

CONCURRENT MEETING
CITY COUNCIL/CRA/RCFC

Monday, May 17, 2010

12:00 p.m. – Special Meeting

5:30 p.m. – Regular Meeting

AGENDA



Ken Cooley, Mayor

Robert J. McGarvey, Vice Mayor

David Sander, Council Member

Linda Budge, Council Member

Dan Skoglund, Council Member

2010

NOTE: PROPOSED REGULAR CITY COUNCIL MEETING DATES ARE SCHEDULED ON THE 1ST AND 3RD MONDAY'S OF EACH MONTH, UNLESS WHEN FALLING ON A HOLIDAY, THE MEETING WILL BE SCHEDULED ON THE FOLLOWING TUESDAY (THESE DATES ARE SHADED PICK 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						
3	4	5	6	7	8	9	1	2	3	4	5	6	7	1	2	3	4	5	6	7
10	11	12	13	14	15	16	7	8	9	10	11	12	13	7	8	9	10	11	12	13
17	18	19	20	21	22	23	14	15	16	17	18	19	20	14	15	16	17	18	19	20
24	25	26	27	28	29	30	21	22	23	24	25	26	27	21	22	23	24	25	26	27
31							28							28	29	30	31			
MAY							JUNE							JULY						
2	3	4	5	6	7	8	6	7	8	9	10	11	12				1	2	3	4
9	10	11	12	13	14	15	13	14	15	16	17	18	19	4	5	6	7	8	9	10
16	17	18	19	20	21	22	20	21	22	23	24	25	26	11	12	13	14	15	16	17
23	24	25	26	27	28	29	27	28	29	30				18	19	20	21	22	23	24
30	31						31							25	26	27	28	29	30	31
SEPTEMBER							OCTOBER							NOVEMBER						
			1	2	3	4	3	4	5	6	7	8	9		1	2	3	4	5	6
5	6	7	8	9	10	11	10	11	12	13	14	15	16	7	8	9	10	11	12	13
12	13	14	15	16	17	18	17	18	19	20	21	22	23	14	15	16	17	18	19	20
19	20	21	22	23	24	25	24	25	26	27	28	29	30	21	22	23	24	25	26	27
26	27	28	29	30			31							28	29	30				
2010 PROPOSED HOLIDAY SCHEDULE - CITY HALL CLOSED (SHOWN IN BLUE)																				
NEW YEAR'S DAY (FRI, JAN 1)							INDEPENDENCE DAY (SUN, JUL 4)							DAY AFTER THANKSGIVING (FRI, NOV 26)						
MARTIN LUTHER KING JR. DAY (MON, JAN 18)							LABOR DAY (MON, SEP 6)							CHRISTMAS EVE (FRI, DEC 24)						
PRESIDENT'S DAY (MON, FEB 15)							VETERAN'S DAY (THUR, NOV 11)							CHRISTMAS DAY (SAT, DEC 25)						
MEMORIAL DAY (MON, MAY 31)							THANKSGIVING DAY (THUR, NOV 25)													

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						
2	3	4	5	6	7	8	6	7	8	9	10	11	12	6	7	8	9	10	11	12
9	10	11	12	13	14	15	13	14	15	16	17	18	19	13	14	15	16	17	18	19
16	17	18	19	20	21	22	20	21	22	23	24	25	26	20	21	22	23	24	25	26
23	24	25	26	27	28	29	27	28						27	28	29	30	31		
30	31						31							31						
MAY							JUNE							JULY						
1	2	3	4	5	6	7	5	6	7	8	9	10	11	3	4	5	6	7	8	9
8	9	10	11	12	13	14	12	13	14	15	16	17	18	10	11	12	13	14	15	16
15	16	17	18	19	20	21	19	20	21	22	23	24	25	17	18	19	20	21	22	23
22	23	24	25	26	27	28	26	27	28	29	30			24	25	26	27	28	29	30
29	30	31					31							31						
SEPTEMBER							OCTOBER							NOVEMBER						
				1	2	3	2	3	4	5	6	7	8		1	2	3	4	5	6
4	5	6	7	8	9	10	9	10	11	12	13	14	15	6	7	8	9	10	11	12
11	12	13	14	15	16	17	16	17	18	19	20	21	22	13	14	15	16	17	18	19
18	19	20	21	22	23	24	23	24	25	26	27	28	29	20	21	22	23	24	25	26
25	26	27	28	29	30		30	31						27	28	29	30			
2011 PROPOSED HOLIDAY SCHEDULE (SHOWN IN GREEN)																				
NEW YEAR'S DAY (SAT, JAN 1)							INDEPENDENCE DAY (MON, JUL 4)							DAY AFTER THANKSGIVING (FRI, NOV 25)						
MARTIN LUTHER KING JR. DAY (MON, JAN 17)							LABOR DAY (MON, SEP 5)							CHRISTMAS EVE (SAT, DEC 24)						
PRESIDENT'S DAY (MON, FEB 21)							VETERAN'S DAY (FRI, NOV 11)							CHRISTMAS DAY (SUN, DEC 25)						
MEMORIAL DAY (MON, MAY 30)							THANKSGIVING DAY (THUR, NOV 24)													

2012

S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
JANUARY							FEBRUARY							MARCH						
1	2	3	4	5	6	7	5	6	7	8	9	10	11	4	5	6	7	8	9	10
8	9	10	11	12	13	14	12	13	14	15	16	17	18	11	12	13	14	15	16	17
15	16	17	18	19	20	21	19	20	21	22	23	24	25	18	19	20	21	22	23	24
22	23	24	25	26	27	28	26	27	28	29				25	26	27	28	29	30	31
29	30	31					31							29	30	31				
MAY							JUNE							JULY						
		1	2	3	4	5					1	2	3	1	2	3	4	5	6	7
6	7	8	9	10	11	12	3	4	5	6	7	8	9	8	9	10	11	12	13	14
13	14	15	16	17	18	19	10	11	12	13	14	15	16	15	16	17	18	19	20	21
20	21	22	23	24	25	26	17	18	19	20	21	22	23	22	23	24	25	26	27	28
27	28	29	30	31			24	25	26	27	28	29	30	29	30	31				
SEPTEMBER							OCTOBER							NOVEMBER						
								1	2	3	4	5	6				1	2	3	4
2	3	4	5	6	7	8	7	8	9	10	11	12	13	4	5	6	7	8	9	10
9	10	11	12	13	14	15	14	15	16	17	18	19	20	11	12	13	14	15	16	17
16	17	18	19	20	21	22	21	22	23	24	25	26	27	18	19	20	21	22	23	24
23	24	25	26	27	28	29	28	29	30	31				25	26	27	28	29	30	31
30																				
2012 PROPOSED HOLIDAY SCHEDULE (SHOWN IN PURPLE)																				
NEW YEAR'S DAY (SUN, JAN 1)							INDEPENDENCE DAY (WED, JUL 4)							DAY AFTER THANKSGIVING (FRI, NOV 23)						
MARTIN LUTHER KING JR. DAY (MON, JAN 16)							LABOR DAY (MON, SEP 3)							CHRISTMAS EVE (MON, DEC 24)						
PRESIDENT'S DAY (MON, FEB 20)							VETERAN'S DAY (SUN, NOV 11)							CHRISTMAS DAY (TUE, DEC 25)						
MEMORIAL DAY (MON, MAY 28)							THANKSGIVING DAY (THUR, NOV 22)													



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

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

Monday, May 17, 2010

**12:00 P.M. – Special Meeting
American River North**

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

AGENDA

A. STUDY SESSION – CALL TO ORDER / ROLL CALL

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

B. PUBLIC COMMENT

At a study session or special meeting, citizens wishing to address the Council for any matter on the agenda may do so at the time the matter is discussed. Note, under the provisions of the California Government Code, the City Council is prohibited from discussing or taking action on any unagendized item.

C. STUDY SESSION ITEM

Subject: Fiscal Year 2010/11 Budget Workshop

Recommendation: Review and Discuss Proposed Budget with Council and Community.

Result of Recommended Action: Staff will incorporate Council direction into final budget document for adoption at the June 7, 2010 City Council meeting.

Staff Report: Donna Silva, Finance Department

Advances Goals: 1, 4, 6 and 11

D. ADJOURNMENT OF STUDY SESSION

1. REGULAR MEETING – CALL TO ORDER / ROLL CALL

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

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

Chaplain John Kent, Sacramento Law Enforcement Chaplaincy, will give the invocation.

5. PRESENTATIONS

- 5.1 Presentation by President of the Sacramento Chapter of American Public Works Association (APWA), Steve Hiatt to Cyrus Abhar in Honor of Receiving the Sacramento Chapter 2010 Award for Professional Manager of the Year: Engineering and Technology.
- 5.2 Presentation by Sacramento County Department of Human Assistance, Acting Director, Paul G. Lake on Mather Community Campus Transition to the Volunteers of America.
- 5.3 Presentation of Proclamation to Melanie Rochin, Helen Brewer, and Bonnie Penrose, Accepting on Behalf of the Sacramento County Adult Aging Commission in Celebration of Older Americans Month.
- 5.4 Presentation of Proclamation to Donna Burke, Executive Director, External Affairs at AT&T California in Support of the AT&T Campaign to Raise the Level of Awareness About Not Texting and Driving.
- 5.5 Introduction of Rancho Cordova Police Department's New Chief of Police Doug Diamond by City Manager Ted Gaebler.

6. 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.

7. COUNCIL REPORTS

8. CONSENT CALENDAR ITEMS – ROLL CALL VOTE

- 8.1 **Subject:** Regular Meeting Minutes of May 3, 2010
Recommendation: Adopt Minutes.
- 8.2 **Subject:** Ordinance Establishing Pre-zoning Designations for the Annexation Area East of Sunrise Boulevard and South of Highway 50
Recommendation: Waive second reading and adopt Ordinance No. 7-2010. **(Roll Call Vote)**
Result of Recommended Action: The proposed zoning map and text changes will maintain, and in some cases, expand the land use opportunities for the majority of properties within the annexation area when it becomes part of the City on July 1, 2010. All properties will maintain a similar zoning classification under City jurisdiction that they enjoyed under the County and the number of permitted land uses will be expanded. Where practical, procedures for obtaining a use permit for certain commercial uses will be simplified. The Convention Center Overlay will be applied in a portion of the annexation area as indicated by the General Plan, with a minor boundary modification proposed by staff.
Staff Report: Jeff Beiswenger, Planning Department
Advances Goals: 8, 9 and 12
- 8.3 **Subject:** Resolution Authorizing the Expenditure Plan for the Utilization of Funds Available from the State Supplemental Law Enforcement Fund (SLESF) which Funds the State's "Citizen's Option for Public Safety" (COPS) Program
Recommendation: Adopt Resolution No. 32-2010.
Result of Recommended Action: Adoption of this resolution will provide preservation of unused prior year grant funds (\$9,893) and allow for the appropriate spending of both the prior year carryover funds and the current year allocation (\$100,000) in accordance with the Government Code 30061.
Staff Report: Donna Silva, Finance Department
Advances Goals: 1, 4, 5, 7, and 12
GROWING STRONG NEIGHBORHOODS

9. CONSENT PUBLIC HEARING ITEMS

- 9.1 **Subject:** Resolution Approving the Issuance of Revenue Bonds by the California Municipal Financing Authority (CMFA) for the Purpose of Financing or Refinancing the Acquisition of the Cal EMA State Office Building located at 3650 Schriever Avenue, Rancho Cordova
Recommendation: That Council:
a) Conduct a public hearing for the proposed issuance by the California Municipal Finance Authority ("CMFA"), of bonds in an amount not to exceed \$2,750,000,000 (the "Bonds"), for the purpose of financing and refinancing the acquisition by CMFA or its designee (the "Borrower") of the state office building known as the Cal EMA, located at Cal EMA Building, 3650 Schriever Avenue, Rancho Cordova, California and other state owned buildings in other locations; and
b) Adopt Resolution No. 35-2010. **(Roll Call Vote)**
Result of Recommended Action: If Council adopts this resolution, the CMFA or its designee may proceed with tax-exempt bond financing of the project. If Council declines to adopt this resolution, the CMFA may need to seek other financing at higher interest rates or not purchase the building.
Staff Report: Donna Silva, Finance Department
Advances Goal: 11

10. PUBLIC HEARING ITEMS

10.1 **Subject:** User Fee Updates

Recommendation: That Council:

- a) Waive first reading and introduce Ordinance No. 6-2010; **(Roll Call Vote)**
- b) Adopt Resolution No. 33-2010;
- c) Adopt Resolution No. 34-2010; and
- d) Adopt Resolution No. 37-2010.

Result of Recommended Action: Adoption of this ordinance would amend Chapter 16.90 of the Rancho Cordova Municipal Code pertaining to construction permit fees, Title 4 of the Rancho Cordova Municipal Code pertaining to business license fees and fines, and Chapter 12.09 of the Rancho Cordova Municipal Code pertaining to street trench fees to change the procedures for the adoption and establishment of these fees.

Adoption of Resolution No. 33-2010 would establish a new fee schedule for planning, building and public works related services in Rancho Cordova. The proposed fee schedule would adopt new fees and deposits, and increase existing fees and deposits to reflect the City's cost of providing planning, building, and public works services to members of the public.

Adoption of Resolution No. 34-2010 would increase the tow release fee charged by the City of Rancho Cordova for the recovery of costs incurred in the removal, impound, storage and release of vehicles. This resolution will also rescind Resolution No. 85-2004, which established the current tow and release fee.

Adoption of Resolution No. 37-2010 would rescind Resolution No. 128-2005, which established the current Tobacco Retailers License fee. Combined with the adoption of Ordinance No. 6-2010 this fee will be set by the City Manager.

Adoption of the proposed ordinance amendments and resolutions would remove unintended subsidies and recover approximately \$921,000 of previously subsidized costs in fiscal year 2010/11 and each year thereafter. This will prevent the need for further declines in service levels that have been necessary in order to produce a balanced budget for the upcoming fiscal year.

Staff Report: Donna Silva, Finance Department

Advances Goal: 11

GROWING STRONG NEIGHBORHOODS

11. REGULAR CALENDAR ITEMS

11.1 **Subject:** Report of Greenhouse Gas Laws (AB32 and SB375) and Options for Local Programs

Recommendation: Receive report and provide direction to staff.

Result of Recommended Action: Council input will provide direction to staff for addressing greenhouse gas and climate change programs within the City of Rancho Cordova.

Staff Report: Paul Junker, Planning Department and Adam U. Lindgren, City Attorney

Advances Goals: 1, 8, and 13

12. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

13. CITY MANAGER'S REPORT

14. ADJOURNMENT

Mayor Cooley will adjourn the regular meeting in the David B. Roberts Council Chambers to closed session in the Community Board Room.

15. CLOSED SESSION – CALL TO ORDER / ROLL CALL

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

16. PUBLIC COMMENT

Citizens wishing to address the Council regarding the item on the closed session agenda may do so at this time. Please state your name and community of residence and keep your comments to three minutes or less.

17. CLOSED SESSION ITEM

Council may adjourn to Closed Session to discuss the following item:

Conference with Legal Council, Existing Litigation: Vineyard Area Citizens vs. City of Rancho Cordova. (Sacramento County Superior Court Case No.: 02CS01214)

18. OPEN SESSION – REPORT FROM CLOSED SESSION

The City Attorney will report on action taken in closed session.

19. ADJOURNMENT

ADDITIONAL INFORMATION

Rancho Cordova Great Health Challenge - Rancho Cordova has launched a program intended to promote a healthier community by building awareness for those who live, work, play, or pray here. You are encouraged to join our commitment to get healthy, stay fit, and have fun! Go to <http://www.20tonsin2010.com/> to register.

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 or Fridays prior to the Regular City Council Meeting.

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

UPCOMING MEETINGS	
<i>Friday, May 28, 2010</i>	FURLOUGH DAY – City Hall Closed
<i>Monday, May 31, 2010</i>	Memorial Day Holiday – City Hall Closed
<i>Monday, June 7, 2010</i>	12:00 p.m. to 5:00 p.m. Budget Study Session - TENTATIVE ; 4:00 p.m. to 5:00 p.m. Study Session on Arboretum Project Status Report - TENTATIVE (if Budget Study Session not needed); and 5:30 p.m. Regular City Council Meeting
<i>Monday, June 21, 2010</i>	5:30 p.m. Regular City Council Meeting
<i>Tuesday, June 29, 2010</i>	5:30 p.m. Joint Work Session on Suncreek Specific Plan Discussion
<i>Monday, July 5, 2010</i>	Independence Day Holiday Observed – City Hall Closed
<i>Tuesday, July 6, 2010</i>	5:30 p.m. Regular City Council Meeting
<i>Tuesday, July 13, 2010</i>	5:30 p.m. Work Session on Bicycle and Pedestrian Master Plan and Land Use Discussion
<i>Monday, July 19, 2010</i>	5:30 p.m. Regular City Council 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
Human Resources Department	(916) 851-8740
IT Department	(916) 851-8700
Neighborhood Services – Animal Services	(916) 851-8770
Parks & Recreation (Cordova Recreation & Park District)	(916) 362-1841
Planning Department	(916) 851-8750
Public Works Department	(916) 851-8710
Rancho Cordova Police Department	(916) 875-9600
Redevelopment Department	(916) 851-8780
Sac Metro Fire District	(916) 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 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 May 17, 2010 Special and Regular Meeting of the Rancho Cordova City Council/CRA/RCFC was posted and available for review on May 13, 2010 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 13th day of May, 2010 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, May 3, 2010

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

MINUTES

1. REGULAR MEETING – CALL TO ORDER / ROLL CALL

Mayor Cooley called the regular meeting to order in the David B. Roberts Council Chambers at 5:42 p.m.

Council Members Present: Sander, Budge (arrived at 6:32 p.m.), McGarvey, and Mayor Cooley

Council Members Absent: Skoglund

Staff Members Present: Gaebler, Lindgren, Chinn, Cuppy, Junker, Diamond, Snyder, Abhar, Silva, Blair, Garcia, Snipes, Haven, Peterson, Chan, Flory, Loveless, Beiswenger, Delaney, Gassaway, and Kellerman

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 Cory Chapman to lead the Pledge.

4. INVOCATION

Bryce Cooley, Cordova Neighborhood Church, gave the invocation.

5. PRESENTATIONS

- 5.1 Elk Grove Local Census Office Manager Jon Zwanziger gave updates on Census Efforts in Rancho Cordova.
- 5.2 Sacramento Metro Fire Assistant Chief Cantelme and Deputy Chief Henke presented on Updates Relating to Fire/EMS Activities in the Rancho Cordova Area.
- 5.3 Mayor Cooley presented Certificates of Recognition to Volunteer Income Tax Assistance (VITA) Volunteers, Gail Osborn and Lisa Illinik.
- 5.4 Linda Smith presented on Weed and Seed Program Updates. **(This item was not presented at this Council Meeting.)**
- 5.5 Vice Mayor McGarvey presented a proclamation for Public Service Recognition Week (May 3-9, 2010) – In the Spirit of the Theme “Innovation and Opportunity,” and for their Contributions to Produce the “Connecting the Dots: Where Your Tax Dollars Go” City Video to City Staff Paul Junker, Donna Silva, Steve Harriman, Stephanie Snyder, Troy Holt, Stacey Peterson and Stacy Delaney.
- 5.6 Council Member Sander presented a proclamation in Recognition of Municipal Clerks Week (May 2-8, 2010) to City Clerk Mindy Cuppy.

6. PUBLIC COMMENT

The following individuals addressed the Council:

- Scottie Moore regarding City’s donation for SOCKS
- Carol Wilfley regarding concern for the two shootings at Zinfandel Square within the last couple of months

7. COUNCIL REPORTS

Council reported on events since the last meeting.

8. CONSENT CALENDAR ITEMS – ROLL CALL VOTE

ACTION: Motion by Budge second by McGarvey and carried by a 4:0 (Skoglund absent) roll call vote; Council approved the Consent Calendar.

Subject: Meeting Minutes:

- a) Regular Meeting Minutes of April 5, 2010; and
- b) Special Meeting Minutes of April 13, 2010;

Recommendation: Adopt Minutes.

