

ORDINANCE NO. 12-2022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING TITLES 16, 22, AND 23 OF THE ELK GROVE MUNICIPAL CODE

WHEREAS, on a regular basis the City makes amendments to its Municipal Code to provide efficiency in the approval process for new development, to reflect changes in City policies and practices, and to provide consistency with state and federal law; and

WHEREAS, various state and federal laws have been recently adopted necessitating updates to the City's Municipal Code; and

WHEREAS, the Planning Commission held a duly-noticed public hearing on April 21, 2022, as required by law to consider all of the information presented by staff and public testimony presented in writing and at the meeting and voted 5-0 to recommend approval to the City Council; and

WHEREAS, the City Council held a duly-noticed public hearing on May 11, 2022, 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 for consistency with state and federal law and to incorporate best practices and development standards into the City's land use regulations.

Section 2: Findings

California Environmental Quality Act (CEQA)

Finding: The project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15061(b)(3).

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 proposed project is a project under CEQA.

The approval of these amendments does not approve any development project. The proposed changes implement State and Federal law and provide clarity to the applicability of the City's Municipal Code. Subsequent development, as applicable, is subject to discretionary design review and/or use permit. These changes do not result in the possibility of creating significant or cumulative effects on the environment. Future discretionary development projects under the proposed regulations may be subject to CEQA at that time, to the extent applicable, and to the extent those actions would be classified as "projects" under CEQA. Therefore, these changes are not subject to CEQA pursuant to the Common Sense Exemption (CEQA Guidelines Section 15061(b)(3)), which states that that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA and no further environmental review is necessary.

General Plan

Finding: The proposed project is consistent with the goals and policies of the Elk Grove General Plan.

Evidence: The proposed amendments to the City's Municipal Code further the General Plan goals and policies in several ways. First, the changes to the valuation process for in lieu fees for parkland dedication ensure that all types of residential development are providing their fair share towards park development, in keeping with General Plan Goal PT-1. The implementation of SB 9 and SB 35, as well as the change to the Density Bonus provisions, furthers Goal H-3 by removing governmental constraints towards the development of new housing in the community. Allowed use changes around energy production and energy storage align with Goal NR-6 (Reduce Energy Demand and Increase Renewable Sources) while balancing with Economic Development goals around the use of land (Goals ED-1 through ED-3 and RC-1).

Section 3: Action

Elk Grove Municipal Code Titles 16, 22, and 23 are hereby amended as provided in Exhibit A, 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

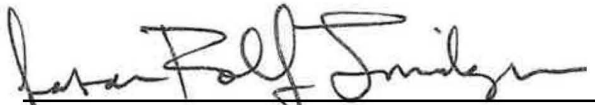
This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

ORDINANCE: **12-2022**
INTRODUCED: May 11, 2022
ADOPTED: May 25, 2022
EFFECTIVE: June 24, 2022



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: May 26, 2022

**Exhibit A
Proposed Municipal Code Amendments**

Changes to Title 16 (Buildings and Construction)

Section 16.80.040.A.5 (Fair Market Value) shall be amended to read 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 (BREAA) 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 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 Director.

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Changes to Title 22 (Land Development)

Section 22.20.100 (Urban Lot Split) shall be added to read as follows:

22.20.100 Urban Lot Split.

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

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 site that is designated or listed as a City landmark or historic property or district pursuant to EGMC 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 22.20.010.

1. The application for urban lot split shall include supplemental information as required by the Development Services 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 EGMC 22.20.100.B herein.
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 Development Services Director. The Development Services 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 EGMC Section 22.20.100.D (Findings for Denial). No public hearing or noticing shall be required for the project.
4. Upon the approval of the Development Services 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 square feet (1,200 ft²).
- b. Where both lots propose frontage along a public right-of-way, each lot shall have a minimum lot frontage of twenty feet (20 ft), except that if the existing lot frontage is less than forty feet (40 ft), one lot shall have a minimum of twenty (20 ft) 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 ft) feet wide. The access corridor shall be kept free and clear of any buildings or structures, except for utilities.
- c. Where only one 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 feet (12 ft) 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 foot (4 ft) 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 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).

a. **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.

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 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 Development Services 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 non-residential uses (except for home occupations allowed under EGMC 23.82) shall be allowed on the resulting lots.

b. An affidavit from the applicant stating that they intend to occupy one of the lots as their principal residence for a minimum of three 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 dwelling units on each lot. As used in this Subsection, dwelling unit includes a unit created pursuant to EGMC 23.17, a primary dwelling unit, an accessory dwelling unit, or a junior accessory dwelling unit as provided in EGMC 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.

