



**CITY OF ELK GROVE  
CITY COUNCIL STAFF REPORT**

**AGENDA TITLE:** A public hearing to consider introduction of an ordinance amending portions of Titles 4, 6, 7, 14, 16, 19, 20, 22, and 23 of the Elk Grove Municipal Code – City Initiated Project

**MEETING DATE:** December 9, 2015

**PREPARED BY:** Nathan Anderson, Project Planner

**DEPARTMENT HEAD:** Darren Wilson, P.E., Development Services Director

**RECOMMENDED ACTION:**

The Planning Commission recommends (5-0) that the City Council:

- 1) Adopt resolution clarifying that for existing approved development projects, any condition of approval where Public Works is the enforcement/monitoring agency now be implemented by the Engineering Division of Development Services; and
- 2) Find the proposed amendments exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines 15061(b)(3) (General Rule); and introduce and waive the full reading, by substitution of title only, an ordinance amending portions of Elk Grove Municipal Code Titles 4 (Business Regulation) and 6 (Health and Sanitation) and 7 (Historic Preservation) and 14 (Agricultural Activities and Water Use and Conservation) and 16 (Buildings and Construction) and 19 (Trees) and 20 (Environmental Protection) and 22 (Land Development) and 23 (Zoning) relative to establishment of the Development Services Department and the clarification of certain provisions of the Municipal Code.

## **BACKGROUND**

### **Development Services Updates**

In August 2015, the City consolidated the Planning Department with the Development Engineering Services division of the Public Works Department into a unified Development Services Department. The proposed amendments to the City's Municipal Code reflect the change in department and department head titles necessary to implement this change. Specific titles included in these modifications are:

- Title 4 – Business Regulation
- Title 6 – Health and Sanitation
- Title 7 – Historic Preservation
- Title 14 – Agricultural Activities and Water Use and Conservation
- Title 16 – Buildings and Construction
- Title 19 – Trees
- Title 20 – Environmental Protection
- Title 22 – Land Development; and
- Title 23 – Zoning

Since incorporation, the City has operated with a Planning and a Public Works Department. Under this approach, the Planning Department has been responsible for both policy/long range planning and the processing of entitlement applications (e.g., design reviews, conditional use permits, variances, rezones, etc.). The Development Engineering Services division of the Public Works Department has been responsible for reviewing entitlement applications for engineering and traffic-related matters and implementing approved development projects through the improvement plan and final map processes.

The proposed changes will consolidate all of the development-related functions into one management structure (under the Development Services Director) with two divisions (Planning Services and Engineering Services). The goal of these changes is to provide for more efficient review and processing of development applications. The policy/long range planning function is currently being performed by the Assistant to the City Manager position in the City Manager's Office.

## **Modifications to Titles 6 and 23**

In addition to the text modifications to reflect departmental changes, the proposed Code Amendments also include clarifications and modifications to Title 23 (Zoning) of the City's Municipal Code (hereinafter referred to as the Zoning Code), as well as one change to noise control regulations within Title 6 (Health and Sanitation). These updates consist of revisions to allowed uses, design review exemptions, parking regulations, signage requirements, noise restrictions, and regulations related to emergency shelters and transitional housing facilities consistent with state law.

## **Consistency with General Plan Housing Element**

The proposed modifications also include an additional change for consistency with the 2013-2021 General Plan Housing Element, which was adopted by the City Council on February 12, 2014. Specifically, Title 23 currently identifies the allowed density range of the RD-25 zoning district to be between 20.1 units per acre and 25 units per acre. However, the Housing Element states that, in order to meet the City's regional housing needs allocation (RHNA), the density range for the RD-25 zone district required modification to a range of 20.1 units per acre to 30.0 units per acre. This density change, which was approved with adoption of the current Housing Element, is not currently reflected in the Zoning Code.

The proposed amendment would change two references to the RD-25 density range in order to eliminate the inconsistency between the Housing Element and the Zoning Code.

## **ANALYSIS:**

The proposed modifications, which have been included as Exhibits A through I of Attachment 2, propose the following changes to implement the Development Services Department:

- Change references from the Planning Director to the Development Services Director;
- Change references from the Planning Department to the Development Services Department;

- Clarify on engineering matters if something is reviewed or approved by the City Engineer (technical actions) or the Public Works Director (policy issues); and
- Change some references from the Public Works Director or City Engineer to the Development Services Director based upon applicable roles and responsibilities.

While Engineering Services has moved to the new Development Services Department, some matters (e.g., Parcel Maps, Final Maps) require review and action by the City Engineer as a matter of State law. The City Engineer function remains with the Public Works Department as part of this reorganization as the role has broader responsibilities beyond development matters and, therefore, should remain with the Public Works Department.

Concurrent with these changes, the Planning Commission recommends that the City Council adopt a resolution clarifying that for existing approved projects, any condition of approval where Public Works is the enforcement/monitoring agency would now be implemented by the Engineering Division of Development Services (Engineering for short).

In addition to the changes mentioned above, Exhibits B and I propose the following additional modifications to address code ambiguities, improve consistency with the General Plan and Housing Element, and/or address implementation issues that have arisen through the normal course of code application to development projects:

#### **Exhibit B: Title 6 (Health and Sanitation)**

- **6.32.100 Exemptions:** Modified section to be consistent with “Prohibited Activities” detailed in Section 6.32.140 with regard to construction noise regulations.
- **6.32.140 Prohibited Activities:** Modified section to be consistent with “Exemptions” detailed in Section 6.32.100 (above).

## **Exhibit I: Title 23 (Zoning)**

The following items have been modified:

### Division II. Administration and Permit Procedures

- **23.16.080.C Design Review:** Modified to clarify sizes and types of non-residential accessory structures which are exempted by the Zoning Code.

### Division III. Zoning Districts, Allowable Uses, and Development Standards

- **23.24.020 Zoning Districts Established:** Modified the RD-25 description to change the maximum density in this district from 25 dwelling units per acre to 30 dwelling units per acre, consistent with the adopted General Plan Housing Element.
- **Table 23.27-1 Allowed Uses and Required Entitlements for Base Zoning Districts:** Modified some allowances within the table, the “Specific Use Regulations” column, and certain footnotes to provide clarification and to address previous issues pertaining to the following:
  - Removed cross-reference to “EGMC Chapter 23.80” from *Specific Use Regulations* column of Transitional Housing to allow uniformity with modifications to Chapter 23.80, consistent with state law.
  - Added footnotes within Alcohol Beverage Sales to allow use by right in conjunction with approval of a Minor Use Permit (MUP) for a Winery, Brewery, or Distillery; and to add a cross-reference to the *Specific Use Regulations* column regarding the Public Convenience Determination section which applies to some locations within the City. This change provides additional opportunities and incentives to establish these uses in the City.
  - Modified footnote within Business Support Services to allow use by right when entirely enclosed within a structure.
  - Added footnote to Convenience Stores within the LC Zoning District to state that a Conditional Use Permit (CUP) is required for accessory alcohol sales. This is consistent with previous Code requirements within the Alcohol Beverage Sales section.
  - Added footnotes to the Manufacturing, Minor; Manufacturing, Small Scale; Storage, Warehouse; and Wholesaling and

Distribution uses to permit them by right within an approved industrial park. Otherwise, requires a CUP.

- Modified Wholesaling and Distribution to be permitted by right within the Light Industrial (LI) Zoning District. This use previously required a CUP.
- **23.29.020 General Zoning District Development Standards:** Modified the maximum density in Table 23.29-1 from 25 dwelling units per acre to 30 dwelling units per acre within the RD-25 zoning district, consistent with the adopted General Plan Housing Element.

#### Division IV. Site Planning and General Development Regulations

- **23.46.040 Accessory Structures:** Removes reference to a previously-amended Table.
- **23.58.050 Parking:**
  - Added an “Alternative Parking Requirements” section allowing the designated approving authority to approve deviations from parking standards as part of a Parking Reduction Permit, based upon a qualified parking study. This change provides greater flexibility for new developments with unique operational characteristics that are not specifically covered in the parking ratio table in this section.
  - Added a note to Table 23.58-3 (Parking Space and Drive Aisle Dimensions) requiring that parking stalls that abut each other such that they may create vehicular movement conflicts, as determined by the City, (e.g., stalls oriented at a 90 degree angle to each other) shall have a minimum width of 11-feet, rather than the standard nine foot width. This change is consistent with prior conditioning on development projects and engineering best practices, and ensures safer vehicular movements in these types of parking configurations.
- **23.62.090 Signs on Private Property:** Provides clarification regarding window signage, of which the Code had previously been silent.
- **23.64.045 Light and Air Easements:** Added property line fencing to structures which may be constructed within light and air easements.

## Division V. Special Use Regulations

- **Chapter 23.78 Drive-In and Drive-Through Facilities:** Added a line allowing designated approving authority to grant exceptions to the Chapter through the CUP process after preparation of a qualified noise study.
- **Chapter 23.80 Emergency Shelters** – Modifications to remove regulations for Transitional Housing from this chapter, consistent with requirements of current state law, and updated regulations pertaining to Emergency Shelters.
- **Chapter 23.90.040 Second Dwelling Units:** Removed the requirement of executing a declaration of owner occupancy, and recordation of the declaration with the Sacramento County Recorder's Office. The County Recorder has historically not accepted these documents for recordation.

## PLANNING COMMISSION REVIEW:

The Planning Commission considered these matters at two public hearings. The majority of these matters, including the Development Services Updates and most of the amendments to Titles 6 and 23, were heard at the Commission's regular meeting on October 15, 2015. The amendments to Title 23 regarding consistency with the Housing Element, which were identified subsequent to the public noticing of the October meeting, were heard at the Commission's regular meeting on November 19, 2015. At both meetings, the Commission reviewed the staff reports and received public comment. Following public comment, the Planning Commission recommended all proposed modifications 5-0 for approval at both meetings.

## ENVIRONMENTAL ANALYSIS

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." Section 15061 (b)(3) of Title 14 of the California Code of Regulations (the CEQA Guidelines) describes the General Rule that CEQA only applies 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.”

The approval of these amendments does not approve any development project. The proposed changes update roles and responsibilities within the City’s organization structure in order to process development projects, as well as changes to Title 6 and Title 23 to clarify development regulations including exemptions, parking regulations, signage requirements, noise restrictions, and regulations related to emergency shelters and transitional housing facilities consistent with state law.

Because each of these components, individually and cumulatively, do not have the potential to result in individually or cumulatively significant effects on the environment, these Municipal Code amendments are exempt from review under CEQA. Future projects under the proposed regulations would be subject to CEQA at that time, as those actions would be classified as “projects” under CEQA. Therefore, these changes are not subject to CEQA review at this time under the General Rule and no further environmental review is necessary.

**FISCAL IMPACT:**

The Special Projects budget accommodated the expenditures associated with preparing the proposed ordinances.

**ATTACHMENTS:**

1. Resolution
2. Ordinance with Exhibits A-I



**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
CLARIFYING THAT FOR EXISTING APPROVED DEVELOPMENT PROJECTS  
ANY CONDITION OF APPROVAL WHERE PUBLIC WORKS IS THE  
ENFORCEMENT/MONITORING AGENCY NOW BE IMPLEMENTED BY THE  
ENGINEERING DIVISION OF DEVELOPMENT SERVICES**

**WHEREAS**, the City of Elk Grove (“City”) is consolidating the Planning Department and Engineering Services division of the Public Works Department into a unified Development Services Department; and

**WHEREAS**, certain amendments to the City’s Municipal Code are necessary in order to implement this consolidation (the “Project”); and

**WHEREAS**, existing approved development projects contain conditions of approval which are enforced/monitored by the Public Works Department; and

**WHEREAS**, the proposed amendments change references within the City’s Municipal Code related to technical actions from the Public Works Department to the Engineering Division of Development Services; and

**WHEREAS**, the proposed amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to the California Code of Regulations, Title 14, Division 6, Chapter 3 (State CEQA Guidelines); and

**WHEREAS**, the approval of these amendments does not approve any development project.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Elk Grove hereby clarifies that for existing approved development projects, any condition of approval where Public Works is the enforcement/monitoring agency now be implemented by the Engineering Division of Development Services (Engineering for short).

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 9<sup>th</sup> day of December 2015

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GARY DAVIS, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:

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JASON LINDGREN, CITY CLERK

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JONATHAN P. HOBBS,  
CITY ATTORNEY

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING PORTIONS OF ELK GROVE MUNICIPAL CODE TITLES 4 (BUSINESS REGULATION) AND 6 (HEALTH AND SANITATION) AND 7 (HISTORIC PRESERVATION) AND 14 (AGRICULTURAL ACTIVITIES AND WATER USE AND CONSERVATION) AND 16 (BUILDINGS AND CONSTRUCTION) AND 19 (TREES) AND 20 (ENVIRONMENTAL PROTECTION) AND 22 (LAND DEVELOPMENT) AND 23 (ZONING) RELATIVE TO ESTABLISHMENT OF THE DEVELOPMENT SERVICES DEPARTMENT AND THE CLARIFICATION OF CERTAIN PROVISIONS OF THE MUNICIPAL CODE**

**WHEREAS**, the City of Elk Grove (“City”) is consolidating the Planning Department and Engineering Services division of the Public Works Department into a unified Development Services Department; and

**WHEREAS**, certain amendments to the City’s Municipal Code are necessary in order to implement this consolidation (the “Project”); and

**WHEREAS**, certain amendments to the Title 6, Health and Sanitation and Title 23, Zoning are necessary to provide greater clarity in the application of City regulations, and to address code ambiguities, improve consistency with the General Plan, or address implementation issues that have arisen through the normal course of code application to development projects; and

**WHEREAS**, the 2013-2021 General Plan Housing Element was adopted by the City Council on February 12, 2014; and

**WHEREAS**, certain amendments to Title 23, Zoning are necessary to create consistency with the modified RD-25 zoning district densities specified within the adopted General Plan Housing Element; and

**WHEREAS**, the proposed amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to the California Code of Regulations, Title 14, Division 6, Chapter 3 (State CEQA Guidelines); and

**WHEREAS**, the approval of these amendments does not approve any development project.

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

Section 1: Purpose and Authority

The purpose of this Ordinance is to amend the Elk Grove Municipal Code Titles 4, 6, 7, 14, 16, 19, 20, 22, and 23 to reflect the change in department and department head titles created for a unified Development Services Department, and to address code ambiguities, improve consistency with the General Plan, or address implementation issues that have arisen through the normal course of code application to development

projects and to create consistency with the modified RD-25 zoning district densities specified within the adopted General Plan Housing Element.

## Section 2: Findings

### **California Environmental Quality Act (CEQA)**

Finding: The proposed amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to the California Code of Regulations, Title 14, Division 6, Chapter 3 (State CEQA Guidelines).

Evidence: Section 15061 (b)(3) of Chapter 3, Title 14 of the California Code of Regulations (the CEQA Guidelines) describes the General Rule that CEQA only applies 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.”

The approval of these amendments does not approve any development project. The proposed changes update roles and responsibilities within the City’s organization structure in order to process development projects, as well as changes to Title 6 and Title 23 to modify and clarify the allowed uses in the various zoning districts consistent with the General Plan and Housing Element, and clarify other development regulations including exemptions, parking regulations, signage requirements, noise restrictions, and regulations related to emergency shelters and transitional housing facilities consistent with state law.

Each of these components, individually and cumulatively, does not result in the possibility of creating significant or cumulative effects on the environment. Future development under the proposed regulations would be subject to CEQA at that time, as those actions would be classified as “projects” under CEQA. Therefore, these changes are not subject to CEQA under the General Rule and no further environmental review is necessary.

### **General Plan Consistency**

Finding: The proposed amendments are consistent with the General Plan goals, policies, and implementation programs.

Evidence: The majority of the proposed amendments to Titles 4, 6, 7, 14, 16, 19, 20, 22, and 23 of the Elk Grove Municipal Code reflect a reorganization of functional units within the City’s operational structure in order to provide efficiencies in the delivery of City services. With the exception of the Housing Element amendments, the proposed text amendments to Titles 6 and 23 of the Municipal Code are consistent with the General Plan as they do not alter the allowed intensity or density of development beyond that contemplated in the General Plan. The changes clarify the permit requirements, allowed use regulations, and development standards for various uses

and activities. The proposed modifications related the Housing Element would remove an inconsistency between the adopted General Plan Housing Element and Title 23 of the Municipal Code with regard to the allowed density of RD-25. Therefore, there are no conflicts between the proposed changes and the City's General Plan. Therefore, there are no conflicts between the proposed changes and the City's General Plan.

Section 3. Amendments to Title 4 (Business Regulation)

EGMC Title 4 is amended as shown in Exhibit A.

Section 4. Amendments to Title 6 (Health and Sanitation)

EGMC Title 6 is amended as shown in Exhibit B.

Section 5. Amendments to Title 7 (Historic Preservation)

EGMC Title 7 is amended as shown in Exhibit C.

Section 6. Amendments to Title 14 (Agricultural Activities and Water Use and Conservation)

EGMC Title 14 is amended as shown in Exhibit D.

Section 7. Amendments to Title 16 (Buildings and Conservation)

EGMC Title 16 is amended as shown in Exhibit E.

Section 8. Amendments to Title 19 (Trees)

EGMC Title 19 is amended as shown in Exhibit F.

Section 9. Amendments to Title 20 (Environmental Protection)

EGMC Title 20 is amended as shown in Exhibit G.

Section 10. Amendments to Title 22 (Land Development)

EGMC Title 22 is amended as shown in Exhibit H.

Section 11. Amendments to Title 23 (Zoning)

EGMC Title 23 is amended as shown in Exhibit I.

Section 12: 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 13: 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 14: 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 15: 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).

INTRODUCED: December 9, 2015  
ADOPTED:  
EFFECTIVE:

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GARY DAVIS, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
JASON LINDGREN, CITY CLERK

\_\_\_\_\_  
JONATHAN P. HOBBS,  
CITY ATTORNEY

Date signed: \_\_\_\_\_

**EXHIBIT A**  
**AMENDMENTS TO EGMC TITLE 4**  
**(BUSINESS REGULATION)**

*Note to Reader: Proposed changes are shown in ~~strikeout~~/underline with proposed deletions shown with ~~strikeout~~ and additions shown with an underline.*

**Section 4.10.454.B shall be amended as follows:**

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, ~~Planning Department~~ Development Services 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 ~~Planning Director~~ Development Services Director or his or her designee.

**Section 4.31.440.A shall be amended as follows:**

When the Chief of Police, the ~~Planning Director~~ Development Services 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 ~~Planning Director~~ Development Services 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 shall be amended as follows:**

The City Manager shall issue the special business license within thirty (30) days after the date on which the application is filed, unless, in addition to the grounds prescribed by EGMC Section 4.10.040, either:

- A. The ~~Planning Director~~ Development Services 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 ~~Planning Director~~ Development Services 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 ~~Planning Director~~ Development Services 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 ~~Planning Director~~ Development Services Director shall refer such application to the departments and advisory bodies of the City for review and comment. The ~~Planning Director~~ Development Services 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 ~~Planning Director~~ Development Services 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 ~~Planning Director~~ Development Services 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 ~~Planning Department~~ Development Services 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 ~~Planning Director~~ Development Services 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 ~~Planning Director~~ Development Services Director.
- G. The ~~Planning Director~~ Development Services 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 ~~Planning Director~~ Development Services Director within fifteen (15) days from the date the application is forwarded to such departments and advisory bodies.

