

CITY OF RANCHO CORDOVA



CITY COUNCIL MEETING Wednesday, August 2, 2023

**5:00 PM – Special Meeting
David B. Roberts Council Chambers**

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

Join the Meeting Via Zoom Link:

<https://cityofranchocordova.zoom.us/j/81896620245?pwd=aVBSbktPR25vam0zTStldnFYbXdtZz09>

Join the Meeting via the Zoom Phone Number

Zoom Phone Number: +1 669 900 6833, +1 253 215 8782

Webinar ID: 818 9662 0245

Password: 578969

Instructions to Make Public Comment

Submitting Public Comment via Email

Members of the public who wish to provide public comment via email will need to submit written comments to CityClerk@cityofranchocordova.org no later than 2:00 p.m. on Wednesday, August 2, 2023. Written comments received no later than 2:00 p.m. will be distributed to the Council, filed in the record, and will not be read aloud. All comments submitted later than 2:00 p.m. will be distributed to the Council.

Listening to a Zoom Meeting by Zoom Video Conference

To make a public comment using the Zoom platform, please use the “raise hand” feature at the bottom center of the screen. Please make sure to enable audio controls once access has been given by the City Clerk’s office to speak. Please wait to be called upon by the City Clerk.

Listening to a Zoom Meeting by Phone Only

You can join a Zoom meeting via teleconferencing/audio conferencing using a cell phone or traditional landline phone. To request to make a public comment by phone press *9 to raise your

hand. Please wait to be called upon by the City Clerk.

All public comments will be limited to three minutes.

If you have questions related to the City Council Meeting or the use of Zoom, please contact the City Clerk's Office at (916) 851-8720 before Wednesday, August 2, 2023, at 2:00 p.m.

AGENDA

1. SPECIAL MEETING - CALL TO ORDER/ROLL CALL

Council Members Garrett Gatewood, Siri Pulipati, David Sander, Donald Terry, and Mayor Linda Budge.

2. PUBLIC COMMENT

At a special meeting, citizens wishing to address the Council for any matter on the agenda may do so at the time the matter is discussed. 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. PUBLIC HEARING ITEMS

- 3.1. **Subject:** Extension of Urgency Ordinance 7-2023 Establishing a Temporary Moratorium on the Establishment, Expansion, or Modification of Uses in the Villages of Zinfandel Special Planning Area Designated Therein as M-1 (Light Industrial) and MP (Office Industrial Park) Zones for a Period of 10 Months and 15 Days.

Recommendation: Adopt the Urgency Ordinance extending the temporary moratorium on the establishment, expansion, or modification of uses in the Villages of Zinfandel Special Planning Area Designated Therein as M-1 (Light Industrial) and MP (Office Industrial Park) zones.

4. ADJOURNMENT

ADDITIONAL INFORMATION

Special Meetings listed below are subject to change/cancellation without further notice.

Unless the Council adopts a motion to extend the meeting, any item that is not initiated before 11:00 p.m. will be continued to the next day at 5:30 p.m. or scheduled on the next regular meeting agenda of the Council.

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

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

UPCOMING MEETINGS

August 7, 2023	4:00 PM Special Meeting/Regular Meeting
August 14, 2023	5:30 PM Special Meeting
August 21, 2023	5:30 PM Regular Meeting
August 29, 2023	5:30 PM Special Meeting/Work Session
September 5, 2023	4:00 PM Special Meeting/Regular Meeting
September 18, 2023	5:30 PM Regular Meeting
September 26, 2023	5:30 PM Special Meeting/Work Session
October 2, 2023	4:00 PM Special Meeting/Regular Meeting
October 16, 2023	5:30 PM Regular Meeting

If you have any technical questions related to the agenda items, please contact City Hall at (916) 851-8700.

