CONCURRENT MEETING
CITY COUNCIL/SUCCESSOR AGENCY TO THE CRA/RCFC

Monday, June 17, 2013

5:30 PM – Regular Meeting

AGENDA

Linda Budge, Mayor

Dan Skoglund, Vice Mayor

Robert J. McGarvey, Council Member

David Sander, Council Member

Donald Terry, Council Member

Regular City Council meeting dates are scheduled on the 1st and 3rd Monday's of each month, unless when Monday is a holiday.
If Monday is a holiday, the meeting will be scheduled for the following Tuesday. Dates are subject to change.

City Council Regular Mtg | ~~CANCELLED MTG~~ | City Council Special Mtg | ~~CANCELLED MTG~~ | CITY HALL CLOSED

2013

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CITY HALL CLOSURE DATES
Tue, Jan 1 - New Year's Day
Mon, Jan 21 - Martin Luther King Jr. Day
Mon, Feb 18 - President's Day
Mon, May 27 - Memorial Day
Thu, Jul 4 - Independence Day
Mon, Sep 2 - Labor Day
Mon, Nov 11 - Veterans Day
Thu, Nov 28 - Thanksging Day
Fri, Nov 29 – Day After Thanksgiving Day
Tue, Dec 24 - Christmas Eve
Wed, Dec 25 - Christmas Day
Thurs, Dec 26- Tues, Dec 31 Winter Break

2014 - Proposed

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Mon, Feb 17 - President's Day
Mon, May 26 - Memorial Day
Fri, Jul 4 - Independence Day
Mon, Sep 1 - Labor Day
Tue, Nov 11 - Veteran's Day
Thu, Nov 27 - Thanksging Day
Fri, Nov 28 – Day After Thanksgiving Day
Wed, Dec 24 - Christmas Eve
Thu, Dec 25 - Christmas Day
Fri, Dec 26 - Day After Christmas Day
Tue, Dec 31 - New Year's Eve

2015 - Proposed

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PROPOSED CITY HALL CLOSURE DATES
Wed, Jan 1 - New Year's Day
Mon, Jan 19 - Martin Luther King Jr. Day
Mon, Feb 16 - President's Day
Mon, May 25 - Memorial Day
Sat, Jul 4 - Independence Day
Mon, Sep 7 - Labor Day
Wed, Nov 11 - Veterans Day
Thu, Nov 26 - Thanksging Day
Fri, Nov 27 – Day After Thanksgiving Day
Thu, Dec 24 - Christmas Eve
Fri, Dec 25 - Christmas Day

Rev. 2-11-13

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

City Hall
2729 Prospect Park Drive, Rancho Cordova

Monday, June 17, 2013

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

AGENDA

1. REGULAR MEETING - CALL TO ORDER / ROLL CALL

Council Members McGarvey, Sander, Skoglund, Terry and Mayor Budge.

2. METRO CABLE TV TELEVISION ANNOUNCEMENT

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

3. PLEDGE OF ALLEGIANCE

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

4. INVOCATION

Judy Johnson from Sacramento Law Enforcement Chaplaincy will give the invocation.

5. PRESENTATIONS

5.1 SMUD Rate Action and Restructure Proposal Presented by Elisabeth Brinton, Chief Customer Officer.

5.2 Proposed Sacramento County Water Agency Monthly Water Utility Rate Increases Presented by Steve Pedretti, Chief of Water Resources of Sacramento County.

5.3 United States Army Week Proclamation Presented to Sergeant First Class Horton, Center Commander for Folsom/Rancho Cordova Recruiting Center.

6. PUBLIC COMMENT

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

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

7. COUNCIL REPORTS

8. CONSENT CALENDAR ITEMS - ROLL CALL VOTE

8.1 **Subject:** Meeting Minutes of June 3, 2013 Special Meeting/Regular Meeting and June 11, 2013 Special Meeting.
Recommendation: Adopt Minutes.

8.2 **Subject:** Ordinance No. 15-2013, Adding Chapter 23.925 "Medical Marijuana Dispensaries, " to Title 23 "Zoning Code"; Amending Title 23, Chapter 23.304 "Land Use Classifications", Adding Chapter 9.102, "Medical Marijuana Dispensaries" to Municipal Code Title 9, "Public Peace, Morals, and Safety;" and Amending Title 4, "Business Regulations," Chapter 4.06 "General Business Licenses," Prohibiting the Establishment of Medical Marijuana Dispensaries in the City.
Recommendation: Waive the second reading and adopt Ordinance No. 15-2013.
Result of Recommended Action: Adoption of this Ordinance is consistent with the City's desire to protect the safety and welfare of the City's residents by prohibiting medical marijuana dispensaries in the City, as permitted by the California Supreme Court in its recent decision in City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc. et al., (S198638)
Staff Report: Adam U. Lindgren, City Attorney and Rosanne Richeal, Chief of Police.
Advances Goals: 1, 2.

8.3 **Subject:** Resolution Authorizing the City Manager to Execute a Purchase Agreement with Downtown Ford for the Purchase of Two New Animal Control Trucks.
Recommendation: Adopt Resolution No. 72-2013.
Result of Recommended Action: City Manager will execute a purchase agreement with Downtown Ford for the purchase of two new animal control trucks.
Staff Report: David Gassaway, Management Analyst I, Public Works Department.
Advances Goals: 1, 5.

8.4 **Subject:** Approval of Certificate of Compliance for Parcel Map Waiver for Assessor's Parcel Number 067-0850-084; Also Known As Lot 70 of Sunridge Park Phase II Village 4D.

Recommendation: Approve the Certificate of Compliance for Parcel Map Waiver to split lot 70 into two new parcels.
Result of Recommended Action: Approval of the certificate will result in recording of the certificate of compliance and creating two parcels from one.
Staff Report: Cyrus Abhar, Public Works Department.
Advances Goal: 2.

8.5 **Subject:** Resolution Designating Voting Delegate and Alternates for the 2013 League of California Cities Annual Conference to be Held September 18-20 in Sacramento, California.
Recommendation: Adopt Resolution No. 78-2013.
Result of Recommended Action: The Voting Delegate or Alternate will be able to represent the City by voting at the Annual Business Meeting at the League of California Cities Conference.
Staff Report: Mindy Cuppy, City Clerk.
Advances Goals: 1, 3.

8.6 **Subject:** A Resolution of the City Council of the City of Rancho Cordova Restructuring the Cities/County Solid Waste Advisory Committee as the Sacramento County Local Task Force.
Recommendation: Adopt Resolution No. 74 -2013.
Result of Recommended Action: Adoption of this resolution would restructure the Solid Waste Advisory Committee (SWAC) to the Sacramento County Local Task Force (LTF) and appoint the Public Works Director or his designee as the City of Rancho Cordova's LTF member.
Staff Report: Cyrus Abhar, Public Works Director.
Advances Goal: 4.

8.7 **Subject:** Resolutions Amending the Fiscal Year 2012/2013 Adopted Budget for the City of Rancho Cordova and the City of Rancho Cordova Successor Agency to the Community Redevelopment Agency.
Recommendation: Adopt Resolution No's. 77-2013 (Attachment 1) and SA-3-2013 (Attachment 2) amending the Fiscal Year 2012/13 Adopted Budget for various Special Revenue Funds, Internal Service Funds, the Successor Agency to the Community Redevelopment Agency Funds and certain Agency Funds.
Result of Recommended Action: The 2012/13 Adopted Budget will be amended to reflect variances in expenses not originally anticipated in the budget. This amendment will bring our actual anticipated expenditures in line with our approved appropriations for those specific funds. No adjustment is needed for the General Fund.
Staff Report: Liisa Behrends, Senior Accountant, Finance Department.
Advances Goal: 5.

8.8 **Subject:** Resolution of Intention to Establish and Renew Rancho Cordova Tourism Business Improvement District.
Recommendation: Adopt Resolution No. 81-2013.
Result of Recommended Action: Adoption of this resolution will result in a public meeting on July 15, 2013 and a public hearing on August 19, 2013 on the establishment and renewal of the Rancho Cordova Tourism Business Improvement District (RCTBID). A majority of the lodging business owners subject to the assessment have petitioned the City Council to renew the RCTBID for a ten year term.
Staff Report: Micah Runner, Economic Development Manager.
Advances Goals: 5, 6.

8.9 **Subject:** Loan Agreement Between the City of Rancho Cordova and the Rancho Cordova Travel and Tourism Business Improvement District.
Recommendation: Adopt Resolution 71-2013 authorizing the City Manager to execute a loan agreement and promissory note, in an amount not to exceed $500,000, to the Rancho Cordova Travel and Tourism Business Improvement District (the District).
Result of Recommended Action: If approved, the loan will be used by the District to pay for past and future tenant improvements to Rancho Cordova Event Center, a multi-use sports facility located at 2561 Mercantile Drive in Rancho Cordova. Past tenant improvements have included ADA and occupancy compliance upgrades as well as the securing of 8 basketball courts and supporting equipment. Future tenant improvements include a much needed ventilation and cooling system for the 72,000 ft. facility, as well as improvements to concession space. These improvements are critical for ensuring use of the building during the hot summer and fall months.
Staff Report: Donna Silva, Finance Director and Micah Runner, Economic Development Manager.
Advances Goals: 5, 6.

8.10 **Subject:** Resolution Extending the Temporary Development Impact Fee Deferral Program for a Period of Three Years.
Recommendation: Staff Recommends Council Adopt Resolution No. 73-2013.
Result of Recommended Action: Adoption of Resolution No. 73-2013 will extend the Temporary Development Impact Fee Deferral Program for three additional years, to June 30, 2016. Developers will benefit significantly from the program, as it will reduce their cash outlay at the time of building permit issuance.
Staff Report: Donna Silva, Finance Director and Michelle Mingay, Sr. Finance Analyst.
Advances Goals: 5, 6.

9. CONSENT PUBLIC HEARING ITEMS - ROLL CALL VOTE

9.1 **Subject:** An Ordinance Amending Section 23.325.020 (Convention Overlay District) of Title 23 (Zoning Code) of the Municipal Code to add an Exceptions Section.
Recommendation: Introduce and waive first reading of Ordinance 18-2013.
Result of Recommended Action: Adopting this Ordinance would amend the Convention Overlay District regulations within Title 23 (Zoning Code) of the City's Municipal Code to introduce an exceptions process within the Convention Overlay section of the Zoning Code. The exceptions process would allow the City Council to consider, and possibly approve, projects that provide specified community benefits, but may not meet the specific development standards identified in the Code.
Staff Report: Paul Junker, Planning Director.
Advances Goals: 1, 2.

9.2 **Subject:** An Ordinance Amending Section 23.325.020 (Convention Overlay District) of Title 23 (Zoning Code) of the Municipal Code and Section IV (Page IV-6, Page IV-27, Table IV-4) of the Folsom Boulevard Specific Plan.
Recommendation: Introduce and waive first reading of Ordinance 19-2013.
Result of Recommended Action: Adopting this Ordinance would amend the Convention Overlay District regulations within Title 23 (Zoning Code) of the City's Municipal Code and Section IV of the Folsom Boulevard Specific Plan to reduce the permit requirements for certain specific uses from a Conditional Use Permit to an Administrative Use Permit. These uses include Business Support Services, Auto and Vehicle Sales and Rental, Vehicle Services – Minor, Manufacturing – Small Scale, Printing and Publishing, and Research and Development. By requiring an Administrative Use Permit, the review process would become easier and less time

consuming and hopefully allow for more businesses to occupy the existing buildings within the Convention Overlay area.
Staff Report: Jessica Jordan, Senior Planner.
Advances Goals: 1, 2.

10. PUBLIC HEARING ITEMS

NONE.

11. REGULAR CALENDAR ITEMS

11.1 **Subject:** South Sacramento Habitat Conservation Plan (SSHCP) – FY 2012-13 Funding Authorization.
Recommendation: Adopt Resolution No. 79-2013.
Result of Recommended Action: Adoption of Resolution No. 79-2013 will authorize the City Manager to release this year's City contribution to the South Sacramento Habitat Conservation Plan (SSHCP). Funds for this expenditure are included in the City's FY 2012/13 budget, but Council authorization is required before these funds can be released. This action relates solely to work completed in FY 2012/13 and any future contributions by the City will require separate Council approval. Representatives of the SSHCP will be available at the City Council meeting to provide an update on the status of the SSHCP and the process for completing this effort.
Staff Report: Paul Junker, Planning Director.
Advances Goals: 1, 5, 6.

11.2 **Subject:** Preliminary Review of the New Douglas 98 Modifications.
Recommendation: Receive staff and applicant information and provide preliminary review and comments.
Result of Recommended Action: Council comments will allow the applicants to determine whether to submit a formal application to amend this previously approved project. Project amendments would include a rezone, a new tentative map and an amendment to the existing Development Agreement
Staff Report: Paul Junker, Planning Director.
Advances Goals: 1, 2, 6.

11.3 **Subject:** Resolution Accepting A Grant from the State of California Department of Alcoholic Beverage Control (ABC) in the Amount of $38,665 and Authorizing the City Manager to Execute a Grant Agreement.
Recommendation: Adopt Resolution No. 80-2013.
Result of Recommended Action: The Rancho Cordova Police department will accept $38,665 in grant money from ABC to undertake education and enforcement of ABC laws with a focus on general enforcement at on-sale problem establishments.
Staff Report: Rosanne Richeal, Chief of Police.
Advances Goals: 1, 2, 3.

11.4 **Subject:** First Amendment to Agreement for Law Enforcement Services Between the County of Sacramento and the City of Rancho Cordova.
Recommendation: Adopt Resolution No. 76-2013 approving the amendment to the agreement for law enforcement services.
Result of Recommended Action: If approved, the County of Sacramento will continue to operate as the Rancho Cordova Police Department through June 30, 2016, allowing the City time to complete the analysis of the optimal method of providing police

services in the City.
Staff Report: Ted Gaebler, City Manager and Donna Silva, Finance Director.
Advances Goal: 2.

12. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

13. CITY MANAGER'S REPORT

14. ADJOURNMENT

Mayor Budge will adjourn the meeting to closed session in the Community Board Room.

15. CLOSED SESSION - CALL TO ORDER/ROLL CALL

Council Members McGarvey, Sander, Skoglund, Terry and Mayor Budge.

16. CLOSED SESSION

Council may adjourn to Closed Session to discuss the following item(s):

CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)

Name of case: City of Rancho Cordova and Successor Agency to the Rancho Cordova Redevelopment Agency v. Ana Matosantos, Julie Valverde, John Chaing, California State Board of Equalization. Case Number 34-2012-80001356

17. OPEN SESSION - REPORT FROM CLOSED SESSION

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

18. ADJOURNMENT

ADDITIONAL INFORMATION

UNLESS THE COUNCIL ADOPTS A MOTION TO EXTEND THE MEETING, ANY ITEM THAT IS NOT INITIATED BEFORE 11:00 PM WILL BE CONTINUED TO THE NEXT DAY AT 5:30 PM OR SCHEDULED ON THE NEXT REGULAR MEETING AGENDA OF THE COUNCIL.

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

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

CITYWIDE GOALS - (Adopted March 27, 2012)	
1.	Promote the Positive Image of Rancho Cordova
2.	Ensure a Safe, Inviting and Livable Community
3.	Empower Responsible Citizenship
4.	Establish Logical City Boundaries that Provide Regional Leadership and Address Financial Challenges
5.	Ensure the Availability of the Best Public Services in the Region while Practicing Sound Fiscal Management
6.	Drive Diverse Economic Opportunities

UPCOMING MEETINGS	
~~Tuesday, June 25, 2013~~	*~~City Council Special Meeting – Work Session CANCELLED~~*
Monday, July 1, 2013	*City Council Regular Meeting (5:30 PM) followed by 10th Anniversary Celebration*
Tuesday, July 9, 2013	*City Council Special Meeting – Work Session (5:30 PM)*
Monday, July 15, 2013	*City Council Regular Meeting (5:30 PM)*
Tuesday, July 23, 2013	*City Council Special Meeting – Work Session (5:30 PM)*

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

DEPARTMENTAL GENERAL TELEPHONE NUMBERS	
Building and Safety Division	(916) 851-8760
City Attorney's Office	(916) 556-1531
City Clerk's Department	(916) 851-8720
City Manager's Office	(916) 851-8800
Communications Department	(916) 851-8791
Economic Development Department	(916) 851-8780
Finance Department	(916) 851-8730
Housing Department	(916) 851-8784
Human Resources Department	(916) 851-8740
IT Department	(916) 851-8700
Neighborhood Services – Animal Services	(916) 851-8770
Parks & Recreation (Cordova Recreation & Park District)	(916) 362-1841
Planning Department	(916) 851-8750
Public Works Department	(916) 851-8710
Rancho Cordova Police Department	(916) 875-9600
Redevelopment Department	(916) 851-8780
Sac Metro Fire District	(916) 859-4300

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

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

CERTIFICATION OF POSTING OF AGENDA

I, Mindy Cuppy, CMC, City Clerk for the City of Rancho Cordova, declare that the foregoing agenda for the Monday, June 17, 2013 Regular Meeting of the Rancho Cordova City Council/Successor Agency to the CRA/RCFC was posted and available for review on Thursday, June 13, 2013 at City Hall of the City of Rancho Cordova, 2729 Prospect Park Drive, Rancho Cordova, California, 95670. The agenda is also available on the city website at www.cityofranchocordova.org.

Signed Thursday, June 13, 2013 at Rancho Cordova, California.

Mindy Cuppy

Mindy Cuppy, CMC, City Clerk

Preparing for the future

2013 Rate Proposal

As your community-owned, not-for-profit electric service for more than 65 years, SMUD exists to serve our customers and our community. That means we make decisions that focus on the best interests of our customers, including preparing to meet the energy challenges of the future and protecting our environment.

Beginning in 2014, we are proposing changes to our electricity rates.

The changes will be phased in over four years and will focus on:

- Aligning pricing with the true cost of providing service to residential customers while promoting better energy consumption decisions.
- Meeting state mandates for renewable energy, which is more expensive.
- Addressing the lingering effects of the recession.
- Merging of the Base Usage and Base Plus energy prices from 2014 – 2017, to prepare to transition to time-based rates for residential customers in 2018.

Powering forward. Together.

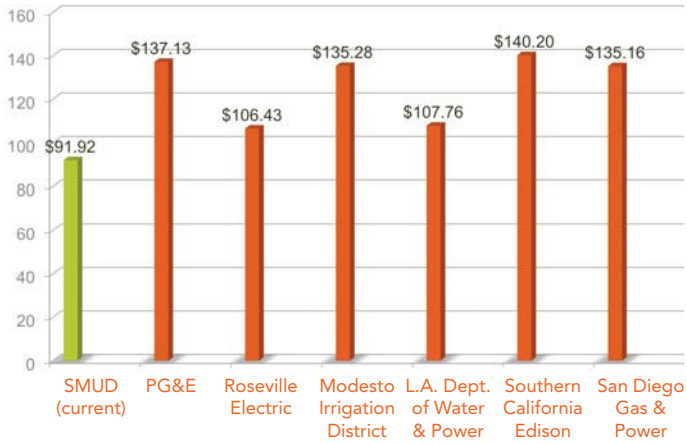
SMUD™

Rate Adjustment for Residential and Commercial Customers (2014, 2015)

For both residential and commercial SMUD customers, there will be a 2.5% increase in electricity rates in 2014 and 2015. This is in line with recent inflation, and is the first rate increase since 2011.

SMUD's rates remain lower than most other utilities in California. Of the 19 largest electric utilities in the state, SMUD has the third lowest average cost per kWh. See chart below for average bill comparison.

Average monthly residential customer bill at 750 kWh per month



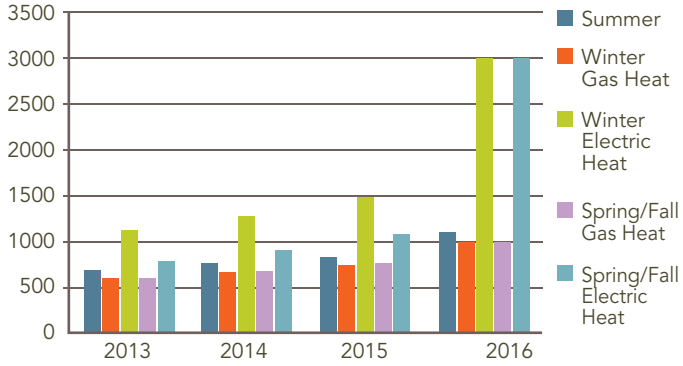
As a result of the proposed changes, most customers will see a $2-$4 increase in their monthly bills. However, some customers will see no increase at all, and others will see their bill decrease. Actual changes will be based on your household usage.

Preparing for Time-of-Use (2014-2017)

For SMUD's residential customers, in preparation for moving to Time-of-Use (TOU) rates in 2018, the first recommended changes will take place from 2014 to 2017, including:

- Additional energy allowance for Base Usage. This means some customers with usage that currently goes into Base Plus, will have more of their energy priced at lower-cost Base Usage, shown below.

Increase in monthly kWh allocation for Base Usage



- The price difference between Base Usage and Base Plus will be gradually reduced through 2016, resulting in one flat rate in 2017, as shown below.

Standard residential rates per kWh by season

Residential Rates		2013	2014	2015	2016	2017
Summer (Price per kWh)	Base Usage	$0.0989	$0.1033	$0.1076	$.1142	$0.1215
	Base Plus	$0.1803	$0.1836	$0.1870	$.1870	
Winter/ Spring/ Fall (Price per kWh)	Base Usage	$0.0911	$0.0955	$0.0998	$.1036	$0.1060
	Base Plus	$0.1738	$0.1771	$0.1805	$.1805	

View the complete General Manager's Report and Recommendations at smud.org/rateinfo

What are Time-of-Use Rates (TOU)?

While all commercial customers are already on TOU rates, the proposed changes lay the ground work to move all residential customers to TOU by 2018.

For example, with TOU rates, the amount you will pay for electricity may be significantly higher in the summer during the "peak hours" of 4 p.m. to 7 p.m., Monday through Friday, but lower the other 21 hours a day on weekdays and all day on Saturday and Sunday.

- This aligns with the cost of providing electricity service, which fluctuates based on when you use it.
- It gives you direct control of how much you pay for electricity, based on when you use it.
- Reducing your electricity use during peak hours can help you save on your bill, and also reduces environmental impacts.

Using the clock above as an example, the cost of providing electricity is highest during hours of peak demand, called "peak hours."

Energy Assistance for Low-Income Customers

Customers who qualify for the low-income Energy Assistance Program Rate (EAPR) discount, currently receive a maximum discount of 35%. The recommendation includes a percent discount that applies to all electricity usage, with a maximum dollar cap.

For example, qualified customers will receive a 38% discount on all electricity usage in 2014, up to a maximum discount of $52 per month as shown in the chart below.

Like all other customers, those who receive the Energy Assistance Program discount will also see the 2.5% increases in electricity rates in 2014 and 2015.

Energy efficiency programs, including those specifically for customers who qualify for this discount rate, will be available.

	2014	2015	2016	2017
Percent Discount on All Usage	38%	40%	44%	48%
Maximum Discount*	$52	$49	$43	$42

**The Energy Assistance Program will transition to a discount on all electricity usage, with a maximum discount cap. Enegy Assistance Program customers with wells will receive an additional monthly discount of $12.00.*

Other Changes

- Modifications to street lighting rates making efficient LED lighting more cost effective.
- New Combined Heat and Power (CHP) rate for non-renewable generators.
- Reduce bill impacts to some small commercial customers by adopting combined demand and energy criteria for moving to the appropriate demand rate.
- Revisions and modifications to the Rates, Rules and Regulations to make them easier to understand.

For more details, you can view the complete General Manager's Report and Recommendations at smud.org/rateinfo.

If you have questions, please email rates@smud.org.

Public Workshops and Hearings

Customers can ask questions and provide feedback at the following meetings to be held at SMUD Headquarters, 6201 S Street, Sacramento.

Public Workshops
Tuesday, May 28 • 6:00 p.m.
Tuesday, June 18 • 10:00 a.m.
Public Hearing
Thursday, July 18 • 9:00 a.m.

SMUD™

6201 S Street, P.O. Box 15830
Sacramento, CA 95852-0830
smud.org

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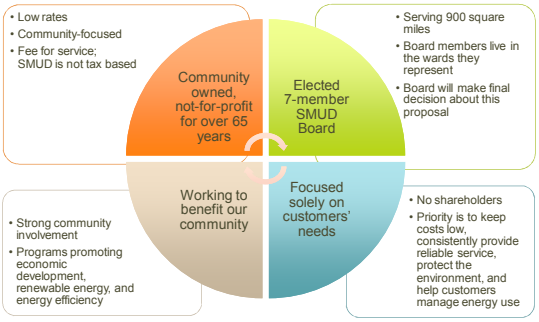
Powering forward. Together.

SMUD

About SMUD



Why are we meeting today?

- We are proposing changes to our rates
- SMUD's policy is to involve the community in key business decisions that affect our customers
- We believe in an open, transparent process
- We want to answer your questions and get your feedback

SMUD

What are the proposed changes?

Increase rates by 2.5%

- Adjust residential and commercial rates
  - 2.5% increase each year in 2014 and 2015, which is in line with recent inflation
  - This includes Energy Assistance rates
- Additional revenue will help us meet state mandates for renewable energy, which is more expensive than other sources of energy
- The state of California requires that 33% of all electricity sales come from renewable sources by 2020

SMUD

How will the rate increase be used?

Additional revenue **WILL** be used for:

- Meeting state mandates for renewable energy
- Investments needed to support renewable energy infrastructure
- Addressing the lingering effects of the recession

Additional revenue **WILL NOT** be used for:

- Smart Grid implementation
- Labor or staffing costs
- Employee or retiree pension

SMUD

What are the proposed changes?

Restructure residential rates gradually from 2014-2017

- Restructuring rates will:
  - Better align pricing with the actual cost of providing service
  - Help you better understand what you are paying and simplify rates long term
  - Provide more options for new technologies in the future (e.g. electric vehicles)
  - Provide framework for transitioning to Time of Use rates in 2018, if approved
- We would gradually reduce price spread between Base and Base Plus; eventually eliminate Base and Base Plus structure altogether
- We would provide additional energy allowance for customers on Base rate
  - This will allow some Base Plus customers to move into the lower cost Base rate

SMUD

What are the proposed changes?

Revisions to all-electric, well and electric vehicle rates

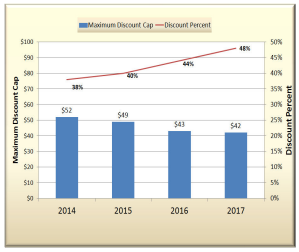
- Closed electric heat rate will be phased out but additional kWh will be added for these customers from 2014-2016
- Residential well customers will continue to have additional base kWh through 2016
- Current electric vehicle rate will be closed to new customers 1/1/14, and new pilot programs will be launched

SMUD

What are the proposed changes?

Make modifications to Energy Assistance discount

- 1 in 5 SMUD customers are on Energy Assistance
- These customers will also see a 2.5% general rate increase in 2014 and 2015
- From 2014-2017 we would gradually decrease the maximum discount cap and increase the discount percentage
- SMUD will promote energy efficiency programs to high use Energy Assistance customers



SMUD

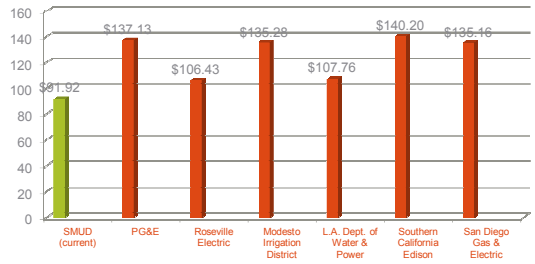
How would this impact your bill?

- Most residential customers will see a $2-$4 monthly increase in 2014 and 2015
- Monthly increase would be about the cost of a large coffee
- Some customers will see no increase at all, and some will see a decrease because more of their energy will be billed at a lower rate

SMUD

Average monthly residential customer bill

Even with a $2-$4 increase SMUD's rates will be lower than most other utilities



SMUD

What are the proposed changes?

For business customers

- Commercial and Agricultural
  - Proposing 2.5% rate increases for 2014 and 2015
- Lighting Rates
  - Add a default metered street lighting rate for new installations, starting in 2015
  - Close the customer owned SMUD maintained lighting rate
- Small commercial eligibility modification
  - Change criteria for moving from energy to demand-metered rate
  - Will benefit customers with high demand and low electricity usage, like churches

SMUD

What has SMUD done to control costs?

- Decreased staffing levels while serving more customers
- Reduced vehicle fleet
- Implemented substation maintenance program while maintaining reliability
- Streamlined call center operations
- Smart meter technology has generated significant operational savings
- Integrated portfolio of energy resources

In the last three years, we have reduced annual costs by $22 million.

SMUD

We are reducing operational costs

SMUD

SMUD is a resource

- There are new tools to help you see how and when you are using energy:
  - My Account/My Energy Use
- Residential and commercial energy efficiency programs are available:
  - Appliance recycling
  - Rebates and loans
- Energy experts are ready to answer your questions:
  - Home energy assessments
  - Low income weatherization
- Visit SMUD.org for more tips and ideas!

SMUD's energy efficiency tools may be able to help offset some of these changes.

SMUD

What happens next?

- From May to July, we will meet with customers and community groups to get feedback on rate restructuring proposals
- Host three public workshops at SMUD Headquarters
  - Tuesday, May 28 @ 6:00 pm
  - Tuesday, June 18 @ 10:00 am
  - Wednesday, June 26 @ 6:00 pm
- Include information in print advertisements, news releases, outreach meetings, SMUD bill inserts, and on smud.org
- **Final Public Hearing at the SMUD Board meeting on Thursday, July 18, 2013 at 9:00 am**
- **Final decision at the SMUD Board meeting on Thursday, August 1, 2013 at 6:00 pm**

SMUD

Need more information?

- Visit smud.org/rateinfo
- Read General Manager's report on smud.org
- Email questions or comments to rates@smud.org
- For tips on **residential** energy management, visit smud.org or call **1- 888-742-7683**
- For tips on **commercial** energy management call **1-888-742-7903**

We welcome your questions and comments!

SMUD

Rate definitions

Allowance	The amount of energy (kWh) that can be billed at the low base rate
Base rate	The lowest charge per kWh, which varies by season
Base Plus rate	A higher charge per kWh that applies to usage over the base amount
Electric heat rate	Rate for residents who use specific electric technology for home heating
Energy Assistance Program	Assistance program for low income customers
kWh	Kilowatt hours
Seasons	Winter – Dec 1 through Mar 31 Spring – April 1 through May 31 Summer – June 1 through Sept 30 Fall – Oct 1 through Nov 30
Standard	Rate without addition of any special discount programs
Time of Use	Rate reflecting the cost of electricity by time of usage. The highest rate is during peak demand hours, 4-7pm when the cost of supplying power is also highest
Well rate	Program for residents who use electric domestic well

SMUD

Who is the "average" residential customer?

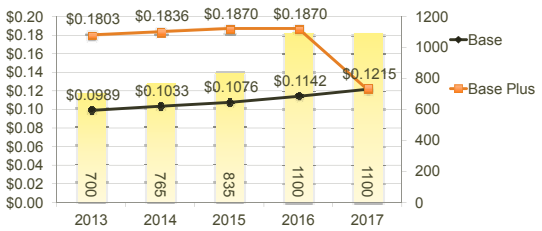
The average residential customer uses 750 kWh per month and has a bill of $91.92.

Typical monthly costs

	kWh	Bill
Apartments	537	$ 60.17
2 bedroom	801	$ 97.26
3-5 bedroom	1,018	$ 128.65

SMUD

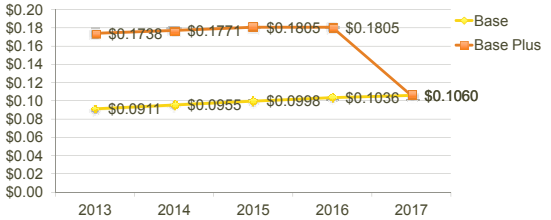
Proposed Summer residential rates



Standard rate per kWh for residential customers will merge over 4 years

SMUD

Proposed Winter/Spring/Fall residential rates



Standard rate per kWh for residential customers will merge over 4 years

SMUD

Increased monthly kWh allowances

The average customer uses 750 kWh per month

Summer

	2013	2014	2015	2016
All heating and cooling systems	700	765	835	1100

Winter

	2013	2014	2015	2016
Gas Heat system	620	690	770	1000
Electric Heat system	1120	1280	1500	3000

Spring/Fall

	2013	2014	2015	2016
Gas Heat system	620	690	770	1000
Electric Heat system	800	920	1100	3000

SMUD

SMUD's strong financial stewardship

Standard and Poor's recently upgraded SMUD's rating to AA-

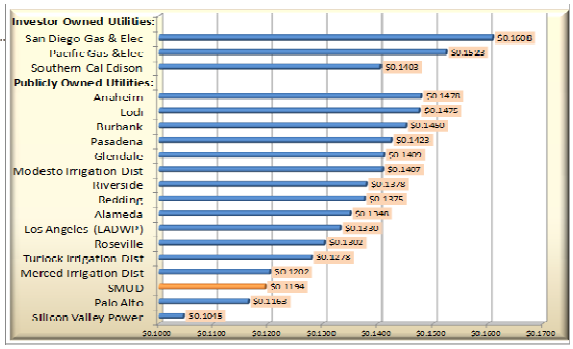
"The raised rating reflects the SMUD's very strong financial performance… which we believe is sustainable for the long-term."

"SMUD's management team is… strong, sophisticated and experienced, and has several tools at its disposal to manage risks associated with its power supply."

- Source: Standard and Poor's Ratings Direct report, April 11, 2013

SMUD

SMUD negotiates low energy rates



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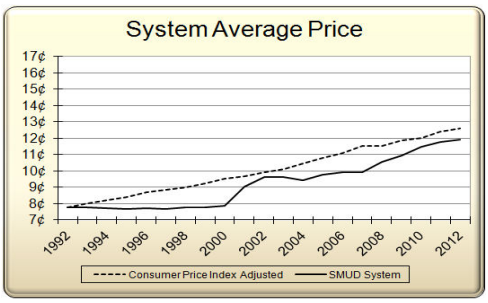
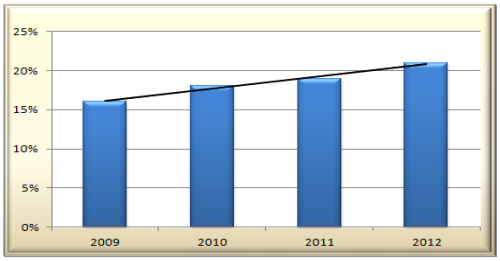
SMUD rates remain consistently lower than the Consumer Price Index



SMUD

More customers are eligible for Energy Assistance Programs



SMUD

Energy Assistance Program guidelines

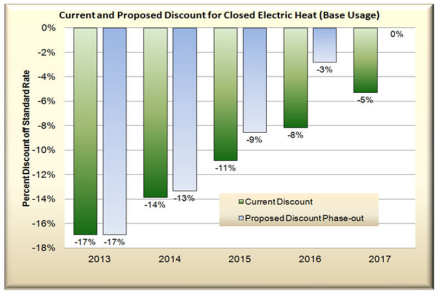
Effective June 1, 2013

Persons in Household	Monthly Income	Annual Income
1	$1,915	$22,980
2	$2,585	$31,020
3	$3,255	$39,060
4	$3,925	$47,100
5	$4,595	$55,140
6	$5,265	$63,180
Additional members (each)	$670	$8,040

*Households are eligible for the discounted rate if their income doesn't exceed 200 percent of the federal poverty level. These figures reflect that percentage.

SMUD

Phase out of electric heat discount



SMUD

Powering forward. Together.

SMUD

What is 'Time of Use' pricing?

- Better aligns pricing with the actual cost of providing service
- Pricing structure is similar to other services that charge based on time, like cell phones and travel
- Rates would be higher in the summer during peak hours of 4:00 pm to 7:00 pm, but lower the other 21 hours of the day
- Customers may offset the bill impact through energy efficiency measures and by shifting energy use away from the 4:00 pm to 7:00 pm time period
- Could begin in 2018 for all residential customers; commercial customers are already on this pricing structure

SMUD

How would the rate restructuring prepare for Time of Use?

- Price adjustments would be spread out over four years and would gradually merge until all residential customers are paying the same rate
- Customers would be given more kWh in their Base allowance from 2014-1016
- Some Base Plus customers would move to the lower Base rate
- In 2017 all residential customers would pay the same rate for energy; no allowances needed
- Additional tools and programs will be available to help customers control their costs

SMUD

Why is SMUD considering a change to Time of Use?

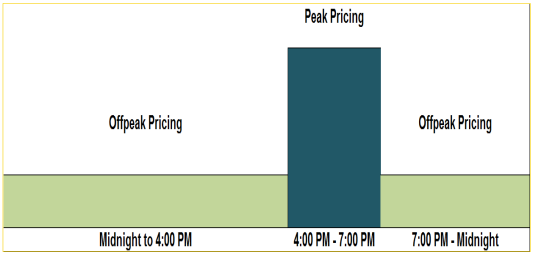
You would have better control of your bill

This would better align with actual costs of providing service

This change would benefit our community and the environment

SMUD

Example of Time of Use Pricing



SMUD

Water Utility Rate Setting

Sacramento County Water Agency

Zone 40-Capital Construction
Zone 41-Operations and Maintenance

June 17, 2013

Department of Water Resources
Steve Pedretti, Chief DWR

SCWA Water Supply Overview

- Sacramento County Water Agency (SCWA) provides water supply service to approximately 50,000 residential and business customers.
- SCWA Water Enterprise provides two water supply services:
  - Zone 40 Capital Construction
  - Zone 41 Operations and Maintenance

SCWA Rate Setting Overview

- SCWA Zone 40 and Zone 41 Water User Fees are charged monthly or bi-monthly through the Consolidated Utility Billing Service (CUBS).
- User fee increases are adjusted on a 2-year cycle.
- Previous user fee increase implemented July 7, 2011.
- Subject to Proposition 218 Notification Requirements and Majority Protest Process.

Overall Recommended Action

- The Proposition 218 process has begun for adopting a 2-year rate increase for both SCWA Zone 40 and Zone 41 Water User Fees as follows:

<u>Effective August 23, 2013</u>

Zone 40 Capital Construction - $1.50 per month

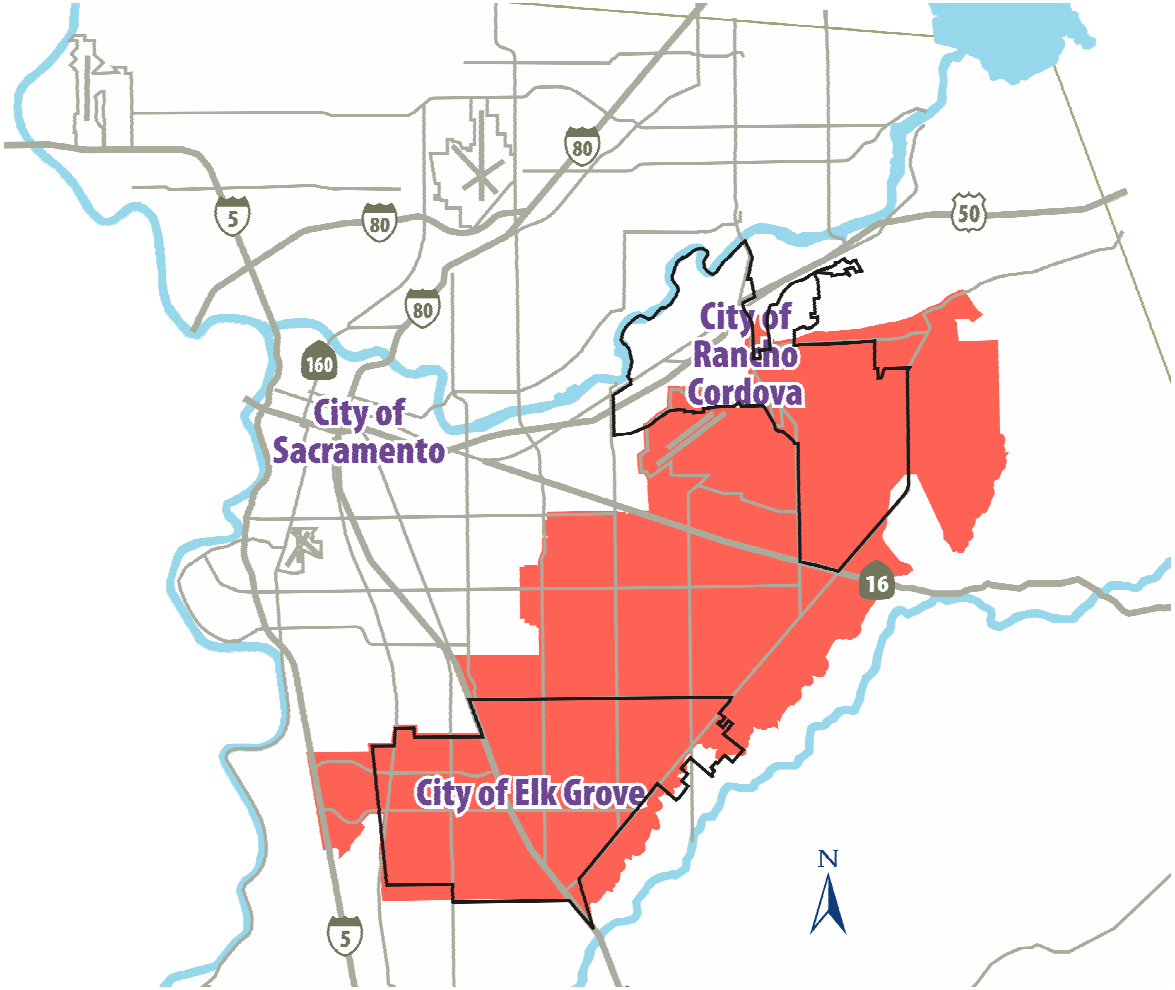
Zone 41 Operations and Maint.- $2.00 per month

<u>Effective July 1, 2014</u>

Zone 40 Capital Construction - $1.50 per month

Zone 41 Operations and Maint.- $1.00 per month

Zone 40 Service Area



Recommended Action – Zone 40

SCWA Zone 40 Capital Construction User Fee Increase

Effective August 23, 2013

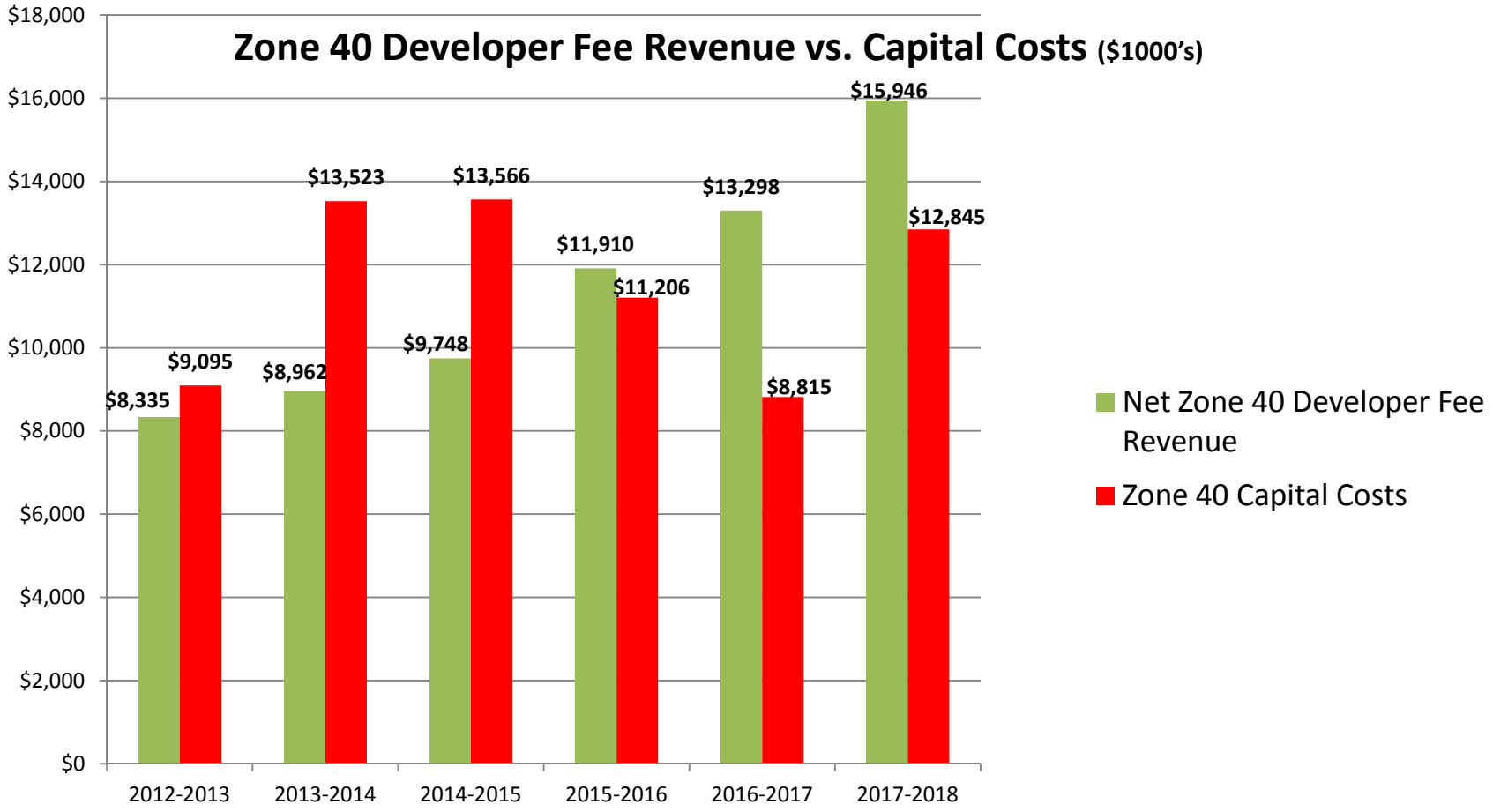
$1.50 per month

Effective July 1, 2014

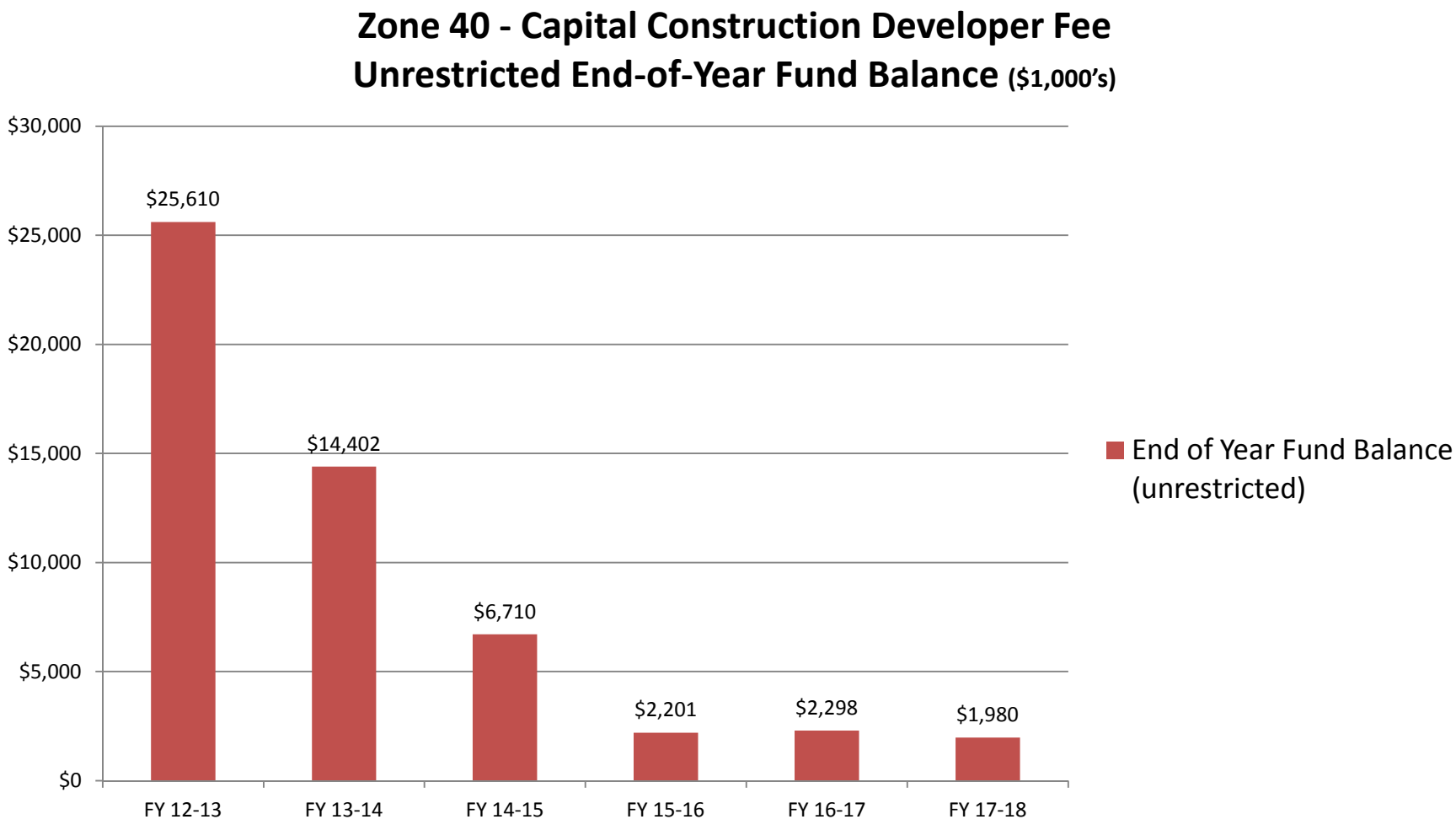
$1.50 per month

Proposed Zone 40 user fee increase shown is for a typical residential customer (metered and unmetered) within Zone 40. Commercial rates will increase commensurately.

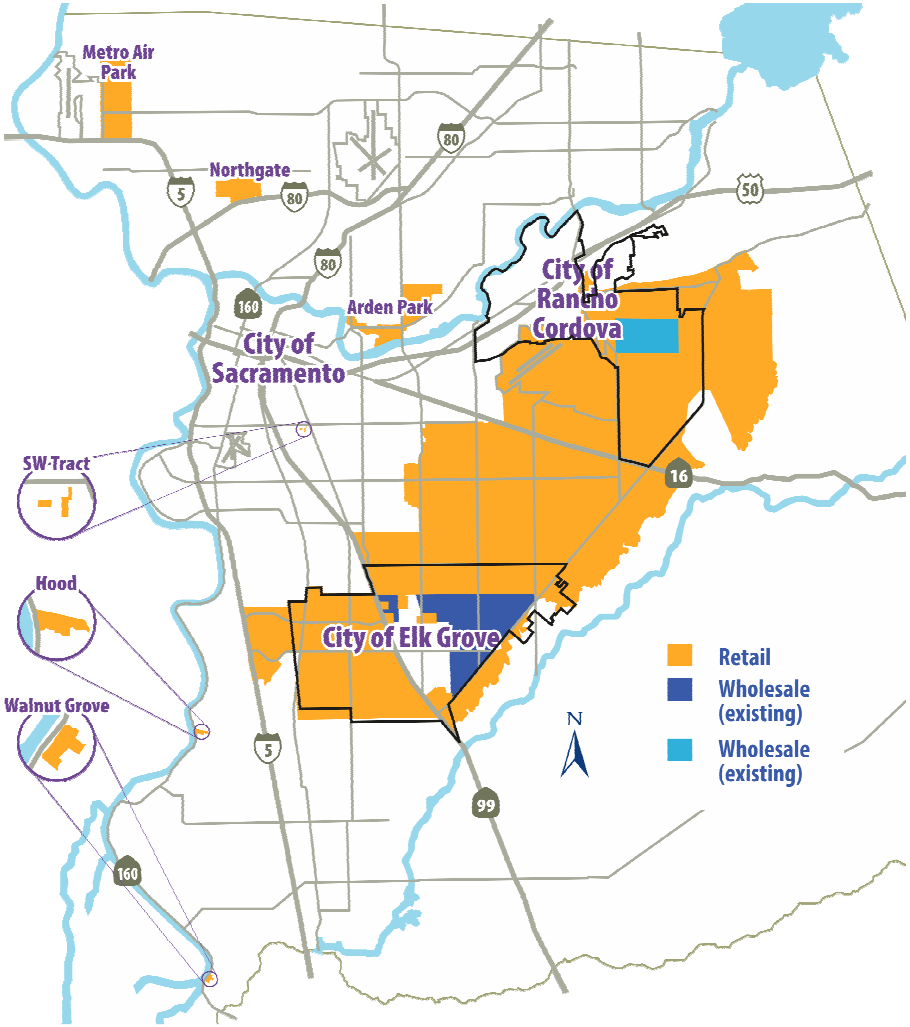
Zone 40 Capital Funding



Zone 40 Capital Funding



Zone 41 Service Area



Recommended Action – Zone 41

SCWA Zone 41 Operations and Maintenance
User Fee Increase

Effective August 23, 2013

$2.00 per month

Effective July 1, 2014

$1.00 per month

Proposed Zone 41 user fee increase shown is for a typical unmetered residential customer within Zone 41. Rates for metered residential customers and commercial customers will increase commensurately.

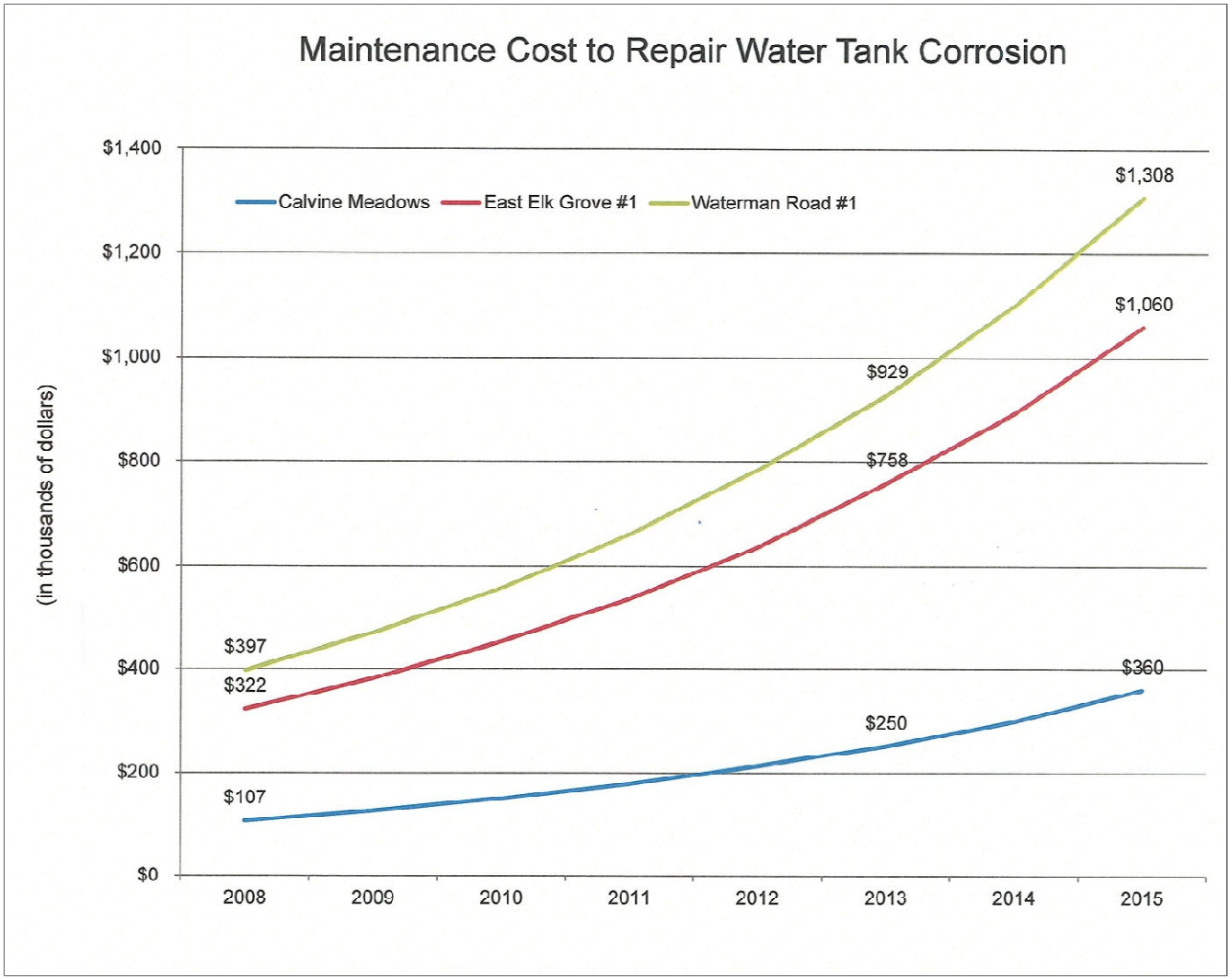
Rate Increase Drivers – Zone 41

- Zone 41 Operations and Maintenance User Fee increase is necessary to sustain long-term operations and maintenance of the water supply system.
- Deferral of maintenance programs impacting the condition of facilities and level of service to customers.
- New programs and regulatory requirements necessary.
- Fluoridation costs become responsibility of SCWA beginning in early 2015.
- Costs to operate new development infrastructure outpaces growth of customer base.

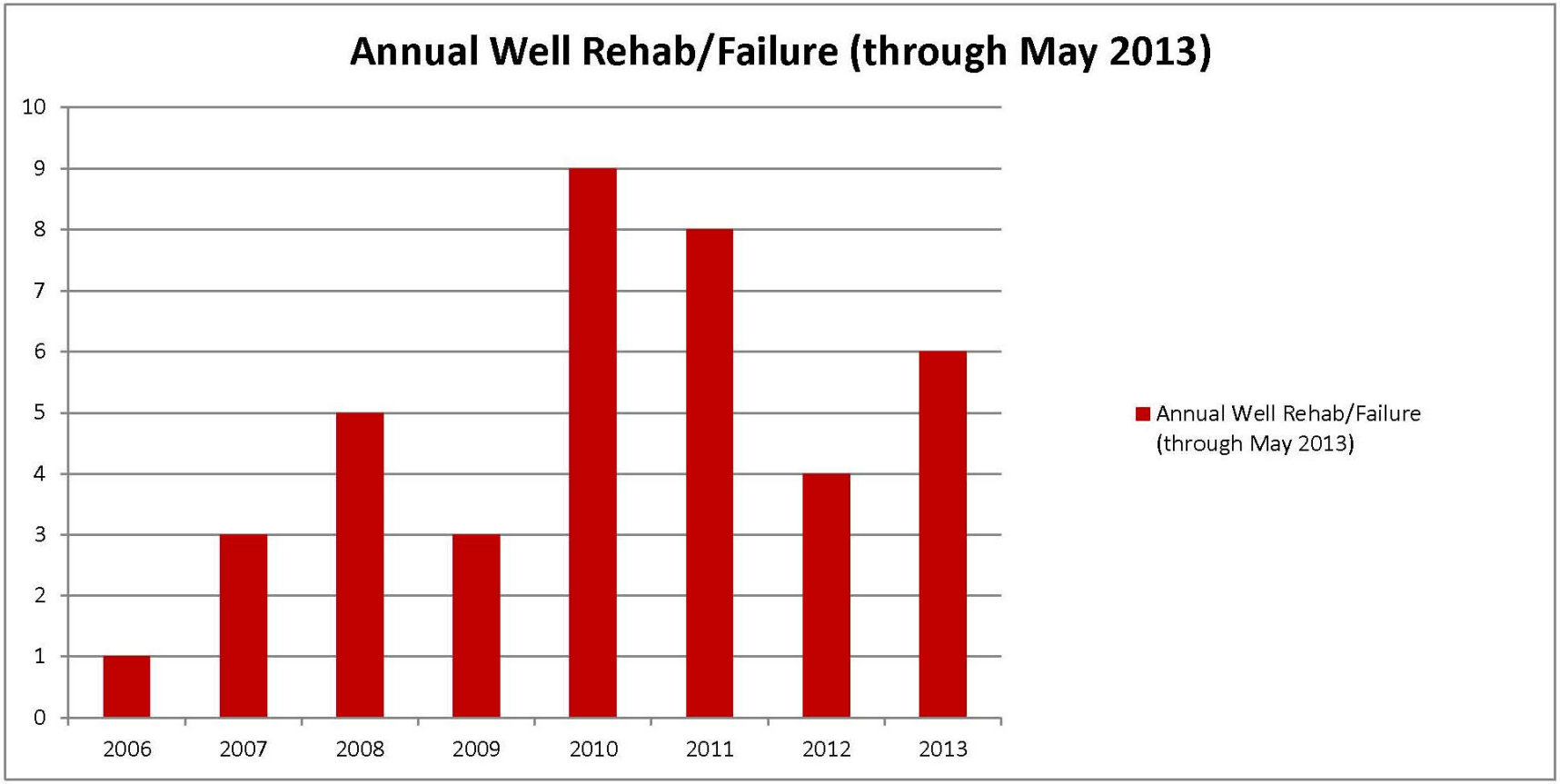
Rate Increase Drivers – Zone 41

- Previously implemented cost reduction measures including:
  - Reduced SCWA staffing levels
  - Deferred routine and preventative maintenance
  - Deferred new hires for Vineyard and Freeport
  - Modified procedures to reduce operating costs at Vineyard and Freeport
- Deferred activities have included:
  - Water tank coating maintenance
  - Corrosion protection monitoring and maintenance
  - Preventative well inspection/assessment
  - Proactive line flushing
  - Rehabilitation projects
  - 24/7 staffing at Vineyard

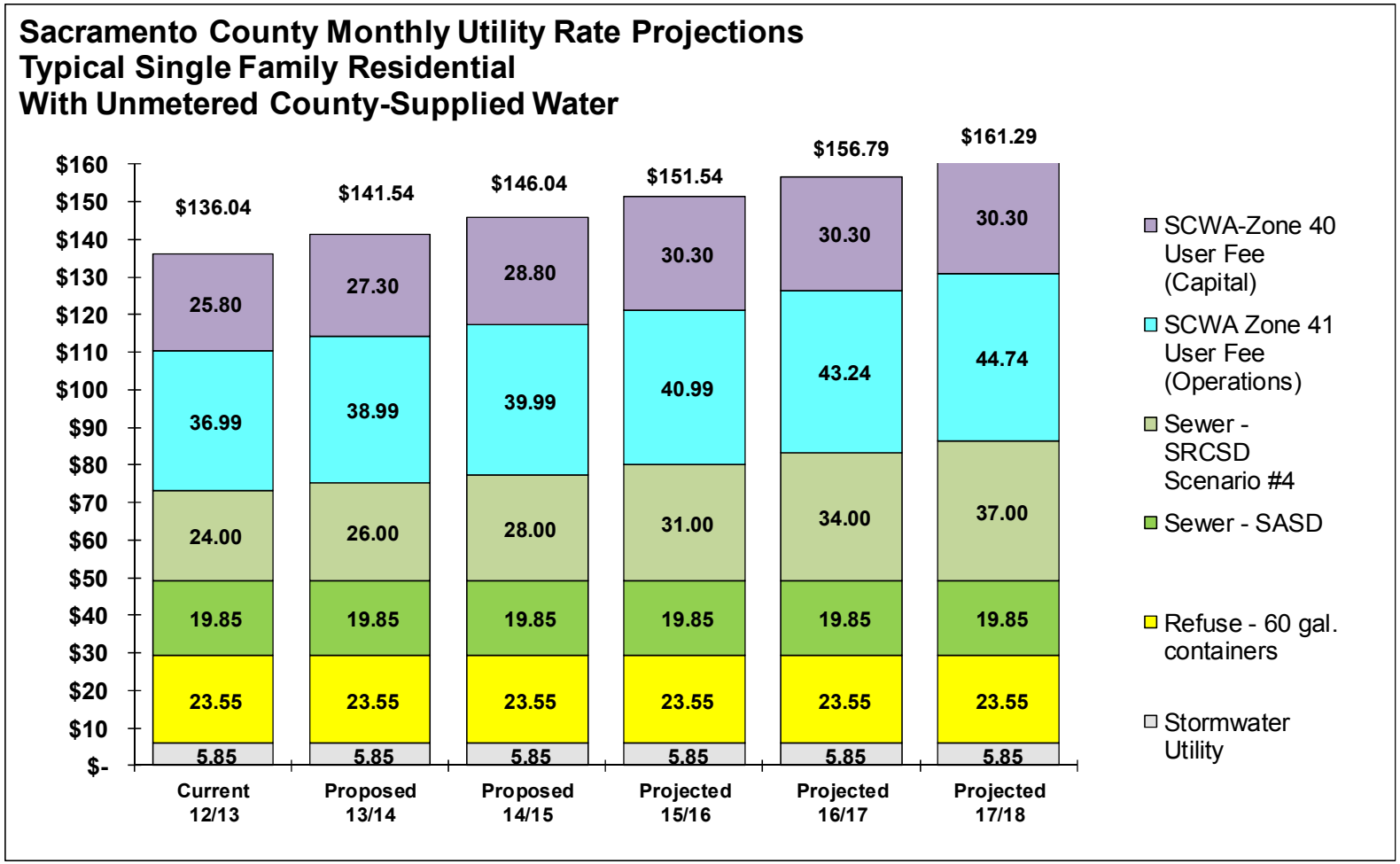
Rate Increase Drivers – Zone 41



Rate Increase Drivers – Zone 41



Estimated CUBS Utility Rate Projection



TOTAL SCWA (ZONES 40 + 41) PROJECTED INCREASE OVER 5 YEARS – 19.5%
TOTAL UTILITIES MONTHLY BILL PROJECTED INCREASE OVER 5 YEARS – 18.6%

Regional Water Rate Comparison

UTILITY DISTRICT	Current Monthly Rates Metered @ 20ccf	Proposed Rate Increase
SCWA Zone 40 Capital Construction	$25.80	$27.30 in FY 13/14; $28.80 in FY 14/15 11.6% over 2 years
CITY OF SACRAMENTO	$36.63	$40.29 in FY13/14; $44.33 in FY 14/15 21% increase over 2 years
SCWA Zone 41 Operations and Maintenance	$36.99	$38.99 in FY 13/14; $39.99 in FY 14/15 8.1% over 2 years
RIO LINDA WATER DISTRICT	$44.77	
CITY OF WEST SACRAMENTO	$43.25	10.8% Increase over next 3 years (increasing to $47.90 in FY 15/16)
GOLDEN STATE WATER	$41.26	
FAIR OAKS WATER DISTRICT	$41.55	$43.37 in Nov 2014
CITY OF STOCKTON	$59.40	
CITY OF FOLSOM	$48.60	
SACRAMENTO SUBURBAN WATER	$51.95	Rate study in process
PLACER COUNTY WATER AGENCY	$54.70	
SCWA Zone 40/Zone 41 (For customers in both service areas)	$62.79 (Total of both SCWA rates above)	$66.29 in FY 13/14; $68.79 in FY 14/15 9.6% over 2 years (19.5% projected over 5 yrs.)
AMERICAN WATER	$85.59	
ELK GROVE WATER SERVICE	$85.73	16.6% increase over next 5 Yrs. (increasing to $99.98 on Jan.1, 2018)

Overall Recommended Action

- The Proposition 218 process has begun for adopting a 2-year rate increase for both SCWA Zone 40 and Zone 41 Water User Fees as follows:

<u>Effective August 23, 2013</u>

Zone 40 Capital Construction - $1.50 per month

Zone 41 Operations and Maint.- $2.00 per month

<u>Effective July 1, 2014</u>

Zone 40 Capital Construction - $1.50 per month

Zone 41 Operations and Maint.- $1.00 per month

Timelines

- May 31, 2013 - Direct mail notification sent to all impacted customers regarding proposed rate increase, scheduled public hearing, and protest process no later than this date.
- May through August 2013 - Public meetings and other outreach as needed.
- July 16, 2013 - Public hearing.
- July 23, 2013 - Adoption of Ordinance for rate increase.
- August 23, 2013 - Implementation of new rates approved by Boards.

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

City Hall
2729 Prospect Park Drive, Rancho Cordova

Monday, June 03, 2013

4:00 PM – Special Meeting
American River Community Room North

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

Special Meeting/Work Session to Follow the Regular Meeting

DRAFT MINUTES

1. STUDY SESSION - CALL TO ORDER/ROLL CALL

Council Members Present:	McGarvey, Skoglund, Budge, Sander (at 6:39 PM), Terry
Council Members Absent:	None.
Staff Members Present:	Gaebler, Lindgren, Cuppy, Abhar, Junker, Silva, Chinn, Gassaway, Holt, Runner, Simpson, Snyder, Haven, Samuelson

2. PUBLIC COMMENT

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

3. SPECIAL MEETING ITEM

3.1 **Subject:** Police Services Option Review.

Item 3.1 was continued to the Special Meeting following the Regular Meeting.

4. ADJOURNMENT OF STUDY SESSION

Mayor Budge adjourned the meeting at 5:24 PM.

5. REGULAR MEETING - CALL TO ORDER / ROLL CALL

Council Members Present:	McGarvey, Skoglund, Budge, Terry Sander arrived at 6:39 PM
Council Members Absent:	None.
Staff Members Present:	Gaebler, Lindgren, Cuppy, Abhar, Silva, Campbell, Chinn, Gassaway, Hadley, Hayes, Holt, Runner, Snyder, George, Sparkman, Stricker

6. METRO CABLE TELEVISION ANNOUNCEMENT

The City Clerk read the meetings recordings and playback schedules.

7. PLEDGE OF ALLEGIANCE

Mike Treacy led the pledge.

8. INVOCATION

Mark Cooper from Sacramento Law Enforcement Chaplaincy gave the invocation.

9. PRESENTATIONS

9.1 California Capital Airshow Update by Rancho Cordova Board Representative, Mike Treacy.

10. PUBLIC COMMENT

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

- Stephanie Snyder, regarding the 4th of July Celebration Event.

Mayor Budge closed the public comment period.

11. COUNCIL REPORTS

Council reported on events since the last meeting.

12. CONSENT CALENDAR ITEMS - ROLL CALL VOTE

ACTION: Motion to approve items 12.1 - 12.9 by Terry second by McGarvey;

Carried by a 4:0 roll call vote. (Sander absent)

ACTION: 12.10 was pulled for discussion. Motion to approve by Skoglund second by Terry; Carried by a 4:0 voice vote. (Sander absent)

12.1 **Subject:** Meeting Minutes of May 20, 2013 Special Meeting/Regular Meeting and May 28, 2013 Special Meeting.
Recommendation: Adopt Minutes.

12.2 **Subject:** An Ordinance Amending Title 6 (Health and Sanitation) and Title 23 (Zoning Code) of the Municipal Code.
Recommendation: Waive the second reading and adopt Ordinance No. 13-2013.
Result of Recommended Action: Adopting this Ordinance will Correct typographical errors and minor content errors with Title 6 (Health and Sanitation) and Title 23 (Zoning Code). The most significant changes would involve revising graphics to better illustrate existing standards and adding text that better explains how existing standards are to be applied. These revisions will improve clarity of these two sections of the Municipal Code, but will not result in substantive changes to current City regulations.
Staff Report: Jessica Jordan, Senior Planner.
Advances Goals: 1 and 2.

12.3 **Subject:** Second Reading of Ordinance No. 14-2013, Amendment of the City Zoning Code for the Mather Field Special Planning Area.
Recommendation: Waive the second reading and adopt Ordinance No. 14-2013, amending Title 23.1000.030 C6 entitled "Mather Field Special Planning Area" to insert the term "permanent supportive housing" to the list of permitted uses in the "Campus District" of the "Human Services Subarea".
Result of Recommended Action: This action will permit the City and the developer, Mercy Housing, to proceed with plans and submittals necessary to build and operate up to 160 residential units/beds for disabled, homeless veterans within a project called "Mather Veterans' Village."
Staff Report: Reed Flory, Housing Services Administrator and William Campbell, Principal Planner.
Advances Goal: 5.

12.4 **Subject:** Designation of the City of Rancho Cordova as Part of the Sacramento Regional Recycling Market Development Zone.
Recommendation: Adopt Resolution No. 60-2013.
Result of Recommended Action: Adoption of this Resolution authorizes the City of Rancho Cordova as a member of the Sacramento Regional Recycling Market Development Zone consisting of the cities of Sacramento, Citrus Heights, Folsom, Elk Grove, West Sacramento, Galt, and the unincorporated areas of Sacramento County.
Staff Report: Micah Runner, Economic Development.
Advances Goals: 1 and 6.

12.5 **Subject:** Resolution Authorizing the City Manager to Execute a Contract Amendment with Siemens Industry, Inc. for On-Call Electrical Maintenance Services.
Recommendation: Adopt Resolution No. 57-2013.
Result of Recommended Action: Adoption of this resolution will authorize the City Manager to amend Contract No. 9-2012 for on-call electrical maintenance services with Siemens Industry, Inc. (formally Republic ITS) to increase the contract value a total of $100,000 from $200,000 to $300,000.

Staff Report: Cyrus Abhar, Public Works Department
Advances Goals: 2 and 5.

12.6 **Subject:** Resolution Authorizing the City Manager to Execute a Contract Amendment for Household Hazardous Waste Collection Program with the County of Sacramento.
Recommendation: Adopt Resolution No. 58-2013.
Result of Recommended Action: Adoption of this resolution will allow the City to continue participating in the Household Hazardous Waste Collection Program with Sacramento County for an additional year.
Staff Report: Cyrus Abhar, Public Works Department.
Advances Goals: 2, 3, and 5.

12.7 **Subject:** Resolution Initiating Proceedings For The Annual Levy And Collection Of Assessments And A Resolution Preliminarily Approving The Engineer's Annual Levy Report And Declaring Its Intention To Levy And Collect Annual Assessments For The Rancho Cordova Lighting District No. 2012-1 For Fiscal Year 2012-2013.
Recommendation:
That City Council adopts:
a) Resolution No. 65-2013 Initiating Proceedings for the Annual Levy and Collection of Assessments for the Rancho Cordova Lighting District No. 2012-1 for Fiscal Year 2013-2014; and
b) Resolution No. 66-2013 Preliminarily Approving the Engineer's Annual Levy Report and Declaring its Intention to Levy and Collect Annual Assessments for the Rancho Cordova Lighting District No. 2012-1 for Fiscal Year 2013-2014.
Result of Recommended Action: The recommended actions are required as part of the process to continue the annual levy and collection of assessments in the District. The assessments fund street lights and safety lights in the District. There are no new impacts to existing or new residents. No assessments shall increase as a result of this action.
Staff Report: Cyrus Abhar, Public Works Department.
Advances Goal: 5.

12.8 **Subject:** Resolution Initiating Proceedings for the Annual Levy and Collection of Assessments and a Resolution Preliminarily Approving the Engineer's Annual Levy Report and Declaring its Intention to Levy and Collect Annual assessments for the Landscaping and Lighting District No. 2005-1 for Fiscal Years 2013-2014.
Recommendation: That City Council adopts:
a) Resolution No. 67-2013 initiating proceedings for the annual levy and collection of assessments for the Landscaping and Lighting District 2005-1 for Fiscal Year 2013-2014; and
b) Resolution No. 68-2013 preliminarily approving the Engineer's Annual Levy Report and declaring its intention to levy and collect annual assessments for the Landscaping and Lighting District 2005-1 for Fiscal Year 2013-2014.
Result of Recommended Action: The recommended actions are required as part of the process to continue the annual levy and collection of assessments in the District. The assessments fund landscape maintenance in the District. There are no new impacts to existing or new residents. No assessments shall increase as a result of this action.
Staff Report: Cyrus Abhar, Public Works Department
Advances Goal: 5.

12.9 **Subject:** Resolution Authorizing the City Manager to Execute Contract Amendment for On-Call Consulting Services with Willdan Engineering.

Recommendation: Adopt Resolution No. 69-2013.
Result of Recommended Action: Adoption of this resolution will authorize the City Manager to amend Contract No. 33-2010 for on-call consulting services with Willdan Engineering to amend the scope of services to include language for extension of staff.
Staff Report: Cyrus Abhar, Public Works Department.
Advances Goal: 5.

12.10 **Subject:** Formal Requests for Additional Sewer Credits.
Recommendation: Authorize the Mayor to submit a letter to the Sacramento Regional County Sanitation District (SRCSD) asking the Board to correct the inequitable distribution of sewer credits by either working with Sacramento County to redistribute a portion of the County credits or by allocating SRCSD credits to the City of Rancho Cordova.
Result of Recommended Action: Approval of this recommendation will allow staff to present a letter to the SRCSD Board at the June 12, 2013 board meeting. This letter is requesting the Board to correct the current inequity in the regional distribution of sewer credits by transferring 500 or a reasonable amount close to 500 to the City of Rancho Cordova.
Staff Report: Micah Runner, Economic Development Manager.
Advances Goal: 5.

13. CONSENT PUBLIC HEARING ITEMS - ROLL CALL VOTE

NONE.

14. PUBLIC HEARING ITEMS

14.1 **Subject:** Ordinance No. 15-2013, Adding Chapter 23.925 "Medical Marijuana Dispensaries, " to Title 23 "Zoning Code"; Amending Title 23, Chapter 23.304 "Land Use Classifications", Adding Chapter 9.102, "Medical Marijuana Dispensaries" to Municipal Code Title 9, "Public Peace, Morals, and Safety;" and Amending Title 4, "Business Regulations," Chapter 4.06 "General Business Licenses," Prohibiting the Establishment of Medical Marijuana Dispensaries in the City.
Recommendation: Waive first reading and introduce Ordinance 15-2013.
Result of Recommended Action: Adoption of this Ordinance is consistent with the City's desire to protect the safety and welfare of the City's residents by prohibiting medical marijuana dispensaries in the City, as permitted by the California Supreme Court in its recent decision in City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc. et al., (S198638)
Staff Report: Adam U. Lindgren, City Attorney and Rosanne Richeal, Police Chief.
Advances Goals: 1 and 2.

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

ACTION: Motion to approve by Skoglund second by McGarvey;
Carried by a 4:0 roll call vote. (Sander absent)

14.2 **Subject:** Public Hearing on, and Adoption of, the Fiscal Years 2013-2015 Operating Budget for the City of Rancho Cordova, Including the Determination of the Appropriations (Gann) Limit, and the Adoption of the Five-Year Capital Improvement Plan 2014-2018.