**Section 4.54.520 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 ~~Planning Director~~ Development Services 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.
- 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 ~~Planning Director~~ Development Services 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:

**EXHIBIT B**  
**AMENDMENTS TO EGMC TITLE 6**  
**(HEALTH AND SANITATION)**

*Note to Reader: Proposed changes are shown in ~~strikeout~~/underline with proposed deletions shown with ~~strikeout~~ and additions shown with an underline. Changes that are not specific to the Development Services name change are **highlighted in yellow**.*

**Section 6.22.010.D shall be amended as follows:**

2. "Director" means the ~~Planning Director~~ Development Services Director or the Director's designee.

**Section 6.32.070.B shall be amended as follows:**

B. The location selected for measuring exterior noise levels shall be at a point at least one (1' 0") foot inside the property line of the affected residential property. Where feasible, the microphone shall be at a height of three (3' 0") feet to five (5' 0") feet above ground level and shall be at least four (4' 0") feet from walls or similar reflecting surfaces. Additional points of measurement may be required at the discretion of Code Enforcement or the ~~Planning Director~~ Development Services Director when the existing or proposed conditions may generate noise impacts at a higher point of measure. In the case of interior noise measurements, the windows shall be in normal seasonal configuration and the measurement shall be made at a point at least four (4' 0") feet from the wall, ceiling or floor nearest the affected occupied area.

**Section 6.32.100.E shall be amended as follows:**

**6.32.100 Exemptions**

E. Noise sources associated with construction, repair, remodeling, demolition, paving or grading of any real property, provided said activities ~~do not take place between the hours of 8:00 p.m. and 6:00 a.m. on weekdays and Friday commencing at 8:00 p.m. through and including 7:00 a.m. on Saturday; Saturdays commencing at 8:00 p.m. through and including 7:00 a.m. on the next following Sunday and on each Sunday after the hour of 8:00 p.m.;~~ provided, however, only occur between the hours of 7:00 a.m. and 7:00 p.m. when located adjacent to residential uses. Noise associated with these activities not located adjacent residential uses may occur between the hours of 6:00 a.m. and 8:00 p.m. However, when an unforeseen or unavoidable condition occurs during a construction project and the nature of the project necessitates that work in process be continued until a specific phase is completed, the contractor or owner shall be allowed to continue work after 8:00 p.m. and to operate machinery and equipment necessary until completion of the specific work in progress can be brought to conclusion under conditions which will not jeopardize inspection acceptance or create undue financial hardships for the contractor or owner;

**Section 6.32.140.A shall be amended as follows:**

**6.32.140 Prohibited Activities**

A. Construction Noise. Operating or causing the operation of tools or equipment on private property used in alteration, construction, demolition, drilling or repair work daily between the hours of 7:00 p.m. and 7:00 a.m. when located adjacent to residential uses, or between the hours of 8:00 p.m. and 6:00 a.m. when not located adjacent to residential uses, so that the sound creates a noise disturbance across a residential property line, except for emergency work of public service utilities. However, when an unforeseen or

unavoidable condition occurs during a construction project and the nature of the project necessitates that work in process be continued until a specific phase is completed, the contractor or owner shall be allowed to continue work after 8:00 p.m. and to operate machinery and equipment necessary until completion of the specific work in progress can be brought to conclusion under conditions which will not jeopardize inspection acceptance or create undue financial hardships for the contractor or owner.

# EXHIBIT C

## AMENDMENTS TO EGMC TITLE 7

### (HISTORIC PRESERVATION)

*Note to Reader: Proposed changes are shown in ~~strikeout~~/underline with proposed deletions shown with ~~strikeout~~ and additions shown with an underline.*

#### **Section 7.00.070 shall be amended as follows:**

##### **7.00.070 Alterations.**

No exterior alterations shall be made to any historic resource without a minor improvement permit or a certificate of appropriateness.

##### **A. Minor Improvement Permits.**

1. Purpose. The purpose of the minor improvement permit is to allow efficient processing of applications for minor alterations to historic resources in general and all alterations to Elk Grove heritage resources.
2. Standards of Review. The Historic Preservation Committee shall publish such standards as are necessary to supplement the provisions of this chapter to inform the public of those standards of review by which applications for minor improvement permits are to be judged.
3. Approving Authority. The ~~Planning Director~~ Development Services Director shall be the approving authority for all minor improvement permit applications.
4. Action by Approving Authority. The ~~Planning Director~~ Development Services Director shall approve or deny the application. Notice of the decision shall be sent to the Historic Preservation Committee, the applicant, owners of the property, Community Enhancement, and the Building Official.
5. Appeals. Any decision of the ~~Planning Director~~ Development Services Director on a minor improvement permit may be appealed to the Planning Commission. Any decision on appeal by the Planning Commission on a minor improvement permit may be appealed to the City Council. Any action or decision of the City Council shall be final and there shall be no further administrative appeal from the City Council decision. All appeals shall be in writing, shall state the basis of the appeal, shall be accompanied by any applicable filing fee, and shall be filed with the City Clerk within ten (10) days of the determination or action for which an appeal is made. Failure to file an appeal within the time frame and in the manner provided herein shall constitute a failure of a party to exhaust administrative remedies, and shall render the decision of the approving authority final and immune from further challenge.
6. Findings.
  - a. Contributing and Noncontributing Resources Not Listed as Elk Grove Heritage Resources. Minor improvement permit applications for proposed work to contributing and noncontributing resources not listed as Elk Grove heritage resources shall be approved if:
    - i. The proposed project complies with “The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings” or “The Secretary of the Interior’s Standards for the

Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes”;  
and

ii. The proposed work does not result in substantial adverse change to the contributing resource; and

iii. The proposed project is consistent with and supportive of the goals and policies of the adopted historic district plan (if the resource is located within a historic district).

b. Elk Grove Heritage Resources.

i. Contributing Resources.

(A) Minor improvement permit applications for proposed work to contributing resources listed as Elk Grove heritage resources shall be approved if:

(1) The proposed alterations preserve historic materials, replacing irreparable historic materials with matching materials to the greatest extent feasible; and

(2) New additions to the resource occur on nonhistoric portions of the property or on the half of the property least visible from the public right-of-way; and

(3) New additions to the resource are differentiated from the old and compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment; and

(4) The proposed project is consistent with and supportive of the goals and policies of the adopted historic district plan (if the resource is located within a historic district).

ii. Noncontributing Resources.

(A) The proposed project is consistent with and supportive of the goals and policies of the adopted historic district plan.

B. Certificates of Appropriateness.

1. Purpose. The purpose of the certificate of appropriateness is to provide sufficient opportunities for review of proposed alterations to all historic resources besides Elk Grove heritage resources.

2. Standards of Review. The Historic Preservation Committee shall publish such standards as are necessary to supplement the provisions of this chapter to inform the public of those standards of review by which applications for certificates of appropriateness are to be judged.

3. Public Hearing. The Historic Preservation Committee shall hold a public hearing to review and act upon the certificate of appropriateness application.

4. Notice of Public Hearing. Notice of date, place, time, and purpose of the hearing shall be given by first class mail to the applicants, owners, and occupants of the property, and to property owners within five hundred (500' 0") feet of the property, at least ten (10) days prior to the date of the public hearing, using the name and address of such owners as shown on the latest equalized assessment rolls or in other ownership records, and shall be advertised once (1) in a daily newspaper of general circulation at least ten (10) days in advance of the public hearing. Failure to receive notice of such hearing shall in no way affect the validity of any action taken.

5. Approving Authority. The Historic Preservation Committee shall recommend approval or denial, with or without conditions, of all applications for certificates of appropriateness. If an entitlement other than or in addition to a certificate of appropriateness is necessary or sought for a proposed project, the approving authority shall be that body with jurisdiction over the other entitlement as set forth in

the Elk Grove Municipal Code, including, but not limited to, the Zoning Code, as it now exists or is hereafter amended. When a proposed project requires more than one (1) land use or development entitlement from more than one (1) approving authority, all project entitlements shall be processed concurrently and final action shall be taken on any application for a certificate of appropriateness by the highest level designated approving authority for all such requested entitlements. The ~~Planning Director~~ Development Services Director shall be the approving authority of all applications for certificates of appropriateness for which there is no other approving authority with jurisdiction over the project.

6. Appeals. Any decision of the ~~Planning Director~~ Development Services Director on a certificate of appropriateness may be appealed to the Planning Commission. Any decision of the Planning Commission on a certificate of appropriateness may be appealed to the City Council, including matters heard on appeal from a decision of the ~~Planning Director~~ Development Services Director. Any other decision by an approving authority not otherwise addressed herein may be appealed to the City Council. Any action or decision of the City Council shall be final and there shall be no further administrative appeal from the City Council decision. All appeals shall be in writing, shall state the basis of the appeal, shall be accompanied by any applicable filing fee, and shall be filed with the City Clerk within ten (10) days of the determination or action for which an appeal is made. Failure to file an appeal within the time frame and in the manner provided herein shall constitute a failure of a party to exhaust administrative remedies, and shall render the decision of the approving authority final and immune from further challenge.

7. Action by Approving Authority. The approving authority shall approve an application, disapprove it, or approve it subject to conditions. Notice of the decision shall be sent to the applicant, owners of the property, Community Enhancement, and the Building Official.

8. Findings.

a. Contributing Resources. Certificate of appropriateness applications for proposed work to contributing resources shall be approved if:

- i. The proposed work does not result in substantial adverse change to the contributing resource; and
- ii. The proposed project is consistent with and supportive of the goals and policies of the adopted historic district plan (if the resource is located within a historic district).

b. Noncontributing Resources. Certificate of appropriateness applications for proposed work to noncontributing resources shall be approved if:

- i. The proposed work does not result in a substantial adverse change to the historic resource as a whole; and
- ii. The proposed project is consistent with and supportive of the goals and policies of the adopted historic district plan (if the resource is located within a historic district). [Ord. 7-2009 §3, eff. 5-1-2009; Ord. 3-2007 §3, eff. 2-23-2007]

***Section 7.00.080 shall be amended as follows:***

**7.00.080 Demolitions/relocations.**

A. Demolition or Relocation of Resources Potentially Eligible for Historic Designation. The demolition or relocation of resources potentially eligible for historic designation shall not occur without review to determine whether the City can rule out the possibility of the resource being designated an Elk Grove landmark or Elk Grove heritage resource.

1. Purpose. The purpose of reviewing the demolition/relocation of resources potentially eligible for historic designation is to ensure resources that reflect special elements of the City's heritage and cultural diversity are not unwittingly destroyed by an act of the City.

2. Standards of Review. Before demolitions or relocations of resources potentially eligible for historic designation are approved, the ~~Planning Director~~ Development Services Director shall determine whether the City can rule out the possibility of the resource being designated an Elk Grove landmark or Elk Grove heritage resource. The ~~Planning Director~~ Development Services Director shall rule out the possibility of the resource in question being designated an Elk Grove landmark or Elk Grove heritage resource if any of the following conditions are met:

- a. The resource is less than fifty (50) years old;
- b. The resource is a cemetery or grave;
- c. The resource is owned by a religious institution or used for religious purposes;
- d. The resource has been moved from its original location;
- e. The resource is a reconstructed historic building;
- f. The resource is primarily commemorative in nature; or
- g. The Historic Preservation Committee formally determines the resource in question is not eligible for designation as an Elk Grove landmark.

3. Approving Authority. The ~~Planning Director~~ Development Services Director shall determine whether the City can rule out the possibility of the resource being designated an Elk Grove landmark or Elk Grove heritage resource.

4. Action by Approving Authority. If the ~~Planning Director~~ Development Services Director determines the City can rule out the possibility of the resource being designated an Elk Grove landmark or Elk Grove heritage resource, he or she shall recommend approval of the demolition or relocation of the resource in question to the Building Official. If the ~~Planning Director~~ Development Services Director determines the City cannot rule out the possibility of the resource being designated an Elk Grove landmark or Elk Grove heritage resource, the Historic Preservation Committee shall initiate an application for designation of the resource in question as an Elk Grove landmark or Elk Grove heritage resource. Notice of the determination shall be sent to the applicant, owners of the property, and the Building Official.

B. Demolition/Relocation Certificates. No demolition or relocation of a historic resource shall be made by any person without a demolition/relocation certificate.

1. Purpose. The purpose of the demolition/relocation certificate is to provide a last alternative for use in the treatment of historic resources.

2. Standards of Review. The Historic Preservation Committee shall publish such standards as are necessary to supplement the provisions of this chapter to inform the public of those standards of review by which applications for demolition/relocation certificates are to be judged. Demolition or relocation of historic resources shall be tied to a replacement project under concurrent review by the City of Elk Grove unless projects meet the provisions of EGMC Section 7.00.110 or 7.00.130. Relocating a historic resource can be an acceptable alternative to demolition if the Historic Preservation Committee finds that the relocation allows the historic resource to maintain its integrity.

3. Public Hearing. The Historic Preservation Committee shall hold a public hearing to review and act upon the demolition/relocation certificate application.

4. Notice of Public Hearing. Notice of date, place, time, and purpose of the hearing shall be given by first class mail to the applicants, owners, and occupants of the property, and to property owners within five hundred (500' 0") feet of the property, at least ten (10) days prior to the date of the public hearing, using the name and address of such owners as shown on the latest equalized assessment rolls or in other ownership records, and shall be advertised once (1) in a daily newspaper of general circulation at least ten (10) days in advance of the public hearing. Failure to receive notice of such hearing shall in no way affect the validity of any action taken.

5. Approving Authority. The Historic Preservation Committee shall recommend approval or denial, with or without conditions, of all applications for certificates of demolition/relocation. If an entitlement other than or in addition to a certificate of demolition/relocation is necessary or sought for a proposed project, the approving authority shall be that body with jurisdiction over the other entitlement as set forth in the Elk Grove Municipal Code, including, but not limited to, the Zoning Code, as it now exists or is hereafter amended. When a proposed project requires more than one (1) land use or development entitlement from more than one (1) approving authority, all project entitlements shall be processed concurrently and final action shall be taken on any application for a certificate of demolition/relocation by the highest level designated approving authority for all such requested entitlements. The ~~Planning Director~~ Development Services Director shall be the approving authority of all applications for certificates of demolition/relocation for which there is no other approving authority with jurisdiction over the project. Any decision of the ~~Planning Director~~ Development Services Director on a certificate of demolition/relocation may be appealed to the Planning Commission. Any decision of the Planning Commission on a certificate of demolition/relocation may be appealed to the City Council, including matters heard on appeal from a decision of the ~~Planning Director~~ Development Services Director. Any other decision by an approving authority not otherwise addressed herein may be appealed to the City Council. Any action or decision of the City Council shall be final and there shall be no further administrative appeal from the City Council decision. All appeals shall be in writing, shall state the basis of the appeal, shall be accompanied by any applicable filing fee, and shall be filed with the City Clerk within ten (10) days of the determination or action for which an appeal is made. Failure to file an appeal within the time frame and in the manner provided herein shall constitute a failure of a party to exhaust administrative remedies, and shall render the decision of the approving authority final and immune from further challenge.

6. Action by Approving Authority. The approving authority shall approve an application, disapprove it, or approve it subject to conditions. Wherever applicable, the approving authority can require the documentation of the historic resource proposed for demolition or relocation with such measures as archival-quality photographs and/or measured drawings prior to these actions. Notice of the decision shall be sent to the applicant, owners of the property, Community Enhancement, and the Building Official.

7. Findings.

a. Contributing Resources. Demolition/relocation certificate applications for contributing resources shall be approved if the project meets either of the following:

i. The provisions of EGMC Section 7.00.110 or 7.00.130; or

ii. The replacement project is consistent with and supportive of identified goals and policies of the General Plan or applicable specific area plans including the adopted historic district plan (if the resource is located within a historic district); the proposed action will not have a significant effect on the goals and purposes of this chapter or the potential effect is outweighed by significant benefits of the replacement project; and in the case of relocating a contributing resource, the integrity and significance of both the contributing resource and the entire district (if the resource is located within a historic district) will not be significantly impaired.

b. Noncontributing Resources. Demolition/relocation certificate applications for noncontributing resources shall be approved if the project meets the provisions of EGMC Section 7.00.110 or



7.00.130 or if the replacement project is consistent with and supportive of identified goals and policies of the General Plan or applicable or specific area plans including the adopted historic district plan (if the resource is located within a historic district). [Ord. 7-2009 §3, eff. 5-1-2009; Ord. 3-2007 §3, eff. 2-23-2007]

**Section 7.00.140 shall be amended as follows:**

**7.00.140 Enforcement.**

It shall be unlawful for any property owner to permit or maintain violations of any of the provisions of this chapter by allowing the alteration, relocation, or demolition of a historic resource they own without first obtaining the required approval as provided in this chapter. Any violations of this chapter shall be a nuisance and may be subject to appropriate corrective action by the Community Enhancement Division or the City Attorney's Office.

A. Property owners violating this chapter shall be subject to the following:

1. All penalties as set forth in the City of Elk Grove fee schedule or other applicable law;
2. No further applications for land use entitlements (to include ministerial decisions such as building permits) shall be processed for the lot in question until any violation determination is corrected (i.e., to return the property to its previous state prior to the violation under the oversight of the Historic Preservation Committee). For purposes of this subsection, the City of Elk Grove's ~~Planning Director~~ Development Services Director or his or her designee shall be authorized to make a determination that there exists a violation of this chapter subject to an appeal to the City Council, as provided herein. This determination shall be made in writing and notice of the determination with a copy of the determination shall be served in the manner described in subsection (A)(2)(b) of this section.
  - a. Any determination made by the ~~Planning Director~~ Development Services Director regarding whether or not there exists a violation may be appealed in writing to the City Council within ten (10) days of service of the notice of the ~~Planning Director~~ Development Services Director's determination. The City Council's written determination shall be final and conclusive on the date it is issued. The determination shall be served in the manner set forth in subsection (A)(2)(b) of this section. The decision shall include notification that any action to judicially review said determination must be commenced not later than ninety (90) days following the date of the decision and order of abatement, pursuant to Section 1094.6 of the California Code of Civil Procedure.
  - b. Any notice pursuant to this subsection shall be delivered by certified U.S. Mail, postage prepaid and return receipt requested; U.S. Mail delivery confirmation; U.S. Mail signature confirmation; or such other delivery method that is reasonably calculated to provide actual notice to the property owner. The names and addresses of owners appearing on the assessment roll shall be conclusively deemed to be the proper persons and addresses for the purpose of mailing such notices. Service is deemed complete at the time of the deposit of the document in the U.S. Mail;
3. The City Attorney may seek injunctive relief or maintain an action in abatement to further the provisions of this chapter, including, but not limited to, an injunction requiring that violators be required to reasonably restore the historic resource to its appearance or condition prior to the violation, under the guidance of the Historic Preservation Committee;
4. Any historic resource in the City of Elk Grove which is the subject of an outstanding order to abate a substandard condition pursuant to the City Building Code is hereby declared to be a nuisance which can be treated as an infraction or a misdemeanor. With respect to any such historic resource, any person aggrieved by such a nuisance may bring an independent civil action against the owner of

the designated property for all appropriate relief, including damages, costs and attorney's fees. A "person aggrieved" is any person whose quiet use or enjoyment of or ability to rent or successfully conduct lawful activities at another property is interfered with by the substandard or other condition giving rise to a nuisance at the historic resource. Every day of such interference is a separate and distinct nuisance. [Ord. 7-2009 §3, eff. 5-1-2009; Ord. 3-2007 §3, eff. 2-23-2007]

**EXHIBIT D**  
**AMENDMENTS TO EGMC TITLE 14**  
**(AGRICULTURAL ACTIVITIES AND WATER USE AND CONSERVATION)**

*Note to Reader: Proposed changes are shown in ~~strikeout~~/underline with proposed deletions shown with ~~strikeout~~ and additions shown with an underline.*

**Section 14.05.020 shall be amended as follows:**

“Director” shall mean the ~~Planning Director~~ Development Services Director of the ~~Planning~~ Development Services Department of the City of Elk Grove.

