

CONCURRENT MEETING
CITY COUNCIL/CRA/RCFC

Monday, September 21, 2009

5:00 p.m. – Closed Session

5:30 p.m. – Regular Meeting

AGENDA



Dan Skoglund, Mayor

Ken Cooley, Vice Mayor

Robert J. McGarvey, Council Member

David Sander, Council Member

Linda Budge, Council Member

Rancho Cordova City Council/CRA/RCFC – AGENDA
Special and Regular Meeting of September 21, 2009

2009

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

S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S		
JANUARY							FEBRUARY							MARCH							APRIL								
					1	2	3	1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7	
4	5	6	7	8	9	10	8	9	10	11	12	13	14	8	9	10	11	12	13	14	5	6	7	8	9	10	11		
11	12	13	14	15	16	17	15	16	17	18	19	20	21	15	16	17	18	19	20	21	12	13	14	15	16	17	18		
18	19	20	21	22	23	24	22	23	24	25	26	27	28	22	23	24	25	26	27	28	19	20	21	22	23	24	25		
25	26	27	28	29	30	31								29	30	31					26	27	28	29	30				
MAY							JUNE							JULY							AUGUST								
					1	2		1	2	3	4	5	6			1	2	3	4		2	3	4	5	6	7	8		
3	4	5	6	7	8	9	7	8	9	10	11	12	13	5	6	7	8	9	10	11	9	10	11	12	13	14	15		
10	11	12	13	14	15	16	14	15	16	17	18	19	20	12	13	14	15	16	17	18	16	17	18	19	20	21	22		
17	18	19	20	21	22	23	21	22	23	24	25	26	27	19	20	21	22	23	24	25	23	24	25	26	27	28	29		
24	25	26	27	28	29	30	28	29	30					26	27	28	29	30	31		30	31							
31																													
SEPTEMBER							OCTOBER							NOVEMBER							DECEMBER								
					1	2					1	2	3		1	2	3	4	5	6	7				1	2	3	4	5
6	7	8	9	10	11	12	4	5	6	7	8	9	10	8	9	10	11	12	13	14	6	7	8	9	10	11	12		
13	14	15	16	17	18	19	11	12	13	14	15	16	17	15	16	17	18	19	20	21	13	14	15	16	17	18	19		
20	21	22	23	24	25	26	18	19	20	21	22	23	24	22	23	24	25	26	27	28	20	21	22	23	24	25	26		
27	28	29	30				25	26	27	28	29	30	31	29	30						27	28	29	30	31				

NEW YEAR'S DAY (THURS, JAN 1)
MARTIN LUTHER KING JR. DAY (MON, JAN 19)
PRESIDENT'S DAY (MON, FEB 16)
MEMORIAL DAY (MON, MAY 25)

2009 PROPOSED HOLIDAY SCHEDULE – CITY HALL CLOSED (SHOWN ITALICIZED)
INDEPENDENCE DAY (FRI, JUL 3 (OBSERVED))
LABOR DAY (MON, SEP 7)
VETERAN'S DAY (WED, NOV 11)
THANKSGIVING DAY (THUR, NOV 25)

DAY AFTER THANKSGIVING (FRI, NOV 27)
CHRISTMAS EVE (THURS, DEC 24)
CHRISTMAS DAY (FRI, DEC 25)

2010

S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
JANUARY							FEBRUARY							MARCH							APRIL						
					1	2		1	2	3	4	5	6		1	2	3	4	5	6				1	2	3	4
3	4	5	6	7	8	9	7	8	9	10	11	12	13	7	8	9	10	11	12	13	4	5	6	7	8	9	10
10	11	12	13	14	15	16	14	15	16	17	18	19	20	14	15	16	17	18	19	20	11	12	13	14	15	16	17
17	18	19	20	21	22	23	21	22	23	24	25	26	27	21	22	23	24	25	26	27	18	19	20	21	22	23	24
24	25	26	27	28	29	30	28							28	29	30	31				25	26	27	28	29	30	
31																											
MAY							JUNE							JULY							AUGUST						
						1					1	2	3				1	2	3		1	2	3	4	5	6	7
2	3	4	5	6	7	8	6	7	8	9	10	11	12	4	5	6	7	8	9	10	8	9	10	11	12	13	14
9	10	11	12	13	14	15	13	14	15	16	17	18	19	11	12	13	14	15	16	17	15	16	17	18	19	20	21
16	17	18	19	20	21	22	20	21	22	23	24	25	26	18	19	20	21	22	23	24	22	23	24	25	26	27	28
23	24	25	26	27	28	29	27	28	29	30				25	26	27	28	29	30	31	29	30	31				
30	31																										
SEPTEMBER							OCTOBER							NOVEMBER							DECEMBER						
					1	2					1	2	3		1	2	3	4	5	6				1	2	3	4
5	6	7	8	9	10	11	3	4	5	6	7	8	9	7	8	9	10	11	12	13	5	6	7	8	9	10	11
12	13	14	15	16	17	18	10	11	12	13	14	15	16	14	15	16	17	18	19	20	12	13	14	15	16	17	18
19	20	21	22	23	24	25	17	18	19	20	21	22	23	21	22	23	24	25	26	27	19	20	21	22	23	24	25
26	27	28	29	30			31							28	29	30					26	27	28	29	30	31	

NEW YEAR'S DAY (FRI, JAN 1)
MARTIN LUTHER KING JR. DAY (MON, JAN 18)
PRESIDENT'S DAY (MON, FEB 15)
MEMORIAL DAY (MON, MAY 31)

2010 PROPOSED HOLIDAY SCHEDULE – CITY HALL CLOSED (SHOWN ITALICIZED)
INDEPENDENCE DAY (SUN, JUL 4)
LABOR DAY (MON, SEP 6)
VETERAN'S DAY (THUR, NOV 11)
THANKSGIVING DAY (THUR, NOV 25)

DAY AFTER THANKSGIVING (FRI, NOV 25)
CHRISTMAS EVE (FRI, DEC 24)
CHRISTMAS DAY (SAT, DEC 25)

2011

S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
JANUARY							FEBRUARY							MARCH							APRIL						
						1																					
2	3	4	5	6	7	8																					
9	10	11	12	13	14	15	6	7	8	9	10	11	12	6	7	8	9	10	11	12	3	4	5	6	7	8	9
16	17	18	19	20	21	22	13	14	15	16	17	18	19	13	14	15	16	17	18	19	10	11	12	13	14	15	16
23	24	25	26	27	28	29	20	21	22	23	24	25	26	20	21	22	23	24	25	26	17	18	19	20	21	22	23
30	31						27	28						27	28	29	30	31			24	25	26	27	28	29	30
MAY							JUNE							JULY							AUGUST						
1	2	3	4	5	6	7	5	6	7	8	9	10	11	3	4	5	6	7	8	9		1	2	3	4	5	6
8	9	10	11	12	13	14	12	13	14	15	16	17	18	10	11	12	13	14	15	16	7	8	9	10	11	12	13
15	16	17	18	19	20	21	19	20	21	22	23	24	25	17	18	19	20	21	22	23	14	15	16	17	18	19	20
22	23	24	25	26	27	28	26	27	28	29	30			24	25	26	27	28	29	30	21	22	23	24	25	26	27
29	30	31					26	27	28	29	30			31							28	29	30	31			
SEPTEMBER							OCTOBER							NOVEMBER							DECEMBER						
						1	2	3																			
4	5	6	7	8	9	10	2	3	4	5	6	7	8	6	7	8	9	10	11	12	4	5	6	7	8	9	10
11	12	13	14	15	16	17	9	10	11	12	13	14	15	13	14	15	16	17	18	19	11	12	13	14	15	16	17
18	19	20	21	22	23	24	16	17	18	19	20	21	22	20	21	22	23	24	25	26	18	19	20	21	22	23	24
25	26	27	28	29	30		23	24	25	26	27	28	29	27	28	29	30				25	26	27	28	29	30	31



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

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

Monday, September 21, 2009

**5:00 P.M. – Closed Session
Community Board Room**

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

AGENDA

A. CLOSED SESSION ITEM

Council will meet in Closed Session to discuss the following items:

Conference with Legal Counsel – Anticipated Litigation Government Code 54956.9 (b)
(one potential case)

B. ADJOURNMENT OF CLOSED SESSION

1. REGULAR MEETING – CALL TO ORDER / ROLL CALL

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

2. METRO CABLE TV TELEVISION ANNOUNCEMENT

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

3. PLEDGE OF ALLEGIANCE

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

4. INVOCATION

Martin Mwangi, House of Glory Church, will give the invocation.

5. CLOSED SESSION REPORT

The City Attorney will report on action taken in Closed Session.

6. PRESENTATIONS

- 6.1 Report from Executive Director Darcy Brewer on California Capital Airshow.
- 6.2 Presentation of Proclamation to Scott Meyer for Folsom Cordova Unified School District (FCUSD) Teacher of the Year.
- 6.3 Presentation of Certificates of Appreciation to Neighborhood Traffic Safety Committee (NTSC) Members Russell Blair, Mickey Boughton, Matt Cummings, Dennis Dunn, and Gerry Lane.
- 6.4 Presentation of Proclamation to Event Chair Janet Lemere and Team Captain Coordinator Alex Miller in Recognition of Relay for Life on October 3rd and 4th.

7. PUBLIC COMMENT

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

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

8. COUNCIL REPORTS

9. CONSENT CALENDAR ITEMS – ROLL CALL VOTE

- 9.1 **Subject:** Meeting Minutes:
 - a) Regular Meeting Minutes of September 8, 2009
 - b) Special Meeting Minutes of September 15, 2009**Recommendation:** Adopt Minutes.
- 9.2 **Subject:** Resolution Declaring the Results of Mail Ballot Election for Rancho Cordova Transit-Related Services Special Tax Area Zone 15 (Cordova Restaurant and Casino)
Recommendation: Adopt Resolution No. 78-2009.
Result of Recommended Action: Adoption of this resolution will declare the results of the transit-related services tax election concerning Transit-Related Services Special Tax Area Zone 15, which will assist the City in meeting the costs of providing City transit-related services by establishing a special tax for transit services for the Cordova Restaurant and Casino.
Staff Report: Cyrus Abhar, Public Works Department
Advances Goals: 2 and 11

- 9.3 **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. 87-2009.

Result of Recommended Action: Adoption of this resolution will provide preservation of unused prior year grant funds (\$99,421) 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

10. CONSENT PUBLIC HEARING ITEMS

NONE

11. PUBLIC HEARING ITEMS

- 11.1 **Subject:** Resolution Approving the FY 2008-2009 Consolidated Annual Performance and Evaluation Report (CAPER) for Community Development Block Grant (CDBG) Program

Recommendation: Adopt Resolution No. 89-2009.

Result of Recommended Action: Adoption of this resolution will approve the FY 2008-2009 Consolidated Annual Performance and Evaluation Report (CAPER) and allow staff to submit application to the US Department of Housing and Urban Development (HUD) in accordance with HUD requirements and timelines.

Staff Report: Reed Flory, Economic Development Department, Housing Division

Advances Goals: 1, 4, 6, 7, 8, 10, and 13

GROWING STRONG NEIGHBORHOODS

12. REGULAR CALENDAR ITEMS

- 12.1 **Subject:** Appeal of Planning Director's Determination Regarding Proposed Thrift Store Use: Goodwill Industries of Sacramento Valley and Northern Nevada, Inc., Located at 10995 Olson Drive, Zinfandel Square

Recommendation: Adopt Resolution No. 91-2009.

Result of Recommended Action: Upholding the Planning Director determination would continue to prohibit thrift store uses on properties designated Commercial Mixed Use in Folsom Boulevard Specific Plan, including the subject property located at 10995 Olson Drive

Staff Report: Paul Junker, Planning Department

Advances Goals: 1 and 5

- 12.2 **Subject:** Urgency Ordinance Establishing a Temporary Moratorium on the Establishment, Expansion or Relocation of Resale Shops Pending the Review and Possible Amendment of Zoning Regulations Applicable to Such Businesses

Recommendation: Waive reading and adopt Urgency Ordinance No. 20-2009.

Result of Recommended Action: Adoption of this Ordinance will establish a 45-day temporary moratorium on the establishment, expansion or relocation of resale shops. This moratorium is necessary in order to analyze how to address new imminent threats to public safety, health, and welfare resulting from the location of resale shops.

Staff Report: Adam U. Lindgren, City Attorney's Office; Curt Haven, Economic Development Director; and Jeff Beiswenger, Planning Department

Advances Goals: 1, 4, 5, 6, 8, 10, 11 and 13

13. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

14. CITY MANAGER'S REPORT

Neighborhood Services, Code Enforcement, and Animal Services Update

15. ADJOURNMENT

ADDITIONAL INFORMATION

UNLESS THE COUNCIL ADOPTS A MOTION TO EXTEND THE MEETING, ANY ITEM THAT IS NOT INITIATED BEFORE 11 P.M. WILL BE CONTINUED TO THE NEXT DAY AT 5:30 P.M. OR SCHEDULED ON THE NEXT REGULAR MEETING AGENDA OF THE COUNCIL.

Public documents related to items on the open session portion of this agenda, which are distributed to the City Council less than 72 hours prior to the meeting, shall be available for public inspection at the time the documents are distributed to the Council. Documents are available for inspection at the City Clerk's office located in Rancho Cordova City Hall.

The agenda items are accessible on the City's website at www.cityofranhocordova.org on Thursdays prior to the Regular City Council Meeting.

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

UPCOMING MEETINGS	
<i>Tuesday, September 29, 2009</i>	<i>5:30 p.m. Work Session on TBD</i>
<i>Monday, October 5, 2009</i>	<i>5:30 p.m. Regular Meeting</i>
<i>Tuesday, October 13, 2009</i>	<i>5:30 p.m. Work Session on Budget Update and First Quarter Financial Report</i>
<i>Monday, October 19, 2009</i>	<i>4:00 p.m. Study Session on Folsom Boulevard Specific Plan Update - Status Report</i> <i>5:30 p.m. Regular Meeting</i>
<i>Tuesday, October 27, 2009</i>	<i>5:30 p.m. Work Session on Rio del Oro Project Overview and Discussions of Limited Entitlement</i>
<i>Monday, November 2, 2009</i>	<i>4:00 p.m. Study Session on TBD</i> <i>5:30 p.m. Regular Meeting</i>
Wednesday, November 11, 2009	VETERAN'S DAY HOLIDAY – CITY HALL CLOSED
<i>Monday, November 16, 2009</i>	<i>5:30 p.m. Regular Meeting</i>

<i>Tuesday, November 17, 2009</i>	<i>5:30 p.m. Special Meeting – CLOSED SESSION - Annual Review and Development for City Manager and Departments</i>
<i>Wednesday, November 25, 2009</i>	<i>FURLOUGH DAY – CITY HALL CLOSED</i>
<i>Thursday & Friday, November 26 and 27, 2009</i>	<i>THANKSGIVING DAY HOLIDAY – CITY HALL CLOSED</i>

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 & Parks District)	(916) 362-9602
Planning Department	(916) 851-8750
Public Works Department	(916) 851-8710
Rancho Cordova Police Department	(916) 875-9673
Redevelopment Department	(916) 851-8780
Sac Metro Fire District	(916) 566-4000

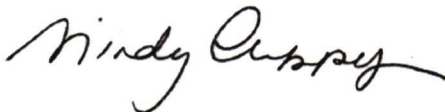
The Rancho Cordova City Council/CRA/RCFC will be videotaped in its entirety and will be cablecast without interruption on Metro Cable 14, the Government Affairs Channel on the Comcast, SureWest and Strategic Technologies Cable Systems. Closed Captioning will be available on the playback cablecast. Tune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

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

CERTIFICATION OF POSTING OF AGENDA

I, Mindy Cuppy, City Clerk for the City of Rancho Cordova, declare that the foregoing agenda for the September 21, 2009 Special and Regular Meeting of the Rancho Cordova City Council/CRA/RCFC was posted and available for review on September 17, 2009 at City Hall of the City of Rancho Cordova, 2729 Prospect Park Drive, Rancho Cordova, California, 95670. The agenda is also available on the city web site at www.cityofranhocordova.org.