Recommendation: That Council:
Receive input from the public on the Proposed Budget for Fiscal Years 2013-2015 for the City of Rancho Cordova. Direct staff to process changes discussed during the public hearing, if any, and return with a Fiscal Years 2013-2015 Proposed Budget for final deliberation at this meeting or on June 17, 2013. If no changes are directed, the Proposed Budget and Five Year Capital Improvement Plan (CIP) can be adopted immediately following the public hearing by adopting:
a) Resolution No. 62-2013 Approving the Appropriations Limit for the Fiscal Year 2013-14 and making the Annual election for Adjustment Factors.
b) Resolution No. 63-2013 Approving the Operating Budget for the Fiscal Year July 1, 2013 through June 30, 2015 and Providing for the Appropriations and Expenditures of all Sums.
c) Resolution No. 64-2013 Approving the Five Year Capital Improvement Plan for the Five Fiscal Years beginning July 1, 2014 and ending June 30, 2018.
Result of Recommended Action: The public hearing will provide the public the opportunity to have input on the fiscal years 2013/15 budget prior to adoption of same by council. Once adopted by council, the Budget will be used to guide the financial operations of the City for the period of July 1, 2013 through June 30, 2015 and serves as the legal authority for spending. Approval of the Appropriations Limit and factors used therein will ensure compliance with state law. Adoption of the Five Year Capital Improvement Plan will provide a spending plan and timeline for approved projects and ensures that adequate resources are set aside to provide funding for these multiple year, large scale projects.
Staff Report: Donna Silva, Finance Director.
Advances Goal: 5.

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

ACTION: Motion to approve by Terry second by Sander;
Carried by a 5:0 roll call vote.

14.3 **Subject:** American Family Entertainment Center Design Review; Project No. DD0038-179 – Located on the Eastside of Kilgore Road Between Trade Center Drive and Sun Center Drive.
Recommendation: Review and accept the design review package, continue item to June 17th for formal action on design and finance package.
Result of Recommended Action: Acceptance of the design package would provide the approval to prepare the final plans for the construction of a 72,682 square foot entertainment center building on the eastern side of the 13.2 acre development site. Conditions of Approval have been prepared that would address the final review of the constructions plans, prior to the issuance of building permits.
Staff Report: William Campbell, Principal Planner.
Advances Goals: 1, 2, and 6.

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

- Russ Naylor, Nichols Naylor Architects

Mayor Budge closed the public comment period.

ACTION: Motion to accept design review and postpone action until the July 1, 2013 Regular Meeting by Terry second by McGarvey.
Carried by a 5:0 voice vote.

15. REGULAR CALENDAR ITEMS

15.1 **Subject:** Review the Finance Agreement for the Development of a New Rancho Cordova Entertainment Center.
Recommendation: Review the proposed Finance Agreement with Rancho Cordova Entertainment Group LLC and direct staff to bring back the final agreement for approval.
Result of Recommended Action: Review and approval of this recommendation will allow staff to bring back for final approval the Finance Agreement that establishes the terms and conditions of the City's participation in the development of a new family entertainment center.
Staff Report: Micah Runner, Economic Development and Donna Silva, Finance Director.
Advances Goals: 1 and 6.

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

ACTION: Motion to approve by McGarvey second by Sander;
Carried by a 5:0 voice vote.

16. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

Terry - Requested an update on the Capital Improvement Plan.

17. CITY MANAGER'S REPORT

NONE.

18. ADJOURNMENT

Adjourned to continuation of Special Meeting at 7:39 PM.

19. SPECIAL MEETING - CALL TO ORDER/ROLL CALL

Mayor Budge called the special meeting to order in the David B. Roberts Council Chambers at 8:06 PM.

Council Members Present:	McGarvey, Skoglund, Budge, Sander, Terry
Council Members Absent:	None
Staff Members Present:	Gaebler, Lindgren, Cuppy, Abhar, Silva, Chinn, Gassaway, Holt, Haven

2. PUBLIC COMMENT

3. SPECIAL MEETING ITEMS

3.1 **Subject:** Police Services Option Review continued from 5:24 PM.

ACTION: Discussion item only; no action taken.

5. ADJOURNMENT OF STUDY SESSION

Mayor Budge adjourned the special meeting to a regular meeting at 10:04 PM.

_____
Mindy Cuppy, CMC, City Clerk

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

City Hall
2729 Prospect Park Drive, Rancho Cordova

Tuesday, June 11, 2013

5:30 PM – Special Meeting
American River Community Room North

DRAFT MINUTES

1. WORK SESSION - CALL TO ORDER/ROLL CALL

Council Members Present:	McGarvey, Budge, Sander, Skoglund (at 6:06 PM), Terry
Council Members Absent:	None
Staff Members Present:	Gaebler, Lindgren, Cuppy, Abhar, Gassaway, Junker, Runner, Simpson, Haven, Jordan, Silva (at 6:36 PM), Snyder (at 6:36 PM), Hall (at 7:26 PM), Holt (at 7:36 PM)

Mayor Budge called the special meeting to order in the American River Community Room North at 5:55 PM.

2. PUBLIC COMMENT

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

3. SPECIAL MEETING ITEMS

3.1 **Subject:** Folsom Boulevard Specific Plan Check In and Key Issues Discussion.
Recommendation: Receive summary of stakeholder outreach, consider staff's presentation and provide direction on key issues, and provide input on recommendations for the update of the Folsom Boulevard Specific Plan.
Result of Recommended Action: Council direction on key issues and input on recommendations for plan amendment and will allow staff to proceed with updating the Folsom Boulevard Specific Plan.
Staff Report: Paul Junker, Planning Director.
Advances Goals: 1, 2, and 6.

ACTION: Discussion item only; no action taken.

AT THIS POINT: Council took a brief recess at 7:41 PM. The full council resumed at 7:57 PM.

3.2 **Subject:** Charter City Discussion.
Result of Recommended Action: Discussion item only.
Staff Report: David Gassaway, Public Works.
Advances Goals: 1, 4, and 5.

ACTION: Discussion item only; no action taken.

4. ADJOURNMENT

Mayor Budge adjourned the meeting at 9:01 PM.

_____
Mindy Cuppy, CMC, City Clerk

CITY OF RANCHO CORDOVA

ORDINANCE NO. 15-2013

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA ADDING CHAPTER 23.925 "MEDICAL MARIJUANA DISPENSARIES," TO TITLE 23 "ZONING CODE;" AMENDING TITLE 23, CHAPTER 23.304 "LAND USE CLASSIFICATIONS"; ADDING CHAPTER 9.102, "MEDICAL MARIJUANA DISPENSARIES" TO MUNICIPAL CODE TITLE 9, "PUBLIC PEACE, MORALS AND SAFETY"; AND AMENDING TITLE 4, "BUSINESS REGULATIONS," CHAPTER 4.06 "GENERAL BUSINESS LICENSES," PROHIBITING THE ESTABLISHMENT OF MEDICAL MARIJUANA DISPENSARIES IN THE CITY

WHEREAS, on November 5, 1996, the voters of the State of California approved Proposition 215, "The Compassionate Use Act of 1996" ("the CUA" or "Act"), codified as California Health and Safety Code section 11362.5 *et seq.*. The intent of Proposition 215 was to enable seriously ill Californians access to medical marijuana under limited, specified circumstances; and

WHEREAS, despite voter approval of the Compassionate Use Act, various problems and uncertainties in the Act impeded law enforcement's ability to interpret and enforce the law, and the uncertainties also hindered persons eligible to use marijuana for medical purposes from accessing marijuana, while many persons took advantage of the Act to use marijuana for recreational and not medicinal purposes; and

WHEREAS, the Compassionate Use Act is limited in scope, in that it only provides a defense from State criminal prosecution for possession and cultivation of marijuana to qualified patients and their primary caregivers; and

WHEREAS, in 2003, the California Legislature adopted Senate Bill 420, effective January 1, 2004, adding Article 2.5, "Medical Marijuana Program" to Division 10 of the California Health and Safety Code section 11362.7 *et seq.* ("Medical Marijuana Program Act" or "MMPA"), which authorizes cities to adopt and enforce rules and regulations consistent with the MMPA (Health & Safety Code section 11362.83.); and

WHEREAS, on January 3, 2006, the City adopted Ordinance 29-2005 prohibiting uses that are "illegal under local, state, or federal law." The Ordinance codified Section 23.304.020(C) into the Rancho Cordova Municipal Code to read as follows: "Illegal Uses. No use that is illegal under local, state, or federal law shall be allowed in any zoning district within the city." Because medical marijuana dispensaries are not legal under Federal law, this section prohibits the establishment of such a use within the City. However, the Ordinance did not specifically list medical marijuana dispensaries as a prohibited use, which has caused many dispensaries to argue against the ordinance; and

WHEREAS, pursuant to Government Code section 65858, the City has adopted urgency ordinances imposing temporary moratoria on the establishment and operation of medical marijuana dispensaries; and

WHEREAS, on May 6, 2013, the California Supreme Court issued the long-awaited decision in City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc. et al., (S198638) upholding the ban by the City of Riverside on medical marijuana collectives,

cooperatives and dispensaries. The Court held that Riverside's ban on medical marijuana dispensaries was not preempted by California law, as set forth in the CUA or the MMPA, and thus, the ban was valid; and

WHEREAS, the recent California Supreme Court decision finally provides the City guidance regarding its options related to medical marijuana dispensaries. The City can now complete its analysis and consider possible regulations on these establishments consistent with the recent California Supreme Court decision; and

WHEREAS, staff anticipates that the new court decision will result in more aggressive behavior and probing of legal issues by the medical marijuana dispensaries towards jurisdictions that have not yet established regulations or bans on such facilities. This Ordinance will make clear that medical marijuana dispensaries are prohibited in the City; and

WHEREAS, in adopting this Ordinance, the City Council takes legislative notice of the following cases that it finds to be relevant to its actions:

1. City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc. et al., (2013) (S198638) [California Supreme Court upholds the ban by the City of Riverside on medical marijuana collectives, cooperatives and dispensaries. The Court held that Riverside's ban on medical marijuana dispensaries was not preempted by California law, as set forth in the CUA or the MMPA, and thus, the ban was valid. The Court concluded that because neither the CUA nor the MMPA expressly or impliedly preempt the authority of local governments, local governments may, under traditional land use and police powers, allow, restrict, limit or entirely exclude medical marijuana dispensaries];

2. Claremont v. Kruse (2009) 177 Cal.App.4th 1153 [California Court of Appeal holding that neither the Act nor the Program expressly or impliedly preempt local exercise of land use and zoning police powers];

3. People v. Urziceanu (2005) 132 Cal.App.4th 747 [California Court of Appeal noting that courts consistently have rejected attempts to broaden the scope of the Act and the Program and recognizing that the Act did not create a constitutional right to obtain marijuana];

WHEREAS, marijuana remains an illegal substance under the Federal Controlled Substances Act, 21 U.S.C. § 801, et seq., and is classified as a “Schedule I Drug” which is defined as a drug or other substance that has a high potential for abuse, that has no currently accepted medical use in treatment in the United States, and that has not been accepted as safe for its use under medical supervision. Furthermore, the Federal Controlled Substances Act makes it unlawful for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense marijuana. The Controlled Substances Act contains no statutory exemption for the possession of marijuana for medical purposes; and

WHEREAS, the City Council, in adopting this Ordinance, takes further legislative notice of the existence and content of the following reports concerning the negative secondary effects and adverse impacts of facilities dispensing medical marijuana: September 2009, “California Police Chief’s Association Position Paper on Decriminalizing Marijuana”; April 22, 2009, “White Paper on Marijuana Dispensaries” issued by California Police Chiefs Association’s Task Force on Marijuana Dispensaries; “Medical Marijuana Dispensaries and Associated Issues” presented

to the California Chiefs of Police Association, April through June 2010; “Medical Marijuana Dispensaries and Associated Issues” presented to the California Chiefs of Police Association, January through March 2010; “Medical Marijuana Dispensaries and Associated Issues” presented to the California Chiefs of Police Association, July through September 2009; “Medical Marijuana Dispensaries and Associated Issues” presented to the California Chiefs of Police Association, April to June 2009; “Medical Marijuana Dispensaries and Associated Issues” presented to the California Chiefs of Police Association, January to March 2009; “Medical Marijuana Dispensaries and Associated Issues” presented to the California Chiefs of Police Association, September to December 2007; “Medical Marijuana Dispensaries and Associated Issues” presented to the California Chiefs of Police Association; and

WHEREAS, the City Council finds that these reports are relevant to the problems addressed by the City in enacting this Ordinance to preserve and safeguard public health, safety and welfare by protecting against the negative secondary effects and adverse impacts of facilities dispensing medical marijuana, and more specifically finds that these reports provide convincing evidence that:

1. There is substantial evidence that other California cities that have permitted the establishment and operation of facilities for the purpose of dispensing medical marijuana have experienced negative secondary effects and adverse impacts, including an increase in crimes of marijuana and narcotics distribution and use; an increase in other criminal activities in the vicinity of these facilities, such as robbery of patients as they go in or leave the dispensaries; increase instances of DUIs and street dealings of illegal drugs; burglary of facilities dispensing medical marijuana; increase in violent crimes, such as armed robberies and murders; loss of trade for other commercial businesses located near these facilities; organized crime involvement in the ownership and operation of marijuana dispensaries; money laundering and firearm violations; physicians making recommendations for questionable or potentially questionable cases of qualified use of medical marijuana; unjustified and fictitious physician recommendations; street dealers in the vicinity of dispensaries offering marijuana at a lower price to arriving patrons; smoking of marijuana in the public; and increased noise and pedestrian traffic.

2. In light of the negative secondary effects and adverse impacts described above, the City Council finds that operation of facilities dispensing medical marijuana will burden and strain the City’s law enforcement resources, in that law enforcement assistance would often be required to address and respond to various identified criminal activities.

3. California communities have also experienced that the operation of facilities dispensing medical marijuana negatively impacts minors. For example, medical marijuana dispensaries advertise to high school students by leaving fliers on cars in the students’ parking lot and offering discounts on marijuana products; medical marijuana shops target healthy minors through street contacts, suggesting that students obtain medical marijuana cards; high school students are reportedly obtaining physician recommendations to use marijuana for such conditions as sleeplessness and stress; and minors are obtaining medical marijuana cards or physical recommendation for recreational and non-medicinal purposes. The City Council recognizes the possible harmful effects on minors exposed to the negative secondary effects and adverse impacts of facilities dispensing medical marijuana

and recognizes the need to adopt this Ordinance, which will minimize and/or eliminate such exposure within the City of Rancho Cordova.

4. California communities have reported that the vast majority of facilities dispensing medical marijuana, purportedly as "cooperatives" or "collectives," are operating in violation and contrary to the CUA and the MMPA, in that these marijuana dispensing facilities are large money making enterprises and are generally operating for profit and are engaging in the "sale" of marijuana, instead of distributing or making marijuana available to qualified patients.

5. In addition to the illegal operations of these money-making entities that sell marijuana, California communities have reported concerns over the quality of marijuana, in that certain chemicals including pesticides and insecticides, have been discovered in the marijuana. In 2010, testing of certain "medical marijuana" distributed through a dispensary in Los Angeles County revealed high levels of Bifenthrin, a known form of pesticide or insecticide. Most marijuana dispensaries do not test the marijuana for dangerous and poisonous substances, nor are warning labels generally attached. The unmonitored, untested and unlabeled distribution of marijuana poses serious health and safety concerns.

6. These reports and experiences from other California cities and counties establish, by convincing evidence, that facilities dispensing and distributing medical marijuana negatively impact the health, safety and welfare of the community because of the secondary negative effects and adverse impacts described in Subparagraphs (1) - (5), above.

7. Relying on the above, the City Council also finds that facilities dispensing and distributing medical marijuana may lead to the detrimental secondary effects and adverse impacts, as specifically described in Subparagraphs (1)-(6) above. The City bases this conclusion on the experiences of California communities which the City has a reasonable basis to believe reflect the experiences of its own community.

WHEREAS, persons in the City of Rancho Cordova that may be in need of medical marijuana have access to facilities dispensing marijuana in neighboring cities within a short car ride away, including, but not limited to, the City of Sacramento and City of Stockton; and

WHEREAS, pursuant to the City's police powers authorized in Article XI, Section 7 of the California Constitution, the California Supreme Court decision in City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc. et al., (2013) (S198638), as well as under the Rancho Cordova Municipal Code, the City has the power to regulate permissible land uses throughout the City and to enact regulations for the preservation of public health, safety and welfare of its residents and community. And, pursuant to Government Code section 38771, the City has the power through its City Council to declare actions and activities that constitute a public nuisance; and

WHEREAS, the City Council finds that the public health, safety and general welfare of the City and its residents necessitates and requires the adoption of this Ordinance, prohibiting the establishment and operation of medical marijuana dispensaries, cooperatives and collectives in order to: (a) protect and safeguard against the detrimental secondary negative effects and adverse impacts of facilities dispensing medical marijuana, as more specifically described in these findings; (b) preserve and safeguard the minors, children and students in the

community from the deleterious impacts of medical marijuana facilities; and (c) preserve the City's law enforcement services, in that monitoring and addressing the negative secondary effects and adverse impacts will likely burden the City's law enforcement resources. The City Council further finds that due to the negative secondary effects and adverse impacts of facilities dispensing medical marijuana, the establishment and the operation of these facilities will negatively impact residential uses and neighborhoods in the City, particularly disruptive to the City of Rancho Cordova; and

WHEREAS, this Ordinance is consistent with the City of Rancho Cordova General Plan in that the General Plan, its objectives, policies and goals do not permit or contemplate the establishment or operation of medical marijuana cooperatives, collectives or similar facilities that engage in dispensing of marijuana for medicinal purposes.

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

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

SECTION 2. Rancho Cordova Municipal Code Title 23, "Zoning Code," Chapter 23.925, "Medical Marijuana Dispensaries," is hereby added to the Municipal Code and shall read as follows:

Chapter 23.925 MEDICAL MARIJUANA DISPENSARIES

23.925.010 Purpose.

Pursuant to the City's police powers authorized in Article XI, Section 7 of the California Constitution, the City has the power to regulate permissible land uses throughout the City and to enact regulations for the preservation of public health, safety and welfare of its residents and community. In enacting this Chapter, it is the intent of the City Council of Rancho Cordova to protect the safety and welfare of the general public. The purpose of this Chapter is to clarify that medical marijuana dispensaries are not permitted uses in any zone of the City.

23.925.020 Medical Marijuana Dispensary as a Prohibited Use.

A medical marijuana dispensary, as defined in RCMC 23.1101.020, is prohibited in all zones of the City of Rancho Cordova. No permit or any other applicable license or entitlement for use, nor any business license, shall be approved or issued for the establishment, maintenance or operation of a medical marijuana dispensary.

SECTION 3. Rancho Cordova Municipal Code Title 23, "Zoning Code," Chapter 23.1101, "Land Use Descriptions," Section 23.1101.020 "Land Use definitions" is hereby amended to include the following definition:

"Medical marijuana dispensary" means: (1) any facility, building, structure, delivery service, vehicle or location, whether fixed or mobile, where a primary caregiver makes available, sells, transmits, gives or otherwise provides medical marijuana to two or more of the following: a qualified patient or a person with an identification card, or a primary caregiver, in strict accordance with California Health and Safety Code section 11362.5 et seq.; or (2) any facility, building, structure, delivery service, vehicle or location, whether fixed or mobile, where qualified patients and/or persons with identification cards and/or primary caregivers meet or congregate in order to collectively or cooperatively, distribute, sell, dispense, transmit, process, deliver,

exchange or give away marijuana for medicinal purposes pursuant in California Health and Safety Code section *11362.5 et seq.* and such group is organized as a Medical Marijuana Cooperative or Collective as set forth in the Attorney General Guidelines. The terms "primary caregiver," "qualified patient," and "person with an identification card" shall be as defined in California Health and Safety Code section *11362.5 et seq.*

A "medical marijuana dispensary" shall not include the following uses, as long as the location of such uses are otherwise regulated by applicable law: a clinic licensed pursuant to Chapter 1 of Division 2 of the California Health and Safety Code; a health care facility licensed pursuant to Chapter 2 of Division 2 of the California Health and Safety Code; a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the California Health and Safety Code; a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the California Health and Safety Code; a residential hospice, or a home health agency licensed pursuant to Chapter 8 of the California Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, California Health and Safety Code section 11362.5 *et seq*.

SECTION 4. Rancho Cordova Municipal Code Title 9, "Public Peace, Morals and Safety," Chapter 9.102, "Medical Marijuana Dispensaries," is hereby added to the Municipal Code and shall read as follows:

Chapter 9.102 MEDICAL MARIJUANA DISPENSARIES.

Sections:
9.102.010 Findings and Purpose.
9.102.020 Definitions.
9.102.030 Medical Marijuana Dispensaries Prohibited.
9.102.040 Penalty.

9.102.010 <u>Findings and Purpose</u>.

A. In enacting this Chapter, it is the intent of the City Council of Rancho Cordova to protect the safety and welfare of the general public.

B. The City Council finds that medical marijuana dispensaries are public nuisances in that many violent crimes have been committed that can be traced back to the proliferation of marijuana dispensaries, including armed robberies and murders. Increased noise and pedestrian traffic, including nonresidents in pursuit of marijuana, and out of area criminals in search of victims, are commonly encountered just outside marijuana collectives, cooperatives and dispensaries.

C. Allowing medical marijuana collectives, cooperatives and dispensaries would be inconsistent with the City of Rancho Cordova's city-wide goals, which include: "Foster a Positive Image of Rancho Cordova," "Ensure a Safe Community;" and "Foster Responsible Citizenship." Therefore, in order to protect the integrity of the City and the goals upon which this City were founded, the City Council finds that it is in the best interest of the residents of the City to prohibit marijuana dispensaries.

D. It is the stated purpose of this Chapter to prohibit medical marijuana dispensaries from being opened or established in the City of Rancho Cordova. Nothing in this Chapter shall be

deemed to permit or authorize any use or activity which is otherwise prohibited by any State or Federal law.

9.102.020 Definitions.

For the purpose of this Chapter, unless the context clearly requires a different meaning, the words, terms and phrases hereinafter shall have the meaning given them in this Section.

A. "Medical marijuana" means marijuana used for medical purposes in accordance with the Compassionate Use Act (California Health & Safety Code § 11362.5) and the Medical Marijuana Program Act (California Health & Safety Code § 11362.7 *et seq.*).

B. "Medical marijuana dispensary" or "dispensary" means: (1) any facility, building, structure, delivery service, vehicle or location, whether fixed or mobile, where a primary caregiver makes available, sells, transmits, gives or otherwise provides medical marijuana to two or more of the following: a qualified patient or a person with an identification card, or a primary caregiver, in strict accordance with California Health and Safety Code section 11362.5 *et seq.*; or (2) any facility, building, structure, delivery service, vehicle or location, whether fixed or mobile, where qualified patients and/or persons with identification cards and/or primary caregivers meet or congregate in order to collectively or cooperatively, distribute, sell, dispense, transmit, process, deliver, exchange or give away marijuana for medicinal purposes pursuant in California Health and Safety Code section 11362.5 *et seq.* and such group is organized as a Medical Marijuana Cooperative or Collective as set forth in the Attorney General Guidelines. The terms "primary caregiver," "qualified patient," and "person with an identification card" shall be as defined in California Health and Safety Code section 11362.5 *et seq.*

For purposes of this Chapter, a "medical marijuana dispensary" shall not include the following uses, as long as the location of such uses are otherwise regulated by applicable law: a clinic licensed pursuant to Chapter 1 of Division 2 of the California Health and Safety Code; a health care facility licensed pursuant to Chapter 2 of Division 2 of the California Health and Safety Code; a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the California Health and Safety Code; a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the California Health and Safety Code; a residential hospice, or a home health agency licensed pursuant to Chapter 8 of the California Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, California Health and Safety Code section 11362.5 *et seq*.

C. "Person" means any individual, partnership, co-partnership, firm, association, joint stock company, corporation, limited liability corporation, collective, cooperative, or combination thereof in whatever form or character.

9.102.030 Medical Marijuana Dispensaries Prohibited.

Medical marijuana dispensaries are prohibited in the City of Rancho Cordova. It shall be unlawful for any person to engage in, conduct, carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the City of Rancho Cordova, the operation of a medical marijuana dispensary.

9.102.040 Penalty.

A. Violation of this Chapter is a public nuisance and shall be a misdemeanor.

B. Nothing in this Chapter in any way limits any other remedy that may be available to the City, or any penalty that may be imposed by the City, for violations of this Chapter. Such additional remedies, include, but are not limited to, injunctive relief, administrative citations, or a cause of action under the California Narcotics Nuisance Abatement Act (Health & Safety Code § 11570).

SECTION 5. Rancho Cordova Municipal Code Title 4, "Business Regulations," of Chapter 4.06 "General Business License" Section 4.06.085, "Issuance," is hereby amended as follows to add the underlined Subsection E:

4.06.085 <u>Issuance.</u>

The Finance Director shall act upon an application by denying the application or issuing a license not later than 45 days after the date a complete application is validly filed excepting where RCMC 4.06.206 is applicable. The license shall automatically be granted and issued upon failure of the Finance Director to act upon an application within 45 days. An application is deemed complete and validly filed when the applicant files the application form with all information therein as provided in RCMC 4.06.075, and the application fee, with the Finance Director. The Finance Director shall act upon the application by issuing the license unless one or more of the following situations apply:

A. The Finance Director or Planning Director find in writing that the applicant has failed to provide information as required by RCMC 4.06.075, and the finding cites the specific information and provision or provisions of RCMC 4.06.075 that is applicable; or

B. The Planning Director finds, in writing, that the enterprise is, or would be, operated or maintained in a manner, or is, or would be, located on grounds, or within a building which violates or is in violation of the laws described by RCMC 4.06.060, and by operation of such laws, the termination of the enterprise or denial of the application are required. The findings shall specify the specific provision or provisions of law violated; or

C. With respect to an enterprise required by Chapter 4.10 RCMC to obtain a special business license, the special business license has not been issued; or

D. Pursuant to Section 16000, Subdivision (c), of the Business and Professions Code, when the applicant or enterprise holds a contractor's license, as issued by the State of California Contractors State License Board, the Finance Director finds in writing that the applicant does not have a valid unexpired, unsuspended, unrevoked contractor's license.

<u>E. The Finance Director or Planning Director finds in writing that the use is a medical marijuana dispensary, or other use not permitted in the City.</u>

A general business license issued under this Chapter shall authorize the holder thereof to operate or conduct a business enterprise only on such property the address of which is stated on the license. In the event the licensee ceases to use the property for the business, activity or enterprise listed on the license for a period of 90 days, the license shall have no further force or effect and becomes void.

SECTION 6. 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 7. Effective Date.

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

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the ___ day of _____ 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Linda Budge, Mayor

ATTEST:

_____
Mindy Cuppy, CMC, City Clerk

2085905.2

MEMORANDUM

DATE: June 17, 2013

TO: Honorable Mayor and Council Members

FROM: David Gassaway, Management Analyst, Public Works Department

SUBJECT: **RESOLUTION AUTHORIZING CITY MANAGER TO EXECUTE A PURCHASE AGREEMENT WITH DOWNTOWN FORD FOR THE PURCHASE OF TWO NEW ANIMAL CONTROL TRUCKS**

RECOMMENDATION

Adopt Resolution 72-2013.

RESULT OF RECOMMENDED ACTION

City Manager will execute a purchase agreement with Downtown Ford for the purchase of two new animal control trucks.

BACKGROUND

The City purchased two new animal control trucks in 2006 for the establishment of an in-house Animal Services Department. The age, type of usage, and mileage of the two trucks warrants the replacement of the vehicles in order to minimize the potential for costly maintenance repairs, or the impact of having one vehicle out of service for a period of time for maintenance repairs.

Staff recently advertised the sale of the existing animal control trucks and received high market value for the sale of both vehicles to the SPCA of Solano County for Forty Four Thousand ($44,000) Dollars. The funds received for the sale of the two trucks will help to offset approximately 40% of the purchase price of two new animal control trucks. A capital fund is set aside for the purchase of new City fleet vehicles, so there is no impact to the General fund for fleet purchases.

Staff has negotiated a purchase price for two new animal control trucks from Downtown Ford for One Hundred Thirteen Thousand ($113,000) Dollars, based on the State of California Contract pricing. Upon signature for the purchase of the two new trucks, Downtown Ford will get the specialized animal control bodies fabricated and installed. This process takes approximately 120 days. SPCA (Society for the Prevention of Cruelty to Animals) of Solano County has agreed to wait the 120 days for receipt of the used trucks in order to not impact the City's Animal Services Department operations.

ATTACHMENT

Resolution No. 72-2013.

CITY OF RANCHO CORDOVA

RESOLUTION NO. 72-2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA AUTHORIZING CITY MANAGER TO EXECUTE A PURCHASE AGREEMENT WITH DOWNTOWN FORD FOR THE PURCHASE OF TWO NEW ANIMAL CONTROL TRUCKS

WHEREAS, in 2006 the City of Rancho Cordova purchased two new animal control trucks for the purpose of providing in-house animal control services; and

WHEREAS, those vehicles have reached an age, mileage, and usage that warrants replacement for the purpose of preventing costly vehicle maintenance or down time; and

WHEREAS, the City has entered into an agreement with the SPCA (Society for the Prevention of Cruelty to Animals) of Solano County to sell the used animal control trucks to offset some of the purchase price of new animal control trucks; and

WHEREAS, the City has reserved capital funds for the purchase of new fleet vehicles; and

WHEREAS, the City has received state contract pricing for the purchase of two new animal control trucks from Downtown Ford; and

NOW, THEREFORE, BE IT HEREBY RESOLVED THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA does authorize the City Manager to execute a purchase agreement with Downtown Ford for the purchase of two new animal control trucks in an amount not to exceed One Hundred Thirteen Thousand ($113,000) Dollars.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the _____ day of _____, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Linda Budge, Mayor

ATTEST:

_____
Mindy Cuppy, CMC, City Clerk

MEMORANDUM

DATE: June 17, 2013

TO: Honorable Mayor and Council Members

FROM: Cyrus Abhar, Public Works Director

SUBJECT: **APPROVAL OF CERTIFICATE OF COMPLIANCE FOR PARCEL MAP WAIVER FOR ASSESSOR'S PARCEL NUMBER 067-0850-084; ALSO KNOWN AS LOT 70 OF SUNRIDGE PARK PHASE II VILLAGE 4D**

RECOMMENDATION

Approve the Certificate of Compliance for Parcel Map Waiver to split lot 70 into two new parcels.

RESULT OF RECOMMENDED ACTION

Approval of the certificate will result in recording of the certificate of compliance and creating two parcels from one.

BACKGROUND

The final lot configuration for 9 lots in Sunridge Park Phase II Village 4D was approved by City Council on July 16, 2012 and recorded in Book 377, of Maps, at Page 10. Lot 70 of this subdivision is currently encumbered by a temporary 70 foot wide flowage easement and drainage channel that will remain in service until the adjacent property is developed and drainage is piped underground. Potential buyers for lot 70 have been unable to procure hazard insurance due to the presence of the existing flowage easement and channel.

Woodside Homes, project developer, is requesting that the area encumbered by the flowage easement and channel be split from lot 70 and remain in their ownership until the adjacent property is developed and the drainage can be piped underground. At that time Woodside Homes will grant the parcel back to the remaining lot 70.

Staff recommends approval because the tentative map allowed for 10 lots in Village 4D, but only 9 lots were recorded in substantial compliance to the tentative map. Creating an additional lot will not exceed the lot count originally approved for the village.

ATTACHMENT

Certificate of Compliance – Parcel Map Waiver

WHEN RECORDED MAIL TO:
CITY OF RANCHO CORDOVA
DEPARTMENT OF PUBLIC WORKS
2729 PROSPECT PARK DRIVE
RANCHO CORDOVA, CA 95670

CERTIFICATE OF COMPLIANCE – PARCEL MAP WAIVER
CITY OF RANCHO CORODVA, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA

Acting at the request of the owner, Woodside 05N, LP, a California limited partnership of 111 Woodmere Drive, Suite 250, Folsom, California, The City of Rancho Cordova, pursuant to Section 66428 of the Subdivision Map Act and Title 22 of the City Municipal Code, as amended,

HEREBY CERTIFIES:

1. That the real property and/or division thereof described herein complies with the applicable provisions of the Subdivision Map Act and Title 22 of the City Municipal Code as of the date of issue; and
2. That conditions may have been imposed in granting the Certificate of Compliance and are to be fulfilled and implemented by the applicant of applicant's grantee; and
3. That the issuance and recordation of this Certificate of Compliance has been duly authorized and approved by the City Council of the City of Rancho Cordova; and
4. That an access easement shall be granted across parcel 2 to parcel 1 at the time of sale of either parcel.

CAVEAT: Recordation of this instrument does NOT indicate or imply that the subject property complies in any respect with the Zoning Code of the City of Rancho Cordova, but not limited to requirements of said code with respect to lot area, street frontage or lot width. The real property affected by this action is situated in the City of Rancho Cordova, County of Sacramento, State of California and is commonly known as **Assessor's Parcel 067-0850-084-0000** and is particularly described on **Exhibit "A"** and **Exhibit "B"** attached hereto and made a part hereof for all purposes.

Date of Issuance: _____

Cyrus Abhar, City Engineer

By: _____
RCE 45424 Expires 12/31/13
LS 7723 Expires 12/31/13

1279.033
05/29/2013
PLF

EXHIBIT "A"

DESCRIPTION OF PARCEL 1

Being a portion of fractional Section 9, Township 8 North, Range 7 East, Mount Diablo Baseline and Meridian, City of Rancho Cordova, County of Sacramento, State of California, and being further described as being a portion of Lot 70 as shown and so designated on that certain Final Map entitled "Subdivision No. RC-04-096.04D, Sunridge Park Phase II – Village No. 4D", filed for record on July 18, 2012 in Book 377 of Maps, at Page 10, Sacramento County Records and being further described as follows:

BEGINNING at a point on the northeasterly line of said Lot 70, located South 73°23'10" East, a distance of 58.62 feet from the most northerly corner of said Lot 70, also being a point of intersection of the westerly line of a Flowage Easement as shown on said Final Map, with the northeasterly line of said Lot 70; thence leaving said **POINT OF BEGINNING** along said northeasterly line, South 73°23'10" East, a distance of 51.76 feet to a corner of said Lot 70; thence leaving last said corner, along the east line of said Lot 70, South 00°53'22" East, a distance of 65.88 feet to the most easterly corner of said Lot 70; thence leaving last said corner, South 40°38'57" West, a distance of 105.56 feet to a point of intersection of the southeasterly line of said Lot 70 with the westerly line of said Flowage Easement; thence leaving said point, entering and crossing said Lot 70, along the westerly line of said Flowage Easement, the following two (2) courses and distances:

1. North 00°53'22" West, a distance of 141.55 feet;

2. North 46°36'00" East, a distance of 27.99 feet to the **POINT OF BEGINNING.**

Along with an access easement over Parcel 2 for Parcel 1.

Containing 0.18 acres of land, more or less.

1279.033
05/29/2013
PLF

See Exhibit "A-1", plat to accompany description, attached hereto and made a part hereof.

The **Basis of Bearings** for this description is the centerline of Borderlands Drive as shown on said Final Map. Said bearing is taken to bear North 00°36'39" West. Distances shown are ground based.

Michael E. Long P.L.S. 6815
Expires: September 30, 2014

Date: 5/29/13

PREPARED BY WOOD RODGERS, INC
SACRAMENTO, CALIFORNIA
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1279.033
05/29/2013
PLF

EXHIBIT "A"

DESCRIPTION OF PARCEL 2

Being a portion of fractional Section 9, Township 8 North, Range 7 East, Mount Diablo Baseline and Meridian, City of Rancho Cordova, County of Sacramento, State of California, and being further described as being a portion of Lot 70 as shown and so designated on that certain Final Map entitled "Subdivision No. RC-04-096.04D, Sunridge Park Phase II – Village No. 4D", filed for record on July 18, 2012 in Book 377 of Maps, at Page 10, Sacramento County Records and being further described as follows:

BEGINNING at a point on the northeasterly line of said Lot 70, located South 73°23'10" East, a distance of 58.62 feet from the most northerly corner of said Lot 70, also being a point of intersection of the westerly line of a Flowage Easement as shown on said Final Map, with the northeasterly line of said Lot 70; thence leaving said **POINT OF BEGINNING**, entering and crossing said Lot 70 along the westerly line of said Flowage Easement, the following two (2) courses and distances:

1. South 46°36'00" West, a distance of 27.99 feet;

2. South 00°53'22" East, a distance of 141.55 feet to a point of intersection with the southeasterly line of said Lot 70;

Thence leaving last said point, along said southeasterly line, South 40°38'57" West, a distance of 60.08 feet to the most southerly corner of said Lot 70; thence leaving last said corner, along a southwesterly line of said Lot 70, North 49°21'03" West, a distance of 268.98 feet to the most westerly corner of said Lot 70, also being a point on the southeasterly right-of-way line of Borderlands Drive; thence leaving last said corner, along a northeasterly line of said Lot 70 and said southeasterly right-of-way line, North 40°38'57" East, a distance of 20.00 feet to a corner of said Lot 70; thence leaving last said corner and said southeasterly right-of-way line, along a northerly line of said Lot 70, South 49°21'03" East, a distance of 124.48 feet to a corner of said Lot 70; thence leaving last said corner, along a northwesterly line of said Lot 70, North 40°38'57" East, a distance of 150.00 feet to the most northerly corner of said Lot 70; thence leaving last said corner, along the northeasterly line of said Lot 70, South 73°23'10" East, a distance of 58.62 feet to the **POINT OF BEGINNING**.

Along with an access easement over Parcel 2 for Parcel 1.

Containing 0.51 acres of land, more or less.

1279.033
05/29/2013
PLF

See Exhibit "A-1", plat to accompany description, attached hereto and made a part hereof.

The **Basis of Bearings** for this description is the centerline of Borderlands Drive as shown on said Final Map. Said bearing is taken to bear North 00°36'39" West. Distances shown are ground based.

Michael E. Long P.L.S. 6815
Expires: September 30, 2014

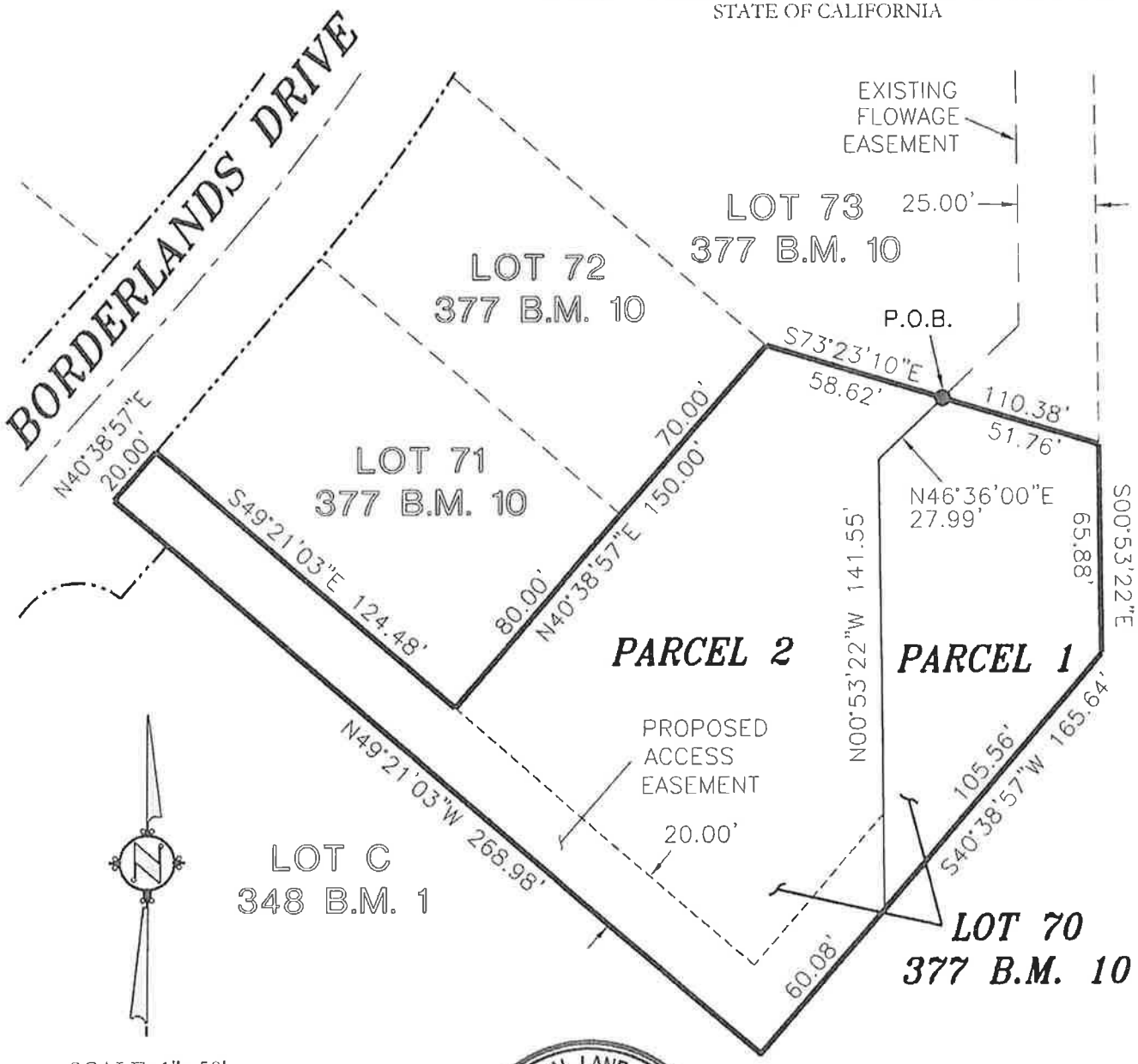
Date: 5/29/13

PREPARED BY WOOD RODGERS, INC
SACRAMENTO, CALIFORNIA
J:\1000-s\1279-SUNRIDGE-PARK\SUNRIDGE-PARK-V04D\Geomatics\docs\Descriptions\Parcel-Map-Wairver\Parcel-2.docx

EXHIBIT A-1

PLAT TO ACCOMPANY DESCRIPTION

SUNRIDGE PARK PHASE II - VILLAGE NO. 4D
PARCEL MAP WAIVER
LOT 70 OF 377 B.M. 10
CITY OF RANCHO CORDOVA COUNTY OF SACRAMENTO
STATE OF CALIFORNIA



SCALE: 1"=50'

LEGEND:

P.O.B. POINT OF BEGINNING
EXISTING LOT LINE
ADJACENT LOT LINE
FLOWAGE EASEMENT

SEE DESCRIPTION FOR COURSE INFORMATION

PROFESSIONAL LAND SURVEYOR
MICHAEL E. LONG
EXP. 09-30-14
No. 6815
STATE OF CALIFORNIA
5/14/13

SUMMARY OF AREAS	
PARCEL	RESULTANT
1	0.18 AC±
2	0.51 AC±

WOOD RODGERS
ENGINEERING • MAPPING • PLANNING • SURVEYING
3301 C St., Bldg. 100-B Tel 916.341.7760
Sacramento, CA 95816 Fax 916.341.7767

Exhibit "B"

IMPROVEMENT REQUIREMENTS

The following public improvements shall be constructed in accordance with the City of Rancho Cordova Improvement Standards within a reasonable time following approval of the Certificate of Compliance and prior to the issuance of any permit or other grant of approval for development of the hereon created parcels:

STREETS: NOT REQUIRED

STREET LIGHTS: NOT REQUIRED

SEWER: NOT REQUIRIED

DRAINAGE: NOT REQUIRED

WATER/HYDRANTS: NOT REQUIRED

MEMORANDUM

DATE: June 17, 2013

TO: Honorable Mayor and Council Members

FROM: Mindy Cuppy, City Clerk

SUBJECT: **RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES FOR THE 2013 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE TO BE HELD SEPTEMBER 18-20 IN SACRAMENTO, CALIFORNIA**

RECOMMENDATION

Adopt Resolution No. 78-2013, designating Council Member David Sander as Voting Delegate and Council Members Robert McGarvey and Donald Terry as Voting Alternates for the 2013 Annual League of California Cities Conference.

RESULT OF RECOMMENDED ACTION

The Voting Delegate or Alternate will be able to represent the City by voting at the Annual Business Meeting at the League of California Cities Conference.

BACKGROUND

The 2013 Annual League of California Cities Conference is scheduled for September 18 through 20, 2012 in Sacramento, California. An important part of the Annual Conference is the Annual Business Meeting scheduled for Friday, September 20 at 12:00 PM. At this meeting, the League membership considers and takes action on resolutions that establish League policy. In order to vote at the Annual Business Meeting, the City Council must designate a voting delegate and may designate two voting delegate alternates.

ATTACHMENT

Resolution No. 78-2013.

CITY OF RANCHO CORDOVA

RESOLUTION NO. 78-2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA DESIGNATING A VOTING DELEGATE AND VOTING ALTERNATES FOR THE 2013 ANNUAL LEAGUE OF CALIFORNIA CITIES CONFERENCE BUSINESS MEETING

WHEREAS, the 2013 Annual League of California Cities Conference will be held on September 18-20, 2013, in Sacramento, California; and

WHEREAS, in order to vote at the Annual Business Meeting, the City Council must designate its voting delegate and may designate two voting delegate alternates.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA that Council Member David Sander is designated as the City's Voting Delegate and Council Members Robert McGarvey and Donald Terry as the Alternate Voting Delegates for the 2013 Annual League of California Cities Conference.

BE IT FURTHER RESOLVED that the City Clerk will submit a certified copy of this Resolution to the League of California Cities by August 2, 2013.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the __ day of _____, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Linda Budge, Mayor

ATTEST:

_____
Mindy Cuppy, CMC, City Clerk

MEMORANDUM

DATE: June 17, 2013

TO: Honorable Mayor and Council Members

FROM: Cyrus Abhar, Public Works Director

SUBJECT: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA RESTRUCTURING THE CITIES/COUNTY SOLID WASTE ADVISORY COMMITTEE AS THE SACRAMENTO COUNTY LOCAL TASK FORCE**

RECOMMENDATION

Adopt Resolution No. 74-2013.

RESULT OF RECOMMENDED ACTION

Adoption of this resolution would restructure the Solid Waste Advisory Committee to the Sacramento County Local Task Force (LTF) and appoint the Public Works Director or his designee as the City of Rancho Cordova's LTF member.

BACKGROUND

The Solid Waste Advisory Committee (SWAC) is the countywide advisory committee for the local cities, the County, and the Sacramento Regional Solid Waste Authority on integrated waste management issues. The SWAC also acts as the Local Task Force required by the AB 939 and California Public Resources Code Section 40950. AB 939 requires that changes to LTF organization and representation be approved by the County and by the majority of the cities in the county that contain the majority of the incorporated area population.

The SWAC was originally established in the early 1970s pursuant to State legislation requiring the first county solid waste management plans. In 1990, the SWAC and its five-member subcommittees, the City of Sacramento and the County of Sacramento Recycling Advisory Committees were designated as the Local Task Force required by AB 939. Subsequent reorganizations in 1997 and 2000 took place to allow SWAC membership for the newly incorporated cities of Citrus Heights and Elk Grove, respectively. Rancho Cordova joined the SWAC in 2008.

The primary purpose for the SWAC to exist is to meet the requirements of AB 939, acting as the LTF to provide review and comment on new and/or revised jurisdictional integrated waste management planning documents. With the passage of AB 341, effective January 2012, the LTF is no longer required to provide review and comment on amendments to planning documents. Under AB341, the LTF requirement has been reduced to review and comment on new plans and revisions to all other existing plans, which are both very infrequent, as well as

review and comment on the five-year review of the County-wide planning documents, which comes due every five years.

The secondary purpose of SWAC is to serve as an advisory committee. Over the years, SWAC has transitioned away from its advisory body role to a forum for valuable information sharing amongst the various jurisdictions and solid waste industry stakeholder groups. Given the recent changes in legislation and the general decline in its advisory body function, over the last six months, SWAC members have had considerable discussion regarding their role and responsibility, specifically regarding the future and value of the SWAC, frequency of meetings, and committee membership.

At its December 4, 2012 meeting, SWAC moved to proceed with the recommendation to restructure SWAC to the role of solely a Local Task Force and to move forward with the resolution process for all of the jurisdictions. At its February 5, 2013 meeting, SWAC members and staff from the local cities and County agreed that the attached resolution and the attached Sacramento County LTF rules met their expectations of the SWAC restructuring process.

The various member jurisdictions are now moving forward to adopt resolutions approving the restructure of the SWAC and approving the new roles and responsibilities. This action will require the appeal of two resolution previously adopted by the City Council which approved the City's membership and the appointment of a city representative to the Solid Waste Advisory Committee.

ATTACHMENT

Resolution No. 74-2013 including Exhibit A: LTF Responsibilities and Organization.

CITY OF RANCHO CORDOVA

RESOLUTION NO. 74-2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA RESTRUCTURING THE CITIES/COUNTY SOLID WASTE ADVISORY COMMITTEE AS THE SACRAMENTO COUNTY LOCAL TASK FORCE

WHEREAS, Assembly Bill 939 (AB 939), the California Integrated Waste Management Act of 1989, mandates that each City and County, as separate jurisdictions, develop programs to divert 25% of waste from landfills by 1995 and 50% by 2000; and

WHEREAS, AB 939 requires each county, in cooperation with local cities, to form a Local Task Force to assist with integrated waste management planning; and

WHEREAS, County of Sacramento Board of Supervisors Resolution No. 95-0740 established and approved the responsibilities of a new unified Sacramento Cities/County Solid Waste Advisory Committee (SWAC)/Local Task Force (LTF) to meet the requirements of AB 939; and

WHEREAS, by Resolution No. 11-2008, the City approved the new membership, structure, and rule changes to the Sacramento Cities/County Solid Waste Advisory Committee (SWAC)/AB 939 and appointed Rancho Cordova SWAC representative; and

WHEREAS, by Resolution No. 122-2010, the City appointed Rancho Cordova representatives to the Sacramento Cities/County Solid Waste Advisory Committee (SWAC); and

WHEREAS, the SWAC/LTF wishes to re-structure itself focusing solely on LTF business and, as such, the current membership and rules of the SWAC/LTF are no longer appropriate; and

WHEREAS, AB 939 requires that changes to LTF organization and representation be approved by the County and by the majority of the cities that contain the majority of the incorporated area population.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF RANCHO CORDOVA that the City Council does herein do the following, effective July 1, 2013:

A) Repeal Resolution No. 11-2008 which approved the new membership, structure, and rule changes to the Sacramento Cities/County Solid Waste Advisory Committee (SWAC)/AB 939 and appointed Rancho Cordova SWAC representative; and

B) Repeal Resolution No. 122-2010 appointed Rancho Cordova representatives to the Sacramento Cities/County Solid Waste Advisory Committee (SWAC); and

C) Establish and approve the responsibilities and organization of the Sacramento County Local Task Force (dealing with membership, meeting rules, responsibilities, etc.) as set forth as **Exhibit A** to this Resolution; and

D) Appoint the Public Works Director or his/her designee as the City of Rancho Cordova's Sacramento County LTF member.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the _____ day of _____ 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Linda Budge, Mayor

ATTEST:

_____
Mindy Cuppy, City Clerk, CMC

EXHIBIT A

SACRAMENTO COUNTY LOCAL TASK FORCE (LTF) RESPONSIBILITIES AND ORGANIZATION

I. MEMBERSHIP, APPOINTMENTS, AND TERMS OF OFFICE

A. A jurisdiction becomes a LTF member agency upon adopting these rules.

B. There shall be one LTF member seated per member agency.

C. LTF member term and appointment method shall be determined by the individual appointing authority. Vacancies shall be filled by the appointing authority as soon as possible after a membership seat has been vacated.

II. RESPONSIBILITIES

The Sacramento County LTF shall be the Local Task Force as required by California Public Resources Code Section 40950 and shall comply with current State regulations.

III. LTF MEETINGS

The LTF shall hold meetings as needed at a time and place selected by the LTF members. The meeting schedule shall be set in keeping with the need to accomplish LTF business.

IV. LTF COMPENSATION AND SUPPORT

A. Members of the LTF shall serve without any compensation.

B. The County shall serve as the lead agency to the LTF.

MEMORANDUM

DATE: June 17, 2013

TO: Honorable Mayor and Council Members

FROM: Liisa Behrends, Sr. Accountant

SUBJECT: **RESOLUTION AMENDING THE FISCAL YEAR 2012/13 ADOPTED BUDGET FOR THE CITY OF RANCHO CORDOVA AND THE SUCCESSOR AGENCY TO THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF RANCHO CORDOVA**

RECOMMENDATION

Adopt Resolution No's. 77-2013 **(Attachment 1)** and SA-3-2013 **(Attachment 2)** amending the Fiscal Year 2012/13 Adopted Budget for various Special Revenue Funds, Internal Service Funds, the Successor Agency to the Community Redevelopment Agency Funds and certain Agency Funds.

RESULT OF RECOMMENDED ACTION

The 2012/13 Adopted Budget will be amended to reflect variances in expenses not originally anticipated in the budget. This amendment will bring our actual anticipated expenditures in line with our approved appropriations for those specific funds. No adjustment is needed for the General Fund.

BACKGROUND

The City operates on a fiscal year that begins July 1st and ends June 30th of each year. The City financial operations are governed by a "budget document". The City Manager is required to submit a proposed budget to the Council by May 31st of each year. The Fiscal Year 2012/13 Proposed Budget was first submitted to Council in a workshop on May 21, 2012 and was adopted by the City Council on June 18, 2012.

In conjunction with the Finance Director and the City Manager, the departments monitor their budgets very closely throughout the year. An in depth analysis of budget to actual is prepared and presented to the Council and the public in February of each year. This year it was noted that several special revenue funds, internal service funds, successor agency funds and agency funds were expected to exceed their budgeted appropriations as well as the General Fund. Since the appropriations set the legal spending limit, the Finance Department is requesting an amendment to the budget to adjust for these variations. The attached schedule illustrates the funds in question and highlights the proposed amendments.

Special Revenue Funds

As previously reported, actual revenues in some of the Special Revenue Funds are expected to be greater than budgeted, as are expenses. Such is the case in the Rental Code Compliance Program fund wherein all revenues received are transferred out to the General Fund to help pay the cost of the Rental Housing Inspection Program.

In April, the reduced fee for the Community Facilities Fee Program was adopted as well as the removal of the Library Fee from the Sunrise Douglas Community Plan and the Villages of Zinfandel Development Impact Fee Program. Budget amendments are required in each of the funds as a result.

Work done on the Anatolia Bike Trail was not anticipated in the original budget of the Sunrise Douglas Park Impact Fee.

In February, action was taken to form the Community Facilities District (CFD) 2013-2 (Police Services). A new fund was established at that time, requiring a budget to be established.

The budget amendments to SD Traffic Mitigation Impact Fees, State Grants, New Measure A Construction and Storm Water Utility Tax are needed to transfer funds to the CIP Fund for work on projects such as the Folsom Blvd. Enhancement Phase III and the acceptance of Anatolia I – Major Roads.

Internal Service Funds

The City sets aside funds in Internal Service Funds to ensure monies are available when capital facilities and infrastructure needs arise. This year the residual amount left in the Employee Benefits Fund was used when our OPEB payment was made. Additionally, the Vehicle & Equipment Replacement Fund needed a small increase to cover the cost of replacing our Animal Services trucks.

Successor Agency

The adjustments in the Successor Agency Funds are necessary due to the Lily Company court settlement, the transfer of unencumbered Low/Mod monies to the County, as well as a transfer from the Redevelopment Obligation Retirement Fund to the Redevelopment Administration Fund.

Agency Funds

The increase to CFD 2003-1 Sunridge Park Agency Fund is from the cost of issuance expenditures associated with the 2012 CFD 2003-1 Refunding Bonds.

ATTACHMENTS

1. Resolution No. 77-2013 including **(Exhibit A)** Schedule of Proposed Budget Adjustments by Fund.
2. Resolution No. SA-3-2013 including **(Exhibit A)** Schedule of Proposed Budget Adjustments by Fund.

ATTACHMENT 1

CITY OF RANCHO CORDOVA

RESOLUTION NO. 77-2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA AMENDING THE OPERATING BUDGET FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013, AND PROVIDING FOR THE APPROPRIATIONS AND EXPENDITURES OF ALL SUMS SET FORTH THEREIN

RECITALS

WHEREAS, the City Manager has submitted to the City Council of Rancho Cordova a Fiscal Year 2012/2013 Proposed Budget; and

WHEREAS, after examination, deliberation and due consideration, the City Council has approved the same with the passage of Resolution No. 47-2012; and

WHEREAS, the fiscal year 2012/13 Proposed Budget was submitted to the City Council at a workshop on May 21, 2012; and

WHEREAS, the Proposed Budget included "Estimated Actuals" for fiscal year 2012/13 in the various funds; and

WHEREAS, those estimated actuals were a true indication of expected expenditures for fiscal year 2012/13 and certain of those estimated actual expenditures were in excess of the Adopted Budget **(Exhibit A)**:

DECISION

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

1. The Fiscal Year 2012/13 Adopted Budget is hereby amended to incorporate the adjustments on the attached Schedule of Proposed Budget Amendments.

2. That the amounts stated in the Schedule of Proposed Budget Amendments shall become and thereafter be appropriated to funds stated therein and said monies are hereby appropriated; and

3. The City Manager is authorized to approve expenditure adjustments within individual funds so long as the total appropriated within each major fund is not exceeded.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the ____ day of _____, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Linda Budge, Mayor

ATTEST:

_____
Mindy Cuppy, CMC, City Clerk

EXHIBIT A

City of Rancho Cordova
Proposed Expenditure Budget Adjustments
Fiscal Year 2012-2013

Fund Number	Fund Name	Original Adopted Expenditure Budget	Proposed Adjustment	Proposed Final Expenditure Budget
Special Revenue Funds:				
2060	Rental Code Compliance	$ 80,000	17,500	$ 97,500
2200	Community Facilities Impact Fee	$ -	20,000	$ 20,000
2203	Corp Yard Impact Fees	$ -	1,060,000	$ 1,060,000
2205	Museum Impact Fees	$ -	1,200,000	$ 1,200,000
2206	Parking Structure Impact Fees	$ -	1,300,000	$ 1,300,000
2207	Police Impact Fees	$ 146,300	3,700	$ 150,000
2208	Administration Impact Fees	$ 20,300	110,700	$ 131,000
2210	Animal Services Impact Fees	$ -	140,000	$ 140,000
2230	Records Management Impact Fees	$ -	9,000	$ 9,000
2204	Library Impact Fees	$ -	5,000	$ 5,000
2243	SD Library Impact Fees	$ -	1,932,000	$ 1,932,000
2255	VOZ Library Impact Fees	$ -	210,000	$ 210,000
2244	SD Park Impact Fees	$ 8,700	40,000	$ 48,700
2246	SD Traffic Mitigation Impact Fees	$ 866,700	600,000	$ 1,466,700
2320	State Grants	$ 547,600	1,350,000	$ 1,897,600
2423	New Measure A Construction	$ 407,600	2,200,000	$ 2,607,600
2550	Storm Water Utility Tax	$ 699,000	325,000	$ 1,024,000
2800	CFD 2013-2 Police Services	$ -	10,000	$ 10,000
Internal Service Funds:				
7100	Employee Benefits	$ -	3,500	$ 3,500
7800	Vehicle & Equipment Replacement ISF	$ 95,000	15,000	$ 110,000
Redevelopment Agency Funds				
9100	Redevelopment Administration	$ 954,900	900,000	$ 1,854,900
9200	Redevelopment Obligation Retirement Fund	$ -	300,000	$ 300,000
Agency Funds:				
8115	Sunridge Anatolia CFD 2003-1	$ 4,205,800	400,000	$ 4,605,800

City of Rancho Cordova
Proposed Expenditure Budget Adjustments
Fiscal Year 2012-2013

NOT PART OF THE ATTACHMENT INTERNAL USE ONLY

Fund Number	Fund Name	Original Adopted Expenditure Budget	Proposed Adjustment	Proposed Final Expenditure Budget		
Special Revenue Funds:						
2060	Rental Code Compliance	$ 80,000	17,500	$ 97,500	2060-9000-69910	to GF
2200	Community Facilities Impact Fee	$ -	20,000	$ 20,000		
			10,000		2200-9000-54106	
			5,000		2200-9000-54107	EPS study
			5,000		2200-9000-69910	to debt service for bank fees
2203	Corp Yard Impact Fees	$ -	1,060,000	$ 1,060,000	2203-9000-69910	to 2200
2205	Museum Impact Fees	$ -	1,200,000	$ 1,200,000	2205-9000-69910	to 2200
2206	Parking Structure Impact Fees	$ -	1,300,000	$ 1,300,000	2206-9000-69910	to 2200
2207	Police Impact Fees	$ 146,300	3,700	$ 150,000	2207-9000-69910	to 2200
2208	Administration Impact Fees	$ 20,300	110,700	$ 131,000	2208-9000-69910	to 2200
2210	Animal Services Impact Fees	$ -	140,000	$ 140,000	2210-9000-69910	to 2200
2230	Records Management Impact Fees	$ -	9,000	$ 9,000	2230-9000-69910	to 2200
2204	Library Impact Fees	$ -	5,000	$ 5,000		
			2,000		2204-9000-51140	
			3,000		2204-9000-54106	
2243	SD Library Impact Fees	$ -	1,932,000	$ 1,932,000		
			2,000		2243-9000-51440	
			1,930,000		2243-9000-69910	to 2204
2255	VOZ Library Impact Fees	$ -	210,000	$ 210,000	2255-9000-69910	to 2204
2244	SD Park Impact Fees	$ 8,700	40,000	$ 48,700	2244-9000-57375	Anatolia Bike Trail
2246	SD Traffic Mitigation Impact Fees	$ 866,700	600,000	$ 1,466,700	2246-8010-69910	to CIP Folsom Blvd Enhancements Phase III
2320	State Grants	$ 547,600	1,350,000	$ 1,897,600		
			60,000		2320-5005-61119	Police COPS spending
			160,000		2320-6050-61119	Housing - Horizons project
			1,130,000		2320-8010-69910	to CIP Folsom Blvd Enhancements Phase III
2423	New Measure A Construction	$ 407,600	2,200,000	$ 2,607,600	2423-8010-69910	to CIP Folsom Blvd Enhancements Phase III
2550	Storm Water Utility Tax	$ 699,000	325,000	$ 1,024,000	2550-9000-69910	to CIP Folsom Blvd Enhancements Phase III
2800	CFD 2013-2 Police Services	$ -	10,000	$ 10,000	2800-9000-54107	
rnal Service Funds:						
00	Employee Benefits	$ -	3,500	$ 3,500	7100-9000-52520	
00	Vehicle & Equipment Replacement ISF	$ 95,000	15,000	$ 110,000	7800-9000-61119	
evelopment Agency Funds						
00	Redevelopment Administration	$ 954,900	900,000	$ 1,854,900	9100-3050-58105	Lily Company Court Settlement

9200	Redevelopment Obligation Retirement Fu	$ -	300,000	$ 300,000			
			200,000		9200-9000-69910	to 9100	
			100,000		9200-9000-70000	Unencumbered Low/Mod monies sent to the County	
Agency Funds:							
8115	Sunridge Anatolia CFD 2003-1	$ 4,205,800	400,000	$ 4,605,800	8115-9000-57150	Cost of reissuing debt	

ATTACHMENT 2

SUCCESSOR AGENCY TO THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF RANCHO CORDOVA

RESOLUTION NO. SA-3-2013

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF RANCHO CORDOVA AMENDING THE OPERATING BUDGET FOR THE AGENCY FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013, AND PROVIDING FOR THE APPROPRIATIONS AND EXPENDITURES OF ALL SUMS SET FORTH THEREIN

RECITALS

WHEREAS, the Executive Director has submitted to the Successor Agency Board a Fiscal Year 2012/2013 Proposed Budget; and

WHEREAS, after examination, deliberation and due consideration, the Successor Agency Board has approved the same with the passage of Resolution SA 4-2012; and

WHEREAS, the fiscal year 2012/13 Proposed Budget was submitted to the Successor Agency Board at a workshop on May 21, 2012; and

WHEREAS, the Proposed Budget included "Estimated Actuals" for fiscal year 2012/13 in the various funds; and

WHEREAS, those estimated actuals were a true indication of expected expenditures for fiscal year 2012/13 and certain of those estimated actual expenditures were in excess of the Adopted Budget **(Exhibit A)**:

DECISION

NOW, THEREFORE BE IT RESOLVED by the board of the Successor Agency to the Community Redevelopment Agency of the City of Rancho Cordova as follows:

1. The Fiscal Year 2012/13 Adopted Budget is hereby amended to incorporate the adjustments on the attached Schedule of Proposed Budget Amendments

2. That the amounts stated in the Schedule of Proposed Budget Amendments shall become and thereafter be appropriated to funds stated therein and said monies are hereby appropriated; and

3. The Executive Director is authorized to approve expenditure adjustments within individual funds so long as the total appropriated within each major fund is not exceeded.

PASSED AND ADOPTED at a meeting of the Successor Agency to the Community Redevelopment Agency of the City of Rancho Cordova held on the ___ day of _____, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Linda Budge, Agency Chair

ATTEST:

_____
Mindy Cuppy, Agency Secretary

EXHIBIT A

City of Rancho Cordova
Proposed Expenditure Budget Adjustments
Fiscal Year 2012-2013

Fund Number	Fund Name	Original Adopted Expenditure Budget	Proposed Adjustment	Proposed Final Expenditure Budget
Special Revenue Funds:				
2060	Rental Code Compliance	$ 80,000	17,500	$ 97,500
2200	Community Facilities Impact Fee	$ -	20,000	$ 20,000
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2206	Parking Structure Impact Fees	$ -	1,300,000	$ 1,300,000
2207	Police Impact Fees	$ 146,300	3,700	$ 150,000
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2243	SD Library Impact Fees	$ -	1,932,000	$ 1,932,000
2255	VOZ Library Impact Fees	$ -	210,000	$ 210,000
2244	SD Park Impact Fees	$ 8,700	40,000	$ 48,700
2246	SD Traffic Mitigation Impact Fees	$ 866,700	600,000	$ 1,466,700
2320	State Grants	$ 547,600	1,350,000	$ 1,897,600
2423	New Measure A Construction	$ 407,600	2,200,000	$ 2,607,600
2550	Storm Water Utility Tax	$ 699,000	325,000	$ 1,024,000
2800	CFD 2013-2 Police Services	$ -	10,000	$ 10,000
Internal Service Funds:				
7100	Employee Benefits	$ -	3,500	$ 3,500
7800	Vehicle & Equipment Replacement ISF	$ 95,000	15,000	$ 110,000
Redevelopment Agency Funds				
9100	Redevelopment Administration	$ 954,900	900,000	$ 1,854,900
9200	Redevelopment Obligation Retirement Fund	$ -	300,000	$ 300,000
Agency Funds:				
8115	Sunridge Anatolia CFD 2003-1	$ 4,205,800	400,000	$ 4,605,800

City of Rancho Cordova
Proposed Expenditure Budget Adjustments
Fiscal Year 2012-2013

NOT PART OF THE ATTACHMENT INTERNAL USE ONLY

Fund Number	Fund Name	Original Adopted Expenditure Budget	Proposed Adjustment	Proposed Final Expenditure Budget		
Special Revenue Funds:						
2060	Rental Code Compliance	$ 80,000	17,500	$ 97,500	2060-9000-69910	to GF
2200	Community Facilities Impact Fee	$ -	20,000	$ 20,000		
			10,000		2200-9000-54106	
			5,000		2200-9000-54107	EPS study
			5,000		2200-9000-69910	to debt service for bank fees
2203	Corp Yard Impact Fees	$ -	1,060,000	$ 1,060,000	2203-9000-69910	to 2200
2205	Museum Impact Fees	$ -	1,200,000	$ 1,200,000	2205-9000-69910	to 2200
2206	Parking Structure Impact Fees	$ -	1,300,000	$ 1,300,000	2206-9000-69910	to 2200
2207	Police Impact Fees	$ 146,300	3,700	$ 150,000	2207-9000-69910	to 2200
2208	Administration Impact Fees	$ 20,300	110,700	$ 131,000	2208-9000-69910	to 2200
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2230	Records Management Impact Fees	$ -	9,000	$ 9,000	2230-9000-69910	to 2200
2204	Library Impact Fees	$ -	5,000	$ 5,000		
			2,000		2204-9000-51140	
			3,000		2204-9000-54106	
2243	SD Library Impact Fees	$ -	1,932,000	$ 1,932,000		
			2,000		2243-9000-51440	
			1,930,000		2243-9000-69910	to 2204
2255	VOZ Library Impact Fees	$ -	210,000	$ 210,000	2255-9000-69910	to 2204
2244	SD Park Impact Fees	$ 8,700	40,000	$ 48,700	2244-9000-57375	Anatolia Bike Trail
2246	SD Traffic Mitigation Impact Fees	$ 866,700	600,000	$ 1,466,700	2246-8010-69910	to CIP Folsom Blvd Enhancements Phase III
2320	State Grants	$ 547,600	1,350,000	$ 1,897,600		
			60,000		2320-5005-61119	Police COPS spending
			160,000		2320-6050-61119	Housing - Horizons project
			1,130,000		2320-8010-69910	to CIP Folsom Blvd Enhancements Phase III
2423	New Measure A Construction	$ 407,600	2,200,000	$ 2,607,600	2423-8010-69910	to CIP Folsom Blvd Enhancements Phase III
2550	Storm Water Utility Tax	$ 699,000	325,000	$ 1,024,000	2550-9000-69910	to CIP Folsom Blvd Enhancements Phase III
2800	CFD 2013-2 Police Services	$ -	10,000	$ 10,000	2800-9000-54107	
rnal Service Funds:						
00	Employee Benefits	$ -	3,500	$ 3,500	7100-9000-52520	
00	Vehicle & Equipment Replacement ISF	$ 95,000	15,000	$ 110,000	7800-9000-61119	
evelopment Agency Funds						
00	Redevelopment Administration	$ 954,900	900,000	$ 1,854,900	9100-3050-58105	Lily Company Court Settlement

9200	Redevelopment Obligation Retirement Fu	$ -	300,000	$ 300,000			
			200,000		9200-9000-69910	to 9100	
			100,000		9200-9000-70000	Unencumbered Low/Mod monies sent to the County	
Agency Funds:							
8115	Sunridge Anatolia CFD 2003-1	$ 4,205,800	400,000	$ 4,605,800	8115-9000-57150	Cost of reissuing debt	

MEMORANDUM

DATE: June 17, 2013

TO: Honorable Mayor and Council Members

FROM: Micah Runner, Economic Development Manager

SUBJECT: **RESOLUTION OF INTENTION TO RENEW THE RANCHO CORDOVA TOURISM BUSINESS IMPROVEMENT DISTRICT**

RECOMMENDATION

Adopt Resolution No. 81-2013.

RESULT OF RECOMMENDED ACTION

Adoption of this resolution will result in a public meeting on July 15, 2013 and a public hearing on August 19, 2013 on the establishment and renewal of the Rancho Cordova Tourism Business Improvement District (RCTBID). A majority of the lodging business owners subject to the assessment have petitioned the City Council to renew the RCTBID for a ten year term beginning when renewal is approved.

BACKGROUND

The Rancho Cordova Tourism Business Improvement District (RCTBID) was originally formed by Resolution No. 136-2010 on December 6, 2010 for a five year term. The lodging business representatives are requesting to renew the RCTBID for an additional ten years to assist in implementing the District Management Plan.

The RCTBID is a benefit assessment district that was created to help fund marketing and sales promotion efforts for Rancho Cordova lodging businesses. A major investment of the RCTBID has been the creation of the Rancho Cordova Events Center to attract tournament sports activities and major events. This approach has been used successfully in other destination areas throughout the state to improve tourism and drive additional room nights. The proposed RCTBID includes all lodging businesses located within the boundaries of the City of Rancho Cordova, which is currently 16 hotels. The RCTBID would generate approximately $633,000 on an annual basis for promotion of travel and tourism specific to Rancho Cordova.

TOURISM BUSINESS IMPROVEMENT DISTRICTS

Tourism Business Improvement Districts (TBIDs) utilize the efficiencies of private sector operation in the market-based promotion of tourism districts. TBIDs allow lodging and tourism-related business owners to organize their efforts to increase tourism. Tourism-related business owners within the district fund a TBID, and those funds are used to provide services that the businesses desire and that benefit the lodging businesses within the District.

Benefits of TBIDs:

- Funds cannot be diverted for other government programs.
- TBIDs are customized to fit the needs of each tourism district.
- They allow for a wide range of services; including: Marketing of the Destination, Tourism Promotion Activities and Sales Lead Generation.
- TBIDs are designed, created and governed by those who will pay the assessment.
- They provide a stable funding source for tourism promotion.

In California, Tourism Business Improvement Districts are formed pursuant to the Property and Business Improvement District Law of 1994 (PBID Law). This law allows for the creation of a special benefit assessment district to raise funds within a specific geographic area. The key difference between TBIDs and other special benefit assessment districts is that funds raised are returned to the private non-profit corporation governing the district.

MANAGEMENT DISTRICT PLAN

The Management District Plan (Exhibit B) includes the proposed boundary of the RCTBID, a service plan and budget and a proposed means of governance. The RCTBID will include all lodging businesses, existing and in the future, available for public occupancy within the boundaries of the City of Rancho Cordova. The boundary currently includes 17 lodging business with a total of 2,095 hotel rooms.

The proposed RCTBID will have a five year life. The RCTBID assessment will be implemented beginning January 1, 2011. Once per year beginning on the anniversary of the formation of the district there is a 30 day period in which owners paying more than 50% of the assessment may protest and terminate the district.

The Rancho Cordova Travel and Tourism Corporation (RCTTC) shall serve as the Owner's Association for the RCTBID. The initial Board of Directors shall have no less than seven and no more than nine members, including five to seven representatives of assessed hotels, one representative of the City of Rancho Cordova and one representative of the Rancho Cordova Chamber of Commerce.

The City of Rancho Cordova will be responsible for collecting the assessment on a monthly basis from each lodging business located in the boundaries of the RCTBID. The City of Rancho Cordova shall forward the assessments to the RCTTC, which will have the responsibility of managing TBID programs as provided in this Management District Plan. The City of Rancho Cordova shall be paid a fee equal to 2% of the amount of assessment collected to cover its costs of collection and administration. City Council Staff Report 3 of 4 Rancho Cordova Tourism Business District October 4, 2010

The Draft Annual Budget detailed below was developed under the assumption of a $1.50 per room per night fee generating approximately $633,000 in revenue to the RCTTC.

Rancho Cordova Tourism Business Improvement District
Draft Annual Budget, Years One through Ten

Category	Percent	Dollar Amount
Sales and Marketing	88%	$557,040
Administration	5%	$31,650
Contingency	5%	$31,650
City Collection Costs	2%	$12,660
Total Estimated Annual Budget	100%	$633,000

DISTRICT FORMATION PROCESS

June 17, 2013 **RESOLUTION OF INTENTION HEARING**
Upon the submission of a written petition, signed by the property or business owners in the proposed district who will pay more than 50 percent of the assessments proposed to be levied, the city council may initiate proceedings to form a district by the adoption of a resolution expressing its intention to form a district.

June 18, 2013 **NOTICE**
The Property and Business Improvement District Act of 1994 requires the City mail written notice to the owners of all businesses proposed to be within the district. Mailing the notice begins a mandatory forty-five day period in which owners may protest district formation.

July 15, 2013 **PUBLIC MEETING**
Allow public testimony on the establishment of the TBID and levy of assessments. No council action required.

August 19, 2013 **FINAL PUBLIC HEARING**
If written protests are received from the owners of businesses in the proposed district which will pay 50 percent or more of the assessments proposed to be levied and protests are not withdrawn so as to reduce the protests to less than 50 percent, no further proceedings to levy the proposed assessment against such businesses shall be taken for a period of one year from the date of the finding of a majority protest by the city council.

At the conclusion of the public hearing to establish the district, the city council may adopt, revise, change, reduce, or modify the proposed assessment or the type or types of improvements and activities to be funded with the revenues from the assessments. Proposed assessments may only be revised by reducing any or all of them.

If the city council, following the public hearing, decides to establish the proposed property and business improvement district, the city council shall adopt a resolution of formation.

ATTACHMENT

Resolution of Intention No. 81-2013 including (Exhibit A) City of Rancho Cordova Boundary Map and (Exhibit B) Management District Plan.

CITY OF RANCHO CORDOVA

RESOLUTION NO. 81-2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA DECLARING ITS INTENTION TO RENEW THE RANCHO CORDOVA TOURISM BUSINESS IMPROVEMENT DISTRICT (RCTBID), FIXING THE TIME AND PLACE OF A PUBLIC MEETING AND A PUBLIC HEARING THEREON, AND GIVING NOTICE THEREOF

WHEREAS, the Property and Business Improvement Law of 1994, Streets and Highways Code § 36600 et seq., authorizes cities to establish property and business improvement districts for the purpose of providing a specific benefit to assessed businesses by promoting tourism; and

WHEREAS, the City, by adoption of Resolution No. 136-2010, created the Rancho Cordova Tourism Business Improvement District for a five year term ending December 31, 2015; and

WHEREAS, the Rancho Cordova Travel and Tourism Corporation (RCTTC), lodging business owners, members of the business community and representatives from the City of Rancho Cordova have met to consider renewal of the Rancho Cordova Tourism Business Improvement District (RCTBID); and

WHEREAS, the RCTTC has drafted a Management District Plan (Exhibit B) which sets forth the renewed boundary of the RCTBID, a service plan and budget, and a proposed means of governance.

WHEREAS, a majority of the lodging business owners subject to assessment under the RCTBID have petitioned the City Council to renew the RCTBID; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL THAT:

1. The recitals set forth herein are true and correct.

2. The City Council finds that the lodging businesses that will pay more than fifty percent (50%) of the assessment proposed in the Management District Plan have signed and submitted petitions in support of the renewal of the RCTBID. The City Council accepts the petitions and adopts this resolution of intention to renew the RCTBID and to levy an assessment on certain lodging businesses within the RCTBID boundaries in accordance with the Property and Business Improvement District Law of 1994.

3. The City Council finds that the Management District Plan satisfies all requirements of Streets and Highways Code § 36622.

4. The City Council declares its intention to renew the RCTBID and to levy and collect assessments on lodging businesses within the RCTBID boundaries pursuant to the Property and Business Improvement District Law of 1994.

5. The boundaries of the RCTBID shall be the boundaries of the City of Rancho Cordova. Please see the attached map, incorporated herein as Exhibit A.

6. The name of the district shall be the Rancho Cordova Tourism Business Improvement District (RCTBID).

7. The annual assessment rate shall be $1.50 per paid occupied room per night.

8. The assessments levied for the RCTBID shall be applied toward sales promotion and marketing programs to market assessed lodging businesses as tourist, meeting, and event destinations, as described in the Plan. Marketing programs such as those to be provided by the RCTBID have been and are sometimes provided by government. All services shall be designed and implemented to provide a specific benefit, increased room night sales, directly to assessed businesses. Funds remaining at the end of any year may be used in subsequent years in which RCTBID assessments are levied as long as they are used consistent with the requirements of this resolution and the Plan.

9. The renewed RCTBID will have an additional ten-year term unless renewed pursuant to Streets and Highways Code § 36660.

10. Bonds may be issued.

11. The time and place for the public meeting to hear testimony on establishing the RCTBID and levying assessments are set for July 15, 2013, at 5:30 p.m., or as soon thereafter as the matter may be heard, at the Council Chambers located at 2729 Prospect Park Drive, Rancho Cordova, CA 95670.