Changes to Title 23 (Zoning)

Table 23.14-1 (Approving Authority) shall be modified to read as follows (note, only the Administrative Permits and Quasi-Judicial Permits and Entitlements sections are modified):

**Table 23.14-1
Approval Authority**

Type of Permit, Entitlement, or Decision	Description (EGMC Section)	Designated Approval Authority ¹			
		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	---	---	---
Quasi-Judicial and Other Permits and Entitlements					
Map extension (tentative subdivision, vesting tentative subdivision, tentative parcel)	22.20.090	Recommending	Final	---	---
Minor design review	23.16.080	Recommending	Final	---	---
Affordable Housing Streamlined Approval	23.17	Recommending	Final	---	---
Density bonus	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	22.20	Recommending	---	Final	---
Tentative subdivision map	22.20	Recommending	---	Final	---

Notes:

1. All listed actions are subject to appeal pursuant to EGMC Section 23.14.060.

Section 23.16.080.C (Design Review, Exemptions) shall be amended to read 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.

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10. Projects which qualify for as affordable housing streamlined approval projects pursuant to EGMC 23.17.

Chapter 23.17 (Affordable Housing Streamlined Approval) shall be added to read as follows:

**Chapter 23.17
AFFORDABLE HOUSING STREAMLINED APPROVAL**

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 Government Code Section 65913.4 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 Government Code section 65913.4(a).

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 23.30.020.C.1.

23.17.040 Objective Development Standards.

Notwithstanding EGMC 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 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 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 Government Code section 65913.4(c)(1), 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 23.14.040. Such hearing and final action on the project shall be in compliance with the time periods established by Government Code section 65913(d)(1), 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 23.14.060 (Appeals).

Section 23.26.050 (Description of land use classifications) shall be amended to read as follows (listings shall be renumbered as appropriate to maintain the list in alphabetic order):

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D. "D" Allowed Use Descriptions.

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3. "Dwelling, multiple residential unit" means three (3) or more primary dwelling units located on a single lot, either in single or multiple buildings, where each unit is intended for occupancy by one (1) or more persons living independently of the others, which

may be owned individually or by a single landlord (e.g., apartment, apartment house, townhouse, condominium). By definition, each unit in a multiple residential unit dwelling shall be limited to one (1) kitchen.

4. “Dwelling, accessory unit” means an attached or detached residential dwelling unit, that provides complete independent living facilities for one (1) or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot as the single-family or multifamily dwelling is or will be situated. This definition includes so-called “granny flats.” See EGMC 23.90 (Accessory Dwelling Units).

5. “Dwelling, single residential unit” means a single primary building designed exclusively for occupancy by one (1) or more persons on a single lot. This classification includes manufactured homes (defined in Section 18007 of the California Health and Safety Code) and model homes for the first (1st) sale of homes within the subdivision. By definition, a single-family dwelling shall be limited to one (1) kitchen; however, it may also include a kitchenette and/or outdoor kitchen.

6. “Dwelling, two residential unit” means two primary residential dwellings, each designed for occupancy by one (1) or more persons, where both dwellings are located on a single lot (e.g., a duplex) or adjoining lots (e.g., a halfplex). Units may be attached (one structure) or, provided they are on the same lot, detached. For purposes of determining density pursuant to the General Plan and this Title, each lot shall be counted as a dwelling unit. This listing does not include accessory dwelling units, which are regulated pursuant to EGMC 23.90 (Accessory Dwelling Units). By definition, each unit in a two residential unit shall be limited to one (1) kitchen; however, each unit may also include a kitchenette and/or outdoor kitchen.

E. “E” Allowed Use Descriptions

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3. “Energy production facility” means a commercial-scale facility for the production of electrical energy that is distributed through a community electrical grid. Examples include, but are not limited to, commercial solar facilities and wind turbines. Energy Production Facility excludes photovoltaic equipment that is ancillary to the primary use of the site, such as that over a parking lot or building roof, and excludes any and all Manufacturing, as defined herein. Notwithstanding the preceding exclusions, Energy Production Facility may include on-site electrical storage facilities (e.g., batteries) as an accessory use.

4. “Equestrian facility, commercial” means commercial horse, donkey, and mule facilities including horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows or other competitive events), and pack stations. It also includes barns, stables, corrals, paddocks, and other similar structures accessory and incidental to these uses.

5. “Equestrian facility, hobby” means stables, corrals, and paddocks used by the individual homeowners of corresponding property and their animals.