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



Mindy Cuppy, City Clerk



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

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

Tuesday, September 8, 2009

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

MINUTES

1. REGULAR MEETING – CALL TO ORDER / ROLL CALL

Mayor Skoglund called the regular meeting to order in the David B. Roberts Council Chambers at 5:36 p.m.

Council Members Present: Budge, McGarvey, Sander, Cooley (arrived at 6:04 p.m.), and Mayor Skoglund

Staff Present: Lindgren, Lehr, Chinn, Miller, Snipes, Abhar, Snyder, Haven, Blair, Oliver, Kellerman, Silva, Pearl, Hadley, Humphrey, Trimberger, Flory, and Junker

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 Bob McGarvey to lead the Pledge.

4. INVOCATION

Dan Wade, First Covenant Church, gave the invocation.

5. PRESENTATIONS

- 5.1 Mayor Skoglund presented a Proclamation to Veterans of Foreign Wars (VFW) Post 10125 Past Commander Billie Hovey in Honor of All American Team of Post Commanders Award.
- 5.2 Council Member McGarvey presented a Proclamation to Retired General Tom Giesler in Recognition of Air Force Week (September 5-13).

AGENDA ITEM 9.1

- 5.3 Council Member Sander presented a Proclamation to Robert Guthleben in Recognition of Prostate Cancer Awareness Month (September 2009).
- 5.4 Council Member Budge presented a Proclamation to Todd Humphrey and Jay Hadley in Recognition of National Preparedness Month (September 2009).
- 5.5 Marilyn Hamm and Maureen Nelson reported on Volunteers in Neighborhood Services (VINS) updates.
- 5.6 Recognition of Mayor Skoglund's Birthday on September 16th.

ACTION: By consensus, Council delayed Agenda Item 5.6 until after the adjournment of the regular meeting.

6. PUBLIC COMMENT

NONE

7. COUNCIL REPORTS

Council reported on events since the last meeting.

8. CONSENT CALENDAR ITEMS – ROLL CALL VOTE

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

- 8.1 **Subject:** Meeting Minutes:

- a) Regular Meeting Minutes of August 17, 2009
- b) Special Meeting Minutes of August 25, 2009
- c) Special Meeting Minutes of September 1, 2009

Recommendation: Adopt Minutes.

- 8.2 **Subject:** Ordinance Amending Municipal Code Title 9, "Public Peace, Morals, and Safety, " to add Chapter 9.81, "Prohibition Against Unsafe Panhandling

Recommendation: Waive second reading and adopt Ordinance No. 17-2009. **(Roll Call Vote)**

Result of Recommended Action: Adoption of this ordinance will provide the City with regulations preventing panhandling in certain locations in order to protect the safety of the public as well as the safety of the individuals engaged in the unsafe panhandling.

Staff Report: Curt Haven, Economic Development Department, Reuben Meeks, Rancho Cordova Police Department, and Adam U. Lindgren, City Attorney's Office

- 8.3 **Subject:** Resolution Authorizing the City Manager to Execute Second Amendment Contract No. 90-2009 with KASL Consulting Engineers, Inc. to Continue Providing On-Call Engineering and Land Surveying Services in the Amount of \$100,000

Recommendation: Adopt Resolution No. 85-2009.

Result of Recommended Action: Adoption of this resolution will authorize the City Manager to execute a second contract amendment with KASL Consulting Engineering, Inc. to increase the current limit from \$300,000 to \$400,000. The contract amendment will provide continued surveying and engineering design services to support the Public Works Department

Staff Report: Cyrus Abhar, Public Works Department

- 8.4 **Subject:** Resolution Authorizing Submittal of an Application to State of California Department of Housing and Community Development (HCD), and Subsequently Entering Into a Standard Agreement with the State, for the Neighborhood Stabilization Program Affordable Rental Housing Component (NSP3).

Recommendation: Adopt Resolution No. 86-2009.

Result of Recommended Action: City staff will enter into a standard agreement with HCD to accept forgiving loan grant funding for an amount of \$3,677,385.

Staff Report: Reed Flory, Economic Development Department, Housing Division

9. CONSENT PUBLIC HEARING ITEMS

NONE

10. PUBLIC HEARING ITEMS

NONE

11. REGULAR CALENDAR ITEMS

NONE

12. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

NONE

13. CITY MANAGER'S REPORT

Assistant City Manager Joe Chinn reported on the following:

- Sacramento Philharmonic Orchestra coming to City Hall September 16, 23, and 30th at Noon in Council Chambers
- Reported on the success of the First Annual Relay for Life Bazaar
- Prostate Cancer Awareness
- Sacramento Children's Museum ground breaking at event at City Hall on October 21st

14. ADJOURNMENT

Mayor Skoglund adjourned the regular meeting at 6:47 p.m.

AT THIS POINT the Council took a brief recess to recognize Mayor Skoglund's birthday with cake and refreshments in the lobby. The full Council reconvened to the Work Session in the Community Board Room at 7:13 p.m.

A. STUDY SESSION – CALL TO ORDER / ROLL CALL

Mayor Skoglund called the special meeting to order in the Community Board Room at 7:13 p.m.

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

Staff Present: Lindgren, Chinn, Trimberger, Lehr, Abhar, Snyder, and Junker

B. PUBLIC COMMENT

The following individual addressed the Council:

- Dennis Rogers holding a neutral position to the item

C. STUDY SESSION ITEM

Subject: Follow-up Discussions from August 25, 2009 Special Meeting on Energy Efficiency and Conservation Block Grant Project Selection

Recommendation: Receive report and provide direction to staff.

Result of Recommended Action: Staff will take the direction from Council and proceed with the development of an Energy Efficiency and Conservation Strategy and prepare for submittal to the Department of Energy.

Staff Report: Tom Trimberger, Special Projects Manager

Advances Goals: 1, 11, 13

ACTION: Discussion item only; no action taken.

D. ADJOURNMENT

Mayor Skoglund adjourned the special meeting at 8.34 p.m.

Bren Lehr, Deputy City Clerk



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

**Rancho Cordova City Hall
2729 Prospect Park Drive, Rancho Cordova
American River North Community Room**

Tuesday, September 15, 2009 at 5:30 p.m.

MINUTES

WORK SESSION

Mayor Skoglund called the special meeting to order at 5:42 p.m.

Council Members Present: Budge, McGarvey, Sander (arrived at 5:47 p.m.), and Mayor Skoglund
Council Members Absent: Cooley
Staff Present: Abhar, Cuppy, Harriman, Trimberger, and Silva.

Work Session Topic

1. Kilgore Cemetery Design Concepts

ACTION: Motion by Budge second by McGarvey and carried by a 4:0 (Cooley absent) vote; Council approved the concept and appointed Budge and McGarvey to a subcommittee to review the cemetery layout.

Oral Communications

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

- Rose Yost regarding updating the directory at the Kilgore Cemetery.
- Jeff Goldman regarding opportunities for involvement in future planning for the Kilgore Cemetery.
- Shirley Thomas regarding maintaining the historical aspect of the Kilgore Cemetery.

Mayor Skoglund closed the public comment period.

ADJOURNMENT

The joint special meeting was adjourned at 7:09 p.m.

Mindy Cuppy, City Clerk

MEMORANDUM



DATE: September 21, 2009
TO: Honorable Mayor and Council Members
FROM: Cyrus Abhar, Public Works Director
SUBJECT: RESOLUTION DECLARING THE RESULTS OF MAIL BALLOT ELECTION FOR RANCHO CORDOVA TRANSIT-RELATED SERVICES SPECIAL TAX AREA ZONE 15 (CORDOVA RESTAURANT AND CASINO PROJECT)

RECOMMENDATION

Adopt Resolution No. 78-2009.

RESULT OF RECOMMENDED ACTION

Adoption of this resolution will declare the result of the transit-related services tax election concerning Transit-Related Services Special Tax Area Zone 15, which will assist the City in meeting the costs of providing City transit-related services by establishing a special tax for transit services for the Cordova Restaurant and Casino Project.

BACKGROUND

On November 7, 2005, the City Council approved Resolution No. 141-2005, which created the Rancho Cordova Transit-Related Services Special Tax Area and announced the City's intention to impose a transit-related services tax on new development within the City. Pursuant to that resolution, a property owner must approve a special tax on the parcel(s) within a subdivision as a condition of approval by the City. The City Council then adopts a resolution establishing a zone encompassing the subdivision, and an ordinance creating the special tax.

Finally, in order to go into effect, the ordinance must be approved by two-thirds of the affected property owners voting in a mail-ballot election to be held by the City. If the tax in Zone 15 is approved by at least two-thirds of the property owners voting, the tax will first be collected hereunder for the tax year beginning July 1, 2010.

Pending Elections

In accordance with this above-described process, the City Council recently adopted Resolution No. 72-2009 on July 20, 2009, which created Tax Zone 15, and Ordinance No. 14-2009, on August 17, 2009, which established the special tax for transit-related services subject to landowner-voter confirmation. A ballot was mailed to the Cordova

Restaurant and Casino property owner representative following approval of the Ordinance.

The ballot has been tabulated by the City Clerk and the Council should now announce the result of the elections:

"Special Tax Area Zone 15: 2 "yes" vote; 0 "no" vote

ATTACHMENT

Resolution No. 78-2009 declaring the result of mail ballot election regarding the special tax for transit services for Special Transit-Related Service Tax Area Zone 15.

CITY OF RANCHO CORDOVA

RESOLUTION NO. 78-2009

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
DECLARING THE RESULTS OF THE ELECTION FOR
RANCHO CORDOVA TRANSIT-RELATED SERVICES SPECIAL TAX AREA ZONE 15**

WHEREAS, on November 7, 2005, the City Council adopted Resolution No. 141-2005 creating the Rancho Cordova Transit-Related Services Special Tax Area and indicating its intent to impose the tax on new development in the City; and

WHEREAS, on July 20, 2009, the City Council adopted Resolution No. 72-2009, creating Zone 15 within the Transit-Related Services Special Tax Area, and recognizing the need for increased transit-related services in Zone 15 and the difficulty of funding current or increased levels of such services with available revenues. Pursuant to Resolution No. 72-2009, the City Council directed the City Clerk to conduct a transit-related services tax election, to be conducted by mail ballot, pursuant to Elections Code section 4000; and

WHEREAS, the property owners within Zone 15 waived the timing requirements of Elections Code section 4000 in order to conduct the election on a date earlier provided under the Elections Code; and

WHEREAS, on August 17, 2009, the City Council adopted Ordinance No. 14-2009, which established a special tax for transit-related services in Zone 15, which is contiguous with the boundaries of the Cordova Restaurant and Casino site, subject to landowner-voter confirmation; and

WHEREAS, Ordinance No. 14-2009 takes effect immediately upon confirmation by two-thirds of the voters voting within the relevant zone, so that taxes will be first collected for the tax year beginning July 1, 2010; and

WHEREAS, ballots were sent to the landowner of Zone 15 (Cordova Restaurant and Casino), which asked them a single question in the form of: "Shall Ordinance No. 14-2009 of the City Council of the City of Rancho Cordova be approved so as to authorize a special tax on property located in Zone 15 of the Rancho Cordova Transit-Related Services Special Tax Area to maintain the present level of transit-related services and provide additional funding for increased transit-related services?"; and

WHEREAS, the owners of the real property subject to the Transit-Related Services Special Tax Area Zone 15 have voted on the issue of whether to approve Ordinance No. 14-2009 and the City now wishes to declare the results of this transit-related services tax election for Zone 15.

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

1. The foregoing recitals are all true and correct.

2. The City Clerk has tabulated the transit-related services special tax ballots and the following are the responses to the question on the ballot asking whether the landowner approves of Ordinance No. 14-2009 authorizing a special tax in the portion of Transit-Related Services Special Tax Zone 15 that encompasses the landowner's property, in order to maintain the present level of transit-related services and provide additional funding for increased transit-related services:

Special Tax Area Zone 15: 2 "yes"; 0 "no".

3. In accordance with Ordinance No. 14-2009, the transit-related services special tax for Zone 15 shall take effect immediately, so that taxes will first be collected hereunder for the tax year beginning July 1, 2010.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

Dan Skoglund, Mayor

ATTEST:

Mindy Cuppy, City Clerk

MEMORANDUM



DATE: September 21, 2009

TO: Honorable Mayor and Council Members

FROM: Donna Silva, Finance Director

SUBJECT: RESOLUTION AUTHORIZING THE UTILIZATION OF STATE OF CALIFORNIA'S CITIZENS OPTION FOR PUBLIC SAFETY PROGRAM FUNDS (COPS)

RECOMMENDATION

Adopt Resolution No. 87-2009 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.

RESULT OF RECOMMENDED ACTION

This action will result in the preservation of unused prior year grant funds (\$99,421) 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 Section 30061.

BACKGROUND

The State of California's budget for FY 2008-09 includes appropriations for the State Supplemental Services Fund 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 2008-09 are available for spending by the City in fiscal year 2009-10.

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 \$99,421.02 from FY 2007-08. The Police Department has requested that these funds be used for "one-time" purchases which are outlined in the attached memo from Lt. Rosanne Richeal, included as **Exhibit A** to the Resolution.

ATTACHMENTS

Resolution No. 87-2009 including (**Exhibit A**) COPS Memo from Lt. Rosanne Richeal.

AGENDA ITEM 9.3

CITY OF RANCHO CORDOVA

RESOLUTION NO. 87-2009

**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 2008-09, 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 2008-09 appropriation for the expenditure in 2009-10; and

WHEREAS, Rancho Cordova has remaining \$99,421 in SLESF funding from FY 2007-08 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 hereby accepts the grant for the State's Citizen's Option for Public Safety Funding and approves the expenditures plan attached hereto as **Exhibit A**.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

Dan Skoglund, Mayor

ATTEST:

Mindy Cuppy, City Clerk



RANCHO CORDOVA POLICE DEPARTMENT

Memorandum

August 31, 2009

To : DONNA SILVA
Finance Director, City of Rancho Cordova

From : LIEUTENANT ROSANNE RICHEAL
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 08/09 COPS Grant funding, in addition to the remaining funds, totaling \$99,421.96, from FY 07/08:

Stationery Camera System for Crime Prev	\$33,000
"Stop Sticks" for patrol cars	\$22,000
Broadcasting Initial Radio Charges	\$10,000
Storage facilities for equipment PAL	\$8,000
Future of Police Dept Video	\$3,000
Orientation Training new Officers to City	\$13,000
Commercial Vehicle Laptop System	\$12,000
Parking Enforcement PDA System	\$5,400
Helmet Camera System Motor Unit	\$16,900
Replacement Radios, Radars and Tasers	\$23,800
Electronic Tracking System	\$28,000
Equipment Trailer	\$8,900
Night Vision Equipment	\$14,000

The remaining \$1,421.96 will be utilized for facility and equipment upgrades, as needed or required, to meet department and city standards.

cc: Reuben Meeks, Chief of Police
Donna Silva, Finance Director
File

MEMORANDUM



DATE: September 21, 2009

TO: Honorable Mayor and Council Members

FROM: Reed Flory, Housing Services Administrator

SUBJECT: **A PUBLIC HEARING TO CONSIDER APPROVAL OF RESOLUTION NO. 89-2009 ADOPTING THE 2008-2009 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER)**

RECOMMENDATION

Staff recommends Council:

- a) Conduct a public hearing; and
- b) Adopt Resolution No. 89-2009 for the FY 2008-2009 Consolidated Annual Performance and Evaluation Report (CAPER).