12. The time and place for the public hearing to establish the RCTBID and the levy of assessments are set for August 19, 2013, at 5:30 p.m., or as soon thereafter as the matter may be heard, at the Council Chambers located at 2729 Prospect Park Drive, Rancho Cordova, CA 95670. The City Clerk is directed to provide written notice to the lodging businesses subject to assessment of the date and time of the meeting and hearing, and to provide that notice as required by Streets and Highways Code § 36623.

13. At the public meeting and hearing the testimony of all interested persons for or against the establishment of the RCTBID may be received. If at the conclusion of the public hearing, there are of record written protests by the owners of the lodging businesses within the proposed RCTBID that will pay more than fifty percent (50%) of the estimated total assessment of the entire RCTBID, no further proceedings to establish the RCTBID shall occur for a period of one year.

14. The complete Management District Plan is on file with the City Clerk and may be reviewed upon request.

15. This resolution shall take effect immediately upon its adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the _____ day of _____, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Linda Budge, Mayor

ATTEST:

_____
Mindy Cuppy, CMC, City Clerk

EXHIBIT A

City of Rancho Cordova Tourism Business Improvement Boundary Map

EXHIBIT B

Management District Plan

Rancho Cordova TBID

May 31, 2013

RANCHO CORDOVA
TRAVEL & TOURISM | WORK HARD PLAY HARDER

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Prepared by:
Civitas Advisors Inc.

CIVITAS

(800)999-7781
www.civitasadvisors.com

I. OVERVIEW

Developed by the Rancho Cordova Travel and Tourism Corporation (RCTTC), the Rancho Cordova Tourism Business Improvement District (RCTBID) is a benefit assessment district proposed to help fund marketing and sales promotion efforts for Rancho Cordova lodging businesses. The District was implemented in January 2011; hotels now wish to renew the District.

Location: The proposed RCTBID includes all lodging businesses located within the boundaries of the City of Rancho Cordova. A map of the District boundaries can be found in Section IV.

Services: The renewed District will continue to provide marketing and sales promotions designed to provide the specific benefit of increased room night sales to assessed lodging businesses. Programs will advertise Rancho Cordova lodging businesses as tourist, meeting, and event destinations.

Budget: The total RCTBID annual budget for each year of its ten-year operation is anticipated to be approximately $633,000.

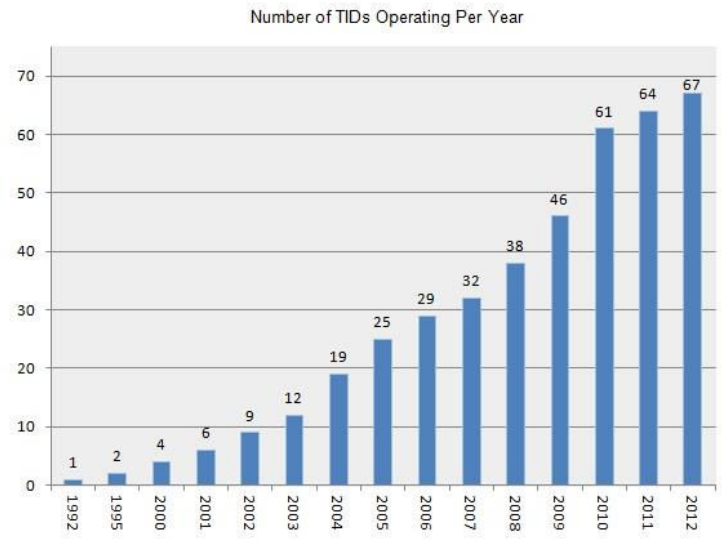
Cost: Annual assessment rates are $1.50 per paid occupied room per night.

Formation: TBID renewal requires the same procedures as formation, including: Development of a management plan, submittal of petitions from lodging businesses representing more than 50% of the total annual assessment, a City Council Resolution of Intention to renew the district, and by a City Council hearing and an opportunity for a written protest. The assessed lodging business owners will receive notice of the public hearing by mail. If there is a majority written protest, the TBID will not be renewed.

Duration: The proposed RCTBID will have a ten-year life beginning September 1, 2013 and ending August 31, 2023. Once per year, beginning on the one-year anniversary of district renewal, there is a 30-day period in which lodging businesses paying more than 50% of the assessment may protest and request a City Council hearing to terminate the district.

II. BACKGROUND

Tourism Business Improvement Districts (TBIDs) are an evolution of the traditional business improvement district. The first TBID was formed in West Hollywood, California in 1992. Since then, more than seventy California destinations have followed suit. In the late 1990s, California modified its property improvement district law, giving businesses a second mechanism by which they can form TBIDs. In recent years, other states have begun adopting the California model – Washington, Montana, and Texas have adopted TBID laws. Several other states are in the process of adopting their own legislation. And, some cities, like Portland, Oregon, have utilized their charter powers to create TBIDs without a state law.



California's TBIDs collectively raise over $140 million each year for local destination marketing. With competitors raising their budgets, and increasing rivalry for visitor dollars, it is important that Rancho Cordova lodging businesses continue and update their investment in stable, lodging-specific marketing programs.

TBIDs utilize the efficiencies of private sector operation in the market-based promotion of tourism. TBIDs allow lodging business owners to organize their efforts to increase room night sales. Lodging business owners within the TBID pay an assessment, and those funds are used to provide services that increase room night sales.

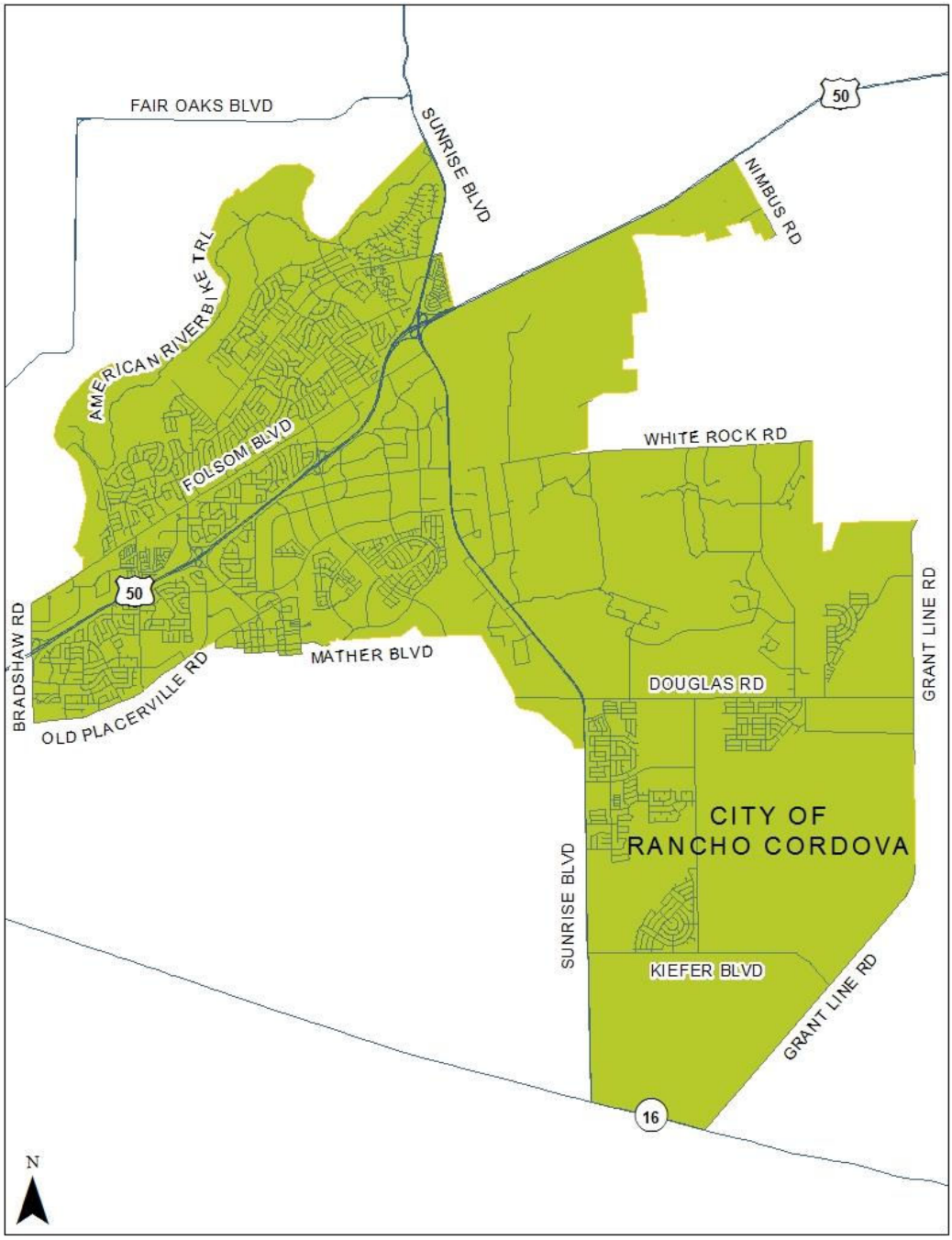
In California, TBIDs are formed pursuant to the Property and Business Improvement District Law of 1994. This law allows for the creation of a special benefit assessment district to raise funds within a specific geographic area. *The key difference between TBIDs and other special benefit assessment districts is that funds raised are returned to the private non-profit corporation governing the district.*

There are many benefits to TBIDs:

- Funds must be spent on services and improvements that provide a specific benefit only to those who pay;
- Funds cannot be diverted to general government programs;
- They are customized to fit the needs of each tourism district;
- They allow for a wide range of services, including those listed above;
- They are designed, created and governed by those who will pay the assessment; and
- They provide a stable funding source for tourism promotion.

III. BOUNDARY

The RCTBID will include all lodging businesses, existing and in the future, available for public occupancy within the boundaries of the City of Rancho Cordova. The district boundaries are illustrated by the map below. The boundary currently includes 16 lodging businesses. A complete listing of lodging businesses within the proposed RCTBID can be found in Appendix 2 of this Plan.



IV. SERVICE PLAN & BUDGET

A. Assessment

The annual assessment rate is $1.50 per paid occupied room per night. The amount of assessment, if passed on to each transient, shall be disclosed in advance and separately stated from the amount of rent charged and any other applicable taxes, and each transient shall receive a receipt for payment from the business.

Bonds may be issued.

B. Special and Specific Benefit

Special Benefit

State law provides that the expenses of the district shall be apportioned in proportion to the specific benefit received by assessed businesses.

A special benefit is defined as a particular and distinct benefit over and above general benefits conferred on the public at large. Conversely, a general benefit is a benefit to businesses in the surrounding community or a benefit to the public in general resulting from the improvement, activity or service to be provided by the assessment levied. Many general benefits are conveyed by municipal services, such as fire protection, police services and public transit services. These municipal services are targeted to serve the public at large and do not confer special benefits on particular businesses.

The services in this Management District Plan are designed to provide targeted services to lodging businesses. These services are tailored not to serve the general public, but rather to serve the specific lodging businesses within the District. The proposed activities are specifically targeted to increase room night sales for assessed lodging businesses within the boundaries of the District, and are narrowly tailored. RCTBID funds will be used exclusively to benefit the assessees.

The activities paid for from assessment revenues are lodging business services providing a special benefit to assessed businesses. It is appropriate that these special business-related benefits be funded through business assessments. Because the programs are intended to increase room night sales, an assessment based on room night sales is appropriate and ensures proportionality between the assessment paid and benefit received by each business.

Specific Benefit

State law also requires that assessment funds be expended on a specific benefit conferred directly to the payors that is not provided to those not charged; the assessment may not exceed the reasonable cost to the City of conferring the specific benefit. Further, the assessment may be utilized to provide a specific government service directly to the payors that is not provided to those not charged, and which does not exceed the reasonable cost to the City of providing the service. Marketing, event, and promotional services like those to be provided by the district have been and sometimes are provided by government.

District services will be implemented carefully to ensure the assessment does not exceed a reasonable cost. The manner in which the costs are allocated to each business bears a fair share or reasonable relationship to the businesses' benefits received from the proposed activities. Funds will be managed by the Bureau, and reports submitted on an annual basis to the City.

The specific benefit the district will provide to assessed lodging businesses, and will not provide to non-assessed businesses, is room night sales. In order to provide a specific benefit and government service only to payors which does not cause the assessment to exceed the reasonable cost to the City of providing the service, the marketing and promotional activities provided with the district funds will be designed specifically to drive room night sales directly to assessed lodging businesses. Only assessed lodging businesses will be featured in marketing materials, receive sales leads generated from district-funded activities, be featured in advertising campaigns, and directly benefit from other district-funded services. Non-assessed businesses will not receive these, nor any other, district-funded services.

C. Time and Manner for Collecting Assessments

Duration

The RCTBID assessment will be implemented beginning September 1, 2013 and will continue for ten years through August 31, 2023. If bonds are issued, the assessments used to repay bond debt shall have a term of 30 years.

Collection

The City of Rancho Cordova will be responsible for collecting the assessment on a monthly basis (including any delinquencies, penalties and interest) from each lodging business located in the boundaries of the RCTBID. The City shall take all reasonable efforts to collect the assessments from each lodging business. The City of Rancho Cordova shall forward the assessments to the Rancho Cordova Travel and Tourism Corporation (RCTTC) which will have the responsibility of managing TBID programs as provided in this Management District Plan.

Penalties and Interest

1. Original Delinquency. When an assessment becomes delinquent, any business which fails to remit the assessment by the time required shall pay a penalty of ten percent of the amount of the assessment in addition to the amount of the assessment.

2. Continued Delinquency. Any business which fails to remit any delinquent assessment on or before a period of 30 days following the date on which the assessment first became delinquent shall pay a second delinquency penalty of 10 percent of the amount of the assessment in addition to the amount of the assessment and the 10 percent penalty first imposed.

3. Fraud. If the City determines that the nonpayment of any assessment is due to fraud, a penalty of 25 percent of the amount of the assessment shall be added thereto in addition to the penalties stated above.

4. Interest. In addition to the penalties imposed, any business which fails to remit any assessment shall pay interest at the rate of one and one-half percent per month or fraction thereof, compounded, on the amount of the assessment, exclusive of penalties, from the date on which the assessment first became delinquent until paid.

5. Penalties merged with assessment. Every penalty imposed and such interest as accrues shall become a part of the assessment required to be paid.

D. Budget

A summary of the annual service plan budget for the RCTBID is provided below. The total ten year improvement and service plan budget is projected at approximately $633,000 annually, or $6,330,000 through 2023. Although actual revenues will fluctuate due to market conditions, the proportional allocations of the budget shall remain the same. However, the City and the RCTTC board shall have the authority to adjust budget allocations between the categories by no more than fifteen percent (15%) per year.

Service	%	$
Marketing and Promotions	88%	$557,040
Administration	5%	$31,650
Contingency	5%	$31,650
Collection Costs	2%	$12,660
Total	1005	$633,000

E. Services

Marketing and Promotions

The marketing and promotions program will feature Rancho Cordova lodging businesses as tourist, meeting, and event destinations. The program will have a central theme of promoting Rancho Cordova as a desirable place to visit overnight, and may include the following activities:

- Sports marketing
- Capital improvements related to sales and marketing of hotels, which may include sports facilities
- Sales development
- Collateral and fulfillment (website, social media, graphic design, printed materials)
- Highway 50 co-op marketing
- Public relations and publicity
- Photo library creation
- California Welcome Center, El Dorado Hills, advertising
- Memberships

Administration and Operations

The administrative and operations portion of the budget shall be utilized for: administrative staffing costs; office costs such as postage and telephone; legal, accounting, and insurance fees; and other general administrative costs.

City Administration Fee

The City of Rancho Cordova shall be paid a fee equal to 2% of the amount of assessment collected to cover its costs of collection and administration.

Contingency/Renewal

A prudent portion of the budget will be set aside in a contingency fund, to be used for unforeseeable costs in carrying out the marketing and promotions programs. If at the expiration of the district there are contingency funds remaining, and business owners wish to renew the district, the remaining contingency funds may be used for renewal costs.

V. GOVERNANCE

A. Owners' Association

The City Council, through adoption of this Management District Plan, has the right, pursuant to Streets and Highways Code §36651, to identify the body that shall implement the proposed program, which shall be the Owners' Association of the RCTBID as defined in Streets and Highways Code §36614.5. The City Council has identified the Rancho Cordova Travel and Tourism corporation as the nonprofit corporation that will serve as the Owners' Association for the RCTBID.

The RCTTC Board of Directors shall have no less than seven and no more than fifteen members. One member shall be a representative of the City of Rancho Cordova, and one shall be a representative of the Rancho Cordova Chamber of Commerce. The remaining board members shall be representatives of assessed lodging businesses.

B. Brown Act and California Public Records Act Compliance

The Owner's Association is subject to government regulations relating to transparency, namely the Ralph M. Brown Act and the California Public Records Act, designed to promote public accountability. The Owners' Association of a TBID is considered a legislative body under the Ralph M. Brown Act (Government Code §54950 et seq.). Thus, meetings of the RCTTC board and certain committees must be held in compliance with the public notice and other requirements of the Brown Act. The Owner's Association is also subject to the record keeping requirements of the California Public Records Act.

C. Annual Report

The RCTTC board shall present an annual report at the end of each year of operation to the City Council pursuant to Streets and Highways Code §36650 (see Appendix 1).

APPENDIX 1 – 1994 LAW

Property and Business Improvement District Law of 1994

Cal Sts & Hy Code § 36600 (2013)

*** This document is current through the 2013 Supplement ***
(All 2012 legislation, 2012 Governor's Reorg. Plan No. 2 and all
propositions approved by the electorate at the June and November 2012 elections)

§ 36600. Citation of part

This part shall be known and may be cited as the "Property and Business Improvement District Law of 1994."

§ 36601. Legislative findings and declarations

The Legislature finds and declares all of the following:
(a) Businesses located and operating within the business districts of this state's communities are economically disadvantaged, are underutilized, and are unable to attract customers due to inadequate facilities, services, and activities in the business districts.
(b) It is in the public interest to promote the economic revitalization and physical maintenance of the business districts of its cities in order to create j§obs, attract new businesses, and prevent the erosion of the business districts.
(c) It is of particular local benefit to allow cities to fund business related improvements, maintenance, and activities through the levy of assessments upon the businesses or real property that benefits from those improvements.
(d) Assessments levied for the purpose of providing improvements and promoting activities that benefit real property or businesses are not taxes for the general benefit of a city, but are assessments for the improvements and activities which confer special benefits upon the real property or businesses for which the improvements and activities are provided.

§ 36602. Purpose of part

The purpose of this part is to supplement previously enacted provisions of law that authorize cities to levy assessments within a business improvement area. This part does not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes.

§ 36603. Preemption of authority or charter city to adopt ordinances levying assessments

Nothing in this part is intended to preempt the authority of a charter city to adopt ordinances providing for a different method of levying assessments for similar or additional purposes from

those set forth in this part. A property and business improvement district created pursuant to this part is expressly exempt from the provisions of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (Division 4 (commencing with Section 2800)).

§ 36603.5. Part prevails over conflicting provisions

Any provision in this part that conflicts with any other provision of law shall prevail over the other provision of law.

§ 36604. Severability

This part is intended to be construed liberally and, if any provision is held invalid, the remaining provisions shall remain in full force and effect. Assessments levied under this part are not special taxes.

§ 36605. [Section repealed 2001.]

§ 36606. "Assessment"

"Assessment" means a levy for the purpose of acquiring, constructing, installing, or maintaining improvements and promoting activities which will benefit the properties or businesses located within a property and business improvement district.

§ 36607. "Business"

"Business" means all types of businesses and includes financial institutions and professions.

§ 36608. "City"

"City" means a city, county, city and county, or an agency or entity created pursuant to Article 1 (commencing with *Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code*, the public member agencies of which includes only cities, counties, or a city and county, or the State of California.

§ 36609. "City council"

"City council" means the city council of a city or the board of supervisors of a county, or the agency, commission, or board created pursuant to a joint powers agreement and which is a city within the meaning of this part.

§ 36610. 'Improvement"

"Improvement" means the acquisition, construction, installation, or maintenance of any tangible property with an estimated useful life of five years or more including, but not limited to, the following:

(a) Parking facilities.
(b) Benches, booths, kiosks, display cases, pedestrian shelters and signs.
(c) Trash receptacles and public restrooms.
(d) Lighting and heating facilities.
(e) Decorations.
(f) Parks.
(g) Fountains.
(h) Planting areas.
(i) Closing, opening, widening, or narrowing of existing streets.
(j) Facilities or equipment, or both, to enhance security of persons and property within the area.
(k) Ramps, sidewalks, plazas, and pedestrian malls.
(l) Rehabilitation or removal of existing structures.

§ 36611. "Property and business improvement district"; "District"

"Property and business improvement district," or "district," means a property and business improvement district established pursuant to this part.

§ 36612. "Property"

"Property" means real property situated within a district.

§ 36613. "Activities"

"Activities" means, but is not limited to, all of the following:
(a) Promotion of public events which benefit businesses or real property in the district.
(b) Furnishing of music in any public place within the district.
(c) Promotion of tourism within the district.
(d) Marketing and economic development, including retail retention and recruitment.
(e) Providing security, sanitation, graffiti removal, street and sidewalk cleaning, and other municipal services supplemental to those normally provided by the municipality.
(f) Activities which benefit businesses and real property located in the district.

§ 36614. "Management district plan"; "Plan"

"Management district plan" or "plan" means a proposal as defined in Section 36622.

§ 36614.5. "Owners' association"

"Owners' association" means a private nonprofit entity that is under contract with a city to administer or implement activities and improvements specified in the management district plan. An owners' association may be an existing nonprofit entity or a newly formed nonprofit entity. An owners' association is a private entity and may not be considered a public entity for any purpose, nor may its board members or staff be considered to be public officials for any

purpose. Notwithstanding this section, an owners' association shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with *Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code*), at all times when matters within the subject matter of the district are heard, discussed, or deliberated, and with the California Public Records Act (Chapter 3.5 (commencing with *Section 6250) of Division 7 of Title 1 of the Government Code*), for all documents relating to activities of the district.

§ 36615. "Property owner"; "Business owner"; "Owner"

"Property owner" means any person shown as the owner of land on the last equalized assessment roll or otherwise known to be the owner of land by the city council. "Business owner" means any person recognized by the city as the owner of the business. "Owner" means either a business owner or a property owner. The city council has no obligation to obtain other information as to the ownership of land or businesses, and its determination of ownership shall be final and conclusive for the purposes of this part. Wherever this part requires the signature of the property owner, the signature of the authorized agent of the property owner shall be sufficient. Wherever this part requires the signature of the business owner, the signature of the authorized agent of the business owner shall be sufficient.

§ 36616. "Tenant"

"Tenant" means an occupant pursuant to a lease of commercial space or a dwelling unit, other than an owner.

§ 36617. Alternate method of financing certain improvements and activities; Effect on other provisions

This part provides an alternative method of financing certain improvements and activities. The provisions of this part shall not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes. Every improvement area established pursuant to the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section 36500) of this division) is valid and effective and is unaffected by this part.

§ 36620. Establishment of property and business improvement district

A property and business improvement district may be established as provided in this chapter.

§ 36620.5. Requirement of consent of city council

A county may not form a district within the territorial jurisdiction of a city without the consent of the city council of that city. A city may not form a district within the unincorporated territory of a county without the consent of the board of supervisors of that county. A city may not form a district within the territorial jurisdiction of another city without the consent of the city council of the other city.

§ 36621. Initiation of proceedings; Petition of property or business owners in proposed district

(a) Upon the submission of a written petition, signed by the property or business owners in the proposed district who will pay more than 50 percent of the assessments proposed to be levied, the city council may initiate proceedings to form a district by the adoption of a resolution expressing its intention to form a district. The amount of assessment attributable to property or a business owned by the same property or business owner that is in excess of 40 percent of the amount of all assessments proposed to be levied, shall not be included in determining whether the petition is signed by property or business owners who will pay more than 50 percent of the total amount of assessments proposed to be levied.
(b) The petition of property or business owners required under subdivision (a) shall include a summary of the management district plan. That summary shall include all of the following:
(1) A map showing the boundaries of the district.
(2) Information specifying where the complete management district plan can be obtained.
(3) Information specifying that the complete management district plan shall be furnished upon request.
(c) The resolution of intention described in subdivision (a) shall contain all of the following:
(1) A brief description of the proposed activities and improvements, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property or businesses within the district, a statement as to whether bonds will be issued, and a description of the exterior boundaries of the proposed district. The descriptions and statements do not need to be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements and activities and the location and extent of the proposed district.
(2) A time and place for a public hearing on the establishment of the property and business improvement district and the levy of assessments, which shall be consistent with the requirements of Section 36623.

§ 36622. Contents of management district plan

The management district plan shall contain all of the following:
(a) If the assessment will be levied on property, a map of the district in sufficient detail to locate each parcel of property and, if businesses are to be assessed, each business within the district. If the assessment will be levied on businesses, a map that identifies the district boundaries in sufficient detail to allow a business owner to reasonably determine whether a business is located within the district boundaries. If the assessment will be levied on property and businesses, a map of the district in sufficient detail to locate each parcel of property and to allow a business owner to reasonably determine whether a business is located within the district boundaries.
(b) The name of the proposed district.
(c) A description of the boundaries of the district, including the boundaries of benefit zones, proposed for establishment or extension in a manner sufficient to identify the affected lands and businesses included. The boundaries of a proposed property assessment district shall not

overlap with the boundaries of another existing property assessment district created pursuant to this part. This part does not prohibit the boundaries of a district created pursuant to this part to overlap with other assessment districts established pursuant to other provisions of law, including, but not limited to, the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section 36500)). This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with another business assessment district created pursuant to this part. This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with a property assessment district created pursuant to this part.

(d) The improvements and activities proposed for each year of operation of the district and the maximum cost thereof. If the improvements and activities proposed for each year of operation are the same, a description of the first year's proposed improvements and activities and a statement that the same improvements and activities are proposed for subsequent years shall satisfy the requirements of this subdivision.

(e) The total annual amount proposed to be expended for improvements, maintenance and operations, and debt service in each year of operation of the district. If the assessment is levied on businesses, this amount may be estimated based upon the assessment rate. If the total annual amount proposed to be expended in each year of operation of the district is not significantly different, the amount proposed to be expended in the initial year and a statement that a similar amount applies to subsequent years shall satisfy the requirements of this subdivision.

(f) The proposed source or sources of financing, including the proposed method and basis of levying the assessment in sufficient detail to allow each property or business owner to calculate the amount of the assessment to be levied against his or her property or business. The plan also shall state whether bonds will be issued to finance improvements.

(g) The time and manner of collecting the assessments.

(h) The specific number of years in which assessments will be levied. In a new district, the maximum number of years shall be five. Upon renewal, a district shall have a term not to exceed 10 years. Notwithstanding these limitations, a district created pursuant to this part to finance capital improvements with bonds may levy assessments until the maximum maturity of the bonds. The management district plan may set forth specific increases in assessments for each year of operation of the district.

(i) The proposed time for implementation and completion of the management district plan.

(j) Any proposed rules and regulations to be applicable to the district.

(k) A list of the properties or businesses to be assessed, including the assessor's parcel numbers for properties to be assessed, and a statement of the method or methods by which the expenses of a district will be imposed upon benefited real property or businesses, in proportion to the benefit received by the property or business, to defray the cost thereof, including operation and maintenance. The plan may provide that all or any class or category of real property which is exempt by law from real property taxation may nevertheless be included within the boundaries of the district but shall not be subject to assessment on real property.

(l) Any other item or matter required to be incorporated therein by the city council.

§ 36623. Procedure to levy assessment

(a) If a city council proposes to levy a new or increased property assessment, the notice and protest and hearing procedure shall comply with *Section 53753 of the Government Code*.
(b) If a city council proposes to levy a new or increased business assessment, the notice and protest and hearing procedure shall comply with *Section 54954.6 of the Government Code*, except that notice shall be mailed to the owners of the businesses proposed to be assessed. A protest may be made orally or in writing by any interested person. Every written protest shall be filed with the clerk at or before the time fixed for the public hearing. The city council may waive any irregularity in the form or content of any written protest. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing. Each written protest shall contain a description of the business in which the person subscribing the protest is interested sufficient to identify the business and, if a person subscribing is not shown on the official records of the city as the owner of the business, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the business or the authorized representative. A written protest that does not comply with this section shall not be counted in determining a majority protest. If written protests are received from the owners or authorized representatives of businesses in the proposed district that will pay 50 percent or more of the assessments proposed to be levied and protests are not withdrawn so as to reduce the protests to less than 50 percent, no further proceedings to levy the proposed assessment against such businesses, as contained in the resolution of intention, shall be taken for a period of one year from the date of the finding of a majority protest by the city council.
(c) If a city council proposes to conduct a single proceeding to levy both a new or increased property assessment and a new or increased business assessment, the notice and protest and hearing procedure for the property assessment shall comply with subdivision (a), and the notice and protest and hearing procedure for the business assessment shall comply with subdivision (b). If a majority protest is received from either the property or business owners, that respective portion of the assessment shall not be levied. The remaining portion of the assessment may be levied unless the improvement or other special benefit was proposed to be funded by assessing both property and business owners.

§ 36624. Changes to proposed assessments

At the conclusion of the public hearing to establish the district, the city council may adopt, revise, change, reduce, or modify the proposed assessment or the type or types of improvements and activities to be funded with the revenues from the assessments. Proposed assessments may only be revised by reducing any or all of them. At the public hearing, the city council may only make changes in, to, or from the boundaries of the proposed property and business improvement district that will exclude territory that will not benefit from the proposed improvements or activities. Any modifications, revisions, reductions, or changes to the proposed assessment district shall be reflected in the notice and map recorded pursuant to Section 36627.

§ 36625. Resolution of formation

(a) If the city council, following the public hearing, decides to establish the proposed property and business improvement district, the city council shall adopt a resolution of formation that shall contain all of the following:

(1) A brief description of the proposed activities and improvements, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property, businesses, or both within the district, a statement about whether bonds will be issued, and a description of the exterior boundaries of the proposed district. The descriptions and statements do not need to be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements and activities and the location and extent of the proposed district.

(2) The number, date of adoption, and title of the resolution of intention.

(3) The time and place where the public hearing was held concerning the establishment of the district.

(4) A determination regarding any protests received. The city shall not establish the district or levy assessments if a majority protest was received.

(5) A statement that the properties, businesses, or properties and businesses in the district established by the resolution shall be subject to any amendments to this part.

(6) A statement that the improvements and activities to be provided in the district will be funded by the levy of the assessments. The revenue from the levy of assessments within a district shall not be used to provide improvements or activities outside the district or for any purpose other than the purposes specified in the resolution of intention, as modified by the city council at the hearing concerning establishment of the district.

(7) A finding that the property or businesses within the area of the property and business improvement district will be benefited by the improvements and activities funded by the assessments proposed to be levied.

(b) The adoption of the resolution of formation and, if required, recordation of the notice and map pursuant to Section 36627 shall constitute the levy of an assessment in each of the fiscal years referred to in the management district plan.

§ 36626. Resolution establishing district

If the city council, following the public hearing, desires to establish the proposed property and business improvement district, and the city council has not made changes pursuant to Section 36624, or has made changes that do not substantially change the proposed assessment, the city council shall adopt a resolution establishing the district. The resolution shall contain all of the information specified in paragraphs (1) to (8), inclusive, of subdivision (b) of Section 36625, but need not contain information about the preliminary resolution if none has been adopted.

§ 36626.5. [Section repealed 1999.]

§ 36626.6. [Section repealed 1999.]

§ 36626.7. [Section repealed 1999.]

§ 36627. Notice and assessment diagram

Following adoption of the resolution establishing district assessments on properties pursuant to Section 36625 or Section 36626, the clerk of the city shall record a notice and an assessment diagram pursuant to Section 3114. No other provision of Division 4.5 (commencing with Section 3100) applies to an assessment district created pursuant to this part.

§ 36628. Establishment of separate benefit zones within district; Categories of businesses

The city council may establish one or more separate benefit zones within the district based upon the degree of benefit derived from the improvements or activities to be provided within the benefit zone and may impose a different assessment within each benefit zone. If the assessment is to be levied on businesses, the city council may also define categories of businesses based upon the degree of benefit that each will derive from the improvements or activities to be provided within the district and may impose a different assessment or rate of assessment on each category of business, or on each category of business within each zone.

§ 36628.5. Assessments on businesses or property owners

The city council may levy assessments on businesses or on property owners, or a combination of the two, pursuant to this part. The city council shall structure the assessments in whatever manner it determines corresponds with the distribution of benefits from the proposed improvements and activities.

§ 36629. Provisions and procedures applicable to benefit zones and business categories

All provisions of this part applicable to the establishment, modification, or disestablishment of a property and business improvement district apply to the establishment, modification, or disestablishment of benefit zones or categories of business. The city council shall, to establish, modify, or disestablish a benefit zone or category of business, follow the procedure to establish, modify, or disestablish a property and business improvement district.

§ 36630. Expiration of district; Creation of new district

If a property and business improvement district expires due to the time limit set pursuant to subdivision (h) of Section 36622, a new management district plan may be created and a new district established pursuant to this part.

§ 36631. Time and manner of collection of assessments; Delinquent payments

The collection of the assessments levied pursuant to this part shall be made at the time and in the manner set forth by the city council in the resolution levying the assessment. Assessments levied on real property may be collected at the same time and in the same manner as for the ad valorem property tax, and may provide for the same lien priority and penalties for delinquent

payment. All delinquent payments for assessments levied pursuant to this part shall be charged interest and penalties.

§ 36632. Assessments to be based on estimated benefit; Classification of real property and businesses; Exclusion of residential and agricultural property

(a) The assessments levied on real property pursuant to this part shall be levied on the basis of the estimated benefit to the real property within the property and business improvement district. The city council may classify properties for purposes of determining the benefit to property of the improvements and activities provided pursuant to this part.
(b) Assessments levied on businesses pursuant to this part shall be levied on the basis of the estimated benefit to the businesses within the property and business improvement district. The city council may classify businesses for purposes of determining the benefit to the businesses of the improvements and activities provided pursuant to this part.
(c) Properties zoned solely for residential use, or that are zoned for agricultural use, are conclusively presumed not to benefit from the improvements and service funded through these assessments, and shall not be subject to any assessment pursuant to this part.

§ 36633. Time for contesting validity of assessment

The validity of an assessment levied under this part shall not be contested in any action or proceeding unless the action or proceeding is commenced within 30 days after the resolution levying the assessment is adopted pursuant to Section 36626. Any appeal from a final judgment in an action or proceeding shall be perfected within 30 days after the entry of judgment.

§ 36634. Service contracts authorized to establish levels of city services

The city council may execute baseline service contracts that would establish levels of city services that would continue after a property and business improvement district has been formed.

§ 36635. Request to modify management district plan

The owners' association may, at any time, request that the city council modify the management district plan. Any modification of the management district plan shall be made pursuant to this chapter.

§ 36636. Modification of plan by resolution after public hearing; Adoption of resolution of intention; Modification of improvements and activities by adoption of resolution after public hearing

(a) Upon the written request of the owners' association, the city council may modify the management district plan after conducting one public hearing on the proposed modifications. The city council may modify the improvements and activities to be funded with the revenue derived from the levy of the assessments by adopting a resolution determining to make the

modifications after holding a public hearing on the proposed modifications. If the modification includes the levy of a new or increased assessment, the city council shall comply with Section 36623. Notice of all other public meetings and public hearings pursuant to this section shall comply with both of the following:

(1) The resolution of intention shall be published in a newspaper of general circulation in the city once at least seven days before the public meeting.

(2) A complete copy of the resolution of intention shall be mailed by first class mail, at least 10 days before the public meeting, to each business owner or property owner affected by the proposed modification.

(b) The city council shall adopt a resolution of intention which states the proposed modification prior to the public hearing required by this section. The public hearing shall be held not more than 90 days after the adoption of the resolution of intention.

§ 36637. Reflection of modification in notices recorded and maps

Any subsequent modification of the resolution shall be reflected in subsequent notices and maps recorded pursuant to Division 4.5 (commencing with Section 3100), in a manner consistent with the provisions of Section 36627.

§ 36640. Bonds authorized; Procedure; Restriction on reduction or termination of assessments

(a) The city council may, by resolution, determine and declare that bonds shall be issued to finance the estimated cost of some or all of the proposed improvements described in the resolution of formation adopted pursuant to Section 36625, if the resolution of formation adopted pursuant to that section provides for the issuance of bonds, under the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500)) or in conjunction with Marks-Roos Local Bond Pooling Act of 1985 (Article 4 (commencing with *Section 6584) of Chapter 5 of Division 7 of Title 1 of the Government Code*). Either act, as the case may be, shall govern the proceedings relating to the issuance of bonds, although proceedings under the Bond Act of 1915 may be modified by the city council as necessary to accommodate assessments levied upon business pursuant to this part.

(b) The resolution adopted pursuant to subdivision (a) shall generally describe the proposed improvements specified in the resolution of formation adopted pursuant to Section 36625, set forth the estimated cost of those improvements, specify the number of annual installments and the fiscal years during which they are to be collected. The amount of debt service to retire the bonds shall not exceed the amount of revenue estimated to be raised from assessments over 30 years.

(c) Notwithstanding any other provision of this part, assessments levied to pay the principal and interest on any bond issued pursuant to this section shall not be reduced or terminated if doing so would interfere with the timely retirement of the debt.

§ 36641. [Section repealed 2001.]

§ 36642. [Section repealed 2001.]

§ 36643. [Section repealed 2001.]

§ 36650. Report by owners' association; Approval or modification by city council

(a) The owners' association shall cause to be prepared a report for each fiscal year, except the first year, for which assessments are to be levied and collected to pay the costs of the improvements and activities described in the report. The owners' association's first report shall be due after the first year of operation of the district. The report may propose changes, including, but not limited to, the boundaries of the property and business improvement district or any benefit zones within the district, the basis and method of levying the assessments, and any changes in the classification of property, including any categories of business, if a classification is used.
(b) The report shall be filed with the clerk and shall refer to the property and business improvement district by name, specify the fiscal year to which the report applies, and, with respect to that fiscal year, shall contain all of the following information:
(1) Any proposed changes in the boundaries of the property and business improvement district or in any benefit zones or classification of property or businesses within the district.
(2) The improvements and activities to be provided for that fiscal year.
(3) An estimate of the cost of providing the improvements and the activities for that fiscal year.
(4) The method and basis of levying the assessment in sufficient detail to allow each real property or business owner, as appropriate, to estimate the amount of the assessment to be levied against his or her property or business for that fiscal year.
(5) The amount of any surplus or deficit revenues to be carried over from a previous fiscal year.
(6) The amount of any contributions to be made from sources other than assessments levied pursuant to this part.
(c) The city council may approve the report as filed by the owners' association or may modify any particular contained in the report and approve it as modified. Any modification shall be made pursuant to Sections 36635 and 36636.
The city council shall not approve a change in the basis and method of levying assessments that would impair an authorized or executed contract to be paid from the revenues derived from the levy of assessments, including any commitment to pay principal and interest on any bonds issued on behalf of the district.

§ 36651. Designation of owners' association to provide improvements and activities

The management district plan may, but is not required to, state that an owners' association will provide the improvements or activities described in the management district plan. If the management district plan designates an owners' association, the city shall contract with the designated nonprofit corporation to provide services.

§ 36660. Renewal of district; Transfer or refund of remaining revenues; District term limit

(a) Any district previously established whose term has expired, may be renewed by following the procedures for establishment as provided in this chapter.

(b) Upon renewal, any remaining revenues derived from the levy of assessments, or any revenues derived from the sale of assets acquired with the revenues, shall be transferred to the renewed district. If the renewed district includes additional parcels or businesses not included in the prior district, the remaining revenues shall be spent to benefit only the parcels or businesses in the prior district. If the renewed district does not include parcels or businesses included in the prior district, the remaining revenues attributable to these parcels shall be refunded to the owners of these parcels or businesses.
(c) Upon renewal, a district shall have a term not to exceed 10 years, or, if the district is authorized to issue bonds, until the maximum maturity of those bonds. There is no requirement that the boundaries, assessments, improvements, or activities of a renewed district be the same as the original or prior district.

§ 36670. Circumstances permitting disestablishment of district; Procedure

(a) Any district established or extended pursuant to the provisions of this part, where there is no indebtedness, outstanding and unpaid, incurred to accomplish any of the purposes of the district, may be disestablished by resolution by the city council in either of the following circumstances:
(1) If the city council finds there has been misappropriation of funds, malfeasance, or a violation of law in connection with the management of the district, it shall notice a hearing on disestablishment.
(2) During the operation of the district, there shall be a 30-day period each year in which assessees may request disestablishment of the district. The first such period shall begin one year after the date of establishment of the district and shall continue for 30 days. The next such 30-day period shall begin two years after the date of the establishment of the district. Each successive year of operation of the district shall have such a 30-day period. Upon the written petition of the owners or authorized representatives of real property or the owners or authorized representatives of businesses in the area who pay 50 percent or more of the assessments levied, the city council shall pass a resolution of intention to disestablish the district. The city council shall notice a hearing on disestablishment.
(b) The city council shall adopt a resolution of intention to disestablish the district prior to the public hearing required by this section. The resolution shall state the reason for the disestablishment, shall state the time and place of the public hearing, and shall contain a proposal to dispose of any assets acquired with the revenues of the assessments levied within the property and business improvement district. The notice of the hearing on disestablishment required by this section shall be given by mail to the property owner of each parcel or to the owner of each business subject to assessment in the district, as appropriate. The city shall conduct the public hearing not less than 30 days after mailing the notice to the property or business owners. The public hearing shall be held not more than 60 days after the adoption of the resolution of intention.

§ 36671. Refund of remaining revenues upon disestablishment or expiration without renewal of district; Calculation of refund; Use of outstanding revenue collected after disestablishment of district

(a) Upon the disestablishment or expiration without renewal of a district, any remaining revenues, after all outstanding debts are paid, derived from the levy of assessments, or derived from the sale of assets acquired with the revenues, or from bond reserve or construction funds, shall be refunded to the owners of the property or businesses then located and operating within the district in which assessments were levied by applying the same method and basis that was used to calculate the assessments levied in the fiscal year in which the district is disestablished or expires. All outstanding assessment revenue collected after disestablishment shall be spent on improvements and activities specified in the management district plan.

(b) If the disestablishment occurs before an assessment is levied for the fiscal year, the method and basis that was used to calculate the assessments levied in the immediate prior fiscal year shall be used to calculate the amount of any refund.

APPENDIX 2 – ASSESSED BUSINESSES

Business Name	Street Address	City, State, Zip
Comfort Inn and Suites	12249 Folsom Boulevard	Rancho Cordova, CA 95670
Courtyard by Marriott	10683 White Rock Road	Rancho Cordova, CA 95670
Crossland Economy Studios	11299 Point East Drive	Rancho Cordova, CA 95670
Days Inn and Suites	3240 Mather Field Road	Rancho Cordova, CA 95670
Extended Stay America	10721 White Rock Road	Rancho Cordova, CA 95670
Fairfield Inn & Suites by Marriott	10745 Gold Center Drive	Rancho Cordova, CA 95670
Hampton Inn	10755 Gold Center Drive	Rancho Cordova, CA 95670
Holiday Inn	11269 Point East Drive	Rancho Cordova, CA 95670
Hyatt House	11260 Point East Drive	Rancho Cordova, CA 95670
Hyatt Place	10744 Gold Center Drive	Rancho Cordova, CA 95670
La Quinta Inn & Suites	11131 Folsom Boulevard	Rancho Cordova, CA 95670
Marriott	11211 Point East Drive	Rancho Cordova, CA 95670
Motel 6	10694 Olson Drive	Rancho Cordova, CA 95670
Red Lion Inn	10713 White Rock Road	Rancho Cordova, CA 95670
Red Roof Inn	10800 Olsen Drive	Rancho Cordova, CA 95670
Residence Inn by Marriott	2779 Prospect Park Drive	Rancho Cordova, CA 95670

MEMORANDUM

DATE: June 17, 2013

TO: Honorable Mayor and Council Members

FROM: Donna Silva, Finance Director
Micah Runner, Economic Development Manager

SUBJECT: **LOAN AGREEMENT BETWEEN THE CITY OF RANCHO CORDOVA AND THE RANCHO CORDOVA TRAVEL AND TOURISM BUSINESS IMPROVEMENT DISTRICT (RCTBID)**

RECOMMENDATION

Adopt Resolution 71-2013 authorizing the City Manager to execute a loan agreement and promissory note, in an amount not to exceed $500,000, to the Rancho Cordova Travel and Tourism Business Improvement District (the District).

RESULT OF RECOMMENDED ACTION

If approved, the loan will be used by the District to pay for past and future tenant improvements to Rancho Cordova Event Center, a multi-use sports facility located at 2561 Mercantile Drive in Rancho Cordova. Past tenant improvements have included ADA and occupancy compliance upgrades as well as the securing of 8 basketball courts and supporting equipment. Future tenant improvements include a much needed ventilation and cooling system for the 72,000 ft. facility, as well as improvements to concession space. These improvements are critical for ensuring use of the building during the hot summer and fall months.

BACKGROUND

The District is a benefit assessment district formed January 1, 2011 to help fund marketing and sales promotion efforts for Rancho Cordova lodging businesses. The fundamental goal of the District is to increase the number of hotel rooms being rented in the City of Rancho Cordova. This approach has been used successfully in other destination areas throughout the state to improve tourism and drive additional room nights. The District includes all lodging businesses located within the boundaries of the City of Rancho Cordova, which is currently 16 hotels.

The City of Rancho Cordova is responsible for collecting the assessment on a monthly basis from each lodging business located in the boundaries of the District. The City of Rancho Cordova forwards the assessments to the District, which has the responsibility of managing programs as provided in the Management District Plan. The assessment is $1.50 per room per night and currently generates annual revenues of approximately $600,000.

As part of the District formation, a Management District Plan was required to be completed to address the governance structure, a budget and a marketing plan. The Management District Plan and subsequent marketing plan identified youth and adult athletics as an opportunity area

for the District. Aligning with the marketing plan and management plan, a major project was initiated by the District to open a multi-use sports facility located at 2561 Mercantile Drive called the Rancho Cordova Events Center. The building is a 71,000 square foot space that can accommodate indoor sports and recreation activities. The space allows for 8 basketball courts, or up to 11 volleyball courts. The indoor surface includes hardwood and composite flooring to accommodate indoor activities and sports including; basketball, volleyball, futsal, wrestling, karate, tae kwon do, judo, badminton, table tennis, and other events.

The project was initiated by the District with two primary goals. First, generate incremental room nights to the hotel properties in the District by creating demand on weekend nights through sports tourism. Second, operate a financially responsible facility that can operate at a reasonable cost structure and obtain the first objective with a return on investment in line with outlined policies of the organization.

The District has partnered with the largest competitive sports organization in the Nation, AAU (Amateur Athletic Union) to assist in the development of the tournaments and rapidly expand the marketing capabilities to Teams and Tournament operators. This partnership will allow rapid expansion of incremental room nights and revenue through the existing demand and need of AAU and partnership with Rancho Cordova Travel and Tourism. Additional benefits that can arise through this venture include a positive extension of the Rancho Cordova Brand nationally through marketing efforts, job creation, and recreational opportunities for the community's youth and adult through leagues and club sports programs.

In order to meet their goals, the District is requesting a loan to assist with paying the remaining costs of phase one, which included ADA and occupancy compliance upgrades as well as the securing of eight basketball courts and supporting equipment. The initial improvements for the building have been completed and they opened their doors with all necessary permits in May of 2013. The loan proceeds will also allow the District to immediately proceed with phase two which includes much needed improvements to the heating and air conditioning system as well as the construction of a concessions stand.

The loan agreement allows for a maximum loan of $500,000 at 3% interest. The district is currently scheduled to expire and disolve on December 6, 2015. Therefore the agreement requires the loan to be paid in full by that date. Under the terms of the loan agreement the City would retain the loan payment from the monthly assessment revenue prior to remitting the revenues to the District. The average monthly assessment revenues are around $52,000. The required monthly payment, assuming the full amount is drawn down immediately would be $17,320.29.

The District is currently working to extend the life of the District by 10 years. If they are successful in that endeavor they will likely request to renegotiation the repayment period of the loan.

ATTACHMENT

Resolution No. 71-2013 including Exhibit A - Loan Agreement and Exhibit B - Promissory Note

CITY OF RANCHO CORDOVA

RESOLUTION NO. 71-2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA AUTHORIZING THE CITY MANAGER TO EXECUTE A LOAN AGREEMENT BETWEEN THE CITY OF RANCHO AND THE RANCHO CORDOVA TRAVEL AND TOURISM BUSINESS IMPROVEMENT DISTRICT

WHEREAS, the Property and Business Improvement District Law of 1994 (Streets and Highways Code §36600 et. seq.) authorizes cities and counties to establish property and business improvement districts upon petition by a weighted majority of the lodging business owners located within the boundaries of the district; and

WHEREAS, lodging business owners within the boundaries of the Rancho Cordova Tourism Business Improvement District ("RCTTBID") who will pay more than fifty percent (50%) of the proposed assessment, as weighted according to the amount of the assessment to be paid by the petitioner, have petitioned the City Council to establish the RCTTBID; and

WHEREAS, on December 6, 2010, the City Council adopted Resolution No.136-2010, establishing the RCTTBID; and

WHEREAS, a Management District Plan was adopted that describes the proposed assessment to be levied on lodging businesses within the RCTTBID to pay for sales promotion and marketing activities, and other improvements and activities set forth in the Management District Plan; and

WHEREAS, as part of the RCTTBID formation a non-profit 501(C)(6) was established to run and manage the District operations; and

WHEREAS, the non-profit Board is mostly comprised of representatives of the hotels that fund the District; and

WHEREAS, the District Management Plan activities include the attraction of sporting events and the funding of certain capital improvements in order to attract such activities; and

WHEREAS, the District has opened and is operating the Rancho Cordova Event Center to attract tournament and sports activities in order to increase the number of hotel rooms being rented; and

WHEREAS, the District has requested assistance from the City to pay for past and future tenant improvements to the Rancho Cordova Event Center, a multiuse sports facility located on 2561 Mercantile Drive in Rancho Cordova. Past tenant improvements have included ADA compliance upgrades as well as the securing of eight (8) basketball courts and equipment. Future tenant improvements will include an urgently needed ventilation and cooling system for the 72,000-ft. facility, as well as a concession stand; and

WHEREAS, the City has agreed to assist in completing the development of the Event Center by providing the District a loan for certain improvements.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA authorizes the City Manager to execute and administer a Loan Agreement, substantially in the form attached hereto as Exhibit A and approved by the City Attorney, whereby the City will loan the Rancho Cordova Travel and Tourism Business Improvement District an amount not to exceed Five Hundred Thousand Dollars ($500,000).

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the ____ day of _____, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Linda Budge, Mayor

ATTEST:

_____
Mindy Cuppy, CMC, City Clerk

EXHIBIT A

LOAN AGREEMENT BETWEEN THE CITY OF RANCHO CORDOVA AND RANCHO CORDOVA TRAVEL AND TOURISM BUSINESS IMPROVEMENT DISTRICT

THIS LOAN AGREEMENT (this "Agreement") is entered into as of _____, 2013 (the "Effective date"), by and between the City of Rancho Cordova, a California municipal corporation ("City") and the Rancho Cordova Travel and Tourism Business Improvement District, a non-profit 501(C)(6) corporation (the "District" or "RCTTBID"). The City and the District are hereinafter collectively referred to as the "Parties."

RECITALS

WHEREAS, the Property and Business Improvement District Law of 1994 (Streets and Highways Code §36600 et. seq.) authorizes cities and counties to establish property and business improvement districts upon petition by a weighted majority of the lodging business owners located within the boundaries of the district; and

WHEREAS, lodging business owners within the boundaries of the Rancho Cordova Tourism Business Improvement District who will pay more than fifty percent (50%) of the proposed assessment, as weighted according to the amount of the assessment to be paid by the petitioner, have petitioned the City Council to establish the RCTTBID; and

WHEREAS, on December 6, 2010, the City Council adopted Resolution No. 136-2010 establishing the RCTTBID; and

WHEREAS, a Management District Plan was adopted that describes the proposed assessment to be levied on lodging businesses within the RCTTBID to pay for sales promotion and marketing activities, and other improvements and activities set forth in the Management District Plan; and

WHEREAS, as part of the RCTTBID formation a non-profit 501(C)(6) was established to run and manage the District operations; and

WHEREAS, the non-profit Board is mostly comprised of representatives of the hotels that fund the District; and

WHEREAS, the District Management Plan activities include the attraction of sporting events and the funding of certain capital improvements in order to attract such activities; and

EXHIBIT A

WHEREAS, the District has opened and is operating the Rancho Cordova Event Center to attract tournament and sports activities in order to increase the number of hotel rooms being rented; and

WHEREAS, the District has requested assistance from the City to pay for past and future tenant improvements to the Rancho Cordova Event Center, a multi-use sports facility located on 2561 Mercantile Dr. in Rancho Cordova. Past tenant improvements have included ADA compliance upgrades, as well as the securing of eight (8) basketball courts and equipment. Future tenant improvements will include an urgently needed ventilation and cooling system for the 72,000-ft. facility, as well as a concession stand; and

WHEREAS, the City has agreed to assist in completing the development of the Event Center by providing the District a loan for certain improvements.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties to this Agreement agree as follows:

ARTICLE 1
LOAN TERMS

1.1 LOAN. City agrees to lend to District, and District agrees to borrow from and repay to City, a loan in the amount not to exceed Five Hundred Thousand Dollars ($500,000) ("Loan Proceeds"). The City will disburse the Loan Proceeds to the District in a lump sum in accordance with Section 2.1 of this Agreement.

1.2 LOAN TERM. The District shall make monthly payments on any loan principal and accrued interest in an amount required to pay off the total outstanding loan principal with accrued interest thereon by December 6, 2015 (the "Maturity Date"). The monthly payment amount of loan principal will depend on the amount owed by the District. Monthly payments are due on the 1st of every month.

1.3 INTEREST. Commencing on the disbursement date of the Loan Proceeds, interest on the loan will accrue on the outstanding principal balance at the rate of three percent (3%), until all indebtedness and other amounts payable under this Agreement are paid in full. Interest will be calculated on the basis of a year of 365 days and charged for the actual number of days that principal is outstanding.

1.4 SECURITY FOR THE LOAN.

A. Withholding of Assessment Revenues – Default. The Loan shall be secured by the Rancho Cordova Travel and Tourism Business Improvement District assessment revenues that the City collects on behalf of the District. The District agrees that if any default occurs, as specified in Article 6 of this Agreement, the City shall have the right to offset any amount that the District owes by using the assessment revenues

that the City has collected, or will collect, on behalf of the District. The District shall be responsible for any amounts still owed after such offset.

B. Withholding of Assessment Revenues – Early Dissolution. The District also agrees that if the City has good cause to believe that the Rancho Cordova Tourism Business Improvement District will dissolve prior to paying off the loan and accrued interest as set forth under this Agreement, the City shall have the right to withhold any and all assessment revenues that the City has collected, or will collect, on behalf of the District to pay off any amount still owed. Prior to withholding the assessment revenues, the City shall notify the District in writing of such belief, and shall offer the District an opportunity to meet with the City to discuss same within thirty (30) days of the date of the notice. The District shall be responsible for any amount still owed after such withholdings in case the District dissolves prematurely.

1.5 PAYMENT. The District shall repay the Loan Proceeds as follows:

A. Monthly Payments. The District shall be responsible for making monthly payments on any loan principal and accrued interest. The total outstanding loan principal, together with accrued interest thereon, shall be paid in its entirety by the Maturity Date. Monthly payments are due on the 1st of every month. Monthly payments shall be satisfied by the City retaining Rancho Cordova Travel and Tourism Business Improvement District assessment revenues which the City collects on behalf of the District ("District Revenues"). If the collected District Revenues exceed the required monthly payment amount, as required under Section 1.5(B) of this Agreement, the City shall disburse the remainder of the District Revenues to the District as specified under their previous arrangement. If the collected District Revenues are less than the required monthly payment amount, the City shall invoice the District for the remainder owed. Payment shall be made by the District within fifteen (15) days of receipt of the invoice.

B. Amount of Monthly Payments. The monthly payment amount under this Agreement will depend upon the amount of loan principal owed by the District. The monthly payment amount shall equal the amount required to pay off the total outstanding loan principal, together with accrued interest thereon, by the Maturity Date. The monthly payment amount shall be calculated by dividing the total loan principal owed by the number of months left to reach the Maturity Date, plus current interest accrued on the total amount owed. The City shall provide the District with an updated repayment schedule at the time the City makes the disbursement of the Loan Proceeds, pursuant to Section 2.1 of this Agreement.

1.6 PREPAYMENT. The District may prepay the loan, including any outstanding accrued and unpaid interest, in whole or in part, at any time, without penalty or other charge. The City shall provide the District with an updated repayment schedule if the monthly amount owed by the District changes due to any prepayment under this Section.

1.7 DISSOLUTION OF DISTRICT. District agrees that the Rancho Cordova Travel and Tourism Business Improvement District will not be dissolved prior to the repayment of all loan principal and accrued interest owed to the City under this Agreement, or any related Promissory Note, without written approval by the City.

ARTICLE 2
DISBURSEMENT AND ACCOUNTING; USE OF FUNDS

2.1 DISBURSEMENT. The City shall disburse the Loan Proceeds, in the amount of Five Hundred Thousand Dollars ($500,000) within seven (7) days of the execution of this Agreement by all Parties.

2.2 USE OF LOAN PROCEEDS. The District shall use the loan proceeds to pay for past and future tenant improvements to Rancho Cordova Event Center, a multiuse sports facility located on 2561 Mercantile Dr. in Rancho Cordova, previously a furniture warehouse. Past tenant improvements have included ADA compliance upgrades, as well as the securing of eight (8) basketball courts and equipment. Future tenant improvements will include an urgently needed ventilation and cooling system for the 72,000-ft. facility, as well as a concession stand.

ARTICLE 3
CITY REPRESENTATIONS AND WARRANTIES

3.1 STANDING. The District warrants that it is in good standing with respect to all laws and regulations related to District operations.

3.2 AUTHORITY. The District warrants that it has the authority, and has completed all proceedings and obtained all approvals necessary to execute, deliver, and perform under this Agreement.

3.3 VALID AND BINDING OBLIGATIONS. The District warrants that, when duly executed by the District, this Agreement shall constitute the legal, valid and binding obligations of the District enforceable in accordance with its terms. The District hereby waives any defense to the enforcement of the terms of this Agreement related to the alleged invalidity of any provisions or conditions contained in this Agreement.

3.4 NO ADVERSE ACTION. The District warrants that there is no action, suit or proceeding pending or threatened against it which might adversely affect the District with respect to this Agreement.

ARTICLE 4
CITY COVENANTS

4.1 NOTIFICATION. Until the loan is repaid in full, the District covenants that it will promptly notify the City in writing of the occurrence of any event which might materially

and adversely affect its ability to perform its obligations under this Agreement, or which constitutes, or with the giving of notice or the passage of time or both would constitute, an Event of Default under this Agreement. Such occurrences include, but are not limited to, the threat or initiation of lawsuits or administrative proceedings against the District that result in a final judgment, order or decree that has a materially adverse effect on the business of the District and its ability to perform its obligations under this Agreement; the revocations of material operating licenses; or problems with vendors, suppliers, or customers that have a material effect on the business of the District and its ability to perform its obligations under this Agreement.

ARTICLE 5
INDEMNITY REQUIREMENTS

5.1 INDEMNITY. The District shall defend, hold harmless and indemnify the City, its officers, employees and agents from and against all claims, liability, costs, expenses, loss or damages of any nature whatsoever, including reasonable attorneys' fees, arising out of or in any way connected with its failure to perform its covenants and obligations under this Agreement and any of its operations or activities related thereto, excluding the willful misconduct or gross negligence of the person or entity seeking to be defended, indemnified, or held harmless.

ARTICLE 6
DEFAULT AND REMEDIES

6.1 EVENTS OF DEFAULT. Each of the following events will constitute an Event of Default ("Event of Default") under this Agreement:

A. Nonpayment. The District's failure to make payments pursuant to Article 1 hereof.

B. Failure to Perform. The District's failure, neglect or refusal to perform any promise, agreement, covenant or obligation contained in this Agreement, after any applicable cure periods.

6.2 DECLARING DEFAULT. Whenever any Event of Default has occurred, other than a failure to pay any sums due, the City shall give written notice of default to the District. If the default is not cured within thirty (30) calendar days after the Date of Default (defined herein), or any extension approved in writing by the City, the City may enforce its rights and remedies under Section 6.3 below. Any default that has occurred will be deemed to commence on the date that written notice of default is effective pursuant to Section 7.2 of this Agreement (the "Date of Default"). In the event of a default of any payment when due, the District shall have ten (10) calendar days from the payment due date to cure such default, whether or not the City gives written notice.

6.3 REMEDIES. Upon the occurrence of any Event of Default, the City, in addition to any other remedies provided herein or by law, has the right, at its option without any further demand or notice, to take one or any combination of the following remedial steps:

A. Declare that the outstanding principal of the Loan Proceeds, all interest accrued and outstanding, and all other sums owing to the City, be immediately due and payable.

B. Withhold any assessment revenues that the City has collected, or will collect, on behalf of the District until the Event of Default has been cured by the District pursuant to this Article.

C. The District agrees that in case of any Event of Default on behalf of the District, the City shall have the option to use any assessment revenues that the City has collected, or will collect, on behalf of the District to offset any amount that the District owes. The District shall be responsible for any amount still owed after the offset. The District has agreed to secure this Loan with such assessment revenues, as set forth in Section 1.4 of this Agreement.

D. Take whatever other action at law or in equity that may appear necessary or desirable to collect the amounts then due, and thereafter to become due hereunder, or to enforce any other of its rights hereunder.

6.4 DISCLAIMER. If the City elects to employ any of the remedies available to it in connection with any Event of Default, the City will not be liable for: (1) the payment of any expenses incurred in connection with the exercise of any remedy available to the City; and (2) the performance or nonperformance of any other obligations of the City under this Agreement.

ARTICLE 7
MISCELLANEOUS

7.1 CONFLICT OF INTEREST; INTEREST OF EMPLOYEES, AGENTS, CONSULTANTS, OFFICERS AND OFFICIALS OF CITY OR DISTRICT. Except for approved eligible administrative or personnel costs, no employee, agent or consultant who is in a position to participate in a decision-making process or gain inside information with regard to such activities assisted under this Agreement may obtain a personal or financial interest in, or benefit from, the activities assisted under this Agreement, or have an interest, direct or indirect, in any contract, subcontract or agreement with respect thereto, or in the proceeds thereunder, either for himself/herself or for those with whom he/she has family or business ties, during his/her tenure and for one year thereafter.

7.2 NOTICES. Any notice, request or consent required pursuant to this Agreement shall be deemed given when delivered personally, or three (3) business days after being deposited in the U.S. mail, first class postage prepaid, return receipt requested, addressed as follows:

If to District:	Rancho Cordova Travel and Tourism Business Improvement District 2729 Prospect Park Dr. Suite 117 Rancho Cordova, CA Attention: Josiah Kitonga
If to City:	City of Rancho Cordova 2729 Prospect Park Drive Rancho Cordova, CA 95670 Attention: Finance Director

or to such other addresses as the Parties may designate by notice as set forth above.

7.3 SUCCESSORS AND ASSIGNS. All of the terms of this Agreement shall apply to and be binding upon, and inure to the benefit of, the successors and permitted assigns of the City and the District, respectively, and all personnel claiming or through them.

7.4 ATTORNEY'S FEES. If any action is instituted by any party to enforce this Agreement, or to collect any sums due hereunder, the prevailing party in such action shall be entitled to recover its costs and reasonable attorneys' fees as awarded by the court in that action.

7.5 SEVERABILITY. If one or more provisions of this Agreement are found invalid, illegal or unenforceable in any respect by a court of competent jurisdiction, the remaining provisions shall not in any way be affected, prejudiced, disturbed or impaired thereby, and all other provisions of this Agreement shall remain in full force and effect.

7.6 AMENDMENTS/ENTIRE AGREEMENT. The City and the District reserve the right to amend this Agreement by mutual consent. It is mutually understood and agreed that no amendment, modification, alternation or variation of the terms of this Agreement is valid unless in writing and signed, acknowledged and approved by both Parties. This Agreement constitutes the entire agreement of the Parties and no oral understandings or agreements not incorporated herein shall be binding on either party.

7.7 LOAN DOCUMENTS. The Loan Documents include this Agreement and the promissory note issued for the disbursement of Loan Proceeds made by the City to the District under this Agreement. The form of a promissory note is attached to this Agreement as **Exhibit A**.

EXHIBIT A

7.8 TIME. Time is of the essence in the performance of the terms and conditions of this Agreement.

7.9 GOVERNING LAW. The laws of the State of California govern this Agreement.

7.10 CITY'S RIGHT AND CONSENT. No forbearance, failure or delay by the City in exercising any right, power, or remedy, nor any single or partial exercise of the City of any right or remedy hereunder, shall preclude the further exercise of such right, power or remedy. The consent of the City to any act or omission by the District may not be constructed as the City's consent to any other or subsequent act or omission, or as a waiver of the requirement to obtain the City's consent in any other instance. All of the City's rights, powers and remedies are cumulative and shall continue in full force and effect until specifically waived in writing by the City.

7.11 DURATION/SURVIVAL. This Agreement continues in full force and effect until the loan is repaid in full.

7.12 HEADINGS. The headings within this Agreement are for the purpose of reference only and do not limit or otherwise affect any of the terms of this Agreement.

7.13 COUNTERPARTS, FACSIMILE COPIES. This Agreement may be executed in counterparts, each of which will be deemed an original, but all of which together constitute one and the same Agreement. This Agreement is effective upon transmission by any party to the other parties of a fully signed facsimile copy of the Agreement after the formal approval by the governing bodies of the District and the City Council. In case of any conflict, the counterpart maintained by the City Council will be deemed to be determinative.

SIGNATURES ON FOLLOWING PAGE

EXHIBIT A

IN WITNESS WHEREOF, City and the District have executed this Agreement as of the date first above written.

City of Rancho Cordova,
a municipal corporation

By: _____
City Manager

Attest:

_____
City Clerk

Reviewed as to Form:

_____
City Attorney

Rancho Cordova Travel and Tourism Business Improvement District

By: _____
Board Chair

Attest:

_____
Secretary

Reviewed as to Form:

_____
District Counsel

841.1001 2091737.1

EXHIBIT B

City of Rancho Cordova

PROMISSORY NOTE

$500,000 Rancho Cordova, California

_____, 2013

A. FOR VALUE RECEIVED, the RANCHO CORDOVA TRAVEL AND TOURISM BUSINESS IMPROVEMENT DISTRICT, a non-profit organization operating under and in accordance with Chapter 501(c)(6) of the Internal Revenue Code, ("Maker"), promises to pay to the CITY OF RANCHO CORDOVA ("Holder"), the principal sum of FIVE HUNDRED THOUSAND DOLLARS ($500,000), or so much thereof as may be advanced by Holder pursuant to the loan agreement described below, together with interest on the outstanding principal balance, in accordance with the terms and conditions described herein.

This Promissory Note ("Note") has been executed and delivered pursuant to the terms of a Loan Agreement dated _____, 2013 (the "Loan Agreement") between Maker and Holder which details the terms and conditions under which Holder agrees to lend to Maker, and Maker agrees to borrow, up to FIVE HUNDRED THOUSAND DOLLARS ($500,000) (the "Loan"). The Loan Agreement requires Holder to disburse the amount for the Loan in a lump sum. This Note reflects the disbursement under the Loan Agreement. The rights and obligations of Maker under this Note shall be governed by the Loan Agreement and by the terms set forth in this Note. Capitalized terms used, but not defined herein, shall have the same meaning as set forth in the Loan Agreement.

B. Note Terms.

(1) Loan Term. The Maker shall make monthly payments of any loan principal and accrued interest in an amount required to pay off the total outstanding loan principal, together with accrued interest thereon, on December 6, 2015 (the "Maturity Date").

(2) Interest Rate. The unpaid principal balance of the Loan shall accrue interest at the rate of three percent (3%) until all indebtedness and other amounts payable under this Agreement are paid in full. Interest will be calculated on the basis of a year of 365 days and charged for the actual number of days that principal is outstanding.

(3) Payments. Maker shall make payments as follows:

(a) Monthly Payments. Maker shall be responsible for making monthly payments on any loan principal and accrued interest. The total outstanding loan principal, together with accrued interest thereon, shall be paid in its entirety by the Maturity Date. Monthly payments are due on the 1st of every month. Monthly payments shall be satisfied by the Holder retaining Rancho Cordova Travel and Tourism Business Improvement District assessment revenues which the Holder collects on behalf of the Maker ("District Revenues"). If the collected District Revenues exceed the required monthly

payment amount, as required under Section (B)(3)(b) of this Note, the Holder shall disburse the remainder of the District Revenues to the Maker as specified under their previous arrangement. If the collected District Revenues are less than the required monthly payment amount, the Holder shall invoice the Maker for the remainder owed. Payment shall be made by the Maker within fifteen (15) days of receiving the invoice.

(b) Amount of Monthly Payments. The monthly payment amount under the Loan Agreement and this Note will depend on the amount of Loan principal owed by the District. The monthly payment amount shall equal the amount required to pay off the total outstanding Loan principal, together with accrued interest thereon, by the Maturity Date. The monthly payment amount shall be calculated by dividing the total Loan principal owed by the number of months left to reach the Maturity Date, plus current interest accrued on the total amount owed. Holder shall provide Maker with an updated repayment schedule at the time Holder makes the disbursement of the Loan Proceeds, pursuant to Section 2.1 of the Loan Agreement, and at any time the interest rate changes, pursuant to Section 1.3 of the Loan Agreement.

(4) Place and Manner of Payment. Payments shall be made in lawful money of the United States to Holder at 2729 Prospect Park Drive, Rancho Cordova, California, or at such other place as Holder may from time to time designate in writing to Maker.

(5) Prepayment. Maker may prepay this Note, including any accrued interest, either in whole or in part, at any time prior to the Maturity Date without penalty or other charge. Holder shall provide Maker with an updated repayment schedule if the monthly amount owed by Maker changes due to any prepayment under this Section

(6) Security for the Loan.

(a) Withholding of Assessment Revenues – Default. The loan shall be secured by the Rancho Cordova Travel and Tourism Business Improvement District assessment revenues that Holder collects on behalf of the Maker. The Maker agrees that if any default occurs, as specified in Article 6 of the Loan Agreement, Holder shall have the right to offset any amount that Maker owes by using the assessment revenues that Holder has collected, or will collect, on behalf of Maker. Maker shall be responsible for any amounts still owed after such offset.

(b) Withholding of Assessment Revenues – Early Dissolution. Maker also agrees that if Holder has good cause to believe that the Rancho Cordova Tourism Business Improvement District will dissolve prior to paying off the loan and accrued interest as set forth under this Agreement, Holder shall have the right to withhold any and all assessment revenues that Holder has collected, or will collect, on behalf of the Maker to pay off any amount still owed. Prior to withholding the assessment revenues, Holder shall notify Maker in writing of such belief, and shall offer Maker an opportunity to meet with Holder to discuss same within thirty (30) days of the date of the notice. Maker shall be responsible for any amount still owed after such withholdings in case the Rancho Cordova Tourism Business Improvement District dissolves prematurely.

C. If default occurs in the payment of this Note when due, and the default is not cured within thirty (30) days, interest shall accrue at the lesser of (i) twelve percent (12%) or (ii) the maximum legal rate

permitted to be charged by lenders under the usury laws of the State of California, until all amounts due under this Note are paid in full. In case of any default by the Maker, Holder shall have available all remedy options stated in Article 6 of the Loan Agreement.

D. Maker agrees to pay the following costs, expenses and attorneys' fees paid or incurred by Holder, or adjudged by a court: (1) reasonable costs of collection, costs, expenses and attorneys' fees paid or incurred in connection with the collection or enforcement of this Note, whether or not suit is filed; and (2) costs of suit and such sums as the court may adjudge as attorneys' fees in an action to enforce payment of this Note or any part thereof.

E. This Note shall be governed by and construed in accordance with the laws of the State of California.

F. The terms of this Note shall be binding upon and inure to the benefit of the respective heirs, successors in interest and assigns of Maker and Holder.

G. Time is of the essence with respect to each and every provision hereof. If any provision hereof is found to be invalid or unenforceable by a court of competent jurisdiction, the invalidity thereof shall not affect the enforceability of the remaining provisions of this Note.

Executed in Rancho Cordova, California on _____, 2013

RANCHO CORDOVA TRAVEL AND TOURISM BUSINESS IMPROVEMENT DISTRICT

_____

By: Josiah Kitonga
Its: Chair, Board of Directors

2091738.1

MEMORANDUM

DATE: June 17, 2013

TO: Honorable Mayor and Council Members

FROM: Donna Silva, Finance Director
Michelle Mingay, Sr. Finance Analyst

SUBJECT: **RESOLUTION EXTENDING THE TEMPORARY DEVELOPMENT IMPACT FEE DEFERRAL PROGRAM FOR A PERIOD OF THREE YEARS**

RECOMMENDATION

Staff recommends Council adopt Resolution No. 73-2013.

RESULT OF RECOMMENDED ACTION

Adoption of Resolution No. 73-2013 will extend the Temporary Development Impact Fee Deferral Program for three additional years, to June 30, 2016. Developers will benefit significantly from the program, as it will reduce their cash outlay at the time of building permit issuance.

BACKGROUND

The fee deferral program was established in May 2008, in response to requests from a distressed homebuilder and concerns with the effects of the economic downturn on non-residential and residential construction. The City Council authorized the City Manager to establish a temporary fee deferral program.

The current program allows residential and non-residential developers to defer eligible impact fees normally paid at the time of building permit issuance. Developer impact fees are one-time infrastructure and facility charges collected on new building permits. They are used to mitigate the cost of new development by recovering a proportional share of the cost of public infrastructure needed to provide service to new customers.

While the program was originally designed to assist developers during the decline in the economy and housing market, the program is still seen as a tool to help developers continue to stimulate the housing market recovery without having a negative impact on the City's ability to have infrastructure and facilities constructed in a timely basis. The program allows deferral of payment of selected City controlled development impact fees to the earlier date of final inspection, temporary certificate of occupation or twelve months.

Fees eligible for deferral include:

- Transportation Development Impact Fees
- Community Facilities Fees – Library
- Park Renovation Fee
- Local Housing Trust Fund (non-residential projects only)
- Certain Specific Plan Area fees, including:
    - Capital Village fees for park renovation and transportation impact
    - Sunridge Douglas fees for interim sewer, roadway construction and transit shuttle program
    - Villages of Zinfandel fees for park renovation and roadway construction

Over the last five years this program has been used a total of 93 times with most of the deferrals (89) being requested from a single developer, Elliot Homes, and 4 of the deferrals being requested for commercial projects. All but the 15 deferrals which were issued in May 2013 have been fully repaid to the City.

Although the program is currently only being used by a single developer, staff feels the City can use this program as a tool to provide continued assistance to the development community. Staff recommends the City Council approve an extension of the Development Impact Fee Deferral Program for a period of three years, from July 1, 2013 to June 30, 2016.

The deferral of the Transportation Development Impact Fee and certain Sunridge Douglas Specific Plan Fees has already been extended by the Council through the adoption of Ordinances 03-2013 and 07-2013. Approval of this final Resolution will extend the Temporary Development Impact Fee Program, which includes the recent updates to the development impact fees programs.

ATTACHMENT

Resolution No. 73-2013 with Exhibit A (Temporary Development Impact Fee Deferral Program).

CITY OF RANCHO CORDOVA

RESOLUTION NO. 73-2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA EXTENDING THE TEMPORARY DEVELOPMENT IMPACT FEE DEFERRAL PROGRAM FOR A PERIOD OF THREE YEARS

WHEREAS, in May 2008, in response to the nationwide downturn in the housing market, the City Council adopted Resolution No. 51-2008 establishing a Temporary Developer Impact Fee Deferral Program; and

WHEREAS, the City Council also adopted Urgency Ordinance No. 14-2008, amending the City Municipal Code by adding Sections 16.83.105 and 16.84.065, which provided the City Manage the authority to defer certain development impact fees. The temporary fee deferral provisions were set to automatically expire on June 30, 2009; and

WHEREAS, in April 2009, in response to the continued downturn in the housing market, the City Council adopted Ordinance No. 10-2009 and Resolution No. 33-2009 to extend the time period of the Development Impact Fee Deferral Program for an additional one year period, expiring on June 30, 2010; and

WHEREAS, in October 2010, the City Council approved an additional three year extension of the Development Impact Fee Deferral Program by adopting Ordinance No. 32-2010 and Resolution No. 120-2010 which extended the time period of the program to June 30, 2013; and

WHEREAS, although both the housing market and commercial development is starting to rebound, the deferral of these impact fees is still needed in order to continue to assist developers in continuing construction; and

WHEREAS, the City Council adopted Ordinance No. 3-2013 and Ordinance No. 7-2013, extending the expiration date for the deferral of Transportation Impact Fees and certain Sunridge Douglas Community Plan fees to June 30, 2016; and

WHEREAS, the City desires to extend the time period of the Temporary Development Impact Fee Deferral Program (**Exhibit A**) in order to allow the program to remain effective for an additional three year period, to June 30, 2016.

NOW, THEREFORE, BE IT HEREBY RESOLVED THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA does authorize the City Manager to extend the time period of the Temporary Development Impact Fee Deferral Program to allow the program to remain effective for an additional three year period. The extension of this program shall automatically expire and be of no force and effect after June 30, 2016.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the ___ day of _____, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Linda Budge, Mayor

ATTEST:

_____
Mindy Cuppy, CMC, City Clerk

EXHIBIT A

TEMPORARY DEVELOPMENT IMPACT FEE DEFERRAL PROGRAM

Finance Department
2729 Prospect Park Drive
Rancho Cordova, CA 95670
Ph: 916.851-8700

www.cityofranchocordova.org

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Development Impact Fee Deferral Program

In order to help stimulate economic development and to be responsive to the needs of our customers, the City of Rancho Cordova is offering an interest-free fee deferral program for residential, commercial and industrial projects. Rather than requiring developers to pay all "development impact fees" at the time a building permit is issued, developers may request approval to defer the payment of select impact fees. The deferral is intended as a temporary response to the current housing market slump, and as such, will expire on **June 30, 2016**.

Program Highlights:

- Available to all new construction, including residential, retail, office and industrial
- Payment due at the earlier of final inspection, issuance of temporary or final certificate of occupancy, or one-year from the date the application is approved
- Deferred fees shall be paid at the rates applicable at the time of building permit issuance
- Deferrals apply to City controlled fees only

Eligible Development Impact Fees

Fees within the City's control may be deferred. Deferral of fees that are collected by the City and passed through directly to the City's regional partners will require agreement between the City and the other agency.

