



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

Monday, March 03, 2014

4:00 PM – Special Meeting

5:30 PM – Regular Meeting

AGENDA

Dan Skoglund, Mayor

Robert J. McGarvey, Vice Mayor

David Sander, Council Member

Donald Terry, Council Member

Linda Budge, 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
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2014 CITY HALL CLOSURE DATES						
Wed, Jan 1 - New Year's Day						
Mon, Jan 20 - Martin Luther King Jr. Day						
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 - Thanksgiving Day						
Fri, Nov 28 - Day After Thanksgiving Day						
Wed, Dec 24 - Christmas Eve						
Thu, Dec 25 - Christmas Day						

2015 - Proposed

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PROPOSED CITY HALL CLOSURE DATES	
Thu, 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	
Fri, Jul 3 - Independence Day (observed)	
Mon, Sep 7 - Labor Day	
Wed, Nov 11 - Veterans Day	
Thu, Nov 26 - Thanksgiving Day	
Fri, Nov 27 - Day After Thanksgiving Day	
Thu, Dec 24 - Christmas Eve	
Fri, Dec 25 - Christmas Day	



**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, March 03, 2014

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

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

AGENDA

1. STUDY SESSION - CALL TO ORDER/ROLL CALL

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

2. PUBLIC COMMENT

At a study session or special meeting, citizens wishing to address the Council for any matter on the agenda may do so at the time the matter is discussed. Note, under the provisions of the California Government Code, the City Council is prohibited from discussing or taking action on any item not on the agenda.

3. SPECIAL MEETING ITEM

- 3.1 **Subject:** City Council Discussion Regarding Proposed Amendments to Rancho Cordova Municipal Code Sections on Smoking to Include Electronic Cigarettes, Smoking Prohibitions for Outdoor Public Areas, and Tobacco Sales and Licenses.

Recommendation: Discuss the draft ordinance amending smoking regulations within the City's Municipal Code, and direct staff on whether to proceed with the item at a future meeting and whether any changes are necessary.

Result of Recommended Action: If so directed by Council, staff will make necessary changes and bring the ordinance back to a regular meeting for introduction and first reading. This draft ordinance repeals the current outdated smoking ordinance and

implements a streamlined set of regulations. As drafted, the ordinance would treat electronic cigarettes like traditional cigarettes, effectively prohibiting them wherever the smoking of traditional cigarettes is prohibited. It would also prohibit smoking on patios where food and beverages are consumed.

Staff Report: Adam Lindgren, City Attorney.

Advances Goals: 1, 2.

4. ADJOURNMENT OF STUDY SESSION

Mayor Skoglund will adjourn the special meeting to regular meeting in the David B. Roberts Council Chambers.

5. REGULAR MEETING - CALL TO ORDER / ROLL CALL

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

6. METRO CABLE TV TELEVISION ANNOUNCEMENT

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

7. PLEDGE OF ALLEGIANCE

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

8. INVOCATION

Reverend David McFarland from New Life Center, Rancho Cordova will give the invocation.

9. PRESENTATIONS

- 9.1 Presentation of Proclamation Honoring Women's History Month Presented to the Soroptimist International of Rancho Cordova club.
- 9.2 Saving Lives Campaign Presented by Alan Withers and George Burnash from Cordova Community Collaborative.

10. 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.

11. COUNCIL REPORTS

12. CONSENT CALENDAR ITEMS - ROLL CALL VOTE

- 12.1 **Subject:** Meeting Minutes of February 18, 2014 Regular Meeting.
Recommendation: Adopt Minutes.
- 12.2 **Subject:** Second Reading of Ordinance No. 2-2014 and No. 3-2014, Ordinance Amendments to Eliminate North Vineyard Well Protection Fee and Groundwater Optimization Fee.
Recommendation: Waive the second reading and adopt Ordinance No. 2-2014 and No. 3-2014.
Result of Recommended Action: Adoption of these Ordinances will revise Ordinance SZC-2002-0014 by deleting conditions 24 and 25 and Ordinance SZC-2002-0015 by deleting conditions 23 and 24 as they relate to the establishment and collection of fees for the North Vineyard Well Protection Insurance Program and the Groundwater Optimization Program.
Staff Report: Cyrus Abhar, Public Works Director & Elizabeth Sparkman, Senior Engineer.
Advances Goal: 6.
- 12.3 **Subject:** Second Reading of Ordinance No. 4-2014 and No. 5-2014, Ordinances Reinstating the Annual Program Fee Inflationary Adjustments for Certain Plan Area Development Impact Fee Programs and Changing the Annual Adjustment Date Starting in 2015.
Recommendation: Waive the second reading and adopt by title only Ordinance No. 4-2014 and 5-2014, reinstating the annual program fee inflationary adjustments and changing the adjustment date for the following Development Impact Fee Programs:
a) Villages of Zinfandel Special Plan Area
b) Sunrise Douglas Community Plan Area
Result of Recommended Action: Adoption of these Ordinances will reinstate the annual Construction Cost Index (CCI) inflationary fee adjustment for certain Plan Area Development Impact Fee Programs without making up for the suspension of past adjustments and changes the adjustment date from March 1st to January 1st starting in 2015 to be consistent with other fee programs.
Staff Report: Michelle Mingay, Sr. Finance Analyst.
Advances Goal: 5.

13. CONSENT PUBLIC HEARING ITEMS - ROLL CALL VOTE

NONE.

14. PUBLIC HEARING ITEMS

- 14.1 **Subject:** An Urgency Ordinance of the City of Rancho Cordova Extending a Temporary Moratorium on the Establishment and Operation of Computer Gaming and Internet Access Businesses, to Become Effective Immediately.
Recommendation: Adopt Urgency Ordinance No. 6-2014, extending for one (1) year a temporary moratorium on the establishment and operation of Computer Gaming and Internet Access Businesses pending the review and possible amendment of zoning regulations applicable to these types of establishments.
Result of Recommended Action: Adoption of this Ordinance will extend, one (1) year, the temporary moratorium on the establishment, expansion or relocation of Computer

Gaming and Internet Access Businesses previously adopted by the City Council on March 4, 2013 via Urgency Ordinance No. 5-2013 and extended by ten (10) months and fifteen (15) days via Urgency Ordinance No. 10-2013. This moratorium is needed in order to: (1) further address the community concerns regarding the establishment and operation of Computer Gaming and Internet Access Businesses; (2) further study the potential impacts that these types of businesses may have on the public health, safety and welfare; (3) further study and determine what local regulations may be appropriate or necessary for Computer Gaming and Internet Access Businesses; (4) further study and determine the appropriate zoning and location for these types of businesses; and (5) determine appropriate measures to ensure the protection of public health, safety and welfare.

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

Advances Goals: 1, 2.

15. REGULAR CALENDAR ITEMS

NONE.

16. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

17. CITY MANAGER'S REPORT

Planning Department Report to Council.

City Attorney Brief Update on Community Prosecutor Schedule.

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	
<i>Monday, March 17, 2014</i>	<i>City Council Regular Meeting (5:30 PM)</i>
<i>Tuesday, March 25, 2014</i>	<i>City Council Special Meeting/Work Session (5:30 PM)</i>
<i>Tuesday, March 28, 2014</i>	<i>City Council Special Meeting (11:00 AM)</i> <i>Topic: Corporate Report</i>
<i>Monday, April 7, 2014</i>	<i>City Council Special Meeting (4:00 PM) and Regular Meeting (5:30 PM)</i>
<i>Tuesday, April 15, 2014</i>	<i>City Council Special Meeting/Work Session (5:30 PM)</i>

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 Division	(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, March 03, 2014 Special and Regular Meeting of the Rancho Cordova City Council/Successor Agency to the CRA/RCFC was posted and available for review on Thursday, February 27, 2014 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.cityofranhocordova.org.

Signed Thursday, February 27, 2014 at Rancho Cordova, California.


Mindy Cuppy, CMC, City Clerk

MEMORANDUM



DATE: March 3, 2014

TO: Honorable Mayor and Council Members

FROM: Adam U. Lindgren, City Attorney

SUBJECT: CITY COUNCIL DISCUSSION REGARDING PROPOSED AMENDMENTS TO RANCHO CORDOVA MUNICIPAL CODE SECTIONS ON SMOKING TO INCLUDE ELECTRONIC CIGARETTES, SMOKING PROHIBITIONS FOR OUTDOOR PUBLIC AREAS, AND TOBACCO SALES AND LICENSES

RECOMMENDATIONS

Discuss the draft ordinance amending smoking regulations within the City's Municipal Code, and direct staff on whether to proceed with the item at a future meeting and whether any changes are necessary.

RESULT OF RECOMMENDED ACTION

If directed to do so by City Council, staff will make amendments to the draft ordinance and present it at a subsequent meeting for discussion and possible adoption.

BACKGROUND

Several Councilmembers, including Councilmember Terry, requested that the City Attorney's office create a draft ordinance incorporating electronic cigarettes into the City's Municipal Code regulations on smoking and tobacco sales to minors. The City's code enforcement division has received complaints and inquiries in recent years regarding local regulation of smoking on patios. Upon review, the City Attorney's office determined that the City's Municipal Code (which was based on the Sacramento County Code) was outdated and did not reflect current laws and regulations on smoking. The attached draft ordinance therefore is a comprehensive rewrite of Chapter 6.84 of the Rancho Cordova Municipal Code (RCMC). It also amends various other sections of the RCMC to include electronic cigarettes into definitions where necessary (such as with Title 4 on tobacco sales licenses and Title 23 related to land uses).

The attached draft ordinance represents a "middle-of-the-road" approach to this issue. It is not as stringent as some cities' ordinances (banning smoking within apartment units, banning it in all outdoor public areas, etc.), but does treat electronic cigarettes like conventional cigarettes, prohibits smoking at outdoor bar and restaurant areas where food and drinks are consumed as well as at public gatherings like farmers' markets and fairs. It is roughly based on ordinances from Petaluma and Davis.

The draft ordinance addresses the following issues:

- (1) Regulation of electronic cigarettes (treating them like conventional cigarettes);
- (2) Regulation/prohibition of smoking in public outdoor areas, such as areas where food and drinks are served, retail areas, parks, recreation areas, places where the public is awaiting service (ATMs, ticket lines);
- (3) Regulation/prohibition of smoking in indoor common areas at multi-family residential properties;
- (4) Enforcement abilities;
- (5) General amendments to reflect changes in the law; and
- (6) Amendments to the definition sections related to tobacco retailers (within Title 4 of the RCMC regarding "Business Regulation") and smoke shops (within Title 23 of the RCMC, the "Zoning Code") to include electronic cigarettes and related products within such definitions where necessary. This will make it clear that such products are treated the same as traditional tobacco and cigarette products throughout the RCMC.

ANALYSIS

Overview of the law:

Laws related to smoking, secondhand smoke, and tobacco in California are in numerous statutes, including the Labor Code, the Government Code, the Health and Safety Code, the Education Code, the Penal Code, and the United States Code.

It is illegal in California to smoke on school campuses, in government buildings, at daycare facilities, within 25 feet of playgrounds, and in health facilities.

It is also illegal in California to smoke in any enclosed place of employment. There are exceptions to this rule, including: Up to 65 % of hotel/motel guest rooms; up to 25 or 50 % (depending on the total square footage) of hotel/motel lobbies; meeting and banquet rooms in hotels, except when food is present; retail tobacco shops and private smoking lounges within a shop; employee break rooms meeting strict design standards; and small businesses with five or fewer employees, and when the smoking area is not accessible to minors, all employees have consented to allow smoking, and certain ventilation and exhaust standards are met.

Local smoking regulations:

Cities have the authority to enact local regulations that are more stringent than state law on secondhand smoke. Local regulations on smoking are intended to address both the health impacts of the activity to nonsmokers and the undesired impacts (odor, irritants) of smoking. Some newer research has shown that the vapor released from electronic cigarettes may be harmful to nonsmokers, and therefore cities are starting to regulate these as well. Such ordinances are within the authority of a city to pass laws to protect the public health and welfare, as well as a city's authority to regulate public nuisances.

For example, many cities prohibit smoking in outdoor areas of restaurants, at city parks, and at all places of employment. According to the American Lung Association, 119 cities and counties in California restrict smoking in all outdoor dining areas, 113 restrict smoking at

public events, and 45 restrict smoking on sidewalks in commercial areas.¹ Other cities have enacted strict regulations on smoking at multifamily residential properties, including banning smoking within individual units and patios, and at outdoor common areas such as pools and playgrounds. Some cities even require specific language on smoking within private lease agreements and then make violators liable to other tenants and the landlord for violations. State law only prohibits smoking in indoor common areas of multifamily properties, such as hallways and laundry rooms (because these are considered “places of employment”).

The position of the Rental Housing Association of Sacramento Valley, a local chapter of the California Apartment Association, is that owners and managers of multifamily housing properties should be free to set smoking policies based on market forces. The organization would not support a ban on smoking within individual dwelling units or in outdoor common areas, but has expressed an interest in discussing a general Council policy discouraging smoking in outdoor common areas on multifamily properties (such as pools, playgrounds, and courtyards). The draft ordinance does not address smoking within individual units of multifamily properties and does not ban smoking in outdoor common areas.

The City Attorney’s Office reached out to the Rancho Cordova Chamber of Commerce for feedback on this issue as well. A Chamber subcommittee is reviewing the issues. The organization was encouraged to attend the Council study session, and to inform members of the study session so that all stakeholders may be part of the discussion.

Electronic cigarettes:

Cities have also enacted regulations on electronic cigarettes, a growing trend in the tobacco business. Electronic cigarettes are devices that emit doses of vaporized nicotine that are inhaled by the user. Most use battery-powered heat to vaporize a liquid solution held in the mouthpiece of the device. Existing state law makes it illegal to sell or give electronic cigarettes to minors, but does not extend smoking prohibitions to electronic cigarettes. A recent national survey by the Centers for Disease Control and Prevention revealed that use of electronic cigarettes by middle and high school students is increasing.

According to the California Medical Association, the safety of electronic cigarettes is currently unknown. The devices have yet to be submitted to the U.S. Food and Drug Administration for approval. A 2009 study by the U.S. Food and Drug Administration found that electronic cigarettes contain carcinogens and toxic chemicals (although at lower levels than those within cigarettes) to which users and bystanders could be exposed. In 2013, University of California researchers determined that many of the elements identified in electronic cigarette vapor are known to cause respiratory distress and disease. However, some smokers successfully use electronic cigarettes to help them quit or reduce their tobacco intake, and studies support this. Much of the uncertainty surrounding the effects of electronic cigarettes is due to inaccurate nicotine content labeling, variations in nicotine related impurities in cartridges among manufacturers, and the varying levels of metal and silicate particle concentrations in electronic cigarette particles.

An effort to classify electronic cigarettes like other tobacco products within current state advertising and use laws, Senate Bill 648, passed the Senate and was postponed in committee in August. It may be revived in 2014. The federal government has banned the

¹ American Lung Association, *State of Tobacco Control 2014*.

use of electronic cigarettes on airplanes. Additionally, the U.S. Food and Drug Administration is developing regulations for electronic cigarettes, which could make them subject to requirements for ingredient listing, user fees, and manufacturing requirements.

Some cities have enacted prohibitions and/or regulations within their zoning codes to prohibit smoking lounges, including hookah lounges and “vapor” lounges (for electronic cigarette smokers).

Subject areas for discussion and feedback:

The draft ordinance would create more stringent local smoking regulations in the City and remove outdated portions of the code. Staff seeks City Council feedback on these proposed changes, including:

- (1) Prohibiting smoking at *unenclosed* public areas (in Section 6.84.030(A)(23) of the draft ordinance) such as:
 - Public fairs, festivals and farmers’ markets
 - Seating areas provided by eating establishments and bars
 - Public plazas, parks, recreation areas, children’s play areas and gardens
- (2) Treating electronic cigarettes like other cigarettes, and treating the vapor or gases emitted from electronic cigarettes like cigarette smoke. This means that anywhere smoking is banned in the City, the use of an electronic cigarette would also be prohibited.
- (3) Prohibiting smoking in indoor and outdoor “common areas” at multifamily housing properties (such as hallways, laundry areas, courtyards, community rooms, playgrounds, pools, etc.). Input from the Rental Housing Association of Sacramento Valley indicates that the Association would not support a ban on smoking in outdoor “common areas” on multifamily properties. Some cities do ban smoking in such areas. The draft Ordinance only bans smoking in indoor common areas.
- (4) Requiring owners or managers of multifamily properties to disclose to applicants their policies on smoking and which units are nonsmoking (in Section 6.84.040(C) of the draft ordinance).
- (5) Allowing for the creation of “designated smoking areas” on a portion of a property where smoking is otherwise prohibited.
- (6) Prohibiting E-cigarette, vapor lounges, and/or hookah lounges within the City. There is only a placeholder in the current draft ordinance for this topic. If City Council desires regulations on this use, language would be drafted for the Zoning Code.

The City Clerk and City Attorney have some 300-plus pages of reports and studies related to this topic available to Council and the public upon request.

ATTACHMENTS

1. Draft Ordinance 7-2014 on Smoking Regulations.
2. Various news articles and information related to the topic.

2188112.1

ATTACHMENT 1

CITY OF RANCHO CORDOVA ORDINANCE NO. 7-2014

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
AMENDING MUNICIPAL CODE PROVISIONS RELATED TO SMOKING AND ELECTRONIC
CIGARETTES, TOBACCO SALES TO MINORS, TOBACCO RETAILER LICENSES, AND
LAND USES RELATED TO THE SAME, WITH UPDATED CLEAN INDOOR AND OUTDOOR
AIR AND HEALTH PROTECTION REGULATIONS THAT WILL BETTER PROTECT
INDIVIDUALS FROM THE NEGATIVE EFFECTS OF SECOND-HAND SMOKE FROM
CIGARETTES AND ELECTRONIC CIGARETTES**

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

Section 1. Purpose and Declarations.

WHEREAS, tobacco use causes death and disease and continues to be an urgent public health challenge, as evidenced by the following:

- Tobacco-related illness is the leading cause of preventable death in the United States, accounting for about 443,000 deaths each year;¹ and
- Scientific studies have concluded that tobacco use can cause chronic lung disease, coronary heart disease and stroke, in addition to cancer of the lungs, larynx, esophagus, and mouth;² and
- Some of the most common types of cancers, including stomach, liver, uterine, cervix, and kidney are related to tobacco use;³ and

WHEREAS, secondhand smoke has been repeatedly identified as a health hazard, as evidenced by the following:

- The U.S. Surgeon General concluded that there is no risk-free level of exposure to secondhand smoke;⁴ and
- The California Air Resources Board placed secondhand smoke in the same category as the most toxic automotive and industrial air pollutants by categorizing it as a toxic air contaminant for which there is no safe level of exposure;⁵ and

¹ US Department of Health and Human Services, Centers for Disease Control and Prevention. *Tobacco Use: Targeting the Nation's Leading Killer*. 2011, p. 2. Available at: www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco_AAG_2011_508.pdf.

² US Department of Health and Human Services, Centers for Disease Control and Prevention. *Tobacco Use: Targeting the Nation's Leading Killer*. 2011, p. 2. Available at: www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco_AAG_2011_508.pdf.

³ Leistikow B, Zubair K, Connolly GN, et al. "Male Tobacco Smoke Load and Non-Lung Cancer Mortality Associations in Massachusetts." *BMC Cancer*, 8:341, 2008. Available at: www.biomedcentral.com/1471-2407/8/341.

⁴ US Department of Health and Human Services, Office of the Surgeon General. *How Tobacco Smoke Causes Disease: The Biology and Behavioral Basis for Smoking-Attributable Disease: A Report of the Surgeon General*. 2010, p. 9. Report highlights available at: www.surgeongeneral.gov/library/tobaccosmoke/factsheet.html.

⁵ Resolution 06-01, Cal. Air Resources Bd. (2006) at 5. Available at: www.arb.ca.gov/regact/ets2006/res0601.pdf; see also California Environmental Protection Agency, Air Resources Board. *News Release, California Identifies* (footnote continued)

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- The California Environmental Protection Agency included secondhand smoke on the Proposition 65 list of chemicals known to the State of California to cause cancer, birth defects, and other reproductive harm;⁶ and

WHEREAS, exposure to secondhand smoke causes death and disease, as evidenced by the following:

- Secondhand smoke is responsible for as many as 3,000 deaths from lung cancer and 46,000 deaths from heart disease among nonsmokers each year in the United States;⁷ and
- Exposure to secondhand smoke increases the risk of coronary heart disease by approximately thirty percent;⁸ and
- Secondhand smoke exposure causes lower respiratory tract infections, such as pneumonia and bronchitis, in as many as 300,000 children in the United States under the age of 18 months each year, and exacerbates childhood asthma;⁹ and

WHEREAS, tobacco use and exposure to secondhand smoke impose great social and economic costs, as evidenced by the following:

- The total annual economic burden of smoking in the United States is \$193 billion;¹⁰ and
- From 2001-2004, the average annual health care expenditures attributable to smoking were approximately \$96 billion;¹¹ and
- The medical and other costs to nonsmokers due to exposure to secondhand smoke were estimated at over \$10 billion per year in the United States in 2005;¹² and

Secondhand Smoke as a "Toxic Air Contaminant." Jan. 26, 2006. Available at: www.arb.ca.gov/newsrel/nr012606.htm.

⁶ California Environmental Protection Agency, Office of Environmental Health Hazard Assessment. *Chemicals Known to the State to Cause Cancer or Reproductive Toxicity*. 2006, p. 8 & 17. Available at: www.oehha.ca.gov/prop65/prop65_list/files/P65single081106.pdf.

⁷ US Department of Health and Human Services, Centers for Disease Control and Prevention. *Tobacco Use: Targeting the Nation's Leading Killer*. 2011, p. 2. Available at: www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco_AAG_2011_508.pdf.

⁸ Barnoya J and Glantz S. "Cardiovascular Effects of Secondhand Smoke: Nearly as Large as Smoking." *Circulation*, 111: 2684-2698, 2005. Available at: www.circ.ahajournals.org/cgi/content/full/111/20/2684.

⁹ US Department of Health and Human Services, Centers for Disease Control and Prevention. *Tobacco Use: Targeting the Nation's Leading Killer*. 2011, p. 2. Available at: www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco_AAG_2011_508.pdf.

¹⁰ US Department of Health and Human Services, Centers for Disease Control and Prevention. *Fact Sheet – Economic Facts about U.S. Tobacco Production and Use*. Available at: www.cdc.gov/tobacco/data_statistics/fact_sheets/economics/econ_facts/index.htm#costs (last updated March 9, 2011).

¹¹ US Department of Health and Human Services, Centers for Disease Control and Prevention. *Fact Sheet – Economic Facts about U.S. Tobacco Production and Use*, www.cdc.gov/tobacco/data_statistics/fact_sheets/economics/econ_facts/index.htm#costs (last updated March 9, 2011).

¹² Behan DF, Eriksen MP and Lin, Y. *Economic Effects of Environmental Tobacco Smoke*. Schaumburg, IL: (footnote continued)

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- California's Tobacco Control Program saved the state and its residents \$86 billion in health care expenditures between the year of its inception, 1989, and 2004, with savings growing yearly;¹³ and
- Indoor smoking bans have been attributed with reductions in calls for ambulances and reductions in deaths attributed to heart attacks;¹⁴ and

WHEREAS, exposure to secondhand smoke anywhere has negative health impacts, and exposure to secondhand smoke does occur at significant levels outdoors, as evidenced by the following:

- Levels of secondhand smoke exposure outdoors can reach levels attained indoors depending on the direction and amount of wind and number and proximity of smokers;¹⁵ and
- Irritation from secondhand smoke begins at levels as low as 4 micrograms per cubic meter, and in some outdoor situations this level can be found as far away as 13 feet from the burning cigarette;¹⁶ and
- Smoking cigarettes near building entryways can increase air pollution levels by more than two times as compared to background levels, with maximum levels reaching the "hazardous" range on the US EPA's Air Quality Index;¹⁷ and

Society of Actuaries, 2005, p. 2. Available at: [www.soa.org/files/pdf/ETSReportFinalDraft\(Final%203\).pdf](http://www.soa.org/files/pdf/ETSReportFinalDraft(Final%203).pdf); see also US Department of Health and Human Services, Centers for Disease Control and Prevention. *Fact Sheet – Fast Facts*, www.cdc.gov/tobacco/data_statistics/fact_sheets/fast_facts/index.htm (last updated March 9, 2011).

¹³ Lightwood JM, Dinno A and Glantz SA. "Effect of the California Tobacco Control Program on Personal Health Care Expenditures." *PLoS Med*, 5(8): e178, 2008. Available at: www.plosmedicine.org/article/info:doi/10.1371/journal.pmed.0050178.

¹⁴ Franklin D. *Smoking Ban Tilts Odds Against Ambulance Calls from Casinos*. Available at: <http://www.npr.org/blogs/health/2013/08/05/209149956/smoking-ban-in-casinos-linked-to-fewer-caller-for-ambulances>; Shute N. *After Smoking Is Banned, Heart Attacks Drop*. Available at <http://www.npr.org/blogs/health/2012/10/29/163889012/after-smoking-is-banned-heart-attacks-drop>.

¹⁵ Klepeis NE, Ott WR, and Switzer P. *Real-Time Monitoring of Outdoor Environmental Tobacco Smoke Concentrations: A Pilot Study*. San Francisco: University of California, San Francisco and Stanford University, 2004, p. 80, 87. Available at: http://exposurescience.org/pub/reports/Outdoor_ETS_Final.pdf; see also Klepeis NE, Ott WR and Switzer P. "Real-Time Measurement of Outdoor Tobacco Smoke Particles." *Journal of the Air & Waste Management Association*, 57: 522-534, 2007. Available at: www.ashaust.org.au/pdfs/OutdoorSHS0705.pdf.

¹⁶ Junker MH, Danuser B, Monn C, et al. "Acute Sensory Responses of Nonsmokers at Very Low Environmental Tobacco Smoke Concentrations in Controlled Laboratory Settings." *Environmental Health Perspectives*, 109(10):1045-1052, p. 1049-51, 2001. Available at: www.pubmedcentral.nih.gov/picrender.fcgi?artid=1242082&blobtype=pdf; Repace JL. "Benefits Ordinance No. of Smoke-Free Regulations in Outdoor Settings: Beaches, Golf Courses, Parks, Patios, and in Motor Vehicles." *William Mitchell Law Review*, 34(4): 1621-1638, p. 1626, 2008. Available at: www.repace.com/pdf/Repace_Ch_15_Outdoor_Smoke.pdf.

¹⁷ Kaufman P, Zhang, B, Bondy S, et al. "Not just 'a few wisps': real-time measurement of tobacco smoke at entrances to office buildings." *Tobacco Control*. Published Online First: 21 December 2010. doi:10.1136/tc.2010.041277. Abstract available at: <http://tobaccocontrol.bmj.com/content/early/2010/12/21/tc.2010.041277.abstract>.

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- To be completely free from exposure to secondhand smoke in outdoor places, a person may have to move nearly 25 feet away from the source of the smoke, about the width of a two-lane road;¹⁸ and

WHEREAS, cigarette butts pose a health threat to young children and are a major and persistent source of litter; and

WHEREAS, laws restricting the use of tobacco products have recognizable benefits to public health and medical costs, as evidenced by the following:

- Cities with smoke-free laws see an appreciable reduction in hospital admittances for heart attacks in the months and years after such laws are passed;¹⁹ and
- Smoking bans help people reduce the number of cigarettes they smoke or to quit altogether;²⁰ and
- Strong smoking regulations for restaurants decrease the number of children who transition from experimenting with smoking to becoming actual smokers;²¹ and

WHEREAS, the safety and efficacy of electronic cigarettes is still unknown and electronic cigarettes deliver an unknown mix of potentially carcinogenic and toxic compounds, as evidenced by the following: a) nicotine content labeling is not accurate with some electronic cigarette manufacturers;²² b) nicotine related impurities content in cartridges and refills vary by electronic cigarette manufacturer;²³ and c) the concentrations of some metal and silicate particles in electronic cigarette aerosol were higher than or equal to the levels contained in conventional cigarette smoke;²⁴ and

¹⁸ Repace JL. “Benefits of Smoke-Free Regulations in Outdoor Settings: Beaches, Golf Courses, Parks, Patios, and in Motor Vehicles.” *William Mitchell Law Review*, 34(4): 1621-1638, p. 1626, 2008. Available at: www.repace.com/pdf/Repace_Ch_15_Outdoor_Smoke.pdf.

¹⁹ US Department of Health and Human Services, Centers for Disease Control and Prevention. “Reduced Hospitalizations for Acute Myocardial Infarction After Implementation of a Smoke-Free Ordinance – City of Pueblo, Colorado, 2002 – 2006.” *Morbidity and Mortality Weekly Report*, 57(51&52): 1373-1377, 2009. Available at: www.cdc.gov/mmwr/preview/mmwrhtml/mm5751a1.htm; Glantz SA. “Meta-Analysis of the Effects of Smokefree Laws on Acute Myocardial Infarction: An Update.” *Preventive Medicine*, 47(4): 452-453, 2008. Abstract available at: www.ncbi.nlm.nih.gov/pmc/articles/PMC2927851/?tool=pubmed.

²⁰ Neighmond P. “Smoking Bans Help People Quit, Research Shows.” *National Public Radio*, October 25, 2007, www.npr.org/templates/story/story.php?storyId=15610995.

²¹ Siegel M, Albers AB, Cheng DM, et al. “Local Restaurant Smoking Regulations and the Adolescent Smoking Initiation Process: Results of a Multilevel Contextual Analysis Among Massachusetts Youth.” *Archives of Pediatrics and Adolescent Medicine*, 162(5): 477-483, 2008. Available at: <http://archpedi.ama-assn.org/cgi/reprint/162/5/477.pdf>.

²² Trehy ML, Ye W, et al. “Analysis of Electronic Cigarette Cartridges, Refill Solutions, and Smoke for Nicotine and Nicotine Related Impurities.” *Journal of Liquid Chromatography & Related Technologies*, 34:1442–1458, 2011.

²³ *Id.*

²⁴ Williams M, Villarreal A, Bozhilov K, Lin S, Talbot P (2013) Metal and Silicate Particles Including Nanoparticles Are Present in Electronic Cigarette Cartomizer Fluid and Aerosol. *PLoS ONE* 8(3): e57987. doi:10.1371/journal.pone.0057987

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WHEREAS, the U.S. Food and Drug Administration conducted laboratory analysis of electronic cigarette samples and found them to contain carcinogens and toxic chemicals to which users and bystanders could potentially be exposed,²⁵ suggesting that the same concerns present with secondhand smoke from conventional cigarettes may exist with electronic cigarettes; and

WHEREAS, it is unlawful to sell or furnish electronic cigarettes to minors,²⁶ however minors are still able to obtain access to electronic cigarette products. A national survey revealed that between 2011 and 2012, middle school students who reported ever using electronic cigarettes increased from 1.4% to 2.7% and current use of electronic cigarettes increased from 0.6% to 1.1%.²⁷ The same survey found that high school students who reported ever using electronic cigarettes increased from 4.7% to 10.0% while current use increased from 1.5% to 2.8%; and

WHEREAS, state law prohibits smoking within 25 feet of playgrounds and tot lots and expressly authorizes local communities to enact additional restrictions;²⁸ and state law prohibits smoking within 20 feet of entryways and operable windows of government buildings;²⁹ and

WHEREAS, there is no Constitutional right to smoke;³⁰ and

WHEREAS, it is the intent of the City Council, in enacting this Ordinance, to provide for the public health, safety, and welfare by discouraging the inherently dangerous behavior of smoking and tobacco use around non-tobacco users, especially children; by protecting the public from exposure to secondhand smoke where they live, work and play; by reducing the potential for children to wrongly associate smoking and tobacco use with a healthy lifestyle; and by affirming and promoting a healthy environment in the City.

Section 2. Amendment of Code. Chapter 6.84 of the Rancho Cordova Municipal Code is hereby retitled as the chapter on “Regulation of Smoking and Tobacco Sales.”

Section 3. Amendment of Code. Chapter 6.84 of the Rancho Cordova Municipal Code, to be titled “Regulation of Smoking and Tobacco Sales,” is hereby amended to read as follows:

6.84.010 Findings and Purpose.

The City Council finds as follows:

A. The purpose of this Chapter is to protect the public health and welfare by regulating smoking in public places and places of employment, and to strike a reasonable balance between the desires of persons who smoke and the need of nonsmokers to breathe smoke-free air, as air pollution caused

²⁵ US Food and Drug Administration. *News Release, FDA and Public Health Experts Warn About Electronic Cigarettes*. July 22, 2009. Available at:

www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm173222.htm.

²⁶ Cal. Health & Safety Code § 119405 (West 2013).

²⁷ Centers for Disease Control and Prevention. *Electronic Cigarette Use Among Middle and High School Students—United States, 2011-2012. Morbidity and Mortality Weekly Report*. September 6, 2013 (survey results are available at http://www.cdc.gov/tobacco/data_statistics/surveys/nyts.)

²⁸ Cal. Health & Safety Code § 104495 (West 2008).

²⁹ Cal. Gov’t Code § 7597 (West 2008).

³⁰ Public Health Law & Policy, Technical Assistance Legal Center. *There Is No Constitutional Right to Smoke*. 2005. Available at www.phlpnet.org/tobacco-control/products/there-no-constitutional-right-smoke.

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by smoking is an offensive annoyance, irritant, public nuisance, and health hazard. Where these interests are in conflict, the need to breathe smoke-free air shall have priority.

B. Numerous studies have found that tobacco smoke, including secondhand smoke, is a major contributor to indoor air pollution and a significant health hazard and carcinogen to smokers and nonsmokers, and the number of nonsmokers is steadily increasing in this region.

C. Employees subject to prolonged exposure to smoke in the workplace have been found in scientifically conducted studies to experience a loss of job productivity and have been forced to take periodic sick leave due to reactions to secondhand smoke.

D. The U.S. Food and Drug Administration conducted laboratory analysis of electronic cigarette samples and found them to contain carcinogens and toxic chemicals to which users and bystanders could potentially be exposed, suggesting that the same health and public nuisance concerns present with conventional cigarettes exist with electronic cigarettes.

6.84.020 Definitions.

A. "Bar" means an area in which the serving of food is only incidental to the consumption of alcoholic beverages and where no persons under the age of eighteen years are allowed to enter except to travel to the restroom facilities. The term "bar" shall not include an adjacent restaurant dining area when meals are being served.

B. "Business" means any sole proprietorship, partnership, joint venture, corporation or other business entity formed for profit-making purposes, including retail establishments where goods and services are sold, as well as professional corporations and other entities under which professional services are delivered.

C. "Child care facilities" means any family day care home regulated by Sections 1597.30 through 1597.621 of the California Health and Safety Code, and any day care center for children regulated by Section 1596.90 et seq. of the California Health and Safety Code. It does not include foster homes or residential child care facilities.

D. "Cigarette" means any roll for smoking, made wholly or in part of tobacco, irrespective of size or shape and irrespective of whether the tobacco is flavored, adulterated or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material, except where such wrapper is wholly or in the greater part made of tobacco and such roll weighs over three pounds per thousand, as defined in Revenue and Taxation Code Section 30003, as it may be subsequently amended or superseded.

E. "Dining area" means any area, including streets and sidewalks, that is available to or commonly used by the general public or an employee and which is designated, established or regularly used for the consumption of food or drink.

F. "E-cigarette" or "electronic cigarette" means any device that can provide an inhalable dose of nicotine by delivering a vaporized solution, as defined in California Health and Safety Code section 119405(b), as that section may be amended from time to time.

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G. "Employee" means any person who is employed by an employer for direct or indirect monetary wages or profit, including those employed full-time, part-time, temporary or contracted for from a third party; "employee" also means any person who performs services as a volunteer or intern for a business or nonprofit entity.

H. "Employer" means any person, business, corporation, entity, partnership, municipal corporation or agency, or nonprofit entity which employs the services of one or more persons, and includes the City.

I. "Enclosed" means closed in by a roof and three or more connected, floor-to-ceiling walls with appropriate openings for ingress and egress.

J. "Multifamily residential property," for purposes of this chapter, means residential property containing three or more total units with one or more shared walls, floors or ceilings, including but not limited to rental complexes, apartments, residential cooperatives, condominium complexes, senior citizen residences, assisted living complexes and skilled nursing facilities. "Multifamily residential property" does not include:

- (1) A hotel or motel that meets the requirements of Civil Code section 1940(b)(2);
- (2) A mobile home park;
- (3) A campground;
- (4) A single-family residence;
- (5) A single-family home with a detached in-law or second unit when permitted pursuant to local ordinance and/or applicable state law.

K. "Mall" means enclosed public walkway or hall area which serves to connect retail or professional establishments, whether publicly or privately owned.

L. "Nonprofit entity" means any corporation, unincorporated association or other entity created for charitable, philanthropic, educational, character-building, political, social or other similar purposes, the net proceeds from the operation of which are not for private financial gain. A public agency is not a nonprofit entity within the meaning of this chapter.

M. "Open space" means any lot or area of land or water essentially or partially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

N. "Place of employment" means any enclosed area under the control of a public, nonprofit, or private employer which employees normally frequent during the course of employment, including but not limited to work areas, employee lounges and restrooms, conference rooms and classrooms, vehicles, taxis, employee cafeterias or eating places, and hallways. A private residence is not a place of employment for the purposes of this chapter, unless it is used as a child care or health care facility, or unless it is used for a permitted home occupation having one or more employees, or which is visited by the public twice a month or more.

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O. "Private club" means any eating establishment, organization, club, boardinghouse or guesthouse which gives or offers food for sale to the public, guests, patrons or employees, as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering functions, except that the term "restaurant" shall not include bars.

P. "Recreational area" means any area that is publicly owned, controlled or used by the City and open to the general public for recreational purposes. The term "recreational area" includes but is not limited to parks, picnic areas, playgrounds, sports fields, open space, walking paths, gardens, hiking trails, bike paths, riding trails, swimming pools, skateboard parks, and ice-skating rinks, but does not include golf courses.

Q. "Service area" means any publicly or privately owned area, including streets and sidewalks, that is designated to be used or is regularly used by one or more persons to wait for or receive a service or make a transaction, whether or not such service or transaction involves the exchange of money. The term "service area" includes automated teller machine waiting areas, all bus stops, light rail stops, and other local public transit facilities.

R. "Smoke" means the gases, particles or vapors released into the air by combustion, electronic ignition or vaporization when the apparent or usual purpose of the combustion, electronic ignition or vaporization is human inhalation of the resulting combustion products, including but not limited to tobacco smoke, cigarette smoke, marijuana smoke, and gases, aerosol or vapor released by the ignition of e-cigarettes. "Smoke" does not include the product of combustion of incense or similar products when used solely for olfactory purposes and not containing tobacco or nicotine.

S. "Smoking" means engaging in an act that generates smoke, including but not limited to the lighting or possession of a lighted pipe, cigar, cigarette, or hookah water pipe, an operating e-cigarette, as defined in Section 6.84.020(F) of the RCMC, or a lighted smoke inhalation device of any kind that generates smoke of any kind, from tobacco, marijuana, or any other weed or plant.

T. "Sports arena" means any enclosed sports pavilion, gymnasium, health spa, boxing arena, swimming pool, roller rink, ice rink, bowling alley, pool hall, and other similar places where members of the general public assemble to engage in physical exercise, participate in athletic competition, or witness sports events.

U. "Tobacco product" shall mean any tobacco cigarette, cigar, pipe tobacco, smokeless tobacco, snuff, chewing tobacco, e-cigarette as defined in Section 6.84.020(F) of the RCMC, or any other form of tobacco or product containing at least fifty percent tobacco which may be utilized for smoking, chewing, inhalation or other manner of ingestion. "Tobacco product" shall not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence, unless such product emits smoke as defined by Section 6.84.020(S) of the RCMC.

V. "Unenclosed area" means any area that is not an enclosed area.

W. "Work area" or "workplace" means any area of a place of employment enclosed by floor-to-ceiling walls in which two or more employees are assigned to perform work for an employer.

ATTACHMENT 1**6.84.030 Regulation of Smoking in Places Accessible to the General Public.**

This Chapter shall not be interpreted to permit smoking where it is otherwise restricted by other applicable laws.

A. Smoking shall be prohibited in the following public places and other public places similarly situated in the City, including but not limited to the following areas:

(1) All enclosed areas available to and customarily used by the general public and all areas of business establishments generally accessible to the public, including but not limited to the public areas of retail stores, banks, and other offices;

(2) Elevators, escalators, and stairways;

(3) Public restrooms;

(4) Service areas;

(5) Busses, light rail, and other means of public transit;

(6) All reception and waiting areas;

(7) Galleries, libraries and museums;

(8) Within any facility which is primarily used for or designed for the primary purpose of exhibiting any motion picture, stage drama, lecture, musical recital or other similar performance, except when smoking is part of a stage production;

(9) Sports arenas and convention halls;

(10) Video arcades, bingo parlors, card rooms, game rooms, pool halls, dance halls, and other amusement centers;

(11) Child day care facilities as defined in the California Health and Safety Code and private residences while used as family day care homes;

(12) Rooms, chambers or other enclosed areas where a meeting is being held which is or can be attended by the general public;

(13) Retail food marketing establishments, including grocery stores and supermarkets;

(14) Restaurants, including those in private clubs;

(15) Restaurant/bar combinations, including those in private clubs;

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- (16) Bars, including those in private clubs;
- (17) Theater/bar combinations;
- (18) Laundromats;
- (19) Beauty shops and parlors;
- (20) Malls;
- (21) Polling places;
- (22) Enclosed areas which share air space, including but not limited to air conditioning, heating, or other ventilation systems, entries, doorways, hallways, and stairways, with other enclosed areas in which smoking is prohibited;
- (23) Places of employment;
- (24) Hotel lobbies and at least 55 percent of guestroom accommodations in a hotel, motel, or similar transient lodging establishment;
- (25) Government buildings and facilities;
- (26) Smoking shall be prohibited in the following public unenclosed and outdoor areas, and smoking, except while passing on the way to another destination, shall be prohibited within 20 feet of or close enough to the following areas for smoke to travel into an area or building where smoking is prohibited, whichever is greater:
 - (a) Public events, including but not limited to sports events, farmers markets, festivals, entertainment, speaking performances, ceremonies, pageants and fairs,
 - (b) Dining areas provided by eating establishments and bars, including outdoor patio areas,
 - (c) Entrances and exits to enclosed public areas,
 - (d) Within the entryway of any enclosed public area,
 - (e) Stairways,
 - (f) Within courtyards and other areas where air circulation may be impeded by architectural, landscaping other barriers,

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- (g) Areas not open to the sky,
- (h) Any place where people are using or waiting for a service, entry or transaction, including but not limited to ATMs, bank teller windows, telephones, ticket lines, bus stops and cab stands,
- (i) Any place where food and/or drink is offered for sale,
- (j) Children's play areas,
- (k) Public gardens,
- (l) Open windows of any enclosed public area,
- (m) Plazas, and
- (n) Parks, open space, trails, and recreation areas.

6.84.040 Regulation of Smoking at Multifamily Residential Properties

A. Owners and property managers of multifamily properties may adopt policies imposing stricter smoking regulations than those enacted by this Chapter.

B. Smoking is prohibited within indoor common areas at multifamily residential properties. "Indoor common areas" means any indoor area on the property which residents of more than one unit are entitled to enter and/or use, including but not limited to halls, lobbies, courtyards, elevators, stairs, community rooms, gym or health facilities, indoor swimming pool areas, storage areas, shared restrooms, shared laundry rooms, shared cooking facilities, and shared eating areas.

C. Owners or property managers of multifamily residential properties within the City must disclose to all rental applicants the property's smoking policies and information on which units are designated as nonsmoking.

6.84.050 Prohibition Against Permitting Smoking.

No person, landlord, or employer shall knowingly permit smoking in an area which is under his or her legal or de facto control and in which smoking is prohibited by this Chapter, unless otherwise required by state or federal law.

6.84.060 Posting of Signs.

A. Each owner, operator, manager or other person having control of an establishment or facility within which smoking is regulated by this Chapter shall conspicuously post in every place where smoking is prohibited "No Smoking" signs (or the international "No Smoking" symbol consisting of a

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pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it), whichever are appropriate, with letters not less than one inch in height.

B. An owner, operator, or manager of a building wherein, pursuant to these regulations, there is no smoking permitted in any space in the building may limit the “No Smoking” postings to first floor entrances and exits and to the elevator lobby areas of all other floors.

C. Motels and hotels will prominently post in the lobby a sign notifying patrons of the availability of nonsmoking accommodations. The rooms so designated will be posted as nonsmoking rooms and ashtrays will be removed.

6.84.070 Power to Adopt More Restrictive Smoking Policies.

Notwithstanding any other provisions of this Chapter, any owner, operator, manager, employer, or other person who controls any establishment or place of employment regulated by this Chapter, may adopt policies relating to smoking which are more restrictive than those provided herein.

6.84.080 No Retaliation.

No person, employer, nonprofit entity, business, or entity shall intimidate, threaten any reprisal, or effect any reprisal, for the purpose of retaliating against another person who seeks to attain compliance with this Chapter.

6.84.090 Enforcement and Penalties.

A. Each instance of smoking in violation of this Chapter shall constitute a separate violation. For violations other than smoking, each day of a continuing violation of this Chapter shall constitute a separate violation. The remedies provided in this Chapter are not intended to preclude any other remedy available in law or equity.

B. Any violation of this Chapter is hereby declared to be a public nuisance.

C. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this Chapter shall also constitute a violation of this Chapter.

D. Penalty. Notwithstanding the provisions of RCMC 1.01.190, a violation of any of the provisions of this Title, or failure to comply with any of the regulatory requirements of this Title, is an infraction subject to the procedures described in Section 19.6 and 19.7 of the California Penal Code.

Any person, whether as a principal or agent, employer or employee, who violates any of the provisions of this Title, or the rules and regulations of the City Manager or his or her designee, or health, law, or code enforcement officer established pursuant to the provisions of this Title is, upon conviction, guilty of an infraction.

Every violation of this Title is punishable by:

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1. A fine not exceeding \$50.00 for a first violation;
2. A fine not exceeding \$100.00 for a second violation of the same ordinance provisions within one year;
3. A fine not exceeding \$250.00 for each additional violation of the same ordinance provision within one year.

E. In addition to other remedies provided by this Chapter or by other law, any violation of this Chapter may be remedied by an administrative or civil action brought by the City Attorney or City Prosecutor, including but not limited to administrative or judicial nuisance abatement proceedings, civil or criminal code enforcement proceedings, and suits for injunctive relief.

F. Any Person acting for the interests of his or herself, itself, its members, or the general public (hereinafter "Private Enforcer") may bring a civil action in any court of competent jurisdiction, including small claims court, to enforce this Chapter against any Person who has violated this Chapter two or more times. Upon proof of the violations, a court shall grant all appropriate relief, including: (1) awarding damages and (2) issuing an injunction or a conditional judgment. If there is insufficient or no proof of actual damages for a specific violation, the court shall award one hundred fifty dollars (\$150) for each violation as statutory damages.

1. Notwithstanding any other provision of this Chapter, a Private Enforcer may bring a civil action to enforce this Chapter only if the following requirements are met:

a. The Private Enforcer's civil action is begun more than sixty (60) days after the Private Enforcer has given written notice of the alleged violations of this Chapter to the City Attorney and to the alleged violator.

b. On the date the Private Enforcer's civil action is filed, no other Person acting on behalf of the City has commenced or is prosecuting an administrative, civil, or criminal action based, in whole or in part, upon any violation which was the subject of the Private Enforcer's notice.

c. A Private Enforcer shall provide a copy of his, her, or its action to the City Attorney within seven (7) days of filing it.

2. Upon a settlement or judgment based, in whole or in part, upon any violation which was the subject of the Private Enforcer's notice, the Private Enforcer shall give the City Attorney notice of the settlement or judgment and final disposition of the case within thirty (30) days of the date of the settlement or judgment. No settlement by a Private Enforcer of a violation of this Chapter shall be valid or enforceable if, within thirty (30) days of receiving notice of the settlement, the City Attorney determines the settlement to be unreasonable in light of the purposes of this Chapter. Any settlement or judgment that does not meet the requirements of this subsection may be set aside upon motion to a court of competent jurisdiction by the City Attorney.

G. Except as otherwise provided, enforcement of this Chapter is at the sole discretion of the City. Nothing in this Chapter shall create a right of action in any person against the City or its agents to compel public enforcement of this Chapter against private parties.

Section 4. Amendment of Code. Section 6.86.040 of the Rancho Cordova Municipal Code is hereby amended to read as follows:

ATTACHMENT 1

“Tobacco product” shall mean any tobacco cigarette, cigar, pipe tobacco, smokeless tobacco, snuff, chewing tobacco, electronic cigarette, as defined in Section 6.84.020(F) of the RCMC, or any other form of tobacco or product containing at least fifty percent tobacco which may be utilized for smoking, chewing, inhalation or other manner of ingestion. “Tobacco product” shall not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence, unless such product emits smoke as defined by Section 6.84.020(S) of the RCMC.

Section 5. Amendment of Code. The definition of “electronic cigarette” is hereby added to Section 4.07.030, titled “Definitions,” within Chapter 4.07 of the Rancho Cordova Municipal Code, titled “Tobacco Retailer License,” to read as follows:

“Electronic cigarette” means any device that can provide an inhalable dose of nicotine by delivering a vaporized solution, as defined in California Health and Safety Code section 119405(b), as that section may be amended from time to time.

Section 6. Amendment of Code. The definition of “Tobacco paraphernalia” within Section 4.07.030, titled “Definitions,” within Chapter 4.07 of the Rancho Cordova Municipal Code, titled “Tobacco Retailer License,” is hereby amended to read as follows:

“Tobacco paraphernalia” means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette-rolling machines, electronic cigarettes, electronic cigarette cartridges and related products, and any other item designed or used for the smoking or ingestion of tobacco products.

Section 7. Amendment of Code. The definition of “tobacco product” within Section 4.07.030, titled “Definitions,” within Chapter 4.07 of the Rancho Cordova Municipal Code, titled “Tobacco Retailer License,” is hereby amended to read as follows:

“Tobacco product” means any substance containing tobacco leaf, including but not limited to cigarettes, electronic cigarettes, electronic cigarette cartridges and related products, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis or any other preparation of tobacco.