This is a time-sensitive item on which the City Council must take action at the meeting presented in order to avoid financial or other repercussions. The Council must adopt and submit the CAPER no later than September 30, 2009.

RESULT OF RECOMMENDED ACTION

With the adoption of this resolution the City will be in compliance with regulations established by the U.S. Department of Housing and Urban Development (HUD) and will be eligible to continue receiving an annual allocation of Community Development Block Grant (CDBG) funds.

BACKGROUND

The City received CDBG funds from HUD for FY 2008-2009 which totaled \$682,662. The grant allows the City to carry out a number of housing and community development programs that are targeted primarily to low- and moderate-income households and individuals, including housing rehabilitation, neighborhood infrastructure improvements, and public services.

HUD requires an annual evaluation of their grant programs, also known as "Consolidated Annual Performance and Evaluation Report" (CAPER) (**see Exhibit A**). The 2008-2009 CAPER describes the City's accomplishments in the implementation of programs and activities under the CDBG program. It also reports the progress of the City in meeting overall five-year goals and priorities, as well as identifying areas for improvement as a result of this annual review.

CDBG regulations require that the public be given a 15-day period in which to review the CAPER and provide comments prior to approval by the City Council. A public notice announcing the availability of the CAPER was published in the Sacramento Bee on September 4, 2009 and copies of the CAPER were made available for public review at designated locations, and on the City's website. Any written comments or questions are responded to in writing by staff, and are included in the CAPER when it is submitted to HUD. The public comment period on the CAPER concludes on September 21, 2009.

ATTACHMENT

Resolution No. 89-2009 including **(Exhibit A)** City of Rancho Cordova 2008-2009 Consolidated Annual Performance and Evaluation Report (CAPER)

CITY OF RANCHO CORDOVA

RESOLUTION NO. 89-2009

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
APPROVING THE FY 2008-2009 CONSOLIDATED ANNUAL PERFORMANCE AND
EVALUATION REPORT (CAPER)**

WHEREAS, the City of Rancho Cordova has applied for and received Community Development Block Grant (CDBG) funds as an entitlement jurisdiction from the Government of the United States under Title I of the Housing and Community Development Act of 1974;

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) is the federal agency that promulgates regulations and oversees the administration of the CDBG Program;

WHEREAS, HUD requires that entitlement jurisdictions complete an annual evaluation of their grants programs through a report known as the Consolidated Annual Performance and Evaluation Report (CAPER);

WHEREAS, staff has completed the 2008-2009 CAPER;

WHEREAS, a public notice announcing the availability of the CAPER and the 15-day public comment period for the report was published in the Sacramento Bee on September 4, 2009; and

WHEREAS, the 15-day public comment period has closed and the CAPER has been considered by the Rancho Cordova City Council;

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

1. Approves the 2008-2009 Consolidated Annual Performance and Evaluation Report (CAPER);
2. Authorizes the Assistant City Manager to submit the CAPER to the Department of Housing and Urban Development; and
3. Allows staff to make technical modifications to the CAPER as required by HUD.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Dan Skoglund, Mayor

Mindy Cuppy, City Clerk

2008-2009 CAPER

I. INTRODUCTION

As an entitlement grantee for the United States Department of Housing and Urban Development (HUD) formula Community Development Block Grant (CDBG) program, the City of Rancho Cordova is required to prepare a Consolidated Annual Performance and Evaluation Report (CAPER) to analyze and summarize program accomplishments during the preceding program year. This CAPER assesses the City of Rancho Cordova's progress in completing activities identified in the 2008-2009 Action Plan, which covers the period July 1, 2008 through June 30, 2009. The CAPER also reports the progress in meeting overall five-year Consolidated Plan goals and priorities, and identifies areas for improvement as a result of annual self-evaluations and HUD performance reviews.

The 2008-09 program year was the City of Rancho Cordova's third year as an entitlement recipient of Community Development Block Grant (CDBG) funds. The City of Rancho Cordova Housing Division, within the Economic and Neighborhood Development Department, serves as the lead agency for the administration of CDBG funds. Questions regarding this report should be directed to the staff within this division at:

Grants Specialist
City of Rancho Cordova
Economic and Neighborhood Development Department
2729 Prospect Park Drive
Rancho Cordova, CA 95670
916-851-8904

This report was made available for public review during a 15-day public comment period from September 6, 2009 to September 21, 2009. A public notice announcing its availability was published in the *Sacramento Bee* on September 4, 2009. A public hearing on the report was held on September 21, 2009 at the Rancho Cordova City Council meeting.

II. GENERAL NARRATIVE

In its third year as an entitlement grantee, the City funded numerous public service activities, including those serving the elderly, the youth, and the homeless. The City of Rancho Cordova is also leveraging several resources to improve the City's neighborhoods. Accomplishments include the following:

- Provided funding to Senior Nutrition Services for the provision of nutritious meals to 287 seniors;
- Provided funding for and environmental study and engineering costs to Sacramento Valley Live Steamers Railroad Museum;

2008-2009 CAPER

- Assisted the Cordova Activities for Kids Program to provide recreational and pro-social activities to 176 youth;
- Provided funding to WEAVE to assist victims of domestic violence, including individual and group counseling to 116 individuals;
- Assist the Strong Neighborhoods Initiative Program (SNIP) to reward low-income homeowners in target areas for successfully improving their neighborhoods;
- Completed 14 home repairs within the Emergency Repair Loan Program; and
- Assisted Sacramento Self-Help Housing to provide counseling and social services for 102 homeless and near-homeless persons.

In addition, staff continued to market the Emergency Repair Loan Program, provided group and one-on-one training to public service providers, and implemented monitoring and fiscal systems to oversee and track progress of the CDBG grant program. The majority of the proposed activities for the year were fully implemented.

Program year 2008-09 was the City's third year as an entitlement jurisdiction for CDBG funds. Staff has continually strived to provide training opportunities to new grant recipients and establish "best practices," with the goal of integrating them into the day-to-day and long-term implementation of the program. The activities listed below are those contained in the 2008-09 Action Plan, and the applicable one-year objective, with actual accomplishments identified. More detailed activity descriptions are included below.

HOUSING

Emergency Repair Loan Program

Provide emergency repair assistance to low-income homeowners, eliminating health and safety hazards in their units.

2008-09 Objective:	11 homes repaired
Funding Allocated:	\$65,000
2008-09 Accomplishment:	14 homes repaired
Goals Met:	HS-1 (for description of goals, please see the 2006-2011 Consolidated Plan)
Outcome:	Affordability for the purpose of providing decent affordable housing
Actual Expenditure:	\$68,025 ¹
Narrative:	City staff marketed the Emergency Repair Loan Program, which provided assistance to homeowners who had no other

2008-2009 CAPER

resources to make necessary repairs to their homes. Remaining funding (including implementation funding) is expected to be spent in FY 2009-10. Several additional loans are in process, and the City increased marketing for the program.

¹The City is currently processing an additional three loans, initiated during the 2008-09 program year, totaling \$18,574.

Category	Total	Percent of Total HH
Total Households	14	100%
Total Low/Mod-Income	14	100%
Extremely Low-income	8	57%
Low-Income	6	43%
Moderate-income	--	0%
Special Needs		
Disabled HH Member	9	7%
Senior Headed HH	11	79%
Female Headed HH	10	71%
5+ Person HH	--	0%
Race/Ethnicity		
Hispanic (all races)	--	0%
White	13	93%
Black or African-American	--	0%
Asian	1	7%
American Indian or Alaskan Native	--	0%
Native Hawaiian or Pacific	--	0%
Multiracial	--	0%
Other/No response	--	0%

Rental Housing Inspection Program

Inspect all rental units in deteriorated areas to find and correct code violations.

2008-09 Objective: 700 homes inspected
 Funding Allocated: \$80,502
 2008-09 Accomplishment: 500 homes inspected
 Actual Expenditure: \$80,502
 Narrative: The program began operating in 2006-07. Staff has since created an efficient way to implement the Rental Housing Inspection Program, set up an electronic tracking program and implemented a fee collection program.

2008-2009 CAPER

Code Enforcement

Provide code enforcement services in the redevelopment area and CDBG target areas.

2008-09 Objective:	700 homes inspected
Funding Allocated:	\$86,000
2008-09 Accomplishment:	900 homes inspected
Goals Met:	HS-1, HS-2
Outcome:	Accessibility for the purpose of providing decent affordable housing
Actual Expenditure:	\$86,000
Narrative:	The Code Enforcement Department has made several visits to related to code compliance complaints within the target area, which resulted in many improvements to the target area. Code enforcement efforts are a part of the City's Strong Neighborhoods Initiative, which is a comprehensive approach to improving quality of life in the City's target areas. The goal for the number of units inspected was exceeded.

PUBLIC FACILITIES

Sacramento Valley Live Steamers Railroad Museum

Fund an environmental study and engineering costs for a passenger loading facility and paved walkways to provide ADA accessibility to the railroad and petting zoo located in Hagen Park.

2008-09 Objective:	1 public works project completed
Funding Allocated:	\$20,000
2008-09 Accomplishments:	1 public works project
Actual Expenditure:	\$0
Narrative:	The City is in discussion with Sacramento Valley Live Steamers on how best to move forward given the current economic climate and given the limited amount of private funding available to complete project.

2008-2009 CAPER

Strong Neighborhoods Initiative Incentive Program (SNIP)

Provide an incentive to low-income homeowners who successfully contribute to the improvement of their target area neighborhood. Homeowners would be eligible to receive repairs to their homes, including weatherization.

2009-00 Objective: 1 public works project completed
 Funding Allocated: \$24,300.91 (\$23,179 in repairs, \$1,121.91 in implementation)
 2008-09 Accomplishments: None
 Actual Expenditure: \$0
 Narrative: The Strong Neighborhood Initiative Incentive Program was unable to provide the incentives to homeowners. These funds may be reallocated in the 2009-10 program year.

PUBLIC SERVICES

Cordova Activities for Kids Program (CAKe)

Engage children in a variety of recreational and pro-social activities. CDBG funds were used to allow the program to fund its coordinator position.

2008-09 Objective: 175 youth served
 Funding Allocated: \$30,000
 2008-09 Accomplishments: 176 youth served
 Goals Met: CD-2, CD-3
 Outcome: Accessibility for the purpose of creating suitable living environments.
 Actual Expenditure: \$30,000
 Narrative: CAKe provided a variety of recreational and pro-social services to 176 youth in Rancho Cordova during the 2008-2009 program year, exceeding their goal of 175 youth served.

Category	Total	Percent of Total HH
Total Youths	176	100%
Total Low/Mod-Income	157	89%
Very Low-income	107	61%
Low-Income	40	23%
Moderate-income	10	6%
Special Needs	142	81%
Disabled HH Member	27	15%

2008-2009 CAPER

Senior Headed HH	0	0%
Female Headed HH	47	27%
5+ Person HH	68	39%
Race/Ethnicity	--	--
Hispanic (all races)	65	37%
White	60	34%
Black or African-American	39	22%
Asian	1	<1%
American Indian or Alaskan Native	0	0%
Native Hawaiian or Pacific	2	1%
Multiracial	9	5%
Other/No response	65	37%

Sacramento County Department of Human Assistance – Senior Nutrition Program (Meals on Wheels)

Provide homebound seniors with hot meals and provide lunch to seniors at the Cordova Seniors Center.

2008-09 Objective: 290 seniors provided meals
 Funding Allocated: \$49,220
 2008-09 Accomplishments: 287 seniors provided meals
 Goals Met: CD-1, CD-3
 Outcome: Accessibility for the purpose of creating suitable living environments.
 Actual Expenditure: \$49,220 CDBG (\$10,000 City's General Fund)
 Narrative: Senior Nutrition Services provided a total of 13,419 home delivered and congregate meals to 287unduplicated seniors in Rancho Cordova. They met 99 percent of their goal.

Category	Total	Percent of Total HH
Total Households	287	100%
Total Low/Mod-Income	287	100%
Very Low-income	--	0%
Low-Income	287	100%
Moderate-income	--	0%
Special Needs	--	--
Disabled HH Member	18	6%

2008-2009 CAPER

Senior Headed HH	220	77%
Female Headed HH	95	33%
5+ Person HH	6	2%
Race/Ethnicity	--	--
Hispanic (all races)	18	6%
White	225	78%
Black or African-American	11	4%
Asian	36	13%
American Indian or Alaskan Native	7	2%
Native Hawaiian or Pacific	2	<1%
Multiracial	3	1%
Other/No response	1	<1%

Sacramento Self-Help Housing

Provide counseling and housing referral services to homeless and near-homeless individuals and households.

2008-09 Objective: 75 households provided counseling
 Funding Allocated: \$6,900 CDBG
 2008-09 Accomplishments: 102 households provided counseling*
 Goals Met: HA-1, CD-3
 Outcome: Accessibility for the purpose of creating suitable living environments.
 Actual Expenditure: \$6,900 CDBG
 Narrative: A strong relationship was established between Sacramento Self-Help Housing and the City of Rancho Cordova. Goals were exceeded and the program became better known throughout the community.

**This is an estimate pending final numbers from subrecipient.*

Category	Total	Percent of Total HH
Total Households	102	100%
Total Low/Mod-Income	82	80%
Very Low-income	66	65%
Low-Income	14	14%
Moderate-income	2	2%
Special Needs	--	--
Disabled HH Member	30	29%
Senior Headed HH	0	0%

2008-2009 CAPER

Female Headed HH	46	45%
5+ Person HH	26	26%
Race/Ethnicity	--	--
Hispanic (all races)	28	28%
White	50	49%
Black or African-American	32	31%
Asian	2	2%
American Indian or Alaskan Native	2	2%
Native Hawaiian or Pacific	0	0%
Multiracial	10	10%
Other/No response	4	4%

WEAVE, Inc.

Provide assistance to victims of domestic violence, including individual and group counseling.

2008-09 Objective: 141 individuals provided counseling
 Funding Allocated: \$16,279 CDBG
 2008-09 Accomplishments: 116 individuals provided counseling
 Goals Met: CD-3
 Outcome: Accessibility for the purpose of creating suitable living environments.
 Actual Expenditure: \$16,279 CDBG
 Narrative: This was WEAVE's second year operating a satellite office in the City of Rancho Cordova. In the 2007-2008 program year, WEAVE realized that the goals set were not being met and responded by significantly increasing outreach and marketing efforts in the City. Because of this effort, more people are becoming aware of WEAVE's presence in the community and the organization was close to meeting its 2008-2009 objective.