- 8.2 **Subject:** Ordinances Extending Temporary Suspension of Annual Program Fee Adjustments for Certain Developer Impact Fees
Recommendation: Waive second readings and adopt Ordinance No. 3-2010, Ordinance No. 4-2010, and Ordinance No. 5-2010. **(Roll Call Vote)**
Result of Recommended Action: Adoption of these ordinances will extend the temporary suspension of automatic annual program fee inflationary adjustments for an additional period of one year for the following developer impact fee programs:
a) City Transportation Impact Fee;
b) Sunrise Douglas Community Plan Fee; and
c) Villages of Zinfandel Development Impact Fee
Staff Report: Donna Silva and Rebecca Santini, Finance Department
- 8.3 **Subject:** Quarterly Treasurer's Report
Recommendation: Receive and file report.
Result of Recommended Action: This report provides Council with information concerning the City's investment portfolio. This report will meet requirements as provided by state law.
Staff Report: Donna Silva, Finance Department
- 8.4 **Subject:** Resolution Authorizing City Manager to Award Construction Contract for Rossmoor Drive and Zinfandel Drive Street Maintenance Project to Martin General Engineering Inc. in an Amount not to Exceed \$900,405
Recommendation: Adopt Resolution No. 22-2010.
Result of Recommended Action: Adoption of this resolution will authorize the City Manager to execute a contract agreement with Martin General Engineering Inc. in the amount not to exceed \$900,405 for the construction of the Rossmoor Drive and Zinfandel Drive Street Maintenance Project. The work to be performed under this contract will include the placement of rubberized asphalt overlay and pedestrian improvements for Rossmoor Drive from Coloma Drive to Ambassador Drive. This project also includes placement of an asphalt cape seal on Zinfandel Drive from Folsom Boulevard to Sunrise Boulevard.
Staff Report: Cyrus Abhar, Public Works Department
GROWING STRONG NEIGHBORHOODS
- 8.5 **Subject:** Resolution Authorizing the City Manager to Execute an Agreement with the City of Sacramento for Use of the Permanent Household Hazardous West Collection Facility
Recommendation: Adopt Resolution No. 23-2010.
Result of Recommended Action: Adoption of this resolution will extend the current agreement with the City of Sacramento through June 30, 2013, that allows the City of Rancho Cordova residents to deliver household hazardous waste to the City of Sacramento facility, and for the City of Sacramento to invoice the City of Rancho Cordova accordingly.
Staff Report: Cyrus Abhar, Public Works Department
- 8.6 **Subject:** Resolution Authorizing the City Manager to Execute a Contract with Bureau Veritas North America, Inc. to Provide On-call Building Plan Review and Inspection Services for the Building and Safety Department in the Amount Not to Exceed \$380,000
Recommendation: Adopt Resolution No. 24-2010.
Result of Recommended Action: Adoption of this resolution will authorize the City Manager to execute an on-call agreement with Bureau Veritas North America, Inc. in the amount not to exceed \$380,000.
Staff Report: Cyrus Abhar, Public Works Department
GROWING STRONG NEIGHBORHOODS

- 8.7 **Subject:** Resolution Rejecting Bids for the Street Maintenance Project 2009 - Cape Seal RC-14

Recommendation: Adopt Resolution No. 27-2010.

Result of Recommended Action: Adoption of this resolution will reject all bids for the Street Maintenance Project 2009 – Cape Seal RC-14. The two bids received exceeded the budget for the project. Staff feels the bids received were not correctly representative of staff's intention of the project specifications. Staff now wishes to modify project specifications to more clearly define project requirements and re-advertise for construction bids to obtain greater bid participation.

Staff Report: Cyrus Abhar, Public Works Department

- 8.8 **Subject:** Resolution Calling the November 2, 2010 General Municipal Election for Two City Council Seats and Requesting the Sacramento County Board of Supervisors to Consolidate the General Municipal Election with the Statewide Election

Recommendation: Adopt Resolution No. 28-2010.

Result of Recommended Action: Adoption of this resolution allows for the consolidation of the City's general municipal election with the statewide election to be held on November 2, 2010, and to obtain election services from the Sacramento County Voter Registration and Elections Department. At the general municipal election, two members of the City Council will be elected for full, four-year terms. The Council Member seats currently filled by Linda Budge and Dan Skoglund expire in November 2010.

Staff Report: Mindy Cuppy, City Clerk's Department

- 8.9 **Subject:** Resolution Authorizing the City Manager to Execute a Contract Change Order No. 2 with DeSilva Gates Construction for the International Drive Extension Project

Recommendation: Adopt Resolution No. 31-2010.

Result of Recommended Action: Adoption of this resolution will cover the cost associated with the modification of the sound wall along the residential properties on the south side of International Drive. The contract required the construction of the sound wall be performed first to minimize disruption to residents for the remainder of the project. Modification of the sound wall was necessary due to field conditions of the structural footing for the existing sound wall. The original contract was in the amount of \$7,684,408 for the construction of the International Drive Extension Project. The contract term is not affected by this change order.

Staff Report: Cyrus Abhar, Public Works Department

- 8.10 **Subject:** Community Redevelopment Agency Resolution Authorizing the Community Redevelopment Agency to Purchase Real Property Located at 2728 Woodberry Way; and to Authorize the Executive Director to Execute a Certificate of Acceptance of Grant Deed Required by Government Code Section 27281

Recommendation: Adopt Agency Resolution No. CRA-5-2010.

Result of Recommended Action: Adoption of this resolution will authorize the Community Redevelopment Agency to use Agency funds to purchase real property located at 2728 Woodberry Way and the Executive Director to execute a Certificate of Acceptance of Grant Deed.

Staff Report: Reed Flory, Housing Administration

GROWING STRONG NEIGHBORHOODS

COUNCIL ACTING AS COMMUNITY REDEVELOPMENT AGENCY

9. CONSENT PUBLIC HEARING ITEMS

- 9.1 **Subject:** Resolution Approving a Design Review Amendment for Kingdom Hall of Jehovah's Witnesses - Project No. DD6782, Located at 11075 Hirschfeld Way

Recommendation: That Council:

- a) Find the project Categorically Exempt under Section 15332, In-Fill Development Projects, of the California Environmental Quality Act; and
- b) Adopt Resolution No. 21-2010.

Planning Commission Recommendation: The Planning Commission, on a 7:0 vote, recommended that the City Council find the project Categorically Exempt under Section 15332, In-Fill Development Projects, of the California Environmental Quality Act and adopt a resolution approving the Design Review Amendment for Kingdom Hall of Jehovah's Witnesses, Project No. DD6782, subject to the findings, evidence, Design Review Package, Monument Sign Design, and Conditions of Approval.

Result of Recommended Action: Adoption this resolution will amend a previously approved Design Review for the expansion of Kingdom Hall. The original Design Review approved an expansion of approximately 3,600 sq. ft. The amendment would reduce the size of the addition to approximately 2,000 sq. ft. The scope of work includes a façade remodel, enlarged parking lot, ADA and landscaping improvements, and removal of one oak tree and related tree mitigation. These additions will improve the overall look of this portion of Hirschfeld Way.

Staff Report: Shannan Loveless, Planning Department

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

ACTION: Motion by Budge second by Sander and carried by a 4:0 (Skoglund absent) roll call vote; Council adopted Resolution No. 21-2010.

10. PUBLIC HEARING ITEMS

- 10.1 **Subject:** Resolution Amending the General Plan Consistent with Pre-zoning Designations and an Ordinance Establishing Pre-zoning Designations for the Annexation Area East of Sunrise Boulevard and South of Highway 50, Amending the Zoning Code to Add a General Commercial (GC) and a Light Industrial (M-1) Zoning Classifications, and Related Provisions

Recommendation: That Council:

- a) Waive first reading and introduce Ordinance No. 7-2010 (**Roll Call Vote**); and
- b) Adopt Resolution No. 26-2010.

Result of Recommended Action: The proposed zoning map and text changes will maintain, and in some cases, expand the land use opportunities for the majority of properties within the annexation area when it becomes part of the City on July 1, 2010. All properties will maintain a similar zoning classification under City jurisdiction that they enjoyed under the County and the number of permitted land uses will be expanded. Where practical, procedures for obtaining a use permit for certain commercial uses will be simplified. The Convention Center Overlay will be applied in a portion of the annexation area as indicated by the General Plan, with a minor boundary modification proposed by staff.

Staff Report: Jeff Beiswenger, Planning Department

Advances Goals: 8, 9, and 12

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

- Bob Nolasco in support of this item

Mayor Cooley closed the public comment period.

ACTION: Motion by Budge second by McGarvey and carried by a 4:0 (Skoglund absent) roll call vote; Council introduced Ordinance No. 7-2010 and adopted Resolution No. 26-2010.

10.2 **Subject:** Resolution Approving the 2010-11 Community Development Block Grant Action Plan

Recommendation: Adopt Resolution No. 19-2010.

Result of Recommended Action: Adoption of this resolution will authorize the City Manager to submit the following documents, due to Department of Housing and Urban Development (HUD) on May 15:

1. The Action Plan, which serves as the CDBG budget for July 1, 2010 to June 30, 2011 (FY 2010-11) and amends the 2009-10 Action Plan;
2. Standard Form 424 (application for grant funds); and
3. Various certifications required by HUD.

Staff Report: Reed Flory, Housing Administration

Advances Goals: 1, 4, 7, 8, and 11

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

ACTION: Motion by Budge second by McGarvey and carried by a 4:0 (Skoglund absent) roll call vote; Council adopted Resolution No. 19-2010.

11. REGULAR CALENDAR ITEMS

NONE

12. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

13. CITY MANAGER'S REPORT

City Manager Ted Gaebler reported on the following:

- Council Member Linda Budge winning an award from Sacramento Area Reading Advocates for Service on Library Authority.
- Public Works Director, Cyrus Abhar winning an award from American Public Works Association (APWA) for Professional Manager of the Year: Engineer and Technology.
- Budget Study Session on Monday, May 17, 2010 from 12:00 p.m. to 5:00 p.m. and Regular City Council Meeting at 5:30 p.m.

14. ADJOURNMENT

Mayor Cooley adjourned the regular meeting in the David B. Roberts Council Chamber at 8:33 p.m.

Mindy Cuppy, City Clerk

CITY OF RANCHO CORDOVA

ORDINANCE NO. 7-2010

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
AMENDING ARTICLE 3 OF THE RANCHO CORDOVA ZONING CODE RELATED TO
ZONING DISTRICTS, ALLOWABLE USES AND GENERAL DEVELOPMENT STANDARDS;
AMENDING SECTION 23.919.060; AND ADOPTING A ZONING MAP AMENDMENT THAT
CHANGES THE PRE-ZONING DESIGNATION FOR ANNEXED PROPERTY EAST OF
SUNRISE BOULEVARD AND SOUTH OF HIGHWAY 50**

WHEREAS, on December 2, 2009, the Sacramento Local Agency Formation Commission ("LAFCo") approved Resolution LAFC 09-07 approving the annexation of property east of Sunrise Boulevard and South of Highway 50 ("Annexed Property") to the City of Rancho Cordova ("City"). The annexation will be effective on July 1, 2010; and

WHEREAS, as part of the City's annexation of property within its Sphere of Influence, LAFCo required that the City "pre-zone" the Annexed Property; and

WHEREAS, during the annexation process, the City has held outreach meetings with the affected owners of the Annexed Property ("Property Owners"); and

WHEREAS, during the outreach meetings, it came to City's attention that the current economic downturn has had a dramatic affect on the Annexed Property including significant and unexpected impacts relating to the anticipated pre-zoning of the Annexed Property. Property Owners expressed serious concerns regarding the pre-zoning designation and requested that the City consider changing the pre-zoning to be more consistent with the zoning currently imposed on that area by the County of Sacramento; and

WHEREAS, the predominate desire of Property Owners and other real estate interests in the Annexed Property is to keep the commercial and industrial zoning currently required by Sacramento County. The pre-zoning originally proposed by the City in 2007, and approved by LAFCo, calls for a significant amount of Commercial Mixed Use and Office Park Mixed Use zoning, which could create many non-conforming uses and/or require the eventual redevelopment of industrial property to more intensive land uses. This could create a hardship on existing Property Owners and businesses seeking to occupy tenant space in these difficult economic times; and

WHEREAS, it is the intent of the City to expand the range of permitted land uses permitted in the Annexed Property than was previously permitted by Sacramento County and to create a more streamlined and faster approval process to meet the economic development goals expressed in the General Plan; and

WHEREAS, in consideration of the requests by the Property Owners, it is now the City's desire to amend the City's Zoning Code to help mitigate the effects of the continued economic downturn and further implement the goals and objectives of the General Plan; and

WHEREAS, this Ordinance amends Article 3 of the City's Zoning Code related to zoning Districts, allowable uses and general development standards, adds Appendix A to the Zoning Code adding a table comparing Sacramento County and City regulations on industrial zones, and changing the pre-zoning for the Annexed Property; and

WHEREAS, the new pre-zoning map will keep the majority of the parcels zoned similar to the current County designations for the property; and

WHEREAS, this Ordinance also makes minor consistency changes to Zoning Code section 23.919.060 regarding sexually oriented business. These changes are only for consistency and will not be affecting the use or establishment of these type of uses; and

WHEREAS, pursuant to Government Code Section 65860, the City's Zoning Code must be consistent with its General Plan. This Ordinance would have created a minor inconsistency with the land use designations between the two documents. In order to comply with this consistency requirement, on May 3, 2010 the City adopted Resolution 26-2010, making minor amendments to two General Plan Figures affecting land use designations; and

WHEREAS, the General Plan Amendments updated General Plan Figure LU-7 to eliminate the three parcel east of Citrus from the Convention Center Overlay and Figure LU-31 to more accurately reflect the proposed zoning under this Ordinance; and

WHEREAS, on April 8, 2010, 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 that the City Council adopt the Zoning Amendments, as presented.

NOW THEREFORE, 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.** In compliance with the requirements of the California Environmental Quality Act by to the California Environmental Quality Act ("CEQA"), the City determined that the amendments were consistent with the Environmental Impact Report prepared for the General Plan certified in June 2006 and completed a General Plan EIR Addendum in March 2010.

B. **Consistency with the General Plan.** The proposed Amendments to the City's Zoning Code are consistent with the General Plan as required by Government Code Section 65860. The proposed Zoning Code amendments are consistent with the General Plan as follows:

1. The General Plan's High Density Residential ("HDR"), Residential Mixed Use ("RMU") and the Transit Oriented Development ("TOD") categories are implemented with the HDR, RMU and TOD zoning next to the Sunrise light rail stop. The zoning proposal implements "Policy LU.1.7": "Promote higher density and intensity land uses that support transit within one-half mile of major transit stations..."

2. The Convention Overlay designation in the General Plan is implemented by the application of the proposed Convention Center Overlay zoning designation in the northwest portion of the Annexed Property. The zoning proposal retains the intent of "Policy ED.4.1": "Establish a convention center within the Convention Overlay along Folsom Boulevard and Sunrise Boulevard that includes and supports hotels, restaurants, meeting spaces, shopping and entertainment venues in Rancho Cordova."

3. The General Plan's Commercial Mixed Use designation is implemented with the designation of General Commercial (GC) zoning. Light Industrial and Heavy Industrial designations of the General Plan are implemented with M-1 and M-2 zoning. M-1 zoning is also proposed as a flexible district that will allow the integration of some commercial land uses. These zoning designation implement the following GP Policies and Actions:

- Policy LU.1.2 – Develop a fiscally sound strategy to encourage a mix of uses that meets the City's needs and provides sufficient tax base to maintain desired community service levels.
- Action LU.1.2.1 – Designate adequate commercial, office, and industrial land uses throughout the City ...
- Policy ED.1.3 – Retain and expand the existing industrial and warehouse uses in the City.
- Policy ED.2.2 – Improve the existing office and industrial centers in Rancho Cordova with the construction of new restaurants, retail and services.

4. The proposed zoning designations are consistent with the land uses within the General Plan's Sunrise Boulevard South Planning Area, which includes a combination of RMU, CMU, LI and HI designations.

C. Pre-zoning Change for Annexed Property.

1. Pursuant to California Government Code section 56375(e), the City Council hereby finds that a substantial change has occurred in circumstances that necessitate a departure from the pre-zoning that was submitted to the Sacramento Local Agency Formation Commission for the annexation.

2. The pre-zoning originally adopted by the City in 2007, and approved by LAFCo on December 2, 2009, would result in a significant change from the current County zoning of the Annexed Property. The original pre-zoning would require an increase of Commercial Mixed Use and Office Park Mixed Use zoning. Such change in zoning would create many non-conforming uses and/or require the eventual redevelopment of industrial property to more intensive land uses.

3. As evidenced by staff reports and public testimony, since the pre-zoning of the Annexed Property and its approval by LAFCo, the continued downturn in the economy has resulted in significant changes to regulations imposed by banking institutions. While a legal nonconforming use designation may have previously been an inconvenience and resulted in slight devaluation of property, with the current economic downturn, a tighter real estate market, and the loan regulations and requirements have been made it much more difficult for businesses considered legal nonconforming. For example, a determination that a property is legal nonconforming may make it difficult, or impossible, to get refinance loans.

SECTION 3: Amendments. The City Council hereby amends the City's Zoning Code as follows:

1. Replace Article 3 of the City's Zoning Code to replace Chapter 23.316; add a new chapter entitled "Chapter 23.328 – Supplemental Information" to include a "Industrial Land Use Equivalency Table" and amend the boundary of the Convention Center Overlay District and provided in **Exhibit A**; and

2. Amend the pre-zoning for the Annexed Property, as set forth in **Exhibit B**;
and

3. Amend Zoning Code section 23.919.060(C)(2)(a) in order to correct an inconstancy created at the time the Zoning Code was updated. The change will not affect the use or establishment of these types of uses. Section 23.919.060(C)(2)(a) is amended to read as follows:

“a. Such use is more than 1,000 feet from any property zoned for a land use zone listed in Chapter 23.310 Residential Zoning Districts.”

4. Amend Zoning Code section 23.919.060(C)(2)(f) in order to add M-1 to the list of land use zone designations that an adult use can be situated in. The change is consistent with the Zoning Code changes for the Annexed Property. Section 23.919.060(C)(2)(f) is amended to read as follows:

“f. Such use is situated in either a LIBP, M-1 or M-2 land use zone.”

5. Amend Zoning Code section 23.1101 to amend the definitions of Industrial, Small Scale; and Office Accessory as identified 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 this ____ day of _____ 2010, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ken Cooley, Mayor

ATTEST:

Mindy Cuppy, City Clerk

RANCHO CORDOVA MUNICIPAL CODE, TITLE 23 - ZONING CODE

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Chapter 23.316 – General Commercial, Automotive and Industrial Zones

Sections in this Chapter

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23.316.010 Purpose

The purpose of this Chapter is to establish zoning districts in the City that support ~~general commercial, automotive~~ and industrial uses to implement the City's Commercial Mixed Use and Heavy Industrial General Plan land use categories. These districts provide sufficient and appropriately located land for ~~general commercial, automotive~~ and industrial uses that minimize impacts on residential neighborhoods and mixed use areas.

23.316.020 Characteristics of ~~the General Commercial Automotive and Industrial~~ Zoning Districts

The following descriptions of each ~~General Commercial, Automotive and Industrial~~ Zoning District identify the characteristic uses, intensity of uses, and level of development intended for that district.

A. General Commercial. This district ~~implements~~ is consistent with the General Plan Commercial Mixed Use designation by providing locations for a wide variety of commercial uses and some higher density residential uses. The purpose of this zone is to provide an area for general commercial and heavier types of commercial uses. The most appropriate location for this district is along major streets or in commercial areas where the heavier uses permitted would not adversely affect surrounding properties.

~~Automotive Commercial (AC) Zoning District.~~ This district ~~implements the General Plan Commercial Mixed Use designation by providing locations for automobile-oriented uses. A wide range of auto sales and service uses, as well as related and compatible uses, are allowed in the AC district.~~

A.B. Light Industrial (M-1) Zoning District. This district is consistent ~~with implements the General Plan Light Industrial land use designation by providing locations for the development of industrial uses such as: fabrication, manufacturing, assembly, or processing of materials that for the most part are already in processed form and which do not in their maintenance, assembly, manufacture, or plant operation create smoke, gas, odor, dust, sound, or other objectionable influences which might be obnoxious to persons conducting business or residing in this or any other zone.~~

B.C. Heavy Industrial (M-2) Zoning District. This district is consistent ~~with implements the Heavy Industrial General Plan land use category by providing appropriate locations for intensive industrial uses that may generate noise, vibration, odor, or other conditions that make them undesirable and incompatible near or in~~

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conjunction with residential uses or the City's Mixed Use Districts. A wide range of industrial manufacturing and warehousing uses are permitted in this district. The M-2 District is generally located in areas of the City where it would not create a substantial impact on sensitive residential, commercial, or office uses. Where feasible, development in the M-2 District may require additional measure to reduce impacts to neighboring properties such as increased setbacks, feature substantial setbacks, landscaping, and screening, to reduce impacts to neighboring property.

