

**CITY OF RANCHO CORDOVA**  
**Minutes of Meeting**  
**Of the Community Development Director's Administrative Public Hearing**  
**December 8, 2017**

**1. CALL MEETING TO ORDER**

The meeting of the Administrative Public Hearing of the City of Rancho Cordova was held on Friday, December 8, 2017 in the Community Board Room located at 2729 Prospect Park Drive, Rancho Cordova, CA, 95670. Interim Community Development Director, Elizabeth Sparkman called the meeting to order at 2:04 p.m.

Staff Present: Planning Department Clerk, Kelly Whitman; Assistant Planner, Nicholas Sosa; Principal Planner, Darcy Goulart; and Senior Legal Associate, Denise Bazzano

**2. PUBLIC COMMENT**

There were no public comments heard at this meeting on non-agenda items.

**3. PUBLIC HEARING**

**A. KIDS CAMP DAY CARE FACILITY – PROJECT NO. 9726 – ADMINISTRATIVE USE PERMIT.**

Kids Camp is requesting an Administrative Use Permit (AUP) to operate a Commercial Child Day Care Facility within an existing 2,400 square foot suite located at 1941 Zinfandel Drive. The facility will provide flexible child care 7 days a week with the following operating hours: Monday—Thursday 7:00AM—9:00PM; Friday 7:00AM—11:00PM; Saturday 9:00AM—11:00PM; Sunday 9:00AM—7:00PM.

Kid's Camp will provide a recreation area for outdoor play as well as various activities and programs for children ages 2-12 years old. Kid's Camp currently has 46 employees that rotate between existing locations within the Sacramento Area. The site is a commercial location with adequate parking and access for dropping off/picking up children safely.

**Location:** 1941 Zinfandel Drive; APN: 058-0261-052-0000

**Zoning:** Commercial Mixed Use (CMU)

**Project Planner:** Nicholas Sosa, Assistant Planner

**Recommendation:** Staff recommends the Community Development Director determine the project Categorically Exempt under Section 15301 (Existing Facilities) of the California Environmental Quality Act Guidelines, and approve an Administrative Use Permit for the proposed project, subject to the submitted project material and Conditions of Approval.

*Community Development Director, Sparkman opened the Public Hearing*

**PUBLIC COMMENT**

- Peter E. von Elten, Counsel for adjacent property – Clients oppose the project due to the belief that the site is not suitable for the proposed use. This opposition is based on the opinion that the proposed use would vastly undermine the present intention of his clients to develop the westerly vacant parcel and the existing tenant, the desire for future alcohol beverage sales licensing on the adjacent properties, and the impacts that the project will have on the parking area and drives aisles. Has safety concerns with the location of the play area and it is in violation with the CC&R's due to the fact that it is being proposed on a common area sidewalk. The proposed hours of operation are significant departures from typical child care facilities and are an addition of seven day a week traffic with very lengthy hours. This seems to very over the top for a facility of this nature. The adjacent property owners are equally concerned with

diminution of property value as well as safety. The major concern is the licensing of future tenants on the two adjacent parcels and not that concerned with Fire regulations and things like that. The concern is that the two parcels that the adjacent property owners wish to improve and construct new buildings, that are located in a neighbor that is improving, and the value will be significantly diminished and they have every expectation of the maximum value and usage of their property. Client has every right to question a potential use that could affect their property and future uses.