**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:

1. If significant mass grading is not planned, the soil analysis report shall be submitted to the ~~Public Works Department~~ Development Services 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.

**Section 14.10.130. B shall be amended as follows:**

B. The project applicant shall:

1. Submit the signed certificate of completion to the ~~Public Works Department~~ Development Services Department of the City of Elk Grove for review;
2. Ensure that copies of the approved certificate of completion are submitted to the local water purveyor and property owner or his or her designee.

**Section 14.10.160.B shall be amended as follows:**

B. For new construction and rehabilitated landscape projects installed after January 1, 2010, as described in EGMC Section 14.10.020:

1. The project applicant shall submit an irrigation audit report with the certificate of completion to the ~~Public Works Department~~ Development Services Department of the City of Elk Grove that may include, but is not limited to: inspection, system tune-up, system test with distribution uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule;
2. The City shall administer programs that may include, but not be limited to, irrigation water use analysis, irrigation audits, and irrigation surveys for compliance with the maximum applied water allowance.

**EXHIBIT E**  
**AMENDMENTS TO EGMC TITLE 16**  
**(BUILDINGS AND CONSTRUCTION)**

*Note to Reader: Proposed changes are shown in ~~strikeout~~/underline with proposed deletions shown with ~~strikeout~~ and additions shown with an underline.*

**Section 16.18.413 shall be amended as follows:**

The City ~~Planning Director~~ Development Services 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 16.20.100.D shall be amended as follows:**

2. "Department" means the ~~Planning Department~~ Development Services Department of the City of Elk Grove.

**Section 16.20.300 shall be amended as follows:**

The City of Elk Grove ~~Planning Department~~ Development Services 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 shall be amended as follows:**

Failure to Commence Work. Whenever the required repair or demolition is not commenced within thirty (30) days after any notice and order issued under this chapter becomes final:

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

~~Planning Department~~ Development Services Department, City of Elk Grove

**Section 16.21.020.A shall be amended as follows:**

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 ~~Planning Department~~ Development Services Department or other local code enforcement programs for potential enforcement action before they escalate into blighted properties.

**Section 16.21.040 shall be amended as follows:**

For the purposes of this chapter, the following definitions shall apply:

- A. "Department" means the ~~Planning Department~~ Development Services Department of the City of Elk Grove.
- B. "Director" means the ~~Planning Director~~ Development Services Director of the ~~Planning Department~~ Development Services Department of the City of Elk Grove or his or her designated representatives.

**Section 16.23.020.B shall be amended as follows:**

"Director" shall mean the ~~Planning Director~~ Development Services Director and any subordinate employee to whom he or she delegates responsibility for the purposes of this chapter;

**Section 16.36.250 shall be amended as follows:**

The Building Official may authorize the construction of a swimming pool, hot tub, spa, spa pool, or similar pools across a property line or in the rear yard or side yard of an adjacent lot or within the common area of a planned development, provided:

- A. The construction of the swimming pool, spa, spa pool, hot tub, or other pool and the location thereof have been previously approved by the ~~Planning Department~~ Development Services Department; or the locations of the swimming pool, spa, spa pool, hot tub, or other pool is specified on an approved tentative subdivision map.

**Section 16.89.020 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 ~~Planning Department~~ Development Services Department, and is thereby subject to this chapter.
- S. "Planning Director" means the ~~Planning Department~~ Development Services Director of the City of Elk Grove ~~Planning Department~~ Development Services Department.

**Section 16.89.050 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 ~~Planning Department~~ Development Services Director is hereby authorized to determine the land use category that corresponds most directly to the land use. Alternatively, the ~~Planning Department~~ Development Services Director may determine that no land use category corresponds and determine the affordable housing fee.

**EXHIBIT F**  
**AMENDMENTS TO EGMC Title 19**  
**(TREES)**

*Note to Reader: Proposed changes are shown in ~~strikeout~~/underline with proposed deletions shown with ~~strikeout~~ and additions shown with an underline.*

**Section 19.08.020 shall be amended as follows:**

C. "Director" means the ~~Planning~~ ~~Director~~ Development Services Director of the ~~Planning Department~~ Development Services Department of the City of Elk Grove or their designee assistants, deputies, or authorized employee or agents.

**Section 19.08.100 shall be amended as follows:**

The notice shall be substantially in one of the following forms:

NOTICE TO DESTROY ELM TREE

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 being removed and destroyed. Otherwise they 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.

All property owners having any objections to the proposed removal of the elm tree or trees are hereby notified to attend an administrative hearing to be held \_\_\_\_\_, when their objection will be heard and given due consideration.

Dated: \_\_\_\_\_

or, if applicable:

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 ~~Planning Director~~ Development Services 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.

All property owners having any objections to the proposed removal of the dead elm wood are hereby notified to attend an administrative hearing to be held \_\_\_\_\_, when their objections will be heard and given due consideration.

Dated: \_\_\_\_\_

**Section 19.12.020 shall be amended as follows:**

**19.12.020 General definitions.**

For the purposes of this chapter, certain words or terms used herein shall be interpreted as follows.

A. "Approving body" shall be any one of the following: City Council, Planning Commission, or ~~Planning Director~~ Development Services Director.

B. "Arborist" shall mean an individual who is certified as an arborist by the International Society of Arboriculture (ISA) and who agrees to perform all work to the most current American National Standard Institute (ANSI) A300 standards.

C. "Arborist report" shall mean a report prepared by an arborist containing information required under this chapter as part of a tree permit application.

D. "CEQA" shall mean California Public Resources Code Sections 21000 through 21177, commonly referred to as the California Environmental Quality Act, and Sections 15000 through 15387 of Chapter 3, Division 6, Title 14 of the California Code of Regulations, commonly referred to as the CEQA Guidelines.

E. "City Arborist" shall mean the arborist for the City of Elk Grove, who shall be an ISA-certified arborist.

F. Critical Root Zone (CRZ). "Critical root zone" shall mean a circular area around a tree with a radius measured to the tree's longest existing dripline radius plus one (1' 0") foot.

G. "Critical tree disease" shall mean any tree disease identified by the City Arborist as a severe threat (i.e., likely to result in the death of the tree) to trees in Elk Grove, including but not limited to Dutch elm disease and sudden oak death.

H. "Crown" shall mean the upper part of a tree, measured from the lowest branch, including all the branches and foliage.

I. "dbh" shall mean the diameter at breast height, which is the diameter of a tree measured at four and one-half (4' 6") feet above the ground while standing on the high side of the tree. The diameter may be calculated by use of the following formula:

$$\text{diameter} = \text{circumference} / 3.142$$

J. "Development project" shall mean a project that must be approved by one of the following approving bodies: City Council, Planning Commission, or ~~Planning Director~~ Development Services 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.

K. "Dripline" shall mean an area delineated by projection of the periphery of the crown of a tree down to the ground surface.

L. "Dripline radius" shall mean a radius equal to the horizontal distance from the trunk of the tree to the end of the longest branch and is not the same as the critical root zone.

M. "Grading" shall mean, as described in the building code, 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.

N. "Landmark tree" shall mean those trees identified in EGMC Section 19.12.030 (Landmark trees).

O. "Secured tree" shall mean those trees identified in EGMC Section 19.12.050 (Secured trees).

P. "Tree permit" is an authorization by the City for the removal, pruning, or work in the critical root zone of a tree, issued pursuant to this chapter.

Q. "Tree permit work" shall mean work for which a tree permit is required as described in EGMC Section 19.12.070.

R. "Trees of local importance" shall mean those trees identified in EGMC Section 19.12.040 (Trees of local importance). [Ord. 6-2011 §4, eff. 3-25-2011]

**Section 19.12.030.B 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 ~~Planning Director~~ Development Services Director. The ~~Planning Director~~ Development Services Director shall route the application to the City Arborist for review and comment. Upon review and recommendation by the ~~Planning Director~~ Development Services Director and City Arborist, the proposal shall be submitted to the City Council for review and action.
2. If a tree proposed as a landmark tree is located on private property and the property owner is not the person submitting the proposal, the application shall be routed to the property owner for their review and comment.
3. The City Council may only approve designating a tree(s) as a landmark tree if the property owner has given their consent to the designation.

**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 ~~Planning Director~~ Development Services 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 ~~Planning Director~~ Development Services Director.



3. The ~~Planning Director~~ Development Services 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 ~~Planning Director~~ Development Services Director shall then prepare a report and recommendation for the City Council.

4. The City Council shall consider the recommendation of the ~~Planning Director~~ Development Services 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 shall be amended as follows:**

**19.12.090 Application procedure and permit processing.**

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 ~~Planning Department~~ Development Services 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 or more trees.

- a. A brief statement of the reasons for the proposed work;
- b. Consent of the owner of record of the land on which the proposed activity is to occur;
- c. A tree survey with the accurate location, number, species, size (dbh), and approximate age (if known) of the tree or trees subject to the application;
- d. If the project involves other discretionary development, then this survey must be part of the total development plan and must also describe any tree or trees which could be affected by the proposed development, and accurate trunk locations shall be indicated on all construction plans;
- e. Payment of any permit fee or deposit shall be authorized by City Council resolution; and
- f. Any other pertinent information requested by the City Arborist.

B. Tree Removal as Part of a Development Project. When a development project proposes the removal of trees, no separate application for a tree permit shall be required as part of the application for the development project. However, all the information required under subsection (A) of this section must be included with the development project application and no trees shall be authorized for removal until:

1. The entitlement has been approved; and
2. City staff has field-verified that proposed tree removal is consistent with the approved plan. It shall be the responsibility of the applicant to contact the City for field verification prior to tree removal.

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 ~~Planning Director~~ Development Services Director shall be the designated approving authority. The ~~Planning Director~~ Development Services 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.

3. Tree Located on City-Owned Land. For trees in the right-of-way and on city property, the ~~Planning Director~~ Development Services Director shall be the designated approving authority. The ~~Planning Director~~ Development Services Director shall make a decision on the permit after a recommendation has been provided by the City Arborist and the Public Works Director.

#### 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 ~~Planning Director~~ Development Services Director before expiration of the permit, together with the required filing fee.

b. Evidence to Be Provided. The 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. ~~Planning Director~~ Development Services Director's Action. Upon good cause shown, the first extension may be approved, approved with modifications, or disapproved by the ~~Planning Director~~ Development Services 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 ~~Planning Director~~ Development Services Director shall provide written notification, including the reasons for denial, to the applicant.

3. It shall be the responsibility of the person conducting the permitted work to have the tree permit or a copy of the conditions of approval imposed by the approving body at the tree removal site.

4. The permit, or the conditions of approval granted by the approving body, shall entitle the applicant to conduct the approved work on the tree(s) identified under the permit. All other work outside the scope of the approved permit shall be considered a violation of this chapter.

**Section 19.12.190 shall be amended as follows:**

**19.12.190 Replanting security.**

- A. Replanting security shall be required for any tree mitigation plan excluding payment of an in-lieu fee. The purpose of such security shall be to guarantee the applicant's compliance with conditions of approval and City provisions regarding tree protection and preservation. Security may also be required at the discretion of the approving body to insure the completion of any additional work specified as a condition of permit approval or other approvals.
- 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 ~~Planning Director~~ Development Services Director prior to approval of the tree mitigation plan.
- C. The security may be in the form of a letter of credit, cash deposit, a combination thereof, or other acceptance method of security by the City and shall be approved by the City Attorney.
- D. Security posted on actual work required shall be maintained for a minimum of five (5) years. The City may require additional length of security of up to ten (10) years when larger trees are being planted and/or site conditions warrant.
- E. Any interest gained on security posted by requirement of the City shall accrue to the applicant or his or her designee.

**EXHIBIT G**  
**AMENDMENTS TO EGMC Title 20**  
**(ENVIRONMENTAL PROTECTION)**

*Note to Reader: Proposed changes are shown in ~~strikeout~~/underline with proposed deletions shown with ~~strikeout~~ and additions shown with an underline.*

**Section 20.02.020 shall be amended as follows:**

**20.02.020 Definitions.**

For this chapter, the following definitions shall apply:

A. "Applicant" means the person listed as the applicant on an application for a project and includes the record owner of the real property that is the subject of the project at the time of the application for the project. "Applicant" also includes successive record owners or other persons who obtain an interest in the subject real property, or a portion thereof, after submission of the application for the project but prior to the issuance of a program completion certificate certifying completion of all requirements of a program.

B. "Approving body" means the Elk Grove City Council, the Planning Commission, the ~~Planning Director~~ Development Services 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.

C. "Mitigation monitoring and reporting program" or "program" means a program adopted by the approving body pursuant to Section 21081.6 of the Public Resources Code and this chapter to ensure compliance with adopted or required changes to mitigate or avoid significant environmental effects.

D. "Environmental Planning Manager" means the Environmental Planning Manager of the City of Elk Grove ~~Planning Department~~ Development Services Department or his or her designee.

E. "Project" means a project as defined in the California Environmental Quality Act ("CEQA") found at Section 21000, et seq., of the Public Resources Code.

F. "Program completion certificate" means a certificate issued by the Environmental Planning Manager to certify completion of all or a designated phase of an adopted mitigation monitoring and reporting program.

**EXHIBIT H**  
**AMENDMENTS TO TITLE 22**  
**(LAND DEVELOPMENT)**

*Note to Reader: Proposed changes are shown in ~~strikeout~~/underline with proposed deletions shown with ~~strikeout~~ and additions shown with an underline.*

**Section 22.05.035 shall be amended as follows:**

**22.05.035 Limitations.**

This title shall be inapplicable to:

- A. The financing or leasing of apartments, offices, stores, or similar space within apartment buildings, industrial buildings, commercial buildings, mobile home parks or trailer parks.
- B. Mineral, oil or gas leases.
- C. Land dedicated for cemetery purposes under the Health and Safety Code of the State of California.
- D. A lot line adjustment between two (2) or more existing adjacent parcels, where the land taken from one (1) parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created, providing the lot line adjustment is approved by the ~~Planning Director~~ Development Services Director ~~acting as an advisory agency or by the Development Review Committee.~~ Boundary line or exchange agreements to which the State Lands Commission or a local agency holding a trust grant of tide and submerged lands is a party.
- F. Any separate assessment under Section 2188.7 of the Revenue and Taxation Code.
- G. The financing or leasing of any parcel of land, or any portion thereof, in conjunction with the construction of commercial or industrial buildings on a single parcel unless the project is not subject to review under other local agency ordinances regulating design and improvement.
- H. The financing or leasing of existing separate commercial or industrial buildings on a single parcel.
- I. Subdivisions of four (4) parcels or less for construction of removable commercial buildings having a floor area of less than one hundred (100 ft<sup>2</sup>) square feet.

**Section 22.10.020 shall be amended as follows:**

**22.10.020 Access, approved.**

“Approved access” means right of vehicular travel to a public street, as shown on the final subdivision map or final parcel map and as approved by the ~~Public Works Director~~ City Engineer.

**Section 22.10.050 shall be added as follows:**

**22.10.050 City Engineer**

“City Engineer” means the City Engineer of the City of Elk Grove, or his or her designee.

**Section 22.16.028 shall be amended as follows:**

**22.16.028 Record owner.**

“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 ~~Planning Director~~ Development Services Department or a notice of determination is mailed.

**Section 22.16.040 shall be amended as follows:**

**22.16.040 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 ~~Planning Director~~ Development Services Director requesting such a hearing.

**Section 22.16.050 shall be amended as follows:**

**22.16.050 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 22.16.040, the ~~Planning Director~~ Development Services 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 ~~Planning Director~~ Development Services Director’s receipt of the request, but may be postponed or continued with the mutual consent of the property owner and the Planning Commission.

**Section 22.16.060 shall be amended as follows:**

**22.16.060 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 22.16.020.

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 22.16.020.

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

2. After the findings have been made, the ~~Planning Director~~ Development Services 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 ~~Planning Director~~ Development Services 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.

**Section 22.16.080 shall be amended as follows:**

**22.16.080 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 22.16.040, 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 ~~Planning Director~~ Development Services 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 ~~Planning Director~~ Development Services 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. [Ord. 6-2012 §4, eff. 5-11-2012]

**Section 22.16.100 shall be amended as follows:**

**22.16.100 Authority.**

The ~~Planning Director~~ Development Services Director shall have the authority to approve or disapprove the merger of contiguous parcels under common ownership without reverting to acreage.

**Section 22.16.120 shall be amended as follows:**

**22.16.120 Application and fees.**

An application shall be filed with the ~~Planning Department~~ Development Services Department and all fees shall be paid as approved by resolution of the City Council.

**Section 22.16.130 shall be amended as follows:**

**22.16.130 Determination.**

The ~~Planning Director~~ Development Services Director shall make the following findings in order to merge the parcels:

- A. The resultant parcel will be consistent with the General Plan, an applicable specific plan, or 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.

**Section 22.16.140 shall be amended as follows:**

**22.16.140 Certificate of merger.**

Upon making the findings, the ~~Planning Director~~ Development Services 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 ~~Planning Director~~ Development Services 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.

**Section 22.16.150 shall be amended as follows:**

**22.16.150 Determination that parcels may not be merged.**

The ~~Planning Director~~ Development Services 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 22.20. The ~~Planning Director~~ Development Services Director shall issue a letter outlining his/her findings as to why a tentative map is required.

**Section 22.16.160 shall be amended as follows:**

**22.16.160 Appeals.**

Any person dissatisfied with the decision of the ~~Planning Director~~ Development Services Director may appeal such action to the Planning Commission 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.

**Section 22.16.180 shall be amended as follows:**

**22.16.180 Requirements for unmerger.**

A written request shall be filed with the ~~Planning Director~~ Development Services 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 22.16.190 are met.

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

**Section 22.16.210 shall be amended as follows:**

**22.16.210 Determination of unmerger or continued merger.**

A. The ~~Planning Director~~ Development Services Director will determine whether the parcels meet the criteria as described in EGMC Section 22.16.190 for unmerger or continued merger under EGMC Section 22.16.200 based on the information in the application.

B. If the ~~Planning Director~~ Development Services Director determines that the parcels meet the standards as described in EGMC Section 22.16.190, the ~~Planning Director~~ Development Services 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 ~~Planning Director~~ Development Services Director determines that the parcels do not meet the criteria as described in EGMC Section 22.16.190 and do meet the criteria of EGMC Section 22.16.200, the ~~Planning Director~~ Development Services Director shall issue to the record owner, and record with the Sacramento County Recorder, a certificate of merger as provided for in EGMC Section 22.16.140.



**Section 22.16.220 shall be amended as follows:**

**22.16.220 Appeals.**

Any person dissatisfied with the decision of the ~~Planning Director~~ Development Services Director may appeal such action to the Planning Commission 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.

**Section 22.20.005 shall be amended as follows:**

**22.20.005 Applications.**

The ~~Planning Director~~ Development Services 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.

**Section 22.22.010 shall be amended as follows:**

**22.22.010 Submission of tentative map application.**

The tentative map shall be prepared in a manner acceptable to the ~~Planning Department~~ Development Services 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 ~~Planning Director~~ Development Services Director and/or the City Engineer :

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

1. Subdivision name and number;
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 ~~Planning Director~~ Development Services 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 drip line 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 City Engineer or ~~Planning Director~~ Development Services Director;
  - d. The approximate location of all areas of potential stormwater overflow; the location, width, and direction of flow of each water course; the flood zone of each water course; 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, street lights, 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 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. If any deviation from City standards is shown on the tentative map, a note shall be placed on the map to that effect and the deviation shown.