6. "Equipment sales and rental" means service establishments with outdoor storage/rental yards, which may offer a wide variety of materials and equipment for rental, including construction equipment.

F. "F" Allowed Use Descriptions.

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4. "Fuel storage and distribution" means a large-scale facility where fuel (such as propane and gasoline) is stored and distributed without retail sales. Fuel storage and distribution also includes stand-alone electrical storage facilities (e.g., batteries).

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Table 23.27-1 (Allowed Uses and Required Entitlements for Base Zoning Districts) shall be amended to read as follows (note, only the land use and zoning districts listed are amended; all other land uses and zoning districts shall remain; where new listings are added they shall be placed alphabetically within the corresponding section):

**Table 23.27-1
Allowed Uses and Required Entitlements for Base Zoning Districts**

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																											
Caretaker Housing	-	-	-	-	-	-	-	-	-	-	P ¹	P ¹	P ¹	P ¹	P ¹	-	-	P	P	P	P	P	-	-	-		
Dwelling, Accessory Unit	P	P	P	P	P	P	P	P	P	P	-	P	-	-	-	P	P	-	-	-	-	-	-	-	-	EGMC Chapter 23.90	
Dwelling, Multiple Residential Unit	-	-	-	-	-	-	-	P	P	P	-	CUP ²	-	-	-	P ¹	P	-	-	-	-	-	-	-	-		
Dwelling, Single Residential Unit	P	P	P	P	P	P	P	P	P	CUP ¹	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Dwelling, Two Residential Unit	-	-	-	-	-	P ² <u>P</u>	P ² <u>P</u>	P ² <u>P</u>	P ² <u>P</u>	- CUP ¹	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Utility, Transportation, and Communication Uses																											
Energy Production Facility	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=		

Notes to Table 23-27-1

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Notes that pertain to the residential zoning districts:

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2. Deleted

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Chapter 23.30 (Conversion of Single Residential Unit Development to Two Residential Unit Development) shall be amended to read 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 30 consecutive days, nor shall rental terms allow termination of the tenancy prior to the expiration of at least one 30-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 23.50 (Density Bonus) shall be amended to read as follows:

**Chapter 23.50
DENSITY BONUS AND OTHER DEVELOPER INCENTIVES**

Sections:

...

23.50.080 Applicability of Affordable Housing Fees

...

23.50.020 Eligibility for density bonus and incentives and concessions.

...

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.

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.

C. A senior citizen housing development as defined in Section 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.

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.

...

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.

...

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:

A. **Rounding.** All density calculations resulting in fractional units shall be rounded up to the next whole number; except that the percentage of total units proposed to qualify the development for a density bonus shall not be rounded up. For example, for a two hundred (200) unit project that proposes twenty-one (21) lower income units (or ten and one-half (10.5%) percent), the allowed density bonus would be based on ten (10%) percent lower income units, not eleven (11%) percent. For purposes of this Chapter, “total units” means a calculation of units that excludes a unit added by a density bonus awarded pursuant to this Chapter or any inclusionary units as may be required by the City.

...

D. Parking.

...

3. Notwithstanding subsection (D)(1) of this section, if a development includes at least twenty (20%) percent low income units for housing developments described in EGMC Section 23.50.020(A) and at least eleven (11%) percent very low income units for housing developments described in EGMC Section 23.50.020(B), or is a development that includes at least forty (40%) percent moderate-income units for housing developments meeting the criteria of EGMC 23.50.020(B), and 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, and there is unobstructed access to the major transit stop from the development, then, upon the request of the developer, the City shall not impose a vehicular parking ratio, inclusive of parking for persons with a disability and guests, that exceeds one-half (1/2) space per bedroom. For purposes of this subsection, “unobstructed access to a major transit stop” means a resident is able to access the major transit stop without encountering natural or constructed impediments. For purposes of this subsection, “natural or constructed impediments” includes, but is not limited to, freeways, rivers, mountains, and bodies of water, but does not include residential structures, shopping centers, parking lots, or rails used for transit.

...

23.50.040 Number and types of density bonuses and incentives and concessions allowed.

...

B. 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, 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.

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23.50.060 Continued availability.

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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. 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) 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.

ii. An equity sharing agreement.

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

2. An equity sharing agreement shall be required pursuant to clauses i and ii of subparagraph b of subsection 1 unless it conflicts with the requirements of another public funding source or law. 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 clause v below, the City shall recapture any initial subsidy, as defined in clause iii below, and its proportionate share of appreciation, as defined in clause iv below, 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 subdivision, 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 subdivision, 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 subparagraph b of subsection 1 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 Health and Safety Code Section 50079.5 within the jurisdiction of the City.

