

ORDINANCE NO. 07-2025

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING ELK GROVE MUNICIPAL CODE CHAPTERS 16.81 (CITY OF ELK GROVE EAST FRANKLIN FACILITIES FEE), 16.82 (CITY OF ELK GROVE LAGUNA RIDGE PARK FEE), 16.89 (AFFORDABLE HOUSING FEE FOR NEW NON RESIDENTIAL DEVELOPMENT), AND 16.95 (DEVELOPMENT IMPACT FEES) TO EXEMPT DESIGNATED OUTDOOR AREAS FROM CERTAIN CITY DEVELOPMENT IMPACT FEES

WHEREAS, California Government Code Section 66000, et seq., (hereinafter Mitigation Fee Act) provides for the establishment of development impact fees to mitigate the impacts of new development; and

WHEREAS, the City of Elk Grove (City) has historically charged development impact fees on any outdoor dining area associated with a non-residential business whose primary purpose is the serving of food or beverages to customers related to a restaurant, brewery, or winery or similar type of establishment; and

WHEREAS, the City wants to attract and support these types of local businesses and believes that reducing the costs associated with establishing or expanding such businesses within the City increases the City's attractiveness and reputation as a business-friendly jurisdiction and, therefore, would like to exempt the outdoor dining areas of these businesses from certain development impact fees; and

WHEREAS, in order to proceed with this policy change, certain chapters of the Elk Grove Municipal Code (EGMC) related to City development impact fees must be amended in order to effect such an exemption, and a definition of "designated outdoor area" must be added to EGMC Chapters 16.81 (City of Elk Grove East Franklin Facilities Fee), 16.82 (City of Elk Grove Laguna Ridge Park Fee), 16.89 (Affordable Housing Fee for New Non Residential Development), and 16.95 (Development Impact Fees).

NOW, THEREFORE, the City Council of the City of Elk Grove does ordain as follows:

Section 1: Purpose.

The purpose of this Ordinance is to amend EGMC Chapters 16.81 (City of Elk Grove East Franklin Facilities Fee), 16.82 (City of Elk Grove Laguna Ridge Park Fee), 16.89 (Affordable Housing Fee for New Non Residential Development), and 16.95 (Development Impact Fees) to exempt designated outdoor areas from certain City development impact fees by adding a definition of "designated outdoor area" and a section regarding fee exemptions for such areas to each specified chapter.

Section 2: Findings.

California Environmental Quality Act (CEQA)

Finding: The amendments to the Elk Grove Municipal Code referenced in sections 3 through 6 below are not projects pursuant to the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15378(b)(4).

Evidence: State CEQA Guidelines Section 15378(b)(4) states that the term Project does not include activities involving the creation of government funding mechanisms or other government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. The amendments to the Elk Grove Municipal Code referenced in sections 3 through 6 below are not a binding commitment requiring the City to construct any project listed in the fee programs. The amendments only provide fee exemptions for certain categories of outdoor dining uses. Further, any proposed projects identified in the fee programs would be subject to separate environmental review prior to any construction. The fees are merely a funding mechanism for proposed projects that may be modified or not implemented depending upon a number of factors, including CEQA environmental review. Therefore, the proposed actions are not projects under CEQA and no further environmental review is required.

Section 3: Amendments to EGMC Chapter 16.81 City of Elk Grove East Franklin Facilities Fee.

The following definition shall be added in alpha sequence to Section 16.81.020:

Section 16.81.020 Definitions.

“Designated outdoor area” means any outdoor dining area where food or beverages are served to customers of a restaurant, brewery, winery or other non-residential use determined to be similar by the Director of Community Development. An outdoor dining area is not required to be covered or enclosed to be considered a designated outdoor area.

Section 16.81.105 shall be added to the Elk Grove Municipal Code to read as follows:

16.81.105 Fee Exemption.

Square footage attributable to any designated outdoor area shall be exempt from impact fees imposed pursuant to this Chapter 16.81. This exemption shall be in addition to any other exemptions identified in the applicable nexus study.

Section 4: Amendments to EGMC Chapter 16.82 City of Elk Grove Laguna Ridge Park Fee.

The following definition shall be added in alpha sequence to Section 16.82.020:

Section 16.82.020 Definitions.

“Designated outdoor area” means any outdoor dining area where food or beverages are served to customers of a restaurant, brewery, winery or other non-residential use determined to be similar by the Director of Community Development. An outdoor dining area is not required to be covered or enclosed to be considered a designated outdoor area.

Section 16.82.095 shall be added to the Elk Grove Municipal Code to read as follows:

16.82.095 Fee Exemption.

Square footage attributable to any designated outdoor area shall be exempt from impact fees imposed pursuant to this Chapter 16.82. This exemption shall be in addition to any other exemptions identified in the applicable nexus study.

Section 5: Amendments to EGMC Chapter 16.89 Affordable Housing Fee for New Non Residential Development.

The following definition shall be added in alpha sequence to Section 16.89.020:

Section 16.89.020 Definitions.

“Designated outdoor area” means any outdoor dining area where food or beverages are served to customers of a restaurant, brewery, winery or other non-residential use determined to be similar by the Director of Community Development. An outdoor dining area is not required to be covered or enclosed to be considered a designated outdoor area.

Section 16.89.065 shall be added to the Elk Grove Municipal Code to read as follows:

16.89.065 Fee Exemption.

Square footage attributable to areas as defined in “designated outdoor area” in 16.89.020 shall be exempt from impact fees imposed pursuant to this Chapter 16.89. This exemption shall be in addition to any other exemptions identified in the applicable nexus studies.

Section 6: Amendments to EGMC Chapter 16.95 Development Impact Fees.

The following definition shall be added in alpha sequence to Section 16.95.025:

Section 16.95.025 Definitions.

“Designated outdoor area” means any outdoor dining area where food or beverages are served to customers of a restaurant, brewery, winery or other non-residential use determined to be similar by the Director of Community Development. An outdoor dining area is not required to be covered or enclosed to be considered a designated outdoor area.

Section 16.95.055 shall be added to the Elk Grove Municipal Code to read as follows:

16.95.055 Fee Exemption.

Square footage attributable to areas as defined in “designated outdoor area” in 16.95.025 shall be exempt from impact fees imposed pursuant to this Chapter 16.95. This exemption shall be in addition to any other exemptions identified in the applicable nexus studies.

Section 7: No Mandatory Duty of Care.

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 8: 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 hereby 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 9: Savings Clause

The provisions of this ordinance shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and effect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by said Code shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

Section 10: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1). The effective date of the salary changes set forth herein shall be the date that any Council Member (including the Mayor) commences a new Council term following the adoption of this Ordinance, including any Council Member who is re-elected.

ORDINANCE: **07-2025**
INTRODUCED: March 12, 2025
ADOPTED: March 26, 2025
EFFECTIVE: April 25, 2025




BOBBIE SINGH-ALLEN, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

Date signed: March 27, 2025

CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 07-2025

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law, was duly introduced on March 12, 2025, and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on March 26, 2025, by the following vote:

AYES: **COUNCILMEMBERS:** *Singh-Allen, Robles, Brewer, Spease, Suen*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*

A summary of the ordinance was published pursuant to GC 36933(c) (1).



Jason Lindgren, City Clerk
City of Elk Grove, California