcels. Accordingly, efforts will focus on the promotion of new infill development, the redevelopment of underutilized properties, and the revitalization of existing development.
- Much of the corridor is currently lined with aging, underutilized automobile-oriented strip retail centers. To better meet the current demand, a significant portion of the retail space should be converted to other uses. The Folsom Boulevard Development Strategy (see Appendix C) supports maintaining the existing retail development in and around the pulse point locations, while redeveloping the remaining retail centers along Folsom Boulevard with a combination of residential and office development.

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- Prevailing property values in the Plan area reflect the fact that most parcels are already developed with existing uses, with some of these uses more viable than others. This condition will tend to limit the financial feasibility of redeveloping these parcels with lower-density land uses. For most properties, new development will need to be relatively high density in order to justify the costs associated with buying and clearing land that is currently occupied with other income-generating uses. While there may be some currently underutilized sites that are exceptions to this finding, it applies as a good rule of thumb for defining the types of opportunities that are likely to exist for most parcels.
- It is anticipated that new residential development in the Plan Area will create the demand for several additional neighborhood-serving retail centers and one new community retail center. The Folsom Boulevard Development Strategy supports locating these centers within the pulse points.
- The demand does not currently exist to develop a regional retail center within the Plan Area. Given the corridor's location within the region and immediate access and good visibility from Highway 50, the opportunity to develop such a center may arise in the future. The Detailed Market Feasibility Study completed for this planning process (see Appendix C) indicates that there is realistic potential to achieve this goal.
- A major direction of the Plan should also focus on streetscape urban furnishings and beautification of the public realm.
- The relative abundance of public and private parking can be effectively positioned as an incentive to development in the Plan area.

B. TYPES OF NEW DEVELOPMENT LIKELY TO BE ECONOMICALLY VIABLE

The Market Feasibility Study (Appendix C) and the City's economic development staff identify the following types of development as economically viable during the next two decades.

- The construction of several thousand single-family and multi-family residences in neighborhoods adjacent to the corridor, within the pulse points, and on redeveloped areas along Folsom Boulevard.
- Projected residential growth should create the demand for additional retail development. It is anticipated that the Plan Area will be able to support three or four new neighborhood retail centers and one or two community-serving centers. In all instances, the pulse points have been identified as the preferred locations for these centers. Efforts should be made to locate one of the new community retail centers within the Zinfandel pulse point.
- It is possible that the market will eventually support the development of a regional retail center. One location could be within the Sunrise pulse point, where retailers will enjoy the best proximity and visual access to Highway 50.
- Regional demand for the corridor's home materials businesses should continue to grow. The expansion of this specialized kind of retail space should occur adjacent to existing development within the Sunrise pulse point.

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- The development of at least one million square feet of office space throughout the Plan Area.

C. SUMMARY OF DEMAND PROJECTS

DEVELOPMENT “WISH LIST”:

The following list of projects represents priority demand projects which have been identified by the City for Folsom Boulevard’s future desired development. City staff will make the determination whether or not a project falls within the “Wish List” below.

Projects bringing to Rancho Cordova:

- A significant amount of generated sales tax revenue and or jobs.
- Innovative development proposals for key catalyst sites (as identified in the redevelopment plan); and/or
- The following land uses:
 - Movie theatre
 - Hotels
 - Bowling alley
 - Community college
 - Transit Oriented Development adjacent to LRT station
 - Mixed-Income Housing
 - High-end specialty retail
 - High-quality eating establishments
 - Hospital
 - Catalyst Innovative concept, good design, green architecture, destination – landmark, sense of place
 - Vertical commercial mixed-use development, including appropriate ground floor retail development
 - In pulse points and other appropriate locations, include space in redeveloped projects to replace existing retail development
 - Retail supporting business community

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- Entertainment uses
- Zinfandel pulse point - Civic Center and Town Center development
- Sunrise pulse point – convention vs. retail development
- Convention center (within convention district)
- Any other use that strongly contributes to the Vision for Folsom Boulevard

In addition to the above list of the City's desired priority development projects, the table below provides a summary of projected demand for each of the evaluated land uses, as outlined in Appendix B, Residential, Retail and Office Growth Projections Memorandum by BAE.

**Table VIII-1
Summary of Development Potentials 2005-2050**

Land Use	FBSP Area Demand for New Development			
	2005-2010	2011-2025	2026-2050	Total
Residential				
Single-family (units)	561	2,142	225	2,928
Multi-family (units)	433	2,384	1,163	3,980
Total (units)	994	4,526	1,388	6,908
Retail				
Neighborhood Centers (square feet)	19,512	87,514	24,372	131,398
Community Centers (square feet)	16,823	75,452	21,016	113,291
Regional Centers (square feet)	21,148	94,852	26,417	142,417
Specialty Centers (square feet)	875	3,922	1,093	5,890
Total (excluding auto) (square feet)	58,358	261,743	72,895	392,996
Office				
Scenario 1: Folsom Boulevard TAZs – SACOG Blueprint Baseline (sq ft)	547,722	2,364,112	1,564,224	4,476,058
Scenario 2: Folsom Boulevard TAZs – Constant 2005 Share of Growth (sq ft)	381,105	621,382	1,814,015	2,816,502

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D. POTENTIAL DEVELOPMENT INCENTIVES

Table VIII-2 summarizes the potential development incentives program. The table is organized in terms of the following categories of incentives:

- Fee/tax reductions.
- Other direct financial assistance to developers and businesses.
- Entitlement incentives.
- Other incentives.

**Table VIII-2
Summary of Potential Development Incentives**

Item	Description	Recommended Actions	Funding Source
FEE/TAX REDUCTIONS			
Plan Check Fees (phased over life of SP)	Although the City's plan check fees are already modest for most projects, waiving them for the priority pulse points (1. Mather/Mills, 2. Zinfandel, and 3. Coloma) would send an important message to the development community of the City's commitment to attracting desired development to the key areas in the Specific Planning Area.	• Defer plan check fees for all Plan Area projects submitted for review. Recommended deferral is approx 5 years	(This would not be an "out-of-pocket" cost, but a de facto cost of forgone revenue.)
Development Impact Fees	As a means of improving the Boulevard's economic attractiveness (compared to other parts of the City which might otherwise be more attractive to the development community), the City could revise its "Growth Mitigation Fee" schedule to provide lower fees in the Plan area. In order to be consistent with AB 1600 requirements, these fee differentials would need to be defensible on the basis that Downtown development creates less demand for new infrastructure given the availability of existing infrastructure capacity in the Downtown.	• As part of the upcoming study to review and update the City's schedule of impact fees, evaluate the feasibility of adopting different fees for different geographic sub-areas of the City (e.g., the Downtown). Whereas it conceptually makes sense that impacts are lower (and therefore fees should be lower) in the Downtown, this premise would need to be tested as part of the formal study process.	If structured properly (i.e., fees reflect actual impacts in different parts of the City), this program would have no net cost to the City.

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OTHER DIRECT FINANCIAL ASSISTANCE			
Façade Improvement Reimbursement/Loan Program	This program should be available to neighborhood-serving businesses along Folsom Boulevard. The program should provide for 50% reimbursement of the costs of building façade improvements. The loans cannot be used for the applicant's 50% match on the reimbursement part of the program.	- Aggressively promote this program as part of the Main Street marketing process for the Specific Plan Area - Based on initial demand (e.g., during the first 2-3 years of Plan implementation), consider expanding the funding scope of the program.	CDBG funds, TIF Funds
Developer Assistance Program	A developer assistance program for non-residential buildings, particularly those along key Project Area corridors, would help private property owners complete rehabilitation projects that alleviate blight and enhance building safety and appearances. Common projects may include bringing nonconforming buildings up to code, replacing deteriorating windows or even roofs, refinishing or repainting exterior walls, or even landscaping.	Establish a developer assistance program offering low-interest loans ranging from \$20,000 to \$150,000, depending on the scope and size of the project and the amount of funding available	RDA and/or other city funds
Revolving Loan Program	The City should develop specific program guidelines for this proposed revolving loan program. The City should commit approximately \$1,000,000 to the fund. The program will initially be CDBG-funded, and borrowers are therefore subject to "prevailing wage" requirements. This loan must be used for non-residential projects only.	- During the first 2 years of the program, earmark 25% of this fund for projects in the Mather/Mills, Zinfandel and Coloma pulse points - Focus on large, high-impact projects (loans of \$50,000 or greater with a 50% matching requirement), - After the first 2 years, reevaluate the program guidelines with respect to both the priority pulse points's earmarked share of the fund and the targeted project size. - After the first 2 years the City should explore alternative program funding sources	RDA funds and/or other City revenues

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ENTITLEMENT INCENTIVES			
Expedited Plan Checks	This incentive will provide certainty of the City-controlled review process, and provide priority processing. Project applications will be expedited as there is no triggered EIR if the project falls within the requirements of the Specific Plan.		No cost associated with this item (cost recovery)
City sponsored Environmental Review	The City may undertake environmental review for projects at their discretion in order to assist in expediting the development process.		RDA Funds
Streamlined Entitlement and Environmental Documentation	The intent of this incentive is to remove – to the maximum degree possible – the need for discretionary approvals for projects that fall within the “envelope” of development established by the Specific Plan. In many communities, this is achieved through a “Program” or “Master” EIR, which essentially serves as an environmental pre-clearance document for all future projects that are consistent with the Specific Plan land uses. In Rancho Cordova’s case, the need for environmental documentation in the Specific Plan Area is already likely to be minimal. Therefore a Program EIR may be unnecessary.	- Investigate the various administrative options for minimizing the need for CEQA documentation for future projects proposed within the Specific Plan Area. - As appropriate (based on the above investigations), prepare a Program EIR for the Plan area.	No cost associated with this item
Parking Incentives	The City should explore a program for lowering the required parking ratios for new development in the Specific Plan Area for transit-oriented developments, thereby substantially reducing the costs of development and giving the Boulevard’s transit-oriented atmosphere an “edge” relative to other parts of the City where parking requirements are higher.	- Complete detailed parking study to determine feasibility of lowering parking ratios for the Downtown overall Boulevard’s pulse points. - To ensure that the lowered requirements do not result in a long-term parking shortage, establish development “ceilings” (near pulse points) at which higher parking ratios (and/or alternative means of funding construction of additional public parking) would be triggered.	No net cost to City, since incentive is based on an existing asset – surplus parking

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ENTITLEMENT INCENTIVES (continued)

Density Transfer (Density Bank)	The density transfer system creates a method for tracking the "under-build" of projects along the corridor and allow the "un-used" residential capacity on other parcels where needed to build quality projects. For more information on this tool, refer to Section D, Development Capacity and Density Transfer/Bonus, of this chapter.	Planning department to manage Density Bank Log as provided in Appendix E of this document.	No net cost to City
Height and Setback Incentives	Within an area such as Folsom Boulevard that is largely built out with existing uses, land values tend to be relatively high. As a consequence, increased densities are often necessary to make new development (or redevelopment of existing uses) financially feasible. In addition to increasing allowable densities, zoning should allow the flexibility to develop desired land uses for which the future market is uncertain (e.g., live/work space).		No net cost to City