The Rancho Cordova City Council meeting will be videotaped in its entirety and will be cablecast without interruption on Metro Cable 14, the Government Affairs Channel on the Comcast, Consolidated Communications and AT&T U-Verse Systems. Closed Captioning will be available on the playback cablecast. 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.

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, Stacy Leitner, City Clerk for the City of Rancho Cordova, declare that the foregoing agenda for the August 2, 2023 Special Meeting of the Rancho Cordova City Council was posted and available for review on July 28, 2023 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 July 28, 2023 at Rancho Cordova, California.



Stacy Leitner, CMC
City Clerk

MEMORANDUM



ITEM 3.1.

DATE: August 2, 2023
TO: Honorable Mayor and Council Members
FROM: Darcy Goulart, Planning Manager
SUBJECT: **EXTENSION OF URGENCY ORDINANCE 7-2023 ESTABLISHING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT, EXPANSION, OR MODIFICATION OF USES IN THE VILLAGES OF ZINFANDEL SPECIAL PLANNING AREA DESIGNATED THEREIN AS M-1 (LIGHT INDUSTRIAL) AND MP (OFFICE INDUSTRIAL PARK) ZONES FOR A PERIOD OF 10 MONTHS AND 15 DAYS.**

RECOMMENDATION

Adopt the Urgency Ordinance extending the temporary moratorium on the establishment, expansion, or modification of uses in the Villages of Zinfandel Special Planning Area Designated Therein as M-1 (Light Industrial) and MP (Office Industrial Park) zones.

RESULT OF RECOMMENDED ACTION

If adopted, the Ordinance would extend the temporary moratorium established by Ordinance No. 7-2023 for an additional 10 months and 15 days. Ordinance No. 7-2023 established a temporary moratorium on the establishment, expansion, or modification of uses in the Villages of Zinfandel Special Planning Area designated therein as M-1 (Light Industrial) and MP (Office Industrial Park) zones. An Ordinance amending the Villages of Zinfandel Special Planning Area and possibly the Municipal Code to modify the permitted and conditionally permitted uses in the M-1 and MP zones will be brought to the City Council at a future regular meeting for consideration and adoption.

BACKGROUND

Government Code Section 65858(a) expressly authorizes the City Council, in order to protect public safety, health, and welfare, to adopt as an urgency measure, an interim ordinance prohibiting any uses that may conflict with a contemplated general plan, specific plan, or zoning proposal that the City Council is considering or studying or intends to study within a reasonable time; that adoption of such urgency measure requires a four-fifths vote of the legislative body; that such measures shall be of no effect 45 days from adoption, and may be extended a maximum of two times and have a maximum total duration of two years.

The Villages of Zinfandel Special Planning Area (VOZSPA) was adopted by the County of Sacramento in 2002, and has been subject to a Development Agreement for the last twenty years that has constrained the City's ability to adapt and modify the allowed uses based upon

City Council input and community insights related to the build out of the VOZSPA. The Development Agreement expired on June 22, 2023, and the City is unencumbered by it and authorized to update the General Plan, Special Planning Area, and zoning applicable to the VOZSPA. The item before the City Council is an Ordinance to extend the temporary moratorium established by Ordinance No. 7-2023 for an additional 10 months and 15 days, to expire June 19, 2024.

REPORT PURSUANT TO GOVERNMENT CODE SECTION 65858(d)

At the July 17, 2023, Regular Meeting of the City Council of the City of Rancho Cordova, the City Council approved and directed staff to issue a written report describing the measures taken to alleviate the condition which led to the adoption of the Urgency Ordinance establishing a Temporary Moratorium on the establishment, expansion, or modification of uses in the Villages of Zinfandel Special Planning Areas designated therein as M-1 (Light Industrial) and MP (Office Industrial Park) Zones, thereby satisfying the procedural conditions in Government Code section 65858(d) required to extend the moratorium beyond forty-five (45) days. The written report provides in part:

“On June 19, 2023, the City Council of the City of Rancho Cordova adopted an urgency ordinance establishing a temporary moratorium on the establishment, expansion, or modification of uses on the M-1 and MP zoned properties, including Warehouses, within the Villages of Zinfandel Special Planning Area pursuant to California Government Code Section 65858. Ordinance 7-2023 established a 45-day moratorium on issuing new City approvals, including, but not limited to, variances, conditional use permits, design review permits, grading permits, and building permits for the establishment, expansion, or modification of uses in the Villages of Zinfandel Special Planning Area designated as M-1 and MP (Office Industrial Park) zones.

