ORDINANCE NO. 13-2025

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING ELK GROVE MUNICIPAL CODE TITLE 4 (BUSINESS REGULATION), TITLE 6 (HEALTH AND SANITATION), TITLE 7 (HISTORIC PRESERVATION), TITLE 12 (STREETS AND SIDEWALKS), TITLE 14 (AGRICULTURAL ACTIVITIES AND WATER USE AND CONSERVATION), TITLE 16 (BUILDINGS AND CONSTRUCTION), TITLE 17 (FIRE PREVENTION), TITLE 19 (TREES), TITLE 20 (ENVIRONMENTAL PROTECTION), AND TITLE 23 (ZONING), AND REPEALING AND REPLACING TITLE 22 (LAND DEVELOPMENT (NO FURTHER ENVIRONMENTAL REVIEW REQUIRED)

WHEREAS, the City of Elk Grove ("City") conducts periodic updates of the provisions of the Elk Grove Municipal Code (EGMC) to ensure compliance with current laws, changes in local policy, consistency with adopted plans and programs, changing market conditions, best practices, and to address issues or concerns with current regulations; and

WHEREAS, the City has reviewed the 2025 Municipal Code Amendments Project ("Project") and analyzed it based upon the provisions in Section 15183 (Consistency with a General Plan, Community Plan, or Zoning) and Section 15162 (Subsequent EIRs and Negative Declarations) of Title 14 of the California Code of Regulations (State CEQA Guidelines); and

WHEREAS, the Planning Commission of the City (the "Planning Commission") held a duly-noticed public hearing on May 15, 2025, as required by law to consider all information presented by staff and public testimony presented in writing and at the meeting and voted 5-0 to recommend approval of the Project to the City Council; and

WHEREAS, the City Council held a duly-noticed public hearing on June 11, 2025, as required by law to consider all of the information presented by staff, and public testimony presented in writing and at the meeting.

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

Section 1: Purpose

The purpose of this Ordinance is to amend the Elk Grove Municipal Code as described in Exhibits A through F to address changes in state law, principally around housing development, incorporate best practices, codify current practices (where applicable), make minor text amendments throughout the Code to update the term "Development Services" to "Community Development" and overall, improve the readability and usability of the Municipal Code.

Section 2: Findings

This Ordinance is adopted based upon the following findings:

California Environmental Quality Act

Finding: No further environmental review is necessary under CEQA pursuant to State CEQA Guidelines Sections 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) and 15162 (Subsequent EIRs and Negative Declarations).

Evidence:
The California Environmental Quality Act (Section 21000, et. seq. of the California Public Resources Code, hereafter CEQA) requires analysis of agency approvals of discretionary "projects." A "project," under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." The proposal includes changes to the Elk Grove Municipal Code (text amendments), which are a project under CEQA.

No further environmental review is required under CEQA pursuant to State CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations) and Section 15183 (Consistency with a General Plan, Community Plan, or Zoning). State CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations) provides that when an EIR has been certified for an adopted project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, that one or more of the following exists:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with exercise of reasonable diligence at the time of the previous EIR was certified as complete shows any of the following:
    a. The project will have one or more significant effects not discussed in the previous EIR;
    b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
    c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
    d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measures or alternative.

Staff has reviewed the Project and analyzed it based upon the above provisions in Sections 15162 and 15183 of the State CEQA Guidelines. State CEQA Guidelines Section 15183 (Public Resources Code §21083.3), provides that projects which are consistent with the development density established by an existing Community Plan, General Plan, or Zoning for which an environmental impact report (EIR) has been certified "shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site." In February 2019, an EIR was prepared and certified by the City Council

as part of the Elk Grove General Plan (SCH# 2017062058). That document provides a programmatic review of the potential impacts associated with implementation of the overall General Plan. A Final Subsequent EIR (SCH # 2022020463) to the 2019 General Plan EIR was prepared and adopted in 2023 with the adoption of the Livable Employment Area Community Plan with the City of Elk Grove General Plan Amendments and Update of Vehicle Miles Traveled Standards Project.

The proposed Amendments address changes in state law, principally around housing development; incorporate best practices and the codification of current practices (where applicable); and overall, improve the readability and usability of the Municipal Code. The Project is being undertaken pursuant to and in conformity with the approved Elk Grove General Plan. The General Plan EIR and Final Subsequent EIR analyzed full buildout of the City based upon the land plan, development standards, and policies contained in the General Plan. Future development under the proposed regulations is subject to the General Plan Mitigation, Monitoring and Reporting Program (MMRP). Therefore, there are no substantial changes in the Project, there are no substantial changes with respect to the circumstances under which the Project is undertaken, and there is no new information of substantial importance, which was not known and could not have been known at the time of certification of the EIR, and no further environmental review is required. The proposed amendments are consistent with the analysis presented in the EIR and, pursuant to State CEQA Guidelines Section 15162, no subsequent analysis is required.

No potential new impacts related to the Project have been identified that would necessitate further environmental review beyond the impacts and issues already disclosed and analyzed in the General Plan EIR. No other special circumstances exist that would create a reasonable possibility that the Project will have a significant adverse effect on the environment. Therefore, the prior EIRs are sufficient to support the proposed action and pursuant to State CEQA Guidelines Sections 15162 and 15183, no further environmental review is required.

Municipal Code Amendments

Finding: The proposed Municipal Code amendments (text or map) are consistent with the General Plan goals, policies, and implementation programs.

Evidence: Pursuant to General Plan Policies H-2-4, H-2, and H-2-4 and Action Item 2 (Housing Programs), the Community Development Department is required to review and revise the Municipal Code to comply with state law related to housing and accessory dwelling units. The General Plan Action Item 3 also requires the City to evaluate and make changes to the Code to facilitate more commercial development, including retail, office, and industrial. The proposed amendments to the Elk Grove Municipal Code address changes in state law, principally around housing development; incorporate best practices and the codification of current practices (where applicable); and overall, improve the readability and usability of the Municipal Code, consistent with General Plan policies and implementation strategy. Additionally, the proposed amendments do not alter the allowed intensity or density of development beyond that contemplated in the General Plan. Therefore, the proposed amendments are consistent with the General Plan goals, policies, and implementation programs.

Section 3: Action

The City Council hereby adopts the amendments to Elk Grove Municipal Code as shown in Exhibits A through F, attached hereto and incorporated herein by this reference.

Section 4: 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 5: 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 6: 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 7: 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).

ORDINANCE: **13-2025**
INTRODUCED: June 11, 2025
ADOPTED: June 25, 2025
EFFECTIVE: July 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: June 26, 2025

EXHIBIT A

Elk Grove Municipal Code Revisions
Title 12 (Streets and Sidewalks)

Changes are shown in ~~strikeout~~ (for deleted text) and underline (for added text).

Summary of Changes

Chapter/Section	Action/Change
12.03	Repeal per changes in Title 16
12.04.020, Map Adopted	Update reference to the latest GP map title
12.05.050, Property owner responsibilities	Update per PW
12.05.110	Update per PW
12.08.160	Update per PW
12.09	Update per PW
12.26	There were changes in 12.26.030 requested by PW as well as updates to reflect current practice. The street names are approved by Final Map/Parcel Map by the City Engineer. Numbering is assigned by the Building Division in coordination with Fire.

Changes to Title 12 (Streets and Sidewalks)

Chapter 12.03 (Street Improvements) shall be repealed in full.

~~**Chapter 12.03**~~
~~**Street Improvements**~~

~~**Sections:**~~
~~**12.03.010 Definitions.**~~
~~**12.03.020 Requirements.**~~
~~**12.03.030 Building permits.**~~
~~**12.03.040 Appeals.**~~
~~**12.03.050 Deferments and in-lieu payments.**~~
~~**12.03.060 Notice to install.**~~
~~**12.03.070 Security for frontage improvements.**~~
~~**12.03.080 Frontage improvement security.**~~
~~**12.03.090 Release of improvement security.**~~
~~**12.03.095 Calling of security.**~~
~~**12.03.110 Filing of plans.**~~
~~**12.03.210 Fee structure**~~

~~**16.34.010 Purpose.**~~
~~The purpose of this chapter is to implement the provisions~~

~~**12.03.010 Definitions.**~~
~~A. "Director" means the Public Works Director or his or her designee.~~

~~B. "Commercial property" means all property which is not residential, as defined in subsection (D) of this section.~~

~~C. "Residential property" means single-family residences and duplexes.~~

~~D. "Street improvement" includes, but is not limited to, streets, curbs, gutters, sidewalks, sanitary sewer facilities, storm drain facilities, water supply facilities, street lighting, and landscaping.~~

~~**12.03.020 Requirements.**~~
~~A. Street improvements shall be required in conjunction with any new construction or major additions to a building or structure on property located adjacent to any City street or on property utilizing any City street for ingress and egress, except that such improvements shall be deferred as described in EGMC Section 12.03.050 unless:~~

~~1. Street improvements are, in the opinion of the Director, necessary for public safety; or~~

~~2. Street improvements would complete the extension of improvements already existing on either side of the subject property.~~

~~B. The design, location and specifications of necessary street improvements shall conform to the City of Elk Grove improvement standards and City of Elk Grove standard construction specifications, as adopted by the Director, and as amended from time to time.~~

~~C. Right-of-way and/or other necessary property rights shall be dedicated, in a form acceptable to the Director, for all required street improvements prior to the issuance of any building permit for any new construction or major addition to a building or structure. The timing of required dedications shall not be affected by deferral of improvements pursuant to EGMC Section 12.03.050.~~

12.03.030 Building permits.

No building permit for any new construction or major addition to a building or structure shall be issued until a site plan has been approved by the Director which shows all street improvements required by EGMC Section 12.03.020.

12.03.040 Appeals.

A. The applicant or any interested person adversely affected by any action relating to the provisions of this title may appeal the action by submitting a written notice of appeal with the City Manager within fifteen (15) days of the date of the decision. The City Manager shall conduct an informal hearing on the appeal within fifteen (15) days of receipt of the notice of appeal.

B. The applicant or any interested person may appeal the decision of the Director by filing a notice of appeal with the City Manager within fifteen (15) days of the date of the decision. Any such notice shall be in writing, signed by the appellant under penalty of perjury. The notice shall include the following information:

1. A complete description of the factual basis for the appeal;

2. The legal basis for the appeal; and

3. The remedy sought by the appellant.

If the appeal is not filed within such time or manner, the right to a review of the action against which complaint is made shall be deemed to have been waived.

12.03.050 Deferments and in-lieu payments.

A. The Director may defer the required construction of street improvements for commercial properties, or may accept a cash payment in an amount determined by the Director in lieu of improvements, if the Director determines that the character of the surrounding neighborhood and the present development thereof does not require the installation and construction of the improvements required by this chapter, concurrent with the construction of the building or structures authorized by the building permit.

B. The Director may defer the required construction of street improvements for residential properties if the Director determines that installation and construction of the improvements required by this chapter are not required concurrently due to any of the following:

1. A street design has not been defined for the street on which the subject property is situated;

2. Improvements are installed on less than fifty (50%) percent of the public street frontage within a one-quarter (0.25) mile radius of the proposed new structure(s) or major addition(s); or

3. The cost to install street improvements (including but not limited to grading improvements, landscaping and public utility relocation) would be equal to or greater than twenty (20%) percent of the fair market value of the proposed new structure(s) or major addition(s). The property owner has the burden of proof as to the cost of installation.

C.1. The Director may defer the required construction of street improvements, or may accept a cash payment in an amount determined by the Director in lieu of improvements, for any property designated Rural Residential in the General Plan, any property designated Estate Residential in the General Plan and having an existing or proposed gross density of one (1) unit per acre or less, or any residential property within the Triangle Special Planning Area having a proposed gross density of one (1) unit per acre or less (herein referred to as "low-density property");

2.i. The cost of deferred improvements, or the amount of cash payment in lieu of improvements, required as a condition of building or development on any parcel that is low-density property abutting a roadway shown on the Master Plan of Roadways in the City

~~General Plan shall be set at Two Hundred Sixty-Four and no/100ths ($264.00) Dollars per linear foot of road frontage, not to exceed seventy-five (75' 0") feet for each abutting parcel, except that the cost on Sheldon Road between Bradshaw Road and Grantline Road shall be set at One Hundred Thirty-Eight and no/100ths ($138.00) Dollars per linear foot of road frontage and the cost on Excelsior Road shall be set at One Hundred Six and no/100ths ($106.00) Dollars per linear foot of road frontage, both not to exceed seventy-five (75' 0") feet for each abutting parcel;~~

~~ii. The cost of deferred improvements, or the amount of cash payment in lieu of improvements, required as condition of building or development on any parcel other than those described in subsection (C)(2)(i) of this section shall be set at amounts determined based on table of component costs prepared by the Director using standard engineering cost estimation methods and approved by resolution of the City Council;~~

~~iii. On January 1st of each calendar year, the amounts set forth in subsection (C)(2)(i) of this section and the amounts included in the table described in subsection (C)(2)(ii) of this section will automatically be adjusted by the average of the change in the San Francisco Construction Cost Index (CCI) and the change in the twenty (20) city CCI as reported in the Engineering News Record for the twelve (12) month period ending October of the prior year. Additionally, the City Council may amend the payment amounts by resolution as necessary to reflect changes in standards or other considerations that it deems relevant and appropriate;~~

~~iv. If an unusual parcel configuration, physical obstacle, or other existing condition affecting the construction of street improvements would increase the actual cost of construction with respect to a property, the Director may increase the foregoing amounts for that property using the same engineering cost estimation methods used to set these original amounts.~~

~~D. For both commercial and residential properties, no deferment shall be effective until the owner of the property enters into a deferred improvement agreement with the City. The Director may execute the agreement on behalf of the City and shall be the agent of the City for the performance, completion or release of the agreement. The agreement shall be in a form approved by the City Attorney and shall provide all of the following:~~

~~1. That the owner install the improvements at his or her own cost;~~

~~2. The installation shall occur at such time as the Director determines at his or her sole discretion that the character of the surrounding neighborhood and the development thereof require the installation of the improvements;~~

~~3. That if the City is required to install the improvements, all costs thereof shall be borne by the owner, shall be paid immediately and shall be a lien upon the property; except that, in cases of undue hardship as determined by the Director, the Director shall accept a promissory note and deed of trust in lieu of immediate payment; and such other provisions as in the opinion of the Director and City Attorney are administratively necessary or convenient to carry out the purpose and intent of this chapter.~~

~~E. The City shall not accept cash payments in lieu of improvements from any owner of property until the owner enters into a payment agreement with the City. The Director may execute the agreement on behalf of the City. The agreement shall be in a form approved by the City Attorney and shall include the following:~~

~~1. A statement of the basis for the amount of the payment; and~~

~~2. The consent of the owner to the amount of the payment.~~

Any cash in-lieu payments made under an agreement shall be made prior to issuance of building permits, except that payment shall be made prior to parcel map approval for subdivisions of four (4) or fewer lots.

F. Properties for which improvements have been deferred or in-lieu payments have been made hereunder shall be subject to the street improvement obligations resulting from any further development. If the resulting obligations are less than those previously imposed (and no street improvements have been constructed), then the City shall modify the deferred improvement agreement to reflect the lesser obligation or shall refund any in-lieu payments that exceed the amount of the revised obligation, together with interest thereon at the City's pooled investment rate from its original payment date to the date of refund.

12.03.060 Notice to install.

When the Director determines pursuant to EGMC Section 12.03.050 that the installation of the improvements is required, he or she shall give thirty (30) days notice in writing to the owner or his or her successor in interest to install the required improvements. When the Director requires the installation of the improvements, the owner or his or her successor in interest shall comply with the provisions of this chapter relating to the approval of improvement plans for the required improvements.

12.03.070 Security for frontage improvements.

This chapter applies to frontage improvements which are required on the approved plans and which are not covered by the Subdivision Map Act (Division 2, Title 7 of the Government Code) and EGMC Title 22.

12.03.080 Frontage improvement security.

A security in the amount of one hundred (100%) percent of the total estimated costs of the frontage improvements will be required for all projects to guarantee and warranty that the frontage improvements are completed in a timely manner and in accordance with the approved plans and City's improvement standards. The security shall guarantee and warranty the work for one (1) year following its completion and acceptance against defective work, labor or materials. The estimate of frontage improvement costs will be approved by the Director. The security shall be implemented by means of a frontage improvement agreement between the owner and the City. This agreement shall be executed on behalf of the City by the Director. The security shall be in the form of a performance bond or other security acceptable to the Director. The security and agreement shall be provided to the City prior to improvement plan approval.

12.03.090 Release of improvement security.

The security furnished by the owner shall be released by the Director upon satisfactory completion of the frontage improvement work.

12.03.095 Calling of security.

In the event that the frontage improvements are not completed in a timely manner, or if the facilities are occupied before the improvements are complete, or if the project is suspended, or if the facilities are left in a condition that is detrimental to the public health and safety, the City may take action to complete the project or to collect unpaid fees and costs by calling the security.

12.03.110 Filing of plans.

Plans for all required improvements, as well as for all additional improvements to be installed in, over or under any existing or proposed right of way, easement or parcel, shall be filed with the Director for checking.

A. Plans shall be subject to approval by the Director prior to the issuance of a building permit for subdivisions and developments not requiring submission of a final subdivision map in accordance with the provisions of EGMC Title 22.

~~B. The construction of all such improvements as may be approved by the Director is subject to his or her inspection to assure compliance with City requirements. The Director shall have full jurisdiction over the inspection of all such construction.~~

~~**12.03.210 Fee structure.**~~
~~A fee shall be paid to the City for plan checking, inspection, material testing services and other services performed, or authorized to be performed, by the Director in accordance with the fee schedule adopted, and amended from time to time, by resolution of the City Council.~~

Section 12.04.020 (Map Adopted) shall be amended as follows:

12.04.020 Map adopted.
The map designated as the "~~Master Plan of Roadways~~ Transportation Network Diagram" designating certain highways by symbols explained in the legend thereon ~~to be freeways, special thoroughfares, thoroughfares, and arterials~~ is adopted as a portion of the highway plan of the City. All notation, references, and other information shown thereon shall be as much a part of this chapter as if the matters and information set forth by the map were fully described and set forth herein. Any amendment to the ~~Master Plan of Roadways~~ Transportation Network Diagram may be adopted by resolution of the City Council.

Section 12.05.050 (Property Owner(s) Responsibilities) shall be amended as follows:

12.05.050 Property owner(s) responsibilities.
It shall be the duty of the property owner(s) of lots or portions of lots fronting or adjacent to any portion of a public street, avenue, alley, lane, court or place to maintain the sidewalks, including any planting strip or driveway approach, in ~~a safe condition~~ such condition that will not endanger persons or property and will not interfere with the public convenience in the use of those works or areas, as determined by the Public Works Director in their sole discretion. For sidewalks that will not support or sustain repairs, the adjacent property owner has the duty to fund or perform permanent sidewalk replacement of failed portions of sidewalk, whether or not the City has notified the property owner of the need for such work and regardless of the City performing such work in the past.

Section 12.05.110 (Sidewalk Improvement – Permit Required) shall be amended as follows:

12.05.110 Sidewalk improvement – Permit required.
Before constructing, or replacing, the sidewalk in front of a lot or lots adjacent to a public street, avenue, alley, lane, court, or place, the property owner of the lot or lots shall obtain an encroachment permit from the Department of Public Works. The encroachment permit fee and any inspection charges shall be waived. However, bonds and certificate of insurance ~~shall~~may be required pursuant to EGMC Section 16.44.110.

Section 12.08.160 (Penalty and Cost of Enforcement) shall be amended as follows:

12.08.160 Sidewalk improvement – Permit required.
A. Any person violating the provisions of this chapter or any encroachment permit issued pursuant to this chapter is guilty of a misdemeanor.

B. In addition to any other remedies available at law, any person violating the provisions of this chapter or any encroachment permit issued pursuant to this chapter shall be liable to the City for all expenses and damages caused by any such violation.

C.1. In addition to any other remedies provided by this chapter or State law, there are hereby imposed the following administrative civil penalties for each violation of this chapter or the terms and conditions of any encroachment permit issued pursuant to this chapter.

a. Any person initiating work within the public road right-of-way without obtaining an encroachment permit shall be subject to and responsible for a fine in the amount of Two Thousand Five Hundred and no/100ths ($2,500.00) Dollars for a first (1st) violation, Five Thousand and no/100ths ($5,000.00) Dollars for a second (2nd) violation, or Ten Thousand and no/100ths ($10,000.00) Dollars for a third (3rd) or subsequent violation.

b. Any person in possession of a valid encroachment permit that initiates work within the public road right-of-way, but fails to provide notification for inspection as required by the permit shall be subject to and responsible for a fine in the amount of One Thousand and no/100ths ($1,000.00) Dollars for a first (1st) violation, Two Thousand Five Hundred and no/100ths ($2,500.00) Dollars for a second (2nd) violation, or Five Thousand and no/100ths ($5,000.00) Dollars for a third (3rd) or subsequent violation.

c. Any person in possession of a valid encroachment permit that initiates work within the public road right-of-way, but fails to comply with the allowable hours of work shall be subject to and responsible for a fine in the amount of Twenty and and no/100ths ($20.00) Dollars per minute until encroachment is removed and traffic is no longer diverted or controlled with a maximum amount of Three thousand and no/100ths ($3,000.00) Dollars per day.

2. Whenever the Director or designee determines that an encroachment violates the provisions of this chapter, or the terms and conditions of any encroachment permit issued pursuant to this chapter, the Director shall give written notice of such violation to the alleged violator. The notice shall include the following information:

a. The street address, legal description or other description sufficient to identify the affected property.

b. The penalty imposed as a result of such violation.

c. A statement that the party affected may file a written request for hearing with the Director if it objects to imposition of the penalty.

d. A statement that the penalty imposed shall be enforced if the party fails to file a timely written request for a hearing.

3. Notice of any administrative civil penalty shall be served either personally or by mailing a copy of such notice by certified mail, postage prepaid, return receipt requested, to the alleged violator. Service shall be effective for all purposes upon receipt if personally served, or within five (5) days of mailing as herein provided. Proof of service of the notice shall be certified at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date, and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail, shall be affixed to the copy of the notice retained by the Director. The failure of a party to receive such notice shall not affect in any manner the validity of any proceedings taken pursuant to this chapter.

4.a. A written request for a hearing must be received by the Director within seven (7) days of the effective date of service of the notice. The Director shall set a time and date for the hearing and notify the party requesting the hearing in writing of the time, date and place of the hearing. The hearing shall be before a Hearing Officer designated by the Director.

b. The hearing shall be held at the earliest administratively convenient date, taking into consideration the availability of counsel and witnesses. Notice of the date set for hearing shall be mailed to the parties at least ten (10) days prior to the hearing date. The alleged violator shall be entitled to appear personally, produce evidence, and be

represented by counsel. At the hearing, the City shall have the burden of going forward first with evidence in support of the allegations contained in the order imposing penalties and shall have the burden of establishing the facts by a preponderance of the evidence. The Hearing Officer may administer oaths and take official notice of facts as authorized by law.

c. Oral evidence shall be taken only on oath or affirmation.

d. Each party shall have the following rights: to call and examine witnesses; to introduce exhibits; to cross examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him or her to testify; and to rebut the evidence against it.

e. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at the hearing, and irrelevant and unduly repetitious evidence shall be excluded.

f. The order of the Hearing Officer shall be in writing resolving the essential issues raised and confirming, amending or rejecting the administrative civil penalty imposed by the Director. Procedures concerning notice and service thereof shall be as provided herein.

5. The manner of contesting the final order of the Hearing Officer concerning any administrative civil penalty is governed by Section 53069.4 of the Government Code, or any successor provision thereto. A copy of the notice of appeal authorized by Section 53069.4 of the Government Code shall be served upon the City Clerk.

D. Each party violating any provision of this chapter or any encroachment permit issued pursuant to this chapter shall be guilty of a separate offense for each and every day on which any such violation is committed, continued, or permitted by any such person.

E. In addition to any penalty, sanction, fine or imprisonment, any person violating the provisions of this chapter or any encroachment permit issued pursuant to this chapter shall be required to pay any and all expenses of enforcement including those costs necessary to inspect, remove and/or correct the violation. In addition to all remedies herein contained, the City may pursue all reasonable and legal means in collecting those sums authorized and due.

Chapter 12.09 (Street Trench Fee) shall be amended as follows:

Chapter 12.09
STREET TRENCH FEE

Sections:

23.09.010 Title.
This chapter shall be known as the “street trench fee ordinance.”

12.09.020 Definitions
For purposes of this chapter, the following definitions apply:

“Applicant” shall mean any owner who has submitted an application for a permit to excavate.

“Chapter” shall mean EGMC Chapter 12.09.

“City street” shall mean any public highway, road, street, avenue, alley, lane, drive, way, place, court or trail, which has been accepted, or is hereafter accepted, by the City Council into the City road system pursuant to Section 941 of the California Streets and Highways Code.

“Department” shall mean the Public Works Department of the City of Elk Grove.

“Director” shall mean the Public Works Director of the City of Elk Grove or his or her designee.

“Excavation” shall mean any opening in the paved surface or subsurface of the public right-of-way.

“Facility” or “facilities” shall mean any and all cables, cabinets, ducts, conduits, converters, equipment, drains, handholds, manholes, pipes, pipelines, splice boxes, surface location markers, tunnels, utilities, vaults, wells, and other appurtenances or tangible things that are located or are proposed to be located in the public right-of-way.

“Owner” shall mean any person, including any agency, department, or subdivision of the City, who owns any facility or facilities that are or are proposed to be installed or maintained in the public right-of-way.

“Permit” or “permit to excavate” shall mean a permit to perform an excavation as it has been approved or may be amended or renewed by the Department.

"Person" shall mean any natural person, corporation, partnership, or any governmental agency, department, or subdivision of the City, the State of California, or the United States of America.

"Public right-of-way" shall mean the paved area across, along, beneath, in, on, over, under, upon, and within the City streets, as they now exist or hereafter will exist and which are or will be under the permitting jurisdiction of the Public Works Department.

"Reconstruction" shall mean any repaving, overlay, or repair which constructs a new pavement surface thickness of two and a half (2.5") inches or greater over the entire width of the travel lanes, including but not limited to hot, cold, and rubber mix asphalt overlays, hot and cold in place recycling, and full-depth reclamation.

"Resurfacing" shall mean any repaving, overlay, or seal ~~or reconstruction~~ which constructs a new pavement surface thickness of ~~greater~~ less than ~~one~~ two and a half (~~1~~2.5") inches ~~thickness~~ over the entire width of the street, ~~excluding crack seals,~~ including but not limited to ~~not including micropaving, Class~~ Type 1 to 3 slurry seals, microsurfacing, cape seals, and chip seals.

"Trench influence area" shall mean an area three (3' 0") feet adjacent to the trench where the excavation occurs for trenches with four (4' 0") feet or greater of cover over the utility facility from the paved surface, and one and one-half (1' 6") feet adjacent to the trench where the excavation occurs for trenches with less than four (4' 0") feet of cover over the utility facility from the paved surface.

12.09.030 Trench restoration fee

At the time any permit is issued, improvement plan approved, or work performed that causes an excavation of a paved City street, the applicant shall pay a trench restoration fee, in addition to the fee required by the encroachment permit or other administrative fees. The fee shall be in the amount set forth on the trench cut fee schedules ~~set forth at the end of this section, or such other amount~~ as may be established by resolution of the City Council. Excavations performed by method of micro-trenching or Rapid Connect trenching shall have a trench restoration fee assessment area that equals one (1'0") foot multiplied by the length of the excavation and must incorporate rates set forth in the fee schedule for trenches less than four (4'0") feet deep. A trench restoration fee shall not be required for the following excavations:

A. In a City street that the City has scheduled for reconstruction or resurfacing either during the fiscal year (July 1st to June 30th), when the excavation permit is issued or during the immediately following fiscal year;

B. In a City street where the pavement condition index (PCI), as defined by the City's Pavement Management System, is less than twenty-five (25) PCI on the date the excavation permit is issued;

C. For work performed by and for the Department;

D. For potholing to verify utility depth or location;

E. Where work will include reconstruction or resurfacing of all or a significant portion of the City street where the excavation is made; provided, that the Director approves the reconstruction or resurfacing;

F. Made for a utility relocation required by the City to accommodate a proper governmental use of a City street;

G. For owners possessing a valid pavement life performance warranty agreement with the City as set forth in EGMC Section 12.09.080;

H. Trenchless excavations greater than three (3' 0") feet in depth of cover over the utility facility not requiring a significant surface incision greater than industry bore pit standards may be excluded at the discretion of the Director.

~~Trench Cut Fee Schedule for Trenches Less Than Four Feet Deep~~

~~Major streets[1] or all streets within five years of construction or structural overlay~~	~~PCI[2] between 100 and 70~~	~~$3.90 per S.F. longitudinal $7.80 per S.F. transverse~~
~~Major~~	~~PCI between 69 and 26~~	~~$2.20 per S.F. longitudinal $4.40 per S.F. transverse~~
~~Major~~	~~PCI between 25 and 0~~	~~**No fee**~~
~~Other~~	~~PCI between 100 and 70~~	~~$2.41 per S.F. longitudinal $4.82 per S.F. transverse~~
~~Other~~	~~PCI between 69 and 26~~	~~$1.18 per S.F. longitudinal $2.36 per S.F. transverse~~
~~Other~~	~~PCI between 25 and 0~~	~~**No fee**~~

~~[1]Major = Thoroughfare and arterial roads as defined by the City improvement standards.~~

~~[2]PCI = Pavement condition index.~~

~~Fees do not apply to area outside of the vertical projection of the trench in a "T" cut restoration.~~

~~Longitudinal = Trench mostly parallel to the centerline of the ramp.~~

~~Transverse = Trench mostly perpendicular to the centerline of the road.~~

~~Trench Cut Fee Schedule for Trenches Four Feet Deep or Greater~~

~~Major streets[1] and streets within five years of construction or structural overlay~~	~~PCI[2] between 100 and 70~~	~~$5.91 per S.F. longitudinal $11.82 per S.F. transverse~~
~~Major~~	~~PCI between 69 and 26~~	~~$3.34 per S.F. longitudinal $6.68 per S.F. transverse~~
~~Major~~	~~PCI between 25 and 0~~	~~No fee~~
~~Other~~	~~PCI between 100 and 70~~	~~$3.66 per S.F. longitudinal $7.32 per S.F. transverse~~
~~Other~~	~~PCI between 69 and 26~~	~~$1.80 per S.F. longitudinal $3.60 per S.F. transverse~~
~~Other~~	~~PCI between 25 and 0~~	~~No fee~~

~~[1]Major = Thoroughfare and arterial roads as defined by the City improvement standards.~~

~~[2]PCI = Pavement condition index.~~

~~Fees do not apply to area outside of the vertical projection of the trench in a "T" cut restoration.~~

~~Longitudinal = Trench mostly parallel to the centerline of the ramp.~~

~~Transverse = Trench mostly perpendicular to the centerline of the road.~~

12.09.040 Establishment of fund.
All monies paid to the City pursuant to EGMC Section 12.09.030 shall be deposited in a special fund or funds and shall be expended only for the reconstruction, resurfacing, maintenance, administration, and protection of City streets where excavation has occurred after the effective date of adoption of the ordinance codified in this chapter.

12.09.050 Relocation of utilities required by City.
No fee or requirement authorized or imposed pursuant to this chapter shall be construed to affect or alter in any way any obligation of public and private utilities with facilities installed in any City street to relocate the facilities at no cost to the City, in the event that relocation is required by the City to accommodate a proper governmental use of the City street.

12.09.060 Permit violations.
No person who has violated any provision of this chapter shall be issued an excavation permit, nor shall any contractor or agent apply for or be issued an excavation permit on such person's behalf, until the outstanding violation is corrected or a plan for correction is approved by the Director. The foregoing requirement is in addition to any penalty or remedy for violation that may be imposed or sought by the City at law or equity.

12.09.070 Pavement condition index ratings.
The City shall perform periodic pavement condition surveys of all City streets and determine the pavement condition index (PCI) rating for each street. A PCI rating shall be assigned to discrete blocks of a street and the fees calculated for each block. The PCI report shall be published on an annual basis and made available for public review at the permit counter.

12.09.080 Pavement life performance warranty.
In lieu of paying a trench restoration fee pursuant to EGMC Section 12.09.030, an owner who has a valid franchise agreement with the City or is statutorily exempt from franchise requirements shall provide a written pavement life performance warranty in a form acceptable to the City. The warranty shall provide that in the event that subsurface material or pavement over or within the trench influence area becomes depressed, broken, or otherwise fails at any time after the excavation has been completed until such time as the street ~~surface is completely resurfaced with a structural overlay~~ is reconstructed, the owner who performed the trench cut shall repair or restore such condition pursuant to the procedure set forth in EGMC Section 12.09.090. In the event that an owner who has a valid franchise agreement with the City or is statutorily exempt from franchise requirements fails or refuses to provide a written pavement life performance warranty, such owner shall pay the trench restoration fee set forth in EGMC Section 12.09.030

12.09.090 Repair of sunken pavement over excavation.
If the subsurface material or pavement over or within the trench influence area becomes depressed or broken at any time within one (1) year after A) the excavation has been completed and accepted and before reconstruction ~~resurfacing~~ of the City street, where the owner has paid a trench restoration fee pursuant to EGMC Section 12.09.030, or B) at any time prior to such time as the ~~street surface is completely resurfaced with a structural overlay~~ is reconstructed, where the owner has provided a pavement life performance warranty pursuant to EGMC Section 12.09.080, the owner shall, upon written notice from the Director, immediately inspect the depressed or broken area to ascertain the cause of the failure. The owner shall make repairs to the installation or backfill and have the pavement restored in the manner and within the time period specified by the Director. Additional inspection permit fees may be imposed as appropriate. A trench restoration fee shall not be charged for work performed under this section. If the pavement is not restored as specified by

the Director, unless delayed by conditions beyond the owner's control, the Director may cause the work to be done after giving the owner twenty-four (24) hours final notice. The cost thereof, including any inspection costs and administrative overhead incurred by the City, shall be assessed against the owner. The owner shall remain responsible for any future repairs of that portion of pavement over the excavation that was repaired by the City for a period of one (1) year, where the owner has paid a trench restoration fee pursuant to EGMC Section 12.09.030, or at any time prior to such time as the street ~~surface is completely resurfaced with a structural overlay~~ is reconstructed, where the owner has provided a pavement life performance warranty pursuant to EGMC Section 12.09.080.

12.09.100 Publicly bid City plans, field changes, and ~~blanket~~ annual permits.

Publicly bid City plans, field changes that alter the square footage of the trench surface area and ~~blanket~~ annual permits issued by the Director to any owner to make excavations for utility service connections, for the location of trouble in utility conduits or pipes and for making repairs thereto, or for emergency purposes shall be subject to all fees and requirements of this chapter. The owner shall report the amount of excavation to the permit counter and pay the required fees. Failure to report the excavation and pay the required fees shall be considered a permit violation pursuant to EGMC Section 12.09.060.

12.09.110 Coordination of excavations.

Any owner installing facilities providing water, sewer, stormwater drainage, gas, electric, communication, video or other utility services in City streets shall participate in the American Public Works Association ("APWA") Utility Committee and prepare a utility master plan, in a format specified by the ~~APWA Utility Committee~~ Director or his/her designee, that shows all of the owner's planned major utility work in City streets for the coming year. Prior to applying for an excavation permit, any owner planning to excavate in City streets shall coordinate, to the extent practicable, with other owners to minimize damage to, and avoid undue disruption and interference with, the public use of City streets.

12.09.100 ~~Moratorium~~ Moratoriums on newly paved streets and newly resurfaced streets.

Excavation in all City streets that have been newly constructed or reconstructed ~~newly renovated City streets~~ is prohibited for five (5) years after ~~filing of a notice of completion or~~ acceptance ~~of a new street or structural overlay of an entire street~~ of the work by the City. Excavation in all City streets that have been resurfaced, excluding microsurfacing or slurry seal, is prohibited for three (3) years after acceptance of the work by the City. Excavation in all City streets that have received a microsurfacing or slurry seal is prohibited for one (1) year after acceptance of the work by the City; except as follows:

A. Emergency which endangers life or property;

B. Repair or modification to prevent interruption of essential utility service;

C. Relocation work that is mandated by City, State, or Federal legislation, and the work must occur within the moratorium period;

D. Service for buildings where no other reasonable means of providing service exists, as determined by the Director;

~~E. In a City street that the City has scheduled for resurfacing either during the fiscal year (July 1st to June 30th) when the excavation permit is issued or during the immediately following fiscal year and the work takes place prior to the resurfacing;~~

~~F. For potholing to verify utility depth or location;~~

~~G. Trenchless excavations greater than three (3' 0") feet in depth of cover over the utility facility not requiring a significant surface incision greater than industry bore pit standards may be allowed at the discretion of the Director;~~

~~H~~E. Other situations deemed by the Director to be in the best interest of the general public.

12.09.130 Excavation within moratorium period.
Where a permit is issued to excavate during ~~the five (5) year period after filing of a notice of completion or acceptance of a new street or structural overlay of an entire street~~ any moratorium period, payment of the trench restoration fee described in EGMC Section 12.09.030 will be required regardless of whether the owner has executed a pavement life performance warranty.

12.09.140 Joint excavation.
Whenever applicants propose major work in the same block, the Department shall condition permits for such work in a manner that maximizes coordination and minimizes the total period of construction. Such work may be conditioned to require the applicants to participate in a single excavation and pay their pro rata share of the work. Applicants may seek a waiver of the joint excavation requirements with respect to a particular excavation. Within thirty (30) days of receipt of a written request for a waiver, the Director shall render a decision upon such a request, taking into account the impact of the proposed excavation on the neighborhood, the applicant's need to provide services to a property or area, facilitating the deployment of new technology as directed pursuant to official City policy, and the public health, safety, welfare, and convenience.

12.09.150 Nontransferability of pavement life warranty.
Pavement life warranty agreements are not transferable or assignable.

12.09.160 Appeal.
A person directly and adversely affected by a decision made by the Director pursuant to the provisions of this chapter may appeal the Director's decision by filing a written notice of appeal pursuant to EGMC Chapter 1.11 no later than ten (10) business days after receiving notice of the Director's decision.

Chapter 12.26 (Street Naming and Numbering System) shall be amended as follows

Chapter 12.26
Street Naming and Numbering System

Sections:

23.26.010 Purpose.
A uniform system of naming and numbering streets within the City is hereby established in order to: continue an orderly system for street naming, to remove conflicts, duplications or uncertainty among street names, promote the public interest, safety, welfare, and convenience. The system

will facilitate rapid location of properties for emergency services, law enforcement, postal delivery, and business delivery.

12.26.020 Designating authority.
The ~~Public Works Director (Director)~~ City Engineer or his/her designee shall allow for the naming, numbering, renaming and renumbering of streets within the City pursuant to the standards contained herein. For the purposes of this section, a street shall include a City street or a private street.

12.26.030 Assignment of street names.
Street names shall be assigned based on the lot/parcel frontage on the street. Frontage shall mean the general place of access to a building or structure that a person would use for normal ingress and egress. Any street name shall have a maximum of fourteen (14) characters, not including the roadway designator.

In order to maintain uniformity within the City, newly constructed streets that are extensions or in line with existing streets should, to the extent feasible. use the existing street's name. The new street may add directional notation to the existing street's name to differentiate.

When a name has not been assigned to a street, the ~~Director~~ City Engineer may assign names to any existing street that is shown on any recorded map, any existing street that is not shown on any recorded map, or any private street or any irrevocable offer of dedication shown on any map or in any deed.

12.26.032 Driveways.
Street names shall not be used to identify driveways in commercial centers, office building parking lots, rural access easements, or entrances that have the appearance of a street.

12.26.034 Veterans street names.
The City has established a veteran street and public safety naming program that recognizes individuals who have served in the military and have lived in the City. Veterans approved through this program will have their names placed on a list from which the ~~Director~~ City Engineer will pull the next available name when assigning a veterans street name to a development project.

12.26.036 Prohibited street names.
The following street names are prohibited:

A. Names already in use within the City unless an extension of the street.

B. Similar sounding street names.

C. Names involving profanity or vulgarity.

12.26.038 Street name suffixes.
The following suffixes shall be applied to all names approved pursuant to this chapter:

A. Except as hereinafter provided, the term "street" is used for streets which generally extend in a northerly and southerly direction, regardless of width.

B. Except as hereinafter provided, the term "avenue" is used for streets which generally extend in an easterly and westerly direction, regardless of width.

C. Except as hereinafter provided, the term "drive" is used for streets which are forty-six (46' 0") feet or greater in width, and are not designated as streets or avenues.

D. The term "way" is used for streets which are less than forty-six (46' 0") feet in width, and are not designated streets or avenues.

E. The term “road” is used for streets which are sixty (60' 0") feet or greater in width, and are situated in a rural area of the City. As identified in the City General Plan, “road” may also be applied to a private street less than sixty (60' 0") feet in width.

F. The terms “court” or “place” are used for streets which terminate in a cul-de-sac with no intermediate access.

G. The term “circle” is used for streets which begin and terminate in the same street, with no intermediate access.

H. The term “boulevard” is used for streets which are major traffic thoroughfares.

I. The term “lane” is used for a private street that is not maintained by the City.

12.26.040 Driveways.

Prior to the approval of any final map, the developer shall submit a list of names to the ~~Director~~ City Engineer or his/her designee for approval. The process of approval of the names shall be as follows:

A. The proposed names submitted by the developer are reviewed by the ~~Director~~ City Engineer or his/her designee. If any of the names are not approved, the ~~Director~~ City Engineer or his/her designee shall notify the developer and the developer will be required to submit new names for approval. Once all the street names have been approved, these names will be shown on the approved improvement plans and the subdivision map approved for recordation. Once the subdivision map has been filed with the Sacramento County Recorder the names shown on the map shall be the official street names.

B. All new subdivisions shall include at least one (1) name from the approved list of veterans street names described in EGMC Section 12.26.034.

12.26.042 Changes to street names.

The ~~Director~~ City Engineer has the right to change the name of any street within the City in accordance with EGMC Section 12.26.020.

A. The ~~Director~~ City Engineer may direct the name of a street to be changed as shown on a recorded subdivision map in conformance with Government Code Section 66469(g).

B. The ~~Director~~ City Engineer may change the name of any street upon his/her own accord based on any criteria stated in EGMC Section 12.26.010.

C. The ~~Director~~ City Engineer has discretion to change the name of any street upon submission of a petition submitted by all of the property owners that will be affected by the name change. The ~~Director~~ City Engineer shall designate the form of the petition. The petition shall be submitted to the ~~Director~~ City Engineer with three (3) proposed street names, a map showing the location of the street name at issue, and a fee as determined by resolution of the City Council. The proposed names will be reviewed in the same manner as a street name review for a subdivision map. If the street name requested to be changed ends at or near the City boundary line, petitioners must obtain a letter from the adjoining city and/or county indicating their position to the proposed name change. Upon concurrence that the name shall be changed the ~~Director~~ City Engineer will provide an order changing the street name to the County Board of Supervisors of the County of Sacramento. Street

12.26.050 Street numbering.

The ~~Director~~ Building Official or his/her designee shall assign numbers to properties abutting streets within the City. Those numbers will be based on the American River for a north-south grid and on sectionalized lands for an east-west grid that were established within the County prior to the incorporation of the City.

12.26.052 Changes to street numbering.

The City has the right to change the number of any property abutting streets within the City pursuant to EGMC Section 12.26.020.

A. The ~~Director~~ Building Official may change the street number of a property when the ~~Director~~ Building Official or his/her designee finds that the change is necessary for any purpose stated in EGMC Section 12.26.010.

B. The ~~Director~~ Building Official has the discretion to change the street number of any property upon request from the owner(s) of the property.

The request for a number change shall be submitted to the ~~Director~~ Building Official or his/her designee in a format approved by the ~~Director~~ Building Official. If approved, the ~~Director~~ Building Official shall change the number of the street and direct staff to make all necessary changes to City records and send the owner a letter via postal service indicating the new street number.

12.26.060 Specifications.

The ~~Director~~ City Engineer shall determine the size, color, and type of numbers placed upon properties abutting streets within the City as well as the numbering of multiple structures on the same property. The numbers shall be sufficient to enable persons searching for these numbers to be able to read them from the abutting street without entering the property.

12.26.070 Penalty.

It shall be the responsibility of both owners and occupants of property abutting roads within the City to post numbers upon such property in accordance with standards designated by the ~~Director~~ City pursuant to EGMC Section 12.26.060.

Pursuant to the provisions of Section 36900 of the Government Code, an owner or occupant of property abutting a street within the City who fails, within ten (10) days following mailing of written notice to do so, to post a number upon such property corresponding to the number designated by the ~~Director~~ City shall be guilty of an infraction which shall be enforced pursuant to the provisions of EGMC Chapter 1.04.

12.26.080 Appeals.

Any person dissatisfied with the decision of the ~~Director~~ City Engineer or Building Official, as applicable, may appeal the decision in accordance with the provisions of EGMC Chapter 1.11.

EXHIBIT B

Elk Grove Municipal Code Revisions
Title 14, Agricultural Activities and Water Use and Conservation

Changes are shown in ~~strikeout~~ (for deleted text) and underline (for added text).

Changes to Title 14 (Agricultural Activities and Water Use and Conservation)

Section 14.10.060 (*Irrigation Design*) shall be amended as follows:

14.10.060 Irrigation design.

A. Irrigation Design. Irrigation of all landscaped areas of any size shall comply with the following irrigation requirements and be conducted in a manner conforming to the rules and requirements of the State **WELO** and this chapter and shall be subject to penalties and incentives for water conservation and waste prevention, as determined and implemented by the City.

1. Areas less than ten (10) feet in width in any direction shall be irrigated with subsurface irrigation or other means that produces no water waste, runoff, or overspray.

2. Overhead irrigation shall not be permitted within 24 inches of any non-pervious surface. These restrictions may be modified if:

a. the landscape area is adjacent to pervious surfacing and no runoff occurs; or

b. the adjacent non-pervious surfaces are designed and constructed to drain entirely to landscaping.

B. Residential Irrigation Requirements. All qualifying single-family and multifamily projects shall comply with the following irrigation requirements:

~~1. Sprinklers and sprays shall not be used in areas less than eight (8') feet wide.~~

1~~2~~. Sprinkler heads with a precipitation rate of eighty-five hundredths (0.85") inches per hour or less shall be used on slope exceeding fifteen (15%) percent or on slopes exceeding ten (10%) percent within ten (10') feet of hardscapes to minimize runoff.

2~~3~~. Valves and circuits shall be separated based on water use.

3~~4~~. Drip or bubbler irrigation systems are required for trees. Bubblers shall be used that do not exceed one and one-half (1-1/2) gallons per minute per device.

4~~5~~. Sprinkler heads must have matched precipitation rates within each control valve circuit.

5~~6~~. Valves are required where elevation differences may cause low head drainage.

6~~7~~. Head spacing shall be designed for head-to-head coverage. The system should be designed for minimum runoff and overspray onto nonirrigated areas.

7~~8~~. All irrigation areas shall be equipped with a controller capable of dual or multiple programming. Controllers must have multiple cycle start capacity and a flexible calendar program. All irrigation systems shall be equipped with rain shut-off devices.

8~~9~~. Dedicated water meter or submeter shall be required for landscape area greater than five thousand (5,000 ft^2) square feet.

9~~10~~. The following statement shall be on the plans: “I have complied with criteria of EGMC Chapter 14.10 and applied them accordingly for the efficient use of water in the irrigation design plan.”

10~~11~~. The signature of a licensed landscape architect, certified irrigation designer, license landscape contractor, or any other person authorized to design an irrigation system shall be on the plans.

…

EXHIBIT C

Elk Grove Municipal Code Revisions
Title 16 (Buildings and Construction)

Changes are shown in ~~strikeout~~ (for deleted text) and underline (for added text).

Changes to Title 16 (Buildings and Construction)

Chapter 16.34 (Building Permits for Qualifying Housing Development Projects) shall be added as follows:

Chapter 16.34
Building Permits for Qualifying Housing Development Projects

Sections:

16.34.010 Purpose.

The purpose of this chapter is to implement the provisions of California Government Code Section 65913.4.5 for qualifying housing development projects.

16.34.020 Applicability.

The provisions of this chapter shall only apply to qualifying housing development projects. "Qualifying housing development projects" shall mean a housing development project consisting of 10 or fewer units on a lot proposed to be subdivided as part of a subdivision where the applicant has met both of the following requirements:

A. The applicant has received a tentative map approval or parcel map approval for the subdivision.

B. The applicant has submitted a building permit application that the local agency deemed complete pursuant to subdivision (b) of Section 65913.3 of the Government Code.

16.34.030 Procedures.

A. Except as otherwise set forth herein and in Government Code sections 65913.4.5 and 66499.30, no building permit(s) shall be issued for a residential development project that is part of a land division, including a tentative subdivision map or tentative parcel map, until such time as the corresponding final map or parcel map (as applicable) has first been recorded pursuant to the procedures of EGMC Title 22, Land Division. Pursuant to Government Code Section 65913.4.5, the City shall issue building permits for a qualifying housing development project, as defined in this chapter, based upon the project's tentative map and its conditions of approval, provided all the following occurs first:

1. The applicant and City enter into an agreement, as prepared by the City and approved as to form by the City Attorney, that states that the applicant and the applicant's successors and assignees agree that the building permit is issued on the condition that a certificate of occupancy or equivalent final approval for the building will not be issued unless the final map has been recorded.

2. Any dedication, improvement, and sewer requirements identified in the approved tentative or parcel map or its conditions of approval shall be guaranteed to the satisfaction of the City at the time the building permit is issued.

3. The City shall require security to ensure faithful performance of the requirements identified in the approved tentative or parcel map or its conditions of approval. The amount of security shall be determined by the local agency and shall not be more than three hundred (300%) percent of the total estimated cost of the improvements or of the acts to be performed. The security shall be provided in either of the following forms, as determined by the City:

a. Bond or bonds by one or more duly authorized corporate sureties.

b. An instrument of credit from an agency of the state, federal, or local government when any agency of the state, federal, or local government provides at least twenty (20%) percent of the financing for the portion of the act or agreement requiring security, or from one or more financial institutions subject to regulation by the state or federal government and pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment, or a letter of credit issued by such a financial institution.

B. The City may deny issuance of a building permit if the Building Official makes a written finding, based upon a preponderance of the evidence, that construction of the proposed structure or structures before recordation of the final map would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5 of the Government Code, upon public health and safety and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

Chapter 16.44 (Land Grading and Erosion Control) shall be amended as follows:

Chapter 16.44
LAND GRADING AND EROSION CONTROL

Sections:

16.44.010 Purpose.

It is the intent of the City Council in enacting this chapter to minimize damage to surrounding properties and public rights-of-way, the degradation of the water quality of watercourses, and the disruption of natural or City-authorized drainage flows caused by the activities of clearing and grubbing; grading; filling and excavating of land; sediment and pollutant runoff from other construction-related activities; and to comply with the provisions of the City's National Pollutant Discharge Elimination System (NPDES) Permit ~~Number CA0082597~~, issued by the California Regional Water Quality Control Board (Regional Board).

These goals will be achieved by establishing administrative procedures, minimum standards of review, and implementation and enforcement procedures for controlling erosion, sedimentation and other pollutant runoff, including construction debris and hazardous substances used on construction sites, and the disruption of existing drainage and related environmental damage caused by the aforementioned activities.

16.44.020 Definitions.

As used in this chapter, the following words and phrases shall have the meanings given in this section:

"Applicant" means any person who submits an application for a permit pursuant to this chapter.

"City engineer" has the same meaning as defined in EGMC Title 22, Land Division.

"City specifications" means the City improvement standards, City Standard construction specifications and other standards included in applicable City ordinances, regulations and manuals, as amended from time to time.

"Civil engineer" means a professional engineer in the branch of civil engineering holding a valid certificate of registration issued by the State of California.

"Clearing and grubbing" means moving or removing by manual or mechanical means trees, vegetation and/or the top four (4) inches or greater of soil.

"Compaction" means the act of compacting or consolidating soil and rock material to a specified density, and the resulting compacted state of the material.

"Construction site" means any land area on which the activity of clearing and grubbing, grading, excavating, or filling is occurring.

~~"Director" means the Public Works Director of the Public Works Department of the City of Elk Grove or his or her designated representative(s).~~

"Engineering geology" means the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

"Environmental Planning Manager" is the City official designated by the City Manager to prepare and process environmental documents.

"Erosion" means the transport of the ground surface or soil as a result of the movement of wind or water.

"Erosion control measures" means seeding, mulching, vegetative buffer strips, sod, plastic covering, burlap covering, watering and other measures which control the movement of the ground surface or soil.

"Grade" is the elevation of the ground surface as measured from a known vertical control.

"Grading" includes the act or result of digging, excavating, transporting, spreading, depositing, filling, compacting, settling, or shaping of land surfaces and slopes, and other operations performed by or controlled by human activity involving the physical movement of rock or soil.

"Hazardous substances" means those materials listed in Title 40 of the Code of Federal Regulations (40 CFR) Part 117 and/or 40 CFR Part 302.

"National Pollutant Discharge Elimination System (NPDES)" means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements under Sections 307, 402, 318, and 405 of the Clean Water Act.

"Permittee" means the applicant in whose name a valid permit is issued pursuant to this chapter and the applicant's agents, employees and designated representative(s).

"Person" means any individual, corporation, partnership, association of any type, public agency or any other legal entity.

"Pollutant" is as defined in Title 40 CFR Part 122.

"Runoff" is surface runoff and drainage related to storm events, snow melt, street washwaters related to street cleaning or maintenance and other waters associated with the construction activity which are or may be introduced into the municipal separate storm sewer system.

"Sediment" means soil or earth material deposited by water.

"Sediment control measures" means dikes, sediment detention traps, sediment detention basins, filters, fences, barriers, swales, berms, drains, check dams, and other measures which control the deposit of soil or earth material.

"Site" means a parcel or parcels of real property owned by one (1) or more than one (1) person on which activity regulated by this chapter is occurring or is proposed to occur.

"Slope" is an inclined ground surface the inclination of which is expressed as a percent.

"Structure" means anything constructed or erected which requires location on the ground or attached to something having location on the ground.

"Watercourse" means a river, stream, creek, basin, lake, pond, waterway, or channel, natural or man-made, having a defined bed and banks. Whenever a watercourse consists of an ordinary channel, and in addition thereto, an overflow channel, the watercourse shall be deemed to include all property lying between the banks of the overflow channel.

"Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, such as swamps, bogs and marshes.

16.44.030 Delegation.

Whenever in this chapter an authority or power is vested in or a duty is imposed upon an officer or official, an employee subordinate to the officer or official to whom an appropriate delegation has been made shall be entitled to exercise the power or authority and perform the duty.

16.44.040 Administration.

Except as otherwise provided, the ~~Director~~ City Engineer is responsible for administering this chapter and grading and erosion control permits, and is authorized from time to time to promulgate and enforce rules or regulations consistent with and necessary to implement the purposes, intent and express terms of this chapter.

Any rules or regulations promulgated by the ~~Director~~ City Engineer, or amendments thereof, shall be filed with the City Clerk. The City Clerk shall cause said rules or regulations to be published in a newspaper of general circulation within ten (10) days. No rules or regulations promulgated by the Director, or amendments thereof, shall be enforced or become effective until thirty (30) days following the date on which the rules or regulations are published. Any person shall have fifteen

(15) days after the date of publication in which to file an appeal in accordance with the provisions of EGMC Section 16.44.300.

16.44.050 Permits required.

Except as provided by EGMC Section 16.44.060, 16.44.065 or 16.44.070, a grading and erosion control permit shall be required to: A) grade, fill, excavate, store or dispose of three hundred fifty (350 yd3) cubic yards or more of soil or earthy material, or B) clear and grub one (1) acre or greater of land within the City. A separate permit is required for work on each site unless sites are contiguous, have the same ownership, and are included in the approved plan. Any determination by the ~~Director~~ City Engineer as to whether a permit is required may be appealed pursuant to the provisions of EGMC Section 16.44.300.

16.44.060 Permits not required.

A. A grading and erosion control permit shall not be required to:

1. Grade, fill, excavate, store or dispose of less than three hundred fifty (350 yd3) cubic yards of soil or earthy material; or

2. Clear and grub less than one (1) acre of land within the City; or

3. For the grading, filling, excavating, storing, disposing, or clearing and grubbing for:

a. Swimming pools, basements, or footings of structures if authorized by a valid building permit;

b. Underground utilities;

i. Mining or quarry operations, if a use permit has been granted by the City;

ii. Refuse disposal sites operated by a governmental agency;

iii. The production of planted agricultural crops;

B. Notwithstanding the provisions of subsection (A) of this section exempting specified activities from the otherwise applicable permit requirements, the activities described in subsection (A) of this section shall be subject to the standards and requirements of this chapter. Any building permit issued in connection with the activities described in subsection (A) of this section or in connection with any building permit issued for a single-family residence on an individual lot may be conditioned on compliance with the standards and requirements of this chapter. Any inspections required pursuant to this chapter or any other chapter of this title shall include a determination of compliance with the purpose of this chapter.

16.44.065 Exemptions.

A grading and erosion control permit shall not be required for, and the provisions of this chapter shall not apply to, grading, filling, excavating, storing, disposing, or clearing and grubbing for situations where, in the determination of the ~~Director~~ City Engineer, there is a clear and imminent danger to life or property, or threat of loss of services for which there is an overriding public concern. The ~~Director~~ City Engineer may, at the time of granting such exemption, impose conditions in accordance with EGMC Section 16.44.170, including, but not limited to, the requirement for the posting of security. Such exemption must be requested from the ~~Director~~ City Engineer and approved in writing prior to the commencement of any activity regulated by this chapter.

16.44.070 Improvement plans.

Where an improvement plan is being processed in conjunction with either an approved tentative, parcel, or final map; or a development plan is being processed in accordance with the provisions of EGMC Title 12, such plan shall also be considered as a request to undertake those activities regulated by this chapter. Such plans shall be reviewed and approved, conditionally approved or denied in accordance with the standards and requirements set forth in this chapter and other

applicable City specifications. For an approved tentative, parcel, or final map or development plan, any submitted improvement plans shall include provisions to require compliance with the standards and requirements of this chapter. If an improvement plan is approved, then a grading and erosion control permit shall not be required.

16.44.080 Application contents.

The application for a grading and erosion control permit shall be filed with the ~~Public Works~~ Community Development Department, and on a form and submitted with such information as is prescribed by the ~~Director~~ Department, including the following:

A. The name, address and telephone number of the applicant and the applicant's engineer;

B. The address and parcel number of the location for which the permit is sought;

C. A copy of all entitlements granted for the property by the City, including conditions of approval and the environmental documentation;

D. A copy of all required State and Federal permits;

E. Plans conforming with the requirements of EGMC Section 16.44.090;

F. Specifications conforming with the requirements of EGMC Section 16.44.100, if the ~~Director~~ City Engineer expressly requires this information;

G. Security conforming with the requirements of EGMC Section 16.44.110;

H. Right of entry conforming with the requirements of EGMC Section 16.44.120;

I. Fees conforming with the requirements of EGMC Section 16.44.130;

J. Other information as may be required by the ~~Director~~ City Engineer.

16.44.090 Plans.

Plans shall be prepared by a civil engineer in conformance with City specifications and shall include the following:

A. A vicinity map indicating the site location and significant geographic features;

B. A site delineation map indicating boundary lines of the property and each lot or parcel into which the site is proposed to be divided;

C. The location of on-site and surrounding watercourses and wetlands, existing and proposed drainage systems, and drainage area boundaries and acreages. Additional hydrologic analysis shall be provided as required by the ~~Director~~ City Engineer;

D. The location of existing and proposed roads and structures on the site, and on adjacent property;

E. Accurate contours at two (2' 0") foot intervals for slopes up to ten (10%) percent and five (5' 0") foot intervals for slopes over ten (10%) percent showing topography of existing ground and locations of existing vegetation, including all oak trees, all other trees over six (6") inches in diameter measured at four and one-half (4' 6") feet above the ground, groves of trees, and natural features such as rock outcroppings. Spot elevations will be required where relatively flat conditions exist. The spot elevations or contour lines shall be extended off site for a minimum distance of fifty (50' 0") feet, or one hundred (100' 0") feet in flat terrain;

F. Elevations, location, extent and slope of all proposed grading shown by contours, cross-sections or other means, and location of any disposal areas, fills or other special features to be included in the work;

G. A statement of the quantity of material to be excavated, the quantity of material to be filled, whether such excavation or fill is permanent or temporary, and the amount of such material to be imported to or exported from the site;

H. A delineation of the area to be cleared and grubbed;

I. A statement of the estimated starting date, grading completion date, and when site improvements will be completed;

J. The location, implementation schedule, and maintenance schedule of all erosion control measures and sediment control measures to be implemented or constructed prior to, during or after the proposed activity;

K. A description of measures designed to control dust and stabilize the construction site road and entrance;

L. A description of the location and methods of storage and disposal of construction materials;

M. Any additional plans required by the ~~Director~~ City Engineer.

16.44.100 Specifications.

When required by the ~~Director~~ City Engineer, the following information shall be prepared and signed by a civil engineer, and submitted with the application for a grading and erosion control permit:

A. Preparation of natural ground to occur prior to placement of fill, including provisions for removal of organic or deleterious materials;

B. Quality control of native or imported fill material;

C. Degree of compaction;

D. Gradient of cut and fill slopes;

E. Geotechnical engineering or engineering geology reports used in the development of the above information.

16.44.110 Security.

A. Prior to issuance of the permit, the applicant shall provide security in an amount estimated by the ~~Director~~ City Engineer to be the cost for stabilizing the activity site if the site is abandoned or work is stopped during the performance of the activity described in the permit. The security shall be one (1) of the following, subject to the approval of the ~~Director~~ City Engineer:

1. Bond or bonds by one (1) or more duly authorized corporate sureties.

2. A deposit, either with the City or a responsible escrow agent or trust company, at the option of the City, of money or negotiable bonds of the kind approved for securing deposits of public monies.

3. An instrument of credit from an agency of the State, Federal or local government when an agency of the State, Federal, or local government provides at least twenty (20%) percent of the financing for the project, or from one (1) or more financial institutions subject to regulation by the State or Federal government and pledging that the funds necessary are on deposit and guaranteed for payment, or a letter of credit by such financial institution.

B. The security shall be released to the permittee upon either:

1. Issuance of a certificate of completion, provided no administrative or legal action against such security has been commenced prior to that date and the permittee has complied with the provisions of EGMC Section 16.44.260; or

2. Voluntary relinquishment of the permit by the holder thereof to the City, provided no administrative or legal action against such security has been commenced prior to that date and the permittee has complied with the provisions of EGMC Section 16.44.250.