The following is a list of fees eligible for deferral:

- Community Facility Fee - Library
- Park Renovation Fee
- Transportation Development Impact Fees
- Local Housing Trust Fund – (available to non-residential projects)
- Certain Specific Plan Area fees, including:
    - Capital Village fees for park renovation and transportation impact
    - Sunridge Douglas fees for interim sewer, roadway construction and transit shuttle program
    - Villages of Zinfandel fees for park renovation and roadway construction

The City will determine, at its discretion, and subject to approval by the City Manager, the amount of the fees that can be deferred. The City will be reviewing anticipated cash outlays and/or contracts related to specific development impact fees considered for deferment to determine which fees can be deferred at any point in time.

Sunset for Fee Deferral Program

The Fee Deferral Program is intended as a temporary response to the current housing market slump and will expire on June 30, 2016.

Non-Residential Project Criteria

To be eligible for the deferral program, a project must meet at least one of the following criteria:

- Creates at least 25 full-time jobs
- Increases annual tax revenue by at least $5,000
- Project located in Redevelopment Project Area
- Project is determined to be a "Catalyst Project" that will further economic development goals and objectives

Project Qualifications

To participate in the deferral program, all outstanding City invoices, fees and taxes must have been paid in full.

Property owners are encouraged to utilize the Statewide Communities Infrastructure Program (SCIP) to finance their impact fees whenever possible. More information on the SCIP can be found at City Hall or on the City's website, at www.cityofranchocordova.org.

Fee Deferral Time Limits:

- **Non-residential** projects - fees may be deferred until the earlier of final inspection, issuance of temporary or final certificate of occupancy, or twelve months from the date the fee deferral is approved.
- **Residential** projects - Fees may be deferred to the earlier of final inspection, or twelve months from the date the fee deferral is approved.

Processing Fee

The Fee Deferral Program is expected to result in costs to the City to implement and service the program. The fee for processing the deferral applications shall be $250 per residential unit, commercial project or industrial project.

Issuance of the Building Permit

Prior to the anticipated date of pulling the building permit, applicants should submit a fee deferral application to the Building & Safety Division staff. The Finance Director and/or Economic Development Manager will then review and approve the application. Building permits will be issued following approval of the application.

Payment of Fees

Fees deferred are due and payable at the earlier of final inspection, issuance of temporary or final certificate of occupancy, or twelve months from the date the fee deferral is approved. There will be no interest charged on the deferred fees.

How Do I Apply

Applications may be obtained by contacting the City's Office of Economic Development at (916) 851-8783, or the Building & Safety Division at (916) 851-8760.

Completed applications should be submitted to the Building & Safety Division Permit Counter.

Upon approval, the City will contact each applicant to inform them they may pull permits at the Building & Safety Division Permit Counter.

MEMORANDUM

DATE: June 17, 2013

TO: Honorable Mayor and Council Members

FROM: Paul Junker, Planning Director

SUBJECT: **AN ORDINANCE AMENDING SECTION 23.325.020 (CONVENTION OVERLAY DISTRICT) OF TITLE 23 (ZONING CODE) OF THE MUNICIPAL CODE TO ADD AN EXCEPTIONS SECTION**

RECOMMENDATION

Introduce and waive first reading of Ordinance 18-2013.

RESULT OF RECOMMENDED ACTION

Adopting this Ordinance would amend the Convention Overlay District regulations within Title 23 (Zoning Code) of the City's Municipal Code to introduce an exceptions process within the Convention Overlay section of the Zoning Code. The exceptions process will allow the City Council to consider, and possibly approve, projects that provide specified community benefits but may not meet the specific development standards identified in the Code.

BACKGROUND

The City's General Plan identifies the Convention Overlay area around the intersection of Sunrise Boulevard and Folsom Boulevard. The overlay was established to foster a convention center district to include hotels, restaurants, and meeting spaces as well as retail and offices. Low density, single-story concrete tilt ups are discouraged. The Zoning Code further describes the convention district area to be a vibrant, entertaining, and inviting center for tourists, visitors, and residents alike. The Zoning Code includes an allowed use table and development standards for projects within the overlay zone.

PROJECT ANALYSIS

The Convention Overlay District was established within an area of the City that, at incorporation, had already been substantially developed with office, light industrial, and some limited retail uses. While the General Plan and subsequent Zoning Code establish land use regulations that would achieve the transformative vision within the Convention Overlay area, regulations specific to the Convention Overlay establish very stringent requirements for development projects. As proposed, the addition of an Exceptions process within the Zoning Code would provide opportunities for development within the Convention Overlay District, in certain, specific circumstances. The proposed Exceptions process establishes the requirements that any development project can request relief from the development standards of the Convention Overlay District if the project fills a compelling community need, provides property tax increases,

provides sales tax increases, provides jobs, removes blight, or meets a stated policy of the City Council.

Full text of the proposed amendments is included in **Attachment 1**. A redlined version of these amended sections is included in **Attachment 2.**

ENVIRONMENTAL ANALYSIS

The Rancho Cordova General Plan Final Environmental Impact Report (EIR) was certified in June 2006 by the Rancho Cordova City Council. The General Plan EIR is a Program EIR (CEQA Guidelines section 15168). This Zoning Code Amendment is an activity within the scope of the General Plan Program EIR and no further environmental review is required. Further environmental review is not required because the proposed amendments do not meet the criteria for preparing a subsequent EIR or Negative Declaration under State CEQA Guidelines Section 15162.

First, the Zoning Code amendment is consistent with the General Plan, is limited in nature, and does not constitute substantial changes to the existing policies and actions in the General Plan. Overall, the proposed amendment would not cause a new significant impact or substantially increase the severity of a previously identified significant impact from the General Plan Final EIR that would require major revisions to the General Plan Final EIR (State CEQA Guidelines Section 15162[a][1]). All impacts would be nearly equivalent to the impacts previously analyzed in the General Plan Final EIR.

Second, the City is not aware of any substantial changes in circumstances that would cause a new significant impact or substantially increase the severity of a previously identified significant impact requiring major revisions to the General Plan EIR (State CEQA Guidelines Section 15162[a][2]). There have been no changes in the environmental conditions in the City not previously contemplated and analyzed in the General Plan EIR that would result in new or substantially more severe environmental impacts.

Third, there is no new information of substantial importance (which was not known or could not have been known at the time of the General Plan adoption in June 2006) that identifies: a new significant impact (condition “A” under State CEQA Guidelines Section 15162[a][3]); a substantial increase in the severity of a previously identified significant impact (condition “B” State CEQA Guidelines Section 15162[a][3]); mitigation measures or alternatives previously found infeasible that would now be feasible and would substantially reduce one or more significant effects of the General Plan; or mitigation measures or alternatives which are considerably different from those analyzed in the General Plan EIR which would substantially reduce one or more significant effects on the environment (conditions “C” and “D” State CEQA Guidelines Section 15162[a][3]). None of the “new information” conditions listed in the State CEQA Guidelines Section 15162[a][3] are present in this case to trigger the need for a subsequent EIR.

Lastly, no subsequent projects pursuing entitlements for development projects resulting in environmental impacts will be allowed by right under the proposed amendment. Therefore, there is no direct or reasonably foreseeable indirect impact on the environment. (Guidelines section 15060(c)(2).) Therefore, no conditions have occurred that would require the preparation of a subsequent or supplemental EIR or MND and no further environmental review is necessary at this time.

FINANCIAL IMPLICATIONS TO CITY

There are no financial implications to the City in amending the Municipal Code.

ATTACHMENTS

1. Ordinance No. 18-2013, including Amended Section 23.325.020 including the new Exceptions section (Convention Overlay District) of Title 23 (Zoning Code) (**Exhibit A**)
2. Redline Copy amended Section 23.325.020 including the new Exceptions section (additions in underlined, deletions in strikethrough; pages with no edits have been omitted)

ATTACHMENT 1

CITY OF RANCHO CORDOVA

ORDINANCE NO. 18-2013

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA AMENDING SECTION 23.325.020 (CONVENTION OVERLAY DISTRICT) OF TITLE 23 OF THE MUNCIPCAL CODE TO ADD AN EXCEPTIONS SECTION

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

Section 1. Purpose and Declarations.

WHEREAS, the City's General Plan established a Convention Overlay District around the intersection of Sunrise and Folsom Boulevards, in an area of the City that was substantially developed at incorporation; and

WHEREAS, the City adopted the City-wide Zoning Code to reflect the General Plan desire for a Convention Overlay District; and

WHEREAS, the Zoning Code establishes specific regulations for allowed uses and development standards for the Convention Overlay District; and

WHEREAS, the development standards that apply specifically within the Convention Overlay District are stringent to ensure the transformation of the mostly built out Convention Overlay area; and

WHEREAS, in order to facilitate development in the Convention Overlay District, the City wants to provide an Exceptions process to allow the City Council to consider projects that may not strictly adhere to the development standards but do provide benefits to the community such as jobs, increased property tax revenue, and increased sales tax revenue; and

WHEREAS, the certified Environmental Impact Report (EIR) prepared for the previously adopted General Plan was found to adequately address all potential environmental impacts associated with the adoption of the proposed Zoning Code amendments; and

WHEREAS, these amendments were analyzed and determined to be within the scope of the General Plan EIR and require no further environmental review under State CEQA Guidelines Section 15162; and

WHEREAS, on June 17, 2013, the City Council held a properly noticed public hearing for this Ordinance.

Section 2: Findings. The City Council hereby finds:

A. **CEQA Compliance.** The Rancho Cordova General Plan FEIR (SCH #2005022137) was certified in June 2006 by the Rancho Cordova City Council. The General Plan EIR is a Program EIR. (CEQA Guidelines section 15168.) This Zoning Code Amendment is an activity within the scope of the General Plan EIR and requires no further environmental review. Further environmental review is not required because the proposed amendments do not meet the criteria for preparing a subsequent EIR or Negative Declaration under State CEQA Guidelines section 15162. Furthermore, this is a procedural change in the Zoning Code that will

not result in a direct, or reasonably foreseeable indirect, physical change in the environment. Therefore, adoption of the Ordinance is not subject to CEQA pursuant to Guidelines Section 15060(c)(2). All applications for entitlements under this provision will be required to comply with the requirements of CEQA prior to the approval of the permit.

B. **The proposed amendment is consistent with the General Plan.** The attached Zoning Code Amendment ("Amendment" or "proposed Amendment") is consistent with the General Plan as required by Government Code Section 65454. The Amendment is consistent with and implements the following provisions of the City's adopted General Plan:

General Plan Goals, Policies, and Actions:

- Economic Development Action ED.1.7.3 – Institute a zoning incentive program that may include flexible development standards, fast track processing, etc. for target uses and infill development.

Finding: The Amendments will allow for development projects to apply for an exception when they cannot comply with the specific development standards established in the Convention Overlay District. By adding this process, the City is providing opportunities for development within the area that may not otherwise occur and will provide for other community benefits such as jobs, increased property tax revenue, and increased sales tax.

C. **The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.** The Amendment is in the public interest by facilitating development projects within the City's core area. There are no adverse impacts to health, safety, convenience, or welfare of the City and its residents.

D. **The proposed amendment is internally consistent with other applicable provisions of the zoning code.** The Amendments have been reviewed and determined to be consistent with all applicable provisions of the zoning code.

Section 3. Amendments to Section 23.325.020 of Title 23

The City Council hereby adopts amended Section 23.325.020 including the new Exceptions section (Convention Overlay District) of Title 23 (Zoning Code) of the Municipal Code in **Exhibit A**, attached and incorporated herein.

Section 4. Severability

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

Section 5. Effective Date

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

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the ___ day of _____ 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Linda Budge, Mayor

ATTEST:

_____
Mindy Cuppy, CMC, City Clerk

Chapter 23.325
OVERLAY ZONING DISTRICTS

Sections:

23.325.010 Purpose.
23.325.020 Convention (CO) overlay zoning district.
23.325.030 Transit oriented development (TOD) overlay zoning district.
23.325.040 Flood (F) overlay zoning district.
23.325.050 Planned development (PD) overlay zoning district.
23.325.060 Planned development – County/city initiated (PDC) overlay zoning district.
23.325.070 Parkway corridor (PC) overlay zoning district.
23.325.080 Surface mining (SM) overlay zoning district.

23.325.010 Purpose.

The overlay zoning districts established in this chapter are designed to supplement the use regulations and/or development standards of the applicable underlying base zoning district by recognizing distinctive areas of the city that have special and unique social, architectural, or environmental characteristics which require special considerations not otherwise adequately provided by the underlying base zone applicable to the property. The application of these overlay zoning districts emphasizes the need for special attention in planning projects in the area governed by the overlay. The provisions of this chapter shall apply to all parcels of land located within the designed boundaries of an overlay district as illustrated on maps contained in this chapter and on the city zoning map. On the zoning map, overlay zoning districts shall be designated by their representative symbol along with the base zoning district in a format determined by the planning director. In the event of a conflict with the regulations of the underlying base zoning district and the overlay zoning district, the provisions of the overlay zoning district shall apply. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.9.010)].

23.325.020 Convention (CO) overlay zoning district.

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

B. Convention Overlay District Area. The convention overlay zoning district is applied to those parcels described in Figure 23.325-1 (Convention Overlay District Area), consistent with the General Plan's convention overlay. The convention overlay district is generally defined as that area south of Highway 50, east of Kilgore Road, north of Sun Center Drive, and west of Citrus Road.

Figure 23.325-1: Convention Overlay District Area

C. Allowed Uses. Specific to the convention overlay zoning district, Table 23.325-1 identifies the allowed use provisions within the convention overlay zoning district. The allowed use provisions of Table 23.325-1 supersede and replace the allowed use provisions of the underlying base zoning district of the applicable property. Similar uses may be determined as identified in this title. The allowed use provisions are listed in compliance with Chapter 23.304 RCMC (Land Use Classification).

Use regulations in the table are shown with representative symbol by use classification listing: “P” symbolizes uses allowed by right, “L” symbolizes uses that require approval of a limited use permit, “C” symbolizes uses that require approval of a conditional use permit, and “N” symbolizes uses that are not permitted.

Table 23.325-1: Allowed Use Provisions in the Convention Overlay Zoning District

Land Use Category	Convention Overlay Zoning District	Special Use Regulations
Residential Uses		
Caretaker Housing	C	
Dwelling, Multifamily	P[1]	
Dwelling, Single-Family	C	
Dwelling, Two-Family	C	
Home Occupations	C	RCMC 23.901.030
Live-Work Facility	C	RCMC 23.901.040
Recreation, Education, and Public Assembly Uses		
Clubs, Lodges, and Private Meeting Halls	P	

Land Use Category	Convention Overlay Zoning District	Special Use Regulations
Convention Center	P	
Indoor Amusement/Entertainment Facility	P	
Indoor Fitness and Sports Facility	C	
Libraries and Museums	P	
Outdoor Commercial Recreation	C	
Parks and Public Plazas	P	
Public Safety Facility	P	
Religious Institutions	C	
Schools, Private and Special/Studios	P	
Schools, Public	P	
Theaters and Auditoriums	P	
Utility, Transportation, and Communication Use Listings		
Heliports	C	
Park and Ride Facility	C	
Telecommunication Facility	C	RCMC 23.907.020
Transit Stations and Terminals	C	
Utility Facilities and Infrastructure	C	RCMC 23.907.030
Retail, Service, and Office Uses		
Alcoholic Beverage Sales	C	
Banks and Financial Services	P	
Bars and Nightclubs	C	
Bed and Breakfast Inns	C	
Building Materials Stores and Yards	C	
Business Support Services	C	
Child Day Care Facility	C	
Drive-In and Drive-Through Sales and Service	N	RCMC 23.910.030
Home Improvement Supplies	C	
Hotels and Motels	P	
Hotels and Motels, Extended Stay	C	
Medical Services, General	C	
Medical Services, Extended Care	C	
Medical Services, Hospitals	C	
Offices, Business and Professional	P	

Land Use Category	Convention Overlay Zoning District	Special Use Regulations
Offices, Accessory	P	
Personal Services	P	
Restaurants	P	
Retail, Accessory	P	
Retail, General	P	
Veterinary Facility	C	
Automobile and Vehicle Uses		
Auto and Vehicle Sales and Rental	C[2]	
Car Washing and Detailing	C	
Service Stations	C	
Vehicle Services, Minor	C	
Industrial, Manufacturing, and Processing Uses		
Printing and Publishing	C	
Research and Development	C	

Notes:

1. The use is permitted in conjunction with the predominant use of the underlying base zoning district. In other words, this use is only allowed as part of an integrated development.

2. Rental only.

D. Development Standards. The following development standards are applicable to the convention overlay zoning district. These standards, along with other development standards (e.g., landscaping requirements, parking standards) in this title and citywide design guidelines, are intended to assist property owners and project designers in understanding the city's minimum requirements and expectations for high quality development. Where site development standards listed herein are in conflict with the site development standards in other chapters of this code or the underlying zoning district, these standards shall apply. The designated approving authority will review development applications against these standards to determine compliance with applicable zoning regulations.

Table 23.325-2: Development Standards in the Convention Overlay District

Development Standard	Convention Overlay District
Density[1]	
Minimum	10 du/ac
Maximum	18.0 du/ac
Floor Area Ratio[2]	

Development Standard	Convention Overlay District
Minimum	0.4
Maximum	3.0
Setbacks	
Front and Street-Side	0 ft.
Rear	10 ft.
Between Structures	10 ft.[3]
Interior	0 ft.
Residential, Stand-Alone Structure[4]	Refer to setbacks for the MDR zone
Height Limit	
Primary Structures	No maximum[5]

Notes:

1. The minimum and maximum density standards are only applicable to mixed-use and integrated developments that include residential uses. Residential projects shall include a minimum of four units.

2. Includes residential uses and square footage. See Article 11 of this title for definition of floor area ratio (FAR).

3. The distance between structures may be modified as part of design review; however, any modifications must be consistent with the Uniform Building Code.

4. For residential units developed as part of an integrated development but not in the same building as the primary use(s), refer to the MDR zone for all setbacks. In all other instances, the setbacks shall be the same as the primary structure(s).

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

E. Parking Standards. Parking standards for uses in the convention overlay zoning district shall be consistent with Chapter 23.719 RCMC (Parking and Loading). Required off-street loading/unloading and passenger loading areas shall also be consistent with applicable provisions of Chapter 23.719 RCMC (Parking and Loading). [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.9.020)].

F. Exceptions. The City Council desires to provide flexibility for projects within the Convention Overlay District that will benefit the community in specific, identified ways. In conjunction with a Major Design Review, project-level CEQA review, and any other required entitlements, an applicant may request that the City Council approve an exception to allow a development project that does not strictly adhere to the Convention Overlay Development Standards identified in Table 23.325-2. The City Council may grant an exception for any development standard in Table 23.325-2 for projects that are uses that are allowed in Table 23.325-1, and meet at least 4 of the following 6 conditions:

1. Will fulfill a compelling community need, as indicated by an existing City goal, General Plan policy, budget priority, or other Council adopted policy document.

2. Will improve an existing blighted situation by removing 100% of the blight located upon the subject property.

3. Will provide unmet services to a currently underserved community.

4. Will create at least 15 new permanent full time jobs (or new jobs equivalent to at least 15 FTE) or a minimum of 1 job per 500 square feet.

5. Will generate annual sales tax contributions to the City in excess of $25,000.

6. Investments in the property will increase the property tax revenue for the subject parcel(s) by at least 250%.

To the extent practical, development projects should comply with the development standards in Table 23.325-2. All projects remain subject to design review as established in Section 23.140 and 23.141 of this Zoning Code. An Exception request must be included and will be reviewed in conjunction with the project's Design Review application. It is the Applicant's responsibility to request relief from the development standards in Table 23.325-2 and provide justifications for why standards cannot be met. It is also the Applicant's responsibility to provide evidence of compliance with at least 4 of the conditions listed in this section to support the exception request. The City Council is the approving authority for all exception requests.

Under no circumstance shall an exception result in any of the following:

1. Allow a land use not otherwise permitted or conditionally permitted in the zone;
2. Allow a detrimental environmental impact not adequately analyzed;
3. Waive payment of applicable impact fees;
4. Waive a specific prohibition; or
5. Waive or modify a procedural requirement.

The procedure for granting exceptions allowed under this provision is provided in RCMC Section 23.110.150(D). In granting the exception, the City Council shall make the following findings:

1. The proposed project qualifies for an exception by meeting at least four (4) of the six (6) conditions required for granting an exception as defined in RCMC Section 23.325.020(F).
2. The City Council has determined that the proposed project has adhered to the development standards in Table 23.325-2 to the fullest extent practicable.
3. The applicant has provided substantial evidence that the conditions for the exception will be met following construction and operation of the project. Further, the applicant has agreed to conditions of approval guaranteeing these requirements will be met or exceeded throughout the life of the project.
4. Granting the exception will not adversely affect the interests of the public or the interests of the residents and property owners in the vicinity of the premises in question, and shall not establish a precedence for other project requests.
5. Granting the exception will not endanger the public health and safety.

23.325.030 Transit oriented development (TOD) overlay zoning district.

A. Purpose and Intent. The purpose of the transit oriented development (TOD) overlay zoning district is to promote and provide for higher density and intensity uses as part of or in proximity to transit stations. The objective of locating more intensive uses near transit stations is to promote transit services along major transit corridors of the city. The transit oriented development overlay zoning district implements the local transit

oriented development and regional transit oriented development land use categories of the General Plan.

B. Applicability.

1. TOD Designation. The transit oriented development overlay zoning district shall be applied to properties that are located within one-quarter mile of an existing or planned light rail/streetcar station or bus rapid transit station. In determining the extent of the applicability, a circle of one-quarter mile in radius shall be drawn from a central point at the designated station location (e.g., station platform). See Figure 23.325-2 (Transit Oriented Development Overlay Zoning District) for a prototypical example of a TOD overlay.

Figure 23.325-2: Transit Oriented Development Overlay Zoning District

2. Properties Partially Located Within the TOD Overlay. The provisions of the transit oriented development overlay zoning district shall only apply to those portions of property located within the one-quarter-mile radius circle. Those portions of parcels zoned transit oriented development overlay but not included within the one-quarter-mile radius circle shall have development standards consistent with the underlying base district (see section on integrated development as described later in this chapter) and may only be developed consistent with the development standards of the base district. Qualifying integrated developments as defined in Chapter 23.707 RCMC (Integrated Developments) may locate more intense development outside of the one-quarter-mile radius circle, provided the provisions of this section are observed.

3. Special Standards for Integrated Development. When a portion of an integrated development, as defined in Chapter 23.707 RCMC (Integrated Developments), includes both an area zoned transit oriented development overlay and an area not subject to the development standards of the transit oriented development overlay zone, the development potential for the site shall be determined on an aggregate basis. For example, if half of a 10-acre site is zoned transit oriented development overlay and the other half is zoned commercial mixed-use, then the development potential of the first half is 400 dwelling units (80 du/ac times five acres) and the potential of the second half is 90 dwelling units (18 du/ac times five acres),

resulting in a total potential of 490 dwelling units. Consistent with the provisions for integrated developments, the 490 dwelling units may be located anywhere within the development, except that the majority of the units shall be located within the one-quarter-mile radius. The designated approving authority, as part of design review, may allow the majority of the units to be located outside of the one-quarter-mile radius; provided, that pedestrian uses and gathering spaces are located within the radius and connect the residential area(s) to the transit station.

C. Development Standards. The following development standards are applicable to the transit oriented development overlay zoning district. These standards, along with other development standards (e.g., landscaping requirements, parking standards) in this title and citywide design guidelines, are intended to assist property owners and project designers in understanding the city's minimum requirements and expectations for high quality development. Where site development standards listed herein are in conflict with the site development standards in other chapters of this code or the underlying base zoning district, these standards shall apply. The designated approving authority will review development applications against these standards to determine compliance with applicable zoning regulations.

The table describes development standards for two types of transit oriented developments – TODs generally and TODs as part of regional town centers. For the majority of transit oriented developments, the general development standards of the "TODs Generally" column will apply. In those cases where a transit oriented development overlay is applied to a regional town center base zoning district, the development standards of the "TODs as Part of a Regional Town Center" shall apply. The intent of these two sets of standards is to implement the unique development standards of the local TOD and regional TOD land use categories under the city's General Plan.

Table 23.325-3: Transit Oriented Development Overlay Zoning District Development Standards

Development Standard	TODs Generally	TODs as Part of a Regional Town Center
Density[1]		
Minimum	20.0 du/ac	
Maximum	80.0 du/ac	
Floor Area Ratio[2]		
Minimum	0.50	0.65
Maximum	2.5	3.0
Height (maximum)	80 feet	No maximum[3]

Notes:

1. The minimum and maximum density standards are only applicable to mixed-use and integrated developments that include residential uses. Residential projects shall include a minimum of four units.

Development Standard	TODs Generally	TODs as Part of a Regional Town Center

2. Includes residential uses and square footage. See Article 11 of this title for definition of floor area ratio (FAR).

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

[Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.9.030)].

23.325.040 Flood (F) overlay zoning district.

A. Purpose and Intent. The flood (F) overlay zoning district as shown on the zoning map is intended to comprise all land covered by rivers, creeks, and streams and land subject to flooding within the city. The city council, in adopting the regulations in this section, recognizes that:

1. The promotion of the orderly development and beneficial use of lands subject to recurrent flooding is necessary if the potential property damage which results from improper development is to be minimized.

2. There is a need to protect current and future occupants of land subject to flooding from the physical damage of flooding.

3. The health, general welfare, and safety of the public of the city as a whole requires that lands subject to flooding be strictly regulated as to the uses permitted on the land and the amount of open space which separates buildings and structures.

4. Inundation frequently causes extensive property damage.

5. Strict regulation of flood lands is necessary to protect prospective buyers of land from deception as to the utility of the land within the flood zones.

B. Prohibition. No building, structure, vehicle, sign, or area in any zone with which the flood overlay zone is applied shall be used, nor shall any building, structure, sign, or vehicle be erected, altered, moved, enlarged, or stored in any zone with which the flood overlay zone is applied, except as hereinafter specifically provided in this section or elsewhere in this title; nor shall any area, building, structure, vehicle, or sign be used in any manner so as to create problems detrimental to the public health, safety, or general welfare, or so as to constitute a public nuisance. Any building, structure, vehicle, sign, or lot, or the use of any building, structure, vehicle, or lot, in any zone with which the flood overlay zone is applied shall be regulated and governed by the provisions of this section, the regulations and provisions applicable to the base zone with which the flood overlay zone is applied, and the general regulations and conditions of this title. If there are any conflicts between the flood overlay zoning district and the base zone to which it is applied, the provisions of the flood overlay zoning district shall apply.

C. Elevations. No building or structure designed for human habitation shall hereafter be erected, altered, moved, or enlarged with a first floor elevation lower than required by the Sacramento County water agency drainage ordinance and regulations adopted pursuant thereto.

D. Area. Each lot or parcel shall have a minimum lot area and/or density as specified in the base zoning district. If neither a public water supply nor a public sewerage facility is in use, the net lot area for each lot or parcel shall be not less than one acre.

E. Lot Width. Each lot or parcel shall have a minimum lot width as required by the base zoning district.

F. Determination of Zoning Boundaries. For purposes of the flood overlay zoning district, the following rules shall apply when determining the boundaries of the zone:

1. Zoning boundaries of the flood overlay zoning district are intended to represent the 100-year floodplain as determined by public works. The 100-year floodplain will be based on the best available information, which may include the National Flood Insurance Program flood insurance rate map, county Drainage Master Plan, historic flooding events, or other available information.

2. When public works revises the 100-year flood elevation based upon detailed engineering data, the zoning boundaries of the flood overlay zoning district may be adjusted by the planning director so as to accurately reflect the 100-year floodplain.

3. Upon development of a property, the designated approving authority shall determine the exact location of the 100-year floodplain based on a topographic survey of the property at one-foot intervals and the 100-year flood elevation as determined by public works. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.9.040)].

23.325.050 Planned development (PD) overlay zoning district.

A. Purpose. The purpose of the planned development (PD) overlay zoning district is to encourage a creative and more efficient approach to the use of land, to maximize choice in the type of environment available to the people of the city, and to encourage more efficient allocation and maintenance of privately controlled common open space through the redistribution of overall density where such rearrangement is desirable and feasible. While this overlay district has been established to reflect previous actions of the county of Sacramento prior to incorporation of the city, subsequent development does not require a planned development overlay zoning district to establish development rights consistent with this title and the city's General Plan. Existing planned development overlay zoning districts are hereby incorporated into this title by reference and are considered consistent with the city's General Plan.

B. Intent of the Planned Development Overlay Zoning District. The intent of the planned development overlay zoning district is to carry out the purpose as set forth above by providing the means of greater creativity and flexibility in design than are provided under the strict application of the zoning and subdivision ordinances while at the same time preserving the public interest, health, safety, welfare, and property values. Various land uses may be combined in a planned development zone including combinations of residential, commercial, industrial, utility, institutional, educational, cultural, recreational, and other uses provided the combination of uses results in a balanced and stable environment. A PD zone may be combined with any other zoning classification except permanent agricultural or agricultural hold zones, provided the underlying base zoning district is consistent with the General Plan.

C. Criteria. The criteria for establishing new planned development overlay zoning districts are as follows:

1. Size. A planned development, or unit thereof, shall be of sufficient size, composition, and arrangement that its composition, marketing, and operation are feasible as a complete unit independent of any subsequent unit.

2. Permitted Uses. All uses which are authorized in the base zone(s) with which the planned development overlay zoning district is combined, including uses which are authorized only with a use permit, provided the uses are approved and made part of the development plan as provided in this section. In residential developments, the applicant must show that accessory commercial uses are intended to serve principally the residents of the development.

3. Land Use Intensity. The planned development shall be at a land use intensity which conforms to the city's General Plan and complements existing permitted uses in the neighborhood. If the planned development proposed indicates a greater intensity of land use than is permitted by existing zoning regulations, the applicant shall show that the design of the project merits such a change in zoning and will not:

a. Create traffic congestion in the streets which adjoin or are near the planned development;

b. Create a burden on parks, schools, and other public facilities and utilities which serve or are proposed to serve the planned development;

c. Have an undue and adverse impact on the reasonable enjoyment of neighboring property.

An increase in land use intensity shall be compensated for by additional amenities to be achieved by the amount, location, and proposed use of open space and location, design, and type of development.

4. Design Standards. The city council may permit deviations from the standards in the base zones with which the planned development overlay zoning district is combined provided the developer demonstrates by his design proposal that the objectives of the General Plan, the subdivision ordinance (RCMC Title 22), and this title will be achieved.

5. Common Open Space. The city council may adopt regulations to govern the amount, use, and location of open space. After development, the common open space may be conveyed to a public agency or private association. The city council, prior to any conveyance of common open space, shall approve all agreements and instruments relating to use, maintenance, and ownership thereof. The city council may also require the dedication of development rights or scenic easements to assure that common open space will be maintained. The city council may further require that instruments of conveyance or covenants or deed restrictions of associations provide that, in the event the common open space is not maintained in a condition consistent with the approved development plan, the city may, at its option, cause such maintenance to be performed and assess the costs to the affected property owners or responsible association. If the common open space is dedicated, conveyed, or designed for use by the general public and so used, any assessment of maintenance costs shall be made by benefit areas which are not necessarily restricted to the subject planned development overlay zoning district.

D. Preliminary Plan.

1. Purpose. The purpose of the preliminary plan is to require the developer to demonstrate the feasibility and general design concept of a proposed development to

the planning department. Prior to submitting an application for zone change to the planned development overlay zoning district, the applicant shall submit and receive approval of a preliminary plan for the full area to be covered by the planned development overlay zoning district from the planning director. Approval of the preliminary plan does not grant or vest development rights, but rather ensures that the proposed development will comply with the goals and policies of the city's General Plan and other standards and regulations of the city prior to zone change.

2. Procedure. The initial step to be taken by the developer is to submit a preliminary plan to the planning department. The plan shall include:

a. Maps or drawings which may be schematic in form;

b. Proposed land uses, the approximate number of dwelling units, acres and population density for each area of land, existing uses of surrounding property;

c. Proposed circulation system, indicating both public and private streets;

d. Public uses including schools, parks, recreation areas, and other open spaces;

e. The use and general description of each different type of structure;

f. Nature of the applicant's interest in the land proposed to be developed;

g. Written explanation of the nature of the proposed development and the deviations from regulations otherwise applicable to the property;

h. Proposed sequence and schedule of development; and

i. Other contents as deemed necessary by the planning director and city council.

3. Action by the Planning Department. Review and processing of the preliminary plan application shall be consistent with the provisions of Chapter 23.110 RCMC (Application Processing). The designated approving authority for the preliminary plan shall be the planning director; however, the director shall have the authority to elevate the preliminary plan review to the city council.

E. Proposed Development Plan and Request for Planned Development Overlay Zoning District. Within one year after approval of the preliminary plan, an application may be filed with the planning director for a planned development overlay zoning district. The petitioner shall include with the application for zone change his proposed development plan for all or a portion of the property included within the preliminary plan, which shall include all information required for the preliminary plan and the following:

1. Maps showing existing topography, tree cover, buildings, streets, and other existing physical features;

2. Detailed breakdown of the proposed land use showing lot lines, location of buildings, parking areas, common grounds, recreation improvements and structures, and open space around buildings and structures;

3. Elevation drawings of typical proposed structures and improvements for each proposed use except detached single-family dwellings;

4. At least one perspective drawing or model which will demonstrate the architectural character of the project;

5. Proposed agreements, deed restrictions, bylaws, and articles of incorporation which relate to the preservation or maintenance of open space and associations created to preserve and maintain said open space;

6. A schedule and sequence of development for all of the property included in the preliminary development plan even though the applicant elects to include only a portion of the property in the proposed tentative development plan.

F. Action on the Proposed Development Plan and Request for Planned Development Overlay Zoning District.

1. The process for approving a proposed development plan and request for zone change to the planned development overlay zoning district shall be the same as for zoning amendments as provided for in Chapter 23.146 RCMC (Zoning Amendments).

2. Findings. In addition to the findings for approval of a zoning amendment, the designated approving authority shall also make all of the following findings when approving a zone change to the planned development overlay zoning district:

a. The proposed development will carry out the intent of the General Plan.

b. The proposed development is of sufficient size and is designed so as to provide a desirable environment within its own boundaries.

c. The proposed development is compatible with existing and proposed land uses in the surrounding area.

d. Any exceptions to the standard requirements of the base zoning district and the provisions of this title are justified by the design of the development. In the case of residential areas, the rearrangement of dwellings and the mixing of dwelling types shall be justified by larger and more usable open spaces.

e. There is adequate assurance that all public improvements will be installed at the scheduled times as required by the public works department.

f. There is adequate assurance that the development schedule will be met.

g. The existing or proposed utility services are adequate for the uses and population densities proposed.

G. Designation of Planned Development Overlay Zoning District. A planned development overlay zoning district shall be delineated on the zoning map in a manner similar to that of any other overlay district by showing a name, number, symbol, or other designation after the base zone for the subject property(ies), as determined by the planning director, which distinguishes it from other overlay zones, base zoning districts, or special purpose zones.

H. Adoption by Reference. The following planned development overlay zoning district(s) has/have been adopted as part of this title by reference and is/are so designated on the zoning map of the city:

1. Briarwood Coloma Planned Development (adopted by Ordinance 71-PD-2, amended by Ordinances 71-PD-2A, 71-PD-2A1, 71-PD-2C, and 71-PD-2D).

I. Subsequent Approvals. No subsequent approvals, including tentative maps, conditional use permits, and other discretionary permits, as well as building permits, grading plans, improvement plans, sign permits, temporary sign permits, and other ministerial permits/actions, shall be approved unless they are substantially compliant with the provisions of the adopted planned development and other regulations of this title. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.9.050)].

23.325.060 Planned development – County/city initiated (PDC) overlay zoning district.

A. Purpose. This section establishes the procedure whereby the city council may initiate proceedings to regulate certain property through the process of a county initiated planned development overlay zoning district. The city council recognizes that there are areas throughout the city that have unique environmental, economic, historic, or architectural features and that too little attention has been given through the application of standard zone regulations to these special characteristics. It is the purpose of this section to provide for the city to guide the regulation of such areas so as to preserve such unique characteristics. While this overlay district has been established to reflect previous actions of the county of Sacramento prior to incorporation of the city, subsequent development does not require a planned development – county/city initiated overlay zoning district to establish development rights consistent with this title and the city's General Plan. Existing planned development – county/city initiated overlay zoning district zones are hereby incorporated into this title by reference and are considered consistent with the city's General Plan.

B. Designation. A planned development – county/city initiated overlay zoning district shall be delineated on the zoning map in a manner similar to that of any other overlay district by showing a name, number, symbol, or other designation after the base zoning district for the subject property(ies), as determined by the planning director, which distinguishes it from other overlay zoning districts, base zoning districts, or special purpose zones.

C. Initiation of Zone. The city council may initiate proceedings to place parcels within the planned development – county/city initiated overlay zoning district. The procedure for zoning property to the planned development – county/city initiated overlay zoning district shall be the same as for changing the zone as provided in Chapter 23.146 RCMC (Zoning Amendments).

D. Content of County/City Initiated Planned Development Ordinance.

1. The following provisions are mandatory and shall be included in each county/city initiated planned development overlay zoning district ordinance:

a. A list of permitted uses.

b. Performance and development requirements relating to yards, lot area, intensity of development on each lot, parking, landscaping, and signs.

c. Other design standards appropriate for the specific planned development.

d. Legal description of property covered by the ordinance.

e. Reasons for establishment of a planned development – county/city initiated overlay zoning district on the particular property.

2. The following provisions are permissive and are not intended to be an exclusive list of the provisions that could be part of a planned development – county/city initiated overlay zoning district ordinance.

a. Procedures for Review of Proposed Development. The procedures could include:

i. Types of projects that require review.

ii. Documents required from developers.

iii. Hearing procedures, if any.

b. Regulations relating to nonconforming lots, uses, structures, and signs.

c. Time phasing and sequence of development projects.

E. Application for Amendment to the Planned Development – County/City Initiated Overlay Zoning District. The procedures for filing an amendment to the planned development – county/city initiated overlay zoning district adopted pursuant to this title shall be the same as for any amendment to the zoning code.

F. Adoption by Reference. The following planned development – county/city initiated overlay zoning district(s) has/have been adopted as part of this title by reference and is/are so designated on the zoning map of the city:

1. Sunriver Planned Development (adopted by Ordinance 77-PDC-4, amended by Ordinance SZC 93-0037). [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.9.060)].

23.325.070 Parkway corridor (PC) overlay zoning district.

A. Purpose. The parkway corridor (PC) overlay zoning district, as shown on the zoning map, shall be used to regulate property along the American River within the city. The goals promoted by establishment of this zone include:

1. Implement the goals and policies of the city's General Plan relative to preservation of the American River parkway.

2. Preserve and enhance the American River and its immediate environment consistent with the goals and policies of the American River Parkway Plan.

3. Ensure, to the extent possible, the compatibility of land uses within the American River parkway and land adjacent to the parkway for their mutual benefit.

4. Ensure that development with access within and adjacent to the American River parkway is designed to reduce as much as possible visible intrusion into the parkway and to complement the naturalistic amenities of the parkway.

5. Provide flexibility in development requirements such as setback, height, bulk, and landscaping applicable to parcels of property subject to the regulations of the parkway corridor (PC) zone.

6. Minimize risks to public health, safety, and welfare in areas which are potentially threatened by erosional processes.

7. Ensure that bluff development, including related storm runoff, foot traffic, site preparation, construction activity, irrigation, and other activities and facilities accompanying such development, does not create or contribute significantly to problems of erosion or geologic instability on the site or on surrounding areas.

8. Ensure that bluff development is sited and designed to assure stability and structural integrity for its expected economic life span while minimizing alteration of natural landform features.

9. Ensure that development within the American River parkway corridor zone occurs in a manner which maintains a safe environment for homes and other improvements and protects the aesthetic and environmental quality of the parkway.

B. Applicability of Parkway Corridor Overlay Zoning District Designation.

1. Property regulated by the parkway corridor overlay zoning district shall be identified in the city zoning map consistent with the provisions of this title.

2. The parkway corridor overlay zoning district may be applied to property within the city adjacent to or near the American River for which the city council determines that land development may affect the stability of bluffs or terraces or have an impact on the

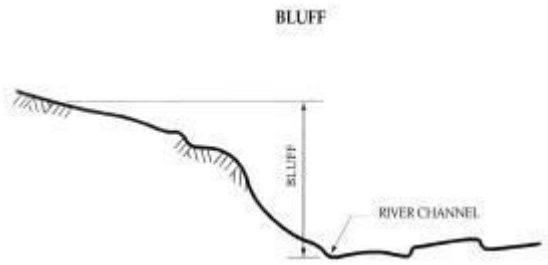
preservation or enhancement of scenic, recreational, fishery, or wildlife values along or near the American River.

3. The parkway corridor overlay zoning district contains erosion zones based on geologic hazards resulting from erosional processes. Erosion zones have been defined with development setbacks which identify areas potentially subject to erosion within the next 100 years. Property owners and developers must address the erosion problems associated with the erosion zones prior to development in the applicable erosion zone.

C. Definitions. The following definitions apply to this chapter. The planning director or a designee shall resolve disputes with regard to a determination made establishing a bluff or terrace, the edge of a bluff or terrace, toe of a bluff or terrace, 100-year floodplain, designated floodway, or other significant topographic or geologic feature. Any person dissatisfied with the determination made by the director or a designee may appeal such determination as set forth in Chapter 23.164 RCMC (Appeals) and Chapter 23.167 RCMC (Council Call-Ups).

1. “Bluff” is an escarpment or steep face of rock, decomposed rock, sediment, or soil resulting from erosion, faulting, folding, or excavation of a landmass. A bluff may be planar or have a curved surface, or it may be steplike in section. As used in this zone, “bluff” is limited to those features having a vertical relief of 10 feet or more whose toe is subject to river erosion (see Figure 23.325-3).

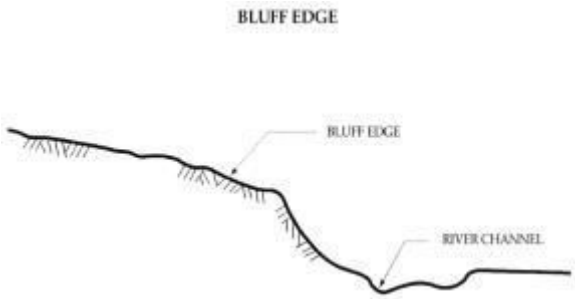
Figure 23.325-3



2. “Bluff edge” is the upper termination of a bluff. The bluff edge can be defined in the following manner:

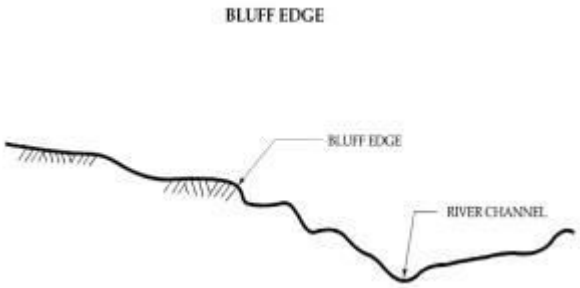
a. When the top of the bluff is rounded away from the face of the bluff, the edge shall be defined as that point nearest the bluff at which the slope of the land surface becomes more or less continuous with the general slope of the surrounding land area going away from the river (see Figure 23.325-4).

Figure 23.325-4



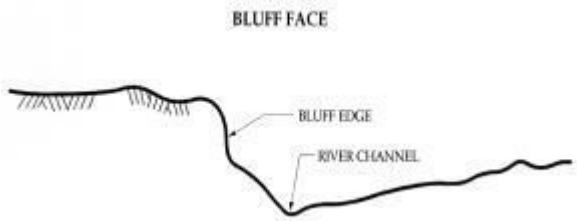
b. When there is a steplike feature at the top of the bluff face, the landward edge of the topmost riser shall be defined as the bluff edge (see Figure 23.325-5).

Figure 23.325-5



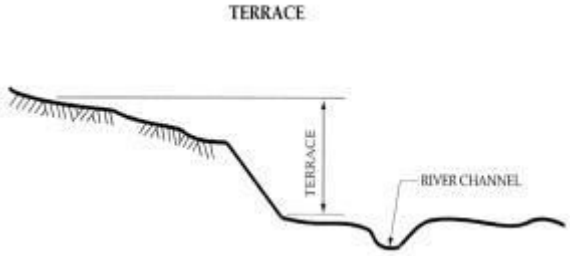
3. “Bluff face” shall be defined as that portion of the bluff’s land surface which extends in a downward gradient from the bluff edge to the toe (see Figure 23.325-6).

Figure 23.325-6



4. “Terrace” shall be defined as an elevated portion of rock, decomposed rock, sediment, or soil resulting from erosion, faulting, folding, or excavation of a landmass. A terrace may have a curved surface or it may be steplike in section. As used in this zone, a “terrace” is limited to those features having a vertical relief of 10 feet or more whose toe is not presently subject to river erosion (see Figure 23.325-7).

Figure 23.325-7



D. Use of County-Owned Property. Consistent with the regulations of Sacramento County, property owned or controlled by the county that is subject to the parkway corridor overlay zoning district shall require prior approval of the Sacramento County board of supervisors for any use of the property.

E. Authorized Uses.

1. The following use is permitted in an erosion zone as described on Exhibits A through D at the end of this chapter and within the total setback distance as shown on Table 23.325-4 (Development Setbacks) upon submission of geotechnical data as set forth in subsection (J) of this section (Application Requirements) and approval of a conditional use permit by the designated approving authority:

a. Construction, enlargement, or modification of any building or structure for which a building permit is required.

2. Construction, erection, or installation of any structure, wall, abutment, or similar device intended to reinforce, stabilize, or otherwise protect any bluff or terrace from erosion, mass wasting, or similar land movement is permitted subject to the submission of geotechnical data as set forth in subsection (J) of this section (Application Requirements) and approval of a conditional use permit by the designated approving authority.

3. Notwithstanding other provisions of this title, the following uses, buildings, and structures, either located outside an erosion zone or within an erosion zone as described in Exhibits A through D at the end of this chapter, but outside the total setback distance as shown in Table 23.325-4 (Development Setbacks), are authorized without the grant of a conditional use permit upon compliance with the provisions of subsection (I) of this section (Submittal of Plans) and provided the buildings or structures meet the development standards specified in subsection (H) of this section (Development Standards); otherwise such uses, buildings, or structures shall not be erected or maintained without first obtaining a conditional use permit as set forth in subsection (E)(4) of this section.

a. One single-family detached dwelling, including mobile home, on each lot.

b. One two-family dwelling, including mobile home, on each lot.

c. Accessory uses, buildings, and structures (including swimming pools and appurtenant equipment) customarily incidental to and subordinate to single-family detached and two-family dwellings.

4. Unless otherwise provided in this title, all uses designated as either permitted or conditional uses in the underlying zone shall be authorized in the parkway corridor overlay zoning district provided a conditional use permit is first obtained from the designated approving authority.

F. Findings. In addition to the findings required by this title, when development is proposed within an erosion zone as described in Exhibits A through D of this section and within the total setback distance as shown on Table 23.325-4 (Development Setbacks), the designated approving authority shall not grant a conditional use permit pursuant to subsection (E) of this section unless it finds and records in writing that:

1. Development will be sited and designed to assure stability and structural integrity for its expected economic life span while minimizing alteration of natural landform features;

2. Development will not create or contribute to significant problems of erosion or geologic instability on the site or on surrounding areas;

3. Development will maintain a safe environment for homes and other improvements and protect the aesthetics and environmental quality of the American River parkway;

4. Development does not preclude or foreclose future recreation or open space potential in the American River parkway; and

5. There are adequate provisions included in the development proposal for maintenance and revegetation of the project area.

G. Authority of Hearing Body. Generally, development requirements of property including lot area, lot width, or public street frontage applicable to property located in the underlying zone shall apply to the uses authorized by subsection (E) of this section. However, the designated approving authority, in granting the conditional use permit,

may impose any or all of the development requirements specified in this section if, in the judgment of the designated approving authority, the special requirements specified in this section are necessary to carry out the intent of this title.

The granting authority may:

1. Require a reasonable additional building setback or yard area, particularly in high terrace and bluff areas which overlook the American River.

2. Require the screening of any portion or all of the structure, building, or use through the use of walls or fences, the planting of locally native trees or shrubbery, or combinations thereof.

3. Require the modification of exterior features of structures where necessary to minimize physical or visual intrusion into the parkway.

4. Establish a limitation on the size or bulk of a building or structure.

5. Regulate the design and location of access drives and other features.

6. Regulate the location, design, and capacity of utilities.

7. Require the use of specific colors, lighting, and landscaping features as otherwise required by this chapter.

8. Regulate the design, as well as require the maintenance, of grounds, landscaping, or an irrigation or drainage system.

9. Regulate noise, vibration, odors, and other similar concerns within certain performance standards.

10. Require the phasing of development.

11. Require a bond or deposit of money to assure completion of development as authorized by the permit.

12. Require the use of noncombustible roofing and siding materials to minimize structural loss in areas with limited accessibility and which are potentially threatened by the occurrence of fire originating from the parkway.

13. Require a fire-resistant buffer between the open areas of the parkway and structures adjacent to it, or require locally native plant varieties which are drought- and fire-resistant. A list of locally native plant varieties is maintained by the Cordova recreation and park district (CRPD).

14. Require that disruption to natural riparian vegetation be minimized, and no trees which are native to the area and which are six inches in diameter or larger shall be damaged or removed unless in imminent danger of collapse from erosion.

15. Require that the area disrupted by the project be revegetated in accordance with a revegetation program utilizing an approved combination of locally native riparian trees, shrubs, and groundcover. If gabion, riprap, or other structural measures are used, require that they be screened from public view with locally native vegetation.

16. Require that the slope and appearance of the project area be compatible with the natural character of nearby slopes or riverbanks.

17. Require that, where feasible, vegetation be used to prevent further erosion. Gabions, rock and wire mattresses, or wire mesh over stone may be used where vegetative measures alone are insufficient, but the erosion control program shall include measures to minimize damage to riparian vegetation and wildlife. Riprap shall not be used unless slope, stream current, and existing native vegetation are favorable to providing substantial vegetative screening of the riprap. Rubble, gunite, cement or

sandbags, bulkheads, fences, used tires, and similar materials or structures are prohibited.

18. Require the review of development at a specified time to ensure compliance with all conditions of approval, zoning agreements, ordinances, statutes, regulations, and procedures applicable at the time of development.

If the granting authority imposes any of the development requirements specified above, the designated approving authority shall find and record in writing as required by this title the circumstances which it determined necessary to require the imposition of any special development requirement.

H. Development Standards.

1. Development standards for uses, buildings, or structures on lots protected by levees maintained by a public agency.

a. Height. The maximum height of a building or structure shall not exceed the difference between the elevation of the finished grade of the building site and the elevation of that portion of the levee crown closest to the building site, plus five feet, plus one foot for each five feet by which the distance from the building structure to the landward toe of the levee exceeds 35 feet, but in no event greater than the height limitations set forth in the underlying zone.

b. Setback. No building or structure other than an accessory building is located closer than 35 feet, and no accessory building is located closer than 25 feet, to the landward toe of the levee.

2. Development standards for uses, buildings, or structures on lots not protected by levees maintained by a public agency, and also not within the total setback distance in an erosion zone as described on Exhibits A through D at the end of this chapter.

a. Accessory buildings shall not exceed 12 feet in height.

b. Dwellings and other structures shall be screened by live plantings of locally native trees and shrubs to minimize the visual impact of the dwelling or structure from the parkway.

c. Dwellings and structures shall be finished in earthtones as defined in Article 11 of this title (Definitions).

3. Development standards for uses, buildings, or structures on lots which are located within an erosion zone as described on Exhibits A through D at the end of this chapter and within the total setback distance for that zone as shown on Table 23.325-4 (Development Setbacks).

a. Accessory buildings shall not exceed 12 feet in height.

b. Dwellings and other structures shall be screened by live plantings of locally native trees and shrubs to minimize the visual impact of the dwelling or structure from the parkway.

c. Dwellings and structures shall be finished in earthtones as defined in Article 11 of this title (Definitions).

d. Accessory uses, buildings, and structures (including swimming pools and appurtenant equipment) customarily incidental to and subordinate to single-family detached and two-family dwellings shall not be located closer than 20 feet from the edge of a bluff or terrace.

e. Construction, erection, or installation of any fence, wall, abutment, or similar device shall not be located closer than:

i. Twenty feet from the edge of a bluff or terrace when proposed in Erosion Zone 1 or 2; and

ii. Ten feet from the edge of a bluff or terrace when proposed in Erosion Zone 3 or 4.

f. No form of trenching, grading, earth filling, or similar disturbance of residual or transported soils shall occur within:

i. Twenty feet from the edge of a bluff or terrace when proposed in Erosion Zone 1 or 2; and

ii. Ten feet from the edge of a bluff or terrace when proposed in Erosion Zone 3 or 4.

Table 23.325-4: Development Setbacks

Erosion Zone	Potential Recession Due to Long-Term Channel Migration[1]	Distance of Potential Short-Term Erosion Due to Slope Erosion[2]	Buffer Zone[3]	Total Setback[4]
1	0	20 feet	20 feet	40 feet
2	30 feet	20 feet	20 feet	70 feet
3	30 feet	10 feet	20 feet	60 feet
4	30 feet	10 feet	20 feet	60 feet
5	*	*	*	*

Notes:

1. Long-term bluff recession is based on estimated channel migration rate and a 100-year time period.

2. Distance measured from edge of bluff which is potentially subject to erosion within 10 years.

3. Buffer zone added to allow for property remaining at end of 100-year period.

4. The total setback distance is measured from the edge of a bluff or terrace, whichever is closer to the river.

*The entire area within Zone 5 is potentially subject to erosion within a 100-year period.

Any reference to erosion zones in this chapter shall be shown on Exhibits A through D at the end of this chapter, which are hereby incorporated by this reference into this chapter.

I. Submittal of Plans. Any application for a building permit or other entitlement of use, building, or structure subject to the parkway corridor overlay zoning district authorized without a conditional use permit by subsection (E) of this section shall be reviewed by the director for compliance with the provisions of this chapter. The director may require a site plan as provided in subsection (J) of this section (Application Requirements) to make any determination. If, in the opinion of the director, the proposed development will not meet the development requirements provided in this chapter, the director shall inform the applicant that the building permit or other entitlement of use is disapproved. The director's decision is not subject to an appeal. The applicant's sole recourse to the director's decision is to apply for approval of the proposed development as provided in subsection (E) of this section.

J. Application Requirements. In addition to other data required by this title for conditional use permits, the following information shall be required for any application of a conditional use permit in the parkway corridor overlay zoning district.

1. Site plan showing:

a. Location of existing and proposed structures, buildings, and signs.

b. Location of existing trees and shrubs. For trees, the species and dbh (i.e., diameter breast height) shall be indicated.

c. Location of any proposed off-street parking and loading.

d. Location of adjacent public rights-of-way and private easements for ingress and egress, if any.

e. Location of proposed vehicle entrances and internal circulation patterns.

f. Location of any proposed walls and fences; the height and construction materials thereof.

g. Proposed exterior lighting, if any.

h. Finished grade of the site at the building.

i. Location of an irrigation system, subterranean water lines, drainage facilities, and other appurtenant equipment.

2. Preliminary landscaping plans.

3. Color, materials, and texture of proposed buildings and structures.

4. Location, materials, size and copy of any signs, and illumination thereof, if any.

5. Elevation drawing of all improvements.

6. Other data or materials deemed necessary by the director.

K. Geotechnical Requirements. In addition to other data required pursuant to subsection (J) of this section (Application Requirements) for a conditional use permit, the following information shall be required when development is proposed within an erosion zone as described on Exhibits A through D at the end of this chapter and within the total setback distance as shown in Table 23.325-4 (Development Setbacks) in subsection (H) of this section (Development Standards).

1. A geotechnical investigation and report shall be filed by the applicant. The report shall be prepared by a registered geologist or professional civil engineer with expertise in soils or foundation engineering, surface and groundwater hydrology, river hydraulics, and erosion control. The report shall evaluate the topographic and geologic

conditions of the site and the effect of the development. The report shall be based on an on-site investigation in addition to a review of the general character of the area.

The report shall consider, describe, and analyze the following:

a. Bluff and site topography, extending the surveying work beyond the site as needed to depict geomorphic conditions that might affect the site;

b. Geologic conditions, including soil, sediment, and rock types and characteristics, in addition to structural features, such as bedding, joints, and faults;

c. Hydrologic conditions, including surface water drainage, groundwater, and American River 100-year floodplain and designated floodway locations and elevations;

d. Historic, current, and foreseeable bluff erosion, including investigation of recorded land surveys and tax assessment records in addition to the use of historic maps and photographs where available, and possible changes in channel configuration and sediment transport;

e. The potential effects of the development on both on-site and off-site erosion;

f. The impact of the proposed construction activity on both on-site and off-site erosion;

g. The effect of foreseeable erosion on the development and potential mitigation measures, including maintenance requirements;

h. Potential effects of seismic forces resulting from a maximum credible earthquake;

i. Any other factors which may affect slope stability and erosion.

2. The report shall contain a diagram establishing the location of the bluff edge, the toe of the bluff, other significant geologic features, and the 100-year floodplain and designated floodway locations. Distances to each feature shall be identified, with measurements taken from a fixed location.

3. The report shall detail mitigation measures for any potential impacts and shall outline alternative solutions. The report shall express a professional opinion as to whether the project can be designed so that it will neither be subject to nor contribute to significant geologic instability throughout the economic life span of the project.

4. The report shall use a currently acceptable engineering stability analysis method and shall also describe the degree of uncertainty of analytical results due to assumptions and unknowns. The degree of analysis required shall be appropriate to the degree of potential risk presented by the site and the proposed project.

5. An engineered design for the development and/or erosion protection measures shall be filed by the applicant. The design shall be of sufficient detail to ensure compliance with the American River Parkway Plan and to allow for appropriate consideration of all potential erosion problems affected by and affecting the proposed development and its associated construction activity.

L. Exemption. When the procedures set forth in this chapter differ from procedures for review of development set forth in any county or privately initiated planned development, special development permit, or zoning agreement, then the procedures set forth in the planned development ordinance, special development permit, or zoning agreement shall prevail. Notwithstanding the preceding sentence, when this chapter prescribes a procedure for review and issuance for permits within an erosion zone as described on Exhibits A through D at the end of this chapter and within the total setback

distance as shown in Table 23.325-4 (Development Setbacks) of subsection (H) of this section (Development Standards), the procedures set forth in this title shall prevail.

Exhibit A

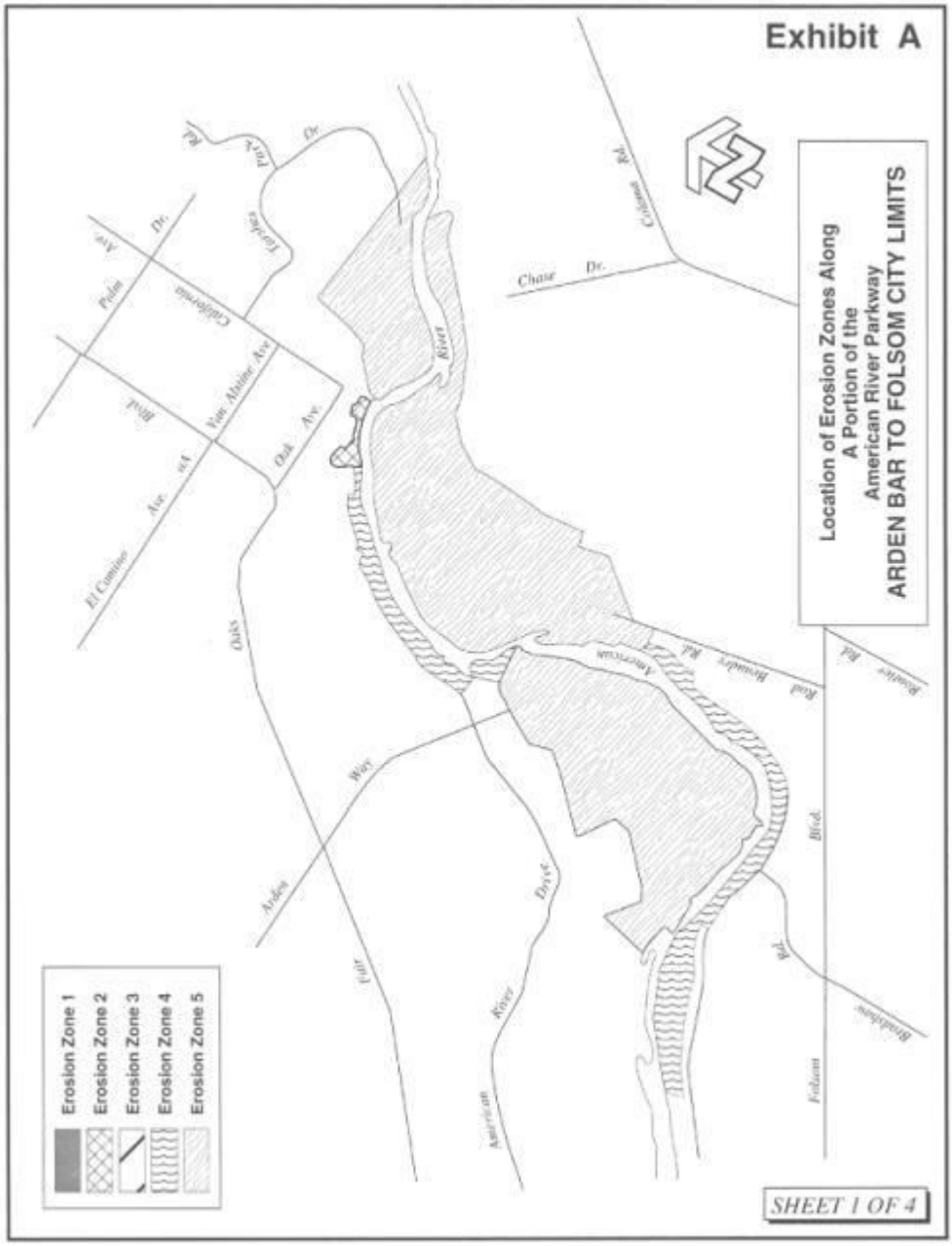


Exhibit B

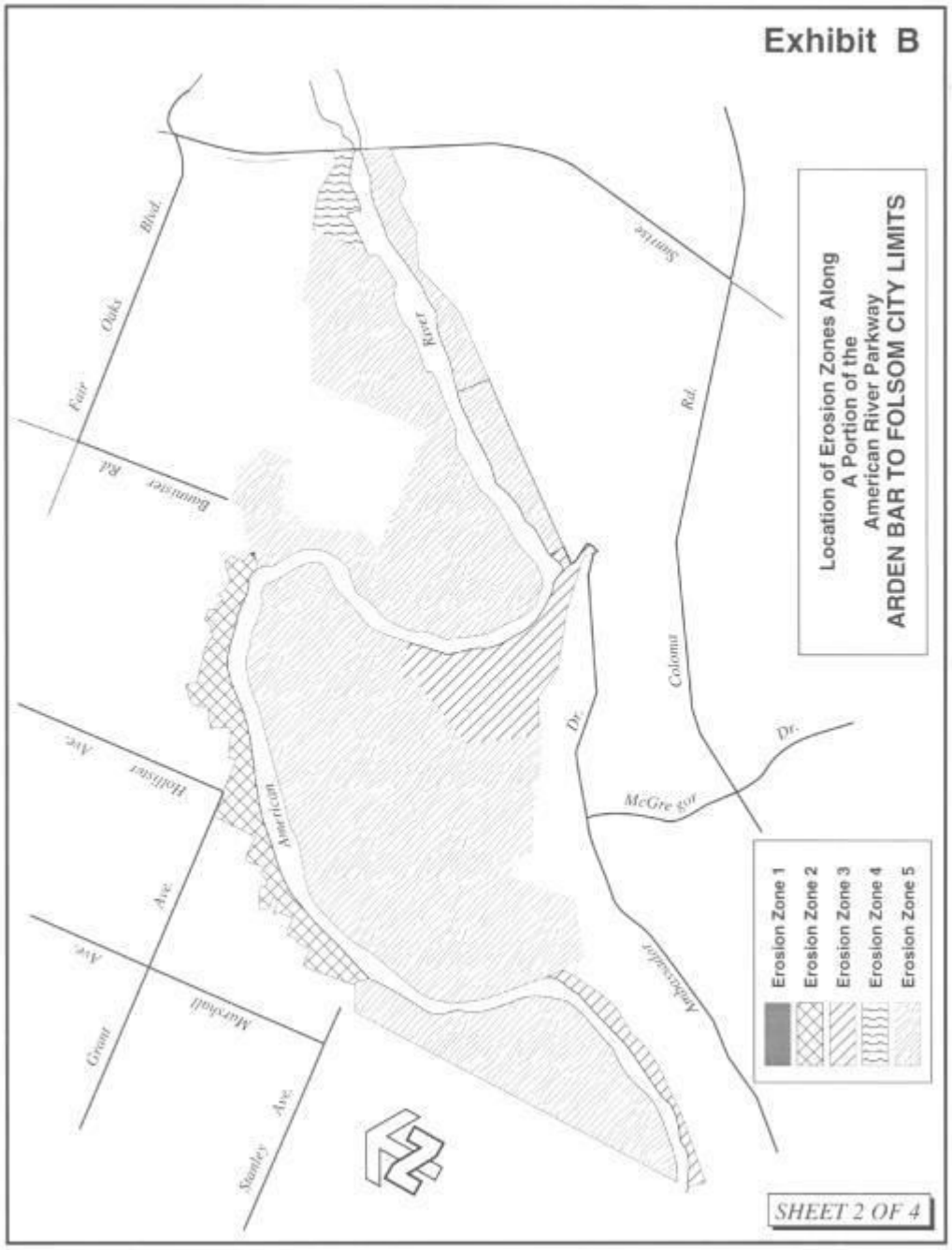


Exhibit B
Location of Erosion Zones Along
A Portion of the
American River Parkway
ARDEN BAR TO FOLSOM CITY LIMITS
Erosion Zone 1
Erosion Zone 2
Erosion Zone 3
Erosion Zone 4
Erosion Zone 5
SHEET 2 OF 4
Fair Oaks Blvd.
Sunrise Rd.
Coloma Dr.
McGregor Dr.
Ambassador
Hollister Ave.
Marshall Ave.
Grant Ave.
Stanley Ave.
American River

Exhibit C

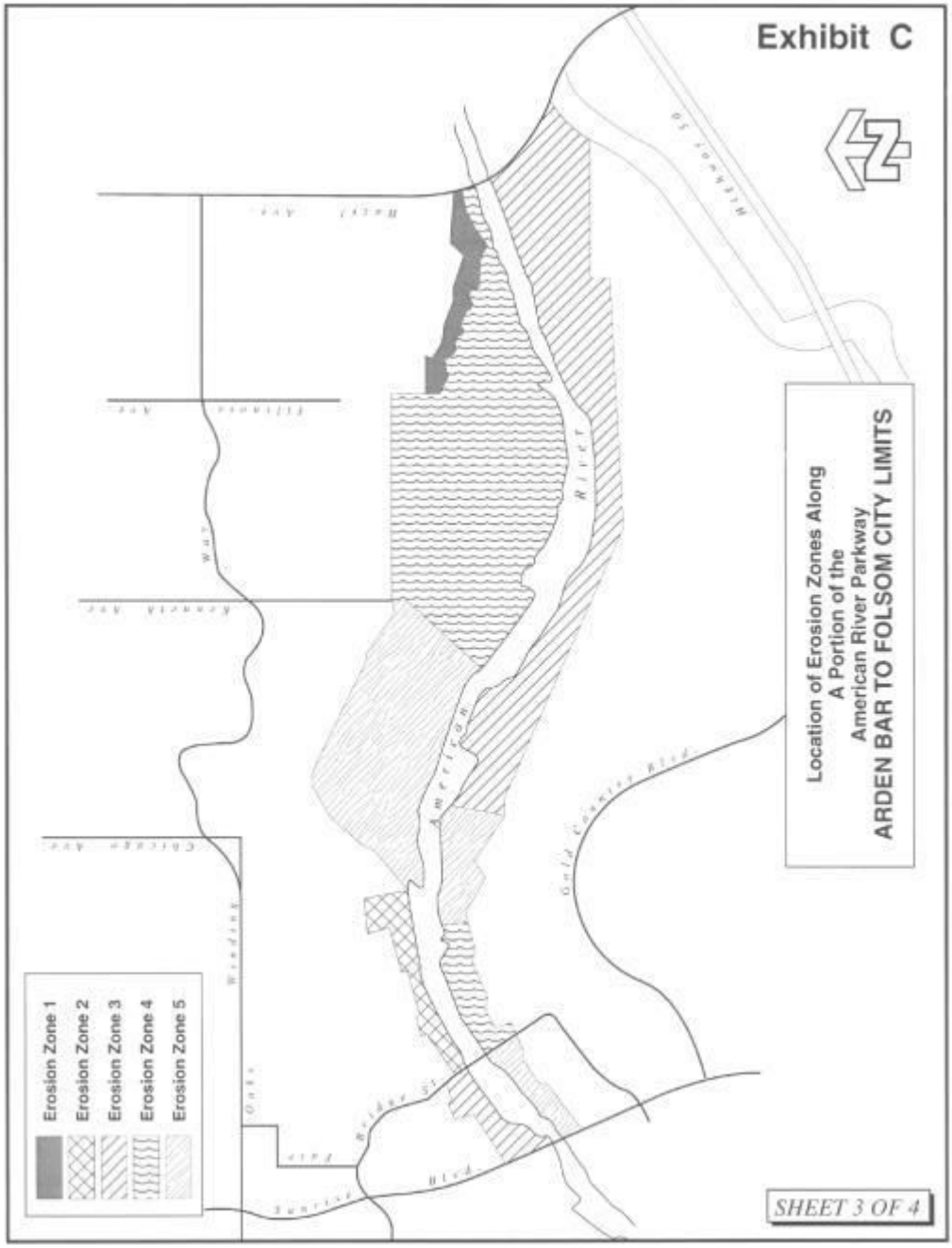
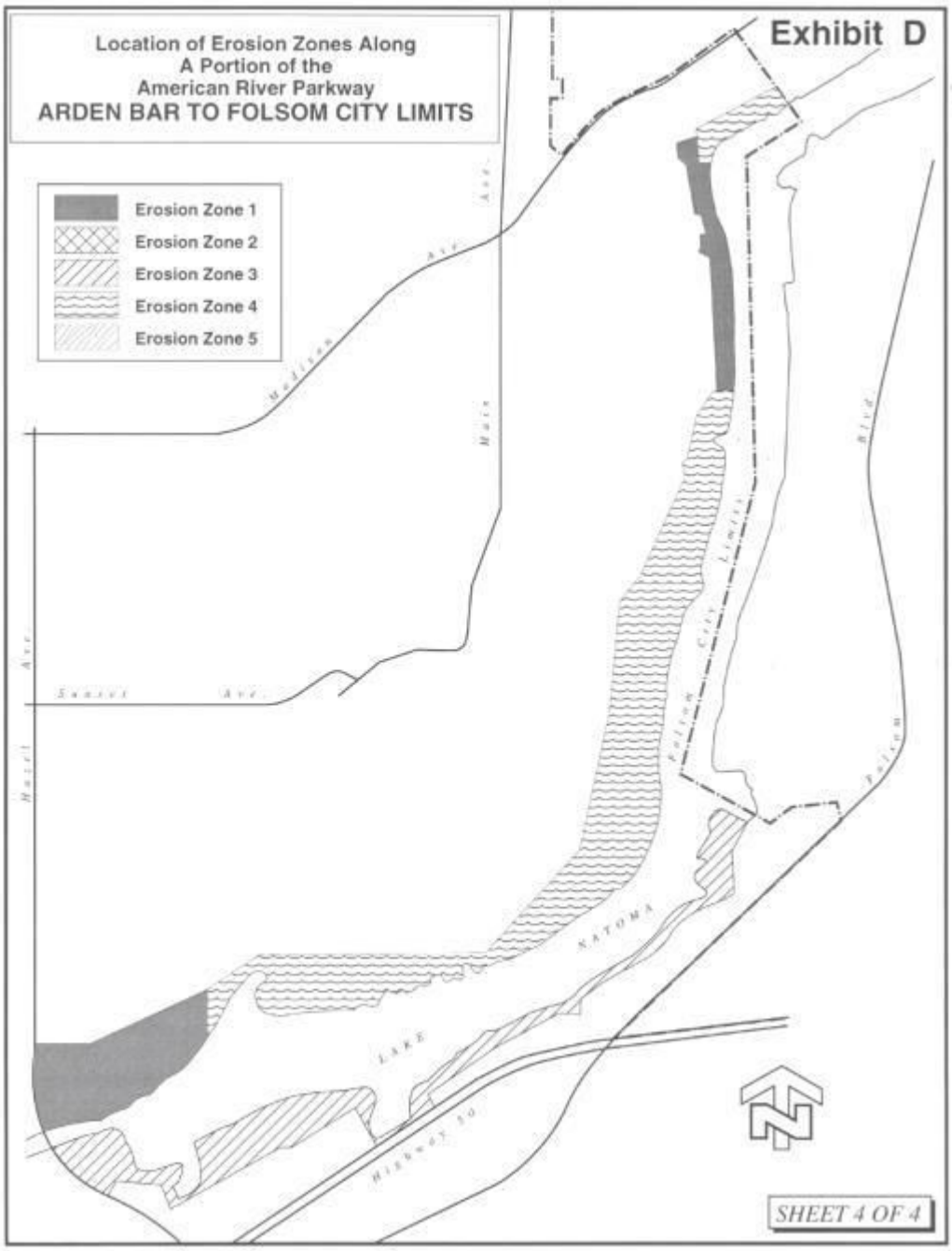


Exhibit C
Location of Erosion Zones Along
A Portion of the
American River Parkway
ARDEN BAR TO FOLSOM CITY LIMITS
Erosion Zone 1
Erosion Zone 2
Erosion Zone 3
Erosion Zone 4
Erosion Zone 5
SHEET 3 OF 4

Exhibit D



[Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.9.070)].

23.325.080 Surface mining (SM) overlay zoning district.

A. Purpose and Intent. The city of Rancho Cordova recognizes that the extraction of minerals is essential to the continued economic well-being of the city and to the needs of society and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety. The city

also realizes that surface mining takes place in diverse areas where the geologic, topographic, climatic, biological, and social conditions are significantly different, and the reclamation operations and the specifications therefor may vary accordingly.

The purpose and intent of this section is to ensure the continued availability of important mineral resources, while regulating surface mining operations as required by California's Surface Mining and Reclamation Act of 1975 (Public Resources Code (PRC) Section 2710 et seq.), as amended, hereinafter referred to as "SMARA" or "the Act," Public Resources Code Section 2207 (relating to annual reporting requirements), and State Mining and Geology Board regulations (hereinafter referred to as "state regulations") for surface mining and reclamation practices (California Code of Regulations (CCR), Title 14, Division 2, Chapter 8, Subchapter 1, Section 3500 et seq.), to ensure that:

1. Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses.

2. The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.

3. Residual hazards to the public health and safety are eliminated.

B. Definitions. The definitions set forth below shall govern the construction of this section:

1. "Area of regional significance" means an area designated by the State Mining and Geology Board which is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in a particular region of the state within which the minerals are located and which, if prematurely developed for alternate incompatible land uses, could result in the premature loss of minerals that are of more than local significance.

2. "Area of statewide significance" means an area designated by the Board which is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in the state and which, if prematurely developed for alternate incompatible land uses, could result in the permanent loss of minerals that are of more than local or regional significance.

3. "Board" means the State Mining and Geology Board.

4. "Borrow pits" means excavations created by the surface mining of rock, unconsolidated geologic deposits, or soil to provide material (borrow) for fill elsewhere.

5. "Compatible land uses" means land uses inherently compatible with mining and/or that require a minimum public or private investment in structures and land improvements, and which may allow mining because of the relative economic value of the land and its improvements. Examples of such uses may include, but shall not be limited to, very low density residential, geographically extensive but low impact industrial, recreational, agricultural, silvicultural, grazing, and open space.

6. "Haul road" means a road along which material is transported from the area of excavation to the processing plant or stock pile area of the surface mining operation.

7. "Idle" means surface mining operations curtailed for a period of one year or more, by more than 90 percent of the operation's previous maximum annual mineral production, with the intent to resume those surface mining operations at a future date.

8. “Incompatible land uses” means land uses inherently incompatible with mining and/or that require public or private investment in structures, land improvements, and landscaping and that may prevent mining because of the greater economic value of the land and its improvements. Examples of such uses may include, but shall not be limited to, high density residential, low density residential with high unit value, public facilities, geographically limited but impact-intensive industrial, and commercial.

9. “Mined lands” means the surface, subsurface, and groundwater of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in, surface mining operations are located.

10. “Minerals” means any naturally occurring chemical element or compound, or group of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to, coal, peat, and bituminous rock, but excluding geothermal resources, natural gas, and petroleum.

11. “Operator” means any person who is engaged in surface mining operations or who contracts with others to conduct operations on his/her behalf, except a person who is engaged in surface mining operations as an employee with wages as his/her sole compensation.

12. “Reclamation” means the combined process of land treatment that maximizes post-mining land uses and minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed as rapidly as reasonably feasible to an unusable condition which is readily adaptable for alternate land uses and creates no danger to public health or safety. The process may extend to affected lands surrounding mined lands and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures.

13. “Streambed skimming” means excavation of sand and gravel from streambed deposits above the mean summer water level or stream bottom, whichever is higher.

14. “Surface mining operation” means all, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations include, but are not limited to, in-place distillation or retorting or leaching, the production and disposal of mining waste, prospecting and exploratory activities, borrow pitting, streambed skimming, and segregation and stockpiling of mined materials (and recovery of same).

C. Incorporation by Reference. The provisions of SMARA (PRC Section 2710 et seq.), PRC Section 2207, and state regulations (CCR Section 3500 et seq.), as those provisions and regulations may be amended from time to time, are made a part of this section by reference with the same force and effect as if the provisions therein were specifically and fully set out herein, excepting that when the provisions of this chapter are more restrictive than correlative state provisions, this section shall prevail.

D. Scope. Except as provided in this section, no person shall conduct surface mining operations unless a permit, reclamation plan, and financial assurances for reclamation have first been approved by the city. Any applicable exemption from this requirement does not automatically exempt a project or activity from the application of other regulations, ordinances or policies of the city, including, but not limited to, the application of CEQA, the requirement of site approvals or other permits, the payment of development impact fees, or the imposition of other dedications and exactions as may be permitted under the law. The provisions of this section shall apply to all lands within the city, public and private.

This section shall not apply to the following activities, subject to the above-referenced exceptions:

1. Excavations or grading related to agricultural activities or on-site construction or for the purpose of restoring land following a flood or natural disaster.