- John Austin, Real Estate Agent for adjacent property owner – Based on his previous experience with working with similar facilities he believes the proposed location is not suitable based on the following concerns: vehicular traffic, specifically air quality concerns due to the high volume of traffic on the adjacent streets and on-site circulation; Proposed use would diminish the viability of the adjacent land and would reduce the relevant brands that could locate on the site the ultimately the site would fall into disrepair and be of lesser quality than it is today; Quick-service restaurants are taking the place of casual dining restaurants and quick-service restaurant are building larger buildings with prep areas and areas for wait staff because they will be serving at the tables not just at the drive through windows and the counters. Beer and wine is more important to them, which the proposed use has the potential to impact the issuance of the alcoholic beverage license. This would then impact the tenants the adjacent properties could attract which leads to attracting secondary brands that are not as relevant and do less business, therefore the property will be worth less and then the issue cascades; The onsite traffic is of great concern; Lastly, if the City would apply the standards used nationwide by the Daycare/Childcare facilities this site would not be consistent with those standards and not be designed as it is today. The proposed use would have a detrimental effect that could get worse over time and will affect the value and the tenancy of the adjacent properties. Have Fire regulations been reviewed based on the proposed addition of the play area with the proximity of the property line and the impacts that it will have? Would the property owner or tenant be willing to cover any future expenses that the adjacent property owners may be subjected to because of this use and play area addition?
- Brian Morris, Property Owner of adjacent properties – Opposes the proposed use. Have concerns and issues with the placement of the play area on a main common area sidewalk next to a high-traffic drive aisle with parking and trash enclosures directly across from it. Also, the proposed play area is blocking access to electrical panels which could delay emergency response to shut off said electrical panels. Is concerned with the installation of a concrete wall in a public utility easement which he does not believe is an allowable structure in an easement. Work is being undertaken to propose re-development of the adjacent properties which could include uses with alcohol sales. Also, Denny's does have a clause in their lease to sell alcohol. Parking areas behind the subject location is utilized by Denny's customers as it is a communal area.
- Cameron Emami, Vice President of Kids Camp (Applicant) – The chief objection appears to be the potential impact on the alcohol beverage license. The Kava Bar has already violated the CC&R's by building an outdoor patio area. The intent is not to impede on the drive aisle or parking area the proposed play area would be on the existing sidewalk. Not sure why the CC&R's are coming down on them when they were not an issue for the Kava Bar. Their business has a very little impact on the site. Their operation is a drop-in hourly pre-school/daycare with a potential maximum allowance of 26 children. They are not a heavy use tenant based on our business model. The play area at McDonald's would have more activity than our business. Gates to the play area are not locked they have an alarm. Their play area will be monitored by compensated, trained, and educated employees. Also, their play area is not located next to a drive through like the McDonald's play area. Cannot foresee what future growth could whether it is our operation or another daycare operation taking over our proposed space. However, the Applicant feels that the City would review any future expansion or modifications to ensure that the use is still compatible with the site. It appears to be insinuated that the proposed use would have a negative effect on surrounding business as no other businesses have appeared at this hearing. As for the issues with alcohol beverage

licensing the Applicant has multiple existing locations some of which are feet away from establishment from that sell alcohol.

- D.F. Short, General Contractor for the Applicant – Installing a CMU block wall at 3 feet tall that is the best choice the Applicant has to separate the play area from other on-site activity. It will not stop all situations but is the best defense mechanism to avoid most instances. The biggest issue appears to be the alcohol license and would the best solution be to obtain a letter from Alcoholic Beverage Control.
- Andy Bryne, Property Owner Representative – Safety does not appear to be the issue and is confident that the City will complete their review and make sure that the proposal is safe. The issues appear to be money, diminution of property value, and the perception of not being able to obtain an alcohol beverage license. Through consultation with an Alcohol Licensing Firm information on the census tract was provided that shows Denny's voluntarily gave up their alcohol license approximately 17 years ago. Evidence has been received and shown that Alcohol Beverage Control would not necessarily deny a new alcohol license because of this use. However, the denial of a future alcohol license appears to be the main issue. The property was obtained by the current owner in 2007 and they have improved the site over the last 10 years and lease space to upstanding tenants. Regarding the CC&R's, the adjacent property owners and tenants do not use any of our sidewalks or parking areas. Which is why these common areas have been allowed to change over time in order accommodate new buildings and/or structures. The hours of operation and the potential traffic associate with the uses is minimal compared to a typical retail use.

The Community Development Director had the following concerns and comments:

- Sparkman – It feels like we need to do additional research on the alcohol beverage license issues and it sounds like there are concerns in regards to outdoor play area. There is a lot of speculation on the alcohol license issues that we need to clarify.

*Community Development Director, Sparkman closed the Public Hearing*

**Action:** The Community Development Director has taken all the testimony under advisement and will provide written notice of decision to all affected parties within three (3) business days.

#### 4. ADJOURNMENT

There being no further business before the Community Development Director, the meeting was adjourned at 3:44 p.m., December 8, 2017 to the next scheduled meeting.

  
Elizabeth Sparkman, Community Development Director

  
Kelly Whitman, Planning Department Clerk