California Government Code Section 65858(d) provides that at least ten (10) days before expiration of an interim ordinance or any extension, the legislative body shall issue a written report describing the measures taken to alleviate the condition which led to the adoption of the interim ordinance. The interim ordinance was adopted in order to allow sufficient time for the City of Rancho Cordova to:

1. Study and develop policy guidance to ensure there is a logical relationship between the placement of uses to avoid the deleterious effects of routing trucks past sensitive uses.
2. Study and develop policy guidance regarding the health and environmental impacts related to uses in order to create standards related to these uses that adequately address negative environmental health, safety, and environmental impacts to protect the community in accordance with current recognized environmental regulatory standards and accepted industry and state recommended best practices.

In the last 30 days, City staff further analyzed and outlined the necessary tasks needed to study and develop policy guidance on the above-mentioned items. In order to adequately address the logical relationship between the placement of uses to avoid the deleterious effects of routing trucks past sensitive uses and to create standards related to uses to address negative environmental health, safety, and environmental impacts to protect the community in accordance with current recognized environmental regulatory standards and accepted industry and state recommended best practices, the following tasks are necessary:

1. Analysis and consistency determination with the current General Plan and prepare amendments to the General Plan to achieve alignment and consistency. Analysis of the Village of Zinfandel SPA and Title 23 Zoning and prepare amendments to both one or both documents.
2. Community outreach and engagement regarding necessary amendments and changes to these documents.
3. Preparation of the appropriate environmental document pursuant to the California Environmental Quality Act (CEQA). The CEQA document cannot be prepared until the full extent of the "project" is defined. Tasks one through three will help determine what the overall project will ultimately be. It is anticipated that the necessary CEQA document could take several months to prepare for circulation.

The conditions justifying the adoption of Urgency Ordinance No. 7-2023 have not been alleviated, it is necessary to extend the moratorium established by Urgency Ordinance No. 7-2023 for an additional 10 months and 15 days, as permitted by Government Code Section 65858(b). The extension of the Urgency Ordinance will provide additional time to: (1) study and develop policy guidance to ensure there is a logical relationship between the placement of uses to avoid the deleterious effects of routing trucks past sensitive uses, (2) study and develop policy guidance regarding the health and environmental impacts related to uses in order to create standards related to these uses that adequately address negative environmental health, safety, and environmental impacts to protect the community in accordance with current recognized environmental regulatory standards and accepted industry and state recommended best practice, (3) conduct community outreach and engagement related to potential amendments, (4) prepare the appropriate environmental document pursuant to the California Environmental Quality Act. The full 10 months and 15 days or additional time may be needed to complete all the tasks. Staff will return to the City Council at a future meeting with an Ordinance extending Urgency Ordinance No. 7-2023 for an additional 10 months and 15 days to complete all tasks."