2. On-site excavation and on-site earthmoving activities which are an integral and necessary part of a construction project that are undertaken to prepare a site for construction of structures, landscaping, or other land improvements, including the related excavation, grading, compaction, and the creation of fills, road cuts, and embankments, whether or not surplus materials are exported from the site, subject to all of the following conditions:

a. All required permits for the construction, landscaping, or related land improvements have been approved by a public agency in accordance with applicable provisions of state law and locally adopted plans and ordinances, including, but not limited to, the California Environmental Quality Act (CEQA, Public Resources Code Division 13, Section 21000 et seq.);

b. The city's approval of the construction project including consideration of the on-site excavation and on-site earthmoving activities pursuant to CEQA;

c. The approved construction project is consistent with the General Plan or zoning of the site; and

d. Surplus materials shall not be exported from the site unless and until actual construction work has commenced and shall cease if it is determined that construction activities have terminated, have been indefinitely suspended, or are no longer being actively pursued.

3. Operation of a plant site used for mineral processing, including associated on-site structures, equipment, machines, tools, or other materials, including the on-site stockpiling and on-site recovery of mined materials, subject to all of the following conditions:

a. The plant site is located on lands designated for industrial or commercial uses in the city's General Plan;

b. The plant site is located on lands zoned industrial or commercial, or is contained within a zoning category intended exclusively for industrial activities by the city;

c. None of the minerals being processed is being extracted on site; and

d. All reclamation work has been completed pursuant to the approved reclamation plan for any mineral extraction activities that occurred on site after January 1, 1976.

4. Prospecting for, or the extraction of, minerals for commercial purposes and removal of overburden in total amounts of less than 1,000 cubic yards in any one location of one acre or less.

5. Surface mining operations that are required by federal law in order to protect a mining claim, if those operations are conducted solely for that purpose.

6. Any other surface mining operations that the State Mining and Geology Board determines to be of an infrequent nature and which involve only minor surface disturbances.

7. Emergency excavations or grading conducted by the Department of Water Resources or the Reclamation Board for the purpose of averting, alleviating, repairing, or restoring damage to property due to imminent or recent floods, disasters, or other emergencies.

8. Road construction and maintenance for timber or forest operations if the land is owned by the same person or entity and if the excavation is conducted adjacent to timber or forest operation roads. This exemption is only available if slope stability and erosion are controlled in accordance with Board regulations and, upon closure of the site, the person closing the site implements, where necessary, revegetation measures and post-closure uses in consultation with the Department of Forestry and Fire Protection. This exemption does not apply to on-site excavation and grading that occurs within 100 feet of a Class One watercourse or 75 feet of a Class Two watercourse, or to excavations for materials that are or have been sold for commercial purposes.

9. Excavations, grading, or other earthmoving activities in an oil or gas field that are integral to, and necessary for, ongoing operations for the extraction of oil or gas that comply with all of the following conditions: (a) the operations are being conducted in accordance with Division 3 (commencing with PRC Section 3000); (b) the operations are consistent with the city's General Plan and the zoning applicable to the site; (c) the earthmoving activities are within oil or gas field properties under a common owner or operator; and (d) no excavated materials are sold for commercial purposes.

E. Vested Rights. No person who obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall be required to secure a permit to mine, so long as the vested right continues and as long as no substantial changes have been made in the operation except in accordance with SMARA, state regulations, and this section. Where a person with vested rights has continued surface mining operations in the same area subsequent to January 1, 1976, he shall obtain city approval of a reclamation plan covering the mined lands disturbed by such subsequent surface mining. In those cases where an overlap exists (in the horizontal and/or vertical sense) between pre- and post-Act mining, the reclamation plan shall call for reclamation proportional to that disturbance caused by the mining after the effective date of the Act (January 1, 1976).

All other requirements of state law and this section shall apply to vested mining operations.

F. Process.

1. Applications for a site approval or reclamation plan for surface mining or land reclamation projects shall be made on forms provided by the planning department. Said application shall be filed in accord with this section and procedures to be established by the planning director. The forms for reclamation plan applications shall require, at a

minimum, each of the elements required by SMARA (PRC Sections 2772 through 2773) and state regulations, and any other requirements deemed necessary to facilitate an expeditious and fair evaluation of the proposed reclamation plan, to be established at the discretion of the planning director. As many copies of the site approval application as may be required by the planning director shall be submitted to the planning department.

2. As many copies of a reclamation plan application as may be required shall be submitted in conjunction with all applications for site approvals for surface mining operations. For surface mining operations that are exempt from a site approval pursuant to this section, the reclamation plan application shall include information concerning the mining operation that is required for processing the reclamation plan. All documentation for the reclamation plan shall be submitted to the city at one time.

3. Applications shall include all required environmental review forms and information prescribed by the planning director.

4. Upon completion of the environmental review procedure and filing of all documents required by the planning director, consideration of the site approval or reclamation plan for the proposed or existing surface mine shall be completed pursuant to this section at a public hearing before the city council and pursuant to Section 2774 of the Public Resources Code.

5. The reclamation plan shall be applicable to a specific property or properties and shall be based upon the character of the surrounding area and such characteristics of the property as the type of overburden, vegetation, soil stability, topography, geology, climate, stream characteristics, and principal mineral commodities.

6. All reclamation plans shall contain, at a minimum, the following information and documents:

a. The estimated time schedule for the beginning and completion of reclamation activities. If the mining operation is to be accomplished in phases, the time schedule shall indicate the estimated beginning and completion of reclamation activities for each phase.

b. An estimate of the cost of completion of reclamation activities, computed at current cost at the time proposed in the time schedule submitted for completion of the reclamation plan.

c. A description of the existing vegetation at and surrounding the site.

d. A general description of the geology of the surrounding area and a detailed description of the geology at the reclamation site.

e. A description of the proposed use or potential uses of land after reclamation, and evidence that all owners of a possessory interest in the land have been notified of the proposed use or potential uses.

f. A description of the manner in which reclamation, adequate for the proposed use or potential uses, will be accomplished, including:

i. The manner in which mining wastes and related contaminants will be controlled and disposed of.

ii. The manner in which affected streambed channels and stream banks will be rehabilitated to a condition minimizing erosion and sedimentation.

g. An assessment of the effect of implementation of the reclamation plan on future mining in the area.

h. A statement by the applicant that he accepts responsibility for reclaiming mined lands in accordance with the approved reclamation plan.

i. A statement by the applicant that he accepts responsibility for all completed reclamation work for a period of two years or such greater period as deemed necessary by the city council to assure the permanency of all features of the reclamation plan. This subsection shall not apply to normal maintenance and repairs unrelated to the reclamation work on public facilities where dedicated to and accepted by the city of Rancho Cordova.

j. Such other information as the planning department may require.

k. The planning department may waive the filing of one or more of the above items where it is determined unnecessary to process the application subject to the provisions of this chapter.

7. Additional information may be required per a planning department form. Where a reclamation plan is not filed as a part of a surface mining permit, such plan shall be accompanied by an application for separate reclamation plan approval which contains the following information:

a. The names and addresses of the applicant and the mining operator, if different, and of any persons designated by the applicant as his agents for service of process; and

b. The names and addresses of all persons owning a possessory and/or mineral interest in any or all of the property to be used for mining operations.

8. The planning department may deny, without a public hearing, an application for a reclamation plan if such application or plan does not contain the information required in subsection (F)(6) of this section. The planning department may permit the applicant to amend such application.

9. Within 10 days of acceptance of an application as complete for a site approval for surface mining operations and/or a reclamation plan, the planning department shall notify the State Department of Conservation of the filing of the application(s). Whenever mining operations are proposed in the 100-year floodplain of any stream, as shown in Zone A of the flood insurance rate maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any state highway bridge, the planning department shall also notify the State Department of Transportation that the application has been received.

10. The planning department shall process the application(s) through environmental review pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) and the city's environmental review guidelines.

11. Subsequent to the appropriate environmental review, the planning department shall prepare a staff report with recommendations for consideration by the city council.

12. The city council shall hold at least one noticed public hearing on site approval and/or reclamation plan.

13. Prior to final approval of a reclamation plan, financial assurances (as provided in this section), or any amendments to the reclamation plan or existing financial assurances, the city council shall certify to the State Department of Conservation that the reclamation plan and/or financial assurance complies with the applicable requirements of state law, and submit the plan, assurance, or amendments

to the State Department of Conservation for review. The city council may conceptually approve the reclamation plan and financial assurance before submittal to the State Department of Conservation. If a site approval is being processed concurrently with the reclamation plan, the city council may simultaneously also conceptually approve the site approval. However, the city council may defer action on the site approval until taking final action on the reclamation plan and financial assurances. If necessary to comply with permit processing deadlines, the city council may conditionally approve the Site Approval with the condition that the planning department shall not issue the site approval for the mining operations until cost estimates for financial assurances have been reviewed by the State Department of Conservation and final action has been taken on the reclamation plan and financial assurances.

Pursuant to PRC Section 2774(d), the State Department of Conservation shall be given 30 days to review and comment on the reclamation plan and 45 days to review and comment on the financial assurance. The city council shall evaluate written comments received, if any, from the State Department of Conservation during the comment periods. Staff shall prepare a written response describing the disposition of the major issues raised by the state for the city council's approval. In particular, when the city council's position is at variance with the recommendations and objections raised in the state's comments, the written response shall address, in detail, why specific comments and suggestions were not accepted. Copies of any written comments received and responses prepared by the city council shall be promptly forwarded to the operator/applicant.

14. The city council shall then take action to approve, conditionally approve, or deny the site approval and/or reclamation plan, and to approve the financial assurances pursuant to PRC Section 2770(d).

15. The planning department shall forward a copy of each approved site approval for mining operations and/or approved reclamation plan, and a copy of the approved financial assurances, to the State Department of Conservation. By July 1st of each year, the planning department shall submit to the State Department of Conservation for each active or idle mining operation a copy of the site approval or reclamation plan amendments, as applicable, or a statement that there have been no changes during the previous year.

G. Standards for Reclamation.

1. All reclamation plans shall comply with the provisions of SMARA (Sections 2772 and 2773) and state regulations (CCR Sections 3500 through 3505). Reclamation plans approved after January 15, 1993, reclamation plans for proposed new mining operations, and any substantial amendments to previously approved reclamation plans shall also comply with the requirements for reclamation performance standards (CCR Sections 3700 through 3713).

2. The city may impose additional performance standards, including without limitation standards beyond those cited to make the findings in this chapter, as developed either in review of individual projects, as warranted, or through the formulation and adoption of citywide performance standards.

3. Reclamation activities shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance. Interim reclamation may also be required for mined lands that have been disturbed and that

may be disturbed again in future operations or in connection with approved or proposed development. Reclamation may be done on an annual basis, in stages compatible with continuing operations, or on completion of all excavation, removal, or fill, as approved by the city. Each phase of reclamation shall be specifically described in the reclamation plan and shall include (a) the beginning and expected ending dates for each phase; (b) all reclamation activities required; (c) criteria for measuring completion of specific reclamation activities; and (d) estimated costs for completion of each phase of reclamation.

4. Unless otherwise specified in the approved reclamation plan, the reclamation of mined lands shall be carried out in accordance with the following requirements:

a. Reclamation Timing.

i. The reclamation of mined lands shall occur as soon as practical following completion of mining operations at successive locations within the mining site as required by the schedule in the approved reclamation plan.

ii. The reclamation of lands affected by surface mining operations shall be completed within one year of the completion of mining operations, except where the permanent reclaimed condition of mined lands cannot be achieved within one year due to the regulatory approvals (e.g., compliance with the California Environmental Quality Act) required for the ultimate land use contemplated or proposed for the property (e.g., urban development). In such case, only interim reclamation, pursuant to this chapter, need be accomplished within one year, and final reclamation shall be completed as soon as it is possible to complete the reclamation in compliance with the above regulatory approvals, but in no case shall reclamation take more than three years.

b. Disposal of Overburden and Mining Waste.

i. Permanent piles or dumps of overburden and waste rock placed on the land shall be made stable, shall not restrict natural drainage without provision for diversion, and shall have an overall smooth or even profile subject to the satisfaction of the city engineer. Where practical, such permanent piles or dumps shall be located in the least visible location at the mining site.

ii. Old equipment and inert mining wastes shall be removed or buried subject to the approval of the hearing officer.

iii. Toxic materials shall be removed from the site or permanently protected to prevent leaching into the underlying groundwater, to the satisfaction of the planning department.

iv. Overburden and mining waste placed beneath the existing or potential groundwater level which will reduce the transmissivity or area through which water may flow shall be confined to an area approved by the city engineer.

c. Revegetation.

i. All permanently exposed lands that have been denuded by mining operations shall be revegetated to provide ground cover sufficient to control erosion from such lands.

ii. All plantings shall be established and maintained in good horticultural condition. The revegetation shall be able to survive under natural conditions, with native species used whenever possible.

iii. Revegetation methods shall take into account the topography and existing growth patterns and mixes of flora present at and adjacent to the site of mining

operations in order to create a more natural appearance. Plantings shall avoid rigid, geometric patterns and shall utilize natural scatterings.

iv. Where the ultimate intended or proposed use of mined lands would be a level of development inconsistent with extensive permanent vegetation, the amount of vegetation required for reclamation need not be more than is sufficient to prevent erosion.

d. Resoiling.

i. Resoiling measures shall take into consideration the quality of soils which may be required to sustain plant life pursuant to any revegetation that the hearing officer may require in its approval of the applicant's reclamation plan.

ii. Coarse, hard material shall be graded and covered with a layer of finer material or weathered waste. A soil layer shall then be placed on this prepared surface. Where quantities of available soils are inadequate to provide cover, native materials shall be upgraded to the extent feasible for this purpose.

e. Final Slopes.

i. Final slopes shall be engineered and contoured so as to be geologically stable, to control the drainage therefrom, and to blend with the surrounding topography where practical. On the advice of the city engineer, the planning department may require the establishment of terrace drains to control drainage and erosion.

ii. Final slopes shall not be steeper than two feet horizontal to one foot vertical unless the applicant can demonstrate to the planning department's satisfaction that a steeper slope will not:

(A) Reduce the effectiveness of revegetation and erosion control measures where they are necessary; and

(B) Be incompatible with the alternate future uses approved by the city council for the site; and

(C) Be hazardous to persons that may utilize the site under the alternate future uses approved for the site.

f. Drainage, Erosion, and Sediment Control.

i. Any temporary stream or watershed diversion shall be restored to its state prior to any surface mining activities unless the planning department deems otherwise based on recommendations from the city engineer.

ii. Streambed channels and stream banks affected by surface mining shall be rehabilitated to a condition which would minimize erosion and sedimentation, except that such rehabilitation need not attempt to restore or mimic natural conditions where the contemplated or proposed ultimate use of the reclaimed property would be inconsistent with the maintenance of restored or rehabilitated streambed channels and stream banks.

iii. Revegetation and regrading techniques shall be designed and executed so as to minimize erosion and sedimentation. Drainage shall be provided to natural outlets or interior basins designed for water storage, with such basins subject to the approval of the city engineer. In addition, final excavation shall eliminate potholes and similar catchments so as to prevent potential breeding areas for mosquitoes.

iv. The final grading and drainage of the site shall be designed in a manner to prevent discharge of sediment above natural levels existent prior to mining operations.

v. Silt basins which will store water during periods of surface runoff shall be equipped with sediment control and removal facilities and protected spillways designed to minimize erosion when such basins have outlet to lower ground.

vi. No condition shall remain after reclamation which will or could lead to degradation of groundwater quality below applicable standards of the regional water quality control board or any other agency with jurisdiction over water quality.

g. Backfilling and Grading.

i. Subject to the approval of the city engineer, backfilled and graded areas shall be compacted to avoid excessive settlement and to the degree necessary to accommodate anticipated future uses.

ii. Materials used in the refilling shall be of a quality suitable to prevent contamination and/or pollution of groundwater. If materials for backfilling and grading are obtained from an area other than the site of surface mining operations, such materials shall be included and the approximate quantities identified in the applicant's reclamation plan.

h. Reservoirs, ponds, lakes, or any body of water created as a feature of the reclamation plan shall be approved by the city engineer and the planning department.

i. The periodic review of the conditions contained in approved reclamation plans shall be conducted by the planning department in accordance with the schedule adopted at the time such plans were approved. At the time of approval of a permit to mine, the city shall determine whether future public hearings are necessary to consider such new or changed circumstances as physical development near the mining site and improved technological innovations in the field of reclamation which may significantly improve the reclamation process. The city may set a term for such reviews on a case-by-case basis as a condition of the permit if it deems such a review to be necessary. Should a permit be modified pursuant to such a review, the modified permit and/or reclamation plan shall be binding upon the operator and all successors, heirs, and assigns of the applicant.

H. Statement of Responsibility. The person submitting the reclamation plan shall sign a statement accepting responsibility for reclaiming the mined lands in accordance with the reclamation plan. Said statement shall be kept by the planning department in the mining operation's permanent record. Upon sale or transfer of the operation, the new operator shall submit a signed statement of responsibility to the planning department for placement in the permanent record.

I. Findings for Approval.

1. Site Approvals. In addition to any findings required by this section, site approvals for surface mining operations shall include a finding that the project complies with the provisions of SMARA and state regulations.

2. Reclamation Plans. For reclamation plans, the following findings shall be required:

a. That the reclamation plan complies with SMARA Sections 2772 and 2773 and any other applicable provisions.

b. That the reclamation plan complies with applicable requirements of state regulations (CCR Sections 3500 through 3505 and 3700 through 3713).

c. That the reclamation plan will restore the mined lands to a usable condition that is readily adaptable for alternative land uses that are consistent with this section

and either (i) the city's General Plan and any applicable resource plan or element, or (ii) probable future uses anticipated by the city to be adopted in future amendments to the city's General Plan, which uses are identified in findings made on approval of the reclamation plan.

d. That the reclamation plan has been reviewed pursuant to CEQA and the city environmental review guidelines, and any significant adverse impacts from reclamation of the surface mining operations are mitigated to the extent feasible.

e. That the land and/or resources such as water bodies to be reclaimed will be restored to a condition that is compatible with, and blends in with, the surrounding natural environment, topography, and other resources, or that suitable off-site development will compensate for related disturbance to resource values.

f. That a written response to the State Department of Conservation has been prepared, describing the disposition of major issues raised by that department. Where the city's position is at variance with the recommendations and objections raised by the State Department of Conservation, said response shall address, in detail, why specific comments and suggestions were not accepted.

J. Financial Assurances.

1. To ensure that the reclamation will proceed in accordance with the approved reclamation plan, the city shall require as a condition of approval security in the form of a surety bond, trust fund, or irrevocable letter of credit from an accredited financial institution, or other method acceptable to the city and the State Mining and Geology Board as specified in state regulations, and which the city reasonably determines is adequate to perform reclamation in accordance with the surface mining operation's approved reclamation plan. Financial assurances shall be made payable to the city of Rancho Cordova and the State Department of Conservation.

2. Financial assurance will be required to ensure compliance with elements of the reclamation plan, including, but not limited to, revegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope stability and erosion and drainage control, disposal of hazardous materials, and other measures, if necessary.

3. Cost estimates for the financial assurance shall be submitted to the planning department for review and approval prior to the operator securing financial assurances. The planning director shall forward a copy of the cost estimates, together with any documentation received supporting the amount of the cost estimates, to the State Department of Conservation for review. If the State Department of Conservation does not comment within 45 days of receipt of these estimates, it shall be assumed that the cost estimates are adequate, unless the city has reason to determine that additional costs may be incurred. The planning director shall have the discretion to approve the financial assurance, if it meets the requirements of this section, SMARA, and state regulations.

4. The amount of the financial assurance shall be based upon the estimated costs of reclamation for the years or phases stipulated in the approved reclamation plan, including any maintenance of reclaimed areas as may be required, subject to adjustment for the actual amount required to reclaim lands disturbed by surface mining activities necessary to implement the approved reclamation plan, the unit costs for each of these activities, the number of units of each of these activities, and the actual

administrative costs. Financial assurances to ensure compliance with revegetation, restoration of water bodies, restoration of aquatic or wildlife habitat, and any other applicable element of the approved reclamation plan shall be based upon cost estimates that include but may not be limited to labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial operator other than the permittee. A contingency factor of 10 percent shall be added to the cost of the financial assurance.

5. In projecting the costs of financial assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, consequently, the city or State Department of Conservation may need to contract with a third-party commercial company for reclamation of the site.

6. The financial assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed (including any maintenance required).

7. The amount of financial assurances required of a surface mining operation for any one year shall be adjusted annually to account for new lands disturbed by surface mining operation, inflation, and reclamation of lands accomplished in accordance with the approved reclamation plan. The financial assurances shall include estimates to cover reclamation for existing conditions and anticipated activities during the upcoming year, excepting that the permittee may not claim credit for reclamation scheduled for completion during the coming year.

8. Revisions to financial assurances shall be submitted to the planning director each year prior to the anniversary date for approval of the financial assurances. The financial assurance shall cover the cost of existing disturbance and anticipated activities for the next calendar year, including any required interim reclamation. If revisions to the financial assurances are not required, the operator shall explain, in writing, why revisions are not required.

K. Interim Management Plans.

1. Within 90 days of a surface mining operation becoming idle, the operator shall submit to the planning department a proposed interim management plan (IMP). The proposed IMP shall fully comply with the requirements of SMARA, including but not limited to all site approval conditions, and shall provide measures the operator will implement to maintain the site in a stable condition, taking into consideration public health and safety. The proposed IMP shall be submitted on forms provided by the planning department and shall be processed as an amendment to the reclamation plan. IMPs shall not be considered projects for the purposes of environmental review.

2. Financial assurances for idle operations shall be maintained as though the operation were active.

3. Upon receipt of a complete proposed IMP, the planning department shall forward the IMP to the State Department of Conservation for review. The IMP shall be submitted to the State Department of Conservation at least 30 days prior to approval by the city council.

4. Within 60 days of receipt of the proposed IMP, or a longer period mutually agreed upon by the planning director and the operator, the city council shall review and approve or deny the IMP in accordance with this section. The operator shall have 30 days, or a longer period mutually agreed upon by the planning director and the operator,

to submit a revised IMP. The city council shall approve or deny the revised IMP within 60 days of receipt.

5. The IMP may remain in effect for a period not to exceed five years, at which time the city council may renew the IMP for another period not to exceed five years or require the surface mining operator to commence reclamation in accordance with its approved reclamation plan.

L. Annual Report Requirements. Surface mining operators shall forward an annual surface mining report to the State Department of Conservation and to the city planning department on a date established by the State Department of Conservation, on forms furnished by the State Mining and Geology Board. New mining operations shall file an initial surface mining report and any applicable filing fees with the State Department of Conservation within 30 days of permit approval or before commencement of operations, whichever is sooner. Any applicable fees, together with a copy of the annual inspection report, shall be forwarded to the State Department of Conservation at the time of filing the annual surface mining report.

M. Inspections. The planning department shall arrange for inspection of a surface mining operation within six months of receipt of the annual report required in subsection (L) of this section (Annual Report Requirements) to determine whether the surface mining operation is in compliance with the approved site approval and/or reclamation plan, approved financial assurances, and state regulations. In no event shall less than one inspection be conducted in any calendar year. Said inspections may be made by a state-registered geologist, state-registered civil engineer, state-licensed landscape architect, or state-registered forester who is experienced in land reclamation and who has not been employed by the mining operation in any capacity during the previous 12 months, or other qualified specialists, as selected by the planning director. All inspections shall be conducted using a form approved and provided by the State Mining and Geology Board.

The planning department shall notify the State Department of Conservation within 30 days of completion of the inspection that said inspection has been conducted and shall forward a copy of said inspection notice and any supporting documentation to the mining operator. The operator shall be solely responsible for the reasonable cost of such inspection.

N. Violations and Penalties. If the planning director, based upon an annual inspection or otherwise confirmed by an inspection of the mining operation, determines that a surface mining operation is not in compliance with this section, the applicable site approval, any required permit, and/or the reclamation plan, the city shall follow the procedures set forth in Public Resources Code Sections 2774.1 and 2774.2 concerning violations and penalties, as well as those provisions of the city development code for revocation and/or abandonment of site approval which are not preempted by SMARA.

O. Appeals. Any person aggrieved by an act or determination of the planning department in the exercise of the authority granted herein shall have the right to appeal to the city council. An appeal shall be filed on forms provided, within 15 calendar days after the rendition, in writing, of the appealed decision.

P. Fees. The city shall establish such fees as it deems necessary to cover the reasonable costs incurred in implementing this section and the state regulations, including, but not limited to, processing of applications, annual reports, inspections,

monitoring, enforcement, and compliance. Such fees shall be paid by the operator, as required by the city, at the time of filing of the site approval application, reclamation plan application, and at such other times as are determined by the city to be appropriate in order to ensure that all reasonable costs of implementing this section are borne by the mining operator.

Q. Mineral Resource Protection. Mine development is encouraged in compatible areas before encroachment of conflicting uses. Except as provided by Public Resources Code Section 2763, mineral resource areas that have been classified by the State Department of Conservation's Division of Mines and Geology or designated by the State Mining and Geology Board, as well as existing surface mining operations that remain in compliance with the provisions of this section, shall be protected from the intrusion by incompatible land uses that may impede or preclude mineral extraction or processing, to the extent possible for consistency with the city's General Plan.

In accordance with PRC Section 2762, the city's General Plan and resource maps will be prepared to reflect mineral information (classification and/or designation reports) within 12 months of receipt from the State Mining and Geology Board of such information. Land use decisions within the city will be guided by information provided on the location of identified mineral resources of regional significance. Conservation and potential development of identified mineral resource areas will be considered and encouraged. Recordation on property titles of the presence of important mineral resources within the identified mineral resource areas may be encouraged as a condition of approval of any development project in the impacted area. Prior to approving a use that would otherwise be incompatible with mineral resource protection, conditions of approval may be applied to encroaching development projects to minimize potential conflicts. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.9.080)].

Chapter 23.325
OVERLAY ZONING DISTRICTS

Sections:

23.325.010 Purpose.
23.325.020 Convention (CO) overlay zoning district.
23.325.030 Transit oriented development (TOD) overlay zoning district.
23.325.040 Flood (F) overlay zoning district.
23.325.050 Planned development (PD) overlay zoning district.
23.325.060 Planned development – County/city initiated (PDC) overlay zoning district.
23.325.070 Parkway corridor (PC) overlay zoning district.
23.325.080 Surface mining (SM) overlay zoning district.

23.325.010 Purpose.

The overlay zoning districts established in this chapter are designed to supplement the use regulations and/or development standards of the applicable underlying base zoning district by recognizing distinctive areas of the city that have special and unique social, architectural, or environmental characteristics which require special considerations not otherwise adequately provided by the underlying base zone applicable to the property. The application of these overlay zoning districts emphasizes the need for special attention in planning projects in the area governed by the overlay. The provisions of this chapter shall apply to all parcels of land located within the designed boundaries of an overlay district as illustrated on maps contained in this chapter and on the city zoning map. On the zoning map, overlay zoning districts shall be designated by their representative symbol along with the base zoning district in a format determined by the planning director. In the event of a conflict with the regulations of the underlying base zoning district and the overlay zoning district, the provisions of the overlay zoning district shall apply. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.9.010)].

23.325.020 Convention (CO) overlay zoning district.

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

B. Convention Overlay District Area. The convention overlay zoning district is applied to those parcels described in Figure 23.325-1 (Convention Overlay District Area), consistent with the General Plan's convention overlay. The convention overlay district is generally defined as that area south of Highway 50, east of Kilgore Road, north of Sun Center Drive, and west of Citrus Road.

Figure 23.325-1: Convention Overlay District Area

C. Allowed Uses. Specific to the convention overlay zoning district, Table 23.325-1 identifies the allowed use provisions within the convention overlay zoning district. The allowed use provisions of Table 23.325-1 supersede and replace the allowed use provisions of the underlying base zoning district of the applicable property. Similar uses may be determined as identified in this title. The allowed use provisions are listed in compliance with Chapter 23.304 RCMC (Land Use Classification).

Use regulations in the table are shown with representative symbol by use classification listing: “P” symbolizes uses allowed by right, “L” symbolizes uses that require approval of a limited use permit, “C” symbolizes uses that require approval of a conditional use permit, and “N” symbolizes uses that are not permitted.

Table 23.325-1: Allowed Use Provisions in the Convention Overlay Zoning District

Land Use Category	Convention Overlay Zoning District	Special Use Regulations
Residential Uses		
Caretaker Housing	C	
Dwelling, Multifamily	P[1]	
Dwelling, Single-Family	C	
Dwelling, Two-Family	C	
Home Occupations	C	RCMC 23.901.030
Live-Work Facility	C	RCMC 23.901.040
Recreation, Education, and Public Assembly Uses		

Land Use Category	Convention Overlay Zoning District	Special Use Regulations
Clubs, Lodges, and Private Meeting Halls	P	
Convention Center	P	
Indoor Amusement/Entertainment Facility	P	
Indoor Fitness and Sports Facility	C	
Libraries and Museums	P	
Outdoor Commercial Recreation	C	
Parks and Public Plazas	P	
Public Safety Facility	P	
Religious Institutions	C	
Schools, Private and Special/Studios	P	
Schools, Public	P	
Theaters and Auditoriums	P	
Utility, Transportation, and Communication Use Listings		
Heliports	C	
Park and Ride Facility	C	
Telecommunication Facility	C	RCMC 23.907.020
Transit Stations and Terminals	C	
Utility Facilities and Infrastructure	C	RCMC 23.907.030
Retail, Service, and Office Uses		
Alcoholic Beverage Sales	C	
Banks and Financial Services	P	
Bars and Nightclubs	C	
Bed and Breakfast Inns	C	
Building Materials Stores and Yards	C	
Business Support Services	C	
Child Day Care Facility	C	
Drive-In and Drive-Through Sales and Service	N	RCMC 23.910.030
Home Improvement Supplies	C	
Hotels and Motels	P	
Hotels and Motels, Extended Stay	C	
Medical Services, General	C	
Medical Services, Extended Care	C	

Land Use Category	Convention Overlay Zoning District	Special Use Regulations
Medical Services, Hospitals	C	
Offices, Business and Professional	P	
Offices, Accessory	P	
Personal Services	P	
Restaurants	P	
Retail, Accessory	P	
Retail, General	P	
Veterinary Facility	C	
Automobile and Vehicle Uses		
Auto and Vehicle Sales and Rental	C[2]	
Car Washing and Detailing	C	
Service Stations	C	
Vehicle Services, Minor	C	
Industrial, Manufacturing, and Processing Uses		
Printing and Publishing	C	
Research and Development	C	

Notes:

1. The use is permitted in conjunction with the predominant use of the underlying base zoning district. In other words, this use is only allowed as part of an integrated development.

2. Rental only.

D. Development Standards. The following development standards are applicable to the convention overlay zoning district. These standards, along with other development standards (e.g., landscaping requirements, parking standards) in this title and citywide design guidelines, are intended to assist property owners and project designers in understanding the city's minimum requirements and expectations for high quality development. Where site development standards listed herein are in conflict with the site development standards in other chapters of this code or the underlying zoning district, these standards shall apply. The designated approving authority will review development applications against these standards to determine compliance with applicable zoning regulations.

Table 23.325-2: Development Standards in the Convention Overlay District

Development Standard	Convention Overlay District
Density[1]	

Development Standard	Convention Overlay District
Minimum	10 du/ac
Maximum	18.0 du/ac
Floor Area Ratio[2]	
Minimum	0.4
Maximum	3.0
Setbacks	
Front and Street-Side	0 ft.
Rear	10 ft.
Between Structures	10 ft.[3]
Interior	0 ft.
Residential, Stand-Alone Structure[4]	Refer to setbacks for the MDR zone
Height Limit	
Primary Structures	No maximum[5]

Notes:

1. The minimum and maximum density standards are only applicable to mixed-use and integrated developments that include residential uses. Residential projects shall include a minimum of four units.

2. Includes residential uses and square footage. See Article 11 of this title for definition of floor area ratio (FAR).

3. The distance between structures may be modified as part of design review; however, any modifications must be consistent with the Uniform Building Code.

4. For residential units developed as part of an integrated development but not in the same building as the primary use(s), refer to the MDR zone for all setbacks. In all other instances, the setbacks shall be the same as the primary structure(s).

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

E. Parking Standards. Parking standards for uses in the convention overlay zoning district shall be consistent with Chapter 23.719 RCMC (Parking and Loading). Required off-street loading/unloading and passenger loading areas shall also be consistent with applicable provisions of Chapter 23.719 RCMC (Parking and Loading). [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.9.020)].

F. Exceptions. The City Council desires to provide flexibility for projects within the Convention Overlay District that will benefit the community in specific, identified ways. In conjunction with a Major Design Review, project-level CEQA review, and any other required entitlements, an applicant may request that the City Council approve an exception to allow a development project that does not strictly adhere to the Convention Overlay Development Standards identified in Table 23.325-2. The City Council may grant an exception for any development standard in Table 23.325-2 for projects that are uses that are allowed in Table 23.325-1, and meet at least 4 of the following 6 conditions:

1. Will fulfill a compelling community need, as indicated by an existing City goal, General Plan policy, budget priority, or other Council adopted policy document.

2. Will improve an existing blighted situation by removing 100% of the blight located upon the subject property.
3. Will provide unmet services to a currently underserved community.
4. Will create at least 15 new permanent full time jobs (or new jobs equivalent to at least 15 FTE) or a minimum of 1 job per 500 square feet.
5. Will generate annual sales tax contributions to the City in excess of $25,000.
6. Investments in the property will increase the property tax revenue for the subject parcel(s) by at least 250%.

To the extent practical, development projects should comply with the development standards in Table 23.325-2. All projects remain subject to design review as established in Section 23.140 and 23.141 of this Zoning Code. An Exception request must be included and will be reviewed in conjunction with the project's Design Review application. It is the Applicant's responsibility to request relief from the development standards in Table 23.325-2 and provide justifications for why standards cannot be met. It is also the Applicant's responsibility to provide evidence of compliance with at least 4 of the conditions listed in this section to support the exception request. The City Council is the approving authority for all exception requests.

Under no circumstance shall an exception result in any of the following:

1. Allow a land use not otherwise permitted or conditionally permitted in the zone;
2. Allow a detrimental environmental impact not adequately analyzed;
3. Waive payment of applicable impact fees;
4. Waive a specific prohibition; or
5. Waive or modify a procedural requirement.

The procedure for granting exceptions allowed under this provision is provided in RCMC Section 23.110.150(D). In granting the exception, the City Council shall make the following findings:

1. The proposed project qualifies for an exception by meeting at least four (4) of the six (6) conditions required for granting an exception as defined in RCMC Section 23.325.020(F).
2. The City Council has determined that the proposed project has adhered to the development standards in Table 23.325-2 to the fullest extent practicable.
3. The applicant has provided substantial evidence that the conditions for the exception will be met following construction and operation of the project. Further, the applicant has agreed to conditions of approval guaranteeing these requirements will be met or exceeded throughout the life of the project.
4. Granting the exception will not adversely affect the interests of the public or the interests of the residents and property owners in the vicinity of the premises in question, and shall not establish a precedence for other project requests.
5. Granting the exception will not endanger the public health and safety.

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23.325.030 Transit oriented development (TOD) overlay zoning district.

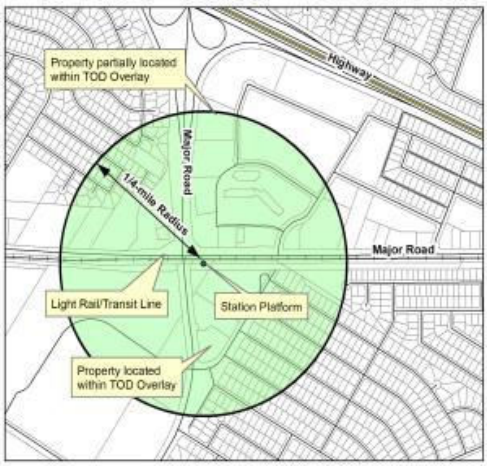
A. Purpose and Intent. The purpose of the transit oriented development (TOD) overlay zoning district is to promote and provide for higher density and intensity uses as part of or in proximity to transit stations. The objective of locating more intensive uses

near transit stations is to promote transit services along major transit corridors of the city. The transit oriented development overlay zoning district implements the local transit oriented development and regional transit oriented development land use categories of the General Plan.

B. Applicability.

1. TOD Designation. The transit oriented development overlay zoning district shall be applied to properties that are located within one-quarter mile of an existing or planned light rail/streetcar station or bus rapid transit station. In determining the extent of the applicability, a circle of one-quarter mile in radius shall be drawn from a central point at the designated station location (e.g., station platform). See Figure 23.325-2 (Transit Oriented Development Overlay Zoning District) for a prototypical example of a TOD overlay.

Figure 23.325-2: Transit Oriented Development Overlay Zoning District



2. Properties Partially Located Within the TOD Overlay. The provisions of the transit oriented development overlay zoning district shall only apply to those portions of property located within the one-quarter-mile radius circle. Those portions of parcels zoned transit oriented development overlay but not included within the one-quarter-mile radius circle shall have development standards consistent with the underlying base district (see section on integrated development as described later in this chapter) and may only be developed consistent with the development standards of the base district. Qualifying integrated developments as defined in Chapter 23.707 RCMC (Integrated Developments) may locate more intense development outside of the one-quarter-mile radius circle, provided the provisions of this section are observed.

3. Special Standards for Integrated Development. When a portion of an integrated development, as defined in Chapter 23.707 RCMC (Integrated Developments), includes both an area zoned transit oriented development overlay and an area not subject to the development standards of the transit oriented development overlay zone, the development potential for the site shall be determined on an aggregate basis. For example, if half of a 10-acre site is zoned transit oriented

development overlay and the other half is zoned commercial mixed-use, then the development potential of the first half is 400 dwelling units (80 du/ac times five acres) and the potential of the second half is 90 dwelling units (18 du/ac times five acres), resulting in a total potential of 490 dwelling units. Consistent with the provisions for integrated developments, the 490 dwelling units may be located anywhere within the development, except that the majority of the units shall be located within the one-quarter-mile radius. The designated approving authority, as part of design review, may allow the majority of the units to be located outside of the one-quarter-mile radius; provided, that pedestrian uses and gathering spaces are located within the radius and connect the residential area(s) to the transit station.

C. Development Standards. The following development standards are applicable to the transit oriented development overlay zoning district. These standards, along with other development standards (e.g., landscaping requirements, parking standards) in this title and citywide design guidelines, are intended to assist property owners and project designers in understanding the city's minimum requirements and expectations for high quality development. Where site development standards listed herein are in conflict with the site development standards in other chapters of this code or the underlying base zoning district, these standards shall apply. The designated approving authority will review development applications against these standards to determine compliance with applicable zoning regulations.

The table describes development standards for two types of transit oriented developments – TODs generally and TODs as part of regional town centers. For the majority of transit oriented developments, the general development standards of the "TODs Generally" column will apply. In those cases where a transit oriented development overlay is applied to a regional town center base zoning district, the development standards of the "TODs as Part of a Regional Town Center" shall apply. The intent of these two sets of standards is to implement the unique development standards of the local TOD and regional TOD land use categories under the city's General Plan.

Table 23.325-3: Transit Oriented Development Overlay Zoning District Development Standards

Development Standard	TODs Generally	TODs as Part of a Regional Town Center
Density[1]		
Minimum	20.0 du/ac	
Maximum	80.0 du/ac	
Floor Area Ratio[2]		
Minimum	0.50	0.65
Maximum	2.5	3.0
Height (maximum)	80 feet	No maximum[3]

Development Standard	TODs Generally	TODs as Part of a Regional Town Center

Notes:

1. The minimum and maximum density standards are only applicable to mixed-use and integrated developments that include residential uses. Residential projects shall include a minimum of four units.

2. Includes residential uses and square footage. See Article 11 of this title for definition of floor area ratio (FAR).

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

[Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.9.030)].

MEMORANDUM

DATE: June 17, 2013

TO: Honorable Mayor and Council Members

FROM: Jessica Jordan, Senior Planner

SUBJECT: **AN ORDINANCE AMENDING SECTION 23.325.020 (CONVENTION OVERLAY DISTRICT) OF TITLE 23 (ZONING CODE) OF THE MUNICIPAL CODE AND SECTION IV (PAGE IV-6, PAGE IV-27, TABLE IV-4) OF THE FOLSOM BOULEVARD SPECIFIC PLAN**

RECOMMENDATION

Introduce and waive first reading of Ordinance 19-2013.

RESULT OF RECOMMENDED ACTION

Adopting this Ordinance would amend the Convention Overlay District regulations within Title 23 (Zoning Code) of the City's Municipal Code and Section IV of the Folsom Boulevard Specific Plan to reduce the permit requirements for certain specific uses from a Conditional Use Permit to an Administrative Use Permit. These uses include Building Materials Stores and Yards, Business Support Services, Home Improvement Supplies, Auto and Vehicle Sales and Rental, Vehicle Services – Minor, Manufacturing – Small Scale, Printing and Publishing, and Research and Development. By requiring an Administrative Use Permit, the review process will become easier and less time consuming and hopefully allow for more businesses to occupy the existing buildings within the Convention Overlay area.

BACKGROUND

The City's General Plan identifies the Convention Overlay area around the intersection of Sunrise Boulevard and Folsom Boulevard. The overlay was established to foster a convention center district to include hotels, restaurants, and meeting spaces as well as retail and offices. Low density, single-story concrete tilt ups are discouraged. The Zoning Code further describes the convention district area to be a vibrant, entertaining, and inviting center for tourists, visitors, and residents alike. The Zoning Code includes an allowed use table and development standards for projects within the overlay zone.

PROJECT ANALYSIS

The Convention Overlay District was established within an area of the City that, at incorporation, had already been substantially developed with office, light industrial, and some limited retail uses. While the General Plan and subsequent Zoning Code establishes land use regulations that would achieve the transformative vision within the Convention Overlay area, these regulations impose very stringent requirements for the use of existing buildings. When an existing building has a vacancy, the ability to re-tenant the space has proven to be

cumbersome; specifically the uses that "fit" the type of buildings that exist and the extensive permitting requirements (Conditional Use Permit) for some specific businesses discourage potential tenants. Considering the current economic challenges impacting the entire region, staff is proposing amendments to both the Zoning Code and Folsom Boulevard Specific Plan to allow some uses within the Convention Overlay District through the lesser Administrative Use Permit (AUP) process. The AUP retains some discretion over the use by the City but would reduce the permitting cost by approximately 90% and reduce the permitting time substantially. The review authority for an AUP is the Planning Director. The City Council would retain the ability to call up any AUP should there be a concern about a specific re-tenanting within the Convention Overlay District. The specific uses targeted by these proposed amendments include:

1. Building Materials Stores and Yards
2. Business Support Services
3. Home Improvement Supplies
4. Auto and Vehicle Sales and Rental
5. Vehicle Services, Minor
6. Manufacturing – Small Scale
7. Printing and Publishing
8. Research and Development

Staff anticipates this grouping of uses will provide the needed flexibility to allow for re-tenanting of existing buildings while also protecting the overall desire to transform the Convention Overlay area when the time and economy allow. This effort is moving forward in advance of the overall Folsom Boulevard Specific Plan amendments, because there is some urgency for property owners with possible tenants that are not currently easily allowed within the Convention Overlay District. This solution would allow them to fill currently vacant tenant spaces. Future amendments to the Specific Plan would reflect this action by the City Council unless additional information gathered during the process leads to an alternate, more extensive solution to this issue.

Full text of the proposed amendments is included in **Attachment 1**. A redlined version of these amended sections is included in **Attachment 2.**

ENVIRONMENTAL ANALYSIS

The Rancho Cordova General Plan Final Environmental Impact Report (EIR) was certified in June 2006 by the Rancho Cordova City Council. The General Plan EIR is a Program EIR (CEQA Guidelines section 15168). Subsequently, the City adopted the Folsom Boulevard Specific Plan Mitigated Negative Declaration (MND) in July 2008 to address project specific impacts that were not fully addressed in the General Plan EIR. This proposed Zoning Code and Folsom Boulevard Specific Plan Amendment is an activity within the scope of the General Plan Program EIR and FBSP MND and no further environmental review is required. Further environmental review is not required because the proposed amendments do not meet the criteria for preparing a subsequent EIR or Negative Declaration under State CEQA Guidelines Section 15162.

First, the Zoning Code and FBSP amendment is consistent with the General Plan, is limited in nature, and does not constitute substantial changes to the existing policies and actions in the General Plan. Overall, the proposed amendments would not cause a new significant impact or substantially increase the severity of a previously identified significant impact from the General Plan Final EIR or FBSP MND that would require major revisions to the General Plan Final EIR

(State CEQA Guidelines Section 15162[a][1]). All impacts would be nearly equivalent to the impacts previously analyzed in the General Plan Final EIR.

Second, the City is not aware of any substantial changes in circumstances that would cause a new significant impact or substantially increase the severity of a previously identified significant impact requiring major revisions to the General Plan EIR or FBSP MND (State CEQA Guidelines Section 15162[a][2]). There have been no changes in the environmental conditions in the City not previously contemplated and analyzed in the General Plan EIR and FBSP MND that would result in new or substantially more severe environmental impacts.

Third, there is no new information of substantial importance (which was not known or could not have been known at the time of the General Plan adoption in June 2006) that identifies: a new significant impact (condition "A" under State CEQA Guidelines Section 15162[a][3]); a substantial increase in the severity of a previously identified significant impact (condition "B" State CEQA Guidelines Section 15162[a][3]); mitigation measures or alternatives previously found infeasible that would now be feasible and would substantially reduce one or more significant effects of the General Plan; or mitigation measures or alternatives which are considerably different from those analyzed in the General Plan EIR or FBSP MND which would substantially reduce one or more significant effects on the environment (conditions "C" and "D" State CEQA Guidelines Section 15162[a][3]). None of the "new information" conditions listed in the State CEQA Guidelines Section 15162[a][3] are present in this case to trigger the need for a subsequent EIR.

Lastly, all subsequent projects pursuing entitlements pursuant to the Zoning Code and Folsom Boulevard Specific Plan may be subject to additional environmental review. No projects resulting in environmental impacts will be allowed by right under the proposed amendments. Therefore, there is no direct, or reasonably foreseeable indirect, impact on the environment. (Guidelines section 15060(c)(2).) Therefore, no conditions have occurred that would require the preparation of a subsequent or supplemental EIR or MND and no further environmental review is necessary at this time.

FINANCIAL IMPLICATIONS TO CITY

There are no financial implications to the City in amending the Municipal Code or Folsom Boulevard Specific Plan.

ATTACHMENTS

1. Ordinance No. 19-2013, including Amended Section 23.325.020 (Convention Overlay District) of Title 23 (Zoning Code) (**Exhibit A**) and Amended Section IV of the Folsom Boulevard Specific Plan (**Exhibit B**)
2. Redline Copy amended Section 23.325.020 and Amended Section IV (additions in underlined, deletions in strikethrough; pages with no edits have been omitted)

ATTACHMENT 1

CITY OF RANCHO CORDOVA

ORDINANCE NO. 19-2013

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA AMENDING SECTION 23.325.020 (CONVENTION OVERLAY DISTRICT) OF TITLE 23 OF THE MUNCIPCAL CODE AND SECTION IV (PAGE IV-6, IV-27, TABLE IV-4) OF THE FOLSOM BOULEVARD SPECIFIC PLAN

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

Section 1. Purpose and Declarations.

WHEREAS, the City's General Plan established a Convention District around the intersection of Sunrise and Folsom Boulevards, in an area of the City that was substantially developed at incorporation; and

WHEREAS, the City adopted the Folsom Boulevard Specific Plan and the City-wide Zoning Code to reflect the General Plan desire for a Convention District; and

WHEREAS, the Zoning Code and Folsom Boulevard Specific Plan establish specific regulations for allowed uses and development standards for the Convention Overlay District; and

WHEREAS, the existing buildings within the Convention Overlay District have had difficulty in tenanting or re-tenanting existing spaces with uses in an efficient and cost effective manner due to the City's regulations; and

WHEREAS, until such time the existing buildings are ready to transform to better reflect the intent of the Convention Overlay District, the City wants to allow vacant spaces within existing buildings to be occupied in an efficient and cost effective way; and

WHEREAS, the amendments to the Zoning Code and Folsom Boulevard Specific Plan will allow certain, specific uses to occupy buildings within the Convention Overlay District upon issuance of an Administrative Use Permit, as opposed to a Conditional Use Permit, reducing the required fee by approximately 90% and the level of discretion to the Planning Director; and

WHEREAS, the certified Environmental Impact Report (EIR) prepared for the previously adopted General Plan and the Folsom Boulevard Specific Plan (FBSP) Mitigated Negative Declaration (MND) were found to adequately address all potential environmental impacts associated with the adoption of the proposed Zoning Code and Folsom Boulevard Specific Plan amendments; and

WHEREAS, these amendments were analyzed and determined to be within the scope of the General Plan EIR and FBSP MND and require no further environmental review under State CEQA Guidelines Section 15162; and

WHEREAS, on June 17, 2013, the City Council held a properly noticed public hearing for this Ordinance.

Section 2: Findings. The City Council hereby finds:

A. **CEQA Compliance.** The Rancho Cordova General Plan FEIR (SCH #2005022137) was certified in June 2006 by the Rancho Cordova City Council. The General Plan EIR is a Program EIR. (CEQA Guidelines section 15168.) Subsequently, in July 2008, the City adopted the Folsom Boulevard Specific Plan MND (SCH: 2007112018) to address project specific impacts that were not fully addressed in the General Plan EIR. The amendments to Section 23.325.020 of the Zoning Code and to Section IV of the Folsom Boulevard Specific Plan are activities within the scope of the General Plan EIR and FBSP MND and require no further environmental review. Further environmental review is not required because the proposed amendments do not meet the criteria for preparing a subsequent EIR or Negative Declaration under State CEQA Guidelines section 15162. Furthermore, these changes will not result in a direct, or reasonably foreseeable indirect, physical change in the environment. Therefore, adoption of the Ordinance is not subject to CEQA pursuant to Guidelines Section 15060(c)(2).

B. **The proposed amendment is consistent with the General Plan.** The attached Zoning Code Amendment ("Amendment" or "proposed Amendment") is consistent with the General Plan as required by Government Code Section 65454. The Amendment is consistent with and implements the following provisions of the City's adopted General Plan:

General Plan Goals, Policies, and Actions:

- Economic Development Policy ED.1.3 – Retain and expand the existing industrial and warehouse uses in the City.

Finding: The Amendments will allow for specific land uses to occupy buildings within the Convention Overlay upon issuance of an Administrative Use Permit. Many of the properties within the Convention Overlay District were developed prior to City incorporation and are occupied with light industrial/office type buildings. In order to retain the greatest flexibility for these existing buildings to retain and welcome new businesses, an efficient and quick review process is required. The Amendments will provide such a process and in turn, implement the General Plan policy to retain and expand the existing industrial and warehouse uses in the City.

C. **The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.** The Amendment is in the public interest by facilitating the continued occupancy of buildings within the City's job core area. There are no adverse impacts to health, safety, convenience, or welfare of the City and its residents.

D. **The proposed amendment is internally consistent with other applicable provisions of the zoning code.** The Amendments have been reviewed and determined to be consistent with all applicable provisions of the zoning code and Folsom Boulevard Specific Plan.

Section 3. Amendments to Section 23.325.020 of Title 23

The City Council hereby adopts amended Section 23.325.020 (Convention Overlay District) of Title 23 (Zoning Code) of the Municipal Code in **Exhibit A**, attached and incorporated herein.

Section 4. Amendments to Section IV of the FBSP

The City Council hereby adopts amended Section IV (Page IV-6, Page IV-27, Table IV-4) of the Folsom Boulevard Specific Plan in **Exhibit B**, attached and incorporated herein.

Section 5. 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 6. Effective Date

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

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the __ day of _____ 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Linda Budge, Mayor

ATTEST:

_____
Mindy Cuppy, CMC, City Clerk

Chapter 23.325
OVERLAY ZONING DISTRICTS

Sections:

23.325.010 Purpose.
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23.325.030 Transit oriented development (TOD) overlay zoning district.
23.325.040 Flood (F) overlay zoning district.
23.325.050 Planned development (PD) overlay zoning district.
23.325.060 Planned development – County/city initiated (PDC) overlay zoning district.
23.325.070 Parkway corridor (PC) overlay zoning district.
23.325.080 Surface mining (SM) overlay zoning district.

23.325.010 Purpose.

The overlay zoning districts established in this chapter are designed to supplement the use regulations and/or development standards of the applicable underlying base zoning district by recognizing distinctive areas of the city that have special and unique social, architectural, or environmental characteristics which require special considerations not otherwise adequately provided by the underlying base zone applicable to the property. The application of these overlay zoning districts emphasizes the need for special attention in planning projects in the area governed by the overlay. The provisions of this chapter shall apply to all parcels of land located within the designed boundaries of an overlay district as illustrated on maps contained in this chapter and on the city zoning map. On the zoning map, overlay zoning districts shall be designated by their representative symbol along with the base zoning district in a format determined by the planning director. In the event of a conflict with the regulations of the underlying base zoning district and the overlay zoning district, the provisions of the overlay zoning district shall apply. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.9.010)].

23.325.020 Convention (CO) overlay zoning district.

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

B. Convention Overlay District Area. The convention overlay zoning district is applied to those parcels described in Figure 23.325-1 (Convention Overlay District Area), consistent with the General Plan's convention overlay. The convention overlay district is generally defined as that area south of Highway 50, east of Kilgore Road, north of Sun Center Drive, and west of Citrus Road.

Figure 23.325-1: Convention Overlay District Area

C. Allowed Uses. Specific to the convention overlay zoning district, Table 23.325-1 identifies the allowed use provisions within the convention overlay zoning district. The allowed use provisions of Table 23.325-1 supersede and replace the allowed use provisions of the underlying base zoning district of the applicable property. Similar uses may be determined as identified in this title. The allowed use provisions are listed in compliance with Chapter 23.304 RCMC (Land Use Classification).

Use regulations in the table are shown with representative symbol by use classification listing: “P” symbolizes uses allowed by right, “AUP” symbolizes uses that require approval of an administrative use permit, “L” symbolizes uses that require approval of a limited use permit, “C” symbolizes uses that require approval of a conditional use permit, and “N” symbolizes uses that are not permitted.

Table 23.325-1: Allowed Use Provisions in the Convention Overlay Zoning District

Land Use Category	Convention Overlay Zoning District	Special Use Regulations
Residential Uses		
Caretaker Housing	C	
Dwelling, Multifamily	P[1]	
Dwelling, Single-Family	C	
Dwelling, Two-Family	C	
Home Occupations	C	RCMC 23.901.030
Live-Work Facility	C	RCMC 23.901.040
Recreation, Education, and Public Assembly Uses		

Land Use Category	Convention Overlay Zoning District	Special Use Regulations
Clubs, Lodges, and Private Meeting Halls	P	
Convention Center	P	
Indoor Amusement/Entertainment Facility	P	
Indoor Fitness and Sports Facility	C	
Libraries and Museums	P	
Outdoor Commercial Recreation	C	
Parks and Public Plazas	P	
Public Safety Facility	P	
Religious Institutions	C	
Schools, Private and Special/Studios	P	
Schools, Public	P	
Theaters and Auditoriums	P	
Utility, Transportation, and Communication Use Listings		
Heliports	C	
Park and Ride Facility	C	
Telecommunication Facility	C	RCMC 23.907.020
Transit Stations and Terminals	C	
Utility Facilities and Infrastructure	C	RCMC 23.907.030
Retail, Service, and Office Uses		
Alcoholic Beverage Sales	C	
Banks and Financial Services	P	
Bars and Nightclubs	C	
Bed and Breakfast Inns	C	
Building Materials Stores and Yards	AUP	
Business Support Services	AUP	
Child Day Care Facility	C	
Drive-In and Drive-Through Sales and Service	N	RCMC 23.910.030
Home Improvement Supplies	AUP	
Hotels and Motels	P	
Hotels and Motels, Extended Stay	C	
Medical Services, General	C	
Medical Services, Extended Care	C	
Medical Services, Hospitals	C	

Land Use Category	Convention Overlay Zoning District	Special Use Regulations
Offices, Business and Professional	P	
Offices, Accessory	P	
Personal Services	P	
Restaurants	P	
Retail, Accessory	P	
Retail, General	P	
Veterinary Facility	C	
Automobile and Vehicle Uses		
Auto and Vehicle Sales and Rental	AUP	
Car Washing and Detailing	C	
Service Stations	C	
Vehicle Services, Minor	AUP	
Industrial, Manufacturing, and Processing Uses		
Manufacturing – Small Scale	AUP	
Printing and Publishing	AUP	
Research and Development	AUP	

Notes:

1. The use is permitted in conjunction with the predominant use of the underlying base zoning district. In other words, this use is only allowed as part of an integrated development.

D. Development Standards. The following development standards are applicable to the convention overlay zoning district. These standards, along with other development standards (e.g., landscaping requirements, parking standards) in this title and citywide design guidelines, are intended to assist property owners and project designers in understanding the city's minimum requirements and expectations for high quality development. Where site development standards listed herein are in conflict with the site development standards in other chapters of this code or the underlying zoning district, these standards shall apply. The designated approving authority will review development applications against these standards to determine compliance with applicable zoning regulations.

Table 23.325-2: Development Standards in the Convention Overlay District

Development Standard	Convention Overlay District
Density[1]	
Minimum	10 du/ac

Development Standard	Convention Overlay District
Maximum	18.0 du/ac
Floor Area Ratio[2]	
Minimum	0.4
Maximum	3.0
Setbacks	
Front and Street-Side	0 ft.
Rear	10 ft.
Between Structures	10 ft.[3]
Interior	0 ft.
Residential, Stand-Alone Structure[4]	Refer to setbacks for the MDR zone
Height Limit	
Primary Structures	No maximum[5]

Notes:

1. The minimum and maximum density standards are only applicable to mixed-use and integrated developments that include residential uses. Residential projects shall include a minimum of four units.

2. Includes residential uses and square footage. See Article 11 of this title for definition of floor area ratio (FAR).

3. The distance between structures may be modified as part of design review; however, any modifications must be consistent with the Uniform Building Code.

4. For residential units developed as part of an integrated development but not in the same building as the primary use(s), refer to the MDR zone for all setbacks. In all other instances, the setbacks shall be the same as the primary structure(s).

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

E. Parking Standards. Parking standards for uses in the convention overlay zoning district shall be consistent with Chapter 23.719 RCMC (Parking and Loading). Required off-street loading/unloading and passenger loading areas shall also be consistent with applicable provisions of Chapter 23.719 RCMC (Parking and Loading). [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.9.020)].

23.325.030 Transit oriented development (TOD) overlay zoning district.

A. Purpose and Intent. The purpose of the transit oriented development (TOD) overlay zoning district is to promote and provide for higher density and intensity uses as part of or in proximity to transit stations. The objective of locating more intensive uses near transit stations is to promote transit services along major transit corridors of the city. The transit oriented development overlay zoning district implements the local transit oriented development and regional transit oriented development land use categories of the General Plan.

B. Applicability.

1. TOD Designation. The transit oriented development overlay zoning district shall be applied to properties that are located within one-quarter mile of an existing or planned light rail/streetcar station or bus rapid transit station. In determining the extent

of the applicability, a circle of one-quarter mile in radius shall be drawn from a central point at the designated station location (e.g., station platform). See Figure 23.325-2 (Transit Oriented Development Overlay Zoning District) for a prototypical example of a TOD overlay.

Figure 23.325-2: Transit Oriented Development Overlay Zoning District

2. Properties Partially Located Within the TOD Overlay. The provisions of the transit oriented development overlay zoning district shall only apply to those portions of property located within the one-quarter-mile radius circle. Those portions of parcels zoned transit oriented development overlay but not included within the one-quarter-mile radius circle shall have development standards consistent with the underlying base district (see section on integrated development as described later in this chapter) and may only be developed consistent with the development standards of the base district. Qualifying integrated developments as defined in Chapter 23.707 RCMC (Integrated Developments) may locate more intense development outside of the one-quarter-mile radius circle, provided the provisions of this section are observed.

3. Special Standards for Integrated Development. When a portion of an integrated development, as defined in Chapter 23.707 RCMC (Integrated Developments), includes both an area zoned transit oriented development overlay and an area not subject to the development standards of the transit oriented development overlay zone, the development potential for the site shall be determined on an aggregate basis. For example, if half of a 10-acre site is zoned transit oriented development overlay and the other half is zoned commercial mixed-use, then the development potential of the first half is 400 dwelling units (80 du/ac times five acres) and the potential of the second half is 90 dwelling units (18 du/ac times five acres), resulting in a total potential of 490 dwelling units. Consistent with the provisions for integrated developments, the 490 dwelling units may be located anywhere within the development, except that the majority of the units shall be located within the one-quarter-mile radius. The designated approving authority, as part of design review, may allow the majority of the units to be located outside of the one-quarter-mile radius;

provided, that pedestrian uses and gathering spaces are located within the radius and connect the residential area(s) to the transit station.

C. Development Standards. The following development standards are applicable to the transit oriented development overlay zoning district. These standards, along with other development standards (e.g., landscaping requirements, parking standards) in this title and citywide design guidelines, are intended to assist property owners and project designers in understanding the city's minimum requirements and expectations for high quality development. Where site development standards listed herein are in conflict with the site development standards in other chapters of this code or the underlying base zoning district, these standards shall apply. The designated approving authority will review development applications against these standards to determine compliance with applicable zoning regulations.

The table describes development standards for two types of transit oriented developments – TODs generally and TODs as part of regional town centers. For the majority of transit oriented developments, the general development standards of the "TODs Generally" column will apply. In those cases where a transit oriented development overlay is applied to a regional town center base zoning district, the development standards of the "TODs as Part of a Regional Town Center" shall apply. The intent of these two sets of standards is to implement the unique development standards of the local TOD and regional TOD land use categories under the city's General Plan.

Table 23.325-3: Transit Oriented Development Overlay Zoning District Development Standards

Development Standard	TODs Generally	TODs as Part of a Regional Town Center
Density[1]		
Minimum	20.0 du/ac	
Maximum	80.0 du/ac	
Floor Area Ratio[2]		
Minimum	0.50	0.65
Maximum	2.5	3.0
Height (maximum)	80 feet	No maximum[3]

Notes:

1. The minimum and maximum density standards are only applicable to mixed-use and integrated developments that include residential uses. Residential projects shall include a minimum of four units.

2. Includes residential uses and square footage. See Article 11 of this title for definition of floor area ratio (FAR).

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

Development Standard	TODs Generally	TODs as Part of a Regional Town Center
150 feet in height.		

[Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.9.030)].

23.325.040 Flood (F) overlay zoning district.

A. Purpose and Intent. The flood (F) overlay zoning district as shown on the zoning map is intended to comprise all land covered by rivers, creeks, and streams and land subject to flooding within the city. The city council, in adopting the regulations in this section, recognizes that:

1. The promotion of the orderly development and beneficial use of lands subject to recurrent flooding is necessary if the potential property damage which results from improper development is to be minimized.

2. There is a need to protect current and future occupants of land subject to flooding from the physical damage of flooding.

3. The health, general welfare, and safety of the public of the city as a whole requires that lands subject to flooding be strictly regulated as to the uses permitted on the land and the amount of open space which separates buildings and structures.

4. Inundation frequently causes extensive property damage.

5. Strict regulation of flood lands is necessary to protect prospective buyers of land from deception as to the utility of the land within the flood zones.

B. Prohibition. No building, structure, vehicle, sign, or area in any zone with which the flood overlay zone is applied shall be used, nor shall any building, structure, sign, or vehicle be erected, altered, moved, enlarged, or stored in any zone with which the flood overlay zone is applied, except as hereinafter specifically provided in this section or elsewhere in this title; nor shall any area, building, structure, vehicle, or sign be used in any manner so as to create problems detrimental to the public health, safety, or general welfare, or so as to constitute a public nuisance. Any building, structure, vehicle, sign, or lot, or the use of any building, structure, vehicle, or lot, in any zone with which the flood overlay zone is applied shall be regulated and governed by the provisions of this section, the regulations and provisions applicable to the base zone with which the flood overlay zone is applied, and the general regulations and conditions of this title. If there are any conflicts between the flood overlay zoning district and the base zone to which it is applied, the provisions of the flood overlay zoning district shall apply.

C. Elevations. No building or structure designed for human habitation shall hereafter be erected, altered, moved, or enlarged with a first floor elevation lower than required by the Sacramento County water agency drainage ordinance and regulations adopted pursuant thereto.

D. Area. Each lot or parcel shall have a minimum lot area and/or density as specified in the base zoning district. If neither a public water supply nor a public sewerage facility is in use, the net lot area for each lot or parcel shall be not less than one acre.

E. Lot Width. Each lot or parcel shall have a minimum lot width as required by the base zoning district.

F. Determination of Zoning Boundaries. For purposes of the flood overlay zoning district, the following rules shall apply when determining the boundaries of the zone:

1. Zoning boundaries of the flood overlay zoning district are intended to represent the 100-year floodplain as determined by public works. The 100-year floodplain will be based on the best available information, which may include the National Flood Insurance Program flood insurance rate map, county Drainage Master Plan, historic flooding events, or other available information.

2. When public works revises the 100-year flood elevation based upon detailed engineering data, the zoning boundaries of the flood overlay zoning district may be adjusted by the planning director so as to accurately reflect the 100-year floodplain.

3. Upon development of a property, the designated approving authority shall determine the exact location of the 100-year floodplain based on a topographic survey of the property at one-foot intervals and the 100-year flood elevation as determined by public works. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.9.040)].

23.325.050 Planned development (PD) overlay zoning district.

A. Purpose. The purpose of the planned development (PD) overlay zoning district is to encourage a creative and more efficient approach to the use of land, to maximize choice in the type of environment available to the people of the city, and to encourage more efficient allocation and maintenance of privately controlled common open space through the redistribution of overall density where such rearrangement is desirable and feasible. While this overlay district has been established to reflect previous actions of the county of Sacramento prior to incorporation of the city, subsequent development does not require a planned development overlay zoning district to establish development rights consistent with this title and the city's General Plan. Existing planned development overlay zoning districts are hereby incorporated into this title by reference and are considered consistent with the city's General Plan.

B. Intent of the Planned Development Overlay Zoning District. The intent of the planned development overlay zoning district is to carry out the purpose as set forth above by providing the means of greater creativity and flexibility in design than are provided under the strict application of the zoning and subdivision ordinances while at the same time preserving the public interest, health, safety, welfare, and property values. Various land uses may be combined in a planned development zone including combinations of residential, commercial, industrial, utility, institutional, educational, cultural, recreational, and other uses provided the combination of uses results in a balanced and stable environment. A PD zone may be combined with any other zoning classification except permanent agricultural or agricultural hold zones, provided the underlying base zoning district is consistent with the General Plan.

C. Criteria. The criteria for establishing new planned development overlay zoning districts are as follows:

1. Size. A planned development, or unit thereof, shall be of sufficient size, composition, and arrangement that its composition, marketing, and operation are feasible as a complete unit independent of any subsequent unit.

2. Permitted Uses. All uses which are authorized in the base zone(s) with which the planned development overlay zoning district is combined, including uses which are authorized only with a use permit, provided the uses are approved and made part of the development plan as provided in this section. In residential developments, the applicant

must show that accessory commercial uses are intended to serve principally the residents of the development.

3. Land Use Intensity. The planned development shall be at a land use intensity which conforms to the city's General Plan and complements existing permitted uses in the neighborhood. If the planned development proposed indicates a greater intensity of land use than is permitted by existing zoning regulations, the applicant shall show that the design of the project merits such a change in zoning and will not:

a. Create traffic congestion in the streets which adjoin or are near the planned development;

b. Create a burden on parks, schools, and other public facilities and utilities which serve or are proposed to serve the planned development;

c. Have an undue and adverse impact on the reasonable enjoyment of neighboring property.

An increase in land use intensity shall be compensated for by additional amenities to be achieved by the amount, location, and proposed use of open space and location, design, and type of development.

4. Design Standards. The city council may permit deviations from the standards in the base zones with which the planned development overlay zoning district is combined provided the developer demonstrates by his design proposal that the objectives of the General Plan, the subdivision ordinance (RCMC Title 22), and this title will be achieved.

5. Common Open Space. The city council may adopt regulations to govern the amount, use, and location of open space. After development, the common open space may be conveyed to a public agency or private association. The city council, prior to any conveyance of common open space, shall approve all agreements and instruments relating to use, maintenance, and ownership thereof. The city council may also require the dedication of development rights or scenic easements to assure that common open space will be maintained. The city council may further require that instruments of conveyance or covenants or deed restrictions of associations provide that, in the event the common open space is not maintained in a condition consistent with the approved development plan, the city may, at its option, cause such maintenance to be performed and assess the costs to the affected property owners or responsible association. If the common open space is dedicated, conveyed, or designed for use by the general public and so used, any assessment of maintenance costs shall be made by benefit areas which are not necessarily restricted to the subject planned development overlay zoning district.

D. Preliminary Plan.

1. Purpose. The purpose of the preliminary plan is to require the developer to demonstrate the feasibility and general design concept of a proposed development to the planning department. Prior to submitting an application for zone change to the planned development overlay zoning district, the applicant shall submit and receive approval of a preliminary plan for the full area to be covered by the planned development overlay zoning district from the planning director. Approval of the preliminary plan does not grant or vest development rights, but rather ensures that the proposed development will comply with the goals and policies of the city's General Plan and other standards and regulations of the city prior to zone change.

2. Procedure. The initial step to be taken by the developer is to submit a preliminary plan to the planning department. The plan shall include:

a. Maps or drawings which may be schematic in form;

b. Proposed land uses, the approximate number of dwelling units, acres and population density for each area of land, existing uses of surrounding property;

c. Proposed circulation system, indicating both public and private streets;

d. Public uses including schools, parks, recreation areas, and other open spaces;

e. The use and general description of each different type of structure;

f. Nature of the applicant's interest in the land proposed to be developed;

g. Written explanation of the nature of the proposed development and the deviations from regulations otherwise applicable to the property;

h. Proposed sequence and schedule of development; and

i. Other contents as deemed necessary by the planning director and city council.

3. Action by the Planning Department. Review and processing of the preliminary plan application shall be consistent with the provisions of Chapter 23.110 RCMC (Application Processing). The designated approving authority for the preliminary plan shall be the planning director; however, the director shall have the authority to elevate the preliminary plan review to the city council.

E. Proposed Development Plan and Request for Planned Development Overlay Zoning District. Within one year after approval of the preliminary plan, an application may be filed with the planning director for a planned development overlay zoning district. The petitioner shall include with the application for zone change his proposed development plan for all or a portion of the property included within the preliminary plan, which shall include all information required for the preliminary plan and the following:

1. Maps showing existing topography, tree cover, buildings, streets, and other existing physical features;

2. Detailed breakdown of the proposed land use showing lot lines, location of buildings, parking areas, common grounds, recreation improvements and structures, and open space around buildings and structures;

3. Elevation drawings of typical proposed structures and improvements for each proposed use except detached single-family dwellings;

4. At least one perspective drawing or model which will demonstrate the architectural character of the project;

5. Proposed agreements, deed restrictions, bylaws, and articles of incorporation which relate to the preservation or maintenance of open space and associations created to preserve and maintain said open space;

6. A schedule and sequence of development for all of the property included in the preliminary development plan even though the applicant elects to include only a portion of the property in the proposed tentative development plan.

F. Action on the Proposed Development Plan and Request for Planned Development Overlay Zoning District.

1. The process for approving a proposed development plan and request for zone change to the planned development overlay zoning district shall be the same as for zoning amendments as provided for in Chapter 23.146 RCMC (Zoning Amendments).

2. Findings. In addition to the findings for approval of a zoning amendment, the designated approving authority shall also make all of the following findings when approving a zone change to the planned development overlay zoning district:

a. The proposed development will carry out the intent of the General Plan.

b. The proposed development is of sufficient size and is designed so as to provide a desirable environment within its own boundaries.

c. The proposed development is compatible with existing and proposed land uses in the surrounding area.

d. Any exceptions to the standard requirements of the base zoning district and the provisions of this title are justified by the design of the development. In the case of residential areas, the rearrangement of dwellings and the mixing of dwelling types shall be justified by larger and more usable open spaces.

e. There is adequate assurance that all public improvements will be installed at the scheduled times as required by the public works department.

f. There is adequate assurance that the development schedule will be met.

g. The existing or proposed utility services are adequate for the uses and population densities proposed.

G. Designation of Planned Development Overlay Zoning District. A planned development overlay zoning district shall be delineated on the zoning map in a manner similar to that of any other overlay district by showing a name, number, symbol, or other designation after the base zone for the subject property(ies), as determined by the planning director, which distinguishes it from other overlay zones, base zoning districts, or special purpose zones.

H. Adoption by Reference. The following planned development overlay zoning district(s) has/have been adopted as part of this title by reference and is/are so designated on the zoning map of the city:

1. Briarwood Coloma Planned Development (adopted by Ordinance 71-PD-2, amended by Ordinances 71-PD-2A, 71-PD-2A1, 71-PD-2C, and 71-PD-2D).

I. Subsequent Approvals. No subsequent approvals, including tentative maps, conditional use permits, and other discretionary permits, as well as building permits, grading plans, improvement plans, sign permits, temporary sign permits, and other ministerial permits/actions, shall be approved unless they are substantially compliant with the provisions of the adopted planned development and other regulations of this title. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.9.050)].

23.325.060 Planned development – County/city initiated (PDC) overlay zoning district.

A. Purpose. This section establishes the procedure whereby the city council may initiate proceedings to regulate certain property through the process of a county initiated planned development overlay zoning district. The city council recognizes that there are areas throughout the city that have unique environmental, economic, historic, or architectural features and that too little attention has been given through the application of standard zone regulations to these special characteristics. It is the purpose of this section to provide for the city to guide the regulation of such areas so as to preserve such unique characteristics. While this overlay district has been established to reflect previous actions of the county of Sacramento prior to incorporation of the city,

subsequent development does not require a planned development – county/city initiated overlay zoning district to establish development rights consistent with this title and the city's General Plan. Existing planned development – county/city initiated overlay zoning district zones are hereby incorporated into this title by reference and are considered consistent with the city's General Plan.

B. Designation. A planned development – county/city initiated overlay zoning district shall be delineated on the zoning map in a manner similar to that of any other overlay district by showing a name, number, symbol, or other designation after the base zoning district for the subject property(ies), as determined by the planning director, which distinguishes it from other overlay zoning districts, base zoning districts, or special purpose zones.

C. Initiation of Zone. The city council may initiate proceedings to place parcels within the planned development – county/city initiated overlay zoning district. The procedure for zoning property to the planned development – county/city initiated overlay zoning district shall be the same as for changing the zone as provided in Chapter 23.146 RCMC (Zoning Amendments).

D. Content of County/City Initiated Planned Development Ordinance.

1. The following provisions are mandatory and shall be included in each county/city initiated planned development overlay zoning district ordinance:

a. A list of permitted uses.

b. Performance and development requirements relating to yards, lot area, intensity of development on each lot, parking, landscaping, and signs.

c. Other design standards appropriate for the specific planned development.

d. Legal description of property covered by the ordinance.

e. Reasons for establishment of a planned development – county/city initiated overlay zoning district on the particular property.

2. The following provisions are permissive and are not intended to be an exclusive list of the provisions that could be part of a planned development – county/city initiated overlay zoning district ordinance.

a. Procedures for Review of Proposed Development. The procedures could include:

i. Types of projects that require review.

ii. Documents required from developers.

iii. Hearing procedures, if any.

b. Regulations relating to nonconforming lots, uses, structures, and signs.

c. Time phasing and sequence of development projects.

E. Application for Amendment to the Planned Development – County/City Initiated Overlay Zoning District. The procedures for filing an amendment to the planned development – county/city initiated overlay zoning district adopted pursuant to this title shall be the same as for any amendment to the zoning code.

F. Adoption by Reference. The following planned development – county/city initiated overlay zoning district(s) has/have been adopted as part of this title by reference and is/are so designated on the zoning map of the city:

1. Sunriver Planned Development (adopted by Ordinance 77-PDC-4, amended by Ordinance SZC 93-0037). [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.9.060)].

23.325.070 Parkway corridor (PC) overlay zoning district.

A. Purpose. The parkway corridor (PC) overlay zoning district, as shown on the zoning map, shall be used to regulate property along the American River within the city. The goals promoted by establishment of this zone include:

1. Implement the goals and policies of the city's General Plan relative to preservation of the American River parkway.

2. Preserve and enhance the American River and its immediate environment consistent with the goals and policies of the American River Parkway Plan.

3. Ensure, to the extent possible, the compatibility of land uses within the American River parkway and land adjacent to the parkway for their mutual benefit.

4. Ensure that development with access within and adjacent to the American River parkway is designed to reduce as much as possible visible intrusion into the parkway and to complement the naturalistic amenities of the parkway.

5. Provide flexibility in development requirements such as setback, height, bulk, and landscaping applicable to parcels of property subject to the regulations of the parkway corridor (PC) zone.

6. Minimize risks to public health, safety, and welfare in areas which are potentially threatened by erosional processes.

7. Ensure that bluff development, including related storm runoff, foot traffic, site preparation, construction activity, irrigation, and other activities and facilities accompanying such development, does not create or contribute significantly to problems of erosion or geologic instability on the site or on surrounding areas.

8. Ensure that bluff development is sited and designed to assure stability and structural integrity for its expected economic life span while minimizing alteration of natural landform features.

9. Ensure that development within the American River parkway corridor zone occurs in a manner which maintains a safe environment for homes and other improvements and protects the aesthetic and environmental quality of the parkway.

B. Applicability of Parkway Corridor Overlay Zoning District Designation.

1. Property regulated by the parkway corridor overlay zoning district shall be identified in the city zoning map consistent with the provisions of this title.

2. The parkway corridor overlay zoning district may be applied to property within the city adjacent to or near the American River for which the city council determines that land development may affect the stability of bluffs or terraces or have an impact on the preservation or enhancement of scenic, recreational, fishery, or wildlife values along or near the American River.

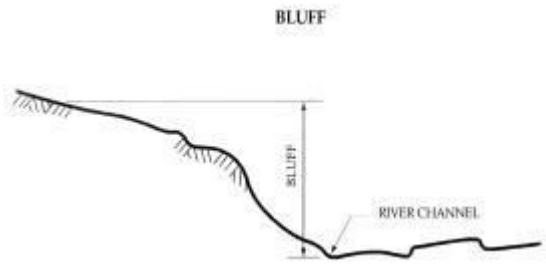
3. The parkway corridor overlay zoning district contains erosion zones based on geologic hazards resulting from erosional processes. Erosion zones have been defined with development setbacks which identify areas potentially subject to erosion within the next 100 years. Property owners and developers must address the erosion problems associated with the erosion zones prior to development in the applicable erosion zone.

C. Definitions. The following definitions apply to this chapter. The planning director or a designee shall resolve disputes with regard to a determination made establishing a bluff or terrace, the edge of a bluff or terrace, toe of a bluff or terrace, 100-year floodplain, designated floodway, or other significant topographic or geologic feature. Any person dissatisfied with the determination made by the director or a designee may

appeal such determination as set forth in Chapter 23.164 RCMC (Appeals) and Chapter 23.167 RCMC (Council Call-Ups).

1. “Bluff” is an escarpment or steep face of rock, decomposed rock, sediment, or soil resulting from erosion, faulting, folding, or excavation of a landmass. A bluff may be planar or have a curved surface, or it may be steplike in section. As used in this zone, “bluff” is limited to those features having a vertical relief of 10 feet or more whose toe is subject to river erosion (see Figure 23.325-3).