Category	Total	Percent of Total HH
Total Persons	116	100%
Total Low/Mod-Income	116	100%
Extremely Low-income	--	0%
Low-Income	116	100%
Moderate-income	--	0%
Special Needs	60	52%
Disabled HH Member	10	9%

2008-2009 CAPER

Senior Headed HH	1	<1%
Female Headed HH	36	31%
5+ Person HH	13	11%
Race/Ethnicity	---	---
Hispanic (all races)	27	23%
White	82	71%
Black or African-American	12	10%
Asian	4	4%
American Indian or Alaskan Native	1	<1%
Native Hawaiian or Pacific	0	0%
Multiracial	0	0%
Other/No response	16	14%

Cordova Towne Improvements (White Rock Park)

The Public Works Department provided new sidewalks, ADA ramps and lighting in the Cordova Town area of Rancho Cordova.

2008-2009 Objective: 1 public works project completed
 Funding Allocated: \$400,000 ((\$167,919.09 in 2008-09 funds, \$166,684 in 2007-08 funds and \$65,396.91 in 2006-07 funds)
 2008-2009 Accomplishments: None
 Goals Addressed: CD-4
 Outcome Category: Accessibility for the purpose of providing a suitable living environment
 Actual Expenditure: \$0
 Narrative: Project is underway and contractor is currently working. Funds will be disbursed during 2009-20 and outcomes will be reported at that time.

CLEARANCE

Provide assistance to property owners in removing non-functioning structures in the redevelopment area.

2008-2000 Objective: 1 building demolished
 Funding Allocated: \$35,300 CDBG
 2007-08 Accomplishments: None
 Actual Expenditure: None
 Narrative: This program has been continued into 2009-10 and may be used in coordination with the Neighborhood Stabilization Program. The City continues to identify properties in need of clearance activities, and work with property owners to identify opportunities for redevelopment.

2008-2009 CAPER

PLANNING AND ADMINISTRATION ACTIVITIES

CDBG Planning and Administration

Provide general administration of the CDBG program, including all planning and reporting activities.

2008-09 Objective: Conduct administrative services, train staff, and carry out other administrative and planning activities related to the CDBG program as well as other programs serving the target-income and special needs populations.

Funding: \$121,532

2008-09 Accomplishment: The CDBG program was implemented in accordance with federal requirements.

Goals Met: PA-1

Actual Expenditure: \$121,532

Narrative: CDBG staff was able to carry out a wide range of administrative activities to implement programs and activities serving the target income and special needs population.

Human Rights Fair Housing Commission (Center for Human Rights Law and Advocacy)

Provide fair housing and counseling services.

2008-09 Objective: Provide fair housing services such as provide assistance with housing discrimination and tenant and landlord laws, investigate fair housing complaints, provide outreach and education through public forums, distribution of fair housing literature and newspaper articles.

2008-09 Objective: 160 households assisted

Funding: \$15,000

2008-09 Accomplishment: 358 households assisted

Actual Expenditure: \$15,000

Narrative: The Human Rights and Fair Housing Commission assisted 358 households with fair housing services and counseling in an effort to eliminate housing discrimination.

2008-2009 CAPER

Category	Total	Percent of Total HH
Total Persons	358	100%
Total Low/Mod-Income	343	96%
Very Low-income	256	72%
Low-Income	51	14%
Moderate-Income	36	10%
Special Needs		
Disabled HH Member	59	17%
Senior Headed HH	2	<1%
Female Headed HH	95	27%
5+ Person HH	37	10%
Race/Ethnicity		
Hispanic (all races)	51	14%
White	224	63%
Black or African-American	81	23%
Asian	3	<1%
American Indian or Alaskan Native	4	1%
Native Hawaiian or Pacific	8	2%
Multiracial	11	3%
Other/No response	27	8%

SUMMARY OF 2008-09 CDBG EXPENDITURES

Category	2008-09 Funds Allocated
Planning and Administration	\$136,532
Public Services	\$102,399
Housing Rehabilitation Programs	\$65,000
Code Enforcement and Rental Inspection	\$166,502
Public Improvements	\$212,220
Total	\$682,653

2008-2009 CAPER

AFFIRMATIVELY FURTHERING FAIR HOUSING

In the year 2008-09, the City did not identify any additional impediments to fair housing choice beyond those identified in the 2006-2011 Consolidated Plan. Actions taken to promote fair housing include the provision of fair housing materials, fair housing assistance, and investigation of housing discrimination complaints.

The City displays fair housing materials at City Hall, and copies of these materials are free to the public. Fair housing information is sent free of charge by post to those who request it, and materials are distributed by Code Enforcement officers and the Rancho Cordova Police Department. In addition, the City promotes fair housing awareness in its housing programs and works with housing providers in the City to ensure the fair and equitable treatment of persons and households seeking housing in the City. The Human Rights/Fair Housing Commission acts as an adviser to the City on matters of fair housing.

AFFORDABLE HOUSING

Many of the City's efforts to provide affordable housing have been addressed previously under the section General Narrative. The Emergency Repair Loan Program assists low-income households. The 2006-2011 Consolidated Plan includes, as a high priority goal, the preservation of the existing stock of affordable housing. The City preserves affordable housing in part through code enforcement and rental inspection efforts, which ensure that all rental housing is safe and habitable.

CONTINUUM OF CARE NARRATIVE

The City of Rancho Cordova has established a set of strategies and priority actions to expand the City's homeless programs and services and to provide supportive housing opportunities and services to the elderly and persons with special needs. During program year 2008-09, the City continued to focus on funding service providers that offered regional programs benefiting the homeless and special needs groups.

The City has identified the following populations as having high priority needs: elderly, frail elderly, disabled persons and female-headed households. Additionally, the City identified the following as high-priority special housing and service needs: housing rehabilitation and emergency repair, rental inspection, neighborhood parks and facilities, and senior and youth services.

2008-2009 CAPER

Local Service Provider Assistance

During the 2008-09 program year, the City identified local service organizations that provide assistance to the homeless, households at-risk of homelessness, seniors, and other special needs groups. Several of these groups were selected to receive 2009-10 CDBG funds and will contribute to providing a broader continuum of care in the upcoming program year.

Senior Services

In 2008-09, the City funded senior meal services through the Sacramento County Department of Human Assistance (DHA). The City funded a congregate meal program (where meals are provided at community center sites), and a home-delivered meal program for homebound seniors. These programs combined to serve 287 persons. The programs offer meals five days per week (250 days per year), and the total number of meals served in Rancho Cordova amounted to nearly 22,000. Additionally, the Emergency Repair Loan Program served 11 seniors in the 2008-09 program year, allowing them to live in a safe environment.

Homeless and Homeless Prevention Services

The City contracts with Sacramento Self-Help Housing to provide counseling to low-income households who are homeless or at risk of becoming homeless. The counseling helps individuals and households to maintain housing stability. This program is intended to prevent homelessness. Self-Help Housing also provided assistance to tenants facing relocation as the result of the sale or dilapidation of their housing or other catastrophe.

OTHER ACTIONS

Actions to Address Obstacles to Meeting Under-Served Needs

The need for affordable housing for lower-income households and supportive housing for persons with special needs continues to exceed the available resources. The City has provided services, discussed previously under the Continuum of Care narrative, and has worked to afford housing opportunities to under-served groups, including individuals with severe disabilities.

Fostering and Maintaining Affordable Housing

The City of Rancho Cordova's Strategic Plan identifies the Emergency Repair Loan Program as the primary component of the City's housing strategy. This Program provided 14 forgivable loans during the program year to very low-income households.

In 2009-10, the City plans to devote additional, non-federal resources to advancing affordable housing opportunities. In 2008-09 City staff explored alternative resources, including tax credits, redevelopment area set-aside funding and regional and state grant opportunities. The

2008-2009 CAPER

City expects to move forward with one or more affordable projects in 2009-10. Additionally, the City anticipates operating an owner-occupied housing rehabilitation program in 2009-10, using redevelopment area funds.

Barriers to Affordable Housing

Rancho Cordova has made significant progress in meeting the housing needs of its very low-, low-, and moderate-income residents. Despite falling sale prices in the Sacramento region, home prices and rents are still high enough to make it difficult for extremely low- and very low-income households to locate an affordable unit.

A continued supply of housing affordable to all household income levels is essential to meet the needs of the residents of the City. Although there will be opportunities to construct new affordable housing, the City is also concerned with preserving and rehabilitation current affordable housing resources.

To assure the continuing production of affordable housing the City has examined possible constraints and barriers. Constraints to affordable housing are both governmental and non-governmental. Governmental constraints include land use controls, entitlement processing, fees, and building codes.

Land use controls are necessary to ensure orderly and appropriate development and growth in the City. Fees, land dedication, and public improvements are usually required as part of land development and entitlement processing to ensure an adequate supply of infrastructure, parks, and schools to serve the development. To facilitate the development of affordable housing, the City may consider waiving fees or assisting developers in locating resources for funding affordable housing. Building and housing codes are implemented to ensure the safety of the community (housing residents, specifically). It is unlikely that the City will waive building or housing code requirements as a method of increasing affordability.

Non-governmental constraints include the supply and cost of vacant land. The City has undertaken an inventory of vacant property suitable for housing development and determined that there are 623.45 acres available for single-family development in Rancho Cordova. This inventory indicates the need for lot consolidation and other entitlements to create a sufficient supply of land for the needs of the City. The City's General Plan allows for these entitlements to be granted for the development of affordable housing, it also allows for multi-family affordable housing to be constructed in certain commercial zones.

Regional Housing Needs Allocation

In 2008, the City received its 2006-2013 regional housing needs allocation (RHNA) from the local Council of Governments. The allocation indicated the continued need for a supply of affordable housing and targets these needs by income group. In summary, the allocation calls

2008-2009 CAPER

for 19 percent of new housing production to be affordable to moderate-income households; 20 percent to extremely low- and very low-income, 16 percent low-income, and 45 percent above moderate-income households. This reflects continued balanced production need.

The City's 2008-2013 Housing Element determines that based on the state allocation needs, the City of Rancho Cordova will need to demonstrate the capacity, based on appropriately zoned land, to accommodate 2,107 housing units affordable to very low-income households and 1,595 housing units affordable to low-income households during the current RHNA period. In addition, the City will have to demonstrate the capacity to accommodate 1,788 housing units available to moderate-income households.

Public Housing and Residential Initiatives

The City does not own any public housing. The 2006-2011 Consolidated Plan does not include plans to construct or operate public housing. The City does have several public housing developments within its boundaries. These are owned and operated by the Sacramento Housing and Redevelopment Agency (SHRA). The City works with SHRA to ensure the continued quality of public housing in the City.

Lead-Based Paint

The City works with a certified lead-based paint inspector to identify lead-based paint hazards when necessary. This inspector is qualified to conduct lead-based paint identification, assessment, and clearance services to reduce lead hazard. These services were available in the City's Emergency Repair Loan Program in 2008-09.

Compliance and Monitoring

City staff met with the subrecipient staff responsible for each activity prior to the beginning of the program year. All subrecipients were informed of the obligations to collect the required information on income, household composition, and race and ethnicity. The City held a group training session at the beginning of the year to go over subrecipient agreement policies, data collection, and financial management. Staff provided technical assistance to subrecipients throughout the year.

Quarterly, staff examined the progress the subrecipient was making toward performance targets. Subrecipients must report their service population with each billing. Each subrecipient agreement contains provisions for reductions to or suspensions of payments in the event that targets are not being met (without valid reason) or past performance issues have not been resolved.

The City has placed a strong emphasis on its subrecipients gathering complete and accurate information on the persons and/or households they serve, and regularly reporting on progress.

2008-2009 CAPER

Anti-Poverty Strategy

During the program year, the City provided housing services that preserved housing affordability for very low- and low-income households. The City's emergency housing repair program provided grants to low-income households for necessary improvements to their homes. This allowed the household to maintain housing affordability while having a safe and decent living environment. The City also provides code enforcement services to ensure that lower-income households have a habitable place to live.

The City's Senior Nutrition Services programs ensure that the City's elderly receive adequate nutrition at a nominal cost. This preserves the limited income that many elderly have.

The City provides housing counseling to homeless and at-risk households to reduce the incidence of homelessness and encourage self-sufficiency. The housing counseling providers keep a detailed database of housing resources that are available to homeless and near-homeless residents.

LEVERAGING RESOURCES

With respect to public services funded with CDBG funds, the City requires all subrecipients to identify other resources they will utilize during the program year to operate and implement CDBG-supported activities. It is the City's intent to ensure adequate non-federal and private funds are available, thus minimizing the dependence on federal funds. To best leverage the City's available resources, the City will continue to layer private and non-federal resources with federal resources.

CITIZEN COMMENTS

The City provided public notice of the public review period and planned submission of this CAPER. The draft document was made available on the City website, and at City Hall, the Rancho Cordova Neighborhood Library, and the Rancho Cordova Neighborhood Center.

Public notice included the address of City Hall, staff contact names, mailing addresses, phone numbers, and the website to view the Plans, information on where to direct comments and questions.

If any comments are received, the City endeavors to respond to all questions or comments within 10 business days.

SELF-EVALUATION

2008-2009 CAPER

What is the status of grant programs?

2008-09 was the Rancho Cordova's third year as a CDBG entitlement jurisdiction. The City worked with seven service providers to provide nutrition services to seniors, supportive services to youth, counseling services to the homeless, and an emergency repair program to low-income homeowners. The City also provided code enforcement services in the target areas.

Are grant disbursements timely?

HUD requires that at a point approximately three-quarters of the way through the fiscal year, grantees have available in their line of credit no more than 1.5 times that year's entitlement grant. The City of Rancho Cordova is compliant with this regulation. Staff has implemented a system to schedule on-going draw downs at least once each quarter.

Are major goals on target?

Overall, the City is progressing toward its goals of fostering the development and preservation of affordable housing and providing supportive services to the elderly, youth, and those with special needs, as well as providing homeowners with access to home repair programs. Other goals in the five-year Consolidated Plan that will need continued effort include major housing rehabilitation programs and programs target at neighborhood revitalization and public facilities improvement.

Are any activities or types of activities falling behind schedule?

The General Narrative, beginning on page 2, provides a description of each activity planned in 2007-08 and its actual accomplishments during the year.

Funding for a few projects, including Live Steamers and Cordova Towne Improvements went unexpended. These programs were not completed during the 2008-2009 year for various reasons, including unanticipated project setup delays. Funds for these programs have been carried into 2009-2010, when it is anticipated that they will be spent.

Are the activities and strategies making an impact on identified needs?

The housing and community development activities that are funded through the grant are making a positive impact in the community and specifically on the needs identified in the Consolidated Plan and Action Plan. The funded activities and strategies are vital to the City's health and well-being in many ways. The City's considerable efforts to foster affordable housing allow more residents each year to have access to attractive, safe, and affordable housing, community service, and public facilities. The funded public service activities provide many vulnerable citizens, such as seniors, youth and victims of domestic violence, with essential and life-enhancing services. Each funded activity in this program year is directly related to one

2008-2009 CAPER

of the goals in the Consolidated Plan and helps to further achievement of the City's community development objectives and goals.

What barriers may have a negative impact on fulfilling the strategies and the overall vision?