ENVIRONMENTAL

Pursuant to Section 15378(b)(5) of the California Environmental Quality Act (CEQA), this Ordinance is an organizational or administrative activity of the City that will not result in direct or indirect physical changes in the environment, and therefore not a project. Additionally, pursuant to CEQA Guidelines Section 15061(b)(3), this Ordinance is exempt from CEQA review because there is no possibility that the Moratorium may have a significant effect on the environment, insofar as it prohibits the construction of or alterations to, Prohibited Uses within the Villages of Zinfandel Special Planning Area. Furthermore, even if the Ordinance is considered a project, the proposed moratorium is categorically exempt under CEQA Guidelines Section 15308, because it is clear that the Moratorium will not create an environmental impact and the action will assure the maintenance, enhancement, or protection of the environment through the eventual adoption of regulations and development standards on Prohibited Uses. Accordingly, no further environmental review is necessary. Furthermore, as the Ordinance is an administrative procedure related to uses, facilities, and regulations identified in the Rancho Cordova Municipal Code and General Plan, and given that the proposed Ordinance is not related to a specific project, the Ordinance (i) by virtue of the location of affected improvements, will not impact a sensitive environmental resource of hazardous or critical concern; (ii) will not have a cumulative impact on the environment through successive projects of the same type, in the same place, over time; (iii) does not have any unusual circumstances that will have a significant effect on the environment; (iv) does not impact a scenic highway; (v) is not located on a hazardous waste site; and (vi) will not adversely impact a historical resource. Accordingly, none of the exceptions to categorical exemptions set forth in the CEQA Guidelines, Section

15300.2, apply to this Ordinance.

FISCAL IMPACT AND FUNDING SOURCE

There is no Fiscal Impact.

ATTACHMENT(S)

1. Ordinance

CITY OF RANCHO CORDOVA

ORDINANCE NO. XX-2023

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
RANCHO CORDOVA EXTENDING A TEMPORARY MORATORIUM ON THE
ESTABLISHMENT, EXPANSION, OR MODIFICATION OF USES IN THE
VILLAGES OF ZINFANDEL SPECIAL PLANNING AREA DESIGNATED
THEREIN AS M-1 and MP (OFFICE INDUSTRIAL PARK) ZONES**

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

Section 1. Findings.

The City Council hereby finds as follows:

A. At its June 19, 2023 regular meeting, pursuant to California Government Code section 65858, the City Council of the City of Rancho Cordova adopted Urgency Ordinance No. 7-2023 imposing a 45-day moratorium on the establishment, expansion, or modification of uses in the Villages of Zinfandel Special Planning Area designated therein as M-1 and MP (Office Industrial Park) zones; and

B. Ordinance No. 7-2023 will, unless extended, expire by its own terms on August 3, 2023; and

C. This Urgency Ordinance incorporates by reference all the findings provided in Urgency Ordinance No. 7-2023 and its accompanying staff report; and

D. Government Code Section 65858(a) expressly authorizes the City Council, in order to protect public safety, health and welfare, to extend an interim ordinance prohibiting any uses that may conflict with a contemplated general plan, specific plan, or zoning proposal that the City Council is considering or studying or intends to study within a reasonable time; extension of such urgency measure requires a four-fifths vote of the legislative body; and that such extension may occur a maximum of two times and have a maximum total duration of two years; and

E. The City of Rancho Cordova has the police power, pursuant to Article XI, Section 7 of the California Constitution, to make and enforce within its limits all local police, sanitary, and other ordinances and regulations not in conflict with general laws; and

F. The purpose of this ordinance is to protect the public safety, health and welfare within the meaning and for the purposes of Government Code Section 65858(a) by adopting, as an urgency measure, an interim prohibition/moratorium on variance, conditional use permit, design review permit, grading permit, and building permit issuance for the establishment, expansion, or modification of the Prohibited Uses, except as provided herein; and

G. The Villages of Special Planning Area ("Villages of Zinfandel Special Planning Area" or "Villages of Zinfandel") was adopted by the County of Sacramento in 2002, and has been subject to a Development Agreement for the last twenty years that has constrained the

City's ability to adapt and modify the allowed uses based upon City Council input and community insights related to the build out of the Special Planning Area; and

H. The Development Agreement expired on June 22, 2023, and the City is now unencumbered by it and authorized to update the General Plan, Special Planning Area, and zoning applicable to the Villages of Zinfandel Special Planning Area; and