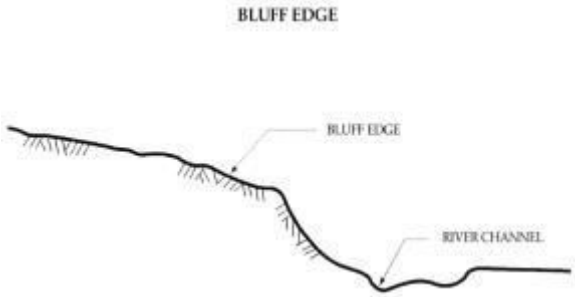
Figure 23.325-3



2. “Bluff edge” is the upper termination of a bluff. The bluff edge can be defined in the following manner:

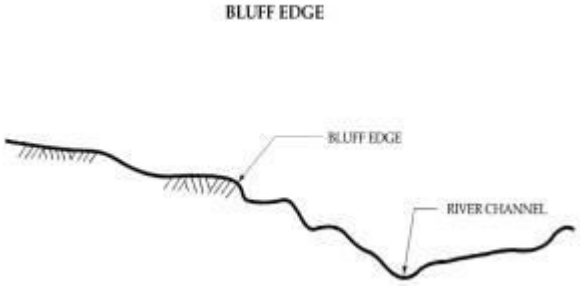
a. When the top of the bluff is rounded away from the face of the bluff, the edge shall be defined as that point nearest the bluff at which the slope of the land surface becomes more or less continuous with the general slope of the surrounding land area going away from the river (see Figure 23.325-4).

Figure 23.325-4



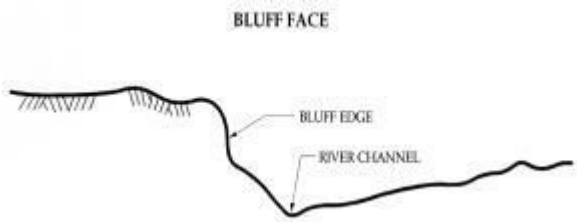
b. When there is a steplike feature at the top of the bluff face, the landward edge of the topmost riser shall be defined as the bluff edge (see Figure 23.325-5).

Figure 23.325-5



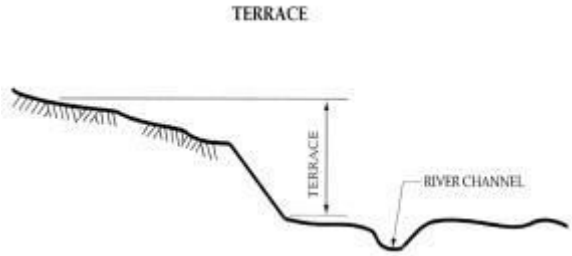
3. “Bluff face” shall be defined as that portion of the bluff’s land surface which extends in a downward gradient from the bluff edge to the toe (see Figure 23.325-6).

Figure 23.325-6



4. “Terrace” shall be defined as an elevated portion of rock, decomposed rock, sediment, or soil resulting from erosion, faulting, folding, or excavation of a landmass. A terrace may have a curved surface or it may be steplike in section. As used in this zone, a “terrace” is limited to those features having a vertical relief of 10 feet or more whose toe is not presently subject to river erosion (see Figure 23.325-7).

Figure 23.325-7



D. Use of County-Owned Property. Consistent with the regulations of Sacramento County, property owned or controlled by the county that is subject to the parkway corridor overlay zoning district shall require prior approval of the Sacramento County board of supervisors for any use of the property.

E. Authorized Uses.

1. The following use is permitted in an erosion zone as described on Exhibits A through D at the end of this chapter and within the total setback distance as shown on Table 23.325-4 (Development Setbacks) upon submission of geotechnical data as set forth in subsection (J) of this section (Application Requirements) and approval of a conditional use permit by the designated approving authority:

a. Construction, enlargement, or modification of any building or structure for which a building permit is required.

2. Construction, erection, or installation of any structure, wall, abutment, or similar device intended to reinforce, stabilize, or otherwise protect any bluff or terrace from erosion, mass wasting, or similar land movement is permitted subject to the submission of geotechnical data as set forth in subsection (J) of this section (Application Requirements) and approval of a conditional use permit by the designated approving authority.

3. Notwithstanding other provisions of this title, the following uses, buildings, and structures, either located outside an erosion zone or within an erosion zone as described in Exhibits A through D at the end of this chapter, but outside the total setback distance as shown in Table 23.325-4 (Development Setbacks), are authorized

without the grant of a conditional use permit upon compliance with the provisions of subsection (I) of this section (Submittal of Plans) and provided the buildings or structures meet the development standards specified in subsection (H) of this section (Development Standards); otherwise such uses, buildings, or structures shall not be erected or maintained without first obtaining a conditional use permit as set forth in subsection (E)(4) of this section.

a. One single-family detached dwelling, including mobile home, on each lot.

b. One two-family dwelling, including mobile home, on each lot.

c. Accessory uses, buildings, and structures (including swimming pools and appurtenant equipment) customarily incidental to and subordinate to single-family detached and two-family dwellings.

4. Unless otherwise provided in this title, all uses designated as either permitted or conditional uses in the underlying zone shall be authorized in the parkway corridor overlay zoning district provided a conditional use permit is first obtained from the designated approving authority.

F. Findings. In addition to the findings required by this title, when development is proposed within an erosion zone as described in Exhibits A through D of this section and within the total setback distance as shown on Table 23.325-4 (Development Setbacks), the designated approving authority shall not grant a conditional use permit pursuant to subsection (E) of this section unless it finds and records in writing that:

1. Development will be sited and designed to assure stability and structural integrity for its expected economic life span while minimizing alteration of natural landform features;

2. Development will not create or contribute to significant problems of erosion or geologic instability on the site or on surrounding areas;

3. Development will maintain a safe environment for homes and other improvements and protect the aesthetics and environmental quality of the American River parkway;

4. Development does not preclude or foreclose future recreation or open space potential in the American River parkway; and

5. There are adequate provisions included in the development proposal for maintenance and revegetation of the project area.

G. Authority of Hearing Body. Generally, development requirements of property including lot area, lot width, or public street frontage applicable to property located in the underlying zone shall apply to the uses authorized by subsection (E) of this section. However, the designated approving authority, in granting the conditional use permit, may impose any or all of the development requirements specified in this section if, in the judgment of the designated approving authority, the special requirements specified in this section are necessary to carry out the intent of this title.

The granting authority may:

1. Require a reasonable additional building setback or yard area, particularly in high terrace and bluff areas which overlook the American River.

2. Require the screening of any portion or all of the structure, building, or use through the use of walls or fences, the planting of locally native trees or shrubbery, or combinations thereof.

3. Require the modification of exterior features of structures where necessary to minimize physical or visual intrusion into the parkway.

4. Establish a limitation on the size or bulk of a building or structure.

5. Regulate the design and location of access drives and other features.

6. Regulate the location, design, and capacity of utilities.

7. Require the use of specific colors, lighting, and landscaping features as otherwise required by this chapter.

8. Regulate the design, as well as require the maintenance, of grounds, landscaping, or an irrigation or drainage system.

9. Regulate noise, vibration, odors, and other similar concerns within certain performance standards.

10. Require the phasing of development.

11. Require a bond or deposit of money to assure completion of development as authorized by the permit.

12. Require the use of noncombustible roofing and siding materials to minimize structural loss in areas with limited accessibility and which are potentially threatened by the occurrence of fire originating from the parkway.

13. Require a fire-resistant buffer between the open areas of the parkway and structures adjacent to it, or require locally native plant varieties which are drought- and fire-resistant. A list of locally native plant varieties is maintained by the Cordova recreation and park district (CRPD).

14. Require that disruption to natural riparian vegetation be minimized, and no trees which are native to the area and which are six inches in diameter or larger shall be damaged or removed unless in imminent danger of collapse from erosion.

15. Require that the area disrupted by the project be revegetated in accordance with a revegetation program utilizing an approved combination of locally native riparian trees, shrubs, and groundcover. If gabion, riprap, or other structural measures are used, require that they be screened from public view with locally native vegetation.

16. Require that the slope and appearance of the project area be compatible with the natural character of nearby slopes or riverbanks.

17. Require that, where feasible, vegetation be used to prevent further erosion. Gabions, rock and wire mattresses, or wire mesh over stone may be used where vegetative measures alone are insufficient, but the erosion control program shall include measures to minimize damage to riparian vegetation and wildlife. Riprap shall not be used unless slope, stream current, and existing native vegetation are favorable to providing substantial vegetative screening of the riprap. Rubble, gunite, cement or sandbags, bulkheads, fences, used tires, and similar materials or structures are prohibited.

18. Require the review of development at a specified time to ensure compliance with all conditions of approval, zoning agreements, ordinances, statutes, regulations, and procedures applicable at the time of development.

If the granting authority imposes any of the development requirements specified above, the designated approving authority shall find and record in writing as required by this title the circumstances which it determined necessary to require the imposition of any special development requirement.

H. Development Standards.

1. Development standards for uses, buildings, or structures on lots protected by levees maintained by a public agency.

a. Height. The maximum height of a building or structure shall not exceed the difference between the elevation of the finished grade of the building site and the elevation of that portion of the levee crown closest to the building site, plus five feet, plus one foot for each five feet by which the distance from the building structure to the landward toe of the levee exceeds 35 feet, but in no event greater than the height limitations set forth in the underlying zone.

b. Setback. No building or structure other than an accessory building is located closer than 35 feet, and no accessory building is located closer than 25 feet, to the landward toe of the levee.

2. Development standards for uses, buildings, or structures on lots not protected by levees maintained by a public agency, and also not within the total setback distance in an erosion zone as described on Exhibits A through D at the end of this chapter.

a. Accessory buildings shall not exceed 12 feet in height.

b. Dwellings and other structures shall be screened by live plantings of locally native trees and shrubs to minimize the visual impact of the dwelling or structure from the parkway.

c. Dwellings and structures shall be finished in earthtones as defined in Article 11 of this title (Definitions).

3. Development standards for uses, buildings, or structures on lots which are located within an erosion zone as described on Exhibits A through D at the end of this chapter and within the total setback distance for that zone as shown on Table 23.325-4 (Development Setbacks).

a. Accessory buildings shall not exceed 12 feet in height.

b. Dwellings and other structures shall be screened by live plantings of locally native trees and shrubs to minimize the visual impact of the dwelling or structure from the parkway.

c. Dwellings and structures shall be finished in earthtones as defined in Article 11 of this title (Definitions).

d. Accessory uses, buildings, and structures (including swimming pools and appurtenant equipment) customarily incidental to and subordinate to single-family detached and two-family dwellings shall not be located closer than 20 feet from the edge of a bluff or terrace.

e. Construction, erection, or installation of any fence, wall, abutment, or similar device shall not be located closer than:

i. Twenty feet from the edge of a bluff or terrace when proposed in Erosion Zone 1 or 2; and

ii. Ten feet from the edge of a bluff or terrace when proposed in Erosion Zone 3 or 4.

f. No form of trenching, grading, earth filling, or similar disturbance of residual or transported soils shall occur within:

i. Twenty feet from the edge of a bluff or terrace when proposed in Erosion Zone 1 or 2; and

ii. Ten feet from the edge of a bluff or terrace when proposed in Erosion Zone 3 or 4.

Table 23.325-4: Development Setbacks

Erosion Zone	Potential Recession Due to Long-Term Channel Migration[1]	Distance of Potential Short-Term Erosion Due to Slope Erosion[2]	Buffer Zone[3]	Total Setback[4]
1	0	20 feet	20 feet	40 feet
2	30 feet	20 feet	20 feet	70 feet
3	30 feet	10 feet	20 feet	60 feet
4	30 feet	10 feet	20 feet	60 feet
5	*	*	*	*

Notes:

1. Long-term bluff recession is based on estimated channel migration rate and a 100-year time period.

2. Distance measured from edge of bluff which is potentially subject to erosion within 10 years.

3. Buffer zone added to allow for property remaining at end of 100-year period.

4. The total setback distance is measured from the edge of a bluff or terrace, whichever is closer to the river.

*The entire area within Zone 5 is potentially subject to erosion within a 100-year period.

Any reference to erosion zones in this chapter shall be shown on Exhibits A through D at the end of this chapter, which are hereby incorporated by this reference into this chapter.

I. Submittal of Plans. Any application for a building permit or other entitlement of use, building, or structure subject to the parkway corridor overlay zoning district authorized without a conditional use permit by subsection (E) of this section shall be reviewed by the director for compliance with the provisions of this chapter. The director may require a site plan as provided in subsection (J) of this section (Application Requirements) to make any determination. If, in the opinion of the director, the proposed development will not meet the development requirements provided in this chapter, the director shall inform the applicant that the building permit or other entitlement of use is disapproved. The director's decision is not subject to an appeal. The applicant's sole recourse to the director's decision is to apply for approval of the proposed development as provided in subsection (E) of this section.

J. Application Requirements. In addition to other data required by this title for conditional use permits, the following information shall be required for any application of a conditional use permit in the parkway corridor overlay zoning district.

1. Site plan showing:

a. Location of existing and proposed structures, buildings, and signs.

b. Location of existing trees and shrubs. For trees, the species and dbh (i.e., diameter breast height) shall be indicated.

c. Location of any proposed off-street parking and loading.

d. Location of adjacent public rights-of-way and private easements for ingress and egress, if any.

e. Location of proposed vehicle entrances and internal circulation patterns.

f. Location of any proposed walls and fences; the height and construction materials thereof.

g. Proposed exterior lighting, if any.

h. Finished grade of the site at the building.

i. Location of an irrigation system, subterranean water lines, drainage facilities, and other appurtenant equipment.

2. Preliminary landscaping plans.

3. Color, materials, and texture of proposed buildings and structures.

4. Location, materials, size and copy of any signs, and illumination thereof, if any.

5. Elevation drawing of all improvements.

6. Other data or materials deemed necessary by the director.

K. Geotechnical Requirements. In addition to other data required pursuant to subsection (J) of this section (Application Requirements) for a conditional use permit, the following information shall be required when development is proposed within an erosion zone as described on Exhibits A through D at the end of this chapter and within the total setback distance as shown in Table 23.325-4 (Development Setbacks) in subsection (H) of this section (Development Standards).

1. A geotechnical investigation and report shall be filed by the applicant. The report shall be prepared by a registered geologist or professional civil engineer with expertise in soils or foundation engineering, surface and groundwater hydrology, river hydraulics, and erosion control. The report shall evaluate the topographic and geologic

conditions of the site and the effect of the development. The report shall be based on an on-site investigation in addition to a review of the general character of the area.

The report shall consider, describe, and analyze the following:

a. Bluff and site topography, extending the surveying work beyond the site as needed to depict geomorphic conditions that might affect the site;

b. Geologic conditions, including soil, sediment, and rock types and characteristics, in addition to structural features, such as bedding, joints, and faults;

c. Hydrologic conditions, including surface water drainage, groundwater, and American River 100-year floodplain and designated floodway locations and elevations;

d. Historic, current, and foreseeable bluff erosion, including investigation of recorded land surveys and tax assessment records in addition to the use of historic maps and photographs where available, and possible changes in channel configuration and sediment transport;

e. The potential effects of the development on both on-site and off-site erosion;

f. The impact of the proposed construction activity on both on-site and off-site erosion;

g. The effect of foreseeable erosion on the development and potential mitigation measures, including maintenance requirements;

h. Potential effects of seismic forces resulting from a maximum credible earthquake;

i. Any other factors which may affect slope stability and erosion.

2. The report shall contain a diagram establishing the location of the bluff edge, the toe of the bluff, other significant geologic features, and the 100-year floodplain and designated floodway locations. Distances to each feature shall be identified, with measurements taken from a fixed location.

3. The report shall detail mitigation measures for any potential impacts and shall outline alternative solutions. The report shall express a professional opinion as to whether the project can be designed so that it will neither be subject to nor contribute to significant geologic instability throughout the economic life span of the project.

4. The report shall use a currently acceptable engineering stability analysis method and shall also describe the degree of uncertainty of analytical results due to assumptions and unknowns. The degree of analysis required shall be appropriate to the degree of potential risk presented by the site and the proposed project.

5. An engineered design for the development and/or erosion protection measures shall be filed by the applicant. The design shall be of sufficient detail to ensure compliance with the American River Parkway Plan and to allow for appropriate consideration of all potential erosion problems affected by and affecting the proposed development and its associated construction activity.

L. Exemption. When the procedures set forth in this chapter differ from procedures for review of development set forth in any county or privately initiated planned development, special development permit, or zoning agreement, then the procedures set forth in the planned development ordinance, special development permit, or zoning agreement shall prevail. Notwithstanding the preceding sentence, when this chapter prescribes a procedure for review and issuance for permits within an erosion zone as described on Exhibits A through D at the end of this chapter and within the total setback

distance as shown in Table 23.325-4 (Development Setbacks) of subsection (H) of this section (Development Standards), the procedures set forth in this title shall prevail.

Exhibit A

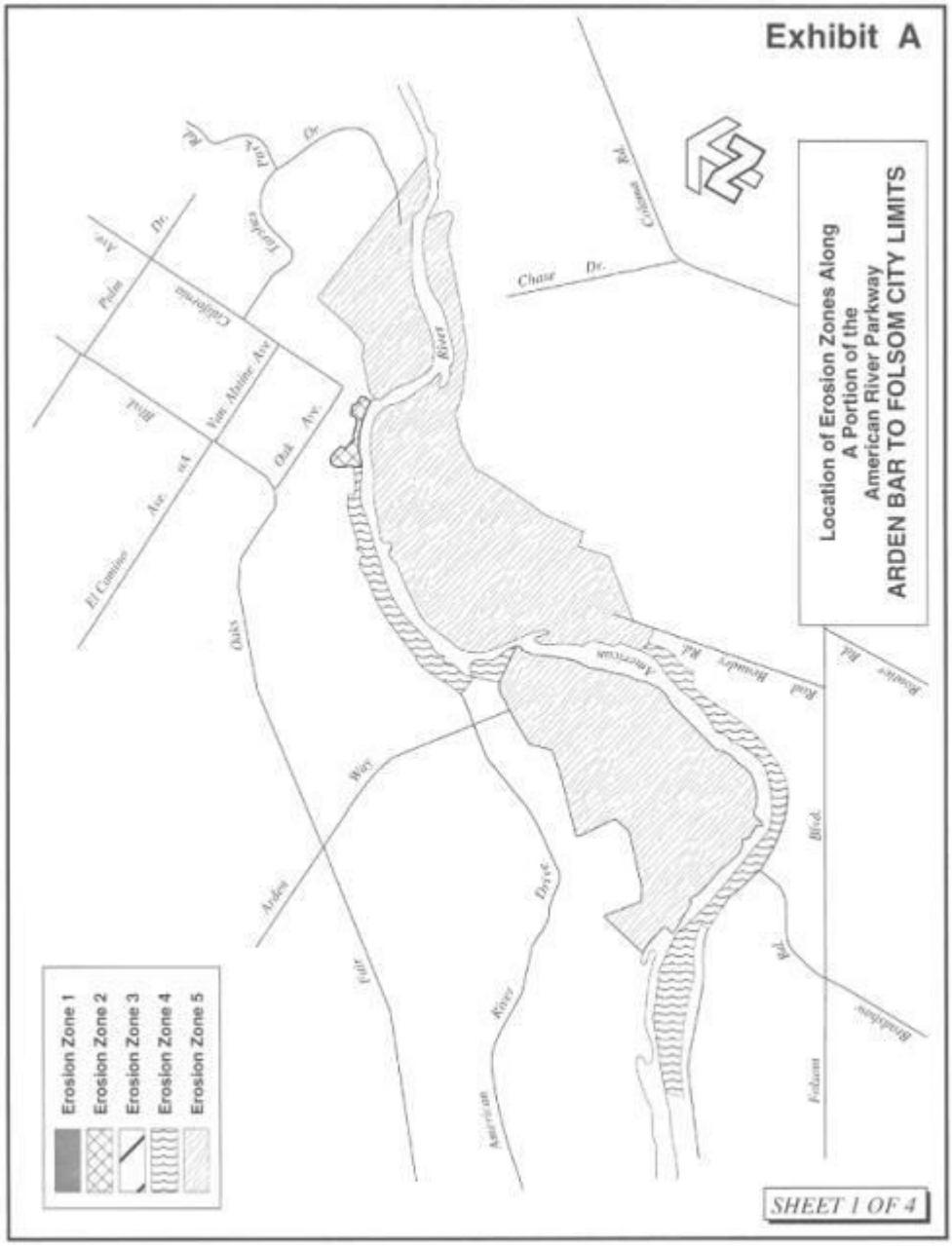


Exhibit B

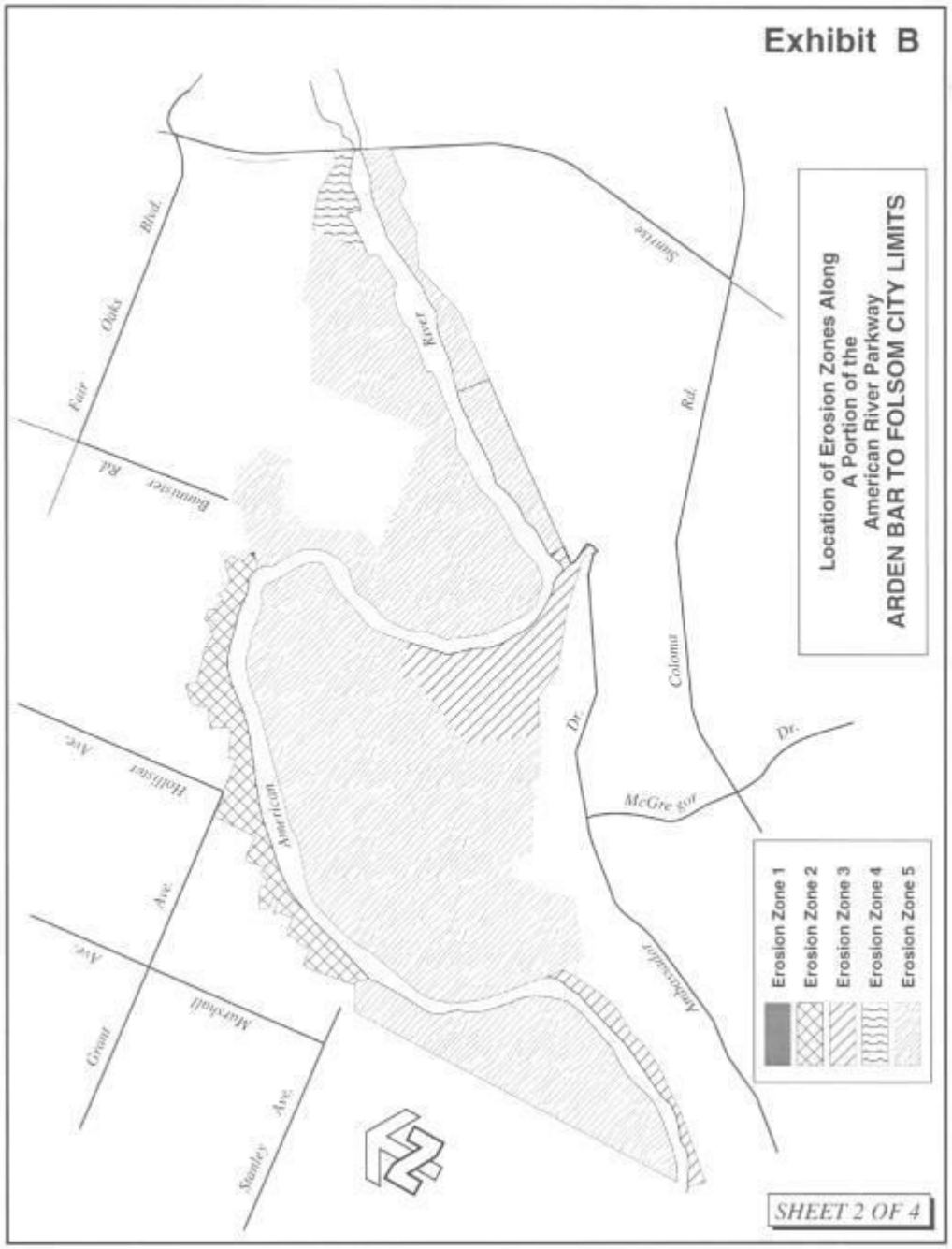
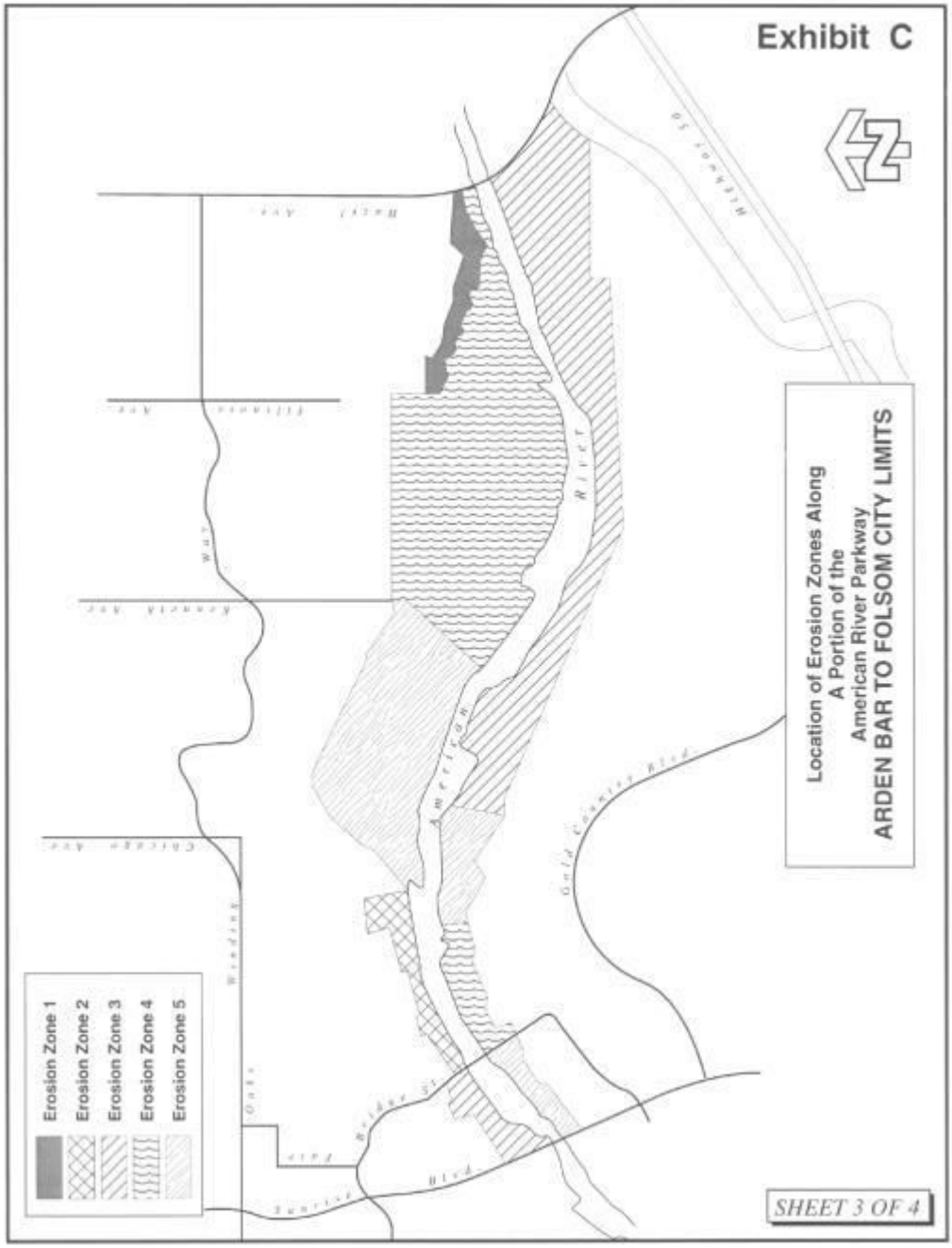


Exhibit B
Location of Erosion Zones Along
A Portion of the
American River Parkway
ARDEN BAR TO FOLSOM CITY LIMITS
Erosion Zone 1
Erosion Zone 2
Erosion Zone 3
Erosion Zone 4
Erosion Zone 5
SHEET 2 OF 4
Fair Oaks Blvd.
Sunrise Rd.
Coloma Dr.
Ambassador Dr.
McGregor
American River
Hollister Ave.
Marshall Ave.
Grant Ave.
Stanley Ave.
Bainster Rd.

Exhibit C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Location of Erosion Zones Along
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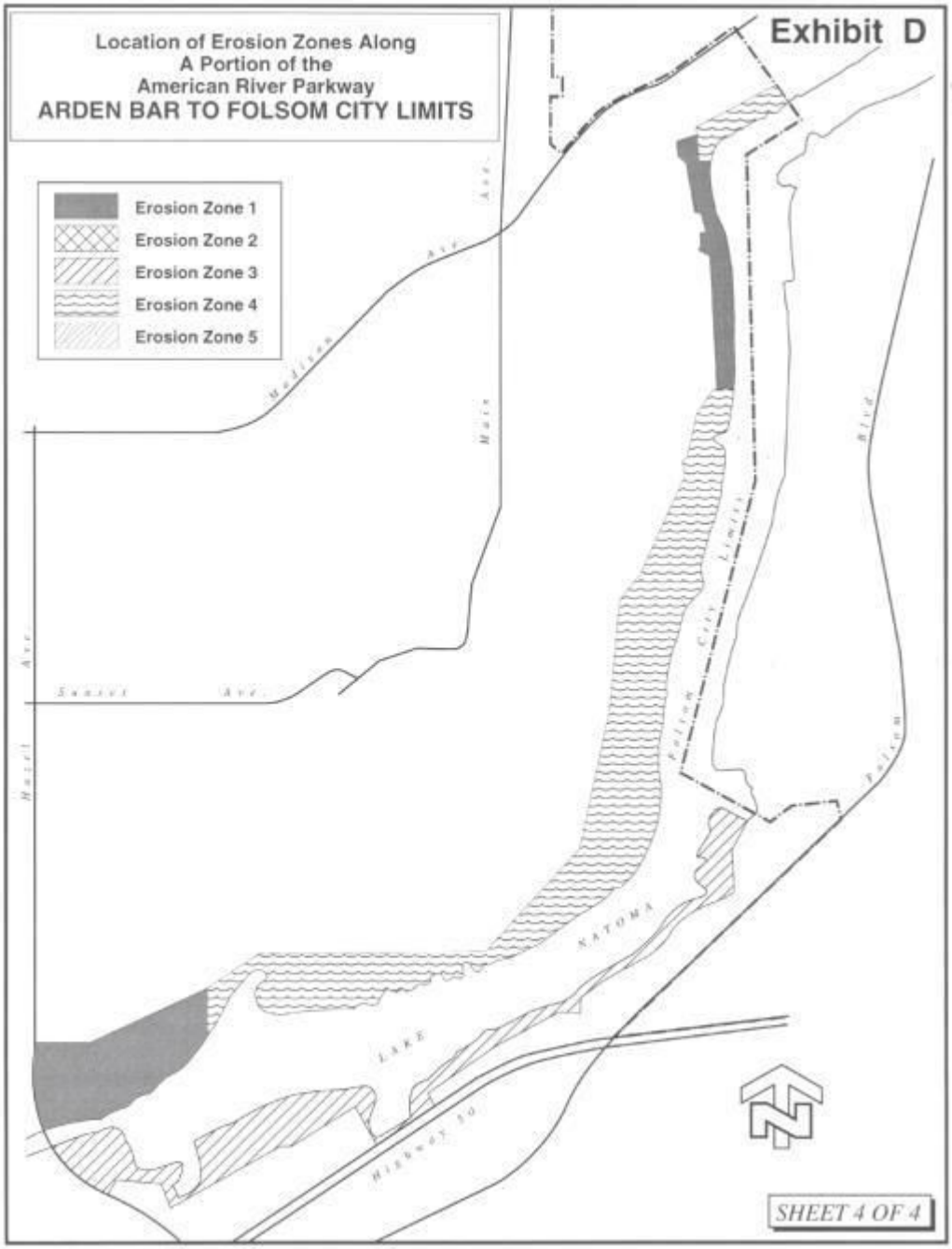
ARDEN BAR TO FOLSOM CITY LIMITS
Erosion Zone 1
Erosion Zone 2
Erosion Zone 3
Erosion Zone 4
Erosion Zone 5
SHEET 3 OF 4

Exhibit D



[Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.9.070)].

23.325.080 Surface mining (SM) overlay zoning district.

A. Purpose and Intent. The city of Rancho Cordova recognizes that the extraction of minerals is essential to the continued economic well-being of the city and to the needs of society and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety. The city also realizes that surface mining takes place in diverse areas where the geologic,

topographic, climatic, biological, and social conditions are significantly different, and the reclamation operations and the specifications therefor may vary accordingly.

The purpose and intent of this section is to ensure the continued availability of important mineral resources, while regulating surface mining operations as required by California's Surface Mining and Reclamation Act of 1975 (Public Resources Code (PRC) Section 2710 et seq.), as amended, hereinafter referred to as "SMARA" or "the Act," Public Resources Code Section 2207 (relating to annual reporting requirements), and State Mining and Geology Board regulations (hereinafter referred to as "state regulations") for surface mining and reclamation practices (California Code of Regulations (CCR), Title 14, Division 2, Chapter 8, Subchapter 1, Section 3500 et seq.), to ensure that:

1. Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses.

2. The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.

3. Residual hazards to the public health and safety are eliminated.

B. Definitions. The definitions set forth below shall govern the construction of this section:

1. "Area of regional significance" means an area designated by the State Mining and Geology Board which is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in a particular region of the state within which the minerals are located and which, if prematurely developed for alternate incompatible land uses, could result in the premature loss of minerals that are of more than local significance.

2. "Area of statewide significance" means an area designated by the Board which is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in the state and which, if prematurely developed for alternate incompatible land uses, could result in the permanent loss of minerals that are of more than local or regional significance.

3. "Board" means the State Mining and Geology Board.

4. "Borrow pits" means excavations created by the surface mining of rock, unconsolidated geologic deposits, or soil to provide material (borrow) for fill elsewhere.

5. "Compatible land uses" means land uses inherently compatible with mining and/or that require a minimum public or private investment in structures and land improvements, and which may allow mining because of the relative economic value of the land and its improvements. Examples of such uses may include, but shall not be limited to, very low density residential, geographically extensive but low impact industrial, recreational, agricultural, silvicultural, grazing, and open space.

6. "Haul road" means a road along which material is transported from the area of excavation to the processing plant or stock pile area of the surface mining operation.

7. "Idle" means surface mining operations curtailed for a period of one year or more, by more than 90 percent of the operation's previous maximum annual mineral production, with the intent to resume those surface mining operations at a future date.

8. “Incompatible land uses” means land uses inherently incompatible with mining and/or that require public or private investment in structures, land improvements, and landscaping and that may prevent mining because of the greater economic value of the land and its improvements. Examples of such uses may include, but shall not be limited to, high density residential, low density residential with high unit value, public facilities, geographically limited but impact-intensive industrial, and commercial.

9. “Mined lands” means the surface, subsurface, and groundwater of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in, surface mining operations are located.

10. “Minerals” means any naturally occurring chemical element or compound, or group of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to, coal, peat, and bituminous rock, but excluding geothermal resources, natural gas, and petroleum.

11. “Operator” means any person who is engaged in surface mining operations or who contracts with others to conduct operations on his/her behalf, except a person who is engaged in surface mining operations as an employee with wages as his/her sole compensation.

12. “Reclamation” means the combined process of land treatment that maximizes post-mining land uses and minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed as rapidly as reasonably feasible to an unusable condition which is readily adaptable for alternate land uses and creates no danger to public health or safety. The process may extend to affected lands surrounding mined lands and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures.

13. “Streambed skimming” means excavation of sand and gravel from streambed deposits above the mean summer water level or stream bottom, whichever is higher.

14. “Surface mining operation” means all, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations include, but are not limited to, in-place distillation or retorting or leaching, the production and disposal of mining waste, prospecting and exploratory activities, borrow pitting, streambed skimming, and segregation and stockpiling of mined materials (and recovery of same).

C. Incorporation by Reference. The provisions of SMARA (PRC Section 2710 et seq.), PRC Section 2207, and state regulations (CCR Section 3500 et seq.), as those provisions and regulations may be amended from time to time, are made a part of this section by reference with the same force and effect as if the provisions therein were specifically and fully set out herein, excepting that when the provisions of this chapter are more restrictive than correlative state provisions, this section shall prevail.

D. Scope. Except as provided in this section, no person shall conduct surface mining operations unless a permit, reclamation plan, and financial assurances for reclamation have first been approved by the city. Any applicable exemption from this requirement does not automatically exempt a project or activity from the application of other regulations, ordinances or policies of the city, including, but not limited to, the application of CEQA, the requirement of site approvals or other permits, the payment of development impact fees, or the imposition of other dedications and exactions as may be permitted under the law. The provisions of this section shall apply to all lands within the city, public and private.

This section shall not apply to the following activities, subject to the above-referenced exceptions:

1. Excavations or grading related to agricultural activities or on-site construction or for the purpose of restoring land following a flood or natural disaster.

2. On-site excavation and on-site earthmoving activities which are an integral and necessary part of a construction project that are undertaken to prepare a site for construction of structures, landscaping, or other land improvements, including the related excavation, grading, compaction, and the creation of fills, road cuts, and embankments, whether or not surplus materials are exported from the site, subject to all of the following conditions:

a. All required permits for the construction, landscaping, or related land improvements have been approved by a public agency in accordance with applicable provisions of state law and locally adopted plans and ordinances, including, but not limited to, the California Environmental Quality Act (CEQA, Public Resources Code Division 13, Section 21000 et seq.);

b. The city's approval of the construction project including consideration of the on-site excavation and on-site earthmoving activities pursuant to CEQA;

c. The approved construction project is consistent with the General Plan or zoning of the site; and

d. Surplus materials shall not be exported from the site unless and until actual construction work has commenced and shall cease if it is determined that construction activities have terminated, have been indefinitely suspended, or are no longer being actively pursued.

3. Operation of a plant site used for mineral processing, including associated on-site structures, equipment, machines, tools, or other materials, including the on-site stockpiling and on-site recovery of mined materials, subject to all of the following conditions:

a. The plant site is located on lands designated for industrial or commercial uses in the city's General Plan;

b. The plant site is located on lands zoned industrial or commercial, or is contained within a zoning category intended exclusively for industrial activities by the city;

c. None of the minerals being processed is being extracted on site; and

d. All reclamation work has been completed pursuant to the approved reclamation plan for any mineral extraction activities that occurred on site after January 1, 1976.

4. Prospecting for, or the extraction of, minerals for commercial purposes and removal of overburden in total amounts of less than 1,000 cubic yards in any one location of one acre or less.

5. Surface mining operations that are required by federal law in order to protect a mining claim, if those operations are conducted solely for that purpose.

6. Any other surface mining operations that the State Mining and Geology Board determines to be of an infrequent nature and which involve only minor surface disturbances.

7. Emergency excavations or grading conducted by the Department of Water Resources or the Reclamation Board for the purpose of averting, alleviating, repairing, or restoring damage to property due to imminent or recent floods, disasters, or other emergencies.

8. Road construction and maintenance for timber or forest operations if the land is owned by the same person or entity and if the excavation is conducted adjacent to timber or forest operation roads. This exemption is only available if slope stability and erosion are controlled in accordance with Board regulations and, upon closure of the site, the person closing the site implements, where necessary, revegetation measures and post-closure uses in consultation with the Department of Forestry and Fire Protection. This exemption does not apply to on-site excavation and grading that occurs within 100 feet of a Class One watercourse or 75 feet of a Class Two watercourse, or to excavations for materials that are or have been sold for commercial purposes.

9. Excavations, grading, or other earthmoving activities in an oil or gas field that are integral to, and necessary for, ongoing operations for the extraction of oil or gas that comply with all of the following conditions: (a) the operations are being conducted in accordance with Division 3 (commencing with PRC Section 3000); (b) the operations are consistent with the city's General Plan and the zoning applicable to the site; (c) the earthmoving activities are within oil or gas field properties under a common owner or operator; and (d) no excavated materials are sold for commercial purposes.

E. Vested Rights. No person who obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall be required to secure a permit to mine, so long as the vested right continues and as long as no substantial changes have been made in the operation except in accordance with SMARA, state regulations, and this section. Where a person with vested rights has continued surface mining operations in the same area subsequent to January 1, 1976, he shall obtain city approval of a reclamation plan covering the mined lands disturbed by such subsequent surface mining. In those cases where an overlap exists (in the horizontal and/or vertical sense) between pre- and post-Act mining, the reclamation plan shall call for reclamation proportional to that disturbance caused by the mining after the effective date of the Act (January 1, 1976).

All other requirements of state law and this section shall apply to vested mining operations.

F. Process.

1. Applications for a site approval or reclamation plan for surface mining or land reclamation projects shall be made on forms provided by the planning department. Said application shall be filed in accord with this section and procedures to be established by the planning director. The forms for reclamation plan applications shall require, at a

minimum, each of the elements required by SMARA (PRC Sections 2772 through 2773) and state regulations, and any other requirements deemed necessary to facilitate an expeditious and fair evaluation of the proposed reclamation plan, to be established at the discretion of the planning director. As many copies of the site approval application as may be required by the planning director shall be submitted to the planning department.

2. As many copies of a reclamation plan application as may be required shall be submitted in conjunction with all applications for site approvals for surface mining operations. For surface mining operations that are exempt from a site approval pursuant to this section, the reclamation plan application shall include information concerning the mining operation that is required for processing the reclamation plan. All documentation for the reclamation plan shall be submitted to the city at one time.

3. Applications shall include all required environmental review forms and information prescribed by the planning director.

4. Upon completion of the environmental review procedure and filing of all documents required by the planning director, consideration of the site approval or reclamation plan for the proposed or existing surface mine shall be completed pursuant to this section at a public hearing before the city council and pursuant to Section 2774 of the Public Resources Code.

5. The reclamation plan shall be applicable to a specific property or properties and shall be based upon the character of the surrounding area and such characteristics of the property as the type of overburden, vegetation, soil stability, topography, geology, climate, stream characteristics, and principal mineral commodities.

6. All reclamation plans shall contain, at a minimum, the following information and documents:

a. The estimated time schedule for the beginning and completion of reclamation activities. If the mining operation is to be accomplished in phases, the time schedule shall indicate the estimated beginning and completion of reclamation activities for each phase.

b. An estimate of the cost of completion of reclamation activities, computed at current cost at the time proposed in the time schedule submitted for completion of the reclamation plan.

c. A description of the existing vegetation at and surrounding the site.

d. A general description of the geology of the surrounding area and a detailed description of the geology at the reclamation site.

e. A description of the proposed use or potential uses of land after reclamation, and evidence that all owners of a possessory interest in the land have been notified of the proposed use or potential uses.

f. A description of the manner in which reclamation, adequate for the proposed use or potential uses, will be accomplished, including:

i. The manner in which mining wastes and related contaminants will be controlled and disposed of.

ii. The manner in which affected streambed channels and stream banks will be rehabilitated to a condition minimizing erosion and sedimentation.

g. An assessment of the effect of implementation of the reclamation plan on future mining in the area.

h. A statement by the applicant that he accepts responsibility for reclaiming mined lands in accordance with the approved reclamation plan.

i. A statement by the applicant that he accepts responsibility for all completed reclamation work for a period of two years or such greater period as deemed necessary by the city council to assure the permanency of all features of the reclamation plan. This subsection shall not apply to normal maintenance and repairs unrelated to the reclamation work on public facilities where dedicated to and accepted by the city of Rancho Cordova.

j. Such other information as the planning department may require.

k. The planning department may waive the filing of one or more of the above items where it is determined unnecessary to process the application subject to the provisions of this chapter.

7. Additional information may be required per a planning department form. Where a reclamation plan is not filed as a part of a surface mining permit, such plan shall be accompanied by an application for separate reclamation plan approval which contains the following information:

a. The names and addresses of the applicant and the mining operator, if different, and of any persons designated by the applicant as his agents for service of process; and

b. The names and addresses of all persons owning a possessory and/or mineral interest in any or all of the property to be used for mining operations.

8. The planning department may deny, without a public hearing, an application for a reclamation plan if such application or plan does not contain the information required in subsection (F)(6) of this section. The planning department may permit the applicant to amend such application.

9. Within 10 days of acceptance of an application as complete for a site approval for surface mining operations and/or a reclamation plan, the planning department shall notify the State Department of Conservation of the filing of the application(s). Whenever mining operations are proposed in the 100-year floodplain of any stream, as shown in Zone A of the flood insurance rate maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any state highway bridge, the planning department shall also notify the State Department of Transportation that the application has been received.

10. The planning department shall process the application(s) through environmental review pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) and the city's environmental review guidelines.

11. Subsequent to the appropriate environmental review, the planning department shall prepare a staff report with recommendations for consideration by the city council.

12. The city council shall hold at least one noticed public hearing on site approval and/or reclamation plan.

13. Prior to final approval of a reclamation plan, financial assurances (as provided in this section), or any amendments to the reclamation plan or existing financial assurances, the city council shall certify to the State Department of Conservation that the reclamation plan and/or financial assurance complies with the applicable requirements of state law, and submit the plan, assurance, or amendments

to the State Department of Conservation for review. The city council may conceptually approve the reclamation plan and financial assurance before submittal to the State Department of Conservation. If a site approval is being processed concurrently with the reclamation plan, the city council may simultaneously also conceptually approve the site approval. However, the city council may defer action on the site approval until taking final action on the reclamation plan and financial assurances. If necessary to comply with permit processing deadlines, the city council may conditionally approve the Site Approval with the condition that the planning department shall not issue the site approval for the mining operations until cost estimates for financial assurances have been reviewed by the State Department of Conservation and final action has been taken on the reclamation plan and financial assurances.

Pursuant to PRC Section 2774(d), the State Department of Conservation shall be given 30 days to review and comment on the reclamation plan and 45 days to review and comment on the financial assurance. The city council shall evaluate written comments received, if any, from the State Department of Conservation during the comment periods. Staff shall prepare a written response describing the disposition of the major issues raised by the state for the city council's approval. In particular, when the city council's position is at variance with the recommendations and objections raised in the state's comments, the written response shall address, in detail, why specific comments and suggestions were not accepted. Copies of any written comments received and responses prepared by the city council shall be promptly forwarded to the operator/applicant.

14. The city council shall then take action to approve, conditionally approve, or deny the site approval and/or reclamation plan, and to approve the financial assurances pursuant to PRC Section 2770(d).

15. The planning department shall forward a copy of each approved site approval for mining operations and/or approved reclamation plan, and a copy of the approved financial assurances, to the State Department of Conservation. By July 1st of each year, the planning department shall submit to the State Department of Conservation for each active or idle mining operation a copy of the site approval or reclamation plan amendments, as applicable, or a statement that there have been no changes during the previous year.

G. Standards for Reclamation.

1. All reclamation plans shall comply with the provisions of SMARA (Sections 2772 and 2773) and state regulations (CCR Sections 3500 through 3505). Reclamation plans approved after January 15, 1993, reclamation plans for proposed new mining operations, and any substantial amendments to previously approved reclamation plans shall also comply with the requirements for reclamation performance standards (CCR Sections 3700 through 3713).

2. The city may impose additional performance standards, including without limitation standards beyond those cited to make the findings in this chapter, as developed either in review of individual projects, as warranted, or through the formulation and adoption of citywide performance standards.

3. Reclamation activities shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance. Interim reclamation may also be required for mined lands that have been disturbed and that

may be disturbed again in future operations or in connection with approved or proposed development. Reclamation may be done on an annual basis, in stages compatible with continuing operations, or on completion of all excavation, removal, or fill, as approved by the city. Each phase of reclamation shall be specifically described in the reclamation plan and shall include (a) the beginning and expected ending dates for each phase; (b) all reclamation activities required; (c) criteria for measuring completion of specific reclamation activities; and (d) estimated costs for completion of each phase of reclamation.

4. Unless otherwise specified in the approved reclamation plan, the reclamation of mined lands shall be carried out in accordance with the following requirements:

a. Reclamation Timing.

i. The reclamation of mined lands shall occur as soon as practical following completion of mining operations at successive locations within the mining site as required by the schedule in the approved reclamation plan.

ii. The reclamation of lands affected by surface mining operations shall be completed within one year of the completion of mining operations, except where the permanent reclaimed condition of mined lands cannot be achieved within one year due to the regulatory approvals (e.g., compliance with the California Environmental Quality Act) required for the ultimate land use contemplated or proposed for the property (e.g., urban development). In such case, only interim reclamation, pursuant to this chapter, need be accomplished within one year, and final reclamation shall be completed as soon as it is possible to complete the reclamation in compliance with the above regulatory approvals, but in no case shall reclamation take more than three years.

b. Disposal of Overburden and Mining Waste.

i. Permanent piles or dumps of overburden and waste rock placed on the land shall be made stable, shall not restrict natural drainage without provision for diversion, and shall have an overall smooth or even profile subject to the satisfaction of the city engineer. Where practical, such permanent piles or dumps shall be located in the least visible location at the mining site.

ii. Old equipment and inert mining wastes shall be removed or buried subject to the approval of the hearing officer.

iii. Toxic materials shall be removed from the site or permanently protected to prevent leaching into the underlying groundwater, to the satisfaction of the planning department.

iv. Overburden and mining waste placed beneath the existing or potential groundwater level which will reduce the transmissivity or area through which water may flow shall be confined to an area approved by the city engineer.

c. Revegetation.

i. All permanently exposed lands that have been denuded by mining operations shall be revegetated to provide ground cover sufficient to control erosion from such lands.

ii. All plantings shall be established and maintained in good horticultural condition. The revegetation shall be able to survive under natural conditions, with native species used whenever possible.

iii. Revegetation methods shall take into account the topography and existing growth patterns and mixes of flora present at and adjacent to the site of mining

operations in order to create a more natural appearance. Plantings shall avoid rigid, geometric patterns and shall utilize natural scatterings.

iv. Where the ultimate intended or proposed use of mined lands would be a level of development inconsistent with extensive permanent vegetation, the amount of vegetation required for reclamation need not be more than is sufficient to prevent erosion.

d. Resoiling.

i. Resoiling measures shall take into consideration the quality of soils which may be required to sustain plant life pursuant to any revegetation that the hearing officer may require in its approval of the applicant's reclamation plan.

ii. Coarse, hard material shall be graded and covered with a layer of finer material or weathered waste. A soil layer shall then be placed on this prepared surface. Where quantities of available soils are inadequate to provide cover, native materials shall be upgraded to the extent feasible for this purpose.

e. Final Slopes.

i. Final slopes shall be engineered and contoured so as to be geologically stable, to control the drainage therefrom, and to blend with the surrounding topography where practical. On the advice of the city engineer, the planning department may require the establishment of terrace drains to control drainage and erosion.

ii. Final slopes shall not be steeper than two feet horizontal to one foot vertical unless the applicant can demonstrate to the planning department's satisfaction that a steeper slope will not:

(A) Reduce the effectiveness of revegetation and erosion control measures where they are necessary; and

(B) Be incompatible with the alternate future uses approved by the city council for the site; and

(C) Be hazardous to persons that may utilize the site under the alternate future uses approved for the site.

f. Drainage, Erosion, and Sediment Control.

i. Any temporary stream or watershed diversion shall be restored to its state prior to any surface mining activities unless the planning department deems otherwise based on recommendations from the city engineer.

ii. Streambed channels and stream banks affected by surface mining shall be rehabilitated to a condition which would minimize erosion and sedimentation, except that such rehabilitation need not attempt to restore or mimic natural conditions where the contemplated or proposed ultimate use of the reclaimed property would be inconsistent with the maintenance of restored or rehabilitated streambed channels and stream banks.

iii. Revegetation and regrading techniques shall be designed and executed so as to minimize erosion and sedimentation. Drainage shall be provided to natural outlets or interior basins designed for water storage, with such basins subject to the approval of the city engineer. In addition, final excavation shall eliminate potholes and similar catchments so as to prevent potential breeding areas for mosquitoes.

iv. The final grading and drainage of the site shall be designed in a manner to prevent discharge of sediment above natural levels existent prior to mining operations.

v. Silt basins which will store water during periods of surface runoff shall be equipped with sediment control and removal facilities and protected spillways designed to minimize erosion when such basins have outlet to lower ground.

vi. No condition shall remain after reclamation which will or could lead to degradation of groundwater quality below applicable standards of the regional water quality control board or any other agency with jurisdiction over water quality.

g. Backfilling and Grading.

i. Subject to the approval of the city engineer, backfilled and graded areas shall be compacted to avoid excessive settlement and to the degree necessary to accommodate anticipated future uses.

ii. Materials used in the refilling shall be of a quality suitable to prevent contamination and/or pollution of groundwater. If materials for backfilling and grading are obtained from an area other than the site of surface mining operations, such materials shall be included and the approximate quantities identified in the applicant's reclamation plan.

h. Reservoirs, ponds, lakes, or any body of water created as a feature of the reclamation plan shall be approved by the city engineer and the planning department.

i. The periodic review of the conditions contained in approved reclamation plans shall be conducted by the planning department in accordance with the schedule adopted at the time such plans were approved. At the time of approval of a permit to mine, the city shall determine whether future public hearings are necessary to consider such new or changed circumstances as physical development near the mining site and improved technological innovations in the field of reclamation which may significantly improve the reclamation process. The city may set a term for such reviews on a case-by-case basis as a condition of the permit if it deems such a review to be necessary. Should a permit be modified pursuant to such a review, the modified permit and/or reclamation plan shall be binding upon the operator and all successors, heirs, and assigns of the applicant.

H. Statement of Responsibility. The person submitting the reclamation plan shall sign a statement accepting responsibility for reclaiming the mined lands in accordance with the reclamation plan. Said statement shall be kept by the planning department in the mining operation's permanent record. Upon sale or transfer of the operation, the new operator shall submit a signed statement of responsibility to the planning department for placement in the permanent record.

I. Findings for Approval.

1. Site Approvals. In addition to any findings required by this section, site approvals for surface mining operations shall include a finding that the project complies with the provisions of SMARA and state regulations.

2. Reclamation Plans. For reclamation plans, the following findings shall be required:

a. That the reclamation plan complies with SMARA Sections 2772 and 2773 and any other applicable provisions.

b. That the reclamation plan complies with applicable requirements of state regulations (CCR Sections 3500 through 3505 and 3700 through 3713).

c. That the reclamation plan will restore the mined lands to a usable condition that is readily adaptable for alternative land uses that are consistent with this section

and either (i) the city's General Plan and any applicable resource plan or element, or (ii) probable future uses anticipated by the city to be adopted in future amendments to the city's General Plan, which uses are identified in findings made on approval of the reclamation plan.

d. That the reclamation plan has been reviewed pursuant to CEQA and the city environmental review guidelines, and any significant adverse impacts from reclamation of the surface mining operations are mitigated to the extent feasible.

e. That the land and/or resources such as water bodies to be reclaimed will be restored to a condition that is compatible with, and blends in with, the surrounding natural environment, topography, and other resources, or that suitable off-site development will compensate for related disturbance to resource values.

f. That a written response to the State Department of Conservation has been prepared, describing the disposition of major issues raised by that department. Where the city's position is at variance with the recommendations and objections raised by the State Department of Conservation, said response shall address, in detail, why specific comments and suggestions were not accepted.

J. Financial Assurances.

1. To ensure that the reclamation will proceed in accordance with the approved reclamation plan, the city shall require as a condition of approval security in the form of a surety bond, trust fund, or irrevocable letter of credit from an accredited financial institution, or other method acceptable to the city and the State Mining and Geology Board as specified in state regulations, and which the city reasonably determines is adequate to perform reclamation in accordance with the surface mining operation's approved reclamation plan. Financial assurances shall be made payable to the city of Rancho Cordova and the State Department of Conservation.

2. Financial assurance will be required to ensure compliance with elements of the reclamation plan, including, but not limited to, revegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope stability and erosion and drainage control, disposal of hazardous materials, and other measures, if necessary.

3. Cost estimates for the financial assurance shall be submitted to the planning department for review and approval prior to the operator securing financial assurances. The planning director shall forward a copy of the cost estimates, together with any documentation received supporting the amount of the cost estimates, to the State Department of Conservation for review. If the State Department of Conservation does not comment within 45 days of receipt of these estimates, it shall be assumed that the cost estimates are adequate, unless the city has reason to determine that additional costs may be incurred. The planning director shall have the discretion to approve the financial assurance, if it meets the requirements of this section, SMARA, and state regulations.

4. The amount of the financial assurance shall be based upon the estimated costs of reclamation for the years or phases stipulated in the approved reclamation plan, including any maintenance of reclaimed areas as may be required, subject to adjustment for the actual amount required to reclaim lands disturbed by surface mining activities necessary to implement the approved reclamation plan, the unit costs for each of these activities, the number of units of each of these activities, and the actual

administrative costs. Financial assurances to ensure compliance with revegetation, restoration of water bodies, restoration of aquatic or wildlife habitat, and any other applicable element of the approved reclamation plan shall be based upon cost estimates that include but may not be limited to labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial operator other than the permittee. A contingency factor of 10 percent shall be added to the cost of the financial assurance.

5. In projecting the costs of financial assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, consequently, the city or State Department of Conservation may need to contract with a third-party commercial company for reclamation of the site.

6. The financial assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed (including any maintenance required).

7. The amount of financial assurances required of a surface mining operation for any one year shall be adjusted annually to account for new lands disturbed by surface mining operation, inflation, and reclamation of lands accomplished in accordance with the approved reclamation plan. The financial assurances shall include estimates to cover reclamation for existing conditions and anticipated activities during the upcoming year, excepting that the permittee may not claim credit for reclamation scheduled for completion during the coming year.

8. Revisions to financial assurances shall be submitted to the planning director each year prior to the anniversary date for approval of the financial assurances. The financial assurance shall cover the cost of existing disturbance and anticipated activities for the next calendar year, including any required interim reclamation. If revisions to the financial assurances are not required, the operator shall explain, in writing, why revisions are not required.

K. Interim Management Plans.

1. Within 90 days of a surface mining operation becoming idle, the operator shall submit to the planning department a proposed interim management plan (IMP). The proposed IMP shall fully comply with the requirements of SMARA, including but not limited to all site approval conditions, and shall provide measures the operator will implement to maintain the site in a stable condition, taking into consideration public health and safety. The proposed IMP shall be submitted on forms provided by the planning department and shall be processed as an amendment to the reclamation plan. IMPs shall not be considered projects for the purposes of environmental review.

2. Financial assurances for idle operations shall be maintained as though the operation were active.

3. Upon receipt of a complete proposed IMP, the planning department shall forward the IMP to the State Department of Conservation for review. The IMP shall be submitted to the State Department of Conservation at least 30 days prior to approval by the city council.

4. Within 60 days of receipt of the proposed IMP, or a longer period mutually agreed upon by the planning director and the operator, the city council shall review and approve or deny the IMP in accordance with this section. The operator shall have 30 days, or a longer period mutually agreed upon by the planning director and the operator,

to submit a revised IMP. The city council shall approve or deny the revised IMP within 60 days of receipt.

5. The IMP may remain in effect for a period not to exceed five years, at which time the city council may renew the IMP for another period not to exceed five years or require the surface mining operator to commence reclamation in accordance with its approved reclamation plan.

L. Annual Report Requirements. Surface mining operators shall forward an annual surface mining report to the State Department of Conservation and to the city planning department on a date established by the State Department of Conservation, on forms furnished by the State Mining and Geology Board. New mining operations shall file an initial surface mining report and any applicable filing fees with the State Department of Conservation within 30 days of permit approval or before commencement of operations, whichever is sooner. Any applicable fees, together with a copy of the annual inspection report, shall be forwarded to the State Department of Conservation at the time of filing the annual surface mining report.

M. Inspections. The planning department shall arrange for inspection of a surface mining operation within six months of receipt of the annual report required in subsection (L) of this section (Annual Report Requirements) to determine whether the surface mining operation is in compliance with the approved site approval and/or reclamation plan, approved financial assurances, and state regulations. In no event shall less than one inspection be conducted in any calendar year. Said inspections may be made by a state-registered geologist, state-registered civil engineer, state-licensed landscape architect, or state-registered forester who is experienced in land reclamation and who has not been employed by the mining operation in any capacity during the previous 12 months, or other qualified specialists, as selected by the planning director. All inspections shall be conducted using a form approved and provided by the State Mining and Geology Board.

The planning department shall notify the State Department of Conservation within 30 days of completion of the inspection that said inspection has been conducted and shall forward a copy of said inspection notice and any supporting documentation to the mining operator. The operator shall be solely responsible for the reasonable cost of such inspection.

N. Violations and Penalties. If the planning director, based upon an annual inspection or otherwise confirmed by an inspection of the mining operation, determines that a surface mining operation is not in compliance with this section, the applicable site approval, any required permit, and/or the reclamation plan, the city shall follow the procedures set forth in Public Resources Code Sections 2774.1 and 2774.2 concerning violations and penalties, as well as those provisions of the city development code for revocation and/or abandonment of site approval which are not preempted by SMARA.

O. Appeals. Any person aggrieved by an act or determination of the planning department in the exercise of the authority granted herein shall have the right to appeal to the city council. An appeal shall be filed on forms provided, within 15 calendar days after the rendition, in writing, of the appealed decision.

P. Fees. The city shall establish such fees as it deems necessary to cover the reasonable costs incurred in implementing this section and the state regulations, including, but not limited to, processing of applications, annual reports, inspections,

monitoring, enforcement, and compliance. Such fees shall be paid by the operator, as required by the city, at the time of filing of the site approval application, reclamation plan application, and at such other times as are determined by the city to be appropriate in order to ensure that all reasonable costs of implementing this section are borne by the mining operator.

Q. Mineral Resource Protection. Mine development is encouraged in compatible areas before encroachment of conflicting uses. Except as provided by Public Resources Code Section 2763, mineral resource areas that have been classified by the State Department of Conservation's Division of Mines and Geology or designated by the State Mining and Geology Board, as well as existing surface mining operations that remain in compliance with the provisions of this section, shall be protected from the intrusion by incompatible land uses that may impede or preclude mineral extraction or processing, to the extent possible for consistency with the city's General Plan.

In accordance with PRC Section 2762, the city's General Plan and resource maps will be prepared to reflect mineral information (classification and/or designation reports) within 12 months of receipt from the State Mining and Geology Board of such information. Land use decisions within the city will be guided by information provided on the location of identified mineral resources of regional significance. Conservation and potential development of identified mineral resource areas will be considered and encouraged. Recordation on property titles of the presence of important mineral resources within the identified mineral resource areas may be encouraged as a condition of approval of any development project in the impacted area. Prior to approving a use that would otherwise be incompatible with mineral resource protection, conditions of approval may be applied to encroaching development projects to minimize potential conflicts. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.9.080)].

CITY OF RANCHO CORDOVA
THE BOULEVARD

Chapter

IV

PRIVATE REALM – LAND USE AND DEVELOPMENT STANDARDS

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

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

The following summarizes the components of this chapter:

A. **Land Use Designations** describe the land use districts for the Planning Area and reflect the development assumptions in the development strategy in terms of mix of uses and density and intensity of development. These zoning districts are consistent with the land use policies and designations in the City's General Plan.

B. **Folsom Boulevard Land Use Map** translates the community's Vision for the Boulevard by applying the new mixed-use land use designations for individual property throughout the corridor. The land use map is reflective of the development strategy for Folsom Boulevard and is informed by a number of economic factors such as market supply and demand analysis and broker/developer insight.

C. **Permitted Uses Matrix** identifies permitted use provisions for all of the land use categories applied within the Project Area. Permitted use listings are provided by general use category on the basis of common function, product, or compatibility characteristics. For a detailed list of use definitions, please see Chapter IX – Glossary.

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

A. LAND USE DESIGNATIONS AND CLASSIFICATIONS

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

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

SPECIFIC PLAN BASE DISTRICTS

Urban Reserve (UR) District

Purpose and Characteristics

The purpose of the Urban Reserve (UR) District is to create a mixed use neighborhood environment where existing businesses continue to serve the community, new residential development (and office development is UR-3) is encouraged, and over time, commercial properties are rebuilt as residential, office or mixed use developments. The UR district is ultimately intended for small lot single-family detached, single-family attached (e.g., townhomes, condominiums, brownstones), small apartment complexes, neighborhood serving retail and service establishments and office buildings (in UR-3 only). This district provides a transition between the single-family residential neighborhoods of the City to the more urban locations near transit stops and commercial centers. The Urban Reserve district is not intended to contain a concentration of commercial uses, since those uses should be focused near transit stations and in commercial "Pulse Point" locations.

The UR has three sub-districts (UR_1, UR_2 and UR_3) which have different characteristics and requirements when new residential or mixed use projects occur. When new development occurs, the required density range of residential development and the mix of allowed uses will vary depended on the sub-district designations:

- UR-1. Required density of between 10.1 and 18 dwelling units per acre. Permitted land uses are listed in Table IV-1 and Table IV-2. The uses listed in Table IV-1 are only permitted in existing Active Commercial Structures. This sub-district is ultimately intended for small lot single-family

detached, single-family attached (e.g., townhomes, condominiums, brownstones), and small apartment complexes, and neighborhood serving retail and service establishments. This district provides a transition between the single-family residential neighborhoods of the City to the more urban locations near transit stops and commercial centers.

- UR-2. Required density of between 6.1 and 40 dwelling units per acre. Permitted land uses for the Folsom Boulevard base districts are listed in Table IV-1 and Table IV-2. The uses listed in Table IV-1 are only permitted in existing Active Commercial Structures. While the predominate future development pattern within this district will have a medium to high density housing focus, the City encourages the vertical and/or horizontal integration of commercial and/or office uses that are compatible with residential development, particularly at the edge of neighborhoods to provided needed and compatible services.

- UR-3. This district accommodates the development of office buildings and mixed use projects where office is the predominant use (see OPMU), the district also allows some continuation of existing industrial uses.

Permitted Uses

The uses permitted in the UR District shall be those uses specified in Table IV-1 – Permitted Uses for Active Commercial Structures and Table IV-3 - Permitted Uses for Folsom Boulevard Base Zoning Districts.

Development Standards

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

Commercial Mixed Use (CMU) District

Purpose and Characteristics

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

Permitted Uses

The uses permitted in the CMU District shall be those uses specified in Table IV-3 - Permitted Uses for Folsom Boulevard Base Zoning Districts.

Development Standards

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

Office Professional Mixed Use (OPMU) District

Purpose and Characteristics

The purpose of the Office Professional Mixed Use (OPMU) District is to designate property for the development of larger office buildings and business parks with supporting retail and service uses. The predominant use is office, but commercial uses may be integrated into office buildings or located horizontally

in freestanding buildings. This district also allows residential uses to be integrated with office use where compatible at a density between 10 and 18 units per acre. Public and quasi-public uses are permitted in this district by right.

Permitted Uses

The uses permitted in the OPMU District shall be those uses specified in Table IV-3 - Permitted Uses for Folsom Boulevard Base Zoning Districts.

Development Standards

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

Office Industrial Mixed Use (OIMU) District

Purpose and Characteristics

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

Permitted Uses

The uses permitted in the OIMU District shall be those uses specified in Table IV-3 - Permitted Uses for Folsom Boulevard Base Zoning Districts.

Development Standards

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

Transportation Corridor (T) District

Purpose and Characteristics

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

Permitted Uses

The uses permitted in the T District shall be those uses specified in Table IV-3 - Permitted Uses for Folsom Boulevard Base Zoning Districts.

Development Standards

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

SPECIFIC PLAN OVERLAY DISTRICTS

Convention Overlay District

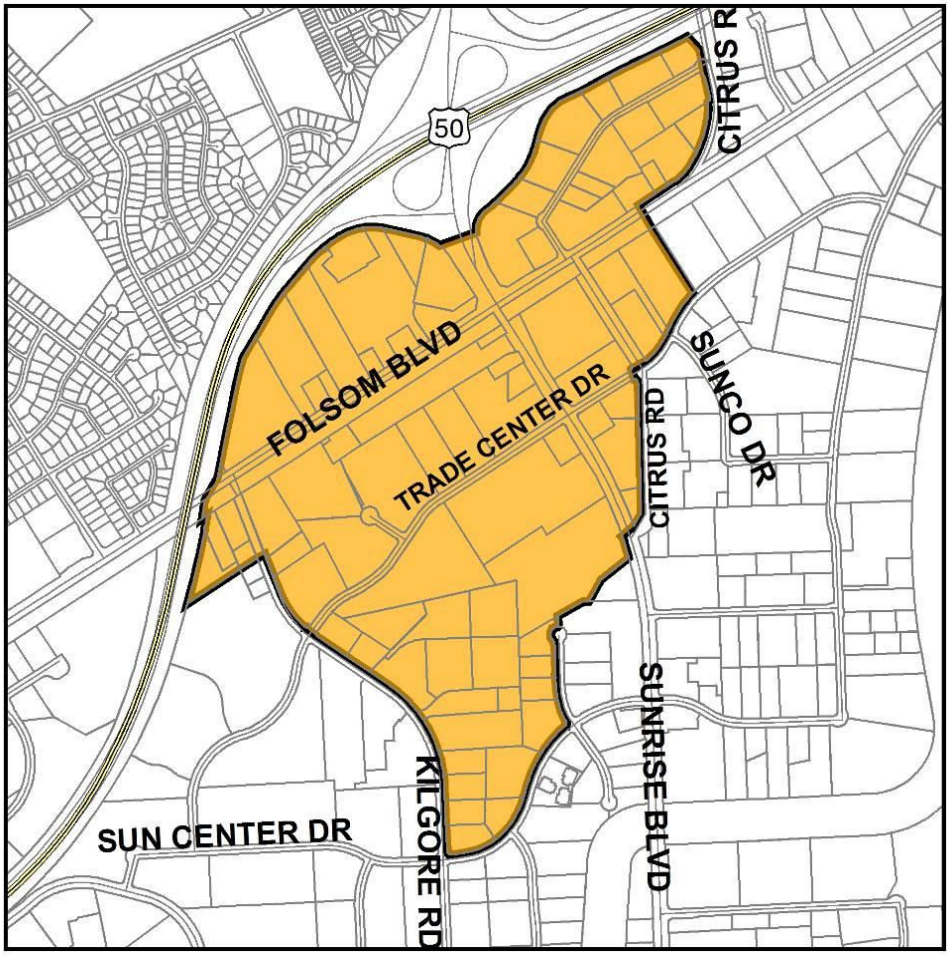
Purpose and Characteristics

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

Applicability

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

Figure IV-1 Convention Center Overlay



Permitted Uses

The uses permitted in the Convention Overlay District shall be those uses specified in Table IV-4 - Permitted Uses in the Convention Overlay District.

Development Standards

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

Transit Oriented Development (TOD) Overlay

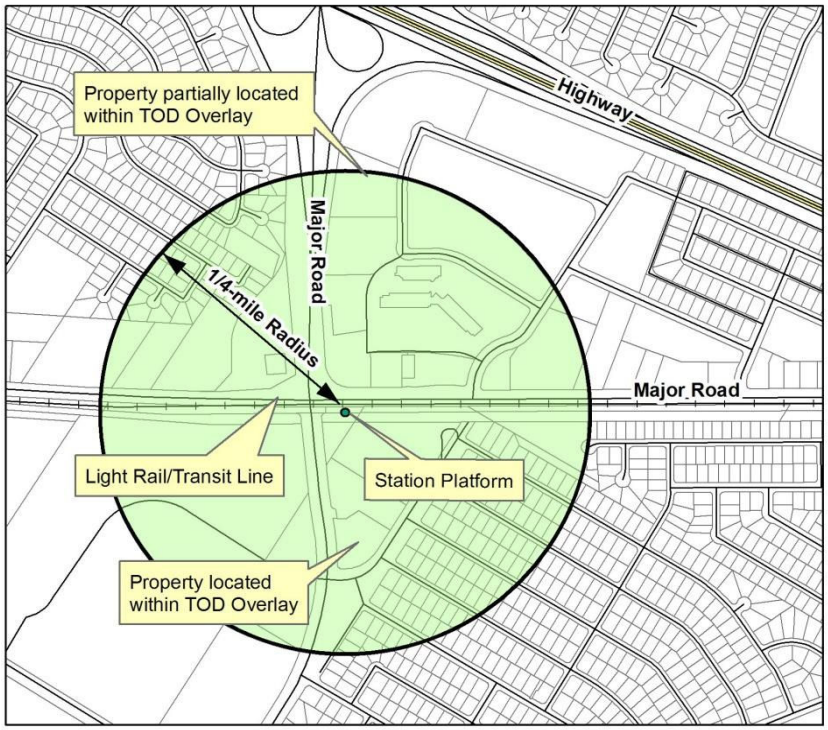
Purpose and Characteristics

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

Applicability

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

Figure IV-2 Prototypical TOD Overlay



Properties Partially Located within the TOD Overlay

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

Special Standards for Integrated Development

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

Development Standards

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

B. THE LAND PLAN/ZONING MAP

The Folsom Boulevard Specific Plan land use policies establish seven base districts for the Project Area as shown in the Land Use Map in Figure IV-3. The districts include Urban Reserve Districts (UR_1, UR_2 and UR_3), Commercial Mixed Use (CMU) District, Office Professional Mixed Use (OPMU) District, Office Industrial Mixed Use (OIMU) District, and Transportation Corridor (T) District. In addition, two overlay districts are identified: Convention Overly (CO) and Transit-Oriented Development (TOD) Overlay Districts. These base districts and overlay districts will facilitate the Planning Area's transformation from its current land use configuration to the one described by the Specific Plan's vision. This configuration includes the mixing of commercial retail and service uses, office uses, and residences at pulse point activity centers, the inclusion of new mixed-density neighborhoods and the densification of existing neighborhoods throughout the Planning Area, and the continued inclusion of light industrial and office uses in select locations.

The proposed land plan and designations introduce significant changes to the existing land use pattern along Folsom Boulevard. Currently, the Boulevard is lined with automobile-oriented commercial retail and service uses. The Specific Plan seeks to focus these commercial activities in combination with office and residential uses at the pedestrian-oriented, mixed-use pulse points. Planned land use designations for parcels in the vicinity of pulse points includes a combination of CMU, OPMU, and UR designations. In addition, policies give preference to replacing vacated and underutilized commercial areas with new mixed-density residential developments and increasing the density of a few existing residential areas along the Boulevard.

The land plan also creates changes to the land use pattern south of Folsom Boulevard. Today, parcels in the area between Routier Road and Mather Field Road feature industrial, office, and warehouse uses. The plan

calls for the eventual transformation of industrial and warehouse uses in this area, expanding office uses and introducing commercial service uses onto all of the parcels adjacent to Mather Field Road, and developing the remainder of the properties in the area into a new mixed-density residential neighborhood. In addition, the area bounded by Bradshaw Road and Routier Road currently includes a low-density residential neighborhood and a mixture of industrial, office, and warehouse uses. This plan allows for an increase in residential densities in the neighborhood (of high-quality development) and the eventual transformation of warehouse uses for a new employment area of office and light industrial development in proximity to supportive uses and transit. The planned designation for this area includes a combination of UR and OIMU.

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

C. PERMITTED USES

PERMITTED LAND USES AND PERMIT REQUIREMENTS

Permitted land uses are listed in Table IV-1, Table IV-2, and Table IV-3 (and Table IV-4 for Convention Center Overlay). The uses listed in Table IV-1 are only permitted in existing Active Commercial Structures and Building Replacements as defined below, and the use listed in Table IV-2 are only permitted in existing Active Industrial Structures. Use listings are grouped by a general category on the basis of common function, product, or compatibility characteristics and are defined in Chapter IX – Glossary.

ACTIVE COMMERCIAL STRUCTURES IN UR-1 AND UR-2

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

A commercial structure is considered to be inactive after a period of three years or more without an active commercial use within any portion of the building and without an active commercial lease. The commercial use or lease must be for a use listed in Table IV-1. If a building is determined to be an Inactive Commercial Structure the property is only eligible for the list of residentially focused uses listed in Table IV-3 within the UR-1 or UR-2 sub-districts. To be declared an Inactive Commercial Building, the City must follow the procedure outlined below.

DETERMINATION PROCEDURE FOR INACTIVE COMMERCIAL STRUCTURE

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

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

- The structure has not contained a permitted use as listed in Table IV-1 for a period of three years (thirty-six months) or longer;

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

If a building is classified as an Inactive Commercial Structure then the property is only eligible for uses listed on Table IV-3. The following procedure will classify a building as an Inactive Commercial Structure:

a. The City Planning Department will notify the property owner in writing that the commercial structure on the property in question has been classified as an Inactive Commercial Structure and that this classification will result in a reduction in the range of commercial uses available for the property.

b. The property owner will have 90 days to appeal this determination in writing to the Planning Department. If no appeal is filed then the determination will stand. If an appeal is filed then a hearing will be conducted by the Planning Director to determine the merit of the objection.

c. Upon appeal the following evidence is required:

   1. The property owner shall demonstrate that the building has contained an active commercial use that is listed on Table IV-1 at some point within the last thirty-six months and, if required, present a valid use permit; or

   2. If the property is vacant but currently under lease to a third party and is not available for re-occupation by a different user at this time, the property owner must demonstrate existence of this lease and that the business occupied the building prior to vacating. The lease must be for a legitimate commercial enterprise that is known for operating a business that is listed as a permitted use on Table IV-1. If required for the specified use, a use permit must be provided.

d. The appeal could have three potential outcomes:

   1. The property owner is unsuccessful in the appeal and the Planning Director decision stands. When new development occurs it must comply with the use listings in Table IV-3 and related requirements.

   2. The property owner is successful in demonstrating that an active commercial use, listed on Table IV-1 was occupying the structure within the last thirty-six months. However, the building is now vacant. This information will be used to determine when the thirty-six month clock began. After the end of the newly established thirty-six month period, the building will be classified as an Inactive Commercial Structure without any additional action necessary by the City.

   3. The property owner is successful in demonstration that the commercial structure is currently under an active lease for a legitimate commercial enterprise that is known for operating a business that is listed as a permitted use on Table IV-1. One year after the date that the lease expires, the building will be considered an Inactive Commercial Structure without any additional action required by the City. A lease that is renewed while the building is vacant does not extend the thirty-six month time period.

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

PERMITTED EXPANSION OF ACTIVE COMMERCIAL BUILDINGS IN UR-1 AND UR-2

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

a. The new floor area to be created by the expansion of the commercial structure shall not exceed twenty-five percent (25%) of the existing floor area of the existing structure; and

b. The value of the improvement, as verified by the Building Official, shall not exceed fifty percent (50%) of the assessed value of the existing structure according to the most recent County tax assessor data unless a more recent appraisal is submitted by the applicant.

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

SIMILAR USES

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

a. The characteristics of and activities associated with the proposed use are equivalent to one or more of the listed uses and will not involve a higher level of activity or population density than the uses listed in the district.

b. The proposed use will be consistent with the purposes of the applicable land use district.

c. The proposed use will be consistent with the General Plan and this Specific Plan.