Section 8. Amendment of Code. The definition of “smoke shop” within Section 23.1101.020, titled “Land use definitions,” of Chapter 23.1101 of the Rancho Cordova Municipal Code, titled “Land Use Descriptions,” is hereby amended to read as follows:

“Smoke shop” means an establishment selling smoking, drug, and/or traditional or electronic tobacco paraphernalia or products where fifteen (15) percent or more of the total floor or shelf area is devoted to selling tobacco products (as defined in Section 4.07.030 of the RCMC). Limited sales of tobacco products that commonly occur within convenience stores or service stations are not included in this definition.

Section 9. PLACEHOLDER FOR ADDITIONAL AMENDMENTS TO ZONING CODE REGARDING E-CIGARETTE AND VAPOR LOUNGES AND/OR HOOKAH LOUNGES. WOULD ADD TO LIST OF PROHIBITED LAND USE AND CLEARLY DEFINE TERMS WITHIN ZONING CODE.

Section 10. CEQA. Approval of the amendments in this Ordinance is exempt from further environmental review under the general rule in California Environmental Quality Act (CEQA)

ATTACHMENT 1

Guidelines section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a series of text amendments and additions, it can be seen with certainty that there is no possibility that this Ordinance will have a significant effect on the environment.

Section 11. 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 12. 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 adoption.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the ____ day of _____, 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dan Skoglund, Mayor

ATTEST:

Mindy Cuppy, CMC, City Clerk

2187997.1



State of Tobacco Control 2014 – California Local Grades



SACRAMENTO COUNTY

		Possible Points	Citrus Heights	Elk Grove	Folsom	Galt	Isleton	Rancho Cordova	Sacramento County Unincorporated
Overall Tobacco Control Grade		F	C	F	F	F	D	C	C
Total Points	12	0	5	1	0	0	4	5	5
Smokefree Outdoor Air		F	D	F	F	F	F	D	D
Dining	4	0	0	0	0	0	0	0	0
Entryways	4	0	0	0	0	0	0	0	0
Public Events	4	0	0	0	0	0	0	0	0
Recreation Areas	4	0	3	2	0	0	2	3	2
Service Areas	4	0	0	0	0	0	0	0	2
Sidewalks	1	0	1	0	0	0	0	0	0
Worksites	1	0	0	0	0	0	0	0	0
Total Points	22	0	4	2	0	0	2	3	4
Smokefree Housing		F	F	D	F	F	F	F	F
Nonsmoking Units	4	0	0	0	0	0	0	0	0
Nonsmoking Common Areas	4	0	0	2	0	0	0	0	0
Disclosure	4	0	0	0	0	0	0	0	0
Nuisance	1	0	0	0	0	0	0	0	0
Housing Authority Units	1	0	0	0	0	0	0	1	1
Total Points	14	0	0	2	0	0	0	1	1
Reducing Sales of Tobacco Products		F	A	F	F	F	A	A	A
Tobacco Retailer Licensing	4	0	4	0	0	0	4	4	4
Sales near Schools and Parks	1	0	0	0	0	0	0	1	0
Sales in Pharmacies	1	0	0	0	0	0	0	0	0
Sampling of Tobacco Products	1	0	0	0	0	0	0	0	0
Total Points	7	0	4	0	0	0	4	5	4

Overall Tobacco Control Grade: A (11-12), B (8-10), C (5-7), D (2-4), F (0-1);
determined by grades and points from other three categories – A (4), B (3), C (2), D (1), F (0)
Smokefree Outdoor Air Grade: A (18+), B (13-17), C (8-12), D (3-7), F (0-2)

Smokefree Housing Grade: A (11+), B (8-10), C (5-7), D (2-4), F (0-1)
Reducing Sales of Tobacco Products Grade: A (4+), B (3), C (2), D (1), F (0)



State of Tobacco Control 2014 – California Local Grades



YOLO COUNTY

	Possible Points	Davis	West Sacramento	Winters	Woodland	County Incorporated
Overall Tobacco Control Grade		B	D	F	D	D
Total Points	12	9	4	1	2	4
Smokefree Outdoor Air		A	F	D	C	F
Dining	4	4	0	0	0	0
Entryways	4	4	0	0	4	2
Public Events	4	4	0	0	4	0
Recreation Areas	4	2	0	4	3	0
Service Areas	4	4	0	0	0	0
Sidewalks	1	0	0	0	0	0
Worksites	1	0	0	0	0	0
Total Points	22	18	0	4	11	2
Smokefree Housing		D	F	F	F	F
Nonsmoking Units	4	0	0	0	0	0
Nonsmoking Common Areas	4	2	0	0	0	0
Disclosure	4	0	0	0	0	0
Nuisance	1	0	0	0	0	0
Housing Authority Units	1	0	0	0	0	0
Total Points	14	2	0	0	0	0
Reducing Sales of Tobacco Products		A	A	F	F	A
Tobacco Retailer Licensing	4	4	3	0	0	4
Sales near Schools and Parks	1	0	0	0	0	0
Sales in Pharmacies	1	0	0	0	0	0
Sampling of Tobacco Products	1	0	1	0	0	0
Total Points	7	4	4	0	0	4

Overall Tobacco Control Grade: A (11-12), B (8-10), C (5-7), D (2-4), F (0-1);
determined by grades and points from other three categories – A (4), B (3), C (2), D (1), F (0)
Smokefree Outdoor Air Grade: A (18+), B (13-17), C (8-12), D (3-7), F (0-2)

Smokefree Housing Grade: A (11+), B (8-10), C (5-7), D (2-4), F (0-1)
Reducing Sales of Tobacco Products Grade: A (4+), B (3), C (2), D (1), F (0)



State of Tobacco Control 2014 – California Local Grades



ALAMEDA COUNTY

	Possible Points	Alameda	Albany	Berkeley	Dublin	Emeryville	Fremont	Hayward	Livermore	Newark	Oakland	Piedmont	Pleasanton	San Leandro	Union City	County Unincorporated
Overall Tobacco Control Grade		B	A	A	A	C	B	C	D	D	B	F	D	C	A	C
Total Points	12	9	11	12	12	5	8	5	3	4	10	0	4	6	12	5
Smokefree Outdoor Air		A	A	A	A	B	A	A	D	C	B	F	C	A	A	B
Dining	4	2	2	4	4	4	4	4	2	4	4	n/a	4	4	4	4
Entryways	4	4	4	4	4	4	4	4	2	4	4	0	2	4	4	4
Public Events	4	4	4	4	2	0	4	2	0	0	0	0	0	4	4	0
Recreation Areas	4	4	4	3	4	4	4	4	2	0	4	0	0	4	4	4
Service Areas	4	4	4	4	4	4	4	4	0	4	4	0	4	4	4	4
Sidewalks	1	1	1	1	0	0	1	1	0	0	0	0	0	0	0	0
Worksites	1	1	1	1	0	1	1	0	0	0	0	0	0	1	1	0
Total Points	22	20	20	21	18	17	22	19	6	12	16	0	10	21	21	16
Smokefree Housing		A	B	A	A	D	B	F	D	D	B	F	D	D	A	D
Nonsmoking Units	4	4	0	4	4	0	0	0	0	0	0	0	0	0	4	0
Nonsmoking Common Areas	4	4	4	4	4	4	4	0	2	4	4	0	2	2	4	2
Disclosure	4	4	4	4	3	0	3	0	0	4	0	0	0	0	3	0
Nuisance	1	0	0	0	1	0	1	0	0	0	0	0	0	1	1	0
Housing Authority Units	1	1	n/a	0	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	1	n/a	n/a	0
Total Points	14	13	8	12	12	4	8	0	2	2	8	0	3	3	12	2
Reducing Sales of Tobacco Products		D	A	A	A	D	D	D	D	D	A	F	D	D	A	D
Tobacco Retailer Licensing	4	0	4	4	3	0	0	0	0	0	4	0	0	0	4	0
Sales near Schools and Parks	1	1	1	1	1	0	0	0	0	0	1	0	0	1	1	0
Sales in Pharmacies	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sampling of Tobacco Products	1	0	0	1	1	1	1	1	1	1	1	0	1	0	1	1
Total Points	7	1	5	6	5	1	1	1	1	1	6	0	1	1	6	1

Overall Tobacco Control Grade: A (11-12), B (8-10), C (5-7), D (2-4), F (0-1);
determined by grades and points from other three categories – A (4), B (3), C (2), D (1), F (0)
Smokefree Outdoor Air Grade: A (18+), B (13-17), C (8-12), D (3-7), F (0-2)

Smokefree Housing Grade: A (11+), B (8-10), C (5-7), D (2-4), F (0-1)
Reducing Sales of Tobacco Products Grade: A (4+), B (3), C (2), D (1), F (0)



State of Tobacco Control 2014 – California Local Grades



LOS ANGELES COUNTY

		Possible Points	Agoura Hills	Alhambra	Arcadia	Artesia	Avalon	Azusa	Baldwin Park	Bell	Bellflower	Bell Gardens	Beverly Hills	Bradbury	Burbank	Calabasas	Carson	Cerritos	Claremont	Commerce	Compton	Covina	Cudahy	Culver City	Diamond Bar
Overall Tobacco Control Grade		F	F	D	D	D	F	A	F	F	F	C	F	B	A	B	C	F	F	A	F	F	C	F	
Total Points	12	0	1	2	3	2	0	12	0	0	0	6	0	9	12	9	5	1	0	12	1	0	6	0	
Smokefree Outdoor Air		F	D	C	F	D	F	A	F	F	F	C	F	B	A	A	D	D	F	A	D	F	C	F	
Dining	4	0	0	0	0	0	0	4	0	0	0	4	0	2	4	4	0	0	0	4	0	0	2	0	
Entryways	4	0	0	0	0	0	0	4	0	0	0	2	0	4	4	4	0	0	0	4	0	0	2	0	
Public Events	4	0	2	4	0	0	0	2	0	0	0	0	0	2	4	4	0	0	0	4	0	0	0	0	
Recreation Areas	4	0	4	4	0	2	2	4	0	0	0	4	0	3	4	4	4	4	0	4	4	0	4	2	
Service Areas	4	0	0	0	0	4	0	4	0	0	0	0	0	4	4	4	0	0	0	4	0	0	0	0	
Sidewalks	1	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	
Worksites	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	
Total Points	22	0	6	8	0	6	2	18	0	0	0	10	0	16	22	21	4	4	0	20	4	0	8	2	
Smokefree Housing		F	F	F	F	F	F	A	F	F	F	F	F	C	A	D	F	F	F	A	F	F	F	F	
Nonsmoking Units	4	0	0	0	0	0	0	4	0	0	0	0	0	0	4	0	0	0	0	4	0	0	0	0	
Nonsmoking Common Areas	4	0	0	0	0	0	0	4	0	0	0	0	0	4	4	4	0	0	0	4	0	0	0	0	
Disclosure	4	0	0	0	0	0	0	4	0	0	0	0	0	0	3	0	0	0	0	4	0	0	0	0	
Nuisance	1	0	0	0	0	0	0	1	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	
Housing Authority Units	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Total Points	14	0	0	0	0	0	0	14	0	0	0	0	0	5	12	4	0	0	0	12	0	0	0	0	
Reducing Sales of Tobacco Products		F	F	F	B	D	F	A	F	F	F	A	F	A	A	A	A	F	F	A	F	F	A	F	
Tobacco Retailer Licensing	4	0	0	0	3	0	0	4	0	0	0	4	0	4	4	4	4	0	0	4	0	0	4	0	
Sales near Schools and Parks	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	
Sales in Pharmacies	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Sampling of Tobacco Products	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Total Points	7	0	0	0	3	1	0	4	0	0	0	4	0	4	5	4	4	0	0	4	0	0	4	0	

Overall Tobacco Control Grade: A (11-12), B (8-10), C (5-7), D (2-4), F (0-1);
determined by grades and points from other three categories – A (4), B (3), C (2), D (1), F (0)
Smokefree Outdoor Air Grade: A (18+), B (13-17), C (8-12), D (3-7), F (0-2)

Smokefree Housing Grade: A (11+), B (8-10), C (5-7), D (2-4), F (0-1)
Reducing Sales of Tobacco Products Grade: A (4+), B (3), C (2), D (1), F (0)



State of Tobacco Control 2014 – California Local Grades



LOS ANGELES COUNTY

		Possible Points	Downey	Duarte	El Monte	El Segundo	Gardena	Glendale	Glendora	Hawaiian Gardens	Hawthorne	Hermosa Beach	Hidden Hills	Huntington Park	Industry	Inglewood	Irwindale	La Canada Flintridge	La Habra Heights	La Mirada	La Puente	La Verne	Lakewood	Lancaster	Lawndale
Overall Tobacco Control Grade		F	C	C	D	C	A	F	D	C	D	F	A	F	C	F	D	D	F	F	F	F	D	D	
Total Points	12	1	5	5	4	5	12	1	4	6	3	0	12	0	6	0	4	2	1	0	1	0	4	4	
Smokefree Outdoor Air		D	D	D	F	D	A	D	F	C	B	F	A	F	C	F	F	C	F	F	D	F	F	F	
Dining	4	0	0	0	0	2	2	0	0	0	4	0	4	0	0	0	0	0	0	0	0	0	0	0	
Entryways	4	0	0	0	0	0	4	0	0	0	2	0	4	0	0	0	0	0	0	0	0	0	0	0	
Public Events	4	3	0	0	0	0	4	0	0	4	4	0	4	0	4	0	0	4	0	0	0	0	0	0	
Recreation Areas	4	3	4	4	2	4	4	4	0	4	4	0	4	0	4	2	0	4	0	2	4	0	0	0	
Service Areas	4	0	2	0	0	0	4	0	0	0	2	0	4	0	0	0	0	0	0	0	0	0	0	0	
Sidewalks	1	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	
Worksites	1	0	0	0	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	
Total Points	22	6	6	4	2	6	19	4	0	8	17	0	22	0	8	2	0	8	0	2	4	0	0	0	
Smokefree Housing		F	F	F	F	F	A	F	F	F	F	F	A	F	F	F	F	F	F	F	F	F	F	F	
Nonsmoking Units	4	0	0	0	0	0	4	0	0	0	0	0	4	0	0	0	0	0	0	0	0	0	0	0	
Nonsmoking Common Areas	4	0	0	0	0	0	4	0	0	0	0	0	4	0	0	0	0	0	0	0	0	0	0	0	
Disclosure	4	0	0	0	0	0	4	0	0	0	0	0	4	0	0	0	0	0	0	0	0	0	0	0	
Nuisance	1	0	0	0	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	
Housing Authority Units	1	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Total Points	14	0	0	1	0	0	14	0	0	0	0	0	13	0	0	0	0	0	0	0	0	0	0	0	
Reducing Sales of Tobacco Products		F	A	A	A	A	A	F	A	A	F	F	A	F	A	F	A	F	D	F	F	F	A	A	
Tobacco Retailer Licensing	4	0	4	4	4	4	4	0	4	4	0	0	4	0	4	0	4	0	0	0	0	0	4	4	
Sales near Schools and Parks	1	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1	0	0	0	0	0	
Sales in Pharmacies	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Sampling of Tobacco Products	1	0	1	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	
Total Points	7	0	5	4	4	4	4	0	4	4	0	0	6	0	4	0	4	0	1	0	0	0	4	4	

Overall Tobacco Control Grade: A (11-12), B (8-10), C (5-7), D (2-4), F (0-1);
determined by grades and points from other three categories – A (4), B (3), C (2), D (1), F (0)
Smokefree Outdoor Air Grade: A (18+), B (13-17), C (8-12), D (3-7), F (0-2)

Smokefree Housing Grade: A (11+), B (8-10), C (5-7), D (2-4), F (0-1)
Reducing Sales of Tobacco Products Grade: A (4+), B (3), C (2), D (1), F (0)



State of Tobacco Control 2014 – California Local Grades



LOS ANGELES COUNTY

		Possible Points	Lomita	Long Beach	Los Angeles	Lynwood	Malibu	Manhattan Beach	Maywood	Monrovia	Montebello	Monterey Park	Norwalk	Palmdale	Palos Verdes Estates	Paramount	Pasadena	Pico Rivera	Pomona	Rancho Palos Verdes	Redondo Beach	Rolling Hills	Rolling Hills Estates	Rosemead	San Dimas
Overall Tobacco Control Grade		C	C	C	D	C	F	F	F	D	C	F	C	F	F	A	F	F	F	F		F	F	F	
Total Points	12	5	7	5	4	6	1	1	0	4	7	0	6	0	0	12	0	0	1	1		0	1	1	
Smokefree Outdoor Air		D	C	D	F	C	D	F	F	F	C	F	D	F	F	A	F	F	D	D	F	F	D	D	
Dining	4	0	2	2	0	4	0	0	0	0	4	0	0	0	0	4	0	0	0	0	0	0	0	0	
Entryways	4	0	0	0	0	4	0	0	0	0	4	0	0	0	0	4	0	0	0	0	0	0	0	0	
Public Events	4	0	2	2	0	2	2	0	0	0	0	0	2	0	0	4	0	0	0	0	0	0	0	0	
Recreation Areas	4	4	4	3	0	2	4	2	2	0	4	0	3	2	0	4	2	2	3	4	0	0	4	4	
Service Areas	4	0	2	0	0	0	0	0	0	0	0	0	0	0	0	4	0	0	0	0	0	0	0	0	
Sidewalks	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	
Worksites	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	
Total Points	22	4	10	7	0	12	7	2	2	0	12	0	5	2	0	21	2	2	3	4	1	0	4	4	
Smokefree Housing		F	D	F	F	F	F	F	F	F	D	F	D	F	F	A	F	F	F	F	n/a	F	F	F	
Nonsmoking Units	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0	0	0	0		0	0	0	
Nonsmoking Common Areas	4	0	2	0	0	0	0	0	0	0	4	0	2	0	0	4	0	0	0	0		0	0	0	
Disclosure	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0	0	0	0		0	0	0	
Nuisance	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	
Housing Authority Units	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	
Total Points	14	0	2	0	0	0	0	0	0	0	4	0	2	0	0	12	0	0	0	0		0	0	0	
Reducing Sales of Tobacco Products		A	A	A	A	A	F	D	F	A	A	F	A	F	F	A	F	F	F	F	n/a	F	F	F	
Tobacco Retailer Licensing	4	4	4	4	4	4	0	1	0	4	4	0	4	0	0	4	0	0	0	0		0	0	0	
Sales near Schools and Parks	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0		0	0	0	
Sales in Pharmacies	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	
Sampling of Tobacco Products	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	
Total Points	7	4	4	4	5	4	0	1	0	4	4	0	4	0	0	5	0	0	0	0		0	0	0	

Overall Tobacco Control Grade: A (11-12), B (8-10), C (5-7), D (2-4), F (0-1);
determined by grades and points from other three categories – A (4), B (3), C (2), D (1), F (0)
Smokefree Outdoor Air Grade: A (18+), B (13-17), C (8-12), D (3-7), F (0-2)

Smokefree Housing Grade: A (11+), B (8-10), C (5-7), D (2-4), F (0-1)
Reducing Sales of Tobacco Products Grade: A (4+), B (3), C (2), D (1), F (0)



State of Tobacco Control 2014 – California Local Grades



LOS ANGELES COUNTY

		Possible Points	San Fernando	San Gabriel	San Marino	Santa Clarita	Santa Fe Springs	Santa Monica	Sierra Madre	Signal Hill	South El Monte	South Gate	South Pasadena	Temple City	Torrance	Vernon	Walnut	West Covina	West Hollywood	Westlake Village	Whittier	County Unincorporated
Overall Tobacco Control Grade		B	C	F	F	F	A	C	F	F	F	A	B	F	F	F	F	D	F	F	C	
Total Points	12	8	5	0	1	1	12	5	0	1	1	11	9	1	0	1	1	2	0	1	5	
Smokefree Outdoor Air		A	D	F	D	D	A	D	F	D	D	B	A	D	F	D	F	D	F	D	D	
Dining	4	4	0	0	0	0	4	4	0	0	0	4	4	0	0	0	0	2	0	0	0	
Entryways	4	4	0	0	0	0	4	0	0	0	0	4	4	0	0	0	0	0	0	0	0	
Public Events	4	4	0	0	0	0	2	0	0	0	3	0	4	0	0	0	0	0	0	0	0	
Recreation Areas	4	4	0	0	4	3	4	2	0	4	3	4	4	4	0	4	2	0	0	4	4	
Service Areas	4	4	4	0	0	0	4	0	0	0	0	4	4	0	0	0	0	4	0	0	0	
Sidewalks	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Worksites	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Total Points	22	20	4	0	4	3	19	6	0	4	6	16	20	4	0	4	2	6	0	4	4	
Smokefree Housing		F	F	F	F	F	A	F	F	F	F	A	D	F	F	F	F	F	F	F	F	
Nonsmoking Units	4	0	0	0	0	0	4	0	0	0	0	4	0	0	0	0	0	0	0	0	0	
Nonsmoking Common Areas	4	0	0	0	0	0	4	0	0	0	0	4	2	0	0	0	0	0	0	0	0	
Disclosure	4	0	0	0	0	0	4	0	0	0	0	4	0	0	0	0	0	0	0	0	0	
Nuisance	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	
Housing Authority Units	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Total Points	14	0	0	0	0	0	12	0	0	0	0	13	2	0	0	0	0	0	0	0	1	
Reducing Sales of Tobacco Products		A	A	F	F	F	A	A	F	F	F	A	A	F	F	F	D	D	F	F	A	
Tobacco Retailer Licensing	4	4	4	0	0	0	4	4	0	0	0	4	4	0	0	0	1	0	0	0	4	
Sales near Schools and Parks	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1	0	0	0	
Sales in Pharmacies	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Sampling of Tobacco Products	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Total Points	7	4	4	0	0	0	4	4	0	0	0	5	4	0	0	0	1	1	0	0	4	

Overall Tobacco Control Grade: A (11-12), B (8-10), C (5-7), D (2-4), F (0-1);
determined by grades and points from other three categories – A (4), B (3), C (2), D (1), F (0)
Smokefree Outdoor Air Grade: A (18+), B (13-17), C (8-12), D (3-7), F (0-2)

Smokefree Housing Grade: A (11+), B (8-10), C (5-7), D (2-4), F (0-1)
Reducing Sales of Tobacco Products Grade: A (4+), B (3), C (2), D (1), F (0)



State of Tobacco Control 2014 – California Local Grades



SAN FRANCISCO COUNTY

		Possible Points	San Francisco
Overall Tobacco Control Grade			B
Total Points	12		9
Smokefree Outdoor Air			B
Dining	4		2
Entryways	4		3
Public Events	4		4
Recreation Areas	4		4
Service Areas	4		4
Sidewalks	1		0
Worksites	1		0
Total Points	22		17
Smokefree Housing			C
Nonsmoking Units	4		0
Nonsmoking Common Areas	4		2
Disclosure	4		3
Nuisance	1		0
Housing Authority Units	1		1
Total Points	14		6
Reducing Sales of Tobacco Products			A
Tobacco Retailer Licensing	4		4
Sales near Schools and Parks	1		0
Sales in Pharmacies	1		1
Sampling of Tobacco Products	1		1
Total Points	7		6

Overall Tobacco Control Grade: A (11-12), B (8-10), C (5-7), D (2-4), F (0-1);
determined by grades and points from other three categories – A (4), B (3), C (2), D (1), F (0)
Smokefree Outdoor Air Grade: A (18+), B (13-17), C (8-12), D (3-7), F (0-2)

Smokefree Housing Grade: A (11+), B (8-10), C (5-7), D (2-4), F (0-1)
Reducing Sales of Tobacco Products Grade: A (4+), B (3), C (2), D (1), F (0)

U.S. NEWS

Teens' E-Cigarette Use Rises Sharply

Federal Health Official Calls Finding a 'Cause for Great Concern'; Wider Ban Urged on Sales to Youth

By MIKE ESTERL

A government study indicates a sharp rise in the use of electronic cigarettes by adolescents, a trend that public-health authorities called troubling.

The finding could influence how the Food and Drug Administration regulates the battery-powered devices, which turn nicotine-laced liquid into vapor and represent a small but fast-growing alternative to traditional cigarettes. The FDA hopes to propose regulations for e-cigarettes by next month.

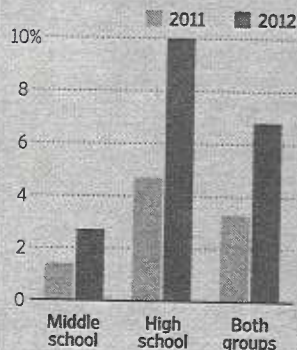
The Centers for Disease Control and Prevention said Thursday that the percentage of high-school students who have tried an e-cigarette rose to 10% in 2012 from 4.7% in 2011. The rate among middle-school students rose to 2.7% from 1.4%. The findings come from the National Youth Tobacco Survey, a questionnaire given annually to roughly 20,000 students.

More than two dozen states have moved since 2010 to ban the sale of e-cigarettes to minors amid an absence of federal oversight. Federal rules already prohibit the sale of traditional tobacco products such as regular cigarettes to anyone under 18.

Though e-cigarettes still deliver highly addictive nicotine, most researchers say they are far less harmful than traditional smokes, which release numerous toxins through combustion. E-cigarette advocates say the devices, whose U.S. sales could top \$1 billion this year, help smokers

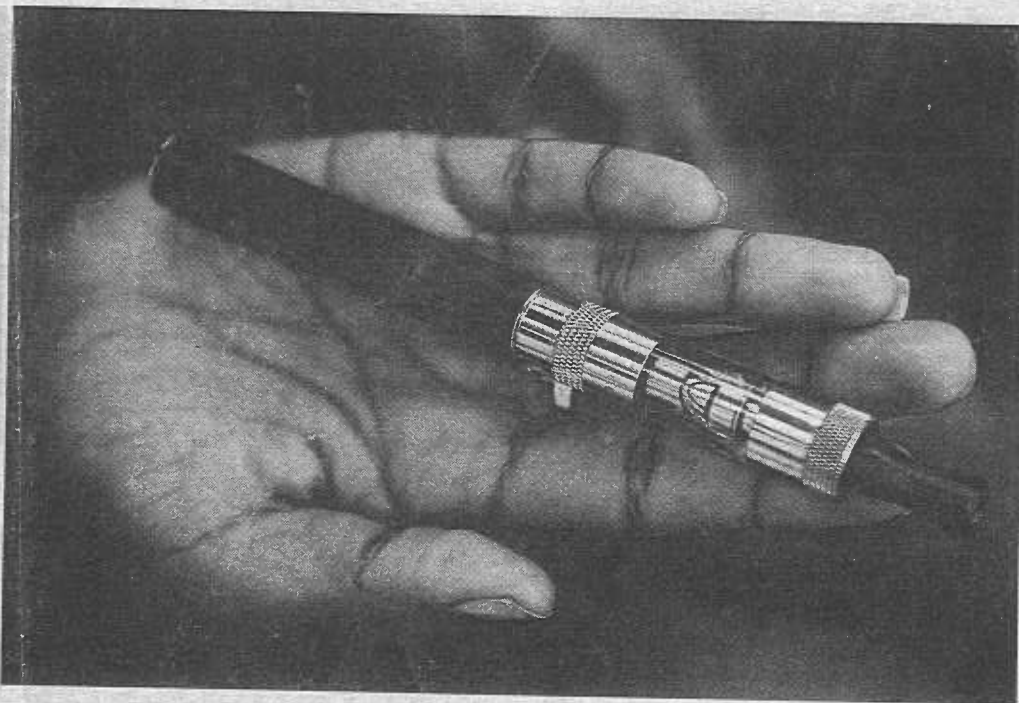
Young Lungs

Percentage of U.S. students in grades 6-12 who have used an electronic cigarette at least once



Source: CDC National Youth Tobacco Survey
The Wall Street Journal

Electronic cigarettes turn nicotine-laced liquid into vapor. Their rising use by youth worries health experts.



Getty Images

quit traditional ones. Nearly one in five U.S. adults still smoke regular cigarettes, which are blamed for over 400,000 deaths a year.

But many anti-tobacco groups say e-cigarettes could be a new gateway to traditional smokes. Unlike highly regulated traditional cigarettes, e-cigarettes are sold online and advertised on television. They also come in various flavors, from strawberry to chocolate, while traditional cigarettes may be sold only with tobacco and menthol flavoring.

Tim McAfee, director of the CDC's Office on Smoking and

Health, termed the rising use of e-cigarettes by adolescents "alarming" and said e-cigarette ads are "glamorizing" tobacco products for a new generation.

"This is heading in exactly the wrong direction," Dr. McAfee said in an interview, adding that regulators also should weigh flavor bans in addition to prohibiting sales to minors.

Mitch Zeller, director of the FDA's Center for Tobacco Products, said in a statement the data are "cause for great concern" and "reinforce" the agency's plans to regulate novel tobacco products

such as e-cigarettes.

The National Association of Tobacco Outlets, which represents 28,000 stores, backs age limits and says it is unaware any of its members sell e-cigarettes to minors. Many e-cigarette companies say they support bans on selling to minors and that most of their customers are adults who have switched from traditional cigarettes.

"We look forward to a regulatory framework for e-cigarettes that restricts youth access while at the same time doesn't stifle what may be the most significant

harm-reduction opportunity that has ever been made available to smokers," said Murray Kessler, chief executive of Lorillard Inc., a cigarette maker that owns blu, a top-selling e-cigarette brand.

Craig Weiss, chief executive of NJOY Inc., another major e-cigarette maker, said there still is no evidence that e-cigarettes lead teenagers toward traditional cigarettes. He added that NJOY, like Lorillard, requires retailers to verify customers aren't minors.

E-cigarettes overall still represent only about 1% of the roughly \$100 billion U.S. tobacco market.

Sacramento city officials to further study smoking bans in outdoor dining areas

By Tillie Fong

tfong@sacbee.com

Published: Wednesday, Feb. 19, 2014 - 12:00 am

Last Modified: Thursday, Feb. 20, 2014 - 8:19 am

Sacramento City Council members want to examine how smoking bans in outdoor dining areas work in other California cities before crafting an ordinance that would regulate bars and restaurants in the capital city.

"I want to make sure I understand what is out there," said Councilman Steve Cohn, adding that he was interested in what is – and isn't – regulated in bans in cities such as San Francisco, San Jose and San Diego.

Tuesday afternoon, Cohn and other members of the Law and Legislation Committee decided to hold off creating a potential ordinance to restrict or ban smoking at restaurant and bar patios in Sacramento.

Under state law, smoking is prohibited in enclosed areas for dining establishments and bars, but the ban does not extend to the outdoors areas attached to such businesses.

According to a list compiled by the American Lung Association in California, 73 cities in the state prohibit smoking in all outdoor dining areas and 42 restrict outdoor smoking with some exceptions. Davis is the only city in the Sacramento region that prohibits smoking in outdoor dining areas, according to the list. Most of the cities with regulations are in the Bay Area or Southern California.

Councilman Steve Hansen, who represents the central city, has been the driving force behind the change. He believes that the city should give priority to public health, and has been in private discussions with restaurateurs, business interests and health advocates for months on the issue.

The committee on Tuesday decided to forgo a staff presentation on the subject, and instead went straight into the public comment period. Nearly 20 people spoke.

About half were health advocates, including a representative from the American Cancer Society, who favor a ban. Many cited the dangers from breathing secondhand smoke, while others noted that similar prohibitions have not hurt businesses in other cities.

At least two people voiced concerns about having electronic cigarettes being included in the smoking ban.

Only one restaurant owner who spoke at the committee meeting Tuesday supported the smoking prohibition.

"People don't need to have smoke blown in their faces while they're eating dinner or having drinks," said Ed Roehr, an owner of Magpie Cafe, which has a smoke-free patio.

Suleka Sun-Lindley, owner of Thai Basil, doesn't believe that such a ban is necessary, and that customers should be able to choose which establishment they want to patronize.

"You support whoever shares the same values as you," she said.

Others voiced concerns about the negative effect of more regulation on businesses in a struggling economy.

"Small businesses – the ones that we represent – operate on very thin margins," said Chris Worden, senior policy manager with Downtown Sacramento Partnership.

He noted that there are 131 bars, restaurants and cafes in the business district, and a survey of the group showed that they were "strongly opposed" to an ordinance that would prohibit smoking in outdoor dining areas.

Councilman Jay Schenirer, committee chairman, directed Tina Lee-Vogt, program manager with the Community Development Department, to obtain more information about the businesses that may be affected by an outdoor dining smoking ban, specifically, how many restaurants, bars, cafes have enclosed vs. outdoor patios, how many are open to family dining and what are the hours for dining, and which restaurants already have non-smoking patios, before deciding on how to proceed.

"We have the best alfresco dining anywhere in the country," he said. "This is important to our city, but it's important that we do it right."

He did not give a deadline for when staff was to report back to the committee for the findings.

Hansen, who was outside the meeting Tuesday, said he wasn't surprised by the committee's decision.

"This is the process," he said afterward. "The city is a very deliberate place."

He said what he wanted was a healthy discussion. He said he would continue his previous discussions with various stakeholders, and said he hopes that he would have language for an ordinance to take back to the City Council in three to six months.

"I'm very optimistic," he said. "A lot of places are already doing this."

Call The Bee's Tillie Fong, (916) 321-1006.

- Read more articles by Tillie Fong

Electronic Cigarettes and Smoking Prohibitions

COUNCIL DISCUSSION ON PROPOSED AMENDMENTS TO SMOKING ORDINANCE



March 3, 2014 Study Session

ISSUES

- * Gaps in current smoking ordinance
 - * Electronic cigarettes
 - * Outdoor public places, restaurant patios
 - * Vapor and hookah lounges
- * Staff seeking council feedback



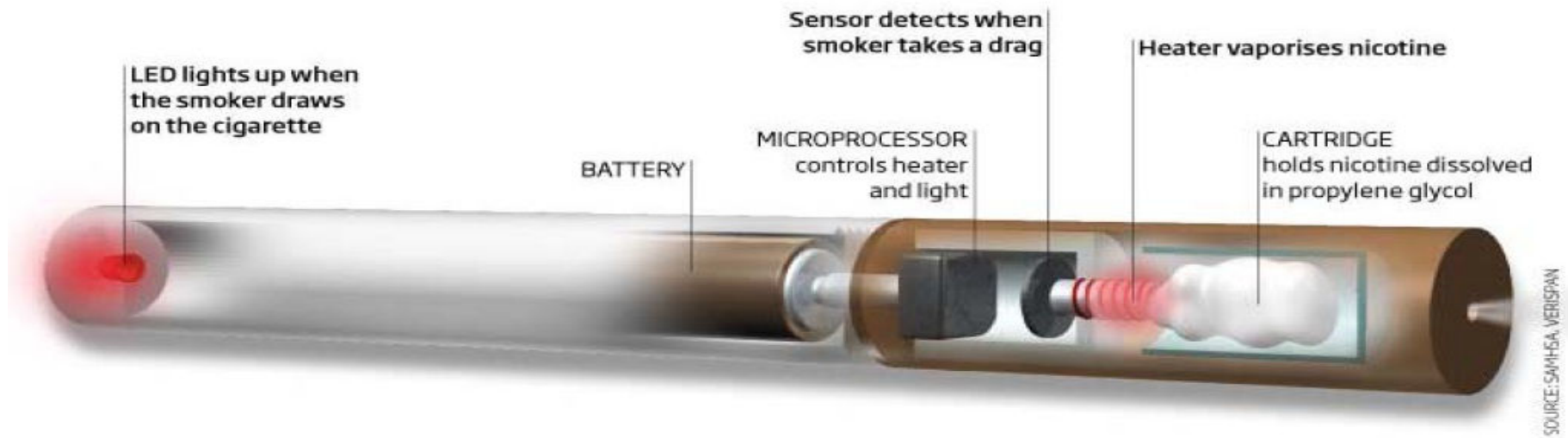
SMOKING LAWS

- * **California laws prohibit smoking:**
 - * In any enclosed place of employment
 - * School campuses
 - * Government buildings
 - * Daycare facilities
 - * Health facilities
 - * Within 25 feet of playgrounds
- * **Local laws may have stricter regulations**
- * **E-Cigarettes may not be sold to minors in CA;
Feds prohibit use on airplanes**

ISSUE: E-CIGARETTES

- * Emit doses of vaporized nicotine solution to be inhaled by user. Battery-powered heat vaporizes liquid solution in mouthpiece.

E-CIGARETTES



ISSUE: E-CIGARETTES

- * California Medical Association: the safety of e-cigarettes is currently unknown.
- * Studies show vapor contains carcinogens & toxic chemicals (lessor amounts than regular cigarettes).
- * Some use e-cigarettes to help them quit smoking; not a recognized cessation device by the FDA.
- * UCSF Study – E-cigarettes may lead to nicotine addition.

ISSUE: E-CIGARETTES

- * FDA developing regulations for e-cigarettes; could require ingredient listing, user fees, and manufacturing standards.
- * CA Senate Bill 648, to classify e-cigarettes like other tobacco products, passed Senate but postponed in committee. It may be revived in 2014.
- * E-cigarette use among minors is increasing.

E-CIGARETTES: REGULATION TRENDS

* **More cities treating e-cigarettes like regular cigarettes**

- * Union City
- * Petaluma
- * Walnut Creek
- * San Fernando
- * South San Francisco
- * Vista
- * Hayward
- * New York, Boston, Chicago



E-CIGARETTES: COUNCIL DIRECTION

1. Treat like regular cigarettes?

- * Would prohibit smoking e-cigarettes everywhere regular cigarettes are banned

2. Not regulate at all?

- * Could allow e-cigarette use anywhere in city, including enclosed places of employment, unless banned by property owner

ISSUE: OUTDOOR SMOKING

- * Draft Ordinance prohibits smoking in more outdoor public places
 - * Plazas and courtyards
 - * Retail areas
 - * Recreation and open space areas
 - * Outdoor restaurant dining areas
 - * Sporting events, farmers' markets, fairs
 - * Children's play areas
 - * Require designated smoking areas? (not in ordinance)
- * Ordinance does not increase prohibitions at multi-family properties
 - * Some cities prohibit on balconies, outdoor common areas, pools, etc. (and even within individual units)



OUTDOOR SMOKING: COUNCIL FEEDBACK

1. Prohibit in public outdoor areas listed in Section 6.84.030(A)(26) of draft Ordinance?

- * Rec and open space
- * Outdoor dining
- * Outdoor retail
- * Plazas, festivals, fairs, markets
- * Add language requiring designated smoking areas?

2. Strengthen regulations related to multi-family housing properties? Or leave as-is, allow property owners to regulate?

- * Ordinance does not address outdoor balconies or common areas (or within individual units)

ISSUE: VAPOR AND HOOKAH LOUNGES



- * Planning department inquiries
- * Current regulations prohibit smoking of any pipe in most enclosed workplaces and silent on smoking lounges
- * State law allows for private smoking lounges associated with tobacco shop
- * Some cities ban all smoking lounges — hookah, traditional, and “vapor” lounges for e-cigarette smokers
- * Other cities regulate location, hours, building requirements

COUNCIL FEEDBACK: SMOKING LOUNGES

1. Prohibit smoking, vapor, and/or hookah lounges?

1. Regulate as special use?

- * Limit location (i.e., 500 feet from school/daycare, other smoking lounges, park, library, etc.)
- * Hours
- * Ventilation/exhaust

NEXT STEPS

1. Bring ordinance back with changes for first reading?

OR

2. Additional study session necessary?





S O R O P T I M I S T

Best for Women

What is a Soroptimist?

By Julie Schaffer

President, Soroptimist International of Rancho Cordova

March 3, 2014

International Women's Day

- International Women's Day is celebrated on March 8.
- Each year, the United Nations declare a theme. This year's theme is "Inspiring Change" and that is what Soroptimists around the world endeavor to do all the time.



History of Soroptimist

- The first Soroptimist club was formed in 1921 by a group of 80 women in Oakland, CA, led by Violet Richardson-Ward
- To put the founding of the first Soroptimist club into perspective...Women had just earned the right to vote through the 19th Amendment to the US Constitution on August 20, 1920!





Who is Soroptimist?

- Soroptimist is an international organization for business and professional women who work to improve the lives of women and girls, in local communities and throughout the world.
- The name, Soroptimist, loosely means "best for women," and that's what the organization strives to achieve. Soroptimists are women at their best, working to help other women to be their best.



Where is Soroptimist?

- There are nearly 95,000 Soroptimists in about 120 countries and territories
- Four Federations: SI of the Americas, SI of Europe, SI of Great Britain & Ireland, SI of South West Pacific
- SI of Rancho Cordova falls under SI of the Americas

SI of the Americas Map

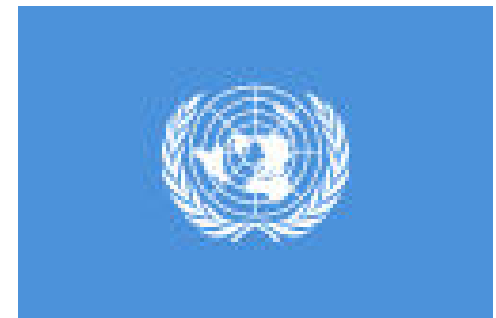




SOROPTIMIST
Best for Women

What do Soroptimists do?

- Soroptimist members belong to local clubs, which determine the focus of volunteer work to their communities.
- Soroptimist Int'l was granted consultative status with the United Nations' Economic and Social Council (ECOSOC) in 1950. ECOSOC oversees U.N. activities and policies promoting human rights. It is this forum that Soroptimist can advocate for our mission of improving the lives of women and girls.





Soroptimist Vision

Soroptimists share time, talents and financial resources to enrich our communities.

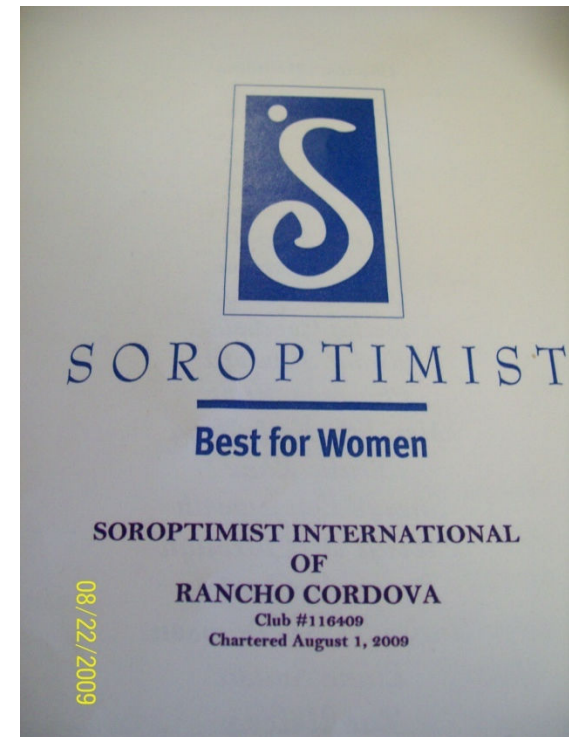
Together, we will:

- Improve the lives of women and girls
- Help women achieve economic and political equality
- Serve as a global voice for women
- Provide outstanding leadership development opportunities for women
- Enhance world peace and understanding



Soroptimist Int'l of Rancho Cordova (SIRC)

- Chartered in August, 2009
- Presently has 15 members
- Has already accomplished A LOT!

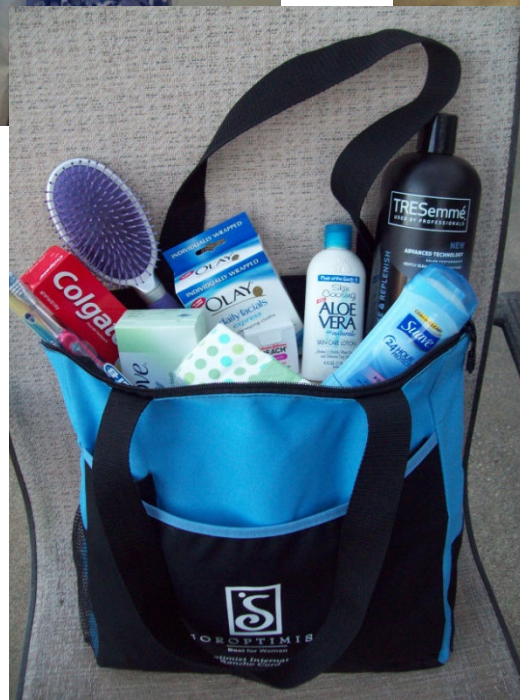


What has SIRC done?

- Created and donated over 150 “Comfort Kits” to women via WEAVE, who have escaped domestic violence in our community, since many leave with nothing but the clothes on their backs.
- Just began also delivering “Comfort Kid” kits to the children of domestic violence survivors.



Comfort Kits



What else does SIRC do?

- Treated Kindergarteners and 1st graders to a holiday party complete with gifts, food, personal time and a free 5x7 photo with Santa Claus in a Rancho Cordova elementary school where 90% of the families live below the poverty line.



What else does SIRC do?

- Provide homeless and deserving senior girls with a new Senior Ball dress, shoes and makeover for Senior Ball.
- Work with FCUSD Learning Express to provide a new bra to homeless teen girls during the fall shoe event at Payless Shoe Source.



What else does SIRC do?

- Give cash awards to single mothers who have returned to school so they can better provide for their family
- Give cash awards to 14-17 aged girls who volunteer and make a difference in their community and a matching cash award to an organization of their choice.



What else does SIRC do?

We volunteer in our community A LOT!

- Was one of five Soroptimist clubs that planned and hosted a STOP Trafficking Symposium held at First Covenant Church
- Wrap donated presents going to needy families through Christmas Promise
- Help hand out holiday food at the Cordova Food Locker
- Help gather basic necessities for homeless K-12 students in the Folsom Cordova school district through Project 680



What else does SIRC do?

We raised enough money to buy 24 Solar Cooker kits for Darfur, Sudan refugee families



Diapers for St. John's Women's Shelter



Volunteering

2011 STOP Trafficking Symposium



Volunteering at Cordova Food Locker



Shoe & Bra Event



Volunteering at Christmas Promise





SIRC Looks to the Future

- Our club will continue growing the things we've done, but wants to do so much more.
- SIRC looks forward to working with local law enforcement, educators and social services to help improve the lives of women and girls in Rancho Cordova.

SIRC wishes to make history by helping women and girls
secure their futures!

You Can Make A Difference in the Lives of Women & Girls!

“Volunteers are the only human beings on the face of the earth who reflect this nation's compassion, unselfish caring, patience, and just plain love for one another.”

~Erma Bombeck



“How wonderful it is that nobody need wait a single moment before starting to improve the world.” *~Anne Frank*

The Rancho Cordova Children Youth and Families Collaborative Presents...



The Saving Lives Campaign

August 2013



Participating Liquor Stores:

- J&K ATWAL INC.,
- RANCHO CORDOVA, CA 95670
-

- CHEVRON STATIONS INC
- CHEVRON STATION
- 2358 SUNRISE BLVD
- RANCHO CORDOVA, CA 95670
-

- HARDEEP SINGH
- SUNRISE FOOD & LIQUOR
- 2271 SUNRISE BLVD, STE D
- GOLD RIVER, CA 95670-4359
-

- SUNRISE RANCHO GAS INC
- ARCO AM PM
- 2295 SUNRISE BLVD
- RANCHO CORDOVA, CA 95670
-

- 99¢ ONLY STORES
- 99 CENT ONLY STORE 160
- 2868 ZINFANDEL DR
- RANCHO CORDOVA, CA 95670
-

- SUPERIOR GAS & CONVENIENCE STORE INC
- ZINFANDEL AM PM
- 2896 ZINFANDEL DR
- RANCHO CORDOVA, CA 95670-5604
-

- BALBIR KAUR SANDHU
- M & B CORDOVA LIQUORS
- 2787 DON JUAN DRIVE
- RANCHO CORDOVA, VA 95670
-

- DARSHAN SINGH SARTAN
- P & A FOOD & LIQUOR
- 10152 COLOMA RD
- RANCHO CORDOVA, CA 95670-4670

- FULL STOP & SAVE
- 10785 COLOMA RD
- RANCHO CORDOVA, CA 95670-2526
-

- NAV GAS & FOODS, INC
- HARRYS LIQUOR 7 FOOD
- 10847 FOLSOM BLVD
- RANCHO CORDOVA, CA 95670-5003
-

- MANBINDER SINGH MINHAS
- DAWES WINE & SPIRITS
- 2724 DAWES ST
- RANCHO CORDOVA, CA 95670-3506
-

- MANJIT KAUR KHINDA
- SURJIT S KHINDA
- CORDOVA FOOD & LIQUOR
- 10469 FOLSOM BLVD
- RANCHO CORDOVA, CA 95670
-

- SUKHJINDER SINGH
- ECO LIQUOR 7 FOOD
- 10599 FOLSOM BLVD
- RANCHO CORDOVA, CA 95670-4708
-

-
- DARBARA SINGH BADESHA
- COLOMA FOOD AND LIQUOR
- 11082 COLOMA RD, STE A1
- RANCHO CORDOVA, CA 95670
-

- PARAMJEET KAUR CHATHA
- 7 STOP FOOD MART
- 2351 VEHICLE DR

Participating Liquor Stores:

- MANJIT KAUR
- ZINFANDEL CHEVRON
- 3001 ZINFANDEL DR
- RANCHO CORDOVA, CA 95670-5639
-
- BYONG JOO YU
- KOREANA PLAZA MARKET SACRAMENTO
- 10971 OLSON DR
- RANCHO CORDOVA, CA 95670
-
- STORE OWNER
- TOOLEY OIL COMPANY
- 3050 ZINFANDEL DRIVE
- RANCHO CORDOVA, CA 95670
-
- 7 ELEVEN INC
- 7 ELEVEN STORE 2235 14098A
- 10246 MILLS STATION RD
- RANCHO CORDOVA, CA 95670
-
- PIARA SINGH
- SONNYS MARKET
- 3291 MATHER FIELD ROAD
- RANCHO CORDOVA, CA 95670-5858
-
- TARLOCHAN SINGH
- FULL STOP MARKET
- 10069 FOLSOM BLVD
- RANCHO CORDOVA, CA 95670-1901
-
- AKIA GAS, LP
- AKIA GAS LP
- 10109 FOLSOM BLVD
- RANCHO CORDOVA, CA 95670-1902
-
-
-

We need your continued support!