16.44.120 Right of entry.

Whenever any portion of the work requires entry onto adjacent property for any reason, the applicant shall obtain the written consent of the adjacent property owner or his authorized representative, and shall file a copy of said consent with the ~~Director~~ City Engineer before a permit for such work may be issued.

16.44.130 Permit fees.

A fee shall be paid by the applicant to the City for plan checking and review, materials testing, site inspections, processing, issuance and other services performed by the ~~Director~~ City Engineer in connection with the investigation of an application for, and administration of, a grading and erosion control permit. The fees for these services shall be in the amount of the actual costs incurred by the City based on the hourly rate of the personnel performing the services, including all overhead costs, and as determined by the Finance Department.

A minimum deposit of Seven Hundred Fifty and no/100ths ($750.00) Dollars shall be paid by the applicant at the time of and with the filing of the application with the ~~Director~~ City Engineer. In the event the accrued costs exceed the initial deposit, the City shall submit a monthly bill to the applicant for the amount owing as of the date on the bill. Interest of one and one-half (1.5%) percent per billing period, twenty-eight (28) day cycle, compounded each billing period shall be added to the unpaid balance due of any amount which has not been paid in full within twenty-eight (28) days from the date on the bill.

The ~~Director~~ City Engineer shall not perform any services for an applicant if an amount owing is not paid within twenty-eight (28) days, until such time that all amounts owing and interest thereon is paid in full. The balance of fees owing shall be paid in full prior to final inspection. In the event the actual costs do not exceed the minimum deposit amount, the City shall reimburse the applicant the difference between the deposit amount and the actual total charges.

16.44.140 Environmental review.

Grading and erosion control permits, and amendments thereto, are subject to the requirements of the California Environmental Quality Act (CEQA). The applicant shall furnish a copy of the application to the Environmental Planning Manager for preparation and processing of the appropriate environmental documents. The ~~Director~~ City Engineer is authorized to hold public hearings on negative declarations, draft environmental impact reports and final environmental impact reports prepared on applications for grading and erosion control permits, for the purposes of receiving comments from the public. The ~~Director~~ City Engineer shall not approve a grading and erosion control permit prior to considering the applicable environmental document and complying with the requirements of CEQA and the City procedures for preparation and processing of environmental documents.

16.44.150 Application review.

The ~~Director~~ City Engineer shall review and approve, conditionally approve or deny grading and erosion control permit applications and improvement plans in accordance with the provisions of this chapter. Grading and erosion control permit applications and improvement plans shall be issued or approved unless the ~~Director~~ City Engineer finds in writing that:

A. The applicant has failed to provide sufficient or adequate plans, information or other data necessary to allow determinations respecting compliance with the provisions of this chapter or City specifications;

B. The environmental review has not been completed, other provisions of this code or of State law pertaining to environmental review have not been satisfied, or the activity will have significant adverse environmental impacts which cannot be substantially mitigated. Where the activity will have significant adverse impacts, the ~~Director~~City Engineer may approve the permit in

accordance with the provisions of this chapter, EGMC Title 20, and the California Environmental Quality Act of 1970;

C. The proposed activity will violate provisions of this chapter, City specifications, or State or Federal laws, and such violation cannot be resolved by the imposition of conditions pursuant to EGMC Section 16.44.170;

D. The proposed activity will adversely affect surrounding properties and public rights-of-way, the water quality of watercourses, and existing drainage.

16.44.160 Contents of permit.
The grading and erosion control permit shall include but not be limited to a complete description of the activity for which it is issued, the property for which it is issued, the date of issuance and the date of expiration, and a description of any and all conditions upon which the permit has been issued. The permit shall be kept at the site during the activity for which the permit was issued. A grading and erosion control permit authorizes the permittee to undertake only that activity described in the permit and only on the property for which the permit is issued.

16.44.170 Conditions.
The ~~Director~~ City Engineer may at the time of issuance of the grading and erosion control permit impose such conditions as are necessary to ensure compliance with this chapter, City specifications, or State or Federal laws. Such conditions shall be reasonably related to the public needs created by the proposed activity. Conditions to mitigate environmental impacts of the activity may also be imposed by the ~~Director~~ City Engineer.

16.44.180 Procedure for imposition.
Any condition imposed pursuant to the provisions of EGMC Section 16.44.170 shall be embodied, together with the reasons therefor, in the permit and served upon the applicant or permittee.

16.44.190 Term.
A grading and erosion control permit shall be effective on the date of issuance, and shall remain in force for one (1) year, unless suspended or revoked by the ~~Director~~ City Engineer, or voluntarily relinquished by the permittee. Before the expiration of a permit, a permittee may apply for an extension of time in which to complete the activity. One (1) extension of not more than one (1) year may be granted by the ~~Director~~ City Engineer.

16.44.200 Transferability.
A grading and erosion control permit shall not be transferable or assignable from one (1) person to another, unless approved by the ~~Director~~ City Engineer and the person to whom the permit is to be transferred agrees to comply with the requirements of the original permit and to any conditions imposed therein.

16.44.210 Denial of permit.
The ~~Director~~ City Engineer shall deny an application for a grading and erosion control permit if any of the findings in EGMC Section 16.44.150 are made. Notice shall be served on the applicant, in writing with the reasons stated therefor, pursuant to the provisions of EGMC Section 16.44.340.

16.44.220 Amendment of permit.
Any proposed changes in the activity authorized by the permit shall be submitted to the ~~Director~~ City Engineer for review. The permittee shall not undertake or allow activity to occur which does not conform with the plans or conditions of the original permit, unless approved by the ~~Director~~ City Engineer. The ~~Director~~ City Engineer shall review any proposed changes in the same manner and pursuant to the same standards as the original application.

16.44.230 Request for inspection.
Requests for inspection of any site subject to the provisions of this chapter shall be made to the ~~Director~~ City Engineer at the following phases of activity. Such a request shall be made at least two (2) full business days in advance of the desired day of inspection.

A. When the site has been cleared of vegetation and unapproved fill, and scarified, benched, or otherwise prepared and before any fill is placed; and the erosion control and sediment control measures to be implemented in this phase have been placed;

B. When approximate final elevations have been established; drainage terraces, swales and other drainage devices have been graded and are ready for paving; berms have been installed at the top of slopes; and the erosion control and sediment control measures to be implemented in this phase have been placed;

C. When work has been completed; slope planting established and irrigation systems installed, if required; and the erosion control and sediment control measures to be implemented in this phase have been placed.

The ~~Director~~ City Engineer, upon inspection of the site, shall notify the person or permittee: 1) that the phase of work inspected is approved, or 2) what deficiencies, corrections or other work needs to be completed before approval of that phase.

16.44.240 Reports.
Notification to the ~~Director~~ City Engineer shall be required within twenty-four (24) hours following the failure of authorized measures to prevent erosion or sediment from leaving the construction site; the deposit of debris or material on adjoining property or public rights-of-way; or the interference with any existing watercourses or drainage facilities.

16.44.250 Cessation of work.
If activity is ceased on site for any reason for a period in excess of fifteen (15) days, and before the activity being conducted under the permit is completed, all necessary steps shall be taken to prevent damage through erosion or sedimentation to adjoining properties or to the public rights-of-way or to any natural or artificial drainage facilities or watercourses. The premises shall also be graded to blend into the adjacent terrain. The Director shall be notified as soon as possible, but no later than fifteen (15) days, after the cessation of work.

16.44.260 Completion of work.
After completion of work in accordance with and conforming with an approved permit, delivery to the City of record plans and a grading plan as finally implemented, and payment of all fees, the ~~Director~~ City Engineer shall issue a certificate of completion.

16.44.270 Inspection.
The ~~Director~~ City Engineer may enter and inspect property for which a grading and erosion control permit has been applied to determine applicability or compliance with this chapter and City specifications. The ~~Director~~ City Engineer may also inspect any and all property on which grading, filling, clearing and grubbing, or excavating activities are occurring.

16.44.280 Grounds for suspension and revocation.
A grading and erosion control permit may be suspended if:

A. The physical state of the property differs from the descriptions, plans or information furnished to the ~~Director~~ City Engineer in the permit application;

B. The activity does not conform to the approved plans, grades, conditions or terms of the permit;

C. The activity is in violation of this chapter, City specifications, or State or Federal laws;

D. Any reports required to be submitted to the ~~Director~~ City Engineer have not been submitted; or

E. Any of the information contained in reports submitted to the ~~Director~~ City Engineer is in error.

16.44.290 Method of suspension or revocation.
The ~~Director~~ City Engineer may suspend or revoke a grading and erosion control permit by issuing a notice of suspension or revocation, stating the reasons therefor, and serving same upon the permittee. Upon suspension or revocation of a permit, in accordance with the provisions of this

section, the permittee shall immediately cause all grading, filling, excavating, storing, disposing or clearing and grubbing to cease until written authorization is received from the ~~Director~~ City Engineer to proceed with the activity.

The permittee shall have fifteen (15) days after the date of service of the suspension or revocation in which to file an appeal in accordance with the provisions of EGMC Section 16.44.300. If such an appeal is filed, the suspension or revocation shall remain in force and be effective until a final decision on the appeal is issued by the City Council.

If the ~~Director~~ City Engineer suspends a permit, such permit may either be reinstated or revoked by the ~~Director~~ City Engineer, depending upon whether the permittee corrects the grounds stated for the suspension in the notice issued by the ~~Director~~ City Engineer. If the permittee fails to remedy the grounds for suspension within a time period specified by the ~~Director~~ City Engineer, but in no event later than sixty (60) days, the ~~Director~~ City Engineer shall revoke the permit.

16.44.300 Appeals.
If the applicant for a grading and erosion control permit, the permittee, or other persons whose property rights may be affected is dissatisfied with any determination made by the ~~Director~~ City Engineer, such person may appeal pursuant to EGMC Chapter 1.11.

16.44.340 Notices.
Any notice authorized or required by this chapter shall be deemed to have been filed, served and effective for all purposes on the date when it is personally delivered in writing to the party to whom it is directed or deposited in the United States Mail, first class postage prepaid, and addressed to the party to whom it is directed.

Whenever a provision in this chapter requires a public hearing to be conducted, notice of the time, date, place and purpose of the hearing shall be published at least once (1) not later than ten (10) days in advance of the date of commencement of the hearing in a newspaper of general circulation which is published within the City. The same type of notice shall also be served on each permittee whose permit may be affected by the action taken at the conclusion of the hearing.

16.44.350 Action against and release of security.
The ~~Director~~ City Engineer may commence action against the security provided by a permittee if:

A. The permittee ceases activities on site prior to completion of work without complying with the provisions of EGMC Section 16.44.250;

B. The permittee fails to comply with the terms of the permit;

C. The activity has caused or is threatening to cause damage or injury to persons, property or the environment.

The monies so obtained shall be used solely to finance remedial work undertaken by the City, or a private contractor under contract to the City, and to reimburse the City for any administrative costs and expenses incurred in remedying the situation, including attorneys' fees and legal costs incurred in any necessary action to obtain the security.

16.44.360 Violations.
Except as otherwise specifically provided, pursuant to the provisions of Section 25132 of the Government Code, violation of any of the provisions contained in this chapter shall constitute an infraction which shall be enforced pursuant to the provisions of EGMC Chapter 1.04.

Violation of any of the provisions of this chapter following notice to the permittee by the ~~Director~~ City Engineer advising of the violation and ordering a cessation thereof shall, pursuant to the provisions of EGMC Chapter 1.04, constitute a misdemeanor.

Violation of any of the provisions of this chapter may be remedied by injunction or other civil proceeding commenced in the name of the City pursuant to direction by the City Council.

16.44.370 Laws not enforced.

There are many ordinances and other laws applicable to activities permitted under this chapter which are not sought to be enforced under this permitting process. Such laws include, but are not limited to, building, floodplain management, and land development measures. The issuance of a grading and erosion control permit shall not be deemed to constitute a representation that the activity so permitted or the property upon which such activity is occurring complies with such other ordinances or other laws. Nor shall the existence of such an unrevoked permit be deemed to preclude any criminal or civil remedy for violation of such other ordinances or laws. The possession of a grading and erosion control permit shall not be deemed to relieve the holder of the requirement to apply for or obtain any other license or permit required by ordinance or statute.

Section 16.50.030 (Flood Damage Prevention, Administration) shall be amended as follows:

16.50.030 Administration.

A. Designation of the Floodplain Administrator. The Public Works Director, or their designee, is hereby appointed to administer, implement, and enforce this chapter.

B. Duties and Responsibilities of the Floodplain Administrator. The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following.

1. Permit Review. Review all development permits to determine that:

a. Permit requirements of this chapter have been satisfied.

b. All other required State and Federal permits have been obtained.

c. The proposed development or encroachment does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood at any point within the City, or would otherwise comply with the provisions of this chapter.

d. Any necessary letters of map revision (LOMRs) shall be approved prior to the issuance of building permits. Building permits shall not be issued based on conditional letters of map revision (CLOMRs). Approved CLOMRs will allow for the construction of proposed flood control improvements, land preparation, and/or other exclusions as specified in the “Start of construction” definition.

…

Section 16.50.060 (Provisions for flood hazard reduction) shall be amended as follows:

16.50.060 Provisions for flood hazard reduction.

A. Standards of Construction. In all areas of special flood hazards, the following standards are required:

…

2. Construction Materials and Methods. All new construction and substantial improvements of structures, including manufactured homes, shall be constructed:

a. With flood-resistant materials, and utility equipment resistant to flood damage for areas below the base flood elevation;

b. Using methods and practices that minimize flood damage. The use of aerial construction, including but not limited to stilts and piers, is prohibited;

c. With electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and

d. Within Zone AH or AO, so that there are adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

3. Elevation and Flood-Proofing of Improvements to Existing Structures. The following shall apply to remodels of or improvements to existing structures already located within areas of special flood hazard.

a. Residential Construction. When new square footage is proposed for an existing residential structure that is already constructed in an area of special flood hazard, the lowest floor, including basement, of the new square footage shall be in conformance with the following standards. Upon the completion of the new square footage, the elevation of the new floor, including basement, shall be certified by a registered civil engineer or licensed land surveyor to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

i. In AE and AH, elevated to ~~one~~ two (~~1~~2' 0") ~~foot~~ feet above the base flood elevation (BFE).

ii. In an AO Zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two (2') feet above the highest adjacent grade if no depth number is specified.

iii. In an A Zone, without BFEs specified on the FIRM, elevated to or above the base flood elevation, as determined under EGMC Section 16.50.030(B)(4) (Review, Use, and Development of Other Base Flood Data).

…

B. Standards for Utilities.

1. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

a. Infiltration of floodwaters into the systems; and

b. Discharge from the systems into floodwaters.

2. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them, during flooding and all other Federal, State, and County requirements. Approval of these systems shall be provided prior to issuance of building permit for the main structure on the site.

C. Standards for Subdivisions and Other Proposed New Development.

1. All new subdivision proposals and other proposed new development, including proposals for manufactured home parks and subdivisions/parcel maps, shall:

a. Identify the special flood hazard areas (SFHAs), if necessary, and base flood elevations (BFEs).

b. Identify the elevations of lowest floors of all proposed structures and pads on the final plans and/or elevation certificate certified from a registered civil engineer or architect.

c. Provide a buildable area outside the area of special flood hazard of sufficient size to accommodate a residence and associated structures.

d. In special flood hazard areas, elevate the lowest finished floor at least ~~one~~two ~~and one-half~~ (~~1' 6"~~2'0") feet above the base flood elevation. Building pads for slab-on-grade construction shall be at least one and one-half (1' 6") feet above the base flood elevation and the lowest finished floor shall be at least ~~one and one-half (1' 6")~~two (2' 0") feet above the base flood elevation. For critical infrastructures, such as nursing homes and hospitals, the lowest finished floor shall be at least 3 feet above the base flood elevation or the elevation corresponding to the 500-year floodplain, whichever is greater.

e. In unmapped areas, elevate the lowest finished floor at least two (2' 0") feet above the base flood elevation. Building pads for slab-on-grade construction shall be at least two (2' 0") feet above the base flood elevation and the lowest finished floor shall be at least two (2' 0") feet above the BFE.

f. In a SFHA, if the proposed site is to be elevated above the BFE by placement of fill, an application for a conditional letter of map revision, based on fill (CLOMR-F), shall be submitted to FEMA.

…

Chapter 16.60 (Public Improvements) shall be added to the Municipal Code as follows:

Chapter 16.60
PUBLIC IMPROVEMENTS

Sections:

16.60.010 Purpose and applicability.

The purpose of this chapter is to provide a process for the construction and/or deferral of public improvements as part of qualifying private development projects. The provisions of this chapter shall apply to qualifying development projects which are not covered by the Subdivision Map Act (Division 2, Title 7 of the Government Code) and EGMC Title 22, as such projects are addressed in the provisions of EGMC Chapter 22.24, Improvements.

As of the initial effective date of this this chapter, the provisions herein shall apply to any existing deferral or in-lieu agreements established under the prior EGMC chapter 12.03.

16.60.020 Definitions.

For purposes of this chapter, the following terms shall have the meaning described below.

A. "City Engineer" means the City Engineer for the City as that position is defined in EGMC Title 22, Land Division.

B. "Major addition" means any of the following:

1. Any addition to a residential building or a structure when said addition exceeds fifty (50%) percent of the floor area of the existing buildings and structures;

2. Any addition to a commercial or industrial building or structure when said addition exceeds ten (10%) percent of the floor area of the existing buildings and structures or where any remodeling within such a building or structure will, in the opinion of the City Engineer, result in increased traffic upon the public streets; or

3. Where remodeling is undertaken to convert a structure from a residential use to any commercial or industrial use.

C. "New construction" means any building permit that results in the creation of a new residential dwelling unit; or a new commercial or industrial building or structure five thousand (5,000 ft^2) square feet or greater; or if the cumulative improved area (e.g., grading, buildings, structures, parking, landscaping, etc.) exceeds twenty-five (25%) percent of the total developable parcel area.

D. "Public improvements" means any improvement that, upon completion, is to be dedicated to the City. Examples include, but are not limited to, streets, curbs, gutters, sidewalks, trails, open space, storm drain facilities (including pipelines, detention or retention facilities, and channels), traffic signals, street lighting, landscaping, other public open space or recreation facility or area, or any other public facility or improvement specified in the conditions of approval for the qualifying private development project.

E. "Qualifying development project" means either major addition to an existing development or new construction and which are not covered by the Subdivision Map Act (Division 2, Title 7 of the Government Code) and EGMC Title 22.

16.60.030 Requirements.

A. Public improvements, as determined by the City Engineer and/or the designated approving authority, shall be required in conjunction with any qualifying development project. The City Engineer may waive the installation of public improvements for which public improvements would otherwise be required as follows; however, the City Engineer may still require the dedication of the necessary right-of-way for future improvement by the City or others, consistent with the General Plan.

1. Improvements are already planned to be completed by the City.

2. As determined by the City Engineer due to the character of the surrounding neighborhood and that the present development thereof does not require the installation and construction of the improvements required by this chapter.

3. For any addition to a residential building or structure, or new construction of a new residential dwelling unit, where the cost to install street improvements (including but not limited to grading improvements, landscaping and public utility relocation) would be equal to or greater than twenty (20%) percent of the fair market value of the proposed major addition(s) as determined by the City Engineer.

B. The extent of public improvements required of the qualifying development project shall be as specified in the General Plan, any applicable area plan or Specific Plan, applicable infrastructure master plan, mitigation measure, or condition of approval for any required entitlement or permit as required by EGMC Title 23, Zoning, as applicable to the project.

C. The design, location, and specifications of required public improvements shall conform to the City of Elk Grove Improvement Standards and Standard Construction Specifications, in addition to the design requirements of any applicable infrastructure master plan or other document specifying the required design. To the extent the City Engineer approves any design exceptions as provided in the Improvement Standards or Standard Construction Specifications, the final design and construction shall also conform to those exceptions.

D. Right-of-way and/or other necessary property rights shall be dedicated, in a form acceptable to the City, for all required street improvements prior to the issuance of any building permit for any qualifying development project. The timing of required dedications shall not be affected by deferral of improvements pursuant to EGMC Section 16.60.060, Public Improvement Agreements.

16.60.040 Improvement plans, inspections, and fees.

A. Plans for all required public improvements, as well as for all additional improvements to be installed in, over, or under any existing or proposed rights-of-way, easements, or parcels, shall be filed with the Community Development Department for plan review and approval. No construction shall begin until the improvement plans have been approved and signed by the City Engineer, or their designee, and all applicable utility or other public agencies.

B. The construction of all public improvements shall be subject to inspection by the City Engineer, or their designee, at such points in time as determined by the City Engineer. No public improvements shall be accepted by the City until the City Engineer, or their designee, first approves of the improvements as being constructed consistent with the approved plans, the City Improvement Standards, Standard Drawings, and Standard Construction Specifications, any approved design exceptions, and any other applicable design requirements or conditions of approval.

C. A fee shall be paid to the City for plan checking, inspection, material testing services, and other services performed, or authorized to be performed, by the City in completing the tasks and

obligations of this chapter, in accordance with the fee schedule adopted, and amended from time to time, by resolution of the City Council.

16.60.050 Completion of improvements and subsequent permits and construction.

A. Except as otherwise provided herein, the improvements required by EGMC Section 16.60.030 shall be constructed or otherwise installed after approval of the improvement plans and before the approval of the building permit(s) for any qualifying development project.

B. A developer may concurrently construct the public and private improvements, including any subsequent building permit issuance and building construction, for the qualifying development project upon the execution of a public improvement agreement as provided in EGMC Section 16.60.060, Public Improvement Agreements. No construction shall commence and no building permits shall be issued until the owner of the property enters into the public improvement agreement with the City.

C. A developer may request, and the City Engineer may approve, acceptance of an in-lieu fee for the improvements as provided in EGMC 16.60.080, In-Lieu Payment Agreements.

16.60.060 Public Improvement Agreements.

A. The City Engineer may defer the required construction of public improvements for qualifying development projects to a point after issuance of the project's building permits upon the approval and execution of a public improvement agreement as provided in this Section. The City Engineer may execute the agreement on behalf of the City and shall be the agent of the City for the performance, completion, or release of the agreement.

B. The public improvement agreement shall be in a form approved by the City Attorney and shall provide all of the following:

1. That the owner install the improvements at their own cost;

2. Security for the completion of the improvements as provided in EGMC 16.60.070, Security for Public Improvements.

C. No deferment shall be effective until the owner of the property enters into a public improvement agreement with the City.

16.60.070 Security for public improvements.

Where a public improvement agreement is entered into, the improvements shall be secured by the developer as part of the agreement. Improvement security shall be provided and released consistent with the requirements below.

A. Form of Security. Security shall be provided in one or more forms described in Government Code §66499 to the satisfaction of the City Engineer.

B. Amount of Security. Security shall be provided in the following amounts:

1. Performance security (performance). An amount of one hundred percent (100%) of the total City-approved estimated cost of the construction or installation of the public improvements or of the acts to be performed, securing the faithful performance and completion of the improvements or acts to be performed; and

2. Payment security (labor and materials). An amount of fifty percent (50%) of the total City-approved estimated cost of the improvement or required act, securing payment to the contractor, to the subcontractors, and to persons furnishing labor, materials or equipment for the construction or installation of the improvements or the performance of the required acts; and

3. Warranty security. An amount of ten percent (10%) of the total City-approved estimated cost of the improvement to be necessary for the guarantee and warranty of the work for a

period of one (1) year following the completion and acceptance thereof against any defective work or labor done, or defective materials or equipment furnished; and

4. Monument security. An amount of one percent (1%) of the total City-approved estimated total public improvement costs.

5. Reduced security. Performance security required in this subsection may be reduced if a portion of the required improvements have been deemed substantially complete prior to issuance of a building permit or permit for development, as determined by the City Engineer. The amount of the reduced security required shall be at the sole discretion of the City Engineer.

C. Calling of Security. In the event that the improvements are not completed in a timely manner, or if the project is occupied before the improvements are complete, or if the project is suspended, or if the improvements are left in a condition that is detrimental to the public health and safety, the City may take action to complete the improvements and to collect unpaid fees and costs by calling the security.

D. Release of Improvement Security. Public improvement security shall be released upon completion of the improvements as follows:

1. Performance security. The performance security shall be released only upon completion or fulfillment of all terms and conditions of the subdivision improvement agreement and upon issuance of an acceptance letter by the City. The performance security may be partially released if a portion of the required improvements have been deemed substantially complete, as determined by the City Engineer. The amount of the partially-released security shall be at the sole discretion of the City Engineer.

2. Payment security. Security given to secure payment to the contractor, subcontractors, and to persons furnishing labor, materials, or equipment may, following full or partial completion and acceptance of the improvements by the City, be reduced to an amount equal to the amount of all claims filed and of which notice has been given to the City. The balance of the security shall be released upon the settlement of all claims and obligations for which the security was given.

3. Warranty security. The warranty security shall be released upon satisfactory completion of the warranty period, provided that all warranty deficiencies have been corrected.

4. The release of improvement security as set forth above shall not apply to any costs, reasonable expenses, or fees, including reasonable attorneys' fees.

16.60.080 In-Lieu Payment Agreements.

When the City agrees to accept an in-lieu payment for public improvements, pursuant to EGMC Section 16.60.050.C, the in-lieu payment shall conform to the following:

A. The City shall not accept cash payments in lieu of improvements from any developer or owner of property until the developer or owner enters into a payment agreement with the City. The City Engineer may execute the agreement on behalf of the City. The agreement shall be in a form approved by the City Attorney and shall include the following:

1. A statement of the basis for the amount of the payment; and

2. The consent of the owner to the amount of the payment.

B. The in-lieu payment agreement shall be executed, and the payment deposited with and accepted by the City, prior to the issuance of the first corresponding building permit for the qualifying development project.

C. The City may utilize the in-lieu funds at its sole discretion to complete the corresponding improvements or may, at its sole discretion, assign the funds to another developer to complete the improvements.

16.60.090 Appeals.

A. The applicant or any interested person adversely affected by any action relating to the provisions of this chapter may appeal the action by submitting a written notice of appeal, accompanied by a filing fee established by City Council resolution, with the City Clerk within fifteen (15) days of the date of the decision. The filing of an appeal shall stay the issuance of subsequent permit(s) (e.g., building permits).

B. The notice of appeal shall include the following information:

1. A complete description of the factual basis for the appeal;

2. The legal basis for the appeal; and

3. The remedy sought by the appellant.

C. The designated appeal authority shall be the City Manager. The City Manager shall conduct an informal hearing on the appeal within fifteen (15) days of receipt of the notice of appeal.

D. Where the appeal provisions of this chapter conflict with other provisions of the Elk Grove Municipal Code, the appeal provisions of this section shall apply with regard to matters pursuant to this chapter.

EXHIBIT D

Elk Grove Municipal Code Revisions
Title 22, Land Division

As this Title is proposed for repeal and replacement, no track changes are shown.

Title 22 (Land Development) shall be comprehensively repealed and replaced with the following:

EGMC Title 22
Land Division

Chapter 22.02
ESTABLISHMENT AND PURPOSE

Sections:

22.02.010 Title.

This title shall be known as the Land Division Code of the City of Elk Grove.

22.02.020 General Purpose.

This title is adopted pursuant to Article XI, Section 7 of the California Constitution and to supplement and implement the Subdivision Map Act (Government Code Section 66410, et seq.).

It is the purpose of this title to regulate and control the division of land within the City and to supplement the provisions of the Subdivision Map Act concerning the design, improvement, and survey data of subdivisions, the form and content of all required maps provided by the Subdivision Map Act, and the procedure to be followed in securing the official approval of the City regarding the maps. To accomplish this purpose, the regulations contained in this chapter are determined to be necessary to:

A. Preserve the public health, safety, and general welfare;

B. Promote orderly growth and development through implementation of the City's general plan; and

C. Ensure that properly designed infrastructure necessary to support public service needs, including but not limited to transportation and utility infrastructure, is provided in conjunction with subdivisions.

22.02.030 Applicability.

A. Relationship to Prior Ordinance. The provisions of this title, as it existed prior to the effective date of the ordinance enacting this chapter, ordinance number _____, are repealed and superseded as provided in ordinance number _____.

B. Prior Rights and Violations. The enactment of this title shall not terminate or otherwise affect vested land division approvals or agreements authorized under the provisions of any ordinance, nor shall violation of prior ordinance be excused by the adoption of this chapter.

C. Effect of Land Division Code Changes on Pending Applications. Following the effective date of this title, or any amendment of this title, regulations of this title are applicable to all pending entitlement applications that have not been deemed complete, unless prohibited by State law.

D. Conflicting Requirements.

1. Land Division Code and Municipal Code Provisions. If conflicts occur between this land division code, other portions of this municipal code, or other plans and policies adopted by the City, this title shall govern.

2. Development Agreements. If conflicts occur between the requirements of this subdivision code and standards adopted as part of any development agreement, the requirements of the development agreement shall govern.

E. Other Requirements/Permits. Nothing in this subdivision code eliminates the need for obtaining any other permits required by the City, or any permit, approval, or entitlement required by the regulations of any regional, state, or federal agency.

F. Public Nuisance. Neither the provisions of this title nor the approval of any permit authorized by this title shall authorize the maintenance of any public nuisance as defined in this municipal code.

G. Severability, Partial Invalidation of Land Division Code. If any portion of this title is held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, such determinations shall not affect the validity of the remaining portions of this chapter. The City Council hereby declares that this title and each chapter, article, section, subsection, paragraph, subparagraph, sentence, clause, phrase, and portion thereof is adopted without regard to the fact that one or more portions of this title may be declared invalid, unconstitutional, or unenforceable.

Chapter 22.04
ADMINISTRATION

Sections:

22.04.010 Purpose.

The purpose of this chapter is to establish the administration of this title and to set forth the basic responsibilities of the officials and bodies charged with its administration. Further, this chapter specifies the authority and procedures for clarifying any ambiguity in the regulations of this title in order to ensure consistent interpretation and application of this title.

22.04.020 Responsibilities.

Except as expressly provided otherwise in this title, the responsibility for actions taken under this title shall be as stated below and summarized in Table 23.14-1 (Approving Authority).

A. City Council. The City Council shall be responsible for:

1. The approval or denial of final maps;

2. The acceptance, acceptance subject to improvement, consent to, or rejection of offers of dedications shown on final maps;

3. The approval, conditional approval, or denial of reversions to acreage; and

4. Acting as the appeal board for hearing appeals of Planning Commission actions as provided in this title.

5. Vacating or abandoning right of way

B. Planning Commission. The Planning Commission shall be responsible for:

1. The approval, conditional approval, or denial of tentative maps and subdivision modifications for all subdivisions resulting in divisions of land into five or more parcels (tentative subdivision maps);

2. The approval, conditional approval or denial of tentative maps and subdivision modifications for all subdivisions resulting in divisions of land into four or fewer parcels (tentative parcel maps) where a tentative map is required by this chapter;

4. Hold hearings on determination status for Involuntary Merger of Substandard Parcels pursuant to Article II of EGMC Chapter 22.14; and

3. Acting as the appeal board for hearing appeals of Zoning Administrator actions as provided in this chapter.

C. Zoning Administrator. The Zoning Administrator shall be responsible for:

1. The approval or denial of requests for extensions of time for tentative maps subject to the provisions of the Subdivision Map Act (Section 66452.6); and

2. Acting as the appeal board for hearing appeals of Community Development Director actions as provided in this title.

D. Community Development Director. The Community Development Director shall be responsible for:

1. The approval, conditional approval, or denial of boundary line adjustments and certificates of compliance as provided in Section 66499.35 of the Subdivision Map Act;

2. The approval or denial of mergers or unmergers of contiguous parcels under common ownership without reversion under EGMC Chapter 22.14 (Merger and Unmerger of Contiguous Parcels);

3. The waiver of the requirement to file a parcel map;

4. In conjunction with the City Engineer, recommending approval, conditional approval, or disapproval of the design of proposed subdivisions, and the kinds, nature, and extent of on-site and off-site improvements required in connection therewith to the Planning Commission and/or the City Council;

5. Reporting on land use matters related to proposed subdivisions to the Planning Commission and/or City Council, including but not limited to consistency with the City General Plan, the Zoning Code (EGMC Title 23), and any applicable specific plan or area plan;

6. Recommending approval, conditional approval, or denial of tentative maps of all proposed subdivisions of land to the Planning Commission and/or the City Council based upon the requirements of this chapter, the Subdivision Map Act, Zoning Code, the General Plan, any applicable specific or area plan(s), or the standards, rules, or regulations adopted by the City pursuant to this title;

7. Recommending approval or denial of extensions of time for tentative maps to the Zoning Administrator;

8. Reviewing and making recommendations concerning proposed subdivisions in the unincorporated territory of the county of Sacramento in accordance with Subdivision Map Act Section 66453 when the Community Development Director has elected to do so; and

9. Such additional powers and duties as prescribed by law and by this title.

D. City Engineer. The City Engineer shall be responsible for:

1. Approving parcel maps.

2. Completing those certificates on Final and Parcel Maps as required by this title and the Subdivision Map Act;

3. All other duties as prescribed by the Subdivision Map Act, including, but not limited to, Section 66416.5; and

4. Such additional powers and duties as prescribed by law and by this title.

E. City Surveyor. The City Surveyor shall be responsible for examinations, certifications, and approvals of the surveying maps and documents as required throughout this title. Where such role is assigned in this title to the City Engineer, that role shall be deferred to the City Surveyor.

22.04.030 Procedures.

A. The submittal and processing of applications for approvals governed by this title shall be the same as that provided in EGMC Chapter 23.14, General Application Processing Procedures.

B. Except as otherwise provided in EGMC Section 23.14.050.A and EGMC Section 23.14.050.C, when a proposed project requires more than one (1) permit under this title and Title 23 (Zoning) with more than one (1) approving authority, all project permits shall be processed concurrently and final action shall be taken by the highest-level designated approving authority for all requested permits.

C. When any tentative map is submitted in conjunction with a qualifying streamlined housing project as provided in EGMC Chapter 23.17, the approving authority shall be the Zoning Administrator.

D. The Community Development Director shall adopt rules to implement the various processes generally set forth in this title and the Subdivision Map Act. The rules shall apply to, but not be limited to, instructions for preparing and completing applications for parcel maps, subdivision maps, certificates of compliance, reversions to acreage, and compliance with the California Environmental Quality Act. Where a property owner intends to change real property in a manner subject to the aforementioned rules, appropriate application(s) shall be submitted to the City in accordance with the rules, on forms provided by the City, and with any necessary fees for City review and action.

22.04.040 Interpretation.

If ambiguity arises concerning the meaning or applicability of the provisions of this title, it shall be the responsibility of the Community Development Director to review pertinent facts, determine the intent of the provision, and issue an administrative interpretation of said provision(s) as specified in this section.

A. Rules of Interpretation.

1. Terminology. When used in this title, the following rules apply to all provisions of this title:

    a. Language. The words “shall,” “must,” “will,” “is to,” and “are to” are always mandatory. “Should” is not mandatory but is strongly recommended, and “may” is permissive.

    b. Tense and number. The present tense includes the past and future tense, and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the words indicates otherwise.

    c. Conjunctions. “And” indicates that all connected items or provisions shall apply. “Or” indicates that the connected items or provisions may apply singly or in any combination. “Either…or” or “and/or” indicates that the connected items and provisions shall apply singly but not in combination. “Includes” and “including” shall mean “including but not limited to…”

2. Number of Days. Whenever the number of days is specified in this title, or in any permit, condition of approval, or notice issued or given as provided in this title, the number of days shall be construed as calendar days. When the last of the specified number of days falls on a weekend or City holiday, time limits shall extend to the end of the next working day.

3. Minimum Requirements. When interpreting and applying the regulations of this title, all provisions shall be considered to be minimum requirements, unless specifically stated otherwise.

B. Record of Interpretation. Whenever the Community Development Director determines that an ambiguity in a subdivision regulation exists or when an applicant requests an interpretation

based on their judgment or understanding of this title, the Community Development Director shall issue an official interpretation. The procedure for preparation, content, procedure, and keeping of official interpretations shall be as provided for official zoning interpretations in EGMC Section 23.12.040 (Official Zoning Interpretation) of this Code.

C. Appeals. Interpretations may be appealed as specified in EGMC Section 23.14.060 (Appeals). Where the appeal provisions of this section conflict with other provisions of the Elk Grove Municipal Code, the appeal provisions of this section shall apply with regard to matters pursuant to this section.

22.04.050 Enforcement.

A. Generally. Except as otherwise provided herein, the Community Development Director and City Engineer are authorized and directed to enforce the provisions of this title and the Subdivision Map Act for subdivisions within the City.

B. Certificates of Compliance. Applications for certificates of compliance shall be filed with the Community Development Department. The Community Development Director shall be responsible for their issuance and recordation. The form of the application and requirements for a certificate of compliance shall be prescribed by the City. A nonrefundable fee in the amount established by resolution of the City Council for each lot or parcel for which a certificate is sought shall accompany the application.

C. Illegal Subdivisions. No board, commission, officer, employee, or agent of the City shall issue any certificate or permit or grant any approval necessary to develop any real property within the City that has been divided, or which resulted from a division, in violation of the provisions of the Subdivision Map Act or of this title.

Whenever the City has knowledge that real property has been divided in violation of the Subdivision Map Act or this title, the Community Development Director and/or City Engineer shall, upon receipt of information of such violation, file the notices required by Section 66499.36 of the Subdivision Map Act and thereafter follow the procedures set forth in that section.

22.040.060 Certificate of Compliance.

A. Purpose. This section describes the procedures and processing for certificates of compliance, consistent with the requirements of Section 66499.35 the Subdivision Map Act.

B. Applicability. A certificate of compliance is a document, recorded by the county recorder, which acknowledges that a parcel or lot of real property (hereinafter parcel) is considered by the City to be a legal parcel or lot of record. Any person owning real property, or a purchaser of the property in a contract of sale of the property, may request a certificate of compliance from the City.

C. Application. A certificate of compliance application shall be made on a form provided by the Community Development Department and submitted to the Department. The form shall be accompanied by an application deposit or fee as established by resolution of the City Council. The application shall also include a chain of title, consisting of copies of deeds beginning before the division of the property and running through to the time of application for the certificate of compliance, unless the parcel(s) in question was created through a recorded subdivision map.

D. City Review and Action. The application for certificate of compliance shall be reviewed and acted upon as provided below.

1. Community Development Director Review. The Community Development Director, in coordination with the City Engineer, shall review the request and make a determination on the application as follows:

a. If the Community Development Director makes a determination that the parcel(s) complies with the Subdivision Map Act and this title, the Community Development Director shall cause a certificate of compliance to be filed for record with the County recorder. The form of the certificate shall be as described below.

b. If the Community Development Director makes a determination that the parcel(s) does not comply with the provisions of the Subdivision Map Act or this title, the Community Development Director shall issue a conditional certificate of compliance. The City may, as a condition to granting a conditional certificate of compliance, impose any conditions that would have been applicable to the division of the property at the time the applicant acquired their interest in the property and that had been established at that time by the Subdivision Map Act and this title. Upon making a determination and establishing conditions, the Community Development Director shall file a conditional certificate of compliance for record with the County recorder. The certificate shall serve as notice to the property owner who has applied for the certificate, a grantee of the property owner, or any subsequent transferee to assignee of the property, that the fulfillment and implementation of the conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property. Compliance with the conditions shall not be required until a permit or other grant of approval for development of the property is issued.

2. Form of Certificate. The certificate of compliance shall identify the property, shall state that the division complies with the provisions of the Subdivision Map Act and this title, and shall include all information required under Section 66499.35 of the Subdivision Map Act.

3. Effective Date. A certificate of compliance shall not become final until the document has been recorded by the County recorder.

4. Recorded Final Map or Parcel Map. A recorded final map or parcel map shall constitute a certificate of compliance with respect to the parcels of real property described in the final or parcel map.

22.04.070 Fees

A fee(s) shall be paid to the City for services performed under this title, and other related planning services performed in furtherance of this title, or authorized to be performed, by the City's Community Development Director and Community Development Department, or other departments and agents of the City, in accordance with the adopted fee schedule. Such fee schedule and fees will be set and can be amended from time to time and as needed, by resolution of the City Council.

Chapter 22.06
DIVISION OF LAND – REQUIRED MAPS

Sections:

22.06.010 Purpose.

The purpose of this chapter is to establish the types of maps that are required for the division of land in the City.

22.06.020 Required Maps.

A. Divisions of Land – Five or More Lots. As provided in Section 66426 of the Subdivision Map Act, a tentative subdivision map and a final map shall be required for all divisions of land where the land will be divided into five (5) or more parcels, five (5) or more condominiums, a community apartment project containing five (5) or more parcels, or for the conversion of a dwelling to a stock cooperative containing five (5) or more dwelling units except where:

1. The land before division contains less than five (5) acres, each parcel created by the division abuts upon a maintained public street or highway and no dedications or improvements are required by the legislative body; or

2. Each parcel created by the division has a gross area of twenty (20) acres or more and has an approved access to a maintained public street or highway; or

3. The land consists of a parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths; or

4. Each parcel created by the division has a gross area of not less than forty (40) acres or is not less than one-quarter of a one-quarter section; or

5. The land being subdivided is solely for the creation of an environmental subdivision pursuant to Section 66418.2 of the Subdivision Map Act.

6. A parcel map shall be required for those subdivisions required in subsections (1) through (5) of this section.

B. Divisions of Land – Four or Fewer Lots. Unless otherwise specified in State law, a tentative parcel map and a parcel map shall be required for all divisions of land into four or fewer parcels, except that parcel maps may be waived in accordance with the provisions of EGMC Section 22.18.120 (Waiver Of Parcel Map).

C. Projects Exempt from Map Requirements. As provided by State law, the following divisions of land are specifically exempt from the requirements of a tentative map, final map, or parcel map:

1. Boundary line adjustments between four (4) or fewer existing adjoining parcels and where a greater number of parcels than originally existed is not being created. The boundary line adjustment shall be reflected in a recorded deed. No record of survey shall be required unless otherwise required by Section 8762 of the Business and Professional Code. The procedure for a Lot Line/Boundary Line Adjustment shall be as provided in EGMC Chapter 22.08 (Lot Line/Boundary Line Adjustments).

2. Subdivisions of a portion of the operating right-of-way of a railroad corporation, defined by Section 230 of the State Public Utilities Code, which are created by short-term leases terminable by either party on not more than thirty (30) days notice in writing.

3. Land conveyed to or from a governmental agency, public entity, or public utility, or for land conveyed to a subsidiary of a public utility for conveyance to such public utility for rights-of-way, unless a showing is made by the department in individual cases, upon substantial evidence, that public policy necessitates a parcel map.

4. Any other actions specifically excluded from Section 66412, et seq. of the Subdivision Map Act.

Chapter 22.08
BOUNDARY LINE ADJUSTMENTS

Sections:

22.08.010 Purpose.

The purpose of this chapter is to establish the procedures for application, processing, and deciding applications for Boundary Line Adjustments between four (4) or fewer existing adjoining parcels where a greater number of parcels than originally existed is not being created.

22.08.020 General Provisions.

The designated approving authority for Boundary Line Adjustments shall be the Community Development Director. The procedure provided by this chapter is an alternative to the procedures provided by Chapters 22.16 (Tentative Maps) and 22.18 (Final Maps and Parcel Maps) of this title. Nothing stated herein shall be construed to prevent an applicant from filing a tentative map, final map, or parcel map instead of any Lot Line/Boundary Line Adjustment.

22.08.030 Process for Reviewing Boundary Line Adjustments.

A. Application. An application for a Boundary Line Adjustment may be made by owner(s) of all affected parcels or individuals authorized by the owner(s) to make an application. Such application shall be filed with the Community Development Department, using the form provided by the Department, and shall include the following information, materials, and documents required by and to the satisfaction of the City.

B. Application Review. Applications for Boundary Line Adjustments shall be reviewed as provided in EGMC Chapter 23.14.

C. Timely Processing. Applications for Boundary Line Adjustments shall be processed by the applicant in a timely manner. If the applicant fails to process the application to completion within one (1) year from the date the application was first submitted, due to the applicant's failure to respond to requests for additional information, to pay processing fees, or for any other reason, and upon written notice of the City, the application shall be deemed withdrawn. Thereafter, a new application, including the filing fee, will be needed to process the Boundary Line Adjustment.

D. Decision by the Approving Authority. A decision on the application for Boundary Line Adjustment shall be approved or disapproved by the designated approving authority pursuant to the Permit Streamlining Act (Government Code Section 65920 et seq.).

E. Conditions of Approval. In deciding applications for Boundary Line Adjustments, the designated approving authority may impose conditions on the approval of the application. In accordance with the Section 66412(d) of the Subdivision Map Act, the conditions imposed shall be limited to:

1. Ensuring conformity to the City's General Plan, any applicable specific plan or area plan, the Zoning Code, and the City's adopted Building Code;

2. Requiring the prepayment of real property taxes; and

3. The relocation of existing utilities, infrastructure, or easements.

F. Findings. The designated approving authority shall approve a Boundary Line Adjustment sought pursuant to this chapter if the designated approving authority finds:

1. That the Boundary Line Adjustment will not result in the abandonment of any street or utility easement of record, and that, if the Boundary Line Adjustment will result in the transfer of property from one owner to another owner, the deed to the subsequent owner expressly reserves any street or utility easement of record;

2. That the Boundary Line Adjustment will not result in the elimination or reduction in size of the access way to any resulting parcel, or that the application is accompanied by new easements to provide access which meet all the City requirements regarding access to parcels in the location and of the size as those proposed to be created; and

3. That the resulting parcels conform to the requirements of the City's General Plan, any applicable specific plan or area plan, the City's adopted Building Code, and the City's Zoning Code.

22.08.040 Appeals

The applicant or any interested person adversely affected by any action of the designated approving authority on a Boundary Line Adjustment may, within ten (10) days after the decision, appeal the decision consistent with EGMC Section 23.14.060 (Appeals). All appeals shall be submitted in writing to the City Clerk, identifying the action being appealed and specifically stating the basis or grounds of the appeal, accompanied by a filing fee established by City Council resolution, and submitted to the City Clerk. Where the appeal provisions of this section conflict with other provisions of the Elk Grove Municipal Code, the appeal provisions of this section shall apply with regard to matters pursuant to this chapter.

22.08.050 Recording

Pursuant to Section 66412(d) of the Subdivision Map Act, the Boundary Line Adjustment shall be reflected in a deed. The deed shall be in a form satisfactory to the County Recorder. It shall be submitted to the Community Development Department for a determination that the final deed complies with the approved Boundary Line Adjustment. The approved final deed shall thereafter be forwarded by the Community Development Department or his/her designee to the County Recorder's Office for recording. The applicant shall pay the recording fee.

Chapter 22.10
STREET DEDICATION MAP

Sections:

22.10.010 Purpose.

The purpose of this chapter is to establish the procedures for the preparation, approval, and recordation of street dedication maps.

22.10.020 Procedures

A. A street dedication map may be filed to dedicate a public street or portion thereof, if the dedication does not create a subdivision.

B. The submitted material shall conform to the rules adopted by the Community Development Director as to form and content.

C. Reports. The Community Development Director shall prepare and submit a written report to the Planning Commission on street dedication maps. This report shall specify the location of the proposed street and the surrounding conditions, the neighborhood street pattern, the interest of the general public, and any other factors pertinent to the ultimate uses of the contiguous land. A copy of the report shall be served on the subdivider or his agent at least three (3) days prior to any hearing or action on the map. Any changes in the report shall be served at least three (3) days prior to any subsequent hearing.

Chapter 22.12
REVERSIONS

Sections:

22.12.010 Purpose.

The purpose of this chapter is to is to describe how subdivided property may be reverted to acreage pursuant to the provisions of the Subdivision Map Act.

22.12.020 Initiation of Reversion Proceedings

Proceedings to revert subdivided property to acreage may be initiated by petition of all owners of record of the property or by the City Council.

A. By Owner(s). In the case of initiation by the owner(s), the petition shall be submitted to the Community Development Department and shall contain the following information:

1. Evidence of title to the real property.

2. Map which delineates dedications which will not be vacated and dedications required as a condition to reversion. Map shall be conspicuously designated with the title, “The purpose of this map is a reversion to acreage.”

3. Such other additional data as required by the City.

4. Each petition for reversion to acreage shall be accompanied by a nonrefundable filing fee as established by resolution of the City Council.

B. By City Council. The City Council may, by resolution, initiate proceedings to revert property to acreage. The City Council shall direct the Community Development Director to obtain the necessary information to initiate and conduct the proceedings.

22.12.030 Review of Petition

The notice, hearing, and procedural requirements for review of a tentative map by the designated approval authority shall be followed in connection with the review of a proposed reversion to acreage, provided that, upon the conclusion of the hearing before the City Council, the City Council may approve the reversion to acreage and take final action on the final map.

22.12.040 Findings of Reversion

Subdivided property may be reverted to acreage only if the City Council finds that:

A. Dedications or offers of dedication to be vacated or abandoned by the reversions to acreage are unnecessary for present or prospective public purposes; and

B. Either:

1. All owners of an interest in the real property within the subdivision have consented to reversion, or

2. None of the improvements required to be made have been made within two (2) years from the date the final map or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is the later, or

3. No lots shown on the final map or parcel map have been sold within five (5) years from the date such map was filed for record.

22.12.050 Conditions for Reversion

The designated approval authority may require the following as conditions of the reversion:

A. The owners dedicate or offer to dedicate streets, public rights-of-way, or other necessary easements;

B. The retention of all or a portion of previously-paid subdivision fees, deposits, or improvement securities if the same are necessary to accomplish any of the purposes or provisions of the Subdivision Map Act or this chapter;

C. Such other conditions of reversion as are necessary to accomplish the purposes or provisions of the Subdivision Map Act or this chapter or necessary to protect the public health, safety, or welfare.

22.12.060 Filing with County Recorder

Upon approval of the reversion to acreage, the City Clerk shall transmit the final map, together with the City Council resolution approving the reversion, to the county recorder for recordation. Reversion shall be effective upon the final map or parcel map being filed for record by the county recorder.

22.12.070 Merging and Resubdividing Without Reversion

Except as provided in EGMC Chapter 22.14 (Merger and Unmerger of Contiguous Parcels) for merger of contiguous parcels under common ownership, subdivided lands may be merged and resubdivided without reverting to acreage by complying with the applicable requirements for the subdivision of land as provided by this title and the Subdivision Map Act.

22.12.080 Requirements for Parcel Mergers and Unmergers

Except as provided otherwise in this chapter, the requirements for the merger and unmerger of parcels shall be as set forth in the Subdivision Map Act.

Chapter 22.14
MERGER AND UNMERGER OF CONTIGUOUS PARCELS

Sections:

Article I. Purpose and Applicability

22.14.010 Purpose.

The purpose of this chapter is to provide a procedure by which the City may provide for the merger of two (2) or more contiguous parcels held in common ownership where the requirements of Sections 66451.11 et seq. and Section 66499.20.3 of the California Government Code are met.

22.14.020 Applicability.

This chapter provides the procedure the City shall follow for the involuntary and voluntary merger of two (2) or more contiguous parcels held in common ownership if all of the following requirements are satisfied:

A. One (1) or more of the contiguous parcels does not conform to the applicable standards for minimum parcel size as set forth in EGMC Title 23, Zoning Code;

B. At least one (1) of the contiguous parcels is undeveloped by any structure as defined in EGMC Title 23, Zoning Code, for which a building permit was issued or for which a building permit was not required at the time of construction, or is developed only with an accessory structure or accessory structures, as defined in EGMC Title 23, Zoning Code, or is developed with a single

structure, other than an accessory structure, that is also partially sited on a contiguous parcel or unit;

C. At least one (1) of the following applies to at least one (1) of the contiguous parcels:

1. The parcel is less than five thousand (5,000 ft^2) square feet in area at the time of determination of merger;

2. The parcel was not created in compliance with applicable laws and ordinances in effect at the time of its creation;

3. The parcel does not meet current standards for sewage disposal and domestic water supply;

4. The parcel does not meet slope stability standards;

5. The parcel has no legal access which is adequate for vehicle and safety equipment and maneuverability;

6. The parcel's development would create health or safety hazards;

7. The parcel is inconsistent with the City's General Plan, any applicable specific plan or any applicable special planning area, other than minimum lot size or density standards.

D. This section shall not apply if one (1) of the following conditions exists: parcels under common ownership which on July 1, 1981, were: 1) enforceably restricted open lands; 2) timberlands or lands devoted to agricultural use; 3) lands within two thousand (2,000' 00") feet of an existing or approved future commercial mining operation; or 4) lands within a coastal zone which, prior to July 1, 1981, were formally identified or designated as being of insufficient size to support residential development.

Article II. Involuntary Merger of Substandard Parcels

22.14.030 Notice of intent to merge substandard parcels.
Prior to recording a notice of merger, the City shall do all of the following:

A. Mail a notice of intent to determine status, by certified mail, to the current record owner of the property stating that the parcels may be merged pursuant to the provisions of this chapter. The notice shall state that the record owner will have the opportunity to request a hearing on the determination of status and present evidence that the property does not meet the criteria for merger.

B. The notice of intention to determine status shall be recorded in the office of the County Recorder of the County of Sacramento on the date the notice is mailed to the record owner.

22.14.040 Request for hearing on determination of status.
At any time within thirty (30) days after the City records the notice to determine status, the record owner may file a written request for a public hearing by the Planning Commission by either personal delivery or certified mail to the Community Development Director requesting such a hearing.

22.14.050 Hearing – Time, date and place.
Upon filing an application and payment of a fee as established by a resolution of the City Council, the request for a hearing on determination of status as described in EGMC Section 22.14.040, the Community Development Director shall set a time, date, and place for the hearing to be conducted by the Planning Commission and shall notify the owner of the time, date, and place for the hearing via certified mail.

The hearing shall be conducted no more than sixty (60) days following the Community Development Director's receipt of the request but may be postponed or continued with the mutual consent of the property owner and the Planning Commission.

22.14.060 Hearing procedure.

A. At the hearing on determination of status, the record owner shall be given the opportunity to present evidence that the affected property does not meet the standards for merger specified in EGMC Section 22.14.020.

B. At the conclusion of the hearing, the Planning Commission shall make a determination of whether the parcels are to be merged or not.

1. If the determination is that the parcels are to be merged the following findings must be made:

a. The parcels to be merged satisfy the requirements of EGMC Section 22.14.020.

b. The parcels to be merged comply with the requirements of the Subdivision Map Act.

2. After the findings have been made, the Community Development Director shall file a notice of merger with the Sacramento County Recorder within thirty (30) days of the conclusion of the hearing.

3. If the Planning Commission makes a determination that the parcels are not to be merged, the Commission shall direct the Community Development Director to record a release of the notice of intent to determine status with the Sacramento County Recorder within thirty (30) days after the conclusion of the hearing.

22.14.070 Notice of merger.

A notice of merger shall contain the names of the record owner, a legal description of the existing parcels, a legal description and accompanying plat of the resultant parcel and the findings of the Planning Commission.

22.14.080 Determination of merger when no hearing requested.

If the record owner does not file a request to have a public hearing within the thirty (30) day period as specified in EGMC Section 22.14.040, the Planning Commission may make a determination as to whether the parcels are to be merged or not be merged. Upon such determination by the Planning Commission that the parcels are not to be merged, the Community Development Director will be directed to record a release of notice of intention to determine status with the County Recorder of the County of Sacramento and a copy of the release shall be mailed to the record owner.

If the Planning Commission determines that the parcels are to be merged, the Commission shall direct the Community Development Director to record a notice of merger with the County Recorder of the County of Sacramento within ninety (90) days from the mailing of the notice of intention to merge and a copy of the notice of merger shall be mailed to the record owner.

Article III. Voluntary Merger of Contiguous Parcels Under Common Ownership

22.14.090 Contiguous parcels under common ownership.

All legal parcels conforming to the Subdivision Map Act and the City of Elk Grove Municipal Code may be merged under the provisions of this section without reverting to acreage pursuant to Section 66499.20.3 of the Subdivision Map Act of the Government Code. Nothing in this section shall be construed to prevent an applicant from filing a tentative map, a final map, or parcel map for any merger. For the purposes of this section, a legal parcel shall be a parcel for which a final parcel map or subdivision map has been filed or one for which a certificate of compliance has been issued.

22.14.100 Authority.
The Community Development Director shall have the authority to approve or disapprove the merger of contiguous parcels under common ownership without reverting to acreage.

22.14.110 Requirements for the merger of contiguous parcels under common ownership.
To apply for voluntary merger of contiguous parcels the applicant must prove all of the following conditions are met:

A. The merger shall not interfere with any existing fee, grants, easements, agreements, conditions, dedications, offers to dedicate or security provided in connection with any and all previously granted approvals by the City of Elk Grove.

B. The exterior boundaries of the parcels to be merged shall not change.

C. The parcels shall be under common ownership at the time of the application filing and all common owners shall consent, in writing, to the merger.

D. The resultant parcel must be in conformance with the General Plan, any applicable specific plan, any applicable special planning area, and EGMC Title 23.

E. The resultant parcel, after the merger, shall have adequate access and frontage length adjacent to a public street as defined in EGMC 22.30.020.

F. All required fees shall be paid, including a recording fee for the merger.

22.14.120 Application and fees.
An application shall be filed with the Community Development Department and all fees shall be paid as approved by resolution of the City Council.

22.14.130 Determination.
The Community Development Director shall make the following findings in order to merge the parcels:

A. The resultant parcel will be consistent with the General Plan, any applicable specific plan, and Zoning, inclusive of any special planning area.

B. The resultant parcel has adequate access and frontage to a public street.

C. Any development of the resultant parcel will not adversely affect the public health, safety or welfare.

22.14.140 Certificate of merger.
Upon making the findings, the Community Development Director shall cause a certificate of merger to be filed with the County Recorder of the County of Sacramento. The certificate shall include the names of the recorded owners, legal descriptions of the existing parcels, a legal description and map of the resultant parcel, and the Community Development Director's findings. Recordation of the certificate of merger shall establish that the parcels are merged and one (1) parcel exists under the provisions of the Subdivision Map Act and the Elk Grove Municipal Code.

22.14.150 Determination that parcels may not be merged.
The Community Development Director may determine that the parcels may not be merged under this section and that a tentative map may be required and processed in conformance with EGMC Chapter 22.16. The Community Development Director shall issue a letter outlining his/her findings as to why a tentative map is required.

22.14.160 Appeals.

Any person dissatisfied with the decision of the Community Development Director may appeal such action to the Zoning Administrator within ten (10) days from the date of the action. All appeals shall be submitted in writing, identifying the action being appealed and specifically stating the basis or grounds of the appeal, accompanied by a filing fee established by City Council resolution, and submitted to the City Clerk. Where the appeal provisions of this section conflict with other provisions of the Elk Grove Municipal Code, the appeal provisions of this section shall apply with regard to matters pursuant to this article.

Article IV. Unmerger of Parcels

22.14.170 Applicability.

This section applies to parcels which were merged prior to January 1, 1984, and for which a notice of merger was not recorded on or before January 1, 1986, as such recordation was required by Section 66451.19 of the Government Code.

Because the mergers to which this section applies occurred prior to the City's incorporation, there may be instances where merger of parcels failed to comply with Section 66451.19 of the Government Code or other applicable laws establishing requirements for merger of contiguous parcels held in common ownership of which the City does not have a record. The purpose of this article is to provide a procedure by which record owners of such improperly merged parcels may seek to void any such merger and to allow the City to determine if parcels previously merged will continue to be merged when certain conditions exist under EGMC Section 22.14.200.

22.14.180 Requirements for unmerger.

A written request shall be filed with the Community Development Director and signed by the record owners. The application shall include any information, documents, or maps which prove the ownership of the parcels, a valid legal description of the parcels requested to be unmerged and evidence that the criteria listed in EGMC Section 22.14.190 are met.

The request shall be accompanied by a fee as established by resolution by the City Council of the City of Elk Grove.

22.14.190 Unmerger criteria.

A. The parcels or units of land shall be deemed unmerged if, as of the date of the request, the parcels or units of land meet all of the following criteria:

1. Comprises at least five thousand (5,000 ft^2) square feet in area.

2. Was created in compliance with applicable laws in effect at the time of its creation.

3. Meets current standards for sewage disposal and domestic water supply.

4. Meets slope density requirements.

5. Has legal access which is adequate for vehicular and safety equipment access and maneuverability.

6. Development of the parcel would create no health or safety hazards.

7. The parcel would be consistent with the City's General Plan and any applicable specific plan, other than minimum lot size or density standards.

B. And, with respect to such parcel, none of the following conditions exist:

1. On or before July 1, 1981, one (1) or more of the contiguous parcels or units of land is enforceably restricted open-space land pursuant to a contract, agreement, scenic restriction, or open-space easement, as defined and set forth in Section 421 of the Revenue and Taxation Code.

2. On July 1, 1981, one (1) or more of the contiguous parcels or units of land is timberland as defined in subdivision (f) of Section 51104 of the Government Code, or is land devoted to an agricultural use as defined in subdivision (b) of Section 51201 of the Government Code.

3. On July 1, 1981, one (1) or more of the contiguous parcels or units of land is located within two thousand (2,000' 00") feet of the site on which an existing commercial mineral resource extraction use is being made, whether or not the extraction is being made pursuant to a use permit issued by the local agency.

4. On July 1, 1981, one (1) or more of the contiguous parcels or units of land is located within two thousand (2,000' 00") feet of a future commercial mineral extraction site as shown on a plan for which a use permit or other permit authorizing commercial mineral resource extraction has been issued by the local agency.

5. Within the coastal zone, as defined in Section 30103 of the Public Resources Code, one (1) or more of the contiguous parcels or units of land has, prior to July 1, 1981, been identified or designated as being of insufficient size to support residential development and where the identification or designation has either: a) been included in the land use plan portion of a local coastal program prepared and adopted pursuant to the California Coastal Act of 1976 (Division 20 of the Public Resources Code), or b) prior to the adoption of a land use plan, been made by formal action of the California Coastal Commission pursuant to the provisions of the California Coastal Act of 1976 in a coastal development permit decision or in an approved land use plan work program or an approved issue identification on which the preparation of a land use plan pursuant to the provisions of the California Coastal Act is based.

22.14.200 Continued merger criteria.

If any parcels or units of land merged under a then-valid Sacramento County merger ordinance which was in effect prior to January 1, 1984, but for which a notice of merger had not been recorded before January 1, 1988, and one (1) or more of the merged parcels or units of land is within one (1) of the categories specified in EGMC Section 22.14.190(B)(1) to (5), the parcels shall be deemed not to have merged unless all of the following conditions exist:

A. The parcels or units are contiguous and held by the same record owner.

B. One (1) or more of the contiguous parcels or units do not conform to minimum parcel size under the City's General Plan, applicable specific plan, or EGMC Title 23.