23.316.030 Allowed Land Uses and Permit Requirements

Table 23.316-1 below identifies allowed uses and corresponding ~~permit~~ requirements for the ~~General Commercial, Automotive~~ and Industrial Zoning Districts subject to compliance with Chapter 23.304 (Land Use Classification) and all other provisions of this Title. Descriptions/definitions of the land uses can be found in Article 11 (Definitions). The Specific Use Regulations column in the table identifies the specific chapter or section where additional regulations for that use type are located within this Title.

This zoning code relies upon a generalized list of allowed and conditionally allowed uses. Some interpretation is required to determine whether or not a specific use falls into a particular use category. Typically a use clearly falls into a particular category, but three additional tools are provided in this Title to identify the appropriate use category when necessary:

1. Chapter 23.1101 of this Title includes Land Use Descriptions.
2. For industrial uses, Chapter 23.328 of the Article provides Table 23.328-1 Industrial Classification Equivalency to help identify whether a specific use is: permitted; permitted with a Limited Use Permit (L); Permitted with a Conditional Use Permit (C) or Not Permitted (N) in the M-1 and M-2 zoning district. If any discrepancy exists between Table 23.316-1 and Table 23.328-1 then Table 23.316-1 prevails.
- 4.3. Similar Use Determinations. For uses that are not listed on Table 23.316-1 or where it is not clear whether or not a use would be permitted, a Similar Use Determination can be processed according to Chapter 23.122 of this Title. All of the definitions, tables and other provisions of this Title, in addition to the operational characteristic of the intended use can be used to make a Similar Use Determination.

Use regulations in the table are shown with representative symbol by use classification listing: "P" symbolizes uses allowed by right, "L" symbolizes uses that require approval of a Limited Use Permit, "C" symbolizes uses that require approval of a Conditional Use Permit, and "N" symbolizes uses that are not permitted.

**Table 23.316-1: Allowed Use and Permit Requirements for
~~General Commercial, Automobile~~ and Industrial Zoning Districts**

Land Use Category	<u>GC</u>	<u>AC</u>	<u>M-1</u>	<u>M-2</u>	Specific Use Regulations
Residential Uses					
Caretaker Housing	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	23.901.020
<u>Dwelling, Multi-family</u>	<u>P</u>	<u>N</u>	<u>CN</u>	<u>N</u>	<u>23.901.070 (if Senior Independent Living)</u>

Land Use Category	<u>GC</u>	AC	<u>M-1</u>	M-2	Specific Use Regulations
Emergency Shelters	<u>CP</u>	N	<u>C</u>	<u>CN</u>	
Home Occupations	<u>P</u>	<u>P</u>	<u>PN</u>	N	23.901.030
Live-Work Facility	<u>P</u>	N	<u>P</u>	N	23.901.040
Mobile Home Park	<u>C</u>	N	N	N	23.901.050
Residential Care Home	<u>P</u>	N	N	N	
Single Room Occupancy (SRO)	<u>CP</u>	N	<u>CN</u>	N	
Transitional Housing	<u>P</u>	N	<u>PN</u>	N	
Recreation, Education, and Public Assembly Uses					
Cemeteries, Mausoleums	<u>CP</u>	N	<u>C</u>	C	
Clubs, Lodges, and Private Meeting Halls	<u>P</u>	P	<u>P</u>	P	
Indoor Amusement/Entertainment Facility	<u>P</u>	C	<u>L</u>	<u>LC</u>	
Indoor Fitness and Sports Facility	<u>P</u>	P	<u>L</u>	<u>LC</u>	
Libraries and Museums	<u>P</u>	C	<u>P</u>	C	
Outdoor Commercial Recreation	<u>C</u>	C	<u>C</u>	C	
Public Safety Facility	<u>P</u>	P	<u>P</u>	P	
Recreational Vehicle Parks	<u>P</u>	C	<u>C</u>	C	
Religious Institutions	<u>P</u>	P	<u>L</u>	<u>CL</u>	
Schools, Private and Special/Studios	<u>P</u>	C	<u>L</u> ¹	<u>LC</u> ¹	
Schools, Public	<u>P</u>	P	<u>P</u>	P	
Theaters and Auditoriums	<u>P</u>	C	<u>C</u>	C	
Utility, Transportation, and Communication Use Listings					
Broadcasting and Recording Studios	<u>P</u>	P	<u>P</u>	P	
Bus and Transit Shelters	<u>P</u>	P	<u>P</u>	P	
Freight Yard/Truck Terminal	N	N	<u>P</u> ²	<u>P</u> ² P	
Fuel Storage and Distribution	N	N	<u>P</u> ²	<u>PC</u>	
Heliports	<u>C</u>	C	<u>C</u>	C	
Park and Ride Facility	<u>P</u>	P	<u>P</u>	P	
Parking Facility	<u>P</u>	P	<u>P</u>	P	
Telecommunication Facility	<u>C</u>	C	<u>C</u>	C	23.907.020
Transit Facilities	N	P	<u>P</u>	P	
Transit Stations and Terminals	<u>P</u>	P	<u>P</u>	P	
Utility Facility and Infrastructure	<u>L</u>	P	<u>P</u>	P	23.907.030

Land Use Category	GC	AC	M1	M2	Specific Use Regulations
Retail, Service, and Office Uses					
Alcoholic Beverage Sales, off-site ³	C	G	C	C	
Ambulance Service	C	G	C	C	
Animal Sales and Grooming	P	N	L	C	
Art, Antique, Collectable	P	N	L	C	
Artisan Shops	P	N	L	C	
Banks and Financial Services	P	G	L	C	
Bars and Nightclubs	C	P	C	C	
Building Materials Stores and Yards	P	P	P ²	P ² C	
Business Support Services	P	N	P ²	P ²	
Call Centers	L	N	L	C	
Child Day Care Facility	P	N	C	C	
Convenience Stores	P	G	C	C	
Drive-in and Drive-through Sales and Service	P	P	C	C	23.910.030
Equipment Sales and Rental	P ²	P	P ²	P	
Furniture, Furnishings, and Appliance Stores	P	G	P ²	LC	
Garden Center/Plant Nursery	P	P	P ²	LC	
Grocery Stores/Supermarket	P	N	L	C	
Home Improvement Supplies	P ²	P	P ²	P	
Hotels and Motels	P	G	N	N	
Hotels and Motels, Extended Stay	P	G	N	N	
Kennels, Commercial	C	N	L	C	
Maintenance and Repair, Small Equipment	P ²	P	P	PC	
Medical Services, General	P	N	L	LN	
Medical Services, Extended Care	P	N	N	N	
Medical Services, Hospitals	P	N	L	P	
Mortuaries and Funeral Homes	P	N	C	C	
Neighborhood Market	P	N	L	C	
Offices, Business and Professional	P	N	L	CG	
Offices, Accessory	P ⁵	P ⁵	P ⁶	P ⁶	
Personal Services	P	N	L	C	
Restaurants	P	N	L	CP	
Retail, Accessory	P ⁶	P ⁶	P ⁶	P ⁶ C	
Retail, General	P	N	L	C	
Retail, Warehouse Club	P	N	L	C	
Veterinary Facility	P	N	P ²	P ² C	

Land Use Category	CR	AC	M1	M2	Special Use Regulations
Automobile and Vehicle Uses					
Auto Vehicle Dismantling	N	P	N	P	23.913.020
Auto and Vehicle Sales and Rental	C	P	L ⁴	L ⁴ P ¹	
Auto and Vehicle Sales, Wholesale	P	P	C	C	
Auto and Vehicle Storage	P ²	P	P ²	P ² P	
Auto Parts Sales	P ²	P	P ²	P ² C	
Car Washing and Detailing	C	P	P	P	
Service Stations	C	P	C	C	
Vehicle Services, Major	P ²	P	P ²	P ² P	
Vehicle Services, Minor	P ²	P	P ²	P ² P	
Industrial, Manufacturing, and Processing Uses					
Agricultural Products Processing	N	N	C	P ² C	
Junk Tire Facility	N	N	N	P	23.916.020
Manufacturing, Major	N	N	L ²	P	
Manufacturing, Minor	N	N	P ²	P	
Manufacturing, Small Scale	P	N	P ²	P	
Printing and Publishing	N	N	P	P	
Recycling Facility, Processing	N	N	L	PG	
Recycling Facility, Scrap and Dismantling Facility	N	N	N	C	
Research and Development	N	N	P	P	
Storage, Personal Storage Facility	N	N	P ²	P	
Storage, Warehouse	L	N	P ²	P	
Storage, Yards	N	N	N	P ² P	
Wholesaling and Distribution	P	N	P ²	P	
Special Regulations					
Card Rooms	N	N	C	C	23.919.020
Check Cashing Businesses	N	N	N	C	23.919.030
Massage Parlor	N	N	N	C	
Pawn Shops	N	N	N	C	23.919.040
Recycling Facility, Collection Facility	N	L	L	PG	23.919.050
Sexually Oriented Businesses	N	N	P	P	23.919.060
Smoke Shops	N	N	N	C	23.919.070
Tattoo Parlors	N	N	N	C	23.919.080
Thrift Store	N	N	N	C	23.919.090

Notes:

1. Trade Schools permitted by right, all other schools require a LUP.
2. Permitted if the entire operation is conducted within a completely enclosed building or screened from view behind a fence or wall.

Planning Commission Recommendation, April 8, 2010

3. Off-site sales of alcohol permitted as an allowed use if incidental to a permitted uses (e.g. breweries, wineries). Only retail sales is included under this use category see the Wholesale and Distribution for non-retail sales.
4. 1. Automobile rental is permitted as a by-right use and does not require a use permit. Incidental sales only up to 15% of developed portion of site are permitted as a by-right use and must be fully screened from view or enclosed within a building. Automotive sales that exceed 15% of the developed portion of the site or outdoor display areas that are not screened from view may be permitted with the issuance of a Limited Use Permit.
5. Permitted if the entire operation is conducted within a completely enclosed building or screened from view behind a fence or wall. All Retail, Accessory and Office, Accessory uses are permitted up to a combined 50% of total building square footage.
6. The following limitations apply to Retail, Accessory and Office, Accessory in the M-2 district:
 - a. Sales are allowed when incidental to a permitted use and sales and stock room area do not exceed 25% of total floor area;
 - b. Offices are allowed when incidental to a permitted use and do not exceed 25% of total floor area;
 - c. Café/restaurant are allowed up to 15% of building square footage (free-standing restaurants required the issuance of a CUP).
- 1.7. Up to 50% of total building area may be used for a storage, warehousing, distribution or similar use as a permitted use. A CUP is required to exceed this percentage.

23.316.040 Development Standards

The following development standards are applicable to the General Commercial, Automotive and Industrial Zoning Districts. These standards, along with other development standards (e.g., landscaping requirements, parking standards) in this Title 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.

Table 23.316-2: General Commercial, Automotive and Industrial Zoning Districts Development Standards

Development Standards	<u>GC</u>	<u>AC</u>	<u>M-1</u>	<u>M-2</u>
Setbacks (minimum):				
▲ Front and Street Side/Corner	<u>25</u>	25 ft	<u>25 ft</u>	25 ft
▲ Side and Rear	<u>25</u>	25 ft	<u>0 ft</u>	0 ft
▲ Side and Rear, abutting Agricultural or Residential Use or Zone	<u>25</u>	25 ft	<u>15 ft</u>	15 ft
Height (maximum):				
▲ All Other Parcels	<u>100 ft¹</u>	40 ft	<u>40 ft¹</u>	100 ft ¹

Notes:

1. The height may be increased to a maximum of 150 feet as part of Design Review.

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Chapter 23.328 – Supplemental Information

Sections in this Chapter

23.328.010 Purpose.....	23.328-1
23.328.060 Industrial Land Use Equivalency Table.....	23.328-1

23.328.010 Purpose

The purpose of this Chapter is to provide additional information related to this Article of the Zoning Code. This information is typically not needed for day-to-day implementation of the code but can be used to help clarify certain provisions and provide more detailed information where necessary.

23.328.060 Industrial Land Use Equivalency Table

The following Table 23.328-1 provides a detailed list of commercial and industrial uses that may be permitted in the Light Industrial (M-1) and Heavy Industrial (M-2) zoning districts. The purpose of this table is to help determine whether or not certain specific uses are:

- Permitted (P);
- Permitted with a Limited Use Permit (L);
- Permitted with a Conditional Use Permit (C);
- Not Permitted (N);
- Allowed with a Temporary Use Permit (T); or
- Allowed with a Sign Permit (S).

Table 23.328-1 is arranged to match Table 23.316-1 to help identify land uses that were permitted under Sacramento County jurisdiction and the equivalent land use permit requirement under Rancho Cordova jurisdiction. This table should always be used in conjunction with Table 23.316-1 Allowed Uses and Permit Requirements for General Commercial, Automotive and Industrial Zoning Districts. If any conflicts or discrepancies exist between Table 23.316-1 and Table 23.328-1 then the Table 23.316-1 prevails.

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**Table 23.328-1: Land Use Category Equivalents in M-1 and M-2
with Sacramento County Designations**

Land Use Category	M-1	M-2
Caretaker Housing		
<i>Residence for Night Watchman or Caretaker</i>	P	C
Clubs, Lodges, and Private Meeting Halls		
<i>Labor Union Hall</i>	P	P
Community Center/Civic Uses (e.g. Utility Facility, Offices – Business and Professional, Auto and Vehicle Storage)		
<i>Buildings and Facilities owned by the Federal and State Governments and located on grounds owned by the Federal and State Governments.</i>	Based on use type	
<i>Local Agency Building, Grounds (Defined, Government Code Section 53090)</i>	Based on use type	
<i>Other Government and Public Buildings, Facilities, and Grounds</i>	Based on use type	
<i>Privately-owned Uses Within Public and Government-owned Buildings, Facilities, and Grounds</i>	Based on use type	
<i>Public and Government Uses Within Privately-owned Buildings, Facilities, and Grounds</i>	Based on use type	
<i>School District Nonclassroom Facilities</i>	Based on use type	
Indoor Amusement/Entertainment Facility		
<i>Dance Halls</i>	L	LG
<i>Shooting Galleries</i>	L	LG
Outdoor Commercial Recreation		
<i>Drive-in Theater</i>	C	C
<i>Driving Ranges</i>	C	C
<i>Race Tracks</i>	C	C
<i>Shooting Ranges</i>	C	C
<i>Stadiums</i>	C	C
Schools, Private and Special/Studios (except for Trade Schools)	L ¹	L ¹
<i>Trade School</i>	P	P
Freight Yard/Truck Terminal		

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Land Use Category	M-1	M-2
<i>Bus and Freight Depot and Truck Terminal</i>	P ²	P ²
<i>Drying and Freight Yard</i>	P ²	P ² P
<i>Freight Classification Yard</i>	P ²	P ² P
<i>Freight Classification Yard</i>	P ²	P ² P
<i>Truck Terminal Yard</i>	P ²	P ² P
<i>Truck Terminal Yard</i>	P ²	P ² P
Fuel Storage and Distribution		
<i>Petroleum Storage</i>	P ²	P
<i>Feed and Fuel Yard</i>	P ²	P
Parking Facility		
<i>Parking lot as a primary use subject to Off Street Parking Development Standards</i>	P	P
<i>Parking Lot/Garage (Primary Use)</i>	P	P
Utility Facility and Infrastructure		
<i>Public Utility & Public Service Facility</i>	P	P
<i>Public Utility Service Yard</i>	P	P
Building Materials Stores and Yards		
<i>Building Materials Sales Yard</i>	P ²	P ²
<i>Lumber Yard</i>	P ²	P ²
<i>Lumber Yard - New and Used, Sales and Storage</i>	P ²	P ²
Business Support Services		
<i>Armored Car Service</i>	P ²	P ²
<i>Appliance, Radio and Television, Repair Shop</i>	P ²	P ²
<i>Blueprinting - Photostating Service</i>	P ²	P ²
<i>Delivery Service</i>	P ²	P ²
<i>Disinfecting or Fumigating</i>	P ²	P ²
<i>Drafting Service</i>	P ²	P ²
<i>Equipment Rental Agency</i>	P ²	P ²
<i>Gardening and Landscaping; Service Yard and Work Shop</i>	P ²	P ²
<i>Grinding-sharpening Service</i>	P ²	P ²

Land Use Category	M-1	M-2
Gunsmith	P ²	P ²
Janitorial	P ²	P ²
Laboratory, Materials Testing	P ²	P ²
Laboratory, Medical, Dental, or Optical	P ²	P ²
Laboratory, Research, Experimental	P ²	P ²
Locksmith, Safe Repair Shop	P ²	P ²
Mail Order Business	P ²	P ²
Pest Control	P ²	P ²
Pool Service	P ²	P ²
Security Service	P ²	P ²
Taxicab Service and Storage	P ²	P ²
Towing Service	P ²	P ²
Trailer Sale, Rental Service (Utility Trailers Only/not for Habitation)	P ²	P ²
Tree Service	P ²	P ²
Tree Service	P ²	P ²
Upholstery, Furniture Cleaning	P ²	P ²
Video Tape - Editing, Processing	P ²	P ²
Equipment Sales and Rental		
Hay, Seed, Grain and Farm Equipment Store	P ²	P
Heavy Equipment Storage, Sales, Rental, Service and Repair Yard	P ²	P
Machinery Rental Yard	P ²	P
Military Surplus Equipment and Goods	P ²	P
Retail, Accessory		
Cafe/restaurant - Free-standing or Occupying More than 15% of a Building (See Sec. 230-11 D.4.)	P ⁵	P ⁶
Manufacturing and Distribution of Pools, Spas - Sales and Display Permitted as an Incidental Use Provided it Does Not Exceed 25% of the Total Floor Area	P ⁵	P ⁶
Retail, General		
Certified Farmers Market (if located within a building)	L	C
Firewood, Fuel - Sales and Storage	L	C
Hay, Seed, Grain and Farm Equipment Store	L	C

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Land Use Category	M-1	M-2
<i>Automotive and Vehicle Uses</i>		
Auto and Vehicle Storage		
Auto Storage, Indoor	P ²	P ²
Auto Storage, Outdoor	P ²	P ²
Parking Yard for Damaged Vehicles	P ²	P ²
Parking Yard for Towed Operable Vehicles (Requires On-site Office for Vehicle Retrieval)	P ²	P ²
Recreational Vehicle & Boat Storage – Outdoor	P ²	P
Recreational Vehicle and Boat Storage Indoor	P ²	P ²
Storage of Dismantled vehicles	P ²	P ²
Vehicle Services, Major		
Antique Auto, Storage and Rebuilding	P ²	P ²
Boat Service and Repair	P ²	P ²
Heavy Equipment Storage, Sales, Rental, Service and Repair Yard	P ²	P ²
Painting	P ²	P ²
Reconditioning	P ²	P ²
Repair and Overhauling	P ²	P ²
Repair Garage, Machine Repair and Overhaul	P ²	P ²
Upholstering	P ²	P ²
Vehicle Services, Minor		
Heavy Equipment Storage, Sales, Rental, Service and Repair Yard	P ²	P ²
Inspection station	P ²	P ²
Motorcycle - Repair, Dismantling	P ²	P ²
Tire Shop, Including Sales and Installation	P ²	P ²
<i>Technical, Industrial, and Processing Uses</i>		
Agricultural Products Processing		
Agricultural Uses	C	P
Honey Extraction	C	P
Olive Processing Plants	C	P
Manufacturing, Major		
Aircraft Engine Testing	L ²	P