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 ~~Planning Director~~ Development Services Director shall determine the number of tentative maps to be delivered. The applicant shall comply with Zoning Code public notice requirements. In addition, all tentative map applications shall be accompanied by the following:

1. Fees. A fee, as established by the City Council resolution, shall be required with all tentative map applications.

***Section 22.20.012 shall be amended as follows:***

**22.20.012 Filing of vesting tentative maps.**

The minimum requirements for filing a vesting map are set forth in this title, commencing with EGMC Section 22.25.010. Applications for vesting maps shall be filed with the ~~Planning Department~~ Development Services Department and shall be processed in accordance with the Subdivision Map Act, the provisions of this title and the rules prepared by the ~~Planning Director~~ Development Services Director in EGMC Section 22.20.005. A proposed division of land which otherwise requires a tentative parcel map may instead be submitted for approval as a vesting tentative subdivision map whenever the subdivider desires the rights conferred by a vesting map.

**Section 22.20.036 shall be amended as follows:**

**22.20.036 Advisory agency – Boundary line adjustments.**

The ~~Planning Director~~ Development Services Director is designated as the approval authority for all matters related to boundary line or lot line adjustments.

**Section 22.20.076 shall be amended as follows:**

**22.20.076 Waiver of parcel maps for condominiums.**

The Planning Commission or the City Council may waive the requirements for a tentative or final map imposed by the Subdivision Map Act for the construction of a residential condominium project on a single lawful parcel. The Public Works Director may waive the requirements for a tentative or final map imposed by the Subdivision Map Act for the construction of a commercial or industrial condominium project on a single lawful parcel.

The procedure for determining whether such a waiver for a residential condominium is appropriate shall be initiated by an application for waiver filed with the ~~Planning Director~~ Development Services Director. An application for waiver for a commercial or industrial condominium shall be initiated by an application for waiver filed with the Public Works Director.

The application shall contain a legal description for the single lawful parcel and a description of the proposed condominium project. 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. All other applications for waiver on a residential condominium project shall be considered by the Planning Commission at a public hearing. The Planning Commission shall make the final determination on these applications for waiver.

Applications for waiver of final or tentative maps on a commercial or industrial condominium project on a single lawful parcel shall be considered and granted or denied by the Public Works Director.

No applications for a waiver of the requirement for a tentative or final 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 the 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 the Elk Grove Municipal Code.

**Section 22.25.030 shall be amended as follows:**

**22.25.030 Administration of vested rights.**

In administering an approved vesting map, the following shall be applicable:

A. Approval of a vesting map applies only to actions considered and approved by the City Council. If the vesting 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 map, the approvals are subject to applicable ordinances, policies, and standards granting those entitlements, including any conditions thereon.

B. The rights conferred by approval of a vesting map shall last two (2) years from recordation of the final map.

C. 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.

D. Modifications that are in substantial conformance to the approved plans may be permitted upon approval of the Development Services Director. In the event the ~~Planning Director~~ Development Services Director determines that the modifications are not in substantial conformance, the determination may be appealed by the applicant through the normal appeal procedures of this title. Alternatively, the ~~Planning Director~~ Development Services Director may choose to refer the matter to the approval body of the vesting map for a determination. Any approved or denied modification request shall not alter the effective period or rights conferred by approval of a vesting map.

***Section 22.25.050 shall be amended as follows:***

**22.25.050 Minimum requirements for filing a vesting map.**

The provisions for filing a complete application for a tentative map, as set forth in EGMC Section 22.20.010, are applicable to vesting maps; however, the requirements for filing a vesting map shall also include:

A. At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words “Vesting Tentative Map.”

B. In addition to the vesting tentative map the following items are required to be submitted as part of the vesting tentative map submittal:

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 City Engineer and/or ~~Planning Director~~ Development Services 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 City Engineer or the Development Services Director.

**Section 22.40.035 shall be amended as follows:**

**22.40.035 Calculating area of land dedication.**

A. If the advisory agency or City Council requires the dedication of land, the subdivider or owner shall dedicate land for neighborhood and community parks according to the formula  $D \times F = A$  in which: D equals the number of dwelling units. F equals a "factor" herein described. A equals the amount of land, in acres, to be dedicated.

B. "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.

"Single-family area" means an area of land used for or proposed for detached buildings designed for occupancy by one (1) family.

"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-family, group and row dwelling units.

"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.

"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.

C. The factors 0.0083, 0.006, 0.0046 and 0.0052 are constants determined from the 2000 Federal Census Analysis of the population trends and studies of Sacramento County which, when multiplied by the number of dwelling units permitted in the subject area, will produce three (3) acres per one thousand (1,000) population to be devoted to neighborhood or community park facilities. This limit is specified in Section 66477 of the Government Code, and limits the objective in the recreation element of the General Plan, unless a higher standard is adopted pursuant to EGMC Section 22.40.045. The ~~Planning Director~~ Development Services Director shall re-establish such factors annually.

(Fs = 0.0083 relating to single-family dwelling units)

(Fm = 0.006 relating to multiple-family dwelling units)

(Fa = 0.0046 relating to apartment, cluster and condominium dwelling units)

(Fmh = 0.0052 relating to mobile home development dwelling units)

D. 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 the Zoning Code, 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 the Zoning Code, 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.

E. 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. Upon the written request of the applicant, the Planning Commission may recommend and the City Council may add a condition to any map contemplated by subsection (D) of this section for multifamily development, whether submitted as a parcel map or subdivision map, stating that required land or dedication or improvements or the payment of an in lieu fee may occur after the recordation of the final or parcel map and that required land or dedication or improvements or the payment of an in lieu fee shall occur at some later time but not later than prior to the issuance of building permits.

**Section 22.40.045 shall be amended as follows:**

**22.40.045 Alternative calculation method.**

A. This section specifies the alternative method to that specified in EGMC Section 22.40.035 for determining the factors used in calculating the area of land to be dedicated.

B. The City Parks and Recreation Department or any other local public agency providing parks may apply to the City Council for a determination of the standard for existing neighborhood and community park acreage. In its application, the agency shall present its calculations, reports and other evidence showing that the amount of existing neighborhood and community park area exceeds three (3) acres of park area per one thousand (1,000) members of the population of the City or applicable local agency providing parks. The calculation shall be derived pursuant to Section 66477(b)(1) of the Government Code.

C. If the City Council determines after a noticed public hearing that the standard for existing neighborhood and community park acreage exceeds three (3) acres of parks for one thousand (1,000) members of the population of the City or local public agency, it shall adopt a resolution setting such standard as applicable as of that date to dedication or fees for maps in that jurisdiction. The resolution shall be transmitted to the Secretary of the Planning Commission, ~~the Development Review Committee~~, and the requesting agency. Procedures shall then be initiated to include such standards into this chapter.

D. The amount of land dedicated or fees paid in lieu thereof as a condition to the approval of a tentative map or parcel map in the jurisdiction of the local public agencies specified in this section shall be calculated using the following factors instead of those specified in EGMC Section 22.40.035.

Acreage Requirement	Dedication	Fs (Single-Family)	Fm (Family)	(Multiple-Fa (Apartment Condominium)	Cluster	Fmh (Mobile Home)
5.00		0.0138	0.0101	0.0077		0.0086

**Section 22.40.085 shall be amended as follows:**

**22.40.085 Credit for park and recreational improvements and equipment.**

A. If the subdivider proposes to receive credit for providing park and recreational improvements to the land the subdivider has dedicated, or equipment located thereon, the following procedure shall be followed. 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 he or she intends to receive credit for park and recreational services to the area within which the proposed development will be located, and that he or she intends 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 22.40.035 or 22.40.045. 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 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 complies 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 ~~Public Works Department~~ 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 ~~Public Works Department~~ 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.

***The Title of Chapter 22.150 shall be amended as follows:***

Chapter 22.150  
~~PLANNING DEPARTMENT~~ DEVELOPMENT SERVICES DEPARTMENT SERVICES FEES

***Section 22.150.010 shall be amended as follows:***

**22.150.010 Intent.**

A fee shall be paid to the City for planning services fees and other planning services performed, or authorized to be performed, by the City's ~~Planning Director~~ Development Services Director in accordance with the adopted fee schedule, and can be amended from time to time, by resolution of the City Council.

***Section 22.150.020 shall be amended as follows:***

**22.150.020 Fees.**

~~Planning Department~~ Development Services Department services fees will be set by resolution and can be amended from time to time, and as needed, by resolution of the City Council.

***Section 22.300.015 shall be amended as follows:***

**22.300.015 Form and content.**

The submitted material shall conform to the rules adopted by the ~~Planning Director~~ Development Services Director as to form and content.



**Section 22.300.020 shall be amended as follows:**

**22.300.020 Staff reports.**

The ~~Planning Director~~ Development Services Director shall prepare and submit a written report to the ~~Development Review Committee~~ Planning Commission on street dedication maps.

- A. 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.
- B. 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.

# EXHIBIT I

## AMENDMENTS TO EGMC TITLE 23

### (ZONING)

*Note to Reader: Proposed changes are shown in ~~strikeout~~/underline with proposed deletions shown with ~~strikeout~~ and additions shown with an underline. Changes that are not specific to the Development Services name change are **highlighted in yellow**.*

#### **Section 23.10.020 shall be amended as follows:**

##### **23.10.020 Composition of the Elk Grove Planning Agency.**

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 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. ~~Planning Director~~ Development Services Director.

Responsible agencies shall have such duties as assigned by this title.

#### **Section 23.10.040 shall be amended as follows:**

##### **23.10.040 Responsibilities of the Planning Commission.**

The Planning Commission shall have the following land use responsibilities:

- A. Hear and decide appeals of the decisions of the ~~Planning Director~~ Development Services Director and Zoning Administrator.
- B. Hear and decide applications for conditional use permits, variances, major design review, major uniform sign programs, extensions to nonconforming use status, tentative subdivision maps, and tentative parcel maps.
- C. Review and approve or disapprove official zoning interpretations.
- D. Hear and make recommendations to the City Council on applications or proposals for amendments to this title.
- E. Initiate studies of amendments to this title and make recommendations to the City Council for amendments to this title.
- F. Hear and make recommendations to the City Council on applications for zoning amendments, General Plan and amendments thereto, specific plans, special planning areas, rezoning, and other related planning studies.

G. Exercise such other powers and duties as are prescribed by State law, local ordinance, or as directed by the City Council.

**Section 23.10.060 shall be amended as follows:**

**23.10.060 Responsibilities of the ~~Planning Director~~ Development Services Director.**

The ~~Planning Director~~ Development Services Director shall have the responsibility and authority to administer and enforce this title as follows:

- A. Maintain the sections of this title, zoning map, and all records of zoning actions and interpretations.
- B. Advise the City Council, City Manager, Zoning Administrator, and Planning Commission on planning matters.
- C. Decide administrative permits, including zoning clearance/plan check, minor deviations, minor uniform sign programs, parking reduction permits, reasonable accommodation permits, and temporary use permits.
- D. Staff meetings and provide administrative services for the Planning Commission.
- E. Direct planning-related policy amendments and special studies as necessary or desired.
- F. Conduct administrative functions authorized by this title, including distribution and receipt of permit applications and corresponding fees, application review and public noticing, determination and issuance of administrative permits and approvals, and preparation of staff reports with recommendations, proposed findings, and proposed conditions for quasi-judicial and legislative actions by designated planning agencies. For a comprehensive list of permits, see EGMC Chapter 23.16, Permit Requirements.
- G. Provide information to the public and facilitate public participation on planning matters.
- H. Prepare official zoning interpretations for Planning Commission review and action.
- I. Exercise such other powers and duties as are prescribed by State law, local ordinance, or as directed by the City Manager.

**Section 23.12.020 shall be amended as follows:**

**23.12.020 Applicability and authority for interpretations.**

If ambiguity arises concerning the meaning or applicability of the provisions of this title, it shall be the responsibility of the ~~Planning Director~~ Development Services 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:

- A. The classification of a particular use (see EGMC Section 23.26.030, Similar uses);
- B. The development standards applicable to a particular zoning district or use; or
- C. Zoning boundaries.

**Section 23.10.040 shall be amended as follows:**

**23.12.040 Official zoning interpretation.**

A. Applicability and Authority to Prepare. Whenever the ~~Planning Director~~ Development Services 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 ~~Planning Director~~ Development Services

Director, the ~~Planning Director~~ Development Services 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 EGMC Title 23 (Zoning). 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.

C. Content of Official Zoning Interpretation. Official zoning interpretations shall be prepared by the ~~Planning Director~~ Development Services 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. Planning Commission Routing and Action. The ~~Planning Director~~ Development Services Director shall forward the official zoning interpretation to the Planning Commission as an action item at its next regularly scheduled Planning Commission meeting for Planning Commission approval or disapproval. The action on the interpretation shall not be final until after Planning Commission meeting and action.

2. General Routing. A copy of the official zoning interpretation shall be provided by the ~~Planning Director~~ Development Services Director to the City Manager, City Attorney, City Council, and to the applicant, property owner, or interested party requesting the interpretation at the same time or prior to being provided to the Planning Commission. Such routing shall include a public notice identifying the pending action by the Planning Commission including the date it is scheduled to appear before the Commission.

3. Appeal. Planning Commission action on interpretations by the ~~Planning Director~~ Development Services Director 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 ~~Planning Director~~ Development Services 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, official zoning interpretations shall be incorporated into this title by amendment as soon as is possible.

***Section 23.12.060 shall be amended as follows:***

**23.12.060 Enforcement procedures.**

A. Purpose and Intent. The purpose of these provisions is to identify enforcement authority and provisions for enforcement of this title.

B. Action on Violations. Municipal code enforcement is the responsibility of the Code Enforcement Division. Working in partnership with the ~~Planning Director~~ Development Services 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.

C. Public Nuisance Declared. Any building or structure, or any use of property contrary to or in violation of this title or condition of approval of land use and development permits issued under this title is unlawful

and is a public nuisance. All abatement and enjoinder proceedings shall be conducted in accordance with EGMC Section 1.04.040 and EGMC Chapters 1.11, 1.12, and 16.18, as well as relevant provisions of State law. Additionally, should a violation of a condition of approval of a land use and development permit not be corrected in a reasonable timeframe, the City (by initiation of any of the City's designated planning agencies as identified in EGMC Section 23.10.020, Composition of Elk Grove Planning Agency) may undertake proceedings to revoke the permit in accordance with EGMC Chapter 23.20 (Modification and Revocation).

**Chapter 23.14 shall be amended as follows:**

**23.14.010 Application submittal.**

All applications for land use and development permits and actions pertaining to this title shall be submitted to the ~~Planning Department~~ Development Services Department on a City application form, together with all fees, plans, maps, and any other information required by the ~~Planning Department~~ Development Services 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 ~~Planning Director~~ Development Services 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.

**Chapter 23.14 shall be amended as follows:**

**23.14.010 Application submittal**

All applications for land use and development permits and actions pertaining to this title shall be submitted to the Planning Division of the Development Services Department on a City application form, together with all fees, plans, maps, and any other information required by the Planning Division of the Development Services 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 ~~Planning~~ Development Services 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.

**23.14.020 Determination of completion.**

A. Application Completeness. Within thirty (30) days of application submittal, the ~~Planning Director~~ Development Services 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 ~~Planning Director~~ Development Services 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 ~~Planning Director~~ Development Services 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.

**23.14.030 Application review.**

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 ~~Planning Director~~ Development Services 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 ~~Planning Director~~ Development Services 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.

**23.14.040 Public hearing for quasi-judicial and legislative permits and entitlements.**

A. Public Hearing Required. The following procedures shall govern the notice and public hearing, where required, for consideration of a quasi-judicial or legislative permit or entitlement(s). In accordance with planning and zoning law, the Subdivision Map Act, and the California Environmental Quality Act, public hearings shall be required for all quasi-judicial permits and legislative actions of the City, including, but not limited to, minor deviation, variance, use permits (both minor conditional and conditional), design review (both minor and major), specific plans, special planning areas, zoning amendments, and general plan amendments. The hearing(s) shall be held before the designated approving authority as identified in this title. Notice of the hearing(s) shall be provided as described below.

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 ~~Planning Director~~ Development Services 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:

1. General Plan amendment;
2. Rezone;
3. Specific plan amendment;
4. Special planning area amendment;
5. Major design review;
6. Tentative subdivision map;
7. Conditional use permit; or
8. Any application for design review for multifamily development.

C. Notice of Hearing. 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. Notice of the public hearing shall be published in at least one (1) newspaper of general circulation in the City.

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 this mailing requirement are as follows:

a. For all properties designated as "rural residential," "estate residential," or "Elk Grove Triangle" on the City's General Plan land use policy map, 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 ~~Planning Director~~ 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 ~~Planning Department~~ Development Services Department. Mailings to such organizations shall not be counted toward the thirty (30) parcel minimum defined above.

3. 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.

#### **23.14.050 Approving authority.**

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.

#### **Table 23.14-1 Approval Authority**

Type of Permit, Entitlement, or Decision	Permit Description (EGMC Section)	Designated Approval Authority <sup>1</sup>			
		Planning Director <u>Development Services Director</u>	Zoning Administrator	Planning Commission	City Council
<b>Administrative Permits</b>					
Official zoning interpretation	23.12.040	Recommending	---	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	---	---	---
Parking reduction 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	---	---	---
<b>Quasi-Judicial Permits and Entitlements</b>					
Minor design review	23.16.080	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
Tentative parcel map	22.20	Recommending	---	Final	---
Tentative subdivision map	22.20	Recommending	---	Final	---
<b>Legislative Approvals</b>					
Special planning area (establishment and amendment)	23.16.090	Recommending	---	Recommending	Final
Specific plan (establishment and amendment)	23.16.100	Recommending	---	Recommending	Final
Zoning amendment (text and map)	23.16.110	Recommending	---	Recommending	Final
Community plan (establishment and amendment)	23.16.115	Recommending	---	Recommending	Final



Type of Permit, Entitlement, or Decision	Permit Description (EGMC Section)	Designated Approval Authority <sup>1</sup>			
		Planning Director <del>Development Services Director</del>	Zoning Administrator	Planning Commission	City Council
General Plan amendment	23.16.120	Recommending	---	Recommending	Final
Rezoning	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.

B. ~~Planning Director~~ Development Services Director/Zoning Administrator Elevations. For any entitlement where the ~~Planning Director~~ Development Services Director or Zoning Administrator is the designated approving authority, he or she may elevate the project to the Planning Commission for review and final action if, in their opinion, the project warrants Planning Commission hearing because of project location, size, design, or other unique issues as determined by the designated approving authority.

**23.14.060 Appeals.**

A. Purpose. This section identifies the procedures for filing and processing an appeal consistent with Section 65904 of the California Government Code. 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 planning and zoning matters.

B. Appeal Applicability and Authority. Any person dissatisfied with an interpretation or action of the ~~Planning Director~~ Development Services 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  
Appeal**

**23.14-2  
Authority**

Action by This Authority	Shall Be Appealed to This Authority	
	Planning Commission	City Council
<del>Planning Director</del> <u>Development Services Director</u>	X	
Zoning Administrator	X	
Planning Commission		X

C. Filing an Appeal. 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. The filing of an appeal shall stay the issuance of subsequent permit(s) (e.g., building permits).

D. Notice and Schedule of Appeal Hearings. Unless otherwise agreed upon by the person filing the appeal and the applicant, appeal hearings should be conducted within forty-five (45) days from the date of appeal submittal. Notice of hearing for the appeal shall be provided pursuant to noticing requirements of EGMC Section 23.14.040, Public notices.

E. Appeal Hearing and Action. 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 appeal authority is final on the date of decision and may not be further appealed.

**Section 23.16.020 shall be amended as follows:**

**23.16.020 Zoning clearance/plan check.**

A. Purpose and Applicability. The purpose of zoning clearance/plan check is to ensure that all new and modified uses and structures comply with applicable provisions of this title, using simple administrative plan check procedures. Zoning clearance/plan check is required for all structures that require a building permit and for signs.