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OTHER INCENTIVES			
Create a City Ombudsperson Position for Development	This individual will have primary responsibility for seeing "foundational" action items accomplished. The ombudsperson will manage interdepartmental coordination and project selection as well as the effort to streamline the entitlement and infrastructure provision processes. This individual will also generate and guide key projects by: • Attracting catalyst projects to specific sites, • Evaluating new opportunities as they arise, • Interfacing with developers on project design and components, • Coordinating appropriate public support, • Shepherding developments through the entitlement and development process, and • Seeing projects through to fruition in line with City and Agency goals.	• City to fund position. • Economic Development, Planning, and Building Departments to jointly select this specialized candidate	Cost recovery
3-Tiered Marketing Program	The marketing effort for the Specific Plan Area should include three distinct components: Promoting the Downtown District as a place to shop (i.e., marketing to consumers through advertising, special events, etc.). Promoting the pulse points to specific retail tenants (i.e., tenant recruitment). "Branding" the pulse points as places to live, work, shop, and recreate.	• Chamber of Commerce and/or Economic Development Department may be involved or partner on this effort to promote the Downtown to the general public and the Development Community as a place to invest and gather.	RDA or Business Improvement District (BID) – refer to Section H – Potential Funding Mechanisms in this Chapter.
Area-Wide Infrastructure/Amenity Investments	Area-wide infrastructure and "amenity" (streetscape) investments will serve to "set the table" creating an upgraded urban environment to encourage new private investment.	• (See Chapter VI. Public Realm - Mobility and VII. Public Realm – Gateways and Streetscaping of the Plan)	RDA, other CIP funding sources

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OTHER INCENTIVES (continued)			
Project-Specific Infrastructure Assistance	In addition to area-wide infrastructure improvements, there may be specific development projects for which it is advantageous for the City to provide financial assistance for the development of on- or off-site or project-specific infrastructure. This type of assistance is typically negotiated on a case-by-case basis (reflecting the specific public benefits that can justify the public investment) and subject to a development agreement.	• Ensure that guidelines for revolving loan fund are flexible enough to allow for funding of infrastructure related to key "catalyst" projects.	RDA funds
City-Owned Opportunity Sites	Site assembly – the process of making sizeable development sites available to private developers – is often an important municipal tool in a redevelopment process. In many cases, this is accomplished through land acquisition utilizing a redevelopment agency's powers of eminent domain. In the case of Rancho Cordova, this type of land acquisition process is unlikely given a) the limited availability of discretionary redevelopment funding and b) the likelihood of that community support for the use of eminent domain will be very limited. Notwithstanding the above, the City and Redevelopment Agency should develop an existing inventory of property/facilities in the Plan area. To the extent that these facilities could be consolidated and/or relocated, these sites could potentially be marketed as development opportunities.	• Compile inventory of existing City-owned sites in the Plan Area, noting location, acreage and existing use. • Prioritize sites in terms of size, location, and feasibility of relocating existing uses. • Market selected site(s) via a developer request for qualifications/proposals process	No net cost to City, assuming sites are sold at market value and that existing City uses could be relocated in a cost-effective manner

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E. IMPLEMENTATION ACTION PLAN

The vision and goals presented in the Folsom Boulevard Specific Plan are supported by the Implementation Action Plan in Table VIII-3. The Action Plan provides a summary of Specific Plan recommendations and is presented in a table format providing a clear listing of the major programs, projects, and actions needed for implementation. The table also identifies the responsible agency or party, potential funding sources associated with each action (if warranted), and suggested timing of the actions. The table is organized to discuss regulatory actions, programs, and improvement projects for the entire Plan Area with specific direction for each pulse point.

**Table VIII-3
Implementation Action Plan Tables**

LEGEND
Responsibility:
B = Building, BID = Business Improvement District, ED = Economic Development, P = Planning, PR = Parks & Recreation, PU = Public Utilities, PW = Public Works, RDA = Redevelopment Agency
Funding:
CDBG = Community Development Block Grant, CIP = Capital Improvement Program, PU = Public Utility, TI = Tax Increment

**Table VIII-3a
Short Range (1-5 years) Implementation Action Plan**

ACTION	Responsibility		Funding Sources
	Lead	Support	
REGULATORY ACTIONS			
Adoption of Specific Plan	P		N/A
Review and adoption of recommended incentives	P		N/A
Creation of policy requiring reciprocal access agreements between parcels	P/PW		N/A
IMPROVEMENT PROJECTS			
Install Folsom Boulevard gateway monuments	P	PW	CIP
Develop and implement wayfinding system and comprehensive signage program	P	PW	CIP
Finalize Mather/Folsom Boulevard Streetscape Master Plan	P	PW/PR	CIP or TI Funds
Public plaza @ Mather/Mill Station pulse points	P	PR/PW	CIP
Project Specific Infrastructure Assistance	ED	PW	TI Funds
PROGRAMS			
Undertake priority neighborhood improvement projects	ED	P	CIP, CDBG, public-private partnerships, TI Funds

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ACTION	Responsibility		Funding Sources
	Lead	Support	
Develop a "Virtual Front Counter" Web page on the City's Planning and/or Economic Development Department Web page	P	ED	Time & Materials
Build neighborhood Associations to help improve socio-economics of neighborhoods adjacent to the Plan area	ED	P	City Funds/ Public-Private Partnerships
Create a Folsom Boulevard "brand", logo, or visual theme for integration into wayfinding program	ED	BID	BID
Create and fund a central business improvement organization	ED	P	TI Fund/BID
Partner with private non-profit organizations (i.e., National Neighborhood Coalition) for neighborhood revitalization	ED	P	N/A
Create a Folsom Boulevard beautification awards recognition program	ED	BID	BID
Prepare a comprehensive parking study for the pulse points and Convention Center District	P	ED	RDA/City Funds
Update Rancho Cordova Bike Plan	P	PW	City Funds
Façade Improvement Program	ED		CDBG/TI Funds
Expedited Plan Checks	P		Cost Recovery
Streamlined and Entitlement and Environmental Documentation	P		Cost Recovery
Density Transfers	P	ED	N/A
Height and Setback Incentives	P		N/A
Create Ombudsperson Program	ED	P/PW/B	Cost Recovery
City-Owned Opportunity Sites	ED		TI Funds

Table VIII-3b
Mid Range (5-10 years) Implementation Action Plan

ACTION	Responsibility		Funding Sources
	Lead	Support	
IMPROVEMENT PROJECTS			
Develop a Streetscape Master Plan for Sunrise, Zinfandel, and Coloma	P	PW/PR	CIP
Underground utilities per Mather/Folsom Boulevard Streetscape MP	PW		CIP or PU
Study and implement parking structure @ Mills Station pulse point	PW		CIP or TI Funds
Public space @ Coloma pulse point	P	PR/PW	CIP
DOWNTOWN IMPROVEMENT PROJECTS			
Relocate City Hall to the Zinfandel pulse point (bounded by Zinfandel and Olson)	P	ED	City Funds
Downtown Plaza or “public square” @ Zinfandel pulse point	P	PR/PW	CIP
Install Downtown gateway monuments	P	PW	CIP

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ACTION	Responsibility		Funding Sources
	Lead	Support	
PROGRAMS			
Create a Folsom Boulevard or Downtown Rancho Cordova “events program” for community events	ED	BID	BID/TI Funds
Develop and implement art in public places program	P	PR	CIP
Downtown PR campaign: newsletters, Web site, promo	ED	BID	TI Funds
Plan Check Fee Deferrals	B/P		Cost Recovery
Developer Assistance Program	ED		TI Funds
Revolving Loan Program	ED		TI Funds
City Sponsored Environmental Review	P	ED	City Funds/ TI Funds
Parking Incentives	P		N/A
DOWNTOWN PROGRAMS			
Create a Downtown Rancho Cordova “events program” for community events	ED	BID	City Funds
Prepare a comprehensive parking study for the Downtown District	P	ED	TI Funds, BID
Study and implement new Downtown “trolley”	PW		TI Funds, BID
Create Downtown Rancho Cordova logo	P		City Funds

Table VIII-3b
Long Range (10-20+ years) Implementation Action Plan

ACTION	Responsibility		Funding Sources
	Lead	Support	
IMPROVEMENT PROJECTS			
Public spaces @ Sunrise and Routier pulse points	P	PR/PW	CIP
DOWNTOWN IMPROVEMENT PROJECTS			
Implement promenade concept improvements	PW		CIP/Grant
Study and implement Downtown parking structure @ Zinfandel pulse point	PW		CIP/TI Funds
PROGRAMS			
Implement a local main street program (private non-profit organization)	ED	P	TI Funds

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F. POTENTIAL FUNDING MECHANISMS

Several major categories of funding mechanisms are potentially applicable to the Plan area:

**Table VIII-4
Potential Funding Mechanisms**

Source	Type	Description	Can be used for:
City/Local			
General Fund allocations		Revenue collected from various general fund sources	Any city expenditure need
Capital Improvement Funds		Funding allocations through the City's annual Capital Improvement Plan (CIP) process	Major infrastructure improvements in the Plan area
Fees/City Revenue			
Impact fees		Development Impact Fees per the provisions of AB 1600	Capital infrastructure improvements for items specified in the program
User fees		Development-related fees collected to offset the cost of entitlement processing	Cost recovery of city entitlement processing
Developer agreements		Agreement between City and developer describing the improvements and funding sources available to finance improvements	Typically used in conjunction with other financing programs such as redevelopment tax increment financing, CFDs, or assessment districts
Cost Reimbursement District (Subdivision Map Act)		Allows the developer to recoup costs of installing infrastructure with capacity to serve areas beyond the boundaries of the initial development	Major infrastructure improvements; requires the initial installation of the improvement by a developer who then receives cost reimbursement from future developers as they utilize the improvements
Quimby fees		In-lieu fees payable to acquire parkland	Parkland and open space acquisition
Art in public places		In-lieu fee payable to acquire art placed in or on public places	Public art for display in or on public places
Tax increment		Incremental property tax revenues above a base level that is available to redevelopment agencies	Infrastructure financing for capital public improvements within the redevelopment area boundary; projects are guided by the redevelopment plan
Measure "A" local transportation sales tax		One-half cent local sales tax in Sacramento County to pay for transportation-related improvements; tax is extended through year 2039	Projects or funding program must be in the sales tax expenditure plan passed by voters

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Source	Type	Description	Can be used for:
Grants			
SACOG		SAFETEA-LU funding, including Congestion Mitigation and Air Quality (CMAQ), Regional Surface Transportation Program (RSTP), Transportation Enhancements (TE) and Federal Transit Administration (FTA) funds	Road and transit-related projects programmed in SACOG planning documents
Caltrans		Safe Route to Schools (SRTS) and Bicycle Transportation Account (BTA) funds	SRTS funds are used for infrastructure projects that substantially improve the ability of students to walk and bicycle to school; BTA funds are eligible for projects contained in an approved local Bicycle Transportation Plan
Special Districts			
Community Facilities District (Mello-Roos)		Financing district established by the public agency to provide revenue for infrastructure bonds or annual maintenance	Infrastructure financing for public improvements with a useful life of 5 years or more and annual maintenance of parks, open space, storm drainage improvements, or services such as police or fire
1913 Act Assessment District		Financing district established by the public agency to provide revenue for infrastructure bonds or loans	Allows the financing of bonds to fund typical capital infrastructure improvements such as roads, bridges, and water and sewer improvements
1982 Act Benefit Assessment District		Financing district established by the public agency to provide revenue for annual maintenance	Provides a revenue stream to annually maintain street and storm drain improvements
Lighting and Landscaping District		Financing district established by the public agency to provide revenue for annual maintenance	Provides a revenue stream to annually maintain parks, open space, and street lighting
Business Improvement District (BID)		Formed by property or business owners to generate revenue for projects that benefit the formed district	Fund various improvements and activities within the Plan area (or selected districts)
Private			
Foundation and corporate sponsorships.		Private funds raised for a specific use	Any public or private infrastructure that has willing sponsor

The BID tool is further described below.