- March 2014 Prescription Drug Abuse Awareness Month Resolution
- 3/20/14 Youth Branding Workshop: Social Norms Campaign Beginnings
- 4/26/14 Kids Day in the Park: Drug Take Back with National Guard





**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**

Tuesday, February 18, 2014

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

DRAFT MINUTES

1. REGULAR MEETING - CALL TO ORDER / ROLL CALL

Mayor Skoglund called the regular meeting to order in the David B. Roberts Council Chambers at 5:38 PM.

Council Members Present: Terry, McGarvey, Skoglund, Budge, Sander

Council Members Absent: None

Staff Members Present: Gaebler, Chinn, Cuppy, Holt, Abhar, Mingay, Simpson, Hall, Cook, Flory, George, Goold, Silva (5:58 PM), Peterson (5:58 PM), Sparkman (6:36 PM), McCoy (6:36 PM), Junker (6:36 PM), Samuelson (6:36 PM), Haven (6:36 PM)

2. METRO CABLE TV TELEVISION ANNOUNCEMENT

The City Clerk read the meetings recordings and playback schedules.

3. PLEDGE OF ALLEGIANCE

Scottie Moore led the pledge.

4. INVOCATION

Pastor Tim Layfield from First Covenant Church gave the invocation.

5. PRESENTATIONS

- 5.1 Presentation of Proclamation in Support of Spay Day to Scottie Moore, President and Founder of Save Our Cats and Kittens (SOCKS), and to Alexis Raymond, President of Sacramento Area Animal Coalition (SAAC).
- 5.2 Recognition of Council Member Donald Terry's Birthday on February 8th.

6. PUBLIC COMMENT

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

- Mike McKeever, Executive Director of Sacramento Area Council of Governments (SACOG) to recognize the City Manager, Ted Gaebler, on the occasion of his retirement.
- Moses Abera, in support of item 8.4.

Mayor Skoglund closed the public comment period.

7. COUNCIL REPORTS

Council reported on events since the last meeting.

8. CONSENT CALENDAR ITEMS - ROLL CALL VOTE

ACTION: Motion to approve items 8.1, 8.2, 8.3, 8.5, 8.7 by Budge second by McGarvey;
Carried by a 5:0 roll call vote.

Items 8.4, 8.6, and 8.8 were pulled for discussion.

ACTION: Motion to approve item 8.4 by Budge second by McGarvey;
Carried by a 5:0 roll call vote.

ACTION: Motion to approve item 8.6 by Budge second by Sander;
Carried by a 5:0 roll call vote.

ACTION: Motion to approve item 8.8 by Budge second by McGarvey;
Carried by a 4:0 roll call vote. (Budge abstained).

- 8.1 **Subject:** Meeting Minutes of February 3, 2014 Regular Meeting and February 11, 2014 Special Meeting.
Recommendation: Adopt Minutes.

- 8.2 **Subject:** Resolution of the City Council of the City of Rancho Cordova Appointing Joe Chinn as the Interim City Manager and Setting Terms of Employment for the Interim Assignment.
Recommendation: Staff recommends the City Council adopt the attached Resolution appointing Joe Chinn as Interim City Manager.
Result of Recommended Action: Adoption of Resolution No. 16-2014 will establish the terms of employment for the current Assistant City Manager, Joe Chinn, to serve as the Interim City Manager, including setting a monthly salary of \$17,036 per month. Following the selection of a new permanent City Manager, Mr. Chinn will resume his service as Assistant City Manager.
Staff Report: Adam U. Lindgren, City Attorney.
Advances Goals: 1, 2, 3, 4, 5, 6.
- 8.3 **Subject:** Resolution Authorizing Amendment No. 1 to the Capital Southeast Connector Joint Powers Agreement (JPA).
Recommendation: Adopt Resolution No. 10-2014, authorizing the City Attorney to sign the first amendment to the Capital Southeast Connector Joint Powers Agreement.
Result of Recommended Action: Adoption of this Resolution will expand guidelines addressing local jurisdiction membership withdraw, and will expand local jurisdiction roles in financial obligation and eminent domain processes relating to Capital Southeast Connector projects.
Staff Report: Cyrus Abhar, Public Works Director and Mark Thomas, Senior Engineer.
Advances Goal: 2.
- 8.4 **Subject:** Resolution Authorizing the Expansion of Fiscal Support for Highway 50 Improvements.
Recommendation: Adopt Resolution No. 14-2014, authorizing the City Manager and City Attorney to sign the first amendment to Rancho Cordova Contract No. 114-2013 with Caltrans.
Result of Recommended Action: Adoption of this Resolution will modify the current agreement with Caltrans to allow a maximum City contribution of \$250,000. The current agreement caps the contribution at \$150,000.
Staff Report: Cyrus Abhar, Public Works Director and Mark Thomas, Senior Engineer.
Advances Goals: 1, 2.
- 8.5 **Subject:** Resolution Authorizing the City Manager to Execute a Professional Service Agreement with MCE Corporation in an Amount Not to Exceed \$500,000 Annually for Operations and Maintenance Support.
Recommendation: Adopt Resolution No. 17-2014.
Result of Recommended Action: Adoption of this resolution will allow the City to continue contracting with MCE Corporation to provide graffiti and illegal signs removal, pothole patching, replacement of damaged or faded traffic signs, removal of illegal dumping, and response to emergency or afterhours calls for service.
Staff Report: Cyrus Abhar, Public Works Director & John Samuelson, Streets Operations and Maintenance Manager.
Advances Goals: 1, 2, 5.

- 8.6 **Subject:** Amended and Restated Disposition and Development Agreement with Mercy Housing for Phase 1 of the Mather Veterans' Village Affordable Housing Development for Homeless and Disabled Veterans.
Recommendation: Adopt Resolution No. 13-2014 (Attachment 1) authorizing the City Manager to execute the Amended and Restated Disposition and Development Agreement (DDA) (Attachment 2) and related instruments with Mercy Housing, a California 501c3 not-for-profit corporation ("Developer").
Result of Recommended Action: Adoption of this resolution will provide the City Manager authorization to execute the Amended and Restated DDA and related instruments with Developer for Phase 1 of Mather Veterans' Village, an affordable housing development for homeless and disabled veterans. It will allow the Developer to prepare and submit a competitive Tax Credit application for project gap funding on or before March 5, 2014.
Staff Report: Reed Flory, Housing Division.
Advances Goals: 1, 2, 3, 5, 6.
- 8.7 **Subject:** Resolution Authorizing the Second Amendment to the Transit Operations and Management Agreement with Sacramento Regional Transit.
Recommendation: Approve Resolution No. 11-2014, authorizing the City Manager to sign an amendment that will extend the operations and management of Rancho Cordovan service provided by Sacramento Regional Transit (Sac RT).
Result of Recommended Action: Sacramento Regional Transit will commit to providing the continuation of Rancho Cordovan services at the rates proposed in the 2009 contract agreement between the City and Sac RT. Sac RT will also commit to service future expansions under the same cost structure.
Staff Report: Cyrus Abhar, Public Works Director and Mark Thomas, Senior Engineer.
Advances Goals: 1, 2, 5.
- 8.8 **Subject:** Resolution to Rescind Requirement to Install Dual Plumbed Recycled Water System (Purple Pipe).
Recommendation: Adopt Resolution No. 9-2014.
Result of Recommended Action: Adoption of this Resolution will cease the requirement conditioned on new development to install a dual plumbed recycled water system, commonly referred to as purple pipe, in the City of Rancho Cordova.
Staff Report: Cyrus Abhar, Public Works Director & Elizabeth Sparkman, Senior Engineer.
Advances Goal: 6.

9. CONSENT PUBLIC HEARING ITEMS - ROLL CALL VOTE

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

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

- 9.1 **Subject:** Ordinances Reinstating the Annual Program Fee Inflationary Adjustments for Certain Plan Area Development Impact Fee Programs and Changing the Annual Adjustment Date Starting in 2015.
Recommendation: Introduce and waive the first reading of Ordinances Nos. 4-2014 and 5-2014, reinstating the annual program fee inflationary adjustments and changing the adjustment date for the following Development Impact Fee Programs:

- a) Villages of Zinfandel Special Plan Area
- b) Sunrise Douglas Community Plan Area

Result of Recommended Action: Adoption of these Ordinances will reinstate the annual Construction Cost Index (CCI) inflationary fee adjustment for certain Plan Area Development Impact Fee Programs without making up for the suspension of past adjustments and changes the adjustment date from March 1st to January 1st starting in 2015 to be consistent with other fee programs.

Staff Report: Michelle Mingay, Sr. Finance Analyst.

Advances Goal: 5.

- 9.2 **Subject:** Ordinance Amendments to Eliminate North Vineyard Well Protection Fee and Groundwater Optimization Fee.

Recommendation: Waive the first reading and introduce Ordinance No. 2-2014 and Ordinance No. 3-2014.

Result of Recommended Action: Adoption of these Ordinances will revise Ordinance SZC-2002-0014 by deleting conditions 24 and 25 and Ordinance SZC-2002-0015 by deleting conditions 23 and 24 as they relate to the establishment and collection of fees for the North Vineyard Well Protection Insurance Program and the Groundwater Optimization Program.

Staff Report: Cyrus Abhar, Public Works Director & Elizabeth Sparkman, Senior Engineer.

Advances Goal: 6.

- 9.3 **Subject:** Mather Veterans' Village Tentative Parcel Map; Project No. DD8438 – Located at 3611 Bleckley Street.

Recommendation: Adopt the Resolution No. 15-2014.

Result of Recommended Action: Adoption of Resolution No. 15-2014 would approve the applicant's request to divide a developed 20.17 acre parcel into four new parcels of 1.11 acres, 1.19 acres, 1.38 acres and a remainder parcel of 16.49 acres. The new 1.38 acre parcel contains an existing 24,093 square foot building while the new 1.19 acre and 1.11 acre parcels are comprised of existing parking and landscaped areas. The 16.49 acre remainder parcel has a variety of different structures with parking and landscaping as well as some undeveloped sections adjacent to Femoyer Street. This subdivision is necessary to implement the Mather Veterans' Village housing project (DD7915) that was approved by City Council on July 15, 2013.

Staff Report: Matthew Diaz, Associate Planner, and Reed Flory, Housing Services Administrator.

Advances Goals: 1, 2, 5.

10. PUBLIC HEARING ITEMS

NONE.

11. REGULAR CALENDAR ITEMS

12. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

None.

13. CITY MANAGER'S REPORT

Administrative Services: Human Resources, Information Technology and Finance.

Ted Gaebler, City Manager, gave thanks to Council Members for their successful partnership with him.

14. ADJOURNMENT

Mayor Skoglund adjourned the meeting in memory of Al Balliet, Margaret Carroll, Bob Morgan, Karen Drouin and Bob Morgan at 7:35 PM.

15. CLOSED SESSION - CALL TO ORDER/ROLL CALL

Council did not adjourn to Closed Session.

16. CLOSED SESSION

PUBLIC EMPLOYEE APPOINTMENT (If Needed)

Title: City Manager

Pursuant to Government Code Section 54957

17. OPEN SESSION - REPORT FROM CLOSED SESSION

No report out, Council did not adjourn to Closed Session.

18. ADJOURNMENT

Mindy Cuppy, CMC, City Clerk

CITY OF RANCHO CORDOVA

ORDINANCE NO. 2-2014

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
AMENDING CONDITIONS OF APPROVAL RELATED TO THE COLLECTION OF A NORTH
VINEYARD WELL PROTECTION FEE AND GROUNDWATER OPTIMIZATION FEE INCLUDED
IN A LAND USE REZONING ORDINANCE FOR THE SUNRIDGE SPECIFIC PLAN AREA**

RECITALS

WHEREAS, on July 17, 2002, the County of Sacramento ("County") adopted Resolution No. 2002-0901, establishing the SunRidge Specific Plan ("SRSP"); and

WHEREAS, on July 17, 2002, the County adopted Ordinance No. SZC-2002-0014, attached hereto as Exhibit "A", changing land use zones within the SRSP; and

WHEREAS, the zoning changes were conditioned upon compliance with a number of requirements set forth in Section 3, "Exhibit C" to Ordinance No. SZC-2002-0014; and

WHEREAS, due to the widespread groundwater contamination emanating from the Aerojet and Boeing project sites, SRSP developers worked with the Sacramento County Water Agency ("SCWA") to identify an acceptable source of potable water that could meet the needs of the proposed project that would not accelerate groundwater contamination plume movement or interfere with any future remedy; and

WHEREAS, because of the unique nature of providing water to the SRSP project area, the County established two fee programs deemed necessary to mitigate the higher cost of providing water and water supply infrastructure for the area; and

WHEREAS, pursuant to Conditions 24 and 25 of "Exhibit C" to Ordinance No. SZC-2002-0014, the County created certain conditions for the establishment of a North Vineyard Well Protection Program and a Groundwater Optimization program and collection of fees required to be paid by development within the SRSP; and

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

WHEREAS, the Sunridge Specific Plan Area is located entirely within the incorporated boundaries of the City; and

WHEREAS, pursuant to Ordinance No. 21-2003, the City adopted by reference the Sacramento County Zoning Code, including those provisions relating to the SRSP; and

WHEREAS, pursuant to Ordinance No. 27-2008, the City adopted a Zoning Code Update that completely replaced the City's existing Zoning Code and all provisions therein, with the exception of the eight existing Special Planning Areas (SPAs), as identified on the Rancho Cordova Zoning Map and depicted in an attachment to that Ordinance; and

WHEREAS, the Sunridge Specific Plan Area is one of the existing SPAs that was excluded from the Zoning Code Update and therefore the provisions of SCZ-2002-0014 still exist for the City by prior reference; and

WHEREAS, the County has requested that the City revise Zoning Ordinance No. SZC-2002-0014 by deleting conditions 24 and 25 as they relate to the establishment and collection of fees for the North Vineyard Well Protection Insurance Program and the Groundwater Optimization Program.

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

Section 1. Condition No. 24 of Exhibit "C" to SZC-2002-0014, incorporated by prior reference to the Rancho Cordova Zoning Code, is hereby amended to read as follows:

"Condition No. 24 has been repealed at the request of the County of Sacramento,"

Section 2. Condition No. 25 of Exhibit "C" to SZC-2002-0014, incorporated by prior reference to the Rancho Cordova Zoning Code, is hereby amended to read as follows:

"Condition No. 25 has been repealed at the request of the County of Sacramento,"

Section 3. Severability

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

Section 4. 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 adoption.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the _____ day of _____, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dan Skoglund, Mayor

ATTEST:

Mindy Cuppy, CMC, City Clerk

2231786.1

Control No.: 93-0243
SunRidge Specific Plan
Sunrise Douglas Property Owners

ORDINANCE NO. SZC 2002- 0014

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF SACRAMENTO COUNTY AMENDING THE
ZONING CODE OF SACRAMENTO COUNTY,
ORDINANCE NO. 83-10, AS AMENDED,
CHANGING THE LAND USE ZONE OF CERTAIN PROPERTY KNOWN AS
ASSESSOR'S PARCEL NOS. 067-0030-006, 009, 012-015, 017-019, 027; 067-0040-004, 005,
012-016; 067-0090-011, 014, 016, 017, 022-025; 072-0300-003, 004; AND 072-0370-016**

The Board of Supervisors of the County of Sacramento, State of California, ordains as follows:

SECTION 1: Section 101-116 of the Zoning Code of Sacramento County, Ordinance No. SZC 83-10, as amended, which incorporates Comprehensive Zoning Plan Unit Nos. 308/212, 324/212, and 324/224 is amended to change the land use zone of the property described in Exhibits "A" and "B", which are attached hereto and incorporated herein as though set forth in full ("Subject Property"), and which is also commonly referred to and known as Assessor Parcel Nos. 067-0030-006, 009, 012-015, 017-019, 027; 067-0040-004, 005, 012-016; 067-0090-011, 014, 016, 017, 022-025; 072-0300-003, 004; and 072-0370-016, from the AG-20, AG-80, and M-1 Land Use Zones to the AG-20, RD-4, RD-5, RD-7, RD-10, RD-20, SC, LC, and O Land Use Zones for 2,605± acres, as depicted on Exhibit "B".

SECTION 2: The change in the Land Use Zone for the Subject property provided for in Section 1 hereof shall be subject to, and conditioned upon, compliance with all the conditions set forth in Exhibit "C", which is attached hereto and incorporated herein as though set forth in full.

SECTION 3: The conditions set forth in Exhibit "C" and incorporated herein shall run with the land and shall be directly enforceable by the County against the owner(s), successors and assigns of the Subject Property.

SECTION 4: The Board of Supervisors finds in connection with its adoption of this ordinance, and the imposition of the conditions enumerated in Exhibit "C" hereof and incorporated herein, that the owners of the Subject Property, or authorized representatives of the owners, have consented to the imposition of the conditions enumerated in Exhibit "C" hereof. This consent is memorialized in Exhibit "D" which is attached hereto and incorporated herein as though set forth in full.

SECTION 5: This ordinance shall take effect and be in full force on thirty (30) days from the date of its passage, and before expiration of fifteen (15) days from the date of its passage it shall be published once with the names of the members of the Board of Supervisors voting for and against the same, said publication to be made in a newspaper of general circulation published within the County of Sacramento, State of California.

On a motion by Supervisor Collin, seconded by Supervisor Dickinson, the foregoing ordinance was passed and adopted by the Board of Supervisors of the County of Sacramento, State of California, this 17th day of July, 2002, by the following vote, to wit:

AYES: Supervisors Collin, Dickinson, Niello, Nottoli

NOES: Supervisors None

ABSENT: Supervisors Johnson



(SEAL)

ATTEST: Cindy H. Turner

Don Nottoli
CHAIRPERSON, Board of Supervisors
County of Sacramento, California

APPROVED
BOARD OF SUPERVISORS

JUL 17 2002

Cindy H. Turner
By Clerk of the Board

Recorded & Indexed
July 17, 2002
County of Sacramento, California

JUL 17 2002

Leith Grunwaldt
Deputy Clerk, Board of Supervisors

DP:dp
or930243

AGENDA ITEM 12.2

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

STATE OF CALIFORNIA

COUNTY OF
SACRAMENTO

On July 25, 2002, before me, Marcia Faith Grunwaldt, personally appeared Cindy H. Turner, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacities, and that by her signature on the instrument the person, or the entities upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Marcia Faith Grunwaldt

**OPTIONAL SECTION**

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

INDIVIDUAL
CORPORATE
OFFICER(S)

Title(s)

PARTNER(S)
LIMITED
GENERAL
ATTORNEY-IN-FACT
TRUSTEE(S)
GUARDIAN
CONSERVATOR
OTHER: Clerk of the
Board of Supervisors

SIGNER IS REPRESENTING
Name of Person(s) or
entity(ies): County of
Sacramento

OPTIONAL SECTION

DATA REQUESTED HERE
IS NOT REQUIRED
BY LAW.

TITLE OR TYPE OF DOCUMENT: Ordinance No. SZC-2002-0014
NUMBER OF PAGES: 46 pages (includes attachments)
DOCUMENT DATE: July 17, 2002
SIGNER(S) OTHER THAN NAMED ABOVE _____

EXHIBIT "A"
DESCRIPTION FOR THE
REZONE OF THE
SUNRISE-DOUGLAS SPECIFIC PLAN AREA

All that certain real property situate in all of Section 20, Section 17 and fractional Section 8 as shown and so designated on the Record of Survey filed for record in Book 40 of Surveys, at Page 44 of the Official Records of Sacramento County and a portion of fractional Section 9 and 10 and a portion of Sections 15 and 16, Township 8 North, Range 7 East, Mount Diablo Meridian, County of Sacramento, State of California being more particularly described as follows:

Beginning at the Southeast Corner of said Section 20 with grid coordinates of (N)1954141.73 feet, (E)6783649.16 feet, of Zone 2 of the California State Coordinate System; thence from said **Point of Beginning** along the South line of said Section 20 (1) South 89°45'10" West a distance 5310.18 feet to the Southwest Corner of said Section 20 with grid coordinates of (N)1954119.18 feet, (E)6778341.47 feet, of said Zone 2; thence leaving said South line (2) North 00°37'01" West a distance of 5292.24 feet along the West line of said Section 20 to the Northwest corner of said Section 20 with grid coordinates of (N)1959410.34 feet, (E)6778282.49 feet of said Zone 2; thence leaving said West line of said Section 20 along the West line of said Section 17 (3) North 00°32'51" West a distance of 2631.92 feet to the West One-Quarter of said Section 17; thence continuing along said West line (4) North 00°56'11" West a distance of 2330.52 feet to the Southeast corner of that certain Parcel recorded in that certain deed recorded in Book 20000103, Page 0679 of said Official records; thence leaving said West line (5) South 89°03'03" West a distance of 91.47 feet along the Southerly line of said Parcel; thence continuing along said Southerly line (6) South 89°53'02 East a distance of 84.15 feet to the most Southwesterly line of said Parcel; thence along the Westerly line of said Parcel the following five (5) courses and distances:

1. (7) North 41°32'41 West, 964.48 feet;
2. (8) North 28°34'38" West, 80.97 feet;
3. (9) North 46°44'36" West, 531.54 feet;
4. (10) North 00°22'57" East, 350.00 feet;
5. (11) North 00°23'57" West, 588.60 feet to a point situate on the South line of Rancho Rio De Los Americanos as shown on that Record of Survey recorded in Book 18 of Surveys, Page 4 of said Official Records;

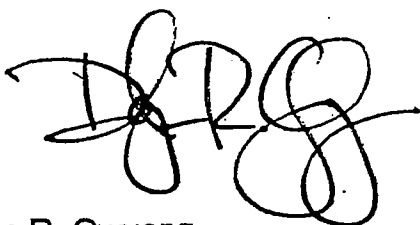
thence along said South line the following seven (7) courses and distances:

1. (12) South 89°37'03" East, 1213.85 feet;
2. (13) South 89°41'24" East, 990.31 feet;

3. (14) South 89°37'59" East, 1558.39 feet;
4. (15) South 89°37'18" East, 803.53 feet;
5. (16) North 89°37'32" East, 1946.91 feet to the One-Quarter common to said Section 8 and 9;
6. (17) North 89°23'08" East, 5280.76 feet to the Section corner common to said Sections 9 and 10;
7. (18) South 89°23'01" East, 835.09 feet to the southeast corner of said Rancho Rio De Los Americanos;

thence leaving said South line (19) North 28°35'28" East a distance of 380.95 feet along the east line of said Rancho Rio De Los Americanos to the most southerly point of Parcel 1 as shown and so designated on that certain Parcel Map filed for record in Book 29 of Parcel Maps, at Page 28 of said Official Records; thence along the West line of said Parcel Map (20) North 00°57'33" West a distance of 4255.84 feet to the Northwest corner of Parcel 2 of said Parcel Map; thence leaving said West line along the Northerly line of said Parcel 2 (21) North 89°02'27" East a distance of 1129.60 feet to a point on the West line of Parcel 7 of said Parcel Map; thence leaving said North line along the West line of said Parcel 7 (22) North 00°57'33" West a distance of 497.45 feet to the Northwest corner of said Parcel 7; thence leaving said West line (23) North 89°02'27" East a distance of 1129.00 feet to the Northeast corner of said Parcel 7; thence leaving said North line along the East line of said Parcel 7 (24) South 00°57'33" East a distance of 769.38 feet along the East line of said Parcel 7 to a point on said Rancho Rio De Los Americanos; thence along said East line of said Rancho Rio De Los Americanos (25) South 28°35'28" West a distance of 3955.19 feet to the Northwest corner of Government Lot 3 of the Government Land Ordinance Plat; thence along the West line of said Government Lot 3 (26) South 00°49'50" East a distance of 878.63 feet to the South line of the North 26.48 acres of Government Lot 3 as described in Book 991014, Page 626; thence along said South line (27) North 89°12'32" East a distance of 1319.67 feet to the Northwest corner of the South 107 acres of the Southeast One-Quarter of Section 10 per that Record of Survey recorded in Book 32 of Surveys, page 27 of said Official Records; thence along the North line of said South 107 acres (28) South 89°46'23" East a distance of 2642.23 feet to a point on the East line of said Section 10; thence leaving said North line (29) South 00°50'42" East a distance of 1763.48 feet to the Southeast corner of said Section 10; thence leaving the East line of said Section 10 and along the East line of said Section 15 (30) South 00°50'42" East a distance of 3447.24 feet to the Northeast corner of a 646.20 acre Parcel as shown on the Record of Survey filed in Book 19 of Surveys at Page 11; thence along the North line of said 646.20 acre Parcel (31) South 89°53'05" West a distance of 5283.75 feet to the Northwest corner of said 646.20 acre Parcel; thence leaving said North line (32) North 00°55'55" West a distance of 2526.79 feet; thence leaving said West line (33) South 89°34'29" West a distance of 5288.73 feet to a point on the East line of said Section 17; thence along said East line (34) South 00°44'19" East a distance of 1712.98 feet to the East One-Quarter of said Section 17; thence along the East line of said Section 17

(35) South $00^{\circ}44'16''$ East a distance of 2645.67 feet to the Southeast corner of said Section 17 with grid coordinates (N)1959418.20 feet, (E) 6783579.29 feet of said Zone 2; thence leaving the East line of said Section 17 and along the East line of said Section 20 (36) South $00^{\circ}45'30''$ East a distance of 5277.67 feet to the Point of Beginning and containing 2636.00 acres of land, more or less.



Douglas R. Owyang
Expires June 30, 2005

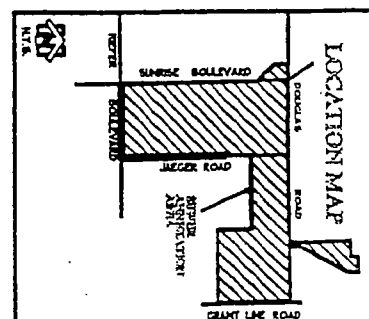
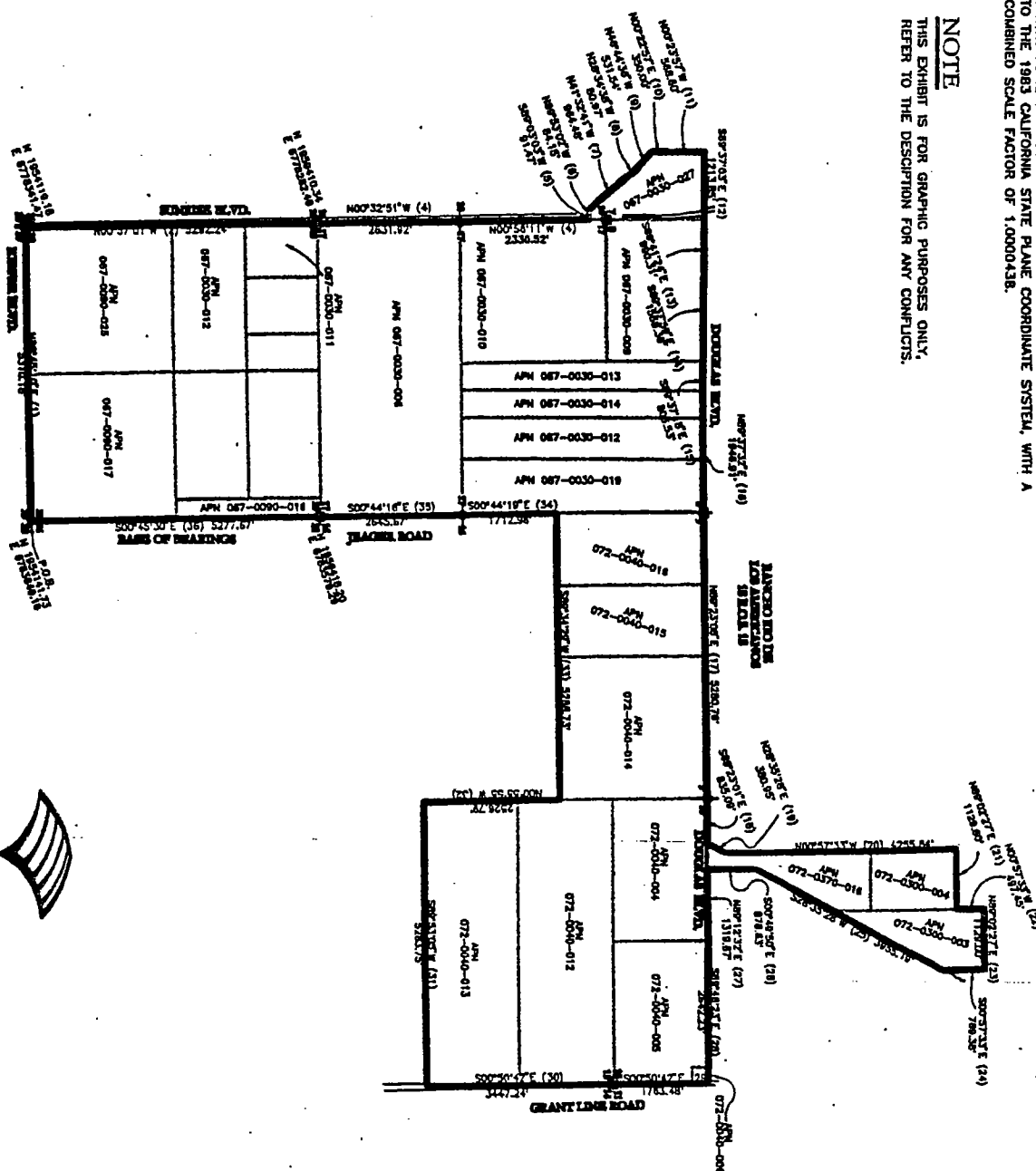


PREPARED BY WOOD RODGERS, INC
SACRAMENTO, CALIFORNIA

Basis of bearings for this description was that certain Record of Survey filed in Book 40 of Surveys, at Page 44 of said Official Records. Bearings were then rotated $00^{\circ} 00' 14''$ clockwise to the 1983 California State Plane coordinate System, Zone 2, by field ties to 1st order control monuments pursuant to LAFCO requirements.

THE BASIS OF THE BEARINGS FOR THIS DESCRIPTION IS BASED ON THE EAST LINE OF SECTION 20, T.8 N., R. 9 E. M.D.M., AS SHOWN ON THAT RECORD OF SURVEY FILED IN BOOK 40 OF SURVEYS, PAGE NO. 44, OFFICIAL RECORDS OF SACRAMENTO COUNTY, AS ESTABLISHED BY MONUMENTS SHOWN HEREON. THE BEARING OF WHICH IS NORTH 0° 34' 44" WEST WHICH IS ROTATED 0° 14' 44" COUNTERCLOCKWISE TO THE 1983 U.S. NATIONAL HORIZONTAL COORDINATE SYSTEM, WITH A COMBINED SCALE FACTOR OF 1.0000438.

THIS EXHIBIT IS FOR GRAPHIC PURPOSES ONLY.
REFER TO THE DESCRIPTION FOR ANY CONFLICTS.



AGENDA ITEM 12.2

SITUATE IN ALL OF SECTION 20 AND SECTION 17
AND FRACTIONAL SECTIONS 8, 9 AND 10,
PORTIONS OF SECTIONS 15 AND 16
TOWNSHIP 8 NORTH, RANGE 7 EAST, M.D.M.
COUNTY OF SACRAMENTO, STATE OF CALIFORNIA

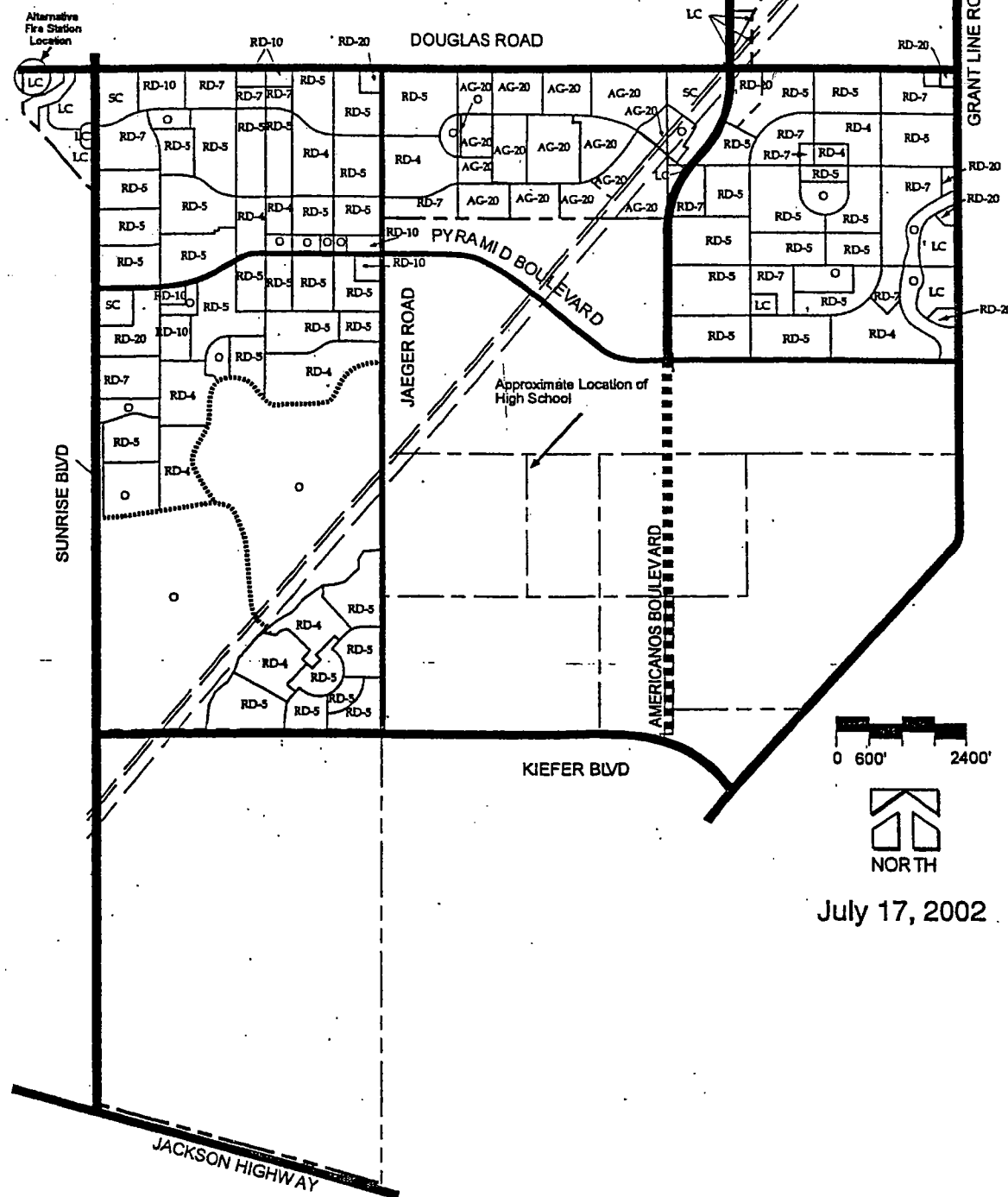
ENGINEERING • MAPPING • PLANNING • SURVEYING
3301 C St, Bldg. 100-B Tel 916.341.7760
Sacramento, CA 95816 Fax 916.341.7767

Exhibit "B"

EXHIBIT A

SunRidge Specific Plan

Zoning



July 17, 2002

EXHIBIT "C"

- (a) Street improvements and drainage facilities shall be of the type and shall be constructed and installed as specified below.

Transportation Improvements

1. Development within the SunRidge Specific Plan area shall be obligated to participate in fair share funding for freeway, transit, and rail improvements. This fair share obligation shall be met through the payment of Road and Transit Development Fees, and through the establishment and payment of fees into a Public Facilities Financing Plan.
2. Participate on a fair share basis in any program implemented by the County, Caltrans, or other local agencies to reduce vehicle travel on Sunrise Boulevard, White Rock Road, and other congested roadways in the area.
3. Widen Sunrise Boulevard from White Rock Road to Douglas Road from four lanes to six lanes, and from Douglas Road to Jackson Highway from two lanes to four lanes. This widening should occur when traffic volumes reach 90 percent of capacity of a four-lane facility, or 32,400 daily vehicles, and 90 percent of capacity of a two-lane facility or 16,200 daily vehicles.
4. Widen Douglas Road from Americanos Boulevard to access roads approximately 1,500 feet west of Sunrise Boulevard from two lanes to four lanes. This improvement would increase capacity on Douglas Road to accommodate primarily project-generated traffic. This widening should occur when traffic volumes reach 90 percent capacity for a two-lane facility, or 16,200 vehicles.
5. On a "fair share" basis satisfactory to the County Transportation Department, widen Folsom Boulevard to six lanes between Mather Field Road and Coloma Road to accommodate existing and project generated traffic.
6. If feasible at the intersection of Mather Field Road and International Drive under future conditions, on a fair share basis determined by the County Transportation Department, construct dual left-turn lanes on the westbound approach, and a free right-turn lane on the northbound approach.
7. Development in the Specific Plan and Community Plan shall contribute fair-share funding toward the future construction of a 6-lane extension of Jaeger Road from Douglas Road to US 50.

8. Dedicate rights-of-way for arterial and thoroughfare streets consistent with the requirements of the SunRidge Specific Plan prior to approval of tentative subdivision maps that include building lots.

Transportation Improvement Phasing Requirements

9. No more than a cumulative total of 2,000 residential building lots shall be recorded in final maps within the SunRidge Specific Plan prior to the commencement of construction of the eight roadway and one pedestrian/bicycle improvement projects included as Phase 1 bond eligible circulation improvement projects in Figure 17 of the SunRidge Public Facilities Financing Plan ("nine priority projects"), except that the Board of Supervisors may approve final subdivision maps for additional residential building lots within the SunRidge Specific Plan subsequent to a report prepared or approved by the Department of Transportation if it determines that all nine priority projects are expected to be completed prior to traffic generated by said 2,000 residential building lots and that development of more than 2,000 lots will not result in unacceptable traffic congestion or safety problems. Any traffic studies required by County in support of such determination shall be paid for by the final map applicant. For purposes of these conditions 9, 10, 11, and 12 the term "commencement of construction" shall be deemed satisfied if there is a fully executed contract for construction of the improvement, all agreements and bonds required by such contract and the County of Sacramento have been delivered to the appropriate party designated by such contract, and the owner has delivered a "48 Hour Notice to Proceed" to the contractor pursuant to the terms of said contract.
10. No more than a cumulative total of 3,025 residential building lots shall be recorded in final maps within the SunRidge Specific Plan prior to commencement of construction of the twenty-four roadway and one pedestrian/bicycle improvement projects included for SunRidge funding as Phase 1 circulation improvement projects in Figure A-2 of the SunRidge Public Facilities Financing Plan, except that the Board of Supervisors may approve final subdivision maps for additional residential building lots within the SunRidge Specific Plan if it determines that all twenty-four roadway projects and one pedestrian/bicycle project are expected to be completed prior to traffic generated by said 3,025 residential building lots and that development of more than 3,025 lots will not result in unacceptable traffic congestion or safety problems. Any traffic studies required by County in support of such determination shall be paid for by the final map applicant. In the event that the three intersection improvements (Sunrise Blvd./SR-16, Sunrise Blvd./Grantline Rd., and Grantline Rd./SR-16) indicated in Figure A-2 as 100% financed by other sources require supplementary funding, the SunRidge Specific Plan will advance such funding to assure timely construction prior to recording more than 3,025 building lots and will be eligible for reimbursement from the other funding sources if and when available.
11. No more than a cumulative total of 3,025 residential building lots shall be recorded in final maps within the SunRidge Specific Plan prior to the commencement of construction

of the Zinfandel Drive extension from International Drive to Douglas Road with a minimum of two continuous traffic lanes on both the Mather and Villages of Zinfandel properties, except that the Board of Supervisors may approve final subdivision maps for additional residential building lots within the SunRidge Specific Plan if it determines that the Zinfandel Drive extension is expected to be completed prior to traffic generated by said 3,025 residential building lots and that development of more than 3,025 lots will not result in unacceptable traffic congestion or safety problems. Any traffic studies required by County in support of such determination shall be paid for by the final map applicant

12. No more than a cumulative total of 6,500 residential building lots shall be recorded in final maps within the SunRidge Specific Plan prior to the commencement of construction of the following circulation improvements in addition to the Phase 1 projects listed in Figure A-2 of the SunRidge Public Facilities Financing Plan:

- a. At least two continuous traffic lanes of the proposed Sunrise Boulevard reliever thoroughfare extending from the vicinity of Douglas Road to Highway US-50 and including freeway interchange access. This requirement may be satisfied by the construction of an alternative thoroughfare alignment determined to be functionally equivalent by the Department of Transportation (e.g., the extension of Jaeger Road, Americanos Boulevard, or Grantline Road to US-50).
- b. Six traffic lanes on Sunrise Boulevard from Douglas Road to SR-16.
- c. Four traffic lanes on Douglas Road from the Folsom South Canal bridge to Grantline Road.
- d. Four traffic lanes on Pyramid Boulevard from Sunrise Boulevard to Americanos Boulevard.
- e. Four traffic lanes on Americanos Boulevard from Douglas Road to Pyramid Boulevard.
- f. Four traffic lanes on SR-16 from Bradshaw Road to Sunrise Boulevard.
- g. Second phase intersection improvements to SR-16/Bradshaw Road, SR-16/Excelsior Road, and SR-16/Eagles Nest Road.

An exception to the above stated requirement is that the Board of Supervisors may approve final subdivision maps for additional residential building lots within the SunRidge Specific Plan if it determines the projects described as 4(a) through 4(g) above are expected to be completed prior to traffic generated by said 6,500 residential building lots and that development of more than 6,500 lots will not result in unacceptable traffic congestion or safety problems. Any traffic studies required by County in support of such determination shall be paid for by the final map applicant.

13. In order to promote the orderly development of the major roadway circulation system in the SunRidge Specific Plan and to minimize traffic and safety problems resulting from discontinuous improvements on arterial and thoroughfare streets serving the traffic from individual development projects, all final maps and associated improvement plans for SRSP subdivisions will be reviewed to determine the adequacy of the SunRidge

circulation system improvements currently in place. The County's Transportation Planning and Land Development/Site Improvement Review Sections will determine if additional roadway improvements within the SRSP are required beyond those proposed with final maps/improvement plans. In such determinations, the developer will be required to augment the construction of roadway improvements located on or adjacent to his/her property with other roadway improvements located within SRSP. The matrix of SRSP Onsite Roadway Improvement Phasing Requirements indicated in Table 1 and keyed to the SunRidge Financing Plan's Roadway CIP is advisory with regard to the particular roadway improvements and traffic criteria to be considered for the development of parcels within each SRSP ownership group as identified in the SRSP Land Use Allocation Table.

Drainage

14. Development within the Sunrise Douglas Plan area shall implement the improvements described in the Final Master Drainage Study for the Sunrise Douglas Community Plan Area (Final MDS) (Spink Corporation, October 16, 1998), as amended by the "Amendment to Final Master Drainage Study, Sunrise Douglas Community Plan Area" (Amendment) (MHM Engineers & Surveyors, October 19, 2001), or any subsequent amendment thereof approved by the County Water Resources Department. Such improvements shall be designed to ensure that post-development peak (100-year) flows do not exceed existing peak flows and do not exceed the capacity of the two Folsom South Canal overchutes at Lower Morrison Creek, to the satisfaction of the County Water Resources Department (WRD). Construction of the improvements may be phased as described in the Final MDS and subject to the approval of the WRD, so long as the project proponent(s) provide hydrologic/hydraulic analyses which demonstrate that the phased improvements will reduce peak flows to at least pre-development levels and to the capacity of the Folsom South Canal overchutes, to the satisfaction of the WRD.

Detailed plans for the design and construction of all proposed drainage, flood control and water quality improvements, consistent with the Final MDS and Amendment, shall be submitted to the County WRD for review and approval.

Any plans for the design and construction of channels and/or detention basins within the Sares-Regis (now AKT/Anatolia) wetland preserve area not already permitted by the US Army Corps of Engineers (COE) shall also be subject to the approval of the COE.

Plans for the design and construction of any joint-use park/detention facilities shall also be subject to the approval of the Park District.

15. Development within the Sunrise Douglas Plan area shall provide stormwater quality source and treatment measures consistent with Volume 5 of the City/County Drainage Manual. The final design of such source and treatment control measures shall be subject to the approval of the County WRD.

16. Implementation of the improvements, or any phase thereof, described in the Final Master Drainage Study for the Sunrise Douglas Community Plan Area (Final MDS) (Spink Corporation, October 16, 1998), as amended by the "Amendment to Final Master Drainage Study, Sunrise Douglas Community Plan Area" (Amendment) (MHM Engineers & Surveyors, October 19, 2001), shall not occur until the following items have been submitted to the Sacramento County Board of Supervisors for review and approval:

- a. A wetland delineation for the improvement area verified by the U.S. Army Corps of Engineers.
- b. A detailed mitigation plan for wetlands to be impacted by the proposed improvements which specifically describes the measures which will be implemented to achieve no net loss in wetland habitat acreage and values.
- c. Determinate surveys of the improvement area for potentially occurring special status species.
- d. A detailed mitigation plan developed in cooperation with the regulatory resource agencies (US Army Corps of Engineers, US Fish and Wildlife Service and California Department of Fish and Game) which is designed to reduce impacts of the proposed improvements on any special status species identified in the determinate surveys to a less than significant level.
- e. A vegetation/tree survey for the improvement area which identifies any existing marsh and riparian habitat.
- f. A detailed vegetation/tree replacement planting plan which describes the planting/relocation measures to be implemented to provide in-kind replacement plantings on an inch-for-inch basis for any riparian and marsh habitat which will be impacted by the proposed improvements.

17. Implementation of the Final MDS and Amendment improvements, or any phase thereof, shall not occur until all necessary permits and/or agreements for the proposed improvements have been obtained from the US Army Corps of Engineers, US Fish and Wildlife Service and California Department of Fish and Game.

(b) The additional conditions with which Owners shall comply, are as follows:

1. Zoning shall be in accordance with Exhibit "K" (which is also reflected in Exhibit "B" attached to this ordinance), tentatively approved by the Board of Supervisors on June 19, 2002, and finally approved in the accompanying ordinance, attached hereto.

Finance

2. Property owners shall fully comply with and participate in the "Public Facilities Financing Plan for the SunRidge Specific Plan," including any fees and assessments adopted by the Board of Supervisors to implement that Plan. An "Implementation Finance Plan" shall be adopted by the Board prior to any development within the SunRidge Specific Plan area.
3. Property owners shall participate in a Landscaping & Lighting Act district, a Community Facilities District, or equivalent financing mechanism, to fund park maintenance and operations as required by the Cordova Recreation and Park District.
4. Park sites shall be improved by the developer in conjunction with project development and as required by the Cordova Recreation and Park District prior to turning park sites over to the local park district ("turnkey" park development); turnkey parks will be accompanied by credits against the Quimby Act or Finance Plan park fee component.
5. The SunRidge Specific Plan shall have a targeted goal of a 30% reduction in daily vehicle trips. In support of that goal, the SunRidge Specific Plan shall participate in a County Service Area (CSA), or an equivalent financing mechanism to the satisfaction of the Board of Supervisors, for the purpose of funding a variety of transportation demand management strategies, including but not limited to a transit shuttle service, which will contribute SunRidge's targeted 30% reduction in daily vehicle trips.

The Purpose of this CSA, or equivalent financing mechanism, is to fund programs and services implement trip reduction measures that improve mobility and coincidentally reduce air quality impacts, including but not limited to:

- incentives for alternative mode use
- programs encouraging people to work close to where they live
- on-site transportation coordinators
- school trip pool programs
- maintenance and improvement of the Folsom South Canal bikeway
- transit shuttle system

The budget for the CSA (or equivalent financing mechanism) shall include a component to insure that annual monitoring is performed to evaluate the effectiveness of the

programs and services, including the progress in achieving the goal of a 30% reduction in daily vehicle trips.

Any strategy implemented through the CSA or equivalent financing mechanism may be revised or discontinued if a strategy is proven to be ineffective with annual monitoring. Additional strategies may be implemented as appropriate to assist in achieving a 30% reduction in daily vehicle trips.

Avigation Easement

6. Prior to the issuance of any building permits, provide an "avigation easement" in a form approved by County Counsel to the County of Sacramento designed to notify property owners of the aviation operations at Mather Airport. The avigation easement shall grant the right of flight and unobstructed passage of all aircraft into and out of Mather Airport and shall be in the form set forth in the Specific Plan.

Construction Mitigation

7. All construction allowed under, and pursuant to the Specific Plan shall include standard mechanisms for mitigation of construction related nuisances including, restrictions on the hours of construction activities, restrictions on noise levels associated with construction equipment, watering and/or other dust control at all construction sites, County approval of proposed construction storage and staging areas (including employee parking). All construction sites shall be required to continuously post visible signage providing a name, address, and 24-hour phone number for information and/or complaints regarding the construction activities. This may be a County number if applicable.

Odor/Rendering Plant

8. No building permits shall be issued for construction of residential or commercial structures (except for model home permits) within the Specific Plan area until, at a minimum, the odor control equipment and improvements described in the report entitled "An Odor Control System Review of SRC Facilities With Recommendations for Comprehensive Containment and Treatment of Process and Fugitive Odors," dated June 2000 and prepared by Carl M. Petersen, Ph.D., SCP Control, Inc., as revised and supplemented by the document entitled "Comments Directed To Dr. Carl M. Petersen's Report," prepared by Dr. Fred D. Bisplinghoff and submitted under cover letter dated February 22, 2001 (collectively the "Report") have been installed and are operational. For purposes of this condition, "operational" shall mean that a permit to operate has been issued by the Sacramento Metropolitan Air Quality Management District (SMAQMD).

Any portion of the cost for the odor mitigation equipment and/or improvements to be installed pursuant to this condition, that is to be paid by the applicants, shall be paid to the

County (irrespective of any subsequent incorporation) for disbursement pursuant to a disbursement agreement, in form and substance approved by the County Counsel, for the purpose of assuring application of the funds for mitigation purposes, as described in the Report (as defined in this condition).