B. Approving Authority. The designated approving authority for zoning clearance/plan check is the ~~Planning Director~~ Development Services Director. The ~~Planning Director~~ Development Services 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 ~~Planning Director~~ Development Services Director as part of the building permit application review. Zoning clearance shall be granted only when the ~~Planning Director~~ Development Services Director finds the proposal to be in conformance with all applicable provisions of this title. The ~~Planning Director~~ Development Services 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 ~~Planning Department~~ Development Services Department. Further, upon approval of the proposed project, the ~~Planning Director~~ Development Services Director shall issue a sign permit for the sign. The permit shall be on a label provided by the ~~Planning Department~~ Development Services 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 shall be amended as follows:**

**23.16.027 Uniform sign program.**

A. Purpose and Applicability. There are two (2) types of uniform sign programs: major and minor. Both programs provide a process for the City's review of and decisions related to requests for signs for multi-tenant projects. The intent of the uniform sign programs are to allow for the integration of a project's signs with the design of the structures involved to achieve a unified architectural statement and to approve common sign regulations for multi-tenant projects. A uniform sign program (either major or minor) shall be required for all new multi-tenant shopping centers, office parks, and other multi-tenant, mixed use, or otherwise integrated developments of three (3) or more separate tenants/uses that share buildings, public spaces, landscape, and/or parking facilities. The differences between the programs are as follows:

1. Minor Uniform Sign Program. A minor uniform sign program does not allow for deviations from the signage standards in this title.

2. Major Uniform Sign Program. The intent of the major uniform sign program is to:

- a. Provide a process for the application of sign regulations in ways that will allow creatively designed signs that make a positive visual contribution to the overall image of the City, while mitigating the impacts of large or unusually designed signs; and
- b. Allow for the installation of signs larger, taller, and/or more numerous than otherwise permitted by this title.

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 ~~Planning Director~~ Development Services Director shall be the designated approving authority for a minor uniform sign program. The ~~Planning Director~~ Development Services 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 ~~Planning Director~~ Development Services 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.

C. Procedure. The procedures for a uniform sign program shall be as provided in EGMC Chapter 23.14 (General Application Processing Procedures), except as provided below:

1. Minor Uniform Sign Program. No public hearing or notice shall be required.

2. Major Uniform Sign Program. A public hearing shall be required and public notice shall be provided as specified in EGMC Section 23.14.040, Public notices.

D. Standards. The uniform sign program (both major and minor) shall include criteria for building-attached signs, freestanding building signs, and the integrated development itself to establish consistency of sign type, location, center logo, and/or letter height, lines of copy, illumination, and construction details of signs for the project. All signs within the development shall be consistent with the approved uniform sign program. The message substitution policy of EGMC Chapter 23.62 shall be deemed incorporated in every sign program, even if the sign program documents do not explicitly so state.

1. Minor Uniform Sign Program. Maximum size, location, height, setback, and other development standards for signs in the minor uniform sign program shall be consistent with the standards of this title. No deviations from sign standards are allowed through a minor uniform sign program.

2. Major Uniform Sign Program.

- a. Deviations Allowed. The following types of deviations from the signage standards of this title may be requested by the applicant for a major uniform sign program and may, upon written findings, be approved by the approving authority:

- i. Increases in maximum allowed area per tenant for permanent signs on the subject site not to exceed one hundred fifty (150%) percent of the respective development standards in the underlying zoning district for the subject parcel (for a total of fifty (50%) percent more than the respective development standard);

- ii. Increases in the total number of monument signs allowed per project not to exceed two hundred (200%) percent of the respective development standards in the underlying zoning district for the subject parcel (for a total of one hundred (100%) percent more than the respective development standard);

- iii. Allowances for signs to exceed the maximum height and length requirement(s) not to exceed one hundred twenty-five (125%) percent of the respective development standards in the underlying zoning district for the subject parcel (for a total of twenty-five (25%) percent more than the respective development standard);
  - iv. All other sign deviations require approval of a variance application. The general operational standards (e.g., lighting, setback, etc.) listed in EGMC Sections 23.62.110 and 23.62.120 shall be observed.
- b. Deviations Prohibited. A major uniform sign program shall not be used to allow prohibited signs listed in EGMC Section 23.62.100, including electronic readerboard signs, and/or billboard signs in accordance with EGMC Chapter 23.47.
- c. Considerations and Basis for Deviations. In approving an application for a major uniform sign program and any deviations from the signage standards of this title, the designated approving authority shall ensure that the proposed sign meets all of the following criteria:
- i. Design Quality. The sign shall:
    - (A) Have a positive visual impact on the surrounding area;
    - (B) Be of a unique design and exhibit a high degree of imagination, inventiveness, and thoughtfulness; and
    - (C) Provide strong graphic character through the imaginative use of any of the following: color, graphics, proportion, quality materials, scale, and texture.
  - ii. Contextual Criteria. The sign shall contain at least one (1) of the following elements:
    - (A) Creative image reflecting current or historic character of the City; or
    - (B) Inventive representation of the logo, name, or use of the structure or business.
  - iii. Architectural Criteria. The sign shall:
    - (A) Utilize or enhance the architectural elements of the related building(s); and
    - (B) Be placed in a logical location in relation to the overall composition of the building's facade and not cover any key architectural features and details of the facade.
  - iv. Impacts on Surrounding Uses. The sign shall be located and designed so as not to cause light and glare impacts on surrounding uses, especially residential uses, and vehicle circulation patterns.

#### E. Findings.

1. Minor Uniform Sign Program. A minor uniform sign program, or revisions thereto, may be approved only when the designated approving authority makes findings of fact that the proposed sign program is consistent with the development standards for a uniform sign program as established in this section.
2. Major Uniform Sign Program. A major uniform sign program, or revisions thereto, may be approved only when the designated approving authority makes all of the following findings:
  - a. The proposed major uniform sign program is consistent with the objectives of the General Plan;
  - b. The proposed signage is consistent with the purposes of the major uniform sign program; and

c. The proposed deviations from the signage standards of this title are consistent with the considerations and basis for deviations listed in the title.

F. Conditions. Only in the case of a major uniform sign program may the designated approving authority modify plans in whole or in part and condition the uniform sign program permit to ensure specific design features, construction materials, and conformance with all applicable provisions of this title.

**Section 23.16.030 shall be amended as follows:**

**23.16.030 Minor deviation.**

A. Purpose and Applicability. The purpose of the minor deviation is to allow some flexibility in project design with regards to specific development standards. Minor deviations do not apply to the use of property. To achieve more flexible standards, the designated approving authority may grant minor deviations to the building height, setback, lot coverage, maximum allowed signage area, and parking provisions not to exceed ten (10%) percent of the respective development standards in the underlying zoning district for the subject parcel. All other deviations require approval of a variance application.

B. Approving Authority. The designated approving authority for minor deviations is the ~~Planning Director~~ Development Services Director. The ~~Planning Director~~ Development Services Director approves or denies the minor deviation in accordance with the requirements of this title.

C. Findings. The ~~Planning Director~~ Development Services Director may approve and/or modify any application for a minor deviation in whole or in part with the following findings:

1. The deviation(s) improve the site, architectural, and/or overall project design; and
2. The deviation(s) are materially consistent with the project and are compatible with surrounding uses and structures.

**Section 23.16.037 shall be amended as follows:**

**23.16.037 Parking reduction permit.**

A. Purpose. A parking reduction permit provides a process for the review of requests for reduction in the number of required parking spaces by more than ten (10%) percent of the respective development standards where such reduction is justified without compromising the basic health, safety and welfare of the community. Also see EGMC Section 23.16.030, Minor deviation, for deviations that are ten (10%) percent or less of the respective development standards. Through the parking reduction permit, the City is creating a formal, documented process for the allowance of parking reductions.

B. Applicability. The minimum number of off-street parking spaces required by this title may be reduced through one or more of the following procedures:

1. Alternative Parking Requirements. The designated approving authority may approve an alternative parking ratio from that listed in Table 23.58-2 (Parking Requirements by Land Use) based upon a qualified parking study, prepared at the applicant's expense and subject to City review, of substantially similar use(s) in similar operational and locational conditions.

2. Facilities, Services, or Programs. Commercial, office, or industrial projects may request a reduction in the minimum number of parking spaces required, provided they include when one (1) or more of the following parking reduction programs, as described in EGMC Section 23.58.060, is approved through a granted parking reduction permit:

- a4. Facilities and programs;
- b2. Preferred carpool/vanpool parking spaces;
- c3. Long-term bicycle parking facilities;

- d4. Proximity to alternative modes;
- e5. Shared parking; and
- f6. Vehicle park-and-ride lot requirements at shopping centers.

C. Approving Authority. The designated approving authority for all parking reduction permits shall be the ~~Planning Director~~ Development Services Director. The ~~Planning Director~~ Development Services Director approves or denies the parking reduction permit in accordance with the requirements of this title.

D. Submittal Requirements. The application for a parking reduction permit shall be made on a form as prescribed by the ~~Planning Department~~ Development Services 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 ~~Planning Director~~ Development Services Director, be prepared as part of an application submittal when, at the discretion of the ~~Planning Director~~ Development Services Director, such a study would provide necessary technical information in order to adequately review the request.

E. Findings. A request for parking reduction shall be granted only if the approving authority makes the following findings:

1. For mixed use projects, a request for parking reduction may be granted where the approving authority determines that a reduction is justified based on characteristics of the uses, hourly parking demand studies published by the Urban Land Institute, or other appropriate information demonstrating that sufficient parking capacity will exist to accommodate all uses at all times as determined by the Director.
2. For any other circumstance where the applicant wishes to request a parking reduction, such reduction may be granted where the review authority finds that:
  - a. The intent of the parking regulations, in compliance with all other applicable provisions of this title, is met; and
  - b. Sufficient parking would be provided to serve the use intended and potential future uses of the subject parcel.

**Section 23.16.040 shall be amended as follows:**

**23.16.040 Variance.**

A. Purpose and Applicability. In accordance with Section 65906 of the California Government Code, a variance request allows the City to grant exception to the development standards and provisions of this title in cases where, because of special circumstances applicable to the property, the strict application of this title deprives such property of privileges enjoyed by other property in the vicinity and under identical land use zoning districts. A variance approval is required to grant exception from any of the development standards and provisions of this title. Variance applications may not be granted for uses or activities not otherwise permitted by zoning district regulations.

B. Approving Authority. The designated approving authority for a variance is the Planning Commission. The ~~Planning Director~~ Development Services Director provides a recommendation and the Planning Commission approves, conditionally approves, or denies the variance in accordance with the requirements of this title.

C. Findings. The Planning Commission may approve and/or modify any variance application in whole or in part, with or without conditions, only if the applicant can demonstrate to the Planning Commission that the circumstances of their particular case can justify making all of the following findings:

1. That there are special circumstances applicable to the property, including size, shape, topography, location or surroundings, such that the strict application of this title deprives such property of

privileges enjoyed by other property in the vicinity and under identical land use zoning district classifications.

2. That granting the variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and land use zoning district in which such property is located.

3. That granting the variance will not adversely affect the interests of the public or the interests of residents and property owners in the vicinity of the premises in question.

4. That granting the variance is consistent with the objectives of the General Plan and EGMC Title 23.

D. Conditions. The Planning Commission may impose conditions for the variance to ensure compliance with this section and other applicable provisions of this title.

E. *Repealed by Ord. 8-2011.*

**Section 23.16.050 shall be amended as follows:**

**23.16.050 Temporary use permit.**

A. Purpose and Applicability. The purpose of a temporary use permit is to allow uses of a temporary nature on private property to exist for a specified length of time, in a manner which will not adversely impact the general welfare of persons residing in the community. A temporary use permit is required prior to the construction or operation of any facilities or uses associated with any activity that requires authorization of a temporary use permit. Also see temporary use provisions in EGMC Chapter 23.92, Temporary Uses, and permanent outdoor use provisions in EGMC Chapter 23.86, Outdoor Sales, Display, Storage, and Seating.

B. Approving Authority. The designated approving authority for temporary use permits is the ~~Planning Director~~ Development Services Director. The ~~Planning Director~~ Development Services Director approves, conditionally approves, or denies the temporary use permit in accordance with the requirements of this title.

C. Findings. A temporary use permit shall be granted only when the designated approving authority finds that the proposed activity complies with all of the following criteria:

1. The establishment, maintenance or operation of the temporary use will not be detrimental to the public health, safety or welfare of the persons residing or working in the neighborhood of the proposed use (e.g., excessive dust, noise, light, odor, or other objectionable characteristics).

2. The temporary use is in conformance with applicable provisions of this title and other regulations of the City, including but not limited to fire access and prevention, security provisions, and access to necessary water and sewer services.

3. Measures for removal of the use and site restoration have been required.

D. Conditions/Guarantees. The following conditions shall apply to all temporary use permits. The approving authority may impose additional conditions and/or require guarantees to ensure conformance with this title.

1. Requirements for vehicular ingress/egress and corresponding traffic safety provisions, parking requirements and facilities, and hours of operation.

2. Regulation of public nuisance factors (e.g., light glare, noise, vibration, smoke, dust, dirt, odors, gases, and heat).

3. Regulation of maintenance and site restoration during and after termination of the temporary use or expiration of the temporary use permit. A bond or other form of security acceptable to the ~~Planning~~

~~Director~~ Development Services Director may be required prior to the initiation of the use to ensure cleanup after the use is finished.

E. *Repealed by Ord. 8-2011.*

**Section 23.16.065.A through D shall be amended as follows:**

**23.16.065 Reasonable accommodation.**

A. Purpose and Intent. The purpose of allowing reasonable accommodation(s) is to provide a process for individuals with disabilities to make requests for reasonable accommodation(s) for relief from the various land use, zoning, or rules, policies, practices, and/or procedures of the City. It is the policy of the City, pursuant to the Federal Fair Housing Act (as amended), to provide people with disabilities reasonable accommodation(s) in rules, policies, and procedures that may be necessary to ensure equal access to housing.

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 ~~Planning Director~~ Development Services 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 ~~Planning Director~~ Development Services 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 ~~Planning Director~~ Development Services 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 ~~Planning Director~~ Development Services 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 ~~Planning Department~~ Development Services Department, it will be referred to the ~~Planning Director~~ Development Services Director for review and consideration as a ministerial action unless determined otherwise by the ~~Planning Director~~ Development Services 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 ~~Planning Director~~ Development Services 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 ~~Planning Director~~ Development Services Director determines that the request for reasonable accommodation(s) is non-ministerial 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 ~~Planning Director~~ Development Services 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 ~~Planning Director~~ Development Services 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.A and B shall be amended as follows:**

**23.16.070 Conditional use permit and minor conditional use permit.**

A. Purpose and Applicability. The purpose of the use permit is for the individual review of uses typically having unusual site-development features or operating characteristics, to ensure compatibility with surrounding areas and uses. A use permit is required for all uses specifically identified in this title as requiring such a permit. There are two (2) types of use permits: conditional use permit and minor conditional use permit.

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 ~~Planning Director~~ Development Services 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 ~~Planning Director~~ Development Services 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. If the Zoning Administrator elevates a minor conditional use permit to the Planning Commission for review and consideration, the permit request shall become a conditional use permit.

...

**Section 23.16.080.B.3.d shall be amended as follows:**

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 ~~Planning Director~~ Development Services Director;

**Section 23.16.080.C (Design Review) 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.

1. Single-family custom homes;
2. Additions to or the exterior remodels of single-family residential homes;
3. Additions to multifamily residential buildings or structures that are less than one thousand (1,000 ft<sup>2</sup>) square feet in footprint size when consistent with existing style, materials, and colors of existing structures as determined by the ~~Planning Director~~ Development Services Director;
4. Additions to nonresidential buildings or structures that are less than one thousand (1,000 ft<sup>2</sup>) square feet in footprint size when consistent with existing style, materials, and colors of existing structures as determined by the ~~Planning Director~~ Development Services Director;
5. Accessory structures located on property in which the primary use is residential, consistent with the provisions of EGMC Chapter 23.46, Accessory Structures;
6. Accessory structures located on property in which the primary use is non-residential, and which meets at least one (1) of the following requirements:
  - a. Accessory structures less than 120 square feet in floor area and less than 8 feet in height, which are located outside of the required setbacks for the underlying zoning district;
  - b. Accessory structures that meet all of the following minimum requirements:
    - i. Are less than 500 square feet in floor area, with a height not exceeding the lesser of a) less than 16 feet, or b) less than the total height of the tallest primary structure on the site; and
    - ii. Are located outside of the required setbacks for the underlying zoning district; and
    - iii. Are constructed of colors/materials consistent with the existing primary structure(s) on the site, as determined by the Development Services Director.
  - c. Accessory structures that meet all of the following minimum requirements:

- i. Are less than 1,000 square feet in floor area, with a height not exceeding the lesser of a) less than 16 feet, or b) less than the total height of the tallest primary structure on the site; and
- ii. Are located outside of the required setbacks for the underlying zoning district; and
- iii. Are painted to match the existing primary structure(s) on the site, as determined by the Development Services Director; and
- iv. Are obstructed from public view from any public right-of-way and/or adjacent residential or open space properties by existing structures on site.

~~6-7.~~ Repairs and maintenance to the site or structure that do not add to, enlarge, or expand the area occupied by the land use, or the floor area of the structure and that employ the same materials and design as the original construction;

~~7-8.~~ Interior alterations that do not increase the gross floor area within the structure, or change/expand the permitted use of the structure (including solar collectors); and

~~8-9.~~ Construction, alteration, or maintenance by a public utility or public agency of underground or overhead utilities intended to service existing or nearby approved developments (e.g., water, gas, electric or telecommunication supply or disposal systems, including wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, and similar facilities and equipment).

**Section 23.16.080.D.1 shall be amended as follows:**

1. Where the ~~Planning Director~~ Development Services Director is identified as the designated approving authority for a design review, the ~~Planning Director~~ Development Services Director may elevate the matter to the Zoning Administrator if the ~~Planning Director~~ Development Services Director determines that the application could not be simply approved without conditions or denied or if the ~~Planning Director~~ Development Services Director determines that because of location, size, or design the project warrants a hearing before the Zoning Administrator. In such instances, the permit request shall become a minor design review.

**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 ~~Planning Director~~ Development Services Director shall elevate the project to a minor design review consistent with subsection (C) of this section (Approving Authority).

**Section 23.16.090.C (Specific Plans) shall be amended as follows:**

C. Approving Authority. The designated approving authority for specific plans is the City Council. The ~~Planning Director~~ Development Services 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 23.16.100.E (Special Planning Areas) shall be amended as follows:**

E. Optional Contents of SPA Ordinance. Additional contents may be required as determined by the ~~Planning Director~~ Development Services Director including, but not limited to, the following:

1. Regulations relating to nonconforming lots, uses, structures, and signs.
2. Time, phasing, and sequence of development projects.
3. Infrastructure plan.
4. Circulation plan.

**Section 23.16.110 shall be amended as follows:**

**23.16.110 Zoning amendments (text and map).**

A. Purpose. The purpose of a zoning amendment is to allow modification to any provisions of this title (including the adoption of new regulations or deletion of existing regulations) or to change the zoning designation on any parcel(s). This section is consistent with Section 65853 of the California Government Code.

B. Approving Authority. The designated approving authority for zoning amendments is the City Council. The ~~Planning Director~~ Development Services Director and Planning Commission provide recommendations and the City Council approves or denies the zoning amendment in accordance with the requirements of this title.

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 ~~Planning Director~~ Development Services 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.

D. Findings for Zoning Amendment (Text or Map). Zoning amendments shall be granted only when the City Council makes the following findings:

1. The proposed zoning amendment (text or map) is consistent with the General Plan goals, policies, and implementation programs.