Land Use Category	M-1	M-2
Alcohol, Industrial or Grain Manufacture	L ²	P
Ammonia, Bleaching Powder or Chlorine Manufacture	L ²	P
Animal Slaughter	L ²	P
Asphalt Manufacture or Refining	L ²	P
Blast Furnace or Coke Oven	L ²	P
Boiler Works	L ²	P
Brick, Adobe, Tile, Terra Cotta or Concrete Products	L ²	P
<u>Canneries</u>	<u>L²</u>	<u>P</u>
Chemical Manufacture	L ²	P
Concrete or Cement Products Manufacture	L ²	P
Dead Animal Reduction	L ²	P
Distillation of Bones	L ²	P
Drop-forge Industry Manufacturing, Including Forges with Power Hammers	L ²	P
Fat Rendering, Except as an Incidental Use	L ²	P
Garbage or Offal Reduction	L ²	P
Fish Smoking, Curing or Canning	L ²	P
Iron or Steel Foundry or Fabrication Plant and Heavyweight Casting	L ²	P
Lampblack Manufacture	L ²	P
Lightweight Nonferrous Metal Casting Foundry	L ²	P
Linoleum and Oilcloth Manufacture	L ²	P
<u>Manufacture of Sauerkraut, Vinegar, Yeast</u>	<u>L²</u>	<u>P</u>
<u>Milk Products Plant, Dairy</u>	<u>L²</u>	<u>P</u>
Ore Reduction	L ²	P
Paint, Oil (Including Linseed), Shellac, Turpentine, Lacquer or Varnish Manufacture	L ²	P
Paper and Pulp Manufacture	L ²	P
Petroleum Products Manufacture	L ²	P
Plastic Manufacture	L ²	P
Potash Works	L ²	P
Quarry or Stone Mills	L ²	P
Railroad Repair Shops	L ²	P

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Land Use Category	M-1	M-2
<i>Rocket Testing Facilities</i>	L ²	P
<i>Rolling Mills</i>	L ²	P
<i>Rubber Fabrication or Products Made from Finished Rubber</i>	L ²	P
<i>Smelting of Tin, Copper, Zinc, or Iron Ore</i>	L ²	P
<i>Soap Manufacture</i>	L ²	P
<i>Sodium Compound Manufacture</i>	L ²	P
<i>Tannery or the Curing or Storing of Raw Hides</i>	L ²	P
<i>Tar Distillation or Tar Products Manufacture</i>	L ²	P
<i>Tire Retreading, Recapping and Rebuilding</i>	L ²	P
<i>Wool Pulling or Scouring</i>	L ²	P
Manufacturing, Minor		
<i>Canneries</i>	P ²	P
<i>Air Separation Plant</i>	P ²	P
<i>Assembly of Plastic Items from Finished Plastic</i>	P ²	P
<i>Assembly of Small Electrical and Electronic Equipment</i>	P ²	P
<i>Boat Building</i>	P ²	P
<i>Book Binding</i>	P ²	P
<i>Bottling Plants</i>	P ²	P
<i>Butcher, Wholesale (Excluding Slaughterhouse)</i>	P ²	P
<i>Carpet and Rug Cleaning Plants</i>	P ²	P
<i>Ceramic Products Using Only Previously Pulverized Clay and Fired in Kilns Using Electricity or Gas Only</i>	P ²	P
<i>Egg Processing Facilities</i>	P ²	P
<i>Electric or Neon Sign Manufacture</i>	P ²	P
<i>Garment Manufacture</i>	P ²	P
<i>Ice Manufacture and Cold Storage</i>	P ²	P
<i>Laundries, Cleaning and Dyeing Plants</i>	P ²	P
<i>Machinery Shop Uses:</i>	P ²	P ²
• <i>Blacksmith Shops</i>		
• <i>Cabinet or Carpenter Shops</i>		
• <i>Electric Motor Rebuilding</i>		

Land Use Category	M-1	M-2
Machine Shops		
Manufacturing, Compounding, Assembly, or Treatment of Articles or Merchandise from Previously Prepared Metals		
Plumbing Shops		
Sheet Metal Shops		
Welding Shops		
Manufacture of Sauerkraut, Vinegar, Yeast	P ²	P
Manufactured Home Sales, Rental, Storage, and Assembly	P ²	P ²
Manufacturing and Distribution of Pools, Spas - Sales and Display Permitted as an Incidental Use Provided it Does Not Exceed 25% of the Total Floor Area	P ²	P
Manufacturing, Compounding or Processing of Such Products as:	P ²	P
Bakery Goods		
Candy		
Cosmetics		
Dairy Products		
Drugs		
Fruits and Vegetables (Packing Only)		
Meat Products		
Other Food Products (Excluding Fish, Meat, Sauerkraut, Wine, Yeast, and Rendering of Fats and Oils)		
Perfume		
Toiletries		
Manufacturing, Compounding, Assembly or Treatment of Articles or Merchandise from the Following Previously Prepared Materials:	P ²	P
Bone		
Canvas		
Cellophane		
Cloth		
Cork		
Feathers		
Felt		

Land Use Category	M-1	M-2
• Fibre		
• Fur		
• Hair		
• Horn		
• Glass		
• Leather		
• Paper, No Milling		
• Precious or Semiprecious Stones or Metals		
• Plaster		
• Plastic		
• Shells		
• Textiles		
• Tobacco		
• Wood		
• Yarns		
Milk Products Plant, Dairy	P ²	P
Mixing, batching, and compounding of paint, adhesives and resins	P ²	P
Photographic Chemical Processing and Wholesale Distribution	P ²	P
Planing and Sawmills	P ²	P
Printing Shops, Lithography, Publishing	P ²	P
Rubber and Metal Stamps, Musical Instruments, Toys and Novelties	P ²	P
Rubber Fabrication or Products Made from Finished Rubber	P ²	P
Tire Retreading, Recapping and Rebuilding	P ²	P
Winery, Brandy Distillery or Brewery	P ²	P
Recycling Facility, Processing		
Recycling Plant	L	P
Recycling Facility, Scrap and Dismantling Facility		
Automobile Wrecking Yard	N	C
Junk Tire Handling, including: Junk tire Recycling, Shredding, Cutting, Splitting, and/or Storage	N	C

Land Use Category	M-1	M-2
<i>Machinery Wrecking Yard</i>	N	C
Storage, Personal Storage Facility		
<i>Moving and Storage</i>	P ²	P
<i>Storage Building-mini</i>	P ²	P
Storage, Warehouse		
<i>Commercial Grain Elevators</i>	P ²	P
<i>Frozen Food Lockers - Cold Storage</i>	P ²	P
<i>General Storage</i>	P ²	P
Storage, Yards (note: storage yards are permitted if incidental to a permitted use and screened)		
<i>Brick Yard</i>	N	P ²
<i>Contractor's Storage Yard</i>	N	P ²
<i>General Storage</i>	N	P ²
<i>Moved Building Storage (Long Term)</i>	N	P ²
<i>Moved Building Storage, Temporary (7 Days or Less)</i>	N	P ²
<i>Public Utility Service Yard</i>	N	P ²
<i>Used Building Materials Scrap or Junk Yard</i>	N	P ²
Wholesale and Distribution		
<i>Bottled Gas Sale & Related Storage</i>	P ²	P
<i>Nursery, Wholesale</i>	P ²	P
<i>Storage and Distribution of Bottled Gas</i>	P ²	P
<i>Wholesaling and Warehousing</i>	P ²	P
Special Recreational Uses		
Recycling Facility, Collection Facility		
<i>Recycling Center</i>	L	P
Sexually Oriented Businesses		
<i>Adult Book Stores</i>	P	P
<i>Adult Motion Picture Theater</i>	P	P
<i>Adult Live Theater</i>	P	P
<i>Adult Video Tape Stores</i>	P	P
Other Permitted Uses		
Classified as an accessory use		

Land Use Category	M-1	M-2
Coffee Shop, Snack Bar, Delicatessen, Cafeteria When Located as One Tenant in a Building and Not Occupying More than 15% of the Total Floor Area (See K-3)	p ⁵ _A	p ⁶ _A
Offices, When Incidental to a Permitted Use and Does Not Exceed 25% of the Total Floor Area of the Permitted Use	p ⁵ _A	p ⁶ _A
Parts Sales When Incidental to a Permitted Use and Sales and Stockroom Area Does Not Exceed 25% of the Total Floor Area	p ⁵ _A	p ⁶ _A
Not Listed Equivalent		
Gas and Oil Wells (See Section 301-19)	N	N
Hazardous Waste, Storage, Disposal Facility (TSD)	N	N
Irrigation Disposal of Wastewater as Defined in Section 130-99.1.	N	N
Lagoon Disposal of Wastewater as Defined in Section 130-103.5.	N	N
Private Airports, Landing Fields and Heliports Approved by CAD and FAA	N	N
Public Use Airports, Aircraft Landing Fields, and Heliports	N	N
Not Listed		
Condominiums, Industrial (permitted as part of a permitted industrial land use)	P	P
Stock Yard or Feeding Pens	N	N
Retail, Services and Office Use (varies as listed)		
The Non-residential Uses Listed in Section 225-11 (Commercial Table) Except Those Non-residential Uses Listed in this Matrix	L	C
The Nonresidential Uses Listed in Section 225-13 (Table III), Except Those Nonresidential Uses Listed in this Matrix	L	C
See Signs (Chapter 23.743)		
Signs, as Provided in Title III, Chapter 35, Article 1, General Provisions	S	S
Signs, Off-site, as Provided in Title III, Chapter 35, Article 1, Section 335-12	S	S
Sign Relocation, Off-site, See Sign Ordinance	S	S
Signs, On-site, as Provided in Title III, Chapter 35, Articles 2.1 and 2.2	S	S
Temporary Use Permit Required		
Certified Farmers Market	T	T
Temporary Concession Stand	T	T
Circus	T	T

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1. Trade Schools permitted by right, all other school require a LUP.
2. Permitted if the entire operation is conducted within a completely enclosed building or screened from view behind a fence or wall.
3. Off-site sales of alcohol permitted as an allowed use if incidental to a permitted uses (e.g. breweries, wineries). Only retail sales is included under this use category see the Wholesale and Distribution for non-retail sales.
4. Rental only with the exception of incidental sales. Incidental sales of used automobiles and trucks permitted up to 15% of developed portion of site and must be fully screened from view or enclosed within a building.
5. All Retail, Accessory and Office, Accessory uses are permitted up to a combined 50% of total building square footage.
6. The following limitations apply to Retail, Accessory and Office, Accessory in the M-2 district:
 - a. Sales are allowed when incidental to a permitted use and sales and stock room area do not exceed 25% of total floor area;
 - b. Offices are allowed when incidental to a permitted use and do not exceed 25% of total floor area;
 - c. Café/restaurant are allowed up to 15% of building square footage (free-standing restaurants required the issuance of a CUP);
7. Up to 50% of total building area may be used for a storage, warehousing, distribution or similar use as a permitted use. A CUP is required to exceed this percentage.

Article 11

Definitions

Overview

This Chapter provides all definitions that are used throughout the Zoning Code. Definitions are grouped according to land use descriptions or general definitions and alphabetized. All definitions included here are also provided in relevant sections of the Zoning Code.

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RANCHO CORDOVA MUNICIPAL CODE, TITLE 23 - ZONING CODE

Chapter 23.1101 – Land Use Descriptions

Sections in this Chapter

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23.1101.010 Purpose

The purpose of this Chapter is to provide descriptions for each of the land use categories used in this Title. Descriptions are grouped by general category on the basis of function, product, or compatibility characteristics as used in Article 3 (Zoning Districts, Allowable Uses, and General Development Standards).

23.1101.020 Land Use Definitions

Adult Day Care Facility. State-licensed facilities that provide non-medical care and supervision for more than six adults for periods of less than 24 hours, with no overnight stays.

Adult Day Care Home. Defined by state law as the provision of non-medical care to six or fewer adults, including seniors, in the provider's own home, for a period of less than 24 hours at a time. Homes serving more than six adults are included in "Adult Day Care Facility."

Agricultural Products Processing. The act of changing an agricultural crop after harvest from its natural state to the initial stage of processing in order to prepare it for market and for further processing at an off-site location. Examples of this processing include nut hulling and shelling, bean cleaning, corn shelling and sorting, grape sorting and crushing, primary processing of fruits to juice and initial storage of the juice, without fermentation, cleaning and packing of fruits.

Agricultural Tourism. Establishments that cater to tourists and provide agricultural products either produced on the site or within the community. Such uses include but are not limited to wineries with tasting rooms and permanent roadside crop stands or fruit stands.

Airport. A facility where aircraft such as airplanes can take off and land. An airport minimally consists of one runway but other common components are hangars and terminal buildings.

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

Ambulance Service. Emergency medical care and transportation, including incidental storage and maintenance of vehicles.

Animal Husbandry. Raising and breeding of animals or production of animal products. Typical uses include grazing, ranching, dairy farming, poultry farming, and beekeeping, but exclude slaughterhouses and feedlot operations. This classification includes accessory agricultural buildings accessory to such uses. Animal sales, boarding, and grooming are defined separately under "Animal Sales and Grooming." Keeping of animals is defined separately under "Animal Keeping."

RANCHO CORDOVA MUNICIPAL CODE, TITLE 23 - ZONING CODE

Article 11 – Definitions

odor, dust, sound, or other objectionable influences that might be obnoxious to persons conducting business on-site or on an adjacent site. Uses include but are not limited to batch plants, rendering plants, aggregate processing facilities, plastics and rubber products manufacturing. Also see "Manufacturing, Minor" and "Manufacturing, Small Scale."

Manufacturing, Minor. Manufacturing, fabrication, processing, and assembly of materials from parts that are already in processed form and that, in their maintenance, assembly, manufacture, or plant operation, do not create excessive amounts of smoke, gas, odor, dust, sound, or other objectionable influences that might be obnoxious to persons conducting business on-site or on an adjacent site. Uses include but are not limited to furniture manufacturing and cabinet shops, laundry and dry cleaning plants, metal products fabrication, and food and beverage manufacturing, processing and assembly. Also see "Manufacturing, Major" and "Manufacturing, Small Scale."

Manufacturing, Small Scale. Establishments manufacturing and/or assembling small products primarily by hand, including but not limited to jewelry, pottery and other ceramics, as well as small glass and metal art and craft products. The uses category also include Minor Manufacturing so long as the activity occurs on a small scale and within spaces less than 20,000 square feet in size. Also see "Manufacturing, Major" and "Manufacturing, Minor."

Massage Parlor. Establishment where customers can receive a massage.

Medical Services, Extended Care. Residential facilities providing nursing and health related care as a primary use with inpatient beds, such as board and care homes, convalescent and rest homes, extended care facilities, and skilled nursing facilities. Long-term personal care facilities that do not emphasize medical treatment are included under "Residential Care Homes."

Medical Services, General. Facility primarily engaged in providing outpatient medical, mental health, surgical, and other personal health services, but which are separate from hospitals, including medical and dental laboratories, medical, dental and psychiatric offices, outpatient care facilities, and other allied health services. Counseling services by other than medical doctors or psychiatrists are included under "Offices."

Medical Services, Hospitals. Hospitals and similar facilities engaged primarily in providing diagnostic services and extensive medical treatment, including surgical and other hospital services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include on-site accessory clinics and laboratories, accessory retail uses (see the separate definition of "Retail, Accessory"), and emergency heliports.

Mobile Home Park. Any site that is planned and improved to accommodate two or more mobile homes used for residential purposes, or on which two or more mobile home lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobile homes used for residential purposes.

Mobile Home. A transportable structure, which is built on a permanent chassis and designed as a dwelling when connected to the required utilities, and includes the plumbing, heating, air

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Article 11 – Definitions

served from a walk-up ordering counter for either on- or off-premise consumption and establishments where most customers are served food at tables for on-premise consumption, but may include providing food for take-out. Also includes coffee houses and accessory cafeterias as part of office and industrial uses.

Retail, Accessory. The retail sales of various products (including food service) in a store or similar facility that is located within a health care, hotel, office, or industrial complex. These uses include but are not limited to pharmacies, gift shops, and food service establishments within hospitals, and convenience stores and food service establishments within hotel, office, and industrial complexes. This use category also includes retail associated with industrial uses for the products sold, distributed, or manufactured on-site. The permitted retail area of the accessory use is based on ~~Such retail area shall not exceed 25 percent of the total square footage of the tenant space of a single use development or the combined floor area of an integrated development in a mixed-use project.~~

Retail, General. Stores and shops selling multiple lines of merchandise. These stores and lines of merchandise include but are not limited to art galleries, bakeries (all production in support of on-site sales), clothing and accessories, collectibles, department stores, drug and discount stores, dry goods, fabrics and sewing supplies, florists and houseplant stores (indoor sales, only; outdoor sales are plant nurseries and included in the definition of "Garden Center/Plant Nursery"), furniture, home furnishings and equipment, general stores, gift shops, hardware, hobby materials, musical instruments, parts and accessories, newsstands, pet supplies specialty shops, sporting goods and equipment, stationery, and variety stores.

Retail, Warehouse Club. Retail stores that emphasize the packaging and sale of products in large quantities or volumes, some at discounted prices. Sites and buildings are usually large and industrial in character. Patrons may be required to pay membership fees.

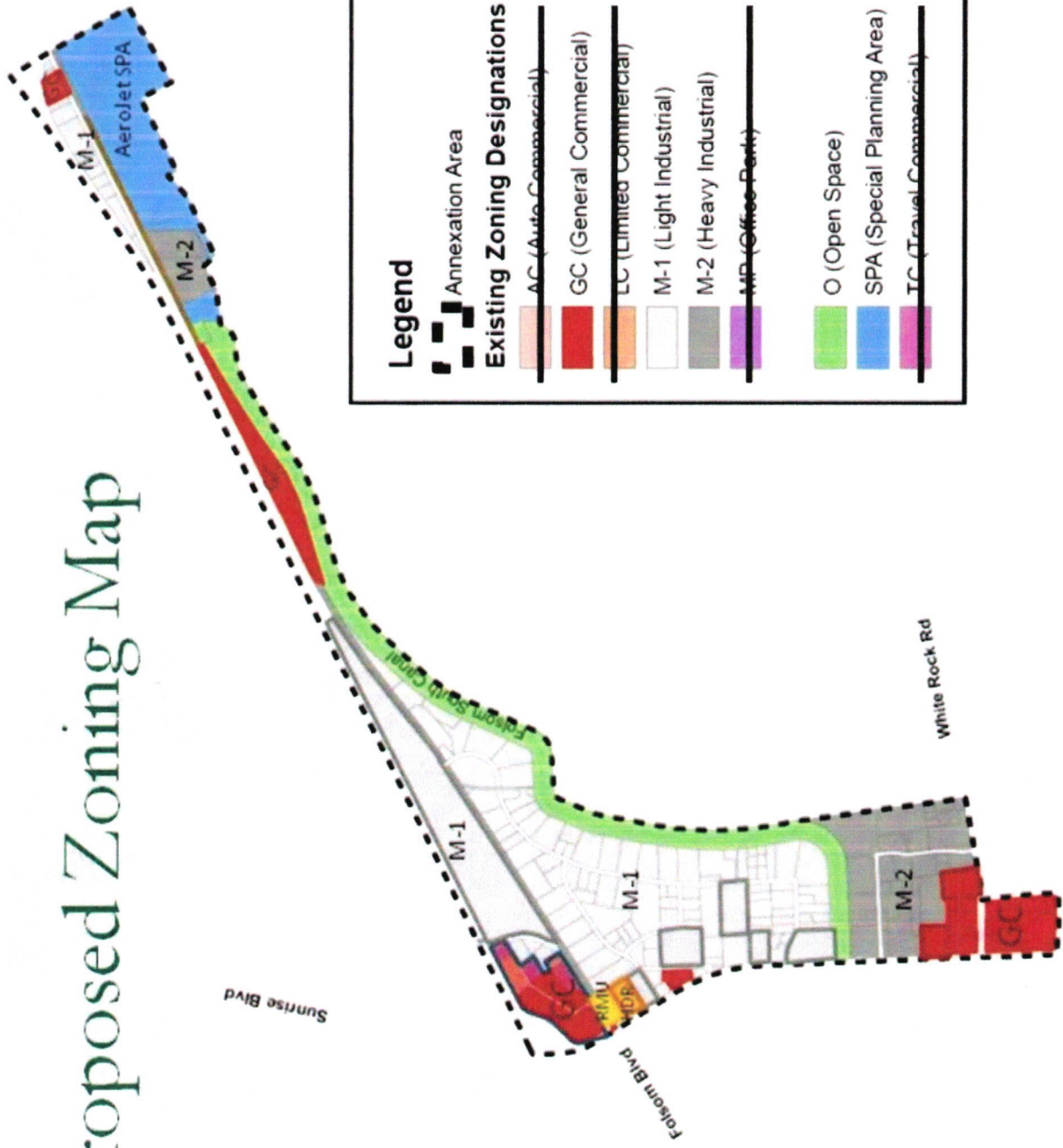
Schools, Private and Special/Studio. Includes private educational institutions (e.g., boarding schools, business, secretarial and vocational schools, colleges and universities, establishments providing for courses by mail or on-line), and special schools/studios (e.g., art, ballet and other dance, computers and electronics, drama, driver education, language, music, photography). Also includes facilities, institutions, and conference centers that offer specialized programs in personal growth and development (e.g., fitness training studios, gymnastics instruction, and aerobics and gymnastics studios, environmental awareness, arts, communications, management). Also see "Indoor Fitness and Sports Facilities."