Electricity/Gas Utilities/Fire Protection

9. Future development project applicants(s) shall address and resolve project-related electrical facility issues through close coordination with SMUD in project planning and development. The applicant(s) shall grant any necessary right-of-way for installation of electrical facilities. Coordination with SMUD shall occur and any required agreements shall be established prior to issuance of necessary permits or approvals for the project. Reserve substation sites as required by SMUD.
10. To promote the safe and reliable maintenance and operation of utility facilities, the California Public Utilities Commission (PUC) has mandated specific clearance requirements between utility facilities and surrounding objects or construction activities. To ensure compliance with these standards, future development project applicant(s) shall coordinate with PG&E early in the development of their plans. Any proposed development plans shall provide for unrestricted utility access and prevent easement encroachments that might impair the safe and reliable maintenance and operations of PG&E's facilities.
11. Residential design in all subdivisions shall adhere, to the greatest practical extent, to the SMUD Energy Efficiency/Load Management Measures for Residential New Construction.
12. Building permits for no more than 1640 dwelling units shall be issued within the combined SunRidge Specific Plan and Mather Specific Plan areas until a fire station is constructed and equipped, as required by the Sacramento Metropolitan Fire District.
13. Future development projects shall comply with the following design measures:
 - a. Cul-de-sacs shall not exceed 150-feet in length where possible, in order to facilitate emergency vehicle response throughout the development area. Off-street bikeways, pathways, and recreational areas shall provide adequate access for fire fighting apparatus.
 - b. All development shall meet minimum water supply requirements for fire flow, by type of land use.
 - c. Accessibility for fire control shall meet the specifications of the Fire District and shall be in place during all phases of the project.

14. Future development projects shall consult with the Sheriff's Department and implement recommended crime prevention/safety development design measures to the maximum extent feasible.
15. Future development project applicants shall address and resolve issues related to the provision of telephone and cable television services within the Specific Plan area through close coordination with the applicable service provider during project planning and development.

Water Supply

16. Entitlements for urban development within the Sunrise Douglas Plan area (i.e. subdivision maps, parcel maps, use permits, building permits, etc.) shall not be granted unless agreements and financing for supplemental water supplies are in place, consistent with General Plan Policy CO-20. Based on supplemental water supplies which have been acquired to date, a development cap within the General Plan Urban Growth Areas of 12,300 equivalent dwelling units is currently in place, and approximately 6,000 equivalent dwelling units (EDUs) currently remain available under the cap. The number of EDUs available under the cap depends upon the number of entitlements approved within the Urban Growth Areas and the amount of supplemental water supplies acquired. Future entitlements for urban development within the Sunrise Douglas Plan area shall not be approved unless sufficient EDUs are available under the CO-20 development cap.
17. No tentative map shall be approved unless either:
 - (a)(1) the cumulative amount of groundwater production from the North Vineyard Well Field (NVWF) does not exceed 10,000 acre feet/year (AFA), does not result in more than a 10-foot decline in the local groundwater elevations from the baseline condition [that is, the groundwater elevations that would occur absent the NVWF project, as defined by the 70-year hydrologic trace of groundwater elevations determined by the IGSM Static Baseline Model 2000 and presented in the "Baseline Conditions for Groundwater Yield Analysis Final Report" (Montgomery Watson, May 1997) to account for fluctuations in groundwater elevation resulting from changing hydrologic conditions], and does not result in a significant effect on groundwater contaminant movement, unless the Sacramento County Water Agency (SCWA) Board of Directors determines that 1) the additional groundwater production (beyond the 10,000 AFA or 10-foot drop limit) is acceptable and consistent with the goals of the Zone 40 Conjunctive Use Program and the Water Forum Agreement; 2) the additional groundwater production (beyond the 10,000 AFA or 10-foot drop limit) will not substantially affect the migration of known contaminant plumes; and 3) impacts to shallow domestic wells in the vicinity of the well field resulting from the additional groundwater extraction (beyond the 10,000 AFA or 10-foot drop limit) will be adequately mitigated; and

EXHIBIT "D"

CONSENT OF OWNER(S) TO IMPOSITION OF REZONE CONDITIONS

I am one of the owners of that real property which is described in Exhibit "A" of this Zoning Ordinance, which is attached thereto and incorporated therein as though set forth in full ("Subject Property"), and which is also commonly referred to and known as Assessor Parcel No(s). 067-0030-006, 009, 012-019, 027; 067-0040-004, 005, 012-016; 067-0090-011, 014, 016, 017, 022-025; 072-0300-003, 004; and 072-0370-016. As the record owner or authorized representative of the Subject Property, I have applied to have the Subject Property rezoned from the AG-20, AG-80, and M-1 Land Use Zones to the AG-20, RD-4, RD-5, RD-7, RD-10, RD-20, SC, LC, and O Land Use Zones for 2,605± acres.

On behalf of myself and all other record owners of the Subject Property, I understand that certain conditions have been attached to the rezoning of the Subject Property. I acknowledge that those rezone conditions are enumerated in Exhibit "C" of this Zoning Ordinance, which is attached thereto and incorporated therein as though set forth in full ("Rezone Conditions").

On behalf of myself and all other record owners of the Subject Property, I hereby represent that I have received a copy of the Zoning Ordinance, including Exhibits "A", "B" and "C" in their entirety, and have carefully reviewed and fully understand the Rezone conditions set forth in Exhibit "C". In my capacity as owner, and authorized representative of all other record owners, of the Subject Property, I consent to the imposition of the Rezone Conditions and agree to fully comply with the Rezone Conditions.

DATED: July 3, 2002

Angelo K. Tsakopoulos
Eleni F. Tsakopoulos his attorney-in-
fact

Angelo K. Tsakopoulos
APN: 067-0030-019

Eleni F. Tsakopoulos, his attorney-
in-fact

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BY: AKT DEVELOPMENT CORPORATION
a California Corporation

BY: Eleni Tsakopoulos-Kounalakis
President

DATED: July 3, 2002


Sunridge Investors, LLC

APN: 067-0040-014

067-0040-015

EXHIBIT "D"

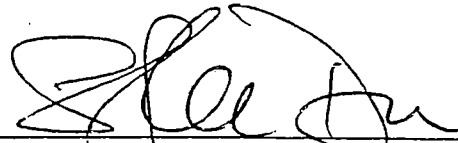
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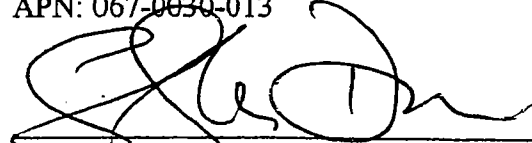
DATED:

3 July 02

Ronald R. Ringen, Sara J. Ringen,
Steven J. Slagle, and Nancy White
APN: 067-0030-012



Steven J. Slagle and Stephanie St. Amour
APN: 067-0030-013



Jaeger Corner Enterprises, a general
partnership
APN: 067-0030-015

By: Steven J. Slagle, partner



Jaeger 25, a general partnership
APN: 067-0030-017

By: Steven J. Slagle, partner

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DATED: 5.09.2001

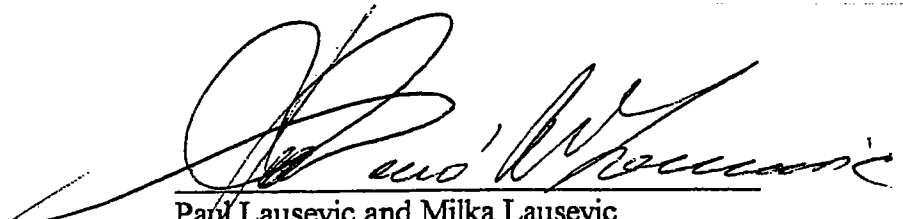

Paul Lausevic and Milka Lausevic
APN: 067-0030-014

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DATED: 7-9-02

Howard E. Davis
Howard E. Davis and Virginia F. Davis
APN: 067-0030-018

EXHIBIT "D"

CONSENT OF OWNER(S) TO IMPOSITION OF REZONE CONDITIONS

I am one of the owners of that real property which is described in Exhibit "A" of this Zoning Ordinance, which is attached thereto and incorporated therein as though set forth in full ("Subject Property"), and which is also commonly referred to and known as Assessor Parcel No(s). 067-0030-006, 009, 012-019, 027; 067-0040-004, 005, 012-016; 067-0090-011, 014, 016, 017, 022-025; 072-0300-003, 004; and 072-0370-016. As the record owner or authorized representative of the Subject Property, I have applied to have the Subject Property rezoned from the AG-20, AG-80, and M-1 Land Use Zones to the AG-20, RD-4, RD-5, RD-7, RD-10, RD-20, SC, LC, and O Land Use Zones for 2,605± acres.

On behalf of myself and all other record owners of the Subject Property, I understand that certain conditions have been attached to the rezoning of the Subject Property. I acknowledge that those rezone conditions are enumerated in Exhibit "C" of this Zoning Ordinance, which is attached thereto and incorporated therein as though set forth in full ("Rezone Conditions").

On behalf of myself and all other record owners of the Subject Property, I hereby represent that I have received a copy of the Zoning Ordinance, including Exhibits "A", "B" and "C" in their entirety, and have carefully reviewed and fully understand the Rezone conditions set forth in Exhibit "C". In my capacity as owner, and authorized representative of all other record owners, of the Subject Property, I consent to the imposition of the Rezone Conditions and agree to fully comply with the Rezone Conditions.

DATED: 7/3/02


Mather East, a California Limited
Partnership
APN: 067-0030-027
By: Orin N. Bennett, partner

EXHIBIT "D"

CONSENT OF OWNER(S) TO IMPOSITION OF REZONE CONDITIONS

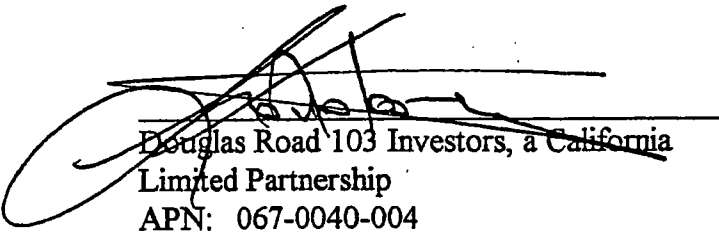
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DATED:

7/8/02


Douglas Road 103 Investors, a California
Limited Partnership

APN: 067-0040-004

By: CNM Construction Company,
General Partner

Sotiris K. Kolokotronis, President

EXHIBIT "D"

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DATED: 7-3-02



Douglas Road 98 Limited Partnership,
a California Limited Partnership
APN 067-0040-005

By: Constantino Galaxidas, partner

EXHIBIT "D"

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DATED: July 8th, 2002


Louie J. Pappas and Voufa L. Pappas
APN: 067-0040-013

Louie J. Pappas

EXHIBIT "D"

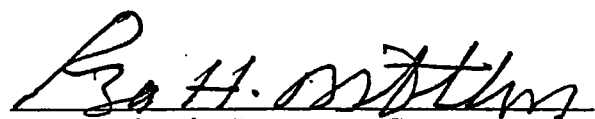
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DATED:

7-5-02

Douglas-Sunrise Investment Co., a

California Limited Partnership

APN: 067-0040-016

Reza H. Moftakar

EXHIBIT "D"

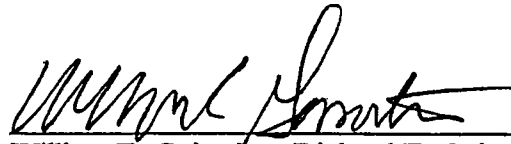
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DATED:

July 5, 2002

William E. Geisreiter, Richard E. Geisreiter
and Elsa D. Geisreiter, Trustees of the
Richard Geisreiter Trust dated October 24,
1979 (as to a 50% interest) and William E.
Geisreiter, Trustee of the Geisreiter Family
Trust dated March 16, 1999 (said 50%
interest)

APN: 067-0040-012

William E. Geisreiter, trustee

dp

zor-Exh D-930243

EXHIBIT "D"

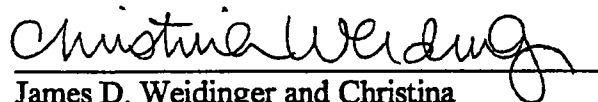
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DATED: 7-10-02



James D. Weidinger and Christina
Weidinger Revocable Trust dated December
14, 1990

APN: 072-0300-003
072-0370-016

EXHIBIT "D"

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DATED: 7/9/02

Archel C. Cupp Mary W. Cupp
Archel C. and Mary W. Cupp Family Trust
APN: 072-0300-004 Family Trust

- (2) the SCWA Board of Directors has determined that there is sufficient groundwater available from NVWF to serve the urban development within the SunRidge Specific Plan area for which tentative map approval is being sought; and
- (3) the SCWA Board of Directors allocates such groundwater from NVWF to said tentative map within the SunRidge Specific Plan area;

OR

- (b) the SCWA Board of Directors determines that there is sufficient water to serve the tentative map from another source.
- 18. The developer/applicant shall acquire property and construct groundwater extraction, treatment, pumping and water storage facilities for the SCWA and shall transfer any and all rights thereto to the SCWA. Credits and/or reimbursements due developer/applicant as a result of the construction of such facilities shall be granted pursuant to the terms of the adopted Finance Plan.
 - 19. No building permit shall be issued until the developer/applicant has constructed initial phase water supply facilities with sufficient capacity to deliver up to approximately 2, 265 AFA to the SunRidge Specific Plan area to the satisfaction of the SCWA.
 - 20. No building permits shall be issued for urban development within the SunRidge Specific Plan area that requires more than 2,265 AFA until subsequent phases of water supply facilities have been constructed that provide sufficient water to provide for such development to the satisfaction of the SCWA.
 - 21. Developer/applicant shall pay any SCWA development fee or development fee surcharge imposed to fund the construction of all water facilities, extraordinary water facilities and water mitigation measures attributable to development within the SunRidge Specific Plan, as determined by the Sacramento County Department of Water Resources.
 - 22. Municipal wells in the NVWF shall not be constructed within 800 feet of any existing private domestic well.
 - 23. Prior to operation of any NVWF facilities, developer/applicant shall construct groundwater monitoring wells to monitor the impacts of the NVWF operation on local groundwater elevations and groundwater contaminant movement. The number, location and design of said monitoring wells shall be subject to the approval of the Sacramento County Department of Water Resources.
 - 24. No tentative map shall be approved until developer/applicant enter into an agreement with the SCWA to fund a North Vineyard Well Insurance Program that will be administered by the SCWA. Said well insurance program shall include, at a minimum, the following components:

- a. Payment of a fee at the issuance of a building permit. Such fee shall be determined based on the number of private wells eligible for the program multiplied by the cost of a typical residential well construction and divided by the total number of equivalent dwelling units (edu) in the SunRidge Specific Plan. The fee is currently estimated at \$380/edu, assuming an estimated 300 eligible wells, a replacement construction cost of \$13,600 and 10,100 edu's at build-out of the SunRidge Specific Plan area;
 - b. Developer/applicant shall deposit \$380,000 in a specific account of the SCWA within 180 days after the award of a contract for the construction of the NVWF. This amount shall be credited against the well insurance program fee for up to 1,000 edu's in the SunRidge Specific Plan area;
 - c. Within 30 days after written request by the SCWA, developer/applicant shall provide sufficient funds to meet any shortfall in the insurance program; any funds advanced shall be credited against the well insurance fees for the appropriate number of edu's;
 - d. The initial fee and the maximum reimbursement for each well shall be indexed to the SCWA Zone 40 annual inflation index;
 - e. The eligibility period for well replacement funds shall begin on the date that the SCWA accepts the NVWF for operation and maintenance and shall end when there is build-out of the SunRidge Specific Plan area and there are no funds remaining in the program;
 - f. Developer/applicant shall indemnify and hold harmless the SCWA and the County for any liability in the administration and operation of the well insurance program.
25. The owner/developer shall pay the Sacramento County Water Agency up to \$1,000 per equivalent dwelling unit at the time of the building permit to fund a fair share portion of any water project(s) identified by the SCWA Board of Directors that optimizes available local groundwater resources.
26. Prior to approval of any tentative maps, sites shall be reserved for water storage and treatment facilities and for future wells to the satisfaction of the Sacramento County Department of Water Resources. Compensation for these sites will be fixed at the appraised fair market value on the date that the Specific Plan is approved by the Sacramento County Board of Supervisors.
27. Project specific CEQA review shall be conducted prior to construction of proposed water supply facilities. As part of that review, any potential noise-sensitive receptors within 4000 feet of the proposed facilities shall be identified, and project specific mitigation measures shall be identified to reduce potential construction noise impacts to less than significant levels. Project specific mitigation measures for construction noise should include the following:
- a. Construction activities shall be limited to the following hours and days:
 - Between the hours of 6:00am and 8:00pm on any weekday;
 - Between the hours of 7:00am and 8:00pm on Saturday; and

- Prohibited on Sundays and Holidays;
 - b. Construction equipment shall be properly outfitted and maintained with noise reduction devices to minimize construction-generated noise.
 - c. Stationary construction equipment shall be centrally located on site at a greatest distance possible from nearby noise-sensitive receptors. (*Mitigation Measure WS-3.*)
28. Project specific CEQA reviews shall be conducted prior to construction of proposed water supply facilities. As part of that review, surveys shall be conducted by a qualified biologist to identify the potential presence of any special-status species or sensitive habitat. If special-status species or sensitive habitats are identified within the area of the proposed water facilities and have the potential to be impacted from project construction, project-specific mitigation measures shall be identified to reduce potential impacts to less than significant levels. Project-specific mitigation measures for burrowing owls, Swainson's hawk, raptors, and sensitive habitats should include the following:

Burrowing Owl

- Prior to construction activity, focused surveys shall be conducted for burrowing owls where suitable habitat is present in the project area. Suitable habitat includes agricultural field margins, drainage ditches, and fallow fields. Surveys shall be conducted no less than 14 days and no more than 30 days prior to commencement of construction activities. Surveys shall be conducted in accordance with CDFG protocol (CDFG 1995).
- If no occupied burrows are found in the survey area, a letter report documenting survey methods and findings shall be submitted to the County and CDFG for review and approval, and no further mitigation is necessary.
- No occupied burrows shall be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist verifies through non-invasive methods that juveniles from the occupied burrows are foraging independently and are capable of independent survival.
- All occupied burrows shall be avoided until the owls inhabiting the burrows have been relocated using passive exclusion techniques approved by CDFG.

Swainson's Hawk

- Prior to project construction, it shall be determined whether any construction is proposed during the Swainson's hawk nesting season (March 1 to September 15).

- If no construction will occur during the Swainson's hawk nesting season, no further mitigation is necessary.
- Prior to project construction that will occur during the nesting season, surveys shall be conducted for active Swainson's hawk nest sites within 0.25 mile of the proposed construction area. Surveys shall be conducted at the beginning of the nesting season (April 15 - April 30). All identified nest sites shall be revisited during the post-hatching stage (June 1 - June 30) to determine if the nest is still active and to record the number of juveniles present. A final nest site visit shall occur during the fledgling period (July 1 - July 31) to determine the number of juveniles that have fledged.
- If construction is planned within 0.25 mile of an active nest, the nest site shall be identified with a marker and mapped on a USGS topographic quad map. A visible exclusion zone shall be established around the portion of the construction area that occurs within 0.25 mile of the nest tree. No project construction activity shall commence within the exclusion zone between March 1 and September 15.

Raptors

- Prior to project construction, it shall be determined whether any construction or tree removal is proposed during the raptor nesting season (February 1 to August 31).
- If no construction or tree removal shall occur during the raptor nesting season, no further mitigation shall be necessary.
- If construction or tree removal is proposed during the raptor nesting season, a focused survey for raptor nests shall be conducted by a qualified biologist during the nesting season to identify active nests within 500 feet of the project area. The survey shall be conducted no less than 14 days and no more than 30 days prior to the beginning of construction or tree removal.
- If nesting raptors are found during the focused survey, no construction or tree removal shall occur within 500 feet of an active nest until the young have fledged (as determined by a qualified biologist).

Sensitive Habitats

Surveys shall be conducted by a qualified biologist to identify the potential presence of any sensitive habitats. These surveys may include the preparation of a formal delineation to determine the extent of jurisdiction Waters of the U.S. that would be filled under the proposed project. If sensitive habitats are identified within the project area and have the

potential to be impacted from project construction, project-specific mitigation measures shall be identified to reduce the potential impacts to less than significant levels.

Sewer

29. Prior to the submission of improvement plans for any development proposal within the Plan area, provide a detailed sewer design report which addresses all necessary on-site and off-site facilities to the County Water Quality Division for review and approval.
30. Implementation of off-site sewer facility improvements shall not occur until the following items have been submitted to the Sacramento County Board of Supervisors for review and approval:
 - a. A wetland delineation for the improvement area verified by the US Army Corps of Engineers.
 - b. A detailed mitigation plan for wetlands to be impacted by the proposed improvements which specifically describes the measures which will be implemented to achieve no net loss in wetland habitat acreage and values.
 - c. Determinate surveys of the improvement area for potentially occurring special status species.
 - d. A detailed mitigation plan developed in cooperation with the regulatory resource agencies (US Army Corps of Engineers, US Fish and Wildlife Service, and California Department of Fish and Game) which is designed to reduce impacts of the proposed improvements on any special status species identified in the determinate surveys to a less than significant level.
31. Implementation of off-site sewer facility improvements shall not occur until all necessary permits and/or agreements for the proposed improvements have been obtained from the US Army Corps of Engineers, US Fish and Wildlife Service, and California Department of Fish and Game.
32. In conjunction with the processing of tentative subdivision maps or other entitlements, reserve sufficient right-of-way for necessary sewer interceptors in accordance with the requirements of the Sacramento Regional County Sanitation District.
33. Interim pump stations shall be sited in a manner that will insure that they can be removed once gravity interceptors are constructed.

Air Quality

34. To reduce emissions of fugitive dust to a less-than-significant level:

- a. Exposed surfaces, graded areas, storage piles, and haul roads should be watered and kept moist at all times.
- b. Minimize the amount of disturbed area, the amount of material actively worked, and the amount of material stockpiled.
- c. Limit onsite construction vehicle speeds to 15 miles per hour.
- d. Sweep or wash paved streets adjacent to project construction sites at least once a day to remove accumulated dust.
- e. Maintain at least two feet of freeboard when transporting soil or other materials by truck.
- f. Limit the amount of actively disturbed construction area to 25 acres or less.

35. Implement the following construction-related emissions program:

A. Category 1: Reducing NOx emissions from off-road diesel powered equipment

The project shall provide a plan for approval by Sacramento Metropolitan Air Quality Management District (SMAQMD) demonstrating that the heavy-duty (> 50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20 percent NOx reduction and 45 percent particulate reduction¹ compared to the most recent CARB fleet average; and

The project representative shall submit SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during any portion of the construction project. The inventory shall include the horsepower rating, engine production year, and hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the project representative shall provide SMAQMD with the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman.

and:

Category 2: Controlling visible emissions from off-road diesel powered equipment

The project shall ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity shall be repaired immediately, and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of the visual survey results shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this section shall supersede other SMAQMD or state rules or regulations.

Acceptable options for reducing emissions may include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available.

36. Implement the AQ-15 Air Quality Plan which was found acceptable by the SMAQMD staff on March 22, 2002, and a summary of which is incorporated into the SunRidge Specific Plan text. Alternate measures may be substituted for those included in the AQ-15 Plan if approved by the SMAQMD.

Noise and Land Use Control

37. No residential uses shall be allowed within 500 feet of the intersection of Sunrise Boulevard and Douglas Road, for so long as the Cordova Shooting Center facility remains operational.
38. Future non-residential development projects located within 500 feet of the intersection of Sunrise Boulevard and Douglas Road should avoid the inclusion of land uses which may be particularly sensitive to gunfire noise, for so long as the Cordova Shooting Center facility remains operational.
39. No residential uses shall be allowed within 500 feet of the American River Aggregates (now Teichert Aggregates) plant boundary, for so long as the American River Aggregates facilities remain operational.

40. Future non-residential development projects located within 500 feet of the American River Aggregates plant boundary should avoid the inclusion of land uses which may be particularly sensitive to truck and plant noise, for so long as the American River Aggregates facilities remain operational.
41. Future noise-sensitive land uses proposed for development within the future 60 dB Ldn traffic noise contour shall be required to prepare an acoustical analysis, and to implement identified noise attenuation measures necessary to ensure compliance with the noise standards of the County General Plan Noise Element.
42. Future commercial, business/professional and school land uses with the potential to create noise-related land use conflicts with proximate residential uses shall be required to prepare an acoustical analysis, and to implement identified noise attenuation measures necessary to ensure compliance with the noise standards of the County General Plan Noise Element.

Biological Resources/Wetlands

43. In conjunction with the filing and processing of applications for future development entitlements (such as tentative subdivision maps or development plans) within the SunRidge Specific Plan area, such project proponents shall submit a wetland delineation for the proposed development area, and a detailed plan which describes the specific methods to be implemented to avoid and/or mitigate any project impacts upon wetlands such that no net loss in wetland habitat acreage and values is achieved. This detailed Wetland Avoidance/Mitigation Plan shall be prepared in consultation with the US Army Corps of Engineers, the USFWS, and the CDFG, and the US Environmental Protection Agency (EPA), and shall incorporate the following components:
 - a. A wetland delineation of the project site and any proposed off-site wetland preservation/creation sites(s), verified by the US Army Corps of Engineers;
 - b. The location of proposed wetland preservation, acquisition, and creation site(s);
 - c. A detailed map of proposed wetland creation site(s) showing the acreage, distribution, and type of wetlands to be created to ensure no net loss in wetland habitat acreage, values, and functions. Compensation wetlands shall be designed to:
 - Meet or exceed the hydrophytic conditions and operating functions of the existing wetlands proposed for impact;

- Mitigate the loss of special status species habitat, including fairy/tadpole shrimp, as required by the USFWS and the CDFG;
 - d. A monitoring plan designed to assess whether the compensation wetlands are functioning as intended. Specific performance standards for hydrologic, floral, and faunal parameters shall be proposed to determine success of the created wetlands. The monitoring plan shall specify the corrective measures/modifications to be implemented in the event that monitoring indicates that the performance standards are not being met. Monitoring shall occur for at least five years and until success criteria are met, and as required by the US Army Corps of Engineers and the USFWS; and
 - e. A maintenance plan for the wetland preservation/mitigation areas describing the measures to be implemented to assure that they are maintained as wetland habitat in perpetuity. The maintenance plan shall address buffering from adjacent uses, fencing, access, erosion control, and weed eradication.
44. At the time applicants obtain permit(s) for future development projects which impact wetlands, alternative strategies may have been adopted to mitigate for wetland impacts. The prior condition does not preclude the implementation of these new alternatives so long as they achieve no net loss in wetland habitat acreage and values, and are determined to be acceptable to the US Army Corps of Engineers, USFWS, CDFG, and EPA.
45. Prior to approval of any future development projects (such as tentative subdivision maps, development plans, improvement plans) within the project area, obtain all necessary US Army Corps of Engineers permits pursuant to Section 404 of the Clean Water Act, and all necessary California Endangered Species Act permits and Streambed Alteration Agreements from the CDFG, pursuant to the Fish and Game Code.
46. The Specific Plan shall be amended, if deemed necessary by the Planning Director, following completion of wetland studies and permitting requirements on properties within the Specific Plan, to identify additional wetlands/open space requirements. Development shall be consistent with such requirements and conducted in a manner to achieve a continuous open space corridor from the westerly portion of SunRidge to the easterly/northeasterly side of SunRidge (including intervening property), including a bicycle trail system.
47. Wetland impacts within the Sares-Regis (now AKT/Anatolia) property (Parcels B-1 through B-27, as shown on Plate LA-15 in the FEIR) shall be mitigated through compliance with all provisions of the US Army Corps of Engineers Section 404 Permit (#190110021) dated May 8, 1996, including implementation of the USFWS Biological Opinion (#1-1-96-F-0062) dated April 3, 1996 as amended by the USFWS Biological Opinion (#1-1-96-F-113) dated July 3, 1996, and the Sares-Regis Project Wetland Monitoring Plan prepared by Sugnet and Associates dated April 24, 1996. Owner of the

former Sares-Regis (now AKT/Anatolia) wetland preserve property shall establish a Habitat Maintenance Financing Program, including an initial endowment and voluntary contribution, for the Sares-Regis (now AKT/Anatolia) property to the satisfaction of the County Infrastructure Finance Section, prior to approval of improvement plans on the AKT/Anatolia property.

48. In conjunction with the filing and processing of applications for future development entitlements (such as tentative subdivision maps or development plans) within the SunRidge Specific Plan area, such project proponents shall conduct (or update) determinate surveys for potentially occurring special status species or their habitat using protocol acceptable to the regulatory agencies with authority over these species.

If any of the special status species or their habitat are indicated, a detailed plan which describes the specific methods to be implemented to avoid and/or mitigate any project impacts upon special status species to a less than significant level will be required. This detailed Special Status Species Avoidance/Mitigation Plan shall be prepared in consultation with the USFWS and CDFG, and shall emphasize a multi-species approach to the maximum extent possible.

Where project impacts include taking of a federally listed species, a Section 10 Incidental Take Permit or a Biological Opinion resulting from Section 7 Consultation with another federal agency shall be obtained from the USFWS and permit conditions implemented, pursuant to the federal Endangered Species Act.

Where project impacts include taking of a state listed species, an Incidental Take Permit shall be obtained from the CDFG and permit conditions implemented, pursuant to the California Endangered Species Act.

49. Applicants for future development projects within the project area which result in a loss of Swainson's hawk foraging habitat shall mitigate for such loss by implementing one of the following alternatives:

- a. For projects within a one mile radius of an active nest site, the project proponent shall preserve 1.0 acre of similar habitat for each acre lost within a ten mile radius of the project site. For projects within a one to five mile radius of an active nest site, the project proponent shall preserve 0.75 acre of similar habitat for each acre lost within a ten mile radius of the project site. For projects within a five to ten mile radius of an active nest site, the project proponent shall preserve 0.5 acre of similar habitat for each acre lost within a ten-mile radius of the project site. This land shall be protected through fee title or conservation easement (acceptable to the Department of Fish and Game).

- b. The project proponent shall, to the satisfaction of the CDFG, prepare and implement a Swainson's hawk mitigation plan that will include preservation of Swainson's hawk foraging habitat.
 - c. The project proponent shall submit payment of a Swainson's hawk impact mitigation fee per acre impacted to the Department of Planning and Community Development in the amount as set forth in Chapter 16.130 of the Sacramento County Code as such may be amended from time to time and to the extent that said Chapter remains in effect.
 - d. Should the County Board of Supervisors adopt a Swainson's hawk mitigation policy/program (which may include a mitigation fee) prior to implementation of one of the measures above, the project proponent may be subject to that program instead.
50. Prior to each phase of grading and construction, a pre-construction survey shall be performed between April 1 and July 31 to determine if active raptor nesting is taking place in the area. If nesting is observed, consultation with the Department of Fish and Game shall occur in order to determine the protective measures which must be implemented for the nesting birds of prey. If nesting is not observed, further action is not required.

Trees

51. In conjunction with the filing and processing of applications for future development entitlements (such as tentative subdivision maps or development plans) within the SunRidge Specific Plan area, such project proponents shall submit a survey identifying the specific type, size, and location of all existing on-site trees. Existing on-site trees shall be protected and preserved to the maximum extent feasible. Consistent with General Plan policies, the removal of any native oak tree measuring six inches or greater in diameter at breast height (dbh) and the removal of any non-oak native tree (excluding cottonwoods and willows) measuring 19 inches or greater dbh necessary to accommodate future development shall be mitigated by planting replacement trees (in-kind species on an inch-for-inch basis) within the project area. In addition, other non-native landmark size (19" or greater) may require mitigation as determined on a project-by-project basis.

Cultural Resources

52. Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains be encountered during any development activities, work shall be suspended and the Sacramento County Department of Environmental Review and Assessment shall be immediately notified. At that time,

the Department of Environmental Review and Assessment will coordinate any necessary investigation of the site with appropriate specialists, as needed. The project proponent shall be required to implement any mitigation deemed necessary for the protection of the cultural resources. In addition, pursuant to Section 5097.98 of the State Public Resources Code and Section 7050.5 of the State Health and Safety Code, in the event of the discovery of human remains, all work is to stop and the County Coroner shall be immediately notified. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains.

Hazardous Materials

53. Future development proposals within the two fruit orchards in the Community Plan area north of Douglas Road shall implement a soil sampling and analysis program for organochlorine pesticides, lead, and arsenic. Prior to implementation, the soil sampling and analysis program shall be approved by a toxicologist from the Cal-EPA, Office of Environmental Health Hazard Assessment (OEHHA). The soil sampling results shall be submitted to the Cal-EPA Department of Toxic Substances Control (DTSC), for a determination of whether detected concentrations of the sampled substances fall within acceptable health risk guidelines and, if they do not, the remedial measures which must be implemented to ensure the protection of human health. Prior to grading or construction activities, individual project proponents shall implement any measures required for the remediation of contaminated soils to protect human health.
54. Future development projects within the Sunrise Douglas Plan area shall coordinate with SMUD to ensure that all transformers which predate 1979/80 are sampled and analyzed as needed to determine the presence or absence of PCBs. All PCB-containing transformers shall be removed and replaced with PCB-free transformers.
55. Asbestos surveys and abatement procedures shall be completed for each of the structures within the project area which are intended to be razed or otherwise disturbed in accordance with the SMAQMD Asbestos Rules and Regulations.
56. As development occurs, each site shall be specifically inspected for water supply wells, septic tanks, leach lines, and cisterns. All water supply wells shall be properly destroyed via the well abandonment procedures of the County Environmental Health Division. Septic tanks, leach lines, and cisterns shall be located, removed, and backfilled in accordance with the recommendations of a qualified geotechnical engineer.
57. As development occurs, all debris, trash, refuse, and abandoned, discarded, and/or out-of-service items shall be removed from the affected properties and disposed of or recycled off-site.

58. As development occurs, the actions identified below shall be taken for each identified parcel. All remedial actions recommended as a result of any of these site investigations shall be fully implemented.

APN	ACTION
067-0030-006	Remove debris
067-0030-019	Remove debris
067-0030-027	Remove debris
067-0040-016	Remove debris
067-0090-016	Remove debris
067-0090-017	Remove debris
072-0300-004	Field reconnaissance; remove debris

59. Any discovered underground storage tanks (farm tanks) shall be removed as required by the County Environmental Management Department (EMD), Hazardous Materials Division. In addition, groundwater and soil investigation for contamination and remediation in the tank vicinity shall be conducted if required by the EMD.

Development Plan Review

60. All commercial developments are subject to Development Plan Approval by the Board of Supervisors for the purpose of assuring design compatibility with adjacent land uses, assuring that a desirable architectural theme is consistent throughout the commercial development, assuring that appropriate pedestrian and bicycle facilities are provided, and assuring an appropriate relationship to the required pedestrian plaza.

Right-to Farm Ordinance Disclosure

61. Disclose to prospective buyers within 500 feet of any active farming operation, through notification in the title report, that they could experience inconvenience or discomfort resulting from accepted farming activities pursuant to the provisions of the County Right-to-Farm Ordinance.

Procedural/Effective Dates

62. This rezoning shall not become effective until at least 30 days after the adoption of the SunRidge Specific Plan, and the SunRidge Specific Plan shall not become effective until at least 30 days after the adoption of the applicable General Plan amendments.

* * *

Table 1 [see Condition # (a) 13]

SUNRIDGE SPECIFIC PLAN ONSITE ROADWAY IMPROVEMENT PHASING REQUIREMENTS

C.I.P.		SUNRIDGE ONSITE																			
Project		ROADWAY IMPROVEMENT																			
No.		A	B-a	B-b	B-c	C	D	E	F	G	H	I	J	K	M	N	O	P	Q	R	S
1	Douglas Rd. (Sunrise Bl. to Jaeger Rd.)		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
2	Douglas Rd. (Jaeger Rd. to Americanos Bl.)												X	X	X	X	X	X	X	X	X
3	Douglas Rd. (Americanos Bl. to Grant Line Rd.)												X	X	X	X	X	X	X	X	X
4	Douglas Rd./Sunrise Bl. signalized intersection	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
5	Douglas Rd./Americanos Bl. signalized intersection														X	X	X	X	X	X	X
6	Douglas Rd./Jaeger Rd. signalized intersection		X	X	X				X	X	X	X	X	X	X	X	X	X	X	X	X
7	Douglas Rd./Grant Line Rd. signalized intersection															X					
9	Sunrise Bl. (Douglas Rd. to Pyramid Bl.)	X	X	X	X	X	X	X			X	X									
10a	Sunrise Bl. (Pyramid Bl. to wetland preserve)			X	X																
10b	Sunrise Bl. (wetland preserve to Kiefer Bl.)				X																
12	Sunrise Bl./Pyramid Bl. signalized intersection		X	X							X	X									
13	Sunrise Bl./Kiefer Bl. signalized intersection (portion)				X																
17	Grant Line Rd. (Douglas Rd. to Pyramid Bl.)															X					
20	Grant Line Rd./Pyramid Bl. signalized intersection																			X	X
24	Pyramid Bl. (Sunrise Bl. to Jaeger Bl.)	X	X		X	X	X	X		X	X										X
25	Pyramid Bl. (Jaeger Rd. to Americanos Bl.)**																				X
26	Pyramid Bl. (Americanos Bl. to Grant Line Rd.)																				X
27	Pyramid Bl./Jaeger Rd. signalized intersection		X	X							X	X									X
28	Pyramid Bl./Americanos Bl. signalized intersection																				X
30	Americanos Bl. (Douglas Rd. to north SP boundary)																				X
31	Americanos Bl. (Douglas Rd. to central boundary)																X	X	X	X	X
32	Americanos Bl. (central boundary to Pyramid Bl.)														X					X	X
34	Kiefer Bl. (Sunrise Bl. to Jaeger Rd.)																				
37	Kiefer Bl./Jaeger Rd. signalized intersection				X																
39	Jaeger Rd. (Pyramid Bl. to wetland preserve)		X	X									X								
40	Jaeger Rd. (along wetland preserve)			X																	
41	Jaeger Rd. (wetland preserve to Kiefer Bl.)				X																
42	Jaeger Rd. (Douglas Bl. to Pyramid Bl.)				X				X	X	X	X	X	X							
43	Sunrise Bl. (Douglas Rd. to Pyramid Bl.) frontage sou		X	X	X																
44	Sunrise Bl. (Pyramid Bl. to Kiefer Bl.) frontage southb		X	X	X																
45	Sunrise Bl. (along w. preserve) frontage northbound			X	X																
46	Kiefer Bl. (along w. preserve) frontage westbound			X	X																

AGENDA

EXHIBIT A

EXHIBIT A

Table 1
SUNRIDGE SPECIFIC PLAN ONSITE ROADWAY IMPROVEMENT PHASING REQUIREMENTS

C.I.P. Project No.	SUNRIDGE ONSITE ROADWAY IMPROVEMENT	SunRidge Specific Plan Ownership Group per Land Use Allocation Table*																				
		A	B-a	B-b	B-c	C	D	E	F	G	H	I	J	K	M	N	O	P	Q	R	S	
47	Jaeger Rd. (along w. preserve) frontage southbound																					
48	Pyramid Bl. (along Laguna Ck.) frontage westbound			X																		
49	Grant Line Rd. (along Laguna Ck.) frontage southbound																					
51	Douglas Rd. (Folsom So. Canal to Sunrise Bl.)	X																				
57	Sunrise Bl. (Douglas Rd. to Kiefer Bl.) fr. access sign	X	X	X																		
58	Douglas Rd. (Sunrise Bl. to Grant Line Rd.) fr. access		X			X	X							X	X							
59	Jaeger Rd. (Douglas Rd. to Kiefer Bl.) fr. access			X	X			X	X	X	X	X	X									
60	Americanos Bl. (Douglas Rd. to Kiefer Bl.) fr. access													X	X					X	X	
61	Grant Line Rd. (Douglas Rd. to Pyramid Bl.) fr. access																					
62	Pyramid Bl. (Sunrise Bl. to Grant Line Rd.) fr. access		X	X		X	X	X			X	X				X				X	X	
1.	Required major roadway improvement to be determined by County Department of Transportation prior to recording of final map building lots within each SRSP Ownership Group's parcels as indicated in the SRSP Land Use Allocation Map. The criteria are continuity of primary access roadway improvements from Sunrise/Douglas intersection, existing traffic volume to capacity ratios on primary and secondary access routes, level of service at intersections on primary and secondary access routes, effects of additional traffic from the subdivision or project site, and subdivision or project site frontage.																					
2.	Listed roadway improvements that are underlined are included in Phase 1 Roadway CIP; those in boldface are on bond eligible list per Figure 17 of PFFP.																					
*	Letters identifying Owner Group parcels are associated with the following ownership entities as listed in Appendix F of the SRSP Financing Plan: A = BD Properties, B-a = AKT Anatolia #1, B-b = AKT Anatolia #2, B-c = AKT Anatolia #3, C = DJ Ent/Slagle, D = DJ Ent/Lausevic, E = DJ Ent/Ringen, F = DJ Ent/Jaeger Corner, G = DJ Ent/White, H = DJ Ent/Davis, I = AKT Devel, J = Mofitakar, K = SunRidge Investors, M = SKK (DR-103), N = Stathos (DR-98), O = Weidinger, P = Cupp, Q = Shultz, R = Grantline 208, and S = Pappas.																					
**	Pyramid Bl. (Jaeger Rd. to Americanos Bl.) is located offsite to SRSP but within SDCP and is assumed as an SRSP Phase II CIP roadway improvement.																					

EXHIBIT "D"

CONSENT OF OWNER(S) TO IMPOSITION OF REZONE CONDITIONS

I am one of the owners of that real property which is described in Exhibit "A" of this Zoning Ordinance, which is attached thereto and incorporated therein as though set forth in full ("Subject Property"), and which is also commonly referred to and known as Assessor Parcel No(s). 067-0030-006, 009, 012-019, 027; 067-0040-004, 005, 012-016; 067-0090-011, 014, 016, 017, 022-025; 072-0300-003, 004; and 072-0370-016. As the record owner or authorized representative of the Subject Property, I have applied to have the Subject Property rezoned from the AG-20, AG-80, and M-1 Land Use Zones to the AG-20, RD-4, RD-5, RD-7, RD-10, RD-20, SC, LC, and O Land Use Zones for 2,605± acres.

On behalf of myself and all other record owners of the Subject Property, I understand that certain conditions have been attached to the rezoning of the Subject Property. I acknowledge that those rezone conditions are enumerated in Exhibit "C" of this Zoning Ordinance, which is attached thereto and incorporated therein as though set forth in full ("Rezone Conditions").

On behalf of myself and all other record owners of the Subject Property, I hereby represent that I have received a copy of the Zoning Ordinance, including Exhibits "A", "B" and "C" in their entirety, and have carefully reviewed and fully understand the Rezone conditions set forth in Exhibit "C". In my capacity as owner, and authorized representative of all other record owners, of the Subject Property, I consent to the imposition of the Rezone Conditions and agree to fully comply with the Rezone Conditions.

BY: AKT DEVELOPMENT CORPORATION
a California Corporation

BY: Eleni Tsakopoulos-Kounalakis
President

DATED: July 3, 2002


SunRidge LLC, a California Limited
Liability Company

APN: 067-0030-006
067-0030-009
067-0090-011
067-0090-014
067-0090-016
067-0090-017
067-0090-022
067-0090-023
067-0090-024
067-0090-025

CITY OF RANCHO CORDOVA

ORDINANCE NO. 3-2014

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
AMENDING SACRAMENTO COUNTY ZONING CODE ORDINANCE 2002-0015,
PREVIOUSLY ADOPTED BY REFERENCE BY THE CITY, TO ELIMINATE CERTAIN FEE
REQUIREMENTS FOR THE SUNRIDGE SPECIFIC PLAN AREA**

RECITALS

WHEREAS, on July 17, 2002, the County of Sacramento ("County") adopted Resolution No. 2002-0901, establishing the SunRidge Specific Plan ("SRSP"); and

WHEREAS, on July 17, 2002, the County adopted Ordinance No. SZC-2002-0015, attached hereto as Exhibit "A," establishing the SunRidge Specific Plan as part of the County Zoning Code; and

WHEREAS, the provisions of the SRSP were added to the Sacramento County Zoning Code as Title VI, Chapter 7, Article 1, Sections 607-10 through 607-17.6; and

WHEREAS, due to the widespread groundwater contamination emanating from the Aerojet and Boeing project sites, SRSP developers worked with the Sacramento County Water Agency ("SCWA") to identify an acceptable source of potable water that could meet the needs of the proposed project that would not accelerate groundwater contamination plume movement or interfere with any future remedy; and

WHEREAS, because of the unique nature of providing water to the SRSP project area, the County established two fee programs deemed necessary to mitigate the higher cost of providing water and water supply infrastructure for the area; and

WHEREAS, pursuant to provisions of the Zoning Code establishing the SRSP, the County created certain zoning conditions for the establishment of a North Vineyard Well Protection Program and a Groundwater Optimization program and collection of fees required to be paid by development within the SRSP; and

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

WHEREAS, the Sunridge Specific Plan Area is located entirely within the incorporated boundaries of the City; and

WHEREAS, pursuant to Ordinance No. 21-2003, the City adopted by reference the Sacramento County Zoning Code, including those provisions relating to the SRSP; and

WHEREAS, pursuant to Ordinance No. 27-2008, the City adopted a Zoning Code Update that completely replaced the City's existing Zoning Code and all provisions therein, with the exception of the eight existing Special Planning Areas (SPAs), as identified on the Rancho Cordova Zoning Map and depicted in an attachment to that Ordinance; and

WHEREAS, the Sunridge Specific Plan Area is one of the existing SPAs that was excluded from the Zoning Code Update and therefore the provisions of SCZ-2002-0015 still exist for the City by prior reference; and

WHEREAS, the County has requested that the City revise Zoning Ordinance No. SZC-2002-0015 by deleting conditions 23 and 24 as they relate to the establishment and collection of fees for the North Vineyard Well Protection Insurance Program and the Groundwater Optimization Program.

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

Section 1. Condition No. 23 of Sacramento County Zoning Ordinance No. SZC-2002-0015, incorporated by reference to the Rancho Cordova Zoning Code, is hereby amended to read as follows:

“Condition No. 23 has been repealed at the request of the County of Sacramento,”

Section 2. Condition No. 24 of Sacramento County Zoning Ordinance No. SZC-2002-0015, incorporated by reference to the Rancho Cordova Zoning Code, is hereby amended to read as follows:

“Condition No. 24 has been repealed at the request of the County of Sacramento,”

Section 3. Severability

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

Section 4. 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 adoption.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the _____ day of _____, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dan Skoglund, Mayor

ATTEST:

Mindy Cuppy, CMC, City Clerk
2231789.1

SunRidge Specific Plan

ORDINANCE NO. SZC 2002- 0015

**AN ORDINANCE OF THE COUNTY OF SACRAMENTO
AMENDING THE ZONING CODE OF SACRAMENTO COUNTY,
ORDINANCE NO. SZC 83-10, AS AMENDED, TO ESTABLISH A
SPECIFIC PLANNING AREA, KNOWN AS THE SUNRIDGE SPECIFIC
PLAN, TITLE VI, CHAPTER 7, ARTICLE 1.**

The Board of Supervisors of the County of Sacramento, State of California,
ordains as follows:

SECTION 1: Title VI, Chapter 7, Article 1, is hereby added to the Zoning Code
of Sacramento County to read as follows:

Zoning Code of Sacramento County

**Chapter 7
Article 1**

SUNRIDGE SPECIFIC PLAN

607-10. INTENT. It is the intent of the Board of Supervisors in adopting this
zoning ordinance to allow development of the SunRidge Specific Plan area in a manner
consistent with the Sacramento County General Plan and the SunRidge Specific Plan.

Permitted uses within the SunRidge Specific Plan include residential, commercial and
open space land uses. The configuration of these land uses is a compatible extension of
the Rancho Cordova community to the northwest. Proposed improvements within the
Specific Plan area will provide urban services to the area as it develops over the next 15
to 20 years.

607-11. APPLICABILITY. The provisions of this Article shall apply to the land
area shown in Section 607-17.1. In any case, where this Article does not provide
direction regarding specific use or development standards, the provisions of the SunRidge
Specific Plan and the Sacramento County Zoning Code shall apply. To the extent that

any of the provisions of this Article conflict with other provisions of the Zoning Code, the provisions of this Article shall prevail.

607-12. DEFINITIONS.

SunRidge Specific Plan text: That document adopted by the Sacramento County Board of Supervisors, the boundaries of which are depicted in Section 607-17.1 and the land uses of which are depicted in Section 607-17.2.

SunRidge Specific Plan Public Facilities Financing Plan: That financing plan as referenced in the SunRidge Specific Plan that identifies the infrastructure improvements necessary to support the proposed level of development and describes the methods of financing the infrastructure. Separate actions will likely be necessary to establish assessment districts, fee programs and/or other funding programs.

607-13. PERMITTED USES. Property within the SunRidge Specific Plan area may be used in a manner consistent with current zoning, or may be rezoned to a zoning classification consistent with the SunRidge Specific Plan land use diagram, shown in Section 607-17.2, and used in a manner consistent with the provisions of this Article and the Specific Plan. The primary land use categories within the SunRidge Specific Plan are "residential and open space" and "commercial."

- A. Residential and Open Space Use Areas: Residential Use areas may be zoned RD-4, RD-5, RD-7, RD-10, or RD-20. Permitted uses within the Residential areas are shown on Table 3-2 of the SunRidge Specific Plan, and are set forth in Section 607-17.3 of this Article. Open Space Use areas (parks and other open space areas) shall be zoned O and shall be regulated by the provisions of the SunRidge Specific Plan and the Zoning Code.

B. Commercial Use Areas: Commercial Use areas within the Specific Plan may be designated "Commercial" or "CMU" (Commercial Mixed Use). Property designated Commercial on the SunRidge Specific Plan land use diagram may be zoned SC, and property designated CMU on the Specific Plan land use diagram may be zoned LC.

1. Commercial: Within the Commercial areas zoned SC, permitted uses are those allowed in the Shopping Center Commercial (SC) land use zone as listed in Zoning Code Section 225-11 and subject to corresponding special conditions referenced in Zoning Code Section 225-14.