Business Improvement District. A Business Improvement District (BID) or Property and Business Improvement District (PBID) is a mechanism for assessing and collecting fees that can be used to fund various improvements and programs within the district. The range of activities that can potentially be funded through PBIDs/BIDs is broad and includes parking improvements, sidewalk cleaning, streetscape

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maintenance, streetscape improvements (i.e., furniture, lighting, planting, etc.), promotional events, marketing and advertising, security patrols, public art, trash collection, landscaping, and other functions.

Within the Specific Plan Area, the following activities would be ideally suited for BID funding:

- Marketing activities (including planning, media/ banner development, special events organization, and ongoing advertising);
- Landscape and streetscape improvements; and
- Parking improvements (see additional discussion below).

There are several legal forms of BIDs authorized by California law. The most common are districts formed under the Parking and Business Improvement Act of 1989. Business Improvement Areas (BIAs) formed under the 1989 law impose a fee on the business licenses of the businesses (rather than the property owners) operating in the area. The collected funds are used to pay for the improvements and activities specified in the formation documents.

A similar assessment procedure was authorized by the Property and Business Improvement District (PBID) Law of 1994. The distinction is that the PBID makes the assessment on the real property and not on the business itself.

While it was beyond the scope of the initial Specific Plan effort to conduct a feasibility study for the formation of a BIA or PBID, it is recommended that this step be pursued during the initial stages of Plan implementation. Generally speaking, the BID format works well for marketing and other programmatic activities that serve to directly benefit area businesses (i.e., tenants), whereas a PBID may be more appropriate for permanent physical improvements that stand to improve property values in the area. It should also be noted that given the size and diversity of the Plan area, it may be appropriate for separate BIDs or PBIDs to be formed for different districts in the Plan area. In this way, the collected funding could be more specifically targeted to the unique improvement and programmatic needs of each district.

~~G. NONCONFORMING USES AND STRUCTURES~~

~~Review authority for development under the FBSP, as identified in Chapter III, is based within the following approving authorities:~~

- ~~• Design Review Board: Expedited Design Review.~~
- ~~• Planning Commission: Design Review residential projects.~~
- ~~• City Council: Design Review commercial and mixed-use projects (with recommendation from Planning Commission).~~

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NONCONFORMING USES AND STRUCTURES

Purpose and Applicability

This article establishes special regulations for nonconforming land uses and structures that were lawful before the adoption or amendment of this Specific Plan, but which would be prohibited, regulated, or restricted differently under the current terms of this Specific Plan or future amendments. It is the intent of these regulations to allow the continuation of nonconformities under limited conditions outlined herein or due to reconstruction in the event of natural disaster and the potential expansion of nonconformities on a case-by-case basis where specific findings can be made.

These nonconforming regulations apply only to the mixed-use zoning districts within the Folsom Boulevard Specific Plan Area.

Continuation, Reoccupancy and Maintenance of Nonconforming Uses and Structures

- (a) ~~A nonconforming use may continue to operate in perpetuity, be transferred, or be sold, provided that the use shall not be enlarged or intensified nor be expanded to occupy a greater area than it lawfully occupied before becoming nonconforming, except as provided in Nonconforming Use Permit Procedures below. Likewise, plans for any use approved as of the date this chapter becomes effective may be carried out as approved. Any extension of such approval, for which the applicant was entitled to apply as of the effective date, may be granted according to the regulations in effect prior to the effective date; if granted, such extension will be considered the same as an approval granted before the effective date.~~
- (b) ~~Properties zoned MDR Zone within the FBSP that are occupied by nonconforming uses may reoccupy any or all existing tenant spaces with uses that are permitted in the RMU commercial use table. As nonconforming uses, requirements for the residential component typically required under RMU shall be waived. A Limited Use Permit will be required to establish any permitted RMU use in the MDR Zone and a Use Permit will be required to establish any conditionally permitted RMU use in the MDR Zone. Such requests shall be processed according to the Zoning Code. Conditions of Approval may include, but are not limited to establishing a finite term of the use and annual reviews.~~
- (c) ~~A nonconforming structure may be maintained or improved as follows:~~
 - (1) ~~Maintenance and repair. A nonconforming structure may be maintained and repaired.~~
 - (2) ~~Seismic retrofitting and Building Code compliance. Repairs, alterations or reconstruction to reinforce un-reinforced masonry structures or to comply with Building Code requirements shall be allowed, provided that the work is exclusively to comply with applicable earthquake safety standards and the Building Code.~~
 - (3) ~~Structural alteration of a nonconforming structure to improve safety or to reduce fire hazard.~~

Modification and Expansion of Nonconforming Uses and Structures

A nonconforming use or structure may, subject to the provisions of the Nonconforming Use Permit section, be modified or expanded as follows:

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- ~~(a) Structural modification. Addition, enlargement, extension, or relocation of a nonconforming structure may be allowed if the changes to the structure conform to applicable provisions of this Specific Plan. Such modifications may not expand the extent of the nonconforming aspect of the structure or result in any new nonconforming conditions for the subject property.~~
- ~~(b) Expansion of use. Expansion or modification of a nonconforming use may be allowed subject to the Nonconforming Use Permit Procedures section.~~
- ~~(c) Exterior improvements or expansion of structures may also require design review approval in keeping with the City's Zoning Code.~~

Destruction and Replacement of Nonconforming Uses and Structures

~~If a nonconforming structure, or a conforming structure occupied by a nonconforming use, is involuntarily damaged or destroyed, the structure may be repaired or rebuilt and reoccupied in the same manner in which it originally existed if the restoration is started within one year of the date of the damage and is diligently pursued to completion.~~

Loss of Nonconforming Status

~~If a nonconforming use is discontinued for a continuous period of eighteen months or more, rights to nonconforming status shall terminate. The Planning Director shall base determination of discontinuance on evidence including the removal of equipment, furniture, machinery, structures, or other components of the nonconforming use, disconnected or discontinued utilities, or no business records to document continued operation. Maintenance of a valid business license shall of itself not be considered a continuation of the use. Without further action by the City, any subsequent use of the site or structure shall comply with all of the regulations of the applicable district and all other applicable provisions of this Specific Plan and relevant sections of the Zoning Code.~~

Extension of Non-Conforming Use Status

~~A property owner may request of the Planning Director, an additional 6 months extension to the 18-month nonconforming use time period. Such a request must be supported by any of the following:~~

- ~~(a) Evidence of active marketing the tenant space accompanied with regular maintenance of the property in a manner that supports such marketing efforts.~~
- ~~(b) A signed lease agreement and anticipated occupancy within the extension period.~~
- ~~(c) Issuance of a valid building permit for interior or exterior remodel and anticipated occupancy within the extension period.~~

PLAN IMPLEMENTATION

Nonconforming Use Permit Procedures

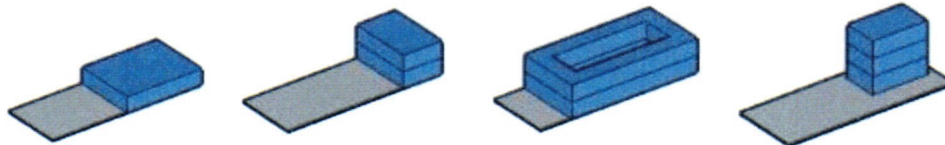
- (a) ~~Permit requirements. A Nonconforming Use Permit is required for the expansion or modification of existing nonconforming structures or uses as identified in the Allowed Uses Section. The intent of this permit is to allow for individual review of requests to expand or modify a nonconforming use in a manner that ensures compatibility with surrounding areas and uses.~~
- (b) ~~Approving authority. The City Council shall be the final decision-making body for all Nonconforming Use Permits. The Planning Commission shall hear and provide a recommendation to the City Council for action on each Nonconforming Use Permit.~~
- (c) ~~Required findings. A Nonconforming Use Permit shall be granted only when the designated approving authority determines that the proposed use or activity complies with all of the following findings:~~
 - (1) ~~The establishment, maintenance, or operation of the use expansion applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the City.~~
 - (2) ~~The benefit to the public health, safety, or welfare exceeds the detriment inherent in the expansion of nonconformity.~~
 - (3) ~~The modified or expanded nonconforming structure or use would not be incompatible with reasonably foreseeable uses as allowed under the applicable zoning regulations.~~
 - (4) ~~The modified or expanded nonconforming structure or use would be consistent with the General Plan.~~
- (d) ~~Conditions/Guarantees. The designated approving authority may impose conditions and/or require guarantees for the Nonconforming Use Permit to ensure compliance with this section and other applicable provisions of this title and to prevent adverse or detrimental impact to surrounding neighborhoods.~~

CHAPTER IX GLOSSARY

FLOOR AREA RATIO (FAR)

Floor Area Ratio (FAR) is defined as the gross floor area permitted on a site divided by the total gross area of the site. For example, on a site with 10,000 net square feet of land, a Floor Area Ratio of 1.0 will allow a maximum of 10,000 gross square feet of building floor area (which may be distributed in one or more buildings and single or multiple stories). On the same site, a FAR of 1.5 would allow 15,000 square feet of floor area, a FAR of 2.0 would allow 20,000 square feet, and a FAR of 0.5 would allow only 5,000 square feet. The following illustration is provided to communicate this concept at an FAR of 0.5.

Example FAR at 0.5



USE CLASSIFICATIONS

The permitted land uses districts are unique to this Specific Plan. Where there are conflicts with existing definitions in the City's Zoning Code, the use classifications of this Specific Plan will prevail.