Schools, Public. Public educational institutions such as community colleges, universities, elementary, middle/junior high schools, high schools, and military academies.

Service Station. A retail business selling gasoline or other motor vehicle fuels. Vehicle services which are incidental to fuel services are included under "Vehicle Services – Minor."

Sexually Oriented Business. Adult bookstores, adult motion picture theaters, adult live theaters, adult videotape stores, or any establishment that consists of a combination of such uses. An adult bookstore is a building or a portion thereof used by an establishment is either (a) where 25 percent or more of the floor space of the area of the building open to the public, and actually used for the display of books, magazines, or other publications, is devoted to the sale of books, magazines, or other publications which are distinguished or characterized by their

Proposed Zoning Map



MEMORANDUM



DATE: May 17, 2010
TO: Honorable Mayor and Council Members
FROM: Donna Silva, Finance Director
SUBJECT: RESOLUTION AUTHORIZING THE UTILIZATION OF THE STATE OF CALIFORNIA'S CITIZENS OPTION FOR PUBLIC SAFETY PROGRAM FUNDS (COPS)

RECOMMENDATION

Adopt Resolution No. 32-2010.

RESULT OF RECOMMENDED ACTION

Adoption of this resolution will result in the preservation of unused prior year grant funds, \$9,893, and allow for the appropriate spending of both the prior year carryover funds and the current year allocation, \$100,000, in accordance with the Government Code 30061.

BACKGROUND

The State of California's budget for Fiscal Year (FY) 2009-10 includes appropriations for the State Supplemental Services Fund (SLESF) for distribution to cities and counties to support jails, criminal prosecutions and front-line law enforcement operations and services. These funds are limited as follows:

- In the cases of cities, these funds must be used exclusively to fund front-line police operations and services in accordance with a written request from the police chief.
- For both counties and cities, these funds must supplement existing services and cannot be used to supplant existing funding for current law enforcement services.

The funds appropriated by the State in a given fiscal year are normally expended by local governments in the following fiscal year. Therefore, the State of California's appropriation of COPS funds in fiscal year 2009-10 are available for spending by the City in fiscal year 2010-11.

Government Code Section 30061 mandates that cities develop a plan for the expenditures of SLESF funds and that the City Council approve such expenditures as a separate matter (apart from the normal budget process). The current funding for the City is \$100,000. In addition, the Police Department has carryover funds of \$9,893.31 from FY 2008-09. The Police Department has requested that these funds be used for "one-time" purchases which are outlined in the attached memo from Marc Fontes, included as Exhibit A to the Resolution.

ATTACHMENT

Resolution No. 32-2010 including **Exhibit A** Memorandum

CITY OF RANCHO CORDOVA

RESOLUTION NO. 32-2010

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF RANCHO CORDOVA TO UTILIZE THE STATE OF CALIFORNIA'S
CITIZENS OPTION FOR PUBLIC SAFETY PROGRAM FUNDS (COPS)**

WHEREAS, In Fiscal Year 2009-10, under the State Supplemental Law Enforcement Services Fund (SLESF), the State appropriated funding for local law enforcement operations and service; and

WHEREAS, Rancho Cordova's portion of the SLESF funding is \$100,000 from the State's FY 2009-10 appropriation for the expenditure in 2010-11; and

WHEREAS, Rancho Cordova has a remaining balance of \$9,893 in SLESF funding from FY 2008-09 that has not been expended; and

WHEREAS, Government Code Section 30061 mandates that cities develop a plan for the expenditures of SLESF funds and that the City Council approve such expenditures as a separate matter (apart from the normal budget process).

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA that the City Council hereby accepts the grant for the State of California's Citizen's Option for Public Safety Program Funds and approves the expenditure plan attached hereto as **Exhibit A**.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the ____ day of _____, 2010 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ken Cooley, Mayor

ATTEST:

Mindy Cuppy, City Clerk



RANCHO CORDOVA POLICE DEPARTMENT

Memorandum

April 29, 2010

To : DONNA SILVA
Finance Director, City of Rancho Cordova

From : MARC FONTES
Assistant Chief of Police, Rancho Cordova Police Department

Subject : **CITIZEN'S OPTION FOR PUBLIC SAFETY (COPS) PROGRAM**

The Rancho Cordova Police Department is recommending the following expenditures, totaling \$100,000 for the FY 09/10 COPS funding, in addition to the remaining funds, totaling \$9,893.31, from FY 08/09:

Crime Prevention promotional supplies	6,000
Crime Prevention tables and bulletin boards	1,100
Taser upgrades and replacements for officers	30,000
Surveillance neighborhood cameras	25,000
Safety weapon lights for nights	10,000
GPS tracking systems for surveillance	8,000
Parking Enforcement PDA handheld systems	9,000
Stop Sticks for City Patrol Vehicles	20,000

The remaining \$793.31 will be utilized for facility and equipment upgrades, as needed or required, to meet department and city standards.

Cc: Douglas Diamond, Chief of Police
Kristie Meeks, Division Budget Coordinator RCPD
File

MEMORANDUM



DATE: May 17, 2010

TO: Honorable Mayor and Council Members

FROM: Donna Silva, Finance Director

SUBJECT: RESOLUTION APPROVING THE ISSUANCE OF REVENUE BONDS BY THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY (CMFA) FOR THE PURPOSE OF FINANCING OR REFINANCING THE ACQUISITION OF THE CAL EMA STATE OFFICE BUILDING

RECOMMENDATION

That Council:

- a) Conduct a public hearing for the proposed issuance by the California Municipal Finance Authority ("CMFA"), of bonds in an amount not to exceed \$2,750,000,000 (the "Bonds"), for the purpose of financing and refinancing the acquisition by CMFA or its designee (the "Borrower") of the state office building known as the Cal EMA, located at Cal EMA Building, 3650 Schriever Avenue, Rancho Cordova, California and other state owned buildings in other locations.
- b) Adopt Resolution No. 35-2010 approving the issuance of the Bonds for the financing and refinancing of the Project (as described herein) by the CMFA.

RESULT OF RECOMMENDED ACTION

If Council adopts this resolution, the CMFA or its designee may proceed with tax-exempt bond financing of the project. If Council declines to adopt this resolution, the CMFA may need to seek other financing at higher interest rates or not purchase the building.

BACKGROUND

Reasons for the Hearing and the Resolution

Pursuant to the Act, the City of Rancho Cordova must conduct a public hearing providing the members of the community an opportunity to speak in favor of or against the use of tax-exempt bonds for the financing and refinancing of the Project. Prior to such public hearing, reasonable notice must be provided to the members of the community. Following the close of the public hearing, the governing body of the governmental unit hosting the Project must provide its approval of the issuance of the Bonds for the financing of the Project and find that the Project provides significant public benefit as defined by the Act.

The Project

The proceeds of the Bonds will be used (1) to finance and/or refinance the acquisition of a state office building known as Cal EMA Building, 3650 Schriever Avenue, Rancho Cordova, California to be leased on a long-term basis to the State of California through its Department of General Services; and (2) the balance, to finance and/or refinance similar projects outside the City, fund a reserve fund if required, and pay certain expenses incurred in connection with the issuance of the Bonds. The facilities are to be owned and operated by the Borrower.

The Bonds

The Bonds to be issued by the CMFA for the Project will be the sole responsibility of the entity serving as the Borrower, and the City will have no financial, legal, moral obligation, liability or responsibility for the Project or the repayment of the Bonds for the financing of the Project. All financing documents with respect to the issuance of the Bonds will contain clear disclaimers that the Bonds are not obligations of the City or the State of California, but are to be paid for solely from funds provided by the Borrower.

Outside of holding the public hearing, adopting the required resolution, no other participation or activity of the City or the City Council with respect to the issuance of the Bonds will be required.

California Municipal Finance Authority

The California Municipal Finance Authority ("CMFA") was created on January 1, 2004, pursuant to a joint exercise of powers agreement to promote economic, cultural and community development, through the financing of economic development and charitable activities throughout California. To date, over 100 municipalities including the City of Rancho Cordova have become members of CMFA. The CMFA was formed to assist local governments, non-profit organizations and businesses with the issuance of taxable and tax-exempt bonds aimed at improving the standard of living in California.

ATTACHMENT

Resolution No. 35-2010

CITY OF RANCHO CORDOVA

RESOLUTION NO. 35-2010

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
APPROVING THE ISSUANCE OF REVENUE BONDS BY THE CALIFORNIA MUNICIPAL
FINANCE AUTHORITY FOR THE PURPOSE OF FINANCING OR REFINANCING THE
ACQUISITION OF THE STATE OFFICE BUILDING/S KNOWN AS THE CAL EMA BUILDING
AND CERTAIN OTHER MATTERS PERTAINING THERETO.**

WHEREAS, pursuant to Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California (the "Act"), certain public agencies (the "Members") have entered into the Joint Exercise of Powers Agreement Relating to the California Municipal Finance Authority, dated as of January 1, 2004 (the "Agreement"), in order to form the California Municipal Finance Authority (the "Authority") for the purpose of promoting economic, cultural and community development, and in order to exercise any powers common to the Members, including the issuance of bonds, notes or other evidences of indebtedness; and

WHEREAS, the City of Rancho Cordova, California (the "City") is a Member of the Authority; and

WHEREAS, the Authority is authorized to issue and sell revenue bonds for the purpose, among others, of financing or refinancing the construction of capital projects; and

WHEREAS, the Authority intends to issue revenue bonds in the maximum principal amount of \$2,750,000,000 (the "Bonds") and use the proceeds or loan the proceeds to a subsidiary, affiliate or designee (the Borrower): (1) to finance and/or refinance the acquisition of the state office building/s known as the Cal EMA Building, 3650 Schreiver Avenue, Rancho Cordova, California, to be leased on a long-term basis to the State of California through its Department of General Services (the "Project"); and (2) to finance and/or refinance similar projects outside the City, fund a reserve fund, if required and pay certain expenses incurred in connection with the issuance of the Bonds.

WHEREAS, the manager(s) of the projects will be the Borrower, or another entity selected by the Authority or the Borrower; and

WHEREAS, the issuance of the Bonds by the Authority will effect demonstrable savings in interest rate and/or issuance costs which constitute significant public benefits pursuant to the Act; and

WHEREAS, the Act and the Agreement require that the local agency within which a public capital improvement to be financed with the proceeds of the Bonds is located, hold a public hearing and approves the financing of the public capital improvement by the Authority following such hearing; and

WHEREAS, the Authority has requested that the City Council of the City (the "City Council") approve the financing of the Project by the Authority through the issuance of the Bonds in order to satisfy the approval requirement of the Act and the requirements of the Agreement; and

WHEREAS, notice of such public hearing has been duly given as required by the Act, and this City Council has heretofore held such public hearing at which all interested persons were given an opportunity to be heard on all matters relative to the financing of the Project and the Authority's issuance of the Bonds therefor; and

WHEREAS, it is in the public interest and for the public benefit that the City Council approve the issuance of the Bonds by the Authority to finance and/or refinance the acquisition of the Project;

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

Section 1. The City Council hereby approves the financing and/or refinancing of the acquisition of the Project through the issuance of the Bonds by the Authority and finds that this method of financing will affect the significant public benefits of the type described in Section 6586(a) of the Act, as set forth above. It is the purpose and intent of the City Council that this resolution constitute approval of the financing of the Project through the issuance of the Bonds by the City Council in accordance with the Agreement and the Act.

Section 2. The issuance of the Bonds shall be subject to the approval by the Authority of all financing documents relating thereto to which the Authority is a party. The City shall have no responsibility or liability whatsoever with respect to the Bonds.

Section 3. The adoption of this Resolution shall not obligate the City or any department thereof to (i) provide any financing to acquire or construct the Project or to refinance the Project; (ii) approve any application or request for or take any other action in connection with any planning approval, permit or other action necessary for the acquisition, rehabilitation or operation of the Project; (iii) make any contribution or advance any funds whatsoever to the Authority; or (iv) take any further action with respect to the Authority or its membership therein.

Section 4. The executing officer, the Clerk and all other proper officers and officials of the City are hereby authorized and directed to execute such other agreements, documents and certificates, and to perform such other acts and deeds, as may be necessary or convenient to effect the purposes of this Resolution and the transactions herein authorized.

Section 5. The Clerk shall forward a certified copy of this Resolution to the Authority in care of its counsel:

Harriet M. Welch, Esq.
Squire, Sanders & Dempsey LLP.
555 South Flower St., Suite 3100
Los Angeles, CA 90071-2300

Section 6. This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the ____ day of _____, 2010 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ken Cooley, Mayor

ATTEST:

Mindy Cuppy, City Clerk

MEMORANDUM



DATE: May 17, 2010
TO: Honorable Mayor and Council Members
FROM: Donna Silva, Finance Director
SUBJECT: USER FEE UPDATES

RECOMMENDATION

Approve proposed Ordinance No. 6-2010 to establish Construction Permit Fees, and Street Trench Fees by resolution (rather than by ordinance), and to delegate fee setting authority for Business Licenses to the City Manager; and

Approve Resolution No. 33-2010 to adjust and adopt a schedule of fees for Planning, Building, and Public Works related services to reflect the City's cost of providing these services; and

Approve Resolution 34-2010 to adjust the fee for the recovery of costs incurred in the removal, impound, storage and release of vehicles (Tow Release fee); and

Approve Resolution 37-2010 to rescind Resolution No. 128-2005 pertaining to the fee for licensing and/or renewal of licenses for tobacco retailers and delegate said fee setting responsibility to the City Manager.

RESULT OF RECOMMENDED ACTION

Ordinance No. 6-2010 would amend Chapter 16.90 of the Rancho Cordova Municipal Code pertaining to construction permit fees, Title 4 of the Rancho Cordova Municipal Code pertaining to business license fees and fines, and Chapter 12.09 of the Rancho Cordova Municipal Code pertaining to street trench fees to change the procedures for the adoption and establishment of these fees.

Adoption of Resolution No. 33-2010 would establish a new fee schedule for planning, building and public works related services in Rancho Cordova. The proposed fee schedule would adopt new fees and deposits, and increase existing fees and deposits to reflect the City's cost of providing planning, building, and public works services to members of the public.

Adoption of Resolution No. 34-2010 would increase the tow release fee charged by the City of Rancho Cordova for the recovery of costs incurred in the removal, impound, storage and release of vehicles. The resolution would also rescind Resolution No. 85-2004, which established the current tow release fee.

Adoption of Resolution No. 37-2010 would rescind Resolution No. 128-2005, which established the current Tobacco Retailers License fee. Combined with the adoption of Ordinance No. 6-2010 this fee will be set by the City Manager.

Adoption of the proposed ordinance amendments and resolutions would remove unintended subsidies and recover approximately \$1 million of previously subsidized costs in fiscal year 2010/11 and each year thereafter. This will prevent the need for further declines in service levels that have been necessary in order to produce a balanced budget for the upcoming fiscal year.

BACKGROUND

Cities across the State of California are under enormous pressure to provide high quality services in an environment where revenues are constrained, limited and highly regulated. The equation is rather simple. When facing a deficit, cities can either raise revenues or cut expenses. More often than not, the focus is on expense reduction, due to the myriad of legislation surrounding increases in taxes. Raising taxes requires the approval of the City Council to be placed on the ballot, and the approval of the voters, either a simple majority or a super majority, depending upon the nature of the tax. Taxes represent the single largest source of revenues for most municipalities including Rancho Cordova. Tax revenues are discretionary in nature and thus generally used to provide services that generally benefit the greater public such as police protection.

Given the complexity and uncertainty involved in raising taxes, and desiring to operate in an efficient manner, more focus is usually placed upon expenditure reductions. In fact, Rancho Cordova has already trimmed close to \$4 million of expenditures (12%) since its peak expenditure year, FY 2007/08.

We face widespread declines in our tax base, resulting in steep declines in property, sales, transient occupancy, and utility user taxes. We have cut expenditures and continue to look for ways to be both more efficient and to prioritize our program spending. To do so any more would further reduce programs and services to the public and could undermine the renowned culture of the organization. Ensuring that we are recovering our costs, where permitted by law, will go a long way towards maintaining our current fiscal strength and the quality of services our residents and businesses have come to expect.

User Fees, unlike taxes, do not require voter approval because they aren't paid by the public at large. A User Fee is charged to individuals to offset the cost of the service they are requesting, versus a service that benefits the entire general public. It makes sense that a vote of the people would not be required, since general taxes should generally not be used to provide services that benefit specific individuals using specific services. Any time a user fee is set at a level below full cost recovery, we are using tax dollars to make up the difference. We are not prohibited from setting fees lower than full cost recovery. However, out of fairness to the general public, we should generally only do this where there are demonstrated social, safety or welfare reasons to subsidize.

While User Fees do not require voter approval, we are constrained by various points of state law in setting the fee levels. Specifically, we are prohibited from charging a fee in excess of our actual cost of providing the service.

Determining Full Cost

Since state law requires that we do not charge more than our costs it is very important that we know what our costs are, for each type of service that we provide. State law allows us to recover "all costs reasonably borne", which includes both direct and indirect costs, including an allocation of overhead costs.

The first part of the process of determining user fee levels is the completion of a Cost Allocation Plan (CAP). The CAP identifies the total amount of indirect costs and identifies the departments that provide user fee services. The indirect costs are then allocated to the fee charging departments based on a variety of allocation methodologies, as appropriate. For example, the cost of the Human Resources Department is an indirect cost and is allocated amongst all other departments based upon the number of employees in each department. The City Council costs are indirect and are allocated out to the departments based on agenda item counts. Some costs are removed prior to allocation. For example, we removed the cost of the Cordova Community Council grant from the Boards and Commissions budget prior to allocation as it isn't really an indirect cost that should be recaptured through User Fees. There is a direct public benefit derived out of that grant, therefore, its cost is borne from general taxes.

The CAP was done in the summer of 2009 and utilized the most recent data available at that time, the mid-year 2008/09 budget. While the actual and final numbers for 2008/09 became available during the term of this study, it was decided that we were too far into the process to change the base numbers and the budget numbers used were within .8% of actual, meaning there would have been no material difference in the result of the study.

The CAP determined that our total overhead costs were \$6,540,907 out of a total of \$66,563,831. Note that the total expenditures represents more than the General Fund. All of our indirect costs are in the General Fund, but in order to determine, total costs we had to include costs from all the funds that received an allocation of the indirect costs. The net result is that our indirect costs are 9.8% of the costs in the funds which received an allocation. By taking a look at the indirect costs in other cities in the region we can get a feel for the reasonableness of our indirect costs. The following data was compiled by MGT Consultants, who prepared our CAP and User Fee Study:

	Indirect Costs as a Percent of Expenditures	Indirect Costs per Capita
Rocklin	10.6%	\$122
Elk Grove	10.2%	\$58
Roseville	10.2%	\$313
Sacramento	10.1%	\$143
Citrus Heights	9.9%	\$87
Rancho Cordova	9.8%	\$106
Folsom	9.2%	\$156

This data indicates that the indirect costs of Rancho Cordova are not out of line with those of other cities in our region. In fact, we have one of the lowest levels of indirect costs. However, we have fewer departments or activities to which we can allocate these

expenses. We cannot allocate overhead to the Fire Department, the Parks and Recreation Department, very little to the Police Department (since they have their own facilities which we do not fund). Nor do we have water, sewer, airport or transit enterprise funds to which we can allocate these costs. In the end, while our indirect costs are relatively low, they could lead to our fees being on the high side, because of the relatively few activities over which we can spread and recover these costs.