2. Commercial Mixed Use: Within the CMU Commercial Mixed Use areas zoned LC, permitted uses are those allowed in the Limited Commercial (LC) land use zone as listed in Zoning Code Section 225-11 and subject to corresponding special conditions referenced in Zoning Code Section 225-14, except as further enumerated below. Within any CMU area, 25% of the land area may be allocated to Medium Density Residential uses at a density of RD-20.

a. The following additional uses shall be permitted:

- (1) Outdoor Dining when attached to a permitted restaurant use
- (2) Satellite Work Centers
- (3) Recreation facilities
- (4) Residential uses at a minimum of 7 dwelling units per acre.

b. The following LC uses shall be prohibited:

- (1) Motorcycle, sports cycles, trial bikes, jet skis, snowmobile, ultra-light, and moped sales, rental, service, repair and dismantling.
- (2) Wholesale distributor's service facility other than a food cooperative distribution.
- (3) Ambulance service except as provided by a public agency.
- (4) Wedding chapel.
- (5) Parking lot or garage as a primary use.

- (6) Building material and lumber sales.
- (7) Travel trailer-mobile home, motor home, and camper – sales, rental, or storage.
- (8) Water recreation equipment – rental, sales.
- (9) Bus depot.
- (10) Freight depot.

C. Open Space Areas: Open Space areas, both parkland and wetlands/natural preserve open space areas, shall be zoned O where feasible and shall be regulated by the provisions of the SunRidge Specific Plan and the Sacramento County Zoning Code, as well as any other applicable permits issued by regulatory agencies. In addition, the following provisions apply to Open Space areas:

1. No residential development may occur in any Open Space zone.
2. Future land uses in Open Space areas on the Specific Plan Diagram are governed pursuant to the SunRidge Specific Plan adopted by the Board of Supervisors.
3. The Specific Plan shall be amended, if deemed necessary by the Planning Director, following completion of wetland studies and permitting requirements on properties within the Specific Plan, to identify additional wetlands/open space requirements. Development shall be consistent with such requirements and conducted in a manner to achieve a continuous open space corridor from the westerly portion of SunRidge to the easterly/northeasterly side of SunRidge (including intervening property), including a bicycle trail system.

607-14. DEVELOPMENT STANDARDS

- A. Residential development standards are set forth in the Sacramento County Zoning Code Title II, Chapter 15, and Title III, Chapter 5, except as herein set forth. Nonresidential uses permitted or conditionally permitted in

residential zones shall be subject to development standards appropriate for the particular use as set forth in Title III of the Zoning Code.

1. Allocation of Dwelling Units to Residential Properties. Dwelling unit allocation to initial property ownership parcels shall be as set forth in Section 607-17.4 (Land Use Allocation Map) and Section 607-17.5 (Land Use Allocation Table).
2. Density Transfer: As set forth in the SunRidge Specific Plan, dwelling units allocated to a residential parcel pursuant to the Land Use Allocation Map and Table referenced above may be transferred to another residential land use parcel provided that: (a) the cumulative number of units in the subarea (single initial ownership) does not exceed the total number assigned to each owner in the Residential Allocation Map; (b) the number of dwelling units in any specific parcel does not exceed the maximum number of dwelling units permitted by more than 20%; (c) the amended land use is consistent with the goals, policies and requirements of the Sacramento County General Plan, Sunrise Douglas Community Plan, SunRidge Specific Plan, and any affected zoning ordinances and development agreements; (d) the amended land use does not result in modification to conditions of the approved tentative map, rezone agreement/ordinance or applicable permits; and (e) the amended land use does not affect the Infrastructure Finance Plan or any benefit assessment facilities financing arrangement.

An exhibit illustrating and tabulating any proposed Density Transfer shall be submitted to the County concurrent with any corresponding tentative or vesting tentative subdivision or parcel map application.

3. Additional Single-family/two-family residential development standards.
 - a. Minimum front yard and side street yard setback (measured from the back of sidewalk) is 16 feet for the livable area of the house and/or porches, and side-entry garages, except that the minimum

side street yard setback is 12.5 feet on streets without split sidewalks. Front-on garages (garage doors) shall be setback a minimum of 19 feet from the back of sidewalk. See SunRidge Specific Plan text and Figure A-19 for variations based upon different categories of streets.

- b. Minimum side yard distance between houses shall be 9 feet.
 - c. Single-family and two-family structures shall not exceed 35 feet in height or three stories.
 - d. In no case shall side yard fences be located within five feet of the sidewalk. Greater setbacks may apply depending upon the type of street/street cross-section; see Specific Plan for detail.
4. Additional Multifamily development standards.
- a. Roofing material on multifamily structures shall be tile, concrete tile, or other materials similar in appearance and durability.
 - b. Carports and enclosed parking structures shall have a roof slope comparable to the residential structures.
 - c. The minimum setback from multifamily structures to the edge of parks and open space areas shall be 20 feet; balconies and patios shall have a minimum setback of 15 feet.
 - d. Multifamily parking areas adjacent to parks and open space areas shall not exceed fifty percent (50%) of the common boundary frontage.

B. Commercial Standards are set forth in Title III, Chapter 15 of the Sacramento County Zoning Code. In addition, the following applies to commercial development in the SunRidge Specific Plan Area:

- 1. Each commercial mixed use development and shopping center development shall provide a pedestrian plaza in scale with the proposed commercial use. Pedestrian plazas shall include landscaping, seating, drinking fountains, and points of interest, such as water elements and art.

- 2 A clearly defined pedestrian way, separated from vehicle traffic, shall be provided through the parking area to the main buildings from each major street frontage.
- 3 All commercial developments are subject to Development Plan Approval by the Board of Supervisors for the purpose of assuring design compatibility with adjacent land uses, assuring that a desirable architectural theme is consistent throughout the commercial development, assuring that appropriate pedestrian and bicycle facilities are provided, and assuring an appropriate relationship to the required pedestrian plaza.
4. The combined floor area of all uses in a given development shall not exceed a floor area ratio of .30.

607-15. OTHER REQUIREMENTS.

- A. Zoning Conditions. The following zoning conditions shall be complied with for all properties within the SunRidge Specific Plan area.

Finance

1. Property owners shall fully comply with and participate in the "Public Facilities Financing Plan for the SunRidge Specific Plan," including any fees and assessments adopted by the Board of Supervisors to implement that Plan. An "Implementation Finance Plan" shall be adopted by the Board prior to any development within the SunRidge Specific Plan area.
2. Property owners shall participate in a Landscaping & Lighting Act district, a Community Facilities District, or equivalent financing mechanism, to fund park maintenance and operations as required by the Cordova Recreation and Park District.
3. Park sites shall be improved by the developer in conjunction with project development and as required by the Cordova Recreation and Park District prior to turning park sites over to the local park district ("turnkey" park development); turnkey parks will be accompanied by credits against the Quimby Act or Finance Plan park fee component.
4. The SunRidge Specific Plan shall have a targeted goal of a 30% reduction in daily vehicle trips. In support of that goal, the SunRidge Specific Plan shall participate in a County Service Area (CSA), or an equivalent financing mechanism to the

satisfaction of the Board of Supervisors, for the purpose of funding a variety of transportation demand management strategies, including but not limited to a transit shuttle service, which will contribute SunRidge's targeted 30% reduction in daily vehicle trips.

The Purpose of this CSA, or equivalent financing mechanism, is to fund programs and services implement trip reduction measures that improve mobility and coincidentally reduce air quality impacts, including but not limited to:

- incentives for alternative mode use
- programs encouraging people to work close to where they live
- on-site transportation coordinators
- school trip pool programs
- maintenance and improvement of the Folsom South Canal bikeway
- transit shuttle system

The budget for the CSA (or equivalent financing mechanism) shall include a component to insure that annual monitoring is performed to evaluate the effectiveness of the programs and services, including the progress in achieving the goal of a 30% reduction in daily vehicle trips.

Any strategy implemented through the CSA or equivalent financing mechanism may be revised or discontinued if a strategy is proven to be ineffective with annual monitoring. Additional strategies may be implemented as appropriate to assist in achieving a 30% reduction in daily vehicle trips.

Avigation Easement

5. Prior to the issuance of any building permits, provide an "avigation easement" in a form approved by County Counsel to the County of Sacramento designed to notify property owners of the aviation operations at Mather Airport. The avigation easement shall grant the right of flight and unobstructed passage of all aircraft into and out of Mather Airport and shall be in the form set forth in the Specific Plan.

Construction Mitigation

6. All construction allowed under, and pursuant to the Specific Plan shall include standard mechanisms for mitigation of construction related nuisances including, restrictions on the hours of construction activities, restrictions on noise levels associated with construction equipment, watering and/or other dust control at all construction sites, County approval of proposed construction storage and staging areas (including employee parking). All construction sites shall be required to continuously post visible signage providing a name, address, and 24-hour phone number for information and/or complaints regarding the construction activities. This may be a County number if applicable.

Odor/Rendering Plant

7. No building permits shall be issued for construction of residential or commercial structures (except for model home permits) within the Specific Plan area until, at a minimum, the odor control equipment and improvements described in the report entitled "An Odor Control System Review of SRC Facilities With Recommendations for Comprehensive Containment and Treatment of Process and Fugitive Odors," dated June 2000 and prepared by Carl M. Petersen, Ph.D., SCP Control, Inc., as revised and supplemented by the document entitled "Comments Directed To Dr. Carl M. Petersen's Report," prepared by Dr. Fred D. Bisplinghoff and submitted under cover letter dated February 22, 2001 (collectively the "Report") have been installed and are operational. For purposes of this condition, "operational" shall mean that a permit to operate has been issued by the Sacramento Metropolitan Air Quality Management District (SMAQMD).

Any portion of the cost for the odor mitigation equipment and/or improvements to be installed pursuant to this condition, that is to be paid by the applicants, shall be paid to the County (irrespective of any subsequent incorporation) for disbursement pursuant to a disbursement agreement, in form and substance approved by the County Counsel, for the purpose of assuring application of the funds for mitigation purposes, as described in the Report (as defined in this condition).

Electricity/Gas Utilities/Fire Protection

8. Future development project applicants(s) shall address and resolve project-related electrical facility issues through close coordination with SMUD in project planning and development. The applicant(s) shall grant any necessary right-of-way for installation of electrical facilities. Coordination with SMUD shall occur and any required agreements shall be established prior to issuance of necessary permits or approvals for the project. Reserve substation sites as required by SMUD.
9. To promote the safe and reliable maintenance and operation of utility facilities, the California Public Utilities Commission (PUC) has mandated specific clearance requirements between utility facilities and surrounding objects or construction activities. To ensure compliance with these standards, future development project applicant(s) shall coordinate with PG&E early in the development of their plans. Any proposed development plans shall provide for unrestricted utility access and prevent easement encroachments that might impair the safe and reliable maintenance and operations of PG&E's facilities.
10. Residential design in all subdivisions shall adhere, to the greatest practical extent, to the SMUD Energy Efficiency/Load Management Measures for Residential New Construction.

11. Building permits for no more than 1640 dwelling units shall be issued within the combined SunRidge Specific Plan and Mather Specific Plan areas until a fire station is constructed and equipped, as required by the Sacramento Metropolitan Fire District.
12. Future development projects shall comply with the following design measures:
 - a. Cul-de-sacs shall not exceed 150-feet in length where possible, in order to facilitate emergency vehicle response throughout the development area. Off-street bikeways, pathways, and recreational areas shall provide adequate access for fire fighting apparatus.
 - b. All development shall meet minimum water supply requirements for fire flow, by type of land use.
 - c. Accessibility for fire control shall meet the specifications of the Fire District and shall be in place during all phases of the project.
13. Future development projects shall consult with the Sheriff's Department and implement recommended crime prevention/safety development design measures to the maximum extent feasible.
14. Future development project applicants shall address and resolve issues related to the provision of telephone and cable television services within the Specific Plan area through close coordination with the applicable service provider during project planning and development.

Water Supply

15. Entitlements for urban development within the Sunrise Douglas Plan area (i.e. subdivision maps, parcel maps, use permits, building permits, etc.) shall not be granted unless agreements and financing for supplemental water supplies are in place, consistent with General Plan Policy CO-20. Based on supplemental water supplies which have been acquired to date, a development cap within the General Plan Urban Growth Areas of 12,300 equivalent dwelling units is currently in place, and approximately 6,000 equivalent dwelling units (EDUs) currently remain available under the cap. The number of EDUs available under the cap depends upon the number of entitlements approved within the Urban Growth Areas and the amount of supplemental water supplies acquired. Future entitlements for urban development within the Sunrise Douglas Plan area shall not be approved unless sufficient EDUs are available under the CO-20 development cap.

16. No tentative map shall be approved unless either:

- (a)(1) the cumulative amount of groundwater production from the North Vineyard Well Field (NVWF) does not exceed 10,000 acre feet/year (AFA), does not result in more than a 10-foot decline in the local groundwater elevations from the baseline condition [that is, the groundwater elevations that would occur absent the NVWF project, as defined by the 70-year hydrologic trace of groundwater elevations determined by the IGSM Static Baseline Model 2000 and presented in the "Baseline Conditions for Groundwater Yield Analysis Final Report" (Montgomery Watson, May 1997) to account for fluctuations in groundwater elevation resulting from changing hydrologic conditions], and does not result in a significant effect on groundwater contaminant movement, unless the Sacramento County Water Agency (SCWA) Board of Directors determines that 1) the additional groundwater production (beyond the 10,000 AFA or 10-foot drop limit) is acceptable and consistent with the goals of the Zone 40 Conjunctive Use Program and the Water Forum Agreement; 2) the additional groundwater production (beyond the 10,000 AFA or 10-foot drop limit) will not substantially affect the migration of known contaminant plumes; and 3) impacts to shallow domestic wells in the vicinity of the well field resulting from the additional groundwater extraction (beyond the 10,000 AFA or 10-foot drop limit) will be adequately mitigated; and
- (2) the SCWA Board of Directors has determined that there is sufficient groundwater available from NVWF to serve the urban development within the SunRidge Specific Plan area for which tentative map approval is being sought; and
- (3) the SCWA Board of Directors allocates such groundwater from NVWF to said tentative map within the SunRidge Specific Plan area;

OR

- (b) the SCWA Board of Directors determines that there is sufficient water to serve the tentative map from another source.

- 17. The developer/applicant shall acquire property and construct groundwater extraction, treatment, pumping and water storage facilities for the SCWA and shall transfer any and all rights thereto to the SCWA. Credits and/or reimbursements due developer/applicant as a result of the construction of such facilities shall be granted pursuant to the terms of the adopted Finance Plan.
- 18. No building permit shall be issued until the developer/applicant has constructed initial phase water supply facilities with sufficient capacity to deliver up to approximately 2,265 AFA to the SunRidge Specific Plan area to the satisfaction of the SCWA.
- 19. No building permits shall be issued for urban development within the SunRidge Specific Plan area that requires more than 2,265 AFA until subsequent phases of

water supply facilities have been constructed that provide sufficient water to provide for such development to the satisfaction of the SCWA.

20. Developer/applicant shall pay any SCWA development fee or development fee surcharge imposed to fund the construction of all water facilities, extraordinary water facilities and water mitigation measures attributable to development within the SunRidge Specific Plan, as determined by the Sacramento County Department of Water Resources.
21. Municipal wells in the NVWF shall not be constructed within 800 feet of any existing private domestic well.
22. Prior to operation of any NVWF facilities, developer/applicant shall construct groundwater monitoring wells to monitor the impacts of the NVWF operation on local groundwater elevations and groundwater contaminant movement. The number, location and design of said monitoring wells shall be subject to the approval of the Sacramento County Department of Water Resources.
23. No tentative map shall be approved until developer/applicant enter into an agreement with the SCWA to fund a North Vineyard Well Insurance Program that will be administered by the SCWA. Said well insurance program shall include, at a minimum, the following components:
 - a. Payment of a fee at the issuance of a building permit. Such fee shall be determined based on the number of private wells eligible for the program multiplied by the cost of a typical residential well construction and divided by the total number of equivalent dwelling units (edu) in the SunRidge Specific Plan. The fee is currently estimated at \$380/edu, assuming an estimated 300 eligible wells, a replacement construction cost of \$13,600 and 10,100 edu's at build-out of the SunRidge Specific Plan area;
 - b. Developer/applicant shall deposit \$380,000 in a specific account of the SCWA within 180 days after the award of a contract for the construction of the NVWF. This amount shall be credited against the well insurance program fee for up to 1,000 edu's in the SunRidge Specific Plan area;
 - c. Within 30 days after written request by the SCWA, developer/applicant shall provide sufficient funds to meet any shortfall in the insurance program; any funds advanced shall be credited against the well insurance fees for the appropriate number of edu's;
 - d. The initial fee and the maximum reimbursement for each well shall be indexed to the SCWA Zone 40 annual inflation index;
 - e. The eligibility period for well replacement funds shall begin on the date that the SCWA accepts the NVWF for operation and maintenance and shall end when there is build-out of the SunRidge Specific Plan area and there are no funds remaining in the program;
 - f. Developer/applicant shall indemnify and hold harmless the SCWA and the County for any liability in the administration and operation of the well insurance program.

24. The owner/developer shall pay the Sacramento County Water Agency up to \$1,000 per equivalent dwelling unit at the time of the building permit to fund a fair share portion of any water project(s) identified by the SCWA Board of Directors that optimizes available local groundwater resources.
25. Prior to approval of any tentative maps, sites shall be reserved for water storage and treatment facilities and for future wells to the satisfaction of the Sacramento County Department of Water Resources. Compensation for these sites will be fixed at the appraised fair market value on the date that the Specific Plan is approved by the Sacramento County Board of Supervisors.
26. Project specific CEQA review shall be conducted prior to construction of proposed water supply facilities. As part of that review, any potential noise-sensitive receptors within 4000 feet of the proposed facilities shall be identified, and project specific mitigation measures shall be identified to reduce potential construction noise impacts to less than significant levels. Project specific mitigation measures for construction noise should include the following:
- a. Construction activities shall be limited to the following hours and days:
 - Between the hours of 6:00am and 8:00pm on any weekday;
 - Between the hours of 7:00am and 8:00pm on Saturday; and
 - Prohibited on Sundays and Holidays;
 - b. Construction equipment shall be properly outfitted and maintained with noise reduction devices to minimize construction-generated noise.
 - c. Stationary construction equipment shall be centrally located on site at a greatest distance possible from nearby noise-sensitive receptors.
27. Project specific CEQA reviews shall be conducted prior to construction of proposed water supply facilities. As part of that review, surveys shall be conducted by a qualified biologist to identify the potential presence of any special-status species or sensitive habitat. If special-status species or sensitive habitats are identified within the area of the proposed water facilities and have the potential to be impacted from project construction, project-specific mitigation measures shall be identified to reduce potential impacts to less than significant levels. Project-specific mitigation measures for burrowing owls, Swainson's hawk, raptors, and sensitive habitats should include the following:

Burrowing Owl

- Prior to construction activity, focused surveys shall be conducted for burrowing owls where suitable habitat is present in the project area. Suitable habitat includes agricultural field margins, drainage ditches, and fallow fields. Surveys shall be conducted no less than 14 days and no

more than 30 days prior to commencement of construction activities. Surveys shall be conducted in accordance with CDFG protocol (CDFG 1995).

- If no occupied burrows are found in the survey area, a letter report documenting survey methods and findings shall be submitted to the County and CDFG for review and approval, and no further mitigation is necessary.
- No occupied burrows shall be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist verifies through non-invasive methods that juveniles from the occupied burrows are foraging independently and are capable of independent survival.
- All occupied burrows shall be avoided until the owls inhabiting the burrows have been relocated using passive exclusion techniques approved by CDFG.

Swainson's Hawk

- Prior to project construction, it shall be determined whether any construction is proposed during the Swainson's hawk nesting season (March 1 to September 15).
- If no construction will occur during the Swainson's hawk nesting season, no further mitigation is necessary.
- Prior to project construction that will occur during the nesting season, surveys shall be conducted for active Swainson's hawk nest sites within 0.25 mile of the proposed construction area. Surveys shall be conducted at the beginning of the nesting season (April 15 - April 30). All identified nest sites shall be revisited during the post-hatching stage (June 1 - June 30) to determine if the nest is still active and to record the number of juveniles present. A final nest site visit shall occur during the fledgling period (July 1 - July 31) to determine the number of juveniles that have fledged.
- If construction is planned within 0.25 mile of an active nest, the nest site shall be identified with a marker and mapped on a USGS topographic quad map. A visible exclusion zone shall be established around the portion of the construction area that occurs within 0.25 mile of the nest tree. No project construction activity shall commence within the exclusion zone between March 1 and September 15.

Raptors

- Prior to project construction, it shall be determined whether any construction or tree removal is proposed during the raptor nesting season (February 1 to August 31).
- If no construction or tree removal shall occur during the raptor nesting season, no further mitigation shall be necessary.
- If construction or tree removal is proposed during the raptor nesting season, a focused survey for raptor nests shall be conducted by a qualified biologist during the nesting season to identify active nests within 500 feet of the project area. The survey shall be conducted no less than 14 days and no more than 30 days prior to the beginning of construction or tree removal.
- If nesting raptors are found during the focused survey, no construction or tree removal shall occur within 500 feet of an active nest until the young have fledged (as determined by a qualified biologist).

Sensitive Habitats

Surveys shall be conducted by a qualified biologist to identify the potential presence of any sensitive habitats. These surveys may include the preparation of a formal delineation to determine the extent of jurisdiction Waters of the U.S. that would be filled under the proposed project. If sensitive habitats are identified within the project area and have the potential to be impacted from project construction, project-specific mitigation measures shall be identified to reduce the potential impacts to less than significant levels.

Sewer

28. Prior to the submission of improvement plans for any development proposal within the Plan area, provide a detailed sewer design report which addresses all necessary on-site and off-site facilities to the County Water Quality Division for review and approval.
29. Implementation of off-site sewer facility improvements shall not occur until the following items have been submitted to the Sacramento County Board of Supervisors for review and approval:
 - a. A wetland delineation for the improvement area verified by the US Army Corps of Engineers.
 - b. A detailed mitigation plan for wetlands to be impacted by the proposed improvements which specifically describes the measures which will be implemented to achieve no net loss in wetland habitat acreage and values.

- c. Determinate surveys of the improvement area for potentially occurring special status species.
 - d. A detailed mitigation plan developed in cooperation with the regulatory resource agencies (US Army Corps of Engineers, US Fish and Wildlife Service, and California Department of Fish and Game) which is designed to reduce impacts of the proposed improvements on any special status species identified in the determinate surveys to a less than significant level.
30. Implementation of off-site sewer facility improvements shall not occur until all necessary permits and/or agreements for the proposed improvements have been obtained from the US Army Corps of Engineers, US Fish and Wildlife Service, and California Department of Fish and Game.
31. In conjunction with the processing of tentative subdivision maps or other entitlements, reserve sufficient right-of-way for necessary sewer interceptors in accordance with the requirements of the Sacramento Regional County Sanitation District.
32. Interim pump stations shall be sited in a manner that will insure that they can be removed once gravity interceptors are constructed.

Drainage

33. Development within the Sunrise Douglas Plan area shall implement the improvements described in the Final Master Drainage Study for the Sunrise Douglas Community Plan Area (Final MDS) (Spink Corporation, October 16, 1998), as amended by the "Amendment to Final Master Drainage Study, Sunrise Douglas Community Plan Area" (Amendment) (MHM Engineers & Surveyors, October 19, 2001), or any subsequent amendment thereof approved by the County Water Resources Department. Such improvements shall be designed to ensure that post-development peak (100-year) flows do not exceed existing peak flows and do not exceed the capacity of the two Folsom South Canal overchutes at Lower Morrison Creek, to the satisfaction of the County Water Resources Department (WRD). Construction of the improvements may be phased as described in the Final MDS and subject to the approval of the WRD, so long as the project proponent(s) provide hydrologic/hydraulic analyses which demonstrate that the phased improvements will reduce peak flows to at least pre-development levels and to the capacity of the Folsom South Canal overchutes, to the satisfaction of the WRD.

Detailed plans for the design and construction of all proposed drainage, flood control and water quality improvements, consistent with the Final MDS and Amendment, shall be submitted to the County WRD for review and approval.

Any plans for the design and construction of channels and/or detention basins within the Sares-Regis (now AKT/Anatolia) wetland preserve area not already permitted by the US Army Corps of Engineers (COE) shall also be subject to the approval of the COE.

Plans for the design and construction of any joint-use park/detention facilities shall also be subject to the approval of the Park District.

34. Development within the Sunrise Douglas Plan area shall provide stormwater quality source and treatment measures consistent with Volume 5 of the City/County Drainage Manual. The final design of such source and treatment control measures shall be subject to the approval of the County WRD.
35. Implementation of the improvements, or any phase thereof, described in the Final Master Drainage Study for the Sunrise Douglas Community Plan Area (Final MDS) (Spink Corporation, October 16, 1998), as amended by the "Amendment to Final Master Drainage Study, Sunrise Douglas Community Plan Area" (Amendment) (MHM Engineers & Surveyors, October 19, 2001), shall not occur until the following items have been submitted to the Sacramento County Board of Supervisors for review and approval:
 - a. A wetland delineation for the improvement area verified by the U.S. Army Corps of Engineers.
 - b. A detailed mitigation plan for wetlands to be impacted by the proposed improvements which specifically describes the measures which will be implemented to achieve no net loss in wetland habitat acreage and values.
 - c. Determinate surveys of the improvement area for potentially occurring special status species.
 - d. A detailed mitigation plan developed in cooperation with the regulatory resource agencies (US Army Corps of Engineers, US Fish and Wildlife Service and California Department of Fish and Game) which is designed to reduce impacts of the proposed improvements on any special status species identified in the determinate surveys to a less than significant level.
 - e. A vegetation/tree survey for the improvement area which identifies any existing marsh and riparian habitat.
 - f. A detailed vegetation/tree replacement planting plan which describes the planting/relocation measures to be implemented to provide in-kind replacement plantings on an inch-for-inch

basis for any riparian and marsh habitat which will be impacted by the proposed improvements.

36. Implementation of the Final MDS and Amendment improvements, or any phase thereof, shall not occur until all necessary permits and/or agreements for the proposed improvements have been obtained from the US Army Corps of Engineers, US Fish and Wildlife Service and California Department of Fish and Game.

Transportation Improvements

37. Development within the SunRidge Specific Plan area shall be obligated to participate in fair share funding for freeway, transit, and rail improvements. This fair share obligation shall be met through the payment of Road and Transit Development Fees, and through the establishment and payment of fees into a Public Facilities Financing Plan.
38. Participate on a fair share basis in any program implemented by the County, Caltrans, or other local agencies to reduce vehicle travel on Sunrise Boulevard, White Rock Road, and other congested roadways in the area.
39. Widen Sunrise Boulevard from White Rock Road to Douglas Road from four lanes to six lanes, and from Douglas Road to Jackson Highway from two lanes to four lanes. This widening should occur when traffic volumes reach 90 percent of capacity of a four-lane facility, or 32,400 daily vehicles, and 90 percent of capacity of a two-lane facility or 16,200 daily vehicles.
40. Widen Douglas Road from Americanos Boulevard to access roads approximately 1,500 feet west of Sunrise Boulevard from two lanes to four lanes. This improvement would increase capacity on Douglas Road to accommodate primarily project-generated traffic. This widening should occur when traffic volumes reach 90 percent capacity for a two-lane facility, or 16,200 vehicles.
41. On a "fair share" basis satisfactory to the County Transportation Department, widen Folsom Boulevard to six lanes between Mather Field Road and Coloma Road to accommodate existing and project generated traffic.
42. If feasible at the intersection of Mather Field Road and International Drive under future conditions, on a fair share basis determined by the County Transportation Department, construct dual left-turn lanes on the westbound approach, and a free right-turn lane on the northbound approach.
43. Development in the Specific Plan and Community Plan shall contribute fair-share funding toward the future construction of a 6-lane extension of Jaeger Road from Douglas Road to US 50.

44. Dedicate rights-of-way for arterial and thoroughfare streets consistent with the requirements of the SunRidge Specific Plan prior to approval of tentative subdivision maps that include building lots.

Transportation Improvement Phasing Requirements

45. No more than a cumulative total of 2,000 residential building lots shall be recorded in final maps within the SunRidge Specific Plan prior to the commencement of construction of the eight roadway and one pedestrian/bicycle improvement projects included as Phase 1 bond eligible circulation improvement projects in Figure 17 of the SunRidge Public Facilities Financing Plan ("nine priority projects"), except that the Board of Supervisors may approve final subdivision maps for additional residential building lots within the SunRidge Specific Plan subsequent to a report prepared or approved by the Department of Transportation if it determines that all nine priority projects are expected to be completed prior to traffic generated by said 2,000 residential building lots and that development of more than 2,000 lots will not result in unacceptable traffic congestion or safety problems. Any traffic studies required by County in support of such determination shall be paid for by the final map applicant. For purposes of these conditions 45, 46, 47, and 48 the term "commencement of construction" shall be deemed satisfied if there is a fully executed contract for construction of the improvement, all agreements and bonds required by such contract and the County of Sacramento have been delivered to the appropriate party designated by such contract, and the owner has delivered a "48 Hour Notice to Proceed" to the contractor pursuant to the terms of said contract.
46. No more than a cumulative total of 3,025 residential building lots shall be recorded in final maps within the SunRidge Specific Plan prior to commencement of construction of the twenty-four roadway and one pedestrian/bicycle improvement projects included for SunRidge funding as Phase 1 circulation improvement projects in Figure A-2 of the SunRidge Public Facilities Financing Plan, except that the Board of Supervisors may approve final subdivision maps for additional residential building lots within the SunRidge Specific Plan if it determines that all twenty-four roadway projects and one pedestrian/bicycle project are expected to be completed prior to traffic generated by said 3,025 residential building lots and that development of more than 3,025 lots will not result in unacceptable traffic congestion or safety problems. Any traffic studies required by County in support of such determination shall be paid for by the final map applicant. In the event that the three intersection improvements (Sunrise Blvd./SR-16, Sunrise Blvd./Grantline Rd., and Grantline Rd./SR-16) indicated in Figure A-2 as 100% financed by other sources require supplementary funding, the SunRidge Specific Plan will advance such funding to assure timely construction prior to recording more than 3,025 building lots and will be eligible for reimbursement from the other funding sources if and when available.

47. No more than a cumulative total of 3,025 residential building lots shall be recorded in final maps within the SunRidge Specific Plan prior to the commencement of construction of the Zinfandel Drive extension from International Drive to Douglas Road with a minimum of two continuous traffic lanes on both the Mather and Villages of Zinfandel properties, except that the Board of Supervisors may approve final subdivision maps for additional residential building lots within the SunRidge Specific Plan if it determines that the Zinfandel Drive extension is expected to be completed prior to traffic generated by said 3,025 residential building lots and that development of more than 3,025 lots will not result in unacceptable traffic congestion or safety problems. Any traffic studies required by County in support of such determination shall be paid for by the final map applicant
48. No more than a cumulative total of 6,500 residential building lots shall be recorded in final maps within the SunRidge Specific Plan prior to the commencement of construction of the following circulation improvements in addition to the Phase 1 projects listed in Figure A-2 of the SunRidge Public Facilities Financing Plan:
- a. At least two continuous traffic lanes of the proposed Sunrise Boulevard reliever thoroughfare extending from the vicinity of Douglas Road to Highway US-50 and including freeway interchange access. This requirement may be satisfied by the construction of an alternative thoroughfare alignment determined to be functionally equivalent by the Department of Transportation (e.g., the extension of Jaeger Road, Americanos Boulevard, or Grantline Road to US-50).
 - b. Six traffic lanes on Sunrise Boulevard from Douglas Road to SR-16.
 - c. Four traffic lanes on Douglas Road from the Folsom South Canal bridge to Grantline Road.
 - d. Four traffic lanes on Pyramid Boulevard from Sunrise Boulevard to Americanos Boulevard.
 - e. Four traffic lanes on Americanos Boulevard from Douglas Road to Pyramid Boulevard.
 - f. Four traffic lanes on SR-16 from Bradshaw Road to Sunrise Boulevard.
 - g. Second phase intersection improvements to SR-16/Bradshaw Road, SR-16/Excelsior Road, and SR-16/Eagles Nest Road.

An exception to the above stated requirement is that the Board of Supervisors may approve final subdivision maps for additional residential building lots within the SunRidge Specific Plan if it determines the projects described as 4(a) through 4(g) above are expected to be completed prior to traffic generated by said 6,500 residential building lots and that development of more than 6,500 lots will not result in unacceptable traffic congestion or safety problems. Any traffic studies required by County in support of such determination shall be paid for by the final map applicant.

49. In order to promote the orderly development of the major roadway circulation system in the SunRidge Specific Plan and to minimize traffic and safety problems resulting from discontinuous improvements on arterial and thoroughfare streets serving the traffic from individual development projects, all final maps and associated improvement plans for SRSP subdivisions will be reviewed to determine the adequacy of the SunRidge circulation system improvements currently in place. The County's Transportation Planning and Land Development/Site Improvement Review Sections will determine if additional roadway improvements within the SRSP are required beyond those proposed with final maps/improvement plans. In such determinations, the developer will be required to augment the construction of roadway improvements located on or adjacent to his/her property with other roadway improvements located within SRSP. The matrix of SRSP Onsite Roadway Improvement Phasing Requirements indicated in Table 1 (Section 607-17.6) and keyed to the SunRidge Financing Plan's Roadway CIP is advisory with regard to the particular roadway improvements and traffic criteria to be considered for the development of parcels within each SRSP ownership group as identified in the SRSP Land Use Allocation Table.

Air Quality

50. To reduce emissions of fugitive dust to a less-than-significant level:
- a. Exposed surfaces, graded areas, storage piles, and haul roads should be watered and kept moist at all times.
 - b. Minimize the amount of disturbed area, the amount of material actively worked, and the amount of material stockpiled.
 - c. Limit onsite construction vehicle speeds to 15 miles per hour.
 - d. Sweep or wash paved streets adjacent to project construction sites at least once a day to remove accumulated dust.
 - e. Maintain at least two feet of freeboard when transporting soil or other materials by truck.
 - f. Limit the amount of actively disturbed construction area to 25 acres or less.

51. Implement the following construction-related emissions program:

Category 1: Reducing NOx emissions from off-road diesel powered equipment

The project shall provide a plan for approval by Sacramento Metropolitan Air Quality Management District (SMAQMD) demonstrating that the heavy-duty (>

50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20 percent NOx reduction and 45 percent particulate reduction¹ compared to the most recent CARB fleet average; and

The project representative shall submit SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during any portion of the construction project. The inventory shall include the horsepower rating, engine production year, and hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the project representative shall provide SMAQMD with the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman.

and:

Category 2: Controlling visible emissions from off-road diesel powered equipment

The project shall ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity shall be repaired immediately, and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of the visual survey results shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this section shall supersede other SMAQMD or state rules or regulations.

¹ Acceptable options for reducing emissions may include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available.

52. Implement the AQ-15 Air Quality Plan which was found acceptable by the SMAQMD staff on March 22, 2002, and a summary of which is incorporated into the SunRidge Specific Plan text. Alternate measures may be substituted for those included in the AQ-15 Plan if approved by the SMAQMD.

Noise and Land Use Control

53. No residential uses shall be allowed within 500 feet of the intersection of Sunrise Boulevard and Douglas Road, for so long as the Cordova Shooting Center facility remains operational.
54. Future non-residential development projects located within 500 feet of the intersection of Sunrise Boulevard and Douglas Road should avoid the inclusion of land uses which may be particularly sensitive to gunfire noise, for so long as the Cordova Shooting Center facility remains operational.
55. No residential uses shall be allowed within 500 feet of the American River Aggregates (now Teichert Aggregates) plant boundary, for so long as the American River Aggregates facilities remain operational.
56. Future non-residential development projects located within 500 feet of the American River Aggregates plant boundary should avoid the inclusion of land uses which may be particularly sensitive to truck and plant noise, for so long as the American River Aggregates facilities remain operational.
57. Future noise-sensitive land uses proposed for development within the future 60 dB Ldn traffic noise contour shall be required to prepare an acoustical analysis, and to implement identified noise attenuation measures necessary to ensure compliance with the noise standards of the County General Plan Noise Element.
58. Future commercial, business/professional and school land uses with the potential to create noise-related land use conflicts with proximate residential uses shall be required to prepare an acoustical analysis, and to implement identified noise attenuation measures necessary to ensure compliance with the noise standards of the County General Plan Noise Element.

Biological Resources/Wetlands

59. In conjunction with the filing and processing of applications for future development entitlements (such as tentative subdivision maps or development plans) within the SunRidge Specific Plan area, such project proponents shall submit a wetland delineation for the proposed development area, and a detailed plan which describes the specific methods to be implemented to avoid and/or mitigate any project impacts upon wetlands such that no net loss in wetland habitat acreage and values is achieved. This detailed Wetland Avoidance/Mitigation Plan shall be prepared in consultation with the US Army Corps of Engineers, the USFWS, and the CDFG, and the US Environmental Protection Agency (EPA), and shall incorporate the following components:

- a. A wetland delineation of the project site and any proposed off-site wetland preservation/creation sites(s), verified by the US Army Corps of Engineers;
 - b. The location of proposed wetland preservation, acquisition, and creation site(s);
 - c. A detailed map of proposed wetland creation site(s) showing the acreage, distribution, and type of wetlands to be created to ensure no net loss in wetland habitat acreage, values, and functions.
Compensation wetlands shall be designed to:
 - Meet or exceed the hydrophytic conditions and operating functions of the existing wetlands proposed for impact;
 - Mitigate the loss of special status species habitat, including fairy/tadpole shrimp, as required by the USFWS and the CDFG;
 - d. A monitoring plan designed to assess whether the compensation wetlands are functioning as intended. Specific performance standards for hydrologic, floral, and faunal parameters shall be proposed to determine success of the created wetlands. The monitoring plan shall specify the corrective measures/modifications to be implemented in the event that monitoring indicates that the performance standards are not being met. Monitoring shall occur for at least five years and until success criteria are met, and as required by the US Army Corps of Engineers and the USFWS; and
 - e. A maintenance plan for the wetland preservation/mitigation areas describing the measures to be implemented to assure that they are maintained as wetland habitat in perpetuity. The maintenance plan shall address buffering from adjacent uses, fencing, access, erosion control, and weed eradication.
60. At the time applicants obtain permit(s) for future development projects which impact wetlands, alternative strategies may have been adopted to mitigate for wetland impacts. The prior condition does not preclude the implementation of these new alternatives so long as they achieve no net loss in wetland habitat acreage and values, and are determined to be acceptable to the US Army Corps of Engineers, USFWS, CDFG, and EPA.
61. Prior to approval of any future development projects (such as tentative subdivision maps, development plans, improvement plans) within the project area, obtain all necessary US Army Corps of Engineers permits pursuant to Section 404 of the Clean Water Act, and all necessary California Endangered Species Act

permits and Streambed Alteration Agreements from the CDFG, pursuant to the Fish and Game Code.

62. The Specific Plan shall be amended, if deemed necessary by the Planning Director, following completion of wetland studies and permitting requirements on properties within the Specific Plan, to identify additional wetlands/open space requirements. Development shall be consistent with such requirements and conducted in a manner to achieve a continuous open space corridor from the westerly portion of SunRidge to the easterly/northeasterly side of SunRidge (including intervening property), including a bicycle trail system.
63. Wetland impacts within the Sares-Regis (now AKT/Anatolia) property (Parcels B-1 through B-27, as shown on Plate LA-15 in the FEIR) shall be mitigated through compliance with all provisions of the US Army Corps of Engineers Section 404 Permit (#190110021) dated May 8, 1996, including implementation of the USFWS Biological Opinion (#1-1-96-F-0062) dated April 3, 1996 as amended by the USFWS Biological Opinion (#1-1-96-F-113) dated July 3, 1996, and the Sares-Regis Project Wetland Monitoring Plan prepared by Sugnet and Associates dated April 24, 1996. Owner of the former Sares-Regis (now AKT/Anatolia) wetland preserve property shall establish a Habitat Maintenance Financing Program, including an initial endowment and voluntary contribution, for the Sares-Regis (now AKT/Anatolia) property to the satisfaction of the County Infrastructure Finance Section, prior to approval of improvement plans on the AKT/Anatolia property.
64. In conjunction with the filing and processing of applications for future development entitlements (such as tentative subdivision maps or development plans) within the SunRidge Specific Plan area, such project proponents shall conduct (or update) determinate surveys for potentially occurring special status species or their habitat using protocol acceptable to the regulatory agencies with authority over these species.

If any of the special status species or their habitat are indicated, a detailed plan which describes the specific methods to be implemented to avoid and/or mitigate any project impacts upon special status species to a less than significant level will be required. This detailed Special Status Species Avoidance/Mitigation Plan shall be prepared in consultation with the USFWS and CDFG, and shall emphasize a multi-species approach to the maximum extent possible.

Where project impacts include taking of a federally listed species, a Section 10 Incidental Take Permit or a Biological Opinion resulting from Section 7 Consultation with another federal agency shall be obtained from the USFWS and permit conditions implemented, pursuant to the federal Endangered Species Act.

Where project impacts include taking of a state listed species, an Incidental Take Permit shall be obtained from the CDFG and permit conditions implemented, pursuant to the California Endangered Species Act.

65. Applicants for future development projects within the project area which result in a loss of Swainson's hawk foraging habitat shall mitigate for such loss by implementing one of the following alternatives:
- a. For projects within a one mile radius of an active nest site, the project proponent shall preserve 1.0 acre of similar habitat for each acre lost within a ten mile radius of the project site. For projects within a one to five mile radius of an active nest site, the project proponent shall preserve 0.75 acre of similar habitat for each acre lost within a ten mile radius of the project site. For projects within a five to ten mile radius of an active nest site, the project proponent shall preserve 0.5 acre of similar habitat for each acre lost within a ten-mile radius of the project site. This land shall be protected through fee title or conservation easement (acceptable to the Department of Fish and Game).
 - b. The project proponent shall, to the satisfaction of the CDFG, prepare and implement a Swainson's hawk mitigation plan that will include preservation of Swainson's hawk foraging habitat.
 - c. The project proponent shall submit payment of a Swainson's hawk impact mitigation fee per acre impacted to the Department of Planning and Community Development in the amount as set forth in Chapter 16.130 of the Sacramento County Code as such may be amended from time to time and to the extent that said Chapter remains in effect.
 - d. Should the County Board of Supervisors adopt a Swainson's hawk mitigation policy/program (which may include a mitigation fee) prior to implementation of one of the measures above, the project proponent may be subject to that program instead.
66. Prior to each phase of grading and construction, a pre-construction survey shall be performed between April 1 and July 31 to determine if active raptor nesting is taking place in the area. If nesting is observed, consultation with the Department of Fish and Game shall occur in order to determine the protective measures which must be implemented for the nesting birds of prey. If nesting is not observed, further action is not required.

Trees

67. In conjunction with the filing and processing of applications for future development entitlements (such as tentative subdivision maps or development plans) within the SunRidge Specific Plan area, such project proponents shall

submit a survey identifying the specific type, size, and location of all existing on-site trees. Existing on-site trees shall be protected and preserved to the maximum extent feasible. Consistent with General Plan policies, the removal of any native oak tree measuring six inches or greater in diameter at breast height (dbh) and the removal of any non-oak native tree (excluding cottonwoods and willows) measuring 19 inches or greater dbh necessary to accommodate future development shall be mitigated by planting replacement trees (in-kind species on an inch-for-inch basis) within the project area. In addition, other non-native landmark size (19" or greater) may require mitigation as determined on a project-by-project basis.

Cultural Resources

68. Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains be encountered during any development activities, work shall be suspended and the Sacramento County Department of Environmental Review and Assessment shall be immediately notified. At that time, the Department of Environmental Review and Assessment will coordinate any necessary investigation of the site with appropriate specialists, as needed. The project proponent shall be required to implement any mitigation deemed necessary for the protection of the cultural resources. In addition, pursuant to Section 5097.98 of the State Public Resources Code and Section 7050.5 of the State Health and Safety Code, in the event of the discovery of human remains, all work is to stop and the County Coroner shall be immediately notified. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains.

Hazardous Materials

69. Future development proposals within the two fruit orchards in the Community Plan area north of Douglas Road shall implement a soil sampling and analysis program for organochlorine pesticides, lead, and arsenic. Prior to implementation, the soil sampling and analysis program shall be approved by a toxicologist from the Cal-EPA, Office of Environmental Health Hazard Assessment (OEHHA). The soil sampling results shall be submitted to the Cal-EPA Department of Toxic Substances Control (DTSC), for a determination of whether detected concentrations of the sampled substances fall within acceptable health risk guidelines and, if they do not, the remedial measures which must be implemented to ensure the protection of human health. Prior to grading or construction activities, individual project proponents shall implement any measures required for the remediation of contaminated soils to protect human health.
70. Future development projects within the Sunrise Douglas Plan area shall coordinate with SMUD to ensure that all transformers which predate 1979/80 are

sampled and analyzed as needed to determine the presence or absence of PCBs. All PCB-containing transformers shall be removed and replaced with PCB-free transformers.

71. Asbestos surveys and abatement procedures shall be completed for each of the structures within the project area which are intended to be razed or otherwise disturbed in accordance with the SMAQMD Asbestos Rules and Regulations.
72. As development occurs, each site shall be specifically inspected for water supply wells, septic tanks, leach lines, and cisterns. All water supply wells shall be properly destroyed via the well abandonment procedures of the County Environmental Health Division. Septic tanks, leach lines, and cisterns shall be located, removed, and backfilled in accordance with the recommendations of a qualified geotechnical engineer.
73. As development occurs, all debris, trash, refuse, and abandoned, discarded, and/or out-of-service items shall be removed from the affected properties and disposed of or recycled off-site.
74. As development occurs, the actions identified below shall be taken for each identified parcel. All remedial actions recommended as a result of any of these site investigations shall be fully implemented.

APN	ACTION
067-0030-006	Remove debris
067-0030-019	Remove debris
067-0030-027	Remove debris
067-0040-016	Remove debris
067-0090-016	Remove debris
067-0090-017	Remove debris
072-0300-004	Field reconnaissance; remove debris

75. Any discovered underground storage tanks (farm tanks) shall be removed as required by the County Environmental Management Department (EMD), Hazardous Materials Division. In addition, groundwater and soil investigation for contamination and remediation in the tank vicinity shall be conducted if required by the EMD.

Development Plan Review

76. All commercial developments are subject to Development Plan Approval by the Board of Supervisors for the purpose of assuring design compatibility with adjacent land uses, assuring that a desirable architectural theme is consistent throughout the commercial development, assuring that appropriate pedestrian and

bicycle facilities are provided, and assuring an appropriate relationship to the required pedestrian plaza.

Right-to Farm Ordinance Disclosure

77. Disclose to prospective buyers within 500 feet of any active farming operation, through notification in the title report, that they could experience inconvenience or discomfort resulting from accepted farming activities pursuant to the provisions of the County Right-to-Farm Ordinance.

Procedural/Effective Dates

78. This rezoning shall not become effective until at least 30 days after the adoption of the SunRidge Specific Plan, and the SunRidge Specific Plan shall not become effective until at least 30 days after the adoption of the applicable General Plan amendments.

607-16. REVIEW AUTHORITY.

- A. Review Authority: The Director of the Planning and Community Development Department shall be the appropriate authority to review individual development projects proposed within the boundaries of the SunRidge Specific Plan to determine consistency with the provisions of the SunRidge Specific Plan, and to determine additional required review and hearing processes.
- B. Plan Amendments: Amendments to the Specific Plan may include, but are not limited to, changes to land use designations on the land use map, changes to policies, development regulations or design criteria as determined by the Planning Director. Applications for amendment to the Specific Plan shall be made to the County Planning and Community Development Department and shall be subject to payment of any applicable application processing fees. Application made for amendments shall be subject to environmental review by the Department of Environmental Review and Assessment. All applications for amendment to the Specific Plan shall be subject to review by the County Planning and Community Development Department to determine if additional

entitlement requests, including a General Plan amendment, will be required to accompany the amendment application.

- C. Appeals: Decisions of the Planning Director, Zoning Administrator, Project or Policy Planning Commissions may be appealed to the appropriate review authority after following standard procedures as set forth in Zoning Code Section 115-30.

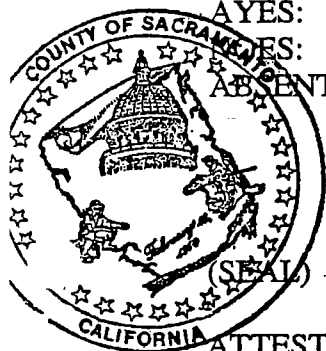
607-17. Exhibits. Sections 607-17.1 through 607-17.6 regulate the property described in Section 607-17.1 and are attached hereto and by this reference incorporated into this ordinance. The SunRidge Specific Plan text is incorporated by reference.

- 607-17.1 SunRidge Specific Plan Project Area
- 607-17.2 SunRidge Specific Plan Land Use Diagram
- 607-17.3 Residential-Open Space Use Table
- 607-17.4 Residential/Land Use Allocation Map
- 607-17.5 Residential/Land Use Allocation Table
- 607-17.6 Roadway Improvement Phasing Requirements (for Zoning Condition 49)

SECTION II: This ordinance shall take effect and be in full force on thirty (30) days from the date of its passage, and before expiration of fifteen (15) days from the date of passage it shall be published with the names of the members of the Board of Supervisors voting for and against the same, said publication to be made in a newspaper of general circulation published within the County of Sacramento, State of California.

On a motion by Supervisor Dickinson, seconded by Supervisor Collin, the foregoing ordinance was passed and adopted by the Board of Supervisors of the County of Sacramento, State of California, this 17th day of July, 2002, by the following vote, to wit:

AYES: Supervisors Collin, Dickinson, Niello, Nottoli
 NAYS: Supervisors None
 ABSENT: Supervisors Johnson



Don Nottoli
 CHAIRPERSON, Board of Supervisors
 County of Sacramento, California

ATTEST: Cathy L. Turner

In accordance with the provisions of the California Constitution, the Board of Supervisors of the County of Sacramento, California, do hereby certify that the foregoing is a true and correct copy of the ordinance passed and adopted by the Board of Supervisors of the County of Sacramento, California, on the 17th day of July, 2002.