C. At least one (1) of the affected parcels is undeveloped by any structure as defined in EGMC Title 23, for which a building permit was issued or for which a building permit was not required at the time of construction, or is developed only with an accessory structure or accessory structures, as defined in EGMC Title 23, or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel or unit.

D. The parcels or units which do not conform to minimum parcel size were not created by a recorded parcel or final map.

If all the conditions described in subsections (A), (B), (C), and (D) of this section exist, only a parcel or unit of land which does not conform to minimum parcel size shall remain merged with a contiguous parcel.

22.14.210 Determination of unmerger or continued merger.

A. The Community Development Director will determine whether the parcels meet the criteria as described in EGMC Section 22.14.190 for unmerger or continued merger under EGMC Section 22.14.200 based on the information in the application.

B. If the Community Development Director determines that the parcels meet the standards as described in EGMC Section 22.14.190, the Community Development Director shall issue to the record owner, and record with the Sacramento County Recorder, a notice of status of the parcels which shall identify each parcel and declare that the parcels are unmerged pursuant to this section.

C. If the Community Development Director determines that the parcels do not meet the criteria as described in EGMC Section 22.14.190 and do meet the criteria of EGMC Section 22.14.200, the Community Development Director shall issue to the record owner, and record with the Sacramento County Recorder, a certificate of merger as provided for in EGMC Section 22.14.140.

22.14.220 Appeals.

Any person dissatisfied with the decision of the Community Development Director may appeal such action to the Zoning Administrator within ten (10) days from the date of the action. All appeals shall be submitted in writing, identifying the action being appealed and specifically stating the basis or grounds of the appeal. Appeals shall be filed within ten (10) days following the date of determination or action for which an appeal is made, accompanied by a filing fee established by City Council resolution and submitted to the City Clerk. Where the appeal provisions of this section conflict with other provisions of the Elk Grove Municipal Code, the appeal provisions of this section shall apply with regard to matters pursuant to this chapter.

Chapter 22.16
TENTATIVE MAPS

Sections:

22.16.010 Purpose.

The purpose of this chapter is to establish the City's regulations, standards, and procedures for consideration of tentative subdivision map and tentative parcel map applications.

22.16.020 Tentative Map Required.

For every subdivision for which a tentative map is required pursuant to Chapter 22.06 (Division of Land – Required Maps) of this title (e.g., tentative subdivision map, tentative parcel map), the subdivider shall file with the City a tentative map prepared in accordance with the provisions of this chapter.

In addition to the requirements of this chapter and title, all qualifying tentative maps shall also be subject to the requirements of Subdivision Design Review as provided in EGMC 23.16.080 (Design Review). No qualifying tentative map shall be approved without the concurrent approval of any necessary Subdivision Design Review for the qualifying tentative map.

22.16.030 Tentative Map Application.

The tentative map shall be prepared in a manner acceptable to the Community Development Department. The map shall be prepared by a registered civil engineer or licensed land surveyor and shall contain the following components unless waived at the discretion of the Community Development Director and/or the City Engineer:

A. The tentative map shall show the following notes and statements:

1. Subdivision name and number, which shall be the name of the project and the file number assigned by the City;

2. A sufficient legal description for the property shown on the tentative map. A portion of a lot/section/parcel is not sufficient for this application;

3. A vicinity map showing roads, adjoining subdivisions, towns, creeks, railroads and other data sufficient to locate the subdivision;

4. Name, telephone number, and address of record owner or owners of the subdivision;

5. Name, address and telephone number of the subdivider;

6. Name, business address and telephone number of the registered (engineer) or licensed surveyor who prepared the tentative map;

7. Names, addresses and phone numbers of all service providers;

8. A statement of existing zoning and proposed zoning along with existing and proposed uses of the property;

9. A statement of the gross acreages of the overall subdivision;

10. A statement signed by the engineer/surveyor that all easements have been plotted or accounted for based on the current title report.

B. Technical Map Requirements. The map shall contain the following:

1. The scale of the map shall be such that all information can be shown without resorting to details. All scales are subject to approval of the Community Development Director and shall include an eight and one-half by eleven (8.5" x 11") inch reduction;

2. The tentative map boundary shall have a distinctive border line which will set it apart from all other lines. Bearings, distances and curve data sufficient to define the boundary shall be shown;

3. The map shall show its relationship to all adjoining recorded subdivision maps. If any adjoining property is not covered by a subdivision map, the name of the record owner along with the current assessor's parcel number shall be shown;

4. A date, a north arrow, and graphic scale shall be shown;

5. A legend to define any terms or symbols if required.

C. Current Land Uses and Conditions. The following data shall be shown on the map that describes the current conditions of the land and surrounding areas and shall include, but not be limited to:

1. Topographic data of the proposed site and at least one hundred (100' 0") feet beyond its boundary shall be shown along with additional topography to define any additional drainage conditions that affect adjoining property, if applicable, and shall include, but not be limited to:

a. Existing contours at two (2' 0") foot intervals if the existing ground slope is less than five (5%) percent. Existing contours shall be represented by dashed lines or by screened lines. The origin of the contours must be shown along with a benchmark and a datum statement;

b. Type, circumference and dripline of existing trees with a trunk diameter of six (6") inches or more. Any trees proposed to be removed shall be so indicated;

c. The location and outline of existing structures identified by type along with square footage of each. Show all patios, porches, decks, overhangs and exterior stairways and indicate whether they are to remain or be removed. This requirement may be waived at the discretion of the Community Development Director;

d. The approximate location of all areas of potential stormwater overflow; the location, width, and direction of flow of each watercourse; the flood zone of each watercourse; and the flood zone designation as indicated on the Flood Insurance Rate Map ("FIRM");

e. The location, pavement and right-of-way width, grade and name of existing streets or highways;

f. The widths, location, purpose and recording data of all existing easements. If any easements are required to be vacated or quitclaimed, a note to that effect shall be placed on the map;

g. The location and size of existing utilities including, but not limited to, sanitary sewers, fire hydrants, water mains, storm drains, streetlights, water valves, utility boxes or vaults shall be indicated. Existing utility lines shall be dimensioned to the nearest property line or centerline. The location of existing overhead utility lines on peripheral streets shall be indicated;

h. The location of all railroads and grade crossings;

i. The location of all existing wells, abandoned wells and sumps.

D. Proposed Improvements. The following proposed improvements shall be shown and shall include, but not be limited to:

1. Adequate elevation information shall be shown to allow City staff to review the proposed drainage patterns and check conformance to various Elk Grove Municipal Code requirements including, but not limited to, two (2' 0") foot contours, adequate spot elevations and proposed pad grades;

2. The approximate lot layout and the approximate dimensions of each lot and each building site, including a lot number. The lots shall be consecutively numbered;

3. The size, location and elevations of all drainage swales, pipes or facilities that will show that all on-site drainage will be conveyed to public drainage facilities;

4. The location, centerline radius of curves, right-of-way width, grades and names of all streets. Typical sections of all streets shall be shown. If streets are to be private and/or gated, a note shall be placed on the map;

5. The locations, width and type of all easements;

6. Proposed park and recreational sites, common areas, open space areas including method of ownership and management;

7. The location and size of all proposed utilities including, but not limited to, sanitary sewers, fire hydrants, water mains and storm drains;

8. Phasing. If the subdivider plans to file multiple final or parcel maps on the tentative map, there shall be a clear statement on the tentative map indicating the intent of the subdivider to do so;

9. Deviations from City's Improvement Standards shall be submitted to the City Engineer for review and approval. Any deviation approved by the City Engineer shall be clearly depicted and noted on the tentative map. Should a higher approving authority be the final approval of the map, the deviation shall only be effective upon the final authority’s concurrence.

E. The following additional information may be required as part of the tentative map submittal and may include, but not be limited to, the following:

1. Soils Report. A soils report prepared by a soils engineer;

2. Traffic study;

3. A drainage study prepared to the satisfaction of the City Engineer.

F. Application Format and Additional Information. The Community Development Director shall determine the number of tentative maps to be delivered. The applicant shall comply any public engagement obligations provided in EGMC Title 23. In addition, all tentative map applications shall be accompanied by a fee, as established by City Council resolution.

22.16.040 Tentative Map Process and Procedures

A. General Application Review and Processing. The designated approving authority shall approve, conditionally approve, or deny the tentative map within fifty (50) days of the date of certification of the EIR, adoption of a negative declaration, or a determination that the project is exempt from the requirements of CEQA. The Community Development Director shall thereafter report the decision of the approving authority to the subdivider. Except as otherwise provided in State law, pursuant to Section 66412.3 of the Subdivision Map Act, in reaching a decision upon the tentative map, the approving authority shall consider the effect of that decision on the housing needs of the region and balance these needs against the public service needs of its residents and available fiscal and environmental resources.

B. Approval and Application of Conditions. The tentative map may be approved or conditionally approved by the approving authority if it finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, any applicable specific plan or area plan, and all applicable provisions of this title, along with any applicable standards of the Zoning Code (EGMC Title 23). The approving authority may require that, as a condition of approval, the subdivider pay all required development impact fees at the rate for such fees in effect at the time such fees would normally be levied (e.g., building permit issuance). The approving authority may modify or delete any of the conditions of approval recommended in the Community Development Director's report. The approving authority may add additional requirements as a condition of its approval.

C. Findings for Denial. Except as otherwise required by State or Federal law, the approving authority shall deny approval of the tentative map if it makes any of the following findings:

1. That the proposed map, together with the provisions for its design and improvement, is inconsistent with the general plan or any applicable specific plan, or other applicable provisions of this code.

2. That the site is not physically suitable for the type of development.

3. That the site is not physically suitable for the proposed density of development.

4. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. Notwithstanding the foregoing, the designated approving authority may approve such a tentative map if any environmental impact report was prepared with respect to the project and a finding was made pursuant to Section 21081(c) of CEQA that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

5. That the design of the subdivision or the type of improvements are likely to cause serious public health problems.

6. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the designated approving authority may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is granted to the planning commission to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

7. Subject to Section 66474.4 of the Subdivision Map Act, that the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (commencing with

Section 51200 of the Government Code) and that the resulting parcels following a subdivision of the land would be too small to sustain their agricultural use.

D. Appeal. The decision of the designated approving authority may be appealed as provided in subsection 23.14.060 (Appeals). Where the appeal provisions of this section conflict with other provisions of the Elk Grove Municipal Code, the appeal provisions of this section shall apply with regard to matters pursuant to this chapter.

22.16.050 Vesting Tentative Maps

Whenever a provision of the Subdivision Map Act or this title requires the filing of a tentative map (e.g., a tentative subdivision map, tentative parcel map), a vesting tentative map may instead be filed. Such vesting tentative map shall be in accordance with the provisions of this chapter. If a subdivider does not seek the rights conferred by the vesting tentative map statute, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

A. Application for Vesting Tentative Map. A vesting tentative map shall be filed in the same form and have the same content as required by this title for tentative maps. The application shall be filed in the same manner as tentative maps. At the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words “Vesting Tentative Map.”

B. Additional Submittal Requirements. At the time a vesting tentative subdivision map is filed, the subdivider shall also supply the information listed below to the City. The City may request, and the applicant shall promptly furnish, information as may reasonably be necessary to enable the City to evaluate the vesting effect that would follow from approval of the map.

1. A grading plan in conformance with the City grading ordinance and design standards. The grading plan shall contain precise grading of the entire subdivision and shall include all existing and proposed topography. The proposed topography shall include, but not be limited to, the elevations on all building pads, street grades and elevations at all lot corners;

2. Complete sanitary sewer plans accompanied by a sewer area study;

3. Complete water plans;

4. Complete storm drain plans;

5. Complete street plans;

6. Complete landscape plans;

7. Any geological studies, if required;

8. A complete drainage study. The study shall include, but not be limited to, a ten (10) year drainage study along with the one hundred (100) year drainage study. The one hundred (100) year study shall show the hydraulic grade line (HGL) at critical locations for each subdivision unit;

9. A complete site plan showing the buildings and exterior features of each lot. For single-family detached lots the site plan shall show the typical building envelopes. It shall also show all building setbacks, building heights, number of stories, driveway locations, landscaped areas and all other improvements proposed to be installed (this may be waived at the discretion of the Community Development Director);

10. Any engineering calculations and cost estimates for all improvement plans;

11. A tree preservation plan;

12. A soils report prepared by a soils engineer; and

13. Any and all other studies, reports, plans, specifications or additional information required by the Community Development Director

C. Development Rights Upon Approval.

1. Generally. The approval of a vesting tentative map by the City shall confer a vested right to apply for permits needed to proceed with development and have the City exercise its discretion to approve, disapprove, or approve such permits with conditions, on the basis of ordinances, policies, and standards in effect at the time the application was determined to be complete pursuant to Section 65943 of the Subdivision Map Act.

2. Disclaimers.

a. This section does not enlarge, diminish, or alter the power of the City to deny approval of the requested project or any part thereof, or to impose conditions on the approval of a project.

b. Nothing in this section removes, diminishes, or affects the obligation of any subdivider or local agency to comply with the conditions and requirements of any State or Federal laws, regulations, or policies.

c. In the event that Section 66474.2 of the Subdivision Map Act is repealed, any subsequent approvals of vested maps shall confer a vested right to proceed with development in substantial compliance with ordinances, policies, and standards in effect at the time the vesting map is approved or conditionally approved, rather than at the time the application was determined to be complete.

d. Notwithstanding this section, the City may condition or deny a permit, extension, or entitlement, including, but not limited to, final maps and building permits, if it determines any of the following:

i. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both;

ii. The condition or denial is required in order to comply with State or Federal law.

D. Administration of Vested Rights. In administering an approved vesting map, the following shall be applicable:

1. Concurrent Approvals. Approval of a vesting tentative map applies only to actions considered and approved by the designated approving authority. If the vesting tentative map was approved with conditions, the approval is subject to those conditions. If related applications for discretionary permits were approved in conjunction with the vesting tentative map, the approvals are subject to applicable ordinances, policies, and standards granting those entitlements, including any conditions thereof.

2. Initial Life of Vested Rights. The rights conferred by a vesting tentative map as provided by this chapter shall last for an initial period of two (2) years after recording of the final map.

3. Extension of Vested Rights Through Recording of a Final Map. When several final maps are recorded on various phases of a project covered by a single vesting tentative map, the initial “vesting period” shall begin for each phase on the date the final map for that phase is recorded.

4. Extension of Vested Rights Through Period for Subsequent Approvals. The initial time period shall be automatically extended by any time used by the local agency for processing

a complete application for a grading permit or for design or architectural review, if the time used by the local agency to process the application exceeds thirty (30) days from the date that a complete application is filed.

5. Extension of Vested Rights by Moratorium or Stay. Vesting rights shall automatically be extended at any time during which a development moratorium or stay on the project is in effect.

6. Automatic Extension of Vested Rights. Vesting rights shall automatically be extended by any time used by a City department for processing a complete application for a grading permit or for design or architectural review, if the time used by the City exceeds thirty (30) days from the date a complete application is filed.

7. Extension of Vested Rights Through Building Permit. If the subdivider submits a complete application for a building permit during the periods of time specified above, the rights conferred by this article shall continue until the expiration of that permit, or any extension of that permit granted by the City.

8. Termination of Vested Rights. Vested rights that have been conferred shall end on the occurrence of the following, whichever comes first:

   a. A final map is not recorded within the initial life of the vesting tentative map unless a longer period is provided by State law or an extension is granted as provided by this chapter.

   b. If a final map is recorded, the vesting rights shall end two (2) years after the date of final map recordation as provided in subsection (2) above.

   c. The expiration of a building permit, including extension, issued pursuant to a vesting tentative map, and issued during the time vesting rights are valid.

   d. Vesting rights shall automatically be extended by any time used by a City department for processing a complete application for a grading permit or for design review, if the time used by the City exceeds thirty (30) days from the date a complete application is filed.

22.16.060 Withdrawal of Tentative Map

Requests for withdrawal of any application for tentative map shall be submitted to the Community Development Director in writing unless made at a public hearing on the tentative map.

22.16.070 Resubmittal of Application

Except as otherwise required by State law, or as otherwise determined by the Community Development Director, no application for a tentative map approval shall be accepted, nor any hearings held thereon, for an application for the same or substantially same tentative map that has been previously denied until a period of one (1) year has elapsed from the date of the final denial of the application by the body having final jurisdiction of the matter.

22.16.080 Tentative Map Revision or Amendment

A. Revisions or Amendments Generally. Unless deemed by the City Engineer, upon recommendation of the Community Development Director, to be in substantial compliance with the approved tentative map, any request to revise or amend an approved or conditionally approved tentative map shall be deemed an application for a new tentative map. Such new tentative map shall be processed in conformance with the requirements of this chapter in effect at the time such revised map is filed, including any changes in street standards which have become effective since the original tentative map was filed. The approval or conditional approval of any new tentative map shall void all prior approved tentative maps.

B. Amendment of Conditions of Approval. A subdivider may apply for a revision or amendment to the conditions of approval for a conditionally approved tentative map, provided there is no proposed change to the layout or design of the subdivision or modifications in the proposed lot sizes. Modification of the conditions on a conditionally approved tentative map shall not extend the time limits imposed by this chapter or the Subdivision Map Act.

22.16.090 Expiration of Tentative Map Approval

A. Initial Life. Except as provided in 22.16.100 (Time Extension), the approval or conditional approval of a tentative map shall expire within the following time periods. This period shall be referred to as the "initial life."

1. Tentative Subdivision Map and Tentative Parcel Map. The approval or conditional approval of a tentative subdivision map or tentative parcel map shall expire thirty-six (36) months from the date the map was approved or conditionally approved.

2. Vesting Tentative Subdivision Map and Vesting Tentative Parcel Map. The approval or conditional approval of a vesting map shall expire twenty-four (24) months from the date the map was approved or conditionally approved.

B. Effect of Expiration. Expiration of an approved or conditionally approved tentative map (including any extensions) shall terminate all proceedings, and no final map of all or any portion of real property included within the tentative map shall be filed without first processing a new tentative map application.

22.16.100 Time Extension

The initial life of an approved or conditionally approved tentative map may be extended in any of the following ways, or as otherwise provided by the Subdivision Map Act.

A. Discretionary Extension. Any tentative subdivision map, vesting tentative map, or tentative parcel map is eligible for an extension of time, provided final approval for such extension occurs prior to the expiration of the original map through approval of the Zoning Administrator. Upon filing of a timely application for an extension of time, the map shall automatically be extended for sixty (60) days or until the application for the extension is approved, conditionally approved, or denied. No final map or parcel map may be approved during the period between the expiration of the original map and the approval of the extension of time. An extension of time may not be granted for more than thirty-six (36) months per extension application but may be granted for a lesser time at the sole discretion of the final hearing body. In no event shall the number of discretionary extension periods granted exceed a total of six (6) years. A subdivider may apply for a resubmission of the map rather than an extension of time, in which case the map may be approved after the expiration date of the original map. The expiration date of an approved resubmitted map shall be as set forth in EGMC Section 22.16.080

B. Filing of Multiple (Phased) Final Maps. If multiple final maps are to be filed for the subdivision pursuant to the Subdivision Map Act, and if the subdivider is required to expend the amount equal to or greater than the amount set forth in Section 66452.6 of the Subdivision Map Act, to construct, improve, or finance (e.g., payment of impact fees) the construction of public improvements outside the property boundaries of the tentative map, excluding improvements of public rights-of-way which abut the property to be subdivided and which are reasonably related to the development of the property, each filing of a final map shall extend the expiration of the approved or conditionally approved tentative map by forty-eight (48) months from the date of its expiration, or the date of the previously filed (recorded) final map, whichever is later but in no event more than ten (10) years from such approval or conditional approval.

As provided in Section 66452.6(a)(3), "public improvement" shall include traffic controls, streets, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, and lighting facilities. Examples include, but are

not limited to, roadway improvement projects that are conditioned as part of project approval but do not occur within the boundaries or along the perimeter of the project.

C. Development Agreement. In accordance with Section 66452.6(a)(1) of the Subdivision Map Act, a tentative map on a property subject to a statutory development agreement between the City and the subdivider (or any successor in interest) may extend the life of the tentative map for a period of time as specified in the development agreement, which period shall not exceed the term of the development agreement itself.

D. Development Moratorium. In accordance with Section 66452.6(b) of the Subdivision Map Act, the initial life of an approved or conditionally approved tentative map shall not include any time during which a development moratorium, imposed after approval or conditional approval of the tentative map, is in effect. However, the length of the moratorium will not exceed five (5) years.

E. Litigation. In accordance with Section 66452.6(c) of the Subdivision Map Act, upon approval by the City Council, a pending lawsuit involving the approval or conditional approval of a tentative map shall stay the life of a tentative map for up to five (5) years. The subdivider may submit an application to the City requesting the stay and the application shall be considered by the City Council through the procedures provided in EGMC 22.16.040.D (Appeals). The City shall take action on the request to deny the stay within forty (40) days of receipt of the subdivider's application. The City shall not impose conditions upon the approval of a request for stay.

F. Special Legislative Extensions. On occasion, the California legislature has adopted statutory extensions to tentative maps. Any additional mandatory extensions that are adopted by the legislature in the future are hereby incorporated into this code by reference. The City shall honor any applicable mandatory extension provided by the legislature. As provided in EGMC Chapter 23.18, any entitlement, development permit or other approval which would expire pursuant to this title or the Zoning Code, but which was approved concurrently with and pertains to any approved tentative subdivision or parcel map the expiration date of which was automatically extended by the provisions of State law shall be extended for the same period as that provided by said law for the approved tentative subdivision or parcel map to which it pertains.

22.16.110 Urban Lot Splits

Notwithstanding any other provision of this chapter, the following procedures and requirements shall apply to urban lot splits. This section implements Section 66411.7 of the California Government Code. An urban lot split means the subdivision of one (1) existing single family lot into two (2) lots.

A. Applicability. An urban lot split shall only be processed when the existing lot proposed for subdivision meets all of the following qualifications:

1. The lot is located within a single-family residential zone, meaning it is located within the Agricultural Residential (AR) zoning districts (AR-1 through AR-10) or the Residential Districts (RD) of RD-1 through RD-15. This section shall not apply to any other zoning districts.

2. The lot is not located within any of the following:

a. Land designated as either prime farmland or farmland of statewide importance.

b. Land meeting the definition of a wetland as defined in United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

c. Land within a high or very high fire hazard severity zone.

d. A hazardous waste site that is listed pursuant to Section 65962.5 of the Government Code or a hazardous waste site designated by the Department of Toxic Substances

Control pursuant to former Section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.

e. A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

f. A special flood hazard area subject to inundation by the one (1%) percent annual chance flood (one hundred (100) year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency (see the F-100 and F-100/200 overlay zoning district), unless:

i. The site has been subject to a letter of map revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction.

ii. The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

g. A regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.

h. Land identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the Federal Endangered Species Act of 1973 (16 U.S.C. Section 1531 et seq.), or other adopted natural resource protection plan.

3. The proposed urban lot split would not require demolition or alteration of any of the following types of housing:

a. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

c. A lot or lots on which an owner of residential real property has exercised the owner's rights under chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the California Government Code to withdraw accommodations from rent or lease within fifteen (15) years before the date that the application for urban lot split is filed with the City.

d. Housing that has been occupied by a tenant in the last three (3) years.

4. The lot is not located within a historic district or property included on the State Historic Resources Inventory or within a site that is designated or listed as a City landmark or historic property or district pursuant to EGMC chapter 7.00 (Historic Preservation).

5. The existing lot has not been established through prior exercise of an urban lot split as provided by this section.

6. Neither the owner of the lot being subdivided nor any person acting in concert with the owners has previously subdivided an adjacent lot using an urban lot split as provided for in this section.

B. Procedures. Except as provided below, applications for urban lot split shall be processed pursuant to the provisions of EGMC Section 22.16.030.

1. The application for urban lot split shall include supplemental information as required by the Community Development Department and on a form provided by the Department requiring the applicant to certify that the application is made and qualifies with all of the provisions of this subsection (B).

2. The application shall include a parcel map, which shall include all of the required components and information required for other parcel maps as provided by this title. No tentative parcel map shall be required.

3. The designated approving authority for an urban lot split parcel map shall be the Community Development Director. The Community Development Director shall approve the application if it complies with all of the provisions of this section and the building official cannot make any of the findings provided in subsection (D) of this section (Findings for Denial). No public hearing or noticing shall be required for the project.

4. Upon the approval of the Community Development Director, the parcel map for urban lot split shall be presented to the City Engineer, who shall sign the map and cause it to be recorded with the Sacramento County Recorder.

C. Requirements. Urban lot splits shall conform with all of the following:

1. Lot Size and Dimensions. Notwithstanding the lot requirements provided in EGMC Table 23.29-1 (Development Standards for Base Zoning Districts) for the underlying zoning district, or the requirements of any applicable special planning area or specific plan, the proposed lots shall conform to the following minimum standards:

   a. No resulting lot shall be smaller than forty (40%) percent of the original lot area and a minimum of one thousand two hundred (1,200 ft^2) square feet.

   b. Where both lots propose frontage along a public right-of-way, each lot shall have a minimum lot frontage of twenty (20' 0") feet, except that if the existing lot frontage is less than forty (40' 0") feet, one lot shall have a minimum of twenty (20' 0") feet of frontage and the other shall be provided with access by a corridor (in either fee title or easement) of a minimum of twelve (12' 0") feet wide. The access corridor shall be kept free and clear of any buildings or structures, except for utilities.

   c. Where only one (1) lot proposes frontage along a public right-of-way, the lot that does not have public frontage shall be provided with access by a corridor (in easement) of a minimum of twelve (12' 0") feet wide. The access corridor shall be kept free and clear of any buildings or structures, except for utilities.

2. Setbacks.

    a. No setbacks shall be required for any existing structures, except that the minimum front yard and street side yard setback as provided in the underlying zoning district is maintained.

    b. A note shall be placed on the parcel map requiring a minimum four (4' 0") foot rear and interior side yard setback for any new dwellings constructed on the lots.

    c. The City may not require any existing nonconforming setback conditions to be remedied as part of the approval of an urban lot split.

3. Utilities. All required utility connections shall be placed on the same lot as the unit or units the utilities are serving, or shall be located within a utility easement, either existing or dedicated on the parcel map.

    For lots created pursuant to this section where the lot is serviced by private well and septic systems, each lot shall have its own, independent well and septic system. No parcel map shall be approved until will serve letters or permits for the well and septic system have been issued by Sacramento County Environmental Management Department. Well and septic systems shall comply with the standards of Sacramento County Code chapter 6.28 (Wells and Pumps) and chapter 6.32 (On-Site Management of Wastewater).

4. Parking. Notwithstanding EGMC chapter 23.58 (Parking), one (1) off-street vehicle parking space is required for each unit in a two (2) unit residential development, except as otherwise provided below. Required parking may be provided as either covered or uncovered parking and shall be located on the same lot as the residential unit served. All provided parking shall meet the minimum dimensions, location, and other applicable development standards provided in EGMC Section 23.58.090 (Parking design and development standards).

    a. Parking Exemptions. No parking is required if the lot is located within one-half (1/2) mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code; or if there is a car share vehicle located within one (1) block of the lot.

    b. Replacement Parking Required. When an existing garage, carport, or other covered or enclosed parking area is converted or demolished in order to construct a new unit, at least one (1) replacement parking space, which may be covered or uncovered, must be provided for each unit unless the project is exempt from parking.

5. Special Tax Districts. Prior to approval of the urban lot split, the applicant shall annex into any required special tax districts, including assessment districts of Mello-Roos Community Facilities Districts required of any other subdivisions in the City if the existing lot is not already within these special tax districts.

6. Restrictions. Concurrent with approval and recordation of the parcel map, the applicant shall execute, in a form satisfactory to the City, the following restrictions. The Community Development Director shall cause these restrictions to be recorded on the property concurrently with recordation of the parcel map with the Sacramento County Recorder.

    a. A restriction that only use of the property shall be limited to residential uses. No nonresidential uses (except for home occupations allowed under EGMC chapter 23.82) shall be allowed on the resulting lots.

b. An affidavit from the applicant stating that they intend to occupy one (1) of the lots as their principal residence for a minimum of three (3) years from the date of approval of the urban lot split. This provision shall not apply to a community land trust as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or a qualified nonprofit corporation as described in Section 214.15 of the Revenue and Taxation Code.

c. A deed restriction prohibiting use of the resulting lots as a short-term rental. The restriction shall specify that any rental of the property shall be for a minimum of thirty (30) days.

d. A deed restriction prohibiting the construction of more than two (2) dwelling units on each lot. As used in this subsection, dwelling unit includes a unit created pursuant to EGMC chapter 23.17, a primary dwelling unit, an accessory dwelling unit, or a junior accessory dwelling unit as provided in EGMC chapter 23.90.

D. Findings for Denial. An application for urban lot split may be denied if the Building Official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5 of the Government Code, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

22.16.120 Urban Subdivision

Notwithstanding any other provision of this chapter, the following procedures and requirements shall apply to urban subdivisions. This section implements Section 66499.41 of the California Government Code. An urban subdivision means the subdivision of one (1) existing lot into ten (10) or fewer lots and the housing development project on the lot proposed to be subdivided will contain ten (10) or fewer residential units.

A. Applicability. An urban subdivision shall only be processed pursuant to this section when the existing lot proposed for subdivision meets all of the following qualifications:

1. The lot is one of the following:

   a. Zoned to allow multifamily residential dwelling use.

   b. Vacant and zoned for single-family residential development. For purposes of this paragraph, “vacant” means having no permanent structure, unless the permanent structure is abandoned and uninhabitable. All of the following types of housing shall not be defined as “vacant”:

      i. Housing that is subject to a recorded covenant, ordinance, or law that restricts rent or sales price to levels affordable to persons and families of low, very low, or extremely low income.

      ii. Housing that is subject to any form of rent or sales price control through a local public entity's valid exercise of its police power.

      iii. Housing occupied by tenants within the five years preceding the date of the application, including housing that has been demolished or that tenants have vacated prior to the submission of the application for a development permit.

2. If the lot is zoned to allow multifamily residential dwelling uses, the lot is no larger than five (5) acres and is substantially surrounded by qualified urban uses. If the lot is a vacant lot zoned for single-family residential development, the lot is no larger than one and one-half acres and is substantially surrounded by qualified urban uses. For purposes of this section,

"qualified urban use" shall have the meaning set forth in Section 21072 of the Public Resources Code and "substantially surrounded" shall have the meaning set forth in Section 21159.25 of the Public Resources Code.

3. The existing lot is a legal parcel.

4. The existing lot was not created pursuant to the provisions of this section or of EGMC Section 22.16.110

5. The lot is not located within any of the following:

   a. Land designated as either prime farmland or farmland of statewide importance.

   b. Land meeting the definition of a wetland as defined in United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

   c. Land within a high or very high fire hazard severity zone.

   d. A hazardous waste site that is listed pursuant to Section 65962.5 of the Government Code or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.

   e. A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

   f. A special flood hazard area subject to inundation by the one (1%) percent annual chance flood (one hundred (100) year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency (see the F-100 and F-100/200 overlay zoning district), unless:

      i. The site has been subject to a letter of map revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction.

      ii. The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

   g. A regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.

   h. Land identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the Federal Endangered Species Act of 1973 (16 U.S.C. Section 1531 et seq.), or other adopted natural resource protection plan.

i. Habitat for protected species identified as candidate, sensitive, or species of special status by State or Federal agencies, fully protected species, or species protected by the Federal Endangered Species Act of 1973, the California Endangered Species Act, or the Native Plant Protection Act.

j. Land under conservation easement.

6. The housing units on the lot proposed to be subdivided are one of the following:

   a. Constructed on fee simple ownership lots.

   b. Part of a common interest development.

   c. Part of a housing cooperative, as defined in Section 817 of the Civil Code.

   d. Constructed on land owned by a community land trust, as defined in Section 66499.41 of the Government Code.

   e. Part of a tenancy in common, as described in Section 685 of the Civil Code.

7. The proposed development will meet one of the following, as applicable:

   a. If the parcel is identified in the City's Housing Element of its General Plan for the current planning period, the development shall result in at least as many units as projected for that parcel in the Housing Element. If the parcel is identified to accommodate any portion of the City's share of the regional housing need for low- or very-low income households, the development shall result in at least as many low- or very-low income units as projected in the Housing Element. These units shall be subject to a recorded affordability restriction of at least forty-five (45) years.

   b. If the parcel is not identified in the City's Housing Element of its General Plan, the development shall result in at least 66 percent of the maximum allowable residential density as specified by the applicable zoning or 66 percent of the applicable residential density specified in subparagraph (B) of paragraph (3) of subdivision (c) of Section 65583.2, whichever is greater. Where the zoning does not specify a maximum allowable residential density, the development will result in at least 66 percent of the applicable residential density as specified in subparagraph (B) of paragraph (3) of subdivision (c) of Section 65583.2.

8. The development of a housing development project on the lot proposed to be subdivided does not require the demolition or alteration of any of the following types of housing:

   a. Housing that is subject to a recorded covenant, ordinance, or law that restricts rent to levels affordable to persons and families of low, very-low, or extremely-low income.

   b. Housing that is subject to any form of rent or price control through a local public entity's valid exercise of its police power.

   c. Housing occupied by tenants within the five (5) years preceding the date of the application, including housing that has been demolished or that tenants have vacated prior to the submission of the application for a development permit.

   d. A parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the Government Code to withdraw accommodations from rent or lease within fifteen (15) years before the date that the development proponent submits an application.

B. Procedures. Except as provided below, applications for urban subdivision shall be processed pursuant to the provisions of EGMC Section 22.16.030.

1. The application for urban subdivisions shall include supplemental information as required by the Community Development Department and on a form provided by the Department requiring the applicant to certify that the application is made and qualifies with all of the provisions of this subsection (B).

2. The application shall include a tentative map, which shall include all the required components and information required for other tentative maps as provided by this title.

3. The designated approving authority for an urban subdivision shall be the Zoning Administrator. The Zoning Administrator shall approve the application if it complies with all the provisions of this section.

4. The designated approving authority shall take action to either approve or deny the application for an urban subdivision within 60 days from the date the City receives a completed application. If the City does not approve or deny a completed application within 60 days, the application shall be deemed approved. If the designated approving authority denies the application, the City shall, within 60 days from the date the City receives the completed application, return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the applicant can remedy the application.

5. The designated approving authority may deny the issuance of the tentative map if it makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5 of the Government Code, upon public health and safety and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

C. Requirements. Urban subdivisions and subsequent housing development projects shall conform with all of the following:

1. The proposed subdivision conforms to all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)), except as otherwise expressly provided in this section.

2. The proposed subdivision shall be served by a public water system and a municipal sewer system. No well or septic systems shall be permitted.

3. Each proposed lot shall have a minimum area of six hundred (600 ft^2) square feet; provided, however, if the proposed lot is zoned for single-family residential use, the newly created lots shall be no smaller than 1,200 square feet.

4. The average total area of floorspace for the proposed housing units on the lot proposed to be subdivided does not exceed one thousand seven hundred fifty (1,750 ft^2) net habitable square feet. For purposes of this paragraph, “net habitable square feet” means the finished and heated floor area fully enclosed by the inside surface of walls, windows, doors, and partitions, and having a headroom of at least six and one-half feet, including working, living, eating, cooking, sleeping, stair, hall, service, and storage areas, but excluding garages, carports, parking spaces, cellars, half-stories, and unfinished attics and basements.

5. Any housing development project constructed on the lot proposed to be subdivided pursuant to this section shall comply with all applicable objective zoning standards, objective subdivision standards, and objective design standards as established by the local

agency that are not inconsistent with this section and the development standards of EGMC Chapter 23.30.210.

6. The City may condition the approval and recordation of a final map upon the completion of a residential structure in compliance with all applicable provisions of the California Building Standards Code that contains at least one dwelling unit on each resulting parcel that does not already contain an existing legally permitted residential structure or is reserved for internal circulation, open space, or common area

D. Restrictions.

1. No accessory dwelling unit or junior accessory dwelling unit shall be permitted on any lot created as a result of this section. A note to this effect shall be included on the final map.

2. No lot created by this section shall be further subdivided pursuant to the provisions of EGMC Section 22.16.110 (urban lot split). A note to this effect shall be included on the final map.

3. Any proposed subdivision hereunder shall not result in any existing dwelling unit being alienable separate from the title to any other existing dwelling unit on the lot.

Chapter 22.18
FINAL MAPS AND PARCEL MAPS

Sections:

22.18.010 Purpose.

The purpose of this chapter is to establish the process for preparing, reviewing, and approving final maps and parcel maps.

22.18.020 Timing.

Within the initial life of a tentative map, or within any further time period for which an extension has been granted or made as a matter of law, the subdivider may cause the proposed subdivision or any part thereof to be surveyed and a final map or parcel map to be prepared and recorded in accordance with the provisions of this chapter, the Subdivision Map Act, and the design and conditions of approval for the tentative map.

22.14.030 Preparation and Form of Final Map or Parcel Map.

A. The final map or parcel map shall be prepared by or under the direction of a licensed land surveyor in the manner required by this chapter and the Subdivision Map Act.

B. Draft copies of the final map or parcel map shall be submitted to the Community Development Department for review prior to calling for final mylar versions for recording.

C. Final Map or Parcel Map Description and Contents. The final map or parcel map shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on mylar. Certificates, affidavits, and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility. The final map or parcel map shall contain all required information, certificates, statements, dedications, and other information as required by the Community Development Department.

22.18.040 Survey of Final Map or Parcel Map.

A complete and accurate survey of the land to be subdivided shall be made by a licensed land surveyor in accordance with the provisions of EGMC Chapter 22.22 (Survey and Monuments) and the Subdivision Map Act.

22.18.050 Filing of Final Map or Parcel Map.

The subdivider shall cause all certificates and statements to be executed except those to be executed by the City and the County Recorder and shall file the required materials with the Community Development Department.

22.18.060 Parcel Map Review and Approval

The Community Development Department shall review the Parcel map to determine its substantial compliance with the approved tentative parcel map and the applicable conditions of approval imposed by the designated approving authority. If the Director determines that the parcel map is in substantial compliance with the approved tentative parcel map and that all applicable conditions of approval have been satisfied or performed, the Director shall present the parcel map to the City Engineer for their approval.

Should the parcel map or other accompanying documents, fees, taxes, or materials be found to be incomplete, incorrect, or outstanding in any respect, the subdivider shall be advised in writing of the changes or additions that must be made before the parcel map may be certified. If the defect is the result of a technical and inadvertent error which, in the opinion of the City Engineer or City Surveyor (as applicable), does not materially affect the validity of the map, the City Engineer or City Surveyor (as applicable) may waive the defect and approve the parcel map.

Once the final map has met the satisfaction of the City Engineer and City Surveyor as set forth in this section, the City Engineer and City Surveyor shall execute their respective certificates on the parcel map and the Director shall cause the fully executed mylar(s) to be recorded with the Sacramento County Recorder's office.

22.18.070 Final Map Review and Approval

The Community Development Department shall review the final map to determine its substantial compliance with the approved tentative subdivision map and the applicable conditions of approval imposed by the designated approving authority. If the Director determines that the final map is in substantial compliance with the approved tentative subdivision map and that all applicable conditions of approval have been satisfied or performed, the Director shall present the final map to the City Engineer for his/her review and recommendation for approval by the City Council.

Should the final map or other accompanying documents, fees, taxes, or materials be found to be incomplete, incorrect, or outstanding in any respect, the subdivider shall be advised in writing of the changes or additions that must be made before the final map may be certified. If the defect is the result of a technical and inadvertent error which, in the opinion of the City Engineer or City Surveyor (as applicable), does not materially affect the validity of the map, the City Engineer or City Surveyor (as applicable) may waive the defect and recommend approval of the final map by the City Council.

Once the final map has met the satisfaction of the City Engineer and City Surveyor as set forth in this section, the Director shall forward the final map to the City Council for their approval. The City Council shall consider the final map and any associated offers of dedication, deed, easement, or subdivision improvement agreement, at the meeting at which the final map is on the agenda. The City Council shall review the final map and approve it if it conforms to the approved or conditionally-approved tentative subdivision map and if all applicable requirements and conditions imposed on the subdivision pursuant to this chapter or the Subdivision Map Act have been met or performed. If the final map does not conform, the City Council shall disapprove the final map. The City Council shall also accept, accept subject to improvement, or reject any or all offers of dedication in conformance with the approvals for the tentative subdivision map and the provisions of this chapter and the Subdivision Map Act.

If improvements required under the terms of this chapter or as a condition of approval have not been completed and accepted by the City, the City Council shall provide for such improvements by approving a subdivision improvement agreement. No final map shall be certified until the required improvements have been installed and accepted by the City or agreed to be installed in accordance with EGMC Chapter 22.24 (Improvements) and adequate security has been provided to the satisfaction of the City. The City Council may authorize the City Manager to execute subdivision improvement agreements, as permitted by Section 66462(d) of the Subdivision Map Act.

No public hearing shall be required and no public notice shall be required for review, consideration, and action by the City Council on a final map, offers of dedication, agreement, deed, easement, or subdivision improvement agreement.

As permitted by Section 66458(d) of the Subdivision Map Act, the City may accept, accept subject to improvement, or reject dedications and offers of dedications that are made by a statement on the final map.

After approval by the City Council, the City Engineer, City Surveyor, and City Clerk shall execute their respective certificates on the final map and the Director shall cause the fully executed mylar(s) to be recorded with the Sacramento County Recorder's office.

22.18.080 Soils Report

A. Prior to the filing of the final map for City Council approval, the subdivider shall file a preliminary soil report with the Community Development Department. The report shall be prepared by a civil engineer who is registered by the State of California, based upon adequate test borings or excavations in the subdivision. The preliminary soil report may be waived if the Director determines that, due to the knowledge of such division as to the soil qualities of the subdivision, no preliminary analysis is necessary. The determination shall be in writing and shall be made part of the data accompanying the final map.

B. If the preliminary soil report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, a soil investigation of each lot in the subdivision shall be prepared by a civil engineer who is registered by the State of California. The soil investigation shall recommend corrective action which is likely to prevent structural damage to each dwelling proposed to be constructed on the expansive soil. The report shall be filed with the Community Development Department.

C. The Community Development Department shall approve the soil investigation if it determines that the recommended corrective action is likely to prevent structural damage to each dwelling to be constructed on each lot in the subdivision. Any person dissatisfied with the decision of the Community Development Director may appeal such action to the Zoning Administrator within ten (10) days from the date of the action. All appeals shall be submitted in writing, identifying the action being appealed and specifically stating the basis or grounds of the appeal, accompanied by a filing fee established by City Council resolution, and submitted to the City Clerk. Where the appeal provisions of this section conflict with other provisions of the Elk Grove Municipal Code, the appeal provisions of this section shall apply with regard to matters pursuant to this section.

22.18.090 Condominium Conversions

A tentative map, parcel map, or final map for a condominium project, a community apartment project, or the conversion of five or more existing dwelling units to a stock cooperative project shall not be approved until all applicable requirements pursuant to Section 66427 and Section 66427.1 of the Subdivision Map Act and EGMC Chapter 23.76 have been met.

22.18.100 Multiple Final Maps or Parcel Maps

Multiple final maps or parcel maps relating to an approved or conditionally-approved tentative map may be filed prior to the expiration of the tentative map if: (a) the subdivider, at the time the tentative map is filed, informs the Director of the subdivider's intention to file multiple final map or parcel maps on such tentative map, or (b) after filing of the tentative map, the City and the subdivider concur in the filing of multiple final map or parcel maps. In providing such notice, the subdivider shall not be required to define the number or configuration of the proposed multiple final maps or parcel maps.

The filing of a final map or parcel map on a portion of an approved or conditionally-approved tentative map shall not invalidate any part of such tentative map. Each final map or parcel map

which constitutes a part, or unit, of the approved or conditionally-approved tentative map shall have a separate subdivision phase number. Unless specific timing thresholds are set forth in the conditions of approval, the City Engineer and Director shall determine the improvements required and conditions that must be satisfied in conjunction with a given final map or parcel map phase to ensure a logical and orderly development of the whole subdivision and the safety, health, and welfare of the public. The subdivision improvement agreement executed by the subdivider for each map phase shall provide for the design and construction of all such required improvements.

22.18.110 Separate Dedications

When completed outside of a dedication on a map, dedications may be required to be made by separate instrument with fees paid to cover the cost of processing. After receiving the instrument of dedication and accompanying title report, the City Engineer, upon review of the City Surveyor, shall approve or disapprove the instrument of dedication as to its suitability for recordation, specifically including a cover sheet, legal description, and map in eight and one-half inch by eleven inch (8½" x 11") format. After approving an offer to dedicate, the City Engineer shall notify the Community Development Director to request original signed and notarized document(s) with the applicant's engineer's original seal.

Offer of dedications as part of a final map shall be brought to the City Council for consideration of acceptance or acknowledgment for later acceptance.

22.18.120 Waiver of Parcel Map

Where a parcel map is required by the Subdivision Map Act or this title, but the subdivider seeks to waive this requirement, the following procedures shall apply:

A. Waiver of Parcel Maps Generally. The Director shall be the designated approving authority for the waiver of the requirements for the recordation of a parcel map. Such a waiver may be provided in any case when the land being divided consists of a lot or parcels shown on a recorded parcel map or final subdivision map and the full street improvements have been constructed or monumentation is evident, or where each of the lots has a gross acreage of forty (40) acres or more or each of which is a quarter-quarter section or larger. The designated approving authority may grant the waiver and will issue a certificate of compliance if:

1. The subdivider files an application with the Director, including any fees required, verifying the existence of monumentation in the installation of street improvements;

2. The application contains a legal description for each of the lots to be created; and

3. The Director finds that the proposed division of land complies with requirements as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of this title.

B. Waiver of Parcel Maps for Condominiums.

1. The Director may waive the requirements for a parcel map imposed by the Subdivision Map Act for the construction of a condominium project on a single lawful parcel.

2. The procedure for determining whether such a waiver for a condominium is appropriate shall be initiated by an application for waiver filed with the Community Development Department.

3. The application shall contain a legal description for the single lawful parcel and a description of the proposed condominium project.

4. The Director shall make a determination on the waiver request after review and recommendation by the City engineer.

5. If an application for waiver on a residential condominium project is filed contemporaneously with an application to adopt or amend a specific plan, then the application for waiver shall be first considered by the Planning Commission at a public hearing. After this hearing, the Planning Commission shall provide a written recommendation to the City Council, which shall make the final determination on the application.

6. No applications for a waiver of the requirement for a tentative or parcel map for the construction of a condominium project on a single lawful parcel shall be granted unless it is found that the proposed division of land complies with the requirements of the Subdivision Map Act and Elk Grove Municipal Code as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act and Elk Grove Municipal Code.

Chapter 22.20
SUBDIVISION DESIGN STANDARDS

Sections:

22.20.010 Purpose.

The purpose of this chapter is to establish specific design standards and requirements for the subdivision of land in the City, consistent with the goals and policies set forth in the General Plan.

22.16.020 Applicability of Standards and Review.

The provisions of this chapter shall apply to all subdivisions, in addition to other standards of the Elk Grove Municipal Code, including Title 23 (Zoning), the requirements of a specific plan or area plan, and other applicable standard. The design of proposed subdivisions shall be reviewed for consistency with these standards as part of the review and consideration of the tentative map as part of Subdivision Design Review as required by EGMC Section 23.16.080.

When applying these standards, the City shall consider the identifiable effects that any proposed project may have upon other properties in the vicinity, now and in the foreseeable future.

In order to deal with physical features on and off the site, the City may take into consideration unusual topography, environmental preservation, existing and approved streets, historically established traffic patterns, neighboring lot patterns, existing and evolving land use patterns, zoning, and past policy or permit decisions.

All project applications shall include drawings showing the manner in which the requirements and standards in this chapter are complied with. When the applicant decides to apply for an exception, the applicant shall provide documentation and data to support and justify the request for a waiver or modification.

It is recognized that the potential breach of private contracts, such as covenants, codes and restrictions (CC&Rs), is a private judicial matter and cannot constitute a basis of denial for a proposed land division; however, the City does not desire to become a party to such breach by the inference of its actions and may, when reasonable to do so, require a resolution of the private conflict before taking any action, or may pursue such legislative or administrative resolution as may be available.

22.20.030 Design and Improvement Standards

To ensure that proposed subdivisions are developed in the best interests of the people of the City of Elk Grove, land subdivided under the provisions of this title shall conform to design standards and improvement standards in this chapter, including the latest version of the City of Elk Grove Improvement Standards, Standard Construction Specifications, and Standard Drawings, as approved and amended periodically by the City Engineer and/or any applicable standards of a specific plan or special planning area, or precise plan. Plans, maps or other drawings for any project which includes the installation of public streets or creation of lots or division of land shall comply with the standards set forth herein.

22.20.040 Exceptions

A. The City Engineer may authorize conditional exceptions to any of the design and improvement standards in this chapter, unless the standard specifically states that an exception cannot be granted. Such exception may be granted if the City Engineer finds, in writing, that the proposed design or improvement is in substantial compliance with the purpose and intent of the standard to be excepted. The design exception shall be included in any accompanying discretionary approval required by EGMC Title 23.

B. The applicant may separately request that an exception from the standard be granted. If noncompliance with these standards is identified at any stage of review of the proposed project, the application may be considered to include a request for an exception, unless the applicant objects. The City Engineer shall not grant an exception request unless a reasonable justification is made by the applicant to support the action. Noncompliance with these standards without grant of an exception pursuant to this section shall be grounds for denial of a request.

22.20.050 General Lot and Block Design

This section spells out provisions that shall be complied with to create new lots. This section also spells out standards for creating lot patterns that are best suited to the purpose for which the lots are created and, at the same time, create the least potential land use conflicts. In some applications, the standards will conflict with one another or will conflict with the standards for street patterns. When this happens, an exception pursuant to EGMC Section 22.20.040 may be considered, with the most compatible neighborhood development pattern as the ultimate objective. Staff reports, proposed alternatives, and comments will be based on an analysis of the overall impacts of proposed lots as a total concept, as well as any conflict with any single standard.

A. Lot Area and Density. Proposed lots shall comply with the minimum lot area requirements, where applicable, and minimum and maximum allowed residential density for the underlying property as described in the General Plan, EGMC Title 23, and any applicable specific plan or area plan.

B. Lot Orientation.

1. Subdivision design shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision as provided in Section 66473.1 of the Subdivision Map Act as follows:

    a. Passive or natural heating opportunities, such as lot size and configuration to permit orientation of a structure in an east-west alignment for southern exposure; and

    b. Passive or natural cooling opportunities, such as lot size and configuration to permit orientation of a structure to take advantage of shade or prevailing breezes.

2. New lots shall be arranged to create comparable yard relationships wherever possible. The creation of interior side yards located adjacent to rear yards should be avoided, and in those cases where such arrangements cannot be reasonably avoided, restrictions may be placed on the final map which limit building height or building location.

3. The design of the project, including the location of lot lines, shall be such that, to the degree reasonably possible, existing contours and existing trees will be preserved. To achieve this purpose, grading restrictions or building location restrictions may be placed on the final map. Alternatively, the overall design may be revised such that less grading will be needed, or that existing trees become located in the normal yard areas of proposed lots.

4. Each lot shall maintain a relative consistency with the predominant neighborhood development character. Lots which are found to be significantly out of character, either in area, frontage, shape, or access provisions may be denied if it is found that such character differences may result in detrimental impacts on adjacent properties.

C. Frontage, Width, and Depth.

1. All lots shall have frontage on a public or private street, which is a component of an approved local street pattern.

2. Proposed lots shall comply with the minimum frontage requirements, lot widths, and lot depths, as applicable, described in the General Plan, Zoning Code, and any applicable specific plan or area plan for the property.

3. Double frontage lots shall be avoided.

D. Block Configuration. Blocks shall be designed to allow for adequate building sites for the type of use proposed; to allow for convenient pedestrian and vehicular circulation, access, traffic control and safety; and with regard to limitations created by topography. Block lengths shall conform to any applicable standards in the City's Improvement Standards or applicable area plan.

E. Lot Lines Relative to Existing Structures.

1. Lot lines shall be located in relation to existing structures so as to maintain required setbacks, yards, and other open space requirements, as set forth in EGMC Title 23, unless a variance, waiver, or modification is obtained, as specified in the EGMC Title 23.

2. Lot lines shall be located in relation to existing private septic systems or wells so as to maintain the distance requirements as set forth in the Sacramento County health code. Lots which propose the installation of private septic systems or wells shall be arranged such that there is sufficient area on the proposed lots' facilities to meet the placement and distance requirements of the Sacramento County health code.

F. Relationship to Watercourses and Wetlands.

1. All lots shall comply with the provisions of EGMC Chapter 16.50 (Flood Damage Prevention); and

2. All lots shall provide for a buildable area which is located at least fifty (50' 0") feet from the centerline of a creek, drainage channel or designated tributary as defined in EGMC Section 22.30.020.

22.20.060 Roadways and Access

A. Lot Access.

1. Each local street providing access to lots within a subdivision shall connect directly to or by way of one or more local streets to a collector street or arterial street.

2. Each route of access to collector streets or arterial streets and its point of connection therewith shall be adequate to safely accommodate the composition and volume of vehicular traffic generated by the land uses that it serves as determined by the City Engineer.

3. All subdivisions of forty (40) or more lots shall have at least two (2) points of public access, unless otherwise approved by the City Engineer through an approved design exception from standards pursuant to EGMC 22.20.040 and included as part of the required subdivision design review pursuant to EGMC Section 23.16.080.

4. Notwithstanding subsection (3) of this section, all subdivisions shall comply with the requirements of EGMC Chapter 17.04 and the California Fire Code relative to emergency access.

B. Roadway Network Design. The alignment of streets shown on a tentative map shall be consistent with the General Plan (including community plan) and any applicable specific plan or other applicable area, master, or precise plan, and as follows:

1. Streets shall be laid out to conform to the alignment of existing streets in adjoining subdivisions and to the logical continuation of existing streets where the adjoining land is not subdivided.

2. The realignment of streets in contemplation of the development, or use of adjoining property, and the provision of streets or dead-end street extensions to facilitate the subdivision of adjoining property may be required at the City's discretion.

3. Permanently dead-ended streets (except cul-de-sacs) are prohibited. When a street is temporarily dead-ended, a barricade or temporary turning area (with signage providing notification of the future street connection or extension) or temporary connection to another street may be required at the City's discretion. Permanent turnarounds may be required at the end of dead-end streets where the timing of the future extension is unknown, at the City's discretion.

4. Minor residential cul-de-sac streets shall serve a maximum of twenty (20) dwelling units and have a maximum length of six hundred (600' 0") feet. The City Engineer may approve an alternative maximum length standard for lots in the rural area, such that turnarounds for emergency equipment are provided at appropriate locations as determined by the City Engineer. For purposes of this section, the "rural area" shall be defined as the rural area as described and illustrated in the Rural Area Community Plan as contained in the General Plan.

5. Minor residential streets shall serve a maximum of one hundred (100) dwelling units when there are only two (2) public street accesses into the area.

6. The creation of pass-through, shortcut, or sneak street situations shall be limited. In those instances where pass-through traffic is unavoidable and of probable high volume, the specific street shall be designed to primary residential or collector street standards, as applicable.

7. The intersections of minor residential streets with collector streets, or with major arterial streets, shall be designed to align with existing street(s) or previously approved street(s) on the opposite side of the street wherever possible. If such alignment is not feasible, as determined by the City, the street shall be offset in accordance with the City's Improvement Standards.

8. Private roads, to the extent approved by the City, shall comply with the following:

a. The standards of the Fire Code as provided in EGMC chapter 17.04;

b. The City's Improvement Standards, Standard Drawings and Standard Construction Specifications; and

c. Provide private maintenance agreements between the parties using and responsible for the upkeep of the private road prior to approval of additional development on the road.

C. Roadway Design. The design of public roads within subdivisions (e.g., roadway cross sections) shall conform to the City's Improvement Standards and any applicable community plan, specific plan, or other applicable area, master, or precise plan and to the satisfaction of the City, unless expressly deviated (as provided in EGMC 22.20.040) at the time of approval of the tentative map.

D. Sidewalks, Trails, and other Active Transportation Facilities. All new subdivisions shall include sidewalks, trails, and other active transportation facilities as provided in the City's Improvement Standards; Bicycle, Pedestrian, and Trails Master Plan; and any applicable community plan, specific plan ,or area, master, or precise plan. The design and dimensions of these facilities shall conform to the applicable specifications unless an exception is approved pursuant to EGMC Section 22.20.040 (Exceptions).

22.20.070 Utilities and Services

A. Availability of Service. All public utilities, including water, sewer, storm drainage, telecommunication, power, and gas, shall be of adequate capacity to meet the demand of the subdivision.

B. Location of Utilities. All public utilities shall be located either in the public right-of-way or in public utility easements of sufficient width as determined by the City Engineer.

C. Utilities to Be Undergrounded. All proposed utilities within or adjacent to the subdivision shall be provided underground. Any existing utility located within or adjacent to the site which is to be relocated because of the subdivision shall also be made underground except transmission lines of sixty-nine kilovolts-ampere (69 kVA) or larger.

D. Water and Sewer Services. Water and sewer service shall be provided as set forth below:

1. Wells and septic tanks shall be constructed in compliance with the standards and codes of Sacramento County.

2. For subdivisions with lots less than two (2) gross acres in size, domestic water shall be provided to all lots from a public water supply source and distribution system conforming to the standards of the Sacramento County or a water purveyor acceptable to the Director.

3. The water purveyor shall not be a homeowners' association or mutual water company or corporation. Exceptions to this restriction may be granted by the City if it is determined that the proposed subdivision lies within the existing franchise area of a mutual water company or corporation, or if the designated approving authority makes a finding in accordance with the provisions of this subsection.

4. For subdivisions with lots less than two (2) gross acres in size, a water meter setter shall be installed at each service connection conforming to the standards of Sacramento County or the water purveyor which will operate the system after completion.

5. Request for exception to the requirements of this section shall be made in writing by the applicant. Such request shall be made when the application is submitted, and any such request shall state the reasons for the request and any claim of economic hardship shall be substantiated. The approving authority may authorize exceptions to any of the requirements of this subsection, unless a requirement specifically states that an exception cannot be granted. Such exception may be granted if the approving authority finds that the requirement imposes an unreasonable economic hardship and that granting the exception will not be detrimental to the health, safety, comfort, or general welfare of persons residing or working in the subdivision. The approving authority may designate such conditions in connection with the granting of an exception as it deems necessary to protect the purposes of this subsection.

E. Centralized Mail Service. Where necessary, easements shall be provided for centralized postal service facilities within subdivisions.

22.20.080 Grading and Drainage

A. Grading. Grades of all streets shall be consistent with adequate surface drainage requirements and the approved grading plan for the proposed subdivision.

B. Drainage. All lots shall be graded to provide adequate, positive drainage in accordance with EGMC 16.44 (Land Grading and Erosion Control) and the City's Improvement Standards. Drainage across property lines will not be allowed unless the Director determines that there is no practical alternative and appropriate easements are provided to the satisfaction of the Director. Provisions shall be made during construction for proper erosion control, including the prevention of sedimentation or damage to off-site property.

Chapter 22.22
SURVEY AND MONUMENTS

Sections:

22.22.010 Purpose.

The purpose of this chapter is to provide the requirements and standards for survey work of, and placement of monumentation within, subdivisions at the time of final map or parcel map recordation, or the deferral thereof. It also addresses the procedures for preparation and filing a plat of survey.

22.22.020 Survey Procedure, Practice, and Standards.

A. The procedure and practice for the survey of any land subject to a final map or parcel map shall conform to the standard practices and principles of land surveying, the California Land Surveyor's Act, and the requirements of this title. All documents related to the survey shall be signed by a California- licensed land surveyor.

B. In surveying the subdivision, the surveyor shall set sufficient monuments so that any part of the survey may be readily retraced. Survey monuments shall be set by the engineer or surveyor for all new subdivisions requiring a final map or parcel map. The standards and specifications for location, quantity, form, and installation of monuments shall be as provided in the City's Improvement Standards.

C. Interior monuments need not be set at the time the final map or parcel map is recorded, if the surveyor certifies on the map that the monuments will be set on or before a specified later date and if the subdivider enters into a subdivision improvement agreement and provides security guaranteeing the payment of the cost of setting such monuments as provided in EGMC Chapter 22.24 (Improvements).

Chapter 22.24
IMPROVEMENTS

Sections:

22.24.010 Purpose.

The purpose of this chapter is to establish a review and permit process for the construction of physical improvements to land in furtherance of the design and conditions of approval for tentative maps. The intent is to also establish a process for allowing a final map or parcel map to be recorded prior to the completion of required improvements upon execution of certain agreements and/or security.

22.24.020 Improvement Requirements and Plans.

A. Applicability. The subdivider shall cause to be constructed or installed all improvements in streets, alleys, pedestrian ways, bike paths and trails, channels, easements, and other rights-of-way as are necessary for the general use of the subdivision, to meet the requirements of the General Plan and any applicable utility or other master plan, and to satisfy the conditions of approval of the tentative map.

B. Improvement Design. The construction of public improvements, including materials and methods, shall conform to the standard plans and specifications of the City and any applicable utility agency.

C. Review and Processing of Improvement Plans.

1. Before the construction of any improvements, the subdivider or developer shall submit plans to the City, and any applicable public agency, for review and approval. The form and content of the improvement plans shall be as specified in the City's Improvement Standards, and of that of any applicable public agency.

2. Improvement plans shall be reviewed and approved, conditionally approved, or denied by the City within the time limits provided by Section 66456.2 of the Subdivision Map Act. The City will review the plans based on sound engineering practices, design standards, and applicable City policies and standards. No improvement plans shall be approved unless they are in compliance with the approved tentative map, conditions of approval, the City's General Plan and any applicable specific plans, area plans, and applicable utility master plans. Comments, if any, shall be forwarded to the subdivider in a timely manner.

3. The City's review and processing of improvement plans may be concurrent to that of any applicable public agency or utility; however, in no instance shall the City approve any improvement plans without the prior or concurrent approval of all applicable public agencies or utilities.

4. Effect of Approval. The final approval of improvement plans shall generally be required before approval of a final map or parcel map. The approval of improvement plans shall not bind the City or any applicable public agency to accept the improvements nor waive any defects in the improvements as installed.

5. Changes to Approved Plans. Any changes to approved plans shall be reviewed and acted upon consistent with subsection G below.