The final step in the CAP is to determine an overhead rate and build it into the hourly rates of our individual employees. This is done by dividing a department's overhead allocation from the CAP by the department's total salary and benefits expense. Each employee's hourly rate is then inflated by this percentage to incorporate a piece of the overhead.

The second step of the process is the actual User Fee Study. In the fee study we determined how long it takes to provide the specific services and multiplied the time per employee by the employee's hourly rate. The result is the average full cost for providing that service. We then compared these fee levels to our existing fees and determined the following fees are currently being subsidized by the general public, because the current fee is not recovering our costs of providing the related service:

- Tow Release Fee
- Street Cut Trench Fees
- Business Licenses
- Various Planning Fees
- Building Permits

Procedures for Fee Updates:

As previously mentioned, maintaining the fiscal strength of the City is of the utmost importance to staff, management and the City Council. Contained in Section 2 of the Second Employment Agreement with City Manager and City of Rancho Cordova is a "City Manager's Mandate". This mandate requires that together the City Manager and the City Council will:

"Provide excellent, not mediocre, government services that are:

- Efficient
- Effective
- Well-Respected
- Entrepreneurial"

The User Fee Study is helpful in determining or measuring whether or not we are "efficient" and "entrepreneurial". Successful business enterprises place a lot of focus on price setting, on ensuring that they have adequate profit margins. While we are prohibited from generating "profits" we can be "entrepreneurial" by managing our fee based services in a businesslike manner, i.e. recovering costs to the maximum extent possible and only granting subsidies where Council deliberately chooses to, for the good of the greater public. We can also choose to be "efficient" in the fee setting process, while still maintaining public transparency. Various points of state law restrict the manner in which fees can be updated, and for good reason. Unlike corporate America, where proper price setting is critical and people are faced with buying choices, governments

have limited competitive price pressure. Therefore, it is important for there to be transparency in fee setting. However, staff recommends striking the right balance between transparency and efficiency. To that end, staff will be recommending certain fees to be set by the City Manager and certain others by resolution. State law allows the City Manager to establish some fees and City Council to establish other fees. Where State law permits, staff recommends the City Manager set fees. In all cases where state law requires Council action to set fees, we recommend ordinance amendments to set the fee by resolution, rather than having them contained within the Municipal Code. We will then publish a Master Fee Schedule that contains all fees.

TOW RELEASE FEE

California Vehicle Code Section 22850.50 authorizes the City of Rancho Cordova to establish procedures for the release of properly impounded vehicles and for the imposition of a charge equal to the City's administrative costs relating to the removal, impound, storage, or release of such vehicles. The authority for setting this fee cannot be delegated to the City Manager as the vehicle code requires it to be set by resolution of the City Council.

Our existing fee of \$114 was set by resolution 84-2004 on June 24, 2004. Over the course of six years, our cost relating to the removal, impound, storage or release of these vehicles has increased by \$38 (25%) to \$152. In fiscal year 2008/09 this fee was assessed a total of 1,170 times. These costs should be borne by the registered owner or the agent of that owner, rather than the City of Rancho Cordova and its residents. Approval of this fee increase will return \$6,460 annually to the General Fund, making it available to fund services and amenities from which the general public will benefit.

Staff recommends adoption of Resolution 34-2010 Establishing a Fee for the Recovery of Costs Incurred in the Removal, Impound, Storage and Release of Vehicles as Authorized by the California Vehicle Code.

BUSINESS LICENSES

The User Fee Study determined that we are currently subsidizing the processing of Business Licenses, as shown below.

Fee Description	Annual Volume	Current Fee	Full Cost Recovery Fee	Difference	Current Subsidy %	Recommended percentage increase
BUSINESS LICENSES:						
General Business License	1,105	\$45	\$99	\$54	55%	120%
Special Business License – new	183	\$172	\$215	\$43	20%	25%
Special Business License – renewal		\$140	\$151	\$11	23%	7.8%
Employee Permit – new	63	\$115	\$213	\$96	45%	83.%
Employee Permit – renewal		\$85	\$149	\$64	53%	75%
Residential Rental License	1,292	\$45	\$81	\$36	44%	80%
Retail Tobacco License	88	\$285	\$218	-\$67	-31%	-23.5%

One of Rancho Cordova's core strengths is the Business Park, and our high jobs to residents' ratio. Being welcoming, accommodating and friendly to our business community is very important to the City of Rancho Cordova. All businesses are subject to zoning requirements and building safety codes. Since the vast majority of our businesses are engaged in for profit activities, should the general public subsidize their costs of doing business? Staff recommends adjusting the fees to full cost recovery levels.

State law allows for the Council to delegate fee setting authority for Business Licenses to the City Manager. Therefore, *staff recommends adoption of Ordinance No. 6-2010 and Resolution No. 37-2010 which delegates fee setting authority for Business Licenses and Tobacco Licenses to the City Manager and sets a policy of full cost recovery.*

Outreach to the business community, via the Chamber of Commerce will be a critical step in the adjustment of these fees.

PLANNING FEES

The Planning Department uses a mix of deposits and fixed fees to recover costs on fee based work efforts. The fixed fees were subject to review in the User Fee Study. The deposits were not a part of the fee study directly as we charge actual time and materials against deposits in order to recovery our costs. Planning Deposits and Fixed Fees are shown separately on the following pages for discussion purposes.

Deposits

The Planning Department currently has 30 various deposits. Staff recommends increasing the amount of one deposit and removing 6 deposits. See Deposit Schedule

Fee Description	Annual Volume (2008/09)	Current Deposit	Recommended Deposit	Increase (Decrease)
Planning Deposits:				
General Plan Amendment	0	\$15,000	\$15,000	\$0
Rezone	0	\$15,000	\$15,000	\$0
Specific Plan Initiation	0	\$5,000	\$5,000	\$0
Special Planning Area Initiation	2	\$5,000	\$5,000	\$0
Zoning Ordinance Amendment	0	\$10,000	\$10,000	\$0
Design Review	8	\$10,000	\$10,000	\$0
Design Review Amendment	2	\$5,000	\$5,000	\$0
Development Agreement	0	\$10,000	\$10,000	\$0
Development Agreement Amendment	0	\$5,000	\$5,000	\$0
Conditional Use Permit	7	\$10,000	\$10,000	\$0
Conditional Use Permit Amendment	0	\$5,000	\$5,000	\$0
Use Permit Condo Conversion	0	\$8,000	\$8,000	\$0
Tentative Parcel Map	2	\$10,000	\$10,000	\$0
Tentative Parcel Map - Extension	0	\$1,000	\$1,000	\$0
Tentative Parcel Map - Resubmission	0	\$5,000	\$5,000	\$0
Tentative Parcel Map Waiver - Condo	0	\$3,000	\$3,000	\$0
Tentative Parcel Map Amendment	0	\$3,000	\$3,000	\$0
Tentative Subdivision Map 1-20 Lots	1	\$10,000	\$10,000	\$0
Tentative Subdivision Map 21 or more Lots	0	\$20,000	\$20,000	\$0

below:

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Fee Description	Annual Volume (2008/09)	Current Deposit	Recommended Deposit	Increase (Decrease)
Tentative Subdivision Map Amendment	0	\$5,000	\$5,000	\$0
Variance	1	\$10,000	\$10,000	\$0
Non-Conforming Use Certificate	1	\$3,000	\$3,000	\$0
Initial Study Deposit (Negative Declaration, Mitigated Neg. Dec. or EIR)	1	\$5,000	\$5,000	\$0
Development Agreement Annual Compliance Review	Apx. 25	\$2,469 min.	\$5,000 minimum deposit balance	\$2,531
Zoning Agreement Amendment	0	\$7,197	\$0	(\$7,197)
Zoning Interpretation	0	\$1,289	\$0	(\$1,289)
Development Plan Review Amendment	0	\$2,578	\$0	(\$2,578)
Additional Fee 26-100 Lots	0	\$957	\$0	(\$957)
Additional Fee for each 100 over 1 st 100	0	\$591	\$0	(\$591)
Exceptions	0	\$5,694	\$0	(\$5,694)

The City accepted and adopted the County's fee structure at the time of incorporation and subsequently the City Council adopted Resolution 23-2003 that required project applicants to submit deposits and fully pay the actual cost of service. The City's goals for the "Cost Recovery" philosophy was to collect a deposit, rather than a fee, to directly apply and off-set the costs associated with processing the entitlements of the developer, thus not impacting the general fund and citizens at large.

The original deposit amounts, adopted from the County in late 2003, were in place until early 2009. In 2009 staff requested the City Manager to update the deposit amounts. The City Manager, following the direction provided in Resolution 23-2003, approved the increase in the deposit amounts and we have been assessing the deposits at those increased levels for the past year (see deposit listing above). With the exception of one new deposit and six that are recommended for deletion, staff does not request or recommend changing the existing deposit amounts.

During the course of the fee study, staff discovered Government Code Section 66016(b) which provides that any action to levy a new fee or service charge, or to approve an increase in an existing fee or service charge for planning or public works related service, shall be taken only by ordinance or resolution. This section further provides that the legislative body of a local agency shall not delegate the authority to adopt or adjust fees. Therefore, pursuant to state law, the City Manager cannot be delegated the authority to set fees for planning and public works related services.

There is no provision in state law, case law, or in any Attorney General opinions which explicitly requires that **deposit** amounts for planning and public works services be adopted in the same manner as fixed fees. However, having the deposits set in the public forum and formally adopted by the City Council appears to best conform to the intent of the law.

The deposit for the "Annual Review of Development Agreements" was overlooked last year when the City Manager increased the Planning and Public Works deposit schedule. Therefore, it remains at the level adopted from the County upon incorporation, \$2,469. This isn't a stand-alone deposit that is required prior to commencing the annual compliance work. In almost all cases, there is an existing deposit account with the developer. Before commencing the annual compliance review, we require the existing balance in their deposit account to be at least \$5,000. Staff conducts approximately 25 of these reviews on an annual basis.

Staff has determined that the following six deposits were adopted as part of the county fee structure in 2003 but have not been applied by the City, as we have developed other deposits that cover the type of work for which they are charged.

- Zoning Agreement Amendment
- Zoning Interpretation
- Development Plan Review Amendment
 - Additional fee 26-100 lots
 - Additional fee for each 100 over first 100
 - Exceptions

Staff recommends deleting these six deposits from the fee schedule.

Fixed Fees

The Planning Department currently has seven different fixed fees. Staff recommends removing one fee and adding two new fees. See Fixed Fee Schedule below:

Fee Description	Annual Volume (2008/09)	Current Fee	Full Cost Recovery Fee	Difference	Current Subsidy %	Recommended percentage increase (decrease)
Planning Fixed Fees:						
Temporary Use Permit	20	\$172	\$241	\$69	28.6%	40%
Boundary Line Adjustment	13	\$1,007	\$942	(\$65)	(7%)	(6.5%)
Public Convenience and Necessity (PCN)	3	\$357	\$1,830	\$1,473	80%	412%
Zoning Verification Letter	12	\$100	\$397	\$297	75%	297%
Appeals of Planning Director Decisions to City Council	2	\$2,590	\$4,343	\$1,753	40%	68%

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Fee Description	Annual Volume (2008/09)	Current Fee	Full Cost Recovery Fee	Difference	Current Subsidy %	Recommended percentage increase (decrease)
Appeals of Planning Commission Decision to City Council	2	\$3,376	\$4,343	\$967	22%	28.6%
Adjustment to Provisions in the Zoning Regulations	n/a	\$0	\$1,231	\$1,231	100%	
Limited Use Permit	n/a	\$0	\$1,184	\$1,184	100%	
Appeals of Staff Decision to Planning Commission	5	\$2,773	\$0	(\$2,773)	(100%)	(100%)

While the City has a general cost recovery principle, set forth in Resolution 23-2003 of full cost recovery via the use of deposits, in some instances it is more efficient to assess a fixed fee, as opposed to a deposit. Fixed fees are appropriate when there is a consistent level of effort from project to project. When there is a consistent level of effort from project to project staff can reasonably determine a fixed fee that will result in a consistent recovery of processing costs. The User Fee Study examined the underlying level of effort and related costs for all of the above fees and determined that in most situations we are not recovering our costs of providing these services; the general citizen is contributing tax dollars to fund these work efforts that only benefit the person or entity requesting the service.

Staff recommends increasing the following fees in the amounts shown in the table above:

- Temporary Use Permits
- Public Convenience and Necessity (PCN)
- Zoning Verification Letter
- Appeals of Planning Director Similar Use Determination to Planning Commission
- Appeals of Planning Commission Decision to City Council
- Adjustment to Provisions in the Zoning Regulations
- Limited Use Permit

Assuming fiscal year 2008/09 is representative of current year activity, the proposed increase would affect approximately 39 customers, who may or may not be residents or business owners within the City of Rancho Cordova, with a fee increase. However, it would also relieve our general population of 62,899 of \$15,500 in annual subsidies, freeing up those monies to be spent on services or infrastructure from which they would actually benefit.

The Planning Department has proposed that fixed fee amounts be established for Adjustment to Provisions in the Zoning Regulations and for Limited Use Permits because both of these actions are reviewed administratively, have clear guidelines for review and action, and level of effort has been established based on past applications.

The acceptance of a fee rather than a deposit assists applicants by indentifying a specific cost for a service and assists the City by avoiding the more complex accounting required when a deposit for services is required. These new fees were calculated in the User Fee Study based upon the estimated time to perform the requested work.

The results of the User Fee Study indicated that we are currently over charging for Boundary Line Adjustments. *Staff recommends reducing this fee to full cost recovery.* Assuming fiscal year 2008/09 activity levels, this will benefit 13 customers. Additionally, *staff recommends deleting the fee for "Appeals of Staff Decision to Planning Commission"* as this is covered by the fee for "Appeals of Planning Director Similar Use Determination to Planning Commission".

PUBLIC WORKS FEES

The Public Works Department uses a mix of deposits and fixed fees to recover costs on fee based work efforts. The fixed fees were subject to review in the User Fee Study. The deposits were not a part of the fee study directly as we charge actual time and materials against deposits in order to recovery our costs. Public Works Deposits and Fixed Fees are shown separately below for discussion purposes.

Deposits

The Public Works Department currently has 14 various deposits. Like the Deposits in the Planning Department, the amounts were updated by the City Manager on April 1, 2009, following the policy set forth in resolution 23-2003. Staff recommends that Council adopt a resolution to formalize these deposit amounts. There is no provision in state law, case law, or in any Attorney General opinions which explicitly requires that deposit amounts for planning and public works services be adopted by the City Council in the same manner as fixed fees. However, having the deposits set in the public forum and formally adopted by the City Council appears to best conform to the intent of the law.

Staff is not recommending an increase to any of the Public Work Deposits. See Deposit Schedule below:

Fee Description	Current Deposit	Recommended Deposit	Increase (Decrease)
Public Works Deposits:			
Discretionary Review (billed for time and materials)	\$0	\$0	\$0
Improvement Review and Inspection (including Grading Permits):	Greater of \$2,000 minimum deposit or 7% of first \$100,000 construction costs plus, 5% of next \$100,000 construction costs plus, \$4% of next \$100,000 construction costs plus, 2% of remaining construction costs	same	\$0
Improvement Review Warranty Inspection	\$1,000	\$1,000	\$0
Parcel Map Review	\$1,500	\$1,500	\$0
Subdivision Map Review	\$2,500	\$2,500	\$0
Encroachment Permit Application	\$350	\$350	\$0
Encroachment Permit Inspection	\$2,000	\$2,000	\$0
Minor Encroachment Permits (residential driveways, etc.)	\$350	\$350	\$0
Street Name Change	\$850	\$850	\$0
Certificate of Compliance – Parcel Waiver	\$500	\$500	\$0
Certificate of Compliance – Lawful Waiver	\$500	\$500	\$0
Abandonment of Public Right of Way and Easements	\$850	\$850	\$0
Review of Right of Way and Easement Documents	\$120	\$120	\$0
Research for Survey and Engineering Records or Misc. Engineering Services	\$120	\$120	\$0

Fixed Fees

The Public Works Department currently assesses four different fixed fees as shown in the table below.

Fee Description	Annual Volume	Current Fee	Full Cost Recovery Fee	Difference	Current Subsidy %
Transportation Permits Single Use	500	\$16	\$16	\$0	
Transportation Permits Annual	250	\$47	\$48	\$1	
Street Use Permits	5	\$25	\$25	\$0	
Street Cut Trench Fees:	11				
Under 4 ft deep Transverse Cut		\$2.93-9.67/s.f.	\$3.77-\$12.45/s.f.	.84 - \$2.78/s.f.	22%
Under 4 ft deep Longitudinal Cut		\$1.46-4.83/s.f.	\$1.88-\$6.22/s.f.	.42 - \$1.39/s.f.	22%
Over 4 ft deep Transverse Cut		\$4.46-14.66/s.f.	\$5.74-\$18.88/s.f.	\$1.28 - \$4.22/s.f.	22%
Over 4 ft deep Longitudinal Cut		\$2.23-7.33/s.f.	\$2.87-\$9.44/s.f.	.64 - \$2.11/s.f.	22%

The User Fee Study indicates that we are currently subsidizing the cost of issuing Single Use Transportation Permits (full cost fee = \$24). However, state law limits our fee to its current level of \$16. Due to this restriction in state law, and assuming we issue 500 Single Use Transportation Permits per year, as we did in fiscal year 2008/09, the citizens of Rancho Cordova are providing \$4,000 of their annual taxes to subsidize this work.

The User Fee Study also indicates that we are subsidizing the Annual Transportation Permits. However, the subsidy is only equal to \$1 per permit, or \$250 per year, assuming 2008/09 activity levels. State law restricts this fee to \$90. As our full cost recovery fee is well within the limitations provided in state law, staff recommends increasing this fee to \$48.

Section 12.09.030 of the Rancho Cordova Municipal Code requires that the applicant for any construction permit, improvement plan or other work that causes an excavation of a paved city street, pay a trench restoration fee, in addition to the fee required by the encroachment permit or other administrative fees (Street Cut Trench Fees). Any applicant whose project damages our streets or other infrastructure should bear the full cost for the repair, rather than burdening the general public with either a diminished asset or increased costs.

In fiscal year 2008/09 we had only 11 of these fees assessed. However, the fee hasn't been updated since 2006. It technically was not a part of the user fee study. However, Public Works staff recommends an increase of 22% for these fees, calculated by the annual increase in CPI since the date of last increase. These fees are deposited into a Special Revenue Fund (not the General Fund) and are restricted to street maintenance purposes.

Staff recommends approval of Ordinance No. 6-2010 which would remove the fee from the ordinance and require it to be set by resolution of the City Council. Staff also recommends adoption of resolution 33-2010 adopting the increase to the Annual Transportation Permit Fee and the increase to the Street Cut Trench Fee.

Building Permit Fees

The Building Department provides a variety of services at the request of property owners and developers seeking to build or modify a structure. They review building plans and inspect construction to ensure the plumbing, mechanical, electrical and structural codes are adhered to.

Building Permit Fees are currently codified in the Rancho Cordova Municipal Code. For Administrative ease staff recommends amending the ordinance to remove the fee schedule from the Municipal Code and have the fees set by resolution of the Council.

The User Fee Study indicates that we are significantly undercharging for Building Permits. See table below.