JUL 17 2002

Trish Hummel
 Deputy Clerk, Board of Supervisors

APPROVED
 BOARD OF SUPERVISORS

JUL 17 2002

Cathy L. Turner
 Clerk, Board of Supervisors

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

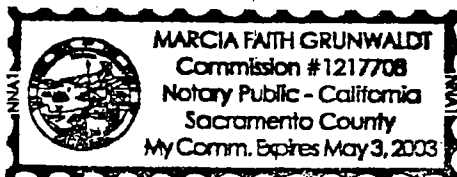
STATE OF CALIFORNIA

COUNTY OF
SACRAMENTO

On July 25, 2002, before me, Marcia Faith Grunwaldt, personally appeared Cindy H. Turner, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacities, and that by her signature on the instrument the person, or the entities upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Marcia Faith Grunwaldt

**OPTIONAL SECTION**

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

INDIVIDUAL
CORPORATE
OFFICER(S)

Title(s)

PARTNER(S)
LIMITED
GENERAL
ATTORNEY-IN-FACT
TRUSTEE(S)
GUARDIAN
CONSERVATOR
OTHER: Clerk of the
Board of Supervisors

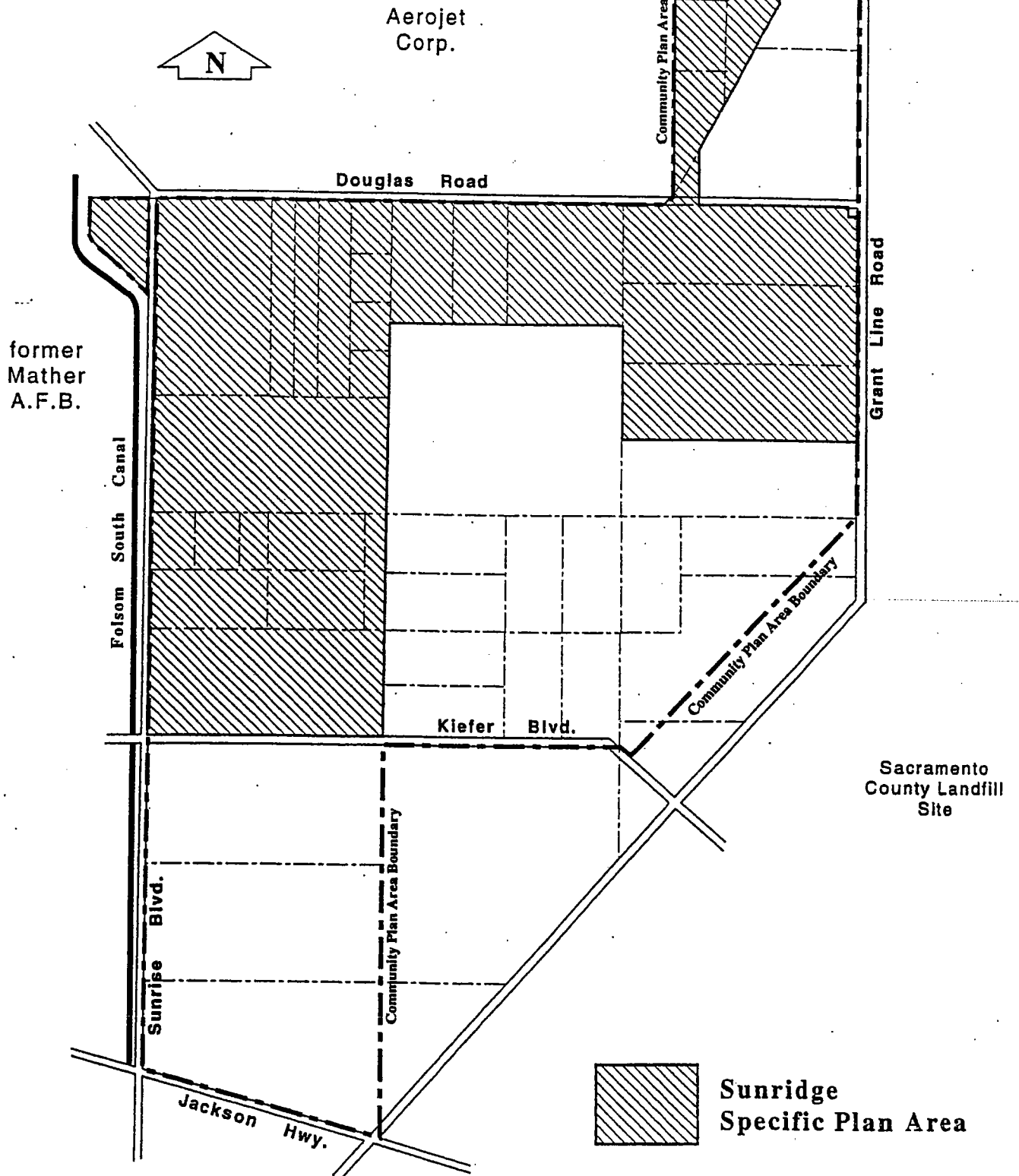
SIGNER IS REPRESENTING
Name of Person(s) or
entity(ies): County of
Sacramento

OPTIONAL SECTION

DATA REQUESTED HERE
IS NOT REQUIRED
BY LAW.

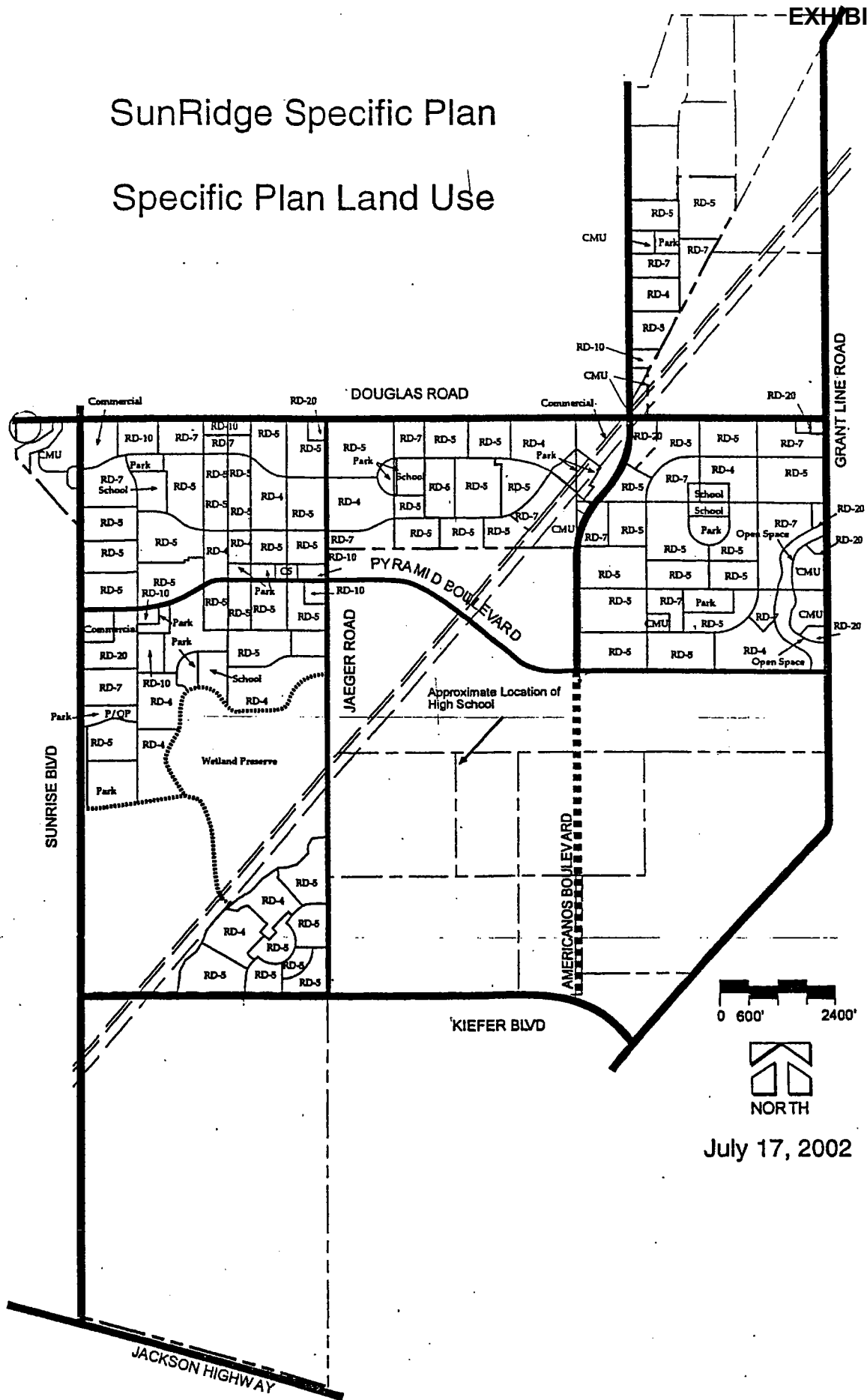
TITLE OR TYPE OF DOCUMENT: Ordinance No. SZC-2002-0015
NUMBER OF PAGES: 44 pages (includes attachments)
DOCUMENT DATE: July 17, 2002
SIGNER(S) OTHER THAN NAMED ABOVE _____

Sec. 607-17.1
SUNRIDGE
SPECIFIC PLAN AREA



SunRidge Specific Plan

Specific Plan Land Use



Reference to County Zoning Ordinance, Section 201-02,	Land Use Category	Permitted or Conditionally Permitted By Residential Zone				
		RD-4	RD-5	RD-7	RD-10	RD-20
	RESIDENTIAL					
1	Single Family Dwelling (Except Mobilehome)	X	X	X	X	X
2	Single Family Dwelling: Over 2 Stories or 30 Feet	13	13	13	X	X
3	Two Family Dwelling-Duplex and Halfplex		2	X	X	X
4	Two Family Dwelling: Over 2 Stories or 30 Feet		13	13	X	X
10	Multiple Family-Apartments				12	X
11	Condominiums	12	12	12	12	12
12	Townhouse, Row House, or Cluster Development	12	12	12	12	12
21	Boarding House				13	1
22	Co-Housing *	12	12	12	12	12
30	Residential Care for More than 6 Children	13	13	13	13	14
31	Residential Care for More than 6 Adults	13	13	13	13	14
32	Child Day Care for More than 6 Children	13	13	13	X	X
33	Family Day Care Home	15	15	15	15	15
40	Accessory Uses and Structures	X	X	X	X	X
43	Residential Accessory Dwelling	25	25	25	25	25
	COMMERCIAL					
1	Home Occupation	X	X	X	X	X
2	Business and Professional Office	5	5	5	5	5
4	Convenience Center	6	6	6	6	6
9	Medical Offices	5	5	5	5	5
11	Bed and Breakfast Inn	31	31	31	31	31
	Neighborhood Work Center	12	12	12	12	12
	INSTITUTIONAL					
1	Convalescent Hospital, Skilled Nursing	12	12	12	12	12
2	Hospital	12	12	12	12	12
3	Cemetery	12	12	12	12	12
10	Private Social Center	12	12	12	12	12
20	Church	13	13	13	13	13
21	Public School (K-12)	X	X	X	X	X
22	Private School (K-12)	13	13	13	13	13
23	College or University	12	12	12	12	12
24	Other Private Schools	12	12	12	12	12
	RECREATION					
1	Public Parks and Ancillary Uses	X	X	X	X	X
	Legend					
X	Permitted Without Condition					
13	Permitted with Conditions, the number code indicates the conditions as described in					
	Differs from the standard in County Zoning Ordinance, Section 201-02, Table 1.					

Table 3-2 Conditional Use Footnotes:

- 'X' An X indicates that the described use is permitted in the zone.
- * "Co-housing" refers to a form of housing in which several households form a cooperative to jointly own and occupy housing that includes private suites as well as shared kitchens and common areas.
1. Permitted subject to development plan review by the Planning Director, pursuant to the provisions of Title 1, Chapter 10, Article 7 of the Zoning Code.
 2. Duplexes and halfplexes are permitted:
 - (a) On corner lots with a maximum of ten (10) or fewer units in a single project.
 - (b) On interior lots with a maximum of ten (10) or fewer units in a single project, as follows:
 - (i) In the RD-5 and RD-7 zones, subject to issuance of a use permit by the appropriate authority.
 - (ii) In the RD-10, RD-20, RD-30, and RD-40 zones as permitted uses.
 - (c) In proposed projects of more than ten (10) units, subject to issuance of a use permit by the Board of Supervisors.
 - (d) Conversion of existing duplex units to halfplexes is subject to issuance of a use permit by the appropriate authority.
 - (e) Subject to compliance with development standards in Title III, Chapter 5, Article 4.
 5. Permitted for projects not to exceed one (1) net acre in size subject to issuance of a conditional use permit by the appropriate authority and the findings required by Sections 110-30 and 110-31 (County Zoning Ordinance).
 6. Permitted for projects not to exceed three (3) net acres in size subject to issuance of a conditional use permit by the appropriate authority and the findings required by Sections 110-30 and 110-31 (County Zoning Ordinance).
 12. Permitted subject to the issuance of a conditional use permit by the appropriate authority.
 13. Permitted subject to issuance of a conditional use permit by the Zoning Administrator. Where the application is for churches exceeding 150 person seating capacity, private schools exceeding 100 students, indoor recreation facilities over 500 person maximum occupancy, theatres exceeding a total seating capacity of 500 or containing more than four (4) screens, or day care centers exceeding 36 children or adults, the Project Planning Commission shall be the appropriate authority.
 14. Permitted not to exceed twenty (20) persons receiving care. Permitted for over twenty (20) persons receiving care subject to issuance of a conditional use permit by the Zoning Administrator.
 15. Permitted not to exceed a total of twelve (12) persons including those received day care and children of the resident family who are under twelve (12) years of age. Permitted for over twelve (12) persons subject to issuance of a conditional use permit by the Zoning Administrator.
 25. Permitted subject to issuance of a conditional use permit by the Zoning Administrator and subject to the regulations of Section 305-09 (County Zoning Ordinance). If the proposed residential accessory is a manufactured home, as defined in Section 130-120.1, the requirements of Section 305-09 shall constitute the architecture requirements for the dwelling.

EXHIBIT A

SunRidge Specific Plan

Land Use Allocation by Parcel

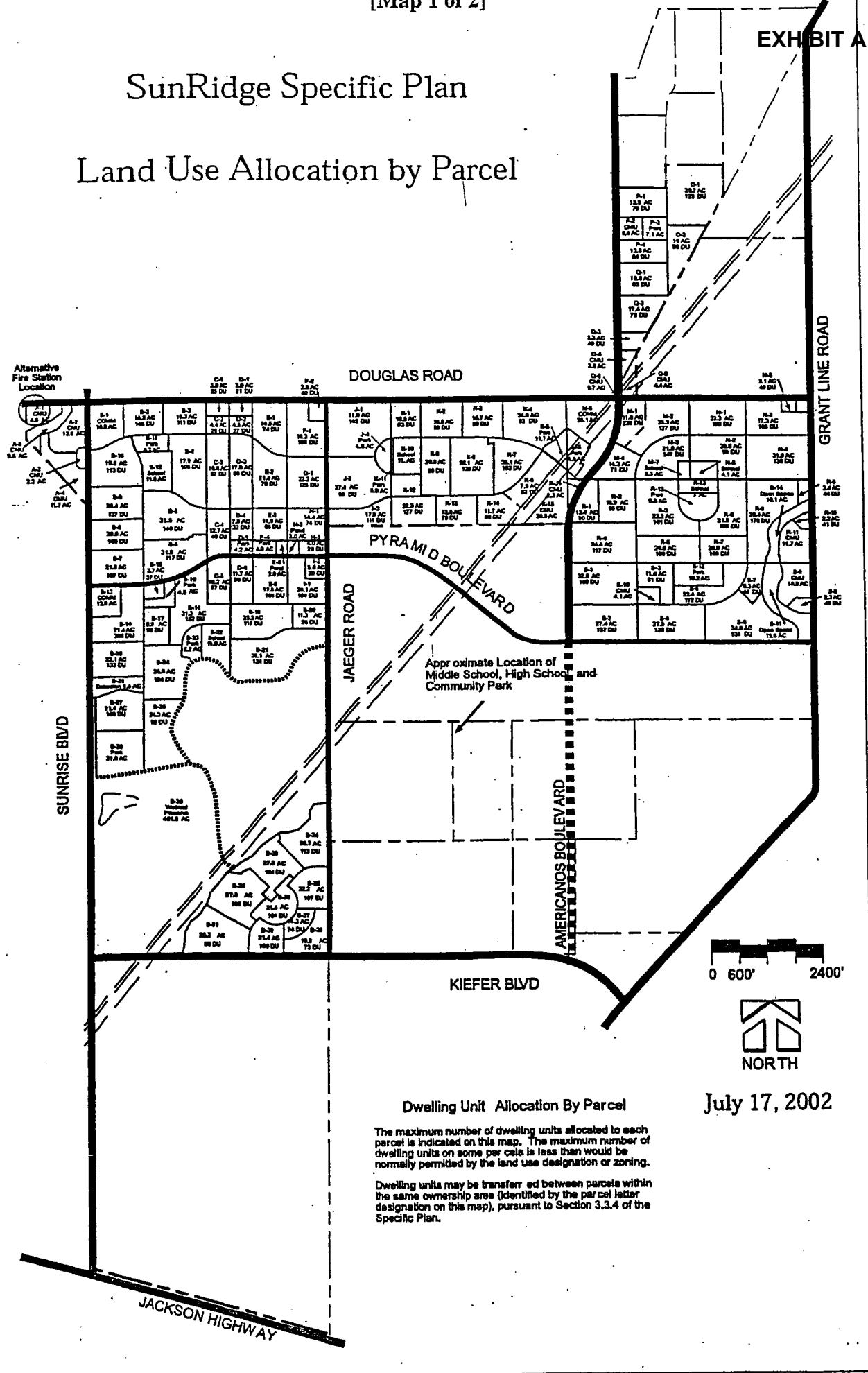
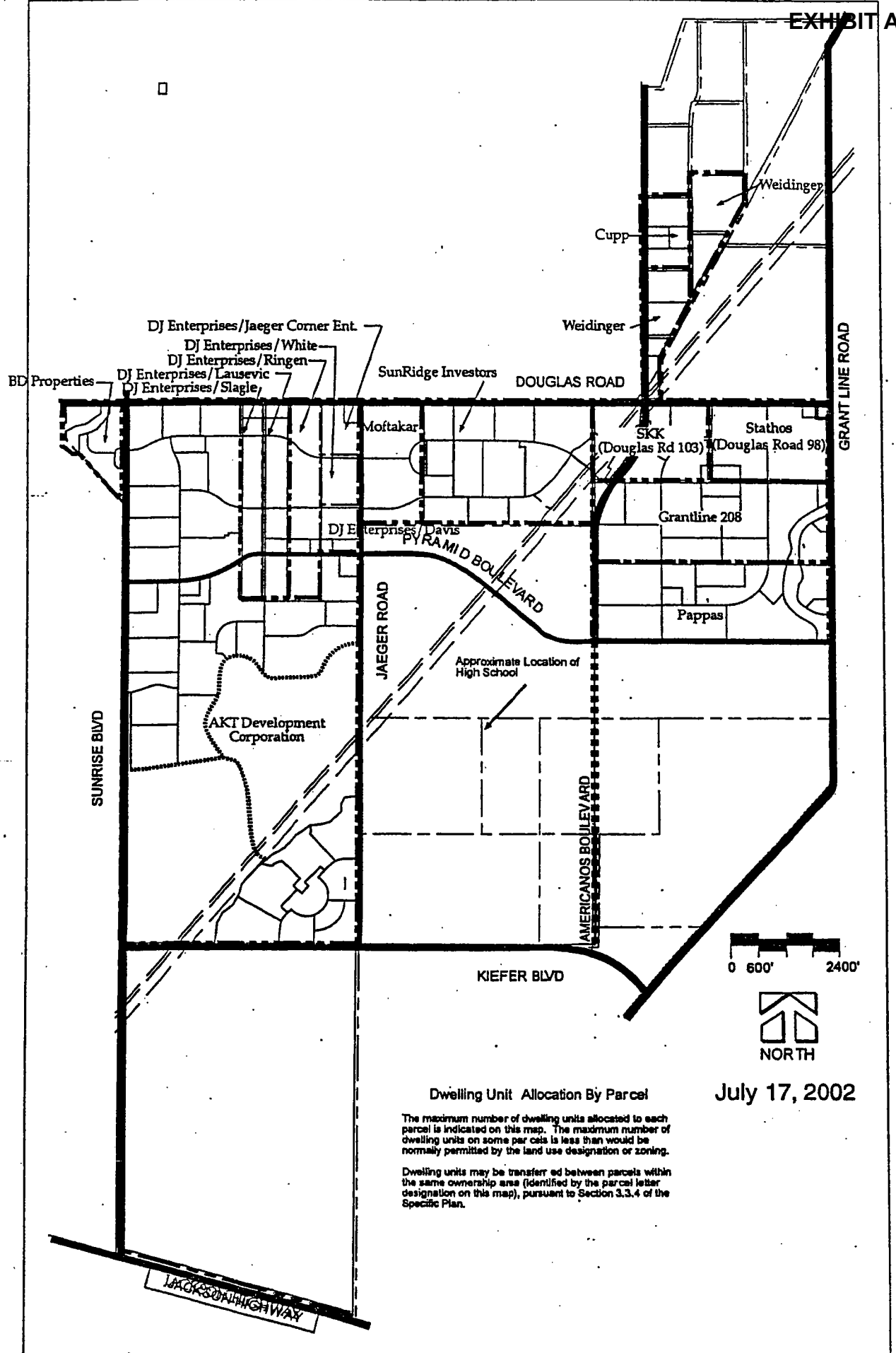


EXHIBIT A



Property Owner	Parcel	Land Use	Zone	Acres	Units	Neighborhood
BD Properties						
	A-1	CMU	LC	4.6	0	A
	A-2	CMU	LC	13.0	0	A
	A-3	CMU	LC	2.2	0	A
	A-4	CMU	LC	11.7	0	A
	A-5	CMU	LC	9.5	0	A
Total Base Allocation				41.0	0	
Potential MDR in CMU				10.3	210	
Maximum Potential Residential Allocation						
AKT Development Corporation						
	B-1	Commercial	SC	16.0	0	A
	B-2	RD-10	RD-10	14.5	145	A
	B-3	RD-7	RD-7	18.3	111	A
	B-4	RD-5	RD-5	17.9	106	A
	B-5	RD-5	RD-5	31.5	149	A
	B-6	RD-5	RD-5	31.9	117	A
	B-7	RD-5	RD-5	21.8	107	A
	B-8	RD-5	RD-5	20.0	109	A
	B-9	RD-7	RD-7	20.4	137	A
	B-10	RD-7	RD-7	19.8	113	A
	B-11	Park	O	6.7	0	A
	B-12	School	RD-5	11.0	0	A
	B-13	Commercial	SC	12.0	0	B
	B-14	RD-20	RD-20	21.4	300	B
	B-15	Private Recreation Center	RD-10	3.7	37	B
	B-16	Park	RD-5	4.5	0	B
	B-17	RD-10	RD-10	9.9	99	B
	B-18	RD-5	RD-5	31.3	152	B
	B-19	RD-5	RD-5	25.5	117	B
	B-20	RD-5	RD-5	11.3	56	B
	B-21	RD-4	RD-4	36.1	124	B
	B-22	School	RD-5	11.0	0	B
	B-23	Park	O	5.7	0	B
	B-24	RD-4	RD-4	26.8	104	B
	B-25	RD-4	RD-4	24.3	92	B
	B-26	Park	O	21.6	0	B
	B-27	RD-5	RD-5	21.4	108	B
	B-28	Detention/Water Quality	O	9.4	0	B
	B-29	RD-7	RD-7	22.1	133	B
	B-30	Open Space/Wetland Preserve	O	481.6	0	B
	B-31	RD-5	RD-5	25.2	99	B
	B-32	RD-4	RD-4	27.6	106	B
	B-33	RD-4	RD-4	27.9	104	B
	B-34	RD-5	RD-5	28.7	112	B
	B-35	RD-5	RD-5	22.2	107	B
	B-36	RD-5	RD-5	21.4	104	B

Sunrise Douglas Specific Plan
Land Use by Parcel

EXHIBIT A

165

Property Owner	Parcel	Land Use	Zone	Acres	Units	Neighborhood
	B-37	RD-5	RD-5	14.3	74	B
	B-38	RD-5	RD-5	19.9	73	B
	B-39	RD-5	RD-5	21.4	100	B
Total Base Allocation				1218.0	3,295	
Maximum Potential Residential Allocation					3,295	
DJ Enterprises/Slagle						
	C-1	RD-10	RD-10	3.0	25	A
	C-2	RD-7	RD-7	4.4	29	A
	C-3	RD-5	RD-5	16.8	87	A
	C-4	RD-4	RD-4	12.7	48	A
	C5	RD-5	RD-5	10.2	57	B
Total Base Allocation				47.1	246	
Maximum Potential Residential Allocation					246	
DJ Enterprises/Lausevic						
	D-1	RD-10	RD-10	3.0	21	A
	D-2	RD-7	RD-7	4.5	27	A
	D-3	RD-5	RD-5	17.0	88	A
	D-4	RD-4	RD-4	7.9	32	A
	D-5	Park/Detention Basin	O	4.2	0	A
	D-6	RD-5	RD-5	11.7	69	B
Total Base Allocation				48.3	237	
Maximum Potential Residential Allocation					237	
DJ Enterprises/Ringen						
	E-1	RD-5	RD-5	14.6	74	A
	E-2	RD-4	RD-4	21.6	78	A
	E-3	RD-5	RD-5	11.9	65	A
	E-4	Park./Detention Basin	O	4.0	0	A
	E-5	Water Quality Pond	O	2.0	0	A
	E-6	RD-5	RD-5	17.8	106	B
Total Base Allocation				71.9	323	
Maximum Potential Residential Allocation					323	
DJ Enterprises/Jaeger Corner Ent.						
	F-1	RD-5	RD-5	19.3	106	A
	F-2	RD-20	RD-20	2.8	40	A
Total Base Allocation				22.1	146	
Maximum Potential Residential Allocation					146	
DJ Enterprises/White						
	G-1	RD-5	RD-5	22.2	125	A
Total Base Allocation				22.2	125	
Maximum Potential Residential Allocation					125	

Sunrise Douglas Specific Plan
Land Use by Parcel

EXHIBIT A

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Property Owner	Parcel	Land Use	Zone	Acres	Units	Neighborhood
DJ Enterprises/Davis						
	H-1	RD-5	RD-5	14.4	74	A
	H-2	RD-10	RD-10	4.0	28	A
	H-3	Water Quality Pond	O	2.0	0	A
Total Base Allocation				20.4	102	
Maximum Potential Residential Allocation					102	
AKT Development Corporation						
	I-1	RD-5	RD-5	20.1	104	B
	I-2	RD-10	RD-10	5.0	30	B
Total Base Allocation				25.1	134	
Maximum Potential Residential Allocation					134	
Moftakar						
	J-1	RD-5	RD-5	31.0	145	C
	J-2	RD-4	RD-4	27.4	90	C
	J-3	RD-7	RD-7	17.9	111	C
	J-4	Park	O	4.8	0	C
Total Base Allocation				81.1	346	
Maximum Potential Residential Allocation					346	
SunRidge Investors						
	K-1	RD-7	AG-20	10.8	63	C
	K-2	RD-5	AG-20	16.0	80	C
	K-3	RD-5	AG-20	16.7	80	C
	K-4	RD-4	AG-20	24.6	82	C
	K-5	Park	AG-20	11.7	0	C
	K-6	RD-7	AG-20	7.9	52	C
	K-7	RD-5	AG-20	20.1	102	C
	K-8	RD-5	AG-20	26.1	130	C
	K-9	RD-5	AG-20	20.0	95	C
	K-10	School	AG-20	11.0	0	C
	K-11	Park	AG-20	0.8	0	C
	K-12	RD-5	AG-20	22.8	127	C
	K-13	RD-5	AG-20	13.5	76	C
	K-14	RD-5	AG-20	11.7	60	C
	K-15	Commercial	AG-20	30.5	0	C
Total Base Allocation				244.2	947	
Potential MDR in CMU				7.6	98	
Maximum Potential Residential Allocation					1,045	
SKK (Douglas Road 103)						
	M-1	RD-20	RD-20	11.8	226	E
	M-2	RD-5	RD-5	25.3	127	E
	M-3	RD-7	RD-7	21.0	147	E
	M-4	RD-5	RD-5	14.3	71	E
	M-5	Commercial	SC	26.1	0	C
	M-6	Park	O	5.0	0	C

Sunrise Douglas Specific Plan
Land Use by Parcel

EXHIBIT A

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Property Owner	Parcel	Land Use	Zone	Acres	Units	Neighborhood
	M-7	School (ptn)	RD-7	2.3	0	E
Total Base Allocation				105.8	571	
Maximum Potential Residential Allocation					571	
Stathos (Douglas Rd 98)						
	N-1	RD-5	RD-5	22.3	100	E
	N-2	RD-4	RD-4	28.0	99	E
	N-3	RD-7	RD-7	17.3	108	E
	N-4	RD-5	RD-5	31.0	136	E
	N-5	RD-20	RD-20	2.1	40	E
	N-6	School	RD-4	4.1	0	E
Total Base Allocation				104.8	483	
Maximum Potential Residential Allocation					483	
Weidinger						
	O-1	RD-5	RD-5	29.7	128	D
	O-2	RD-7	RD-7	16	96	D
Total Base Allocation				45.7	224	
Maximum Potential Residential Allocation					224	
Cupp						
	P-1	RD-5	RD-5	13.9	70	D
	P-2	CMU	LC	6.4	0	D
	P-3	Park	O	7.1	0	D
	P-4	RD-7	RD-7	13.8	84	D
Total Base Allocation				41.2	154	
Potential MDR in CMU				1.6	32	
Maximum Potential Residential Allocation					186	
Shultz						
	Q-1	RD-4	RD-4	16.8	63	D
	Q-2	RD-5	RD-5	17.4	78	D
	Q-3	RD-10	RD-10	5.3	40	D
	Q-4	CMU	LC	3.5	0	D
	Q-5	CMU	LC	4.4	0	D
	Q-6	CMU	LC	0.7	0	D
Total Base Allocation				48.1	181	
Potential MDR in CMU				2.2	44	
Maximum Potential Residential Allocation					225	
Grantline 208						
	R-1	RD-7	RD-7	13.4	90	E
	R-2	RD-5	RD-5	19.9	95	E
	R-3	RD-5	RD-5	22.2	101	E
	R-4	RD-5	RD-5	24.4	117	E
	R-5	RD-5	RD-5	20.0	100	E
	R-6	RD-5	RD-5	21.8	108	E
	R-7	RD-5	RD-5	20.0	100	E

Sunrise Douglas Specific Plan
Land Use by Parcel

EXHIBIT A

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Property Owner	Parcel	Land Use	Zone	Acres	Units	Neighborhood
	R-8	RD-7	RD-7	25.4	170	E
	R-9	RD-20	RD-20	2.4	44	E
	R-10	RD-20	RD-20	2.2	41	E
	R-11	CMU	LC	11.7	0	E
	R-12	Park	O	8.8	0	E
	R-13	School	RD-5	5.0	0	E
	R-14	Open Space	O	10.1	0	E
	R-15	CMU	LC	2.3	0	C
Total Base Allocation				209.6	966	
Potential MDR in CMU				3.5	70	
Maximum Potential Residential Allocation					1,036	
Pappas						
	S-1	RD-5	RD-5	32.0	160	E
	S-2	RD-5	RD-5	27.4	137	E
	S-3	RD-7	RD-7	11.6	81	E
	S-4	RD-5	RD-5	27.8	139	E
	S-5	RD-5	RD-5	22.4	112	E
	S-6	RD-4	RD-4	34.6	138	E
	S-7	RD-7	RD-7	6.3	44	E
	S-8	RD-20	RD-20	2.3	46	E
	S-9	CMU	LC	14.9	0	E
	S-10	CMU	LC	4.1	0	E
	S-11	Open Space	O	15.6	0	E
	S-12	Park	O	10.2	0	E
Total Base Allocation				209.2	857	
Potential MDR in CMU				4.8	95	
Maximum Potential Residential Allocation					952	
TOTAL DWELLING UNIT ALLOCATION IN SPECIFIC PLA					9,886	

Source: Wade Associates

7/10/2002 9:25 AM

AGENDA ITEM 12.2

Sec 7-17.6
[See Condition No. 49 in 607-15(A)]

Table 1
SUNRIDGE SPECIFIC PLAN ONSITE ROADWAY IMPROVEMENT PHASING REQUIREMENTS

C.I.P.		SUNRIDGE ONSITE		SunRidge Specific Plan Ownership Group per Land Use Allocation Table*																			
Project		ROADWAY IMPROVEMENT		A	B-a	B-b	B-c	C	D	E	F	G	H	I	J	K	M	N	O	P	Q	R	S
1																							
2																							
3																							
4																							
5																							
6																							
7																							
9																							
10a																							
10b																							
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46																							

EXHIBIT A

EXHIBIT A

Table 1

SUNRIDGE SPECIFIC PLAN ONSITE ROADWAY IMPROVEMENT PHASING REQUIREMENTS

SUNRIDGE ONSITE ROADWAY IMPROVEMENT		SunRidge Specific Plan Ownership Group per Land Use Allocation Table*																			
C.I.P. Project No.		A	B-a	B-b	B-c	C	D	E	F	G	H	I	J	K	M	N	O	P	Q	R	S
47	Jaeger Rd. (along w. preserve) frontage southbound																				
48	Pyramid Bl. (along Laguna Ck.) frontage westbound				X																
49	Grant Line Rd. (along Laguna Ck.) frontage southbound																				
51	Douglas Rd. (Folsom So. Canal to Sunrise Bl.)	X																			
57	<u>Sunrise Bl. (Douglas Rd. to Kiefer Bl.) fr. access sign</u>	X	X	X																	
58	Douglas Rd. (Sunrise Bl. to Grant Line Rd.) fr. access		X			X	X	X						X	X	X					
59	Jaeger Rd. (Douglas Rd. to Kiefer Bl.) fr. access			X				X	X	X	X	X	X	X							
60	Americanos Bl. (Douglas Rd. to Kiefer Bl.) fr. access																				
61	Grant Line Rd. (Douglas Rd. to Pyramid Bl.) fr. access													X	X					X	X
62	Pyramid Bl. (Sunrise Bl. to Grant Line Rd.) fr. access		X	X		X	X	X			X	X				X				X	X
1. Required major roadway improvement to be determined by County Department of Transportation prior to recording of final map building lots within each SRSP Ownership Group's parcels as indicated in the SRSP Land Use Allocation Map. The criteria are continuity of primary access roadway improvements from Sunrise/Douglas intersection, existing traffic volume to capacity ratios on primary and secondary access routes, level of service at intersections on primary and secondary access routes, effects of additional traffic from the subdivision or project site, and subdivision or project site frontage.																					
2. Listed roadway improvements that are underlined are included in Phase 1 Roadway CIP; those in boldface are on bond eligible list per Figure 17 of PFFP.																					
* Letters identifying Owner Group parcels are associated with the following ownership entities as listed in Appendix F of the SRSP Financing Plan: A = BD Properties, B-a = AKT Anatolia #1, B-b = AKT Anatolia #2, B-c = AKT Anatolia #3, C = DJ Ent/Slagle, D = DJ Ent/Lausevic, E = DJ Ent/Ringen, F = DJ Ent/Jaeger Corner, G = DJ Ent/White, H = DJ Ent/Davis, I = AKT Devel, J = Mofakkar, K = SunRidge Investors, M = SKK (DR-103), N = Stathos (DR-98), O = Weidinger, P = Cupp, Q = Shultz, R = Grantline 208, and S = Pappas.																					
** Pyramid Bl. (Jaeger Rd. to Americanos Bl.) is located offsite to SRSP but within SDCP and is assumed as an SRSP Phase II CIP roadway improvement																					

CITY OF RANCHO CORDOVA

ORDINANCE NO. 4-2014

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
REINSTATING THE ANNUAL PROGRAM FEE ADJUSTMENT OF EACH FEE CATEGORY
WITHIN THE VILLAGES OF ZINFANDEL SPECIAL PLAN AREA AND CHANGING THE
ANNUAL ADJUSTMENT DATE STARTING 2015**

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

Section 1. Section 16.81.140 of Chapter 16.81, Title 16 of the Rancho Cordova City Code is hereby amended to read as follows:

16.81.140 ANNUAL PROGRAM FEE ADJUSTMENT

- A. Beginning March 1, 2014, the Finance Director shall authorize the adjustment of the Program Fee per Development Unit for each type of development in each fee category as follows:
1. A "mean" index will be computed by averaging the index for 20 U.S. cities within the index for San Francisco by resort to the January issue of the Engineering News Record magazine Construction Cost Index of the year in which the calculation is being made.
 2. An adjustment factor shall be computed by dividing the "mean" index as calculated in subsection (1) of this section by the "mean" index for the previous January.
 3. The adjusted Program Fee per Development Unit shall be calculated by multiplying the adjustment factor by the Program Fee per Development Unit in place prior to the annual adjustment.
- B. Beginning January 1, 2015, and thereafter each year no later than January 15, the Finance Director shall authorize the adjustment of the Program Fee per Development Unit for each type of development in each fee category as follows:
1. "mean" index will be computed by averaging the index for 20 U.S. cities within the index for San Francisco by resort to the most recent October issue of the Engineering News Record magazine Construction Cost Index.
 2. An adjustment factor shall be computed by dividing the "mean" index as calculated in subsection (1) of this section by the "mean" index for the previous October.
 3. The adjusted Program Fee per Development Unit shall be calculated by multiplying the adjustment factor by the Program Fee per Development Unit in place prior to the annual adjustment.

Section 2. Severability.

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

Section 3. Effective Date and Publication.

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

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the ____ day of _____, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dan Skoglund, Mayor

ATTEST:

Mindy Cuppy, CMC, City Clerk

CITY OF RANCHO CORDOVA

ORDINANCE NO. 5-2014

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
REINSTATING THE ANNUAL PROGRAM FEE ADJUSTMENT OF EACH FEE CATEGORY
WITHIN THE SUNRISE DOUGLAS COMMUNITY PLAN AREA AND CHANGING THE
ANNUAL ADJUSTMENT DATE STARTING 2015**

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

Section 1. Section 16.83.200 of Chapter 16.83, Title 16 of the Rancho Cordova City Code is hereby amended to read as follows:

16.83.200 ANNUAL PROGRAM FEE ADJUSTMENT

A. Beginning March 1, 2014, the Finance Director shall authorize the adjustment of the Program Fee per Development Unit for each type of development in each fee category as follows:

1. A "mean" index will be computed by averaging the index for 20 U.S. cities within the index for San Francisco by resort to the January issue of the Engineering News Record magazine Construction Cost Index of the year in which the calculation is being made.
2. An adjustment factor shall be computed by dividing the "mean" index as calculated in subsection (1) of this section by the "mean" index for the previous January.
3. The adjusted Program Fee per Development Unit shall be calculated by multiplying the adjustment factor, as calculated in subsection (2) of this section, by the Program Fee per Development Unit in place prior to the annual adjustment.
4. The Estimated Cost of the Facilities used in the Capital Improvement Program and for calculating credits and reimbursements pursuant to Sections 16.83.150, 16.83.160, 16.83.170, and 16.83.180 shall be adjusted annually using the same adjustment factor pursuant to subsections (1), (2) and (3) of this section.

B. Beginning January 1, 2015, and thereafter each year no later than January 15, the Finance Director shall authorize the adjustment of the Program Fee per Development Unit for each type of development in each fee category as follows:

1. A "mean" index will be computed by averaging the index for 20 U.S. cities within the index for San Francisco by resort of the most recent October issue of the Engineering News Record magazine Construction Cost Index.
2. An adjustment factor shall be computed by dividing the "mean" index as calculated in subsection (1) of this section by the "mean" index for the previous October, and if a new Program fee has been adopted after October of the previous year, the adjustment factor shall be computed by dividing the "mean" index from the month that the fee was adopted.

3. The adjusted Program Fee per Development Unit shall be calculated by multiplying the adjustment factor, as calculated in subsection (2) of this section, by the Program Fee per Development Unit in place prior to the annual adjustment.
4. The Estimated Cost of the Facilities used in the Capital Improvement Program and for calculating credits and reimbursements pursuant to Sections 16.83.150, 16.83.160, 16.83.170, and 16.83.180 shall be adjusted annually using the same adjustment factor pursuant to subsections (1), (2) and (3) of this section.

Section 2. Severability.

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

Section 3. Effective Date and Publication.

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

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the ____ day of _____, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dan Skoglund, Mayor

ATTEST:

Mindy Cuppy, CMC, City Clerk

MEMORANDUM

DATE: March 3, 2014

TO: Honorable Mayor and Council Members

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

SUBJECT: AN URGENCY ORDINANCE OF THE CITY OF RANCHO CORDOVA EXTENDING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF COMPUTER GAMING AND INTERNET ACCESS BUSINESSES, TO BECOME EFFECTIVE IMMEDIATELY



RECOMMENDATION

Adopt Urgency Ordinance No. 6-2014 extending for one (1) year a temporary moratorium on the establishment and operation of Computer Gaming and Internet Access Businesses pending the review and possible amendment of zoning regulations applicable to these types of establishments.

RESULT OF RECOMMENDED ACTION

Adoption of this Ordinance will extend, one (1) year, the temporary moratorium on the establishment, expansion or relocation of Computer Gaming and Internet Access Businesses previously adopted by the City Council on March 4, 2013 via Urgency Ordinance 05-2013 and extended by ten (10) months and fifteen (15) days via Urgency Ordinance No. 10-2013. This moratorium is needed in order to: (1) further address the community concerns regarding the establishment and operation of Computer Gaming and Internet Access Businesses; (2) further study the potential impacts that these types of businesses may have on the public health, safety and welfare; (3) further study and determine what local regulations may be appropriate or necessary for Computer Gaming and Internet Access Businesses; (4) further study and determine the appropriate zoning and location for these types of businesses; and (5) determine appropriate measures to ensure the protection of public health, safety and welfare.

BACKGROUND

Law

Pursuant to Government Code section 65858, a city may establish an initial 45-day moratorium prohibiting any uses that may be in conflict with a contemplated zoning proposal that the legislative body or the planning department is considering, studying, or intends to study, within a reasonable time. Adoption or extension of a moratorium requires at least a four-fifths vote of the Council. Government Code section 65858 allows for the moratorium to be extended twice, once for ten (10) months and fifteen (15) days and a second time for an additional year, so long as a current and immediate threat to the public safety, health, or welfare exists.

Establishment of 45-day Temporary Moratorium and Subsequent Extension

At its March 4, 2013 meeting, the Council adopted Urgency Ordinance No. 5-2013 establishing a 45-day moratorium on the establishment, expansion or relocation of Computer Gaming and Internet Access Businesses. The purpose of the moratorium was to give City staff time to analyze, consider and possibly adopt updated zoning regulations to best address new imminent threats to public safety, health, and welfare resulting from these businesses. The moratorium was extended by ten (10) months and fifteen (15) days via Urgency Ordinance No. 10-2013, which was passed by the Council at the April 1, 2013 regular meeting.

In 2013, the City received (and anticipates additional requests) applications for the development, establishment, and operation of Computer Gaming and Internet Access Businesses within the City. While the City's codes regulate indoor amusement/entertainment facilities, these regulations were meant to cover uses such as dance halls, ballrooms, and electronic game arcades. Computer stations at Computer Gaming and Internet Access Businesses are used in a manner that is different from coin-operated videogame machines, and therefore have different impacts. For example, a main difference has been the operation of computer terminals for administration of "sweepstakes" games, which is an activity and use that is not addressed in the City's codes and which the Attorney General has stated is illegal.

City staff have observed an increase of Computer Gaming and Internet Access Businesses that promote "sweepstakes gaming" in surrounding jurisdictions. These operations encourage game playing that provide chances to be awarded prizes or money through the use of betting of additionally gained or purchased sweepstakes game entries. Customers are typically charged for "time" at a computer terminal with internet access. The computers contain, or have access to, software running the sweepstakes games. Sweepstakes games can look and sound like slot machines. Customers typically "cash in" their winnings at the business. Businesses often have twenty or more terminals, and customers may occupy a station for many hours.

In a Law Enforcement Advisory memorandum, dated December 5, 2012, the Attorney General and Bureau of Gambling Control declared that "The Bureau of Gambling Control considers Internet cafes that offer ... sweepstakes to be illegal gambling operations." The memorandum advised that the Bureau of Gambling Control would assist law enforcement agencies working toward prosecution or pursuing civil or administrative actions in connection with these gambling operations. Many jurisdictions where these businesses are located have also reported negative impacts from their operation — such as increases in loitering, drug use and sales, prostitution, parking problems, and the sale of stolen property. Sacramento County has recently shut down several of these businesses or revoked their licenses.

The City of Rancho Cordova has also experienced negative impacts associated with these businesses. Neighboring businesses have complained of loitering and drug use around the business. City Code Enforcement and Police Department staff have conducted inspections on past businesses and observed over twenty computers set up with gaming applications which gave it a casino appearance. Most of the computers were in use with additional people standing nearby, either there with a person using the computer or waiting for a station. These establishments are no longer in operation, however, there are currently two businesses with business licenses that may begin operations. The attached Ordinance would not prevent these two establishments from opening, however, Code Enforcement and Police staff will be monitoring them.

City Activities

Since the extension of Urgency Ordinance No. 5-2013 via the adoption of Urgency Ordinance No. 10-2013, City staff have continued to review and analyze possible approaches to new zoning provisions related to these businesses. Significant legal issues related to the First Amendment and commercial speech exist and continue to be studied in more detail.

Since the adoption of Urgency Ordinance No. 10-2013, City Staff has been monitoring the development of Assembly Bill No. 1439, which was introduced in January 2014 and would make these businesses illegal under state law.

City Planning staff is also in the midst of reviewing numerous provisions of the Zoning Code for amendments in the coming year. Staff believes that it is best to make all amendments at once – including any additions like those in this Urgency Ordinance – to ensure a cohesive Zoning Code.

City staff also became aware that *People v. Walker*, a case pending in the California Court of Appeal, which addresses the issue of whether these businesses are illegal gambling operations, has been consolidated with two similar cases. The appeal case stems from an injunction obtained by the Kern County District Attorney's Office against several of these internet café businesses running "sweepstakes" games on their computers. The City Attorney's Office is reviewing the details of this case and the applicability of its facts to Rancho Cordova. Oral arguments were scheduled in the consolidated case, *People v. Grewal* in February 2014, and it is possible a decision could come from the court by this spring or summer. This case could impact the type of regulations the City may enact. Staff will continue to monitor the outcome.

Since the initial moratorium was passed, an application for a business license at 2246 Sunrise Boulevard, for this type of business was denied by the City. This business has yet to open. The individual who applied owned a business that was recently shut down by Sacramento County Sheriff's and the Department of Justice.

Regardless of the approach taken to draft new zoning provisions, an extension on the moratorium is needed to prevent more of these businesses from establishing in the City during a period where no regulations are in place. Staff have made considerable progress in evaluating these issues.

Extension of Moratorium

The ten (10) month, fifteen (15) day extension expires on March 5, 2014. Since the potential threats to public health, safety, and welfare identified by the Council in Urgency Ordinance No. 5-2013 and Urgency Ordinance No. 10-2013 still exist, staff recommends that the Council extend the moratorium. A four-fifths vote is required for the extension. In order to allow the City sufficient time to complete the above stated activities, to await a decision in the *People v. Grewal* case, and to monitor recently introduced state legislation on this topic, staff recommends extending the moratorium for the period allowed under Government Code section 65858 of one (1) year. It may be repealed prior to its expiration as soon as an ordinance is presented to Council, adopted and effective.

This report and its attachments constitutes the written report required by Government Code section 65858(d).

REQUESTED MOTION

"I move that the City Council adopt Urgency Ordinance No. 6-2014, extending a moratorium on the establishment, expansion or relocation of Computer Gaming and Internet Access Businesses pending the review and possible amendment of zoning regulations applicable to such businesses."

ATTACHMENTS

1. Draft Urgency Ordinance No. 6-2014, extending the temporary moratorium on the establishment and operation of Computer Gaming and Internet Access Businesses; and
2. Urgency Ordinance No. 5-2013 and accompanying staff report; and
3. Urgency Ordinance No. 10-2013 and accompanying staff report; and
4. Evidentiary Record for the second extension of moratorium on the establishment and operation of Computer Gaming and Internet Access Businesses.