D. Timing of Improvements. Required improvements shall be constructed or otherwise installed after approval of the improvement plans and before the approval of the final map or parcel map, except when:

1. Improvements are secured in compliance with EGMC Section 22.24.040 (Subdivision Improvement Agreements) or Section 22.24.050 (Public Improvement Agreements); or

2. Improvements required as part of a parcel map are deferred as provided in EGMC Section 22.24.060 (Deferral of Improvements); or

3. The City accepts an in-lieu payment for the improvements as provided in EGMC Section 22.24.070 (In-Lieu Payments).

E. Inspection of Improvements. The City shall make any inspections deemed necessary to ensure that all construction complies with the approved improvement plans as provided in the City's Improvement Standards, Standard Drawings, and Standard Construction Specifications.

F. Correction of Deficiencies. The developer shall be responsible for correcting any deficiencies identified during the construction process.

G. Revisions to Approved Plans. Revisions to approved improvement plans may be proposed and shall be reviewed and approved or disapproved by the City as provided in the City's Improvement Standards.

H. Acceptance of Improvements.

1. Verification. Before acceptance by the City of required improvements into the warranty period, the City shall verify that the required improvements have been completed in substantial compliance with the approved plans and specifications; all necessary dedication of easements or rights-of-way have been submitted, reviewed, and recorded; and record drawings have been reviewed and approved by the Community Development Department.

2. City Acceptance. After all required improvements have been verified and completed to the satisfaction of the City, the City shall accept the subdivision improvements.

3. Record Drawings. Record drawings shall be provided to the City as required in the City's Improvement Standards.

22.24.030 Oversizing Improvements.

A. As a condition of approval of a tentative map, it may be required that improvements installed by the subdivider for the benefit of the subdivision be of a supplemental size, capacity, or number for the benefit of property not within the subdivision, and that said improvement be dedicated to the public. If such a condition is imposed, provision for reimbursement to the subdivider in the manner provided by Section 66486 of the Subdivision Map Act will be contained in the subdivision improvement agreement or in a separate reimbursement agreement between the City and the subdivider, or between any applicable public agency and the subdivider.

B. Oversized improvements are subject to the limitations imposed on parcel maps of four (4) or less lots as set forth in Section 66411.1 of the Subdivision Map Act.

C. The subdivider shall be reimbursed for that portion of the cost of such improvements equal to the difference between the total cost to deliver the improvements required by the conditions of approval of a tentative map and the amount it would have cost the subdivider to install such improvements to serve the subdivision only pursuant to the provisions of the Subdivision Map

Act. The procedure for reimbursement may be provided through a development impact fee program. Unless approved otherwise, the subdivider will be reimbursed the lesser of: (i) the actual costs to deliver the eligible facilities within the program; and (ii) the total estimated costs of the eligible facilities, including any escalations, stated in the program's nexus study.

22.24.040 Subdivision Improvement Agreements

The provisions of this section shall apply to tentative subdivision maps and final maps.

A. Requirement to Enter Into Subdivision Improvement Agreement. Except when the required improvements have been completed prior to recordation of the final map, or the City and the developer agree to an in-lieu payment for the improvements (as provided in EGMC 22.24.070), prior to approval and recordation of the final map the subdivider shall enter into a subdivision improvement agreement with the City, in the form prepared by and approved by the City, to ensure timely completion of the improvements at the subdivider's expense. The agreement may provide for a list of improvements that shall be substantially completed to the satisfaction of the City prior to the occupancy of any structures in the subdivision.

B. Form, Filing, and Term of Subdivision Improvement Agreement.

1. The subdivision improvement agreement shall be in writing, shall be approved as to form by the City Attorney, and shall be secured and conditioned as provided in this section. The agreement, or a title form of the agreement, shall be recorded simultaneously with or in advance of the final map.

2. The complete subdivision improvement agreement, with record of its recordation with the County Recorder, shall be held on file with the City Clerk.

3. The term of the subdivision improvement agreement shall end upon the date of completion or fulfillment of all terms and conditions contained therein to the satisfaction of the City.

4. The City Engineer may execute the agreement on behalf of the City upon approval by the City Council and shall be the agent of the City for the performance, completion, or release of the agreement.

C. Improvement Security. Where a subdivision improvement agreement is entered into prior to the recordation of a final map, the improvements shall be secured by the subdivider as part of the subdivision improvement agreement. Improvement security shall be provided and released consistent with the requirements below.

1. Form of Security. Security shall be provided in one or more forms acceptable to the City and consistent with Section 66499 of the Subdivision Map Act.

2. Amount of Security. Security shall be provided in the following amounts:

a. Performance security (performance). An amount of one hundred percent (100%) of the total City engineer-approved estimated cost of the construction or installation of the improvements or of the acts to be performed, securing the faithful performance and completion of the improvements or acts to be performed; and

b. Payment security (labor and materials). An amount of fifty percent (50%) of the total City-approved estimated cost of the improvement or required act, securing payment to the contractor, to the subcontractors, and to persons furnishing labor, materials or equipment for the construction or installation of the improvements or the performance of the required acts; and

c. Warranty security. An amount of ten percent (10%) of the total City-approved estimated cost of the improvement to be necessary for the guarantee and warranty of the work for a period of one (1) year following the completion and acceptance thereof

against any defective work or labor done, or defective materials or equipment furnished; and

d. Monument security. An amount of one percent (1%) of the total City-approved estimated total public improvement costs.

e. Reduced security. Performance security required in this subsection may be reduced if a portion of the required improvements have been deemed substantially complete prior to approval of the final map, as determined by the City Engineer. The amount of the reduced security required shall be at the sole discretion of the City Engineer.

3. Release of Improvement Security Generally. Improvement security shall be released (in full or in part) upon completion of the improvements in accordance with Government Code sections 66499.7 and 66499.8 and the following:

a. Performance security. The performance security shall be released in full only upon completion or fulfillment of all terms and conditions of the subdivision improvement agreement and upon issuance of an acceptance letter by the City. The performance security may be partially released if a portion of the required improvements have been deemed substantially complete, as determined by the City Engineer. The amount of the partially-released security shall be at the sole discretion of the City Engineer.

b. Payment security. Security given to secure payment to the contractor, subcontractors and to persons furnishing labor, materials or equipment may, following full or partial completion and acceptance of the improvements by the City, be reduced to an amount equal to the amount of all claims filed and of which notice has been given to the City. The balance of the security shall be released upon the settlement of all claims and obligations for which the security was given.

c. Warranty security. The warranty security shall be released upon satisfactory completion of the warranty period, provided that all warranty deficiencies have been corrected.

d. Pursuant to Section 66499.7 and 66499.9 of the Subdivision Map Act, the release of improvement security as set forth above shall not apply to any costs, reasonable expenses, or fees, including reasonable attorneys' fees.

22.24.050 Public Improvement Agreements

The provisions of this section shall apply to tentative parcel maps and parcel maps.

A. Requirement to Enter Into Public Improvement Agreement. Except when the required improvements have been completed prior to approval and recordation of the parcel map, or the City and the developer agree to defer the improvements (as provided in EGMC Section 22.24.060) or an in-lieu payment for the improvements (as provided in EGMC 22.24.070); prior to approval and recordation of the parcel map, the developer shall enter into a public improvement agreement with the City, in the form prepared by and approved by the City, to ensure timely completion of the improvements at the developer's expense. All public improvements required by the agreement shall be substantially completed to the satisfaction of the City prior to the issuance of a permit or other grant of approval for the development of the first lot within the parcel map, or such other time as determined by the City Engineer in order to provide for the public health and safety and to ensure orderly development of the surrounding area.

B. Form, Filing, and Term of Public Improvement Agreement.

1. The public improvement agreement shall be in writing, shall be approved as to form by the City Attorney, and shall be secured and conditioned as provided in this section. The

agreement, or a title form of the agreement, shall be recorded simultaneously with or in advance of the parcel map.

2. The complete public improvement agreement, with record of its recordation with the County Recorder, shall be held on file with the City Clerk.

3. The term of the public improvement agreement shall end upon the date of completion or fulfillment of all terms and conditions contained therein to the satisfaction of the City.

4. The City Engineer may execute the agreement on behalf of the City and shall be the agent of the City for the performance, completion, or release of the agreement.

C. Improvement Security. Improvement security shall be provided consistent with the provisions of EGMC section 22.24.040.C.

22.24.060 Deferral of Improvements

A. The City may allow for the deferral of improvements required by a tentative parcel map upon the execution of a deferred improvement agreement as provided in this section. Deferral of the improvements shall only be allowed when the City Engineer determines that the improvements are not required in the foreseeable future and would not otherwise create a zipper street or unsafe condition and would not be required to ensure orderly development of the surrounding area.

B. Form, Filing, and Term of Deferred Improvement Agreement.

1. The deferred improvement agreement shall be in writing and shall be approved as to form by the City Attorney. The agreement, or a title form of the agreement, shall be recorded simultaneously with or in advance of the parcel map.

2. The complete deferred improvement agreement, with record of its recordation with the County Recorder, shall be held on file with the City Clerk.

3. The term of the deferred improvement agreement shall end upon the date of completion or fulfillment of all terms and conditions contained therein to the satisfaction of the City.

4. The City Engineer may execute the agreement on behalf of the City and shall be the agent of the City for the performance, completion, or release of the agreement.

C. The improvements covered in the deferred improvement agreement shall be installed at such time as the City Engineer determines, at their sole discretion, that the character of the surrounding neighborhood and the development thereof require the installation of the improvements. All costs for design, construction, and dedications of the improvements shall be borne by the owner, shall be paid immediately, and shall be a lien upon the property until paid.

22.24.070 In-Lieu Payment Agreements

A. A developer may request, and the City Engineer may approve, acceptance of an in-lieu fee for the improvements required of a tentative subdivision map or tentative parcel map in-lieu of construction, pursuant to the provisions of this section and applicable State law. The City Engineer may execute the agreement on behalf of the City and shall be the agent of the City for the performance, completion, or release of the agreement.

B. The City shall not accept cash payments in-lieu of improvements from any developer or owner of property until the developer or owner enters into a payment agreement with the City. The City Engineer may execute the agreement on behalf of the City. The agreement shall be in a form approved by the City Attorney and shall include the following:

1. A statement of the basis for the amount of the payment; and

2. The consent of the owner to the amount of the payment.

C. The in-lieu payment agreement shall be executed and the payment deposited with and accepted by the City prior to the recordation of the final map or parcel map.

D. The City may utilize the in-lieu funds at its sole discretion to complete the corresponding improvements or may, at its sole discretion, assign the funds to another developer to complete the improvements.

Chapter 22.26
DEDICATIONS AND RESERVATIONS

Sections:

22.26.010 Purpose.

The purpose of this chapter is to identify a process for the City to require and accept, or reserve, dedications of land for public purposes, including streets, highways, drainage courses, public utility easements, other public easements, public school sites, and local transit facilities consistent with the Subdivision Map Act.

22.26.020 Dedications.

A. Overview. As a condition of approval of a tentative map the City may require, to the extent permitted by applicable law, dedication or irrevocable offer of dedication of real property within a subdivision for public use. For purposes of this title, dedications include, but are not limited to, streets, highways and interchanges, alleys, bikeways and trails, parks, landscaping, recreation facilities, drainage facilities and courses, school sites, fire stations, libraries, utility facilities, and public safety or other municipal facilities, including access and abutter's rights, drainage, public utility easements, and other public easements.

B. Form of Dedication. The form of dedications (easement or fee title) shall be specified on the final or parcel map and shall be to the satisfaction of the City Engineer.

C. Acceptance, Consent, or Rejection of Dedications. At the time the approving authority approves a final map or parcel map, it shall also accept, accept subject to improvement, consent or reject any offers of dedication. The City Clerk shall certify or state on the final map or parcel map the action of the approving authority. Acceptance of offers of dedication on a final map or parcel map shall not be effective until the final map or parcel map is filed with the Sacramento County Recorder's Office.

22.26.030 Reservations

A. Overview. As a condition of approval of a tentative map, the City may require, to the extent permitted by law, that areas of real property within a subdivision be reserved for public use. For purposes of this title, such reservations include, but are not limited to, sites appropriate for recreational facilities, fire stations, libraries, and other public uses.

B. Standards for Reservations. Reservations required in connection with subdivision shall be subject to the following conditions:

1. The required reservation(s) shall be based on and in accordance with policies and standards for such public uses contained in the General Plan and any applicable specific plan, area plan, or master plan, or the plans or standards of an applicable utility or public services agency.

2. The reserved area(s) shall be of such size and shape as to permit the balance of the property within which the reservation(s) are located to develop in an orderly manner.

3. The amount of land reserved shall not make development of the remaining land held by the subdivider economically unfeasible.

4. Each reserved area shall conform to the General Plan and any applicable specific plan, area plan, or master plan and shall be in such multiples of streets and parcels as to permit

an efficient division of the reserved area in the event the City or other public agency does not acquire it within the time prescribed by this section.

C. Reservation Procedures

1. The public agency for whose benefit an area has been reserved shall, at the time of final map or parcel map approval, enter into a binding agreement to acquire such reserved area within two (2) years after the completion and acceptance of all improvements. Such period of time may be extended by mutual agreement.

2. The purchase price for the reserved area shall be the market value thereof at the time of the filing of the tentative map, plus the taxes against such reserved area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of the reserved area, including interest costs on any loan covering the reserved area.

2. If the public agency for whose benefit an area has been reserved does not enter into a binding agreement as described herein, the reservation shall automatically terminate.

22.26.040 Dedications or Offers of Dedication Made Outside of a Map

When a dedication or irrevocable offer of dedication of easement or fee is made to the City and is not included as part of a final map or parcel map (e.g., dedications for off-site improvements), such dedications or irrevocable offers of dedication shall be offered through deed, map, and legal description with original engineer's stamp and notarized signatures. If the dedication(s) is needed for immediate use, the approving authority will consider accepting the dedication then recording. If dedications are needed for future use, the approving authority will acknowledge and record an irrevocable offer of dedication as part of the recording documents.

Chapter 22.28
DEDICATION OF LANDS FOR PARKS AND RECREATION FACILITIES

Sections:

22.28.010 Purpose.

This chapter is enacted pursuant to the authority granted by Section 66477 of the Government Code. The park and recreational facilities for which dedication of land and/or payment of a fee is required shall be in accordance with the local recreational element of the General Plan. Land dedication under this chapter shall conform to the most current City General Plan, to any adopted community plan, specific plan, or other area or master plan, and the applicable provisions of Section 66477 of the Government Code.

22.28.020 Requirements, Exemptions, and Procedures.

A. Parkland Required. As a condition of approval of a tentative map, and prior to approval of the final map or parcel map, the subdivider shall dedicate land, pay a fee in lieu thereof, or both, at the option of the City, for park or recreational purposes at the time and according to the standards and formula contained in this chapter.

This requirement for land dedication and/or in-lieu fee shall be separate from any park impact fee established by resolution of the City Council or the Board of the Cosumnes Community Services District to address improvements to existing parks and construction of new parks as is necessary to support the increase in population provided through new development.

B. Exemptions. The provisions of this chapter shall not apply to:

1. Subdivisions not used for residential purposes, provided, however, that should the site be used in the future for residential purposes such subsequent development may be subject to the payment of parkland in-lieu fee as provided in EGMC Chapter 16.80 (Park Land In-Lieu Fee).

2. Commercial or industrial subdivisions;

3. Condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building which is more than five (5) years old when no new dwelling units are added;

4. Tentative maps in agricultural or agricultural residential zones as defined in EGMC Title 23 when more than fifty (50%) percent of the lots created exceed two (2) gross acres each;

5. A tentative map of existing multifamily residential units which are more than five (5) years old when no new dwelling units are added; or

6. A lot or parcel within a tentative map that contains a single-family dwelling that is more than five (5) years old when no new dwelling units are added to said lot or parcel.

C. Procedures. At the time of filing of a tentative map for approval, the subdivider of the property shall, as a part of such filing, indicate whether the subdivider desires to dedicate property for park or recreation purposes, or whether the subdivider desires to pay a fee in lieu thereof, or a combination of dedication and in-lieu fees. If the subdivider desires to dedicate land for this purpose, the subdivider shall designate the area thereof on the tentative subdivision map as submitted. Should the provisions of a community plan, specific plan, area plan, or other master plan indicate that a portion of the subject property is intended to for parks purposes, the subdivision shall be conditioned to dedicate the required acreage to the parks provider for park purposes. Any dedication is excess of the parkland standard provided in this chapter, or an applicable specific plan, area plan, or other master plan, shall be subject to reimbursement by the parks provider.

D. Required improvements on dedicated land. The subdivider shall complete the following improvements prior to dedication of the park land, unless deferred pursuant to a subdivision improvement agreement or public improvement agreement, with adequate security, as provided in this title:

1. Provide full street improvements, including but not limited to, curbs, gutters, street paving, traffic control devices, street lights, and sidewalks, to land that is dedicated pursuant to this chapter;

2. Provide fencing along the property line, or other location as approved by the park agency, of that portion of the subdivision contiguous to the dedicated land that is consistent with the standards of the City or park district, as applicable;

3. Provide rough grading of the site as approved by the park agency;

4. Provide public water and sewer connections for the site, including setting any water meters.

5. Provide other improvements that the City or park agency, as applicable, determines are essential to the acceptance of the land for recreational purposes.

E. Determination of Local Agency.

1. Prior to the time of tentative map approval, the approving authority shall have determined whether the City or the Cosumnes Community Services District is the appropriate local public agency providing park and recreation services on a community-wide level and to the area within which the proposed development will be located. Pursuant to such determination, land or fees required under this chapter shall be conveyed or paid directly to the designated agency, if such agency elects to accept the land or fee.

2. In the event park and recreation services and facilities are provided by a public agency other than the City, the amount and location of land to be dedicated or fees to be paid shall be determined by the City Council and the Board of Directors of such public agency.

22.28.030 Standards and Formulas for Dedication of Parkland

A. Dedication Standards. All new residential subdivisions or development projects shall provide real property for recreation and park purposes at a ratio of no less than five (5) acres of property for each one thousand (1,000) members of the population of the City (or other ratio as may be provided through an adopted community plan, specific plan, or similar master or strategic plan) as provided in this chapter. This standard shall be broken down as follows:

1. Local/Neighborhood Parks. A standard of two (2) acres per each one thousand (1,000) persons for local parks, as that term is defined in the Parks Master Plan; and

2. Community/Regional Parks. A standard of three (3) acre per each one thousand (1,000) persons for community parks, as that term is defined in the Parks Master Plan.

B. Calculation of Required Parkland Dedication for New Development. The amount of land to be dedicated shall be determined according to the formula D x F = A in which:

D = the number of dwelling units

F = a "factor" herein described

A = the buildable acres to be dedicated

C. Definitions. The following terms, as used in this section, shall have the following meanings:

1. "Apartment area" means an area of land used for or proposed for residential occupancy in buildings or structures designed for five (5) or more families for living or sleeping purposes and having kitchen and bath facilities for each family. Included are condominiums and cluster developments.

2. "Dwelling unit" means one (1) or more rooms in a building or structure or portion thereof designed exclusively for residential occupancy by one (1) family for living or sleeping purposes and having kitchen and bath facilities, including mobile homes.

3. "Mobile home development" means an area of land used for or proposed for residential occupancy in vehicles which require a permit to be moved on a highway, other than a motor vehicle designed or used for human habitation and for being drawn by another vehicle.

4. "Multiple-family area" means an area of land used for or proposed for residential occupancy in buildings or structures designed for two (2) to four (4) families for living or sleeping purposes and having a kitchen and bath facilities for each family, including two (2) family, group and row dwelling units.

5. "Park factor" means the factor, or ratio, that describes the amount of parkland required per dwelling unit based upon the average household size for the applicable dwelling unit type. See subsection (D) of this section.

6. "Single-family area" means an area of land used for or proposed for detached buildings designed for occupancy by one (1) family.

D. Park Factors.

1. The park factor shall be the acreage required for each of the four (4) types of dwelling units defined in this chapter. The method for calculating the park factor shall be as illustrated in the following equation. To complete the calculation, the Director shall, using data for the City of Elk Grove as reported by the U.S. Census Bureau for the City of Elk Grove, identify the household size for each of the four (4) dwelling unit types. The household size shall be determined based upon the total population in each dwelling category, divided by the total number of occupied units in that dwelling category.

$$\frac{\text{(Parkland Requirement (e.g., 5 acres)}}{\text{(1,000 ÷ Household Size)}} = \text{Park Factor}$$

2. In the case of a specific plan, special planning area, or similar master or strategic plan for a geographic area, the park factors shall be established at the time of adoption of the plan as provided in subsection (D)(1) of this section.

E. In multiple-family and apartment areas, the number of dwelling units shall be calculated from the maximum density permitted in the proposed zone, as determined from EGMC Title 23, including any density bonus, unless the subdivider can demonstrate that the development will contain a

lesser number of dwelling units. For tentative parcel maps in multifamily zones which require development plan review pursuant to EGMC Title 23, a condition may be added to the tentative parcel map stating that the number of dwelling units may be calculated using the density tentatively approved pursuant to development plan review, and such review shall not become final until the required land or improvements are dedicated (or fees in lieu thereof are paid by the subdivider) to the satisfaction of the City.

F. Unless a specific written request is made by the applicant, fees shall be payable at the time of the recording of the final map or parcel map. When a tentative parcel map or tentative subdivision map includes one (1) or more lots intended for multiple family and apartment development, as provided in subsection (E) of this section, the designated approving authority may add a condition to the map stating that required land or dedication or improvements or the payment of an in-lieu fee may be deferred to a later time but not later than prior to the issuance of building permits. In such instance the value of the in-lieu fee shall be calculated at the time of the payment of the fee.

22.28.040 Fees In Lieu of New Development Parkland Dedication

A. Ability to Pay Fee. A new development may pay a fee in lieu of dedicating land for parkland if:

1. There is no park or recreational facility designated in the City's General Plan or an applicable community plan, specific plan, area plan, or master plan to be located in whole or in part within the proposed subdivision to serve the needs of the residents of the subdivision, and/or where the designed approving authority requires the payment of in-lieu fees; or

2. The proposed tentative map contains fifty (50) lots or less.

B. Formula for Fees. Where the approving authority requires the payment of in-lieu fees, the amount to be paid shall be a sum calculated pursuant to the following formula:

A x V = M

where,

A =	the amount of land required for dedication (in acres) as determined by EGMC Section 22.26.030;
V =	fair market value (per acre) of the property to be subdivided, as determined by this section; and
M =	the number of dollars to be paid in lieu of dedication of land.

C. City Dedications. In determining in-lieu fees for public park and recreation land dedications, the subdivider shall request that the City cause an appraisal to be prepared, consistent with this section, and the subdivider shall pay the in-lieu fee based upon the fair market value established by the appraisal consistent with the standards set forth herein.

Upon request by the subdivider to calculate the in-lieu fee, the City shall request that an appraisal be conducted by a qualified licensed real estate appraiser from the City's list of approved appraisers. The appraiser shall hold a certified general appraisal license issued by the California Bureau of Real Estate Appraisers (BREA) or equivalent certification, as determined in the sole discretion of the City. The cost of the appraisal and the City's review of the appraisal shall be borne by the subdivider. A deposit for such fees, established by the City's Community Development Department services fees schedule as approved by resolution of the City Council, shall be deposited with the City at least one hundred twenty (120) days prior to the recording of the final map. If the deposit is nearing depletion, the City may request an additional

deposit. If an unbilled balance remains at the end of the appraisal process, a refund will be issued to subdivider.

The appraisal shall appraise the property at its unencumbered (free and clear) value, as if at the approved tentative map stage of development and as if any assessments or other encumbrances to which the property is subject had been paid in full prior to the date of the appraisal. Factors to be considered during the evaluation shall include the following:

1. Conditions of the tentative map, including all required street and utility improvements facilitating use of the property;
2. The general plan and any applicable area plan;
3. Zoning and density;
4. Property location;
5. Off-site improvements facilitating use of the property;
6. Site characteristics of the property; and
7. Existing public improvements

: The market value shall be defined as the most probable price, as of a specific date, in cash, or terms equivalent to cash, or in other precisely revealed terms, for which the specified property rights should sell after reasonable exposure in a competitive market under all conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgeably, and for self interest, and assuming that neither is under undue duress.

The appraisal shall value the property as of a date no earlier than ninety (90) days prior to the recording of the final map, or the payment of the fee, whichever occurs later. The appraisal report shall be subject to approval by the Director.

D. Other Agency Dedications. If another public agency, including without limitation the Cosumnes Community Services District, provides park and recreation services to the area within which the proposed development will be located, and if such other public agency will be the recipient of the in-lieu fees for park and recreation dedications, then the other public agency may, in its sole discretion, either: 1) conduct the appraisal through the office of the Sacramento County Assessor to determine fair market value, which shall value the property as of a date no earlier than ninety (90) days prior to the recording of the final map, or the payment of the fee, whichever occurs later; 2) utilize the appraisal method described in subsection (C) of this section; or 3) conduct the appraisal through another procedure acceptable to that public agency in a manner that determines the fair market value consistent with the standards set forth in this section. The subdivider shall pay the actual costs incurred by the other public agency in obtaining an appraisal and shall pay such estimated costs in advance of commencing the appraisal.

E. Alternative Appraisal Method. Nothing here shall preclude the City or any other public agency from determining fair market value by an appraisal procedure that is alternative to the procedures set forth above, as long as the alternative appraisal method is reasonably likely to determine the substantially same fair market value as if conducted by the appraisal method above, all as determined by the City or the other public agency in their sole discretion.

F. Use of Fees. Fees collected pursuant to this section shall be used and expended solely for the acquisition, improvement, and expansion of the public parks, playgrounds, and recreational facilities reasonably related to serve the needs of the residents of the proposed subdivision. The Council and/or the designated local public agency shall develop a schedule specifying how and when it will use the land or fees, or both, to develop park or recreational facilities to serve the residents of the subdivision. Any fees collected shall be committed within five (5) years after the

payment of fees or the issuance of building permits on one-half (0.5) of the lots created by the subdivision, whichever occurs later. If such fees are not committed, they shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots within the subdivision.

22.28.050 Credit for Private Facilities

A. The City may grant credit for privately owned and maintained open space or local recreation facilities, or both, in planned unit developments or residential townhouse units, mobile home developments, special planning areas (as defined in EGMC Title 23), and other forms of planned developments; provided, that for such property located within the Cosumnes Community Services District's jurisdiction, such credit determination shall be made in the joint discretion of the City and Cosumnes Community Services District. Such credit shall be subtracted from the dedication or fees, or both, subject to joint approval of the City and Cosumnes Community Services District, if such property is located within the Cosumnes Community Services District's jurisdiction, provided:

1. Yards, patio court areas, setbacks, and other open space areas required by this title and EGMC Title 23 shall be maintained;

2. Provision is made by recorded covenants that the private areas be adequately maintained, consistent with City and Cosumnes Community Services District standards;

3. The use of private open space or recreation facilities is limited to park and local recreation purposes and shall not be changed to another use without the written consent of the City.

In the event park and recreation services and facilities serving the subdivision are provided by a public agency other than the City, such agency shall have the joint discretion to grant credit in accordance with this section. Any recorded covenant effectuating the terms of this section shall be enforceable by the City and the public agency that provides park and recreation services and facilities to the subdivision.

B. Land or facilities which may qualify for credit will generally include the following:

1. Open spaces, which are generally defined as parks and parkway areas, ornamental parks, extensive areas with tree coverage, lowlands along streams or areas of rough terrain when such areas are extensive and have natural features worthy of scenic preservation, or open areas on the site in excess of twenty thousand (20,000 ft^2) square feet;

2. Court areas for tennis, badminton, shuffleboard or similar hard-surfaced areas designed and used exclusively for court games;

3. Recreational swimming areas defined as fenced areas devoted primarily to swimming and diving, including decks, lawn area, user facilities (e.g., changing rooms/locker rooms, showers), or other facilities developed and used exclusively for swimming and diving and consisting of no less than fifteen (15 ft^2) square feet of water surface area for each three (3%) percent of the population of the subdivision;

4. Recreation buildings designed and primarily used for the recreational needs of the residents of the development;

5. Special areas defined as areas of scenic or natural beauty, historic sites, hiking, riding or motorless bicycle trails, including pedestrian walkways separated from public roads, planting strips, lake sites, or river beaches, improved access or right-of-way in excess of the requirements of EGMC Section 22.40.030, and similar types of open space or recreational facilities.

C. Credit provided under this section shall be limited to the local portion of the required parkland under EGMC Section 22.28.030.A and shall not apply to the community park component.

D. Computation of Credit. The categories for credit described herein shall be given equal weight, each category not to exceed twenty (20%) percent of the total dedication or fee which may be required by the approving authority. The approving authority may grant additional credit for each category if there is substantial evidence that:

1. The open space or recreational facility is above average in aesthetic quality, arrangement or design;

2. The open space or recreational facility is clearly proportionately greater in amount or size than required by this title or usually provided in other similar types of development; or

3. The open space or recreational facility is situated so as to complement open space or local recreational facilities in other private or public developments.

22.28.060 Sale of Dedicated Land

The subdivider or owner and the Council or the Director of a local park and recreational district may, after dedication of the land and before construction of the first (1st) dwelling unit, agree to sell the land dedicated and use the proceeds thereof towards the acquisition of a more suitable site. Such sale is subject to the limitations imposed on disposition of park property set forth in the Government Code.

22.28.070 Phased Final Maps and Parcel Maps

If the proposed subdivision is recorded through the use of phased final maps or parcel maps, as provided by this title, requirement for dedication of lands for public parks and recreation facilities or in-lieu payment shall be required on a proportional share of the area subject to the phased map versus the overall approved project. The Director shall, at the time of filing of each phased map, recalculate the amount of land required to be dedicated in accordance with this chapter, based on the land area and units included on the proposed final map or parcel map. Nothing in this section shall preclude the subdivider from satisfying the requirements of this chapter as part of the first phased map. However, in no instance shall the dedication accepted by the City or in-lieu fees collected by the City for the subdivision be less than the proportional requirement that has been recorded.

22.28.080 Off-Site Dedication

Dedication of land outside of the subdivision may be authorized by the City and Cosumnes Community Services District by action on the tentative map and be credited toward the developer's parkland dedication requirement pursuant to this chapter.

22.28.090 Credit for Park and Recreational Improvements and Equipment

A. If a subdivider desires they may receive credit for providing park and recreational improvements to the land the subdivider has dedicated, or equipment located thereon, under an applicable parks impact fee program, or similar development impact fee program. At the time of filing for the tentative map, the subdivider shall notify the local agency providing park and recreational services to the area within which the proposed development will be located that they intend to receive credit for park and recreational services to the area within which the proposed development will be located, and that they intend to receive credit for park and recreational improvements to the dedicated land and equipment located on that land. At the time of approval of the tentative map, the amount of land to be dedicated necessary to comply with this chapter shall be calculated pursuant to EGMC Section 22.28.030. As a condition of approval of such tentative map, the developer shall be required to dedicate the calculated amount of land or its equivalent in fees or credits at the time of filing the final map, and the developer shall sign an agreement with the local agency stating that land, and any equipment located thereon, shall be calculated and dedicated at the time of approval of the final map in an amount equivalent to the

current value, pursuant to EGMC Section 22.28.040 as established by an appraisal of the amount of land required to be dedicated as a condition of the tentative map.

B. Such land, improvements and equipment may be accepted by the local agency if such land, improvements and equipment comply with its master plan for that park. Immediately upon the approval or conditioned approval of the tentative map to the subdivider, the local agency providing parks shall initiate preparation of a master plan for the park area proposed to receive the credits. Such master plan shall be completed within the duration of the tentative map and not later than thirty-six (36) months from approval of the tentative map.

C. At the time of approval of the final map, the subdivider shall dedicate land to the local agency providing parks if such dedication is consistent with the master plan. The subdivider and the local agency shall enter into a credit agreement whereby the subdivider agrees to pay a fee in lieu of dedication of land and provide a bond or other security acceptable to the City guaranteeing the subdivider will pay the fee, in the amount of the remainder of the obligation calculated pursuant to subsection (A) of this section. The subdivider then shall specify the improvements to the dedicated land together with equipment located thereon he or she wishes to provide, consistent with the master plan. The public agency shall proceed with a standard competitive bid process to arrive at the lowest responsible bidder for providing such improvements and equipment. Upon completion of the competitive bid process, the subdivider shall pay the fee, which shall be used to pay for such improvements and equipment. If no fee is paid, the bond or other security shall be used for such payment. The remainder of the fee or security, if any, shall be retained by the local agency.

D. If the developer and local agency agree to allow installation of park and recreational improvements and equipment located on the dedicated land, rather than providing a fee, bond, or other security pursuant to subsection (C) of this section, the developer may do so; provided, that such improvements are consistent with the park master plan. The amount of credit to be given shall be determined jointly by the local agency providing parks, the City, and the developer, based on evidence presented by the developer showing that such improvements were obtained and installed at a reasonable, competitive rate for the community. Only reasonable charges shall be eligible for credit under this section. The developer may choose to construct and provide such improvements and equipment only upon a showing to the City and local agency providing parks that such a procedure will not result in costs in excess of that obtainable by using a competitive bidding process carried out by the public agency, pursuant to subsection (C) of this section.

Chapter 22.30
GENERAL DEFINITIONS

Sections:

22.02.010 Purpose and Applicability.

The purpose of this chapter is to provide all general definitions of the terms and phrases used in this title that are technical or specialized in an effort to ensure provision in interpretation of the this title. Where any definition in this chapter may conflict with definitions in other titles of the Elk Grove Municipal Code, the definitions herein shall prevail for the purposes of this title. If a word is not defined in this chapter, or in other provisions of the Elk Grove Municipal Code, the most common dictionary definition is presumed to be correct. Definitions are organized alphabetically.

22.02.020 General Definitions.

A. “A” Definitions.

1. “Approved access” means right of vehicular travel to a public street, as shown on the final map or parcel map and as approved by the City Engineer.

2. “Access rights” means the rights to vehicular and pedestrian entry onto a public street from private property.

3. “Advisory agency” means a designated official or an official body charged with the duty of making investigations and reports on the design and improvement of proposed divisions of real property, the imposing of requirements or conditions thereon, or having the authority under this title to approve, conditionally approve or disapprove maps.

4. “Approval authority” has the same meaning as “advisory agency.”

5. “Appeal board” means a designated board or other official body charged with the duty of hearing and making determinations upon appeals with respect to divisions of real property, the imposition of requirements or conditions thereon, or the kinds, nature and extent of the design or improvements, or both, recommended or decided by the advisory agency to be required.

B. ”B” Definitions.

1. “Boundary Line Adjustment” means the relocation of an interior lot line between two or more adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created. A Boundary Line Adjustment may also be referred to as Lot Line Adjustment.

C. “C” Definitions.

1. “Certificate of compliance” means a certificate recorded by the City which determines that the subdivision or real property complies with the provisions of the Subdivision Map Act and City of Elk Grove ordinances enacted pursuant thereto. A recorded final map or parcel map shall constitute a certificate of compliance with respect to the parcels of real property described therein.

2. “City Engineer” means a licensed civil engineer, employed or retained by the City, who is designated by the City Manager with the responsibilities identified in this title, or who is a licensed civil engineer and has been delegated with specific responsibilities by the City Engineer.

3. “City Surveyor” means a licensed land surveyor, employed or retained by the City, who is designated by the City Manager or City Engineer, with the responsibilities identified in this title.

3. “Contiguous” means adjoining along a common border and touching at more than one (1) point.

D. “D” Definitions.

1. “Dedication” means the act of granting to a public agency the right to use a portion of real property for public purposes by the fee owner of the real property.

2. “Design” means:

a. Street alignments, grades and width;

b. Drainage and sanitary facilities and utilities, including alignments and grades thereof;

c. Location and size of all required easements and rights-of-way;

d. Fire roads and firebreaks;

e. Lot size and configuration;

f. Traffic access;

g. Grading;

h. Land to be dedicated for park or recreational purposes; and

i. Such other specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to ensure conformity to or implementation of the General Plan or an adopted specific plan of the City.

3. “Designated Remainder” means any unit or units of improved or unimproved land not divided for the purpose of sale, lease, or finance and designated as remainder by a subdivider for purposes of Section 66424.6 of the Subdivision Map Act.

4. “Designated tributary” means a stream which has a defined bed and channel which serves to give direction to continuously or periodically flowing water into a larger stream or lake.

5. “Director” means the Community Development Director of the Community Development Department of the City of Elk Grove.

E. “E” Definitions.

1. “Easement” means a portion of real property offered or dedicated to the City or other public entity or public utility for purposes of providing access to a division of land, for placing utilities, or for any other specific public purpose.

F. “F” Definitions.

1. “Final map” means a map prepared by a registered civil engineer or a licensed land surveyor and presented for recording, which conforms to an approved application for a tentative subdivision map and the Subdivision Map Act.

2. “Parcel map” means a parcel map prepared by a registered civil engineer or licensed land surveyor and presented for recording, which conforms to an approved application of a tentative parcel map and the Subdivision Map Act.

G. “G” Definitions.

1. “General Plan” means the General Plan of the City of Elk Grove or any element, community plan, section, or portion thereof.

H. Reserved for future use.

I. “I” Definitions.

1. Improvement.

a. “Improvement” refers to such street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways, and easements as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval of acceptance of the final map or parcel map thereof.

b. “Improvement” also refers to such other specific improvements or types of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approved by the local agency or by a combination thereof, is necessary or convenient to ensure conformity to or implementation of the General Plan, or an adopted specific plan, of the City.

2. “Improvement Plans” means the plans, profiles, cross sections, and specifications for all proposed improvements. Improvement plans are often referred to as civil plans.

3. “Improvement Standards” means the requirements for design and construction of improvements established by City.

J. Reserved for future use.

K. Reserved for future use.

L. “L” Definitions.

1. “Lot” means a parcel of land.

M. “M” Definitions.

1. “Merger” means the joining of two (2) or more contiguous parcels of land under one ownership into one parcel.

N. “N” Definitions.

1. “Notice of violation” means a certificate recorded by the City which determines that real property has been divided or has resulted from a division in violation of this title or the Subdivision Map Act.

O. Reserved for future use.

P. “P” Definitions.

1. “Planning Commission” means the Planning Commission of the City of Elk Grove.

2. “Public water supply” means a water supply provided by a local agency, publicly-owned corporation, or approved utility company.

Q. Reserved for future use.

R. “R” Definitions.

1. “Record owner” means the current owner(s) of the parcels according to the records of the County Recorder of the County of Sacramento at the time an application is submitted to the Community Development Department or a notice of determination is mailed.

2. "Resultant parcel” means the new parcel description once the parcels have been merged or adjusted.

3. “Right-of-way” means that portion of real property granted to the City to utilize said property for public street purposes.

S. “S” Definitions.

1. “Specific plan” means a specific plan, or any element or part thereof, adopted by the City Council pursuant to the provisions of the State Planning and Zoning Law, Title 7 of the Government Code.

2. “Street, public” means a street, highway, thoroughfare, road, avenue, boulevard, alley, lane, court, circle, drive, or way shall not be a public street until and unless the said street shall have been accepted into a street or road system maintained by a City, county, or the State. Streets and roads in public parks, public airports, public schools and similar public grounds shall not be construed to be public streets for the purpose of this title.

3. “Street dedication map” means a map submitted for authorization to locate and construct streets in conformance with the General Plan and the Improvement Standards of the City of Elk Grove, including an approved improvement plan.

4. “Subdivider” means a person, firm, corporation, partnership, or association, as defined in Section 66423 of the Subdivision Map Act, who proposes to divide, divides, or causes to be divided real property into a subdivision for himself and/or for others.

5. “Subdivision” means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized City assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future, except for leases of agricultural land for agricultural purposes. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. “Subdivision” includes a condominium project, as defined in Section 1350 of the Civil Code, a community apartment project, as defined in Section 11004 of the Business and Professions Code, or the conversion of five (5) or more existing dwelling units to a stock cooperative, as defined in Section 11003.2 of the Business and Professions Code. Any conveyance of land to a governmental agency, public entity, public utility, or subsidiary of a public utility for conveyance to such public utility for rights-of-way shall not be considered a division of land for purposes of computing the number of parcels. As used in this section, “agricultural purposes” means the cultivation of food or fiber or the grazing or pasturing of livestock.

6. “Subdivision Map Act” means the Subdivision Map Act of the State and all amendments or additions thereto (Title 7, Division 2, Subdivisions, commencing with Section 66410, of the Government Code).

T. “T” Definitions.

1. “Tentative map” means a map made for the purpose of showing the design improvements, if any, of the proposed subdivision and the existing conditions in or around it. “Tentative map” may either mean “tentative subdivision map” or “tentative parcel map”.

2. "Tentative parcel map" means a map presented to the advisory agency for approval of land divisions which require a parcel map.

3. "Tentative subdivision map" means a map presented to the advisory agency for approval of land divisions which require a final map.

4. "Title" means EGMC Title 22.

U. Reserved for future use.

V. "V" Definitions.

1. "Vesting tentative map" or "vesting map," or "vesting tentative subdivision map" are synonymous and mean a form of tentative map which, when approved, confers a vested right to proceed, for a limited period of time, with development in substantial compliance with the ordinances, policies, and standards that were in effect at the time the application for a vesting map was determined to be complete, or at the time the application was approved (if EGMC Section 22.16.050) is operative).

W. Reserved for future use.

X. Reserved for future use.

Y. Reserved for future use.

Z. "Z" Definitions.

1. "Zoning Code" means EGMC Title 23.

EXHIBIT E

Elk Grove Municipal Code Revisions
Title 23, Zoning

Changes are shown in ~~strikeout~~ (for deleted text) and underline (for added text).

Changes to Title 23 (Zoning)

Section 23.10.050.A (Additional Provisions for the Planning Commission, Membership and Term) shall be amended as follows:

23.10.050 Additional Provisions for the Planning Commission

A. Membership and Term. There shall be five (5) members of the Planning Commission. Commissioners shall not be employees of the City, but shall be residents of the City. Each member shall serve at the pleasure of the City Council for a term of service set by resolution, with no maximum number of terms that may be served by any individual member. ~~There shall be no maximum term that may be served by an individual member.~~

…

Table 23.14-1 (Approval Authority) shall be amended as follows:

Table 23.14-1
Approval Authority

Type of Permit, Entitlement, or Decision	Description (EGMC Section)	Designated Approval Authority[1]			
		Community Development ~~Services~~ Director	Zoning Administrator	Planning Commission	City Council
Administrative Permits					
Official zoning interpretation	23.12.040	Recommending	---	Final	---
Similar use determination	23.12.045	Final	---	---	---
Zoning clearance/plan check	23.16.020	Final	---	---	---
Minor deviation	23.16.030	Final	---	---	---
Minor uniform sign program	23.16.027	Final	---	---	---
Temporary use permit	23.16.050	Final	---	---	---
Special parking permit	23.16.037	Final	---	---	---
Reasonable accommodation	23.16.065	Final	---	---	---
Master home plan – design review	23.16.080	Final	---	---	---
Outdoor activity design review	23.16.080	Final	---	---	---

Type of Permit, Entitlement, or Decision	Description (EGMC Section)	Designated Approval Authority[1]			
		Community Development ~~Services~~ Director	Zoning Administrator	Planning Commission	City Council
Quasi-Judicial Permits and Entitlements					
Map extension (tentative subdivision, vesting tentative subdivision, tentative parcel)	~~22.20.090~~ 22.16.090	Recommending	Final	---	---
Minor design review	23.16.080	Recommending	Final	---	---
~~Affordable housing streamlined approval~~	~~23.17~~	~~Recommending~~	~~Final~~	~~---~~	~~---~~
Streamlined housing approvals	23.17	See EGMC 23.17			
Density bonus and Other Developer Incentives	23.50	Recommending	Final	---	---
Major uniform sign program	23.16.027	Recommending	---	Final	---
Variance	23.16.040	Recommending	---	Final	---
Minor conditional use permit	23.16.070	Recommending	Final	---	---
Conditional use permit	23.16.070	Recommending	---	Final	---
Major design review	23.16.080	Recommending	---	Final	---
Subdivision design review	23.16.080	Recommending	---	Final	---
District development plan design review	23.16.080	Recommending	---	Final	---
CIP design review	23.16.080	Recommending	---	Recommending	Final
Cluster development permit	23.16.085	Recommending	---	Final	---
Tentative parcel map[2]	~~22.20~~ 22.16	Recommending	---	Final	---
Tentative subdivision map[2]	~~22.20~~ 22.16	Recommending	---	Final	---
Legislative Approvals					
Special planning area (establishment and amendment)	23.16.100	Recommending	---	Recommending	Final
Specific plan (establishment and amendment)	23.16.090	Recommending	---	Recommending	Final

Type of Permit, Entitlement, or Decision	Description (EGMC Section)	Designated Approval Authority[1]			
		Community Development ~~Services~~ Director	Zoning Administrator	Planning Commission	City Council
Zoning amendment (text and map)	23.16.110	Recommending	---	Recommending	Final
Community plan (establishment and amendment)	23.16.115	Recommending	---	Recommending	Final
General Plan amendment	23.16.120	Recommending	---	Recommending	Final
Prezoning	23.16.130	Recommending	---	Recommending	Final
Development agreement (establishment and amendment)	23.16.140	Recommending	---	Recommending	Final

Notes:
1. All listed actions are subject to appeal pursuant to EGMC Section 23.14.060.
2. When any tentative map is submitted in conjunction with a qualifying streamlined housing project as provided in EGMC Chapter 23.17, the approving authority shall be the Zoning Administrator.

Section 23.14.040.C (Notice of Hearing) shall be amended as follows:

23.14.040 Public hearing for quasi-judicial and legislative permits and entitlements.
…

C. Notice of Hearing. Except as otherwise provided herein, ~~P~~pursuant to Section 65091 of the California Government Code, not less than ten (10) days before the scheduled date of a hearing, public notice shall be given of such hearing in the manner listed below. The notice shall state the date, time, and place of hearing, identify the hearing body, a general explanation of the matter to be considered, and a general description of the real property (text or diagram), if any, which is the subject of the hearing.

1. If a proposed ordinance or amendment to a zoning ordinance affects the permitted uses of real property, public notice for the Planning Commission hearing shall be given in the manner listed below at least 20 days before the scheduled date of hearing.

2~~1~~. Notice of the public hearing shall be published in at least one (1) newspaper of general circulation in the City.

3~~2~~. Except as otherwise provided herein, notice of the public hearing shall be mailed, postage prepaid, to the owners and tenants of property within a radius of five hundred (500' 0") feet of the exterior boundaries of the property involved in the application, using for this purpose that last known name and address of such owners as shown upon the current Tax Assessor's records. Exceptions to the five hundred (500' 0") foot mailing radius requirement are as follows:

a. For all properties within the Rural Area Community Plan or the Triangle Sub-Area of the Eastern Elk Grove Community Plan, notices shall be mailed to owners of property and residents/occupants, as applicable, within one thousand (1,000' 0") feet of the boundary of the property that is the subject of the application.

b. For drive-through uses in the rural commercial combining zone (RUC), notices shall be mailed to owners of property and residents/occupants, as applicable, within two thousand (2,000' 0") feet of the boundary of the property that is the subject of the application.

c. For regional projects, notices shall be mailed to owners of property and residents/occupants, as applicable, within two thousand (2,000' 0") feet of the boundary of the property that is the subject of the application. A regional project shall include a new specific plan, a new special planning area, any project for which an environmental impact report is required pursuant to the California Environmental Quality Act, or any other project determined by the Community Development ~~Services~~ Director to be a regional project.

d. For properties within all zoning districts, a minimum of thirty (30) parcels shall be notified. If this minimum standard is not met, the notification distance shall be increased in one hundred (100' 0") foot intervals until the standard is achieved.

e. The president or chairperson of all neighborhood associations or community groups in the City's neighborhood association index which have boundaries that overlap any of the noticing radii defined above shall also receive a notice of all public hearings to the extent that address of such associations or groups are on file with the Community Development ~~Services~~ Department. Mailings to such organizations shall not be counted toward the thirty (30) parcel minimum defined above.

4~~3~~. With the exception of private development applications, if the number of owners and residents/occupants receiving mailed notice of the public hearing in accordance with subsection (C)(2) of this section exceeds one thousand (1,000), the City may, in lieu of mailed notice, provide notice by placing a display advertisement of at least one-eighth (1/8) page in one (1) newspaper of general circulation within the City. This published notice shall satisfy the published notice as required under subsections (C)(1) and (C)(2) of this section.

5~~4~~. Notice of the public hearing shall be mailed, postage prepaid, to the owner of the subject real property or the owner's authorized agent, and to each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the proposed project.

6~~5~~. In addition to the notices required by this section, the City may give notice of the public hearing in any other manner it deems necessary or desirable.

Section 23.14.060.E (Appeal Hearing and Action) shall be amended as follows:

23.14.060 Appeals.

…

E. Each appeal shall be considered a *de novo* (new) and the appeal authority may reverse, modify or affirm the decision in whole or in part. In taking its action on an appeal, the appeal authority shall state the basis for its action. The appeal authority may modify, delete, or add such conditions as it deems necessary. The appeal authority may also refer the matter back to the original approving authority for further action. The action of the <u>final</u> appeal authority is final on the date of decision and may not be further appealed.

Section 23.16.080.B (Design Review Applicability) shall be amended as follows:

23.16.080 Design review.

…

B. Design Review Applicability. There are seven (7) types of design review as described below:

1. Master Home Plan Design Review. A master home plan design review is required for master home plans for single-family residential subdivisions.

2. Outdoor Activity Design Review. An outdoor activity design review is required for permanent outdoor storage and service uses and permanent and seasonal outdoor seating as described in EGMC Chapter 23.86, Outdoor Sales, Display, Storage, and Seating.

3. Minor Design Review. A minor design review permit is required for the following items:

   a. New construction of a multifamily residential building or structure with fewer than one hundred fifty (150) units;

   b. New construction of a mixed-use or nonresidential building or structure less than ten thousand (10,000 ft^2) square feet (e.g., commercial, office, industrial, public/quasi-public);

   c. Additions of more than one thousand (1,000 ft^2) square feet and less than ten thousand (10,000 ft^2) square feet to multifamily residential buildings or structures or nonresidential buildings or structures;

   d. The exterior remodel of multifamily residential buildings or structures or mixed-use and nonresidential buildings or structures when not substantially consistent with existing improvements or approved plans as determined by the Community Development ~~Services~~ Director;

   e. Accessory buildings exceeding eight hundred (800 ft^2) square feet in RD zones as provided in EGMC Chapter 23.46 (Accessory Structures);

   f. Nonrequired fences in accordance with EGMC Chapter 23.52;

   g. Modification of nonconforming structures in accordance with EGMC Section 23.84.020; and

   h. Other items identified in this title.

4. Major Design Review. A major design review permit is required for the following items:

   a. New construction of a multifamily residential building or structure with one hundred fifty (150) or more units;

   b. New construction of a single nonresidential building or structure, or multiple buildings or structures within a single shopping center complex, comprising ten thousand (10,000 ft^2) square feet or more (e.g., commercial, office, industrial, public/quasi-public);

   c. Additions of a single multifamily residential or nonresidential building or structure, or multiple multifamily residential buildings or structures within a multifamily complex, or multiple nonresidential buildings or structures within a single shopping center complex, comprising ten thousand (10,000 ft^2) square feet or more;

   d. Other items identified in this title.

5. Subdivision Design Review. A subdivision design review is required for:

   a. Any tentative subdivision map; and

   b. Any tentative parcel map located within the Livable Employment Area Community Plan.

6. District Development Plan Design Review. A district development plan design review is a process reserved for larger nonresidential or mixed-use development areas that will be developed in phases over time. A district development plan provides overall site plan approval and establishes development elements including, but not limited to, pedestrian improvements, signage, landscaping, internal setbacks, lighting, building architecture design parameters, and other features that are common across the site. Examples of

applicable projects include, but are not limited to, hospitals, village centers, and large retail complexes. A district development plan design review may be combined with major design review for the architecture of initial phase development. All subsequent development within the boundaries of an approved district development plan shall be consistent with the district development plan. District development plans shall not be subject to the time limits of EGMC Section 23.18.020 unless specified as a condition of approval.

7. Capital Improvement Program Design Review. A capital improvement program (CIP) design review is required for any activity that otherwise requires design review pursuant to this section but is a project under the City's capital improvement program (CIP).

Section 23.16.100.H (Application of SPA Development Requirements) shall be amended as follows:

Section 23.16.100 (H)

…

H. Application of SPA Development Requirements. Where specific conditions of the SPA are ~~more restrictive than~~in conflict with the development standards in EGMC Title 23, the conditions of the SPA shall apply. Where a standard is not addressed in the SPA, this title shall apply.

Section 23.16.140.D (Development Agreements, Approval) shall be amended as follows:

23.16.140 Development Agreements.

…

D. Approval of Development Agreement. A development agreement is a legislative act and shall be approved by the City Council by ordinance. The ~~Mayor~~City Manager shall execute any development agreement approved by the City Council.

…

Chapter 23.17 (Affordable Housing Streamlined Approval) shall be amended as follows:

Chapter 23.17
~~AFFORDABLE HOUSING~~ STREAMLINED HOUSING APPROVALS

~~**Sections:**~~
~~**23.17.010 Purpose.**~~
~~**23.17.020 Qualifying housing developments.**~~
~~**23.17.030 Exemptions from discretionary review.**~~
~~**23.17.040 Objective development standards.**~~
~~**23.17.050 Procedures**~~

~~**23.17.010 Purpose.**~~
~~The purpose of this chapter is to provide for the implementation of Section 65913.4 of the Government Code by providing a streamlined review and approval process for qualifying affordable housing projects.~~

~~**23.17.020 Qualifying housing developments.**~~
~~The provisions of this chapter shall only apply to those qualifying housing developments listed in Section 65913.4(a) of the Government Code.~~

~~**23.17.030 Exemptions from discretionary review.**~~
~~Qualifying housing developments shall be exempt from all City discretionary review including, but not limited to, conditional use permit and discretionary design review; provided, that the project~~

~~conforms with all applicable ministerial provisions of State law, this municipal code (inclusive of this chapter), and the General Plan. Projects shall only be required to obtain the approvals provided by this chapter from the Zoning Administrator prior to issuance of the required building permit, grading permit, improvement plans, or other City-required construction authorization.~~

~~The provisions of this chapter shall not apply to any project listed in EGMC Section 23.30.020(C)(1).~~

~~**23.17.040 Objective development standards.**~~

~~Notwithstanding EGMC Section 23.04.060, qualifying housing projects shall comply with all ministerial land use regulations, Citywide regulations, and development standards in effect at the time that the application is submitted as those standards are applicable to a residential multi-unit or mixed-use project within the zoning district in which the project is proposed including, but not limited to, residential density, setbacks, height, open yard, and screening requirements as described in this title.~~

~~No streamlined housing project shall include a request for an exception to these standards by applying for a variance, modification, exception, waiver, or other discretionary approval for height, density, setbacks, open yard, land use, development plan approval, or similar development standard, other than modifications granted as part of a density bonus concession or incentive pursuant to State Density Bonus Law.~~

~~Objective City Guidelines and Design Standards. Any lot developed with a qualifying streamlined housing project shall comply with all adopted objective guidelines, design review standards, and development standards, including but not limited to the objective design standards for streamlined housing projects.~~

~~**23.17.050 Procedures.**~~

~~A. Determination of Qualification. The applicant shall submit the project for review pursuant to EGMC Section 23.14.010 to the Development Services Director for initial determination whether the project is eligible for a streamlined, ministerial approval process, including whether the subject application conflicts with the objective guidelines, design review standards, and development standards adopted pursuant to EGMC Section 23.17.040.~~

~~B. Review. After the application is determined to be complete, the Development Services Director will review the application to determine consistency with the objective development standards applicable to the project. If the project is found to be inconsistent with the applicable objective development standards, the Development Services Director shall provide written notice to the applicant as prescribed by Section 65913.4(C)(1) of the Government Code, as may be amended from time to time. The applicant shall be provided an opportunity to cure any inconsistencies or deficiencies.~~

~~C. Project Approval. A project which meets all the requirements of applicable State law and this chapter shall, after review by the Development Services Director, be forwarded to the Zoning Administrator for public oversight review and action, pursuant to the procedures of EGMC Section 23.14.040. Such hearing and final action on the project shall be in compliance with the time periods established by Section 65913(d)(1) of the Government Code, as may be amended from time to time. The Zoning Administrator's review shall be objective and be strictly focused on assessing compliance with criteria required for these streamlined projects, as well as any applicable reasonable objective design standards of the City. Written notice of the approval shall be provided to the applicant.~~

~~D. Appeals. A final action by the Zoning Administrator regarding a streamlined housing project may be appealed pursuant to the provisions of EGMC Section 23.14.060 (Appeals).~~

Sections:

Article I. General

23.17.010 Purpose.

Article I. General

23.17.010 Purpose.

The purpose of this chapter is to provide for the implementation of various portions of the Government Code by providing a streamlined review and approval process for qualifying housing projects.

23.17.020 Special proceedings.

Notwithstanding the requirements of EGMC Chapters 23.14, 23.16, and 23.50, to the extent that any development project qualifies for one or more of the streamlined review and approval processes provided by this chapter, where that same project concurrently applies for a density bonus or other developer incentives as provided by EGMC Chapter 23.50, the designated approving authority for the density bonus, concession, or other developer incentive shall be the same as the approval authority for the streamlined review and approval process.

Article II. Infill Affordable Housing Projects

23.17.100 Purpose and qualifying housing developments.

The purpose of this article is to implement the provisions of Section 65913.4 of the Government Code. This article shall only apply to qualifying housing developments. As used in this Article II, the term "qualifying housing developments" shall mean those housing developments which meet the qualifications listed in Section 65913.4(a) of the Government Code.

23.17.110 Exemptions from discretionary review.

Qualifying housing developments shall be subject to streamlined ministerial review hereunder and shall be exempt from all City non-legislative discretionary review including, but not limited to, conditional use permit and discretionary design review; provided, that the project conforms with all applicable ministerial provisions of State law, this municipal code (inclusive of this article), and the General Plan. Qualifying housing developments shall only be required to obtain the approvals required by this Article II from the Zoning Administrator prior to issuance of the required building permit, grading permit, improvement plans, or other City-required construction authorization. This limitation does not apply to any required tentative and final subdivision map, tentative and final parcel map, lot line adjustment(s), or other changes in lot configuration governed by EGMC Title 22 (Land Division), except that any required tentative map proposed concurrently with the qualifying housing development shall be processed concurrently with that project. As provided in EGMC 22.04.030(C), the designated approving authority shall be the Zoning Administrator pursuant to EGMC 22.17.130(E).

The provisions of this chapter shall not apply to any project listed in EGMC Section 23.30.110(C)(1).

23.17.120 Objective development standards.

A. Notwithstanding EGMC Section 23.04.060, qualifying housing developments shall comply with all ministerial land use regulations, Citywide regulations, and development standards in effect at the time that the application is submitted as those standards are applicable to a residential multi-unit or mixed-use project within the zoning district in which the project is proposed including, but not limited to, residential density, setbacks, height, open yard, and screening requirements as described in this title.

B. No streamlined housing project shall include a request for an exception to these standards by applying for a variance, modification, exception, waiver, or other discretionary approval for height, density, setbacks, open yard, land use, development plan approval, or similar development standard, other than modifications for which the development is eligible and granted as part of a density bonus, concession, or incentive pursuant to State Density Bonuses and Other Incentives Law (Government Code Sections 65915 et seq.) and EGMC Chapter 23.50.

C. Any lot developed with a qualifying streamlined development project hereunder shall comply with all adopted objective guidelines, design review standards, and development standards, including but not limited to the objective design standards for streamlined housing projects.

23.17.130 Procedures.

A. Notice of Intent Required. Before submitting an application for a development subject to this Article, the applicant shall submit to the City a notice of its intent to submit an application. The notice of intent shall be in the form of a preliminary application that includes all of the information described in Section 65941.1 of the Government Code as that section read on January 1, 2020. Upon receipt of the notice of intent to submit an application, the City shall engage in a scoping consultation regarding the proposed development with any California Native American tribe(s) traditionally culturally affiliated with the City. The scoping consultation shall be conducted pursuant to the provisions of Section 65913.4(b) of the Government Code.

B. Public Comment Meeting. For qualifying housing developments that are proposed in a census tract that is designated either as a moderate resource area, low resource area, or an area of high segregation and poverty on the most recent "CTCAC/HCD Opportunity Map" published by the California Tax Credit Allocation Committee and the Department of Housing and Community Development, within forty-five (45) days after receiving a notice of intent, as described in part (A) above, and before the applicant submits an application for the qualifying housing development, the City shall provide for a public meeting to be held by the City to provide an opportunity for the public and the City to comment on the development. The meeting shall occur at a regular meeting of the City Council. Comments may be provided by testimony during the meeting or in writing any time before the meeting concludes. The applicant shall attest in writing that it attended the public meeting and reviewed the public testimony and written comments from the meeting in its application for the qualifying housing development. If the City does not hold the meeting described herein within forty-five (45) days after receiving the notice of intent, the applicant shall hold a public meeting on the proposed development before submitting an application pursuant to this Article.

C. Determination of Qualification. Upon completion of the notice of intent and scoping consultation, if the project is eligible to submit an application for streamlined, ministerial approval pursuant to Section 65913.4(b)(3) of the Government Code, the applicant shall submit the project for review pursuant to EGMC Section 23.14.010 to the Community Development ~~Services~~ Director for an initial determination whether the project is eligible for the streamlined, ministerial approval process hereunder, including without limitation whether the subject application conflicts with the City's objective zoning standards, objective subdivision standards, and objective design review standards, as such terms are defined in Section 65913.4(a)(5) of the Government Code .

D. Review. If the project is found to be inconsistent with the applicable objective development standards, the Community Development ~~Services~~ Director shall provide written notice to the applicant as prescribed by Sections 65913.4(c)(1) and 65589.5 of the Government Code, as may be amended from time to time. The applicant shall be provided with an opportunity to cure any inconsistencies or deficiencies. Consistent with State law, the City shall not determine that a qualifying development project is in conflict with the objective planning standards on the basis that the application materials are not included if the application contains substantial evidence that would allow a reasonable person to conclude that the development is consistent with the objective planning standards.

E. Project Approval. A project submitted pursuant to this article shall, after review by the Community Development ~~Services~~ Director, be forwarded to the Zoning Administrator for public oversight review and action, pursuant to the procedures of EGMC Section 23.14.040. Such hearing and final action on the project shall be in compliance with the time periods established by Section 65913(d)(1) of the Government Code, as may be amended from time to time. The Zoning Administrator's review shall be objective and be strictly focused on assessing compliance with criteria required for these streamlined projects, as well as any applicable reasonable objective design standards of the City. Written notice of the final action shall be provided to the applicant.