I. The City of Rancho Cordova has determined that, due to the recent and rapid expansion of e-commerce in recent years, the Villages of Zinfandel has seen an increase in industrial developments within the City, particularly warehouses, distribution centers, and logistics facilities (collectively, "Warehouses"), which include any use for the conduct, business, or management of warehousing, storing, safekeeping, freight forwarding, handling, keeping inventory, and/or distribution activities for any product or component, including but not limited to goods, wares, consumer products, materials, or merchandise, partially or wholly within an enclosed space, building, or other structure; and

J. In hearings in 2022 and 2023 on the LogistiCenter and Stone Creek Industrial Center, the City received voluminous public feedback regarding the perceived negative impacts of warehouse development in the community, which are incorporated herein by this reference; and

K. A further proliferation of Prohibited Uses in the Villages of Zinfandel beyond those Warehouses subject to a Major Design Review permit approved by the City Council prior to June 22, 2023, may potentially degrade the quality and character of the existing residential neighborhoods in the Villages of Zinfandel and may be in conflict with the existing or approved non-residential uses in the Villages of Zinfandel, and conflict with contemplated general plan, specific plan, or zoning proposals that the City's legislative body, planning commission, or planning department is considering or studying, or which it intends to study within a reasonable time; and

L. In the course of processing and/or reviewing the LogistiCenter and Stone Creek Industrial Center projects, and other recent non-industrial projects within the Villages of Zinfandel, the City identified numerous permitted and conditionally permitted uses in the BP and LI zones that also have significant potential conflicts with existing development in the Special Planning Area, and that will potentially conflict with proposed land use changes being considered by the City. For example, BP and LI zones currently permit or conditionally permit uses including:

- Animal slaughter
- Sawmill
- Milk products Plant, Dairy
- Egg processing facilities
- Towing services
- Agricultural uses
- Contractor storage yard
- Parking yard for damaged vehicles
- Recycling center

M. The City has received and is currently processing an application from GLP Investment Properties, LLC ("GLP"), for an additional Warehouse up to 154,680 square feet on

an 8.78 acre parcel in the Villages of Zinfandel Special Planning Area, and GLP is expected to request a hearing and decision on the project in the next few months; and

N. The expiration of the Villages of Zinfandel Development Agreement on June 22, 2023, created an immediate opportunity and need for the City to protect the existing residents and businesses within the Villages of Zinfandel from the potentially detrimental impacts of additional subdivisions, use permits, variances, building permits, design review permits, or other applicable entitlements for use, expansion, or modification of the Prohibited Uses which may conflict with the future proposed land use changes now being considered by the City; and

O. The City of Rancho Cordova has determined that the Prohibited Uses may have a detrimental impact upon the character of the existing residential development within Villages of Zinfandel Special Planning Area, which is not being adequately addressed by the City's current ordinances and zoning regulations as well as the reliance on an antiquated Sacramento Zoning Code, currently applicable in the Villages of Zinfandel; and

P. There is a need to study and develop policy guidance to ensure there is a logical relationship between the placement of proposed Prohibited Uses and existing uses to avoid the potentially deleterious effects of routing additional trucks past sensitive uses; and

Q. There is a need to study and develop new policy guidance regarding the health and environmental impacts related to the Prohibited Uses in order to develop local standards related to these uses that adequately address potential negative health, safety, and environmental impacts to protect the community in accordance with current recognized environmental regulatory standards and accepted industry and state recommended best practices; and

R. The City intends to update the Rancho Cordova Municipal Code and Villages of Zinfandel Special Planning Area to further address the effects of Prohibited Uses to ensure that they are properly regulated to immediately address any potential for degradation of the quality and character of the existing residential neighborhoods in the Villages of Zinfandel; and