2239329.1

ATTACHMENT 1**CITY OF RANCHO CORDOVA****ORDINANCE NO. 6-2014****AN URGENCY ORDINANCE OF THE CITY OF RANCHO CORDOVA EXTENDING A
TEMPORARY MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF
COMPUTER GAMING AND INTERNET ACCESS BUSINESSES****THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA DOES ORDAIN AS FOLLOWS:****Section 1. Findings.**

- A. At its March 4, 2013 regular meeting, pursuant to California Government Code section 65858, the City Council of the City of Rancho Cordova adopted Urgency Ordinance No. 5-2013 imposing a 45-day moratorium on the establishment and operation of Computer Gaming and Internet Access Businesses (as defined herein); and
- B. At its April 1, 2013 regular meeting, pursuant to California Government Code section 65858, the City Council of the City of Rancho Cordova enacted Urgency Ordinance No. 10-2013, extending by ten (10) months and fifteen (15) days the moratorium on the establishment and operation of Computer Gaming and Internet Access Businesses; and
- C. Ordinance No. 10-2013 will, unless extended, expire by its own terms on March 5, 2014; and
- D. This Urgency Ordinance incorporates by reference all of the findings provided in Urgency Ordinance No. 5-2013 and its accompanying staff report and all the findings provided in Urgency Ordinance No. 10-2013 and its accompanying staff report; and
- E. Government Code section 65858 authorizes the extension of the moratorium by an additional period of one (1) year, after a noticed public hearing, to prohibit uses of land which may conflict with a contemplated general plan, specific plan or zoning proposal which the legislative body, planning commission or planning department is considering or studying or intends to study within a reasonable period of time; and
- F. Based on industry and regional trends, City Staff anticipates additional requests for the construction, establishment, and operation of Computer Gaming and Internet Access Businesses within the City. However, the provisions of the Rancho Cordova Municipal Code that may regulate the construction, operation, and establishment of Computer Gaming and Internet Access Businesses in the City are inadequate and need continued review, study, and revision. The current provisions fail to thoroughly address the impacts related to the location and manner of construction, establishment, and operation of Computer Gaming and Internet Access Businesses in relation to public health, safety, and welfare concerns, including, but not limited to, the impacts they may have on parking, surrounding uses, public safety, and the community; and
- G. The Planning Department is currently reviewing numerous provisions of the City's Zoning Code and intends to amend the Zoning Code in 2014. The addition of regulations similar to those in this Urgency Ordinance should be integrated with the other anticipated amendments to the Zoning Code to ensure a cohesive and consistent set of regulations; and

ATTACHMENT 1

- H. The legality of the businesses which are the subject of this Urgency Ordinance is currently being debated at the state and local level; and
- I. The California Attorney General and Bureau of Gambling Control, in a December 2012 advisory memorandum, declared that Internet cafes offering sweepstakes are illegal gambling operations, and no conflicting memorandum has been issued since then; and
- J. California Assembly Bill 1439 was introduced in January 2014 by Assemblyman Rudy Salas (D-Bakersfield), and this legislation would make illegal “gambling-themed” or “simulated gambling electronic video” monitors in a business that “directly or indirectly implements the predetermination of sweepstakes cash, cash-equivalent prizes or other prizes of value...” by making them a misdemeanor and an unfair business practice under state law; and
- K. A case on this issue pending in the Fifth Circuit of the California Court of Appeal, *People v. Walker* (Case No. F065451), which involves an injunction against the operations of these businesses obtained by the Kern County District Attorney’s office, was consolidated with two similar cases on April 19, 2013 and is now known as *People v. Grewal et al.* (Case No. F06540; CON/F065451/F065689). Oral arguments in the case were submitted in February 2014 and the decision is still pending; and
- L. In January 2014, the City of Los Angeles filed a lawsuit against local Internet café owners offering sweepstakes games and the North Carolina based corporation, Figure 8 Technologies, for supplying local businesses with “illegal gaming systems and lotteries that masquerade as lawful promotional sweepstakes” which violate state unfair competition laws and false advertising laws,” and the Los Angeles City Attorney stated that these businesses cause “significant public safety problems”; and
- M. Many communities in the state, including several in the Northern California region, have experienced criminal activity associated with establishments that call themselves Computer Gaming and Internet Access Businesses, including incidents such as robberies, illegal drug use and sales, burglary, assaults, public intoxication, vandalism, property damage, loitering, and illegal lotteries; and
- N. The City Council continues to be concerned that the establishment and operation of Computer Gaming and Internet Access Businesses without adequate regulation will result in an increase in crime and negative impacts on surrounding land uses; and
- O. The above findings, in addition to the findings incorporated by reference in Urgency Ordinance No. 05-2013 and Urgency Ordinance No. 10-2013 and the accompanying staff reports thereto, support a finding that there is a current and immediate threat to the public health, safety, or welfare posed by these businesses and the approval of additional permits or other applicable entitlements would further the threat to the public health, safety, or welfare; and therefore an extension of the moratorium is necessary at this time, as the City requires additional time to prepare, evaluate, and adopt reasonable regulations regarding the construction, placement, and operation of Computer Gaming and Internet Access Businesses; and
- P. The City Council desires to: (1) address the community concerns regarding the establishment and operation of Computer Gaming and Internet Access Businesses; (2) study the potential impacts that Computer Gaming and Internet Access Businesses may have on the public health, safety, and welfare; (3) study and determine what local

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regulations may be appropriate or necessary for Computer Gaming and Internet Access Businesses; (4) study and determine the appropriate zoning and location for Computer Gaming and Internet Access Businesses; and (5) determine appropriate controls for the protection of public health, safety, and welfare; and

- Q. City staff shall continue to follow the legal developments surrounding these businesses, and shall continue to study the potential impacts of Computer Gaming and Internet Access Businesses, and possible amendments to the City's Municipal and Zoning Code, for clear, consistent, and uniform regulations related to the establishment, location, and operation of such businesses; and
- R. This Ordinance was introduced at a properly noticed public hearing.

Section 2. Moratorium Extended.

A. Scope

In accordance with the authority granted to the City of Rancho Cordova under Article XI, Section 7 of the California Constitution and California Government Code section 65858, the moratorium imposed by Urgency Ordinance No. 05-2013 and extended by Urgency Ordinance No. 10-2013, which provide that no permit or any other applicable license or entitlement for use, including, but not limited to, the issuance of a business license, business permit, building permit, conditional use permit, or zoning text amendment shall be approved or issued for the establishment or operation of Computer Gaming and Internet Access Businesses in the City of Rancho Cordova, shall hereby be extended for a period of one (1) year from and after the date that Urgency Ordinance 10-2013 would have otherwise expired, March 5, 2014. Additionally, the express prohibition against Computer Gaming and Internet Access Businesses in all areas and zoning districts of the City contained in Urgency Ordinance No. 05-2013 and Urgency Ordinance No. 10-2013 is also hereby extended for a period of one (1) year from and after the date that Urgency Ordinance No. 10-2013 would have otherwise expired, March 5, 2014.

B. Definitions

1. For purposes of this Ordinance, "Computer Gaming and Internet Access Businesses" shall mean an establishment that dedicates more than ten percent (10%) of its total business area accessible to the public or customers for the purpose of providing computers or other electronic devices for access to the world wide web, internet, e-mail, video games or computer software programs which operate alone or are networked (via LAN, WAN or otherwise), or which function as a client/server program, and which seeks compensation, in any form, from users. Computer Gaming and Internet Access Businesses is synonymous with a personal computer ("PC") cafe, internet cafe, cyber cafe, sweepstakes gaming facilities, business center, internet sales business and internet center, but does not include a Public Use or Internet Learning Center as defined herein. Establishments providing only wireless services, and not providing computers, are not intended to fall under the definition of "Computer Gaming and Internet Access Businesses." Establishments providing coin or token operated arcade video games are addressed under regulations for "Indoor Amusement/Entertainment" are not intended to fall under the definition of "Computer Gaming and Internet Access Businesses."

2. For purposes of this Ordinance, "Public Use or Internet Learning Center" shall mean an establishment that provides computer access which is operated by the City of Rancho Cordova, a school district, a library, a college district, any other local, State, or Federal government

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agency or a private institution of learning which provides classes using computer instruction or a non-profit organization which does not receive compensation in any form other than school tuition.

C. Statutory Findings and Purpose

This Ordinance, which extends the effective period of Urgency Ordinance No. 10-2013, is declared to be an interim ordinance adopted as an urgency measure pursuant to Government Code section 65858 and is for the immediate and long-term preservation of the public peace, health, and welfare. This Ordinance is deemed necessary based on the findings of the City Council of the City of Rancho Cordova as set forth herein.

Section 3. Public Nuisance.

The establishment, maintenance or operation of Computer Gaming and Internet Access Businesses, as defined herein within the City limits of the City of Rancho Cordova, are a public nuisance. Violations of this Ordinance may be enforced by any applicable law, including but not limited to, injunctions, administrative citations, or criminal penalties.

Section 4. CEQA.

A. Pursuant to Section 15001 of the California Environmental Quality Act (CEQA) Guidelines, this Ordinance is exempt from CEQA based on the following:

1. This Ordinance is not a project within the meaning of Section 15378 of the State CEQA Guidelines because it has no potential for resulting in physical change in the environment, directly or ultimately.

2. This Ordinance is categorically exempt from CEQA under Section 15308 of the CEQA Guidelines as a regulatory action taken by the City pursuant to its police power, and in accordance with Government Code section 65858, to assure maintenance and protection of the environment pending the evaluation and adoption of contemplated local legislation, regulation and policies.

3. This Ordinance is not subject to CEQA under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. For the reasons set forth in subparagraphs (1) and (2), above, it can be seen with certainty that there is no possibility that this Ordinance will have a significant effect on the environment.

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 of the City of Rancho Cordova 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.

ATTACHMENT 1**Section 6. Effective Date and Duration.**

This Ordinance shall become effective immediately upon passage and adoption by at least four-fifths vote of the City Council, and shall be in effect for one (1) year from and after the date that Urgency Ordinance No. 10-2013 would have expired, March 5, 2014.

ADOPTED, this ____ day of _____ 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

Dan Skoglund, Mayor

ATTEST:

Mindy Cuppy, CMC, City Clerk

2239322.1

Attachment 2

CITY OF RANCHO CORDOVA

ORDINANCE NO. 5-2013

**AN URGENCY ORDINANCE OF THE CITY OF RANCHO CORDOVA ESTABLISHING A
TEMPORARY MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF COMPUTER
GAMING AND INTERNET ACCESS BUSINESSES**

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

Section 1. Findings.

- A. Pursuant to Article XI, Section 7 of the California Constitution, the City of Rancho Cordova may make and enforce, within its limits, all local police, sanitary, and other ordinances and regulations not in conflict with general laws; and
- B. The City has received and anticipates additional requests for the construction, establishment, and operation of Computer Gaming and Internet Access Businesses (as defined herein) within the City. However, the provisions of the Rancho Cordova Municipal Code that may regulate the construction, operation, and establishment of Computer Gaming and Internet Access Businesses in the City are inadequate and need review, study, and revision. The current provisions fail to thoroughly address the impacts related to the location and manner of construction, establishment, and operation of Computer Gaming and Internet Access Businesses in relation to public health, safety, and welfare concerns, including, but not limited to, the impacts they may have on parking, surrounding uses, and the community; and
- C. While the City's codes regulate indoor amusement/entertainment facilities, these regulations were meant to cover uses such as dance halls and ballrooms, and electronic game arcades. Computer stations at Computer Gaming and Internet Access Businesses are used in a manner that is different from coin-operated videogame machines, and therefore have different impacts. Recently, City staff has observed an increase of Computer Gaming and Internet Access Businesses that promote "sweepstakes gaming" in Sacramento County and other surrounding jurisdictions. Sweepstakes gaming encourages game playing that may provide chances to be awarded prizes or money through the use or betting of additionally gained or bought sweepstakes game entries. This type of gaming generally results in a user occupying a particular station for multiple consecutive hours. These games hold out the possibility of winning cash prizes. Frequently, the games have the appearance of Las Vegas-style games of chance, such as slot machines, thus creating a casino-like atmosphere at such businesses. State law prohibits commercially operated banked or percentage games and "gambling machines," and highly restricts and regulates other gambling operations.
- D. In a Law Enforcement Advisory memorandum, dated December 5, 2012, the Attorney General and Bureau of Gambling Control declared that "The Bureau of Gambling Control considers Internet cafes that offer ... sweepstakes to be illegal gambling operations." The memorandum went on to describe the method of operation of these types of businesses and advised that the Bureau of Gambling Control would assist law enforcement agencies working toward prosecution or pursuing civil or administrative actions in connection with these gambling operations; and

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- E. Members of the Department of Justice participated in a meeting with City staff regarding the negative impacts that Computer Gaming and Internet Access Businesses cause when not properly regulated. A Special Agent Supervisor for the Department of Justice informed City staff that his team has closed these types of establishments in Sacramento County, Stanislaus County and San Joaquin County. He stated that it is very common for there to be an increase of crime and complaints from adjacent businesses and property owners when these establishments are in operation. According to the Special Agent Supervisor, these establishments can lead to an increase in criminal activity, such as robberies, prostitution, narcotics and violent crimes. Members of the Department of Justice have expressed concern that the City of Rancho Cordova may become a target for illegal activity at establishments which call themselves Computer Gaming and Internet Access Businesses, but are really casinos; and
- F. Recently, there have been several reports of Computer Gaming and Internet Access Businesses being shut down or having their businesses license revoked for illegal activity in the County of Sacramento. City staff has been in contact with detectives from the Sacramento County Sheriff's Department in order to get more information regarding the negative impacts that these establishments can cause if unregulated. Staff was informed that Sacramento County observed loitering, drug use, prostitution and the sale of stolen property as some of the crimes that surrounded these businesses claiming to legitimate Computer Gaming and Internet Access Businesses or internet cafes; and
- G. In addition to the questionable legality of such gaming under State law, the extended use of such facilities by multiple persons waiting for a limited number of computer stations could contribute to increased detrimental effects on the commercial area where such facilities are located and the surrounding residential area; and
- H. Cities in the Bay Area have also experienced criminal activity associated with illegal activity at establishments that call themselves Computer Gaming and Internet Access Businesses. Such activities included incidents involving robbery, illegal drug use and sales, burglary, assaults, public intoxication, vandalism, property damage, loitering, and illegal lotteries. Many cities including Antioch, Pittsburg, San Leandro and Oakley have adopted similar moratoria in order to provide staff and the City Council sufficient time to study the potential negative impacts of these types of businesses, and determine appropriate measures for the protection of public health, safety and welfare. All of these cities referenced the potential secondary impacts that these types of businesses, if unregulated, can result in; and
- I. The City of Rancho Cordova has experienced negative impacts associated with Computer Gaming and Internet Access Businesses that operated as sweepstakes gaming establishments. City staff received complaints by neighboring businesses and property owners of loitering and drug use around the business. City Code Enforcement and Police Department staff have conducted inspections on past businesses and observed over 20 computers all set up with gaming applications which gave it a casino appearance. Most of the computers were in use with people standing nearby, either there with a person using the computer or waiting for a station. These establishments are no longer in operation, however, there are currently two businesses with business licenses that may begin operations. This moratorium would not prevent those two establishments from opening, however, Code Enforcement and Police staff will be monitoring the businesses; and
- J. The City has received an application for a "Business Center." The City's response to this application is due March 11, 2013. Although the application lists activities such as "shipping, supplies, copies, internet line, faxes, wireless internet, and office supplies," it has been the

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City's experience, and the experience of other jurisdictions, that these types of businesses oftentimes end up operating sweepstakes gaming. Further, the applicant is the same entity that recently had its business license revoked in Sacramento County for operating the business as a sweepstakes gaming establishment. This moratorium would allow the City to deny the pending application, and all future applications, while the temporary moratorium is in place; and

- K. City staff expects that more applications for Computer Gaming and Internet Access Businesses will be received. The Department of Justice has also indicated that they expect applications to increase in the City as these businesses are being shut down in surrounding jurisdictions. Without a moratorium, the City would need to make its decisions on any business license or permit based on the City's current codes; and
- L. The City Council is concerned that the establishment and operation of Computer Gaming and Internet Access Businesses without adequate regulation will result in an increase in crime; and
- M. Without the enactment of this Ordinance, multiple applicants could quickly receive entitlements which would allow additional Computer Gaming and Internet Access Businesses that could pose a threat to the public health, safety, and welfare. The City Council hereby determines that the Municipal Code is in need of updating to protect the public against potential health, safety, and welfare dangers caused by Computer Gaming and Internet Access Businesses. The City requires additional time to prepare, evaluate and adopt reasonable regulations regarding the construction, placement, and operation of Computer Gaming and Internet Access Businesses; and
- N. In order to address both community and statewide concerns regarding the establishment of Computer Gaming and Internet Access Businesses, it is necessary for the City to study the potential impact such facilities may have on the public health, safety and welfare and to study possible adoption of amendments to the City's Municipal Code and Zoning Code; and
- O. Because the City has not adopted rules and regulations specifically applicable to the establishment and operation of Computer Gaming and Internet Access Businesses, the lack of such controls may lead to the proliferation of such businesses and the inability of the City to regulate these establishments in a manner that will protect the general public, homes and businesses adjacent to and near such businesses, and the clients of such establishments. The City Council finds that there is a threat to the public health, safety and welfare of the community if Computer Gaming and Internet Access Businesses locate within the City without proper regulations in place; and
- P. California Government Code section 65858, Subdivision (a) provides: that city legislative bodies may, to protect public safety, health and welfare, adopt as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body is considering or studying or intends to study within a reasonable time; that adoption of such urgency measures requires a four-fifths vote of the legislative body; that shall be of no further force and effect 45 days from the date of adoption, and may be extended a maximum of two times and have a maximum total duration of 2 years; and

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- Q. California Government Code section 65858, Subdivision (c), provides: that legislative bodies may not adopt or extend such interim ordinances unless they contain findings that there is a current and immediate threat to the public health, safety, or welfare, and that the approval of additional entitlements would result in that threat to the public health, safety or welfare; and
- R. The City Council desires to: (1) address the community concerns regarding the establishment and operation of Computer Gaming and Internet Access Businesses; (2) study the potential impacts that Computer Gaming and Internet Access Businesses may have on the public health, safety and welfare; (3) study and determine what local regulations may be appropriate or necessary for Computer Gaming and Internet Access Businesses; (4) study and determine the appropriate zoning and location for Computer Gaming and Internet Access Businesses; and (5) determine appropriate controls for the protection of public health, safety and welfare; and
- S. Staff shall commence steps to conduct a study of the potential impacts of Computer Gaming and Internet Access Businesses, and possible amendments to the City's Municipal and Zoning Code, for clear, consistent and uniform regulations related to the establishment, location and operation of such businesses.

Section 2. Moratorium Imposed.

A. Scope

In accordance with the authority granted to the City of Rancho Cordova under Article XI, Section 7 of the California Constitution and California Government Code section 65858, from and after the effective date of this Ordinance, no permit or any other applicable license or entitlement for use, including, but not limited to, the issuance of a business license, business permit, building permit, conditional use permit, or zoning text amendment shall be approved or issued for the establishment or operation of Computer Gaming and Internet Access Businesses in the City of Rancho Cordova. Additionally, Computer Gaming and Internet Access Businesses are hereby expressly prohibited in all areas and zoning districts of the City.

B. Definitions

1. For purposes of this Ordinance, "Computer Gaming and Internet Access Businesses" shall mean an establishment that dedicates more than ten percent (10%) of its total business area accessible to the public or customers for the purpose of providing computers or other electronic devices for access to the world wide web, internet, e-mail, video games or computer software programs which operate alone or are networked (via LAN, WAN or otherwise), or which function as a client/server program, and which seeks compensation, in any form, from users. Computer Gaming and Internet Access Businesses is synonymous with a personal computer ("PC") cafe, internet cafe, cyber cafe, sweepstakes gaming facilities, business center, internet sales business and internet center, but does not include a Public Use or Internet Learning Center as defined herein. Establishments providing only wireless services, and not providing computers, are not intended to fall under the definition of "Computer Gaming and Internet Access Businesses." Establishments providing coin or token operated arcade video games are addressed under regulations for "Indoor Amusement/Entertainment" are not intended to fall under the definition of "Computer Gaming and Internet Access Businesses."

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2. For purposes of this Ordinance, "Public Use or Internet Learning Center" shall mean an establishment that provides computer access which is operated by the City of Rancho Cordova, a school district, a library, a college district, any other local, State, or Federal government agency or a private institution of learning which provides classes using computer instruction or a non-profit organization which does not receive compensation in any form other than school tuition.

C. **Statutory Findings and Purpose**

This Ordinance is declared to be an interim ordinance as defined under California Government Code section 65858. This Ordinance is deemed necessary based on the findings of the City Council of the City of Rancho Cordova as set forth in Section 1 of this Ordinance.

Section 3. Public Nuisance.

The establishment, maintenance or operation of a Computer Gaming and Internet Access Business as defined herein within the City limits of the City of Rancho Cordova, is a public nuisance. Violations of this Ordinance may be enforced by any applicable law, including but not limited to, injunctions, administrative citations, or criminal penalties.

Section 4. CEQA.

Pursuant to Section 15001 of the California Environmental Quality Act (CEQA) Guidelines, this Ordinance is exempt from CEQA based on the following:

(1) This Ordinance is not a project within the meaning of Section 15378 of the State CEQA Guidelines because it has no potential for resulting in physical change in the environment, directly or ultimately.

(2) This Ordinance is categorically exempt from CEQA under Section 15308 of the CEQA Guidelines as a regulatory action taken by the City pursuant to its police power, and in accordance with Government Code section 65858, to assure maintenance and protection of the environment pending the evaluation and adoption of contemplated local legislation, regulation and policies.

(3) This Ordinance is not subject to CEQA under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. For the reasons set forth in subparagraphs (1) and (2), above, it can be seen with certainty that there is no possibility that this Ordinance will have a significant effect on the environment.

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 of the City of Rancho Cordova 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.

Attachment 2**Section 6. Effective Date and Duration.**

This Ordinance shall become effective immediately upon passage and adoption by at least four-fifths vote of the City Council, and shall be in effect for 45 days therefrom unless extended by the City in accordance with California Government Code section 65858.

ADOPTED, this ____ day of _____ 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

Linda Budge, Mayor

ATTEST:

Mindy Cuppy, CMC, City Clerk

2042061.3

MEMORANDUM

DATE: March 4, 2013

TO: Honorable Mayor and Council Members

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



SUBJECT: AN URGENCY ORDINANCE OF THE CITY OF RANCHO CORDOVA ESTABLISHING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF COMPUTER GAMING AND INTERNET ACCESS BUSINESSES, TO BECOME EFFECTIVE IMMEDIATELY

RECOMMENDATION

Adopt Urgency Ordinance No. 5-2013, establishing a temporary moratorium on the establishment and operation of Computer Gaming and Internet Access Businesses pending the review and possible amendment of zoning regulations applicable to this type of establishment.

RESULT OF RECOMMENDED ACTION

Adoption of this Ordinance will establish a forty-five (45) day temporary moratorium on the establishment, expansion or relocation of Computer Gaming and Internet Access Businesses. This moratorium is needed in order to: (1) address the community concerns regarding the establishment and operation of Computer Gaming and Internet Access Businesses; (2) study the potential impacts that these types of businesses may have on the public health, safety and welfare; (3) study and determine what local regulations may be appropriate or necessary for Computer Gaming and Internet Access Businesses; (4) study and determine the appropriate zoning and location for these types of businesses; and (5) determine appropriate measures to ensure the protection of public health, safety and welfare.

BACKGROUND

The City has recently received and anticipates additional requests for the development, establishment, and operation of Computer Gaming and Internet Access Businesses within the City. While the City's codes regulate indoor amusement/entertainment facilities, these regulations were meant to cover uses such as dance halls and ballrooms, and electronic game arcades. Computer stations at Computer Gaming and Internet Access Businesses are used in a manner that is different from coin-operated videogame machines, and therefore have different impacts. For example, a main difference has been the operation of computer terminals for administration of a "sweepstakes" games, which is an activity and use that is not addressed in the City's codes.

Recently, City staff has observed that there has been an increase of Computer Gaming and Internet Access Businesses that promote "sweepstakes gaming" in surrounding jurisdictions. These operations encourage game playing that may provide chances to be awarded prizes or

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money through the use or betting of additionally gained or bought sweepstakes game entries. With sweepstakes gaming, there is generally a charge for use of the computer station and many users may occupy a particular station for multiple consecutive hours, creating unknown impacts on the surrounding area and businesses. In addition to the questionable legality of such gaming under State law, the extended use of such facilities by multiple persons waiting for a limited number of computer stations could contribute to increased detrimental effects on the commercial area where located and the surrounding residential area.

Many California cities and counties, including Sacramento County, have experienced criminal activity associated with Computer Gaming and Internet Access Businesses. Recently, there have been several reports of Computer Gaming and Internet Access Businesses being shut down or having their business licenses revoked for illegal activity in the County of Sacramento. City staff has been in contact with detectives from the Sacramento County Sheriff's Department in order to get more information regarding the negative impacts that these establishments can cause if unregulated. Staff was informed that Sacramento County observed loitering, drug use, prostitution and the sale of stolen property as some of the crimes that surrounded these businesses claiming to be legitimate Computer Gaming and Internet Access Businesses or internet cafes.

The City of Rancho Cordova has also experienced negative impacts associated with Computer Gaming and Internet Access Businesses that operated as sweepstakes gaming establishments. City staff received complaints by neighboring businesses and property owners of loitering and drug use around the business. City Code Enforcement and Police Department staff have conducted inspections on past businesses and observed over 20 computers all set up with gaming applications which gave it a casino appearance. Most of the computers were in use with people standing nearby, either there with a person using the computer, or waiting for a station. These establishments are no longer in operation, however, there are currently two businesses with business licenses that may begin operations. The attached Ordinance would not prevent those two establishments from opening, however, Code Enforcement and Police staff will be monitoring the businesses.

City staff also met with members of the Department of Justice regarding the negative impacts that Computer Gaming and Internet Access Businesses cause when not properly regulated. A Special Agent Supervisor for the Department of Justice informed City staff that his team has closed these types of establishments in Sacramento County, Stanislaus County and San Joaquin County. He stated that it is very common for there to be an increase of crime and complaints from adjacent businesses and property owners when these establishments are in operation. According to the Special Agent Supervisor, these establishments can lead to an increase in criminal activity, such as robberies, prostitution, narcotics and violent crimes. Members of the Department of Justice have also expressed concern that the City of Rancho Cordova may become a target for illegal activity at establishments which call themselves Computer Gaming and Internet Access Businesses, but are really casinos.

In a Law Enforcement Advisory memorandum, dated December 5, 2012, the Attorney General and Bureau of Gambling Control declared that "The Bureau of Gambling Control considers Internet cafes that offer ... sweepstakes to be illegal gambling operations." The memorandum describes the method of operation of these types of businesses and advised that the Bureau of Gambling Control would assist law enforcement agencies working toward prosecution or pursuing civil or administrative actions in connection with these gambling operations.

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The City has received an application for a "Business Center." The City's response to this application is due March 11, 2013. Although the application lists activities such as "shipping, supplies, copies, internet line, faxes, wireless internet, and office supplies," it has been the City's experience, and the experience of other jurisdictions, that these types of businesses oftentimes end up operating sweepstakes gaming. Further, the applicant is the same entity that recently had its business license revoked in Sacramento County for operating the business as a sweepstakes gaming establishment. This moratorium would allow the City to deny the pending application, and all future applications, while the temporary moratorium is in place.

Many cities, including Antioch, Pittsburg, San Leandro and Oakley have adopted similar moratoria in order to provide staff and the City Council sufficient time to study the potential negative impacts of these types of businesses and determine appropriate measures for the protection of public health, safety and welfare.

ANALYSIS

The attached Urgency Ordinance would establish a forty-five (45) day moratorium on the establishment, expansion or relocation of Computer Gaming and Internet Access Businesses in the City. If approved, it would prevent the issuance of any permit or any applicable license or entitlement for use, including but not limited to, the issuance of a business license or building permit for these types of uses. Without the establishment of a moratorium, multiple applicants could quickly receive entitlements which would allow additional Computer Gaming and Internet Access Businesses within the City. As described in this Staff Report and the attached Urgency Ordinance, the establishment of these types of businesses could potentially pose a threat to the public health, safety, and welfare.

Staff would use this time to study the community concerns regarding the establishment and operation of Computer Gaming and Internet Access Businesses and the impacts that these types of businesses may have on the public health, safety and welfare. Staff will analyze what local regulations may be appropriate or necessary for Computer Gaming and Internet Access Businesses including the appropriate zoning and location for these types of businesses.

The Urgency Ordinance defines Computer Gaming and Internet Access Businesses as: "an establishment that dedicates more than ten percent (10%) of its total business area accessible to the public or customers for the purpose of providing computers or other electronic devices for access to the world wide web, internet, e-mail, video games or computer software programs which operate alone or are networked (via LAN, WAN or otherwise) or which function as a client/server program, and which seeks compensation, in any form, from users. Computer Gaming and Internet Access Businesses is synonymous with a personal computer ("PC") cafe, internet cafe, cyber cafe, sweepstakes gaming facilities, business center, internet sales business and internet center, but does not include a Public Use or Internet Learning Center as defined herein. Establishments providing only wireless services, and not providing computers, are not intended to fall under the definition of "Computer Gaming and Internet Access Businesses. Establishments providing coin or token operated arcade video games are addressed under regulations for "Indoor Amusement/Entertainment" are not intended to fall under the definition of "Computer Gaming and Internet Access Business."

Attachment 2***Exception for Public Use or Internet Learning Centers***

Staff recognizes that there are always concerns with the establishment of moratoria due to their impacts on legitimate businesses that provide a benefit to the community. Specifically, staff acknowledges the importance of providing the community with access to computers and the internet for learning and research purposes.

Due to this concern, staff has drafted the Urgency Ordinance to exclude certain uses from the moratorium's effect. The moratorium excludes "Public Use or Internet Learning Centers," which are defined as: "establishment[s] that provides computer access which is operated by the City of Rancho Cordova, a school district, a library, a college district, any other local, State, or Federal government agency or a private institution of learning which provides classes using computer instruction or a non-profit organization which does not receive compensation in any form other than school tuition."

Other Exceptions

The Urgency Ordinance is also not intended to prohibit businesses that have a learning center or business center as a small part of their main business, such as a hotel, coffee shop or print/copy establishment. This is why the definition limits the applicability of the moratorium to establishments that dedicate more than ten (10%) of their total business area accessible to the public or customers for the purpose of providing such services.

While the City's codes regulate indoor amusement/entertainment facilities, these regulations were meant to cover uses such as dance halls and ballrooms, and electronic game arcades. Computer stations at Computer Gaming and Internet Access Businesses are used in a manner that is different from coin-operated videogame machines, and therefore have different impacts

Future Extensions of the Moratorium

Pursuant to Government Code section 65858, the City may establish a temporary moratorium prohibiting any uses that may be in conflict with a contemplated general plan, specific plan or zoning proposal that the legislative body, planning commission or the planning department is considering in order to protect and preserve the public safety, health and welfare. The initial moratorium is for forty-five (45) days, however, can be extended for up to a total of two (2) years, provided that the current and immediate threat to the public safety, health and welfare still exists, and the City follows the public notice and hearing procedures required for extension of the moratorium.

Voting Requirement

This attached Urgency Ordinance shall become effective immediately upon passage and adoption by at least four-fifths (4/5) vote of the City Council, and shall be in effect for forty-five (45) days therefrom unless extended by the City in accordance with California Government Code section 65858.

ATTACHMENTS

1. Draft Urgency Ordinance 5-2013, establishing a temporary moratorium on the establishment and operation of Computer Gaming and Internet Access Businesses
2. Bureau of Gambling Control/Office of the Attorney General – Law Enforcement Advisory memorandum regarding Internet Cafes – December 5, 2012
3. News Articles regarding Computer Gaming and Internet Access Businesses

2042903.2

Attachment 3

CITY OF RANCHO CORDOVA

ORDINANCE NO. 10-2013

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO
CORDOVA EXTENDING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT AND
OPERATION OF COMPUTER GAMING AND INTERNET ACCESS BUSINESSES**

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

Section 1. Findings.

- A. At its March 4, 2013 regular meeting, pursuant to California Government Code section 65858, the City Council of the City of Rancho Cordova adopted Urgency Ordinance No. 05-2013 imposing a 45-day moratorium on the establishment and operation of Computer Gaming and Internet Access Businesses; and
- B. Ordinance No. 05-2013 will, unless extended, expire by its own terms on April 18, 2013; and
- C. This Urgency Ordinance incorporates by reference all the findings provided in Urgency Ordinance No. 05-2013 and its accompanying staff report; and
- D. Government Code section 65858 authorizes the extension of the moratorium, after a noticed public hearing, to prohibit uses of land which may conflict with a contemplated general plan, specific plan or zoning proposal which the legislative body, planning commission or planning department is considering or studying or intends to study within a reasonable period of time; and
- E. A case on this issue is currently pending in the Fifth Circuit of the California Court of Appeal, *People vs. Walker* (Case No. F065451), which involves an injunction against the operations of these businesses obtained by the Kern County District Attorney's office; and
- F. The outcome of *People v. Walker* may provide a definitive answer on whether these businesses are conducting illegal gambling operations, as the California Attorney General and California Bureau of Gambling Control have advised; and
- G. Pursuant to Article XI, Section 7 of the California Constitution, the City of Rancho Cordova may make and enforce, within its limits, all local police, sanitary, and other ordinances and regulations not in conflict with general laws; and
- H. The City has received, and anticipates additional requests, for the construction, establishment, and operation of Computer Gaming and Internet Access Businesses (as defined herein) within the City. However, the provisions of the Rancho Cordova Municipal Code that may regulate the construction, operation, and establishment of Computer Gaming and Internet Access Businesses in the City are inadequate and need review, study, and revision. The current provisions fail to thoroughly address the impacts related to the location and manner of construction, establishment, and operation of Computer Gaming and Internet Access Businesses in relation to public health, safety, and welfare concerns, including, but not limited to, the impacts they may have on parking, surrounding uses, and the community; and

Attachment 3

- I. While the City's codes regulate indoor amusement/entertainment facilities, these regulations were meant to cover uses such as dance halls and ballrooms, and electronic game arcades. Computer stations at Computer Gaming and Internet Access Businesses are used in a manner that is different from coin-operated videogame machines, and therefore have different impacts. Recently, City staff has observed an increase of Computer Gaming and Internet Access Businesses that promote "sweepstakes gaming" in Sacramento County and other surrounding jurisdictions. Sweepstakes gaming encourages game playing that may provide chances to be awarded prizes or money through the use or betting of additionally gained or bought sweepstakes game entries. This type of gaming generally results in a user occupying a particular station for multiple consecutive hours. These games hold out the possibility of winning cash prizes. Frequently, the games have the appearance of Las Vegas-style games of chance, such as slot machines, thus creating a casino-like atmosphere at such businesses. State law prohibits commercially operated banked or percentage games and "gambling machines," and highly restricts and regulates other gambling operations.
- J. In a Law Enforcement Advisory memorandum, dated December 5, 2012, the Attorney General and Bureau of Gambling Control declared that "The Bureau of Gambling Control considers Internet cafes that offer ... sweepstakes to be illegal gambling operations." The memorandum went on to describe the method of operation of these types of businesses and advised that the Bureau of Gambling Control would assist law enforcement agencies working toward prosecution or pursuing civil or administrative actions in connection with these gambling operations; and
- K. Members of the Department of Justice participated in a meeting with City staff regarding the negative impacts that Computer Gaming and Internet Access Businesses cause when not properly regulated. A Special Agent Supervisor for the Department of Justice informed City staff that his team has closed these types of establishments in Sacramento County, Stanislaus County and San Joaquin County. He stated that it is very common for there to be an increase of crime and complaints from adjacent businesses and property owners when these establishments are in operation. According to the Special Agent Supervisor, these establishments can lead to an increase in criminal activity, such as robberies, prostitution, narcotics and violent crimes. Members of the Department of Justice have expressed concern that the City of Rancho Cordova may become a target for illegal activity at establishments which call themselves Computer Gaming and Internet Access Businesses, but are really casinos; and
- L. Recently, there have been several reports of Computer Gaming and Internet Access Businesses being shut down or having their businesses license revoked for illegal activity in the County of Sacramento. City staff has been in contact with detectives from the Sacramento County Sheriff's Department in order to get more information regarding the negative impacts that these establishments can cause if unregulated. Staff was informed that Sacramento County observed loitering, drug use, prostitution and the sale of stolen property as some of the crimes that surrounded these businesses claiming to be legitimate Computer Gaming and Internet Access Businesses or internet cafes; and
- M. In addition to the questionable legality of such gaming under State law, the extended use of such facilities by multiple persons waiting for a limited number of computer stations could contribute to increased detrimental effects on the commercial area where such facilities are located and the surrounding residential area; and

Attachment 3

- N. Cities in the Bay Area have also experienced criminal activity associated with illegal activity at establishments that call themselves Computer Gaming and Internet Access Businesses. Such activities included incidents involving robbery, illegal drug use and sales, burglary, assaults, public intoxication, vandalism, property damage, loitering, and illegal lotteries. Many cities including Antioch, Pittsburg, San Leandro and Oakley have adopted similar moratoria in order to provide staff and the City Council sufficient time to study the potential negative impacts of these types of businesses, and determine appropriate measures for the protection of public health, safety and welfare. All of these cities referenced the potential secondary impacts that these types of businesses, if unregulated, can result in; and
- O. The City of Rancho Cordova has experienced negative impacts associated with Computer Gaming and Internet Access Businesses that operated as sweepstakes gaming establishments. City staff received complaints from neighboring businesses and property owners of loitering and drug use around the business. City Code Enforcement and Police Department staff have conducted inspections on past businesses and observed over 20 computers all set up with gaming applications which gave it a casino appearance. Most of the computers were in use with people standing nearby, either there with a person using the computer or waiting for a station. These establishments are no longer in operation, however, there are currently two businesses with business licenses that may begin operations. This moratorium would not prevent these two establishments from opening, however, Code Enforcement and Police staff will be monitoring them; and
- P. The City received an application for a "Business Center." The City's response to this application was due March 11, 2013. Although the application listed activities such as "shipping, supplies, copies, internet line, faxes, wireless internet, and office supplies," it has been the City's experience, and the experience of other jurisdictions, that these types of businesses oftentimes end up operating sweepstakes gaming. Further, the applicant is the same entity that recently had its business license revoked in Sacramento County for operating the business as a sweepstakes gaming establishment. This extension of the moratorium would allow the City to deny all similar future applications while the extended moratorium is in place; and
- Q. City staff expects that more applications for Computer Gaming and Internet Access Businesses will be received. The Department of Justice has also indicated that they expect applications to increase in the City as these businesses are being shut down in surrounding jurisdictions. Without a moratorium, the City would need to make its decisions on any business license or permit based on the City's current codes; and
- R. The City Council is concerned that the establishment and operation of Computer Gaming and Internet Access Businesses without adequate regulation will result in an increase in crime; and
- S. Without the extension of this moratorium, multiple applicants could quickly receive entitlements which would allow additional Computer Gaming and Internet Access Businesses that could pose a threat to the public health, safety, and welfare. The City Council hereby determines that the Municipal Code is in need of updating to protect the public against potential health, safety, and welfare dangers caused by Computer Gaming and Internet Access Businesses. The City requires additional time to prepare, evaluate and adopt reasonable regulations regarding the construction, placement, and operation of Computer Gaming and Internet Access Businesses; and

Attachment 3

- T. In order to address both community and statewide concerns regarding the establishment of Computer Gaming and Internet Access Businesses, it is necessary for the City to study the potential impact such facilities may have on the public health, safety and welfare and to study possible adoption of amendments to the City's Municipal Code and Zoning Code; and
- U. Because the City has not adopted rules and regulations specifically applicable to the establishment and operation of Computer Gaming and Internet Access Businesses, the lack of such controls may lead to the proliferation of such businesses and the inability of the City to regulate these establishments in a manner that will protect the general public, homes and businesses adjacent to and near such businesses, and the clients of such establishments. The City Council finds that there is a threat to the public health, safety and welfare of the community if Computer Gaming and Internet Access Businesses locate within the City without proper regulations in place; and
- V. California Government Code section 65858, Subdivision (a) provides: that city legislative bodies may, to protect public safety, health and welfare, adopt as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body is considering or studying or intends to study within a reasonable time; that adoption of such urgency measures requires a four-fifths vote of the legislative body; that shall be of no further force and effect 45 days from the date of adoption, and may be extended a maximum of two times and have a maximum total duration of 2 years; and
- W. California Government Code section 65858, Subdivision (c), provides: that legislative bodies may not adopt or extend such interim ordinances unless they contain findings that there is a current and immediate threat to the public health, safety, or welfare, and that the approval of additional entitlements would result in that threat to the public health, safety or welfare; and
- X. The City Council desires to: (1) address the community concerns regarding the establishment and operation of Computer Gaming and Internet Access Businesses; (2) study the potential impacts that Computer Gaming and Internet Access Businesses may have on the public health, safety and welfare; (3) study and determine what local regulations may be appropriate or necessary for Computer Gaming and Internet Access Businesses; (4) study and determine the appropriate zoning and location for Computer Gaming and Internet Access Businesses; and (5) determine appropriate controls for the protection of public health, safety and welfare; and
- Y. Staff shall commence steps to conduct a study of the potential impacts of Computer Gaming and Internet Access Businesses, and possible amendments to the City's Municipal and Zoning Code, for clear, consistent and uniform regulations related to the establishment, location and operation of such businesses.

Section 2. Moratorium Extended.**A. Scope**

In accordance with the authority granted to the City of Rancho Cordova under Article XI, Section 7 of the California Constitution and California Government Code section 65858, the moratorium imposed by Ordinance No. 05-2013, which provides that no permit or any other applicable license or entitlement for use, including, but not limited to, the issuance of a business license, business permit, building permit, conditional use permit, or zoning text amendment shall be approved or issued for the establishment or operation of Computer Gaming and Internet Access Businesses in the City of Rancho Cordova, shall hereby be extended for a period of ten (10) months

Attachment 3

and fifteen (15) days from and after the date that Ordinance 05-2013 would have otherwise expired, April 18, 2013. Additionally, the express prohibition against Computer Gaming and Internet Access Businesses in all areas and zoning districts of the City contained in Ordinance No. 05-2013 is also hereby extended for a period of ten (10) months and fifteen (15) days from and after the date that Ordinance 05-2013 would have otherwise expired, April 18, 2013.

B. Definitions

1. For purposes of this Ordinance, "Computer Gaming and Internet Access Businesses" shall mean an establishment that dedicates more than ten (10%) of its total business area accessible to the public or customers for the purpose of providing computers or other electronic devices for access to the world wide web, internet, e-mail, video games or computer software programs which operate alone or are networked (via LAN, WAN or otherwise), or which function as a client/server program, and which seeks compensation, in any form, from users. Computer Gaming and Internet Access Businesses is synonymous with a personal computer ("PC") cafe, internet cafe, cyber cafe, sweepstakes gaming facilities, business center, internet sales business and internet center, but does not include a Public Use or Internet Learning Center as defined herein. Establishments providing only wireless services, and not providing computers, are not intended to fall under the definition of "Computer Gaming and Internet Access Businesses." Establishments providing coin or token operated arcade video games are addressed under regulations for "Indoor Amusement/Entertainment" are not intended to fall under the definition of "Computer Gaming and Internet Access Businesses."

2. For purposes of this Ordinance, "Public Use or Internet Learning Center" shall mean an establishment that provides computer access which is operated by the City of Rancho Cordova, a school district, a library, a college district, any other local, State, or Federal government agency or a private institution of learning which provides classes using computer instruction or a non-profit organization which does not receive compensation in any form other than school tuition.

C. Statutory Findings and Purpose

This Ordinance, which extends the effective period of Ordinance No. 05-2013, is declared to be an interim ordinance adopted as an urgency measure pursuant to Government Code section 65858 and is for the immediate and long-term preservation of the public peace, health, and welfare. This Ordinance is deemed necessary based on the findings of the City Council of the City of Rancho Cordova as set forth herein.

Section 3. Public Nuisance.

The establishment, maintenance or operation of Computer Gaming and Internet Access Businesses, as defined herein within the City limits of the City of Rancho Cordova, are a public nuisance. Violations of this Ordinance may be enforced by any applicable law, including but not limited to, injunctions, administrative citations, or criminal penalties.

Section 4. CEQA.

Pursuant to Section 15001 of the California Environmental Quality Act (CEQA) Guidelines, this Ordinance is exempt from CEQA based on the following:

(1) This Ordinance is not a project within the meaning of Section 15378 of the State CEQA Guidelines because it has no potential for resulting in physical change in the environment, directly or ultimately.

Attachment 3

(2) This Ordinance is categorically exempt from CEQA under Section 15308 of the CEQA Guidelines as a regulatory action taken by the City pursuant to its police power, and in accordance with Government Code section 65858, to assure maintenance and protection of the environment pending the evaluation and adoption of contemplated local legislation, regulation and policies.

(3) This Ordinance is not subject to CEQA under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. For the reasons set forth in subparagraphs (1) and (2), above, it can be seen with certainty that there is no possibility that this Ordinance will have a significant effect on the environment.

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 of the City of Rancho Cordova 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 and Duration.

This Ordinance shall become effective immediately upon passage and adoption by at least four-fifths vote of the City Council, and shall be in effect for ten (10) months and fifteen (15) days from and after the date that Ordinance No. 05-2013 would have expired, April 18, 2013, unless further extended by the City in accordance with California Government Code section 65858.

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:

ABSTAINING:

Linda Budge, Mayor

ATTEST:

Mindy Cuppy, CMC, City Clerk

2059097.1

MEMORANDUM



DATE: April 1, 2013

TO: Honorable Mayor and Council Members

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

SUBJECT: AN URGENCY ORDINANCE OF THE CITY OF RANCHO CORDOVA EXTENDING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF COMPUTER GAMING AND INTERNET ACCESS BUSINESSES, TO BECOME EFFECTIVE IMMEDIATELY

RECOMMENDATION

Adopt Urgency Ordinance No. 10-2013 extending a temporary moratorium on the establishment and operation of Computer Gaming and Internet Access Businesses pending the review and possible amendment of zoning regulations applicable to these types of establishments.

RESULT OF RECOMMENDED ACTION

Adoption of this Ordinance will extend, by 10 months and 15 days, the temporary moratorium on the establishment, expansion or relocation of Computer Gaming and Internet Access Businesses previously adopted by the City Council on March 4, 2013 via Ordinance 05-2013. This moratorium is needed in order to: (1) further address the community concerns regarding the establishment and operation of Computer Gaming and Internet Access Businesses; (2) further study the potential impacts that these types of businesses may have on the public health, safety and welfare; (3) further study and determine what local regulations may be appropriate or necessary for Computer Gaming and Internet Access Businesses; (4) further study and determine the appropriate zoning and location for these types of businesses; and (5) determine appropriate measures to ensure the protection of public health, safety and welfare.

BACKGROUND

Law

Pursuant to Government Code section 65858, a city may establish an initial 45-day moratorium prohibiting any uses that may be in conflict with a contemplated zoning proposal that the legislative body or the planning department is considering, studying, or intends to study, within a reasonable time. Adoption or extension of a moratorium requires at least a four-fifths vote of the Council. Government Code section 65858 allows for the moratorium to be extended twice, once for ten (10) months and fifteen (15) days and a second time for an additional year, so long as a current and immediate threat to the public safety, health, or welfare exists.

Attachment 3

Establishment of 45-day Temporary Moratorium

At its March 4, 2013 meeting, the Council adopted Urgency Ordinance No. 05-2013 establishing a 45-day moratorium on the establishment, expansion or relocation of Computer Gaming and Internet Access Businesses. The purpose of the moratorium was to give City staff time to analyze, consider and possibly adopt updated zoning regulations to best address new imminent threats to public safety, health, and welfare resulting from these businesses.

As previously reported at the March 4, 2013 meeting, the City has recently received, and anticipates additional requests, for the development, establishment, and operation of Computer Gaming and Internet Access Businesses within the City. While the City's codes regulate indoor amusement/entertainment facilities, these regulations were meant to cover uses such as dance halls and ballrooms, and electronic game arcades. Computer stations at Computer Gaming and Internet Access Businesses are used in a manner that is different from coin-operated videogame machines, and therefore have different impacts. For example, a main difference has been the operation of computer terminals for administration of "sweepstakes" games, which is an activity and use that is not addressed in the City's codes.

City staff have observed an increase of Computer Gaming and Internet Access Businesses that promote "sweepstakes gaming" in surrounding jurisdictions. These operations encourage game playing that provide chances to be awarded prizes or money through the use of betting of additionally gained or purchased sweepstakes game entries. Customers are typically charged for "time" at a computer terminal with internet access. The computers contain, or have access to, software running the sweepstakes games. Sweepstakes games can look and sound like slot machines. Customers typically "cash in" their winnings at the business. Businesses often have twenty or more terminals, and customers may occupy a station for many hours.

In a Law Enforcement Advisory memorandum, dated December 5, 2012, the Attorney General and Bureau of Gambling Control declared that "The Bureau of Gambling Control considers Internet cafes that offer ... sweepstakes to be illegal gambling operations." The memorandum advised that the Bureau of Gambling Control would assist law enforcement agencies working toward prosecution or pursuing civil or administrative actions in connection with these gambling operations. Many jurisdictions where these businesses are located have also reported negative impacts from their operation — such as increases in loitering, drug use and sales, prostitution, parking problems, and the sale of stolen property. Sacramento County has recently shut down several of these businesses or revoked their licenses.

The City of Rancho Cordova has also experienced negative impacts associated with these businesses. Neighboring businesses have complained of loitering and drug use around the business. City Code Enforcement and Police Department staff have conducted inspections on past businesses and observed over 20 computers all set up with gaming applications which gave it a casino appearance. Most of the computers were in use with additional people standing nearby, either there with a person using the computer or waiting for a station. These establishments are no longer in operation, however, there are currently two businesses with business licenses that may begin operations. The attached Ordinance would not prevent these two establishments from opening, however, Code Enforcement and Police staff will be monitoring them.

Attachment 3

City Activities

At the March 4, 2013 meeting, staff received comments from the business owner of Webtime, Inc., Brandon Barrett. Staff also received written comments from Mr. Barrett. Since the March 4, 2013 meeting, staff has also spoken with Alex Hayes, an associate of Mr. Barrett's, and invited him to submit written materials and/or comments related to the issue.

Since the adoption of Ordinance No. 05-2013, City staff has begun reviewing and analyzing possible approaches to new zoning provisions related to these businesses. An initial legal analysis was also conducted regarding potential exposure to litigation on each of the various approaches. Significant legal issues related to the First Amendment and commercial speech exist and need to be studied in more detail.

City staff also became aware of *People v. Walker*, a case pending in the California Court of Appeal, which addresses the issue of whether these businesses are illegal gambling operations. The appeal case stems from an injunction obtained by the Kern County District Attorney's Office against several of these internet café businesses running "sweepstakes" games on their computers. The City Attorney's Office is reviewing the details of this case and the applicability of its facts to Rancho Cordova. New filings in the case are expected in May, and it is possible a decision could come from the court by the fall or winter.

Since the initial moratorium was passed, an application for a business license, at 2246 Sunrise Blvd, for this type of business was denied by the City. The individual who applied owned a business that was recently shut down by Sacramento County Sheriff's and the Department of Justice.

Regardless of the approach taken to draft new zoning provisions, an extension on the moratorium is needed to prevent more of these businesses from establishing in the City during a period where no regulations are in place. Staff have made considerable progress in evaluating these issues.

Extension of Moratorium

The 45-day moratorium expires on April 18, 2013. Since the potential threats to public health, safety, and welfare identified by the Council in Urgency Ordinance 05-2013 still exist, staff recommends that the Council extend the moratorium. A four-fifths vote is required for the extension. In order to allow the City sufficient time to complete the above stated activities — and to await a decision in the *People v. Walker* case — staff recommends extending the moratorium for the period allowed under Government Code section 65858 of 10 months and 15 days. It may be repealed prior to its expiration as soon as an ordinance is presented to Council, adopted and effective.

This report and its attachments constitutes the written report required by Government Code section 65858(d).