**Section 23.16.115.C and D (Community Plans) shall be amended as follows:**

...

C. Approving Authority. The designated approving authority for community plans, and amendments thereto, is the City Council. The ~~Planning Director~~ Development Services 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 ~~Planning Director~~ Development Services Director.

...

**Section 23.16.120.B, D, and G (General Plan Amendments) shall be amended as follows:**

...

B. Approving Authority. The designated approving authority for General Plan amendments is the City Council. The ~~Planning Director~~ Development Services 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 ~~Planning Director~~ Development Services 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.

...

G. Periodic Review. The ~~Planning Director~~ Development Services 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 ~~Planning Director~~ Development Services 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 ~~Planning Director~~ Development Services Director may schedule the matter before the appropriate approving authority(s) for review.

**Section 23.20.010 shall be amended as follows:**

**23.20.010 Modification.**

Any person holding a permit granted under this title may request a modification or amendment to that permit. For the purpose of this section, the modification of a permit may include modification of the terms of the permit itself, project design, or the waiver or alteration of conditions imposed in the granting of the permit.

If the ~~Planning Director~~ Development Services Director determines that a proposed project action is not in substantial conformance with the original approval, the ~~Planning Director~~ Development Services Director shall notify the property owner 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. [Ord. 26-2006 §3, eff. 8-11-2006]

**Section 23.24.020.C.4 shall be amended as follows:**

b. RD-25. The RD-25 district is intended for high density residential development, including apartments and condominiums or higher density attached single-family units, such as townhomes. The maximum density in this district is ~~twenty-five (25)~~ thirty (30) dwelling units per acre and it is expected that most developments will be two (2) to three (3) stories in height with greater lot coverage than the RD-20 district.

**Section 23.24.030.C and D shall be amended as follows:**

...

- C. Zoning District Symbol. Zoning districts shall be illustrated on the zoning map as follows:
  1. Each base zoning district shall be described on the zoning map by use of its identified zoning district symbol, as listed in EGMC Section 23.24.020 (Zoning districts established).
  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 ~~Planning Director~~ Development Services 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 ~~Planning Director~~ Development Services Director (e.g., GC-BCS).

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 ~~Planning Director~~ Development Services Director as follows:

1. The boundaries of a zoning district shall be the centerlines of streets, alleys, railroad right-of-way, drainage channel, or other watercourse, or the lot lines of real property, unless otherwise shown. Where a district's boundaries approximately follow centerlines or lot lines, those lines shall be interpreted as the district boundaries.
2. If a district boundary divides a lot and the boundary line location is not specified by distances printed on the zoning map or the adopting ordinance, the location of the boundary shall be determined by using the scale appearing on the zoning map. Each portion of the property shall be developed to the standards and allowed use provisions of the applied zoning district and any applied overlay zone(s).
3. Where the street layout on the ground or the parcel lines differ from such layout or lines shown on the zoning map, the ~~Planning Director~~ Development Services Director shall determine the exact boundary and correct the map accordingly.
4. Where a public street or alley is legally vacated or abandoned, the property that was formerly in the street or alley shall be included within the zoning district of the adjoining property on either side of the centerline of the vacated or abandoned street or alley.

***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 ~~Planning Director~~ Development Services 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 23.12.040 (Official zoning determination). It is further recognized that every conceivable use cannot be identified in this title and, anticipating that new uses will evolve over time, the ~~Planning Director~~ Development Services Director may make a similar use determination to compare a proposed use and measure it against those uses listed.

If a use is not specifically listed, or if the use is not substantially similar to a use classification provided in this title, the use shall not be allowed.

***The following portions of Table 23.27-1 and accompanying footnotes shall be amended as follows:***

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

Land Use \ Zoning District	Commercial Zoning Districts					Office Zoning Districts		Industrial Zoning Districts		Specific Use Regulations
	LC	GC	SC	AC	C-O	BP	MP	LI	HI	
<b>Residential Uses</b>										
Transitional Housing	-	P	-	-	-	-	-	P	-	EGMC Chapter 23.80
<b>Retail, Service, and Office Uses</b>										
Alcoholic Beverage Sales	CUP	P	P	CUP	CUP	CUP	CUP <sup>8</sup>	CUP <sup>1, 7</sup>	CUP <sup>1, 7</sup>	EGMC Chapter sections 4.54.500 - 4.54.520
Business Support Services	P <sup>9, 4</sup>	P <sup>9, 4</sup>	P <sup>9, 4</sup>	-	-	P	P	P	P	
Convenience Stores	P <sup>10, 16</sup>	P	P	P	-	CUP <sup>3</sup>	CUP	CUP <sup>1</sup>	CUP <sup>1</sup>	EGMC Chapter 23.86
<b>Industrial, Manufacturing, and Processing Uses</b>										
Manufacturing, Minor	-	-	-	-	-	- <sup>5</sup>	CUP <sup>9</sup>	CUP <sup>4, 5</sup>	CUP <sup>4</sup>	
Manufacturing, Small Scale	CUP <sup>12</sup>	P <sup>12</sup>	-	-	-	- <sup>5</sup>	- <sup>5, 9</sup>	CUP <sup>4, 5</sup>	CUP <sup>4, 5</sup>	
Storage, Warehouse	-	-	-	-	-	- <sup>5</sup>	CUP <sup>9</sup>	P	P	
Wholesaling and Distribution	-	-	-	-	-	- <sup>5</sup>	CUP <sup>9</sup>	CUP P	P	
Wineries, Distilleries, and Brewery	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	-	-	- <sup>5</sup>	P <sup>7</sup>	P <sup>6</sup>	P <sup>6</sup>	

...

**Notes pertaining to the commercial zoning districts:**

...

4. All related activities must be entirely enclosed within a structure.

...

16. Accessory alcohol sales requires approval of a Conditional Use Permit.

**Notes pertaining to the office zoning districts:**

...

7. Tasting room and/or retail sales require approval of a ~~CUP~~ Minor Conditional Use Permit.

8. Use is allowed by right in conjunction with approval of a Minor Conditional Use Permit for a winery, brewery, or distillery.

9. Permitted by right when located within an approved industrial park. Otherwise, requires a Conditional Use Permit.

**Notes pertaining to the industrial zoning districts:**

...

6. Tasting room and/or retail sales require approval of a ~~CUP~~ Minor Conditional Use Permit.

7. Use is allowed by right in conjunction with approval of a Minor Conditional Use Permit for a winery, brewery, or distillery.

**Section 23.29.020 shall be amended as follows:**

**Table 23.29-1  
Development Standards for Base Zoning Districts**

Measurement/Zoning District	RD-25
Density (du/acre)	
Minimum	20.1 du/acres
Maximum	<del>25 du/acres</del> <u>30 du/acres</u>

**Section 23.42.030.E (Multifamily Overlay District) shall be amended as follows:**

E. Design Review Required. Design review is required for all multifamily development within the multifamily overlay zone pursuant to EGMC Section 23.16.080, Design review. Projects with less than one hundred fifty (150) units may be approved by the ~~Planning Director~~ Development Services Director and projects with one hundred fifty (150) units or more shall be subject to Planning Commission review and approval.



**Section 23.42.070.F through Q (Surface Mining Combining District) 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 ~~Planning Department~~ Development Services Department. Said application shall be filed in accord with this chapter and procedures to be established by the ~~Planning Director~~ Development Services 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 ~~Planning Director~~ Development Services Director. As many copies of the site approval application as may be required by the ~~Planning Director~~ Development Services Director shall be submitted to the ~~Planning Department~~ Development Services Department.
2. As many copies of a reclamation plan application as may be required shall be submitted in conjunction with all applications for site approvals for surface mining operations. For surface mining operations that are exempt from a site approval pursuant to this chapter, the reclamation plan application shall include information concerning the mining operation that is required for processing the reclamation plan. All documentation for the reclamation plan shall be submitted to the City at one time.
3. Applications shall include all required environmental review forms and information prescribed by the ~~Planning Director~~ Development Services Director.
4. Upon completion of the environmental review procedure and filing of all documents required by the ~~Planning Director~~ Development Services 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.
5. The reclamation plan shall be applicable to a specific property or properties and shall be based upon the character of the surrounding area and such characteristics of the property as the type of overburden, vegetation, soil stability, topography, geology, climate, stream characteristics and principal mineral commodities.
6. All reclamation plans shall contain, at a minimum, the following information and documents:
  - a. The estimated time schedule for the beginning and completion of reclamation activities. If the mining operation is to be accomplished in phases, the time schedule shall indicate the estimated beginning and completion of reclamation activities for each phase;
  - b. An estimate of the cost of completion of reclamation activities, computed at current cost at the time proposed in the time schedule submitted for completion of the reclamation plan;
  - c. A description of the existing vegetation at and surrounding the site;
  - d. A general description of the geology of the surrounding area and a detailed description of the geology at the reclamation site;
  - e. A description of the proposed use or potential uses of land after reclamation, and evidence that all owners of a possessory interest in the land have been notified of the proposed use or potential uses;
  - f. A description of the manner in which reclamation, adequate for the proposed use or potential uses, will be accomplished, including:

- i. The manner in which mining wastes and related contaminants will be controlled and disposed of;
    - ii. The manner in which affected streambed channels and stream banks will be rehabilitated to a condition minimizing erosion and sedimentation;
  - g. An assessment of the effect of implementation of the reclamation plan on future mining in the area;
  - h. A statement by the applicant that he accepts responsibility for all completed reclamation work for a period of two years or such greater period as deemed necessary by the Planning Commission to assure the permanency of all features of the reclamation plan. This subsection shall not apply to normal maintenance and repairs unrelated to the reclamation work on public facilities where dedicated to and accepted by the City of Elk Grove;
  - i. Such other information as the ~~Planning Department~~ Development Services Department may require;
  - j. The ~~Planning Department~~ Development Services Department may waive the filing of one 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 ~~Planning Department~~ Development Services 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:
- a. The names and addresses of the applicant and the mining operator, if different, and of any persons designated by the applicant as his agents for service of process; and
  - b. The names and addresses of all persons owning a possessory and/or mineral interest in any or all of the property to be used for mining operations.
8. The ~~Planning Department~~ Development Services 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 ~~Planning Department~~ Development Services Department may permit the applicant to amend such application.
9. Within 10 days of acceptance of an application as complete for a site approval for surface mining operations and/or a reclamation plan, the ~~Planning Department~~ Development Services Department shall notify the State Department of Conservation of the filing of the application(s). Whenever mining operations are proposed in the 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 mile, upstream or downstream, of any state highway bridge, the ~~Planning Department~~ Development Services Department shall also notify the State Department of Transportation that the application has been received.
10. The ~~Planning Department~~ Development Services 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 ~~Planning Department~~ Development Services Department shall prepare a staff report with recommendations for consideration by the Planning Commission.
12. The Planning Commission shall hold at least one noticed public hearing on site approval and/or reclamation plan.

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 ~~Planning Department~~ Development Services 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.

14. Pursuant to Section 2774(d) of the PRC, the State Department of Conservation shall be given 30 days to review and comment on the reclamation plan and 45 days to review and comment on the financial assurance. The Planning Commission shall evaluate written comments received, if any, from the State Department of Conservation during the comment periods. Staff shall prepare a written response describing the disposition of the major issues raised by the state for the Planning Commission's approval. In particular, when the Planning Commission's position is at variance with the recommendations and objections raised in the state's comments, the written response shall address, in detail, why specific comments and suggestions were not accepted. Copies of any written comments received and responses prepared by the Planning Commission shall be promptly forwarded to the operator/applicant.

The Planning Commission shall then take action to approve, conditionally approve, or deny the site approval and/or reclamation plan, and to approve the financial assurances pursuant to Section 2770(d) of the PRC.

15. The ~~Planning Department~~ Development Services 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 ~~Planning Department~~ Development Services 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.

#### G. Standards for Reclamation.

1. The ~~Planning Department~~ Development Services 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 ~~Planning Department~~ Development Services 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.

2. The City may impose additional performance standards, including, without limitation, standards beyond those cited to make the findings in EGMC 20.04.090, as developed either in review of individual projects, as warranted, or through the formulation and adoption of Citywide performance standards.

3. Reclamation activities shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance. Interim reclamation may also be required for mined lands that have been disturbed and that may be disturbed again in future operations or in connection with approved or proposed development. Reclamation may be done on an annual basis,

in stages compatible with continuing operations, or on completion of all excavation, removal, or fill, as approved by the City. Each phase of reclamation shall be specifically described in the reclamation plan and shall include:

- a. The beginning and expected ending dates for each phase;
- b. All reclamation activities required;
- c. Criteria for measuring completion of specific reclamation activities; and
- d. Estimated costs for completion of each phase of reclamation.

4. Unless otherwise specified in the approved reclamation plan, the reclamation of mined lands shall be carried out in accordance with the following requirements:

a. Reclamation Timing.

i. The reclamation of mined lands shall occur as soon as practical following completion of mining operations at successive locations within the mining site as required by the schedule in the approved reclamation plan.

ii. The reclamation of lands affected by surface mining operations shall be completed within one year of the completion of mining operations, except where the permanent reclaimed condition of mined lands cannot be achieved within one year due to the regulatory approvals (e.g., compliance with the California Environmental Quality Act) required for the ultimate land use contemplated or proposed for the property (e.g., urban development). In such case only interim reclamation, pursuant to section 20.40.070(c), need be accomplished within one year, and final reclamation shall be completed as soon as it is possible to complete the reclamation in compliance with the above regulatory approvals, but in no case shall reclamation take more than three years.

b. Disposal of Overburden and Mining Waste.

i. Permanent piles or dumps of overburden and waste rock placed on the land shall be made stable, shall not restrict natural drainage without provision for diversion, and shall have an overall smooth or even profile subject to the satisfaction of the City Engineer. Where practical, such permanent piles or dumps shall be located in the least visible location at the mining site.

ii. Old equipment and inert mining wastes shall be removed or buried subject to the approval of the Hearing Officer.

iii. Toxic materials shall be removed from the site or permanently protected to prevent leaching into the underlying groundwater, to the satisfaction of the ~~Planning Department~~ Development Services Department.

iv. Overburden and mining waste placed beneath the existing or potential groundwater level which will reduce the transmissivity or area through which water may flow shall be confined to an area approved by the City Engineer.

c. Revegetation.

i. All permanently exposed lands that have been denuded by mining operations shall be revegetated to provide ground cover sufficient to control erosion from such lands.

ii. All plantings shall be established and maintained in good horticultural condition. The revegetation shall be able to survive under natural conditions, with native species used whenever possible.

iii. Revegetation methods shall take into account the topography and existing growth patterns and mixes of flora present at and adjacent to the site of mining operations in order to create a more natural appearance. Plantings shall avoid rigid, geometric patterns and shall utilize natural scatterings.

iv. Where the ultimate intended or proposed use of mined lands would be a level of development inconsistent with extensive permanent vegetation, the amount of vegetation required for reclamation need not be more than is sufficient to prevent erosion.

d. Resoiling.

i. Resoiling measures shall take into consideration the quality of soils which may be required to sustain plant life pursuant to any revegetation that the hearing officer may require in its approval of the applicant's reclamation plan.

ii. Coarse, hard material shall be graded and covered with a layer of finer material or weathered waste. A soil layer shall then be placed on this prepared surface. Where quantities of available soils are inadequate to provide cover, native materials shall be upgraded to the extent feasible for this purpose.

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 ~~Planning Department~~ Development Services 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 ~~Planning Department~~ Development Services Department's satisfaction that a steeper slope will not:

(A) Reduce the effectiveness of revegetation and erosion control measures where they are necessary; and

(B) Be incompatible with the alternate future uses approved by the Commission for the site; and

(C) Be hazardous to persons that may utilize the site under the alternate future uses approved for the site.

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 ~~Planning Department~~ Development Services Department deems otherwise based on recommendations from the City Engineer.

ii. Stream bed channels and stream banks affected by surface mining shall be rehabilitated to a condition which would minimize erosion and sedimentation, except that such rehabilitation need not attempt to restore or mimic natural conditions where the contemplated or proposed ultimate use of the reclaimed property would be inconsistent with the maintenance of restored or rehabilitated stream bed channels and stream banks.

iii. Revegetation and regrading techniques shall be designed and executed so as to minimize erosion and sedimentation. Drainage shall be provided to natural outlets or interior basins designed for water storage, with such basins subject to the approval of the City Engineer. In addition, final excavation shall eliminate potholes and similar catchments so as to prevent potential breeding areas for mosquitoes.

iv. The final grading and drainage of the site shall be designed in a manner to prevent discharge of sediment above natural levels existent prior to mining operations.

v. Silt basins which will store water during periods of surface runoff shall be equipped with sediment control and removal facilities and protected spillways designed to minimize erosion when such basins have outlet to lower ground.

vi. No condition shall remain after reclamation which will or could lead to degradation of groundwater quality below applicable standards to the Regional Water Quality Control Board or any other agency with jurisdiction over water quality.

g. Backfilling and Grading.

i. Subject to the approval of the City Engineer, backfilled and graded areas shall be compacted to avoid excessive settlement and to the degree necessary to accommodate anticipated future uses.

ii. Materials used in the refilling shall be of a quality suitable to prevent contamination and/or pollution of groundwater. If materials for backfilling and grading are obtained from an area other than the site of surface mining operations, such materials shall be included and the approximate quantities identified in the applicant's reclamation plan.

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 ~~Planning Department~~ Development Services Department.

iv. The periodic review of the conditions contained in approved reclamation plans shall be conducted by the ~~Planning Department~~ Development Services 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.

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 ~~Planning Department~~ Development Services 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 ~~Planning Department~~ Development Services Department for placement in the permanent record.

I. Findings for Approval.

1. Site Approvals. In addition to any findings required by this chapter, site approvals for surface mining operations shall include a finding that the project complies with the provisions of SMARA and state regulations.

2. Reclamation Plans. For reclamation plans, the following findings shall be required:

a. That the reclamation plan complies with Sections 2772 and 2773 of SMARA, and any other applicable provisions.

b. That the reclamation plan complies with applicable requirements of state regulations (Sections 3500 through 3505 and 3700 through 3713 of the CCR).

c. That the reclamation plan will restore the mined lands to a usable condition that is readily adaptable for alternative land uses that are consistent with this chapter and either:

i. The City's General Plan and any applicable resource plan or element; or

ii. Probable future uses anticipated by the City to be adopted in future amendments to the City's General Plan, which uses are identified in findings made on approval of the reclamation plan.

d. That the reclamation plan has been reviewed pursuant to CEQA and the City environmental review guidelines, and any significant adverse impacts from reclamation of the surface mining operations are mitigated to the extent feasible.

e. That the land and/or resources such as water bodies to be reclaimed will be restored to a condition that is compatible with, and blends in with, the surrounding natural environment, topography, and other resources, or that suitable off-site development will compensate for related disturbance to resource values.

f. That a written response to the State Department of Conservation has been prepared, describing the disposition of major issues raised by that Department. Where the City's position is at variance with the recommendations and objections raised by the State Department of Conservation, said response shall address, in detail, why specific comments and suggestions were not accepted.

#### J. Financial Assurances.

1. To ensure that the reclamation will proceed in accordance with the approved reclamation plan, the City shall require as a condition of approval security in the form of a surety bond, trust fund, irrevocable letter of credit from an accredited financial institution, or other method acceptable to the City and the State Mining and Geology Board as specified in state regulations, and which the City reasonably determines are adequate to perform reclamation in accordance with the surface mining operation's approved reclamation plan. Financial assurances shall be made payable to the City of Elk Grove and the State Department of Conservation.