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

BUILDING REPLACEMENT POLICY

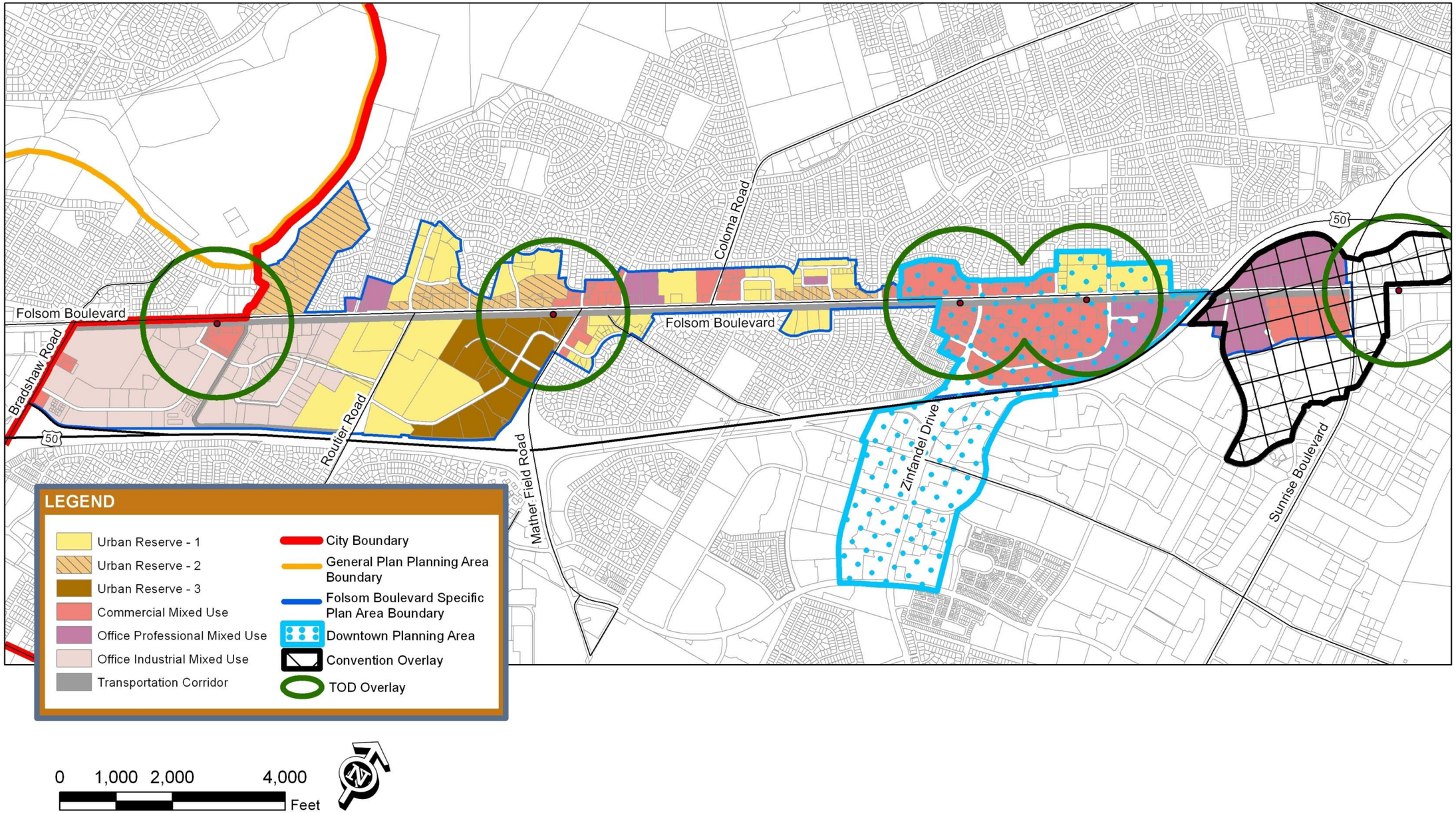
The City recognizes that replacement (demolition and rebuilt anew) of stand-alone commercial buildings provide new services, employment opportunities, and other quality of life benefits to the City's residents. Individual building replacements may not be able to meet the development standards of the Folsom Boulevard Specific Plan. Notwithstanding any other provisions of the Specific Plan, buildings classified as Active Commercial Structures or existing vacant commercial buildings within the Folsom Boulevard Specific Plan may be torn down and replaced with new commercial buildings, subject to the following limitations:

- The new building may be smaller than the existing building by no more than a 5% reduction in gross square footage; and

- The new building must be proposed within the same approximate footprint of the existing building; and
- The new building shall not exceed 10,000 square feet; and
- No more than 25% of the total building square footage within an integrated development, as defined in Section 23.707.020 of the Zoning Code, can be replaced as described herein; and
- The new use proposed to occupy the new building must not result in substandard parking as regulated by Chapter 23.719 of the Zoning Code for the commercial development; and
- The new building shall not obstruct existing pedestrian amenities (sidewalks, outdoor plazas, patio areas) within the overall site.

To the extent practical, buildings replaced under this policy should comply with the Specific Plan development standards. Allowed uses within Building Replacements are found in Table IV-1. Buildings that are replaced consistent with this policy are not required to obtain approval of an Exception but, shall be subject to Design Review as required by Sections 23.140 or 23.141 of the Zoning Code. Applications that do not qualify under the Building Replacement Policy provisions above may be considered under Section F, Exceptions. Buildings that have been deemed Inactive Commercial Structures by the process identified in Section C, Determination Procedure for Inactive Commercial Structure, above may not be replaced.

Figure IV-3 Folsom Boulevard Specific Plan Land Use Diagram



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PERMITTED USE TABLE FOR ACTIVE COMMERCIAL STRUCTURES

Table IV-1 below identifies permitted use provisions for uses within Active Commercial Structures (as defined on page IV-8) within the Urban Reserve (UR) 1 and 2 Districts only. Definitions of each use are established in Chapter IX – Glossary. Many uses that are not permitted within the FBSP, are permitted, or conditionally permitted, in one or more other zones outside of the FBSP area. Please consult the City's Municipal Code for applicable zoning.

Permitted use provisions are symbolized in the table as follows:

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

Table IV-1 Permitted Uses for Active Commercial Structures in UR-1 and UR-2 Districts only

Land Use – Use Classification	
Residential Use Listings	
Live-Work Facility	P[1]
Recreation, Education, and Public Assembly Uses	
Clubs, Lodges, Private Meeting Halls	P
Indoor Amusement/ Entertainment	P
Indoor Fitness and Sports Facilities	P
Libraries and Museums	P
Outdoor Commercial Recreation	C
Parks and Public Plazas	P
Public Safety Facility	P
Religious Institutions	P
Schools – Public	P
Schools – Private, Special/Studio	P
Theatres and Auditoriums	P
Utility, Transportation, and Communication Use Listings	
Heliports	N
Park and Ride Facility	N
Telecommunications Facility	C[3]
Transit Stations and Terminals	N
Utility Facility and Infrastructure	L[4]
Retail, Services, and Office Listings	

PRIVATE REALM - LAND USE AND DEVELOPMENT STANDARDS

Land Use – Use Classification	
Adult-Related Business	N
Alcoholic Beverage Sales	C
Banks and Financial Services	P
Bars and Nightclubs	C[5]
Bed and Breakfast	N
Building Materials Stores and Yards	P[6,7]
Business Support Services	P
Drive-in/Drive-through sales/services	C
Equipment Sales and Rental	N
Home Improvement Supplies	L[2]
Hotels/Motels	P
Kennels	C
Medical Services – Extended Care	C
Medical Services - General	P
Medical Services – Hospital	P
Office – Business and Professional	L[2]
Office – Accessory	P
Offices – Temporary	P
Personal Services	P
Restaurants	P
Retail – Accessory	P
Retail - General	P
Veterinary Facility	P
Automotive and Vehicle Use Listings	
Auto Parts Sales	P[7]
Auto/Vehicle Retail Sales/Rental	C
Auto and Vehicle Sales, Wholesale	N
Auto and Vehicle Storage	N
Car Wash and Detailing	C[6]
Service Stations	C
Vehicle Services – Major	N
Vehicle Services – Minor	C[6]
Industrial, Manufacturing, and Processing Use Listings	
Fuel Storage and Distribution	N

PRIVATE REALM - LAND USE AND DEVELOPMENT STANDARDS

Land Use – Use Classification	
Manufacturing – Major	N
Manufacturing – Minor	N
Manufacturing – Small Scale	P
Personal Storage Facility	N
Printing and Publishing	C
Recycling Facility – Collection	C
Recycling Facility – Processing	N
Recycling Facility–Scrap/Dismantling	N
Research and Development	N
Storage yards	N
Warehousing and Distribution	N
Special Regulated Uses	
Card Rooms	N
Check Cashing Businesses	N
Massage Parlor	N
Pawn Shops	N
Recycling Facility / Collection Facility	N
Sexually Oriented Businesses	N
Smoke Shops	N
Tattoo Parlors	N
Thrift Stores	N

Notes:

1. *Shall not exceed 18 dwelling units per acre.*
2. *This use is limited as specified only in conjunction with the predominant use of the mixed use district. In other words, this use is only allowed as part of an integrated development and is permitted with approval of a Limited Use Permit by the Planning Director.*
3. *Subject to the provisions for Transmission Facilities and Utility and Public Service sections of the City Zoning Code.*
4. *Subject to the provisions for Wireless Communication Facilities section of the City Zoning Code.*
5. *All forms of speaker amplification exterior to the building shall be prohibited unless authorized in combination with project approval or amendment thereto.*
6. *All activities shall occur within a completely enclosed building or shall be located behind a solid/screened enclosure directly adjacent to the building.*
7. *Maximum gross floor area is less than 5,000 square feet.*

ACTIVE INDUSTRIAL STRUCTURES IN UR-3

Within the boundaries of the FBSP, an Active Industrial Structure is defined as a permanent building completely, or partially occupied and used for industrial purposes. The existing industrial use must be listed as permitted (with or without a use permit) on Table IV-2. Existing industrial uses not listed on Table IV-2 are considered Non-Conforming Uses and are subject to the requirements of Section E of this Chapter. Properties containing Active Industrial Structures are also eligible for conversion to uses listed on Table IV-3.

An industrial structure is considered to be inactive after a period of three years or more without an active industrial use within any portion of the building and without an active industrial lease. The industrial use or lease must be for a use listed in Table IV-2. If a building is determined to be an Inactive Industrial Structure, the property is only eligible for the list of permitted uses listed in Table IV-3 within the base district (e.g. OPMU or UR-3). To be declared an Inactive Industrial Building, the City must follow the procedure outlined below.

DETERMINATION PROCEDURE FOR INACTIVE INDUSTRIAL STRUCTURE

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

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

- The structure has not contained a permitted use as listed in Table IV-2 for a period of three years (thirty-six months) or longer;

- The structure is not currently under lease to a legitimate business enterprise that is known to operate an industrial establishment that is listed as permitted use on Table IV-2.
  [One year after the date that the lease expires, the building will be considered an Inactive Commercial Structure without any additional action required by the City. A lease that is renewed while the building is vacant does not extend the thirty-six month time period.]

If a building is classified as an Inactive Industrial Structure, then the property is only eligible for uses listed on Table IV-3. The following procedure will classify a building as an Inactive Industrial Structure:

a. The City Planning Department will notify the property owner in writing that the industrial structure on the property in question has been classified as an Inactive Industrial Structure and that this classification will result in a reduction in the range of industrial or commercial uses available for the property.

b. The property owner will have 90 days to appeal this determination in writing to the Planning Department. If no appeal is filed then the determination will stand. If an appeal is filed then a hearing will be conducted by the Planning Director to determine the merit of the objection.

c. Upon appeal the following evidence is required:

   1. The property owner shall demonstrate that the building has contained an active industrial use that is listed on Table IV-2 at some point within the last thirty-six months and, if required, present a valid use permit; or

2. If the property is vacant but currently under lease to a third party and is not available for re-occupation by a different user at this time, the property owner must demonstrate existence of this lease and that the business occupied the building prior to vacating. The lease must be for a legitimate industrial enterprise that is known for operating a business that is listed as a permitted use on Table IV-2. If required for the specified use, a use permit must be provided.

d. The appeal could have three potential outcomes:

1. The property owner is unsuccessful in the appeal and the Planning Director decision stands. When new development occurs it must comply with the use listings in Table IV-3 and related requirements.

2. The property owner is successful in demonstrating that an active industrial use, listed on Table IV-2 was occupying the structure within the last thirty-six months. However, the building is now vacant. This information will be used to determine when the thirty-six month clock began. After the end of the newly established thirty-six month period, the building will be classified as an Inactive Industrial Structure without any additional action necessary by the City.

3. The property owner is successful in demonstration that the industrial structure is currently under an active lease for a legitimate industrial enterprise that is known for operating a business that is listed as a permitted use on Table IV-2. One year after the date that the lease expires, the building will be considered an Inactive Industrial Structure without any additional action required by the City. A lease that is renewed while the building is vacant does not extend the thirty-six month time period.

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

PERMITTED EXPANSIONS OF ACTIVE INDUSTRIAL BUILDINGS IN UR-3

Buildings classified as Active Industrial Structures within the UR-3 district may be expanded, replaced or improved within the following limits. Both limits apply and must be met:

a. The new floor area to be created by the expansion of the industrial structure shall not exceed twenty-five percent (25%) of the existing floor area of the existing structure; and

b. The value of the improvement, as verified by the Building Official, shall not exceed fifty percent (50%) of the assessed value of the existing structure according to the most recent County tax assessor data unless a more recent appraisal is submitted by the applicant.

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

SIMILAR USES

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

a. The characteristics of and activities associated with the proposed use are equivalent to one or more of the listed uses and will not involve a higher level of activity or population density than the uses listed in the district.

b. The proposed use will be consistent with the purposes of the applicable land use district.

c. The proposed use will be consistent with the General Plan and this Specific Plan.

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

Permitted Use Table for ACTIVE INDUSTRIAL Structures

Table IV-2 below identifies permitted use provisions for uses within Active Industrial Structures (as defined on page IV-16) within the Urban Reserve 3 (UR-3) District only. Definitions of each use are established in Chapter IX – Glossary. Many uses that are not permitted within the FBSP, are permitted, or conditionally permitted, in one or more other zones outside of the FBSP area. Please consult the City's Municipal Code for applicable zoning.

Permitted use provisions are symbolized in the table as follows:

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

Table IV-2 Permitted Uses for Active Industrial Structures in UR-3 Districts only

Land Use – Use Classification	
Residential Use Listings	
Adult Day Care Home	N
Child Day Care Facility	C
Caretaker Housing	P
Dwelling, Multifamily	L[1,2]
Dwelling, Second Unit	N
Dwelling, Single-family	L[1,2]
Dwelling, Two-family	L[1,2]
Emergency Shelter	C
Family Day Care Home, Small	N

PRIVATE REALM - LAND USE AND DEVELOPMENT STANDARDS

Land Use – Use Classification	
Family Day Care Home, Large	N
Home Occupation	P
Live-Work Facility	P[1]
Residential Care Home	N
Community Service Use Listings	
Clubs, Lodges, Private Meeting Halls	P
Indoor Amusement/ Entertainment	L
Indoor Fitness and Sports Facilities	L
Libraries and Museums	P
Outdoor Commercial Recreation	C
Parks and Public Plazas	P
Public Safety Facility	P
Religious Institutions	L
Schools – Public	P
Schools – Private, Special/Studio	P
Theatres and Auditoriums	P
Utility, Transportation, and Communication Use Listings	
Heliports	C
Park and Ride Facility	P
Telecommunications Facility	P[4]
Transit Stations and Terminals	P
Utility Facility and Infrastructure	P[8]
Retail, Service, and Office Listings	
Adult-Related Business	N
Alcoholic Beverage Sales	C
Banks and Financial Services	P
Bars and Nightclubs	C[6]
Bed and Breakfast	N
Building Materials Stores and Yards	P[2]
Business Support Services	P[2]
Drive-in/Drive-through sales/services	C[2, 9]
Equipment Sales and Rental	P[7]
Home Improvement Supplies	P[7]
Hotels/Motels	P

PRIVATE REALM - LAND USE AND DEVELOPMENT STANDARDS

Land Use – Use Classification	
Kennels	L
Medical Services – Extended Care	N
Medical Services - General	P
Medical Services – Hospital	P
Office – Business and Professional	P
Office – Accessory	P
Offices – Temporary	P
Personal Services	P
Restaurants	L
Retail – Accessory	P
Retail - General	L
Veterinary Facility	P
Automotive and Vehicle Use Listings	
Auto Parts Sales	L
Auto/Vehicle Retail Sales/Rental	N
Auto and Vehicle Sales, Wholesale	C
Auto and Vehicle Storage	C
Car Wash and Detailing	P
Service Stations	C
Vehicle Services – Major	C
Vehicle Services – Minor	C
Auto Vehicle Dismantling	N
Industrial, Manufacturing, and Processing Use Listings	
Fuel Storage and Distribution	N
Manufacturing – Major	L
Manufacturing – Minor	P
Manufacturing – Small Scale	P[7]
Personal Storage Facility	N
Printing and Publishing	P
Recycling Facility – Collection	N
Recycling Facility – Processing	N
Recycling Facility–Scrap/Dismantling	N
Research and Development	P
Storage Yards	N

PRIVATE REALM – LAND USE AND DEVELOPMENT STANDARDS

Land Use – Use Classification	
Warehousing and Distribution	P
Special Regulated Uses	
Card Rooms	N
Check Cashing Businesses	N
Massage Parlor	N
Pawn Shops	N
Recycling Facility, Collection Facility	N
Sexually Oriented Businesses	N
Smoke Shops	N
Tattoo Parlors	N
Thrift Store	N

Notes:

1. *Shall not exceed 18 dwelling units per acre.*
2. *This use is limited as specified only in conjunction with the predominant use of the mixed use district. In other words, this use is only allowed as part of an integrated development and is permitted with approval of a Limited Use Permit by the Planning Director.*
3. *Subject to the provisions for Transmission Facilities and Utility and Public Service sections of the City Zoning Code.*
4. *Subject to the provisions for Wireless Communication Facilities section of the City Zoning Code.*
5. *All forms of speaker amplification exterior to the building shall be prohibited unless authorized in combination with project approval or amendment thereto.*
6. *All activities shall occur within a completely enclosed building or shall be located behind a solid/screened enclosure directly adjacent to the building.*
7. *Maximum gross floor area is less than 5,000 square feet.*
8. *Subject to the provisions for Utility, Facilities and Infrastructure section of the City Zoning Code (23.907.030).*
9. *Limited to a maximum of 25% of the gross floor area of an integrated development.*

PERMITTED USE TABLE FOR BASE DISTRICTS

Table IV-3 below identifies permitted use provisions for all base districts. Definitions of each use are established in Chapter IX - Glossary.

Permitted use provisions are symbolized in the table as follows:

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

Table IV-3 Permitted Uses for Folsom Boulevard Base Zoning Districts

Land Use – Use Classification	Zoning Districts						
	UR-1	UR-2	UR-3	CMU	OPMU	OIMU	T
Residential Use Listings							
Adult Day Care Home	P	P	N	N	N	N	N
Child Day Care Facility	C	P	C	C	C	C	N
Caretaker Housing	P	P	P	P	P	P	N
Dwelling, Multifamily	P[1]	P[1]	L[1,2]	L[1, 2]	L[1, 2]	N	N
Dwelling, Second Unit	P[3]	P[3]	N	N	N	N	N
Dwelling, Single-family	P[1]	P[1]	L[1,2]	L[1, 2]	L[1, 2]	N	N
Dwelling, Two-family	P[1]	P[1]	L[1,2]	L[1, 2]	L[1, 2]	N	N
Emergency Shelter	C	C	N	N	N	N	N
Family Day Care Home, Small	P	P	N	N	N	N	N
Family Day Care Home, Large	C	C	N	N	N	N	N
Home Occupation	P	P	P	P	P	N	N
Live-Work Facility	P[1]	P[1]	P[1]	P[1]	P[1]	N	N
Residential Care Home	P	P	N	N	N	N	N
Community Service Use Listings							
Clubs, Lodges, Private Meeting Halls	N	P[11]	P	P	P	P	N
Indoor Amusement/ Entertainment	N	C[11]	P	P	P	P	N
Indoor Fitness and Sports Facilities	N	C[11]	P	P	P	C	N
Libraries and Museums	P	P[11]	P	P	P	P	N
Outdoor Commercial Recreation	N	N	P	C	P	P	N

PRIVATE REALM – LAND USE AND DEVELOPMENT STANDARDS

Land Use – Use Classification	Zoning Districts						
	UR-1	UR-2	UR-3	CMU	OPMU	OIMU	T
Parks and Public Plazas	P	P[11]	P	P	P	P	P
Public Safety Facility	P	P[11]	P	P	P	P	P
Religious Institutions	P	P[11]	P	P	P	P	N
Schools – Public	P	P[11]	P	P	P	P	N
Schools – Private, Special/Studio	P	P[11]	P	P	P	P	N
Theatres and Auditoriums	N	C[11]	P	P	P	P	N
Utility, Transportation, and Communication Use Listings							
Heliports	N	N	C	C	C	C	N
Park and Ride Facility	N	C[11]	P	P	P	P	L[15]
Telecommunications Facility	C[4]	C[4, 11]	P[4]	C[4]	P[4]	P[4]	C
Transit Stations and Terminals	N	C[11]	P	P	P	P	P
Utility Facility and Infrastructure	L[5]	L[5, 11]	L[5]	L[5]	L[5]	L[5]	P
Retail, Service, and Office Listings							
Adult-Related Business	N	N	N	N	N	N	N
Alcoholic Beverage Sales	N	C[11]	C	C	C	C	N
Banks and Financial Services	N	P[11]	P	P	P	P	N
Bars and Nightclubs	N	C[6, 11]	C[6]	C[6]	C[6]	C[6]	N
Bed and Breakfast	C	P[11]	N	N	N	N	N
Building Materials Stores and Yards	N	N	N	P[7]	N	C[7]	N
Business Support Services	N	L[7, 8, 11]	P	P	P	P	N
Drive-in/Drive-through sales/services	N	N	C[9]	C	C[9]	N	N
Equipment Sales and Rental	N	N	N	N	N	P	N
Home Improvement Supplies	N	L[2, 11]	L[2]	L[2]	L[2,]	P	N
Hotels/Motels	N	C[11]	P	P	P	C	N
Kennels	N	N	N	C	N	L	N
Medical Services – Extended Care	C	P[11]	N	C	N	N	N
Medical Services - General	N	P[11]	P	P	P	P	N
Medical Services – Hospital	N	P[11]	P	P	P	P	N
Office – Business and Professional	N	L[2, 11]	P	L[2]	P	P	N
Office – Accessory	N	P[11]	L[11]	P	L[11]	L[11]	N
Offices – Temporary	P	P[11]	P	P	P	P	N
Personal Services	N	P[8, 11]	P	P	P	P	N

PRIVATE REALM - LAND USE AND DEVELOPMENT STANDARDS

Land Use – Use Classification	Zoning Districts						
	UR-1	UR-2	UR-3	CMU	OPMU	OIMU	T
Restaurants	N	L[2, 11]	L[2]	P	L[2]	L[2]	N
Retail – Accessory	N	L[2, 11]	L[9]	P	L[9]	L[9]	N
Retail - General	N	L[2, 11, 12]	N	P	N	N	N
Veterinary Facility	N	N	P	P	P	P	N
Automotive and Vehicle Use Listings							
Auto Parts Sales	N	N	N	P[13]	N	N	N
Auto/Vehicle Retail Sales/Rental	N	N	N	C	N	N	N
Auto and Vehicle Sales, Wholesale	N	N	N	N	N	C	N
Auto and Vehicle Storage	N	N	N	N	N	C[13]	N
Car Wash and Detailing	N	N	N	C[10]	N	C	N
Service Stations	N	N	N	C	N	C	N
Vehicle Services – Major	N	N	N	N	N	C	N
Vehicle Services – Minor	N	N	N	C[10]	N	C	N
Industrial, Manufacturing, and Processing Use Listings							
Fuel Storage and Distribution	N	N	N	N	N	N	N
Manufacturing – Major	N	N	N	N	N	N	N
Manufacturing – Minor	N	N	N	N	N	P	N
Manufacturing – Small Scale	N	N	N	P	N	P	N
Personal Storage Facility	N	N	N	N	N	C	N
Printing and Publishing	N	N	C	C	C	P	N
Recycling Facility – Collection	N	N	P	C	P	C	N
Recycling Facility – Processing	N	N	N	N	N	N	N
Recycling Facility– Scrap/Dismantling	N	N	N	N	N	N	N
Research and Development	N	N	P	N	P	P	N
Storage Yards	N	N	N	N	N	L[14]	N
Warehousing and Distribution	N	N	N	N	N	L[14]	N
Special Regulated Uses							
Card Rooms	N	N	N	N	N	N	N
Check Cashing Businesses	N	N	N	N	N	N	N
Massage Parlor	N	N	N	N	N	N	N
Pawn Shops	N	N	N	N	N	N	N
Recycling Facility, Collection Facility	N	N	N	C	N	N	N

PRIVATE REALM – LAND USE AND DEVELOPMENT STANDARDS

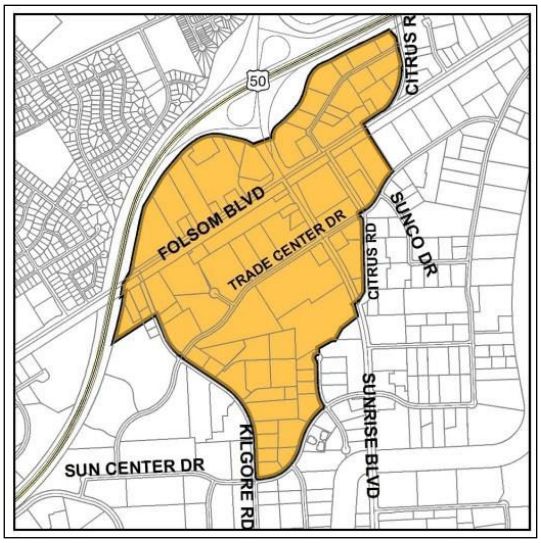
Land Use – Use Classification	Zoning Districts						
	UR-1	UR-2	UR-3	CMU	OPMU	OIMU	T
Sexually Oriented Businesses	N	N	N	N	N	N	N
Smoke Shops	N	N	N	N	N	N	N
Tattoo Parlors	N	N	N	N	N	N	N
Thrift Store	N	N	N	N	N	N	N

Notes:

1. *See the density restrictions in the underlying zoning district.*
2. *This use is limited as specified only in conjunction with the predominant use of the mixed use district. In other words, this use is only allowed as part of an integrated development and is permitted with approval of a Limited Use Permit by the Planning Director.*
3. *Second dwelling units shall be consistent with development standards listed in the City's zoning code*
4. *Subject to the provisions for Telecommunication Facility section of the City Zoning Code (23.907.020).*
5. *Subject to the provisions for Utility, Facilities and Infrastructure section of the City Zoning Code (23.907.030).*
6. *All forms of speaker amplification exterior to the building shall be prohibited unless authorized in combination with project approval or amendment thereto.*
7. *All activities shall occur within a completely enclosed building or shall be located behind a solid/screened enclosure directly adjacent to the building.*
8. *Maximum gross floor area is less than 5,000 square feet.*
9. *Limited to a maximum of 25 percent of the gross floor area of the integrated development.*
10. *No portion of the use shall be located within 500 feet of an intersection within the CMU District.*
11. *Limited to less than 50 percent of the gross floor area of the integrated development as a secondary use only.*
12. *Maximum tenant space shall be 15,000 square feet.*
13. *All activity and storage must be located within an enclosed structure.*
14. *All activity must be entirely screened from public view and not within 200 feet of a residential use.*
15. *As a surface parking lot, this use is allowed with a limited use permit, but may eventually convert to a use of higher density and intensity based on development potential.*

Permitted Uses for the Convention Overlay District

Table IV-4 below identifies the permitted use provisions within the Convention Overlay District. These permitted use provisions are specific and unique to the CO and supersede and replace the permitted uses of the base district. Similar uses may be determined as identified in the Nonconforming Policy Section of this Chapter. Definitions of each use are established in Chapter IX - Glossary.



PRIVATE REALM - LAND USE AND DEVELOPMENT STANDARDS

Permitted use provisions are symbolized in the table as follows:

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

Table IV-4 Permitted Uses in the Convention Overlay District

Land Use Category	Convention Overlay District
Residential Uses	
Caretaker Housing	C
Dwelling, Multi-Family	P[1]
Dwelling, Single Family	C
Dwelling, Two-Family	C
Home Occupations	C
Live-Work Facility	C
Recreation, Education, and Public Assembly Uses	
Clubs, Lodges, and Private Meeting Halls	P
Indoor Amusement/Entertainment Facility	P
Indoor Fitness and Sports Facility	C
Libraries and Museums	P
Outdoor Commercial Recreation	C
Parks and Public Plazas	P
Public Safety Facility	P
Religious Institutions	C
Schools, Private and Special/Studios	P
Schools, Public	P
Theaters and Auditoriums	P
Utility, Transportation, and Communication Use Listings	
Heliports	C
Park and Ride Facility	C
Telecommunication Facility	C
Transit Stations and Terminals	C

PRIVATE REALM – LAND USE AND DEVELOPMENT STANDARDS

Land Use Category	Convention Overlay District
Utility Facility and Infrastructure	C
Retail, Service, and Office Uses	
Alcoholic Beverage Sales	C
Banks and Financial Services	P
Bars and Nightclubs	C
Bed and Breakfast Inns	C
Building Materials Stores and Yards	C
Business Support Services	AUP
Child Day Care Facility	C
Drive-in and Drive-through Sales and Service	N
Home Improvement Supplies	C
Hotels and Motels	P
Medical Services, General	C
Medical Services, Extended Care	C
Medical Services, Hospitals	C
Offices, Business and Professional	P
Offices, Accessory	P
Personal Services	P
Restaurants	P
Retail, Accessory	P
Retail, General	P
Veterinary Facility	C
Automobile and Vehicle Uses	
Auto and Vehicle Sales and Rental	AUP
Car Washing and Detailing	C
Service Stations	C
Vehicle Services, Minor	AUP
Industrial, Manufacturing, and Processing Uses	
Manufacturing – Small Scale	AUP
Printing and Publishing	AUP
Research and Development	AUP

Notes:

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

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

Permitted uses for properties within a TOD Overlay District are determined by the base district. See Table IV-3 Permitted Uses for Folsom Boulevard Base Districts.

D. DEVELOPMENT STANDARDS

The development standards for the Plan Area are organized into two categories:

- General Development Standards that apply to the areas outside the Pulse Points, and
- Form-Based Development Standards that apply to the areas within the Pulse Points.

GENERAL DEVELOPMENT STANDARDS (OUTSIDE PULSE POINTS)

Properties in the Plan Area that are outside the Pulse Point boundaries are subject to the Development Standards for their base land use designations, as contained in the Citywide Zoning Code. For Urban Reserve 1 (UR-1), Development Standards contained in the Zoning Code for Medium Density Residential (MDR) shall apply. For Urban Reserve 2 (UR-2), Development Standards contained in the Zoning Code for Residential Mixed Use (RMU) shall apply. For Urban Reserve 3 (UR-3), Development Standards contained in the Zoning Code for Office Professional Mixed Use (OPMU) shall apply. Variations on these development standards occur for projects designated Transportation Corridor (T), and projects located within the Convention Overlay District of the Transit Oriented Development (TOD) Overlay District; there variations are expressed in Table IV-7, Table IV-8, and Table IV-9, respectively.

FORM BASED DEVELOPMENT STANDARDS (WITHIN PULSE POINTS)

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

Implementation of the Regulating Plan has the following advantages:

- Creates an internal street network that reduces vehicular traffic on Folsom Boulevard and the need for individual curb-cuts for each project;
- Allows connectivity between adjacent parcels for multi-modal access (vehicles, bicycles, and pedestrians);
- Creates more connectivity to Light Rail Transit Stations;
- Creates a more pedestrian and bicycle friendly environment; and
- Allows for a greater intensity of development and the potential to reduce surface parking lots.

Regulating Plan

This roadway network identified in the Regulating Plans is critical to the successful revitalization of Folsom Boulevard. It creates the underlying framework for new development to occur, identifies how land uses adjacent to the roadway interface with the street, and reinforces the local street network and multi-modal aspects of the Plan. The Regulating Plan identifies Existing Roadways and Future Roadways that will serve the Folsom Boulevard Area within each Pulse Point. Development is required to be consistent with the Regulating Plan unless circumstances described below justify approval of alternatives or exceptions.

How to Use the Regulating Plans

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

- Roadways and connection points should generally match the locations identified on the Regulating Plan. Specific alignments will be determined within the review of development process.

- Roadways and connection points denoted as "Future Roadways" may be moved and/or consolidated, but generally should not be eliminated. Adjustments to roadways that the Council determines to meet the intent of the FBSP Regulating Plan will not require an amendment to the Regulating Plan.

- In reviewing development proposals and determining Regulating Plan compliance, the City shall consider the scope of the proposed development project. Where feasible due to project scope and scale (size and location of project, demolition of multiple existing buildings, etc.), the City will require implementation of the Regulating Plan. For example, a large-scale project with site control over multiple properties would be required to meet the functional intent of the Regulating Plan. The City may exempt a project from strict compliance with the Regulating Plan if it is found that location, property size or other limiting factors make implementation of the Regulating Plan impracticable. For example, development of a single parcel may be exempt from full compliance with the Regulating Plan. In all cases, even when alternatives and exemptions to the Regulating Plan are approved, projects must still comply with all the provisions of the Regulating Plan and the FBSP that are found to be feasible.

- When compliance with all or portions of the Regulating Plan development standards (Form Based Codes) is determined by the City to be infeasible, the project shall be subject to the Development Standards for the base land use designation, as contained Citywide Zoning Code. For Urban Reserve 1 (UR-1), Development Standards contained in the Zoning Code for Medium Density Residential (MDR) shall apply. For Urban Reserve 2 (UR-2), Development Standards contained in the Zoning Code for Residential Mixed Use (RMU) shall apply. For Urban Reserve 3 (UR-3), Development Standards contained in the Zoning Code for Office Professional Mixed Use (OPMU) shall apply.

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Figure IV-4 Regulating Plan for the Entire Boulevard

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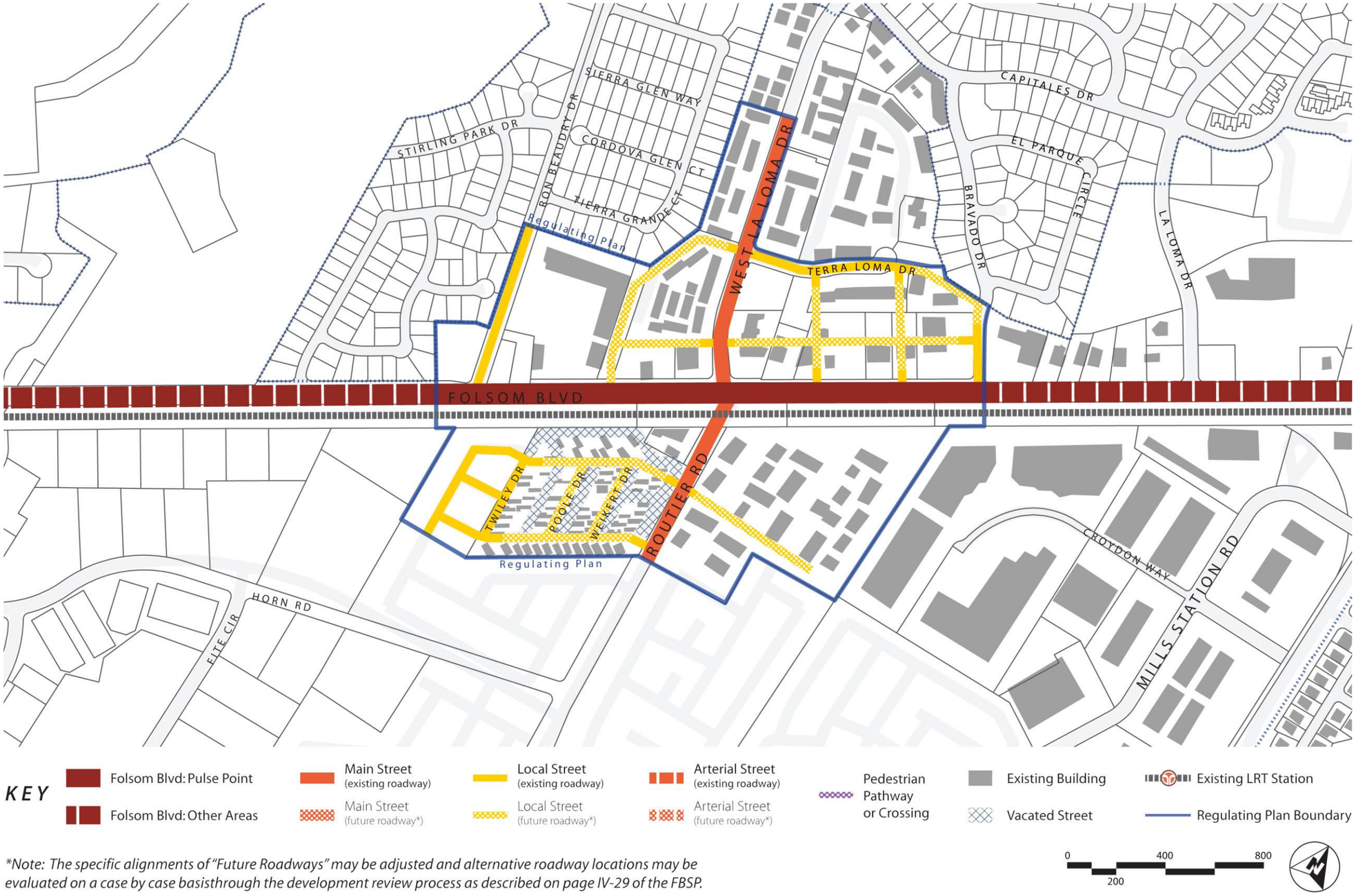
Figure IV-5 Enlarged Regulating Plan Routier/La Loma Pulse Point



**Note: The specific alignments of "Future Roadways" may be adjusted and alternative roadway locations may be evaluated on a case by case basisthrough the development review process as described on page IV-29 of the FBSP.*

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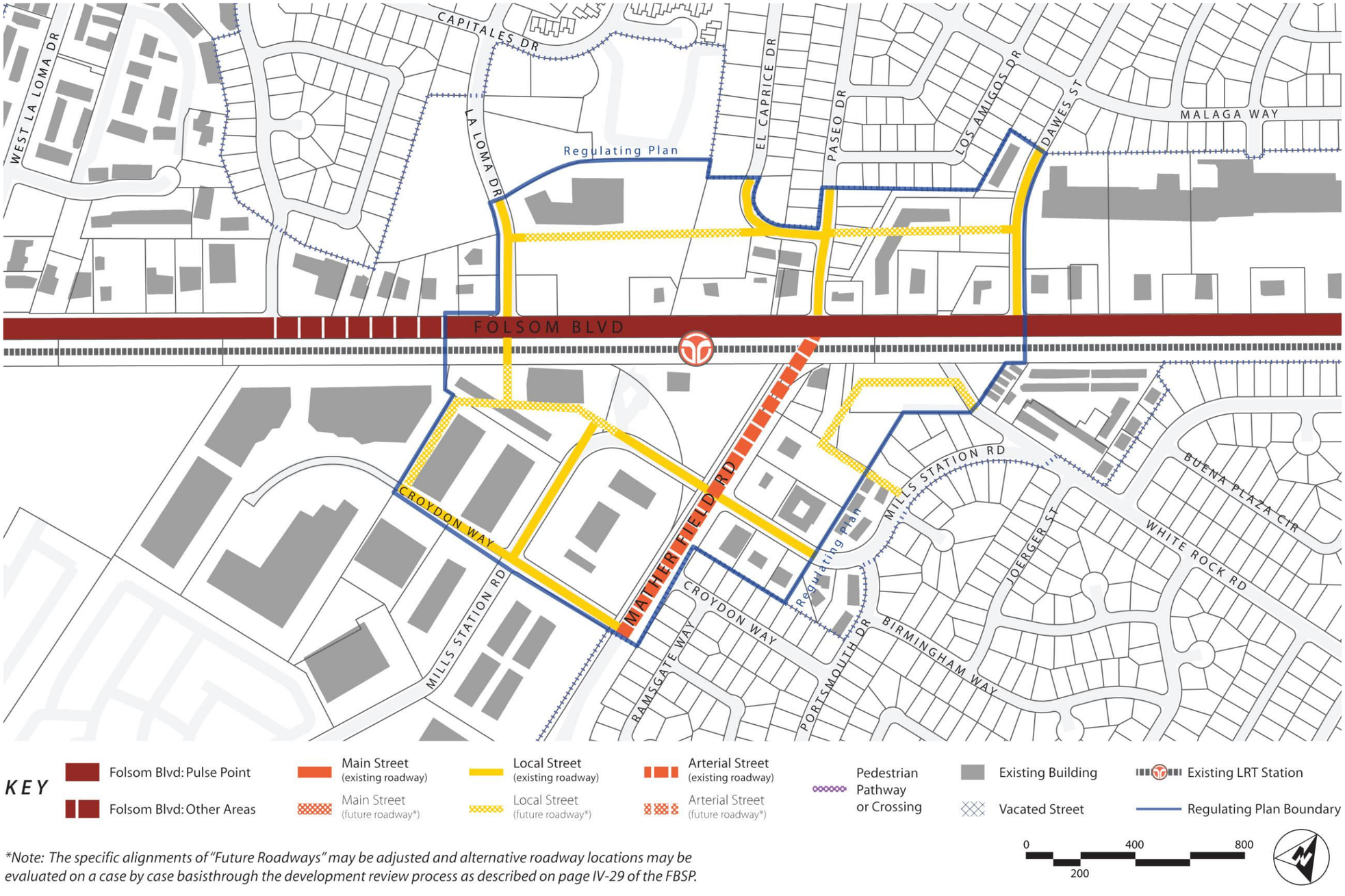
Figure IV-6 Enlarged Regulating Plan Mather/Mills Pulse Point



**Note: The specific alignments of "Future Roadways" may be adjusted and alternative roadway locations may be evaluated on a case by case basisthrough the development review process as described on page IV-29 of the FBSP.*

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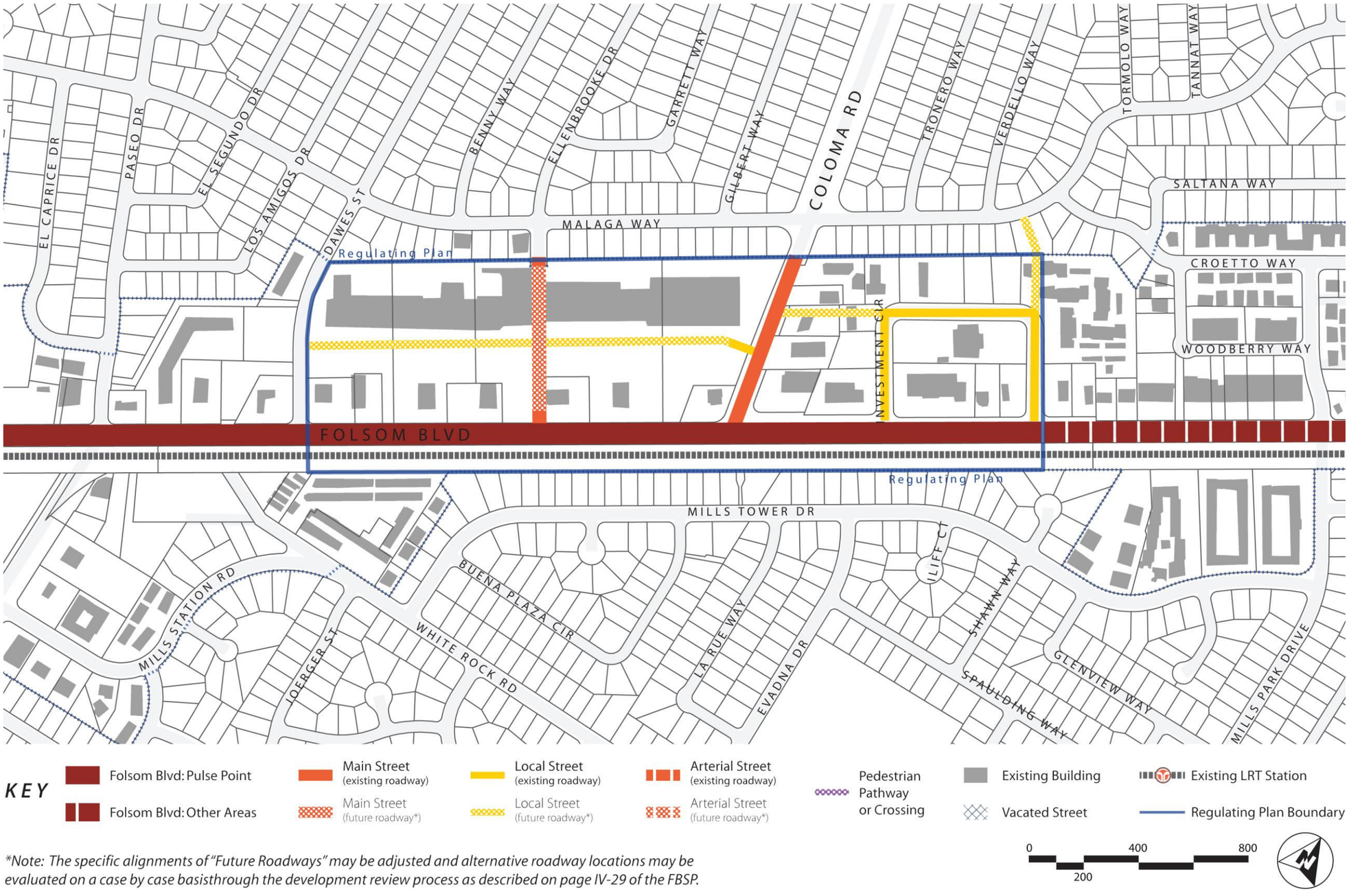
Figure IV-7 Enlarged Regulating Plan Coloma Pulse Point



**Note: The specific alignments of "Future Roadways" may be adjusted and alternative roadway locations may be evaluated on a case by case basisthrough the development review process as described on page IV-29 of the FBSP.*

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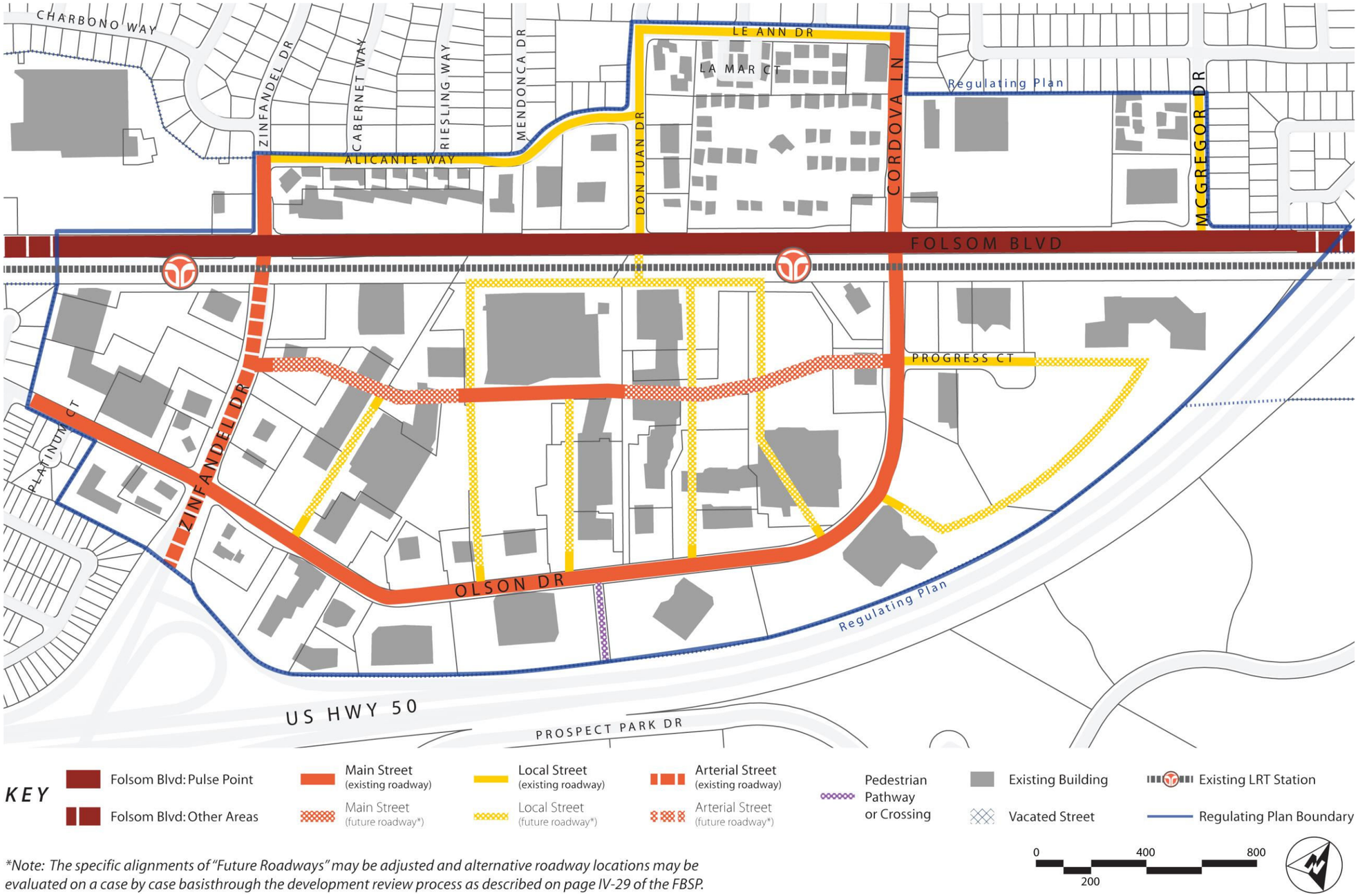
Figure IV-8 Enlarged Regulating Plan Zinfandel Pulse Point



**Note: The specific alignments of "Future Roadways" may be adjusted and alternative roadway locations may be evaluated on a case by case basisthrough the development review process as described on page IV-29 of the FBSP.*

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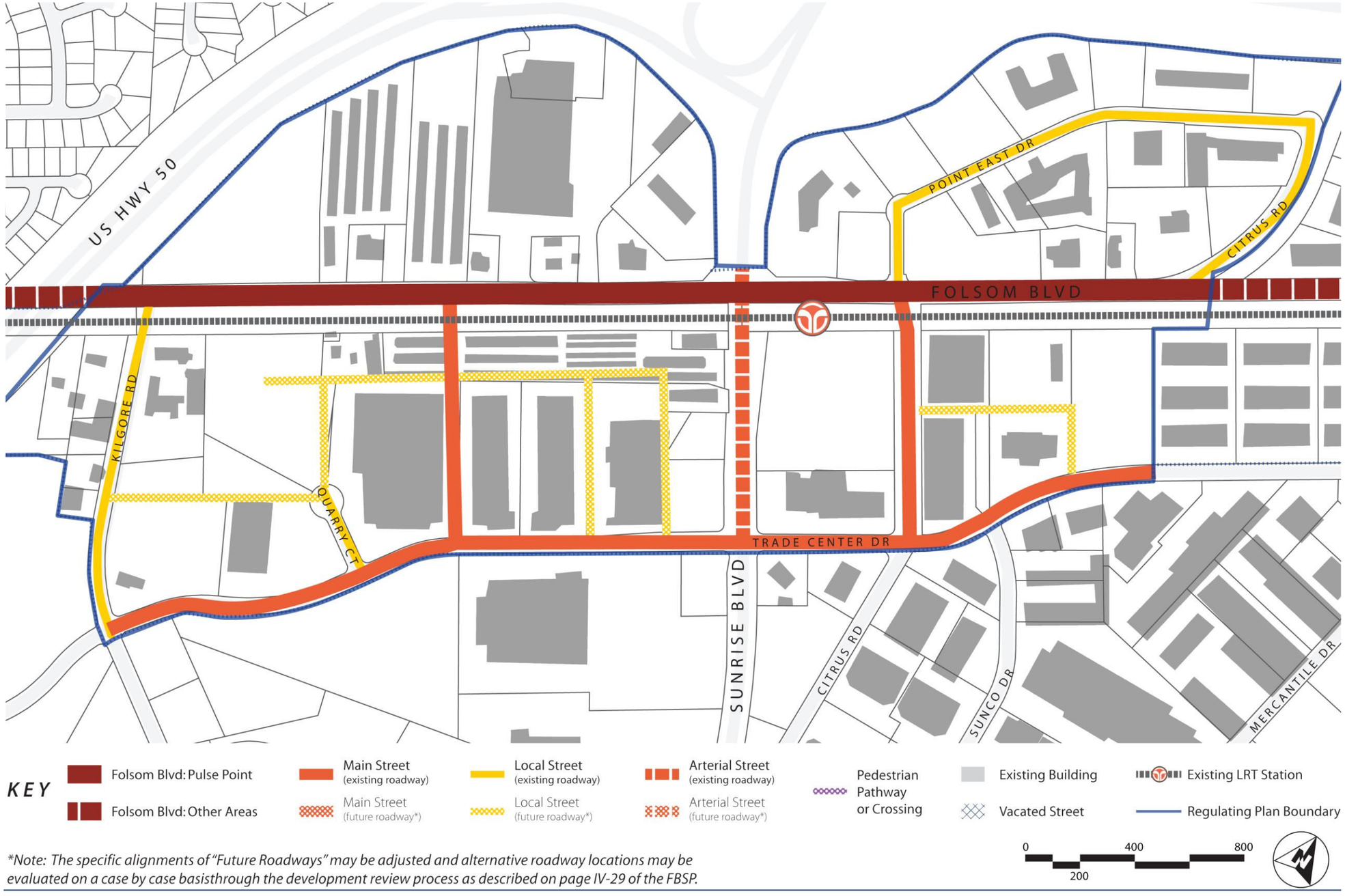
Figure IV-9 Enlarged Regulating Plan Sunrise Pulse Point



**Note: The specific alignments of "Future Roadways" may be adjusted and alternative roadway locations may be evaluated on a case by case basisthrough the development review process as described on page IV-29 of the FBSP.*

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Form Based Development Standards

The Form Based Development Standards are contained in Tables IV-5 through IV-9 below. All developments within the Pulse Point boundaries of the Plan Area will be subject to the requirements in Table IV-5: Form Based Development Standards, and Table IV-6: Development Standards by Frontage Type. Variations on these development standards occur for projects designated Transportation Corridor (T), and projects located within the Convention Overlay District of the Transit Oriented Development (TOD) Overlay District; there variations are expressed in Table IV-7, Table IV-8, and Table IV-9, respectively.

Table IV-5 Form Based Development Standards

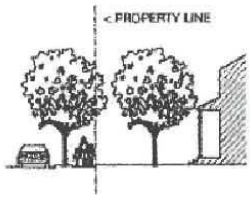
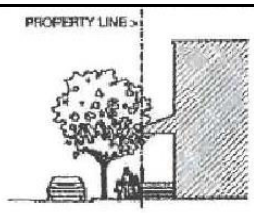
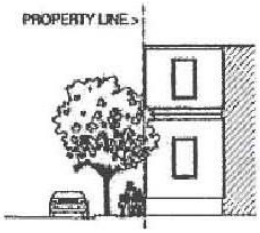
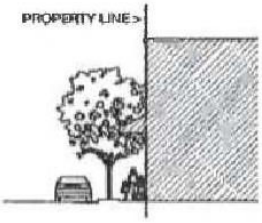
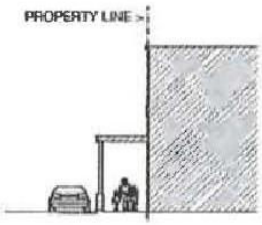
Standard	Requirements by Street Frontage		
	Folsom Boulevard: Pulse Point/Main Street	Local Street	Folsom Boulevard/Arterial Street
Connectivity	Maximum block length/ perimeter: 600'/2,000' Through block pedestrian connection: 350 ft minimum Cul de sacs prohibited	Maximum block length/ perimeter: 400'/1,500'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

PRIVATE REALM – LAND USE AND DEVELOPMENT STANDARDS

Standard	Requirements by Street Frontage		
	Folsom Boulevard: Pulse Point/Main Street	Local Street	Folsom Boulevard/Arterial Street
Parking Lot Perimeter Treatment	All surface parking located between the building and the street must have a landscape buffer not less than five feet in width, consisting of groundcover, trees and shrubs measuring at least 3 feet high. A three foot high wall or planter may be substituted for shrubs. Groundcover and trees must still be provided.	All surface parking located between the building and the street must have a landscape buffer not less than seven feet in width, consisting of groundcover, trees and shrubs measuring at least 3 feet high. A three foot high wall or planter may be substituted for shrubs. Groundcover and trees must still be provided.	
Frontage Types (See Table IV-5)	▪ Stoop ▪ Forecourt ▪ Storefront ▪ Gallery	▪ Front yard & porch ▪ Stoop	▪ Stoop ▪ Forecourt ▪ Storefront ▪ Gallery
Minimum Building Frontage	80%	50%	30%
Street Level Fenestration	The wall area between two and ten feet above grade shall have at least 75% fenestration	The wall area between two and ten feet above grade shall have at least 50 percent fenestration	The wall area between two and ten feet above grade shall have at least 75 percent fenestration
Upper Level Fenestration	The wall area between three and eight feet as measured from that story's finished floor level shall have at least 25 percent fenestration	The wall area between three and eight feet as measured from that story's finished floor level shall have at least 25 percent fenestration	The wall area between three and eight feet as measured from that story's finished floor level shall have at least 25 percent fenestration.
Awnings, Canopies	Awnings, canopies, recesses or similar pedestrian shelters shall be provided along at least 60% of the building's ground floor level where the building abuts a sidewalk, plaza, pedestrian access way or outdoor seating area		

Development Standards by Frontage Type

Table IV-6 Development Standards by Frontage Type

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

Special Development Standards

Transportation Corridor (T) Zone Development Standards

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

Table IV-7 Development Standards for Transportation Corridor (T) Zone

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

Convention Overlay District Development Standards

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

Table IV-8 Development Standards for the Convention Overlay District

Development Standard	Convention Overlay District
***See Tables IV-4 and IV-5 for all development standards except for height limit as listed below:**	
Height Limit	
Primary Structures	No maximum[1]

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

Transit Oriented Development (TOD) Overlay Development Standards

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

Table IV-9 Development Standards for TOD Overlay Districts

Development Standard	TOD Overlay Minimum	TOD Overlay Maximum
Density[1]	20.0 du/ac	80.0 du/ac
Floor Area Ratio[2]	0.50	3.0
Height	No minimum	No maximum[3]

Notes:

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

PARKING AND LOADING STANDARDS

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

Standards for off-street loading and unloading are provided in the Citywide Zoning Code.

E. NONCONFORMING USES AND STRUCTURES

Purpose and Applicability

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

These nonconforming regulations apply only within the Folsom Boulevard Specific Plan Area.

Continuation, Reoccupancy and Maintenance of Nonconforming Uses and Structures

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

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

   1. Maintenance and repair. A nonconforming structure may be maintained and repaired.

2. Seismic retrofitting and Building Code compliance. Repairs, alterations or reconstruction to reinforce un-reinforced masonry structures or to comply with Building Code requirements shall be allowed, provided that the work is exclusively to comply with applicable earthquake safety standards and the Building Code.

3. Structural alteration of a nonconforming structure to improve safety or to reduce fire hazard.

Modification and Expansion of Nonconforming Uses and Structures

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

a. Structural modification. Addition, enlargement, extension, or relocation of a nonconforming structure may be allowed if the changes to the structure conform to applicable provisions of this Specific Plan. Such modifications may not expand the extent of the nonconforming aspect of the structure or result in any new nonconforming conditions for the subject property.

b. Expansion of use. Expansion or modification of a nonconforming use may be allowed subject to the Nonconforming Use Permit Procedures section.

c. Exterior improvements or expansion of structures may also require design review approval in keeping with the City's Zoning Code.

Destruction and Replacement of Nonconforming Uses and Structures

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

Loss of Nonconforming Status

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

Extension of Non-Conforming Use Status

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

a. Evidence of active marketing the tenant space accompanied with regular maintenance of the property in a manner that supports such marketing efforts.

b. A signed lease agreement and anticipated occupancy within the extension period.

c. Issuance of a valid building permit for interior or exterior remodel and anticipated occupancy within the extension period.

Nonconforming Use Permit Procedures

a. Permit requirements. A Nonconforming Use Permit is required for the expansion or modification of existing nonconforming structures or uses as identified in the Allowed Uses Section. The intent of this permit is to allow for individual review of requests to expand or modify a nonconforming use in a manner that ensures compatibility with surrounding areas and uses.

b. Approving authority. The City Council shall be the final decision-making body for all Nonconforming Use Permits. The Planning Commission shall hear and provide a recommendation to the City Council for action on each Nonconforming Use Permit.

c. Required findings. A Nonconforming Use Permit shall be granted only when the designated approving authority determines that the proposed use or activity complies with all of the following findings.

   1. The establishment, maintenance, or operation of the use expansion applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the City.

   2. The benefit to the public health, safety, or welfare exceeds the detriment inherent in the expansion of nonconformity.

   3. The modified or expanded nonconforming structure or use would not be incompatible with reasonably foreseeable uses as allowed under the applicable zoning regulations.

   4. The modified or expanded nonconforming structure or use would be consistent with the General Plan.

d. Conditions/Guarantees. The designated approving authority may impose conditions and/or require guarantees for the Nonconforming Use Permit to ensure compliance with this section and other applicable provisions of this title and to prevent adverse or detrimental impact to surrounding neighborhoods.

F. EXCEPTIONS

The City Council supports the vision and form based development standards established within the Folsom Boulevard Specific Plan and encourages all developers to review and adhere to the strict application of these standards when designing future projects. The City Council also recognizes the real world challenges that form based standards and the vision of the Specific Plan present in a depressed economy and as such, desires to provide additional flexibility for projects that will benefit the community in specific, identified ways. In conjunction with a Major Design Review, project-level CEQA review, and any other required entitlements, an applicant may request that the City Council approve an exception to allow a development project that does not strictly adhere to the Specific Plan or other City development standards.

The City Council may grant an Exception for any development standard for projects that (i) are uses that are allowed in Table IV-2 of the FBSP, and (ii) meet at least 4 of the following 6 conditions:

1. Will fulfill a compelling community need, as indicated by an existing City goal, General Plan policy, budget priority, or other Council adopted policy document

2. Will improve an existing blighted situation by removing 100% of the blight located upon the subject property

3. Will provide unmet services to a currently underserved community

4. Will create at least 15 new permanent full time jobs (or new jobs equivalent to at least 15 FTE) or a minimum of 1 job per 500 square feet

5. Will generate annual sales tax contributions to the City in excess of $25,000

6. Investments in the property will increase the property tax revenue for the subject parcel(s) by at least 250%

To the extent practical, development projects should comply with Specific Plan development standards. All projects remain subject to design review as established in Sections 23.140 and 23.141 of the Zoning Code. An Exception request must be included and will be reviewed in conjunction with the project's Design Review application. It is the Applicant's responsibility to request relief from specific provisions of the FBSP development standards and provide justifications for why standards cannot be met. It is also the Applicant's responsibility to provide evidence of compliance with at least three of the conditions listed above to support the Exception request. The City Council is the approving authority for all Exception requests.

Under no circumstance shall an Exception result in any of the following:

- Allow a land use not otherwise permitted or conditionally permitted in the zone;

- Allow a detrimental environmental impact not adequately analyzed;

- Waive payment of applicable impact fees;

- Waive a specific prohibition; or
- Waive or modify a procedural requirement.

The procedure for granting Exceptions allowed under this provision is provided in Section 23.110.150(D) of the City's Zoning Code. In granting the Exception, the City Council shall make the following findings:

1. The proposed project qualifies for an exception by meeting at least four (4) of the six (6) conditions required for granting of an exception as defined in this section.
2. The City Council has determined that the proposed project has adhered to the vision of the Folsom Boulevard Specific Plan to the fullest extent practicable.
3. The applicant has provided substantial evidence that the conditions for the Exception will be met following construction and operation of the project. Further, the applicant has agreed to conditions of approval guaranteeing these requirements will be met or exceeded throughout the life of the project.
4. Granting the Exception will not adversely affect the interests of the public or the interests of the residents and property owners in the vicinity of the premises in question, and shall not establish a precedence for other project requests.
5. Granting the Exception will not endanger the public health and safety.

Chapter 23.325
OVERLAY ZONING DISTRICTS

Sections:

23.325.010 Purpose.
23.325.020 Convention (CO) overlay zoning district.
23.325.030 Transit oriented development (TOD) overlay zoning district.
23.325.040 Flood (F) overlay zoning district.
23.325.050 Planned development (PD) overlay zoning district.
23.325.060 Planned development – County/city initiated (PDC) overlay zoning district.
23.325.070 Parkway corridor (PC) overlay zoning district.
23.325.080 Surface mining (SM) overlay zoning district.

23.325.010 Purpose.

The overlay zoning districts established in this chapter are designed to supplement the use regulations and/or development standards of the applicable underlying base zoning district by recognizing distinctive areas of the city that have special and unique social, architectural, or environmental characteristics which require special considerations not otherwise adequately provided by the underlying base zone applicable to the property. The application of these overlay zoning districts emphasizes the need for special attention in planning projects in the area governed by the overlay. The provisions of this chapter shall apply to all parcels of land located within the designed boundaries of an overlay district as illustrated on maps contained in this chapter and on the city zoning map. On the zoning map, overlay zoning districts shall be designated by their representative symbol along with the base zoning district in a format determined by the planning director. In the event of a conflict with the regulations of the underlying base zoning district and the overlay zoning district, the provisions of the overlay zoning district shall apply. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.9.010)].

23.325.020 Convention (CO) overlay zoning district.

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

B. Convention Overlay District Area. The convention overlay zoning district is applied to those parcels described in Figure 23.325-1 (Convention Overlay District Area), consistent with the General Plan's convention overlay. The convention overlay district is generally defined as that area south of Highway 50, east of Kilgore Road, north of Sun Center Drive, and west of Citrus Road.

Figure 23.325-1: Convention Overlay District Area

C. Allowed Uses. Specific to the convention overlay zoning district, Table 23.325-1 identifies the allowed use provisions within the convention overlay zoning district. The allowed use provisions of Table 23.325-1 supersede and replace the allowed use provisions of the underlying base zoning district of the applicable property. Similar uses may be determined as identified in this title. The allowed use provisions are listed in compliance with Chapter 23.304 RCMC (Land Use Classification).

Use regulations in the table are shown with representative symbol by use classification listing: "P" symbolizes uses allowed by right, "AUP" symbolizes uses that require approval of an administrative use permit, "L" symbolizes uses that require approval of a limited use permit, "C" symbolizes uses that require approval of a conditional use permit, and "N" symbolizes uses that are not permitted.

Table 23.325-1: Allowed Use Provisions in the Convention Overlay Zoning District

Land Use Category	Convention Overlay Zoning District	Special Use Regulations
Residential Uses		
Caretaker Housing	C	
Dwelling, Multifamily	P[1]	
Dwelling, Single-Family	C	
Dwelling, Two-Family	C	
Home Occupations	C	RCMC 23.901.030
Live-Work Facility	C	RCMC 23.901.040
Recreation, Education, and Public Assembly Uses		

Land Use Category	Convention Overlay Zoning District	Special Use Regulations
Clubs, Lodges, and Private Meeting Halls	P	
Convention Center	P	
Indoor Amusement/Entertainment Facility	P	
Indoor Fitness and Sports Facility	C	
Libraries and Museums	P	
Outdoor Commercial Recreation	C	
Parks and Public Plazas	P	
Public Safety Facility	P	
Religious Institutions	C	
Schools, Private and Special/Studios	P	
Schools, Public	P	
Theaters and Auditoriums	P	
Utility, Transportation, and Communication Use Listings		
Heliports	C	
Park and Ride Facility	C	
Telecommunication Facility	C	RCMC 23.907.020
Transit Stations and Terminals	C	
Utility Facilities and Infrastructure	C	RCMC 23.907.030
Retail, Service, and Office Uses		
Alcoholic Beverage Sales	C	
Banks and Financial Services	P	
Bars and Nightclubs	C	
Bed and Breakfast Inns	C	
Building Materials Stores and Yards	AUP~~C~~	
Business Support Services	AUP~~C~~	
Child Day Care Facility	C	
Drive-In and Drive-Through Sales and Service	N	RCMC 23.910.030
Home Improvement Supplies	AUP~~C~~	
Hotels and Motels	P	
Hotels and Motels, Extended Stay	C	
Medical Services, General	C	
Medical Services, Extended Care	C	
Medical Services, Hospitals	C	

Land Use Category	Convention Overlay Zoning District	Special Use Regulations
Offices, Business and Professional	P	
Offices, Accessory	P	
Personal Services	P	
Restaurants	P	
Retail, Accessory	P	
Retail, General	P	
Veterinary Facility	C	
Automobile and Vehicle Uses		
Auto and Vehicle Sales and Rental	AUP~~C~~[2]	
Car Washing and Detailing	C	
Service Stations	C	
Vehicle Services, Minor	AUP~~C~~	
Industrial, Manufacturing, and Processing Uses		
Manufacturing – Small Scale	AUP	
Printing and Publishing	AUP~~C~~	
Research and Development	AUP~~C~~	

Notes:

1. The use is permitted in conjunction with the predominant use of the underlying base zoning district. In other words, this use is only allowed as part of an integrated development.

~~2. Rental only.~~

D. Development Standards. The following development standards are applicable to the convention overlay zoning district. These standards, along with other development standards (e.g., landscaping requirements, parking standards) in this title and citywide design guidelines, are intended to assist property owners and project designers in understanding the city's minimum requirements and expectations for high quality development. Where site development standards listed herein are in conflict with the site development standards in other chapters of this code or the underlying zoning district, these standards shall apply. The designated approving authority will review development applications against these standards to determine compliance with applicable zoning regulations.

Table 23.325-2: Development Standards in the Convention Overlay District

Development Standard	Convention Overlay District
Density[1]	
Minimum	10 du/ac

Development Standard	Convention Overlay District
Maximum	18.0 du/ac
Floor Area Ratio[2]	
Minimum	0.4
Maximum	3.0
Setbacks	
Front and Street-Side	0 ft.
Rear	10 ft.
Between Structures	10 ft.[3]
Interior	0 ft.
Residential, Stand-Alone Structure[4]	Refer to setbacks for the MDR zone
Height Limit	
Primary Structures	No maximum[5]

Notes:

1. The minimum and maximum density standards are only applicable to mixed-use and integrated developments that include residential uses. Residential projects shall include a minimum of four units.

2. Includes residential uses and square footage. See Article 11 of this title for definition of floor area ratio (FAR).

3. The distance between structures may be modified as part of design review; however, any modifications must be consistent with the Uniform Building Code.

4. For residential units developed as part of an integrated development but not in the same building as the primary use(s), refer to the MDR zone for all setbacks. In all other instances, the setbacks shall be the same as the primary structure(s).

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

E. Parking Standards. Parking standards for uses in the convention overlay zoning district shall be consistent with Chapter 23.719 RCMC (Parking and Loading). Required off-street loading/unloading and passenger loading areas shall also be consistent with applicable provisions of Chapter 23.719 RCMC (Parking and Loading). [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.9.020)].

23.325.030 Transit oriented development (TOD) overlay zoning district.

A. Purpose and Intent. The purpose of the transit oriented development (TOD) overlay zoning district is to promote and provide for higher density and intensity uses as part of or in proximity to transit stations. The objective of locating more intensive uses near transit stations is to promote transit services along major transit corridors of the city. The transit oriented development overlay zoning district implements the local transit oriented development and regional transit oriented development land use categories of the General Plan.

B. Applicability.

1. TOD Designation. The transit oriented development overlay zoning district shall be applied to properties that are located within one-quarter mile of an existing or planned light rail/streetcar station or bus rapid transit station. In determining the extent

of the applicability, a circle of one-quarter mile in radius shall be drawn from a central point at the designated station location (e.g., station platform). See Figure 23.325-2 (Transit Oriented Development Overlay Zoning District) for a prototypical example of a TOD overlay.

Figure 23.325-2: Transit Oriented Development Overlay Zoning District

2. Properties Partially Located Within the TOD Overlay. The provisions of the transit oriented development overlay zoning district shall only apply to those portions of property located within the one-quarter-mile radius circle. Those portions of parcels zoned transit oriented development overlay but not included within the one-quarter-mile radius circle shall have development standards consistent with the underlying base district (see section on integrated development as described later in this chapter) and may only be developed consistent with the development standards of the base district. Qualifying integrated developments as defined in Chapter 23.707 RCMC (Integrated Developments) may locate more intense development outside of the one-quarter-mile radius circle, provided the provisions of this section are observed.

3. Special Standards for Integrated Development. When a portion of an integrated development, as defined in Chapter 23.707 RCMC (Integrated Developments), includes both an area zoned transit oriented development overlay and an area not subject to the development standards of the transit oriented development overlay zone, the development potential for the site shall be determined on an aggregate basis. For example, if half of a 10-acre site is zoned transit oriented development overlay and the other half is zoned commercial mixed-use, then the development potential of the first half is 400 dwelling units (80 du/ac times five acres) and the potential of the second half is 90 dwelling units (18 du/ac times five acres), resulting in a total potential of 490 dwelling units. Consistent with the provisions for integrated developments, the 490 dwelling units may be located anywhere within the development, except that the majority of the units shall be located within the one-quarter-mile radius. The designated approving authority, as part of design review, may allow the majority of the units to be located outside of the one-quarter-mile radius;

provided, that pedestrian uses and gathering spaces are located within the radius and connect the residential area(s) to the transit station.

C. Development Standards. The following development standards are applicable to the transit oriented development overlay zoning district. These standards, along with other development standards (e.g., landscaping requirements, parking standards) in this title and citywide design guidelines, are intended to assist property owners and project designers in understanding the city's minimum requirements and expectations for high quality development. Where site development standards listed herein are in conflict with the site development standards in other chapters of this code or the underlying base zoning district, these standards shall apply. The designated approving authority will review development applications against these standards to determine compliance with applicable zoning regulations.

The table describes development standards for two types of transit oriented developments – TODs generally and TODs as part of regional town centers. For the majority of transit oriented developments, the general development standards of the "TODs Generally" column will apply. In those cases where a transit oriented development overlay is applied to a regional town center base zoning district, the development standards of the "TODs as Part of a Regional Town Center" shall apply. The intent of these two sets of standards is to implement the unique development standards of the local TOD and regional TOD land use categories under the city's General Plan.

Table 23.325-3: Transit Oriented Development Overlay Zoning District Development Standards

Development Standard	TODs Generally	TODs as Part of a Regional Town Center
Density[1]		
Minimum	20.0 du/ac	
Maximum	80.0 du/ac	
Floor Area Ratio[2]		
Minimum	0.50	0.65
Maximum	2.5	3.0
Height (maximum)	80 feet	No maximum[3]

Notes:

1. The minimum and maximum density standards are only applicable to mixed-use and integrated developments that include residential uses. Residential projects shall include a minimum of four units.

2. Includes residential uses and square footage. See Article 11 of this title for definition of floor area ratio (FAR).

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

Development Standard	TODs Generally	TODs as Part of a Regional Town Center
150 feet in height.		

[Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.9.030)].

SPECIFIC PLAN OVERLAY DISTRICTS

Convention Overlay District

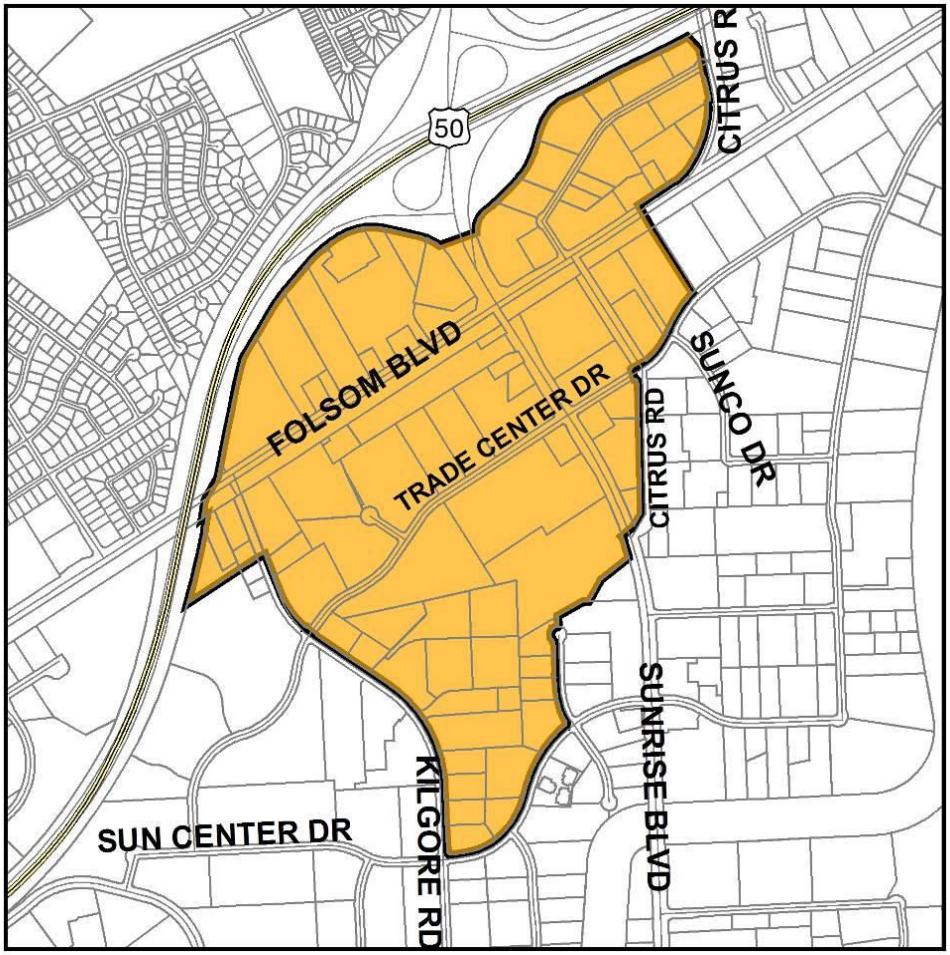
Purpose and Characteristics

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

Applicability

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

Figure IV-1 Convention Center Overlay



Permitted Uses

The uses permitted in the Convention Overlay ~~OPMU~~ District shall be those uses specified in Table IV-~~3~~4 - Permitted Uses in the Convention Overlay District.