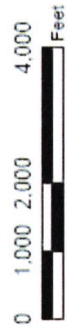
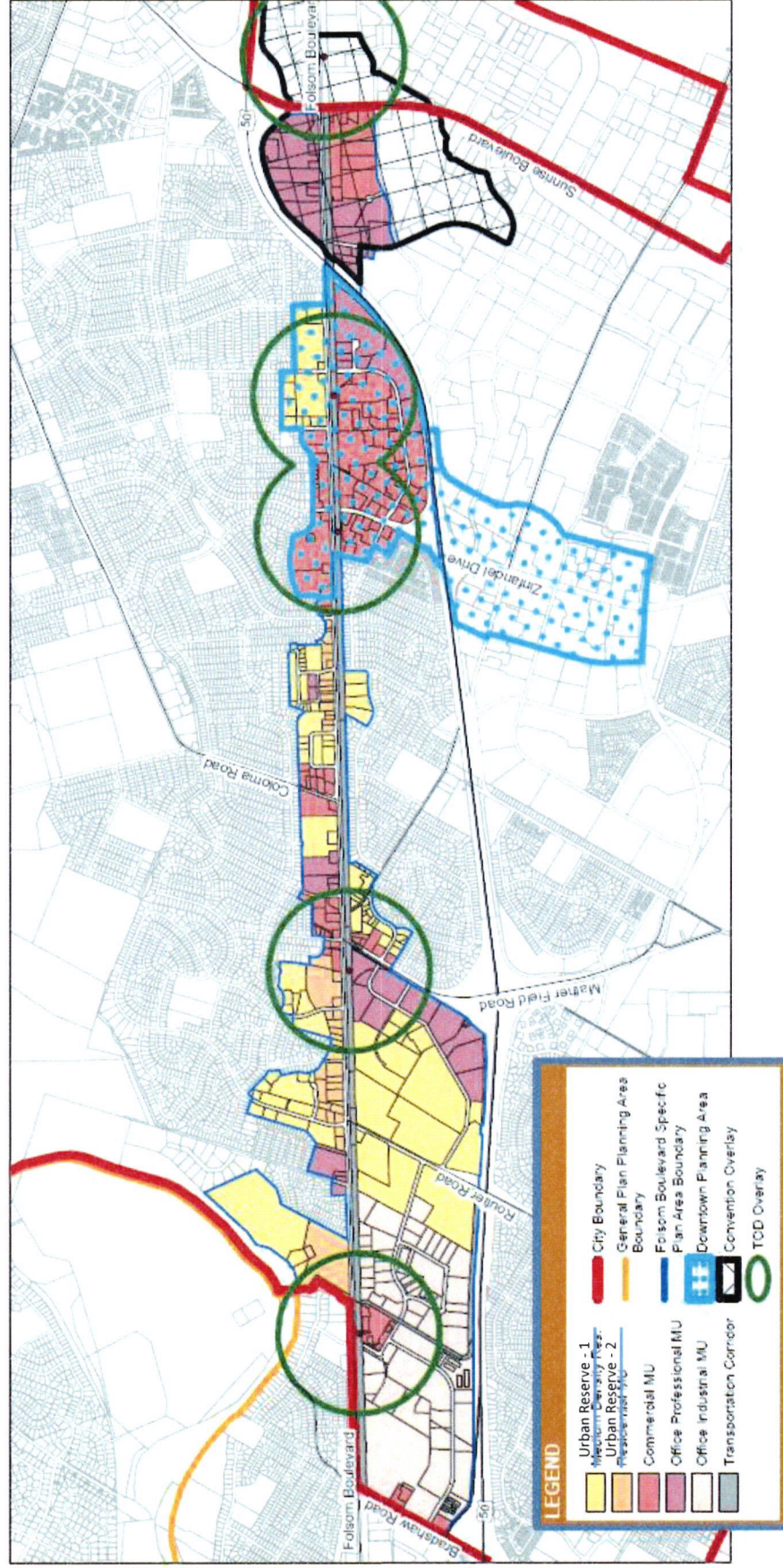
The listing of use classifications below is organized alphabetically:

Adult Day Care Home. Pursuant to definitions of State law, an adult day care home is a home which provides supervision and non-medical care to six or fewer adults, including elderly persons, in the provider's own home, on a less than 24-hour basis.

Adult-Related Uses. Those uses defined and regulated by Title III, Chapter 25, Article 5 of the City's Zoning Code.

Alcoholic Beverage Sales. The retail sale of beer, wine, and/or other alcoholic beverages for ~~on-or~~ off-premise consumption.

FIGURE IV-3
Folsom Boulevard Specific Plan Land Use Diagram



City of Rancho Cordova
Council Member Appointments to Other Agency Boards, Commissions and Committees

Agency	Term	2010 Calendar	Notes	2009 Appt	2010 Appt
Local Appointments					
ARP Governance Board		2nd Thursday from 3-4:00 4th Thursday from 2-3:00		Budge Alt: McGarvey	Budge Alt: McGarvey
Capital Southeast Connector (Originally called: Elk Grove/Folsom/RC/ El Dorado Connector JPA)	Determined by appointing agency	4th Friday @ 8:30 AM, Rancho Cordova Council Chambers	Reso. 180-2006	Budge Alt: Cooley	Budge Alt: Cooley
City Selection Committee of Sacramento County	Mayor	As needed	GC 50270-50279.2	Skoglund Alt: Cooley	Cooley Alt: McGarvey
County Criminal Justice Cabinet	Mayor	Gordon-Schaber-Courthouse 720 9th Street Department 46 (6th Floor)	Mayor-serves on full cabinet group (vs. exec. cabinet group)	Will not participate	Will not participate
Mather Community Campus Community Advisory Committee				McGarvey	McGarvey
Mather Restoration Advisory Board				McGarvey	McGarvey
Mayors & Board Chair Forum	Mayor,	2/18, 7/29, 9/30 4:30-6:30		Skoglund Alt: Cooley	Cooley Alt: McGarvey
Sacramento Area Council of Governments (SACOG)	Determined by appointing agency	3rd Thursday, 9-12:00 at SACOG offices	Budge is Land Use and Housing Committee Chair	Budge Alt: McGarvey	Budge Alt: McGarvey
Sacramento Area Sewer District (Meets with Regional Sanitation District) Renamed from County Sanitation District 1 - 2010	Determined by appointing agency	see above		Skoglund Alt: McGarvey	Skoglund Alt: McGarvey
Sacramento County Human Rights Housing Commission Governing Board	No limit, determined by appointing agency	September and February, 1-2 hour meeting in Board Chambers or at City Hall, depending on schedules	Reso. 32-2007	Skoglund Alt: McGarvey	Skoglund Alt: McGarvey
Sacramento Local Agency Formation Commission (LAFCo)	Per LAFCo action 12/5/07, Rancho Cordova to fill City Member seat Jan '09 to Dec '10	1st Wednesday @ 5:30 PM (1-3 hours long). Recessed in January and July Sacramento County Board of Supervisors Chambers		Budge	Budge

Agency	Term	2010 Calendar	Notes	2009 Appt	2010 Appt
Sacramento Metro Cable Television Commission	Determined by appointing agency	1st Thursday @ 2:30 PM, County Board of Supervisors Chambers	Ex-officio Member	McGarvey Alt: Skoglund	McGarvey Alt: Skoglund
Sacramento Metropolitan Air Quality Management District (SMAQMD)	Determined by appointing agency	4th Thursday @ 9:30 AM, County Board of Supervisors Chambers		McGarvey Alt: Skoglund	McGarvey Alt: Skoglund
Sacramento Public Library Authority Governing Board		4th Thursday @ 3:00 PM, Sacramento County Board of Supervisors Chambers	Council Action 3-19-07	Budge Alt: Sander	Budge Alt: Sander
Sacramento Regional Sanitation District (Meets with Sacramento Area Sewer District)	Determined by appointing agency	2nd and 4th Wednesday @ 9:30-11:30, 700 H Street, Room 1450		Skoglund Alt: McGarvey	Skoglund Alt: McGarvey
Sacramento Regional Transit (RT) District Board of Directors	No limit	2nd and 4th Monday @ 6:00 PM	Sander began in January 2004	Sander Alt: McGarvey	Sander Alt: McGarvey
Sacramento Steps Forward - Policy Board to End Homelessness (Previously the Sacramento County & Cities Board on Homelessness)		Second Thursday of the month from 3-5:00 Sacramento City Hall 915 I Street, 95814		Budge (changed from McGarvey on 6/29)	Budge
Sacramento Transportation Authority (STA)	Determined by appointing agency	2nd Thursday @ 1:30 PM at County Board of Supervisors Chambers		Cooley Alt: McGarvey	Cooley Alt: McGarvey
Sacramento-Placerville Transportation Corridor JPA		Quarterly meetings at Folsom City Hall (staff attends monthly meetings)	Sanders serves on JPA as RT Board Member	Budge	Budge

Agency	Term	2010 Calendar	Notes	2009 Appt	2010 Appt
Sacramento-Yolo Mosquito & Vector Control District Board	2 yr term, Determined by appointing agency	3rd Tuesday @ 10-12, District Board Room Offices (Elk Grove)		McGarvey Alt: Sander	McGarvey Alt: Sander

Agency	Term	2010 Calendar	Notes	2009 Appt	2010 Appt
National League of Cities					
National League of Cities CityFutures Panel on Community and Regional Development	1 yr Expires Nov. 2009			Budge	Budge
National League of Cities Transportation and Infrastructure (TIS) Steering Committee	1 yr			Sander, Vice Chair	Sander, Chair
National League of Cities Public Safety and Crime Prevention Steering Committee				Skoglund	Skoglund
National League of Cities First Tier Suburbs Steering Committee and General Committee				McGarvey	McGarvey
League of California Cities					
League of California Cities Transportation, Communication and Public Works Policy Committee	1 yr	1/21, 4/8, 6/17 10-3:00		McGarvey	McGarvey, Vice Chair
League Revenue & Taxation Policy Committee	1 yr	1/21, 4/8, 6/17 10-3:00		Sander	Sander
League Housing, Community Development & Economic Development Policy Committee	1 yr	1/22, 4/9, 6/18 10-3:00		Cooley Alt: Budge	Cooley Alt: Budge
State Level					
California State Seismic Safety Commission	Governor's appointment in 2007			Cooley	Cooley
Council Subcommittees					
Council Subcommittee on Strong Neighborhoods	Internal Council Subcommittee			Sander	Sander
Rio del Oro Project Council Subcommittee	Internal Council Subcommittee			Skoglund, Budge	Skoglund, Budge
2 x 2 Meetings					
Folsom Cordova Unified School District 2x2		8:30-9:30		Budge, McGarvey	Budge, McGarvey
Sacramento County 2x2	Mayor/Vice Mayor	8-9:30		Skoglund, Cooley	Cooley, McGarvey
Cordova Recreation and Park District 2x2		12-1:30		Skoglund, Sander	Skoglund, Sander
Sac Metro Fire 2x2				Budge, McGarvey	Budge, McGarvey
SMUD 2x2	Mayor/Vice Mayor	2-3:00		Skoglund, Cooley	Cooley, McGarvey
Elk Grove Unified School District 2x2				Cooley, McGarvey	Cooley, McGarvey
Golden State Water 2x2	Mayor/Vice Mayor			Skoglund, Cooley	Cooley, McGarvey
Sacramento City Unified School District 2x2				Cooley, McGarvey	Cooley, McGarvey

MEMORANDUM

Date: December 21, 2009
To: Mayor and Council Members
From: Mindy Cuppy, City Clerk's Department
Subject: **APPOINTMENT OF AT-LARGE PLANNING COMMISSIONERS**



RECOMMENDATION

That Council Members nominate and reappoint Ernest Vance and Ross Johnson to serve as the at-large members of the Planning Commission.

RESULT OF RECOMMENDED ACTION

Action on this item will result in Council's nominations of two at-large members (Ernest Vance and Ross Johnson) of the community to serve on the Planning Commission for terms commencing January 2010 and ending December 2013. Following nominations, Council will select and reappoint at-large Planning Commissioners, Ernest Vance and Ross Johnson, to serve from January 2010 through December 2013.