F. Appeals. Any final action by the Zoning Administrator regarding a streamlined housing project may be appealed pursuant to the provisions of EGMC Section 23.14.060 (Appeals).

G. Approval of a qualifying development pursuant to this article shall, notwithstanding any other law, be subject to the expiration timeframes specified in subdivision (g) of Section 65913.4 of the Government Code.

Article III. Affordable Housing Developments in Commercial Zones

23.17.200 Purpose and qualifying housing developments.

A. The purpose of this article is to implement the provisions of Section 65912.100 through 65912.114 of the Government Code.

B. The provisions of this article shall only apply to a qualifying housing development. As used in this Article III, the term "qualifying housing development" means a multifamily residential (multiple residential unit) development that meets the requirements set forth in this Article III and Sections 65912.111 through 65912.114 of the Government Code. Qualifying housing developments shall meet or exceed the minimum density requirements outlined herein and meet all of the following:

1. One hundred (100%) percent of the units within the development project, excluding manager's units, shall be dedicated to lower income households at an affordable cost, as defined in Section 50052.5 of the Health and Safety Code, or an affordable rent set in an amount consistent with the rent limits established by the California Tax Credit Allocation Committee.

2. The units shall be subject to a record deed restriction for a period of fifty-five (55) years for rental units and forty-five (45) years for owner-occupied units.

3. The project complies with all of the labor standards provided in Section 65912.130 and, as applicable, Section 65912.131 of the Government Code, as may be amended from time to time.

23.17.210 Applicable Entitlements

A. Qualifying housing developments shall be allowed by right. No conditional or minor conditional use permit or other local discretionary review shall be required.

B. A qualifying housing development shall be subject to ministerial review of a minor design review by the Zoning Administrator, subject to the objective design and development regulations applicable by this article.

C. A development proposed pursuant to this article shall be eligible for a density bonus, incentives, or concessions, waivers, or reductions of development standards, and parking ratios pursuant to EGMC Chapter 23.50 and Section 65915 of the Government Code, as may be amended from time to time.

23.17.220 Site Requirements

A qualifying housing development shall only be subject to the streamlined review process provided by this article if the subject site complies with all of the following criteria:

A. The site is located in any zoning district where office, retail, or parking are a principally permitted use.

B. The site is a legal lot.

C. At least seventy five (75%) percent of the perimeter of the site adjoins lots that are developed with urban uses. As used in this section, the term "urban uses" shall mean current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination thereof. Parcels that are only separated by a street, pedestrian path, or bicycle path shall be considered to be adjoined.

D. The site is not, nor is it adjoined to any site, where more than one-third (1/3) of the square footage of the site is dedicated to industrial use (as defined in Section 65912.111(d)(3) of the Government Code). Parcels that are only separated by a street shall be considered to be adjoined.

E. The site satisfies the requirements specified in paragraph (6) of subdivision (a) of Government Code Section 65913.4, exclusive of clause (iv) of subparagraph (A) of paragraph (6) of subdivision (a) of Section 65913.4.

F. The site is not an existing lot of land or site that is governed under the Mobilehome Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobilehome Parks Act, or the Special Occupancy Parks Act.

G. For a site within a neighborhood plan area (as defined in Government Code Section 65912.101(p)), the neighborhood plan applicable to the site permitted multifamily housing (multiple residential unit development) on the site.

H. For a vacant site, the site satisfies both of the following:

1. It does not contain tribal cultural resources, as defined by Section 21074 of the Public Resources Code, that could be affected by the development that were found pursuant to a consultation as described by Section 21080.3.1 of the Public Resources Code and the effects of which cannot be mitigated pursuant to the process described in Section 21080.3.2 of the Public Resources Code.

2. It is not within a very high fire hazard severity zone, as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code or as designated pursuant to subdivisions (a) and (b) of Section 51179 of the Government Code.

I. The development is not located on a site where the development would require the demolition of a historic structure that was placed on a national, state, or local historic register.

23.17.230 Objective Development Requirements.

A qualifying housing development shall comply with all of the following objective development requirements as determined by the Zoning Administrator through ministerial review of a minor design review.

A. The development is a multifamily (multiple residential unit) development.

B. The residential density for the development will meet or exceed thirty (30) units per acre.

C. For any housing on the site located within 500 feet of a freeway, as defined in Section 332 of the Vehicle Code, all of the following shall apply:

1. The building shall have a centralized heating, ventilation, and air-conditioning system.

2. The outdoor air intakes for the heating, ventilation, and air-conditioning system shall face away from the freeway.

3. The building shall provide air filtration media for outside and return air that provide a minimum efficiency reporting value of sixteen (16).

4. The air filtration media shall be replaced at the manufacturer's designated interval.

5. The building shall not have any balconies facing the freeway.

D. None of the housing/residential use on the site is located within three thousand two hundred (3,200' 0") feet of a facility that actively extracts or refines oil or natural gas.

E. Objective Development Standards Applicable.

1. The development shall meet applicable objective zoning standards, objective subdivision standards, and objective design review standards, including but not limited to setbacks, height, landscaping, parking, building articulation and fenestration, and other applicable objective development standards as provided by this Code and any applicable design guidelines.

2. If the underlying zoning district(s) of the site allow for multifamily/multiple residential units, those standards of the zoning district shall apply.

3. If the underlying zoning district(s) of the site does not allow for multifamily/multiple residential units, the zoning designation of the closest lot that allows residential use at a density that meets or exceeds the requirements of subsection (B) above shall apply.

4. Notwithstanding EGMC Section 23.04.060 (Effect of zoning code changes on pending applications), the applicable objective standards shall be those in effect at the time that the development application is submitted to the City pursuant to this article.

F. For any project that is the conversion of the use of an existing nonresidential use building to residential use, the City will not require the provision of common open space beyond what is already existing on the project site.

23.17.240 Procedures

A. If the City determines that a proposed development project submitted pursuant to this article is consistent with requirements of EGMC Sections 23.17.220 and 23.17.230, it shall approve the project.

B. If the City determines a proposed development project submitted pursuant to this article is in conflict with any of the requirements of EGMC Section 23.17.230, it shall provide the applicant with written documentation of which standard(s) the project conflicts with, along with an explanation for the reason(s) the project conflicts with the standard(s), within the following timeframes, or as otherwise provided under Government Code Section 65589.5:

1. Within sixty (60) days of the initial submittal of the project to the City for projects containing one hundred fifty (150) or fewer units.

2. Within ninety (90) days of the initial submittal of the project to the City for projects containing more than one hundred fifty (150) units.

3. Within thirty (30) days of submittal of any development project that was resubmitted to address written feedback provided by the City pursuant to Sections 23.17.240(B)(1) or (2) above.

C. In any subsequent review of the application determined to be in conflict with any of the requirements of EGMC Section 23.17.230(E), the City will not request the applicant to provide any new information that was not stated in the initial list of items that were determined to be in conflict.

D. Once the City determines that a project submitted pursuant to this article is consistent with the objective planning standards specified in this article, the minor design review required for the project pursuant to EGMC Section 23.17.210, along with any density bonus, incentives, or concessions, waivers, or reductions of development standards, and parking ratios pursuant to EGMC Section 23.50 and Section 65915 of the Government Code, shall be completed within the following timeframes:

1. Within sixty (60) days of the date that the project is determined consistent with the objective planning standards specified in this article for development projects that contain one hundred fifty (150) or fewer units.

2. Within ninety (90) days of the date that the project is determined consistent with the objective planning standards specified in this article for development projects that contain more than one hundred fifty (150) units.

E. The City will, as a condition of approval of the development, require the development proponent to complete a phase I environmental assessment, as defined in Section 78090 of the Health and Safety Code. If a recognized environmental condition is found, the applicant shall undertake a preliminary endangerment assessment, as defined in Section 78095 of the Health and Safety Code, prepared by an environmental assessor to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity.

1. If a release of a hazardous substance is found to exist on the site, before the City issues a certificate of occupancy, the release shall be removed, or any significant effects of the release shall be mitigated to a level of insignificance in compliance with current state and federal requirements.

2. If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, before the City issues a certificate of occupancy, the effects of the potential exposure shall be mitigated to a level of insignificance in compliance with current state and federal requirements.

Article IV. Mixed-Income Housing Developments Along Commercial Corridors

23.17.300 Purpose and qualifying housing developments.

A. The purpose of this article is to implement the provisions of Section 65912.120 through 65912.124 of the Government Code.

B. The provisions of this article shall only apply to a qualifying housing development. As used herein, the term "qualifying housing development" means a multifamily (multiple residential unit) development that meets the requirements of this Article IV and Sections 65912.120 through 65912.124 of the Government Code. Qualifying housing developments shall meet or exceed the minimum density requirements outlined herein and meet all of the following:

1. If the project is a rental housing development it shall include either of the following:

a. Eight (8%) percent of the base units for very low-income households and five (5%) percent of the units for extremely low-income households.

b. Fifteen (15%) percent of the base units for lower income households.

2. If the project is an owner-occupied housing development it shall include either of the following:

a. Thirty (30%) percent of the base units shall be offered at an affordable housing cost, as defined in Section 50052.5 of the Health and Safety Code, to moderate-income households.

b. Fifteen (15%) percent of the base units shall be offered at an affordable housing cost, as defined in Section 50052.5 of the Health and Safety Code, to lower income households.

3. The affordability requirements of this section shall be maintained as follows:

a. Rental units shall continue to be affordable for a period of not less than fifty-five (55) years. Rents shall be set at an affordable rent, as defined in Section 50053 of the Health and Safety Code.

b. Owner-occupied units shall continue to be affordable for a period of not less than forty-five (45) years.

4. The project complies with all of the labor standards provided in Section 65912.130 and, as applicable, Section 65912.131 of the Government Code, as may be amended from time to time.

5. The project complies will all notifications and relocation assistance required by Section 65912.123(i) of the Government Code.

6. Affordable units in the qualifying housing development project shall have the same bedroom and bathroom count ratio as the market rate units, be equitably distributed within the project, and have the same type or quality of appliances, fixtures, and finishes.

23.17.310 Applicable Entitlements

A. Qualifying housing developments shall be allowed by right. No conditional or minor conditional use permit or other discretionary review shall be required.

B. A qualifying housing development shall be subject to ministerial review of a minor design review by the Zoning Administrator, subject to the objective design and development regulations applicable by this article.

C. A development proposed pursuant to this article shall be eligible for a density bonus, incentives, or concessions, waivers, or reductions of development standards, and parking ratios pursuant to EGMC Chapter 23.50 and Section 65915 of the Government Code, as may be amended from time to time. An applicant may use incentives, concessions, and waivers or reductions of development standards allotted pursuant to subdivisions (d) and (e) of Section 65915 to deviate from the objective standards contained in subdivision (c) and paragraphs (2) and (3) of subdivision (d) of Section 65912.123.

23.17.320 Site Requirements

A qualifying development project shall only be subject to the streamlined review process provided by this article if the subject site complies with all of the following criteria:

A. The site is located in any zoning district where office, retail, or parking are a principally permitted use.

B. The site is a legal lot.

C. The project site abuts a commercial corridor (as defined in Government Code Section 65912.101) and has a frontage along the commercial corridor of at least fifty (50’ 0”) feet.

D. The site is not greater than twenty (20) acres, unless the site is a regional mall, in which case the site is not greater than one hundred (100) acres.

E. At least seventy five (75%) percent of the perimeter of the site adjoins lots that are developed with urban uses. As used in this Article IV, “urban uses” means current or former residential, commercial, public institutional, transit or transportation facility, or retail use, or any combination thereof. Parcels that are only separated by a street, pedestrian path, or bicycle path shall be considered to be adjoined.

D. The site is not, nor is it adjoined to any site, where more than one-third (1/3) of the square footage of the site is dedicated to industrial use as defined in Section 65912.121(f)(3) of the Government Code. Parcels that are only separated by a street or highway (as that term is defined in Section 360 of the Vehicle Code) shall be considered to be adjoined.

E. The site is not limited by any of the conditions prohibited under EGMC Section 23.30.110(C)(1).

F. The site is not located on a site where any of the following apply:

1. The development would require the demolition of any of the following types of housing:

a. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

b. Housing that is subject to any form of rent or price control by the City.

c. Housing that has been occupied by tenants within the past ten (10) years, excluding any manager's units.

2. The site was previously used for permanent housing that was occupied by tenants, excluding any manager's units, that was demolished within ten (10) years before submittal of the subject project.

3. The project would require the demolition of a historic structure that was placed on a national, state, or local historic register.

4. The property contains one to four dwelling units.

5. The property is vacant and zoned for housing but not for multifamily (multiple residential unit) residential use.

6. The existing parcel of land or site is governed under the Mobilehome Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code), the Recreational Vehicle Park Occupancy Law (Chapter 2.6 (commencing with Section 799.20) of Title 2 of Part 2 of Division 2 of the Civil Code), the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code), or the Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code)

G. For a site within a neighborhood plan area (as defined in Government Code Section 65912.101(p)), the neighborhood plan applicable to the site permitted multifamily housing (multiple residential unit development) on the site.

H. For a vacant site, the site satisfies both of the following:

1. It does not contain tribal cultural resources, as defined by Section 21074 of the Public Resources Code, that could be affected by the development that were found pursuant to a consultation as described by Section 21080.3.1 of the Public Resources Code and the effects of which cannot be mitigated pursuant to the process described in Section 21080.3.2 of the Public Resources Code.

2. It is not within a very high fire hazard severity zone, as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code or as designated pursuant to subdivisions (a) and (b) of Section 51179 of the Government Code.

23.17.330 Objective Development Requirements.

A qualifying development project shall comply with all of the following objective development requirements as determined by the Zoning Administrator through ministerial approval of a minor design review.

A. The development is a multifamily (multiple residential unit) development.

B. The residential density for the development, prior to the award of any eligible density bonus pursuant to Section 65915, shall be determined as follows::

1. The allowable residential density for the development shall be the greater of the following:

a.. The maximum allowable residential density, as defined in paragraph (6) of subdivision (o) of Government Code Section 65915, allowed on the site as provided by the subject site zoning.

b. For sites of less than one (1) acre in size, thirty (30) units per acre.

c. For sites greater than one (1) acre:

i. Forty (40) units per acre, if the width of the public right-of-way of the commercial corridor adjoining the primary frontage is less than one hundred (100' 0") feet wide.

ii. Sixty (60) units per acre, if the width of the public right-of-way of the commercial corridor adjoining the primary frontage is one hundred (100' 0") feet or more wide.

d. For sites within a very low vehicle travel area, as that term is defined in subdivision (h) of Government Code Section 65589.5, or within one-half (1/2) mile of a major transit stop, as that term is defined in subdivision (b) of Section 21155 of the Public Resources Code, eighty (80) units per acre.

2. For a housing development project application that has been determined to be consistent with the objective planning standards specified in this article, pursuant to subdivision (a) of Section 65912.124, before January 1, 2027, the development project shall be developed at a density as follows:

a. Except as provided in clause (b), fifty (50%) percent or greater of the applicable allowable residential density contained in EGMC Section 23.17.330.B.1, as applicable.

b. For a site within one-half (1/2) mile of an existing passenger rail or bus rapid transit station, seventy-five (75%) percent or greater of the applicable allowable residential density contained in EGMC Section 23.17.330.B.1, as applicable.3. For a housing development project application that has been determined to be consistent with the objective planning standards specified in this article, pursuant to subdivision (a) of Section 65912.124, on or after January 1, 2027, the development project shall be developed at a density that is seventy five (75%) percent or greater of the applicable allowable residential density contained in contained in EGMC Section 23.17.330.B.1, as applicable.

4. Notwithstanding EGMC Section 23.17.330.B.1, a development project shall not be subject to any density limitation if the development project is a conversion of existing buildings into residential use, unless the development project includes additional new square footage that is more than twenty (20%) percent of the overall square footage of the project.

C. None of the housing/residential use on the site is located within five hundred (500' 0") feet of a freeway, as defined in Section 332 of the Vehicle Code.

D. None of the housing/residential use on the site is located within three thousand two hundred (3,200' 0") feet of a facility that actively extracts or refines oil or natural gas.

E. The height limit applicable to the development project shall be the greater of the following:

1. The height allowed on the site as provided by the subject site zoning.

2. For sites where the primary frontage abuts a public right-of-way of less than one hundred (100' 0") feet, thirty-five (35' 0") feet.

3. For sites where the primary frontage abuts a public right-of-way of at least one hundred (100' 0") feet, forty-five (45' 0") feet.

4. Notwithstanding the above, if the site is within one-half (1/2) mile of a major transit stop, as that term is defined in subdivision (b) of Section 21155 of the Public Resources Code, sixty-five (65' 0") feet.

F. The required setbacks applicable to the development project shall be as follows:

1. For the portion of the property that fronts a commercial corridor, the following shall occur:

a. No setbacks shall be required.

b. All parking must be set back at least twenty five (25' 0") feet.

c. On the ground floor, a building or buildings must abut within ten (10' 0") feet of the street for at least eighty (80%) percent of the frontage.

2. For the portion of the property that abuts an adjoining property that also abuts the same commercial corridor as the property, no setbacks are required unless the adjoining property contains a residential use that was constructed prior to the enactment of this chapter, in which case the requirements of EGMC Section 23.17.030.F.3.a apply.

3. For the portion of the property line that does not abut or lie within a commercial corridor, or an adjoining property that also abuts the same commercial corridor as the property, the following shall occur:

a. Along property lines that abut a property that contains a residential use, the following shall occur:

(i) The ground floor of the development project shall be set back at ten (10' 0") feet.

(ii) Starting with the second floor of the property, each subsequent floor of the development project shall be stepped back in an amount equal to seven feet multiplied by the floor number. For purposes of this paragraph, the ground floor counts as the first floor.

b. Along property lines that abut a property that does not contain a residential use, the development shall be set back fifteen (15' 0") feet.

4. For a development project at a regional mall, all of the following requirements apply:

a. The average size of a block shall not exceed three acres. For purposes of this subparagraph, a "block" means an area fully surrounded by streets, pedestrian paths, or a combination of streets and pedestrian paths that are each at least forty (40' 0") feet in width.

b. At least five (5%) percent of the site shall be dedicated to open space.

c. For the portion of the property that fronts a street that is newly created by the project and is not a commercial corridor, a building shall abut within ten (10' 0") feet of the street for at least sixty (60%) percent of the frontage.

G. Parking.

1. No off-street vehicle parking shall be required, except for accessible parking and electric vehicle supply equipment installed parking spaces required pursuant to the Building Code and this Title.

2. Bicycle parking shall be provided pursuant to the requirements of EGMC Section 23.58.100 (Bicycle parking required), based upon the number of off-street parking spaces that would have been required had the development project not qualified for the streamlining provided by this Article.

H. For any housing on the site located within five hundred (500' 0") feet of a freeway, all of the following shall apply:

1. The building shall have a centralized heating, ventilation, and air-conditioning system.

2. The outdoor air intakes for the heating, ventilation, and air-conditioning system shall face away from the freeway.

3. The building shall provide air filtration media for outside and return air that provide a minimum efficiency reporting value of sixteen (16).

4. The air filtration media shall be replaced at the manufacturer's designated interval.

5. The building shall not have any balconies facing the freeway.

I. Other Objective Development Standards Applicable.

1. Except as otherwise required in this article, the development shall meet all other applicable objective zoning standards, objective subdivision standards, and objective design review standards, including but not limited to setbacks, height, landscaping, parking, building articulation and fenestration, and other applicable objective development standards as provided by this Code and any applicable design guidelines. The objective standards shall not preclude a project from being built at the residential density required pursuant to EGMC Section 23.17.330(B) and shall not require the development to reduce unit size to meet the objective standards.

2. The applicable objective standards for the development project shall be those for the closest zone in the City that allows multifamily residential use at the residential density proposed by the project. If no zone exists that allows the residential density proposed by the project, the applicable objective standards shall be those for the zone that allows the greatest density within the City.

3. Notwithstanding EGMC Section 23.04.060 (Effect of zoning code changes on pending applications), the applicable objective standards shall be those in effect at the time that the development application is submitted to the City pursuant to this article.

23.17.340 Procedures

A. If the City determines that a proposed development project submitted pursuant to this article is consistent with requirements of EGMC Sections 23.17.320 and 23.17.330, it shall approve the project.

B. If the City determines a proposed development project submitted pursuant to this article is in conflict with any of the requirements of EGMC Section 23.17.330, it shall provide the applicant with written documentation of which standard(s) the project conflicts with, along with an explanation for the reason(s) the project conflicts with the standard(s), within the following timeframes, or as otherwise provided under Government Code Section 65589.5:

1. Within sixty (60) days of the initial submittal of the project to the City for projects containing one hundred fifty (150) or fewer units.

2. Within ninety (90) days of the initial submittal of the project to the City for projects containing more than one hundred fifty (150) units.

3. Within thirty (30) days of the submittal any project resubmittal that was submitted to address written feedback provided by the City pursuant to Section 23.17.340(B)(1) or (2).

C. Once the City determines that a project submitted pursuant to this article is consistent with the objective planning standards specified in this article, the minor design review required for the project pursuant to EGMC Section 23.17.310, along with any density bonus, incentives, or concessions, waivers, or reductions of development standards, and parking ratios pursuant to

EGMC Chapter 23.50 and Section 65915 of the Government Code, shall be completed within the following timeframes:

1. Within sixty (60) days of the date that the development is determined to be consistent with the objective planning standards specified in this article for development projects that contain one hundred fifty (150) or fewer units.

2. Within ninety (90) days of the date that the development is determined to be consistent with the objective planning standards specified in this article for development projects that contain more than one hundred fifty (150) units.

D. Prior to the issuance of the first building permit for the qualifying housing development, the developer shall record a regulatory agreement, in a form to the satisfaction of the City, providing for the continued affordability of the units as provided in this article.

E. The City will, as a condition of approval of the development, require the development proponent to complete a phase I environmental assessment, as defined in Section 78090 of the Health and Safety Code. If a recognized environmental condition is found, the applicant shall undertake a preliminary endangerment assessment, as defined in Section 78095 of the Health and Safety Code, prepared by an environmental assessor to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity.

1. If a release of a hazardous substance is found to exist on the site, before the City issues a certificate of occupancy, the release shall be removed, or any significant effects of the release shall be mitigated to a level of insignificance in compliance with current state and federal requirements.

2. If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, before the City issues a certificate of occupancy, the effects of the potential exposure shall be mitigated to a level of insignificance in compliance with current state and federal requirements.

Article V. Middle Class Housing Projects

23.17.400 Purpose and qualifying housing developments.

A. The purpose of this article is to implement the provisions of Section 65852.24 of the Government Code. This article shall only apply to those qualifying housing developments meeting the requirements of Section 65852.24 of the Government Code.

B. The provisions of this Article shall only apply to a qualifying development that meets all of the following:

1. The development project is a housing development that consists of residential units exclusively or is a mixed-use development consisting of residential and nonresidential retail commercial or office uses, and at least 50 percent of the square footage of the new construction associated with the project is designated for residential use. None of the square footage of any such development shall be designated for hotel, motel, bed and breakfast inn, or other transient lodging use, except for a residential hotel as that term is defined in Section 50519 of the Health and Safety Code.

2. The project complies with all of the labor standards provided in Section 65852.24(b)(8) and (9) of the Government Code, as may be amended from time to time.

3. The project complies with all notifications and relocation assistance required by Section 65852.24(c) of the Government Code.

23.17.410 Applicable Entitlements

A. Qualifying housing developments shall be allowed by right. No conditional or minor conditional use permit shall be required.

B. A qualifying housing development shall be subject to approval of a minor design review by the Zoning Administrator, subject to the objective development regulations applicable by this article.

C. A development proposed pursuant to this article shall be eligible for a density bonus, incentives, or concessions, waivers, or reductions of development standards, and parking ratios pursuant to EGMC Chapter 23.50 and Section 65915 of the Government Code, as may be amended from time to time.

23.17.420 Site Requirements

A qualifying development project shall only be subject to the provisions of this article if the subject site complies with all of the following criteria:

A. The site is located in any zoning district where office, retail, or parking are a principally permitted use.

B. The site is a legal lot.

C. The project site is twenty (20) acres or less, unless the site is a regional mall, as defined in subdivision (r) of Government Code Section 65912.101, in which case the site is not greater than one hundred (100) acres.

D. The site is not, nor is it adjoined to any site, where more than one-third (1/3) of the square footage of the site is dedicated to industrial use, as such term is defined in Government Code section 65852.24(b)(6)(B)(iii). Parcels that are only separated by a street or highway (as that term is defined in Section 360 of the Vehicle Code) shall be considered to be adjoined.

E. The qualifying development is consistent with any applicable and approved sustainable community strategy or alternative plan, as described in Section 65080 of the Government Code.

23.17.430 Objective Development Requirements.

A qualifying development project shall comply with all of the following objective development requirements as determined by the Zoning Administrator through a minor design review.

A. The minimum residential density of the development shall be thirty (30) units per acre.

B. The development shall comply with the development standards for the RD-40 zone, or the standards of the zoning district applied to the nearest property to the site that allows for the minimum density required in section A above.

C. Any rental of any residential unit created by this Article shall be for a term longer than thirty (30) days.

23.17.440 Procedures

A. A development project qualifying for the provisions of this Article shall be subject to the permit processing procedures for other minor design review applications as provided in EGMC Chapters 23.14 and 23.16.

B. A project subject to the provisions of this Article shall not be eligible for the streamlining provided in Article II of this Chapter if it meets either of the following conditions:

1. The project site has previously been developed pursuant to Article II with a project of ten (10) units or fewer.

2. The developer of the project or any person acting in concert with the developer has previously proposed a project pursuant to Article II of ten (10) units or fewer on the same or an adjacent site.

Article VI. Adaptive Reuse Projects

23.17.500 Purpose and qualifying housing developments.

A. The purpose of this article is to implement the provisions of Section 65913.12 of the Government Code. This article shall only apply to those qualifying housing developments meeting the requirements of Section 65913.12 of the Government Code.

B. The provisions of this Article shall only apply to a qualifying development that meets all of the following:

1. The development is an extremely affordable adaptive reuse project. An extremely affordable adaptive reuse project means a project that meets the following criteria:

   a. The development is a multifamily housing development project.

   b. The development involves the retrofitting and repurposing of a residential building or commercial building that currently allows temporary dwelling or occupancy, to create new residential units.

   c. The development will be entirely within the envelope of the existing building.

   D. The development meets all of the following affordability criteria:

      i. One hundred percent of the units within the development project, excluding managers' units, shall be dedicated to lower income households at an affordable housing cost, as defined by Section 50052.5 of the Health and Safety Code, or an affordable rent set in an amount consistent with the rent limits established by the California Tax Credit Allocation Committee.

      ii. At least fifty (50%) percent of the units within the development project shall be dedicated to very low-income households at an affordable housing cost, as defined by Section 50052.5 of the Health and Safety Code, or an affordable rent set in an amount consistent with the rent limits established by the California Tax Credit Allocation Committee.

      iii. The units shall be subject to a recorded deed restriction for a period of fifty-five (55) years for rental units and forty-five (45) years for owner-occupied units

2. The development is proposed to be located on a site that is an infill parcel. An infill parcel is defined as meeting either of the following criteria:

   a. At least seventy-five (75%) percent of the perimeter of the site of the development adjoins parcels that are developed with urban uses. For the purposes of this paragraph, parcels that are separated by a street or highway shall be considered adjoined.

   b. The parcel is within one-half mile of public transit. Public transit means a major transit stop as defined in section 21064.3 of the Public Resources Code.

3. The development is not proposed to be located on a site or adjoined to any site where more than one-third of the square footage on the site is dedicated to industrial use. For purposes of this paragraph, parcels only separated by a street or highway shall be considered adjoined.

4. The development does not eliminate any existing open space on the parcel.

5. For developments of 50 units or more, the development shall provide onsite management services

23.17.510 Applicable Entitlements

A. Qualifying housing developments shall be allowed by right. No conditional or minor conditional use permit shall be required.

B. To the extent that the qualifying housing development requires approval of any design review or other permits or entitlements required under EGMC chapter 23.16, including but not limited to design review, the qualifying housing development shall be subject to those requirements.

C. A development proposed pursuant to this article shall be eligible for a density bonus, incentives, or concessions, waivers, or reductions of development standards, and parking ratios pursuant to EGMC Chapter 23.50 and Section 65915 of the Government Code, as may be amended from time to time.

23.17.520 Objective Development Requirements.

A qualifying development project shall comply with all applicable objective development requirements as determined by the designated approving authority through design review as required by this Title and the Citywide Design Guidelines; provided, however, such project is not required to cure any preexisting deficit or conflict with any of the following standards: maximum density, floor area ratio, parking, or open space.

23.17.530 Procedures

Should the City determine that the qualifying development project conflicts with any of the objective planning standards specified in or an objective design review standard imposed pursuant EGMC Section 23.17.520, it shall provide the development proponent written documentation of which standard or standards the development conflicts with, and an explanation for the reason or reasons the development conflicts with that standard or standards, within the following timeframes:

A. Within sixty (60) days of submittal of the completed proposal for the development project to the local agency if the development contains one hundred fifty (150) or fewer housing units.

B. Within 90 days of submittal of the completed proposal for the development project to the local agency if the development contains more than one hundred fifty (150) housing units.

Article VII. Affordable Housing on Faith and Higher Education Lands

23.17.600 Purpose and qualifying housing developments.

A. The purpose of this article is to implement the provisions of Section 65913.16 of the Government Code. This article shall only apply to those qualifying housing developments meeting the requirements of Section 65913.16 of the Government Code.

B. The provisions of this article shall only apply to a qualifying housing development. As used in this Article VII, the term "qualifying housing development" means a multifamily residential (multiple residential unit) development that meets the requirements set forth in this Article VII and Section 65913.16 of the Government Code. Qualifying housing developments shall comply with the following:

1. One hundred (100%) percent of the qualifying development project's total units, exclusive of a manager's unit or units, are for lower income households, as defined by Section 50079.5 of the Health and Safety Code, except that up to twenty (20%) percent of the total units in the qualifying development may be for moderate-income households, as defined in Section 50053 of the Health and Safety Code, and five (5%) percent of the units may be for staff of the independent institution of higher education or religious institution that owns the land. Units in the development shall be offered at affordable housing cost, as defined in Section 50052.5 of the Health and Safety Code, or at affordable rent, as set in an amount consistent with the rent limits established by the California Tax Credit Allocation Committee. The rent or sales price for a moderate-income unit shall be affordable and shall not exceed thirty (30%) percent of income for a moderate-income household or homebuyer

for a unit of similar size and bedroom count in the same ZIP Code in the City in which the housing development is located. The applicant shall provide the City with evidence to establish that the units meet the requirements of this paragraph.

2. The units shall be subject to a recorded deed restriction for a minimum period of fifty-five (55) years for rental units and forty-five (45) years for owner-occupied units.

3. The project complies with all of the labor standards provided in Section 65913.16 of the Government Code, as may be amended from time to time.

C. Notwithstanding Section B, a qualifying housing development may also include the following ancillary uses, provided those uses are limited to the ground floor of the development:

1. In the AR-10 through AR-1 and RD-1 through RD-18 zoning districts, ancillary uses shall be limited to childcare centers and facilities operated by community-based organizations for the provision of recreational, social, or educational services for use by the residents of the development and members of the local community in which the development is located.

2. In all other zones, the development may include commercial uses that are permitted without a conditional use permit.

D. Notwithstanding any other provision of this Article, a qualifying development project includes any religious institutional use, or any use that was previously existing and legally permitted by the city or county on the site, if all of the following criteria are met:

1. The total square footage of nonresidential space on the site does not exceed the amount previously existing or permitted in a conditional use permit.

2. The total parking requirement for nonresidential space on the site does not exceed the lesser of the amount existing or of the amount required by a conditional use permit.

3. The new uses abide by the same operational conditions as contained in the previous conditional use permit.

23.17.610 Applicable Entitlements and Procedures

A. Qualifying housing developments shall be allowed by right. No conditional or minor conditional use permit or other discretionary review shall be required.

B. A qualifying housing development shall be subject to ministerial review of a minor design review by the Zoning Administrator, subject to the objective design and development regulations applicable by this article.

C. A development proposed pursuant to this article shall be eligible for a density bonus, incentives, or concessions, waivers, or reductions of development standards, and parking ratios pursuant to EGMC Chapter 23.50 and Section 65915 of the Government Code, as may be amended from time to time.

23.17.620 Site Requirements

A qualifying housing development shall only be subject to the streamlined review process provided by this article if the subject site complies with all of the following criteria:

A. The qualifying housing development is located on land owned on or before January 1, 2024, by an independent institution of higher education or a religious institution, including ownership through an affiliated or associated nonprofit public benefit corporation organized pursuant to the Nonprofit Corporation Law (Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code).

B. The site is a legal parcel or parcels and at least seventy five (75%) percent of the perimeter of the site adjoins parcels that are developed with urban uses. For purposes of this section, parcels that are only separated by a street or highway shall be considered to be adjoining.

C. The site is not limited by any of the conditions prohibited under EGMC Section 23.30.020(c)(1).

D. The site is not located on a site where any of the following apply:

1. The development would require the demolition of any of the following types of housing:

a. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

b. Housing that is subject to any form of rent or price control by the City.

c. Housing that has been occupied by tenants within the past ten (10) years.

2. The site was previously used for housing that was occupied by tenants that was demolished within ten (10) years before submittal of the subject project.

3. The project would require the demolition of a historic structure that was placed on a national, state, or local historic register.

4. The property contains housing units that are occupied by tenants, and units at the property are, or were, subsequently offered for sale to the general public by the subdivider or subsequent owner of the property.

E. The development is not adjoined to any site where more than one-third of the square footage on the site is dedicated to light industrial use. For purposes of this subsection, parcels separated by only a street or highway shall be considered to be adjoined. For purposes of this subsection, a property is "dedicated to light industrial use" if all of the following requirements are met:

1. The square footage is currently being put to a light industrial use. "Light industrial use" means a use that is not subject to permitting by the local air district.

2. The most recently permitted use of the square footage is a light industrial use.

3. The City's General Plan designates the property for light industrial use.

F. The housing units on the development site are not located within one thousand two hundred feet (1,200' 0") feet of a site that is either currently developed with or the most recent permitted use was a heavy industrial use. "Heavy industrial use" means a use that is a source, other than a Title V source, as defined by Section 39053.5 of the Health and Safety Code, that is subject to permitting by a district, as defined in Section 39025 of the Health and Safety Code, pursuant to Division 26 (commencing with Section 39000) of the Health and Safety Code or the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.). A use where the only source permitted by a district is an emergency backup generator, and the source is in compliance with permitted emissions and operating limits, is not a heavy industrial use.

G. Except as provided in section H below, the housing units on the development site are not located within one thousand six hundred (1,600' 0") feet of a site that is either a Title V industrial use or a site where the most recent permitted use was a Title V use, as that use id described in section G above.

H. For a site where multifamily housing is not an existing permitted use, the housing units on the development site are not located within three thousand two hundred (3,200' 0") feet of a facility that actively extracts or refines oil or natural gas.

23.17.630 Objective Development Requirements.

A qualifying housing development shall comply with all of the following objective development requirements as determined by the Community Development ~~Services~~ Director through Zoning Clearance/Plan Check.

A. The development project complies with all objective development standards of the City that are not in conflict with this article.

B. If the housing development project requires the demolition of existing residential dwelling units, or is located on a site where residential dwelling units have been demolished within the last five years, the applicant shall comply with subdivision (d) of Section 66300 of the Government Code.

C. The qualifying housing development shall comply with the following allowed density:

1. If the project site is within a residential zoning district, the development project shall be allowed a density of twenty (20) units per acre or the maximum allowed density in the underlying zoning district or that of an adjoining property, whichever is greater.

2. If the project is not within a residential zoning district, the maximum allowed density shall be forty (40) units per acre, except that if the adjoining property allows for a greater density, then that density shall be allowed.

D. The maximum allowed height shall be as follows:

1. In residential zoning districts up to and including the RD-15 zone, the maximum allowed height is one story, or twelve (12’ 0”) feet, more than the maximum height allowed by the underlying zoning designation of the site.

2. In all other residential districts, the maximum allowed height is that provided in the underlying zoning district.

3. In nonresidential districts, the maximum allowed height is one story, or twelve (12’ 0”) feet, more than the maximum height allowed by the underlying zoning designation of the site, except that if the adjoining property allows for a greater height, then that height shall be allowed.

E. A development proposed pursuant to this article shall be eligible for a density bonus, incentives, or concessions, waivers, or reductions of development standards, and parking ratios pursuant to EGMC Chapter 23.50 and Section 65915 of the Government Code, as may be amended from time to time, except that a qualifying development project developed in a nonresidential zoning district which utilized the allowed density and height of an adjoining residential property shall not be eligible for an incentive, waiver, or concession to increase the height of the development to greater than the height authorized under Article.

F. The proposed development shall provide off-street parking of up to one space per unit, except that no parking shall be require if the site is within one-half (1/2) mile walking distance of public transit (either a high-quality transit corridor or a major transit stop as defined in subdivision (b) of Section 21155 of the Public Resources Code) or a car share vehicle is located within one block of the site.

23.17.640 Procedures

A. If the City determines that a proposed development project submitted pursuant to this article is consistent with requirements of EGMC Sections 23.17.620 and 23.17.630, it shall approve the project.

B. If the City determines a proposed development project submitted pursuant to this article is in conflict with any of the requirements of EGMC Section 23.17.630, it shall provide the applicant with written documentation of which standard(s) the project conflicts with, along with an

explanation for the reason(s) the project conflicts with the standard(s), within the following timeframes, or as otherwise provided under Government Code Section 65913.16:

1. Within sixty (60) days of the initial submittal of the project to the City for projects containing one hundred fifty (150) or fewer units.

2. Within ninety (90) days of the initial submittal of the project to the City for projects containing more than one hundred fifty (150) units.

C. The minor design review required for the project pursuant to EGMC Section 23.17.610, along with any density bonus, incentives, or concessions, waivers, or reductions of development standards, and parking ratios pursuant to EGMC Chapter 23.50 and Section 65915 of the Government Code, shall be completed within the following timeframes:

1. Within ninety (90) days of submittal of the development proposal to the City for development projects that contain one hundred fifty (150) or fewer units.

2. Within one hundred eighty (180) days of submittal of the development proposal to the City for development projects that contain more than one hundred fifty (150) units.

D. Approval of a qualifying development pursuant to this article shall, notwithstanding any other law, be subject to the expiration timeframes specified in subdivision (f) of Section 65913.4 of the Government Code.

Article VIII. Urban Subdivision Housing Projects

23.17.700 Purpose and qualifying housing developments.

The purpose of this article is to implement the provisions of Sections 65852.28 and 66499.41 of the Government Code. This article shall only apply the construction of qualifying housing developments on a lot subdivided pursuant to the provisions of EGMC Section 22.16.120 (Urban Subdivisions).

23.17.710 Objective Development Requirements.

A qualifying housing development shall comply with the requirements of EGMC Section 22.16.120 (Urban Subdivisions) in the creation of the underlying lot upon which the development is proposed, and with the development standards of Article III of EGMC Chapter 23.30 (Urban Subdivision Housing Projects).

23.17.720 Procedures.

A. A qualifying housing development shall only be subject to the provisions of Zoning Clearance/Plan Check by the Community Development ~~Services~~ Director as provided in EGMC Section 23.16.020. No design review or other quasi-judicial permit or entitlement shall be required.

B. The City shall approve or deny the application for a qualifying housing development within sixty (60) days from the date the City receives a complete application. If the City denies the application within the sixty (60) days, it shall return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the applicant can remedy the application.

C. The City may disapprove a qualifying housing development that otherwise meets the objective development requirements if it makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5 of the Government Code, upon public health and safety and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

Section 23.18.060 (Permit Extension) shall be amended as follows:

23.18.060 Permit extension.

A. Any administrative or quasi-judicial permit or entitlement provided for in this title is eligible for an extension of time, provided the application for such extension is submitted at least ~~thirty (30)~~ sixty (60) days prior to the expiration of the original approval. The Zoning Administrator shall be the approval authority for such extensions. Upon a timely filing of an application for an extension of time, the permit or entitlement shall automatically be extended until the application for the extension is approved, conditionally approved, or denied. If, however, the permit or entitlement extension has not been brought forward for review by the Zoning Administrator ~~or higher approving authority~~ within one hundred eighty (180) days of application for the extension, the permit or entitlement will be deemed expired. After the expiration of a permit or entitlement, the applicant will be required to reapply and pay the applicable fee(s) should they desire to move forward with their project. No grading permit, improvement plan, or building permit may be approved during the period between the expiration date of the original permit or entitlement and the approval of the extension of time. An extension of time may not be granted for more than thirty-six (36) months, but may be granted for a lesser time at the sole discretion of the Zoning Administrator. The permit or entitlement, as extended, may be conditioned to comply with any development standards that may have been enacted since the permit or entitlement was initially approved and any other conditions deemed appropriate by the approving authority. The extension may be granted only when the Zoning Administrator finds that the original permit or entitlement findings can be made and that there is no change of circumstance or that there has been diligent pursuit to exercise the permit that warrants such extension.

B. As provided in EGMC Section ~~22.20.095~~ 22.16.100, any entitlement, development permit, or other approval that would expire pursuant to this title or Title 22 of this code, but that was approved concurrently with and pertains to any approved tentative subdivision or parcel map, the expiration date of which was automatically extended by the provisions of Sections 66452.11 and 66452.13 of the Government Code, or by the provisions of any other similar section that may periodically be added to the Government Code, or was extended by action of the Zoning Administrator, shall be extended for the same period as that provided by said section for the approved tentative subdivision or parcel map to which it pertains.

Section 23.20.010 (Modification) shall be amended as follows:

23.20.010 Modification.

Any person holding a permit or entitlement granted under this title may request a modification or amendment to that permit or entitlement. For the purposes of this section, the modification of a permit or entitlement may include modification of the terms of the permit or entitlement itself, project design, or the waiver or alteration of conditions imposed in the granting of the permit or entitlement.

If the Community Development ~~Services~~ Director determines that a proposed ~~project~~ subsequent project action (e.g., building permit application) is not in substantial conformance with the original approval, the Community Development ~~Services~~ Director shall notify the ~~property owner~~ applicant (or successor in interest) of the requirement to submit a permit modification application ~~for consideration and action by the same approving authority as the original permit~~. ~~A permit modification may be granted only when the approving authority makes all findings required for the original approval, and the additional finding that there are changed circumstances sufficient to justify the modification of the approval.~~

The approval authority for the modification or amendment of an existing permit or entitlement shall be the same as the original approval authority and may be submitted for consideration directly to that authority. A permit modification may be granted only when the approving authority makes all findings required for the original approval, and the additional finding that there are changed circumstances sufficient to justify the modification of the approval.

Section 23.20.020 (Revocation) shall be amended as follows:

23.20.020 Revocation.

A. Purpose. The purpose of this section is to provide for the revocation of any land use or development permit granted under this title.

B. Revocation or Modification of a Permit for Cause. A permit may be revoked or modified for cause as provided by the provisions of this section.

C. Grounds for Revocation. A permit may be revoked upon a finding of any of the following grounds:

1. The permit was obtained or extended by false, misleading or incomplete information.

2. One or more of the conditions upon which the permit was approved have been violated, or have not been complied with.

D. Initiation of Action. The revocation of a permit may be initiated by any of the City's designated planning agencies as identified in EGMC Section 23.10.020, Composition of Elk Grove Planning Agency. The designated Planning Agency shall specify in writing to the permittee the basis upon which the action to revoke the permit is to be evaluated during the hearing to revoke.

E. Revocation Hearing.

1. A public hearing is required for any action to revoke a permit. The hearing shall be held by the original approving authority for the subject permit. The hearing shall be noticed in the same manner required for the granting of the original permit pursuant to EGMC Section 23.14.040, Public notices.

2. In its discretion, the designated approving authority may modify or delete the conditions of approval or add new conditions of approval in lieu of revoking a permit in order to address the issues raised by the revocation hearing. The action on the revocation is subject to appeal in accordance with the provisions of EGMC 23.14.060, Appeals.

F. Voluntary Revocations. Notwithstanding any other provisions of this section, an applicant (or successor in interest) may request, and the designated approving authority may approve, revocation of all or any part of any land use or development permit granted under this title without having to make the findings provided in subsection C.

Section 23.26.050 (Description of land use classifications) shall be amended as follows:

23.26.050 Description of land use classifications.

…

B. "B" Allowed Use Descriptions.

…

2. "Bars~~,~~ and nightclubs~~, small tasting facilities~~" means any bar, cocktail lounge, discotheque, or similar establishment with alcoholic beverage sales, where such sales are the predominate sales. These facilities do not include bars that are part of a larger restaurant or other bona fide eating place. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages~~, as well as tasting facilities for products produced at an affiliated location pursuant to State licensing~~.

…

C. "C Allowed Descriptions.

…

7. "Commercial kitchen" means a commercial food facility in which food is processed or otherwise prepared for off-site sale or consumption. Facilities may operate as a shared facility where multiple individuals or businesses lease shared space or may be used by a single operator. This use classification includes commissary kitchen and catering, as well as ghost kitchen, where customers are served exclusively by delivery and pick-up based on phone and online ordering. No customer dining is provided on the premises. Does not include eating establishments where customers are served from a walk-up ordering counter for either on- or off-premises consumption and establishments where most customers are served food at tables for on-premises consumption (see "restaurant/brewpub"). This listing also excludes commercial kitchens that are incidental and accessory to the primary use.

~~7~~8. "Community assistance organization" means a not-for-profit use that distributes or facilitates the giving of goods and services for charitable purposes. This use classification includes soup kitchens and food banks. This listing does not include establishments that receive payment for services or goods, or regularly staffed drop-off facilities for clothing and household goods, such as a thrift store.

~~8~~9. "Community care facility" means a nonmedical residential care, day treatment, adult day care, or foster facility, including a residential facility, adult day program, therapeutic day services facility, foster family agency, foster family home, small family home, social rehabilitation facility, community treatment facility, full-service adoption agency, noncustodial adoption agency, transitional shelter care facility, group home, and transitional housing placement facility (e.g., aged out foster children) as defined by the State of California. This use is regulated through the following facility types:

a. Large Facilities. Those facilities providing service to more than six (6) persons.

b. Small Facilities. Those facilities providing service to six (6) or fewer persons.

~~9~~10. "Community garden" means a site used for growing plants for food, fiber, herbs, or flowers, which is shared and maintained by City residents.

~~10~~11. "Convenience stores" means easy-access retail stores of five thousand (5,000 ft^2) square feet or less in gross floor area that carry a range of merchandise oriented to convenience and travelers' shopping needs. These stores may be part of a service station or an independent facility. Such stores may devote more than fifty (50%) percent of the total sales floor area to the sale of nontaxable goods. Convenience stores may devote less than fifty (50%) percent of the total sales floor area to the sale of nontaxable goods provided the focus of the store is on food and drink sales (both taxable and nontaxable).

~~11~~12. "Crematorium" means an establishment or furnace that cremates dead human bodies.

~~12~~13. "Crop production" means the lawful, nonpersonal raising and harvesting of plants, tree crops, row crops, or field crops on an agricultural or commercial basis, including packing and processing, and includes horticulture establishments engaged in the cultivation of flowers, fruits, vegetables, or ornamental trees and shrubs for wholesale and incidental retail sales. Excludes uses for which other garden, nursery, or landscape merchandise is commercially sold on the site. Also excludes beekeeping. This use is divided into the following types:

a. Indoor Facilities. Facilities where the use is conducted entirely indoors, such as a warehouse or other industrial-style space, typically through hydroponics or other appropriate method for growing plants indoors.

b. Outdoor Facilities. Facilities where the use is primarily conducted outdoors, such as a traditional outdoor farm. This classification includes agricultural buildings accessory to such uses and roadside stands for display/sale of agricultural products grown on the premises.

c. Urban. The primary use of a site for cultivation for sale or donation of its produce to the public. This use is distinguished from community garden (which is separately defined) and private gardens that are accessory to the primary residential use of the lot. This use only occurs in the residential, commercial, mixed use, office, industrial, and public/quasi-public zones; this use does not occur in the agricultural and agricultural-residential zones (see "Crop production, outdoor facilities" for these zones).

…

P. "P" Allowed Use Descriptions.

…

3. "Parks and public plazas" means ~~public~~ parks, play lots, playgrounds, and athletic fields for noncommercial neighborhood or community use, including tennis courts, and ~~public~~ plazas and outdoor gathering places for community use. These facilities may be publicly or privately owned and accessible to the public. For privately owned residential facilities, see "private residential open space." ~~and~~ For outdoor participant sports and recreation where a fee is normally charged, see "outdoor commercial recreation."

…

7. "Personal services" means establishments providing nonmedical services as a primary use, including barber and beauty shops and permanent cosmetics, clothing rental, dry cleaning pick-up stores with limited equipment, home electronics, medical spa, and small appliance repair, laundromats (self-service laundries), shoe repair shops, and tailors. These uses may also include accessory retail sales of products related to the services provided. Also includes massage parlors, spas and hot tubs for rent, and tanning salons.

8. "Personal services, restricted" means personal service establishments that may tend to have a blighting and/or deteriorating effect upon surrounding areas and which may need to be dispersed to minimize their adverse impacts, including check cashing services, fortune tellers, psychics, palm readers, and similar services, tattooing, piercing, and similar services. These uses may also include accessory retail sales of products related to the services provided. For permanent cosmetics, see "Personal services."

…

T. "T" Allowed Use Descriptions.

1. "Tasting room, off-site" means a facility allowing beer, wine, or spirits tasting with on-site and off-site retail sales directly to the public (or shipped). The tasting room facility must be directly affiliated with a minimum of one brewery, winery, or distillery, meeting all applicable requirements of state and federal licensure. The tasting room may be operated as a standalone retail use. On-site tasting rooms are included as an accessory use in "Wineries, distilleries, and brewery," "Microbrewery/tasting facility," "Neighborhood market," and "Agricultural tourism."

2~~1~~. "Theaters and auditoriums" means indoor facilities for public assembly and group entertainment, other than sporting events, including civic theaters and facilities for "live" theater and concerts, exhibition and convention halls, motion picture theaters, public and semi-public auditoriums, and similar public assembly uses. Does not include outdoor

theaters, concert and similar entertainment facilities, and indoor and outdoor facilities for sporting events (see "outdoor commercial recreation").

3~~2~~. "Thrift store" means a retail establishment selling secondhand goods donated by members of the public.

4~~3~~. "Transit facilities" means maintenance and service centers for the vehicles operated in a mass transportation system. Includes buses, taxis, railways, etc.

5~~4~~. "Transit stations and terminals" means passenger stations for vehicular and rail mass transit systems; also terminal facilities providing maintenance and service for the vehicles operated in the transit system. Includes buses, taxis, railways, etc.

6~~5~~. "Transitional housing" means buildings configured as rental housing developments but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six (6) months from the beginning of the assistance.

Table 23.27-1 (Allowed Uses and Required Entitlements for Base Zoning Districts) shall be amended as follows (note, only those rows listed are hereby modified or added; new rows shall be added alphabetically within the category identified):

Land Use/Zoning District	Zoning Districts																									Specific Use Regulations
	Agricultural					Residential					Commercial					Mixed Use		Office		Industrial			Public/Quasi-Public			
	AG-80	AG-20	AR-5/10	AR-2	AR-1	RD-1/2/3	RD-4/5/6	RD-7	RD-8/10/12/15/18	RD-20/25/30/40	LC	GC	SC	AC	C-O	VCMU	RMU	BP	MP	LI	LI/FX	HI	PR	PS	O	
Residential Uses																										
Dwelling, Multiple Residential Unit	-	-	-	-	-	-	-	P	P	P	-	CUP[2]	-	-	-	P[4]	P	-	-	-	-	-	-	-	-	
Human Services Uses																										
Emergency Shelter	-	-	-	-	-	-	-	~~CUP~~ P	~~CUP~~ P	~~CUP~~ P	-	P	-	-	-	~~-~~ P	~~-~~ P	-	-	P	P	-	~~CUP~~ P	~~CUP~~ P	-	EGMC Chapter 23.80
Recreation, Open Space, Education, and Public Assembly Uses																										
Parks and Public Plazas	P	P	P	P	P	P	P	P	P	P	P[9]	P[9]	P[9]	P[9]	P[9]	P[4]	P[4]	-	-	-	P	-	P	P	P	
Schools – Academic – Private	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	-	-	-	-	-	-	CUP	CUP	-	-	-	-	-	-	~~-~~ CUP	-	
Retail, Service, and Office Uses																										
Tasting Room, Off-site	-	-	-	-	-	-	-	-	-	-	P[9]	P[9]	P[9]	-	-	P[4]	MUP[4]	MUP[8]	MUP[8]	MUP[10]	MUP[10]	-	-	-	-	EGMC Chapter 23.86
Automobile and Vehicle Uses																										
Car Washing and Detailing	-	-	-	-	-	-	-	-	-	-	-	CUP	CUP	P	-	-	-	-	CUP	MUP[3]	MUP[3]	CUP[3]	-	-	-	
Fueling Station[2, 3]	-	-	-	-	-	-	-	-	-	-	-	CUP	CUP	CUP	-	-	-	-	-	CUP[3]	CUP[3]	CUP[3]	-	-	-	EGMC Chapter 23.72
Vehicle Services – Minor	-	-	-	-	-	-	-	-	-	-	CUP[4]	P[4]	P[4]	P[4]	-	-	-	-	P	~~CUP[5]~~ P[5]	-	~~CUP[5]~~ MUP[5]	-	-	-	

Land Use/Zoning District	Zoning Districts																								Specific Use Regulations
	Agricultural					Residential					Commercial					Mixed Use		Office		Industrial			Public/Quasi-Public			
	AG-80	AG-20	AR-5/10	AR-2	AR-1	RD-1/2/3	RD-4/5/6	RD-7	RD-8/10/12/15/18	RD-20/25/30/40	LC	GC	SC	AC	C-O	VCMU	RMU	BP	MP	LI	LI/FX	HI	PR	PS	O	
Industrial, Manufacturing, and Processing Uses																									
Commercial Kitchen	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	CUP	P	P	-	-	-	-	

Notes to Table 23.27-1
Notes that pertain to all zoning districts concerning any small cell wireless communication facility:

1. Notwithstanding any other provision of this title, any small cell wireless facility located at or within any school shall require an MUP, unless the school is in a zoning district requiring a CUP, in which case a CUP shall be required.
2. Notwithstanding any other provision of this title, fueling stations engaged solely in the charging of electric vehicles shall be permitted by right in all zones.
3. Hydrogen fueling stations shall be permitted by right when the site is either zoned commercial or industrial and does not contain any residential units, or the site was previously developed with a fueling station. Otherwise, the use shall be subject to the permit requirements of this table.

…
Notes that pertain to the commercial zoning districts:
…
9. All forms of ~~outdor~~ outdoor speaker amplification associated with the use shall be prohibited unless otherwise authorized in combination with a conditional use permit or minor conditional use permit (if required for the use as provided in Table 23.27-1) or a minor conditional use permit if the use is otherwise allowed by right.
…
Notes that pertain to the industrial zoning districts:
…
3. Allowed by right when the ~~fueling facility~~ use is not accessible to the public (for example, a card-lock facility).

Section 23.29.020 (General zoning district development standards) shall be amended as follows:

23.29.020 General zoning district development standards.

A. Table 23.29-1 (Development Standards for Base Zoning Districts) includes lot area, allowed density, building setbacks, height, and lot coverage requirements, as defined in this title, for each of the City's base zoning districts.

B. Calculation/Rounding of Density. When the calculation of the density of residential development results in a fraction value, the density shall be rounded to the nearest hundredth (< 0.049 round down, > 0.050 round up).

Chapter 23.30 (Conversion of Single Residential Unit Development to Two (2) Residential Unit Development) shall be amended as follows:

~~**Chapter 23.30**~~
~~**Conversion of Single Residential Unit Development to Two Residential Unit Development**~~

~~**Sections:**~~
~~**23.30.010 Purpose**~~
~~**23.30.020 Applicability**~~
~~**23.30.030 Approval Process**~~
~~**23.30.040 Development Standards**~~
~~**23.30.050 Rental Limitations**~~

~~**23.30.010 Purpose.**~~
~~The purpose of this chapter is to implement the provisions of California Government Code section 65852.21.~~

~~**23.30.020 Applicability.**~~
~~A. Generally. Except as otherwise provided, any existing single residential dwelling unit (as defined in EGMC 23.26.050.D.5) within a qualifying zoning district may be modified into a two residential dwelling unit (as defined in EGMC 23.26.050.D.6), provided the conversion is consistent with the provisions of this Chapter.~~

~~B. Qualifying Zoning District. The provisions of this Chapter are only applicable within the Agricultural Residential (AR) zoning districts (AR-1 through AR-10) and the Residential Districts (RD) of RD-1 through RD-15. This chapter shall not apply to any other zoning districts.~~

~~C. Prohibited Development. The conversion of an existing single residential dwelling unit to a two residential dwelling unit shall be prohibited in the following locations and circumstances as provided in State law.~~

~~1. The lot is located within any of the following:~~

~~a. Land designated as either prime farmland or farmland of statewide importance.~~

~~b. Land meeting the definition of a wetland as defined in United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993)~~

~~c. Land within a very high or high fire hazard severity zone.~~

~~d. A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.~~

e. A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

f. A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency (see the F-100 and F-100/200 overlay zoning district), unless:

i. The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction.

ii. The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

g. A regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.

h. Land identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.

2. The proposed conversion would require demolition or alteration of any of the following types of housing:

a. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

c. Housing that has been occupied by a tenant in the last three (3) years.

3. The subject project site is one where an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the California government Code to withdraw accommodations from rent or lease within fifteen (15) years before the date that the application for urban lot split is filed with the City.

4. The conversion requires demolition to more than twenty five (25%) percent of the exterior structural walls unless the site has not been occupied by a tenant in the last three (3) years.

5. The project is located within a historic district or property included on the State Historic Resources Inventory or within site that is designated or listed as a City landmark or historic property or district pursuant to EGMC 7.00 (Historic Preservation).

D. Allowed Unit Configurations. The resulting units in a two residential dwelling unit may be permitted in the following configurations, provided that no more than two primary units, either detached or attached, are located on the lot.

1. One new unit incorporated entirely within an existing residential unit.

2. One new unit incorporated entirely within an existing accessory building, including a garage.

3. One new unit attached to and increasing the size of an existing residential unit or an existing accessory building.

4. One new unit detached from and located on the same lot as an existing unit. A unit that is attached to another detached accessory building, but not another residential unit, or is attached by a breezeway or porch, is considered detached.

5. Two newly constructed attached units (e.g., duplex) or two detached residential units on a vacant lot.

6. A two residential unit development in any of the configurations described above may be added to a newly created lot concurrently with approval for an urban lot split, pursuant to EGMC 22.20.100 (Urban Lot Split); however, the provisions of that section shall not be used to permit more than two units on a lot.

E. Accessory Dwelling Unit. Notwithstanding any other provisions of this Title, inclusive of EGMC 23.90 (Accessory Dwelling Units), once the conversion of a qualifying single residential unit development to two residential unit development has been constructed, no more than one accessory dwelling unit and one junior accessory dwelling unit may be permitted on the subject property, for a maximum of four (4) units total (e.g., two primary units, one accessory unit, and one junior accessory unit).

23.30.030 Approval Process.

The conversion of qualifying single residential unit development to two residential unit development shall be subject to administrative zoning clearance/plan check as provided in EGMC 23.16.020 (zoning clearance/plan check). No design review, conditional use permit, or other entitlement shall be required.

23.30.040 Development Standards.

Except as otherwise provided herein, the conversion of an existing single residential dwelling unit to a two residential dwelling unit shall conform to the development standards provided in EGMC 23.29.020 for the underlying zoning district, any applicable standards of an applicable overlay district or Special Planning Area zoning district, and applicable standards of Division IV (Site Planning and General Development Standards) of this Title.

A. Setbacks. All structures in a two residential unit development, including accessory structures, shall comply with the setback standards for the applicable base zoning district and any applicable overlay district(s), with the following exceptions.

1. Rear and Interior Side Setbacks. The rear and interior side yard setbacks for new residential buildings and modifications to existing buildings may be reduced to a minimum of four (4' 0") feet.

2. Conversion. No new setback is required to convert an existing, legally permitted, building into a two residential unit development. Improvements to existing nonconforming buildings, including conforming additions, are allowed pursuant to EGMC 23.84 (Nonconforming Uses, Buildings, and Structures).

3. No new setback is required when an existing main or accessory building is substantially redeveloped and converted to two residential unit development, provided that the new

building is reconstructed in the same location and with the same dimensions as the existing building.

B. Parking. Notwithstanding EGMC 23.58 (Parking), one off-street vehicle parking space is required for each unit in a two-unit residential development, except as otherwise provided below. Required parking may be provided as either covered or uncovered parking and shall be located on the same lot as the residential unit served. All provided parking shall meet the minimum dimensions, location, and other applicable development standards provided in EGMC 23.58.090 (Parking Design and Development Standards).

1. Parking Exemptions. No parking is required if the lot is located within one half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code; or if there is a car share vehicle located within one block of the lot.

2. Replacement Parking Required. When an existing garage, carport, or other covered or enclosed parking area is converted or demolished in order to construct a new unit, at least one replacement parking space, which may be covered or uncovered, must be provided for each unit unless the project is exempt from parking.

C. Garage Conversions. If a garage is converted into a new unit, the garage door opening shall be replaced with exterior wall coverings or residential windows and doors to match the existing garage wall covering and detailing.

D. Garage Frontage Limits. The cumulative total width of any garage doors along either the front or street side frontage of a structure shall not exceed fifty (50%) percent of the length of that frontage of the structure.

E. Design Style. Additions or new construction shall comply with the following:

1. On a site already developed with an existing residential unit, the new unit shall be designed and constructed to match the existing paint color and exterior building materials, including but not limited to siding, windows, doors, roofing, light fixtures, hardware, and railings.

2. If development is proposed on a lot where no residential units currently exist, the units shall be constructed using the same architectural style, exterior building materials, colors, and finishes.

F. Well and Septic Requirements. For units created pursuant to this Chapter where the lot is serviced by private well and septic systems, each unit shall have its own, independent well and septic system. No building permit shall be issued until permits for the well and septic system have been issued by Sacramento County Environmental Management Department. Well and septic systems shall comply with the standards of Sacramento County Code Chapter 6.28 (Wells and Pumps) and Chapter 6.32 (On-Site Management of Wastewater).