Development Standards

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

Transit Oriented Development (TOD) Overlay

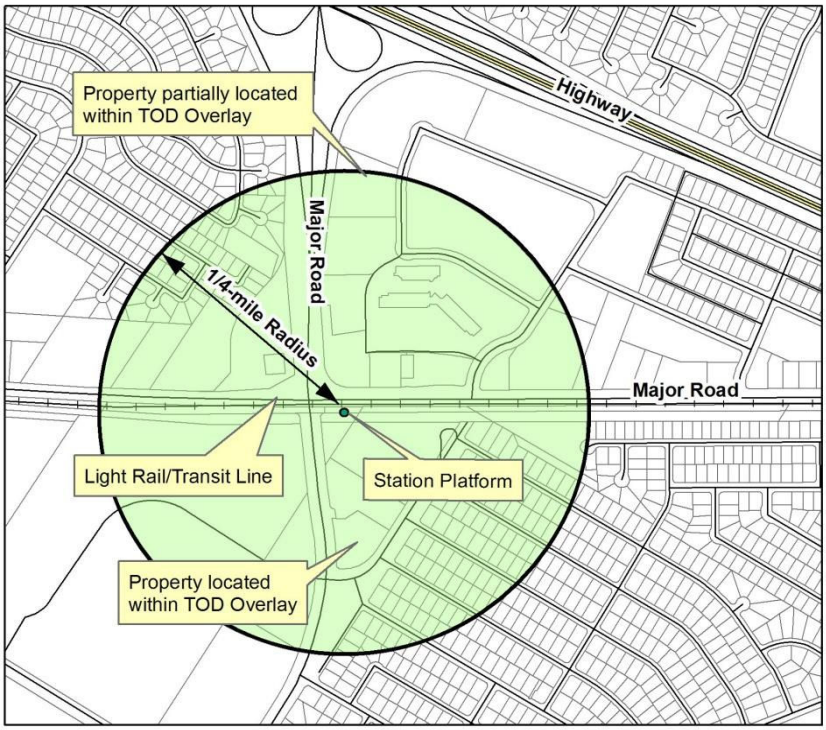
Purpose and Characteristics

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

Applicability

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

Figure IV-2 Prototypical TOD Overlay



PRIVATE REALM – LAND USE AND DEVELOPMENT STANDARDS

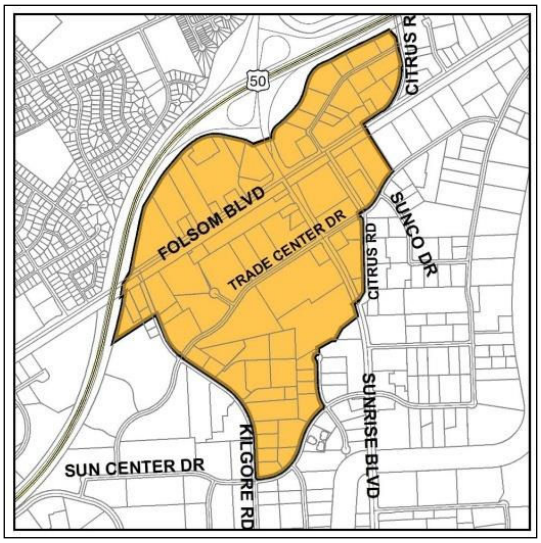
Land Use – Use Classification	Zoning Districts						
	UR-1	UR-2	UR-3	CMU	OPMU	OIMU	T
Sexually Oriented Businesses	N	N	N	N	N	N	N
Smoke Shops	N	N	N	N	N	N	N
Tattoo Parlors	N	N	N	N	N	N	N
Thrift Store	N	N	N	N	N	N	N

Notes:

1. *See the density restrictions in the underlying zoning district.*
2. *This use is limited as specified only in conjunction with the predominant use of the mixed use district. In other words, this use is only allowed as part of an integrated development and is permitted with approval of a Limited Use Permit by the Planning Director.*
3. *Second dwelling units shall be consistent with development standards listed in the City's zoning code*
4. *Subject to the provisions for Telecommunication Facility section of the City Zoning Code (23.907.020).*
5. *Subject to the provisions for Utility, Facilities and Infrastructure section of the City Zoning Code (23.907.030).*
6. *All forms of speaker amplification exterior to the building shall be prohibited unless authorized in combination with project approval or amendment thereto.*
7. *All activities shall occur within a completely enclosed building or shall be located behind a solid/screened enclosure directly adjacent to the building.*
8. *Maximum gross floor area is less than 5,000 square feet.*
9. *Limited to a maximum of 25 percent of the gross floor area of the integrated development.*
10. *No portion of the use shall be located within 500 feet of an intersection within the CMU District.*
11. *Limited to less than 50 percent of the gross floor area of the integrated development as a secondary use only.*
12. *Maximum tenant space shall be 15,000 square feet.*
13. *All activity and storage must be located within an enclosed structure.*
14. *All activity must be entirely screened from public view and not within 200 feet of a residential use.*
15. *As a surface parking lot, this use is allowed with a limited use permit, but may eventually convert to a use of higher density and intensity based on development potential.*

Permitted Uses for the Convention Overlay District

Table IV-4 below identifies the permitted use provisions within the Convention Overlay District. These permitted use provisions are specific and unique to the CO and supersede and replace the permitted uses of the base district. Similar uses may be determined as identified in the Nonconforming Policy Section of this Chapter. Definitions of each use are established in Chapter IX - Glossary.



PRIVATE REALM - LAND USE AND DEVELOPMENT STANDARDS

Permitted use provisions are symbolized in the table as follows:

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

Table IV-4 Permitted Uses in the Convention ~~District~~ Overlay District

Land Use Category	Convention Overlay District
Residential Uses	
Caretaker Housing	C
Dwelling, Multi-Family	P[1]
Dwelling, Single Family	C
Dwelling, Two-Family	C
Home Occupations	C
Live-Work Facility	C
Recreation, Education, and Public Assembly Uses	
Clubs, Lodges, and Private Meeting Halls	P
Indoor Amusement/Entertainment Facility	P
Indoor Fitness and Sports Facility	C
Libraries and Museums	P
Outdoor Commercial Recreation	C
Parks and Public Plazas	P
Public Safety Facility	P
Religious Institutions	C
Schools, Private and Special/Studios	P
Schools, Public	P
Theaters and Auditoriums	P
Utility, Transportation, and Communication Use Listings	
Heliports	C
Park and Ride Facility	C
Telecommunication Facility	C
Transit Stations and Terminals	C

PRIVATE REALM - LAND USE AND DEVELOPMENT STANDARDS

Land Use Category	Convention Overlay District
Utility Facility and Infrastructure	C
Retail, Service, and Office Uses	
Alcoholic Beverage Sales	C
Banks and Financial Services	P
Bars and Nightclubs	C
Bed and Breakfast Inns	C
Building Materials Stores and Yards	C
Business Support Services	AUP~~C~~
Child Day Care Facility	C
Drive-in and Drive-through Sales and Service	N
Home Improvement Supplies	C
Hotels and Motels	P
Medical Services, General	C
Medical Services, Extended Care	C
Medical Services, Hospitals	C
Offices, Business and Professional	P
Offices, Accessory	P
Personal Services	P
Restaurants	P
Retail, Accessory	P
Retail, General	P
Veterinary Facility	C
Automobile and Vehicle Uses	
Auto and Vehicle Sales and Rental	AUP~~C~~[2]
Car Washing and Detailing	C
Service Stations	C
Vehicle Services, Minor	AUP~~C~~
Industrial, Manufacturing, and Processing Uses	
Manufacturing – Small Scale	~~C~~AUP
Printing and Publishing	AUP~~C~~
Research and Development	AUP~~C~~

Notes:

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

~~*2. Rental only.*~~

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

Permitted uses for properties within a TOD Overlay District are determined by the base district. See Table IV-3 Permitted Uses for Folsom Boulevard Base Districts.

D. DEVELOPMENT STANDARDS

The development standards for the Plan Area are organized into two categories:

- General Development Standards that apply to the areas outside the Pulse Points, and
- Form-Based Development Standards that apply to the areas within the Pulse Points.

GENERAL DEVELOPMENT STANDARDS (OUTSIDE PULSE POINTS)

Properties in the Plan Area that are outside the Pulse Point boundaries are subject to the Development Standards for their base land use designations, as contained in the Citywide Zoning Code. For Urban Reserve 1 (UR-1), Development Standards contained in the Zoning Code for Medium Density Residential (MDR) shall apply. For Urban Reserve 2 (UR-2), Development Standards contained in the Zoning Code for Residential Mixed Use (RMU) shall apply. For Urban Reserve 3 (UR-3), Development Standards contained in the Zoning Code for Office Professional Mixed Use (OPMU) shall apply. Variations on these development standards occur for projects designated Transportation Corridor (T), and projects located within the Convention Overlay District of the Transit Oriented Development (TOD) Overlay District; there variations are expressed in Table IV-7, Table IV-8, and Table IV-9, respectively.

FORM BASED DEVELOPMENT STANDARDS (WITHIN PULSE POINTS)

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

Implementation of the Regulating Plan has the following advantages:

- Creates an internal street network that reduces vehicular traffic on Folsom Boulevard and the need for individual curb-cuts for each project;
- Allows connectivity between adjacent parcels for multi-modal access (vehicles, bicycles, and pedestrians);
- Creates more connectivity to Light Rail Transit Stations;
- Creates a more pedestrian and bicycle friendly environment; and
- Allows for a greater intensity of development and the potential to reduce surface parking lots.

MEMORANDUM

DATE: June 17, 2013

TO: Honorable Mayor and Council Members

FROM: Paul Junker, Planning Director

SUBJECT: **SOUTH SACRAMENTO HABITAT CONSERVATION PLAN (SSHCP) – FY 2012-13 FUNDING AUTHORIZATION**

RECOMMENDATION

Adopt Resolution No. 79-2013.

RESULT OF RECOMMENDED ACTION

Adoption of Resolution 79-2013 would authorize the City Manager to release this year's City contribution to the South Sacramento Habitat Conservation Plan (SSHCP). Funds for this expenditure are included in the City's FY 2012/13 budget, but Council authorization is required before these funds can be released. This action relates solely to work completed in FY 2012/13 and any future contributions by the City will require separate Council approval. Representatives of the SSHCP will be available at the City Council meeting to provide an update on the status of the SSHCP and the process for completing this effort.

BACKGROUND

The SSHCP is a regional approach to balancing the effects of urban development and infrastructure improvements with the preservation and protection of wildlife and biological natural resources. An approved Habitat Conservation Plan (HCP) streamlines the state and federal permits process for projects that are consistent with the HCP. Projects that would be granted the streamlined permit coverage under the SSHCP include private urban development (homes, offices, commercial, etc.), infrastructure improvements (water, wastewater, drainage, roads etc.) and public facilities (parks, schools, etc.).

The City of Rancho Cordova began participating in the SSHCP soon after incorporation and has provided input on the form and content of the HCP and specific direction on issues that relate directly to Rancho Cordova. Along with the land use agencies of Sacramento County and the cities of Elk Grove, Galt and Rancho Cordova, the regional public facilities agencies Sacramento Regional County Sanitation District (SRCSD) and the Sacramento County Water Agency (SCWA) and the Capital SouthEast Connector JPA are active partners in the preparation and funding of the SSHCP. These local public agencies are collectively identified as the Plan Partners.

The Plan Partners are requesting that the Cities of Elk Grove and Rancho Cordova provide a set amount of funding for SSHCP efforts undertaken during FY 2012/13. That amount is $100,000 per city. Both of the cities provided support to the SSHCP by authorizing the U.S.

Army Corps of Engineers to utilize our WRDA-dedicated Corps staff to complete analytical tasks required for the SSHCP. Each city authorized $12,500 in WRDA staff efforts and this has been credited against the contributions requested of the cities. Therefore, the remaining funding requested by the Plan Partners from the City of Rancho Cordova for FY 2012/13 SSHCP efforts is $87,500.

SSHCP STATUS

Representatives of the Plan Partners will attend the June 17th City Council meeting to provide a briefing on the SSHCP. Bill Zeibron has been retained as the overall project manager for the SSHCP. Mr. Zeibron will share the status of current efforts on important project milestones that include completing the Administrative Draft SSHCP, preparing the SSHCP EIR/EIS (a joint state and federal environmental review document), and preparing a Wetlands Permitting Strategy that will accompany the SSHCP.

FISCAL IMPLICATIONS

Direct fiscal implications to the City of adopting Resolution 79-2013 include an expenditure of $87,500 to partially fund SSHCP work efforts in FY 2012/13. Additional contributions will be requested by the Plan Partners for FY 2013/14 work and possibly for work in FY 2014/15.

The City anticipates recovering some of the costs associated with preparing the SSHCP. Specifically, staff will propose options for recovering a portion of SSHCP costs incurred by the City from those parties that will seek required state and federal permits through the SSHCP.

The streamlined project review process anticipated under the SSHCP and related wetlands permitting strategy has the potential to reduce costs for securing federal and state permits for City projects (public infrastructure). While difficult to quantify, these savings to the City could be significant. Similar savings could be realized by private sector developers within the City.

ATTACHMENT

Resolution No. 79-2013.

CITY OF RANCHO CORDOVA

RESOLUTION NO. 79-2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA AUTHORIZING FUNDING CONTRIBUTIONS BY THE CITY OF RANCHO CORDOVA FOR THE PREPARATION OF THE SOUTH SACRAMENTO HABITAT CONSERVATION PLAN

WHEREAS, the City of Rancho Cordova ("City") has determined preparation and adoption of the South Sacramento Habitat Conservation Plan ("SSHCP") will provide numerous community benefits, including coordinated preservation of natural resources and facilitation of publicly and privately sponsored urban development projects; and

WHEREAS, the SSHCP is being proposed and prepared by the County of Sacramento, the Cities of Elk Grove, Galt and Rancho Cordova, the Sacramento Regional County Sanitation District, the Sacramento County Water Agency and the Capital SouthEast Connector JPA (collectively the Plan Partners); and

WHEREAS, the City has been an active partner in the SSHCP and is committed to supporting the completion of the SSHCP; and

WHEREAS, the public agencies that are preparing the SSHCP and that intend to adopt and cause the implementation of the SSHCP are working collaboratively as the SSHCP Plan Partners ("Plan Partners"); and

WHEREAS, the City has been an active participant in the preparation of the SSHCP in FY 2012/13 and has included funding within the City's FY 20112/13 budget; and

WHEREAS, preparation of the SSHCP has and will continue to be funded through a combination of state and federal grants and contributions by the local Plan Partners.

NOW, THEREFORE, BE IT RESOLVED the City Council hereby authorizes the City Manager to release Rancho Cordova's portion of shared costs for SSHCP efforts undertaken in FY 2012/13 in the amount of $87,500; and

BE IT FURTHER RESOLVED that prior to funding beyond the $87,500 described herein, the Plan Partners must present to the City Council a request for additional funding (anticipated in the form of an updated SSHCP Memorandum of Agreement).

PASSED AND ADOPTED by the City Council of on the __ day of _____, 2013 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Linda Budge, Mayor

ATTEST:

_____
Mindy Cuppy, CMC, City Clerk

The South Sacramento Habitat Conservation Plan (SSHCP)

City of Rancho Cordova

June 17, 2013

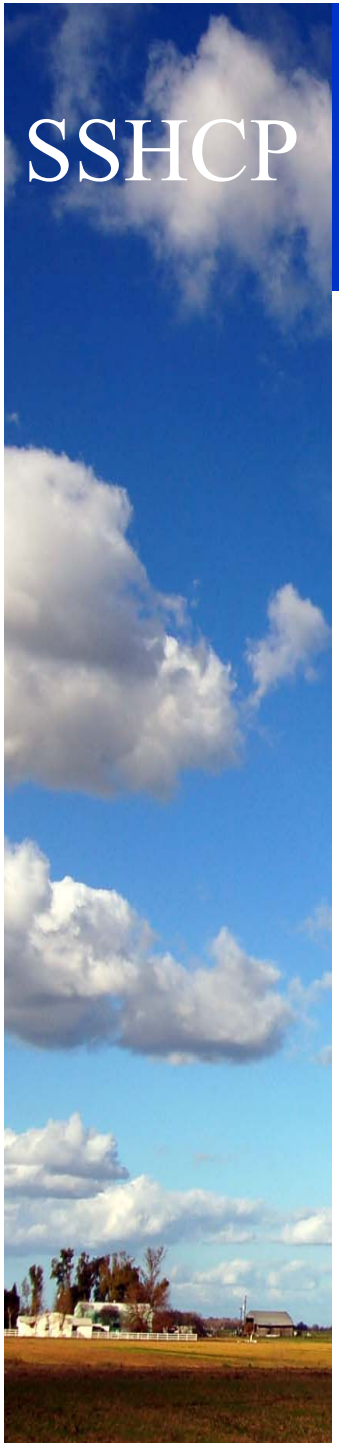
The Problem

- Projects need to satisfy state/federal resources agency permit requirements
- Project by project permitting approval
  - Slow
  - Costly
  - Tougher requirements/ratios
- General Plans difficult to implement
- Piecemeal conservation

SSHCP

What is a Habitat Conservation Plan?

- Satisfies federal & state permitting requirements through regional approach to conservation
- Similar in concept and scale to a General Plan



Why the HCP is a Better Approach

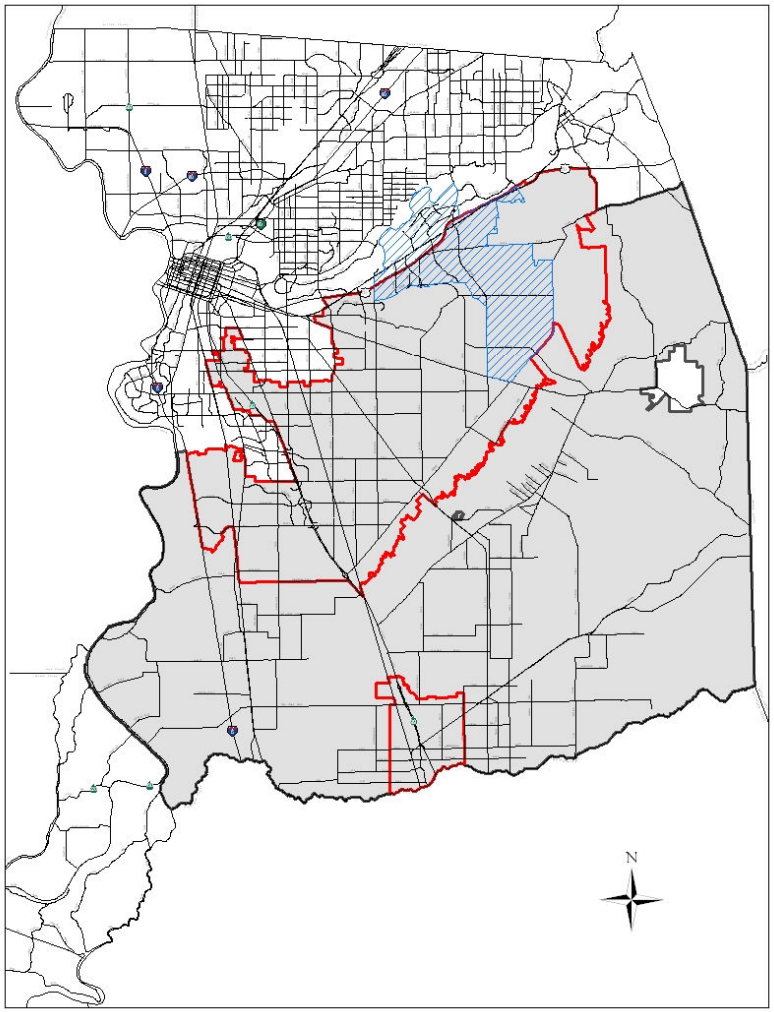
- Streamlines and simplifies
- More certainty
- Less restrictive mitigation
- Provides for better conservation

SSHCP

Boundaries:

- North - Highway 50
- East - County Line
- South - County Line
- West - Sacramento River

- Encompasses approximately 372,000 acres



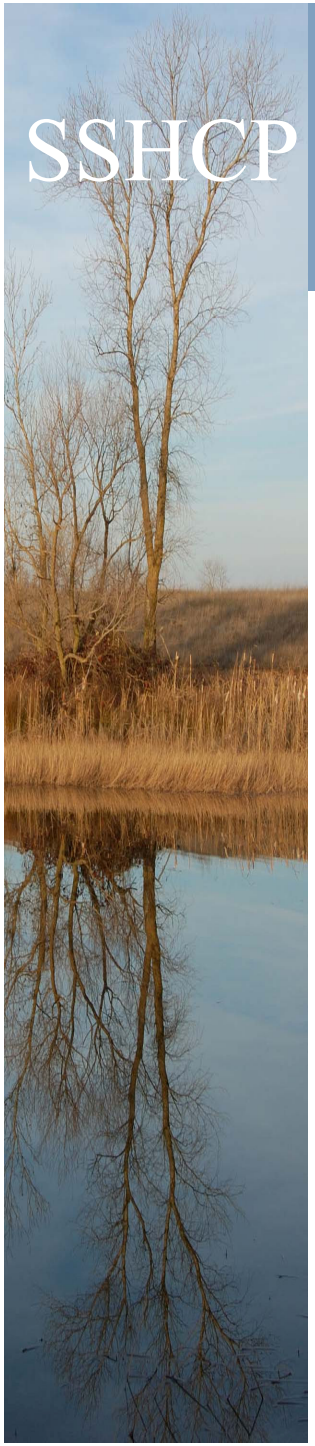
Local Plan Partners

- City of Rancho Cordova
- City of Galt
- City of Elk Grove
- County of Sacramento
- Sacramento County Water Agency
- Sacramento Regional County Sanitation District
- Capital SouthEast Connector JPA

Organization Chart

Recent Work

- Negotiated vernal pool conservation strategy
- Revised nine of the eleven HCP Chapters in an effort to address regulatory agency concerns
- In process of updating the Aquatic Resources Plan including accompanying studies
- Initiated environmental documents
- Hired Project Manager



Key Next Steps

- Approve funding MOA by July/August 2013
- Complete administrative draft documents by October 2013
- Publish public draft documents March 2014
- Begin formal public review and outreach April 2014
- Complete/adopt final documents by March 2015

MEMORANDUM

DATE: June 17, 2013

TO: Honorable Mayor and Council Members

FROM: Paul Junker, Planning Director

SUBJECT: **PRELIMINARY REVIEW OF THE NEW DOUGLAS 98 MODIFICATIONS**

PROPERTY OWNER:	**ENGINEERS:**
Douglas Road 105 LLC Constantino John Galaxidas 7700 College Town Drive, Suite 201 Sacramento, CA 95826	Wood Rodgers 3301 C Street, Building 100-B Sacramento, CA 95816

PROJECT:	Douglas 98 II Redesign
FILE:	DD7962
LOCATION:	Southwest corner of Douglas Road and Grant Line Road
APN:	067-0040-021
PLANNER:	Paul Junker, Planning Director

RECOMMENDATION

Receive staff report and applicant information and provide preliminary review and comments.

RESULT OF RECOMMENDED ACTION

Council comments will allow the applicants to determine whether to submit a formal application to amend this previously approved project. Project amendments would include a rezone, a new tentative map and an amendment to the existing Development Agreement.

BACKGROUND

The original Douglas 98 project was approved in February 2006 with three other projects commonly known as the “Eastside Projects” of the Sunridge Specific Plan. A number of legal issues regarding the Sunridge EIR, Federal Permitting and the down turn in the economy have impacted these projects and kept them from moving forward. With the stated issues now resolved, the current owner is now requesting relatively minor changes to the Douglas 98 project. The ownership team is asking for the City Council’s initial review and comment on the new direction of the plan.

Attached to this report are copies of the original approved project (see **Attachment 1**) and a copy of the new proposed project (see **Attachment 2**). Staff has reviewed the new plan and would summarize the changes in the following manner:

1. The new plan includes 524 single family dwelling, a reduction of 169 dwellings less than the original approval of 693.
2. The reduced density is mainly due to the increased size of the lots and minor changes to the street configuration, with a portion of the lots being reconfigured from alley loaded to street loaded garages.
3. The increased lot sizes would better accommodate conventional single family houses, anticipated to range in size from 1,500 to 2,500 square feet.
4. The proposed reduction in housing density and the Council's recent direction to lower the City Open Space Standard have led to a proposal to eliminate one of the small parks in the approved project (see **Attachment 3**). As proposed, the Project would meet the anticipated City standard of 5 acres of parks and 1 acre of City Open Space per 1,000 residents.

Overall, the project as modified retains many of the original concepts for providing internal and external connectivity with the roads, connections to the open space amenities thru enhanced walkways and paseos, and maintaining the central park. The most dramatic difference is the conversion of the higher density "zipper lots" in the northern portion of the original plan that would not be marketable in today's economy.

The applicant is requesting the City Council to review the amended plan and give preliminary review and comments. If the Council is supportive of the project revisions, the applicant will move forward with submitting a formal application to amend the project entitlements.

ATTACHMENTS

1. Original Approved Douglas 98.
2. New Tentative Map for Douglas 98 II.
3. Rezone Exhibit, showing current/proposed zoning.

ILLUSTRATIVE LARGE LOT/SMALL LOT TENTATIVE SUBDIVISION MAP

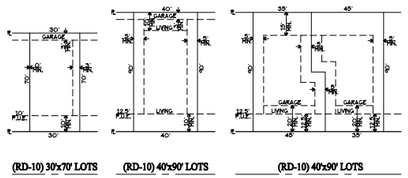
DOUGLAS 98

CITY OF RANCHO CORDOVA, CALIFORNIA

JANUARY 30, 2004

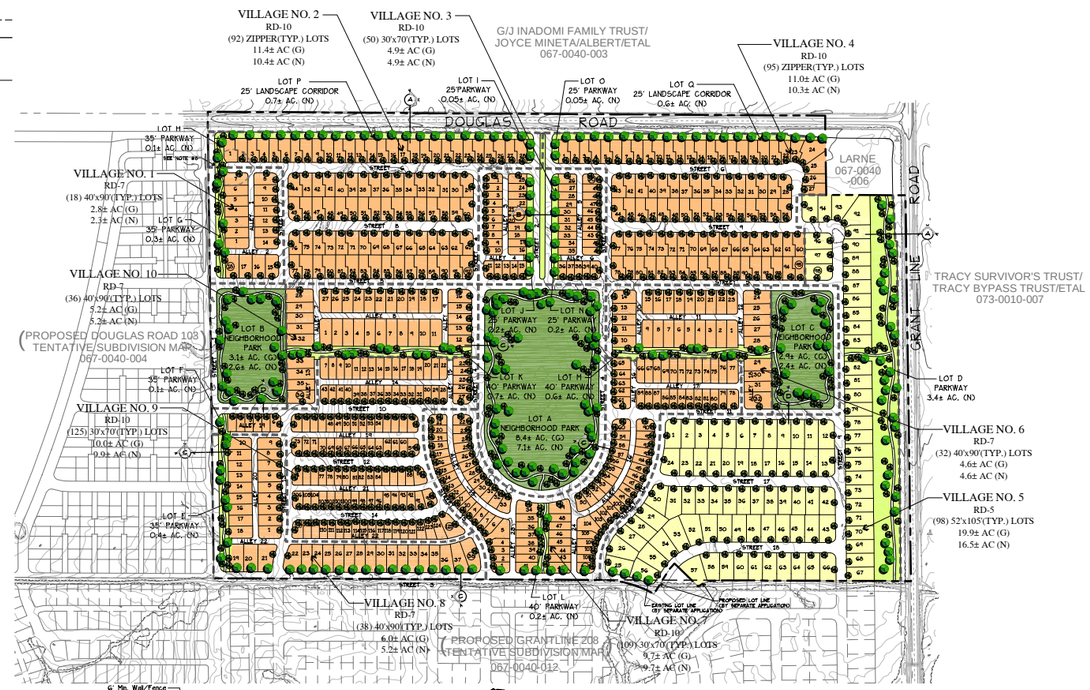
(REVISED APRIL 20, 2004)

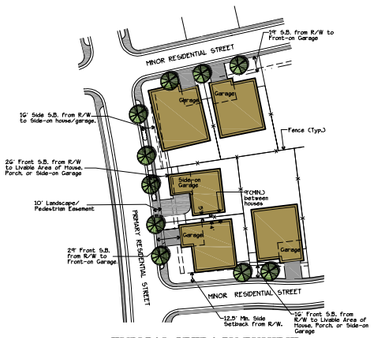
(REVISED JUNE 3, 2005)



TYPICAL RD-10 BUILDING SETBACKS

NOT TO SCALE





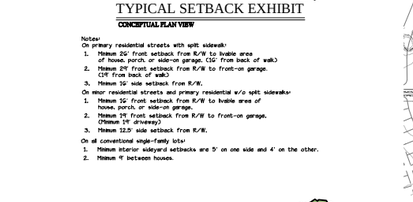
TYPICAL SETBACK EXHIBIT

CONCEPTUAL PLAN VIEW

Notes:
On primary residential streets with split sidewalk:
1. Minimum 25' front setback from R/W to livable area of house, porch, or side-on garage. (15' from back of walk)
2. Minimum 24' front setback from R/W to front-on garage. (19' from back of walk)
3. Minimum 35' side setback from R/W.

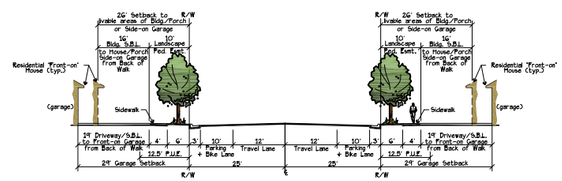
On minor residential streets and primary residential w/o split sidewalks:
1. Minimum 25' front setback from R/W to livable area of house, porch, or side-on garage.
2. Minimum 19' front setback from R/W to front-on garage. (Minimum 19' driveway)
3. Minimum 32.5' side setback from R/W.

On all conventional single-family lots:
1. Minimum interior sideyard setbacks are 5' on one side and 4' on the other.
2. Minimum 9' between houses.



A DOUGLAS ROAD/GRANT LINE ROAD

90' STREET SECTION
NOT TO SCALE



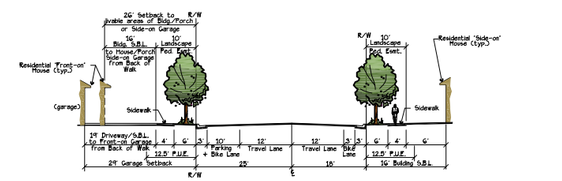
C-1 MODIFIED PRIMARY RESIDENTIAL STREET W/ SPLIT SIDEWALK, BIKE LANES & PARKING ON BOTH SIDES

56' STREET SECTION
NOT TO SCALE

* 6' SIDEWALK @ PARK, 5' SIDEWALK @ SCHOOL

B MAIN ENTRY ROAD

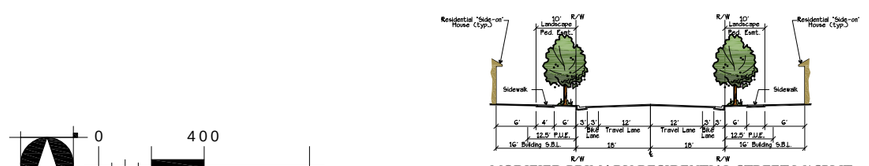
70' STREET SECTION
NOT TO SCALE



C-2 MODIFIED PRIMARY RESIDENTIAL STREET W/ SPLIT SIDEWALK, BIKE LANES & PARKING ON ONE SIDE

56' STREET SECTION
NOT TO SCALE

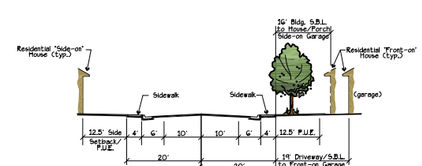
* 6' SIDEWALK @ PARK, 5' SIDEWALK @ SCHOOL



C-3 MODIFIED PRIMARY RESIDENTIAL STREET W/ SPLIT SIDEWALK, BIKE LANES & NO PARKING

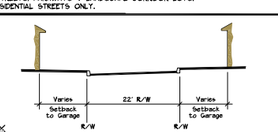
56' STREET SECTION
NOT TO SCALE

* 6' SIDEWALK @ PARK, 5' SIDEWALK @ SCHOOL



D MINOR RESIDENTIAL

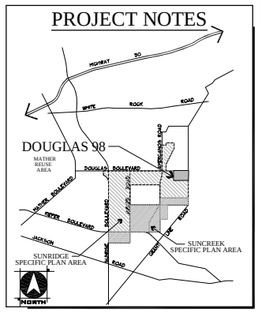
40' STREET SECTION
NOT TO SCALE



E ALLEY

22' STREET SECTION
NOT TO SCALE

PROJECT NOTES



PROJECT NOTES

OWNER
DOUGLAS 98, LLC.
c/o GUS GALANIDES
7700 COLLEGE TOWN DR., SUITE 201
SACRAMENTO, CA. 95826

APPLICANT/DEVELOPER
WOODSIDE HOMES
111 WOODMERE DRIVE, SUITE 190
FOLSOM, CA 95630
CONTACT: JIM CALOVAN
PHONE: (916) 608-1600

PLANNER/ENGINEER/SURVEYOR
WOOD-RODGERS INC.
3301 'C' STREET, BLDG. 100-B
SACRAMENTO, CA. 95816
CONTACT: DONNA PASQUANTONO/JOHN HODGSON P.E.
PHONE: (916) 341-7760

ASSESSORS PARCEL NUMBERS
067-0040-005

AREA
105.1± ACRES

EXISTING SPECIFIC PLAN
RD-4, RD-5, RD-7, RD-20, SCHOOL

PROPOSED SPECIFIC PLAN
RD-5, RD-7, RD-10, PARK

EXISTING ZONING
RD-4, RD-5, RD-7, RD-20

PROPOSED ZONING
RD-5, RD-7, RD-10, O

NUMBER OF LOTS/PARCELS
693 SINGLE FAMILY LOTS
10 PARCELS FOR SINGLE-FAMILY RESIDENTIAL (RD-5 + RD-7 VILLAGES)
3 NEIGHBORHOOD PARK LOTS
12 PARKWAY LOTS
2 LANDSCAPE CORRIDOR LOTS

PUBLIC SERVICES + FACILITY PROVIDERS

IMPROVEMENTS:	COUNTY OF SACRAMENTO
WATER:	COUNTY OF SACRAMENTO
SEWER:	SACRAMENTO COUNTY SANITATION DISTRICT #1
DRAINAGE:	COUNTY OF SACRAMENTO
ELECTRICITY:	S.M.U.D.
GAS:	PACIFIC GAS + ELECTRIC
TELEPHONE:	SBC
SCHOOL DISTRICT:	ELK GROVE UNIFIED SCHOOL DISTRICT
FIRE DISTRICT:	SACRAMENTO METRO FIRE DISTRICT
PARK DISTRICT:	CORDOVA RECREATION + PARK DISTRICT

NOTES:
1. THE BOUNDARY SHOWN HEREON IS A GRAPHIC REPRESENTATION OF THE DEED AND EASEMENT LINES BASED ON RECORD INFORMATION.
2. VILLAGE (LARGE LOT) NUMBERING IS FOR INDENTIFICATION PURPOSES ONLY AND DOES NOT INDICATE PHASING ORDER OF DEVELOPMENT. ULTIMATE DEVELOPMENT PHASING SHALL BE ORDERLY AND WILL BE DETERMINED AT FINAL MAP AND/OR IMPROVEMENT PLAN STAGE.
3. THE TOPOGRAPHY SHOWN HEREON WAS FLOWN IN NOVEMBER 2003.
4. INDICATES AREA OF DEVIATION FROM CURRENT IMPROVEMENT STANDARDS.
5. PARKLAND DEDICATION REQUIREMENT = 693 SF DU x 0.0206 = 14.3 AC. PARKLAND REQUIRED.
   TOTAL PARKLAND PROVIDED = 12.1 ACRES.
6. SUBDIVIDER RESERVES THE RIGHT TO FILE MULTIPLE FINAL MAPS PURSUANT TO SECTION 66456.1(A) OF THE SUBDIVISION MAP ACT.
7. A 12.5' P.U.E. WILL BE LOCATED ADJACENT TO ALL PUBLIC RIGHT OF WAYS EXCEPT THOSE ADJACENT TO 30'X70' AND 40'X90' LOTS WHICH WILL HAVE A 10' P.U.E.

PARK AND OPEN SPACE SUMMARY TABLE

PARKS	ACRES
PARK ACREAGE REQUIRED	14.3
PARK ACREAGE PROVIDED	12.1
OPEN SPACE	
RESIDENTIAL DEVELOPMENT ACREAGE	79.0
OPEN SPACE PROVIDED	7.6
OPEN SPACE/RESIDENTIAL ACREAGE PERCENTAGE	9.6%

LAND USE SUMMARY

LOT NO./VILLAGE NO.	GENERAL PLAN/SPECIFIC PLAN/ ZONING DESIGNATIONS	USE	ACRES (N)	ACRES (G)	UNITS
VILLAGE 5	LDR/RD-5/RD-5	5-F RESIDENTIAL (52'x105' TYP.)	16.5	19.9	98
VILLAGES 1, 6, 8 + 10	LDR/RD-7/RD-7	5-F RESIDENTIAL (40'x90' TYP.)	17.3	18.6	124
VILLAGES 3, 7 + 9	LDR/RD-10/RD-10	5-F RESIDENTIAL (30'x70' TYP.)	24.5	24.6	264
VILLAGES 2 + 4	LDR/RD-10/RD-10	5-F RESIDENTIAL (ZIPPER TYP.)	20.7	22.4	187
SUBTOTAL			79.0	85.5	693
LOTS A, B + C	LDR/PARK/RD-7	NEIGHBORHOOD PARK	12.1	14.4	-
LOTS D-O	-	PARKWAY*	6.3	-	-
LOTS P + Q	-	LANDSCAPE CORRIDOR*	1.3	-	-
DOUGLAS + GRANT LINE ROADS	-	MAJOR ROADS	-	5.2	-
SUBTOTAL			4.6	19.6	-
TOTAL			105.1 ACRES		693

* PARKWAY AND LANDSCAPE CORRIDOR TOTALS ALREADY INCLUDED IN GROSS ACREAGE OF ABOVE PARCELS.
GROSS ACREAGES INCLUDE ALL STREETS, PARKWAYS + LANDSCAPE CORRIDOR LOTS.
NET ACREAGES INCLUDE MINOR RESIDENTIAL STREETS ONLY.

0 400 200 800 NORTH

WOOD RODGERS
ENGINEERING - MAPPING - PLANNING - SURVEYING
3301 C St, Bldg. 100-B Tel 916.341.7760
Sacramento, CA 95816 Fax 916.341.7767

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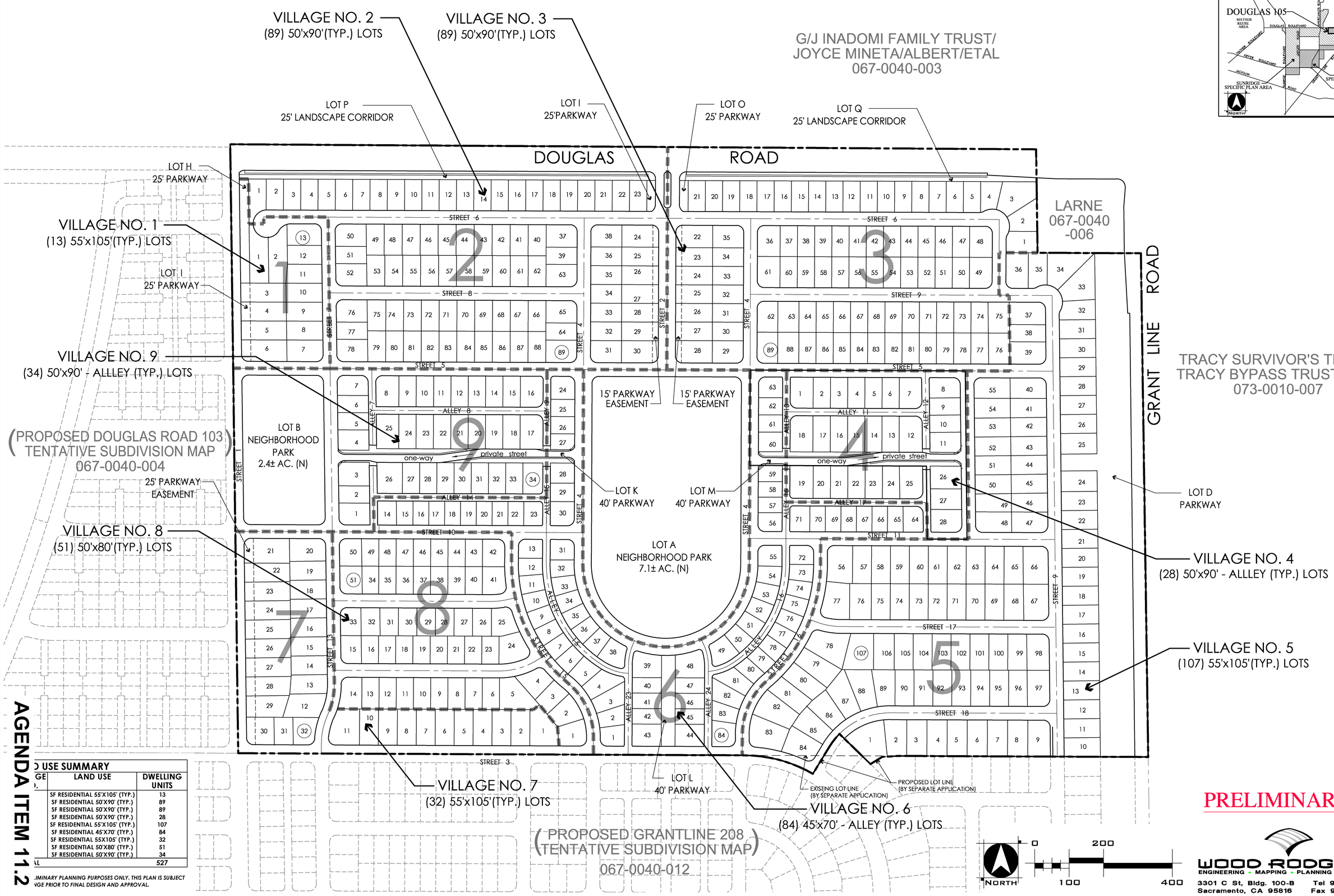
TENTATIVE SUBDIVISION MAP

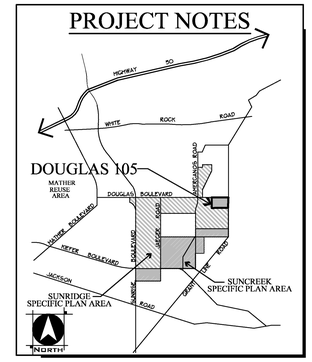
DOUGLAS 98

CITY OF RANCHO CORDOVA, CALIFORNIA

JUNE 10, 2013



PROJECT NOTES



D USE SUMMARY

GE	LAND USE	DWELLING UNITS
	SF RESIDENTIAL 55'X105' (TYP.)	13
	SF RESIDENTIAL 50'X90' (TYP.)	89
	SF RESIDENTIAL 50'X90' (TYP.)	89
	SF RESIDENTIAL 50'X90' (TYP.)	28
	SF RESIDENTIAL 55'X105' (TYP.)	107
	SF RESIDENTIAL 45'X70' (TYP.)	84
	SF RESIDENTIAL 55X105' (TYP.)	32
	SF RESIDENTIAL 50'X80' (TYP.)	51
	SF RESIDENTIAL 50'X90' (TYP.)	34
AL		527

IMINARY PLANNING PURPOSES ONLY. THIS PLAN IS SUBJECT NGE PRIOR TO FINAL DESIGN AND APPROVAL.

AGENDA ITEM 11.2

WOOD RODGER
ENGINEERING • MAPPING • PLANNING • SURVE
3301 C St, Bldg. 100-B Tel 916.341.7
Sacramento, CA 95816 Fax 916.341.7/6/

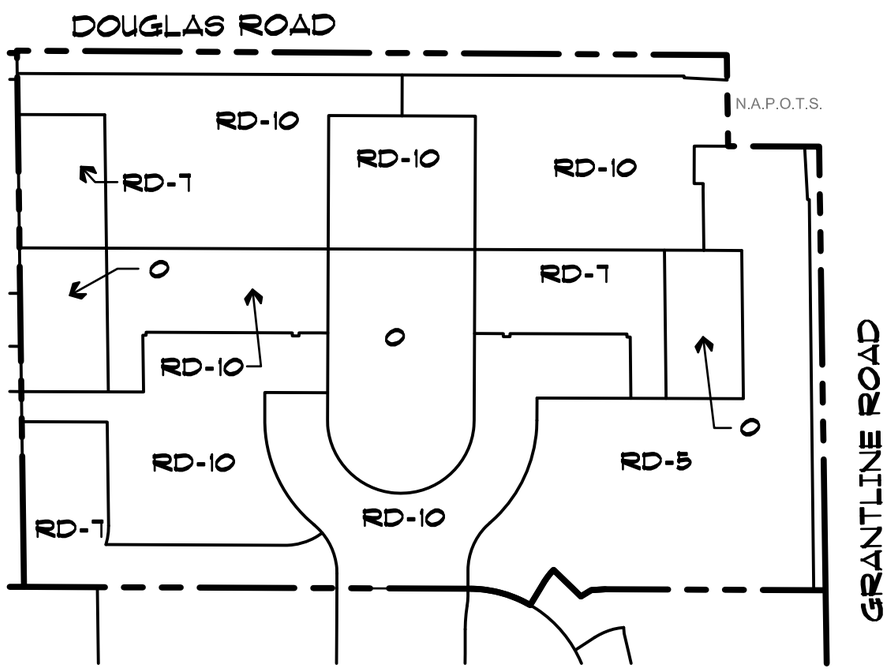
ATTACHMENT 3

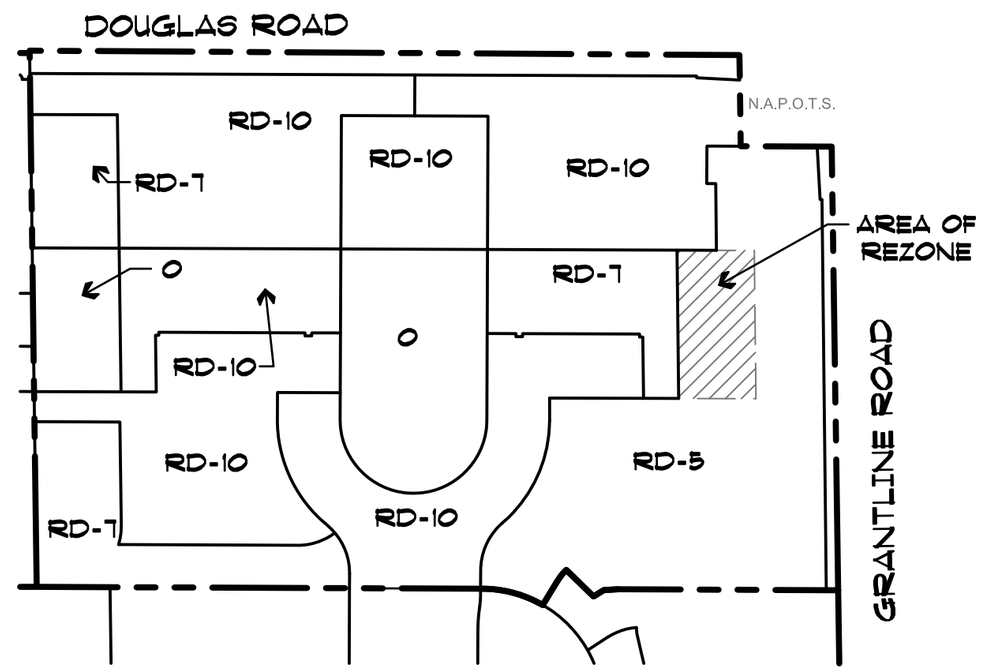
REZONE EXHIBIT

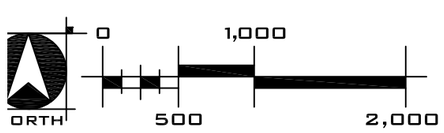
DOUGLAS 98

CITY OF RANCHO CORDOVA, CALIFORNIA

JUNE 10, 2013







WOOD RODGERS
DEVELOPING INNOVATIVE DESIGN SOLUTIONS
3301 C ST, BLDG. 100-B TEL 916.341.7760
SACRAMENTO, CA 95816 FAX 916.341.7767

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MEMORANDUM

DATE: June 17, 2013

TO: Honorable Mayor and Council Members

FROM: Rosanne Richeal, Chief of Police

SUBJECT: **RESOLUTION ACCEPTING A GRANT FROM THE STATE OF CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (ABC) IN THE AMOUNT OF $38,665 AND AUTHORIZING CITY MANAGER TO EXECUTE A GRANT AGREEMENT**

RECOMMENDATION

Adopt Resolution No. 80-2013.

RESULT OF RECOMMENDED ACTION

The Rancho Cordova Police department will accept $38,665 in grant money from ABC to undertake education and enforcement of ABC laws with a focus on general enforcement at on-sale problem establishments.

BACKGROUND

The Rancho Cordova Police Department submitted a grant application to the California Department of Alcoholic Beverage Control (ABC) and was awarded $38,665. The project will utilize sworn personnel to conduct training to local businesses, participate in youth alcohol prevention programs, and conduct undercover and enforcement operations on an overtime basis.

Patrols will be used to focus on areas where there is a high concentration of liquor establishments that often contribute to increased crimes such as assaults, thefts, robberies and narcotic violations.

The effectiveness of this program will be measured by a decrease in future calls for service at problem establishments, reduction in minors purchasing alcohol, fewer people cited for purchasing/selling alcohol to minors, and a reduction in DUI arrests/collisions.

The goals and objectives for this funding will focus on the following:

- Continue Minor Decoy/Shoulder Tap operations.
- Implement general enforcement operations around problem areas.
- Provide training to local business owners and employees.
- Team with community based organizations on education and preventative programs.
- Educate members of the community to reduce the amount of sales and consumption of alcohol to minors.

Officer Neff will be assigned as the Project Director. He has coordinated several ABC Operations in the past and has facilitated training for local business owners and employees.

ATTACHMENT

Resolution No. 80-2013 including:
Exhibit A – Grant Application
Exhibit B – Grant Award Letter

CITY OF RANCHO CORDOVA

RESOLUTION NO. 80-2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA ACCEPTING A GRANT FROM THE STATE OF CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (ABC) IN THE AMOUNT OF $38,665 AND AUTHORIZING CITY MANAGER TO EXECUTE A GRANT AGREEMENT

WHEREAS, The Rancho Cordova Police Department desires to undertake education and enforcement of ABC laws with a focus on general enforcement at on-sale problem establishments; and

WHEREAS, This education and enforcement will be funded in part from funds in the amount of $38,665 made available through the Grant Assistance Program (GAP) administered by the Department of Alcoholic Beverage Control (ABC); and

WHEREAS, Ted A. Gaebler, City Manager of the City of Rancho Cordova is authorized to execute a grant agreement with the California State Department of Alcoholic Beverage Control for the program as described in **Exhibit A**; and

WHEREAS, Any liability arising out of the performance of this contract, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency; and

WHEREAS, Grant funds received hereunder shall not be used to supplant expenditures controlled by the City of Rancho Cordova.

NOW, THEREFORE, BE IT HEREBY RESOLVED THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA does authorize the City Manager to execute a grant agreement with the California Department of Alcoholic Beverage Control (ABC).

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the _____ day of _____, 2013 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Linda Budge, Mayor

ATTEST:

_____
Mindy Cuppy, CMC, City Clerk

State of California

Department of Alcoholic Beverage Control

Grant Assistance Program

1. Name of Applicant Agency: Rancho Cordova Police Department

2. Description of Applicant Agency: Provide your city or county and a brief summary of department size, staffing, and structure.

The city of Rancho Cordova is located in the County of Sacramento. The Police Department is a full-service agency that fully embraces the concept of community problem oriented policing (POP) as the manner in which it serves an incorporated community. The Rancho Cordova Police Department is contracted through the Sacramento County Sheriff's Department. Under Chief of Police Rosanne Richeal, the police department currently is comprised of 1 Captain, 4 Lieutenants, 11 Sergeants, and 46 sworn officers. All personnel are assigned to the following areas: Patrol, Investigations, POP or Traffic.

3. Number of Licenses in Project Area: 110	4. Population of Service Area:66,000

5. Project Description: Provide a list of your projects goals and objectives and briefly summarize.

The Rancho Cordova Police Department will collaborate with ABC personnel, other City departments, and other shareholders to provide education and enforcement of ABC laws with a focus on general enforcement on On-Sale problem establishments. Undercover operations will be extensively utilized by Rancho Cordova Police POP officers with experience enforcing ABC law and with assistance from ABC Agents. Strategies to deter minor's access and possession of alcoholic beverages, including Minor Decoy and Shoulder Tap operations, will also be conducted under this grant proposal.

6. Funds Requested: $38,665.00	7. Project Period: July 1, 2013 – June 30, 2014

8. Acceptance of Conditions: By submitting this proposal, the applicant signifies acceptance of the responsibility to comply with all requirements stated in the Request for Proposals. The applicant understands that ABC is not obligated to fund the project until the applicant submits correctly completed documents required for the contract.

A. Project Director (person having day-to-day responsibility for the project)	B. Chief of Police or Sheriff (authorizing official)
Name: Tyler Neff Address: 2897 Kilgore Rd Rancho Cordova, CA 95670 Phone: 916-875-9650 Fax: 916-875-9673 E. Mail Address: tneff@ranchocordovapd.com Signature:	Name: Rosanne Richeal Address: 2897 Kilgore Rd. Rancho Cordova, CA 95670 Phone: 916-875-9603 Fax: 916-875-9673 E. Mail Address: rricheal@ranchocordovapd.com Signature:
Title: Deputy Sheriff	Title: Chief of Police
C. Fiscal or Accounting Official	**D. ABC USE ONLY**
Name: Donna Silva Address: 2729 Prospect Park Dr. Rancho Cordova, CA 95670 Phone: 916-851-8735 Fax: 916-851-8787 E. Mail Address: dsilva@cityofranchocordova.org Signature:	
Title: Finance Director	

1. SUMMARY

A. Agency Description:

The City of Rancho Cordova is located in the east side of Sacramento County. The city's current population is approximately 66,000. About 54% of the population is Caucasian, 19% Hispanic or Latino, 11% Asian, 10% African-American and 5% other. Rancho Cordova contracts law enforcement services with the Sacramento Sheriff's Department. The Rancho Cordova Police Department (RCPD) is a full-service agency that fully embraces the concept of Community Oriented Policing as the manner in which it serves an incorporated community. Under Chief of Police Rosanne Richeal, the department is currently comprised of one Captain, four Lieutenants, 11 Sergeants and 46 sworn officers.

RCPD is one of the few law enforcement agencies offering a Police Activities League (PAL). PAL is a youth crime prevention program that utilizes educational, athletic, drug and alcohol awareness and recreational activities, to create trust and understanding between police officers and youth. The PAL program brings youth under the supervision and positive influence of a law enforcement agency, expands public awareness about the role of police officers, and reinforces the responsible values and attitudes instilled in young people by their parents.

While other areas in the County have lost their Problem Oriented Policing (POP) Units, RCPD has maintained a POP Unit, consisting of a Sergeant, three POP Officers, two School Resource Officers, one Youth Services Officer and a Crime Prevention Specialist. The POP Sergeant oversees all alcoholic beverage licensing and enforcement. The Crime Prevention Specialist reviews all applications and conducts background investigations to make a recommendation if a license should be granted. **There are 110 ABC licensed locations in the city**.

Although RCPD has endured severe budget shortages and lack of funding, it has remained vigilant in enforcing liquor violations. In 2010, with no outside funding, the POP Unit coordinated three operations and received assistance and training from Agent Troy Wright. The operations consisted of the following:

1. Minor Decoy and Shoulder Tap (four arrests)
2. Impact Inspection (24 locations inspected)
3. Shoulder Tap (four arrests)

In February 2011, RCPD was awarded a $5,000 grant by the Department of Alcoholic Beverage Control. The following goals and objectives were achieved during the project period:

1. Officers conducted three minor decoy operations. In total, 40 businesses were contacted and **five** merchants illegally sold alcoholic beverages to minor decoys.
2. Officers conducted two shoulder tap operations. During the operation, 60 citizens were contacted and **four** people were arrested for purchasing alcoholic beverages.
3. A LEAD Training Class was hosted with 25 people in attendance. This class resulted in several merchants becoming a part of Community Meetings facilitated by the POP Unit.
4. The POP Unit attended patrol briefings and provided training to officers.

The Folsom Cordova Community Partnership (FCCP) is a community-based non-profit organization. In 2012, FCCP was awarded a federal grant known as the Drug Free Communities Support Program (DFC). The purpose of the grant was to increase community collaboration and reduce youth alcohol and drug abuse. RCPD was incorporated into the grant and provided Minor Decoy/Shoulder Tap Operations. RCPD conducted a Minor Decoy and two Shoulder Tap operations, resulting in nine arrests. The

relationship between FCCP and RCPD includes youth mentoring; sporting activities; and community outreach programs.

In January of 2013, the POP Unit assisted ABC Agents with a Shoulder Tap Operation that resulted in three arrests for purchasing alcohol for the minor-decoy.

On March 15, 2013, RCPD participated in the Statewide Pre-St. Patrick's Day Weekend Shoulder Tap Operation. Officers participating in this operation flexed their schedules. Two people were cited, including a store employee for selling to a minor; and another arrested for threatening the decoys.

On March 29, 2013, RCPD will assist ABC Agents with a Shoulder Tap Operation.

B. Funding Requested:

RCPD is requesting **$38,665** to conduct enforcement operations and funds to purchase equipment.

C. Goals and Objectives:

Goals and objectives will be measured by a decrease in future calls for service at problem establishments, reduction in minors purchasing alcohol, fewer people cited for purchasing/selling alcohol to minors, and a reduction in DUI arrests/collisions. Between June 2011 and present, **13 minors** were arrested for DUI, including eight that resulted in traffic collisions. Additional goals and objectives will be to reduce the associated blight that accompanies this behavior resulting in a negative community perception by those living in the community and/or visiting and working in the City.

The goals and objectives for this funding will focus on the following:

- Continue Minor Decoy/Shoulder Tap operations.
- Implement general enforcement operations around problem areas.
- Provide LEAD Training to local business owners and employees.
- Team up with Community Based Organizations (i.e., PAL, Club Live and FCCP) on education and prevention programs.
- Educate members of the community to reduce the amount of sales and consumption of alcohol to minors.

D. Number of ABC Licensed Locations:

There are **68 on-sale and 42 off-sale retail licenses** in the City of Rancho Cordova.

2. PROBLEM STATEMENT

High Concentration of Liquor Establishments, Folsom Blvd. Corridor
Rancho Cordova has 110 alcohol licensed businesses. There are 49 off-sale and on-sale premises located along a five mile stretch of Folsom Boulevard. In 2012, 16% of the city's crime occurred within a 3.5 mile stretch of this area, which accounts for approximately 10% of the city's area. These crimes include burglary, larceny, assaults, robberies and narcotic violations. This equates to a 3% increase in crimes from 2011.

Transients
RCPD's Transient Enforcement Detail (TED) duties are to identify local transient/homeless subjects,

issue citations for local ordinance/penal code violations, arrest repeat offenders for violations and assist business owners/agents with service of Notice of Trespass Forms. Last year, officers working TED issued hundreds of citations for open containers of alcohol, arrested over 50 people for public intoxication and issued nearly 75 citations for panhandling. There are approximately 200 transients known to frequent the area. RCPD receives complaints from citizens reporting loitering and homeless camps. Officers receive complaints of juveniles "Shoulder Tapping" transients in front of liquor stores. During a recent operation, two transients were arrested for purchasing beer for the decoy.

American River

The American River is host to two large rafting events. The first is the Rancho Cordova 4th of July Celebration at Hagan Park. During this event, rafters travel from all over the area for this large rafting experience. In 2006, a near riot erupted and the fireworks show was cancelled. Because of past raucous activity involving alcohol, the County of Sacramento implemented a ban on alcohol consumption on the American River during three holidays – Memorial Day, 4th of July and Labor Day. Officers and Park Rangers work together to conduct alcohol check points and **minors in possession (MIPS)** at the raft launching areas.

The second event is called "Rafting Gone Wild." This event started as a way to circumvent the alcohol ban on the 4th of July. The event was well publicized through a successful social networking campaign on Facebook. An estimated 10,000 plus people converged to the river for a day of partying and consuming vast amounts of alcohol. A near riot erupted toward the end of the event. The Sacramento Fire Department responded to several water rescues. At one point, medical and fire personnel were forced to retreat when the mob turned its hostility toward them by throwing large river rocks. Police made a total of 23 arrests for such crimes as drunk in public, vandalism, assault, damaging a police car and DUI. **Four of those arrested in the melee were minors**. The number could have been higher had more resources been available. Staff estimated the county spent at least $35,000 responding to Rafting Gone Wild in 2012.

The 3rd annual Rafting Gone Wild 2013 is scheduled for the weekend following the 4th of July. As a result of spontaneous events, the County expanded the ban on the alcohol ordinance. Now, the County Parks Director has the authority to ban alcohol whenever he anticipates such events could threaten public safety. Officers will be present to enforce the ordinance this year.

3. PROJECT DESCRIPTION

The project will utilize sworn personnel to conduct undercover and enforcement operations on an overtime basis. All operations will be coordinated through the POP Unit. The Crime Prevention Specialist will track licenses/permits and serve as a liaison to the community to track problem premises during regular duty hours. Our goals and objectives will predominantly focus on reducing alcohol related incidents at local establishments by implementing effective enforcement strategies.

Previous grants allowed supervisors, officers, Problem Oriented Policing (POP) Officers and citizens in recognizing problem premises. Today, many of the complaints we receive can be attributed to the training and experience received by those ABC grants. The Rancho Cordova community understands the importance of identifying problem premises and taking active steps to correct the problems before they become a strain on law enforcement and disruptive to our area. RCPD will utilize this funding to continue enhancing the education of licensees and their employees through IMPACT Inspections and LEAD Training. We will collaborate with existing resources (ABC, DA's Office, Code Enforcement, Licensing and the Fire Department) to implement various strategies to combat the high volume of incidents at identified problem premises.

Partnerships will be formed with middle school and high school children through interactive programs such as PAL and the Folsom Cordova Community Partnership to educate children of the risks of alcohol and drug use. These programs are well attended by our local youth who are active in alcohol and drug prevention and awareness.

Project Objectives:

1. Identify and target problem licensed locations.
2. Improve patrol investigative response to the problem licensed premises by forming a working relationship with ABC and establishing a direct contact with ABC.
3. Reduce the negative effects on our community and the Rancho Cordova Police Department of problem licensed premises.
4. Reduce the sales of alcoholic beverages to minors.
5. Reduce the availability of alcoholic beverages to minors.
6. Educate licensees and their employees.

Goals:

1. Educate patrol officers to promptly identify and appropriately deal with alcohol licensed premises by attending a minimum of **six** patrol briefings.
2. *Conduct a minimum of **two** IMPACT Operations.
3. Facilitate and coordinate **one** LEAD Training.
4. Attend community outreach programs to create an open line of communication between the police department and community groups by meeting with them at least **five** times.
5. *Coordinate a minimum of **two** Friday Night Out functions at the local schools.
6. *Conduct a minimum of **three** minor decoy and/or shoulder tap operations.
7. *Conduct a minimum of **six** general enforcement operations around On-sale and Off-sale establishments.
8. Issue a media at the beginning of our grant period advising the public of our intent to conduct minor decoy/shoulder tap operations.
9. Issue media releases throughout the grant period updating the public on arrests and success of our program during normal work hours.
10. *Conduct alcohol check points and enforcement at the American River during the 4th of July and Rafting Gone Wild event, including ABC licensed establishments where alcohol is conveniently located near river access points.

**** Indicates operations requiring overtime***

4. PROJECT PERSONNEL

The Rancho Cordova Police Department will assign the POP Unit to coordinate all ABC Operations, presentations and training. The POP Unit currently consists of Sergeant Stephens, Officers Neff, Baxter and Gailey. Officer Neff will be assigned as the Project Director. Officer Neff wrote Rancho Cordova's Minor Decoy/Shoulder Tap mini-grant. He has coordinated ABC Operations, facilitated a LEAD Training Class and has assisted in IMPACT inspections. Officers Neff and Baxter will attend the GAP conference and other alcohol related courses to increase their ability to carry out the project goals and objectives.

RCPD has a history of working with ABC and has found the experience to be rewarding and valuable. RCPD conducted several ABC operations prior to a grant being awarded **(2010)**. When RCPD received a mini-grant **(2011)**, officers received additional training and conducted operations. After the grant, RCPD found a creative way to partner with a local community based organization (FCCP) to continue enforcement **(2012)**. Today, RCPD maintains its partnership by working side by side with ABC Agents on joint operations.

BUDGET DETAIL

BUDGET CATEGORY AND LINE-ITEM DETAIL	COST (Round budget amounts to nearest dollar)
A. Personnel Services (straight time salaries, overtime, and benefits)	
A.1 Straight Time **A.2 Overtime:** **Officers: Estimated 374 hours @ 71.77 per hour=$26,841.98** **Sergeants: Estimated 52 hours @ 86.87 per hour= $$4,514.12** **A.3 Benefits: Estimated @ 8%= $2508.48**	
TOTAL PERSONNEL SERVICES	$33,865.00
B. Operating Expenses (maximum $2,500)	
Decoy Operations, Shoulder Tap Operations "Buy Money."	
TOTAL OPERATING EXPENSES	$300.00
C. Equipment (maximum $2,500)	
(Attach receipts for all equipment purchases to monthly billing invoice) Surveillance Equipment (binoculars, wire, cameras) Undercover Duty Equipment (identification vests, holsters, compact flashlights)	 $1,500.00 $1,000.00
TOTAL EQUIPMENT	$2,500.00
D. Travel Expense/Registration Fees (maximum $2,000)	
(Registration fee for July 2013 GAP Conference attendees is $200 each) Travel, per diem and lodging for the July GAP Conference	$400.00 $1600.00
TOTAL TRAVEL EXPENSE	$2,000.00
TOTAL BUDGET DETAIL COST, ALL CATEGORIES	$38,665

OTHR FUNDING SOURCES

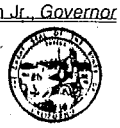
Complete the following to report the total funds available to support the activities related to accomplishing the goals and objectives of the contract. In the "Grant Funds" column, report the ABC funds requested by category. In the "Other Funds" column, report all other funds available to support the project by category (if none, leave blank). Then calculate the totals by category in the "Program Total" column. Total each column down to arrive at the total program funds available. **(Round all budget amounts to the nearest dollar.)**

BUDGET CATEGORY	GRANT FUNDS	OTHER FUNDS	PROGRAM TOTAL
Personnel Services	$33,865.00	$1200.00	$35,065
Operating Expenses	$300	$200	$500
Travel/Registration Fees	$2000		$2000
Equipment	$2500		$2500
TOTALS	$38,665	$1400	$40,065

(This form does not become part of the contract)

STATE OF CALIFORNIA — BUSINESS, TRANSPORTATION AND HOUSING AGENCY Edmund G. Brown Jr., Governor

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
3927 Lennane Drive, Suite 100
Sacramento, CA 95834
(916) 419-2500



May 29, 2013

Chief Rosanne Richeal
Rancho Cordova Police Department
2897 Kilgore Road
Rancho Cordova, CA 95670

Dear Chief Richeal:

Congratulations! Your agency has been selected by the Department of Alcoholic Beverage Control to receive funding for your 2013/2014 GAP grant proposal in the amount of $38,665. We look forward to working with your department to meet the goals and objectives in your proposal.

A grant contract will be forthcoming within the next couple of weeks which requires a resolution from your agency's governing body. A sample resolution was included in the Request for Proposal packet. **Due to the fact that these resolutions have to be put on your governing body's calendar, we ask that you do this as soon as possible.**

We are planning a two and a half-day training conference July 15 – 17, 2013, at the Embassy Suites in Milpitas – Silicon Valley. The conference can accommodate two attendees from each agency and it is recommended that your Project Director and the officer assigned to the grant program attend.

This conference will offer valuable training in alcohol enforcement and will also be an excellent opportunity for the officers and deputies from your agency to meet and share information with others. Attendees are encouraged to utilize a pre-registration session on Sunday, July 14, from 4:00 – 5:00 p.m. in order to expedite the registration on the next day.

A block of rooms at a special conference rate of $149.00 plus tax has been reserved for grant agency participants.[1] **PLEASE NOTE THAT ATTENDEES MUST MAKE RESERVATIONS BY THE HOTEL'S DEADLINE OF JUNE 23, 2013**, to guarantee the special room rate or availability. There will be a $225.00 registration fee per person for the training that is reimbursable through the grant. Please note that due to unforeseen costs the

[1] Based on the State regulations we are unable to reimburse those agencies that are within a 50 mile radius from the Embassy Suites Milpitas – Silicon Valley. The distance is based on the agency's physical headquarters address. Agencies that fall in this category are: **Alameda County Sheriff's Office, Berkeley Police Department, Newark Police Department, Pacifica Police Department, Richmond Police Department and San Francisco Police Department**. Travel reimbursable costs for the aforementioned agencies will be limited to the registration fee only.

conference fee has increased by $25 per person from last year. Space at the hotel is limited and late registrants may be referred to nearby hotels.

Participants must contact the Embassy Suites Hotel **directly** to make reservations.

Below are two options:

1. Go to http://embassysuites.hilton.com/en/es/groups/personalized/M/MILCAES-ABC-20130714/index.jhtml . *This link is specific to the Alcoholic Beverage Control GAP Conference*, or

2. Call 408-942-0400 main desk at Embassy Suites Milpitas, or 1-800- EMBASSY (800-362-2779) and ask for the **ABC Grant Assistance Program** discount rate.

Due to the short time frame for registering at the hotel, your prompt attention is appreciated. The special room rate will only be available until June 23, 2013, or until the group block is sold out, whichever comes first. We have also enclosed a conference registration form to be filled out and returned using the same time frame.

If you have any questions, please call Grant Coordinator Suzanne Pascual at (916) 419-2572.

Sincerely,

Jacob A. Appelsmith
Director

Enclosure

Cc: Deputy Tyler Neff, Project Director

Rancho Cordova Police Department

Rancho Cordova Police Department

2013/2014 Department of Alcoholic Beverage Control (ABC)

Grant Assistance Program (GAP)

Rancho Cordova Police Department

- RCPD Awarded Requested Amount of:
- $38,665.00
- Only 50 Law Enforcement Agencies received funding
- Amounts varied by Size of Jurisdiction and Agency

Rancho Cordova Police Department

RCPD'S History with ABC

- Started in 2010 with RCPD POP Unit

Rancho Cordova Police Department

- No outside funding:
  - Asked ABC for Assistance and Training
  - Undercover Operations (Minor Decoy and Shoulder Tap)
  - Provided Training to Local Businesses

Rancho Cordova Police Department

Funding

- 2010 and previous years, $0
- 2011, Awarded $5,000 ABC Mini-grant
- 2012, Partnered with the Folsom Cordova Community Partnership ($7,000)
- 2013, Largest Awarded Amount ($38,665)

Rancho Cordova Police Department

Goals of the Grant

- Training
- Community Involvement
- Prevention Strategies (Employee Training)
- Enforcement
- Media

Rancho Cordova Police Department

What is Planned?

- Minimum of 3 Decoy/Shoulder Tap Operations
- Training Classes for Business Owners and Employees
- Minimum of Six General Enforcement Patrols
- Youth Activities (i.e., Friday Night Out)
- Extra Officers at 4th of July Celebration, Rafting Gone Wild

Rancho Cordova Police Department

Benefits to Rancho Cordova

- Reduce Alcohol Availability to Minors
- Reduced Calls for Service
- Expenses Paid for by ABC (training, equipment, operations)
- Improve Neighborhoods
- Meets Citywide Goals
  - Promote the Positive Image of Rancho Cordova
  - Ensure a Safe, Inviting and Livable Community
  - Empower Responsible Citizenship

Rancho Cordova Police Department

Request of City Council to Adopt Resolution NO. 80-2013

Rancho Cordova Police Department

Questions

And Comments

MEMORANDUM

DATE: June 17, 2013

TO: Honorable Mayor and Council Members

FROM: Ted Gaebler, City Manager
Donna Silva, Finance Director

SUBJECT: **FIRST AMENDMENT TO AGREEMENT FOR LAW ENFORCEMENT SERVICES BETWEEN THE COUNTY OF SACRAMENTO AND THE CITY OF RANCHO CORDOVA**

RECOMMENDATION

Adopt Resolution No. 76-2013 approving the amendment to the agreement for law enforcement services.

RESULT OF RECOMMENDED ACTION

If approved, the County of Sacramento will continue to operate as the Rancho Cordova Police Department through June 30, 2016, allowing the City time to complete the analysis of the optimal method of providing police services in the City.

BACKGROUND

The City of Rancho Cordova incorporated on July 1, 2003. Pursuant to Government Code section 57384, the County continued to provide law enforcement services to the City for the remainder of fiscal year 2003/2004. On July 1, 2004, City and County entered into an agreement for continued law enforcement services for three (3) years. The parties entered into a subsequent three (3) year agreement on July 1, 2007, which was automatically renewed for an additional three (3) years. The City and County agreed to terminate the 2007 agreement and enter into a new agreement; and effective July 1, 2010, the Parties entered into the new Agreement for Law Enforcement Services ("Agreement"). The Agreement had a three (3) year term ending on June 30, 2012, with a one (1) year extension option, which was exercised by the City. The Agreement is scheduled to terminate on June 30, 2013.

The City of Rancho Cordova has been evaluating three potential options for the provision of law enforcement services in the City:

1. Continue contracting with the County.
2. Negotiate and execute a contract with the City of Citrus Heights for police services.
3. Transition to an in house Police Department.

Since the existing agreement for Law Enforcement Services expires this month, the City needs to extend the agreement to continue providing services in the near term. Due to anticipated retirements in the Sheriff's Department at the County, the County initially required an extension of either 12 months, or 5 years. A 12 month extension does not provide enough time for the City to complete the analysis of options and execute a transition to either the City of Citrus Heights or an in house department. We were, however, able to negotiate a 3 year extension with the County. This will allow adequate time to complete our analysis and prepare for a transition in service providers, should that prove to be the final decision.

ATTACHMENT

Resolution 73-2013, including Exhibit A: First Amendment to Agreement for Law Enforcement Services.

ATTACHMENT 1

CITY OF RANCHO CORDOVA

RESOLUTION NO. 73-2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA AUTHORIZING CITY MANAGER TO EXECUTE A FIRST AMENDMENT TO AGREEMENT FOR LAW ENFORCEMENT SERVICES BETWEEN THE COUNTY OF SACRAMENTO AND THE CITY OF RANCHO CORDOVA

WHEREAS, the City of Rancho Cordova incorporated on July 1, 2003; and

WHEREAS, pursuant to Government Code section 57384, the County continued to provide law enforcement services to the City for the remainder of fiscal year 2003/2004; and

WHEREAS, on July 1, 2004, City and County entered into an agreement for continued law enforcement services for three (3) years; and

WHEREAS, the Parties entered into a subsequent three (3) year agreement on July 1, 2007, which was automatically renewed for an additional three (3) years. The City and County agreed to terminate the 2007 agreement and enter into a new agreement; and

WHEREAS, effective July 1, 2010, the Parties entered into the new Agreement for Law Enforcement Services ("Agreement"). The Agreement had a three (3) year term ending on June 30, 2012, with a one (1) year extension option, which was exercised by the City. The Agreement is scheduled to terminate on June 30, 2013; and

WHEREAS, the Parties agree to amend the Agreement to extend the term to June 30, 2016.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA does authorize the City Manager to execute the attached First Amendment to Agreement for Law Enforcement Services between the County of Sacramento and the City of Rancho Cordova.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the 17th day of June, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Linda Budge, Mayor

ATTACHMENT 1

ATTEST:

_____
Mindy Cuppy, CMC, City Clerk

EXHIBIT A
CONTRACT NO. 91-2010-1

FIRST AMENDMENT TO AGREEMENT FOR LAW ENFORCEMENT SERVICES BETWEEN THE COUNTY OF SACRAMENTO AND THE CITY OF RANCHO CORDOVA

This First Amendment to the Agreement for Law Enforcement Services ("**Amendment**") dated as of _____, 2013, is entered into by and between the County of Sacramento, a political subdivision of the State of California ("County"), and the City of Rancho Cordova, a municipal corporation organized and existing under the laws of the State of California ("City"). City and County are hereinafter referred to collectively as the "Parties."

RECITALS

WHEREAS, the City of Rancho Cordova incorporated on July 1, 2003; and

WHEREAS, pursuant to Government Code section 57384, the County continued to provide law enforcement services to the City for the remainder of fiscal year 2003/2004; and

WHEREAS, on July 1, 2004, City and County entered into an agreement for continued law enforcement services for three (3) years; and

WHEREAS, the Parties entered into a subsequent three (3) year agreement on July 1, 2007, which was automatically renewed for an additional three (3) years. The City and County agreed to terminate the 2007 agreement and enter into a new agreement; and

WHEREAS, effective July 1, 2010, the Parties entered into the new Agreement for Law Enforcement Services ("Agreement"). The Agreement had a three (3) year term ending on June 30, 2012, with a one (1) year extension option, which was exercised by the City. The Agreement is scheduled to terminate on June 30, 2013; and

WHEREAS, the Parties agree to amend the Agreement to extend the term to June 30, 2016.

NOW, THEREFORE, in consideration of the mutual promises, conditions and covenants hereinafter set forth, the City and the County hereby agree as follows:

Section 1. TERM. The term of the Agreement is hereby extended to June 30, 2016. Section 3, "TERM," Subsection A, "Effective Date and Term," is hereby amended to read as follows:

> A. Effective Date and Term. This Agreement shall be effective July 1, 2010, and shall continue in force until June 30, 2016, unless terminated earlier pursuant to Section 26 below. The City's obligation to compensate the County for services rendered under this Agreement as set forth in Section 19 and 20 hereof, and the Parties' indemnification obligation set forth in Section 29 hereof shall survive the termination and/or expiration of this Agreement.

EXHIBIT A
CONTRACT NO. 91-2010-1

Section 2. **TERMINATION.** Section 26, "TERMINATION," Subsection A, "Termination Without Cause," is hereby amended to read as follows:

A. Termination Without Cause. The Parties may not terminate this Agreement without cause. No later than eighteen (18) months prior to the expiration of this Agreement, City will notify County of its intent to continue this contract or pursue an alternative service delivery method.

Section 3. All other provisions under the Agreement shall remain in full force and effect.

NOW THEREFORE, the Parties have executed this Amendment as of the date first written above.

CITY OF RANCHO CORDOVA	**COUNTY**
_____	_____
Ted A. Gaebler, City Manager	Chair of the Board of Supervisors of Sacramento County, California
Date: _____	Date: _____

Attest:

_____
Mindy Cuppy, CMC, City Clerk

Date: _____

Approved as to Form:

_____
Adam U. Lindgren, City Attorney

Date: _____

2090120.1