BACKGROUND

Council's Ordinance No. 56-2004 provides that two members of the Planning Commission shall be designated as at-large members, and shall be selected by the City Council as a body from a pool of nominees. At-large members may be nominated by any member of the City Council and appointments shall be made in a manner determined by the City Council.

Currently, Commissioners Ernest Vance and Ross Johnson serve as the at-large members of the Planning Commission. Their appointments to the Commission are scheduled to end after the last Commission meeting in December of 2009. The term of the at-large Commissioners is four years, without limitation on a total number of consecutive terms.

Other Options

Pursuant to Ordinance No. 56-2004, the appointment of the two at-large Planning Commissioners can be made in a manner determined by the City Council. The City Council has the discretion to direct staff to follow several procedures for the recruitment and appointment of at-large Planning Commissioners. For example, the Council may select one of the following alternative methods:

- 1) The Council may direct staff to start a recruitment process whereby applications will be accepted, and as soon thereafter as the Council completes its selection process, nominate and appoint two at-large members from the community; or

- 2) Without a recruitment process, individual Council Members may nominate members of the community for the at-large Planning Commissioner positions. The Council would nominate and appoint any members of the community by the second meeting of the City Council in January of 2010, or as soon thereafter as the Council completes its selection process.

Commissioners Vance and Johnson have expressed their interest in continuing to serve on the Planning Commission and to date staff has not recruited additional candidates for Council consideration.

MEMORANDUM



DATE: December 21, 2009

TO: Honorable Mayor and Council Members

FROM: Reed Flory, Housing Services Administrator
Cyrus Abhar, Public Works Director

**SUBJECT: RESOLUTION ADOPTING AN AMENDMENT TO THE SUBSTANTIAL
AMENDMENT TO THE 2008-09 COMMUNITY DEVELOPMENT BLOCK
GRANT ACTION PLAN**

RECOMMENDATION

Adopt Resolution 131-2009.

RESULT OF RECOMMENDED ACTION

1. Adopts the amendment to the 2008-09 CDBG Action Plan Substantial Amendment;
2. Authorizes the City Manager to submit the amendment and all required certifications and forms to the Department of Housing and Urban Development; and
3. Allows staff to make technical modifications to the Action Plan to correct minor errors or as required by HUD.

BACKGROUND

Each year, the City receives an entitlement allocation of Community Development Block Grant (CDBG) funding from the US Department of Housing and Urban Development (HUD) in an amount of approximately \$700,000. In order to secure funding, the City must submit an Action Plan, which is the CDBG program's annual budget and implementing document. The City Council adopted the 2008-09 Action Plan in May 2008.

In February 2009, the American Recovery and Reinvestment Act was signed into law. The Act awarded additional CDBG funds, called CDBG-Recovery or CDBG-R, to jurisdictions that received CDBG funding in the 2008-09 program year. The City of Rancho Cordova received \$185,416 in CDBG-R funds. Funded projects must be implemented within 120 days of the grant agreement, which was received late August 2009.

ANALYSIS:

The 2008-09 CDBG Action Plan Substantial Amendment described the proposed uses of the CDBG-R funds. The City previously planned to use the funds to install a solar electric power system on the Cordova Senior Center, to acquire a vehicle to be used with a neighborhood improvement program, and to administer those projects. However, after much effort and investigation, the Senior Center solar project was determined to be infeasible. Given the stringent expenditure time-frames for CDBG-R funds, the City is forced to reallocate funding to another project.

Staff explored several project ideas that could be bid and completed quickly. Accessibility improvements through the Public Works Department appeared to be the most "shovel ready," and offer a clear benefit to disabled persons, who are considered a target population for CDBG funding. Several sites within the CDBG target areas have been identified as potential improvement projects.

Staff recommends moving the \$139,063 allocated to the Senior Center solar power project to fund an ADA accessibility improvement project. The bid will be ready for public release by the end of December 2009, with construction anticipated to be complete by the end of May 2010. HUD has indicated that that timeframe will be acceptable. The remainder of CDBG-R funds will be allocated as originally planned.

ENVIRONMENTAL ANALYSIS:

All necessary environmental analysis will be completed in accordance with HUD guidelines.

FISCAL IMPACT:

The CDBG-R Program will not require funding from the General Fund in order to meet the administrative requirements of the grant. The CDBG Action Plan Substantial Amendment set aside \$18,541 for administration of CDBG-R funds. In addition, a portion of the project budget of \$139,063 may be used for tasks necessary to implement the activity.

ATTACHMENTS

Resolution 131-2009 including **(Exhibit A)** Draft Action Plan Substantial Amendment

CITY OF RANCHO CORDOVA

RESOLUTION NO. 131-2009

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
APPROVING THE ADOPTION OF AN AMENDMENT TO THE 2008-09 COMMUNITY
DEVELOPMENT BLOCK GRANT ACTION PLAN SUBSTANTIAL AMENDMENT**

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

WHEREAS, the Department of Housing and Urban Development (HUD) is the federal agency that promulgates regulations and oversees the administration of the Community Development Block Grant (CDBG) program that the funds are granted under; and

WHEREAS, HUD requires that entitlement jurisdictions complete a plan for expending the funds on eligible activities, referred to as the Action Plan, and amend it as necessary to accommodate significant changes in the usage of funds; and

WHEREAS, the American Recovery and Reinvestment Act awarded additional funds in CDBG Recovery (CDBG-R) funds to the City of Rancho Cordova for program year 2008-09; and

WHEREAS, the Substantial Amendment to the 2008-09 CDBG Action Plan described the proposed uses of the CDBG-R funds; and

WHEREAS, staff has completed an amendment to the substantial amendment to the 2008-09 CDBG Action Plan; and

WHEREAS, a notice announcing the 15-day public comment period for the amendment was made public on December 4, 2009 informing citizens of their right to submit comments on the information in the amendment; and

WHEREAS, the City Council held a regularly scheduled meeting on December 21, 2009 to approve the amendment to the 2008-09 CDBG Action Plan.

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

1. Adopts the amendment to the 2008-09 CDBG Action Plan Substantial Amendment (**Exhibit A**);
2. Authorizes the City Manager to submit the amendment and all required certifications and forms to the Department of Housing and Urban Development; and
3. Allows staff to make technical modifications to the Action Plan to correct minor errors or as required by HUD.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the _____ day of _____, 2009 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dan Skoglund, Mayor

ATTEST:

Mindy Cuppy, City Clerk

THE CDBG-R SUBSTANTIAL AMENDMENT

Jurisdiction(s): City of Rancho Cordova	CDBG-R Contact Person: Reed Flory
Jurisdiction Web Address: http://www.cityofranchocordova.org	Address: 2729 Prospect Park Drive Rancho Cordova, CA 95670
	Telephone: 916-851-8784
	Fax:
	Email: rflory@cityofranchocordova.org

ENSURING RESPONSIBLE SPENDING OF RECOVERY ACT FUNDS

Funding available under the Recovery Act has clear purposes – to stimulate the economy through measures that modernize the Nation’s infrastructure, improve energy efficiency, and expand educational opportunities and access to health care. HUD strongly urges grantees to use CDBG-R funds for hard development costs associated with infrastructure activities that provide basic services to residents or activities that promote energy efficiency and conservation through rehabilitation or retrofitting of existing buildings. While the full range of CDBG activities is available to grantees, the Department strongly suggests that grantees incorporate consideration of the public perception of the intent of the Recovery Act in identifying and selecting projects for CDBG-R funding.

A. SPREADSHEET FOR REPORTING PROPOSED CDBG-R ACTIVITIES

Grantees must provide information concerning CDBG-R assisted activities in an electronic spreadsheet provided by HUD. The information that must be reported in the spreadsheet includes activity name, activity description, CDBG-R dollar amount budgeted, eligibility category, national objective citation, additional Recovery Act funds for the activity received from other programs, and total activity budget. An electronic copy of the spreadsheet and the format is available on HUD’s recovery website at <http://www.hud.gov/recovery>.

B. CDBG-R INFORMATION BY ACTIVITY (COMPLETE FOR EACH ACTIVITY)

(1) Activity Name: **CDBG Accessibility Improvements (\$139,063)**

(2) Activity Narrative:

The City will fund accessibility improvements in the City's designated target areas. Accessibility improvements will include installation of curb ramps meeting ADA standards at intersections that have been identified as in need. The accessibility improvements will be focused in CDBG Target area neighborhoods.

The accessibility improvements project will meet the requirements of Title XII of Division A and Section 1602 of the American Recovery and Reinvestment Act. Below is a brief narrative on how the project will meet each of the CDBG-R goals:

- *Preserving and creating jobs and promoting economic recovery.* The accessibility improvements project will help to create or preserve jobs in construction, as the City will be hiring a contractor to complete the work.
- *Assisting those most impacted by the recession.* The accessibility improvements will serve primarily disabled adults, who are presumed to be low-income. Disabled persons frequently face difficulty in finding and maintaining employment and the current economic conditions exacerbate that difficulty. Providing accessible pathways will increase personal mobility and access to jobs, services, and public transportation options.
- *Providing investment needed to increase economic efficiency.* Investment in accessibility improvements assists the disabled population, allowing them to use public transportation (as opposed to on-demand transit), and to get to shopping and jobs more easily.
- *Investing in transportation, environmental protection, or other infrastructure that will provide long-term economic benefits.* The accessibility improvements are an investment in the City's future, which is likely to see an increasing elderly and disabled population. Investing in accessibility provides additional transit options to these users, reducing the cost and demand for paratransit or on-demand transportation.
- *Minimizing or avoiding reductions in essential services.* Allowing a greater number of disabled persons to have access to mass transit opportunities (such as bus and light rail) helps to reduce ridership in on-demand transportation, allowing that service to continue to serve the neediest population.
- *Fostering energy independence.* The reduction in need for on-demand transportation will encourage greater use of mass transit opportunities, thereby reducing consumption of fossil fuels.

(3) Jobs Created:

Permanent: 0

Construction: 4 part-time

Temporary: 0

(4) Additional Activity Information:

The City will evaluate the fiscal impact of the accessibility improvements using techniques that promote energy conservation, and will use these standards when financially feasible.

(5) Responsible Organization: (Contact information for the organization that will implement the CDBG-R activity, including its name, location, and administrator contact information)

The City implement the accessibility improvements activity directly (via use of a contractor), and the City's project contact is:

Britton Snipes
City of Rancho Cordova
2729 Prospect Park Drive
Rancho Cordova, CA 95670
916-851-8905
bsnipes@cityofranchocordova.org

B. CDBG-R INFORMATION BY ACTIVITY (COMPLETE FOR EACH ACTIVITY)

(1) Activity Name: Neighborhood Improvement Program (\$27,812)

(2) Activity Narrative:

The City plans to provide funding for the acquisition of a van to be used in coordination with the Neighborhood Improvement Program. The van will be stocked with tools, flowers, paint, and other items and will be driven to CDBG target areas on weekends. Area residents can make use of the supplies in the van to improve the appearance of their homes and the neighborhood in general and to advertise available low-interest loans and grant programs for residential rehabilitation and energy efficiency programs. The van will be used after “Blight Busters” events, where code enforcement proactively writes up neighborhood violations. The program will be staffed part-time by a code enforcement officer. CDBG target areas are those with the majority of their residents falling into the low- and moderate-income categories, and therefore beneficiaries will be primarily low- and moderate-income residents.