2. Financial assurance will be required to ensure compliance with elements of the reclamation plan, including, but not limited to, revegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope stability and erosion and drainage control, disposal of hazardous materials, and other measures, if necessary.

3. Cost estimates for the financial assurance shall be submitted to the ~~Planning Department~~ Development Services Department for review and approval prior to the operator securing financial assurances. The ~~Planning Director~~ Development Services 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 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 ~~Planning Director~~ Development Services Director shall have the discretion to approve the financial assurance, if it meets the requirements of this chapter, SMARA and state regulations.

4. The amount of the financial assurance shall be based upon the estimated costs of reclamation for the years or phases stipulated in the approved reclamation plan, including any maintenance of reclaimed areas as may be required, subject to adjustment for the actual amount required to reclaim lands disturbed by surface mining activities necessary to implement the approved reclamation plan, the unit costs for each of these activities, the number of units of each of these activities, and the actual administrative costs. Financial assurances to ensure compliance with revegetation, restoration of water bodies, restoration of aquatic or wildlife habitat, and any other applicable element of the approved reclamation plan shall be based upon cost estimates that include but may not be limited to

labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial operator other than the permittee. A contingency factor of 10 percent shall be added to the cost of the financial assurance.

5. In projecting the costs of financial assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, consequently, the City or State Department of Conservation may need to contract with a third party commercial company for reclamation of the site.

6. The financial assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed (including any maintenance required).

7. The amount of financial assurances required of a surface mining operation for any one year shall be adjusted annually to account for new lands disturbed by surface mining operation, inflation, and reclamation of lands accomplished in accordance with the approved reclamation plan. The financial assurances shall include estimates to cover reclamation for existing conditions and anticipated activities during the upcoming year, excepting that the permittee may not claim credit for reclamation scheduled for completion during the coming year.

8. Revisions to financial assurances shall be submitted to the ~~Planning Director~~ Development Services 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.

#### K. Interim Management Plans.

1. Within 90 days of a surface mining operation becoming idle, the operator shall submit to the ~~Planning Department~~ Development Services 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 ~~Planning Department~~ Development Services 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 ~~Planning Department~~ Development Services 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 30 days prior to approval by the Planning Commission.

4. Within 60 days of receipt of the proposed IMP, or a longer period mutually agreed upon by the ~~Planning Director~~ Development Services Director and the operator, the Planning Commission shall review and approve or deny the IMP in accordance with this chapter. The operator shall have 30 days, or a longer period mutually agreed upon by the operator and the ~~Planning Director~~ Development Services Director, to submit a revised IMP. The Planning Commission shall approve or deny the revised IMP within 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 years, at which time the Planning Commission may renew the IMP for another period not to exceed five 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 ~~Planning Department~~ Development Services 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 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 ~~Planning Department~~ Development Services Department shall arrange for inspection of a surface mining operation within six 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 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 12 months, or other qualified specialists, as selected by the ~~Planning Director~~ Development Services Director. All inspections shall be conducted using a form approved and provided by the State Mining and Geology Board.

The ~~Planning Department~~ Development Services Department shall notify the State Department of Conservation within 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 ~~Planning Director~~ Development Services 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 ~~Planning Department~~ Development Services 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 15 calendar days after the rendition, in writing, of the appealed decision.

P. Fees. The City shall establish such fees as it deems necessary to cover the reasonable costs incurred in implementing this chapter and the state regulations, including, but not limited to, processing of applications, annual reports, inspections, monitoring, enforcement and compliance. Such fees shall be paid by the operator, as required by the City, at the time of filing of the site approval application, reclamation plan application, and at such other times as are determined by the City to be appropriate in order to ensure that all reasonable costs of implementing this chapter are borne by the mining operator.

Q. Mineral Resource Protection. Mine development is encouraged in compatible areas before encroachment of conflicting uses. Except as provided by Section 2763 of the Public Resources Code, mineral resource areas that have been classified by the State Department of Conservation's Division of Mines and Geology or designated by the State Mining and Geology Board, as well as existing surface mining operations that remain in compliance with the provisions of this chapter, shall be protected from the intrusion by incompatible land uses that may impede or preclude mineral extraction or processing, to the extent possible for consistency with the City's General Plan.

In accordance with Section 2762 of the PRC, the City's General Plan and resource maps will be prepared to reflect mineral information (classification and/or designation reports) within 12 months of receipt from the State Mining and Geology Board of such information. Land use decisions within the City will be guided by information provided on the location of identified mineral resources of regional significance. Conservation and potential development of identified mineral resource areas will be considered and encouraged. Recordation on property titles of the presence of important mineral resources within the identified mineral resource areas may be encouraged as a condition of approval of any development project in the impacted area. Prior to approving a use that would otherwise be incompatible with mineral

resource protection, conditions of approval may be applied to encroaching development projects to minimize potential conflicts. [Ord. 26-2006 §3, eff. 8-11-2006]

**Section 23.46.040.C (Accessory Structures) shall be amended as follows:**

C. Special Setbacks and Height Limits for Accessory Structures in Agricultural or Agricultural Residential Districts.

1. Height. The maximum height for all accessory structures on agricultural or agricultural residential property is forty (40' 0") feet. See additional development standards in ~~Table 23.28-2 (Agricultural Zoning Districts Development Standards)~~ Table 23.29-1 (Development Standards by Zoning District).
2. Setbacks. Enclosed and solid-roofed accessory structures shall be set back from all interior property lines not less than the height of the structure.

**Section 23.52.030.B (Fences and Walls) shall be amended as follows:**

B. Retaining Walls. Retaining walls, as defined in this title, may only be constructed as part of an approved grading permit for the site at the time of initial development, as part of a roadway improvement project, or as part of the necessary stabilization of soil for the primary intended use of the property as determined by the ~~Public Works Director~~ City Engineer.

**Section 23.52.040 (Fences and Walls) shall be amended as follows:**

Fence and wall height shall be measured as the vertical distance between the lowest finished grade at the base of the fence and the top edge of the fence material. The finished grade shall be that as shown on the approved grading plan for the site at the time of initial development of the residential subdivision, multifamily development, or nonresidential development. In cases where a retaining wall does not require the approval of a grading plan, the finished grade shall be as determined by the ~~Public Works Director~~ City Engineer.

**Section 23.52.050.D (Fences and Walls) shall be amended as follows:**

D. Retaining Walls.

1. Timing of Construction. As provided in EGMC Section 23.52.030, retaining walls shall only be constructed as part of an approved grading plan for the site at the time of initial development of the residential subdivision, multifamily development, or nonresidential development, as part of a roadway improvement project, or as part of the necessary stabilization of the soil for the primary intended use of the property as determined by the ~~Public Works Director~~ City Engineer.
2. Height Limit. There shall be no height limits for retaining walls when constructed along the exterior property lines of the project or the final interior property lines in the case of a residential subdivision. Otherwise, a retaining wall over four (4' 0") feet in height shall be benched so that no individual wall exceeds a height of six (6' 0") feet, with the depth of each bench a minimum of three (3' 0") feet.

**Section 23.52.060.B and C (Fences and Walls) 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:

1. Fences and gates approved for screening purposes in residential and agricultural-residential districts shall be solid wood, solid vinyl, masonry, tubular steel, or wrought iron. Agricultural-residential districts may utilize chain-link for interior fencing only. No chain-link fencing is allowed

within required front yards.

- 42. Fences and gates approved for screening purposes in industrial or commercial districts shall be metal, tubular steel, masonry, or wrought iron. Industrial districts may utilize chain-link for interior fencing only when adjacent to other industrial zones or uses.
- 23. Barbed wire fencing shall not be constructed or placed on top of a fence except in agricultural, open space, or industrial areas. Minor design review is required for barbed wire fencing abutting residential or commercial areas.
- 34. Alternative materials may be approved by the Planning Director, Zoning Administrator, or Planning Commission as part of a discretionary entitlement approval.

C. Graffiti-Resistant Surface. When required by the ~~Planning Director~~ Development Services 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 (Landscaping) shall be added 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 ~~Planning Director~~ Development Services 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. [Ord. 26-2006 §3, eff. 8-11-2006]

**Table** **23.54-2**  
**Parking** **Lot** **Shade** **Requirements**

<b>Size of Parking Lot by Parking Spaces</b>	<b>Percent of Shade Requirement</b>
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 ~~Planning Director~~ Development Services Director. See Figure 23.54-5.

**Section 23.58.050.C (Parking) shall be modified as follows:**

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 ~~Planning Director~~ 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.

**Section 23.58.050.F (Parking) shall be modified as follows:**

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 ~~Planning Director~~ 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).

**Section 23.58.050.1 (Parking) shall be added as follows:**

I. Alternative Parking Requirements. The designated approving authority may approve through a parking reduction permit (EGMC section 23.16.037), an alternative parking ratio from that listed in Table 23.58-2. Such alternative ratio shall be based upon a qualified parking study, prepared at the applicant's expense and subject to City review, of substantially similar use(s) in similar operational and locational conditions.

**Section 23.58.090 (Parking) shall be amended as follows:**

A. Surface Parking. All surface parking areas, other than those provided in a garage or parking structure, shall have the following improvements:

1. Paving and adequate drainage facilities as specified by the ~~Public Works Director~~ City Engineer.
2. Clear signage and pavement markings to indicate entrances, exits, aisle directions, and other features required to ensure the safe movement of vehicles.
3. Parking areas for commercial, industrial, and multiple-family residential uses, not including duplexes and single-family residences, shall be designed so that vehicles are not permitted to back out of the parking area onto a public street.
4. Landscaping. Landscaping shall be provided in compliance with EGMC Chapter 23.54, Landscaping.
5. Lighting. Parking areas shall have lighting capable of providing adequate illumination for security and safety. Lighting fixtures shall be energy-efficient. Lighting standards shall be in scale with the height and use of the on-site structure(s). All illumination, including security lighting, shall be directed downward, away from adjacent properties and public rights-of-way in compliance with EGMC Chapter 23.56, Lighting.
6. Vehicle Overhang. Vehicular overhang is permitted, provided no vehicle shall overhang into a sidewalk which would reduce the unencumbered width of a sidewalk to less than four (4' 0") feet. A vehicle is permitted to overhang into a landscaped area by two (2' 0") feet; provided, that the required landscape area is extended by two (2' 0") feet.

B. Access to Parking. Access to parking areas and curb cuts for driveways shall be approved by the ~~Planning Director~~ Development Services Director and ~~Public Works Director~~ City Engineer to ensure an efficient and safe traffic flow into the parking areas and along public streets.

C. Dead-End Aisles. Dead-end aisles are discouraged. When used, ninety (90) degree angle stalls are required and the aisle shall have a minimum five (5' 0") foot backing area.

D. Parking Space and Aisle Dimensions. All parking areas shall be designed so that the parking spaces are permanently maintained and have suitable maneuvering space and access to and from a public street or alley. The dimensions of each parking space shall be determined from Table 23.58-2 and Figure 23.58-1:

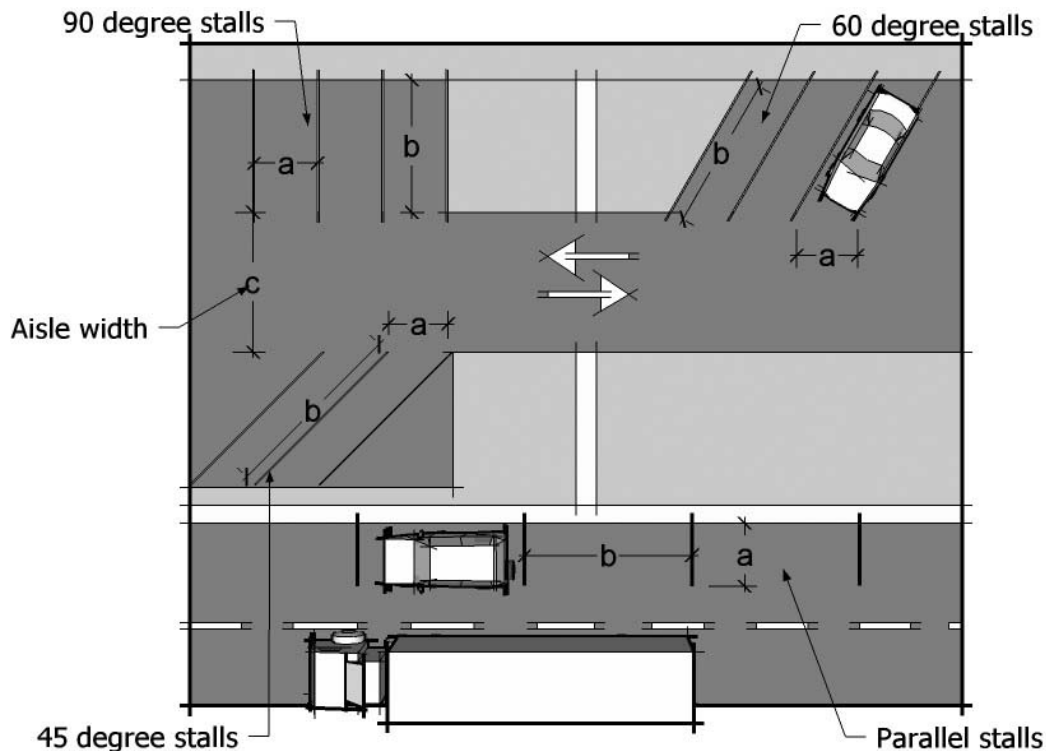
**Table 23.58-3  
Parking Space and Drive Aisle Dimensions**

Parking Stall Type	Minimum Stall Dimensions		Minimum Width for Drive Aisle with Parking(c)		Minimum Width for Emergency Access Drive Aisles(c)
	Width(a) <sup>1</sup>	Length(b)	One-Way	Two-Way	
Standard parallel	9 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.
Handicapped	9 ft. 5 in.	19 ft.	20 ft.	25 ft.	20 ft.

**Notes:**

1. Where parking stalls abut each other such that they may create vehicular movement conflicts, as determined by the City, the minimum stall width shall be increased to 11 feet. Examples of such conflicts include, but are not limited to, stalls oriented at 90 degree angle to each other.

**Figure 23.58-1  
Parking Space and Drive Aisle Dimensions**



**Section 23.58.100.E (Parking) shall be amended as follows:**

E. Alternative Compliance. Upon written request by the applicant, the Planning Director Development Services 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:

1. Physical site planning constraints;
2. Proximity to existing bicycle parking;
3. Projects that cannot be classified into the provided land use categories;
4. Provision of enhanced bicycle facilities provided in the development;
5. Inclusion of the site within a larger development for which adequate bicycle parking is already provided; or
6. Unforeseen circumstances or individual land use changes.

**Section 23.60.020.B (Performance Standards) shall be amended as follows:**

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 of Elk Grove Public Works Department~~ City Improvement Standards to prevent obstructions or diversions of flood and drainage flow and to minimize adverse effects to natural riparian vegetation.
5. 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 facton. 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. All proposed projects within designated tributary floodplains shall meet the requirements and regulations set forth in EGMC Title 19, Trees.
7. 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 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 ~~Public Works Director~~ 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.

**Section 23.60.030.D (Performance Standards) 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 ~~Planning Director~~ Development Services Director, with recommendation from the Fire Department, can make one or more of the following findings:

- 1. The structure would be protected from the radiant heat of an explosion by berming or other physical barriers;
- 2. A one hundred (100' 0") foot setback would be impractical or unnecessary because of existing topography, streets, parcel lines or easements; or
- 3. A secondary containment system for petroleum pipelines and transition points shall be constructed. The design of the system shall be subject to the approval of the Fire Department.

**Section 23.62.050.A and B (Signs on Private Property) shall be amended as follows:**

A. Enforcement. The ~~Planning Director~~ Development Services Director is authorized and directed to enforce and administer the provisions of this chapter.

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 ~~Planning Director~~ Development Services 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 23.62.080.A (Signs on Private Property) 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 ~~Planning Department~~ Development Services 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 23.62.090.B.14 (Signs on Private Property) shall be added as follows:**

14. Window signage. Temporary window signage, provided that is consistent with the regulations in Table 23.62-3 (Temporary Sign Standards); for the purposes of this section, temporary window signage shall mean signage painted on or affixed to

windows for a period of less than three (3) months. Permanent window signage, provided it does not exceed the overall sign area permitted for the façade, and is consistent with the regulations in Table 23.62-2 (Signs Permitted by Type and Development Characteristics); for the purposes of this section, permanent window signage shall mean signage not including directory and hours of operation which is painted on or affixed to windows for a period exceeding three (3) months.

**Portions of Table 23.62-2 and accompanying footnotes shall be amended as follows:**

**Table 23.62-2  
Signs Permitted by Type and Development Characteristics**

Sign Type	Maximum Number Permitted	Maximum Area	Maximum Height	Minimum Setback from ROW	Illumination Standards	Other Standards (See Notes)
<b>Commercial Zoning Districts</b>						
1. Building signs: pad buildings and in-line stores > 50k sf.	1/public frontage	2.5:1 with max 250 sf. total for all signs <sup>6</sup>	Roofline	–	5	2
2. Building signs: in-line stores < 50k sf.	1/public frontage	2:1 with max 200 sf. total for all signs	Roofline	–	5	2
3. Freestanding signs: individual establishments	1/project entrance	50 sf.	10 ft.	10 ft.	Indirect or background	
4. Freestanding signs: integrated development	1/project entrance	150 sf./sign	20 ft.	10 ft.	Indirect or background	

Notes:

...

6. Buildings over 75,000 s.f. may exceed the maximum signage total through a major design review approval issued pursuant to EGMC Chapter 23.16.

**Table 23.62-3 (Signs on Private Property) shall be amended as follows:**

**Table 23.62-3  
Temporary Sign Standards**

Use Type	Maximum Temporary Number Permitted	Maximum Area	Maximum Height	Minimum Setback from ROW
Commercial building signs uses,	1/establishment	36 sf. each	Roofline	–



Commercial uses, freestanding signs	1/establishment	6 sf.	5 ft.	10 ft.
Auto dealerships	3/establishment	36 sf. each	10 ft.	10 ft.
Office and industrial uses	3/establishment	10 sf. each	10 ft.	10 ft.
Permitted uses in the open space zoning district	1/establishment	10 sf.	8 ft.	10 ft.
Noncommercial and public/quasi-public uses	2/use	5 sf. total	5 ft.	10 ft.
<u>Temporary Window Signs</u>	<u>N/A</u>	<u>25% of total window area</u>	<u>N/A</u>	<u>N/A</u>

**Section 23.63.020 (Undergrounding of Utilities) shall be added as follows:**

**23.63.020 Development standards**

Unless it is determined by the ~~Planning Director~~ Development Services 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. ~~Planning Director~~ Development Services Director may request a recommendation from the appropriate utility company if this requirement is protested by the project proponent.

**Section 23.64.045 shall be amended as follows:**

**23.64.045 Light and air easements.**

Light and air easements are easements intended to keep a certain area free of visually obstructive structures. For purposes of this section, “structures” shall not include the following as defined in this title:

- A. Pools and spas;
- B. Play equipment (including sports courts);
- C. Decks, patios, and other flatwork;
- D. Features that are less than one hundred twenty (120 ft<sup>2</sup>) square feet with limited or no enclosure and with substantially open roofs; and
- E. Property line fencing installed in compliance with the EGMC.

**Section 23.70.060 (Adult-Oriented Businesses) shall be amended as follows:**

**23.70.060 Other nonconforming use.**

A. Any adult-oriented business that was lawfully operating on October 16, 2002, or that is lawfully operating on land annexed into the City after October 16, 2002, that is in violation of this chapter shall be deemed a nonconforming use.