A barrier that the City has faced is working with the non-profit organizations to improve their capacities so that they can provide services that are in line with the Consolidated Plan. In future funding rounds, the goal of the City is for the CDBG program to attract more qualified applicants offering a variety of services and improvements needed in the community.

Based on findings, what adjustments or improvements to strategies and activities might meet the City's needs more effectively?

The City will need to continue its efforts to work closely with community and neighborhood groups to ensure that their valuable input is obtained as plans and activities are being developed, so that services are relevant and maximize leveraging opportunities. The City will also improve its information dissemination processes so that general public and many nonprofit organizations are notified through multiple mediums about the various CDBG programs. In future rounds the City will be using CDBG for public facility improvements that will enhance the living environment in the target-area neighborhoods.

MEMORANDUM



DATE: September 21, 2009
TO: Honorable Mayor and Council Members
FROM: Paul Junker, Planning Director
**SUBJECT: APPEAL OF PLANNING DIRECTOR DETERMINATION REGARDING
PROPOSED THRIFT STORE USE AT 10995 OLSON DRIVE**

APPELLANT:

Stephen C. Patterson
Trustee for the Patterson Family Trust
c/c Millstone Peterson & Watts, LLP
2267 Lava Ridge Court
Roseville, CA 95661

PROJECT: Appeal of Planning Director determination regarding proposed thrift store use in the Folsom Boulevard Specific Plan
LOCATION: 10995 Olson Drive
APN: 072-0280-017-0000
PLANNER: Paul Junker, Planning Director

REQUEST

The applicant has filed an appeal of the Planning Director's determination that thrift store uses are not allowed on properties designated Commercial Mixed Use in the Folsom Boulevard Specific Plan. The applicant is requesting the City Council reverse the Planning Director determination and allows a thrift store use located at 10995 Olson Drive.

RECOMMENDATION

Adopt Resolution No. 91-2009.

RESULT OF RECOMMENDATION

Upholding the Planning Director determination would continue to prohibit thrift store uses on properties designated Commercial Mixed Use in the Folsom Boulevard Specific Plan, including the subject property at 10995 Olson Drive.

LOCATION

The subject property, 10995 Olson Drive, is located in the Kohl's shopping center, next to the Korean Market, as illustrated in Figure 1.



Figure 1: Vicinity Map - 10995 Olson Drive

BACKGROUND

In July 2009, the Planning Department denied a business license application for Goodwill Industries, a thrift store, to open at 10995 Olson Drive. The subject property is designated Commercial Mixed Use (CMU) within the Folsom Boulevard Specific Plan (FBSP). "Thrift stores" or "second hand stores" are not specifically listed in the FBSP use table.

The policy for Similar Use Determinations can be found in Section C of Chapter IV of the FBSP, as follows:

When a use is not specifically listed in this Specific Plan, it shall be understood that the use may be permitted if the Planning Director determines that the use is similar to other uses listed. It is further recognized that every conceivable use cannot be identified in this Specific Plan, and anticipating that new uses will evolve over time, this section establishes the Director's authority to compare a proposed use and evaluate its similarities, operation, impacts, or scale to those uses listed in this Specific Plan ... Determinations will be made in writing and will contain the facts that support the determination.

The written determination was provided in a letter from the City of Rancho Cordova, titled, "Planning Director's Use Determination in Folsom Boulevard Specific Planning Area, 'Thrift Store,'" dated July 13, 2009 (**Exhibit A to Attachment 1**). Analysis of the determination and the three required findings are included in this letter.

The applicant's attorney, Millstone Peterson & Watts, LLP, responded to the use determination in a letter titled, "Goodwill Industries of Sacramento Valley and Northern Nevada, Inc., Business License Application for 10995 Olson Drive, Rancho Cordova, 95670 ('Proposed Use')," dated

July 22, 2009 (**Attachment 2**). The letter disputes the analysis of the use determination, stating that where the FBSP is silent to a particular use, the City is required to defer to the existing Zoning Code, which would allow thrift stores on properties designated CMU.

The City responded in a letter titled, "Planning Directors Use Determination – 'Thrift Store,'" dated July 30, 2009 (**Attachment 3**). This letter offered the applicant an extension of the appeal period in order to allow the City Council to re-evaluate the Director's determination.

A Notice of Appeal was filed on August 21, 2009, which was accompanied by a letter from Millstone Peterson & Watts, LLP, titled, "Appeal of the Planning Departments denial of Goodwill Industries of Sacramento Valley and Northern Nevada, Inc., Business License Application for 10995 Olson Drive, Rancho Cordova, 95670 ('Proposed Use') (**Attachment 4**). The analysis provided in this letter is similar to that of their original letter of dispute from July 22.

ANALYSIS

In the Folsom Boulevard Specific Plan the only land uses that are allowed are 1) those listed in the use table, and 2) uses that are similar to other uses listed. The applicant's attorney misinterprets a particular section of the FBSP to reach the flawed conclusion that the Zoning Code rather than the FBSP governs the permitted use of the subject property. Section 1(B) of the FBSP states in part that "where the Specific Plan is silent on general site development regulations (e.g., landscaping, signage) or special use regulations (e.g., density bonuses, adult businesses), the existing zoning code shall apply." The construction of this sentence is important, because it is clear that it refers to "regulations" not to "uses." Here the claim by the applicant is that a thrift store is a permitted use. Section 1(B) of the FBSP says that for two types of regulations the City looks to the Zoning Code, "general site development *regulations*" and "special use *regulations*." "Regulations" are standards that govern and provide the detail about how particular uses are built and operated. "Uses" describe and define the basic activity that is allowed. The FBSP use table and the "similar uses" analysis, not Section 1(B), govern the allowed uses in the Folsom Boulevard Specific Plan. A thrift store is not allowed in the subject location because thrift stores are not a permitted use on the use table and are not similar to any other permitted use on the table.

Staff who wrote the FBSP and the Zoning Code never intended thrift stores to be allowed in the FBSP and drafted the Zoning Code to provide ample alternative locations in other more appropriate areas of the City for these uses.

CONCLUSION

Because "thrift stores" were not specifically listed on the FBSP allowed uses table, the Planning Director's authority to make similar use determinations applies. Due to the lack of similarity between thrift stores and all other uses permitted within the Specific Plan, the required findings for a similar use determination could not be made. In addition, it is well known that thrift stores were never intended to be permitted anywhere in the Specific Plan. Therefore, staff strongly urges the City Council to uphold the Planning Director's determination that thrift store uses are not allowed on properties designated CMU in the FBSP, including the subject property at 10995 Olson Drive.

ENVIRONMENTAL ANALYSIS

The recommended action is not a project under the California Environmental Quality Act and does not require environmental review.

FINANCIAL IMPLICATIONS TO CITY

There are no significant cost implications to the City for this development.

RECOMMENDED MOTION

Move the City Council adopt Resolution No. 91-2009, upholding the Planning Director determination that thrift store uses are not allowed on properties designated Commercial Mixed Use in the Folsom Boulevard Specific Plan, including the subject property at 10995 Olson Drive.

ATTACHMENTS

1. Resolution No. 91-2009, including **Exhibit A**, Letter from City of Rancho Cordova, titled, "Planning Director's Use Determination in Folsom Boulevard Specific Planning Area, 'Thrift Store,'" dated July 13, 2009.
2. Letter from Millstone Peterson & Watts, LLP, titled, "Goodwill Industries of Sacramento Valley and Northern Nevada, Inc., Business License Application for 10995 Olson Drive, Rancho Cordova, 95670 ('Proposed Use')," dated July 22, 2009.
3. Letter from City of Rancho Cordova, titled, "Planning Directors Use Determination – 'Thrift Store,'" dated July 30, 2009.
4. Notice of Appeal and letter from Millstone Peterson & Watts, LLP, titled, "Appeal of the Planning Departments denial of Goodwill Industries of Sacramento Valley and Northern Nevada, Inc., Business License Application for 10995 Olson Drive, Rancho Cordova, 95670 ('Proposed Use')," dated August 21, 2009.

CITY OF RANCHO CORDOVA

RESOLUTION NO. 91-2009

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
UPHOLDING A PLANNING DIRECTOR SIMILAR USE DETERMINATION
FOR A PROPERTY LOCATED AT 10995 OLSON DRIVE**

WHEREAS, Richard M. Watts of Millstone, Peterson & Watts, LLP., on behalf of owner Stephen C. Patterson, (hereinafter referred to as Applicant) filed an application with the City of Rancho Cordova for a Business License to open Goodwill Industries, a thrift store, in the existing commercial building located at 10995 Olson Drive (Assessor's Parcel Number: 072-0280-017-0000); and

WHEREAS, on July 13, 2009, the Planning Director made a Similar Use Determination, in accordance with the provisions of the Folsom Boulevard Specific Plan (FBSP); and determined thrift store uses are not allowed on properties designated Commercial Mixed Use in the FBSP, and the Business License was denied by the Planning Department.

WHEREAS, on July 22, 2009, the Applicant wrote a letter disputing the Similar Use Determination; and

WHEREAS, on July 30, 2009, the Principal Planner wrote a letter informing the Applicant of the right to formally appeal the Similar Use Determination; and

WHEREAS, on August 21, 2009, the Applicant filed a Notice of Appeal to challenge the Similar Use Determination; and

WHEREAS, the City Council is the appropriate authority to hear and take action on this appeal; and

WHEREAS, the City Council of the City of Rancho Cordova duly considered all written and verbal testimony presented during the hearing on September 21, 2009.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
HEREBY RESOLVES AS FOLLOWS:**

The Planning Director's Use Determination is affirmed and the Applicant's appeal is denied. The necessary findings for the Similar Use Determination are contained in the original Use Determination letter, dated July 13, 2009 (**Exhibit A**), and further analysis is provided in the September 21, 2009 City Council staff report.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the _____ of _____, 2009.

AYES:

NOES:

ABSENT:

ABSTAIN:

Dan Skoglund, Mayor

ATTEST:

Mindy Cuppy, City Clerk



Planning Department

July 13, 2009

Dan Skoglund
MayorKen Cooley
Vice MayorLinda Budge
Council MemberRobert J.
McGarvey
Council MemberDavid Sander
Council Member**Planning Director's Use Determination in Folsom Boulevard Specific Planning Area, "Thrift Store"**

The City of Rancho Cordova has received an inquiry to locate a "Thrift Store" within the Folsom Boulevard Specific Plan ("Specific Plan") area. As authorized by the Specific Plan, the Planning Director ("Director") has determined that a "thrift store" or "second hand store" is not an appropriate use within the Specific Plan area; and therefore, a thrift store is not permitted.

A "thrift store" is not a use that is specifically listed in the Specific Plan's use table. When a use is not specifically listed in the Specific Plan, the use may nonetheless be permitted, if the Planning Director determines the use is similar to other uses listed.

The City recognizes it is impossible to identify every conceivable use in the Specific Plan, and therefore, the City incorporated a "Similar Uses" section into the Folsom Boulevard Specific Plan (page IV-8 of the Folsom Boulevard Specific Plan). This section authorizes the Director to compare a proposed use and evaluate its similarities, operation, impacts, and scale to those uses listed in the Specific Plan. If the Director determines the proposed use is "similar" to a use listed and permitted in the Specific Plan, the Director can permit the use to establish within the Specific Plan area.

In determining "similarity," the Director needs to analyze the impacts of the proposed use and determine whether the findings listed below can be made. Unfortunately, due to the lack of similarity between thrift stores and all other uses permitted within the Specific Plan, the required findings cannot be made, resulting in the determination that a "thrift store" or "second hand store" is not an appropriate use within the Specific Plan area and therefore not permitted. The analysis supporting this determination is as follows:

1. In order to be permitted the following finding needs to be made: The characteristics of and activities associated with the proposed use are equivalent to one or more of the listed uses and will not involve a higher level of activity or population density than the uses listed in the district.

Analysis:

Thrift stores have specific characteristics that are not similar to any other uses listed in the Specific Plan. As discussed in a previously adopted moratorium on "second hand stores" or "thrift stores," this use often resulted in after hour dumping outside of these businesses, mostly items that are not in resale condition, and invites scavengers to go through the illegally dumped items. Whereas, retail outlets providing new or saleable items would be delivered during normal business hours and would be taken into the store at delivery.

The Folsom Boulevard Specific Plan was intentionally drafted to be more restrictive than the zoning outside of the Plan boundaries. The Specific Plan was intended to convert the Boulevard from the under-performing strip commercial land use of the old Highway 50 to a vibrant commercial/residential mixed use corridor.

Further, in analyzing the uses permitted, or conditionally allowed by the Specific Plan, the uses that most closely resemble a "thrift store" are "Retail" and "Recycling Facility- Collection and/or Processing." With regards to "recycling facility-collection and/or processing," the collection operation is limited to 500 sq ft of area for donated, redemption or purchase of recyclable materials and the processing operation is limited to material for efficient shipment to end users specifications by such means as baling, compacting, flattening, grinding, etc. The thrift store is neither consistent nor similar to the recycling processor, nor the retail store that sells new merchandize

The Specific Plan's use table was directly influenced by the market studies that supported the Specific Plan, which emphasized the need to eliminate margin commercial land uses that negatively impacted the image of the community. Check cashing operations, tattoo parlors, thrift stores, massage parlors and fortune tellers were all mentioned as having a blighting influence to the Boulevard.

2. In order to be permitted the following finding needs to be made: The proposed use will be consistent with the purposes of the applicable land use district.

Analysis:

A thrift store's introduction into the vital commercial district is not consistent with the intent of the Specific Plan to encourage new product sales and services. The purpose of the Specific Plan is to revitalize and transform the corridor into a more vibrant and successful boulevard with "pulse points" of commercial activity. The City, through its adoption of a previous moratorium for certain commercial operations in the City, has previously declared the potential of these types of businesses impacting the ability to successfully implement the intent of the Specific Plan.

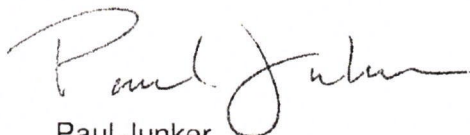
3. In order to be permitted the following finding needs to be made: The proposed use will be consistent with the General Plan and this Specific Plan.

Analysis:

Within the adopted General Plan, a number of goals and policies were included to provide direction for the creation of a vibrant business community. The Folsom Blvd Specific Plan was specifically designed and supported by the General Plan to create a revitalized and healthy commercial base. The Land Use and Economic Development Elements address policies and actions to support land uses that provide substantial and sustainable fiscal benefits to the City.

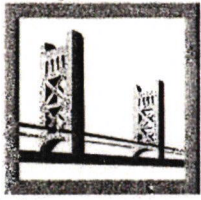
The retail category does not specifically list the terms "resale," "second hand" or "thrift store/shop." The impacts associated with this use, as discussed above, is not similar to any other use(s) of the Specific Plan, therefore, a thrift store is not consistent with the types of businesses listed in that category. As mentioned in Finding #1, it has been reported that "second hand stores" or "thrift stores" often resulted in after hour dumping outside of these businesses, mostly items that are not in resale condition, and invite scavengers to go through the illegally dumped items. Whereas, retail outlets providing new or saleable items would be delivered during normal business hours and would be taken into the store at delivery. Retail store will normally generate packaging waste, i.e. cardboard boxes, plastic bags, etc., however, "second hand stores" or "thrift stores" can generate excessive waste of items and materials that donors should have discarded in appropriate sanitary landfills.