23.30.050 Rental Limitations.

Each unit may be rented separately, however, rental terms shall not be less than 31 consecutive days, nor shall rental terms allow termination of the tenancy prior to the expiration of at least one 31-day period occupancy by the same tenant. Prior to issuance of the building permit, the property owner shall execute and the City shall record an agreement, in a form satisfactory to the City, which outlines the requirements regarding the rental terms of a two residential unit development as specified in this section.

Chapter 23.30
Development Standards for Qualifying Residential Development

Sections:

Article I. General

23.30.010 Purpose.

The purpose of this chapter is to provide for the implementation of Government Code sections 65852.21, 65852.28 and 66499.41 by providing or identifying special or otherwise objective development standards for qualifying housing projects that are applicable to those projects. The provisions of this chapter shall supersede any conflicting standard or provision of this Title.

Article II. Infill Conversion of Single Residential Unit Development to Two Residential Unit Development

23.30.100 Purpose.

The purpose of this article is to implement the provisions of California Government Code section 65852.21.

23.30.110 Applicability.

A. Generally. Except as otherwise provided, any existing single residential dwelling unit (as defined in EGMC Section 23.26.050.D.5) within a qualifying zoning district may be modified into a two residential dwelling unit (as defined in EGMC Section 23.26.050.D.6), provided the conversion is consistent with the provisions of this Chapter.

B. Qualifying Zoning District. The provisions of this Chapter are only applicable within the Agricultural Residential (AR) zoning districts (AR-1 through AR-10) and the Residential Districts (RD) of RD-1 through RD-15. This chapter shall not apply to any other zoning districts.

C. Prohibited Development. The conversion of an existing single residential dwelling unit to a two (2) residential dwelling unit shall be prohibited in the following locations and circumstances as provided in State law.

1. The lot is located within any of the following:

a. Land designated as either prime farmland or farmland of Statewide importance.

b. Land meeting the definition of a wetland as defined in United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

c. Land within a very high or high fire hazard severity zone, or within the State responsibility area.

d. A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Article 5 (commencing with Section 78760) of Chapter 4 of Part 2 of Division 45 of the Health and Safety Code, unless either of the following apply:

i. The site is an underground storage tank site that received a uniform closure letter issued pursuant to subdivision (g) of Section 25296.10 of the Health and Safety Code based on closure criteria established by the State Water Resources Control Board for residential use or residential mixed uses.

ii. The State Department of Public Health, State Water Resources Control Board, Department of Toxic Substances Control, or a local agency making a determination pursuant to subdivision (c) of Section 25296.10 of the Health and Safety Code, has otherwise determined that the site is suitable for residential use or residential mixed uses.

e. A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

f. A special flood hazard area subject to inundation by the one (1%) percent annual chance flood (one hundred (100) year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency (see the F-100 and F-100/200 overlay zoning district), unless:

i. The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction.

ii. The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

g. A regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.

h. Land identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the Federal Endangered Species Act of 1973 (16 U.S.C. Section 1531 et seq.), or other adopted natural resource protection plan.

2. The proposed conversion would require demolition or alteration of any of the following types of housing:

a. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

c. Housing that has been occupied by a tenant in the last three (3) years.

3. The subject project site is one where an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the California government Code to withdraw accommodations from rent or lease within fifteen (15) years before the date that the application for urban lot split is filed with the City.

4. The project is located within a historic district or property included on the State Historic Resources Inventory or within site that is designated or listed as a City landmark or historic property or district pursuant to EGMC 7.00 (Historic Preservation).

D. Allowed Unit Configurations. The resulting units in a two residential dwelling unit may be permitted in the following configurations, provided that no more than two primary units, either detached or attached, are located on the lot.

1. One new unit incorporated entirely within an existing residential unit.

2. One new unit incorporated entirely within an existing accessory building, including a garage.

3. One new unit attached to and increasing the size of an existing residential unit or an existing accessory building.

4. One new unit detached from and located on the same lot as an existing unit. A unit that is attached to another detached accessory building, but not another residential unit, or is attached by a breezeway or porch, is considered detached.

5. Two newly constructed attached units (e.g., duplex) or two detached residential units on a vacant lot.

6. A two residential unit development in any of the configurations described above may be added to a newly created lot concurrently with approval for an urban lot split, pursuant to EGMC Section 22.20.100 (Urban Lot Split); however, the provisions of that section shall not be used to permit more than two units on a lot.

E. Accessory Dwelling Unit. Notwithstanding any other provisions of this Title, inclusive of EGMC Chapter 23.90 (Accessory Dwelling Units), once the conversion of a qualifying single residential unit development to two residential unit development has been constructed, no more than one accessory dwelling unit and one junior accessory dwelling unit may be permitted on the subject property, for a maximum of four (4) units total (e.g., two primary units, one accessory unit, and one junior accessory unit).

23.30.120 Approval Process.

The conversion of qualifying single residential unit development to two residential unit development shall be subject to administrative zoning clearance/plan check as provided in EGMC Section 23.16.020 (zoning clearance/plan check). No design review, conditional use permit, or other entitlement shall be required. An application for a proposed housing development pursuant to this section shall be considered and approved or denied within 60 days from the date the local agency receives a completed application. If the City denies an application for a proposed housing development pursuant to this section, the City will return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

23.30.130 Development Standards.

Except as otherwise provided herein, the conversion of an existing single residential dwelling unit to a two residential dwelling unit shall conform to the development standards provided in EGMC

Section 23.29.020 for the underlying zoning district, any applicable standards of an applicable overlay district or Special Planning Area zoning district, and applicable standards of Division IV (Site Planning and General Development Standards) of this Title.

A. Setbacks. All structures in a two residential unit development, including accessory structures, shall comply with the setback standards for the applicable base zoning district and any applicable overlay district(s), with the following exceptions.

1. Rear and Interior Side Setbacks. The rear and interior side yard setbacks for new residential buildings and modifications to existing buildings may be reduced to a minimum of four (4' 0") feet.

2. Conversion. No new setback is required to convert an existing, legally permitted, building into a two residential unit development. Improvements to existing nonconforming buildings, including conforming additions, are allowed pursuant to EGMC Chapter 23.84 (Nonconforming Uses, Buildings, and Structures).

3. No new setback is required when an existing main or accessory building is substantially redeveloped and converted to two residential unit development, provided that the new building is reconstructed in the same location and with the same dimensions as the existing building.

B. Parking. Notwithstanding EGMC Chapter 23.58 (Parking), one off-street vehicle parking space is required for each unit in a two-unit residential development, except as otherwise provided below. Required parking may be provided as either covered or uncovered parking and shall be located on the same lot as the residential unit served. All provided parking shall meet the minimum dimensions, location, and other applicable development standards provided in EGMC Section 23.58.090 (Parking Design and Development Standards).

1. Parking Exemptions. No parking is required if the lot is located within one half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code; or if there is a car share vehicle located within one block of the lot.

2. Replacement Parking Required. When an existing garage, carport, or other covered or enclosed parking area is converted or demolished in order to construct a new unit, at least one replacement parking space, which may be covered or uncovered, must be provided for each unit unless the project is exempt from parking.

C. Garage Conversions. If a garage is converted into a new unit, the garage door opening shall be replaced with exterior wall coverings or residential windows and doors to match the existing garage wall covering and detailing.

D. Garage Frontage Limits. The cumulative total width of any garage doors along either the front or street side frontage of a structure shall not exceed fifty (50%) percent of the length of that frontage of the structure.

E. Design Style. Additions or new construction shall comply with the following:

1. On a site already developed with an existing residential unit, the new unit shall be designed and constructed to match the existing paint color and exterior building materials, including but not limited to siding, windows, doors, roofing, light fixtures, hardware, and railings.

2. If development is proposed on a lot where no residential units currently exist, the units shall be constructed using the same architectural style, exterior building materials, colors, and finishes.

F. Well and Septic Requirements. For units created pursuant to this Chapter where the lot is serviced by private well and septic systems, each unit shall have its own, independent well and septic system. No building permit shall be issued until permits for the well and septic system have been issued by Sacramento County Environmental Management Department. Well and septic systems shall comply with the standards of Sacramento County Code Chapter 6.28 (Wells and Pumps) and Chapter 6.32 (On-Site Management of Wastewater).

23.30.140 Rental Limitations.

Each unit may be rented separately, however, rental terms shall not be less than 31 consecutive days, nor shall rental terms allow termination of the tenancy prior to the expiration of at least one 31-day period occupancy by the same tenant. Prior to issuance of the building permit, the property owner shall execute and the City shall record an agreement, in a form satisfactory to the City, which outlines the requirements regarding the rental terms of a two residential unit development as specified in this section.

Article III. Urban Subdivision Housing Projects

23.30.200 Purpose and qualifying housing developments.

The purpose of this article is to implement the provisions of Sections 65852.28 and 66499.41 of the Government Code. This article shall only apply the construction of qualifying housing developments on a lot subdivided pursuant to the provisions of EGMC Section 22.16.120 (Urban Subdivisions).

23.30.210 Objective Development Standards

A qualifying housing development shall comply with the objective zoning standards, objective subdivision standards, or objective design standards of this Title or any applicable specific plan, special planning area, or design guidelines that are applicable to the development and that do not otherwise conflict with the provisions of this article or the provisions of EGMC Section 22.16.120 (Urban Subdivisions) and that do not preclude the development of the project at a minimum density of thirty (30) units per acre, or as otherwise provided herein.

A. Setbacks.

1. Except as otherwise provided the setbacks between the units required by the California Building Code shall be applicable to the project.

2. Rear and Interior Side Setbacks. The rear and interior side yard setbacks for new residential buildings and modifications to existing buildings may be reduced to a minimum of four (4’ 0”) feet.

2. Conversion. No new setback is required to convert an existing, legally permitted, building into a two residential unit development. Improvements to existing nonconforming buildings, including conforming additions, are allowed pursuant to EGMC Chapter 23.84 (Nonconforming Uses, Buildings, and Structures).

3. No new setback is required when an existing main or accessory building is substantially redeveloped and converted to two residential unit development, provided that the new building is reconstructed in the same location and with the same dimensions as the existing building.

B. Parking Location. Parking is not required to be enclosed or covered.

C. Parking Spaces Required. Notwithstanding EGMC Chapter 23.58 (Parking), one off-street vehicle parking space is required for each unit, except that no parking is required if the lot is located within one half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as

defined in Section 21064.3 of the Public Resources Code; or if there is a car share vehicle located within one block of the lot.

D. Height. The maximum height shall be the same as the underlying zoning district.

Section 23.40.020.B (Special planning area district, Designation) shall be amended as follows:

23.40.020 Special planning area district.

…

B. Designation. On the zoning map, all property within a designated special planning area shall be delineated in a manner similar to that of any other zoning district except that each SPA-zoned area shall also bear a number or name which distinguishes it from other special planning areas. The assignment of the SPA designation and number or name serves to provide a reference to the corresponding special planning area documents and exhibits adopted by the City Council. If there are unique zoning regulations and standards applicable to the land area, such provisions will be established in the adopted special planning area. The following special planning areas have been adopted and designated on the zoning map under the following ordinances or amendments thereto:

1. Elk Grove Old Town SPA (~~SPA 5-6-4~~Ordinance No. 29-2005);
2. Elk Grove-Florin and Bond Roads SPA (~~adopted 1989~~Ordinance No. 10-2019);
3. Elk Grove Triangle SPA (Ordinance No. 16-2019);
4. Lent Ranch Marketplace Special Planning Area (Ordinance No. 28-2014).

4~~5~~. Auto Mall SPA (Ordinance No. ~~23-2003~~ 5-2004);

5~~6~~. CMD Court SPA (Ordinance No. 35-2008);

6~~7~~. Southeast Policy Area SPA (Ordinance No. 16-2014);

7~~8~~. Silverado Village SPA (Ordinance No. 20-2014);

8~~9~~. Calvine Meadows Special Planning Area (Ordinance No. 05-2016);

9~~10~~. Zoological Park Special Planning Area (Ordinance No. 07-2024);

10~~11~~. Livable Employment Area Special Planning Area (Ordinance No._____)~~.~~;

Table 23.42-4 (East Elk Grove Overlay District Development Standards) shall be amended as follows:

Table 23.42-4
East Elk Grove Overlay District Development Standards

Development Standard	Zoning District						
	RD-3	RD-4	RD-5	RD-6	RD-7	RD-10	All Other Districts
Lot Dimensions (minimum)							
Area (sq. ft.)	9,000	7,000	5,000	4,000	3,800	3,200	[5]
Area, Corner (sq. ft.)	9,000	7,000	6,000	5,000	4,500	4,000	[5]
Width[6]	65 ft.	60 ft.	50 ft.	40 ft.	35 ft.	35 ft.	[5]
Public Street Frontage[7]	55 ft.	50 ft.	45 ft.	35 ft.	30 ft.	30 ft.	[5]
Width, Corner[6]	70 ft.	65 ft.	60 ft.	47.5 ft.	45 ft.	45 ft.	[5]
Depth	110 ft.	10 0ft.	85 ft.	65 ft.	60 ft.	60 ft.	[5]
Setbacks (minimum)							
Front, Living Area	20 ft.	20 ft.	15 ft.[1]	15 ft.[1]	15 ft.[1]	15 ft.[1]	[5]
Front, Porch	20 ft.	20 ft.	15 ft.[1]	12.5 ft.	10 ft.	10 ft.	[5]
Front, Garage[2]	20 ft.	20 ft.	20 ft.[3]	20 ft.[3]	20 ft.[3]	20 ft.[3]	[5]
Side, Interior	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	[5]
Side, Total Bldg. Sep.[4]	15 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	[5]
Side, Street	15 ft.	12.5 ft.	12.5 ft.	12.5 ft.	10 ft.	10 ft.	[5]
Rear, Living Area	20 ft.	20 ft.	15 ft.	15 ft.	15 ft.	15 ft.	[5]
Rear, Ancillary Unit	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	[5]
Detached Garage	5 ft. side and rear	5 ft. side and rear	5 ft. side and rear	5 ft. side and rear	5 ft. side and rear	5 ft. side and rear	[5]

Notes:
1. May be reduced to ten (10' 0") feet where adjacent to detached sidewalk.
2. Where swing driveways are utilized, the front yard garage setback may be reduced to fifteen (15' 0") feet.
3. Driveway length may be reduced to nineteen (19' 0") feet where automatic roll-up garage doors are utilized.
4. Zero-lot line units are permitted with a five (5' 0") foot separation where a firewall is provided; otherwise ten (10' 0") feet is required.
5. Refer to the applicable base zoning district for applicable standards.
6. Applies to all lots except those fronting on a curved street on the curved portion of a cul-de-sac or elbow intersection (see Note 7).
7. The public street frontage for lots fronting on a curved street on the curved portion of a cul-de-sac or elbow intersection may be measured along an arc located within the front fifty feet (50') of the lot.

Table 23.46-1 (Development Standards for Accessory Structures) shall be amended as follows:

Table 23.46-1
Development Standards for Accessory Structures

Accessory Structure	Minimum Setback Distance from Property Line			Maximum Height
	Front	Street Side	Interior (Including Rear)	
Building, ≤ 120 sf. and < 8 ft. tall	Same as for primary structure	12.5 ft.[1]	3 ft.	8 ft.[1]2]
Building, ≤ 120 sf. and ≥ 8 ft. tall				
Fully enclosed	Same as for primary structure	12.5 ft.	5 ft.	16 ft.[1]2]
Limited/No enclosure	Same as for primary structure	12.5 ft.	3 ft.	16 ft.[2]
Building, > 120 sf.				
Fully enclosed	Same as for primary structure	12.5 ft.	5 ft.	16 ft.[1]2]
Limited/No enclosure	Same as for primary structure	12.5 ft.	3 ft.	16 ft.[1]2]
Landscape features	No minimum	12.5 ft.	3 ft.	16 ft.[1]2]
Pool/spa	Same as for primary structure	12.5 ft.[3]	No minimum	16 ft.[1]2]
Deck/patio	No minimum	No minimum	No minimum	No minimum
Play equipment	Same as for primary structure	12.5 ft.	3 ft.	16 ft.[1]2]

Notes:

1. Street side setback for accessory structures ≤ 5 ft. tall may be reduced to 5 feet when screened by a solid fence or wall and upon the issuance of clearance letters from all affected utility providers. In no case shall there be less than 3 feet between the accessory structure and the fence. Any fence shall comply with the setback standards provided in EGMC 23.52 (Fences and Walls).

~~1~~2. When the accessory structure is located within the allowed building envelope of the primary structure, the maximum height for the accessory structure shall be the same as the primary structure for the underlying zoning district.

3. Street side setback for pool equipment may be reduced to 5 feet when screened by a solid fence or wall and upon the issuance of clearance letters from all affected utility providers. In no case shall there be less than 3 feet between the pool equipment and the fence. Any fence shall comply with the setback standards provided in EGMC 23.52 (Fences and Walls).

Section 23.48 (Building Height Measurements and Exceptions, Exceptions to height limit) shall be amended as follows:

23.48.040 Exceptions to height limit.
Exceptions to height limits are listed below.

A. Residential Districts.

1. Chimneys, television antennas, and roof-mounted solar collectors not exceeding a dimension of six feet at their base may exceed the height limits of the applicable zoning district by a maximum of five feet.

2. ~~Church steeples~~Steeples, carillon towers, and similar ~~church structures~~ architectural elements may be erected to a maximum height of seventy-five (75' 0") feet from the ground, provided said structures are set back from all property lines a distance equal to the height of the structure.

B. Nonresidential Districts. Minor projections, including elevator and mechanical equipment enclosures, may exceed the height limit by fifteen (15' 0") feet, provided they are screened by a parapet or pitched roof. Additionally, architectural features including clock towers, cupolas, and similar structures may exceed the height limit as listed below. See EGMC Chapter 23.94, Wireless Communications Facilities.

1. Up to twenty (20' 0") feet, if located at a street intersection;

2. Up to twelve (12' 0") feet, if located midblock. These features shall not exceed a width of twenty-five (25' 0") feet or one-third of the length of the building facade, whichever is less. Signs shall not be included within the additional height allowed.

Section 23.50.020 (Density Bonus and Other Developer Incentives, Eligibility or density bonus and incentives and concessions) shall be amended as follows:

23.50.020 Eligibility for density bonus and incentives and concessions.

The City shall grant one (1) density bonus, with concessions or incentives, as specified in EGMC Section 23.50.040 (Number and types of density bonuses and incentives and concessions allowed), when the applicant for a residential development seeks and agrees to construct a residential development, excluding any units permitted by the density bonus awarded pursuant to this chapter, that shall contain at least one (1) of the ~~following~~ categories 1 through7 listed below. The units qualifying a development for a density bonus shall be referred to as "target units." The applicant shall specify which of the ~~following~~ categories listed below is the basis for the density bonus~~:~~.

A. Ten (10%) percent of the total units of a housing development for rental or sale to lower income households as defined in Section 50079 of the Health and Safety Code. For purposes of this category, "housing development" shall include a shared housing building development as that term is defined in Government Code Section 65915(o)(7).

B. Five (5%) percent of the total units of a housing development for rental or sale to very low income households as defined in Section 50105 of the Health and Safety Code. For purposes of this category, "housing development" shall include a shared housing building development as that term is defined in Government Code Section 65915(o)(7).

C. A senior citizen housing development as defined in Sections 51.3 and 51.11 of the Civil Code, or age-restricted mobile home park pursuant to Section 798.76 or 799.5 of the Civil Code. For purposes of this category, "housing development" shall include a shared housing building development as that term is defined in Government Code Section 65915(o)(7) and a residential care facility for the elderly as that term is defined in Section 1569.2 of the Health and Safety Code.

D. Ten (10%) percent of the total dwelling units are sold to persons of moderate income as defined in Section 50093 of the Health and Safety Code; provided, that all units in the development are offered to the public for purchase.

E. Ten (10%) percent of the total units in a housing development for transitional foster youth (as defined in Section 66025.9 of the Education Code), disabled veterans (as defined in Section 18541 of the Government Code), or homeless persons (as defined in the Federal McKinney-Vento Homeless Assistance Act, 42 USC Section 11301 et seq.). The units described in this subsection shall be subject to a recorded affordability restriction of fifty-five (55) years and shall be provided at the same affordability level as very low income units.

F. Twenty (20%) percent of the total units (for purposes of this subsection "units" is defined as one (1) rental bed and its pro rata share of associated common area facilities, subject to a recorded affordability restriction of fifty-five (55) years) for lower income students in a student housing

development that meets the qualifications provided in Section 65915(b)(1)(F) of the Government Code. The term "lower income student" shall have the same meaning as provided in Section 65915(o)(3) of the Government Code.

G. One hundred (100%) percent of all units in the development, including total units and density bonus units, but exclusive of a manager's unit or units, are for lower income households, as defined by Section 50079.5 of the Health and Safety Code, except that up to twenty (20%) percent of the total units in the development, including total units and density bonus units, may be for moderate income households, as defined in Section 50053 of the Health and Safety Code. For purposes of this category, "housing development" shall include a shared housing building development as that term is defined in Government Code Section 65915(o)(7).

Section 23.50.030.D.1 (Density Bonus and Other Developer Incentives, General provisions for density bonus and incentives and concession, Parking) shall be amended as follows:

23.50.030 General provisions for density bonus and incentives and concessions.
The following general requirements apply to the application and determination of all incentives and bonuses:

…

D. Parking.

1. Upon request by the applicant, the City shall not require that a housing development meeting the requirements of EGMC Section 23.50.020 (Eligibility for density bonus and incentives and concessions) provide a vehicular parking ratio, inclusive of parking for persons with a disability and guests that exceeds the following:

a. Zero (0) (studio) to one (1) bedroom: one (1) on-site parking space per unit;

b. Two (2) to three (3) bedrooms: one and one-half (1.5) on-site parking spaces per unit;

c. Four (4) or more bedrooms: two and one-half (2.5) parking spaces per unit.:

d. One (1) bedspace in a student housing development: zero parking spaces.

…

Section 23.50.040 (Density Bonus and Other Developer Incentives, Number and Types of Density Bonuses and Incentives and Concessions Allowed) shall be amended as follows:

23.50.040 Number and types of density bonuses and incentives and concessions allowed.

A. Density Bonus. A housing development that satisfies the eligibility requirements in EGMC Section 23.50.020 (Eligibility for density bonus and incentives and concessions) shall be entitled to the following density bonus:

1. For developments providing ten (10%) percent lower income target units, the City shall provide a twenty (20%) percent increase above the otherwise maximum allowable residential density as of the date of application, plus a one and one-half (1.5%) percent supplemental increase over that base for every one (1%) percent increase in low income target units above ten (10%) percent, up to a thirty-five (35%) percent bonus at twenty (20%) percent low income target units, after which an additional three and three-quarters (3.75%) percent bonus shall be provided for each one (1%) percent increase. The maximum density bonus allowed including supplemental increases is fifty (50%) percent.

2. For developments providing five (5%) percent very low income target units, the City shall provide a twenty (20%) percent increase above the otherwise maximum allowable residential density as of the date of application, plus a two and one-half (2.5%) percent supplemental increase over that base for every one (1%) percent increase in very low income target units above five (5%) percent, up to a thirty-five (35%) percent bonus at eleven (11%) percent very low income target units, after which an additional three and three-quarters (3.75%) percent bonus shall be provided for each one (1%) percent increase. The maximum density bonus allowed including supplemental increases is fifty (50%) percent.

3. For senior citizen housing developments, a flat twenty (20%) percent of the number of senior units.

4. For common interest developments providing ten (10%) percent moderate income target units, the City shall provide a five (5%) percent increase above the otherwise maximum allowable residential density as of the date of application, plus a one (1%) percent increase in moderate income units above ten (10%) percent, up to a thirty-five (35%) percent bonus at forty (40%) percent moderate income target units, after which an additional three and three-quarters (3.75%) percent bonus shall be provided for each one (1%) percent increase. The maximum density bonus allowed including supplemental increases is fifty (50%) percent.

5. For developments providing ten (10%) percent of the total units for transitional foster youth, disabled veterans, or homeless persons, a flat twenty (20%) percent of the number of the type of units giving rise to a density bonus.

6. ~~For~~D~~d~~evelopments providing twenty (20%) percent of the total units for lower income students in a student housing development~~, a flat thirty-five (35%) percent of the student housing units~~ the density bonus shall be calculated as follows:~~.~~

   a. Twenty (20%) percent lower income units shall receive a thirty-five (35%) percent density bonus.

   b. Twenty-one (21%) percent lower income units shall receive a thirty-eight and three quarters (38.75%) percent density bonus.

   c. Twenty-two (22%) percent lower income units shall receive a forty-two and one half (42.5%) percent density bonus.

   d. Twenty-three (23%) percent lower income units shall receive a forty-six and one quarter (46.25%) percent density bonus.

   e. Twenty-four (24%) percent lower income units or more shall receive a fifty (50%) percent density bonus.

7. For developments providing one hundred (100%) percent of the units for lower income households as provided in EGMC Section 23.50.020(G), a flat eighty (80%) percent of the number of units for lower income households; except that if the development is located within one-half (1/2) mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or is located in a very low vehicle travel area, as defined in subpart 10 of subsection (o) of Section 65915 of the Government Code, there shall be no maximum density and the minimum allowed building height shall be three (3) stories or thirty-three feet (33' 0").

B. Additional Density Bonus Allowed.

1. The City shall grant an additional density bonus for projects, provided that the resulting housing development would not restrict more than fifty (50%) percent of the total units to moderate-income, lower, income, or very low income households, when the applicant proposes to construct a housing development that conforms to the requirements of section A above, agrees to include additional rental or for-sale units affordable to very low income households or moderate income households, and that meet any of the following requirements:

   a. For housing developments that conform to the requirements of EGMC Section 23.50.020.A above and provide twenty-four (24%) percent of the total units to lower income households.

   b. For housing developments that conform to the requirements of EGMC Section 23.50.020.B above and provide fifteen (15%) percent of the total units to very low income households.

   c. For housing developments that conform to the requirements of EGMC Section 23.50.020.D above and provide forty-four (44%) percent of the total units to moderate-income households.

2. The additional density bonus allowed under this section shall be calculated as follows:

   a. For qualifying housing developments providing five (5%) percent very low income units, the City shall provide a twenty (20%) percent increase above the otherwise maximum allowable residential density as of the date of application, plus a three and three quarters (3.75%) percent supplemental increase over that base for every one (1%) percent increase in very low income target units above five (5%) percent, up to a thirty-eight and three quarters (38.75%) percent bonus at twenty (20%) percent very low income units.

   b. For qualifying housing developments providing five (5%) percent moderate income units, the City shall provide a twenty (20%) percent increase above the otherwise maximum allowable residential density as of the date of application, plus a two and one-half (2.5%) percent supplemental increase over that base for every one (1%) percent increase in very low income target units above five (5%) percent, up to a fifty (50%) percent bonus at fifteen (15%) percent moderate income units.

   c. The additional density bonus provided under this section shall be calculated using the number of units excluding any density bonus otherwise awarded by this chapter.

~~B~~C. Number of Incentives or Concessions. In addition to the density bonus described in this section, an applicant may request specific incentives or concessions. The applicant shall receive the following number of incentives or concessions:

1. One (1) incentive or concession for projects that include at least ten (10%) percent of the total units for lower income households, at least five (5%) percent for very low income households, or at least ten (10%) percent for persons and families of moderate income in a development in which the units are for sale.

2. Two (2) incentives or concessions for projects that include at least seventeen (17%) percent of the total units for lower income households, at least ten (10%) percent for very low income households, or at least twenty (20%) percent for persons and families of moderate income in a development in which the units are for sale.

3. Three (3) incentives or concessions for projects that include at least twenty-four (24%) percent of the total units for lower income households, at least fifteen (15%) percent for

very low income households, or at least thirty (30%) percent for persons and families of moderate income in a development in which the units are for sale.

4. Four (4) incentives or concessions for projects meeting the criteria of EGMC Section 23.50.020(G). If the project is located within one-half (1/2) mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or is located in a very low vehicle travel area, as defined in subpart 10 of subsection (o) of Section 65915 of the Government Code, the applicant shall also receive a height increase of up to three (3) additional stories, or thirty-three (33' 0") feet.

5. One (1) incentive or concession for a project that includes at least twenty (20%) percent of the total units for lower income students in a student housing development. If a project includes at least twenty-three (23%) percent of the total units for lower income students in a student housing project, the applicant shall instead receive two (2) incentives or concessions.

6. Four (4) incentives or concessions for projects that include at least sixteen (16%) percent of the units for very low income households or at least forty-five (45%) percent for persons and families of moderate income in a development in which the units are for sale.

~~C~~D. Available Incentives and Concessions. The following are available incentives or concessions:

1. A reduction in the site development standards or a modification of the requirements of this title that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including but not limited to a reduction in setback and square footage requirements and in the ratio of vehicle parking spaces that would otherwise be required and that results in identifiable, financially sufficient, and actual cost reductions.

2. Approval of mixed-use zoning in conjunction with the housing development if the nonresidential land uses will reduce the cost of the housing development and the nonresidential land uses are compatible with the housing development and existing or planned development in the area in which the housing development will be located.

3. Other regulatory incentives or concessions proposed by the applicant or the City that result in identifiable and actual cost reductions to provide for affordable housing costs as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Section 65915(c) of the Government Code.

4. Priority processing of a housing development that qualifies for a density bonus based on income-restricted units.

~~D~~E. Additional Density Bonus and Incentives and Concessions for Donation of Land to the City.

1. When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the City (other than that land typically dedicated as part of a subdivision, such as roadways/rights-of-way, parks, utility sites and easements, landscape corridors, and similar land) and agrees to include a minimum of ten (10%) percent of the total units before the density bonus for very low income households, the applicant shall be entitled to a fifteen (15%) percent increase above the otherwise maximum allowable residential density, plus a one (1%) percent supplemental increase for each additional percentage of very low income units to a maximum density bonus of thirty-five (35%) percent for the entire development.

2. The density bonus provided in this subsection shall be in addition to any other density bonus provided by this chapter up to a maximum combined density bonus of thirty-five (35%) percent.

3. The applicant shall be eligible for the increased density bonus described in this subsection if all of the following conditions are met:

   a. The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application;

   b. The developable acreage and zoning designation of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than ten (10%) percent of the number of residential units of the proposed development;

   c. The transferred land is at least one (1) acre in size or of sufficient size to permit development of at least forty (40) units, has the appropriate General Plan designation, is appropriately zoned with appropriate development standards for development at the density described in paragraph (3) of subdivision (c) of Section 65583.2 of the Government Code, and is or will be served by adequate public facilities and infrastructure;

   d. The transferred land shall have all of the entitlements and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, not later than the date of approval of the final subdivision map, parcel map, or residential development application, except that the City may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of Section 65583.2 of the Government Code if the design is not reviewed by the City prior to the time of transfer;

   e. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with the requirements of this chapter which shall be recorded on the property at the time of the transfer;

   f. The land is transferred to the City or to a housing developer approved by the City;

   g. The transferred land shall be within the boundary of the proposed development or, if the City agrees, within one-quarter (1/4) mile of the boundary of the proposed development; and

   h. A proposed source of funding for the very low income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.

4. Nothing in this subsection shall be construed to enlarge or diminish the authority of the City to require a developer to donate land as a condition of development.

~~E~~F. Additional Density Bonus or Incentives and Concessions for Development of Child Care Facility.

1. Housing developments meeting the requirements of EGMC Section 23.50.020 (Eligibility for density bonus and incentives and concessions) and including a child care facility that will be located on the premises of, as part of, or adjacent to the housing development shall receive either of the following:

   a. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility;

b. An additional incentive or concession that contributes significantly to the economic feasibility of the construction of the child care facility.

2. The City shall require the following as conditions of approving the housing development:

a. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the target units are required to remain affordable, pursuant to subdivision (c) of Section 65915 of the Government Code; and

b. Of the children who attend the child care facility, the children of very low income households, lower income households, or moderate income households shall equal a percentage that is equal to or greater than the percentage of target units that are required pursuant to EGMC Section 23.50.020 (Eligibility for density bonus and incentives and concessions).

3. Notwithstanding any other requirements of this section, the City shall not be required to provide a density bonus or incentive or concession for a child care facility if it makes a written finding, based upon substantial evidence, that the community has adequate child care facilities.

~~F~~G. Condominium Conversion Incentives for Low Income Housing Development.

1. When an applicant for approval to convert apartments to a condominium project agrees to the following, the City shall grant either a density bonus of twenty-five (25%) percent over the number of apartments, to be provided within the existing structure or structures proposed for conversion, or provide other incentives of equivalent financial value. In either case, the applicant shall agree to pay for the reasonably necessary administrative costs incurred by the City.

a. Provide at least thirty-three (33%) percent of the total units of the proposed condominium project to persons and families of low or moderate income; or

b. Provide at least fifteen (15%) percent of the total units of the proposed condominium project to lower income households.

2. An applicant for approval to convert apartments to a condominium project may submit to the City a preliminary proposal pursuant to this subsection prior to the submittal of any formal requests for subdivision map approvals. The City shall, within ninety (90) days of receipt of a written proposal, notify the applicant in writing of the manner in which it will comply with this subsection.

3. For purposes of this subsection, “other incentives of equivalent financial value” shall not be construed to require the City to provide cash transfer payments or other monetary compensation but may include the reduction or waiver of requirements which the City might otherwise apply as conditions of conversion approval.

4. Nothing in this subsection shall be construed to require the City to approve a proposal to convert apartments to condominiums.

5. An applicant shall be ineligible for a density bonus or other incentives under this subsection if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentive was previously provided.

Section 23.50.060 (Density Bonus and Other Developer Incentives, Continued Availability) shall be amended as follows:

23.50.060 Continued availability.

A. Minimum Fifty-Five (55) Years. If a housing development provides low or very low income target units to qualify for a density bonus, the target units must remain restricted to lower or very low income households for a minimum of fifty-five (55) years from the date of issuance of the certificate of occupancy by the building official, or longer if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Except as otherwise provided herein, rents for the lower income density bonus units shall be set at an affordable rent as defined in Section 50053 of the Health and Safety Code. For housing developments meeting the criteria of EGMC Section 23.50.020(G), rents for all units in the development, including both base density and density bonus units, shall be as follows:

1. The rent for at least twenty (20%) percent of the units in the development shall be set at an affordable rent, as defined in Section 50053 of the Health and Safety Code.

2. The rent for the remaining units in the development shall be set at an amount consistent with the maximum rent levels for ~~a housing development that receives an allocation of State or Federal low income housing tax credits from~~ lower income households, as those rents and incomes are determined by the California Tax Credit Allocation Committee.

B. For-Sale Housing.

1. Requirements. An applicant shall agree and ensure that, for a qualified for-sale unit, the purchaser of the unit shall meet either of the following conditions:

a. The unit is initially occupied by a person or family of very low, low, or moderate income, as required, and it is offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the Health and Safety Code and is subject to an equity sharing agreement.

b. If the unit is not purchased by an income-qualified person or family within 180 days after the issuance of the certificate of occupancy, the ~~The~~ unit is purchased by a qualified nonprofit housing corporation ~~(organized pursuant to Section 501(c)(3) of the Internal Revenue Code and that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program)~~ that meets all of the following requirements pursuant to a recorded contract that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code ~~and that includes all of the following~~:

i. ~~A repurchase option that requires a subsequent purchaser of the property that desires to resell or convey the property to offer the qualified nonprofit corporation the right to repurchase the property prior to selling or conveying that property to any other purchaser~~ The nonprofit corporation has a determination letter from the Internal Revenue Service affirming its tax-exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code and is not a private foundation as that term is defined in Section 509 of the Internal Revenue Code.

ii. ~~An equity sharing agreement~~ The nonprofit corporation is based in California.

iii. ~~Affordability restrictions on the sale and conveyance of the property that ensure that the property will be preserved for lower income housing for at least forty-five (45) years for owner-occupied housing units and will be sold or resold only to persons or families of very low, low, or moderate income, as defined in Section 50052.5 of~~

~~the Health and Safety Code~~ All of the board members of the nonprofit corporation have their primary residence in California.

iv. The primary activity of the nonprofit corporation is the development and preservation of affordable home ownership housing in California that incorporates within their contracts for initial purchase a repurchase option that requires a subsequent purchaser of the property that desires to resell or convey the property to offer the qualified nonprofit corporation the right to repurchase the property prior to selling or conveying that property to any other purchaser pursuant to an equity sharing agreement or affordability restrictions on the sale and conveyance of the property that ensure that the property will be preserved for lower income housing for at least forty five (45) years for owner-occupied housing units and will be sold or resold only to persons or families of very low, low, or moderate income, as defined in Section 50052.5 of the Health and Safety Code.

2. An equity sharing agreement shall be required pursuant to subsections (B)(1)(b)(i) and (ii) of this section unless it conflicts with the requirements of another public funding source or law or may defer to the recapture provisions of the public funding source. The following shall apply to the equity sharing agreement:

a. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation.

b. Except as provided in subsection (B)(2)(e) of this section, the City shall recapture any initial subsidy, as defined in subsection (B)(2)(c) of this section, and its proportionate share of appreciation, as defined in subsection (B)(2)(d) of this section, which amount shall be used within five (5) years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote home ownership.

c. For purposes of this subsection, the City's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.

d. For purposes of this subsection, the City's proportionate share of appreciation shall be equal to the ratio of the City's initial subsidy to the fair market value of the home at the time of initial sale.

e. If the unit is purchased or developed by a qualified nonprofit housing corporation pursuant to subsection (B)(1) of this section the City may enter into a contract with the qualified nonprofit housing corporation under which the qualified nonprofit housing corporation would recapture any initial subsidy and its proportionate share of appreciation if the qualified nonprofit housing corporation is required to use one hundred (100%) percent of the proceeds to promote homeownership for lower income households as defined by Section 50079.5 of the Health and Safety Code within the jurisdiction of the City.

C. Direct Financial Contributions. Where there is a direct financial contribution to a housing development pursuant to Section 65915 of the Government Code, the City shall assure continued availability for low and moderate income units for fifty-five (55) years.

Table 23.52-1 (*General Height Limits for Fences and Walls *) shall be amended as follows:

Table 23.52-1
General Height Limits for Fences and Walls

Location of Fence/Wall	Maximum Height
Within required front yard[1, 2]	3 feet
Within required street side yard[1, 3] (i.e., along the street side of corner lots)	
≦≤5 feet from back of sidewalk	3 feet[4]
≻≥ 5 feet from back of sidewalk	7 feet
Within required interior side and rear yard[1,6]	7 feet[5]
Within the clear visibility area at the intersections of streets, alleys, and driveways	3 feet
Outside of required yard[1]	10 feet

Notes:
1. See EGMC Section 23.100.020(Y) for the definition for "Yard (area), required."
2. The required front yard area is determined by zoning district.
3. The street side yard shall extend the length of the lot all the way to the rear property line. The required street side yard shall take precedence over the required rear yard area.
4. The maximum height for fences and walls in the required street side yard may be increased to six (6' 0") feet if a decorative, open wrought iron or tubular steel fence or wall is placed along the street side property line or within the street side yard setback area. This ~~height extension for~~ open view fencing ~~to a maximum of six (6' 0") feet~~ may be placed on top of a solid fence or wall with a maximum three (3' 0") foot height listed in the table, all to a maximum height of six (6' 0") feet. Additionally, a post or pilaster, consisting of masonry, brick, or other solid material, not exceeding eighteen (18 in^2) inches square and six (6' 0") feet tall, may be used to support a wrought iron or tubular steel fence at a minimum distance between posts of six (6' 0") feet.
5. The maximum height for fences and walls in the required interior side and rear yard may be increased to eight (8' 0") feet with the issuance of a building permit from the City.
6. For rear yard fences along alleys, the fence shall be no closer to edge of pavement than the face of the building along the alley or setback 10 feet from the edge of pavement, whichever is less.

Section 23.54.040 (Landscape Development Standards) shall be amended as follows:

23.54.040 Landscape Development Standards.

A. General Location for Landscape Improvements. Landscaping shall be provided in the following locations for all types of developments, unless the designated approving authority determines that the required landscape is not necessary to fulfill the purposes of this chapter. Supplemental landscape design provisions are listed in the City of Elk Grove design guidelines.

1. Setbacks. All setback areas required by this title shall be landscaped in compliance with this chapter, except where a required setback is occupied by a sidewalk or driveway, or is enclosed and screened from abutting public rights-of-way. Required ~~setbacks and~~ minimum landscape areas are listed in Table 23.54-1.

2. Unused Areas. All areas of a multifamily or nonresidential project site not intended for a specific use (including areas planned for future phases of a phased development), shall be landscaped with existing natural vegetation, wildflowers, native grasses, or similar.

3. Parking Areas. Within parking lots, landscaping shall be used for shade and climate control, to enhance project design, and to screen the visual impact of vehicles and large expanses of pavement consistent with the provisions of this chapter.

B. Landscape Area Requirements by Zoning District. Minimum landscape area requirements are listed below by zoning district consistent with Division III, Zoning Districts, Allowable Land Uses, and Development Standards, of this title. This table does not apply to agricultural and agricultural residential zoning districts.

Table 23.54-1
Minimum Landscape Requirements by Zoning District

Zoning Districts	Minimum Landscape Coverage[1]	Minimum Landscape Planter Width		
		Abutting Street[2]	Abutting Interior Property Line[3]	Abutting Residential Property
Residential				
RD-1 – RD-7		[4]		
RD-10 – RD-15		No minimum[4]		
RD-20 – RD-~~30~~25	~~20~~15%	~~20~~ 15 ft.	10 ft.	10 ft.
RD-30	10%	15 ft.	10 ft.	10 ft.
RD-40	5%	15 ft.	10 ft.	10 ft.
Commercial/Office				
LC, BP	15%	25 ft.	6 ft.	10 ft.
GC, SC	20%	25 ft.	6 ft.	10 ft.
CO	15%	25 ft.	6 ft.	10 ft.
AC	10%	25 ft.	6 ft.	10 ft.
Mixed Use				
VCMU	10%	0 ft.	0 ft.	10 ft.
RMU	10%	5 ft.	5 ft.	10 ft.
Industrial/Office				
MP, LI/FX	15%	25 ft.	6 ft.	25 ft.
LI, HI	15%	25 ft.	6 ft.	25 ft.

Notes:
1. Minimum landscape coverage required is the minimum percentage of net lot area that must be maintained with a pervious surface, preferably landscape planting.
2. Listed planter widths are minimums. ~~A thirty-six (36' 0") foot landscape planter shall be provided abutting six (6) lane arterial roadways.~~ Established landscape corridors, such as those located in Specific Plan or Special Planning Areas, or as provided in the City's Improvement Standards, may vary from the listed minimum, in which case the requirement is to comply with the landscape corridor provisions for a particular street and/or area. Landscape corridors shall be tapered to allow for all necessary acceleration and deceleration lanes and bus stops and turnout facilities as provided in the Improvement Standards. In the event of a conflict between the Improvement Standards and a Specific Plan or Special Planning Area, the Specific Plan or Special Planning Area shall govern.
3. Standards apply to interior property lines along the perimeter of the project site and are not intended to require landscaping between parcels of an integrated development. The designated approving authority may grant reductions to the minimum landscape planter width where two commercial properties adjoin to encourage improved access and circulation and to eliminate duplicate planting requirements.
4. Minimum setback and corresponding landscape standards to be determined in conjunction with required design review application.

C. Landscape Design and Planting Requirements. Landscape design and construction for new development shall be compatible with the surrounding urban and natural environment. Landscape planting for all new multifamily and nonresidential development shall comply with the plant type, size, and spacing provisions listed below.

1. Landscape Design. Landscaping shall be designed as an integral part of the overall site plan with the purpose of enhancing building design, public views and spaces, and providing buffers, transitions, and screening.

a. Planting design shall have focal points at project entries, plaza areas, and other areas of interest using distinct planting and/or landscape features.

b. As appropriate, building and site design shall include use of pots, vases, wall planters, and/or raised planters, as well as flowering vines both on walls and arbors.

2. Plant Type. Landscape planting shall include drought-tolerant, ornamental, and native species (especially along natural corridors), shall complement the architectural design of structures on the site, and shall be suitable for the soil and climatic conditions specific to the site.

a. Planting Layout and Plant Diversity. Plant selection shall vary in type and planting pattern. Informal planting patterns are preferred over uniform and entirely symmetrical planting patterns. Use of flowering trees and colorful planting are encouraged in conjunction with evergreen species. Groupings of shrubs shall contain multiple plant types, interspersed with varying heights and blooming seasons for year-round interest.

b. Water-Efficient Landscape. Consistent with the purposes of Section 65591 of the California Government Code (Water Conservation in Landscaping Act), all new multifamily and nonresidential development shall comply with EGMC Chapter 14.10, Water Efficient Landscape Requirements.

c. Street and Parking Lot Trees. A minimum of thirty (30%) percent of the street trees and parking lot trees, respectively, shall be an evergreen species.

d. Trees planted within ten (10' 0") feet of a street, sidewalk, paved trail, or walkway shall be a deep-rooted species or shall be separated from hardscapes by a root barrier to prevent physical damage to public improvements.

3. Planting Size, Spacing, and Planter Widths. In order to achieve an immediate effect of a landscape installation and to allow sustained growth of planting materials, minimum plant material sizes, plant spacing, and minimum planter widths (inside measurement) are as follows:

a. Trees. The minimum planting size for trees shall be fifteen (15) gallon, and one-third (1/3) (thirty-three (33%) percent) of all trees on a project site planted at a minimum twenty-four (24") inch box size. For nonresidential development, tree spacing within the perimeter planters along streets and abutting residential property shall be planted no further apart on center than the mature diameter of the proposed species. Minimum planter widths for trees shall be between five (5' 0") feet and ten (10' 0") feet, consistent with the City-adopted master tree list for street trees and parking lot trees. Tree planting within public parks shall comply with the minimum planting size requirement of fifteen (15) gallon, but are not subject to the twenty-four (24") inch box tree planting size.

b. Shrubs. Shrub planting shall be a minimum five-gallon size, with fifteen (15) gallon minimum size required where an immediate landscape screen is conditioned by the designated approving authority (e.g., screening of headlights from drive-through

aisles). When planted to serve as a hedge or screen, shrubs shall be planted with two to four feet of spacing, depending on the plant species.

c. Groundcover. Plants used for mass planting may be grown in flats of up to sixty-four (64) plants or in individual one-gallon containers. Rooted cuttings from flats shall be planted no farther apart than twelve (12) inches on center, and containerized woody, shrub groundcover plantings shall be planted no farther apart than three (3' 0") feet on center in order to achieve full coverage within one (1) year. Minimum planter width for groundcover is two (2' 0") feet, with the exception of sod, which requires a minimum planter width of six (6' 0") feet.

d. Additional Spacing Provisions. Tree spacing shall ensure unobstructed access for vehicles and pedestrians and provide clear vision at intersections. Specifically, tree planting shall comply with the following spacing criteria:

i. Trees or shrubs with a full-grown height equal to or greater than thirty-six (36") inches shall not be planted in any clear-vision triangle.

ii. A minimum distance of fifteen (15' 0") feet is required between the center of trees and shrubs to all light standards.

Section 23.58.050 (Number of parking spaces required) shall be amended as follows:

23.58.050 Number of parking spaces required.

~~A. Off-Street Parking Requirements. The City's off-street parking requirements are listed by land use classifications in Table 23.58-2. Except as otherwise specifically stated, the following rules apply to Table 23.58-2:~~

~~1. "Square feet" means "gross square feet" and refers to building area unless otherwise specified.~~

~~2. Where parking spaces are required based on a per employee ratio, this shall be construed to be the total number of employees on the largest working shift.~~

~~3. For the purpose of calculating residential parking requirements, dens, studies, or other similar rooms that may be used as bedrooms shall be considered bedrooms.~~

~~4. Where the number of seats is listed to determine required parking, seats shall be construed to be fixed seats. Where fixed seats provided are either benches or bleachers, such seats shall be construed to be not more than eighteen (18") linear inches for pews and twenty-four (24") inches for dining, but in no case shall seating be less than determined as required by the Uniform Building Code.~~

~~B. Minimum Parking Requirements. Unless off-street parking reductions are permitted consistent with EGMC Section 23.58.060 (Parking reduction programs) or subsection (I) of this section (Reduced parking ratio), the number of off-street parking spaces required in Tables 23.58-1 and 23.58-2 shall be considered the minimum necessary for each use. In conjunction with discretionary development permits, the designated approving authority may increase these parking requirements if it is determined that these requirements are inadequate for a specific project. By the same token, the designated approving authority may decrease the required parking for a specific use in accordance with EGMC Section 23.16.037, Parking reduction permit.~~

A. Off-Street Vehicle Parking Requirements. Off-street vehicle parking shall be provided pursuant to Table 23.58-2. The number of parking spaces provided shall be equal to or between the minimum and the maximum number required for the use, except as otherwise provided through the approval of a Special Parking Permit pursuant to EGMC Section 23.16.037 and/or as

provided in EGMC Section 23.58.060 (Parking reduction programs). Reduced parking requirements may also be provided upon approval of a Density Bonus or other developer incentives as provided in EGMC Chapter 23.50 (Density bonus and other developer incentives). Where no maximum number is listed none shall be enforced. The maximum parking ratio, where specified may only be exceeded upon approval of a Minor Deviation pursuant to EGMC Section 23.16.030.

B. Rules for Determining Parking Requirements. Except as otherwise specifically stated, the following rules apply to Table 23.58-2:

1. "Square feet" means "gross square feet" and refers to building area unless otherwise specified.

2. Where parking spaces are required based upon a per employee ratio, this shall be construed to be the total number of employees on the largest working shift.

3. For the purpose of calculating residential parking requirements, dens, studies, or other similar rooms that may be classified as bedrooms under the Building Code shall be considered bedrooms.

4. Where the number of seats is listed to determine required parking, seats shall be construed to be fixed seats. Where fixed seats provided are either benches or bleachers, such seats shall be construed to be not more than eighteen (18") linear inches for pews and twenty-four (24") inches for dining, but in no case shall seating be less than determined as required by the Building Code.

C. Uses Not Listed. The number of parking spaces required for uses not specifically listed in Table 23.58-2 shall be determined by the Community Development ~~Services~~ Director based on common functional, product, or compatibility characteristics and activities, as provided in EGMC Section 23.26.020(E), Uses Not Listed/Similar Uses.

D. Calculation/Rounding of Quantities. When the calculation of the required number of off-street parking spaces results in a fraction of a space, the total number of spaces shall be rounded to the nearest whole number (< 0.49 round down, > 0.50 round up).

E. Mixed-Use/Multiple Tenants. Except as otherwise provided in this chapter, for each separate use on a site with multi-tenants, or a combination of principal uses in any one facility, the development shall provide the aggregate number of parking spaces for each separate use. Shopping centers may include up to ten (10%) percent restaurant use parked at the retail ratio of four ~~and one-half (4.5)~~ (4.0) spaces per one thousand (1,000 ft^2) square feet. Any increase in restaurant use will require additional parking as listed in Table 23.58-1. Said calculation is made on an aggregate basis.

Table 23.58-1
Parking Ratio for Shopping Centers Based on Percentage Restaurant Use

Percent of Total Square Footage for Restaurant	Minimum Parking Ratio	Maximum Parking Ratio
0 – 10%	~~4.5~~ 4.0 spaces/1,000 sf.	5.0 spaces/1,000 sf.
10.1 – 25%	~~5.0~~ 4.25 spaces/1,000 sf.	5.1 spaces/1,000 sf.
25.1 – 35%	~~5.5~~ 4.5 spaces/1,000 sf.	5.2 spaces/1,000 sf.

Note:
1. Shopping centers with more than 35 percent restaurant use shall provide parking for the additional restaurant use in accordance with required parking standards.

F. New Buildings or Development Projects without Known Tenants. If the type of tenants that will occupy a nonresidential building are not known at the time of the development entitlement or building permit approval, the amount of parking shall be the minimum number of spaces required by Table 23.58-2 for the most intense land use allowed within the underlying zoning district that can reasonably be accommodated within the entire structure/project as determined by the Community Development ~~Services~~ Director. The designated approving authority may grant exceptions to this rule where the use or other restrictions ensure adequate parking is provided (e.g., rezone agreements).

G. Tenant Spaces with Multiple Functions. When a tenant of a building has several functions, such as retail and office space, the amount of parking for the tenant shall be calculated as required in Table 23.58-2 for the primary use, using the gross floor area of the building.

H. Tenant Spaces with Accessory Storage. When a tenant has enclosed accessory storage in excess of 2,000 square feet, the required parking for that portion of the tenant space dedicated to storage shall be calculated as specified in Table 23.58-2 for warehousing use (in addition to the parking requirements for the primary use of the building).

I. Parking Near Major Transit Stop ~~Reduced Parking Ratio. The designated approving authority may approve through a parking reduction permit (EGMC Section 23.16.037) a reduced parking ratio from that listed in Tables 23.58-1 and 23.58-2. Such reduced parking ratio shall be based upon a qualified parking study, prepared at the applicant's expense and subject to City review and concurrence, of substantially similar use(s) in similar operational and locational conditions.~~

1. Notwithstanding sections A and E above, and the requirements of Table 23.58-2, pursuant to Section 65863.2 of the Government Code, no minimum required parking shall be required for any residential, commercial, office, or other development project (excluding hotels, motels, bed and breakfast inns, or other transient lodging other than a residential hotel) which is located within one-half (1/2) mile of a major transit stop.

2. The term "major transit stop" has that same meaning as provided in Section 21064.3, as modified by Section 21155 of the Public Resources Code, and includes any of the following:

a. An existing rail or bus rapid transit station

b. The intersection of two or more major bus routes with a frequency of service interval of fifteen (15) minutes or less during the morning and afternoon peak commute periods.

c. A major transit stop included in the current Metropolitan Transportation Plan and Sustainable Communities Strategy (or alternative planning strategy).

3. Notwithstanding Part 1 above, the City may impose or enforce the minimum parking requirements contained in Sections A and E and the requirements of Table 23.58-2 on a proposed development project that is within one-half (1/2) mile of a major transit stop if the Zoning Administrator makes written findings, within thirty (30) days of the receipt of a completed application, that not imposing or enforcing minimum parking requirements on the proposed development project would have a substantially negative impact, supported by a preponderance of the evidence in the record, on any of the following:

a. The City's ability to meet its share of the regional housing need in accordance with section 65584 of the Government Code for low- and very low-income households.

b. The City's ability to meet any special housing needs for the elderly or persons with disabilities identified in the analysis required pursuant to paragraph (7) of subdivision (a) of Section 65583 of the Government Code.

c. Existing residential or commercial parking within one-half (1/2) mile of the housing development project.

4. The provisions of Part 3 above shall not apply to a housing development project that satisfies any of the following:

a. The development dedicates a minimum of twenty (20%) percent of the total number of housing units to very low, low-, or moderate-income households, students, the elderly, or persons with disabilities.

b. The development contains fewer than 20 units.

c. The development is subject to parking reductions based on the provisions of any other applicable State law or this Title.

5. The provisions of this section shall not eliminate or reduce the required provision for electric vehicle supply equipment installed parking spaces or parking spaces that are accessible to persons with disabilities that would have otherwise applied to the development if this section did not apply.

6. When a development project that qualifies for the provisions of this section voluntarily provides parking, the developer shall do one or more of the following:

a. Provide spaces dedicated to car share vehicles.

b. Provide access to the spaces to the general public.

c. Charge for the use of the parking spaces.