Fee Description	Annual Volume (2008/09)	Current Fee	Full Cost Recovery Fee (recommended)	Difference	Current Subsidy \$	Recommended % increase (decrease)
Commercial Repair/Alteration	113	\$3,344	\$6,372	\$3,028	\$342,164	91%
Production Homes	200	\$2,387	\$3,381	\$994	\$198,800	42%
Residential PME Permits	571	\$135	\$399 (\$135)	\$264	\$150,744	0%
Re-Roofing – Residential	248	\$168	\$739	\$571	\$141,608	340%
Residential Other Structures	150	\$291	\$863	\$572	\$85,800	197%
Master Plan Review	105	\$954	\$1,573	\$619	\$64,995	65%
Commercial PME Permits	156	\$348	\$726 (\$348)	\$378	\$58,968	0%
Residential Alterations	76	\$335	\$950	\$615	\$46,740	184%
Commercial Small New	7	\$6,833	\$11,847	\$5,014	\$35,098	73%
Residential Additions	31	\$820	\$1,659	\$839	\$26,009	102%

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Fee Description	Annual Volume (2008/09)	Current Fee	Full Cost Recovery Fee (recommended)	Difference	Current Subsidy \$	Recommended % increase (decrease)
Commercial Add/Alteration	4	\$4,773	\$11,093	\$6,320	\$25,280	132%
Re-Roofing - Commercial	51	\$161	\$606	\$445	\$22,695	276%
Commercial Medium New	5	\$33,432	\$37,456	\$4,024	\$20,120	12%
Commercial Other Structures	32	\$1,234	\$1,799	\$565	\$18,080	46%
Commercial Sign	51	\$242	\$590	\$348	\$17,748	144%
Residential Demolition	53	\$91	\$403	\$312	\$16,536	343%
Commercial Demolition	28	\$91	\$480	\$389	\$10,892	427%
Swimming Pools	22	\$640	\$817	\$177	\$3,894	28%
Building Comm or Handicap Appeal	6	\$200	\$261	\$61	\$366	31%
Residential Buildings	4	\$2,998	\$2,468	-\$530	-\$2,120	-18%

The User Fee Study has exposed a significant structural problem for the City's General Fund. We are currently undercharging on Building Permits by over \$1 million. This means that in fiscal year 2008/09 our general population of approximately 60,000 contributed over a million dollars that otherwise would have been spent on services for their benefit, to 1,913 certain people or businesses for a discount on their building permits.

In certain cases, subsidies are warranted. Below is a listing of some of the instances in which the Council might decide that a subsidy is warranted:

- The procurement of a permit yields a broad community benefit vs. a specific benefit to an individual person or entity.
- Elasticity of demand: increasing the price of the permit may result in a reduction of the number of people/entities purchasing a permit.
- Pricing can encourage or discourage certain behaviors.

In order to encourage the purchase of building permits for small, yet important improvements, such as water heater replacements, staff is not recommending an increase in the residential or commercial PME permits (plumbing, mechanical and electric – which includes water heater installations).

The table below shows the total building permit fee on the construction of a new home with a valuation of \$200,000 in Rancho Cordova and five other cities in our region.

**City of Rancho Cordova
Building Fee Comparison
Assumes valuation of \$200,000 on construction of a single family residence**

City	Plan Check	Inspection	Total
County of Sacramento	\$1,358.33	\$2,037.50	\$3,395.83
Citrus Heights	\$1,107.91	\$1,661.87	\$2,769.78
Folsom	\$1,184.00	\$1,480.00	\$2,664.00
City of Sacramento	\$1,008.30	\$1,633.30	\$2,641.60
Elk Grove	\$709.32	\$1,773.30	\$2,482.62
Average	\$1,073.57	\$1,717.19	\$2,790.77
Rancho Cordova - current	\$980.00	\$1,470.00	\$2,450.00
Below Average	-8.7%	-14.4%	-12.2%
Rancho Cordova - full cost	\$1,391.60	\$2,087.40	\$3,479.00
Above Average	29.6%	21.6%	24.7%

As shown in the table above, at our current fee level, our building permit on this type of construction (production home) is 12.2% below the average fee in the region, and is in fact the lowest fee amongst the cities shown. However, at full cost recovery levels, we would jump to the highest fee and be 24.7% above average.

Why is our full cost recovery level so high? Since government does not face the same price pressure as for profit entities there is a natural concern of inefficiency. The table below compares the time it takes to process various building permits in the City of Rancho Cordova compared to the same cities against which we compared our average fee. Time estimates were not available from the County of Sacramento. The data was provided by our consultant MGT of America, who conducted our User Fee Study.

City	Average Plan Check and Inspection Time (in hours)
Folsom	33
<i>Rancho Cordova</i>	22
Citrus Heights	21.3
City of Sacramento	21
Elk Grove	14
Average	22.26

This table illustrates that Rancho Cordova's permit processing time is average for the region. Therefore, our higher than average fee is not attributable to a longer processing time (at least for this one permit type).

There are two likely reasons for our seemingly high cost. First, we have comparatively few departments and fee activities to which we can spread our overhead costs. Even though our overhead costs are comparable to other cities in the region, the fact that we have comparatively few departments and activities over which we can spread the costs can lead to higher than average fees. Second, other cities may not be charging their full costs and are choosing to offer some level of subsidy. While this is a policy decision for the Council to make, staff recommends full cost recovery from a purely fiscal standpoint.

The existing permit fee structure is based upon state building code designations that do not always directly correspond to the results of the fee study. In the state building code, and our current fee structure, certain permits are grouped together for fee setting purposes, yet the amount of time it takes to process the different permits varies greatly. In order to ensure that we aren't over or undercharging we need to determine the proper categories of fees. For this reason staff will not be presenting Council with a resolution to adopt new building permit fees until June 7, 2010. However, the proposed budget document is based upon fees set at full cost recovery (except the PME fees). It is critical to the budget process that Council provides staff with feedback and direction on building permit fee adjustments in order to produce a balanced budget for fiscal year 2010/11.

Staff recommends that Council approve ordinance amendment 6-2010 to remove the Building Permit fee schedule from the Municipal Code and direct them to be set by resolution of the Council. Staff also recommends that Council provide direction on the appropriate subsidy levels, if any, for building permits so that staff can proceed with the preparation of the Fiscal Year 2010/11 Annual Budget and return with a resolution to set Building Department Fees on June 7, 2010.

CODE ENFORCEMENT FINES

At the March 23, 2010 Council Work Session we talked about code enforcement fines. The City Attorney and staff have since determined that the language in the Municipal Code is sufficient to allow us to charge full cost recovery on all code enforcement related activities. Therefore, those fines and fees are not included in this staff report.

SUMMARY

The fee study indicates that our user fees are set too low. Every time we charge less than full cost on fee based activities we are taking resources away from the general public, increasing their cost of government. Should the average citizen have to pay for services for which they do not receive any benefit?

Ensuring that fees are set at the proper level frees up general tax dollars for providing services to the public at large. Setting fees below full cost recovery means that tax dollars are being used to subsidize fee based activities and will ultimately lead to either reduced service levels or increased taxes, or both.

A copy of the Cost Allocation Study as well as the User Fee Study is available in the Finance Department.

ATTACHMENTS

1. Ordinance No. 6-2010
2. Resolution 33-2010
3. Resolution 34-2010
4. Resolution 37-2010

CITY OF RANCHO CORDOVA

ORDINANCE NO. 6-2010

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
AMENDING CHAPTER 16.90 OF THE RANCHO CORDOVA MUNICIPAL CODE
PERTAINING TO ESTABLISHMENT OF CONSTRUCTION PERMIT FEES; AMENDING
TITLE 4 OF THE RANCHO CORDOVA MUNICIPAL CODE PERTAINING TO THE
ESTABLISHMENT OF BUSINESS LICENSE FEES AND FINES; AND AMENDING CHAPTER
12.09 OF THE RANCHO CORDOVA MUNICIPAL CODE PERTAINING TO THE
ESTABLISHMENT OF STREET TRENCH FEES**

WHEREAS, the City of Rancho Cordova's ("City") current construction permit fees and street trench fees are contained in Chapter 16.90 and Chapter 12.09 of the Rancho Cordova Municipal Code respectively; and

WHEREAS, the City Council of the City of Rancho Cordova desires to establish construction permit fees and street trench cut fees as part of a fee schedule that is established by resolution of the City Council from time to time, rather than establishing these fees by ordinance; and

WHEREAS, establishing these fees by resolution as part of a fee schedule will reduce the cost of modifying these fees necessary from time to time; and

WHEREAS, the City Council further wishes to delegate the authority to set fees for business licenses issued within the City to the City Manager; and

WHEREAS, the fees established by the City Manager for business licenses shall be for the sole purpose of defraying costs incurred in the administration of Title 4 of Rancho Cordova Municipal Code, and shall be prescribed in amounts yielding revenues which do not exceed the costs of administration by each City office and department charged with responsibility under Title 4 of the Rancho Cordova Municipal Code.

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

Section 1. Section 16.90.010 "Intent" of Chapter 16.90 of Title 16 of the Rancho Cordova Municipal Code is hereby amended to read as follows:

16.90.010 Intent.

It is the intent of the city council to group the fees required for various permits, associated with the construction process into one fee schedule that is adopted by resolution of the City Council, as amended from time to time.

Section 2. Section 16.90.010 "Permit fees," of Chapter 16.90 of Title 16 of the Rancho Cordova Municipal Code is hereby amended to read as follows:

16.90.020 Computation of Construction Permit Fees.

The value to be used in computing the permit fee shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems, and any other permanent equipment.

Section 3. Section 16.90.030 "Fee schedule," of Chapter 16.90 of Title 16 of the Rancho Cordova Municipal Code is hereby repealed in its entirety.

Section 4. Section 4.02.060 "License fees," of Chapter 4.02 of Title 4 of the Rancho Cordova Municipal Code is hereby amended to read as follows:

4.02.060 License fees.

The City Manager of the City of Rancho Cordova may from time to time, prescribe fees for the issuance and renewal of solicitation permits, general business licenses, special business licenses and employee permits; and fees for the filing of appeals relating to denial for such permits or licenses or the revocation thereof. Such fees shall be for the sole purpose of defraying costs incurred in the administration of this title, and shall be prescribed in amounts yielding revenues which do not exceed the costs of administration by each office and department charged with responsibility under this title. To the extent the City Manager determines to be practical, such fees may be varied in amounts for different types of permits or licenses, types of businesses, issuance and renewal, added costs for processing late renewals, and on the basis of other factors, for the sole purpose of apportioning relative regulatory costs to parties regulated. The City Manager or designee shall review the fees not less than once every three years to assure they adequately recover the costs of administering the license program.

Fees related to the costs which a department incurs in reviewing and acting upon a particular type of application for a license or permit may be made payable within a general fee established by the City Manager, or may be charged individually by the department reviewing and acting upon the application as a condition precedent to processing of the approval required from that department.

All fees for the issuance and renewal of permits and licenses shall be paid at the time of and with the filing of the application with the finance director or pursuant to a request for approval by a department charged with the responsibility of reviewing the application. All fees for an appeal shall be paid at the time of and with the filing of the appeal. No application or request for approval or appeal shall be deemed valid or complete until all prescribed fees have been paid.

Section 5. Section 4.02.100 "Violations," of Chapter 4.02 of Title 4 of the Rancho Cordova Municipal Code is hereby amended to read as follows:

4.02.100 Violations.

A. Violation of any provision of this title or any order of a hearing officer issued pursuant to this title constitutes a public nuisance and shall be subject to an administrative citation and fine as provided for in RCMC 16.18.205(F).

B. Additional amounts. Administrative costs, interest, late payment charges, costs of compliance regarding inspections, and collection costs are in addition to the fine as set forth in RCMC 16.18.205(F).

C. Each day that an individual commits a violation of this title shall constitute a separate violation.

D. Notwithstanding this section, violations of any of the provisions of this title may also be remedied by injunction or other civil proceedings commenced in the name of the City by the City Attorney pursuant to direction by the City Council.

E. The foregoing provisions are cumulative and in addition to any other remedies or penalties authorized or imposed under any other provision of this code or other applicable law or regulation.

Section 6. Section 4.06.106 "Added processing fee for late renewal," of Chapter 4.10 of Title 4 of the Rancho Cordova Municipal Code is hereby amended to read as follows:

4.06.106 Added processing fee for late renewal.

An application for renewal of a general business license will be deemed received late and subject to added processing fees if the complete application, including all fees, is not received by the Finance Director by the date of expiration of the immediately preceding license. The amount of the added processing fee will be set by the City Manager and shall become part of the renewal application fee after the date of the expiration of the preceding license has passed.

Section 7. Section 4.07.080 "License Fee," of Chapter 4.10 of Title 4 of the Rancho Cordova Municipal Code is hereby amended to read as follows:

4.07.080 License fee.

The fee for issuance or renewal of a license shall be established by the City Manager and shall be in addition to the city's business operation tax and any other license or permit fee imposed by this code upon the applicant. The license fee shall be paid to the city at the time the license application is submitted. The amount of the fee shall be determined on the basis of the costs incurred in the enforcement of tobacco retailing laws together with the costs, including the costs of counsel, incurred in the administration of this chapter.

Section 8. Section 4.07.110 "Administrative Fine" of Chapter 4.10 of Title 4 of the Rancho Cordova Municipal Code is hereby amended to read as follows:

4.07.110 Administrative Fine

A. If the City finds, based on substantial evidence, that any unlicensed person, including a person named on a revoked or suspended license, has engaged in tobacco retailing in violation of RCMC 4.07.040, such person shall be subject to an administrative citation and fine as provided for in RCMC 16.18.205(F).

B. Additional amounts. Administrative costs, interest, late payment charges, costs of compliance reinspections, and collection cost are in addition to the fine as set forth in RCMC 16.18.205(F).

C. Each day that such a person engages in tobacco retailing shall constitute a separate violation.

D. A notice of violation and of intent to impose a fine shall be personally served on, or sent by certified mail to, the person or persons subject to the fine. The notice shall state the basis of the City's determinations and include an advisement of the right to request a hearing to contest the fine. Any request for a hearing must be in writing and must be received by the city within 10 calendar days of personal service of the notice on the person or persons subject to a fine or within 15 calendar days if the person or persons subject to a fine are served by mail.

E. If no request for a hearing is timely received, the City's determination on the violation and the imposition of a fine and any additional amounts pursuant to subsection (B) of this section, shall be final and payment shall be made within 30 calendar days of written demand made in the manner specified above for a notice of violation. If the fine is not paid within that time, the fine

may be collected, along with any additional amounts pursuant to subsection (B) of this section, in any manner provided by law. In the event that a judicial action is necessary to compel payment, the person or persons subject to the fine and any additional amount shall also be liable for the costs of the suit and attorneys' fees incurred by the city in collecting the fine.

F. If a hearing is requested pursuant to subsection (D) of this section, the City shall provide written notice, within 45 calendar days of its receipt of the hearing request, to the person or persons subject to a fine and any additional amount, of the date, time, and place of the hearing in the manner specified above for a notice of violation.

G. The hearing shall be conducted in accordance with the procedures set forth in RCMC 4.07.140 through 4.07.160.

H. If no timely notice of appeal to the superior court is filed, or the City is not timely served with a copy of a notice of appeal, the hearing officer's decision and findings shall be deemed confirmed and the fine and any additional amounts impose pursuant to subsection (B) of this section shall be collected pursuant to subsection (E) of this section.

Section 9. Section 4.10.061 "Added processing fee for late renewal," of Chapter 4.10 of Title 4 of the Rancho Cordova Municipal Code is hereby amended to read as follows:

4.10.061 Added processing fee for late renewal.

An application for renewal of a special business license or employee permit will be deemed received late and subject to added processing fees if the complete application, including all fees, is not received by the finance director by the date of expiration of the immediately preceding license. The amount of the added processing fee may be set by the city manager and shall become part of the renewal application fee after the date of the expiration of the preceding license has passed.

Section 10. Section 4.23.020 "Definitions – City-imposed fees," of Chapter 4.23 of Title 4 of the Rancho Cordova Municipal Code is hereby amended to read as follows:

4.23.020 Definitions – City-imposed fees.

"City-imposed fees," as used in this chapter, shall be deemed to mean such fees as may be prescribed from time to time by the City Manager for purposes of ensuring the maintenance, operation and services provided for the American River Parkway which are necessitated due to rafting on the American River.

Section 11. Section 4.23.055 "Collection of city-imposed fee," of Chapter 4.23 of Title 4 of the Rancho Cordova Municipal Code is hereby amended to read as follows:

4.23.055 Collection of city-imposed fee.

Each licensee shall collect from each person who rents, leases or hires rafts from the licensee the amount of any city-imposed fee prescribed by the City Manager. Such city-imposed fee shall reflect the pro rata cost of maintenance, operation and services provided for the American River Parkway which is attributable to usage by rafts. Each licensee shall collect such city-imposed fees to the same extent and at the same time as the raft rental fee or charge is collected from the licensee's patrons. The amount of the city-imposed fee shall be separately stated from the amount of the raft rental fee or charge. The licensee shall provide each person who rents, leases or hires such rafts with a receipt for payment of the city fee.

Section 12. Section 4.26.050 "License fee," of Chapter 4.26 of Title 4 of the Rancho Cordova Municipal Code is hereby amended to read as follows:

4.26.050 License fee.

Each holder of a special business license to conduct bingo games shall, pursuant to the authority conferred by Section 326.5 of the California Penal Code, pay to the Chief of Police a fee of \$50.00 paid upon application for a special business license or the application for renewal thereof. An additional fee, prescribed by the City Manager, for law enforcement and public safety costs incurred by the City that are directly related to bingo activities shall be imposed and shall be collected monthly by the City and such additional fee shall not exceed the actual costs incurred in providing the service.

Section 13. Section 12.09.030 "Trench restoration fee," of Chapter 12.09, Title 11 of the Rancho Cordova Municipal Code is hereby amended to read as follows:

12.09.030 Trench restoration fee.

At the time any permit is issued, improvement plan approved, or work performed that causes an excavation of a paved city street, the applicant shall pay a trench restoration fee, in addition to the fee required by the encroachment permit or other administrative fees. The fee shall be in the amount set forth on the trench cut fee schedule established by resolution of the City Council. A trench restoration fee shall not be required for the following excavations:

- A. In a city street that the city has scheduled for resurfacing either during the fiscal year (July 1st through June 30th) when the excavation permit is issued or during the immediately following fiscal year;
- B. In a city street where the pavement condition index (PCI), as defined by the city's pavement management system, is less than 25 on the date the excavation permit is issued;
- C. For work performed by and for the city public works department;
- D. For potholing to verify utility depth or location;
- E. Where work will include resurfacing of all or a significant portion of the city street where the excavation is made; provided, that the director approves the resurfacing;
- F. Made for a utility relocation required by the city to accommodate a proper governmental use of a city street;
- G. For owners possessing a valid pavement life performance warranty agreement with the city as set forth in RCMC 12.09.080;
- H. Trenchless excavations greater than three feet in depth of cover over the utility facility not requiring a significant surface incision greater than industry bore pit standards may be excluded at the discretion of the director.

Section 14. Section 12.09.080 "Pavement life performance warranty," of Chapter 12.09 of Title 11 of the Rancho Cordova Municipal Code is hereby amended to read as follows:

12.09.080 Pavement life performance warranty.

In lieu of paying a trench restoration fee required by RCMC 12.09.030, an owner who has a valid franchise agreement with the city or is statutorily exempt from franchise requirements shall provide a written pavement life performance warranty in a form acceptable to the city. The warranty shall provide that in the event that subsurface material or pavement over or within the trench influence area becomes depressed, broken, or otherwise fails at any time after the excavation has been completed until such time as the street surface is completely resurfaced with a structural overlay, the owner who performed the trench cut shall repair or restore such condition pursuant to the procedure set forth in RCMC 12.09.090. In the event that an owner who has a valid franchise agreement with the city or is statutorily exempt from franchise requirements fails or refuses to provide a written pavement life performance warranty, such owner shall pay the trench restoration fee set forth in the fee schedule adopted by resolution of city council.

Section 15. Section 12.09.130 "Excavation within moratorium period," of Chapter 12.09 of Title 12 of the Rancho Cordova Municipal Code is hereby amended to read as follows:

12.09.130 Excavation within moratorium period.

Where a permit is issued to excavate during the five-year period after filing of a notice of completion or acceptance of a new street or structural overlay of an entire street, payment of the trench restoration fee in the fee schedule adopted by resolution of the city council will be required regardless of whether the owner has executed a pavement life performance warranty.