Based on the findings above, a determination has been made that a Thrift Store use is not allowed in the Folsom Boulevard Specific Planning Area. This decision may be appealed, as specified in Chapter 1.22 of the City's Zoning Code.



Paul Junker
Planning Director

cc: Planning Commission
City Council
City Manager
City Attorney
City Clerk



MILLSTONE
PETERSON &
WATTS, LLP

ATTACHMENT 2

Richard M. Watts, Jr., Attorney at Law

RECEIVED

JUL 28 2009

**RANCHO CORDOVA
PLANNING**

July 22, 2009

By Facsimile and U.S. Mail: (916) 851-8767

Mr. Paul Junker

Planning Director

CITY OF RANCHO CORDOVA
2729 Prospect Park Drive
Rancho Cordova, CA 95670

Re: *Goodwill Industries of Sacramento Valley and Northern Nevada, Inc.,
Business License Application for 10995 Olson Drive, Rancho Cordova,
95670 ("Proposed Use")*

Dear Mr. Junker:

This firm represents the Patterson Family Trust dated July 8, 1988 regarding the above referenced shopping center, Zinfandel Square (the "Shopping Center"). I write this letter in response to the Planning Department's July 13, 2009 letter labeled "Planning Director's Use Determination in Folsom Boulevard Specific Planning Area, Thrift Store." We submit this letter to reopen the dialogue regarding the Planning Department's initial findings. It's our position that the Proposed Use should have been approved, and we seek a re-evaluation prior to filing a formal appeal after considering the discussion set forth herein under both the Folsom Boulevard Specific Plan ("FBSP") and the City of Rancho Cordova's General Plan (the "Zoning Code").

The Shopping Center and the Proposed Use fall squarely within the express uses permitted in the Zoning Code for Commercial Mixed Use ("CMU") properties. Because the Shopping Center is zoned CMU and "Thrift Store" is an expressly authorized use, we request the Planning Department approve the Proposed Use by way vacating the July 13, 2009 Planning Director's Use Determination, and issuing the business license as applied subject to the requirements of Zone Code section 5.7.090.

2267 Lava Ridge Court, Suite 210
Roseville, California 95661

(916) 780-8222 Telephone
(916) 780-8775 Facsimile

rwatts@mpwlaw.net Email
www.mpwlaw.net

Mr. Paul Junker
Planning Director
 CITY OF RANCHO CORDOVA
 July 22, 2009
 Page 2 of 6

1. Where the FBSP is Silent as to a Particular Use, the City is Required to defer to the Existing Zoning Code

The Planning Department's letter states that because "thrift store" is "not a use that is specifically listed in the Specific Plan" that the analysis moves to the Director's discretion. It's our position that the Planning Department has mistakenly applied the FBSP as unspecified uses must first be analyzed under Zoning Code before the Director makes a subjective determination. Section I(B) of the FBSP states:

This FBSP replaces the zoning regulations for property within the Project Area. Where there is conflict between the provisions of the FBSP and the City's Zoning Code, the Specific Plan shall prevail. *However, where the Specific Plan is silent on general site development regulations (e.g. landscaping, signage) or special use regulations (e.g. density bonuses, adult businesses), the existing zoning code shall apply.* (Emphasis added).

The FBSP clearly states that where it does not address a "special use" then the City is required to defer to the "existing zone code." The Proposed Use, as discussed hereafter, is not addressed in the FBSP, but is expressly permitted under the Zoning Code which governs this Proposed Use.

(a) Where the FBSP is Silent as to a Particular Use, the Planning Director must Defer to the Zoning Code Before Issuing a Subjective Opinion Based on "Similar Uses"

It appears the Planning Department is misinterpreting the FBSP in that your letter states "when a use is not specifically listed in the Specific Plan [FBSP], the use may nonetheless be permitted, if the Planning Director determines the use is similar to other uses listed." This statement is not consistent with either the express language of the FBSP or the Zoning Code in that it appears the Planning Department has missed a required procedural step.

As you know, the first step in approving a use within the FBSP is to look to the FBSP for the particular use. Consistent with the Planning Department's initial analysis in analyzing this Proposed Use, "Thrift Store," the City will not find any reference to the Proposed Use in the FBSP. Therefore, the next step in the analysis, as per the FBSP, is to look to the Zoning Code to determine if the use is addressed (which in this case it is), and defer to the analysis in the Zoning Code. It appears there was an error in the procedural evaluation of the Proposed Use causing a fatal defect in the Planning Department's analysis.

Mr. Paul Junker
Planning Director
 CITY OF RANCHO CORDOVA
 July 22, 2009
 Page 3 of 6

2. The Zoning Code Governs the Proposed Use, and The Proposed Use is Expressly Permitted at the Shopping Center

According to the Zoning Code, a "Thrift Store" is a permitted use within a CMU land use area subject to the requirements discussed hereafter. While it's true that the City must look first to any "Special Purpose Zoning District" (i.e. the FBSP), the Zoning Code provides an identical procedural process for a proposed use which is not specifically addressed in the FBSP. The applicable section of the Zoning Code states:

When a property is located within a Special Purpose Zoning District, the allowed use provisions of that Special Purpose Zoning District shall prevail. *When a Special Purpose Zoning District is silent on allowed use provisions, it defers the allowed use provisions to the Base Zoning District.* Only where there is a conflict do the Special Purpose Zoning District provisions prevail. (Zoning Code §2.2.020)

There is no ambiguity between the FBSP and the Zoning Code. Where the FBSP is silent on a particular use, the City is required to defer to the Zoning Code to determine if the use is permitted therein.

(a) "Thrift Stores" are Expressly Permitted at the Shopping Center Because it is Zoned CMU

Under Zoning Code Section 2.5.030 (Allowed Land uses and Permit Requirements), and specifically, as referenced in Table 2.5-1, "Thrift Store" is a "permitted" use subject to Specific Use Regulations section 5.7.090. Section 5.7.090 contains the requirements for approval of "Thrift Stores" and there is a detailed explanation justifying the limitations set forth in that section. There are essentially four requirements for the Proposed Use:

1. Location – Section 5.7.090(B) mandates that no "Thrift Store" may be located closer than 1000 feet from another thrift store;
2. Collection/receiving area – Section 5.7.090(C)(1) mandates the activities shall be completely enclosed within the building for use;
3. Collection/Receiving Area – Section 5.7.090(C)(2) regulates the location and procedure for collection of goods; and

Mr. Paul Junker
Planning Director
CITY OF RANCHO CORDOVA
July 22, 2009
Page 4 of 6

4. Property Management – Section 5.7.090(C)(3) states the property manager shall be responsible for the management of any trash that results from the thrifts store's operation.

It's my understanding that there is no "Thrift Store" within 1000 feet of the Shopping Center location, and we are more than happy to discuss our anticipated solutions for the three other requirements under the Zoning Code.

(b) "Thrift Stores" are Consistent with the FBSP's Permitted Uses

While the analysis stops at the Zoning Code level, there is further authority that a "Thrift Store" is a permitted use within the Shopping Center. Under the Zoning Code's Definition's section, a "Thrift Store" is defined as, "A retail establishment selling secondhand goods donated by members of the public." (Zoning Code, §10.1.020) When one refers to the FBSP, and its permitted use matrix found in Chapter 5, "Retail" is a permitted use within the CMU Zoning District. When reading the Zoning Code in conjunction with the FBSP, a "Thrift Store" at the Shopping Center is consistently permitted in both documents.

3. The Analysis Set Forth in the Planning Department's July 13, 2009 Letter is Improper

Because the Planning Department ventured off the proper path for analysis of the Proposed Use, the proffered analysis is both inappropriate and unnecessary.

(a) Because the "Thrift Store" is a Permitted Use under the Zoning Code There is no Requirement to Analyze Similar Uses

The Planning Department begins its analysis with a comparison of similar uses. As stated above, where the Zoning Code specifically addresses a particular use, and does not conflict with the FBSP, then the Zoning Code governs the use. As stated above, the Proposed Use is expressly approved in the Zoning Code, and thus, there is no analysis of similar uses. As you know, the Zoning Code was recently amended (February 2009), and "Thrift Stores" are permitted and specifically defined as "retail." Your letter states the uses that most closely resemble "Thrift Stores" in the FBSP are "Retail" and "recycling" centers. The Zoning Code should provide you with the answer on this subject as it defines "Thrift Stores" as "Retail" and not the more narrowly defined "recycling center."

Mr. Paul Junker
Planning Director
CITY OF RANCHO CORDOVA
July 22, 2009
Page 5 of 6

Your letter indicates the Planning Department has adopted the unwritten policy to put "Thrift Stores" into the category of "undesirable" businesses within the FBSP. The Planning Department's position is contrary to the Zoning Code, and thus, is without legal basis. We are all well aware of the emergency moratorium, and then the subsequent enactment of the FBSP. The City had ample opportunity to reject "Thrift Stores" as a permitted use when drafting the FBSP, but the FBSP does not address the use. Further, under the express language of both the FBSP and the Zoning Code, the Zoning Code governs the Proposed Use, and provides a definitive affirmative answer to the question of whether the Proposed Use is permitted.

(b) Because the Zoning Code Expressly Permits Thrift Stores Within the Shopping Center, There is no Need for a Finding that the Use is Consistent with the Purposes of the Applicable Land Use District

While we disagree with your interpretation that a "Thrift Store" is "not consistent with the intent of the Specific Plan," that analysis is unnecessary. The actions by the Planning Department are inconsistent with both the FBSP and Zoning Code, as there is no authority in either document providing the Planning Department with discretion over whether it will allow the Proposed Use at the Shopping Center.

With that said, the analysis of whether the Proposed Use is consistent with the FBSP and Zoning Code is indisputably addressed in the Zoning Code (and the FBSP as stated above). There is no legal authority for the Planning Department to require the findings proposed in the July 13, 2009 letter, and further the findings stated in the Planning Department's letter are inconsistent with the governing documents.

(c) The Proposed Use is Consistent with the General Plan and Specific Plan as Adopted

The Zoning Code expressly defines "Thrift Stores" as "Retail." The Planning Department's position that the "retail category does not specifically list the terms resale, second hand" or "thrift store/shop" is incorrect. As stated above, the Zoning Code defines a "Thrift Store" as a "Retail" establishment, and the analysis stops there.

The concerns expressed in your letter regarding unwanted/excessive waste are expressly addressed in the Zoning Code (see § 5.7.090). Those issues, while certainly relevant as they are addressed in the Zoning Code, are not legal grounds to deny the Proposed Use. Section 1.3.020(D) provides some insight into the situation at hand where it states:

Mr. Paul Junker
Planning Director
CITY OF RANCHO CORDOVA
July 22, 2009
Page 6 of 6

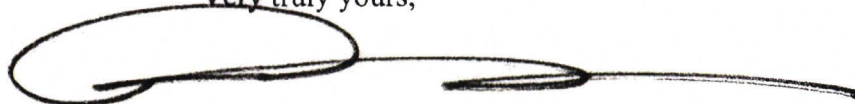
Zoning Regulations. Any list of any item, including zones or uses, is exclusive. If a use or other item is not listed, it is not permitted unless the use is determined to be similar to a listed use or category.

Just as where a use is not listed, when a use is listed and the use is permitted, there is no analysis as to whether the use is "similar" to any permitted use. The analysis of why the Proposed Use is permitted stops with the Zoning Code.

While we hope to avoid wasting the full Planning Commission and/or City Council's time with this issue, I've been instructed to seek a review from the full Planning Commission if your office does not grant the application submitted by our prospective tenant by July 29, 2009. Obviously, the time is of the essence, and because the Planning Department's current position is interfering with finalization of the lease on this space, we must proceed with great haste. If we do not have approval from your office for the Proposed Use within 7 days, I will initiate the appeal process.

Please contact my office if you have any questions or concerns.

Very truly yours,

A handwritten signature in black ink, consisting of a large, stylized loop followed by a long, horizontal, slightly wavy line that tapers off to the right.

Richard M. Watts, Jr.

cc: Client (Fax only)
Connie M. Schulze, Goodwill (Fax only)



Dan Skoglund
Mayor

Ken Cooley
Vice Mayor

Linda Budge
Council Member

Robert J. McGarvey
Council Member

David Sander
Council Member

July 30, 2009

Mr. Richard M. Watts, Jr.
Millstone, Peterson & Watts
2267 Lava Ridge Ct, Suite 210
Roseville, Ca 95661

Re: Planning Directors Use Determination- "Thrift Store"

Dear Mr. Watts;

The Planning Department of City of Rancho Cordova received your letter dated July 22, 2009 on July 28th, requesting the Planning Director to re-evaluate his determination dated July 13, 2009. Your letter stipulated a re-evaluation of the determination, based on the information provided in your letter. Unfortunately, the Planning Department cannot honor your request to issue a business license by July 29th.

Section 1.22.030 (B) of the Zoning Code provides the requirements for filing an appeal of the Planning Director's determination to the City Council. Although your letter did not technically meet the filing requirements per 1.22.030 (B) and was not received in the time period provided, the City will consider your request for re-evaluation as an unperfected appeal. According to Section 1.22.040, staff cannot proceed with the processing until all required materials are appropriately filed with the City.

Should you have any questions regarding any of the above, please do not hesitate to contact me at your earliest convenience.

Sincerely .

William Campbell
Principal Planner

Cc City Attorney



TO: City Council
2729 Prospect Park Drive
Rancho Cordova, CA 95670

FOR STAFF USE ONLY

FEE AMOUNT: **\$3,376.00**

DATE PAID: _____

FEE RECV'D BY _____

DATE: August 21, 2009**NOTICE OF APPEAL**

I hereby appeal the decision / requirement of the Rancho Cordova Planning Commission in approving / denying the application of:

1. Name of project applicant: Goodwill Industries of Sacramento Valley and Northern Nevada Inc. for
2. Name of project being appealed: Business License Application, Zinfandel Square, 10995 Olson Drive, Rancho Cordova, CA 95670 made on _____
3. Date of Planning Commission meeting: Application rejected by Planning Director without meeting.
4. Specific action(s) or requirement(s) being appealed: Please see attached statement of facts, issues and law dated August 21, 2009 related to the Planning Director's rejection of the Business License Application for Goodwill Industries of Sacramento Valley and Northern Nevada Inc. Planning Director Paul Junker received a letter appeal in July, which, he determined was an imperfect appeal, but expressly recognized that the appeal would be heard upon submission of the required information (i.e. the filing fee).

Appellant's Address – Stephen C. Patterson, Trustee for the Patterson Family Trust Dated July 8, 1988, c/c Millstone Peterson & Watts, LLP, 2267 Lava Ridge Court, Roseville, CA 95661	Home Phone	Bus. Phone (916) 780-8222
Address for Notices Same as above		

PLANNING STAFF USE ONLY

Address of Property Involved			
Assessor's Parcel Number(s)			Municipal Code Section
Project Number	Project Planner	Received By	Reviewed by Planning Dir.
Project Title			

CITY CLERK OFFICE USE ONLY

Received written appeal on _____
Scheduled for Council agenda of _____
☐ Copies distributed to appropriate parties
_____ City Clerk



MILLSTONE
PETERSON &
WATTS, LLP

August 21, 2009

By Facsimile and U.S. Mail: (916) 851-8767

Planning Commission
c/o Paul Junker, Planning Director
CITY OF RANCHO CORDOVA
2729 Prospect Park Drive
Rancho Cordova, CA 95670

Re: *Appeal of the Planning Departments denial of Goodwill Industries of
Sacramento Valley and Northern Nevada, Inc., Business License
Application for 10995 Olson Drive, Rancho Cordova, 95670 ("Proposed
Use")*

Dear Mr. Junker:

As per your July 30, 2009 letter, Stephen C. Patterson, as trustee for the Patterson Family Trust dated July 7, 1988 ("Appellant"), owner of the above referenced shopping center, Zinfandel Square (the "Shopping Center") hereby submits the following additional materials in support of its appeal to the Planning Department's July 13, 2009 letter labeled "Planning Director's Use Determination in Folsom Boulevard Specific Planning Area, Thrift Store."