S. The City also intends to study and address secondary effects of Prohibited Uses; and

T. City staff, the City Planning Commission, City Attorney, and the City Council, in consultation with the residents and businesses in the Villages of Zinfandel, require a reasonable period of time to study, develop and recommend potential modifications to the regulations applicable to the Prohibited Uses, and in particular Warehouses to determine, document, and attempt to prevent the potential adverse impacts on the character and quality of properties within the Villages of Zinfandel Special Planning Area; and

U. Without the extension of this moratorium, applicants could receive entitlements which would allow additional Prohibited Uses that could pose a threat to the public. The City requires additional time to prepare, evaluate and adopt reasonable regulations regarding the Prohibited Uses; and

V. For the reasons set forth above, this Ordinance is necessary to preserve the public welfare and to avoid a current and immediate threat to the welfare of the community within the meaning of Government Code Section 65858(c).

Section 2. Moratorium Extended.

Under the authority granted 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 7-2023 shall hereby be extended for a period of ten (10) months and fifteen (15) days to June 19, 2024.

Section 3. Enforcement.

The City of Rancho Cordova may enforce any provision of this Ordinance by mandamus, injunction, or any other appropriate civil remedy in any court of competent jurisdiction.

Section 4. City Review.

The City Manager, or his or her designee, is hereby authorized to administer and interpret the provisions of this Urgency Ordinance, including but not limited to, review of specific use permits applications, variance requests, building permit applications, and other land use approvals, to determine whether the requested use permit, variance, building permit or other land use approval is subject to this Ordinance. During the period of this Moratorium, and any extension thereof, the City Manager or his designees shall: (1) review and consider options for the regulation of Prohibited Uses; (2) issue a written report describing the measures which the City has taken to address the conditions which led to the adoption of this ordinance with the City Council ten (10) days prior to the expiration of this Moratorium, or any extension thereof; and (3) make the report available to the public.

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 ten (10) days after passage and adoption if passed and adopted by at least four-fifths vote of the City Council and shall be in effect for ten (10) months and fifteen (15) days until June 19, 2024, unless further extended by the City Council under California Government Code Section 65858.

Section 7. CEQA.

The City Council finds, pursuant to Section 15378(b)(5) of the Guidelines of the California Environmental Quality Act (CEQA), this Ordinance is an organizational or administrative activity of the City that does not have the potential to result in direct or indirect physical changes in the environment, and is therefore not a project. Additionally, pursuant to CEQA Guidelines Section 15061(b)(3), even if it were a project, this Ordinance is exempt from CEQA review because there is no possibility that the Moratorium may have a significant adverse effect on the

environment, insofar as it merely prohibits the construction of or alterations to, Prohibited Uses within the Villages of Zinfandel Special Planning Area as specified during its duration, and any changes in land use regulations adopted as a result of the City's studies will undergo full CEQA review prior to their adoption. Furthermore, even if the Ordinance is considered a project, the proposed moratorium is categorically exempt under CEQA Guidelines Section 15308, because it is clear that the Moratorium will not create an environmental impact and the action will assure the maintenance, enhancement, or protection of the environment through the eventual CEQA-reviewed adoption of regulations and development standards addressing Prohibited Uses. Accordingly, no further environmental review is necessary. Furthermore, as the Ordinance is an administrative procedure related to uses, facilities, and regulations identified in the Rancho Cordova Municipal Code and General Plan, and given that the proposed Ordinance is not related to a specific project, the Ordinance (i) by virtue of the location of affected improvements, will not impact a sensitive environmental resource of hazardous or critical concern; (ii) will not have a cumulative impact on the environment through successive projects of the same type, in the same place, over time; (iii) does not involve any unusual circumstances that will result in a significant effect on the environment; (iv) does not impact a scenic highway; (v) is not located on a hazardous waste site; and (vi) will not adversely impact a historical resource. Accordingly, none of the exceptions to categorical exemptions set forth in the CEQA Guidelines, Section 15300.2, would apply to this Ordinance.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the 2nd day of August 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Linda Budge, Mayor

ATTEST:

Stacy Leitner, CMC
City Clerk