REQUESTED MOTION

Move the City Council adopt this urgency ordinance extending a moratorium on the establishment, expansion or relocation of Computer Gaming and Internet Access Businesses pending the review and possible amendment of zoning regulations applicable to such businesses.

ATTACHMENTS

1. Draft Urgency Ordinance No. 10-2013, extending the temporary moratorium on the establishment and operation of Computer Gaming and Internet Access Businesses.
2. Urgency Ordinance No. 05-2013
3. Evidentiary Record for extension of moratorium on the establishment and operation of Computer Gaming and Internet Access Businesses.
4. City of Dublin Ordinance.
5. City of Brentwood Gaming Ordinance

Attachment 4 Evidentiary Record

latimes.com/local/lanow/la-me-ln-la-city-attorney-lawsuit-gambling-20140103,0,7448089.story

latimes.com

L.A. city attorney sues firm that provides cyber-gambling systems

By Ari Bloomekatz

This post has been updated, as indicated below.

2:09 PM PST, January 3, 2014

Los Angeles City Atty. Mike Feuer has filed a lawsuit against a national developer of gambling systems for its role in allegedly supplying L.A.-area cyber cafes. advertisement

"Illegal gambling can cause significant public safety problems and preys on our most vulnerable residents," Feuer said in a statement announcing the lawsuit, which was filed Thursday.

"We are taking action against a major developer of Internet gambling systems to stem the flow of these illegal games to our neighborhoods," Feuer said.

The suit primarily targets the North Carolina-based corporation Figure 8 Technologies for supplying L.A.-businesses "with illegal gaming systems and lotteries that masquerade as lawful promotional sweepstakes."

The suit also names five cyber cafes that allegedly operated illegal gambling using Figure 8 Technologies systems.

Figure 8 Technologies did not immediately respond to a request for comment.

[Updated, 5:20 p.m. PST, Jan. 3, 2014: John Weston, an attorney for Figure 8 Technologies, said late Friday afternoon that the corporation knows the law and would never want to be in violation of it.

"We want to make it very clear that we are quite confident that nothing in the operation of the Figure 8 software or the businesses alleged to have been using the Figure 8 software violates any state statute involving alleged gambling or any other assertion of violation of state law," Weston said. "We are very confident that under the relevant state statutes that there simply is no violation of the law."]

ALSO:

Jahi McMath family, Oakland hospital to enter mediation

Vigil planned for priest found slain in Eureka church rectory

Snowstorm in Northeast disrupts flights into and out of LAX

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LA Cracks Down On Internet Cafes For Gambling Games

By Kat Greene

Law360, Los Angeles (January 02, 2014, 9:34 PM ET) -- The Los Angeles city attorney sued a gaming company and several Internet cafe owners Thursday, alleging casino-style sweepstakes games installed at the cafes are unregulated, illegal gambling machines.

Named in the suit are the makers of the games and the owners of several now-defunct Internet cafes that ran the computer games, which worked much like a casino operation, according to the city attorney.

The cafes were placed in low-income areas and had begun to attract an influx of gang activity, making them the center of several undercover investigations that ultimately resulted in several arrests and seizures by the Los Angeles Police Department, according to the suit.

"Illegal gambling can cause significant public safety problems and preys on our most vulnerable residents," City Attorney Mike Feuer said in a statement Thursday. "Today we are taking action against a major developer of Internet gambling systems to stem the flow of these illegal games to our neighborhoods."

The city conducted undercover investigations to determine the extent to which the games in the Internet cafes constituted gambling, according to the suit. The LAPD conducted the investigations in response to citizen complaints of illegal gambling and increased gang activity, ultimately finding that the operations were essentially gambling, according to the city attorney.

At LA Net Business Support Center, for example, the police found that customers were required to fill out and sign documents agreeing to terms to play the games. A clerk would then instruct them on how to play, take their payment for Internet time and for game "points," then give them a PIN to use as a password to start playing. Later, the clerk would cash out the customer's winnings.

On Dec. 4, LAPD served a search warrant at LA Net, citing the clerk and eight patrons. The police took 32 computers and four computer towers in their search, according to the complaint.

Similar situations played out at each cafe listed in the complaint, with the clerks, security guards and patrons being cited or arrested and most or all of the computers being confiscated, the suit says.

Figure 8 Technologies Inc., one of the defendants, is a 32-employee operation based out of Greenville, N.C., that builds and sells computer games, according to the company's

website. Its games are installed in cafes around the country, the company says.

The games are simple and require no skill, the LAPD officers found. Customers cannot know the outcome of the games, which are traditional casino-style games with a computerized spinning wheel or shuffled cards, according to the suit.

The cafes listed in the complaint have all since gone out of business.

The city attorney alleged the defendants had violated California's Unfair Competition Law and False Advertising Law, and asked for the businesses' profits to be disgorged and for Figure 8 to pay \$2,500 in civil penalties for each violation.

Representatives for Figure 8 did not immediately respond to requests for comment late Thursday.

Counsel information for the defendants was not immediately available.

The case is People of the State of California v. Figure 8 Technologies Inc. et al., case number BC531997, in the Supreme Court of the State of California, County of Los Angeles.

--Editing by Elizabeth Bowen.

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CURRENT BILL STATUS

MEASURE : A.B. No. 1439

AUTHOR(S) : Salas (Coauthors: Bonilla, Bonta, Ian Calderon, Campos,
Conway, Cooley, Daly, Fox, Gonzalez, Gray, Grove,
Levine, Medina, Melendez, Nazarian, Perea, Quirk-Silva,
Rendon, Ting, and Waldron) (Coauthor: Senator Lara).

TOPIC : Sweepstakes.

HOUSE LOCATION : ASM

TYPE OF BILL :

- Active
- Non-Urgency
- Non-Appropriations
- Majority Vote Required
- State-Mandated Local Program
- Fiscal
- Non-Tax Levy

LAST HIST. ACT. DATE: 02/03/2014

LAST HIST. ACTION : Re-referred to Coms. on G.O. and B.,P. & C.P. pursuant
to Assembly Rule 96.

COMM. LOCATION : ASM BUSINESS, PROFESSIONS AND CONSUMER PROTECTION

TITLE : An act to amend Section 17539.1 of the Business and
Professions Code, relating to sweepstakes.

ASSEMBLY BILL**No. 1439****Introduced by Assembly Member Salas****(Coauthors: Assembly Members Bonilla, Bonta, Ian Calderon, Campos, Conway, Cooley, Daly, Fox, Gonzalez, Gray, Grove, Levine, Medina, Melendez, Nazarian, Perea, Quirk-Silva, Rendon, Ting, and Waldron)****(Coauthor: Senator Lara)**

January 6, 2014

An act to amend Section 17539.1 of the Business and Professions Code, relating to sweepstakes.

LEGISLATIVE COUNSEL'S DIGEST

AB 1439, as introduced, Salas. Sweepstakes.

Existing law prohibits certain unfair acts or practices undertaken by, or omissions of, any person in the operation of a contest, as described, including, among other things, misrepresenting the odds of winning any prize or failing to award and distribute all prizes, as specified. A violation of this provision is a misdemeanor.

This bill would make the provision described above applicable to unfair acts or practices undertaken by, or omissions of, any person in the operation of a sweepstakes, as defined. The bill would also prohibit using any method intended to be used by a person interacting with a gambling-themed or simulated gambling electronic video monitor in a business establishment that directly or indirectly implements the predetermination of sweepstakes cash, cash-equivalent prizes, or other prizes of value, or otherwise connects a sweepstakes player or participant with sweepstakes cash, cash-equivalent prizes, or other prizes of value.

AB 1439

— 2 —

By creating new crimes, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17539.1 of the Business and Professions
2 Code is amended to read:

3 17539.1. (a) The following unfair acts or practices undertaken
4 by, or omissions of, any person in the operation of any contest *or*
5 *sweepstakes* are prohibited:

6 (1) Failing to clearly and conspicuously disclose, at the time of
7 the initial contest solicitation, at the time of each precontest
8 promotional solicitation and each time the payment of money is
9 required to become or to remain a contestant, the total number of
10 contestants anticipated based on prior experience and the
11 percentages of contestants correctly solving each puzzle used in
12 the three most recently completed contests conducted by the person.
13 If the person has not operated or promoted three contests he shall
14 disclose for each prior contest if any, the information required by
15 this section.

16 (2) Failing to promptly send to each member of the public upon
17 his request, the actual number and percentage of contestants
18 correctly solving each puzzle or game in the contest most recently
19 completed.

20 (3) Misrepresenting in any manner the odds of winning any
21 prize.

22 (4) Misrepresenting in any manner, the rules, terms, or
23 conditions of participation in a contest.

24 (5) Failing to clearly and conspicuously disclose with all contest
25 puzzles and games and with all promotional puzzles and games
26 all of the following:

27 (A) The maximum number of puzzles or games which may be
28 necessary to complete the contest and determine winners.

- 1 (B) The maximum amount of money, including the maximum
2 cost of any postage and handling fees, which a participant may be
3 asked to pay to win each of the contest prizes then offered.
- 4 (C) That future puzzles or games, if any, or tie breakers, if any,
5 will be significantly more difficult than the initial puzzle.
- 6 (D) The date or dates on or before which the contest will
7 terminate and upon which all prizes will be awarded.
- 8 (E) The method of determining prizewinners if a tie remains
9 after the last tie breaker puzzle is completed.
- 10 (F) All rules, regulations, terms, and conditions of the contest.
- 11 (6) Failing to clearly and conspicuously disclose the exact nature
12 and approximate value of the prizes when offered.
- 13 (7) Failing to award and distribute all prizes of the value and
14 type represented.
- 15 (8) Representing directly or by implication that the number of
16 participants has been significantly limited, or that any particular
17 person has been selected to win a prize unless such is the fact.
- 18 (9) Representing directly or by implication that any particular
19 person has won any money, prize, thing, or other value in a contest
20 unless there has been a real contest in which a meaningful
21 percentage, which shall be at least a majority, of the participants
22 in such contests have failed to win a prize, money, thing, or other
23 value.
- 24 (10) Representing directly or by implication that any particular
25 person has won any money, prize, thing, or other value without
26 disclosing the exact nature and approximate value thereof.
- 27 (11) Using the word "lucky" to describe any number, ticket,
28 coupon, symbol, or other entry, or representing in any other manner
29 directly or by implication that any number, ticket, coupon, symbol,
30 or other entry confers or will confer an advantage upon the recipient
31 that other recipients will not have, that the recipient is more likely
32 to win a prize than are others, or that the number, ticket, coupon,
33 symbol or other entry has some value that other entries do not
34 have.
- 35 (12) *Using any method intended to be used by a person*
36 *interacting with a gambling-themed or simulated gambling*
37 *electronic video monitor in a business establishment that directly*
38 *or indirectly implements the predetermination of sweepstakes cash,*
39 *cash-equivalent prizes, or other prizes of value, or otherwise*

AB 1439

— 4 —

1 *connects a sweepstakes player or participant with sweepstakes*
2 *cash, cash-equivalent prizes, or other prizes of value.*

3 ~~(12)~~

4 (13) Failing to obtain the express written or oral consent of
5 individuals before their names are used for a promotional purpose
6 in connection with a mailing to a third person.

7 ~~(13)~~

8 (14) Using or distributing simulated checks, currency, or any
9 simulated item of value unless there is clearly and conspicuously
10 printed thereon the words: SPECIMEN—NONNEGOTIABLE.

11 ~~(14)~~

12 (15) Representing, directly or by implication, orally or in
13 writing, that any tie breaker puzzle may be entered upon the
14 payment of money qualifying the contestant for an extra cash or
15 any other type prize or prizes unless:

16 (A) It is clearly and conspicuously disclosed that the payments
17 are optional and that contestants are not required to pay money,
18 except for reasonable postage and handling fees, to play for an
19 extra cash or any other type of prize or prizes; and

20 (B) Contestants are clearly and conspicuously given the
21 opportunity to indicate they wish to enter such phase of the contest
22 for free, except for reasonable postage and handling fees the
23 amount of which shall not exceed one dollar and fifty cents (\$1.50)
24 plus the actual cost of postage and which shall be clearly and
25 conspicuously disclosed at the time of the initial contest solicitation
26 and each time thereafter that the payment of such fees is required.
27 The contestants' opportunity to indicate they wish to enter for free
28 shall be in immediate conjunction with and in a like manner as the
29 contestants' opportunity to indicate they wish to play for an extra
30 prize.

31 (b) *For the purposes of this section, "sweepstakes" means a*
32 *procedure, activity, or event, for the distribution, donation, or sale*
33 *of anything of value by lot, chance, predetermined selection, or*
34 *random selection that is not unlawful under other provisions of*
35 *law, including, but not limited to, Chapter 9 (commencing with*
36 *Section 319) and Chapter 10 (commencing with Section 330) of*
37 *Title 9 of Part 1 of the Penal Code.*

38 ~~(b)~~

1 (c) This section does not apply to an advertising plan or program
2 that is regulated by, and complies with, the requirements of Section
3 17537.1.

4 (d) *Nothing in this section shall be deemed to render lawful any*
5 *activity that is unlawful pursuant to other law, including, but not*
6 *limited to, Section 320, 330a, 330b, 330.1, or 337j of the Penal*
7 *Code.*

8 SEC. 2. No reimbursement is required by this act pursuant to
9 Section 6 of Article XIII B of the California Constitution because
10 the only costs that may be incurred by a local agency or school
11 district will be incurred because this act creates a new crime or
12 infraction, eliminates a crime or infraction, or changes the penalty
13 for a crime or infraction, within the meaning of Section 17556 of
14 the Government Code, or changes the definition of a crime within
15 the meaning of Section 6 of Article XIII B of the California
16 Constitution.

O

Appellate Courts Case Information

CALIFORNIA COURTS
THE JUDICIAL BRANCH OF CALIFORNIA

5th Appellate District

[Change court](#)*Court data last updated: 02/17/2014 10:05 AM***Case Summary**

Trial Court Case: CV-276961
Court of Appeal Case: **F065451**
Division:
Case Caption: The People v. Walker
Case Type: CV
Filing Date: 08/13/2012
Oral Argument
Date/Time:

Cross Referenced Cases:

F065450 The People v. Grewal et al. (CON/F065451/F065689)
F065689 The People v. Stidman

Click here to request automatic e-mail notifications about this case.

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Appellate Courts Case Information

CALIFORNIA COURTS
THE JUDICIAL BRANCH OF CALIFORNIA

5th Appellate District

Change court

Court data last updated: 02/17/2014 10:05 AM

Docket (Register of Actions)

The People v. Walker
Case Number F065451

Date	Description	Notes
08/13/2012	Petition for writ of supersedeas filed.	by Atty Garrou obo Walker, requesting a temporary stay from the enforcement of a Preliminary Injunction with exhibits attached. (W&M) (CIP included)
08/13/2012	Letter sent to:	Atty Garrou needing the writ information sheet completed; a blank writ information sheet enclosed.
08/13/2012	Received fax informational copy of:	Writ Information Sheet from Atty Garrou obo Applt Walker.
08/14/2012	Filed letter from:	Atty Garrou, dated 8/13/12, as to the filing of the petition for Writ of Supersedeas and additional documents. (W&M)
08/14/2012	Filed document entitled:	Writ Information Sheet from Atty Garrou.
08/14/2012	Filed document entitled:	"Supplemental Appendix to Previously Filed Petition for Writ of Supersedeas" by Atty Garrou obo Petnr Walker. (W&M)
08/14/2012	Request for stay filed.	"Notice of Application for Temporary Stay Pending Consideration of Writ of Supersedeas" filed by Atty Garrou obo Petnr Walker. (W&M)
08/17/2012	Notice of appeal lodged/received.	from Atty Mooney obo Applt Walker appeals from the 8/1/12 order granting the request for preliminary injunction.
08/17/2012	Filing fee.	Received \$775 from Atty Mooney obo Applt Walker.
08/17/2012	Letter to counsel - 10 days to file case information statement.	and also indicate Mediation Screening Questionnaires are due w/n 10 days; forms enclosed.
08/17/2012	Exempt filing fee.	Respondent
08/22/2012	Order denying petition filed.	The "Petition for Writ of Supersedeas and Temporary Stay

		Requested" filed 8/13/12 is denied. (Cornell/Gomes/Franson) (W5)
08/27/2012	Civil case information statement filed.	by Dep. DA Pulskamp obo Respondent.
08/27/2012	Respondent's Questionnaire received.	from Dep. DA Pulskamp. (JAH) (original pos attached to Civil case info statement)
08/28/2012	Appellant's Questionnaire received.	from Atty Mooney. (JAH)
08/28/2012	Civil case information statement filed.	by Atty Mooney obo Applt Walker
08/29/2012	Letter sent to:	all the parties and Superior Court, informing them that the Court has determined that this appeal is not suitable for mediation. Pursuant to 5DCA's Local Rules, rule 2 (Mediation in Civil Appeals), the suspension of the operation of California Rules of Court, rules 8.121, 8.124 and 8.216 requiring designation of the record on appeal, payment of the estimated costs of preparation of the record on appeal and submission of a proposed briefing schedule is terminated as of this date. You are directed to comply immediately with the applicable California Rules of Court.
09/06/2012	Rec'd co. notice to appellant re: estimate.	for clerks transcripts.
10/11/2012	Note:	e-mail with superior court : CT e-filed today per RH's email confirmation and the RT's were received 10/10/12.
10/17/2012	Record on appeal filed.	C1/174 pgs, R1/27 pgs; ltr to parties re aob due 40 days (Corrected clerk's transcript filed 11/15/12)
10/17/2012	Received:	Tx from 7/23/12 (pgs 8-27) case# S-1500-CV-276958, People v. Stidman; from Kern Co. Superior Court
10/17/2012	Note:	hard copies of pgs 27-37 of CT were sent from superior ct; placed in doghouse w/ RT and supersedeas
11/07/2012	Filed letter from:	Atty Garrou, dated 11/5/12, request the filing of the AOB be extended only to 11/26/12 to run the same due date of the companion case F065451. ** Note: The request is moot; AOB will be due 40 days from the filing of the corrected record on appeal. **
11/15/2012	Record on appeal filed.	C1/177 pages; Exhibit C (DVD) (ltr to all parties re: AOB due w/n 40 days) (Corrected Record)

12/21/2012	Telephone conversation with:	Atty Garrou informing the court the an EOT has been mailed on 12/21/12.
12/31/2012	Granted - extension of time.	Appellant's opening brief. Due on 01/25/2013 By 30 Day(s)
01/17/2013	Filed proof of service.	Amended from Atty Garrou as to service of the request for EOT to Applt Walker pursuant to 8.60
01/29/2013	Received document entitled:	Appellant's opening brief by Atty Garrou; need certificate of word count
02/04/2013	Certificate filed of:	word count for AOB by Atty Garrou obo applt
02/04/2013	Appellant's opening brief.	Defendant and Appellant: Phillip Ernest Walker Attorney: G. Randall Garrou ** Mailed via FedEx on 1/25/13. ** (copy to CSMGR)
02/04/2013	Errata filed to:	pg 10 footnote 36 should not include "Garrett Dec., CT 83, Ins. 13-20" should have been placed, instead, at the end of footnote 35 by Atty Garrou obo applt
02/15/2013	Requested - extension of time	Respondent's brief. Requested for 05/06/2013 By 61 Day(s) 1st request - to PJ for OK
02/19/2013	Granted - extension of time.	Respondent's brief. Due on 05/06/2013 By 61 Day(s) 1st request - OK'd by PJ - N/F absent proof imposed
03/06/2013	Received fax informational copy of:	Request for copy of the aob from Alameda County Counsel (copy mailed this date)
03/25/2013	Note:	Motion to Consolidate Appeals F065450, F065689, F066645 and F066646 - origianl filed in case # F065450 by Dep DA Green
04/19/2013	Order filed.	Good cause appearing, "RESPONDENT PEOPLE OF THE STATE OF CALIFORNI'S MOTION TO CONSOLIDATE APPEALS &," filed 3/25/13 is granted under the following terms. The appeals in case Nos. F065450, F065451, and F065689 are hereby ordered consolidated under case No. F065450 and all documents shall be filed in that case. The appeals in case

		Nos. F066645 and F066646 are not consolidated with these other appeals. Respondent may file a single respondent's brief in case No. F065450, which is due for filing by 5/6/13. Applts may file a single Applts' Reply Brief in this consolidated action. (W4)
04/19/2013	Filed order consolidating with case:	F065450; ALL FUTURE ENTRIES IN THAT CASE.

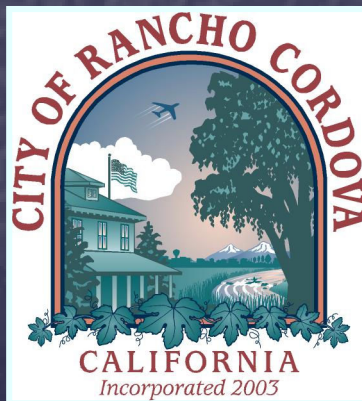
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CITY OF RANCHO CORDOVA CITY COUNCIL

PLANNING DEPARTMENT ANNUAL UPDATE

MARCH 3, 2014



STAFF AND ROLES

- Kelly Kennedy, Administrative Assistant
- Lorianne Ulm, Management Technician and Volunteer Coordinator
- Matt Diaz, Associate Planner
- Bret Sampson, Environmental Coordinator
- Jessica Jordan, Senior Planner
- Paul Junker, Director

SPECIAL PROJECTS AND PROGRAMS

CIVIC ENGAGEMENT

- Continued relationship with Pilot Neighborhood – Cordova Meadows
- Completed Second Neighborhood – Kavala Ranch
- Working with John McKnight with the ABCD Institute to Discuss Best Practices
- Beginning Process to Identify Third Neighborhood
- Benefit of Personal Relationship Between Staff and Neighborhoods

PORTLAND STATE UNIVERSITY

URBAN SUSTAINABILITY ACCELERATOR

- Program supported by SACOG funding
- Initial Portland visit Summer 2013
- Focus: Promote urban infill development along Folsom Boulevard
- Current effort: Facilitate the reuse of vacant or underutilized buildings

VOLUNTEER PROGRAM

- 2,200 Volunteer Hours of Service in 2013
- Volunteer Opportunities for High School Students – Community Service Hours
- Community Service Projects with Local Businesses – AMPAC Fine Chemicals, Stantec, and VSP

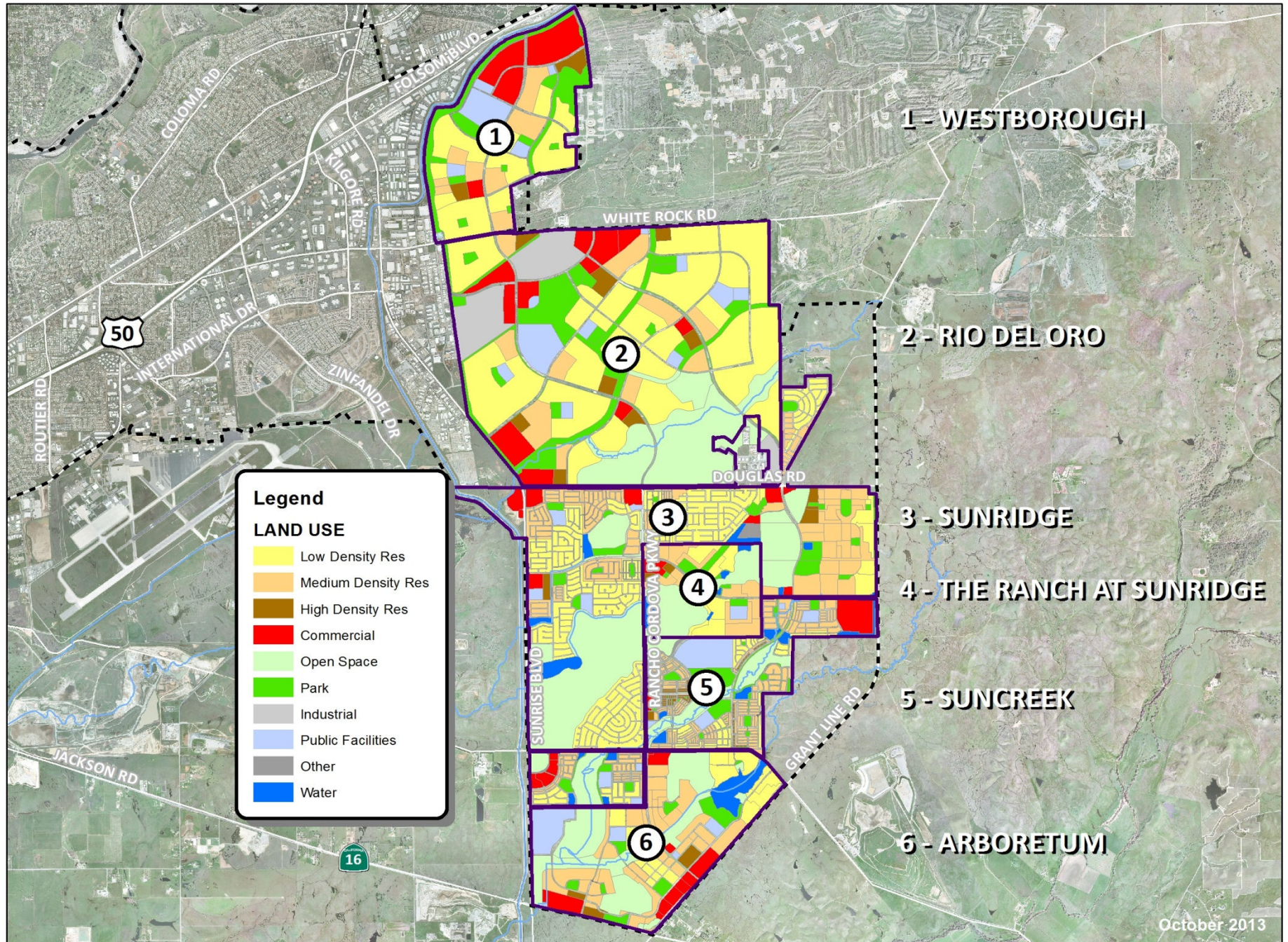
Next Step:

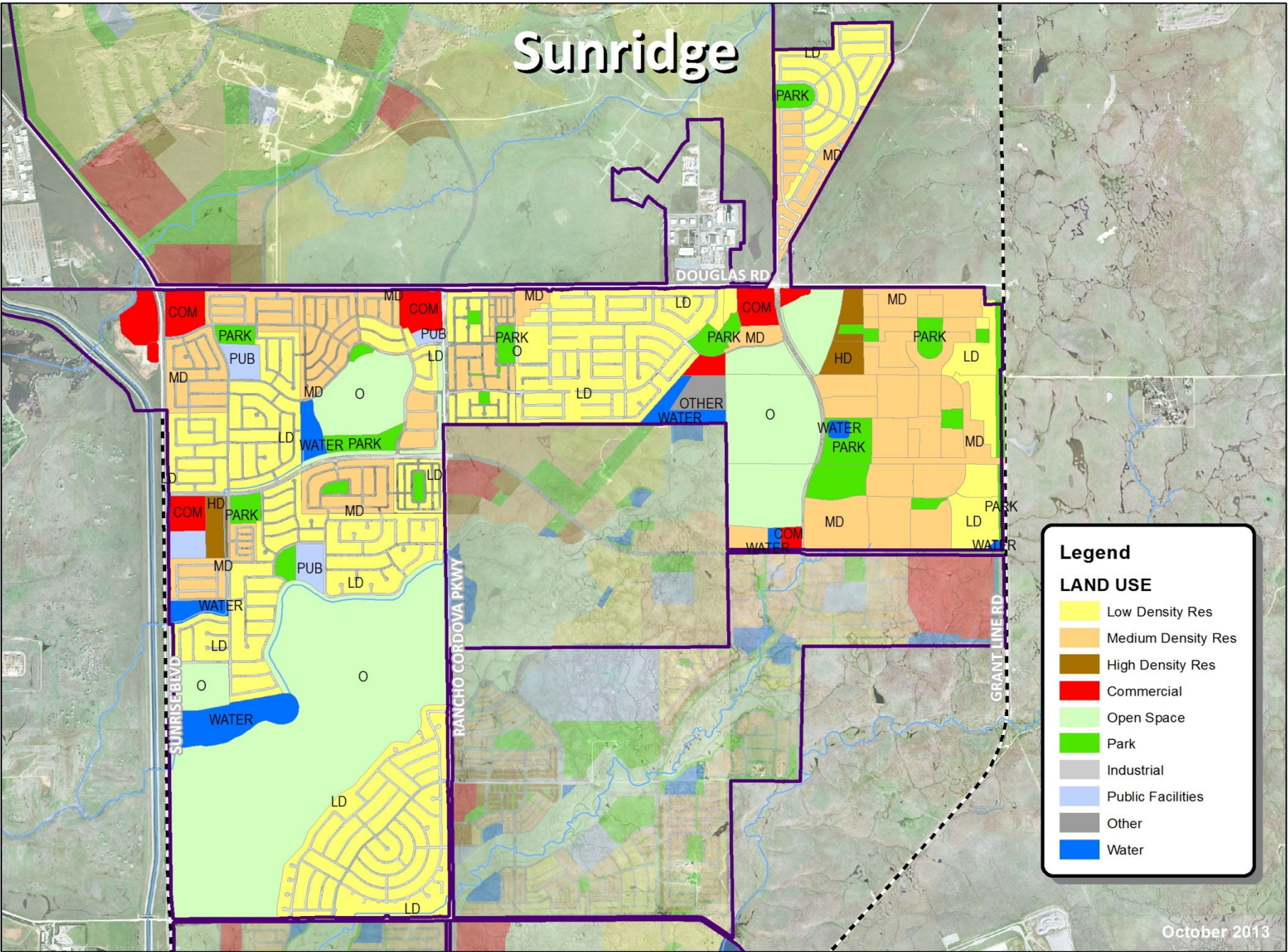
- Continue to partner with local businesses on community service projects
- Partner with the Cordova Community Council to Coordinate a Day of Service for Rancho Cordova

SOUTH SACRAMENTO HABITAT CONSERVATION PLAN

- Overview of Benefits:
 - Streamlined permit process
 - More effective/less costly mitigation
- Key Steps for Completion:
 - Public Draft HCP document
 - EIR/EIS Publication
 - Finalize Documents
 - Action by State and Federal Agencies
 - Adoption by City Council

CURRENT PLANNING PROJECT REVIEW





SUNRIDGE SPECIFIC PLAN

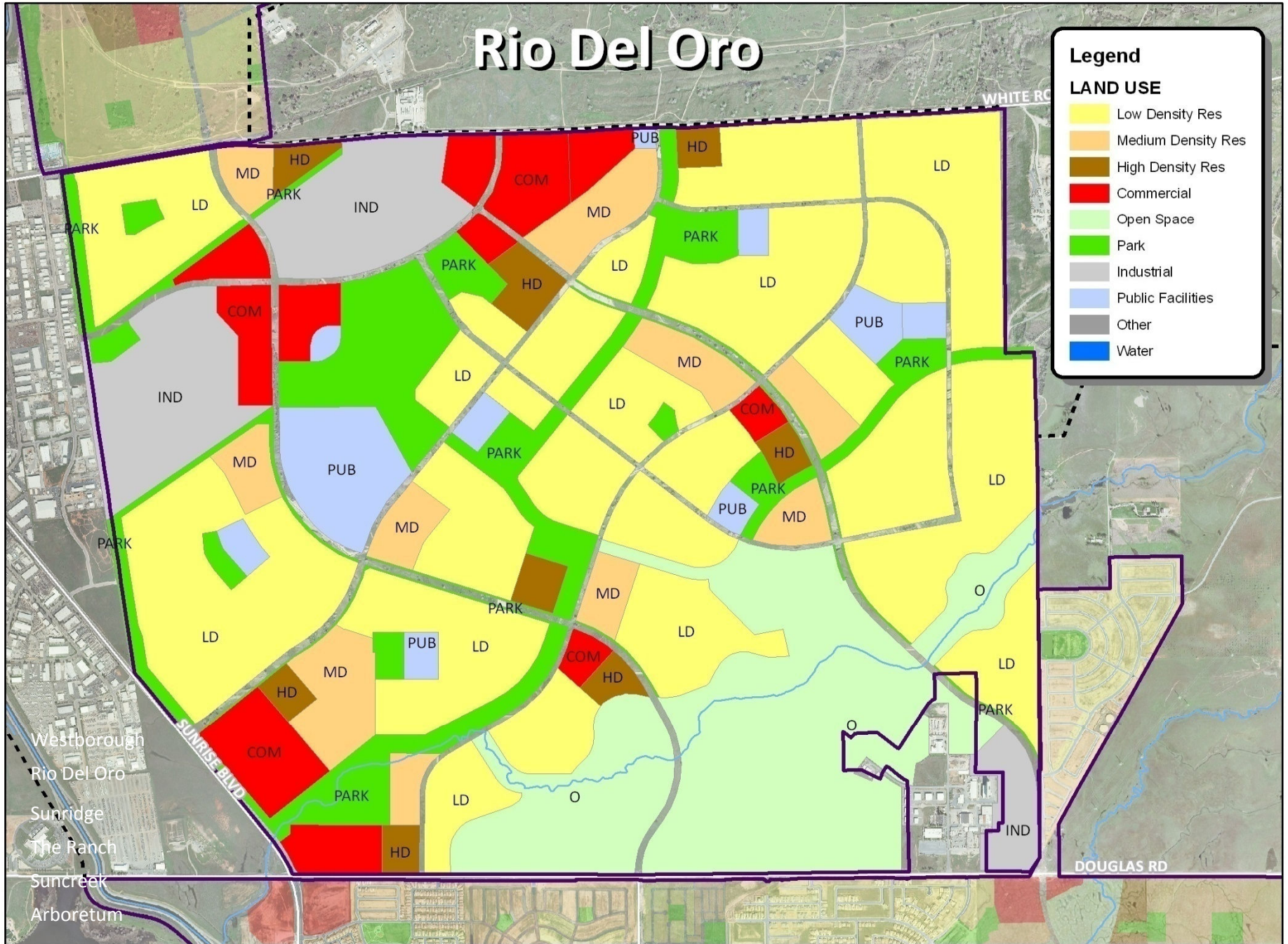
- Several major projects have completed most or all obligations to allow home construction. Lots available for home construction include:
 - Anatolia I: 102
 - Anatolia III: 217
 - Sunridge Park: 32
 - North Douglas: 603
 - **Total:** **954**
- Updates on individual units of development:
 - Montelena – 806
 - Grantline 208 – 503
 - Arista del Sol – 732

Rio Del Oro

Legend

LAND USE

- Low Density Res
- Medium Density Res
- High Density Res
- Commercial
- Open Space
- Park
- Industrial
- Public Facilities
- Other
- Water



RIO DEL ORO

Project Entitlement Document

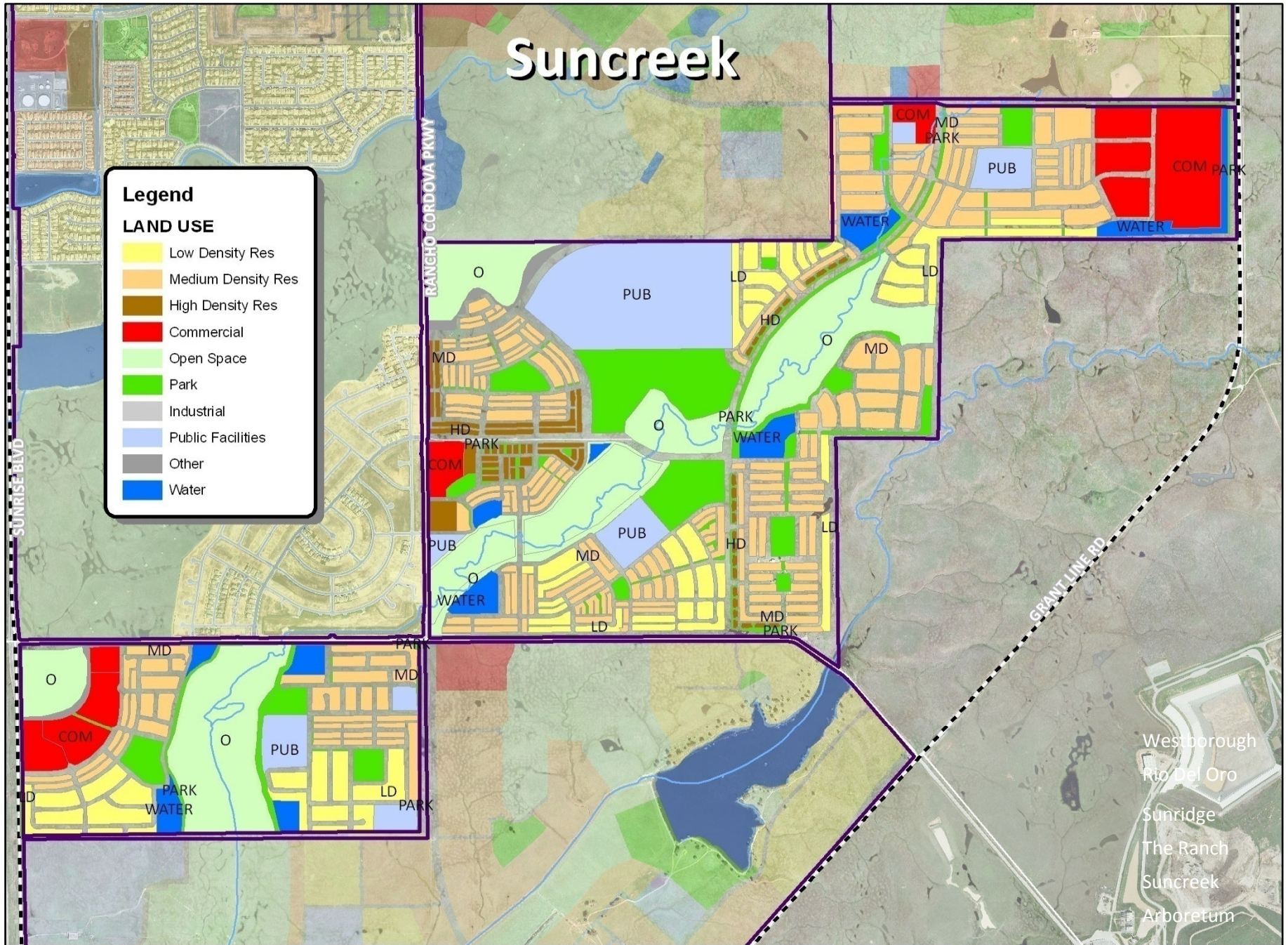
- City Council approved the Tier One entitlement (GPA, Specific Plan and DA) on September 20, 2010.
- City has been working with developers on Tier Two entitlements.
- Goal is to complete Tier Two this year to allow developers to begin home construction as early as 2015.

Suncreek

Legend

LAND USE

- Low Density Res
- Medium Density Res
- High Density Res
- Commercial
- Open Space
- Park
- Industrial
- Public Facilities
- Other
- Water



Westborough
Rio Del Oro
Sunridge
The Ranch
Suncreek
Arboretum

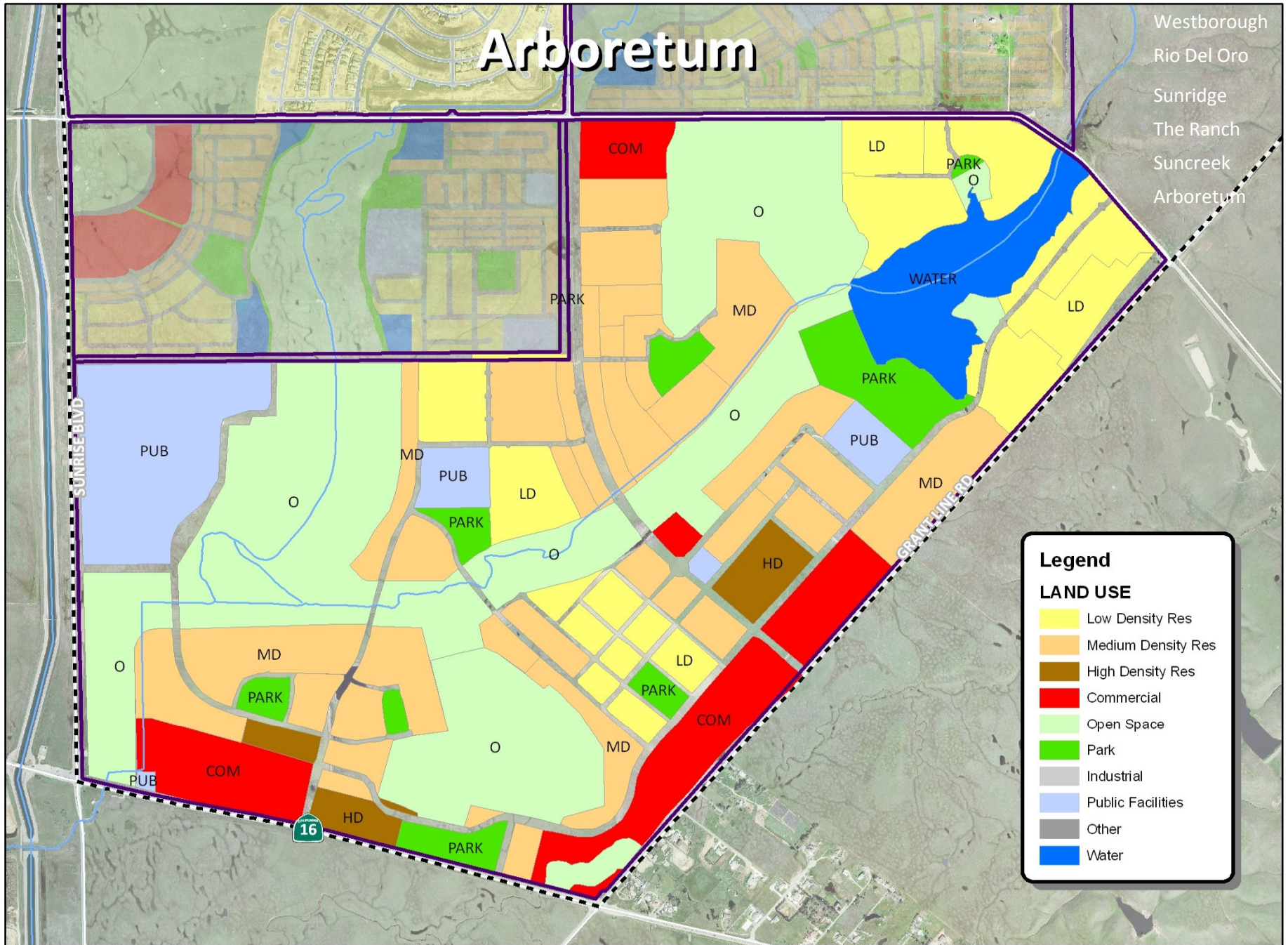
SUNCREEK SPECIFIC PLAN

Planning Entitlement Document

- Council took final action and approved the SunCreek Specific Plan on December 2, 2013.
- 30-day CEQA challenge period closed on January 1, 2014 with no challenge filed

Next Steps

- Review of large lot and small lot tentative maps
- Complete project engineering/infrastructure design
- Applicants must secure State and Federal permits associated with protecting natural resources
- Construction of homes is not anticipated until 2016



THE ARBORETUM - WEAGELL

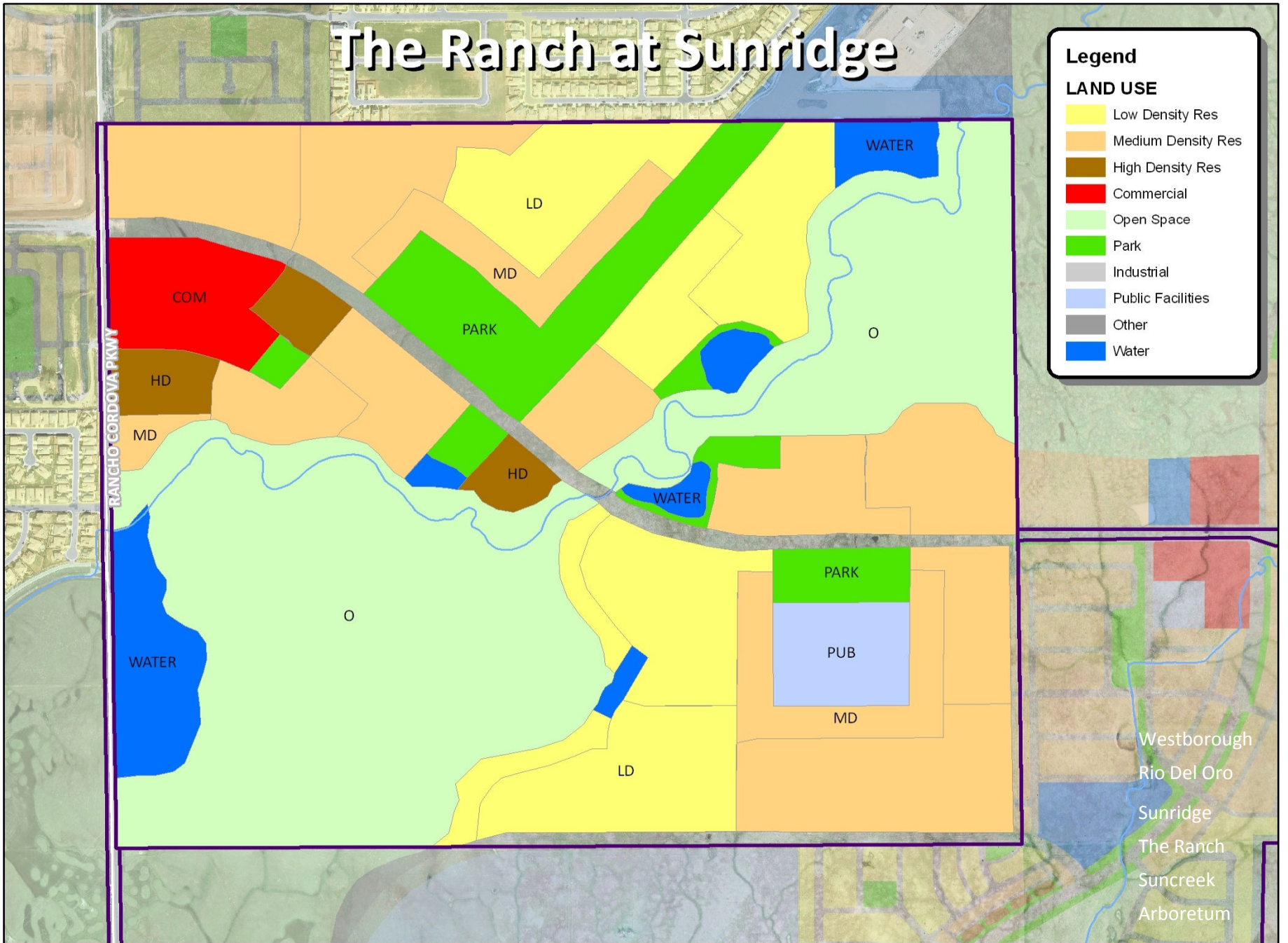
Planning Entitlement Document

- Specific Plan document has been on hold since spring of 2012.
- Project review was nearing completion when project went on hold.
- Applicants have restarted the planning process.

Environmental Document

- Substantial review of environmental document.
- Considering options to allow timely completion of the project environmental review.

The Ranch at Sunridge



THE RANCH

Planning Entitlement Document

- Applicants have not formally restarted the project, but have expressed interest in moving forward
- Special Planning Area document will be prepared – no draft submitted to date

Environmental Document

- City comments on Administrative Draft EIR/EIS provided to consultant
- If applicants restart the project soon, public review EIR/EIS could be released in 2014

Westborough

Legend

LAND USE

- Low Density Res
- Medium Density Res
- High Density Res
- Commercial
- Open Space
- Park
- Industrial
- Public Facilities
- Other
- Water

Westborough
Rio Del Oro
Sunridge
The Ranch
Sun Creek
Arboretum

WESTBOROUGH

Planning Entitlement Document

- Project has been on hold since late 2009
- Previous work focused on the project land use plan and major circulation components

Environmental Document

- Notice of Preparation was released and substantial work on EIR has been completed
- EIR work was stopped when the applicants put the project on hold

LOCAL DEVELOPMENT TRENDS

- As the economy is starting to rebound, development has increased from July 2012 through September 2013:
 - 406 production home permits have been issued
 - 732 commercial building permits have been issued
 - 1,895 residential building permits have been issued



NEW CONSTRUCTION/REMODELS



UPCOMING PROJECTS

- Entertainment Center
- Los Rios Community College Campus
- Mather Veteran's Village
- Horizons @ New Rancho
- Final pad buildings of Capital Village
- Rivergate Shopping Center

ADVANCE PLANNING PROGRAMS

CITY OPEN SPACE GUIDELINES

- Council adopted City Open Space Guidelines in 2013
- Staff is now implementing the Guidelines in development project reviews
 - Project reviews to coordinate Bicycle and Pedestrian Master Plans, Open Space Guidelines and traditional parks

FOLSOM BOULEVARD SPECIFIC PLAN UPDATE

- Completed major update of the Folsom Boulevard Specific Plan in 2013
- Shift in focus to promoting new development
 - Infrastructure gap analysis
 - Portland State University strategies
 - Support for Los Rios campus development
 - Seek opportunities to promote or expedite new development

MINOR GENERAL PLAN AMENDMENTS

- Planning anticipates a bundle of City sponsored GP amendments to include:
 - Natural Resources policies
 - Kassis property boundary adjustment
 - Plaza del Oro - Industrial to CMU/Office
 - Review of Convention and Downtown Districts
 - General Plan/Zoning Consistency updates

SIGN ORDINANCE AMENDMENTS

- Planning anticipates Sign Code amendments will be reviewed by Council in early 2014.
- Amendments include:
 - Reorganization and modernization for clarity and ease of use
 - Updates to permanent and temporary sign standards
 - Improvements to sign maintenance and abatement provisions
 - Possible inclusion of sign abatement standards

ZONING CODE AMENDMENTS

- Completed minor/clean up amendments to the City's Zoning Code in 2013.
- Planning anticipates additional amendments in 2014 to:
 - Fix inconsistencies, update allowable land uses to reflect new, modern uses
 - Revise standards to alleviate problem areas
 - Reorganization for ease of use
 - Update figures to reflect current situations

Council Comments and Questions