As stated in our previous correspondence, it's Appellant's position that the Proposed Use should have been approved under both the Folsom Boulevard Specific Plan ("FBSP") and the City of Rancho Cordova's General Plan (the "Zoning Code").

The Shopping Center and the Proposed Use fall squarely within the express uses permitted in the Zoning Code for Commercial Mixed Use ("CMU") properties. Because the Shopping Center is zoned CMU and "Thrift Store" is an expressly authorized use, we request the City approve the Proposed Use by way reversing the July 13, 2009 Planning Director's Use Determination, and issuing the business license as applied subject to the requirements of Zone Code section 5.7.090.

2267 Lava Ridge Court, Suite 210
Roseville, California 95661

(916) 780-8222 telephone
(916) 780-8775 facsimile

rwatts@mpwlaw.net Email
www.mpwlaw.net

Mr. Paul Junker
Planning Director
 CITY OF RANCHO CORDOVA
 August 21, 2009
 Page 2 of 6

1. Where the FBSP is Silent as to a Particular Use, the City is Required to defer to the Existing Zoning Code

The Planning Department's letter states that because "thrift store" is "not a use that is specifically listed in the Specific Plan" that the analysis moves to the Director's discretion. It's our position that the Planning Department has mistakenly applied the FBSP as unspecified uses must first be analyzed under Zoning Code before the Director makes a subjective determination. Section I(B) of the FBSP states:

This FBSP replaces the zoning regulations for property within the Project Area. Where there is conflict between the provisions of the FBSP and the City's Zoning Code, the Specific Plan shall prevail. *However, where the Specific Plan is silent on general site development regulations (e.g. landscaping, signage) or special use regulations (e.g. density bonuses, adult businesses), the existing zoning code shall apply.* (Emphasis added).

The FBSP clearly states that where it does not address a "special use" then the City is required to defer to the "existing zone code." The Proposed Use, as discussed hereafter, is not addressed in the FBSP, but is expressly permitted under the Zoning Code which governs this Proposed Use.

(a) Where the FBSP is Silent as to a Particular Use, the Planning Director must Defer to the Zoning Code Before Issuing a Subjective Opinion Based on "Similar Uses"

It appears the Planning Department is misinterpreting the FBSP in that your letter states "when a use is not specifically listed in the Specific Plan [FBSP], the use may nonetheless be permitted, if the Planning Director determines the use is similar to other uses listed." This statement is not consistent with either the express language of the FBSP or the Zoning Code in that it appears the Planning Department has missed a required procedural step.

As you know, the first step in approving a use within the FBSP is to look to the FBSP for the particular use. Consistent with the Planning Department's initial analysis in analyzing this Proposed Use, "Thrift Store," the City will not find any reference to the Proposed Use in the FBSP. Therefore, the next step in the analysis, as per the FBSP, is to look to the Zoning Code to determine if the use is addressed (which in this case it is), and defer to the analysis in the Zoning Code. It appears there was an error in the procedural evaluation of the Proposed Use causing a fatal defect in the Planning Department's analysis.

Mr. Paul Junker
Planning Director
 CITY OF RANCHO CORDOVA
 August 21, 2009
 Page 3 of 6

2. The Zoning Code Governs the Proposed Use, and The Proposed Use is Expressly Permitted at the Shopping Center

According to the Zoning Code, a "Thrift Store" is a permitted use within a CMU land use area subject to the requirements discussed hereafter. While it's true that the City must look first to any "Special Purpose Zoning District" (i.e. the FBSP), the Zoning Code provides an identical procedural process for a proposed use which is not specifically addressed in the FBSP. The applicable section of the Zoning Code states:

When a property is located within a Special Purpose Zoning District, the allowed use provisions of that Special Purpose Zoning District shall prevail. *When a Special Purpose Zoning District is silent on allowed use provisions, it defers the allowed use provisions to the Base Zoning District.* Only where there is a conflict do the Special Purpose Zoning District provisions prevail. (Zoning Code §2.2.020)

There is no ambiguity between the FBSP and the Zoning Code. Where the FBSP is silent on a particular use, the City is required to defer to the Zoning Code to determine if the use is permitted therein.

(a) "Thrift Stores" are Expressly Permitted at the Shopping Center Because it is Zoned CMU

Under Zoning Code Section 2.5.030 (Allowed Land uses and Permit Requirements), and specifically, as referenced in Table 2.5-1, "Thrift Store" is a "permitted" use subject to Specific Use Regulations section 5.7.090. Section 5.7.090 contains the requirements for approval of "Thrift Stores" and there is a detailed explanation justifying the limitations set forth in that section. There are essentially four requirements for the Proposed Use:

1. Location – Section 5.7.090(B) mandates that no "Thrift Store" may be located closer than 1000 feet from another thrift store;
2. Collection/receiving area – Section 5.7.090(C)(1) mandates the activities shall be completely enclosed within the building for use;
3. Collection/Receiving Area – Section 5.7.090(C)(2) regulates the location and procedure for collection of goods; and

Mr. Paul Junker
Planning Director
CITY OF RANCHO CORDOVA
August 21, 2009
Page 4 of 6

4. Property Management – Section 5.7.090(C)(3) states the property manager shall be responsible for the management of any trash that results from the thrifts store's operation.

It's Appellant's understanding that there is no "Thrift Store" within 1000 feet of the Shopping Center location, and thus the only remaining hurdles are for Appellant to meet the remaining requirements under the Zoning Code.

(b) "Thrift Stores" are Consistent with the FBSP's Permitted Uses

While the analysis stops at the Zoning Code level, there is further authority that a "Thrift Store" is a permitted use within the Shopping Center. Under the Zoning Code's Definition's section, a "Thrift Store" is defined as, "A retail establishment selling secondhand goods donated by members of the public." (Zoning Code, §10.1.020) When one refers to the FBSP, and its permitted use matrix found in Chapter 5, "Retail" is a permitted use within the CMU Zoning District. When reading the Zoning Code in conjunction with the FBSP, a "Thrift Store" at the Shopping Center is consistently permitted in both documents.

3. The Analysis Set Forth in the Planning Department's July 13, 2009 Letter is Improper

Because the Planning Department ventured off the proper path for analysis of the Proposed Use, the proffered analysis is both inappropriate and unnecessary.

(a) Because the "Thrift Store" is a Permitted Use under the Zoning Code There is no Requirement to Analyze Similar Uses

The Planning Department begins its analysis with a comparison of similar uses. As stated above, where the Zoning Code specifically addresses a particular use, and does not conflict with the FBSP, then the Zoning Code governs the use. As stated above, the Proposed Use is expressly approved in the Zoning Code, and thus, there is no analysis of similar uses. As you know, the Zoning Code was recently amended (February 2009), and "Thrift Stores" are permitted and specifically defined as "retail." The Planning Department's letter states the uses that most closely resemble "Thrift Stores" in the FBSP are "Retail" and "recycling" centers. The Zoning Code should provide the City with the answer on this subject as it defines "Thrift Stores" as "Retail" and not the more narrowly defined "recycling center."

Mr. Paul Junker
Planning Director
CITY OF RANCHO CORDOVA
August 21, 2009
Page 5 of 6

The Planning Department's letter indicates the Planning Department has adopted the unwritten policy to put "Thrift Stores" into the category of "undesirable" businesses within the FBSP. The Planning Department's position is contrary to the Zoning Code, and thus, is without legal basis. Appellant and the City are all well aware of the emergency moratorium, and then the subsequent enactment of the FBSP. The City had ample opportunity to reject "Thrift Stores" as a permitted use when drafting the FBSP, but the FBSP does not address the use. Further, under the express language of both the FBSP and the Zoning Code, the Zoning Code governs the Proposed Use, and provides a definitive affirmative answer to the question of whether the Proposed Use is permitted.

(b) Because the Zoning Code Expressly Permits Thrift Stores Within the Shopping Center, There is no Need for a Finding that the Use is Consistent with the Purposes of the Applicable Land Use District

While Appellant disagrees with the Planning Department's interpretation that a "Thrift Store" is "not consistent with the intent of the Specific Plan," that analysis is unnecessary. The actions by the Planning Department are inconsistent with both the FBSP and Zoning Code, as there is no authority in either document providing the Planning Department with discretion over whether it will allow the Proposed Use at the Shopping Center.

With that said, the analysis of whether the Proposed Use is consistent with the FBSP and Zoning Code is indisputably addressed in the Zoning Code (and the FBSP as stated above). There is no legal authority for the Planning Department to require the findings proposed in the July 13, 2009 letter, and further the findings stated in the Planning Department's letter are inconsistent with the governing documents.

(c) The Proposed Use is Consistent with the General Plan and Specific Plan as Adopted

The Zoning Code expressly defines "Thrift Stores" as "Retail." The Planning Department's position that the "retail category does not specifically list the terms resale, second hand" or "thrift store/shop" is incorrect. As stated above, the Zoning Code defines a "Thrift Store" as a "Retail" establishment, and the analysis stops there.

The concerns expressed in the Planning Department's letter regarding unwanted/excessive waste are expressly addressed in the Zoning Code (see § 5.7.090). Those issues, while certainly relevant as they are addressed in the Zoning Code, are not legal grounds to deny the Proposed Use. Section 1.3.020(D) provides some insight into the situation at hand where it states:

Mr. Paul Junker
Planning Director
CITY OF RANCHO CORDOVA
August 21, 2009
Page 6 of 6

Zoning Regulations. Any list of any item, including zones or uses, is exclusive. If a use or other item is not listed, it is not permitted unless the use is determined to be similar to a listed use or category.

Just as where a use is not listed, when a use is listed and the use is permitted, there is no analysis as to whether the use is "similar" to any permitted use. The analysis of why the Proposed Use is permitted stops with the Zoning Code.

While we do not believe an appeal is necessary in light of the facts and law in this matter, we are resubmitting this letter, along with the filing fees to continue the appellate process.

Very truly yours,

A handwritten signature in dark ink, consisting of a large, stylized loop followed by a long, horizontal stroke that tapers off to the right.

Richard M. Watts, Jr.
Attorney for the Patterson Family Trust
Dated July 7, 1988

RMW/km
cc: Client (Fax only)

MEMORANDUM



DATE: September 21, 2009

TO: Honorable Mayor and Council Members

FROM: Adam U. Lindgren, City Attorney
Curt Haven, Economic Development Director
Jeff Beiswenger, Senior Planner

SUBJECT: URGENCY ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT, EXPANSION OR RELOCATION OF RESALE SHOPS PENDING THE REVIEW AND POSSIBLE AMENDMENT OF ZONING REGULATIONS APPLICABLE TO SUCH BUSINESSES, TO BECOME EFFECTIVE IMMEDIATELY

RECOMMENDATION

Waive reading and adopt Urgency Ordinance No. 20, establishing a temporary moratorium on the establishment, expansion or relocation of resale shops pending the review and possible amendment of zoning regulations applicable to this type of establishment.

RESULT OF RECOMMENDED ACTION

Adoption of this ordinance will establish a 45-day temporary moratorium on the establishment, expansion or relocation of resale shops. This moratorium is necessary in order to analyze how to address new imminent threats to public safety, health, and welfare resulting from the location of resale shops.

BACKGROUND

Law

Pursuant to Government Code section 65858, a city may establish an initial 45-day moratorium prohibiting any uses that may be in conflict with a contemplated zoning proposal that the legislative body or the planning department is considering, studying, or intends to study, within a reasonable time. Adoption of a moratorium requires at least a four-fifths vote of the Council. State law allows a City to extend a moratorium for an additional 22 months and 15 days, for a total of two (2) years, provided that a current and immediate threat to the public safety, health and welfare still exists.

Under Government Code section 65858(f), a city may adopt another interim ordinance on the same types of uses "provided that the new interim ordinance is adopted to protect the public safety, health, and welfare from an event, occurrence, or set of circumstances

different from the event, occurrence, or set of circumstances that led to the adoption of the prior interim ordinance."

From January 2007 until January 2009 the City had two Moratoria Relating to Resale Shops

The first moratorium was adopted on January 2007. At that time the City found that operating resale shops in the City often resulted in after hours illegal dumping outside of these businesses, mostly of items that are not in resale condition, and invited scavengers to go through the illegally dumped items. The purpose of the moratorium adopted in 2007 was to give the City time to study the possible adoption of new zoning regulations applicable to these types of businesses.

The second moratorium was adopted in December 2008 based on the Council's determination that the negative impacts caused by resale shops on the public safety, health and welfare that were identified in the 2007 moratorium had intensified due to the downturn in the Nation's economy since the adoption of the moratorium in January 2007, the United States downturn has become a dramatic economic decline, the extent, nature and consequences of which were unexpected by the City. The City did not extend the moratorium past the initial 45 day-period.

ANALYSIS

Need for a New Temporary Moratorium on Resale Shops

Since the adoption of the December 15, 2008 moratorium, staff has recommended, and Council has adopted, several regulations into the adopted Zoning Code update related to resale establishments. However, the duration and nature of the downturn recession have now resulted in new and different impacts. The downturn has now affected the City's fiscal condition. The reduction of revenues received by the City is a threat to the public health, safety and welfare of City residents. Without adequate revenues, the City will be unable to maintain the current level of services provided to residents.

These impacts were not considered as a basis for the City Council's decision to adopt the first moratorium in 2007 or the subsequent moratorium in 2008. The recession and its deep impacts on the City's economic vitality were also not analyzed by staff during the preparation of the Zoning Code update.

Without proper regulations encouraging economic growth by refining the proper location and regulation of resale shops, the City will not be able to make up for revenues lost from the economic downturn. If the City is not able to make up for these revenues, it will make it difficult for the City to maintain the level of police and code enforcement services. Decreasing the level of police and code enforcement services causes a direct threat to the public health, safety and welfare.

Further, staff has received an application to place a resale shop within the Folsom Boulevard Specific Plan area located at 10995 Olson Drive, Rancho Cordova. Placement of a resale shop at this location will severely harm that area of the Boulevard's opportunities in attracting thriving businesses. This will have a negative impact on the City's fiscal state.

During this economic downturn, the City should focus on attracting highly productive businesses and helping its current businesses maintain their operations and revenues. Target will be re-opening next month near the proposed resale shop location. Kohl's is also located in the shopping center. Allowing businesses, such as resale shops, to locate near Target may result in negative impacts for Target by reducing the number of customers willing to shop at that location due to the attention and impacts a resale shop attracts. This will have a direct impact on taxes received by the City from Target and the services they allow the City to provide.