Table 23.58-2
Minimum Parking Requirements by Land Use

Land Use	Minimum Required Parking Spaces	Maximum Allowed Parking Spaces
Residential Uses		
Caretaker Housing	1 space/bedroom	
Dwelling, Multiple Residential Unit		
Studio and one-bedroom units	1.0 spaces/unit, plus 1 guest space/6 units	No maximum
Two-bedroom units	1.75 spaces/unit, plus 1 guest space/6 units	No maximum
Three-bedroom units	2.0 spaces/unit, plus 1 guest space/6 units	No maximum
Four- or more bedroom units	2.5 spaces/unit, plus 1 guest space/6 units	No maximum
Senior product	0.5 spaces/unit, plus 1 guest space/4 units	No maximum
Dwelling, Accessory Unit	1 space/unit, or as otherwise required by EGMC Chapter 23.90	2 spaces/unit
Dwelling, Junior Accessory Unit	No additional parking required	No maximum
Dwelling, Single Residential Unit		
<5 bedrooms	2 spaces/unit[1]	No maximum
≥5 bedrooms	3 spaces/unit[1,3]	No maximum
Dwelling, Two (2) Residential Unit		
Generally	2 spaces/unit[1]	No maximum

When created pursuant to EGMC Chapter 23.30 or EGMC Section 22.20.100	1 space/unit[2]	No maximum
Dwelling, Single and Two (2) Residential Unit Guest Parking in Development with Private Streets and No On-Street Parking	1 space/unit	No maximum
Employee Housing, Large	1 space/unit	No maximum
Employee Housing, Small	1 space/unit	No maximum
Guest House	1 space/unit	2 spaces/unit
Home Occupations	None required	No maximum
Live-Work Facility	1 space/unit, plus that required for nonresidential area	2 spaces/unit, plus that required for nonresidential area
Mobile Home Park	2 spaces/unit, plus 1 guest space/8 home lots	No maximum
Organizational Houses	1 space/bedroom	2 spaces/bedroom
Rooming and/or Boarding Houses	1 space/bedroom	2 spaces/bedroom
Single Room Occupancy (SRO) Facilities	1 space/bedroom	2 spaces/bedroom
Supportive Housing	1 space/bedroom	2 spaces/bedroom
Transitional Housing	2 spaces/unit[1, 2, ~~3~~]	3 spaces/unit
Human Services Uses		
Adult Day Health Care Center	1 space/employee, plus 1 space/facility vehicle, plus 1 space/8 persons at facility capacity	No maximum
Child Care Facility, Child Care Center	1 space/employee, plus 1 space/facility vehicle, plus 1 space/8 persons at facility capacity	No maximum
Child Care Center, Family Day Care Home	No requirement beyond single-family requirement	No maximum
Community Care Facility, Large	1 space/employee, plus 1 space/facility vehicle, plus 1 space/8 persons at facility capacity	No maximum
Community Care Facility, Small	1 space/employee, plus 1 space/facility vehicle, plus 1 space/8 persons at facility capacity	No maximum
Emergency Shelter	1 space/40 beds	No maximum
Medical Marijuana Cultivation	Not applicable	Not applicable
Medical Marijuana Dispensary	Not applicable	Not applicable
Medical Services, Extended Care	1 space/employee, plus 1 space/facility vehicle, plus 1 space/8 persons at facility capacity	No maximum
Medical Services, General (Clinics, Offices, and Labs)	~~1 space/250 sf.~~ 4 spaces/1,000 sf.	5 spaces/1,000 sf.
Medical Services, Hospitals	2 spaces/licensed bed	No maximum
Residential Care Facility for the Elderly, Large	1 space/employee, plus 1 space/facility vehicle, plus 1 space/8 persons at facility capacity	No maximum

Residential Care Facility for the Elderly, Small	1 space/employee, plus 1 space/facility vehicle, plus 1 space/8 persons at facility capacity	No maximum
Residential Care Facility for the Chronically Ill, Large	1 space/employee, plus 1 space/facility vehicle, plus 1 space/8 persons at facility capacity	No maximum
Residential Care Facility for the Chronically Ill, Small	1 space/employee, plus 1 space/facility vehicle, plus 1 space/8 persons at facility capacity	No maximum
Agriculture, Animal Keeping, and Resource Uses		
Animal Husbandry	None required	No maximum
Animal Keeping – Exotic	Not applicable	Not applicable
Animal Keeping – Fowl	Not applicable	Not applicable
Animal Keeping – Household Pets	Not applicable	Not applicable
Animal Keeping – Livestock	Not applicable	Not applicable
Crop Production	5 spaces/roadside stand	No maximum
Crop Production, Urban, < 1 Acre	None required	No maximum
Crop Production, Urban, ≥ 1 Acre	1 space	No maximum
Equestrian Facility, Commercial	1 space/4 stables	No maximum
Equestrian Facility, Hobby	None required	No maximum
Feed Lot	~~4.5 spaces/1,000 sf.~~ 4 spaces/1,000 sf.	5 spaces/1,000 sf.
Hog Farm – Commercial	3 spaces, plus 1 space/employee	No maximum
Kennels, Commercial	~~1 space/250 sf.~~ 4 spaces/1,000 sf.	5 spaces/1,000 sf.
Kennels, Hobby	None required	No maximum
Slaughterhouse	3 spaces, plus 1 space/employee	No maximum
Veterinary Facility	~~4.5 spaces/1,000 sf.~~ 4 spaces/1,000 sf.	5 spaces/1,000 sf.
Recreation, Open Space, Education, and Public Assembly Uses		
Assembly Uses	Greater of: 1 space/3 fixed seats or 1 space/50 sf. for nonfixed seats in the main assembly area	Greater of: 1 space/each fixed seat or 1 space/30 sf. for nonfixed seats in the main assembly area
Cemeteries, Mausoleums	Greater of: 1 space/3 fixed seats or 1 space/50 sf. for nonfixed seats in the main assembly area	Greater of: 1 space/each fixed seats or 1 space/30 sf. for nonfixed seats in the main assembly area
Community Garden	1 space/5,000 sf. lot area	No maximum
Crematories	Greater of: 1 space/3 fixed seats or 1 space/50 sf. for nonfixed seats in the main assembly area	Greater of: 1 space/each fixed seats or 1 space/30 sf. for nonfixed seats in the main assembly area
Golf Courses/Clubhouse	10 spaces/hole, plus 1.5 spaces/driving range tee station	No maximum
Indoor Amusement/Entertainment Facility	~~1 space/600 sf.~~ 1.6 spaces/1,000 sf.	3 spaces/1,000 sf.
Indoor Shooting Range	1 space/range position, plus ~~1 space/250 sf.~~ 4 spaces/1,000 sf. of retail area	2 spaces/range position and 5 spaces/1,000 sf. of retail area
Fitness and Sports Facilities	~~1 space/200 sf.~~ 5 spaces/1,000 sf	6 spaces/1,000 sf

Libraries and Museums	~~1 space/400 sf.~~ 2.5 spaces/1,000 sf	4 spaces/1,000 sf
Mortuaries and Funeral Homes	1 space/4 seats in main assembly area	Greater of: 1 space/each fixed seats in main assembly area
Outdoor Commercial Recreation	Determined through design review	No maximum
Parks and Public Plazas	For sites over 10 acres, 5% of the total site area; otherwise none required	No maximum
Private Residential Open Space	For sites over 10 acres, 5% of the total site area; otherwise none required	No maximum
Recreational Vehicle Parks	1.5 spaces/travel trailer/RV site	No maximum
Resource Protection and Restoration	None required	No maximum
Resource-Related Recreation	1 space/10,000 sf. land area, minimum 4 spaces	No maximum
Schools		
Academic – Charter	Greater of: 2 spaces/classroom or 1 space/5 seats in the main assembly area	Greater of: 4 spaces/classroom or 1 space/3 seats in the main assembly area
Academic – Private	Greater of: 2 spaces/classroom or 1 space/5 seats in the main assembly area	Greater of: 4 spaces/classroom or 1 space/3 seats in the main assembly area
Academic – Public	Greater of: 2 spaces/classroom or 1 space/5 seats in the main assembly area	Greater of: 4 spaces/classroom or 1 space/3 seats in the main assembly area
Colleges and Universities – Private	1 space/2 students (maximum student capacity, plus 1 space/employee)	1 space/ each student (maximum student capacity, plus 1 space/employee)
Colleges and Universities – Public	1 space/2 students (maximum student capacity, plus 1 space/employee)	1 space/ each student (maximum student capacity, plus 1 space/employee)
Equipment/Machine/Vehicle Training	1 space/2 students, plus 1 space/employee	1 space/ each student (maximum student capacity, plus 1 space/employee)
Specialized Education and Training/Studios	1 space/2 students, plus 1 space/employee	1 space/ each student (maximum student capacity, plus 1 space/employee)
Theaters and Auditoriums	Greater of: 1 space/3 fixed seats or 1 space/~~30~~ 50 sf. for nonfixed seats in the main assembly area	Greater of: 1 space/each fixed seat or 1 space/30 sf. for nonfixed seats in the main assembly area
Utility, Transportation, and Communication Uses		
Airport	Determined through design review	No maximum
Broadcasting and Recording Studios	~~1 space/250 sf.~~ 4 spaces/1,000 sf.	5 spaces/1,000 sf.
Bus and Transit Shelters	None required	No maximum

Fuel Storage and Distribution	2 spaces per 3 employees (during a maximum shift) plus space to accommodate all trucks and other vehicles	1 space per each employee (during a maximum shift) plus space to accommodate all trucks and other vehicles
Heliports	Determined through design review	No maximum
Park and Ride Facility	None required	No maximum
Parking Facility	Not applicable	No maximum
Public Safety Facility	Determined through design review	No maximum
Telecommunication Facility	None required	No maximum
Transit Facilities	Determined through design review	No maximum
Transit Stations and Terminals	Determined through design review	No maximum
Utility Facility and Infrastructure	None required	No maximum
Retail, Service, and Office Uses		
Adult-Oriented Business	Greater of: 1 space/3 fixed seats or 1 space/250 sf. for nonfixed seats in the main assembly area	Greater of: 1 space/each fixed seat or 1 space/200 sf. for nonfixed seats in the main assembly area
Agricultural Tourism	~~4.5~~ 4 spaces/1,000 sf. accessible to the public	5 spaces/1,000 sf.
Alcoholic Beverage Sales	4 spaces/1,000 sf.	5 spaces/1,000 sf.
Ambulance Service	~~1 space/250 sf.~~ 4 spaces/1,000 sf., plus 1 space/service vehicle	5 spaces/1,000 sf., plus 1 space/service vehicle
Animal Sales and Grooming	~~1 space/350 sf.~~ 2 spaces/1,000 sf.	5 spaces/1,000 sf.
Art, Antique, Collectable	~~1 space/350 sf.~~ 2 spaces/1,000 sf.	5 spaces/1,000 sf.
Artisan Shops	~~1 space/350 sf.~~ 2 spaces/1,000 sf.	5 spaces/1,000 sf.
Banks and Financial Services		
Generally	~~1 space/350 sf.~~ 2 spaces/1,000 sf.	5 spaces/1,000 sf.
Stand-alone ATMs	1 space/machine	3 spaces/machine
Bars and Nightclubs	1 space/3 fixed seats, plus 1 space/50 sf. assembly area	2 spaces/3 fixed seats, plus 2 spaces/50 sf. assembly area
Bed and Breakfast Inns	~~1~~ 1/2 space/guest room, plus 2 spaces/resident owner or manager	2 space/guest room, plus 2 spaces/resident owner or manager
Building Materials Stores and Yards	4 spaces/1,000 sf.	5 spaces/1,000 sf.
Business Support Services	4 spaces/1,000 sf.	5 spaces/1,000 sf.
Call Centers	7 spaces/1,000 sf.	10 spaces/1,000 sf.
Card Rooms	1 space/2 seats in play area	1 space/each seat in play area
Convenience Stores	4 spaces/1,000 sf.	5 spaces/1,000 sf.
Drive-in and Drive-through Sales and Service		No maximum
Non-Restaurant use	None required	
Restaurant, with sit-down dining	See restaurant requirement	
Restaurant, no sit-down dining	1 space/employee plus 1 space	
Equipment Sales and Rental	~~1 space/350 sf.~~ 2 spaces/1,000 sf. interior sales area, plus 1	2 spaces/1,000 sf. interior sales area, plus 2

	space/1,000 sf. exterior sales and storage area	space/1,000 sf. exterior sales and storage area
Garden Center/Plant Nursery	3 spaces/1,000 sf.	5 spaces/1,000 sf.
Grocery Store	4 spaces/1,000 sf.	5 spaces/1,000 sf.
Hotels and Motels	~~1~~ 1/2 space/guest room	2 space/guest room
Maintenance and Repair Service	~~1 space/350 sf.~~ 2 spaces/1,000 sf.	5 spaces/1,000 sf.
Neighborhood Market	4 spaces/1,000 sf.	5 spaces/1,000 sf.
Offices	4 3.75 spaces/1,000 sf.	5 spaces/1,000 sf.
Accessory		
Building Trade Contractors		
Business and Professional		
Outdoor Event Center	Greater of: 1 space/3 fixed seats or 1 space/50 sf. for nonfixed seats in the main assembly area	Greater of: 1 space/each fixed seat or 1 space/30 sf. for nonfixed seats in the main assembly area
Pawn Shop	~~1 space/350 sf.~~ 2 spaces/1,000 sf.	5 spaces/1,000 sf.
Personal Services	Greater of: ~~1 space/350 sf.~~ 2 spaces/1,000 sf. or 2/chair	Greater of: 4 spaces/1,000 sf. or 4/chair
Personal Services, Restricted	Greater of: ~~1 space/350 sf.~~ 2 spaces/1,000 sf. or 2/chair	Greater of: 4 spaces/1,000 sf. or 4/chair
Restaurants	Greater of: 1 space/3 fixed seats or 1 space/60 sf. dining area	Greater of: 2 spaces/5 fixed seats or 2 spaces/100 sf. dining area
Retail	4 spaces/1,000 sf.	5 spaces/1,000 sf.
Accessory		
General, large format		
General, medium format		
General, small format		
Superstore		
Superstore, large format		
Warehouse/club		
Smoke Shops	4 spaces/1,000 sf.	5 spaces/1,000 sf.
Tasting Room, Off-Site	1 space/300 sf.	No maximum
Thrift Store	4 spaces/1,000 sf.	5 spaces/1,000 sf.
Automobile and Vehicle Uses		
Auto and Vehicle Rental	~~1 space/500 sf.~~ 2 spaces/1,000 sf., plus 1 space per rental vehicle	3 spaces/1,000 sf., plus 1 space per rental vehicle
Auto and Vehicle Sales	~~1 space/500 sf.~~ 2 spaces/1,000 sf. building showroom area	5 spaces/1,000 sf. building showroom area
Auto and Vehicle Sales, Wholesale	1 space/1,000 sf. building area, minimum 2 spaces	2 spaces/1,000 sf. building area
Auto and Vehicle Storage	1 space/2,000 sf., plus one/company-operated vehicle	1 space/1,000 sf., plus one/company-operated vehicle
Auto Parts Sales	4 spaces/1,000 sf.	5 spaces/1,000 sf.
Auto Vehicle Dismantling	3 spaces, plus 1 space/employee	10 spaces, plus 1 space/employee
Car Washing and Detailing		

Full-Service	Greater of: ~~10~~ 5 spaces or ~~3~~ 2 times internal washing capacity	Greater of: 15 spaces or 4 times internal washing capacity
Self-Service	~~2 spaces/wash bay~~ 1 space/ 2 wash bays	2 spaces/wash bay
Fueling Station	None required; see convenience stores and vehicle services as appropriate	No maximum
Vehicle Services	~~2~~ 1.5 spaces/service bay	3 spaces/service bay
Major		
Minor		
Industrial, Manufacturing, and Processing Uses		
Agricultural Products Processing	~~1 space/500 sf.~~ 2 spaces/1,000 sf., plus one/company-operated vehicle	5 spaces/1,000 sf., plus one/company-operated vehicle
Commercial Kitchen	2 spaces/1,000 sf., plus one/company-operated vehicle	5 spaces/1,000 sf., plus one/company-operated vehicle
Distribution, Logistics, and Delivery Center	1 space ~~per 2,000~~ /3,000 sf., plus one/company-operated vehicle, or enough to accommodate 110% of the largest shift, whichever is greater	1.5 spaces per 1,000 sf., plus one/company-operated vehicle, or enough to accommodate 125% of the largest shift, whichever is greater
Freight Yard/Truck Terminal	~~1 space/500 sf.~~ 2 spaces/1,000 sf., plus one/company-operated vehicle	5 spaces/1,000 sf., plus one/company-operated vehicle
Laundry and Dry Clean Plant	~~1 space/500 sf.~~ 2 spaces/1,000 sf., plus one/company-operated vehicle	5 spaces/1,000 sf., plus one/company-operated vehicle
Manufacturing	1 space/~~500~~ 3,000 sf., plus one/company-operated vehicle, or enough to accommodate 110% of the largest shift, whichever is greater	1.5 spaces per 1,000 sf., plus one/company-operated vehicle, or enough to accommodate 125% of the largest shift, whichever is greater
Major		
Minor		
Small Scale		
Printing and Publishing	~~1 space/500 sf.~~ 2 spaces/1,000 sf., plus one/company-operated vehicle	5 spaces/1,000 sf., plus one/company-operated vehicle
Recycling Facility	1 space/200 sf. of office space, plus 1 space/employee	No maximum
Collection, Small		
Collection, Large		
Processing		
Scrap and Dismantling		
Research and Development	4 3 spaces/1,000 sf.	5 spaces/1,000 sf.
Storage		
Personal Storage Facility	4 spaces	10 spaces
Warehouse	~~1 space per 2,000 sf.~~ 1 space/3,000 sf., plus one/company-operated vehicle, or enough to accommodate 110% of the largest shift, whichever is greater	1.5 spaces per 1,000 sf., plus one/company-operated vehicle, or enough to accommodate 125% of the largest shift, whichever is greater

Yards	2 spaces per facility, plus ~~1 space per 250 sf.~~ 3.75 spaces/1,000 sf. of office	No maximum
Wholesaling	1 space/2,000 sf., plus one/company-operated vehicle	No maximum
Wineries, Distilleries, and Brewery	~~1 space/500 sf.~~ 2 spaces/1,000 sf., plus one/company-operated vehicle; see ~~retail, general~~ "Tasting Room, Off Site" for publicly accessible tasting rooms and retail space	No maximum

Notes:
1. At least two (2) parking spaces shall either be enclosed or covered.
2. No parking is required if the lot is located within one-half (1/2) mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code; or if there is a car share vehicle located within one (1) block of the lot.
3. Notwithstanding any other provision of this table, any modifications, renovations, remodels, and additions to an existing single residential unit structure that increase the bedroom count to more than four (4) bedrooms shall not require the provision of any additional parking spaces beyond those required for the initial construction of the dwelling.

Table 23.58-3 (*Parking Space and Drive Aisle Dimensions*) shall be amended as follows:

Table 23.58-3
Parking Space and Drive Aisle Dimensions

Parking Stall Type	Minimum Stall Dimensions		Minimum Width for Drive Aisle with Parking(c)		Minimum Width for Emergency Access Drive Aisles(c)
	Width(a)[1, 2]	Length(b)	One-Way	Two-Way	
Standard parallel	~~9~~8 ft.	24 ft.	12 ft.	20 ft.	20 ft.
Standard 45-degree	9 ft.	19 ft.	16 ft. 4 in.	20 ft.	20 ft.
Standard 60-degree	9 ft.	19 ft.	19 ft.	20 ft.	20 ft.
Standard 90-degree	9 ft.	19 ft.	20 ft.	25 ft.	20 ft.
Compact	9 ft.	16 ft.	20 ft.	25 ft.	20 ft.

Section 23.60.020.B (Creeks and other natural drainage courses/tributary standards, Development Standards) shall be amended as follows:

23.60.020 Creeks and other natural drainage courses/tributary standards.

…

B. Development Standards. The following development standards shall apply to the placement of structures within floodplains of designated tributaries:

1. With the exception of nonhabitable structures, all structures shall be located outside of the one hundred (100) year floodplain and a minimum twenty-five (25' 0") feet from the centerline of the creek or tributary.

~~2. All construction shall maintain a habitable finished floor elevation at least one (1' 0") foot above the water surface elevation of the one hundred (100) year floodplain.~~

~~3. Minimum access is required for all newly created parcels to allow ingress-egress during storm events. The least number of watercourse crossings are encouraged to minimize the impact to flood elevations, as well as to the riparian corridor. Vehicular access to the buildable area of newly created~~

~~parcels must be at or above the ten (10) year flood elevation. Exceptions may be granted when the existing public street from which access is obtained is below the ten (10) year elevation.~~

~~4. Fences and other structures such as culverts and bridges that must be constructed within the floodway shall be designed to the requirements of the City Improvement Standards to prevent obstructions or diversions of flood and drainage flow and to minimize adverse effects to natural riparian vegetation.~~

~~5~~2. Tributary channels shall remain in their natural state and shall not be altered (e.g., piped or channeled) unless the proposal is heard and approved by the appropriate authority in conjunction with any application for any discretionary planning entitlement faction. If no such application has been filed, the proponent of such alteration shall apply for design review approval to be heard by the designated approval authority.

~~6~~3. All proposed projects within designated tributary floodplains shall meet the requirements and regulations set forth in EGMC Title 19, Trees.

~~7~~4. No fill shall be permitted within the one hundred (100) year floodplain of designated tributaries unless:

a. The one hundred (100) year flood depth prior to the fill is less than two (2' 0") feet;

b. The fill is for the minimum area to accommodate a structure and allow for a five (5' 0") foot border area that shall have a side slope of four to one (4:1) or flatter when no landscaping or erosion control is provided by the proponent;

c. There are no trees nine (9") inches in diameter or larger which cannot be successfully transplanted or otherwise protected from the impact of the fill;

d. The toe of the fill will not encroach within twenty-five (25' 0") feet of the centerline of the designated tributary; and

e. The fill will not result in adverse hydrologic impacts on the stream as determined by the City Engineer.

~~8. Pier foundations may be allowed on a case-by-case basis where fill cannot be used to raise the site above the one hundred (100) year floodplain. Such foundations are only acceptable when they are outside the conveyance area of a watercourse.~~

Table 23.62-1 (Standards for Flags) shall be amended as follows:

Table 23.62-1
Standards for Flags

Site	Maximum Number of Poles	Maximum Height	Maximum Number of Flags	Maximum Area of All Flags	Image Types	Illumination	Minimum Setback from ROW[1]
Commercial, office, and industrial zones	3	Tallest building[2]	Not limited	~~72~~ 120 sf.[7]	Commercial and noncommercial	[3, 4]	[5]
Residential	1	20 ft.	Not limited	15 sf.	Noncommercial	[3, 4]	10 ft.
Residential subdivision entryway[6]	1	30 ft.	Not limited	40 sf.	Noncommercial	[3, 4]	10 ft.
Agricultural residential and agricultural zones	1	25 ft.	Not limited	24 sf.	Noncommercial	[3, 4]	10 ft.
Municipal Facilities	Not limited	Not limited	Not limited	Not limited	Noncommercial	[3, 4]	10 ft.

Site	Maximum Number of Poles	Maximum Height	Maximum Number of Flags	Maximum Area of All Flags	Image Types	Illumination	Minimum Setback from ROW[1]
All other properties	2	20 ft.	Not limited	15 sf.	Noncommercial	[3, 4]	10 ft.

Notes:
1. No flag may be placed within the clear-vision triangle.
2. The pole ~~may~~ shall be a maximum of twenty-five (25' 0") feet tall when all on-site buildings are less than twenty-five (25' 0") feet tall.
3. Federal, state, and local flags shall be illuminated consistent with the requirements of the U.S. Flag Code (4 USC Chapter 1).
4. All illumination shall be consistent with the standards of EGMC Chapter 23.56 (Lighting), except that illumination may extend from dusk through dawn.
5. Pole must be set back from right-of-way a distance equal to that of the pole height. Minimum setback is ten (10' 0") feet.
6. "Residential subdivision entryway" means any common area maintained by a private entity (such as a homeowners association) on private property when such entryway is located adjacent to a four (4) lane public road or wider.
7. No flag shall, individually, be larger than forty (40 ft^2) square feet.

Section 23.78.030 (Drive-In and Drive-Through Facility, Development Standards) shall be amended as follows:

23.78.030 Development standards.

The development standards in this section are intended to supplement the standards in the underlying zoning district for drive-in and drive-through uses. In the event of conflict between these standards and the underlying zoning district standards, the provisions of this section shall apply.

…

B. Landscaping and Screening of the Drive-Through Aisle. Landscaping and screening shall be provided as described below:

1. A five (5' 0") foot-wide planter between the drive-through aisle and the parking area that includes shade trees consistent with those used in the parking area (see EGMC Chapter 23.54, Landscaping).

2. A minimum three (3' 0") foot-tall, maximum four (4' 0") foot-tall ~~planter~~ decorative wall with low shrubs that screens the drive-through aisles from the abutting public right-of-way shall be used to minimize the visual impact of ~~readerboard signs and directional signs~~ the facility. At no time shall this ~~landscape barrier~~ screening be modified, or landscaping pruned, in a manner that allows the vehicle headlights from the drive-through lane to be visible from abutting street rights-of-way. ~~Plantings~~ Improvements should also be designed to discourage potential safety issues (e.g., persons lying in wait) and shall integrate with the architecture of the related building(s) (see Figure 23.78-1).

…

Section 23.82.050 (Restricted home occupations) shall be amended/renumbered as follows:

Section 23.82.050 Restricted home occupations.

The following specific home occupation uses shall be permitted, subject to further limitations as follows:

A. Beauty/barbershops limited to one (1) operator only.

B. Home office use associated with a massage business exclusively providing out-call massage services. No massage services or clients associated with the massage business are permitted at the residence. Out-call massage businesses are subject to the requirements of EGMC Chapter 4.32 and

the definitions set forth in in EGMC Section 4.32.005 apply to the terms set forth in this subsection and Section 23.82.060.F below.

C. Contractors and subcontractors…

D. Furniture repair and restoration…

E. Shoe repair…

F. Dressmaking, sewing, tailoring, contract sewing…

G. Cottage food operations…

H. Short-term rentals…

I. Bed and breakfast inns…

Section 23.82.060 (Prohibited Uses) shall be amended/renumbered as follows:

Section 23.82.060 Prohibit Uses

…

E. ~~Health salons,~~ ~~g~~Gyms, dance studios, aerobic exercise studios;

F. Massage businesses and massage establishments except as otherwise provided in Section 23.82.050.B;

~~F~~G. Medical, dental, chiropractic, or veterinary clinics;

~~G~~H. Mortician, hearse service;

~~H~~I. Palm reading, fortune telling;

~~I~~J. Private clubs;

~~J~~K. Repair, or reconditioning, of boats or recreation vehicles;

~~K~~L. Restaurants or taverns;

~~L~~M. Retail sale from site, including but not limited to firearms and retail car sales. It shall specifically exclude direct distribution, artists' originals, and food sales as provided by the California Health and Safety Code for cottage food operations;

~~M~~N. Storage, repair or reconditioning of major household appliances, including refrigerators, freezers, clothes washers and dryers, dishwashers, stoves, heating and air conditioning equipment;

~~N~~O. Storage, repair or reconditioning of motorized vehicles or large equipment on site;

~~O~~P. Tattoo service;

~~P~~Q. Tow truck services;

~~Q~~R. Veterinary uses (including boarding);

~~R~~S. Welding service (office only);

~~S~~T. Hotels and motels.

Section 23.85.050 (Mobile Food Vendors, General development and operational standards) shall be amended as follows:

23.85.050 General development and operational standards for mobile food vendors.
Unless otherwise exempt, the following general and operational standards shall apply to all mobile food vendors (including ice cream trucks):

A. All mobile food vendors shall obtain all required permits from the City (e.g., general and special business licenses), Sacramento County, and the State, if applicable.

B. All mobile food vendors shall comply with the California Vehicle Code and California Health and Safety Code.

C. Mobile food vendors and ice cream trucks may not be parked or stored on any residential property or local residential street. Additionally, no trailer used for commercial purposes shall be parked or stored in any residential zone except for loading or unloading services.

D. Hours of operation shall be no earlier than 7:00 a.m. and no later than 10:00 p.m. and no overnight parking shall be permitted. Extended hours may be permitted through the issuance of a temporary use permit or minor conditional use permit. Overnight parking may be allowed upon issuance of a minor conditional use permit, provided the site where the mobile food vendor is parked has been permitted as a commissary as provided under State and County public health regulations.

E. Food sales (not including set-up and take-down) shall be limited to three (3) hours at a single location in a thirty-six (36) hour period, unless otherwise authorized by permit or entitlement issued by the City, including but not limited to a ~~conditional~~ minor conditional use permit, temporary use permit, street permit, or similar. For purposes of this section, “a single location” shall mean a new location within a five hundred (500' 0") foot radius of the original location.

F. Mobile food vendors shall not operate in an unsafe manner, including but not limited to impeding on- or off-site vehicle circulation and obstructing the view of pedestrians by motorists.

G. Operations on Private Property.

1. Notwithstanding any other provision of this chapter, mobile food vendors may operate on private property; provided, that prior to conducting such business operations, they have the authorization from the property owner upon which the operations are occurring; and provided further, that they have the authorization from any other building-enclosed restaurant located within a three hundred fifty (350' 0") foot radius of the operations, as measured from the primary customer entrance of the restaurant; and provided further, that neither such restaurant nor the City has articulated a public safety concern due to traffic, parking, or otherwise, arising out of such mobile food vendor’s operations. Vendor must be able to demonstrate property owner authorization as provided in this section.

2. Mobile food vendor shall not use or permit use of parking spaces on the site (e.g., customer queuing, tables, chairs, portable restrooms, signs, and any other ancillary equipment) if doing so will adversely affect the required off-street parking available for the primary use(s) of the site during peak periods as determined by the Community Development ~~Services~~ Director.

3. Vendor shall have adequate lighting to ensure customer safety either on the vehicle or at the location of the vehicle during business hours.

H. Operations in Public Right-of-Way.

1. Mobile food vendors shall not operate within three hundred fifty (350' 0") feet of any building-enclosed restaurant as measured from the primary customer entrance of the restaurant, except when the mobile food vendor has written authorization from all building-enclosed restaurants that are within that same three hundred fifty (350' 0") foot radius.

2. Mobile food vendors shall not stop, stand, or park in any clear vision triangle or no parking zone.

3. Mobile food vendors shall not operate within three hundred fifty (350' 0") feet of a public or private school in which children at or below the twelfth (12th) grade level are enrolled, and which is in session.

4. Mobile food vendors shall maintain a clear path of travel on the sidewalk pursuant to the Americans with Disabilities Act (ADA) free of customer queuing, signage, and/or all portions of the vehicle for the clear movement of pedestrians.

I. Residential and Agricultural Zones. Mobile food vendors shall not park longer than required in order to complete a single transaction adjacent to the premises or residences of the customer.

J. Long-Term Parking and Storage. Generally, mobile food vendors are stationed at a food sales location for a limited duration, consistent with the time limitations of this chapter, and then are moved to another location for additional sales or return to their base of operations. Depending upon the type of mobile food vendor, the base of operations may be commissary, as that term is defined in State law and County regulations. Mobile food vendors that require a commissary may not be parked or stored at a sales location overnight or for an otherwise indefinite period unless that location is also the permitted commissary for that vendor.

Section 23.90.010 (Accessory Dwelling Units, Purpose) shall be amended as follows:

23.90.010 Purpose.

The purpose of this chapter is to regulate accessory dwelling units and junior accessory dwelling units in residential zoning districts and on residential property consistent with State law (Sections ~~65852.2 through 65852.22~~ 66310 through 66342 of the California Government Code). Implementation of this section is intended to expand housing opportunities for low income and moderate income or elderly households by increasing the number of rental units available within existing neighborhoods while maintaining the primarily single-family residential character of the area.

Section 23.90.030 (Accessory Dwelling Units, Allowed use and density provisions) shall be amended as follows:

23.90.030 Allowed use and density provisions.

A. Accessory dwelling units shall be allowed in all residential, agricultural residential, and agricultural zoning districts in compliance with the development standards as set forth in EGMC Section 23.90.040, subject to zoning clearance/plan check review. Accessory dwelling units are an accessory residential use and do not count towards the allowable density for the lot upon which the accessory dwelling unit is located and are consistent with the existing general plan and zoning designation for the lot.

B. Traditionally, an accessory dwelling unit or units are built subsequent to construction of a primary unit, although in some instances they may be built concurrently. An existing primary dwelling unit may be redesignated as an accessory dwelling unit, and a new primary dwelling unit constructed, provided that the existing unit complies with the applicable maximum allowed floor area provided in this chapter.

Section 23.90.040 (Accessory Dwelling Units, Development standards) shall be amended as follows:

23.90.040 Development standards.

Pursuant ~~to Sections 65852.2 and 65852.22 of the~~ Government Code Section 66314 et seq., accessory dwelling units shall be permitted on single-family and multifamily residential parcels by the Community Development ~~Services~~ Director when the following conditions are met. All other development standards shall be in compliance with the underlying zone district.

A. Accessory dwelling units may be located either attached to or located within the proposed or existing primary dwelling, including attached garages, storage areas, or similar uses, or an accessory structure, or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

B. The lot is zoned to allow mixed-use, single-family use or multifamily use and includes a proposed or existing dwelling.

C. Accessory dwelling units shall be compatible with the architectural style, materials, and colors of the primary dwelling unit.

D. Accessory dwelling units shall be permitted as follows:

1. One (1) accessory dwelling unit and one (1) junior accessory dwelling unit that is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure; provided, that the space has exterior access from the proposed or existing single-family dwelling. An accessory dwelling unit or junior accessory dwelling unit hereunder a) shall not be subject to the setback standards of subsection (G) of this section, b) shall maintain side and rear setbacks that are sufficient for fire and safety, and c) may include an expansion of not more than one hundred fifty (150 ft2) square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress. A junior accessory dwelling unit hereunder shall comply with the requirements set forth in EGMC Section 23.90.050.

2. One (1) detached, new construction, accessory dwelling unit per lot with a proposed or existing single-family dwelling. This detached accessory dwelling unit may be combined with a junior accessory dwelling unit described in subsection (D)(1) of this section.

3. On lots with existing multifamily residential, a maximum of ~~two (2)~~ eight (8) detached accessory dwelling units. However, the number of accessory dwelling units allowable pursuant to this subsection shall not exceed the number of existing units on the lot.

4. On lots with existing multifamily residential, at least one (1) accessory dwelling unit internal to the building(s) and up to a maximum of twenty-five (25%) percent of the total existing multifamily units within the development. Such accessory dwelling units may be developed within portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with building standards for dwellings.

5. On lots with a proposed multifamily residential, not more than two (2) detached accessory dwelling units

E. The minimum size for an accessory dwelling unit shall be one hundred fifty (150 ft2) square feet.

F. An accessory dwelling unit shall not exceed the following maximum total floor areas:

1. Accessory dwelling units that are attached to the primary dwelling unit shall not exceed ~~fifty (50%) percent of the total floor area of the primary dwelling unit, except that~~ the greater of the following:

   a. ~~Studio and one (1) bedroom units shall be allowed up to eight hundred fifty (850 ft^2) square feet;~~50% of the existing total floor area of the primary dwelling; or

   b. 850 square feet if the accessory dwelling unit has one bedroom or less, or 1,000 square feet if the accessory dwelling unit has more than one bedroom~~Units with more than one (1) bedroom shall be allowed up to one thousand (1,000 ft^2) square feet~~.

2. Accessory dwelling units that are detached from the primary dwelling shall not exceed one thousand two hundred (1,200 ft^2) square feet.

G. Accessory dwelling units shall comply with the following setback standards:

1. No additional setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit. Structures converted into habitable space shall comply with applicable building code requirements for protection of life and safety.

2. Where new construction is proposed, except for new construction contemplated by subsection (G)(1) of this section, the required minimum interior side yard and rear yard setback shall be four (4' 0") feet. Front and street side yard setbacks shall be the same as the underlying zoning district.

H. The ~~maximum~~ height of an ~~attached~~ accessory dwelling unit shall comply with the following height limits ~~not exceed the height of the primary dwelling unit within the building envelope, while detached accessory dwelling units (or portions thereof) may not exceed sixteen (16' 0") feet in the required yard area. Within the agricultural and agricultural-residential zoning districts, the maximum height of a detached structure shall be thirty (30' 0") feet.~~ (See EGMC Chapter 23.64, Yard Measurements and Projections, for description of required yard area.):

1. Accessory dwelling units attached to the primary dwelling unit and within the building envelope, shall not exceed a height of twenty-five (25’ 0”) feet or the height of the primary dwelling unit, whichever is greater.

2. Accessory dwelling units detached from the primary dwelling unit shall not exceed the following height limits:

   a. Generally, sixteen (16' 0") feet in height, except that when located within the allowed building envelope and outside of the required yard area, the accessory dwelling unit may be allowed to the height maximum of the underlying zoning district.

   b. For sites located within one-half (1/2) mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, the maximum allowed height shall be eighteen (18’ 0”) feet, plus an additional two (2’ 0”) feet to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.

   c. For a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling, a height limit of eighteen (18’ 0”) feet.

   d. Within the agricultural and agricultural-residential zoning districts, the maximum height of a detached accessory dwelling unit shall be thirty (30' 0") feet.

I. ~~No accessory dwelling unit may be sold separately from the primary dwelling unit.~~ An accessory dwelling unit may be rented separately from the primary unit. Rentals shall be for terms of ~~longer than~~ thirty (30) days or longer.

J. An accessory dwelling unit shall provide one (1) additional off-street parking space for each bedroom in the accessory dwelling unit unless an accessory dwelling unit meets any one (1) of the following criteria, then no additional parking spaces are required:

1. The accessory dwelling unit is located within one-half (1/2) mile walking distance of public transit, including any bus stop.

2. The accessory dwelling unit is located within an architecturally and historically significant historic district.

3. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.

4. When on-street parking permits are required but not available to the occupant of the accessory dwelling unit.

5. When there is a car share vehicle located within one (1) block of the accessory dwelling unit.

6. When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single residential unit dwelling or a new multiple residential unit dwelling on the same lot, provided that the accessory dwelling unit or the lot satisfies any other criteria listed above.

K. Any additional parking space(s) required for an accessory dwelling unit may be provided as tandem parking on an existing driveway. Off-street parking shall be permitted in setback areas consistent with the underlying zoning district requirements and other adopted policies or plans.

L. Except as otherwise provided, no accessory dwelling unit may be sold separately from the primary dwelling unit. An accessory dwelling unit may be sold separately from the primary dwelling unit if it complies with the provisions of Section 65852.26 of the Government Code.

Section 23.90.050 (Accessory Dwelling Units, Junior Accessory Dwelling Units) shall be amended as follows:

23.90.050 Junior accessory dwelling units.

Junior accessory dwelling units shall comply with the following development standards:

A. The junior accessory dwelling unit shall be located on a lot zoned for single-family residential that includes a proposed or existing single-family residence.

B. The junior accessory dwelling unit shall be constructed within the walls of the primary dwelling unit and shall not be more than five hundred (500 ft^2) square feet.

C. The junior accessory dwelling unit shall include a separate entrance from the main entrance to the structure.

D. If the junior accessory dwelling unit does not include a separate bathroom, the junior accessory dwelling unit shall also include an interior entry to the main living area.

~~D~~E. The junior accessory dwelling unit includes an efficiency kitchen, which includes all of the following:

1. A cooking facility with appliances; and

2. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

~~E~~F. No additional parking shall be required for the junior accessory dwelling unit.

~~F~~G. Either the primary dwelling unit or the junior accessory dwelling unit shall be occupied by the property owner. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization. The junior accessory dwelling unit shall not be sold separate from the primary dwelling unit. A deed restriction shall be recorded against the single-family residence which includes the information required by Government Code Section 66333(c).

H. No more than one (1) junior accessory dwelling unit is permitted on each residential lot zoned for single-family residences with a single-family residence built, or proposed to be built, on the lot.

Section 23.92.010 (Temporary Uses, Purpose) shall be amended as follows:

23.92.010 Purpose.

The purpose of this chapter is to establish development standards for temporary activities to ensure the overall health, safety, and general welfare of the community is maintained. Temporary uses are those that occur on a short-term or limited-term basis, whether for a limited duration (e.g., exclusively three specific dates) or indefinitely (e.g., the first Friday of each month, in perpetuity).

Section 23.92.020 (Temporary Uses, Permit requirements and exemptions) shall be amended as follows:

23.92.020 Permit requirements and exemptions.

Uses of property (including land, buildings, and structures) and activities that are temporary in nature shall comply with the permit requirements described below. The process for application for and review and issuance of a temporary use permit shall be as described in EGMC Section 23.16.050 (Temporary use permit).

A. Temporary Uses Exempt from Permit Requirements. The following temporary activities and uses are allowed by right and are expressly exempt from the requirement of first obtaining a temporary use permit, provided they conform to the listed development standards. Uses that fall outside of the categories defined shall be required to obtain a temporary use permit.

…

4. Entertainment and assembly events held within auditoriums, stadiums, or other ~~public~~ assembly facilities (as that term is defined in EGMC Section 23.26.050 Description of land use classifications), provided the proposed use is consistent with the intended use of the facility, ~~and~~ the use is established consistent with the permit requirements of this title, and where there is no reduction in parking area as part of the temporary use.

…

~~9. Events held exclusively on church grounds and that are in conjunction with the church use where there is no reduction in parking area as part of the temporary use.~~

~~10~~9. Garage and yard sales held on private property and when occurring no more than two (2) consecutive days and up to four (4) times per calendar year.

~~11~~10. Outdoor promotional events and seasonal sales, including temporary outdoor display and sales of merchandise and seasonal sales, as part of a commercial business that has

obtained a business license with the City and is in compliance with the development standards of this title, including but not limited to minimum parking requirements.

~~12~~11. Private parties exclusively on private property where there is no sale of food or beverage to attendees of the event and the property is not being provided on the basis of compensation. Examples of such events include, but are not limited to, a back yard barbeque or a wedding at a family home; examples of events not included in this exemption include, but are not limited to, a wedding at a home where a rental fee is charged.

~~13~~12. Seasonal sales involving legal fireworks, except that the use shall first secure any other permits required from the CCSD Fire Department as provided under EGMC Title 17 and the Fire Code. …

~~14~~13. Storage/cargo shipping containers not in conjunction with an approved construction project when located consistent with the provisions of this chapter. Note, storage/cargo shipping containers may be used as permanent structures subject to approval of any required design review approval pursuant to EGMC Section 23.16.080 and issuance of a Building Permit.

~~15~~14. Temporary sales offices and model home complexes as part of new home sales.

Section 23.94.030.A.2 (Wireless Communications Facilities, Permit Requirements, Modifications to Existing Facility) shall be amended as follows:

23.94.030 Permit requirements by zoning district.

A. Permit Requirements.

…

2. Modification to Existing Facility (Including Co-location). Except for eligible facilities requests, modifications and proposed co-locations to an existing wireless facility require an amendment to or issuance of a new conditional use permit or minor conditions use permit, if such a permit was approved prior to the development of the existing wireless facility. Applications qualify for an eligible facilities request if all the following findings can be made:

a. The modification does not increase the height of the existing facility tower by more than ten (10%) percent or twenty (20' 0") feet, whichever is greater;

b. The modification does not propose any equipment that extends from the current limits of the facility tower by more than twenty (20' 0") feet;

c. The modification does not propose more than ~~one (1)~~ four (4) new equipment cabinets;

d. The modification will not entail any excavation or deployment greater than thirty (30' 0") feet outside the current site area;

e. The modification will not defeat any concealment elements of the existing tower; and

f. The modification will not violate any prior conditions of approval; provided, however, that the collocation need not comply with any prior condition of approval that is inconsistent with the thresholds for a substantial change.

…

Section 23.94.050.C.3 (Wireless Communication Facilities, Development Standards for Towers, Location) shall be amended as follows:

23.94.050 Development Standards.

…

C. Development Standards for Towers. The following development standards shall apply to towers (including co-location facilities) as defined in EGMC Section 23.94.020, Definitions:

…

3. Location. Towers shall not be located in any required front or street side yard in any zoning district. The setback distance from any abutting street right-of-way~~,~~ or residential property line~~, or public trail~~ shall be equal to the height of the facility (tower and related equipment). Otherwise, the minimum setback distance from all other property lines shall be at least equal to twenty (20%) percent of the height of the tower. Existing towers may be allowed to increase the height without requiring the tower to be relocated as part of the conditional use permit approval, provided the overall maximum height of the tower does not exceed the height limit listed in subsection (C)(4) of this section, unless an exception is approved by the designated approving authority.

…

##

Proposed Municipal Code Revisions
EGMC All Titles – Updating Term "Development Services" to "Community Development"

Proposed changes are shown in ~~strikeout~~ (for deleted text) and underline (for added text).

Changes to Title 4 (Business Regulation)

Section 4.10.454.B shall be amended as follows:

B. Upon the filing of a completed application, the City Manager or his or her designee shall conduct an appropriate investigation, including, but not limited to, consultation with the Elk Grove Police Department, ~~Development Services~~ Community Development Department, and Cosumnes Community Services District and inspection of the premises as needed. Within forty-five (45) business days after receipt of a completed application, the City Manager or his or her designee shall either grant or deny the application, and shall give written notice to the applicant of the decision.

Section 4.31.410 shall be amended as follows:

The building entrance to an adult-oriented business shall be clearly and legibly posted with a notice indicating that persons under eighteen (18) years of age are precluded from entering the premises. Such notice shall be constructed and posted to the satisfaction of the ~~Development Services~~Community Development Director or his or her designee.

Section 4.31.440.A shall be amended as follows:

A. When the Chief of Police, the ~~Development Services~~Community Development Director, and/or Code Enforcement Officers have reasonable cause to believe that violations of this title and/or other provisions of the Zoning Code are occurring on the premises where an adult-oriented business is operating, they, and/or their authorized representatives, may conduct a reasonable inspection of the public areas of and areas otherwise open to plain view on or within the premises of the adult-oriented business to the extent allowed by law and during the business hours of the adult-oriented business.

Section 4.35.250 shall be amended as follows:

Upon receipt of a fully completed application, the City Manager shall provide copies thereof to the Chief of Police, Public Works Director, Chief of the Cosumnes Community Services District Fire Department, and ~~Development Services~~ Community Development Director. Each of these officials shall determine whether, with regard to their specific areas of responsibility under this chapter, the proposed outdoor festival can be held without violating any of the provisions of this chapter, and shall make such determinations as are otherwise required by the provisions of this chapter.

Each such official shall submit to the City Manager within twenty (20) days following the date of filing of a completed application his or her written findings, determinations and requirements.

Section 4.35.255.A and Section 4.35.255.B shall be amended as follows:

A. The ~~Development Services~~ Community Development Director, Chief of Police, Public Works Director, Chief of the Cosumnes Community Services District Fire Department, or City Manager has found in writing that the proposed outdoor festival sites or facilities would not comply with all health, zoning, fire and safety requirements and standards imposed by the laws (including ordinances) applicable to the site where the outdoor festival is to be conducted, including this chapter; or

B. The ~~Development Services~~ Community Development Director, Chief of Police, Public Works Director or City Manager finds in writing that any of the facilities, services, resources or guarantees proposed by the applicant as required by this chapter are insufficient to satisfy any discretionary requirement imposed by any of these officials pursuant to authority conferred by this chapter; or

Section 4.54.500 shall be amended as follows:

Any person whose application for any alcohol license is subject to a determination of public convenience or necessity by the City pursuant to Section 23958.4 of the Business and Professions Code shall submit an application to the City for a determination whether or not the public convenience and necessity would be served by the granting of such license. Such application shall be made on forms approved by the ~~Development Services~~ Community Development Director and shall contain such information as required by him or her. At a minimum, any application shall contain that information required by EGMC Title 23 (Zoning). The application shall be accompanied by payment of a fee to be established by resolution of the City Council calculated to offset the costs of the review and determination. The public convenience or necessity application shall include a written statement from the applicant demonstrating, by substantial evidence, that the public convenience or necessity would be served by the issuance of a license from ABC.

Section 4.54.510 shall be amended as follows:

A. Upon receipt of such request for a determination of public convenience or necessity or notice of an application for an alcohol license from the Department of Alcoholic Beverage Control ("ABC"), the ~~Development Services~~ Community Development Director shall refer such application to the departments and advisory bodies of the City for review and comment. The ~~Development Services~~ Community Development Director may request from the applicant any additional pertinent information regarding the applicant, the proposed license, or the applicant premises. All departments shall submit their findings, comments, or recommendations to the ~~Development Services~~ Community Development Director.

B. At a minimum, the Chief of Police shall determine whether there are existing problems regarding criminal activity at the applicant premises or in the area surrounding the applicant premises. If the Chief of Police determines that there are such existing problems with criminal activity, he shall report such problems, in writing, to the ~~Development Services~~ Community Development Director. In making this determination, the Chief of Police shall consider the following factors such as the incidence of:

    1. Loitering and vandalism;
    2. Public drinking and drunkenness;
    3. Illegal drug usage and sales; and
    4. Theft and violent behavior.

C. At a minimum, the ~~Development Services~~Community Development Department shall determine whether the applicant premises are within the appropriate land use designations and have received all required entitlements to permit the type of sale of alcoholic beverages described in the application.

D. At a minimum, the Code Enforcement Department shall investigate whether there is any pending code enforcement action regarding the applicant premises. If it is discovered that there is a pending or ongoing code enforcement action involving the applicant premises, no PCN approval may be made by the City until the investigation is completed and all code violations are resolved.

E. At a minimum, the City personnel responsible for business licenses shall determine whether any required business license has been issued and is in good standing for the applicant premises. If the City personnel determine that a license is required and has not been issued or is not in good standing, they shall report such, in writing, to the ~~Development Services~~ Community Development Director.

F. At a minimum, the Building Official shall determine whether there are any building code violations at the applicant premises and shall report such, in writing, to the ~~Development Services~~Community Development Director.

G. The ~~Development Services~~ Community Development Director shall also determine whether any protests were lodged with the ABC in relation to the applicant's request for a license with that body.

H. The written reports required by this section are to be received by the ~~Development Services~~ Community Development Director within fifteen (15) days from the date the application is forwarded to such departments and advisory bodies.

Section 4.54.520.B shall be amended as follows:

B. The hearing shall be held without regard to the technical rules of evidence and all persons desiring to appear shall be permitted to do so. The ~~Development Services~~ Community Development Director or his or her designee shall present the results of all written reports from the City departments and advisory bodies. The alcohol license applicant shall be required to demonstrate, by substantial evidence, that the public convenience or necessity will be served by the issuance of a license.

Section 4.54.520.D shall be amended as follows:

D. Findings. At the conclusion of the hearing, the designated approving authority shall determine, within the limits of Section 23958.4(b)(2) of the Business and Professions Code, whether the public convenience or necessity will be served by the issuance of a license for the alcohol sales at the applicant premises. The determination shall be reduced to writing by the ~~Development Services~~ Community Development Director and shall be provided by mail upon the alcohol license applicant and ABC. A determination of public convenience or necessity shall only be issued when the City Council makes all of the following findings:

Proposed Municipal Code Revisions
EGMC All Titles – Updating Term "Development Services" to "Community Development"

Proposed changes are shown in ~~strikeout~~ (for deleted text) and underline (for added text).

Changes to Title 6 (Health and Sanitation)

Section 6.22.010.D.2 shall be amended as follows:

2. "Director" means the ~~Development Services~~Community Development Director or the Director's designee.

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Proposed Municipal Code Revisions
EGMC All Titles – Updating Term "Development Services" to "Community Development"

Proposed changes are shown in ~~strikeout~~ (for deleted text) and underline (for added text).

Changes to Title 7 (Historic Preservation)

Section 7.00.030.M shall be amended as follows:

"Director" means ~~Development Services~~Community Development Director

Section 7.00.070.D.1 shall be amended as follows:

1. Application. All applications for certificate of appropriateness permits and actions pertaining to this title shall be submitted to the ~~Development Services~~Community Development Department on a City application form, together with all fees, plans, maps, and any other information required by the ~~Development Services~~Community Development Department.

..

Proposed Municipal Code Revisions
EGMC All Titles – Updating Term "Development Services" to "Community Development"

Proposed changes are shown in ~~strikeout~~ (for deleted text) and underline (for added text).

Additional Changes to Title 14 (Agricultural Activities and Water Use and Conservation)

Section 14.05.020 shall be amended as follows:

…

"Director" shall mean the ~~Development Services~~ Community Development Director of the ~~Development Services~~Community Development Department of the City of Elk Grove.

Section 14.10.040.C.1 shall be amended as follows:

1. Application Submittal. Prior to site improvement or construction, the project applicant shall submit a landscape documentation package to the ~~Development Services~~Community Development Department for review and approval of all qualifying landscape projects. The landscape documentation package shall include all submittal requirements outlined on the current application forms provided by the ~~Development Services~~Community Development Department to ensure compliance with applicable requirements of this chapter and other relevant City standards. At a minimum, the application shall include the following information:

…

Section 14.10.040.D shall be amended as follows:

Installation and Compliance Determination. The applicant shall be responsible for construction/installation of landscape and irrigation improvements in compliance with the approved plans as a prerequisite to any final approval/clearance of the use or development to which it relates. Installation shall be verified by a licensed landscape contractor with irrigation scheduling parameters used to set the controller, landscape and irrigation maintenance schedule, and an irrigation audit report. Any changes to approved landscaping or irrigation plans shall not be made without prior written approval of the ~~Development Services~~Community Development Director. The City's ~~Development Services~~Community Development Department will verify compliance through a certificate of completion in conjunction with the final permit process. A certificate of completion shall be obtained from the City and the project applicant shall fill out the certificate to the satisfaction of the City upon completion of the landscape project.

Section 14.10.090.B shall be amended as follows:

B. The project applicant, or his/her designee, shall comply with one (1) of the following based on the project's amount of grading:

1. If significant mass grading is not planned, the soil analysis report shall be submitted to the ~~Development Services~~Community Development Department of the City of Elk Grove as part of the landscape documentation package; or

2. If significant mass grading is planned, the soil analysis report shall be submitted to the City as part of the certificate of completion.

Proposed Municipal Code Revisions
EGMC All Titles – Updating Term "Development Services" to "Community Development"

Proposed changes are shown in ~~strikeout~~ (for deleted text) and underline (for added text).

Additional Changes to Title 16 (Building and Construction)

Section 16.02.010 shall be amended as follows:

In order to regulate the erection, construction, enlargement, alteration, repair, removal, demolition, conversion, occupancy, equipment, wiring, plumbing, use, height, area and maintenance of all buildings and structures within the City of Elk Grove, the 2022 Edition of the California Administrative Code, published by the International Code Council (ICC), as adopted by the Building Standards Commission of the State of California and codified in the California Building Standards Code at Title 24, Part 1, of the California Code of Regulations, except as specifically repealed or amended by ordinance of the City of Elk Grove, is hereby adopted and made a part of this chapter as though set forth in full herein. A true and correct copy of the 2022 California Administrative Code as adopted by this section shall be on file in the ~~Development Services~~Community Development Department for examination and use by the public.

Section 16.04.010 shall be amended as follows:

In order to regulate the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, wiring, plumbing, use, height, area and maintenance of all buildings and structures within the City of Elk Grove, the 2022 Edition of the California Building Code, Title 24, Part 2, Volumes 1 and 2, including Division II, Scope and Administration, published by the International Code Council (ICC), administrative sections, Chapter 29, Appendices C, I and P; and amendments, as adopted by the Building Standards Commission of the State of California and codified at Title 24, Part 2, in the California Code of Regulations, except as specifically repealed or amended by ordinance of the City of Elk Grove, is hereby adopted and made part of this chapter as though set forth in full herein. A true and correct copy of the 2022 California Building Code as adopted by this section shall be on file in the ~~Development Services~~ Community Development Department for inspection by the public.

Section 16.05.030.C shall be amended as follows:

C. A certificate of appropriateness and/or architectural review may be required for properties deemed historically significant as determined by the ~~Development Services~~Community Development Director.

Section 16.07.200 shall be amended as follows:

Consistent with Section 65850.7 of the Government Code, the ~~Development Services~~Community Development Director shall develop and implement an expedited, streamlined permitting process for electric vehicle charging stations, and shall adopt a checklist of all requirements with which electric vehicle charging stations shall comply in order to be eligible for expedited review. The expedited, streamlined permitting process and checklist may refer to the recommendations contained in the most current version of the "Plug-In Electric Vehicle Infrastructure Permitting Checklist" of the "Zero-Emission Vehicles in California: Community Readiness Guidebook" as published by the Governor's Office of Planning and Research. The City's adopted checklist shall be published on the City's website.

Section 16.07.400.A shall be amended as follows:

A. It is the intent of this chapter to encourage the installation of electric vehicle charging stations by removing obstacles to permitting for charging stations so long as the action does not supersede the Building Official's authority to address higher priority, life-safety situations. If the ~~Development Services~~Community Development Director makes a finding based on substantial evidence that the electric vehicle charging station could have a specific adverse impact upon the public health or safety, as defined in this chapter, the

City may require the applicant to apply for a minor use permit or a parking reduction permit, dependent on the specific impacts.

Section 16.09.010. shall be amended as follows:

In order to provide minimum requirements, standards for, and to regulate the erection, installation, alteration, addition, repair, relocation, replacement, maintenance, and use of existing buildings within the City of Elk Grove, the 2022 Edition of the California Existing Building Code, Title 24, Part 10, of the California Code of Regulations, as adopted by the Building Standards Commission of the State of California, except as specifically repealed or amended by ordinance of the City of Elk Grove, is hereby adopted and made a part of this chapter as though set forth in full herein. A true and correct copy of the 2022 California Existing Building Code, as adopted by this section, shall be on file in the ~~Development Services~~Community Development Department for inspection and use by the public.

Section 16.10.010. shall be amended as follows:

The purpose of this code is to establish minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, access to persons with disabilities, sanitation, adequate lighting and ventilation, and energy conservation, safety to life and property from fire and other hazards attributed to the built environment; and to provide safety to firefighters and emergency responders during emergency operations. The provisions of this code shall apply to the construction, alteration, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every detached one (1) and two (2) single-family dwellings, townhouse not more than three (3) stories above grade plane in height with a separate means of egress and structures accessory thereto within the City of Elk Grove. Therefore, the 2022 California Residential Code, Title 24, Part 2.5, including Division II, Scope and Administration, published by the International Code Council (ICC), in the California Code of Regulations, including administrative sections, Appendices AX and AZ, except as specifically repealed or amended by ordinance of the City of Elk Grove, is hereby adopted and made part of this chapter as though set forth in full herein. A true and correct copy of the 2022 California Residential Code as adopted by this section shall be on file in the ~~Development Services~~Community Development Department for inspection by the public.

Section 16.11.010. shall be amended as follows:

In order to provide minimum requirements, standards for, and to regulate the alteration, addition, repair, relocation, replacement, maintenance, and use of historical buildings within the City of Elk Grove, the 2022 Edition of the California Historical Building Code, including administrative sections, as adopted by the Building Standards Commission of the State of California and codified in Title 24, Part 8, of the California Code of Regulations, except as specifically repealed or amended by ordinance of the City of Elk Grove, is hereby adopted and made a part of this chapter as though set forth in full herein. A true and correct copy of the 2022 California Historical Building Code, as adopted by this section, shall be on file in the ~~Development Services~~Community Development Department for inspection and use by the public.

Section 16.14.010. shall be amended as follows:

In order to provide minimum requirements and standards for and to regulate the erection, installation, alteration, addition, repair, relocation, replacement, maintenance, and use of energy efficient methods and systems within the City of Elk Grove, the 2022 Edition of the California Green Building Standards Code, Title 24, Part 11, as adopted by the Building Standards Commission of the State of California and codified in the California Building Standards Code at Title 24, Part 11, of the California Code of Regulations, except as specifically repealed or amended by ordinance of the City of Elk Grove, is hereby adopted and made a part of this chapter as though set forth in full herein. A true and correct copy of the 2022 California Green Building Standards Code as adopted by this section shall be on file in the ~~Development Services~~ Community Development Department for inspection and use by the public.

Section 16.15.010. shall be amended as follows:

In order to provide minimum requirements, standards for, and to regulate the erection, installation, alteration, addition, repair, relocation, replacement, maintenance, and use of existing buildings within the City of Elk Grove, the 2022 Edition of the California Energy Code, Title 24, Part 6, of the California Code of Regulations, including administrative sections, as adopted by the Building Standards Commission of the State of California, except as specifically repealed or amended by ordinance of the City of Elk Grove, is hereby adopted and made a part of this chapter as though set forth in full herein. A true and correct copy of the 2022 California Energy Code, as adopted by this section, shall be on file in the ~~Development Services~~ Community Development Department for inspection and use by the public.

Section 16.18.413 shall be amended as follows:

The City ~~Development Services~~Community Development Director or his or her designee shall have concurrent enforcement authority with the Code Enforcement Division and/or any other City official regarding violations of the Zoning Code and regulations as adopted pursuant to the Zoning Code unless such concurrent authority is prohibited by any other applicable statutes, codes, rules and/or regulations.

Section 16.18.1830.C shall be amended as follows:

Prior to the removal of any roadside memorial items from the City's right-of-way, except items that pose a safety hazard and/or a distraction for the motoring public, City staff will notify via telephone or electronic communication the following persons or departments:

1. Receptionists for Administration, Police Department, ~~Development Services~~Community Development Department, and the Corporation Yard;

2. ~~Assistant~~ City Manager~~ – Development Services~~, or designee;

3. Chief of Police, or designee;

4. Executive Administrative Assistant to the City Manager; and

5. Code Enforcement Division

For those items that have been immediately removed because it has been determined that they pose a safety hazard and/or a distraction for the motoring public, City staff will notify via telephone or electronic communication the above persons or departments as soon after removal of the items as reasonably practicable.

Section 16.20.100.D.2 shall be amended as follows:

2. "Department" means the ~~Development Services~~Community Development Department of the City of Elk Grove.

Section 16.20.300 shall be amended as follows:

The City of Elk Grove ~~Development Services~~Community Development Department is hereby authorized and directed to administer and enforce the housing code, all of the provisions set forth in this chapter, and all regulations approved and adopted by the City Council as provided in EGMC Section 16.20.330. For such purposes, the Director shall have the powers of a law enforcement officer.

Section 16.20.600.C.1 shall be amended as follows:

1. If the Director has determined that the dwelling or portion thereof is in such a condition as to make it immediately dangerous to the life, health, property or safety of its occupants, the public or adjacent property, the Director may cause the dwelling or portion thereof described in such notice and order to be vacated by posting at each entrance thereto a notice reading:

UNSAFE BUILDING

DO NOT ENTER OR OCCUPY

You will be subject to criminal prosecution if you occupy this building, remove boards, and/or to remove or deface this notice.

Director

~~Development Services~~Community Development Department, City of Elk Grove

Section 16.21.020.A shall be amended as follows:

A. It is the intent of the City Council in adopting this chapter to establish a compliance assurance program providing for periodic inspections of all hotels and motels in the City of Elk Grove for violations of the State Housing Law (Section 17910, et seq., of the Health and Safety Code), the City of Elk Grove housing code (EGMC Chapter 16.20), and the City of Elk Grove dangerous buildings code (EGMC Chapter 16.22). The City Council finds that it is important to identify violations at hotel and motel establishments and refer the violations to the City of Elk Grove ~~Development Services~~Community Development Department or other local code enforcement programs for potential enforcement action before they escalate into blighted properties.

Section 16.21.040.A shall be amended as follows:

A. "Department" means the ~~Development Services~~Community Development Department of the City of Elk Grove.

Section 16.21.040.B shall be amended as follows

B. "Director" means the ~~Development Services~~Community Development Director of the ~~Development Services~~Community Development Department of the City of Elk Grove or his or her designated representatives

Section 16.22.405.A shall be amended as follows:

A. If a dangerous building is found to exist on any premises, the Building Official may post a warning sign on or near the premises advising the public that the building has been found to be a dangerous building and that entry is unsafe. The Building Official's failure to post a warning sign is not to be construed as any determination on this matter whatsoever, and posting a warning sign is advisory only. It shall be unlawful and a violation of this code for any person to remove or destroy a warning sign posted pursuant to this code without the prior written permission of the Building Official. Any warning sign posted upon a premises shall be in substantially the following form:

DO NOT ENTER

UNSAFE TO ENTER OR OCCUPY

The City of Elk Grove has found this building to be dangerous.

EGMC Chapter 16.22.

It is a misdemeanor to enter or occupy this building, to remove boards, and/or to remove or deface this notice.

Building Official

Building Safety and Inspection

~~Development Services~~ Community Development Department

City of Elk Grove

Section 16.22.417.A shall be amended as follows:

A. If ordered by the Hearing Officer, the Building Official shall serve a notice to vacate concerning the premises in the manner set forth in EGMC Section 16.22.404(B), and proof of service and posting of the notice to vacate shall be effected in the same manner as set forth in section EGMC Section 16.22.404(B). It shall be unlawful and a violation of this code for any person to remain in or enter a building which has been posted by the Building Official with such a notice to vacate except that entry may be made to repair, demolish or remove such building under permit. It shall be unlawful and a violation of this code for any person to remove, deface or destroy a notice to vacate posted by the Building Official pursuant to this section without the prior written permission of the Building Official. Any notice to vacate shall be in substantially the following form:

DO NOT ENTER

UNSAFE TO ENTER OR OCCUPY

The City of Elk Grove has found this building to be dangerous.

EGMC Chapter 16.22.

It is a misdemeanor to enter or occupy this building, to remove boards, and/or to remove or deface this notice.

Building Official

Building Safety and Inspection

~~Development Services~~Community Development Department

City of Elk Grove

Section 16.23.020.B shall be amended as follows:

B. "Director" shall mean the ~~Development Services~~Community Development Director and any subordinate employee to whom he or she delegates responsibility for the purposes of this chapter;

Section 16.24.010 shall be amended as follows:

In order to provide minimum requirements and standards for the protection of the public health, safety and welfare and to regulate the erection, installation, alteration, addition, repair, relocation, replacement, maintenance, and use of any plumbing system within the City of Elk Grove, the 2022 Edition of the California Plumbing Code, Title 24, Part 5, and all appendix chapters, published by the International Association of Plumbing and Mechanical Officials (IAPMO), as adopted by the Building Standards Commission of the State of California and codified in the California Building Standards Code at Title 24, Part 5, of the California Code of Regulations, except as specifically repealed or amended by ordinance of the City of Elk Grove, is

hereby adopted and made a part of this chapter as though set forth in full herein. A true and correct copy of the 2022 California Plumbing Code as adopted by this section shall be on file in the ~~Development Services~~Community Development Department for inspection and use by the public.

Section 16.28.010 shall be amended as follows:

In order to provide minimum standards for the proper regulation of the installation of electrical systems within the City of Elk Grove, the 2022 Edition of the California Electrical Code, Title 24, Part 3, and all appendix chapters, published by the National Fire Protection Association (NFPA), as adopted by the Building Standards Commission of the State of California and codified in the California Building Standards Code at Title 24, Part 3, of the California Code of Regulations, except as specifically repealed or amended by ordinance of the City of Elk Grove, is hereby adopted and made a part of this chapter as though set forth in full herein. A true and correct copy of the 2022 California Electrical Code shall be in the ~~Development Services~~Community Development Department for inspection and use by the public.

Section 16.32.010 shall be amended as follows:

In order to provide minimum standards to safeguard life, limb, health, property, and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, maintenance and use of heating, ventilating, cooling, refrigeration systems, and other heat-producing appliances and systems within the City of Elk Grove, the 2022 Edition of the California Mechanical Code, Title 24, Part 4, and all appendix chapters, published by the International Association of Mechanical and Plumbing Officials (IAPMO), as adopted by the Building Standards Commission of the State of California and codified in the California Building Standards Code at Title 24, Part 4, of the California Code of Regulations, except as specifically repealed or amended by ordinance of the City of Elk Grove, is hereby adopted and made a part of this chapter as though set forth in full herein. A true and correct copy of the 2022 California Mechanical Code as adopted by this section shall be in the ~~Development Services~~ Community Development Department for inspection and use by the public.

Section 16.50.050.D.2 shall be amended as follows:

2. For decisions made by the Planning Commission, Zoning Administrator or ~~Development Services~~ Community Development Director, appeals shall be pursuant to EGMC Section 23.14.060.

Section 16.80.040.A.3 and Section 16.80.040.A.3.a shall be amended as follows:

3. The park factor shall be determined by the ~~Development Services~~ Community Development Director and updated from time to time, based upon the following:

a. The park factor shall be the acreage required for each of the four (4) types of dwelling units defined in this chapter. The method for calculating the park factor shall be as illustrated in the following equation. To complete the calculation, the ~~Development Services~~Community Development Director shall, using data for the City of Elk Grove as reported by the U.S. Census Bureau for the City of Elk Grove, identify the household size for each of the four (4) dwelling unit types. The household size shall be determined based upon the total population in each dwelling category, divided by the total number of occupied units in that dwelling category.

$$\frac{\text{Park Land Requirement (e.g., 5 acres)}}{(1{,}000 \div \text{Household Size})} = \text{Park Factor}$$

Section 16.80.040.A.5.a shall be amended as follows:

5. The fair market value shall be determined based upon an appraisal. The developer of the qualifying residential development shall request that the City cause the appraisal to be conducted. The appraisal shall be consistent with the following requirements:

a. Upon request by the developer of the qualifying residential development to calculate the in-lieu fee, the City shall request that an appraisal be conducted by a qualified licensed real estate appraiser from the City's list of approved appraisers. The appraiser shall hold a certified general appraisal license issued by the California Bureau of Real Estate Appraisers (BREA) or equivalent certification, as determined in the sole discretion of the City. The cost of the appraisal and the City's review of the appraisal shall be borne by the developer of the qualifying residential development. A deposit for such fees, established by the City's ~~Development Services~~Community Development Department services fees schedule as approved by resolution of the City Council, shall be deposited with the City at least one hundred twenty (120) days prior to the issuance of the building permit. If the deposit is nearing depletion, the City may request an additional deposit. If an unbilled balance remains at the end of the appraisal process, a refund will be issued to subdivider.

