

RESOLUTION NO. 2025-038

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AUTHORIZING THE CITY MANAGER TO ADMINISTER REFUNDS RELATED TO CERTAIN CITY DEVELOPMENT IMPACT FEES PAID ON DESIGNATED OUTDOOR AREAS

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

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

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

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

WHEREAS, the City Council finds it appropriate to approve refunds for development impact fees included in EGMC Chapters 16.81 (City of Elk Grove East Franklin Facilities Fee), 16.82 (City of Elk Grove Laguna Ridge Park Fee), 16.89 (Affordable Housing Fee for New Non Residential Development), and 16.95 (Development Impact Fees) to (i) business owners who paid these development impact fees on the designated outdoor area of their business on or after January 1, 2020, whose businesses are still in business as of the date of this resolution ("Eligible Business Owners"); and/or (ii) to property owners who paid these development impact fees for a designated outdoor area on behalf of a tenant on or after January 1, 2020 ("Eligible Property Owners").

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby authorizes the City Manager to take all actions reasonably necessary to administer refunds for development impact fees included in EGMC Chapters 16.81 (City of Elk Grove East Franklin Facilities Fee), 16.82 (City of Elk Grove Laguna Ridge Park Fee), 16.89 (Affordable Housing Fee for New Non Residential Development), and 16.95 (Development Impact Fees) that were paid on a "designated outdoor area," as defined by Ordinance No. 07-2025, by Eligible Business Owners and/or Eligible Property Owners on or after January 1, 2020, including without limitation, authority to execute refund agreements and/or any other documents reasonably necessary to implement such refunds to said Eligible Business Owners and/or Eligible Property Owners.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 12th day of March 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

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2025-038

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 resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on March 12, 2025 by the following vote:

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

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *Suen*



Jason Lindgren, City Clerk
City of Elk Grove, California