Staff Recommendation

In order to ensure that the City's zoning provisions adequately address the location of resale shops, staff recommends that the Council direct the Planning Department to consider whether amendments need to be made to the City's Zoning Code. The Planning Department in coordination with the Economic Development Department will focus on analyzing the best zoning and zoning regulations for this type of establishment in order to promote much needed economic growth for the City.

Additionally, to ensure that future businesses of this type are located and regulated properly so as to protect the public health, safety and welfare, staff recommends that the Council place a moratorium on the approval or issuance of use permits, variances, building permits, or any other applicable entitlement for use, including, but not limited to, the issuance of business licenses for the operation of resale shops. This moratorium will not apply to the renewal of a business license for an existing business of this type in the City, provided that the renewal seeks to maintain the business in its current location.

REQUESTED MOTION

"I move that the City Council:

1. Adopt Urgency Ordinance No. 20-2009 making findings and establishing a moratorium on the establishment, expansion or relocation of resale shops pending the review and possible amendment of zoning regulations applicable to this type of business; and
2. Direct the Planning Department to review current zoning provisions and consider whether they are adequate to meet the needs of the City."

ATTACHMENT

Ordinance No. 20-2009, Establishing a Temporary Moratorium on the Establishment, Expansion or Relocation of Resale Shops Pending the Review and Possible Amendment of Zoning Regulations Applicable to such Businesses.

CITY OF RANCHO CORDOVA

ORDINANCE NO. 20-2009

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA ESTABLISHING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT, EXPANSION, OR RELOCATION OF RESALE SHOPS PENDING THE REVIEW AND POSSIBLE AMENDMENT OF ZONING REGULATIONS APPLICABLE TO SUCH BUSINESSES, TO BECOME EFFECTIVE IMMEDIATELY

RECITALS

WHEREAS, the City of Rancho Cordova ("City") was incorporated on July 1, 2003; and

WHEREAS, in adopting laws and regulations during the first year of incorporation, the City relied heavily upon the laws and regulations adopted by the County of Sacramento, which were applicable to the area of the City prior to incorporation; and

WHEREAS, pursuant to Ordinance No. 20-2003 and Ordinance No. 21-2003, the City adopted by reference certain provisions of the Sacramento County Code and all Titles of the Sacramento County Zoning Code; and

WHEREAS, the Rancho Cordova City Council ("City Council") finds that one problem inherent in adopting County regulations, drafted to serve the needs of the County, is that many of those regulations may prove to be inadequate to meet the needs of the City and may need to be amended in order to better reflect and serve the needs of the City; and

WHEREAS, the City recently updated its zoning laws in order to ensure that the City's zoning regulations are consistent with the goals, policies and standards set forth in the City's General Plan; and

WHEREAS, pursuant to Government Code section 65858, the City may establish a moratorium prohibiting any uses that may be in conflict with a contemplated zoning proposal that the legislative body or the Planning Department is considering, studying, or intends to study, within a reasonable time. The City may adopt a moratorium on an urgency basis provided that the City finds that there exists a threat to the public health, safety and welfare; and

WHEREAS, in preparation of the Zoning Code update, it came to the attention of Staff and the Police Department that multiple uses, including resale shops, were causing negative impacts on the public safety, health and welfare. To address these impacts, on January 16, 2007, the City Council adopted Ordinance 1-2007 imposing a 45-day moratorium on recycling businesses, check cashing businesses, pawn shops, resale shops, smoke shops, and tattoo parlors. The purpose of the moratorium was to give the City time to study the possible adoption of new zoning regulations applicable to these types of businesses; and

WHEREAS, on February 20, 2007, the City adopted Ordinance No. 6-2007 extending the 45-day moratorium for an additional period of ten (10) months and fifteen (15) days. Subsequently, on December 17, 2007, the City Council adopted Ordinance No. 27-2007 extending the moratorium for an additional year; and

WHEREAS, under Government Code section 65858(f), a city may adopt another interim ordinance on the same uses "provided that the new interim ordinance is adopted to protect the public safety, health, and welfare from an event, occurrence, or set of circumstances different from the event, occurrence, or set of circumstances that led to the adoption of the prior interim ordinance"; and

WHEREAS, on December 15, 2008, the City exercised its authority under Government Code section 65858(f) and adopted Ordinance No. 28-2008 imposing a new 45-day moratorium on recycling businesses and resale shops. Ordinance No. 28-2008 was necessary to address new impacts relating to these types of establishments. The United States suffered a dramatic economic downturn, the extent and nature of which was unexpected by the City. The downturn has become, by most accounts, a full recession which resulted in the negative impacts caused by recycling businesses and resale shops on the public safety, health and welfare to change and to intensify; and

WHEREAS, since the adoption of the December 15, 2008 moratorium, staff worked diligently to include several regulations related to these establishments into the Zoning Code update, which was adopted on January 5, 2009 pursuant to Ordinance No. 27-2008; and

WHEREAS, due to the unexpected duration and nature of the economic downturn, there are now new impacts not considered as a basis for the City Council's decision to adopt the first moratorium in 2007 or subsequent moratorium in 2008; and

WHEREAS, the dramatic economic downturn has lasted longer than the City anticipated. The ramifications of the duration and nature of the downturn have resulted in the need for the City to reevaluate its current laws in order promote economic growth. By promoting economic opportunities within the City, the City will be able to collect additional revenues in the way of taxes which in turn will help the City make up revenues that it has lost due to the downturn. This will assist the City in its efforts to avoid having to reduce the level of critical health and safety services it provides to its residents; and

WHEREAS, the long lasting economic downturn has revealed inadequate zoning regulations in the Folsom Boulevard Specific Plan which may arguably allow businesses, such as resale shops to establish within the Specific Plan area. The Specific Plan was intended to convert the Boulevard from the under-performing strip commercial land use of the old Highway 50 to a vibrant commercial/residential mixed use corridor. The need to convert the Specific Plan area into an economically productive area is more important than ever due to the unexpected extent and nature of the current downturn. As a result, a new moratorium is needed in order to address the threat to the public health, safety and welfare by improperly zoned and regulated resale shops; and

WHEREAS, the impacts associated with resale shops considered by this new moratorium are different than previously analyzed. Not only will resale shops still cause the same impacts identified in the previous moratoria if not properly regulated, but placement of this type of establishment in certain locations meant to be economic thriving areas of the City will negatively impact the City's ability to generate sales tax and other sources of revenue in its efforts to make up for revenues lost due to the Country's economic downturn. This will affect the City's ability to maintain its current level of Police Department and Code Enforcement services; and

WHEREAS, staff has received an application to place a resale shop within the Folsom Boulevard Specific Plan area. Specifically, the application proposes the resale shop be established at 10995 Olson Drive, Rancho Cordova. Placement of a resale shop at this location will hinder that area of the Boulevard's opportunities in attracting thriving businesses; and

WHEREAS, Staff must reevaluate what changes need to be made to the Zoning Code in order to address these new identified impacts; and

WHEREAS, if the City allows resale shops to be established pursuant to the City's current code, there is a danger that the negative impacts associated with this type of business can go uncontrolled due to the lack of proper regulations; and

WHEREAS, the City Council held a hearing on September 21, 2009, and received a Staff Report and comments from staff regarding the threats to the public safety, health and welfare posed by the specified uses.

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

Section 1. Recitals Adopted

The foregoing recitals are true and correct and made a part of this Urgency Ordinance as findings by the City Council.

Section 2. Moratorium

The temporary moratorium established by Urgency Ordinance No. 20-2009 is for 45 days.

A. Scope

This moratorium shall apply to the establishment, expansion, or relocation of resale shops, or businesses offering related services. This moratorium shall not apply to the renewal of a business license for existing businesses of this type in the City, provided the renewal seeks to maintain the business in its existing location.

B. New Event

Government Code Section 65858(f), authorizes a city to adopt a subsequent interim ordinance on the same use "provided that the new interim ordinance is adopted to protect the public safety, health, and welfare from an event, occurrence, or set of circumstances different from the event, occurrence, or set of circumstances that led to the adoption of the prior interim ordinance."

Since the adoption of the temporary moratorium on January 16, 2007, the United States has suffered an economic downturn which has resulted in the negative impacts caused by resale shops on the public safety, health and welfare to change and to intensify. The City's December 2008 moratorium was intended to give the City time to analyze the intensified impacts dealing with after hours illegal dumping outside of these businesses, mostly of items that are not in resale condition, and invites scavengers to go through the illegally dumped items.

Since the adoption of the temporary moratorium on December 15, 2008, there are new impacts that were not addressed previously which have resulted from the economic downturn lasting

longer than could have been anticipated. Although the City analyzed the impacts associated with the operation of this type of establishment, the City did not analyze the impacts on the City's revenues, which closely relate to services provided to the residents. The downturn's unanticipated duration and severity have resulted in new impacts that must now be addressed in order to protect City residents.

The extent of the downturn recession and its deep impacts on the City's economic vitality, as it relates to residents, were not considered as a basis for the City Council's decision to adopt the moratoria in 2007 and 2008. The need to amend the City's regulations in order to promote economic activity is important in order to assist the City in replacing revenue lost due to the economic downturn. Economic growth within the City is needed in order to prevent further reduction of the City's Police Department, Code Enforcement staffing and other critical services. Such reduction will result in unacceptable threats to the public safety, health and welfare of the City's residents. There was no way to properly analyze the duration or severity of the recession and its impacts at the time of the previous moratoria.

A new interim ordinance is necessary to protect the public safety, health and welfare from the negative impacts resulting from the downturn in the economy and the need to amend the City's Code to promote economic activity.

C. Applicability

This Ordinance shall apply to the establishment, relocation, and issuance of entitlements for such uses:

1. Resale Shops: Also known as "Second Hand Stores," are defined for purposes of this Ordinance as those establishments whose primary purpose is to receive and sort clothing and/or consumer products for resale, or to resale clothing and/or consumer products, including, but not limited to, "Thrift Stores," "Salvation Army" stores, "Good Will" stores, and consignment stores.

D. Findings

This Ordinance is declared to be an urgency ordinance as defined under California Government Code section 65858. This Ordinance is deemed necessary for the following reasons:

1. The purpose of this Ordinance is to protect the public safety, health and welfare from the current and immediate threats posed by the establishment of new and expansion of existing resale shops or businesses offering related services.
2. The City Council has previously found that the operating of resale shops in the City often results in after hours illegal dumping outside of these businesses, mostly of items that are not in resale condition, and invites scavengers to go through the illegally dumped items.
3. To address those impacts, in January 2007, the City Council adopted Ordinance No. 1-2007 imposing a 45-day moratorium on recycling businesses, check cashing businesses, pawn shops, resale shops, smoke shops, and tattoo parlors. The purpose of the moratorium was to give the City time to study the possible adoption of new zoning regulations

applicable to these types of businesses. The City extended the moratorium twice for the maximum allowed time of two (2) years.

4. Since the adoption of the temporary moratorium in January 2007, the United States suffered a dramatic economic downturn, the extent and nature of which was unexpected by the City. The downturn became, by most accounts, a full recession which resulted in the negative impacts caused by resale shops on the public safety, health and welfare to change and to intensify.

5. On December 15, 2008, the City exercised its authority under Government Code section 65858(f) and adopted Ordinance 28-2008 imposing a new 45-day moratorium on recycling businesses and resale shops. Ordinance No. 28-2008 was necessary to address new impacts relating to these types of establishments.

6. Since the adoption of the December 15, 2008 moratorium, Staff has recommended, and the City Council has adopted, several regulations into the adopted Zoning Code update related to resale establishments. However, the duration and nature of the downturn recession have now resulted in new and different impacts. The downturn has now affected the City's fiscal condition.

7. The impacts of the recession have been much more severe than anticipated in 2008. In February 2008, the City projected total revenues over the next three years (2008/09–2010/11) to be \$133,810,000. In February 2009, due to the unexpected deepening of the recession, the City lowered the projection for the same time period to \$118,850,000. This represents a three year decline in revenues of \$14,960,000, an average annual decline in revenues of \$4.98 million.

8. Projected declines in Property tax Revenues and Sales tax Revenues account for 23% and 28% of the declines of total revenues, respectively. In 2008, the City lost three of its top 25 sales tax generators: Target, Mervyns and Office Depot. While Target is expected to re-open in late 2009, continued economic declines are expected to continue. Property taxes are also expected to decline due to the historically high level of foreclosures in the Region and Rancho Cordova.

9. The reduction of revenues received by the City is a threat to the public health, safety and welfare of City residents. Without adequate revenues, the City will be unable to maintain the current level of critical services provided to residents.

10. Without proper regulations encouraging economic growth by refining the proper location and regulations of resale shops, the City will not be able to make up for revenues lost from the economic downturn. If the City is not able to make up for these revenues, it will make it difficult for the City to maintain the level of police and code enforcement services.

11. Staff has received an application to place a resale shop within the Folsom Boulevard Specific Plan area at 10995 Olson Drive, Rancho Cordova. Placement of a resale shop at this location will severely harm that area of the Boulevard's opportunities in attracting thriving businesses. This will have a negative impact on the City's fiscal condition.

12. The City Council finds that during this economic downturn, the City should focus on attracting highly productive businesses and helping its current businesses maintain their operations and revenues. Target will be re-opening near the proposed resale shop location

later this year. Allowing businesses, such as resale shops, to locate near Target may result in negative impacts for Target by reducing the number of customers willing to shop at that location due to the attention and impacts a resale shop attracts. This will have a direct impact on taxes received by the City from Target and the services they allow the City to provide.

13. The City finds that, absent the adoption of this urgency ordinance, the existence of such harmful conditions resulting from the extent of the downturn in the economy could cause the City to approve the establishment of a resale shop, which in turn would result in the discouragement of economic growth in the City. This would lead to the possible reduction of Police Department and Code Enforcement staff which is a direct threat to the public health, safety and welfare.

14. The City Council finds that it is necessary to ensure that this type of business is properly located within the City, both to protect the public health, safety and welfare, and to ensure that these businesses are located in a manner that does not discourage needed economic growth.

15. The City Council finds that it is necessary and desirable to have the Planning Department review and consider the possible adoption of new zoning standards regulating this type of business in the City in order to ensure the protection of the public health, safety and welfare, and to ensure that the locations and regulations for this type of business are established in a manner that is consistent with the standards, goals and policies of the City's General Plan.

16. On the basis of the foregoing recitals and findings, all evidence on the record, including, but not limited to, testimony from the Staff Report and testimony given at the public hearing, the City Council finds that the establishment of new, or the expansion or relocating of existing resale shops, or businesses offering related services, prior to the Planning Department's review, poses a current and immediate threat to the public health, safety and welfare. This moratorium is in accordance with California Government Code section 65858, which justifies the adoption of an urgency ordinance establishing a moratorium on the above-specified uses in the City.

Section 3. Compliance with California Environmental Quality Act

The City Council finds that this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) because it has no potential for resulting in physical change to the environment, directly or indirectly; it prevents changes in the environment pending the completion of the contemplated Zoning Code review.

Section 4. Severability

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections,

subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

Section 5. Effective Immediately

This Ordinance shall become effective immediately upon adoption, if adopted by at least four-fifths vote of the City Council, and shall be in effect for forty-five days from the date of adoption unless extended by the City Council as provided for in the Government Code.

PASSED AND ADOPTED, BY THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA this ____ day of ____ 2009, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dan Skoglund, Mayor

ATTEST:

Mindy Cuppy, City Clerk