The appraisal shall render a value based upon the land type normally acquired in Elk Grove for parks, including but not limited to single residential dwelling unit and multiple residential dwelling unit development, utilizing the following market value: The most probable price, as of a specific date, in cash, or terms equivalent to cash, or in other precisely revealed terms, for which the specified property rights should sell after reasonable exposure in a competitive market under all conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgeably, and for self interest, and assuming that neither is under undue duress.

The appraisal shall value the property as of a date no earlier than ninety (90) days prior to the issuance of the building permit. The appraisal report shall be subject to approval by the ~~Development Services~~Community Development Director.

Section 16.89.020.O shall be amended as follows:

O. "Interior remodel" means construction of a tenant improvement or alteration which results in a change in the land use category of an existing building or structure, or portion thereof, as determined by the Building Official or the ~~Development Services~~Community Development Director, and is thereby subject to this chapter.

Section 16.89.020.S shall be amended as follows:

S. "~~Development Services~~ Community Development Director" means the ~~Development Services~~ Community Development Director of the City of Elk Grove ~~Development Services~~Community Development Department.

Section 16.89.050.D shall be amended as follows:

D. For the purpose of calculating the affordable housing fee for land use categories not described in this chapter or the fee resolution, the ~~Development Services~~Community Development Director is hereby authorized to determine the land use category that corresponds most directly to the land use. Alternatively, the ~~Development Services~~Community Development Director may determine that no land use category corresponds and determine the affordable housing fee.

Proposed Municipal Code Revisions
EGMC All Titles – Updating Term "Development Services" to "Community Development"

Proposed changes are shown in ~~strikeout~~ (for deleted text) and underline (for added text).

Changes to Title 17 (Fire Prevention)

Section 17.04.010 shall be amended as follows:

In order to provide minimum requirements, standards for, and to regulate newly constructed, alteration, addition, repair, relocation, replacement, maintenance and use of buildings within the City of Elk Grove, the 2022 Edition of the California Fire Code, including administrative sections and amendments, as adopted by the Building Standards Commission of the State of California and codified in Title 24, Part 9 of the California Code of Regulations, except as specifically repealed or amended by ordinance of the City of Elk Grove, is hereby adopted and made a part of this chapter as though set forth in full herein. A true and correct copy of the 2022 California Fire Code, as adopted by this section, shall be on file in the ~~Development Services~~Community Development Department for inspection and use by the public. Local Amendments to the 2022 California Fire Code are as follows:

…

Proposed Municipal Code Revisions
EGMC All Titles – Updating Term "Development Services" to "Community Development"

Proposed changes are shown in ~~strikeout~~ (for deleted text) and underline (for added text).

Changes to Title 19 (Trees)

Section 19.08.020.C shall be amended as follows:

"Director" means the ~~Development Services~~Community Development Director of the ~~Development Services~~ Community Development Department of the City of Elk Grove or their designee assistants, deputies, or authorized employees or agents

Section 19.08.100 shall be amended as follows:

…

NOTICE TO DESTROY ELM WOOD

Notice is hereby given that on the ____ day of _____, 20___, the City Council passed a resolution declaring that an elm (or zelkova) tree or trees, existing upon or in front of the property in the City of Elk Grove, and more particularly described in the resolution, and that they constitute a public nuisance which must be abated by the removal and destruction of dead wood contained therein in accordance with administrative regulations promulgated by the ~~Development Services~~Community Development Director. Otherwise, such wood will be removed and destroyed by the City of Elk Grove. Reference is hereby made to the resolution for further particulars. A copy of said resolution is on file in the office of the City Clerk.

….

Section 19.12.020.A shall be amended as follows:

"Approving body" shall be any one (1) of the following: City Council, Planning Commission, or ~~Development Services~~Community Development Director

Section 19.12.020.J shall be amended as follows:

J. "Development project" shall mean a project that must be approved by one (1) of the following approving bodies: City Council, Planning Commission, or ~~Development Services~~Community Development Director. Development projects shall include, but are not limited to: Design Review, Tentative Subdivision Map or Tentative Parcel Map, a rezone, a variance, or a conditional use permit

Section 19.12.030.B.1 shall be amended as follows:

B. Process for Designating a Landmark Tree.

1. Any person may submit a proposal to designate a tree as a landmark tree. Proposals shall be submitted to and reviewed by the ~~Development Services~~Community Development Director. The ~~Development Services~~Community Development Director shall route the application to the City Arborist for review and comment. Upon review and recommendation by the ~~Development Services~~Community

Development Director and City Arborist, the proposal shall be submitted to the City Council for review and action.

Section 19.12.030.E shall be amended as follows:

E. Removal of Landmark Tree Designation. The designation of a tree as a landmark tree may be removed based upon the following process:

1. If the landmark tree is located on private property, the property owner shall submit a request for removal of landmark tree designation to the ~~Development Services~~Community Development Director.

2. If the landmark tree is located on City property or within the public right-of-way, the Public Works Director shall submit a request for removal of landmark tree designation to the ~~Development Services~~Community Development Director.

3. The ~~Development Services~~Community Development Director shall review all requests for removal of landmark tree designation and route the request to the City Arborist for review and recommendation. The City Arborist shall prepare a report identifying the health and character of the landmark tree. The ~~Development Services~~Community Development Director shall then prepare a report and recommendation for the City Council.

4. The City Council shall consider the recommendation of the ~~Development Services~~Community Development Director and City Arborist and take action to either retain or remove the landmark designation of a tree. Removal of landmark tree status shall be completed through adoption of a resolution of the City Council.

Section 19.12.090.A.1 shall be amended as follows:

A. Application Procedure.

1. Generally. When a tree permit is required by this chapter, the person or property owner desiring to complete the work shall make an application for a tree permit to the ~~Development Services~~Community Development Department on a form provided by the City. The application form shall be accompanied by the following information so that the City may adequately review the request. The application may cover one (1) or more trees.

…

Section 19.12.090.C shall be amended as follows:

C. Approving Authority. The designated approving authority for tree permits shall be as provided below:

1. Tree Located on Private Land and Not Part of a Development Project. For tree permit work on privately owned land and not in conjunction with a discretionary development project, the ~~Development Services~~Community Development Director shall be the designated approving authority. The ~~Development Services~~Community Development Director shall make a decision on the tree permit application after a recommendation has been provided by the City Arborist.

2. Tree Located on Private Land and Part of a Development Project. For tree permit work that is part of a discretionary development project, the approving authority shall be the same as the approving body for the relevant land use entitlement(s). The approving body shall make a decision after a recommendation from the City Arborist or City staff as a part of the overall development project recommendation. Requests for amendments to the original tree permit work that were approved by the designated approving authority as part of a discretionary development project may be amended by the ~~Development Services~~Community Development Director if either of the circumstances below are present.

a. Deterioration of a qualified tree originally designated for protection when such deterioration is documented and the tree is recommended for removal by the City Arborist; and/or

b. Unforeseen changes or circumstances to the site, structures, or adjoining property impacting a qualified tree designated for protection.

The ~~Development Services~~Community Devlopment Director may elevate amendments to the original approving authority at his/her sole discretion.

3. Tree Located on City-Owned Land. For qualified trees (landmark trees, secured trees, and/or trees of local importance) in the right-of-way and on City property, the ~~Development Services~~Community Devlopment Director shall be the designated approving authority. The ~~Development Services~~ Community Development Director shall make a decision on the permit after a recommendation has been provided by the City Arborist and the Public Works Director.

Section 19.12.090.D shall be amended as follows:

D. Permit Process.

1. Except where otherwise provided by this chapter, a tree permit shall be exercised within twelve (12) months from the date of approval, or other time limit established through a concurrent development project approval. Time extensions, for up to a total of two (2) additional one (1) year terms, may be granted in compliance with the following provisions. A tree permit not exercised within its time limits shall expire in compliance with EGMC Chapter 23.18 (Implementation, Time Limits, and Extensions).

a. Time of Filing. The applicant shall file a written request for an extension of time with the ~~Development Services~~Community Development Director before expiration of the permit, together with the required filing fee.

b. Evidence to Be Provided. The ~~Development Services~~Community Development Director shall determine whether the applicant has made a good faith effort to exercise the permit. The burden of proof is on the applicant to establish, with substantial evidence, that circumstances beyond the control of the applicant (e.g., demonstrated financial hardship, poor weather during periods of planned construction, etc.) have prevented exercising the permit.

c. Action on Extension Request. A tree permit may be extended as follows for no more than two (2) additional one (1) year periods beyond the expiration of the original approval; provided, that the approving authority first finds that there have been no changes in the conditions or circumstances of the site or project such that there would have been grounds for denial of the original project.

i. ~~Development Services~~Community Development Director's Action. Upon good cause shown, the first extension may be approved, approved with modifications, or disapproved by the ~~Development Services~~Community Development Director, whose decisions may be appealed to the Planning Commission, in compliance with EGMC Section 19.12.130 (Appeals).

ii. Planning Commission Action. One (1) subsequent extension may be approved, approved with modifications, or disapproved by the Planning Commission, whose decisions may be appealed to the City Council in compliance with EGMC Section 19.12.130 (Appeals).

2. If a permit is denied, the ~~Development Services~~Community Development Director shall provide written notification, including the reasons for denial, to the applicant.

…

Section 19.12.190.B shall be amended as follows:

B. The security shall be in the amount of one hundred (100%) percent of the estimated cost of the required work. The applicant shall include the cost estimate as part of the tree mitigation plan for City Arborist review and approval. The terms and conditions of the security shall be reviewed and approved by the ~~Development Services~~Community Development Director prior to approval of the tree mitigation plan.

Proposed Municipal Code Revisions
EGMC All Titles – Updating Term "Development Services" to "Community Development"

Proposed changes are shown in ~~strikeout~~ (for deleted text) and underline (for added text).

Changes to Title 20 (Environmental Protection)

Section 20.02.020.B and Section 20.02.020.D shall be amended as follows:

B. "Approving body" means the Elk Grove City Council, the Planning Commission, the ~~Development Services~~Community Development Director, or any other City of Elk Grove entity having discretionary authority under the Elk Grove Municipal Code or State law to approve a project

D. "Environmental Planning Manager" means the Environmental Planning Manager of the City of Elk Grove ~~Development Services~~Community Development Department or his or her designee

Proposed changes are shown in ~~strikeout~~ (for deleted text) and underline (for added text).

Additional Changes to Title 23 (Zoning)

Chapter 23.10 shall be amended as follows:

Chapter 23.10

IDENTIFICATION AND RESPONSIBILITIES OF DESIGNATED PLANNING AGENCIES

Sections:

…

Section 23.10.020 shall be amended as follows:

Section 65100 of the California Government Code requires each jurisdiction to establish a planning agency to carry out the land use and planning functions of the jurisdiction. The functions of the Planning Agency, as designated by this title, may be any one (1) of the following, as further defined in this chapter and title. In the absence of an assignment, the City Council shall have the Planning Agency responsibility and authority.

A. City Council;

B. Planning Commission;

C. Zoning Administrator;

D. ~~Development Services~~ Community Development Director.

Responsible agencies shall have such duties as assigned by this title.

Section 23.10.040.A shall be amended as follows:

A. Hear and decide appeals of the decisions of the ~~Development Services~~Community Development Director and Zoning Administrator.

Section 23.10.060 shall be amended as follows:

Responsibilities of the ~~Development Services~~ Community Development Director.
The ~~Development Services~~Community Development Director shall have the responsibility and authority to administer and enforce this title as follows:
…

Section 23.12.020 shall be amended as follows:

If ambiguity arises concerning the meaning or applicability of the provisions of this title, it shall be the responsibility of the ~~Development Services~~Community Development Director to review pertinent facts, determine the intent of the provision, and to issue an administrative interpretation of said provision(s) as specified in this chapter:

…

Section 23.12.040 shall be amended as follows:

A. Applicability and Authority to Prepare. Whenever the ~~Development Services~~Community Development Director determines that an ambiguity in a zoning regulation exists, or a formal request for an interpretation is made by an applicant, property owner, or interested party to the ~~Development Services~~Community Development Director, the ~~Development Services~~Community Development Director shall prepare an official zoning interpretation as described herein.

B. Official Zoning Interpretation Defined – Threshold for Preparation of Official Zoning Interpretation. An official zoning interpretation is a recorded decision on the meaning and/or application of the development standards, allowed use regulations, or other standards contained within this title. An official zoning interpretation is only prepared to address an ambiguity and is not prepared as part of the normal application of the code in review of development applications and zoning clearance/plan check. It is not used to determine if a proposed use is similar to another use listed in this title as such determinations are made through the similar use determination process described in EGMC Section 23.12.045 (Similar use determination).

C. Content of Official Zoning Interpretation. Official zoning interpretations shall be prepared by the ~~Development Services~~Community Development Director, in writing, and shall cite the provisions being interpreted, together with any explanation of the meaning or applicability of the provision(s) in the particular or general circumstances that caused the need for the interpretation.

D. Procedure for Interpretations.

1. ~~Development Services~~Community Development Director Action. The ~~Development Services~~Community Development Director shall prepare the draft official zoning interpretation and place it, along with any relevant supporting information, as a regular agenda item on the next available Planning Commission agenda.

2. Planning Commission Review and Action. The Planning Commission shall review the draft official zoning interpretation and, based upon the materials and information presented at the meeting, either affirm, affirm with modification, or deny the interpretation.

3. Appeal. Official zoning interpretations may be appealed to the City Council pursuant to EGMC Section 23.14.060 (Appeals). Appeals of official zoning interpretations are not subject to appeal fees.

E. Keeping of Official Zoning Interpretations. The ~~Development Services~~Community Development Director shall maintain a complete record of all official interpretations available for public review, indexed by the chapter number of this title that is the subject of the interpretation.

F. Codification of Official Zoning Interpretations. To the extent practical and appropriate, official zoning interpretations shall be incorporated into this title by amendment as soon as is possible.

Section 23.12.045.B and Section 23.12.045.F shall be amended as follows:

B. Approving Authority. The ~~Development Services~~Community Development Director shall be the designated approving authority for similar use determinations

F. Keeping of Similar Use Determinations. The ~~Development Services~~Community Development Director shall maintain a complete record of all similar use determinations and make them available for public review.

Section 23.12.060.B shall be amended as follows:

B. Action on Violations. Municipal code enforcement is the responsibility of the Code Enforcement Division. Working in partnership with the ~~Development Services~~Community Development Director, the Code Enforcement Division shall investigate all alleged violations of the municipal code and violations of conditions of approval of land use and development permits issued under this title, and if it is the opinion that a violation does exist, shall notify the owner of the property involved to show cause why the violation should not cease. The property owner notification process, administrative citation process, and administrative appeals shall be conducted pursuant to EGMC Section 1.04.040 and EGMC Chapters 1.11, 1.12, and 16.18.

Section 23.14.010 shall be amended as follows:

All applications for land use and development permits and actions pertaining to this title shall be submitted to the ~~Development Services~~Community Development Department on a City application form, together with all fees, plans, maps, and any other information required by the ~~Development Services~~Community Development Department. Every application for a land use or development permit shall include a completed application form designated for the particular request, applicant signature(s), agent authorization as appropriate, and processing fee(s) established by City Council resolution. Additionally, each application requires the submittal of particular maps, plans, and other data about the project development, project site and vicinity deemed necessary by the ~~Development Services~~Community Development Director to provide the approving authorities with adequate information on which to base decisions. Each permit application form lists the necessary submittal materials for that particular type of permit.

Section 23.14.020 shall be amended as follows:

A. Application Completeness. Within thirty (30) days of application submittal, the ~~Development Services~~Community Development Director shall determine whether or not the application is complete. The applicant shall be notified in writing of the determination either that:

1. All the submittal requirements have been satisfied and that the application has been accepted as complete; or

2. Specific information is still necessary to complete the application. The letter may also identify preliminary information regarding the areas in which the submitted plans are not in compliance with City standards and requirements. The applicant may appeal the determination in accordance with EGMC Section 23.14.060, Appeals, and the Permit Streamlining Act (Section 65943 of the California Government Code).

In order to expedite the determination of completeness for administrative permits and actions issued by the ~~Development Services~~Community Development Director (zoning clearance, temporary use permits, minor deviations, minor use permits), administrative permit applications shall be deemed complete within ten (10) working days unless the applicant is otherwise notified in writing within that time period of additional information necessary to complete the application.

B. Incomplete Application. If additional information or submittals are required and the application is not made complete within six months of the completeness determination letter, the application shall be deemed by the City to have been withdrawn, and no action will be taken on the application. Unexpended fees, as determined by the ~~Development Services~~Community Development Director, will be returned to the applicant. If the applicant subsequently wishes to pursue the project, a new application, including fees, plans, exhibits and other materials, must then be filed in compliance with this chapter.

Section 23.14.030 shall be amended as follows:

After acceptance of a complete application, the project shall be reviewed in accordance with the environmental review procedures of the California Environmental Quality Act (CEQA). The ~~Development Services~~Community Development Director will consult with other departments as appropriate to ensure compliance with all provisions of the Elk Grove Municipal Code and other adopted policies and plans. The ~~Development Services~~Community Development Director will prepare a report to the designated approving authority (Planning Commission and/or City Council) describing the project, along with a recommendation to approve, conditionally approve, or deny the application. [Ord. 24-2015 §11 (Exh. I), eff. 2-12-2016; Ord. 26-2006 §3, eff. 8-11-2006]

Section 23.14.040.B shall be amended as follows:

B. Project Application Noticing on Site. Within thirty (30) days of submittal of a development application, the City shall post the project site with a sign identifying the existence of the application. Said sign shall remain on site until the project is decided or withdrawn as outlined in this division. The method, size, and message of the notice shall be as determined by the ~~Development Services~~Community Development Director so as to reach the largest reasonable audience without impacting public safety. The fees for developing and establishing the on-site notice shall be established by resolution of the City Council. On-site signs identifying a current development application shall be posted for the following requests:

Section 23.14.050.A shall be amended as follows:

A. Approving Authority. The approving authority for each of the City's permits or decisions is listed in Table 23.14-1. Table 23.14-1 identifies both recommending and approving authorities for each permit or action, and the corresponding section of this title where the permit or decision is described. When a proposed project requires more than one (1) permit with more than one (1) approving authority, all project permits shall be processed concurrently and final action shall be taken by the highest-level designated approving authority for all requested permits. In acting on a permit, the approving authority shall make the applicable findings as established in EGMC Chapter 23.16, Permit Requirements, and as may be required by other laws and regulations. An action of the designated approving authority may be appealed pursuant to procedures set forth in EGMC Section 23.14.060, Appeals. This section shall apply to the permits and entitlements listed in Table 23.14-1. All other permits and entitlements under this code, including, without limitation, boundary line adjustments and voluntary parcel mergers, may be processed separately to the designated approving authority or concurrently to the highest approving authority with all other project entitlements, all in the ~~Development Services~~Community Development Director's discretion.

…

Section 23.14.050.B shall be amended as follows:

B. ~~Development Services~~Community Development Director/Zoning Administrator Elevations.

1. At any point in the application review process, any permit or entitlement where the ~~Development Services~~Community Development Director or Zoning Administrator is identified as the approval authority may be elevated (or transferred) to the next highest approval authority, meaning that approvals of the ~~Development Services~~Community Development Director would be elevated to the Zoning Administrator, and approvals of the Zoning Administrator may be elevated to the Planning Commission. A permit or entitlement request elevated to the Zoning Administrator may be further elevated to the Planning Commission. Such elevation may occur because of policy implications, unique or unusual circumstances, the magnitude of the project, or other reasons as determined by the approving authority or as provided in this title.

…

Section 23.14.060.B shall be amended as follows:

B. Appeal Applicability and Authority. Any person dissatisfied with an interpretation or action of the ~~Development Services~~Community Development Director, Zoning Administrator, or Planning Commission

made pursuant to this division, whether an initial decision or a subsequent appeal, may appeal such action to the next highest authority as described in Table 23.14-2 with the City Council being the final appeal authority. Actions by the City Council are final and not subject to appeal.

…

Table 23.14-2 shall be amended as follows:

Table 23.14-2

Appeal Authority

Action by This Authority	Shall Be Appealed to This Authority	
	Planning Commission	City Council
~~Development Services~~Community Development Director	X	
Zoning Administrator	X	
Planning Commission		X

Section 23.16.020 shall be amended as follows:

…

B. Approving Authority. The designated approving authority for zoning clearance/plan check is the ~~Development Services~~Community Development Director. The ~~Development Services~~Community Development Director approves, conditionally approves, or denies the zoning clearance/plan check in accordance with the requirements of this title.

C. Process.

1. Generally. No application form is necessary for zoning clearance/plan check. This process will be conducted by the ~~Development Services~~Community Development Director as part of the building permit application review. Zoning clearance shall be granted only when the ~~Development Services~~Community Development Director finds the proposal to be in conformance with all applicable provisions of this title. The ~~Development Services~~Community Development Director may modify plans in whole or in part, apply conditions of approval, or require guarantees to ensure compliance with applicable provisions of this title. Building permits shall not be issued without approval of zoning clearance/plan check.

2. Signs. The process for reviewing signs shall be as generally provided above, except that additional information describing the existing signs on the project site and the new proposed signs shall be required on a form provided by the ~~Development Services~~Community Development Department. Further, upon approval of the proposed project, the ~~Development Services~~Community Development Director shall issue a sign permit for the sign. The permit shall be on a label provided by the ~~Development Services~~Community Development Department indicating the building permit file number associated with that sign. The permit shall be affixed to the sign in a conspicuous place.

Section 23.16.027.B shall be amended as follows:

B. Approving Authority. The designated approving authority for uniform sign programs (both major and minor) are listed below. In evaluating a uniform sign program, the designated approving authority shall not consider the graphic design or message of any noncommercial message proposed for any of the signs within the program.

1. Minor Uniform Sign Program. The ~~Development Services~~Community Development Director shall be the designated approving authority for a minor uniform sign program. The ~~Development Services~~Community Development Director shall approve or deny applications for minor design after making the necessary findings.

2. Major Uniform Sign Program. The designated approving authority for a major uniform sign program is the Planning Commission. The ~~Development Services~~Community Development Director provides a recommendation and the Planning Commission approves, conditionally approves, or denies the major uniform sign program in accordance with the requirements of this title. The Planning Commission shall approve, approve with conditions, or deny applications for a major uniform sign program after making the necessary findings.

Section 23.16.030.B shall be amended as follows:

B. Approving Authority. The designated approving authority for minor deviations is the ~~Development Services~~Community Development Director. The ~~Development Services~~Community Development Director approves or denies the minor deviation in accordance with the requirements of this title. The ~~Development Services~~Community Development Director may elevate the matter to the Zoning Administrator if the ~~Development Services~~Community Development Director determines that the deviation could not be simply approved without conditions or denied, or due to the nature, location, size, or design of the project. In such instances, the permit shall be processed pursuant to the provisions of EGMC Section 23.14.050(B) (~~Development Services~~Community Development Director/Zoning Administrator Elevations).

Section 23.16.030.D shall be amended as follows:

D. Findings. The ~~Development Services~~Community Development Director may approve and/or modify any application for a minor deviation in whole or in part with the following findings:

Section 23.16.037.C and Section 23.16.037.D shall be amended as follows:

C. Approving Authority. The designated approving authority for all special parking permits shall be the ~~Development Services~~Community Development Director. The ~~Development Services~~Community Development Director approves or denies the special parking permit in accordance with the requirements of this title. Pursuant to EGMC Section 23.14.050, should a special parking permit be considered concurrently with other permits, all project permits shall be processed concurrently and final action shall be taken by the highest-level designated approving authority for all requested permits.

D. Submittal Requirements. The application for a special parking permit shall be made on a form as prescribed by the ~~Development Services~~Community Development Department and shall be accompanied by the information identified on the form. The City may require a parking demand study, conducted by a licensed traffic engineer or other transportation professional satisfactory to the ~~Development Services~~Community Development Director, be prepared as part of an application submittal when, at the discretion of the ~~Development Services~~Community Development Director, such a study would provide necessary technical information in order to adequately review the request.

Section 23.16.040.B shall be amended as follows:

B. Approving Authority. The designated approving authority for a variance is the Planning Commission. The ~~Development Services~~Community Development Director provides a recommendation and the Planning Commission approves, conditionally approves, or denies the variance in accordance with the requirements of this title.

Section 23.16.050.B shall be amended as follows:

B. Approving Authority. The designated approving authority for temporary use permits is the ~~Development Services~~Community Development Director. The ~~Development Services~~Community Development Director approves, conditionally approves, or denies the temporary use permit in accordance with the requirements of this title.

Section 23.16.065 shall be amended as follows:

…

B. Requesting Reasonable Accommodation(s).

1. In order to make specific housing available to an individual with a disability, a disabled person or representative may request reasonable accommodation(s) relating to the various land use, zoning, or rules, policies, practices, and/or procedures of the City.

2. If an individual needs assistance in making the request for reasonable accommodation(s) or appealing a determination regarding reasonable accommodation(s), the ~~Development Services~~Community Development Director will endeavor to provide the assistance necessary to ensure that the process is accessible to the applicant.

3. A request for reasonable accommodation(s) with regard to City regulations, rules, policies, practices, and/or procedures may be filed on an application form provided by the ~~Development Services~~Community Development Director at the time that the accommodation may be necessary to ensure equal access to housing

C. Required Information. The applicant shall provide the following information when requesting reasonable accommodation(s). This information shall be made part of the public record for the project and subject to all applicable State and Federal laws for public access to records.

1. A completed City application indicating, among other things, the applicant's name, address, and telephone;

2. Address of the property for which the request is being made;

3. The current actual use of the property;

4. The EGMC Title 23 provision, regulation, or policy from which reasonable accommodation(s) is being requested;

5. The basis for the claim that the person(s) for whom the reasonable accommodation(s) is/are sought is/are considered disabled under the Fair Housing Act and why the accommodation is reasonably necessary to make specific housing available to the person(s);

6. Such other relevant information as may be requested by the ~~Development Services~~Community Development Director as the Director reasonably concludes is necessary to determine whether the findings required by subsection (F) of this section (Required Findings for Reasonable Accommodation(s)) can be made, so long as any request for information regarding the disability of the individuals benefited complies with fair housing law protections and the privacy rights of the individual(s) affected.

D. Approving Authority and Approval Process.

1. The ~~Development Services~~Community Development Director shall have the authority to consider and take action on requests for reasonable accommodation(s). When a request for reasonable accommodation(s) is filed with the ~~Development Services~~Community Development Department, it will be referred to the ~~Development Services~~Community Development Director for review and consideration as a ministerial action unless determined otherwise by the ~~Development Services~~Community Development Director. A request for reasonable accommodation(s) shall be considered ministerial in nature when it is related to a physical improvement that cannot be constructed to conform to the City's setbacks or design standards. Typical improvements considered to be "ministerial" in nature would include ramps, walls, handrails, or other physical improvements necessary to accommodate a person's disability. The ~~Development Services~~Community Development Director shall issue a written determination of his or her action within fifteen (15) days of the date of receipt of a completed application and may:

a. Grant or deny the accommodation request; or

b. Grant the accommodation request subject to specified nondiscriminatory condition(s); or

c. Forward the request to the Planning Commission for consideration as a conditional use permit and subject to the findings stated in subsection (F) of this section (Required Findings for Reasonable Accommodation(s)).

2. In the event the ~~Development Services~~Community Development Director determines that the request for reasonable accommodation(s) is nonministerial in nature, such request shall be forwarded to the Planning Commission in accordance with EGMC Section 23.16.070, conditional use permit, and shall be subject to the findings stated in subsection (F) of this section (Required Findings for Reasonable Accommodation(s)).

3. All written determinations of actions of the ~~Development Services~~Community Development Director shall give notice of the right to appeal and the right to request reasonable accommodation(s) on the appeals process (e.g., requesting that City staff attempt to schedule an appeal hearing as soon as legally and practically possible), if necessary. The notice of action shall be sent to the applicant by mail.

4. If necessary to reach a determination or action on the request for reasonable accommodation(s), the ~~Development Services~~Community Development Director may request further information from the applicant specifying in detail what information is required. In the event a request for further information is made, the fifteen (15) day period to issue a written determination shall be stayed until the applicant fully and sufficiently responds to the request.

…

Section 23.16.070.B shall be amended as follows:

B. Approving Authority. The designated approving authority of use permits (both conditional and minor conditional) is listed below:

1. Conditional Use Permit. The designated approving authority for a conditional use permit is the Planning Commission. The ~~Development Services~~Community Development Director provides a recommendation and the Planning Commission approves, conditionally approves, or denies the conditional use permit in accordance with the requirements of this title.

2. Minor Conditional Use Permit. The designated approving authority for a minor use permit is the Zoning Administrator. The ~~Development Services~~Community Development Director provides a recommendation and the Zoning Administrator approves, conditionally approves, or denies the minor conditional use permit in accordance with the requirements of this title.

a. The Zoning Administrator may elevate a minor conditional use permit pursuant to the provisions of EGMC Section 23.14.050(B) (~~Development Services~~Community Development Director/Zoning Administrator Elevations).

Section 23.16.080.C shall be amended as follows:

C. Exemptions. The following structures are exempt from design review (major and minor). However, such structures may require additional permits, such as a ministerial building permit, to ensure compliance with adopted building code standards and applicable Zoning Code provisions.

3. Additions to multifamily residential buildings or structures that are less than one thousand (1,000 ft^2) square feet in footprint size when consistent with existing style, materials, and colors of existing structures as determined by the ~~Development Services~~Community Development Director;

4. Additions to nonresidential buildings or structures that are less than one thousand (1,000 ft^2) square feet in footprint size when consistent with existing style, materials, and colors of existing structures as determined by the ~~Development Services~~Community Development Director;

6. Accessory structures located on property in which the primary use is nonresidential, and which meets at least one (1) of the following requirements:

b. Accessory structures that meet all of the following minimum requirements:

iii. Are constructed of colors/materials consistent with the existing primary structure(s) on the site, as determined by the ~~Development Services~~Community Development Director;

c. Accessory structures that meet all of the following minimum requirements:

iii. Are painted to match the existing primary structure(s) on the site, as determined by the ~~Development Services~~Community Development Director; and

Section 23.16.080.D shall be amended as follows:

D. Approving Authority. The designated approving authorities for the seven (7) types of design review are listed in Table 23.14-1 (Approval Authority). For any design review process not specifically identified in subsection (B) of this section (Design Review Applicability), the Planning Commission shall be the designated approving authority. The following notes apply to the table:

1. Where the ~~Development Services~~Community Development Director is identified as the designated approving authority for a design review, the ~~Development Services~~Community Development Director may elevate the matter to the Zoning Administrator if the ~~Development Services~~ Community Development Director determines that the application could not be simply approved without conditions or denied or if the ~~Development Services~~Community Development Director determines that because of location, size, or design the project warrants a hearing before the Zoning Administrator. In such instances, the permit shall be processed pursuant to the provisions of EGMC Section 23.14.050(B) (~~Development Services~~Community Development Director/Zoning Administrator Elevations).

2. Where the Zoning Administrator is identified as the designated approving authority for a design review, the Zoning Administrator shall approve, approve with conditions, or deny applications for minor design after making the necessary findings. The Zoning Administrator may elevate a minor design review permit to the Planning Commission for review and consideration if the Zoning Administrator determines that because of location, size, or design the project warrants a hearing before the Planning Commission. In such instances, the permit shall be processed pursuant to the provisions of EGMC Section 23.14.050(B) (~~Development Services~~Community Development Director/Zoning Administrator Elevations).

Section 23.16.080.G shall be amended as follows:

G. Conditions. As part of any discretionary design review approval (i.e., minor design review, major design review, district development plan design review, CIP design review), the designated approving authority may modify plans in whole or in part and condition the design review permit to ensure specific design features, construction materials, and conformance with all applicable provisions of this title. If a ministerial design review application (i.e., master home plan design review, outdoor activity design review) cannot be approved without the application of conditions of approval, then the ~~Development Services~~Community Development Director shall elevate the project to a minor design review consistent with subsection (D) of this section (Approving Authority).

Section 23.16.085.D shall be amended as follows:

D. Procedure.

1. Designated Approving Authority. The designated approving authority for a clustered development permit is the Planning Commission. The ~~Development Services~~Community Development Director provides a recommendation and the Planning Commission approves, approves with conditions, or denies the clustering permit in accordance with the requirements of this title. However, in cases in which the City Council is the designated approving authority for associated entitlements or permits that are bundled with a clustered development permit pursuant to EGMC Section 23.14.050, the City Council shall be the approval authority for the clustered development permit

Section 23.16.090.C shall be amended as follows:

C. Approving Authority. The designated approving authority for specific plans is the City Council. The ~~Development Services~~Community Development Director and Planning Commission provide recommendations and the City Council approves, conditionally approves, or denies the specific plan in accordance with the requirements of this title.

Section 23.16.090.D shall be amended as follows:

D. Contents. Specific plans shall contain all of the following information in text and diagrams as required by Sections 65451 and 65452 of the California Government Code. The ~~Development Services~~Community Development Director may prepare guidelines for the preparation of specific plans consistent with the General Plan.

…

Section 23.16.100.E shall be amended as follows:

E. Optional Contents of SPA Ordinance. Additional contents may be required as determined by the ~~Development Services~~Community Development Director including, but not limited to, the following:

…

Section 23.16.110.B shall be amended as follows:

B. Approving Authority. The designated approving authority for zoning amendments is the City Council. The ~~Development Services~~Community Development Director and Planning Commission provide recommendations and the City Council approves or denies the zoning amendment in accordance with the requirements of this title.

Section 23.16.110.C shall be amended as follows:

C. Initiation of Amendment. A zoning amendment to this title may be initiated by motion of the Planning Commission or City Council, by application by property owner(s) of parcel(s) to be affected by zoning amendment, or by recommendation of the ~~Development Services~~Community Development Director to clarify text, address changes mandated by State law, maintain General Plan consistency, address boundary adjustments affecting land use designation(s), or for any other reason beneficial to the City.

Section 23.16.115.C and 23.16.115.D shall be amended as follows:

C. Approving Authority. The designated approving authority for community plans, and amendments thereto, is the City Council. The ~~Development Services~~Community Development Director and Planning Commission provide recommendations and the City Council approves or denies the community plan amendment in accordance with the requirements of this title.

D. Initiation of Community Plan or Amendment Thereto. A community plan, or an amendment to an existing community plan, may be initiated by motion of the Planning Commission or City Council, by application by property owner(s) of parcel(s) to be affected by community plan, or by recommendation of the ~~Development Services~~Community Development Director.

Section 23.16.120.B and 23.16.120.D shall be amended as follows:

B. Approving Authority. The designated approving authority for General Plan amendments is the City Council. The ~~Development Services~~Community Development Director and Planning Commission provide recommendations and the City Council approves, conditionally approves, or denies the General Plan amendment in accordance with the requirements of this title

D. Initiation of Amendment. A General Plan amendment to this title may be initiated by motion of the Planning Commission or City Council, by application by property owner(s) of parcel(s) to be affected by General Plan amendment, or by recommendation of the ~~Development Services~~Community Development Director to clarify text, address changes mandated by State law, maintain internal General Plan consistency, address boundary adjustments affecting land use designation(s), or for any other reason beneficial to the City.

Section 23.16.140.G shall be amended as follows:

G. Periodic Review. The ~~Development Services~~Community Development Director shall review the development agreement every twelve (12) months from the date the agreement is entered into and provide a written report to the City Council. The burden of proof is on the applicant to provide necessary information verifying compliance with the terms of the agreement. The applicant shall also bear the cost of such review in accordance with the fee established by City Council resolution. If the ~~Development Services~~Community Development Director finds that any aspect of the development project is not in strict compliance with the terms of the agreement or may warrant consideration by the approving authority(s), the ~~Development Services~~Community Development Director may schedule the matter before the appropriate approving authority(s) for review.

Section 23.24.030.C shall be amended as follows:

C. Zoning District Symbol. Zoning districts shall be illustrated on the zoning map as follows:

…

2. Each specific plan and special planning area zoning district shall be delineated with a name, number, symbol, or other delineation, as determined by the ~~Development Services~~Community Development Director, which distinguishes it from other special purpose zones, base zoning districts, or overlay zones. The assignment of the special purpose designation serves to provide a reference to the corresponding special purpose zoning document (e.g., specific plan) adopted by the City Council.

3. Overlay zoning districts shall be designated by their representative symbol in conjunction with the base zoning district in a format determined by the ~~Development Services~~Community Development Director (e.g., GC-BCS).

Section 23.24.030.D shall be amended as follows:

D. Zoning Map Interpretation. If there is uncertainty about the location of any zoning district boundary shown on the zoning map, the precise location of the boundary shall be determined by the ~~Development Services~~Community Development Director as follows:

…

3. Where the street layout on the ground or the parcel lines differ from such layout or lines shown on the zoning map, the ~~Development Services~~Community Development Director shall determine the exact boundary and correct the map accordingly.

…

Section 23.26.020.E shall be amended as follows:

E. Uses Not Listed/Similar Uses. When a use is not specifically listed in this title, the use may be permitted if the ~~Development Services~~Community Development Director determines that the use is substantially similar to other uses listed based on the listed criteria and making required findings outlined in EGMC Section 23.12.045 (Similar use determination). It is further recognized that not every conceivable use can be identified in this title and, anticipating that new uses will evolve over time, the ~~Development Services~~Community Development Director may make a similar use determination to compare a proposed use and measure it against those uses listed.

Section 23.42.070.F shall be amended as follows:

F. Process.

1. Applications for a site approval or reclamation plan for surface mining or land reclamation projects shall be made on forms provided by the ~~Development Services~~Community Development Department. Said application shall be filed in accord with this chapter and procedures to be established by the ~~Development Services~~Community Development Director. The forms for reclamation plan applications shall require, at a minimum, each of the elements required by SMARA (Sections 2772 through 2773 of the PRC) and State regulations, and any other requirements deemed necessary to facilitate an expeditious and fair evaluation of the proposed reclamation plan, to be established at the discretion of the ~~Development Services~~Community Development Director. As many copies of the site approval application as may be required by the ~~Development Services~~Community Development Director shall be submitted to the ~~Development Services~~Community Development Department.

…

3. Applications shall include all required environmental review forms and information prescribed by the ~~Development Services~~Community Development Director.

4. Upon completion of the environmental review procedure and filing of all documents required by the ~~Development Services~~Community Development Director, consideration of the site approval or reclamation plan for the proposed or existing surface mine shall be completed pursuant to this section at a public hearing before the Planning Commission, and pursuant to Section 2774 of the Public Resources Code.

…

6. All reclamation plans shall contain, at a minimum, the following information and documents:

i. Such other information as the ~~Development Services~~Community Development Department may require;

j. The ~~Development Services~~Community Development Department may waive the filing of one (1) or more of the above items where it is determined unnecessary to process the application subject to the provisions of this chapter.

7. Additional information may be required per a ~~Development Services~~Community Development Department form. Where reclamation plans are not filed as a part of a surface mining permit, such plan shall be accompanied by an application for separate reclamation plan approval which contains the following information:

8. The ~~Development Services~~Community Development Department may deny, without a public hearing, an application for a reclamation plan if such application or plan does not contain the information required in subsection (F)(6) of this section. The ~~Development Services~~Community Development Department may permit the applicant to amend such application.

9. Within ten (10) days of acceptance of an application as complete for a site approval for surface mining operations and/or a reclamation plan, the ~~Development Services~~Community Development Department shall notify the State Department of Conservation of the filing of the application(s). Whenever mining operations are proposed in the one hundred (100) year floodplain of any stream, as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one (1) mile, upstream or downstream, of any State highway bridge, the ~~Development Services~~Community Development Department shall also notify the State Department of Transportation that the application has been received.

10. The ~~Development Services~~Community Development Department shall process the application(s) through environmental review pursuant to the California Environmental Quality Act (Section 21000 et seq. of the Public Resources Code) and the City's environmental review guidelines.

11. Subsequent to the appropriate environmental review, the ~~Development Services~~Community Development Department shall prepare a staff report with recommendations for consideration by the Planning Commission.

…

13. Prior to final approval of a reclamation plan, financial assurances (as provided in this chapter), or any amendments to the reclamation plan or existing financial assurances, the Planning Commission shall certify to the State Department of Conservation that the reclamation plan and/or financial assurance complies with the applicable requirements of State law, and submit the plan, assurance, or amendments to the State Department of Conservation for review. The Planning Commission may conceptually approve the reclamation plan and financial assurance before submittal to the State Department of Conservation. If a site approval is being processed concurrently with the reclamation plan, the Planning Commission may simultaneously also conceptually approve the site approval. However, the Planning Commission may defer action on the site approval until taking final action on the reclamation plan and financial assurances. If necessary to comply with permit processing deadlines, the Planning Commission may conditionally approve the site approval with the condition that the ~~Development Services~~Community Development Department shall not issue the site approval for the mining operations until cost estimates for financial assurances have been reviewed by the State Department of Conservation and final action has been taken on the reclamation plan and financial assurances.

…

15. The ~~Development Services~~Community Development Department shall forward a copy of each approved site approval for mining operations and/or approved reclamation plan, and a copy of the approved financial assurances to the State Department of Conservation. By July 1st of each year, the ~~Development Services~~Community Development Department shall submit to the State Department of Conservation for each active or idle mining operation a copy of the site approval or reclamation plan amendments, as applicable, or a statement that there have been no changes during the previous year.

Section 23.42.070.G.1 shall be amended as follows:

G. Standards for Reclamation.

1. The ~~Development Services~~Community Development Department shall forward a copy of each approved site approval for mining operations and/or approved reclamation plan and a copy of the approved financial assurances to the State Department of Conservation. By July 1st of each year, the ~~Development Services~~Community Development Department shall submit to the State Department of Conservation for each active or idle mining operation a copy of the site approval or reclamation plan amendments, as applicable, or a statement that there have been no changes during the previous year.

Section 23.42.070.G.4 shall be amended as follows:…

b. Disposal of Overburden and Mining Waste.

iii. Toxic materials shall be removed from the site or permanently protected to prevent leaching into the underlying groundwater, to the satisfaction of the ~~Development Services~~Community Development Department.

…

e. Final Slopes.

i. Final slopes shall be engineered and contoured so as to be geologically stable, to control the drainage therefrom, and to blend with the surrounding topography where practical. On the advice of the City Engineer, the ~~Development Services~~Community Development Department may require the establishment of terrace drains to control drainage and erosion.

ii. Final slopes shall not be steeper than two feet horizontal to one foot vertical (2:1) unless the applicant can demonstrate to the ~~Development Services~~Community Development Department's satisfaction that a steeper slope will not:

…

f. Drainage, Erosion and Sediment Control.

i. Any temporary stream or watershed diversion shall be restored to its state prior to any surface mining activities unless the ~~Development Services~~Community Development Department deems otherwise based on recommendations from the City Engineer.

…

g. Backfilling and Grading.

…

iii. Reservoirs, ponds, lakes or any body of water created as a feature of the reclamation plan shall be approved by the City Engineer and the ~~Development Services~~Community Development Department.

iv. The periodic review of the conditions contained in approved reclamation plans shall be conducted by the ~~Development Services~~Community Development Department in accordance with the schedule adopted at the time such plans were approved. At the time of approval of a permit to mine, the City shall determine whether future public hearings are necessary to consider such new or changed circumstances as physical development near the mining site and improved technological innovations in the field of reclamation which may significantly improve the reclamation process. The City may set a term for such reviews on a case-by-case basis as a condition of the permit if it deems such a review to be necessary. Should a permit be modified pursuant to such a review, the modified permit and/or reclamation plan shall be binding upon the operator and all successors, heirs and assigns of the applicant.

Section 23.42.070.H shall be amended as follows:

H. Statement of Responsibility. The person submitting the reclamation plan shall sign a statement accepting responsibility for reclaiming the mined lands in accordance with the reclamation plan. Said statement shall be kept by the ~~Development Services~~Community Development Department in the mining operation's permanent record. Upon sale or transfer of the operation, the new operator shall submit a signed statement of responsibility to the ~~Development Services~~Community Development Department for placement in the permanent record

Section 23.42.070.J shall be amended as follows:

J. Financial Assurances.

…

3. Cost estimates for the financial assurance shall be submitted to the ~~Development Services~~Community Development Department for review and approval prior to the operator securing financial assurances. The ~~Development Services~~Community Development Director shall forward a copy of the cost estimates, together with any documentation received supporting the amount of the cost estimates, to the State Department of Conservation for review. If the State Department of Conservation does not comment within forty-five (45) days of receipt of these estimates, it shall be assumed that the cost estimates are adequate, unless the City has reason to determine that additional costs may be incurred. The ~~Development Services~~Community Development Director shall have the discretion to approve the financial assurance, if it meets the requirements of this chapter, SMARA and State regulations.

…

8. Revisions to financial assurances shall be submitted to the ~~Development Services~~Community Development Director each year prior to the anniversary date for approval of the financial assurances. The financial assurance shall cover the cost of existing disturbance and anticipated activities for the next calendar year, including any required interim reclamation. If revisions to the financial assurances are not required, the operator shall explain, in writing, why revisions are not required

Section 23.42.070.K through 23.42.070.O shall be amended as follows:

K. Interim Management Plans.

1. Within ninety (90) days of a surface mining operation becoming idle, the operator shall submit to the ~~Development Services~~Community Development Department a proposed interim management plan (IMP). The proposed IMP shall fully comply with the requirements of SMARA, including but not limited to all site approval conditions, and shall provide measures the operator will implement to maintain the site in a stable condition, taking into consideration public health and safety. The proposed IMP shall be submitted on forms provided by the ~~Development Services~~Community Development Department and shall be processed as an amendment to the reclamation plan. IMPs shall not be considered a project for the purposes of environmental review.

2. Financial assurances for idle operations shall be maintained as though the operation were active.

3. Upon receipt of a complete proposed IMP, the ~~Development Services~~Community Development Department shall forward the IMP to the State Department of Conservation for review. The IMP shall be submitted to the State Department of Conservation at least thirty (30) days prior to approval by the Planning Commission.

4. Within sixty (60) days of receipt of the proposed IMP, or a longer period mutually agreed upon by the ~~Development Services~~Community Development Director and the operator, the Planning Commission shall review and approve or deny the IMP in accordance with this chapter. The operator shall have thirty (30) days, or a longer period mutually agreed upon by the operator and the ~~Development Services~~Community Development Director, to submit a revised IMP. The Planning Commission shall approve or deny the revised IMP within sixty (60) days of receipt. If the Planning Commission denies the revised IMP, the operator may appeal that action to the City Council.

5. The IMP may remain in effect for a period not to exceed five (5) years, at which time the Planning Commission may renew the IMP for another period not to exceed five (5) years, or require the surface mining operator to commence reclamation in accordance with its approved reclamation plan.

L. Annual Report Requirements. Surface mining operators shall forward an annual surface mining report to the State Department of Conservation and to the City ~~Development Services~~Community Development Department on a date established by the State Department of Conservation, upon forms furnished by the State Mining and Geology Board. New mining operations shall file an initial surface mining report and any applicable filing fees with the State Department of Conservation within thirty (30) days of permit approval, or before commencement of operations, whichever is sooner. Any applicable fees, together with a copy of the annual inspection report, shall be forwarded to the State Department of Conservation at the time of filing the annual surface mining report.

M. Inspections. The ~~Development Services~~Community Development Department shall arrange for inspection of a surface mining operation within six (6) months of receipt of the annual report required in subsection (L) of this section, to determine whether the surface mining operation is in compliance with the approved site approval and/or reclamation plan, approved financial assurances, and State regulations. In no event shall less than one (1) inspection be conducted in any calendar year. Said inspections may be made by a State-registered geologist, State-registered civil engineer, State-licensed landscape architect, or State-registered forester, who is experienced in land reclamation and who has not been employed by the mining operation in any capacity during the previous twelve (12) months, or other qualified specialists, as selected by the ~~Development Services~~Community Development Director. All inspections shall be conducted using a form approved and provided by the State Mining and Geology Board.

The ~~Development Services~~Community Development Department shall notify the State Department of Conservation within thirty (30) days of completion of the inspection that said inspection has been conducted, and shall forward a copy of said inspection notice and any supporting documentation to the mining operator. The operator shall be solely responsible for the reasonable cost of such inspection.

N. Violations and Penalties. If the ~~Development Services~~Community Development Director, based upon an annual inspection or otherwise confirmed by an inspection of the mining operation, determines that a surface mining operation is not in compliance with this chapter, the applicable site approval, any required permit and/or the reclamation plan, the City shall follow the procedures set forth in Sections 2774.1 and 2774.2 of the Public Resources Code concerning violations and penalties, as well as those provisions of the City Development Code for revocation and/or abandonment of site approval which are not preempted by SMARA.

O. Appeals. Any person aggrieved by an act or determination of the ~~Development Services~~Community Development Department in the exercise of the authority granted herein shall have the right to appeal to the Planning Commission or the City Council, whichever is the next higher authority. An appeal shall be filed on forms provided, within fifteen (15) calendar days after the rendition, in writing, of the appealed decision.

Section 23.52.060 shall be amended as follows:

…

B. Fencing Materials. Fences and walls shall be constructed of long-lasting materials and architecturally integrated with the building design and with existing fences/walls on the site, as determined in the sole discretion of the City. Unless approved as a condition of approval or in conjunction with another permit or entitlement, the following limitations apply:

…

4. Alternative materials may be approved by the ~~Development Services~~Community Development Director, Zoning Administrator, or Planning Commission as part of a discretionary entitlement approval.

C. Graffiti-Resistant Surface. When required by the ~~Development Services~~Community Development Director or through conditions of approval due to the location and nature of the wall, masonry walls shall be treated with a graffiti-resistant aesthetic surface.

…

Section 23.54.030.B shall be amended as follows:

B. Final Landscape and Irrigation Plans. Final landscape and irrigation plans shall be submitted in conjunction with improvement plans prior to the issuance of building permits for all new development projects. Such plans shall be prepared by a landscape architect registered to practice in the State of California. Submittal requirements are listed on the current permit application forms. Changes to approved landscaping or irrigation plans shall not be made without prior written approval of the ~~Development Services~~Community Development Director. The construction/installation of landscape and irrigation improvements shall be accomplished in compliance with the approved plans as a prerequisite to any final approval/clearance of the use or development to which it relates.

Section 23.54.050.K shall be amended as follows:

K. Parking Lot Shade Requirement. Landscape trees throughout the parking lots of multiple residential unit dwellings and nonresidential developments shall be planted and maintained to ensure that, within fifteen (15) years after establishment of the parking lot, a minimum percentage of the parking lot is shaded in accordance with Table 23.54-2. The percentage of area required to be shaded shall be based on the number of off-street parking spaces provided. The level of growth assumed at fifteen (15) years is as determined by the ~~Development Services~~Community Development Director. These requirements for parking lot shading shall not apply to parking structures, except that installation of solar panel canopies on the top floor over the parking stalls shall be required.

Table 23.54-2

Parking Lot Shade Requirements

Size of Parking Lot by Parking Spaces	Percent of Shade Requirement
5 – 24 spaces	30% minimum
25 – 49 spaces	40% minimum
50+ spaces	50% minimum

Future shade is calculated by adding the portion of the canopy area of each proposed tree (using diameter of the tree crown in fifteen (15) years) that is covering the paved lot at high noon, exclusive of overlapping canopies. Shade calculations shall be consistent with fifteen (15) year canopy coverage estimates. Shade tree selection shall be approved by the ~~Development Services~~Community Development Director. See Figure 23.54-5. In conjunction with a land use or development permit application, the designated approving authority may allow alternative shade structures (including solar carports, green roof carports, tuck-under,

etc.) in lieu of parking lot trees when it can be demonstrated that 1) there is a secondary benefit (including energy conservation, public art, consistency with density requirements, etc.), and 2) stormwater management can adequately accommodate any increase in drainage, as determined by the approving authority. When an alternative shade structure is proposed and is not part of a land use or development permit application, a minor design review permit shall be required. The approving authority will consider the potential for additional tree planting on or off site where the alternative shade solution does not involve trees.

…

Section 23.58.090.B shall be amended as follows:

B. Access to Parking. Access to parking areas and curb cuts for driveways shall be approved by the ~~Development Services~~Community Development Director and City Engineer to ensure an efficient and safe traffic flow into the parking areas and along public streets

Section 23.58.100.E shall be amended as follow

E. Alternative Compliance. Upon written request by the applicant, the ~~Development Services~~Community Development Director may approve alternative compliance from the provisions of this chapter, which may include, but is not limited to, a reduction or deviation in the number, type, or location of the required bicycle parking, and may include a waiver of the requirement. Considerations used in the determination may include, but are not limited to:

…

Section 23.60.030.D shall be amended as follows:

D. New Development. Structures adjacent to a commercial supply bulk transfer delivery system with at least six (6") inch pipes shall be designed to accommodate a setback of at least one hundred (100' 0") feet from that delivery system. The setback may be reduced if the ~~Development Services~~Community Development Director, with recommendation from the Fire Department, can make one (1) or more of the following findings:

…

Section 23.62.050.A shall be amended as follows:

A. Enforcement. The ~~Development Services~~Community Development Director is authorized and directed to enforce and administer the provisions of this chapter.

Section 23.62.050.B shall be amended as follows:

B. Regulatory Interpretations. All regulatory and administrative interpretations of this chapter are to be exercised in light of the City's message neutrality and message substitution policies. Where a particular type of sign is proposed in a permit application, and the type is neither expressly allowed nor prohibited by this chapter, or whenever a sign does not qualify as a "structure" as defined in this title or the building code, then the ~~Development Services~~Community Development Director shall approve, conditionally approve or disapprove the application based on the most similar sign type that is expressly regulated by this chapter, in light of the policies stated in this chapter.

Section 23.62.070.C shall be amended as follows:

C. Minor Deviations. Applications for a minor deviation from the terms of this title shall be reviewed by the ~~Development Services~~Community Development Director according to the minor deviation procedures set forth in EGMC Section 23.16.030

Section 23.62.080.A shall be amended as follows:

A. Method of Application. An application for a sign permit and uniform sign program (either major or minor) shall be made on the form(s) prescribed by the ~~Development Services~~Community Development Department. The application shall be accompanied by any fees as specified by City Council resolution. The required contents of the application shall be as specified in EGMC Chapter 23.16

Section 23.63.020 shall be amended as follows:

Unless it is determined by the ~~Development Services~~Community Development Director to be impractical due to existing development or natural features, all utilities (including but not limited to electricity, telephone, cable television, etc.) shall be placed underground for all projects. The ~~Development Services~~Community Development Director may request a recommendation from the appropriate utility company if this requirement is protested by the project proponent.

Section 23.70.060.C shall be amended as follows:

C. The owner or operator of a nonconforming adult-oriented business use may apply under the provisions of this section to the ~~Development Services~~Community Development Director for an extension of time within which to terminate the nonconforming use.

1. An application for an extension of time within which to terminate a use made nonconforming by the provisions of this section may be filed by the owner of the real property upon which such nonconforming adult-oriented business use is operated, or by the operator of the use. The application must be filed with the ~~Development Services~~Community Development Director at least ninety (90) days, but no more than one hundred eighty (180) days, prior to the time established in this section for termination of such nonconforming adult-oriented business use.

…

Section 23.70.060.D shall be amended as follows:

D. The ~~Development Services~~Community Development Director or his or her designee may require an applicant to provide additional written documentation from specified licensed professionals as necessary. Such information may include, but not be limited to, the following:

…

Section 23.74.040.A.4.e shall be amended as follows:

A. Aesthetic Character.

…

4. Roofs. Roofs shall have no less than two (2) of the following features:

…

e. A specific architectural element proposed by the applicant's architect that is acceptable to the ~~Development Services~~Community Development Director and the Planning Commission.

…

Section 23.76.020.H shall be amended as follows:

H. A survey of all the tenants in the conversion project indicating how long each tenant had been a resident of the project, how long each tenant had planned to live in the project, whether or not each tenant would be interested in purchasing a unit, to which community area would each tenant choose to relocate if the conversion took place and the tenant did not purchase a unit, and the number of tenants who do not oppose the idea of conversion. Before distributing the survey to the tenants, the ~~Development Services~~Community Development Director, or his or her designee, shall review and approve it only to assure the elements required in this section are addressed.

To comply with this provision, the applicant shall provide a tenant rights handout and a survey (as described in the previous paragraph), in a form approved by the City, to each tenant with an envelope addressed to the City of Elk Grove ~~Development Services~~Community Development Department with postage prepaid. The survey shall direct the tenant to return the completed survey in the envelope provided.

Section 23.76.020.I shall be amended as follows:

I. The ~~Development Services~~Community Development Director or his or her designee may require additional information that may be necessary to conduct a proper evaluation and enter findings that comply with the said purposes and objectives set forth in the adopted City General Plan, or any specific plan or element thereof in effect at the time of such application. Comparable data as listed below shall include projects with three (3) or more units. Such information may include, but shall not be limited to:
…

Section 23.76.090 shall be amended as follows:

The applicant shall offer to each eligible tenant a plan for relocation to comparable housing, as approved by the City Council. The relocation assistance outlined below shall be paid to each eligible tenant who is forced to relocate between the date of approval of the conditional use permit by the City to the closing date of escrow for the final unit in the project. Violators will be cited by the ~~Development Services~~Community Development Department for failure to comply with this requirement.

The relocation plan shall provide, at a minimum, for the following:

…

F. To comply with the City's affordable housing program, the applicant shall do one (1) of the following:

1. An affordable housing plan subjecting ten (10%) percent of the total units within the project to affordable purchase obligations, without City subsidy, as part of a conversion. The affordable units shall provide a minimum of four (4%) percent of the total units within the project affordable to very low income households, four (4%) percent affordable to low income households, and two (2%) percent affordable to moderate income households, unless an alternate affordability breakdown is approved by the ~~Development Services~~ Community Development Director; or
…

Section 23.76.170 shall be amended as follows:

Within three (3) years of the approval of a use permit for a condominium conversion or pursuant to EGMC Section 23.76.160, Lapse of use permit, after the use permit is in effect, the applicant may elect not to pursue the completion of all or part of the approved conversion. Upon the acceptance of a notice of

termination by the approving authority, along with evidence that all remaining eligible tenants have been notified in writing, the conditional use permit shall be deemed lapsed and void. Acceptance of the notice of termination shall be an administrative authority of the ~~Development Services~~Community Development Director. Such acceptance shall be by a written notice of acceptance which may be withheld to such time as the Director is assured that any required tenant obligations incurred during the preconversion process have been satisfied.

Section 23.84.070 shall be amended as follows:

A. Application.

1. Form of Application. Application for extension of legal nonconforming status shall be made to the ~~Development Services~~Community Development Department on a form provided by the Department. As part of the application, the applicant shall identify a period of time for which they would like the extension to be made, consistent with subsection (D) of this section

…

B. Review and Approval Authority.

1. The ~~Development Services~~Community Development Director, or designee, shall review the application and prepare a report on the matter for the designated approving authority.

…

F. Making of Application to Stay Loss of Nonconforming Status.

1. The submittal of the application to the ~~Development Services~~Community Development Department shall stay the loss of nonconforming status until such time as the application is heard and decided by the designated approving authority.

…

Section 23.86.020.B shall be amended as follows:

B. Permanent Outdoor Sales and Display Uses. Permanent outdoor sales and displays are permitted in commercial zoning districts, subject to zoning clearance authorization by the ~~Development Services~~Community Development Director in compliance with the provisions of EGMC Section 23.16.020, Zoning clearance/plan check, and with the development and operational standards in this chapter.

Section 23.92.030.A shall be amended as follows:

A. Conformance with Other Portions of This Title. Standards for off-street parking spaces, setbacks, and other structure and property development standards contained in this title that apply to the category of use or the zoning district of the subject parcel, as determined by the ~~Development Services~~Community Development Director, shall apply to all temporary activities. Requirements for long-term improvements that exceed the duration of the temporary use, including but not limited to landscaping and paving of parking lots, as determined by the ~~Development Services~~Community Development Director, shall not be imposed.

Section 23.92.050 shall be amended as follows:

The ~~Development Services~~Community Development Director may determine a use not specifically listed herein is substantially similar to a use that is listed based on the available criteria and description and after making the required findings outlined in EGMC Section 23.12.045 (Similar use determination).

Section 23.94.040.D.4 shall be amended as follows:

D. Amateur radio antenna structures provide a valuable and essential telecommunication service during periods of natural disasters and other emergency conditions and are therefore exempt from permit provisions of this chapter in compliance with the following standards:

…

4. Minor modifications (emergency or routine), provided there is little or no change in the visual appearance as determined by the ~~Development Services~~Community Development Director.

Section 23.100.020.D.6 and 23.100.020.D.11 shall be amended as follows:

D. "D" Definitions.

…

6. "Designated approving authority" means the official or body of the City's Planning Agency (e.g., City Council, Planning Commission, Zoning Administrator, ~~Development Services~~Community Development Director), as defined in EGMC Section 23.10.020, who has the designated authority to grant or approve a planning permit, entitlement, or legislative action.

…

11. "Director" means the City's ~~Development Services~~Community Development Director or any other person authorized by the City Council to enforce and interpret this title

…

Section 23.100.020.R.3 shall be amended as follows:

R. "R" Definitions.

3. "Recommending authority" means an official or body of the City's Planning Agency (e.g., Planning Commission, Zoning Administrator, ~~Development Services~~Community Development Director), as defined in EGMC Section 23.10.020, who is to make a recommendation to the designated approving authority on an action regarding a planning permit, entitlement, or legislative action.

Section 23.100.020.T.3 and 23.100.020.T.6 shall be amended as follows:

T. "T" Definitions.

…

3. "Temporary sign" means a sign not constructed or intended for long-term use. Typically, temporary signs are not physically suitable for display longer than thirty (30) days. If a sign does not qualify as a "structure" under the building code, it is presumably a temporary sign, but subject to the interpretation of the ~~Development Services~~Community Development Director under EGMC Section 23.62.050(B), Regulatory Interpretations.

…

6. "Traditional public forum" means the surfaces of City-owned streets, public parks, sidewalks which are connected to the City's main pedestrian circulation system, and the pedestrian area immediately surrounding City Hall (not including the interior thereof). In consultation with the City Attorney, the ~~Development Services~~Community Development Director shall interpret this phrase in light of relevant court decisions.

…

CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 13-2025

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 June 11, 2025, and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on June 25, 2025, by the following vote:

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

NOES: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Spease

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

Jason Lindgren, City Clerk
City of Elk Grove, California