The Neighborhood Improvement Program van purchase will meet the requirements of Title XII of Division A and Section 1602 of the American Recovery and Reinvestment Act. Below is a brief narrative on how the project will meet each of the CDBG-R goals:

- *Preserving and creating jobs and promoting economic recovery.* The Neighborhood Improvement Program will promote economic recovery by encouraging investment in target-area neighborhoods. These are neighborhoods with many foreclosures and deferred maintenance. Improving the neighborhoods’ appearances will potentially help to stabilize or increase housing values.
- *Assisting those most impacted by the recession.* The program provides all target-area households with the tools necessary to improve their homes and neighborhood. Many of these households include members in professions with high unemployment rates, including construction and restaurant/retail. These are the households least likely to be able to purchase tools, paint, or other items to help maintain their homes.
- *Providing investment needed to increase economic efficiency.* Investment in housing improvements allows households to stretch their incomes farther by reducing expenses.
- *Investing in transportation, environmental protection, or other infrastructure that will provide long-term economic benefits.* The purchase of the van will serve the program over the next several years, providing an inexpensive means of stabilizing or increasing property values.
- *Minimizing or avoiding reductions in essential services.* Many households are unable to improve their homes when affected by economic concerns. The funds will allow the program to expand to serve additional households and unmet need.
- *Fostering energy independence.* The program will assist in the advertisement of City weatherization and energy conservation programs.

(3) Jobs Created:

Permanent: 0
Construction: 0
Temporary: 0

(4) Additional Activity Information:

The City will evaluate the fiscal impact of completing providing green building materials, such as low-VOC paint.

(5) Responsible Organization: (Contact information for the organization that will implement the CDBG-R activity, including its name, location, and administrator contact information)

The City of Rancho Cordova will implement the activity internally, coordinating with non-profit agencies as necessary. The City's CDBG contact is:

Sarah Bontrager, Grants Specialist
City of Rancho Cordova
2729 Prospect Park Drive
Rancho Cordova, CA 95670
916-231-3354
sbontrager@cityofranhocordova.org

B. CDBG-R INFORMATION BY ACTIVITY (COMPLETE FOR EACH ACTIVITY)

(1) Activity Name: **Administration (\$18,541)**

(2) Activity Narrative:

Provide management and implementation oversight of the CDBG-R funds, ensuring compliance with federal regulations and state and local policies.

Program administration is an eligible cost under Title XII of Division A and Section 1602 of the American Recovery and Reinvestment Act. Administration activities are not required to meet the CDBG-R goals for capital projects and service activities.

(3) Jobs Created:

Permanent: 0.2 FTE

Construction: 0

Temporary: 0

(4) Additional Activity Information:

None.

(5) Responsible Organization: (Contact information for the organization that will implement the CDBG-R activity, including its name, location, and administrator contact information)

The City of Rancho Cordova will implement the activity. The City's CDBG contact is:

Sarah Bontrager, Grants Specialist
City of Rancho Cordova
2729 Prospect Park Drive
Rancho Cordova, CA 95670
916-231-3354
sbontrager@cityofranhocordova.org

C. PUBLIC COMMENT

Provide a summary of public comments received to the proposed CDBG-R Substantial Amendment.

Note: A Proposed CDBG-R Substantial Amendment must be published via the usual methods and posted on the jurisdiction's website for no less than 7 calendar days for public comment.

Response:

Public comment received on this amendment will be summarized following the public comment period, which was from December 4, 2009 through December 19, 2009.

Public notices in English and Spanish, as well as the draft amendment, were posted on the City's website.

CDBG-R Substantial Amendment Grantee Checklist

For the purposes of expediting review, HUD asks that applicants submit the following checklist along with the CDBG-R Substantial Amendment, Spreadsheet for Reporting Proposed CDBG-R Activities, and SF-424.

Contents of a CDBG-R Action Plan Substantial Amendment

Jurisdiction(s): City of Rancho Cordova	CDBG-R Contact Person: Reed Flory
Jurisdiction Web Address: http://www.cityofranchocordova.org	Address: 2729 Prospect Park Drive Rancho Cordova, CA 95670
	Telephone: 916-851-8784
	Fax:
	Email: rflory@cityofranchocordova.org

The elements in the substantial amendment required for the CDBG recovery funds are:

A. SPREADSHEET FOR REPORTING PROPOSED CDBG-R ACTIVITIES

Does the submission contain a paper copy of the Spreadsheet for Reporting Proposed CDBG-R Activities?

Yes ☒ No ☐ Verification found on page **8 (spreadsheet)**

Does the submission include an electronic version of the Spreadsheet for Reporting Proposed CDBG-R Activities sent to the email box CDBG-R@hud.gov?

Yes ☒ No ☐ Date Spreadsheet was emailed: **10/5/09**

Does the Spreadsheet for Reporting Proposed CDBG-R Activities include, for each activity:

- amount of funds budgeted for each activity, including CDBG-R funds, any additional Recovery Funds used and total activity budget,
Yes ☒ No ☐ Verification found on page(s) **8 (spreadsheet)**
- the Eligibility citation (eligibility regulatory cite or HCDA cite),
Yes ☒ No ☐ Verification found on page(s) **8 (spreadsheet)**
- the CDBG national objective citation,
Yes ☒ No ☐ Verification found on page(s) **8 (spreadsheet)**

B. CDBG-R INFORMATION BY ACTIVITY

Does the submission contain information by activity describing how the grantee will use the funds, including:

- a narrative for each activity describing how CDBG-R funds will be used in a manner that maximizes job creation and economic benefit,
Yes ☒ No ☐ Verification found on page(s) 2, 4
- projected number of jobs created for each activity,
Yes ☒ No ☐ Verification found on page(s) 2, 4
- whether an activity will promote energy efficiency and conservation,
Yes ☒ No ☐ Verification found on page(s) 2, 4
- the name, location, and contact information for the entity that will carry out the activity,
Yes ☒ No ☐ Verification found on page(s) 2, 4, 6
- evidence that no more than 10% of the grant amount will be spent on administration and planning,
Yes ☒ No ☐ Verification found on page (s) 6, 8 (spreadsheet)
- evidence that no more than 15% of the grant amount will be spent on public services,
Yes ☒ No ☐ Verification found on page (s) 6, 8 (spreadsheet)
- evidence that at least 70% of the grant amount will benefit persons of low and moderate income,
Yes ☒ No ☐ Verification found on page (s) 2, 4, 6

C. PUBLIC COMMENT PERIOD

Was the proposed action plan amendment published via the jurisdiction's usual methods and on the Internet for no less than 7 calendar days of public comment?

Yes ☒ No ☐ Verification found on page(s) 7

Is there a summary of citizen comments included in the final amendment?

Yes ☒ No ☐ Verification found on page(s) 7

D. CERTIFICATIONS

The following certifications are complete and accurate:

- | | | |
|---|---|-----------------------------|
| (1) Affirmatively furthering fair housing | Yes ☒ | No ☐ |
| (2) Anti-displacement and relocation plan | Yes ☒ | No ☐ |
| (3) Drug-free Workplace | Yes ☒ | No ☐ |
| (4) Anti-lobbying | Yes ☒ | No ☐ |
| (5) Authority of jurisdiction | Yes ☒ | No ☐ |
| (6) Consistency with plan | Yes ☒ | No ☐ |
| (7) Section 3 | Yes ☒ | No ☐ |

- | | | |
|--|---|--|
| (8) Community development plan | Yes ☒ | No ☐ |
| (9) Following a plan | Yes ☒ | No ☐ |
| (10) Use of Funds | Yes ☒ | No ☐ |
| (11) Excessive Force | Yes ☒ | No ☐ |
| (12) Compliance with anti-discrimination laws | Yes ☒ | No ☐ |
| (13) Lead-based paint procedures | Yes ☒ | No ☐ |
| (14) Compliance with laws | Yes ☒ | No ☐ |
| (15) Compliance with ARRA | Yes ☒ | No ☐ |
| (16) Project selection | Yes ☒ | No ☐ |
| (17) Timeliness of infrastructure investments | Yes ☒ | No ☐ |
| (18) Buy American provision | Yes ☒ | No ☐ |
| (19) Appropriate use of funds for infrastructure investments | Yes ☒ | No ☐ |
| (20) 70% of CDBG-R for LMI | Yes ☒ | No ☐ |
| Optional Certification | | |
| (21) Urgent Need | Yes ☐ | No ☒ |

D. STATE CERTIFICATIONS

The following certifications are complete and accurate:

- | | | |
|--|------------------------------|-----------------------------|
| (1) Affirmatively furthering fair housing | Yes ☐ | No ☐ |
| (2) Anti-displacement and relocation plan | Yes ☐ | No ☐ |
| (3) Drug-free Workplace | Yes ☐ | No ☐ |
| (4) Anti-lobbying | Yes ☐ | No ☐ |
| (5) Authority of State | Yes ☐ | No ☐ |
| (6) Consistency with plan | Yes ☐ | No ☐ |
| (7) Section 3 | Yes ☐ | No ☐ |
| (8) Community development plan | Yes ☐ | No ☐ |
| (9) Consultation with Local Governments | Yes ☐ | No ☐ |
| (10) Use of Funds | Yes ☐ | No ☐ |
| (11) Excessive Force | Yes ☐ | No ☐ |
| (12) Compliance with anti-discrimination laws | Yes ☐ | No ☐ |
| (13) Compliance with laws | Yes ☐ | No ☐ |
| (14) Compliance with ARRA | Yes ☐ | No ☐ |
| (15) Project selection | Yes ☐ | No ☐ |
| (16) Timeliness of infrastructure investments | Yes ☐ | No ☐ |
| (17) Buy American provision | Yes ☐ | No ☐ |
| (18) Appropriate use of funds for infrastructure investments | Yes ☐ | No ☐ |
| (19) 70% of CDBG-R for LMI | Yes ☐ | No ☐ |
| Optional Certification | | |
| (20) Urgent Need | Yes ☐ | No ☐ |

MEMORANDUM



DATE: December 21, 2009

TO: Honorable Mayor and Council Members

FROM: Adam U. Lindgren, City Attorney
Joe Chinn, Assistant City Manager

SUBJECT: **ADOPTION OF AN ORDINANCE APPROVING AN AMENDMENT TO THE VILLAGES OF ZINFANDEL DEVELOPMENT AGREEMENT**

PROPERTY OWNER: Harry Elliott 80 Iron Point Rd., Suite 110 Folsom, CA 95630	APPLICANT: Harry Elliott 80 Iron Point Rd., Suite 110 Folsom, CA 95630
---	--

PROJECT:	Amendment to the Villages of Zinfandel Development Agreement removing approximately 30 acres of land from the Development Agreement.
FILE:	RC-DD6751
LOCATION:	The project is south of the intersection of International Drive and Zinfandel Drive, within the Zinfandel Special Planning Area.
APN:	072-2360-024 thru 072-2360-027

RECOMMENDATION

Waive first reading and introduce Ordinance No. 25-2009.