Section 16. 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 17. 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.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the _____ day of _____, 2010 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ken Cooley, Mayor

ATTEST:

Mindy Cuppy, City Clerk

ATTACHMENT 2

CITY OF RANCHO CORDOVA

RESOLUTION NO. 33-2010

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA TO ADOPT A SCHEDULE OF FEES FOR PLANNING AND PUBLIC WORKS RELATED SERVICES TO ESTABLISH NEW FEES AND DEPOSITS AND INCREASE EXISTING FEES AND DEPOSITS TO REFLECT THE CITY'S COST OF PROVIDING THESE SERVICES

WHEREAS, the City of Rancho Cordova ("City") previously established fees and deposits for City planning and public works related services, with the intent of recovering the City's estimated actual and reasonable costs to provide such services; and

WHEREAS, the City recently conducted an extensive and exhaustive analysis of the City's costs of providing the planning and public works related services to members of the public and determined that many of the existing fees and deposits do not recover the City's actual cost to provide such services; and

WHEREAS, the City Council desires to recover up to the full cost of providing planning and public works related services from those persons utilizing such services, so that general fund revenues are not diverted from other municipal services in order to subsidize these services; and

WHEREAS, in adopting the fees and deposits for planning and public works related services as set forth in this Resolution, the City Council of the City of Rancho Cordova is exercising its powers under Article XI, Section 7 of the California Constitution, Sections 65909.5, 66014, and 66451.2 of the California Government Code, and other applicable law; and

WHEREAS, in accordance with Government Code Section 66014, when a city charges fees or service charges for zoning variances, zoning changes, use permits, the processing of maps under the provisions of the Subdivision Map Act, processing applications and petitions filed with the Local Agency Formation Commission or conducting preliminary proceedings under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, preparation of environmental documents under the authority of Title 7 of the Government Code, or planning related services under any other authority, those fees shall not exceed the estimated reasonable cost of providing the service for which the fee is charged; and

WHEREAS, fees adopted pursuant to Government Code Sections 66014, 65909.5, and 66451.2, are to be imposed pursuant to Section 66016 of the Government Code, which imposes certain procedural requirements prior to levying a new fee or service charge, or prior to approving an increase in an existing fee or service charge; and

WHEREAS, in accordance with the Government Code Section 66016, the cost of analysis and support for a fee or deposit which will be levied pursuant to this Resolution was available for public review and comment for ten (10) days prior to the public hearing at which this Resolution was adopted; and

WHEREAS, in accordance with California Government Code Section 66016, at least fourteen (14) days prior to the public hearing at which the City Council first considered adoption of the fees and deposits established by this Resolution, notice of the time and place of the hearing was mailed to eligible interested parties who filed written requests with the City for mailed notice of meetings on new or increased fees or deposits; and

WHEREAS, notice of the public hearing at which this Resolution was adopted was given by publication ten (10) days in advance in accordance with Section 6062a of the Government Code; and;

WHEREAS, the City Council conducted a public hearing prior to adopting this Resolution establishing or revising the fees and deposits for planning and public works related services and considered written and oral communications received during said public hearing; and

WHEREAS, the schedule of fees and deposits and the total amounts thereof, described in Exhibit "A" attached, are hereby determined to be reasonable in that the amounts thereof do not exceed the estimated reasonable costs of providing the planning or public works related services for which the fees and deposits are made; and

WHEREAS, the City Council of the City of Rancho Cordova desires to establish or revise the schedule of fees the City of Rancho Cordova charges for processing and otherwise providing planning and public works related service for the aforementioned matters.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the City Council of the City of Rancho Cordova as follows:

Section 1. Findings. The following findings are true and correct and adopted as the findings of the City Council:

A. The purpose of the fees and deposits set forth in **Exhibit "A"** of this Resolution are to recover up to the full, lawfully recoverable costs incurred by the City in providing various planning and public works related services, and such fees and deposits are not levied for general revenue purposes.

B. After consideration of the data and information regarding the costs of providing services relating to all fees and deposits subject to this Resolution, all testimony received orally or in writing at or before the noticed public hearing, the agenda report and the background documents to the agenda report, the City Council of the City of Rancho Cordova approves and adopts such data and information, and finds that the costs listed for those fees and deposits which are to be increased and/or established as costs incurred by the City in providing planning and public works related services are reasonable estimates of the cost of providing such services, and that the revisions recommended to existing fees for such services are necessary to recover the reasonable, estimated cost of providing such services

C. Adoption of the fees and deposits set forth in **Exhibit "A"** of this Resolution are not subject to the California Environmental Quality Act ("CEQA") pursuant to 14 California Code of Regulations ("CEQA Guidelines") section 15378(b)(4) and/or CEQA Guidelines section 15061(b)(3).

Section 2. Fee Schedule Adoption. The schedule of fees and deposits set forth in **Exhibit "A"** of this Resolution, attached hereto and incorporated herein by reference, are hereby directed to be charged and applied by the various City departments, and to be collected by the City for the herein listed planning and public works related services when provided by the City or its designated contractors.

Section 3. Annual Adjustment. The street trench fees contained in **Exhibit "A"** shall be increased by the City Manager on July 1 of each year by the increase in the Consumer Price Index—All Items Index (San Francisco-Oakland-San Jose).

Section 4. Deposit Maintenance and Refund of Unused Balance. Applicants for planning and public works services that are subject to a fee in the form of a deposit and must maintain deposit balances in accordance with this provision. When City service costs equal seventy-five percent (75%) of the deposit balance, the City shall notify the applicant that the deposit amount must be increased to its original amount as prescribed by this Resolution. After an applicant subject to a deposit in accordance with this Resolution has been notified that City service costs equal seventy-five percent (75%) of the deposit balance, when the service costs equal ninety percent (90%) of the deposit balance, services for such planning or public works service will cease until the deposit is increased to its original amount prescribed in this Resolution. Any deposit amount which remains after the planning or public works service is completed shall be refunded to the Applicant.

Section 5. Effective Date. In accordance with Government Code Section 66017, all new and/or increased fees and deposits shall be effective sixty (60) days following the effective date of this Resolution, with the exception that the street trench fees contained in **Exhibit "A"**, which will only become effective in accordance with this section upon the adoption of Ordinance No. 6-2010.

Section 6. Repealer. These fees and deposits shall supersede the corresponding fees previously established by the City. All previously adopted and conflicting fees and deposits and all Resolutions and other actions of the City Council are hereby repealed to the extent they conflict with the contents of this Resolution.

Section 7. Severability. The individual fees and charges set forth in **Exhibit "A"** of this Resolution and all portions of this Resolution are severable. Should any of the fees or charges or any portion of this Resolution be adjudged to be invalid and unenforceable by a body of competent jurisdiction, then the remaining fees, charges and/or Resolution portions shall be and continue in full force and effect, except as to those fees, charges, and/or Resolution portions that have been adjudged invalid. The City Council of the City of Rancho Cordova hereby declares that it would have adopted each of the fees and charges set forth in **Exhibit "A"** of this Resolution, and this Resolution and each section, subsection, clause, sentence, phrase and other portion thereof, irrespective of the fact that one or more of the fees, charges, or sections, subsections, clauses, sentences, phrases or other portions of this Resolution may be held invalid or unconstitutional.

The City Clerk shall certify the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova this ____ day of _____, 2010 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Ken Cooley, Mayor

ATTEST:

Mindy Cuppy, City Clerk

EXHIBIT A

City of Rancho Cordova
Planning, Building, and Public Works Fee and Deposit Schedule
Exhibit A to Resolution 33-2010

DESCRIPTION	DEPOSIT AMOUNT	FEE AMOUNT
Planning Department:		
General Plan Amendment	\$15,000	
Rezone	\$15,000	
Specific Plan Initiation	\$5,000	
Special Planning Area Initiation	\$5,000	
Zoning Ordinance Amendment	\$10,000	
Design Review	\$10,000	
Design Review Amendment	\$5,000	
Development Agreement	\$10,000	
Development Agreement Amendment	\$5,000	
Conditional Use Permit	\$10,000	
Conditional Use Permit Amendment	\$5,000	
Use Permit Condo Conversion	\$8,000	
Tentative Parcel Map	\$10,000	
Tentative Parcel Map Extension	\$1,000	
Tentative Parcel Map Resubmission	\$5,000	
Tentative Parcel Map Waiver - Condo	\$3,000	
Tentative Parcel Map Amendment	\$3,000	
Tentative Subdivision Map (1-20 lots)	\$10,000	
Tentative Subdivision Map (21 or more)	\$20,000	
Tentative Subdivision Map Amendment	\$5,000	
Variance	\$10,000	
Non-conforming Use Certificate	\$3,000	
Initial Study Deposit (Negative Declaration/EIR)	\$5,000	
Development Agreement Annual Compliance Review	\$5,000 minimum balance	
Temporary Use Permit		\$ 241
Boundary Line Adjustment		\$ 942
Public Convenience and Necessity (PCN)		\$ 1,830
Zoning Verification Letter		\$ 397
Appeals of Planning Director Decisions to City Council		\$ 4,383
Appeals of Planning Commission Decision to City Council		\$ 4,343
Adjustment (to provisions in the zoning regulations)		\$ 1,231
Limited Use Permit		\$ 1,184

City of Rancho Cordova
Planning, Building, and Public Works Fee and Deposit Schedule
Exhibit A to Resolution 33-2010

DESCRIPTION	DEPOSIT AMOUNT	FEE AMOUNT
Public Works Department:		
Improvement Review and Inspection (including Grading Permits)	Greater of \$2,000 minimum deposit or 7% of first \$100,000 construction costs, plus 5% of next \$100,000 construction costs, plus 4% of next \$100,000 construction costs, plus 2% of remaining construction costs.	
Improvement Review Warranty Inspection	\$1,000	
Parcel Map Review	\$1,500	
Subdivision Map Review	\$2,500	
Encroachment Permits Application Deposit	\$350	
Encroachment Permits Inspection Deposit	\$2,000	
Minor Encroachment Permits (residential driveway, etc.)	\$350	
Street Name Change	\$850	
Certificate of Compliance Parcel Waiver	\$500	
Certificate of Compliance Lawful Parcel	\$500	
Abandonment of Public right of Way and Easements	\$850	
Review of Right of Way and Easement Documents	\$120	
Research for Survey and Engineering Records or Misc. Engineering Services	\$120	
Discretionary Review		Time & Materials
Transportation Permits Single Use		16
Transportation Permits Annual		48
Street Use Permits		25
Street Cut Trench Fee - Under 4 ft. deep Transverse Cut		\$3.77-\$12.45/s.f.
Street Cut Trench Fee - Under 4 ft. deep Longitudinal Cut		\$1.88-\$6.22/s.f.
Street Cut Trench Fee - Over 4 ft. deep Transverse Cut		\$5.74-\$18.88/s.f.
Street Cut Trench Fee - Over 4 ft. deep Longitudinal Cut		\$2.87-\$9.44/s.f.
Interest on Unpaid Accounts		Compound interest @1.5% per month on unpaid balance

CITY OF RANCHO CORDOVA

RESOLUTION NO. 34-2010

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
RESCINDING RESOLUTION 85-2004 AND ESTABLISHING A FEE FOR THE
RECOVERY OF COSTS INCURRED IN THE REMOVAL, IMPOUND,
STORAGE AND RELEASE OF VEHICLES AS AUTHORIZED BY
THE CALIFORNIA VEHICLE CODE**

WHEREAS, the City of Rancho Cordova incurs significant costs associated with the towing and storage of impounded vehicles; and

WHEREAS, California Vehicle Code Section 22850.5 authorizes the City of Rancho Cordova to establish procedures for the release of properly impounded vehicles and for the imposition of a charge equal to the City's administrative costs relating to the removal, impound, storage, or release of such vehicles; and

WHEREAS, the City of Rancho Cordova's current fee for the administrative costs of removal, impound, storage, or release of properly impounded vehicles was established by Resolution No. 85-2004, and is not sufficient to recover the costs associated with the removal, impound, storage or release of vehicles; and

WHEREAS, the costs and expenses presently incurred by the City of Rancho Cordova should be borne by the registered owner or the agent of that owner, rather than the City of Rancho Cordova and its residents; and

WHEREAS, the administrative costs currently incurred by the City of Rancho Cordova relating to the removal, impound, storage, or release of a properly impounded vehicle are collected by the County of Sacramento Towing Enforcement Detail with no financial gain to the City of Rancho Cordova.

NOW, THEREFORE BE IT RESOLVED THAT:

1. **Resolution Rescinded:** Resolution No. 85-2004 is hereby rescinded.
2. **Adoption of Fee:** the City Council hereby adopts and imposes a fee in the amount of One Hundred and Fifty Two Dollars (\$152) which reflects the City's administrative costs relating to the removal, impound, storage, or release of a properly impounded vehicle.
3. **Imposition of Fee:**
 - a. Such fee shall be imposed on the registered owner or the agent of that owner prior to the release of the owner's properly impounded vehicle.
 - b. Such fee shall be collected by the Chief of Police or his designated representative at the time of release of the impounded vehicle and shall be deposited by the Chief of Police into the general fund of the City Treasury.

ATTACHMENT 3

- c. Such fee may be waived by the Chief of Police upon verifiable proof that the properly impounded vehicle was reported stolen at the time the vehicle was removed.
- d. Such fee shall not be imposed with respect to any vehicle towed under an abatement program or sold at a lien sale pursuant to Civil Code Sections 3068.1-3074, inclusive and Vehicle Code Section 22851, unless the sale is sufficient in amount to pay the lien holder's total charges and proper administrative costs.
- e. With respect to any properly impounded vehicle for which such fee shall be collected, the Chief of Police shall, in accordance with Vehicle Code Section 22852, provide the vehicle's registered owner or the agent of that owner with an opportunity for a post-storage hearing to determine the validity of the storage. Such hearing may consist of an informal meeting or telephone call with the Chief of Police's designated representative or representatives.
- f. The above-referenced fee shall be in addition to any other charges authorized or imposed pursuant to the California Vehicle Code.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the ____ day of ____, 2010 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Ken Cooley, Mayor

ATTEST:

Mindy Cuppy, City Clerk

1423576.1

CITY OF RANCHO CORDOVA

RESOLUTION NO. 37-2010

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
RESCINDING RESOLUTION NO. 128-2005 PERTAINING TO THE FEE FOR LICENSING
AND/OR RENEWAL OF LICENSES FOR TOBACCO RETAILERS**

WHEREAS, Resolution No. 128-2005 was adopted by the City Council of Rancho Cordova ("City") on October 17, 2005 to establish an annual license for the issuance or renewal of tobacco retailer licenses pursuant to Section 4.07.080 of the Rancho Cordova Municipal Code; and

WHEREAS, Section 4.07.080 of the Rancho Cordova Municipal Code was subsequently amended to provide that tobacco retailer license fees shall be established by the City Manager based upon the costs incurred in the enforcement of tobacco retail laws and the administration of Chapter 4.07 of the Rancho Cordova Municipal Code.

NOW, THEREFORE, the City Council of the City of Rancho Cordova does hereby resolve as follows:

Section 1. Resolution Rescinded. Resolution No. 128-2005 is hereby rescinded.

Section 2. Effective Date. This Resolution shall only become effective upon the adoption of Ordinance No. 6-2010.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova this ____ day of ____, 2010 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Ken Cooley, Mayor

ATTEST:

Mindy Cuppy, City Clerk

MEMORANDUM



DATE: May 17, 2010

TO: Honorable Mayor and Council Members

FROM: Paul Junker, Planning Director
Adam U. Lindgren, City Attorney

**SUBJECT: REPORT OF GREENHOUSE GAS LAWS (AB32 AND SB375) AND
OPTIONS FOR LOCAL PROGRAMS**

RECOMMENDATION

Receive report and provide direction to staff.

RESULT OF RECOMMENDED ACTION

Council input will provide direction to staff for addressing greenhouse gas and climate change programs within the City of Rancho Cordova.

BACKGROUND

Staff will provide an update to the City Council on recent changes in legislation related to greenhouse gas emissions. Key among these changing laws are AB 32, which calls for the reduction of greenhouse gas emissions, and SB 375, which more directly links land planning and transportation improvements. Additionally, the rules for reviewing projects under the California Environmental Quality Act (CEQA) have evolved, requiring analysis of greenhouse gas emissions and climate change impacts to be addressed within CEQA documents. Staff will provide background information on these evolving laws and will identify programs that may be undertaken to address climate change issues.



May 17, 2010

The Honorable Ken Cooley, Mayor
The Honorable Robert McGarvey, Vice Mayor
The Honorable Linda Budge, Councilwoman
The Honorable David Sander, Councilman
The Honorable Dan Skoglund, Councilman
City of Rancho Cordova
2729 Prospect Park Drive
Rancho Cordova, CA 95670

RE: **City of Rancho Cordova's May 17th, 2010 Agenda, Item 10.1 (Oppose)**

Mayor, Vice-Mayor and Council Members:

I write today on behalf of the North State Building Industry Association (BIA) in opposition to the proposed fee increases that impact the development community. The staff report indicates that the proposed fee increases are to achieve full cost recovery and avoid a "subsidy" from the general fund of the City of Rancho Cordova. In addition, there is a mention of trimming costs from the peak expenditure fiscal year of 2007/08 by about 12%.

Nowhere in the staff report does it detail what efforts the City has undertaken to reduce costs in activities that are being proposed to be increased. Have any of the contracts for services been renegotiated to reduce costs, shorten time frames or eliminate unneeded activities? As an organization with a government monopoly, should not the first call of duty be on controlling costs? The services being charged for are provided by a for profit company at the direction of the City of Rancho Cordova. Why should increases on other businesses be implemented to pay for the operations of a for profit contractor to the City without justification that every available cost containment and reduction action has been taken?

On March 23rd I attended a presentation by City staff on user fees. The staff report consisted of a single page that did not include any of the documentation used to determine the current costs or the "subsidy." The current discussion is based upon this study, but in researching this issue on the City's web site, no search results turned up any background documentation for the user fee study.

In addition to the above concerns, the BIA also finds it difficult to believe that City staff would partially justify a fee increase with an argument that "we have

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Exhibit A to Resolution 33-2010

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Planning Department:		
General Plan Amendment	\$15,000	
Rezone	\$15,000	
Specific Plan Initiation	\$5,000	
Special Planning Area Initiation	\$5,000	
Zoning Ordinance Amendment	\$10,000	
Design Review	\$10,000	
Design Review Amendment	\$5,000	
Development Agreement	\$10,000	
Development Agreement Amendment	\$5,000	
Conditional Use Permit	\$10,000	
Conditional Use Permit Amendment	\$5,000	
Use Permit Condo Conversion	\$8,000	
Tentative Parcel Map	\$10,000	
Tentative Parcel Map Extension	\$1,000	
Tentative Parcel Map Resubmission	\$5,000	
Tentative Parcel Map Waiver - Condo	\$3,000	
Tentative Parcel Map Amendment	\$3,000	
Tentative Subdivision Map (1-20 lots)	\$10,000	
Tentative Subdivision Map (21 or more)	\$20,000	
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Adjustment (to provisions in the zoning regulations)		\$ 1,231
Limited Use Permit		\$ 1,184

change to current fee amount

10.1
 reso 33-2010 adopted
 w/ changes to these #'s

EXHIBIT A

City of Rancho Cordova
Planning, Building, and Public Works Fee and Deposit Schedule
Exhibit A to Resolution 33-2010

DESCRIPTION	DEPOSIT AMOUNT	FEE AMOUNT
Planning Department:		
General Plan Amendment	\$15,000	
Rezone	\$15,000	
Specific Plan Initiation	\$5,000	
Special Planning Area Initiation	\$5,000	
Zoning Ordinance Amendment	\$10,000	
Design Review	\$10,000	
Design Review Amendment	\$5,000	
Development Agreement	\$10,000	
Development Agreement Amendment	\$5,000	
Conditional Use Permit	\$10,000	
Conditional Use Permit Amendment	\$5,000	
Use Permit Condo Conversion	\$8,000	
Tentative Parcel Map	\$10,000	
Tentative Parcel Map Extension	\$1,000	
Tentative Parcel Map Resubmission	\$5,000	
Tentative Parcel Map Waiver - Condo	\$3,000	
Tentative Parcel Map Amendment	\$3,000	
Tentative Subdivision Map (1-20 lots)	\$10,000	
Tentative Subdivision Map (21 or more)	\$20,000	
Tentative Subdivision Map Amendment	\$5,000	
Variance	\$10,000	
Non-conforming Use Certificate	\$3,000	
Initial Study Deposit (Negative Declaration/EIR)	\$5,000	
Development Agreement Annual Compliance Review	\$5,000 minimum balance	
Temporary Use Permit		\$ 241
Boundary Line Adjustment		\$ 942
Public Convenience and Necessity (PCN)		\$ 1,830
Zoning Verification Letter		\$ 397
Appeals of Planning Director Decisions to City Council		\$ 4,383 ^{2,590}
Appeals of Planning Commission Decision to City Council		\$ 4,343 ^{3,376}
Adjustment (to provisions in the zoning regulations)		\$ 1,231
Limited Use Permit		\$ 1,184