...

23.50.070 Process for approval or denial.

A. Process for Approval. Except as otherwise set forth herein, the designated approving authority for density bonuses, incentives, and concessions shall be the Zoning Administrator. When a project seeking a density bonus, incentive(s), and/or concession(s) also includes other development entitlements for the project, including but not limited to a conditional use permit, discretionary design review, and/or other entitlements, as indicated in EGMC Section 23.14.050, the approving authority for the density bonus, incentive(s), and/or concession(s) shall be the highest-level designated approving authority for any requested permit and/or entitlements.

In conjunction with approving the density bonus and any related incentives or concessions, the City and applicant shall enter into a density bonus agreement.

Upon determination that the application for density bonus is complete, the City shall provide the applicant with a determination as to the following:

1. The amount of the density bonus, calculated pursuant to EGMC Section 23.50.040 for which the proposed project is eligible;
2. If the applicant requests a parking ratio pursuant to EGMC Section 23.50.030, the parking ratio for which the proposed project is eligible; and
3. If the applicant requests incentives or concessions pursuant to EGMC Section 23.50.040 or waivers or reductions of development standards pursuant to EGMC Section 23.50.040, whether the applicant has provided adequate information for the City to make a determination as to those incentives, concessions, or waivers or reductions of development standards.

...

C. Approval of Incentives or Concessions Required Unless Findings Made. The City shall grant the incentive(s) and concession(s) requested by the applicant unless the City makes a written finding, based upon substantial evidence, of any of the following:

...

2. The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the Government Code, upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households.

...

23.50.080 Applicability of Affordable Housing Fees.

Notwithstanding EGMC 16.88, Affordable Housing Fee For New Residential Development), no affordable housing fee shall be charged against affordable units developed pursuant to this Chapter.

Section 23.54.050.K (Parking Lot Shading) shall be amended to read as follows:

K. Parking Lot Shade Requirement. Landscape trees throughout the parking lots of multiple residential unit dwelling 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 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 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.

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Table 23.58-2 (Parking Requirements by Land Use) shall be amended to read as follows (note, only the land uses listed are amended; all other land uses shall remain):

**Table 23.58-2
Parking Requirements by Land Use**

Land Use	Required Parking Spaces
Dwelling, Multiple Residential Unit	
Studio and one-bedroom units	1.5 spaces/unit, plus 1 guest space/4 units
Two- and three-bedroom units	2 spaces/unit, plus 1 guest space/4 units
Four- or more bedroom units	3 spaces/unit, plus 1 guest space/4 units
Senior product	0.5 spaces/unit, plus 0.25 spaces/unit guest parking
Dwelling, Accessory Unit	1 space/bedroom ⁵
Dwelling, Single Residential Unit	2 spaces/unit ^{1, 2, 3}
Dwelling, Two Residential Unit	2 spaces/unit ^{1, 2, 3}

Notes:

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5. See EGMC 23.90.040.J for additional parking standards and exemptions.

Section 23.94.030.A (Wireless Communications Facilities, Permit Requirements) shall be amended to read as follows:

23.94.030 Permit requirements by zoning district.

A. Permit Requirements.

1. New Facilities. In an attempt to protect scenic, historic, natural, or cultural resources of the City; to assure land use compatibility with properties adjacent to such facilities; to minimize negative visual, noise and aesthetic impacts; and to protect the general safety, welfare, and quality of life of the community, unless exempt from permit requirements pursuant to EGMC Section 23.94.040, Exemptions, and except as set forth herein or at EGMC Section 23.94.035, Small cell wireless communications facilities, all new wireless communications facilities shall be subject to the permit requirements for the underlying zoning district as provided in EGMC Table 23.27-1 (Allowed Uses and Required Entitlements for Base Zoning Districts). The procedures for any required conditional use permit or minor conditional use permit are provided in EGMC Section 23.16.070, Conditional use permit and minor conditional use permit.

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 10% or (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 proposed more than one (1) new equipment cabinet;
- d. The modification will not entail any excavation or deployment greater than thirty (30'0") fee 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.

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**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 12-2022**

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 May 11, 2022, and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on May 25, 2022, by the following vote:

AYES: COUNCILMEMBERS: Singh-Allen, Suen, Hume, Spease, Nguyen

NOES: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

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



**Jason Lindgren, City Clerk
City of Elk Grove, California**