RESULT OF RECOMMENDED ACTION

Adoption of Ordinance No. 25-2009 will approve an amendment to the Villages of Zinfandel Development Agreement removing approximately 30 acres of land from the Villages of Zinfandel Project. The Amendment will not change any substantive provisions of the Development Agreement for the remaining Project. This amendment will comply with the previously approved Agreement between the City and the State of California.

PLANNING COMMISSION COMMENTS AND ACTION

On December 10, 2009, the Planning Commission received the staff report and considered the attached proposed Amendment to the Villages of Zinfandel Development Agreement (**Exhibit A**). The Commission opened the public hearing and did not receive any written or oral testimony regarding the matter. The Planning Commission moved to forward a recommendation to amend the Development Agreement by a 6-0 vote.

BACKGROUND

On May 28, 2003, the County of Sacramento and Elliott Homes, Inc. (Elliott) entered into a Development Agreement ("Development Agreement") for the Villages of Zinfandel Project ("Project"), which is located south of the intersection of International Drive and Zinfandel Drive, within the Zinfandel Special Planning Area ("Special Planning Area"). The City, as a result of its incorporation, succeeded to the County of Sacramento's interests in the Villages of Zinfandel Development Agreement.

Subsequent to the approval of the Development Agreement, the State of California entered into an Option, Purchase, and Sale Agreement ("Option Agreement") through which it has an option to purchase from Elliott approximately thirty (30) acres of real property located in the City within the Project ("Property").

On October 19, 2009, the City Council approved an Agreement between the City and the State allowing the removal of the Property from the Development Agreement in order to address possible design and uses issues. The Amendment to the Development Agreement ("Amendment") is attached hereto as **Exhibit A**.

Consistent with the Option Agreement, the City, Elliott and the State have agreed that the Amendment will automatically lapse and the term and conditions of the Development Agreement existing prior to the effective date of this Amendment will remain in full force and effect without alteration if either: (1) the deed transferring title of the Property to the State is not recorded by September 1, 2013, except in the event State and Elliott extend the option term in which case the new option expiration date shall prevail; or (2) the State terminates their option under the Option Agreement.

As required by State law, the Development Agreement and the attached Amendment are consistent with the objectives, policies, general land uses and programs specified and contained in the City's General Plan and the Zinfandel Special Planning Area. The Development Agreement and the Amendment are also in conformity with public convenience, general welfare and good land use policies in that the Project will implement land use guidelines set forth in the Special Planning Area and the General Plan.

ENVIRONMENTAL ANALYSIS

All environmental impacts have been reviewed and addressed at the time the original Development Agreement, and any subsequent amendments, were approved. The attached Amendment is exempt from CEQA because there is no possibility that the Amendment will have a significant effect on the environment. The Amendment will not cause any additional direct physical change in the environment, or any additional reasonably foreseeable indirect physical change in the environment which has not already been analyzed in the environmental analysis done during the approval of the Development Agreement.

RECOMMENDED MOTIONS

"I move that the City Council adopt Ordinance No. 25-2009 approving an amendment to the Villages of Zinfandel Development Agreement."

ATTACHMENT

Ordinance No. 25-2009 Adopting an Amendment to the Villages of Zinfandel Development Agreement including **(Exhibit A)** Draft Amendment to the Villages of Zinfandel Development Agreement.

CITY OF RANCHO CORDOVA

ORDINANCE NO. 25-2009

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
APPROVING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR THE
VILLAGES OF ZINFANDEL**

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

Section 1. Recitals

A. In order to strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Section 65864, *et seq.*, of the Government Code (the "Development Agreement Statute"), authorizing the City, and any person having a legal or equitable interest in the real property, to enter into a development agreement and establish certain development rights in the Property, which is the subject of the development project application.

B. On May 28, 2003, County of Sacramento and Elliott Homes, Inc. (Elliott) entered into a development agreement for the Villages of Zinfandel Project ("Project"), which is located south of the intersection of International Drive and Zinfandel Drive, within the Zinfandel Special Planning Area ("Special Planning Area").

C. Having duly examined and considered the Villages of Zinfandel development agreement for the Project and having held properly noticed public hearings, the County found that the Agreement satisfied the Government Code §65867.5 requirement of the general plan.

D. The City, as a result of its incorporation, succeeded to the County of Sacramento's interests in the Villages of Zinfandel development agreement (the development agreement together with any subsequent amendment by the County or City to the agreement shall be referred to as "Development Agreement").

E. The State of California entered into an Option, Purchase, and Sale Agreement ("Option Agreement") through which it has an option to purchase from Elliott approximately thirty (30) acres of real property located in the City of Rancho Cordova within the Villages of Zinfandel Project ("Property").

F. The State and City have entered into an agreement, titled, "Agreement to Allow Removal of Approximately 30 Acres of Land from the Villages of Zinfandel Development Agreement," to address possible issues with the design and uses for the Property by the State.

G. The Amendment will automatically lapse and the term and conditions of the Development Agreement existing prior to the effective date of this Amendment will remain in full force and effect without alteration if either: 1) the deed transferring title of the Property to the State is not recorded by September 1, 2013, except in the event the State and Elliott extend the option term in which case the new option expiration date shall prevail; or 2) the State terminates their option under the Option Agreement.

H. Pursuant to Government Code §65868, City and Elliott wish to amend and remove the Property from the Development Agreement in the event State exercises an option to purchase the Property.

I. Pursuant to the California Environmental Quality Act ("CEQA"), California Code of Regulations section 15061, the Amendment is exempt from CEQA because there is no possibility that the Amendment will have a significant effect on the environment. The Amendment will not cause any additional direct physical change or any additional reasonably foreseeable indirect physical change in the environment which has not already been analyzed in the environmental analysis done during the approval of the Development Agreement.

J. On December 10, 2009, the Planning Commission, as the planning agency for purposes of development agreement review, reviewed the Amendment and recommended that the City Council approve the Development Agreement Amendment.

K. On _____, 20__, the City Council, as the legislative body for purposes of development agreement approval, reviewed the Amendment and considered all comments received by the public and staff.

Section 2. Findings and Determinations

Therefore, on the basis of (a) the foregoing Recitals as incorporated herein, (b) the City of Rancho Cordova's General Plan, (c) the Zinfandel Special Planning, and (d) the County's environmental analysis and any subsequent environmental analysis by the County or City regarding the Villages of Zinfandel, and on the basis of the specific conclusions set forth below, the City Council finds and determines that:

A. The Development Agreement and the attached Amendment are consistent with the objectives, policies, general land uses and programs specified and contained in the City's General Plan and the Zinfandel Special Planning Area in that (a) the land use designation for the Project is Business Professional and the proposed projects will be consistent with that land use, (b) the project is consistent with the fiscal policies of the General Plan and the Special Planning Area with respect to provisions of infrastructure and public services, and (c) the Development Agreement include provisions relating to financing public services, construction and maintenance of public facilities, park development fees and other similar provisions.

B. The Development Agreement and the Amendment are in conformity with public convenience, general welfare and good land use policies in that the Project will implement land use guidelines set forth in the Zinfandel Special Planning Area and the General Plan.

C. The Development Agreement and its Amendment will not be detrimental to the health, safety and general welfare in that the Project will proceed in accordance with the programs and policies of the Zinfandel Special Planning Area. The impacts of the development on existing land uses, public services and the environment have been evaluated and mitigated through the CEQA compliance process.

D. The Development Agreement and its Amendment will not adversely affect the orderly development of property, or the preservation of property values, in that the Project will be consistent with the General Plan and the Special Planning Area.

E. The Development Agreement and its Amendment are consistent with and include the substantive elements of Government Code Sections 65864 through 65869.5, and has been processed consistent with all the procedural requirements thereof.

Section 3. Approval

The City Council hereby approves the Amendment to the Project's Development Agreement (**Exhibit A**) and authorizes the City Manager to execute the Amendment.

Section 4. Recordation

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

Section 5. Effective Date and Publication of Ordinance Summary

This Ordinance shall take effect and be in force thirty (30) days from and after the date of its passage. The City Clerk of the City of Rancho Cordova shall cause a summary of the Ordinance to be posted in accordance with Section 36933 of the Government Code of the State of California.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova this _____ day of _____ 2009, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ken Cooley, Mayor

ATTEST:

Mindy Cuppy, City Clerk

OFFICIAL BUSINESS
Document entitled to free recording
Government Code Section 6103

RECORDING REQUESTED BY AND
WHEN RECORDED, MAIL TO:

City of Rancho Cordova
2729 Prospect Park Drive
Rancho Cordova, CA 95670
Attention: Mindy Cuppy, City Clerk

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

APN 072-2360-027 and portions of 072-2360-023,
072-2360-024, 072-2360-025, and 072-2360-026, Sacramento County

**AMENDMENT TO DEVELOPMENT AGREEMENT
BY AND BETWEEN THE CITY OF RANCHO CORDOVA
AND ELLIOTT HOMES, INC RELATIVE TO THE
VILLAGES OF ZINFANDEL**

This Amendment to Development Agreement ("**Amendment**") is entered into this ____ day of _____ 20__, by and between the CITY OF RANCHO CORDOVA, a municipal corporation ("**City**") and ELLIOTT HOMES, INC., a corporation of the State of Arizona ("**Elliott**"), who agree as follows:

RECITALS

WHEREAS, this Amendment revises "The Villages of Zinfandel Development Agreement" ("Development Agreement"), entered into on May 28, 2003 between Elliott and the County of Sacramento, a subdivision of the State of California, prior to incorporation of the City; and

WHEREAS, the Development Agreement was recorded on June 6, 2003, in Sacramento County Book 20030606, page 877 and re-recorded July 17, 2007 in Book 20070717, page 1286 and

WHEREAS, the City, as a result of its incorporation, succeeded to the County of Sacramento's interests in the Development Agreement; and

WHEREAS, the State of California has entered into an Option, Purchase, and Sale Agreement ("Option Agreement") through which it has an option to purchase from Elliott approximately thirty (30) acres of real property located in the City of Rancho Cordova within the Villages of Zinfandel Project, more particularly described in **Exhibit A** and depicted in **Exhibit B**, attached hereto, and incorporated herein by this reference ("Property"); and

WHEREAS, the State and City have entered into an agreement, titled, "Agreement to Allow Removal of Approximately 30 Acres of Land from the Villages of

Zinfandel Development Agreement," to address possible issues with the design and uses for the Property by the State; and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA"), California Code of Regulations section 15061, this Amendment is exempt from CEQA because there is no possibility that the Amendment will have a significant effect on the environment. The Amendment will not cause any additional direct physical change in the environment, or any additional reasonably foreseeable indirect physical change in the environment which has not already been analyzed in the environmental analysis done during the approval of the Development Agreement; and

WHEREAS, this Amendment only removes approximately thirty (30) acres from the proposed project originally presented in the Development Agreement. This Amendment does not change the rest of the original project in any significant way; and

WHEREAS, pursuant to Government Code §65868, City and Elliott wish to amend and remove the Property from the Development Agreement in the event State exercises an option to purchase the Property.

NOW, THEREFORE, in further consideration of the above recitals, City and Elliott hereby agree to amend the Development Agreement as follows:

AGREEMENT

A. The Property identified in the attached **Exhibit A** and depicted in **Exhibit B** is hereby removed in its entirety and no longer subject to the term or conditions of the Villages of Zinfandel Development Agreement recorded June 6, 2003, in Sacramento County Book 20030606, page 877 and re-recorded July 17, 2007 in Book 20070717, page 1286.

B. This Amendment will automatically lapse and the term and conditions of the Development Agreement existing prior to the effective date of this Amendment will remain in full force and effect without alteration if either: (1) the deed transferring title of the Property to the State is not recorded by September 1, 2013, except in the event the State and Elliott extend the option term in which case the new option expiration date shall prevail; or (2) the State terminates their option under the Option Agreement.

C. This Amendment may be executed in several counterparts, each of which shall be deemed an original and all of which shall constitute but one and the same instrument.

D. Except as expressly amended by this Amendment, all of the terms, conditions and provisions of the Development Agreement remain in full force and effect.

IN WITNESS WHEREOF, the City of Rancho Cordova, a municipal corporation, has authorized the execution of this Amendment in duplicate by its City Manager and attested to by its City Clerk under the authority of Ordinance No. ____-20__, adopted by

the Council of the City on this ____ day of _____ 20__, and Elliott has caused this Amendment to be executed.

"CITY"

CITY OF RANCHO CORDOVA,
a municipal corporation

By: _____
Ted Gaebler, City Manager

Date: _____

"ELLIOTT"

ELLIOTT HOMES, INC
an Arizona Corporation

By: _____
Harry C. Elliott III
President

Date: _____

ATTEST:

Mindy Cuppy, City Clerk

APPROVED AS TO FORM:

Adam U. Lindgren, City Attorney

Date: _____

EXHIBIT LIST

- | | |
|-----------|-------------------------------|
| Exhibit A | Legal Description of Property |
| Exhibit B | Depiction of Property |

EXHIBIT 'A'
LEGAL DESCRIPTION

All of Lot 5 and a portion of Lots 1, 2, 3 and 4, as shown on the Final Map entitled "Stone Creek Phase 1" and recorded in Book 369 of Maps, at Page 8, Sacramento County Records, in the City of Rancho Cordova, County of Sacramento, State of California, and described as follows:

COMMENCING at a point which is the most northerly northwest corner of said Lot 4, also being a point on the southerly right-of-way line of Airpark Drive, as shown on the Final Map entitled "Villages of Zinfandel Unit No. 1C" and recorded in Book 320 of Maps, at Page 1, in said County; THENCE along the northerly boundary line of said Lot 4, also being said southerly right-of-way line, North 85°30'14" East, a distance of 145.31 feet to the TRUE POINT OF BEGINNING; THENCE continuing along said northerly boundary line, North 85°30'14" East, a distance of 346.15 feet; THENCE along a tangent curve concave to the northwest, having a radius of 1031.00 feet, northeasterly 360.40 feet, along said curve through a central angle of 20°01'43" to a point on the northerly boundary line of said Lot 5, also continuing to be said southerly right-of-way line; THENCE continuing along said northerly boundary line, North 65°28'31" East, a distance of 67.09 feet; THENCE along a tangent curve concave to the southwest, having a radius of 25.00 feet, southeasterly 38.37 feet, along said curve through a central angle of 87°56'24" to a point on the northeasterly boundary line of said Lot 5, also being the southwesterly right-of-way line of Bear Hollow Drive, as shown on said Final Map entitled "Stone Creek Phase 1"; THENCE continuing along said northeasterly boundary line, North 63°24'55" East, a distance of 33.00 feet to a point on the centerline of said Bear Hollow Drive; thence continuing along said northeasterly boundary line, also being said centerline, along a non-tangent curve concave to the northeast, having a radius of 1500.00 feet, and to which a radial line bears South 63°24'55" West, southeasterly 285.26 feet, along said curve through a central angle of 10°53'46"; THENCE continuing along said northeasterly boundary line, South 37°28'51" East, a distance of 155.10 feet; THENCE along a tangent curve concave to the northeast, having a radius of 1500.00 feet, southeasterly 254.54 feet, along said curve through a central angle of 09°43'22" to a point on the northeasterly boundary line of said Lot 1, also continuing to be said centerline; THENCE leaving said northeasterly boundary line and into said Lot 1, South 42°47'47" West, a distance of 33.00 feet to a point on the southwesterly right-of-way line of said Bear Hollow Drive; THENCE leaving said southwesterly right-of-way line and through said Lots 1 thru 4 respectively the following nineteen (19) arcs, courses and distances:

1. South 17°48'43" West, a distance of 550.04 feet;
2. South 45°41'36" West, a distance of 519.94 feet;
3. North 40°57'24" West, a distance of 32.04 feet;

4. along a tangent curve concave to the southwest, having a radius of 65.00 feet, northwesterly 59.84 feet, along said curve through a central angle of $52^{\circ}44'59''$;
5. South $86^{\circ}17'37''$ West, a distance of 85.17 feet;
6. along a tangent curve concave to the southeast, having a radius of 50.00 feet, southwesterly 28.26 feet, along said curve through a central angle of $32^{\circ}23'21''$;
7. South $53^{\circ}54'16''$ West, a distance of 72.39 feet;
8. along a tangent curve concave to the northwest, having a radius of 25.00 feet, southwesterly 13.72 feet, along said curve through a central angle of $31^{\circ}26'04''$;
9. South $85^{\circ}20'20''$ West, a distance of 259.72 feet;
10. along a tangent curve concave to the northeast, having a radius of 35.00 feet, northwesterly 50.80 feet, along said curve through a central angle of $83^{\circ}10'06''$;
11. North $11^{\circ}29'34''$ West, a distance of 48.30 feet;
12. North $04^{\circ}30'14''$ West, a distance of 139.89 feet;
13. North $02^{\circ}41'59''$ West, a distance of 95.29 feet;
14. North $04^{\circ}30'14''$ West, a distance of 109.12 feet;
15. North $06^{\circ}13'53''$ West, a distance of 99.52 feet;
16. North $04^{\circ}30'14''$ West, a distance of 395.93 feet;
17. North $05^{\circ}17'36''$ West, a distance of 108.85 feet;
18. North $05^{\circ}57'46''$ West, a distance of 196.39 feet;
19. North $04^{\circ}30'14''$ West, a distance of 136.91 feet to the TRUE POINT OF BEGINNING.

Containing 30.53 acres gross and 30.00 acres net, more or less.

Basis of Bearings for this description is the northerly boundary line of said Lot 4. Said line is taken to bear North $85^{\circ}30'14''$ East.

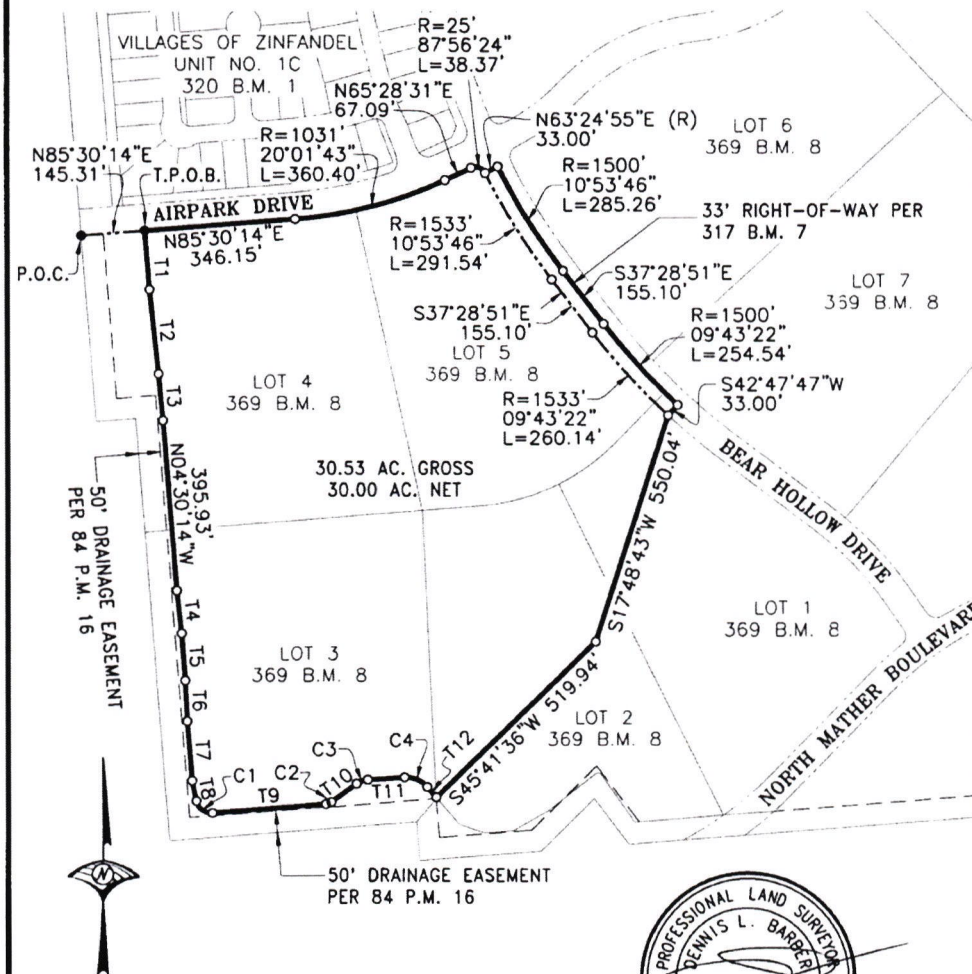
October 17, 2008

END OF DESCRIPTION



PREPARED BY WOOD-RODGERS, INC.
SACRAMENTO, CALIFORNIA

EXHIBIT 'B'



SCALE: 1"=300'

SEE DESCRIPTION FOR COURSE INFORMATION
SEE SHEET 2 FOR LINE AND CURVE TABLES

SG-NG-30AC.dwg 10/17/08 1070.021 SHEET 1 OF 2



EXHIBIT 'B'

#	RADIUS	DELTA	ARC LENGTH
C1	R=35'	83°10'06"	L=50.80'
C2	R=25'	31°26'04"	L=13.72'
C3	R=50'	32°23'21"	L=28.26'
C4	R=65'	52°44'59"	L=59.84'

#	BEARING	DISTANCE
T1	N04°30'14"W	136.91'
T2	N05°57'46"W	196.39'
T3	N05°17'36"W	108.85'
T4	N06°13'53"W	99.52'
T5	N04°30'14"W	109.12'
T6	N02°41'59"W	95.29'
T7	N04°30'14"W	139.89'
T8	N11°29'34"W	48.30'
T9	S85°20'20"W	259.72'
T10	S53°54'16"W	72.39'
T11	S86°17'37"W	85.17'
T12	N40°57'24"W	32.04'

SEE DESCRIPTION FOR COURSE INFORMATION
SEE SHEET 1 FOR LINES AND CURVES

SC-NG-30AC.dwg 10/17/08 1070.021 SHEET 2 OF 2