C. The owner or operator of a nonconforming adult-oriented business use may apply under the provisions of this section to the ~~Planning Director~~ Development Services 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 ~~Planning Director~~ Development Services Director at least 90 days, but no more than 180 days, prior to the time established in this section for termination of such nonconforming adult-oriented business use.

D. The ~~Planning Director~~ Development Services 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 (Big-Box Retail Design Standards) shall be amended as follows:**

4. Roofs. Roofs shall have no less than two of the following features:

- a. Parapets concealing flat roofs and rooftop equipment, such as HVAC units, from public view. The average height of such parapets shall not exceed 15 percent of the height of the supporting wall and such parapets shall not at any point exceed one-third of the height of the supporting wall. Such parapets shall feature three-dimensional cornice treatment;
- b. Overhanging eaves, extending no less than three feet past the supporting walls;
- c. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one foot of vertical rise for every three feet of horizontal run and less than or equal to one foot of vertical rise for every one foot of horizontal run;
- d. Three or more roof slope planes;
- e. A specific architectural element proposed by the applicant's architect that is acceptable to the ~~Planning Director~~ Development Services Director and the Planning Commission.

...

**Section 23.76.020 (Condominium Conversion) shall be amended as follows:**

**23.76.020 Application content.**

No application for a condominium conversion shall be accepted for review or approved when the Citywide vacancy rate for multiple unit housing, as determined by the Director, is equal to or less than five percent averaged over the previous four quarters prior to application submittal or when the current percentage of multifamily rental units (within complexes of three or more units) is at or below 10 percent of the total number of housing units within the City. This prerequisite is in addition to other restrictions in this division.

Recognizing that the conversion of existing structures which have been previously occupied and constructed as rental units presents unique problems to present tenants and future buyers, the application for a use permit for a condominium conversion project shall include the following information (see Chapter 23.14 EGMC, General Application Processing Procedures):

...

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 ~~Planning Director~~ Development Services 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 ~~Planning Department~~ Development Services Department with postage prepaid. The survey shall direct the tenant to return the completed survey in the envelope provided.

I. The ~~Planning Director~~ Development Services 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 or more units. Such information may include, but shall not be limited to:

1. A report comparing the units in the conversion project, as both rentals and ownership units, with housing available within the City;
2. A report on availability of comparable rental units at similar rental rates remaining within the City, including vacancy rate information;
3. A report outlining the available low and moderate income housing units (rental and sales housing) within the City;
4. A report showing what percentage of the City's total available rental units are proposed to be converted, and the resulting change in ratio of rental units within the City.

**Section 23.76.090 (Condominium Conversion) shall be amended as follows:**

**23.76.090 Relocation assistance.**

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 ~~Planning Department~~ Development Services 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 of the following:

1. An affordable housing plan subjecting 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 percent of the total units within the project affordable to very low income households, four percent affordable to low income households, and two percent affordable to moderate income households, unless an alternate affordability breakdown is approved by the ~~Planning Director~~ Development Services Director; or
2. In lieu of fee payment into the affordable housing trust fund for each unit converted, an amount equal to that required by the current resolution. Fees shall be paid prior to recordation of the final map.

...

**Section 23.76.170 shall be amended as follows:**

Within three years of the approval of a use permit for a condominium conversion or pursuant to EGMC 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 ~~Director of Planning Development Services~~ 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 23.78.030 shall be amended as follows:**

**23.78.030 Development standards**

D. Hours of Operation. When located on a site within one hundred (100' 0") feet of any residential property (measured from the nearest property lines), hours of operation for the drive-up/drive-through service shall be limited from 7:00 a.m. to 10:00 p.m. daily. If the use is located greater than one hundred (100' 0") feet from a residential use, then there are no restrictions on the hours of operation. The designated approving authority may grant exceptions through a Conditional Use Permit after preparation of a qualified noise study.

...

**Chapter 23.80 (Emergency Shelters and Transitional Housing Facilities) shall be amended as follows:**

**Chapter**

**23.80**

**~~EMERGENCY SHELTERS AND TRANSITIONAL HOUSING FACILITIES~~**

**23.80.010 Purpose and intent**

General Plan housing element ~~Policies H 10 and H 13 identify~~ identifies the City's need to provide equal access to housing for people with special needs, including encouraging the development of emergency ~~and transitional~~ housing. It is the intent of this chapter to provide for adequate development and operational standards to ensure appropriate housing and services for special needs populations are met.

**23.80.020 Definitions.**

Terms unique to this chapter are listed in EGMC Chapter 23.100 (General Definitions).

**23.80.030 Permit requirements and exemptions.**

Emergency shelter facilities are permitted ~~in GC and M-1 zones and shall be subject to the following conditions pursuant to the requirements of EGMC Chapter 23.27.~~ Additionally:

~~A. Permit Requirements.~~

~~1A. Emergency shelter and transitional housing facilities shall comply with all federal and California State licensing requirements.~~

~~2B. Emergency shelter and transitional housing facilities shall comply with all applicable Uniform Building and Fire Codes, including maximum occupancy restrictions.~~

~~3. Maximum Number of Beds. No more than one hundred (100) beds shall be provided in any single emergency shelter or transitional housing facility.~~

~~B. Exceptions to Permit Requirements.~~

~~1. Shelter facilities may exceed the maximum one hundred (100) bed limitation through a conditional use permit subject to approval by the designated approving authority.~~

~~2. An emergency shelter or transitional housing facility for ten (10) or fewer persons may be located in any portion of the City zoned for residential or commercial development.~~

#### **23.80.040 Development and operational standards.**

Emergency shelters ~~and transitional housing~~ shall comply with all standards provided by this chapter.

##### A. Development Standards.

###### 1. Location and Separation.

~~a. Emergency shelters and transitional housing facilities of more than ten (10) persons shall~~ should be located in GC and M-1 zones ~~and situated~~ within one-half (1/2) mile of a transit corridor or existing bus route.

~~b. All emergency shelter programs must be situated more than one thousand (1,000) three hundred feet (300' 0") from any other emergency shelter or day program serving primarily homeless individuals or households. similar program; a public park; a public or private K-12 school; an indoor or outdoor recreational facility primarily designed to serve persons under eighteen (18) years old; a child care facility or single family residential zone (one thousand (1,000) feet measured from property line to property line). Programs may have multiple buildings.~~

###### 2. Physical Characteristics.

a. The maximum number of beds for emergency ~~and transitional housing~~ shelter shall be one hundred (100) unless a conditional use permit is applied for and approved.

b. The maximum number of beds does not apply in situations of Citywide or statewide designated disasters or catastrophic conditions.

c. Smoke detectors, approved by the Fire Department, must be provided in all sleeping and food preparation areas.

d. The facility shall have adequate private living space, shower and toilet facilities and secure storage areas for its intended residents.

e. The size of an emergency facility shall be in character with the surrounding neighborhood.

f. The facility shall have at least one room, which has one hundred twenty (120 ft<sup>2</sup>) square feet of floor area. Other habitable rooms shall have an area not less than seventy (70 ft<sup>2</sup>) square feet. When more ~~that~~ than two (2) persons occupy a room used for sleeping purposes, the required floor area shall be increased at the rate of fifty (50 ft<sup>2</sup>) square feet for each occupant in excess of two (2).

##### B. Operational Standards.

1. If the ~~facility~~ emergency shelter is proposed for location in an area either zoned or developed as a residential area, all intake and screening shall be conducted off-site.

2. If a ~~program~~ emergency shelter includes a drug or alcohol abuse counseling component, appropriate State and/or Federal licensing shall be required.

3. The ~~program~~ emergency shelter shall provide accommodations appropriate for a ~~minimum stay of twenty-eight (28) days and a~~ maximum stay of one hundred eighty (180) days per client/family.

4. The ~~program~~ emergency shelter shall identify a transportation system that will provide its clients with a reasonable level of mobility including, but not limited to, access to social services, housing and employment opportunities.

~~5. Transitional housing programs shall provide specific mechanisms for residents to contact social services.~~

~~65.~~ The ~~program~~ emergency shelter shall include clear and acceptable arrangements for facility ~~residents~~ occupants, such as on-site meal preparation or food provision and disbursement.

~~76.~~ The ~~program~~ emergency shelter, where applicable, shall provide child care services and ensure that school-aged children are enrolled in school during their stay at the facility.

~~87.~~ The ~~transitional housing~~ emergency shelter provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to ensure compatibility with services provided at the facility and for training, counseling, and treatment programs for ~~residents~~ occupants.

~~98.~~ Emergency shelters ~~may~~ shall establish written expectations of residents – behavioral, medical, ~~and religious~~, etc. Expectations of residents will be available to each resident at entry to the shelter, and to the public (upon request).

~~409.~~ Emergency shelters shall have infection control policies in accordance with guidelines of the Centers for Disease Control covering but not necessarily limited to HIV/AIDS, hepatitis, and tuberculosis.

~~4110. Domestic violence~~ Emergency shelters ~~must~~ shall maintain a record of clients and visitors at all times. Clients will have immediate twenty-four (24) hour access to shelter staff and no walk-in services will be provided at any time in the safe house itself.

~~4211.~~ Emergency shelters ~~and transitional housing facilities~~ shall provide on-site management and support staff at all times during shelter use.

**Section 23.84.070 (Nonconforming Uses, Buildings, and Structures) shall be amended as follows:**

**23.84.070 Extension of legal nonconforming status.**

A property owner may apply for, and the City may grant, an extension of nonconforming status established in EGMC Section 23.84.040(A)(1) when consistent with the following requirements.

A. Application.

1. Form of Application. Application for extension of legal nonconforming status shall be made to the ~~Planning Department~~ Development Services 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.

2. Timing of Application. The application shall be submitted before the expiration of the legal nonconforming status.

3. Proof of Legal Nonconformance. As part of the application, the applicant shall provide proof that the use in question was legally established prior to becoming a legal nonconforming use.

B. Review and Approval Authority.

1. The ~~Planning Director~~ Development Services Director, or designee, shall review the application and prepare a report on the matter for the designated approving authority.
2. The Commission shall be the designated approving authority for extensions to the legal nonconforming status.
3. The application shall be heard within sixty (60) days of the date of submittal.
4. Action on the request for extension of the legal nonconforming status shall be by resolution of the designated approving authority.
5. Action by the approving authority may be appealed consistent with the provisions of EGMC Section 23.14.060, Appeals.

C. Conditions of Approval. In approving an extension of the legal nonconforming status, the designated approving authority may impose reasonable conditions of approval to ensure the public health, safety, and general welfare are maintained.

D. Time Period. The designated approving authority shall establish a maximum time period for the extension of the legal nonconforming status. In no event shall the extension be longer than twenty-four (24) months. Regardless of the length of the time period approved, the approval shall not be subsequently increased except as provided in subsection (G) of this section.

E. Findings. The designated approving authority, in approving an extension to the legal nonconforming status, shall make all of the following findings:

1. The subject use was legally established prior to becoming a nonconforming use; and
2. Continuation of the subject use will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use, or the general welfare of the City.

F. Making of Application to Stay Loss of Nonconforming Status.

1. The submittal of the application to the ~~Planning Department~~ Development Services Department shall stay the loss of nonconforming status until such time as the application is heard and decided by the designated approving authority.
2. No planning, building, and public works permits, nor business license, shall be issued for the property involving the nonconforming activity until the application for extension of the legal nonconforming use period has been decided.
3. If a request for extension of the legal nonconforming use period is denied, any time remaining as of the date of decision shall be allowed.

G. Effect of Intervening Use. The establishment of a legal nonconforming use under the terms of an extension granted under this section shall not prohibit the applicant from applying for, or the City considering and granting, a subsequent extension of legal nonconforming status at a future date should the intervening use also cease operations. The establishment of a new use shall “reset the clock” on these provisions.

**Section 23.85.050.G (Mobile Food Venders) shall be amended as follows:**

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 ~~Planning Director~~ 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.

**Section 23.86.020.B (Outdoor Sales, Display, Storage, and Seating) 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 ~~Planning Director~~ Development Services 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 23.86.040.D.2 shall be amended as follows:**

4. Parking. A maximum of ten ~~(10' 0")~~ (10) outdoor seats shall be permitted per food and/or drinking establishment without increasing the required parking. Additional parking shall be provided for any seating in excess of the foregoing limits at a ratio of one parking space per five (5) outdoor seats. Required off-street parking shall be provided in accordance with EGMC Chapter 23.58, Parking.

**Section 23.90.040 shall be amended as follows:**

**23.90.040 Development Standards**

Pursuant to Section 65852.2 of the Government Code, second units shall be permitted on single-family residential parcels by the ~~Planning Director~~ Development Services Director when the following conditions are met:

A. Second units shall only be located on lots with an area of six thousand (6,000 ft<sup>2</sup>) square feet or larger.

B. Second units shall be compatible with the architectural style, materials, and colors of the primary dwelling unit.

C. No more than one (1) second unit shall be allowed per parcel.

D. The property owner shall occupy either the primary unit or second unit. ~~The property owner shall record a declaration acknowledging owner occupancy, recorded with the property as a condition of the administrative permit.~~

- ~~1. Prior to issuance of the administrative permit, the declaration shall be recorded with the Sacramento County recorder's office.~~
- ~~2. The declaration shall be in a form as required by the Planning Director.~~
- ~~3. The declaration shall run with the land and be binding upon the applicant and successor property~~



~~owners. Lack of compliance at any time after recording shall void the approval of the second unit permit and shall constitute a public nuisance which may result in legal or administrative action against the property owner.~~

**Section 23.92.050.G (Temporary Uses) shall be amended as follows:**

**23.92.050 Similar uses.**

When a temporary use is not specifically listed in this section, the ~~Planning Director~~ Development Services Director shall determine whether the use is similar in nature to listed uses and shall establish the term, and make necessary findings and conditions for the particular use.

**Section 23.92.060.G (Temporary Uses) shall be amended as follows:**

**23.92.060 Temporary use permit extensions.**

A. Extension of an Existing Temporary Use Permit. An existing temporary use permit, which was originally permitted for a period of less than thirty (30) days, may be extended for no more than five (5) additional days, subject to the issuance of a revised temporary use permit by the ~~Planning Director~~ Development Services Director. The request for the permit extension shall be made prior to the expiration of the original permit. Any request for extension made after the expiration of the original permit shall constitute a request for a new temporary use permit.

**Section 23.94.030.A (Wireless Communications Facilities) shall be amended as follows:**

A. Permit Required. 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, all wireless communications facilities require a conditional use permit pursuant to EGMC Section 23.16.070, Conditional use permit, except for co-location facilities that have been granted a valid conditional use permit from the designated approving authority. Such co-locations shall not increase the height of the tower as previously approved, nor shall they include any new equipment beyond the physical enclosure(s) of the prior approval(s). Additionally, improvements to existing wireless facilities that deviate from the prior conditional use permit approval or result in new visual or noise impacts as determined by the ~~Planning Director~~ Development Services Director shall require amendments to the conditional use permit. Development of the facility may be phased without being required to obtain additional conditional use permit(s) for each antenna or service located on the structure; provided, that the maximum height of the structure(s), the location of the structure(s), and design of the structure(s) are consistent with the approved conditional use permit.

**Section 23.94.040.D (Wireless Communications Facilities) 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:

1. Height Limits. In residential zoning districts the height limit is forty-five (45' 0") feet and in nonresidential zoning districts the height limit is sixty (60' 0") feet. However, amateur radio antennas in any district may extend to a maximum height of seventy-five (75' 0") feet; provided, that the tower is equipped with a lowering device (motorized and/or mechanical) capable of lowering the antenna to the maximum permitted height when not in operation.

2. Location Parameters. All antenna structures shall be located outside of required front and street side yard areas. Antenna structures shall also be set back a minimum distance of five (5' 0") feet from interior property lines. If any portion of the antenna overhangs any property line, a design review permit is required to obtain the authorized signature of all affected property owners on the required application form.

3. Tower Safety. All antennas shall be located within an enclosed fenced area or have a minimum five (5' 0") foot high tower shield at the tower base to prevent climbing. All active elements of antennas shall have a minimum vertical clearance of eight feet.

4. Minor modifications (emergency or routine), provided there is little or no change in the visual appearance as determined by the ~~Planning Director~~ Development Services Director.

**Section 23.94.080 (Wireless Communications Facilities) shall be amended as follows:**

**23.94.080 Transfer of operation.**

Any carrier/service provider authorized by the City to operate a specific wireless communications facility may assign the operation of the facility to another carrier licensed by the FCC for that radio frequency; provided, that such transfer is made known to the ~~Planning Director~~ Development Services Director in writing prior to the transfer and all conditions of approval for the subject installation are carried out by the new carrier/service provider. However, the carrier/service provider may, without written notification, transfer operations of the facility to its general partner or any party controlling, controlled by or under common control with the carrier/service provider.

**Section 23.100.020 (General Definitions) 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, ~~Planning Director~~ Development Services 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 ~~Planning Director~~ Development Services Director or any other person authorized by the City Council to enforce and interpret this title.

...  
R. "R" Definitions.

...  
3. "Recommending authority" means an official or body of the City's planning agency (e.g., Planning Commission, Zoning Administrator, ~~Planning Director~~ Development Services 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.

...  
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 ~~Planning Director~~ Development Services Director under EGMC Section 23.62.050(B), Regulatory Interpretations.

...  
7. "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 ~~Planning Director~~ Development Services Director shall interpret this phrase in light of relevant court decisions.



*Incorporated July 1, 2000*

8401 Laguna Palms Way  
Elk Grove, California 95758

**CITY OF ELK GROVE**

Telephone: (916) 683-7111  
Fax: (916) 627-4400  
www.elkgrovecity.org

## **City of Elk Grove – City Council NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that on **Wednesday, December 9, 2015 at the hour of 6:00 p.m.**, or as soon thereafter as the matter may be heard, the Elk Grove City Council will conduct a public hearing at City Hall in the Council Chambers, 8400 Laguna Palms Way, Elk Grove, California, to consider the following matter:

**AMENDMENTS TO THE ELK GROVE MUNICIPAL CODE TITLES 4 (BUSINESS REGULATION) AND 6 (HEALTH AND SANITATION) AND 7 (HISTORIC PRESERVATION) AND 14 (AGRICULTURAL ACTIVITIES AND WATER USE AND CONSERVATION) AND 16 (BUILDINGS AND CONSTRUCTION) AND 19 (TREES) AND 20 (ENVIRONMENTAL PROTECTION) AND 22 (LAND DEVELOPMENT) AND 23 (ZONING) – CITY-INITIATED ORDINANCE**

The proposed action is a series of City-initiated amendments to the Municipal Code. Highlights of the proposed amendments include, but are not limited to, the following:

- Amendments to Titles 4, 6, 7, 14, 16, 19, 20, 22 and 23 to reflect changes in department names and department head titles/organization
- Amendment to Title 23 to (1) exempt certain non-residential structures from design review requirements; (2) modify the entitlement and permitting process for Wineries, Breweries, and Distilleries; (3) modify the requirements for Business Support Services uses; (4) clarify CUP requirements for Accessory Alcohol Sales within the Limited Commercial Zoning District; (5) modify the requirements for industrial uses within existing industrial parks; (6) allow Wholesaling & Distribution by right within the Light Industrial Zoning District, which previously required a conditional use permit (CUP); (7) add an “Alternative Parking Requirements” section allowing the designated approving authority to approve deviations from parking standards as part of an Minor Conditional Use Permit (MUP); (8) regulate commercial window signage; (9) add “property line fencing” to structures which may be erected within certain easements; (10) allow exceptions to the “Drive-in and Drive-Through Facilities” standards through a CUP process; (11) modify “Emergency Shelters” requirements to be consistent with state law, which includes removal of “Transitional Housing” from this Title; (12) modify “Second Dwelling Units” standards consistent with current County Recorder Office’s practices; and (13) modify “Noise Control” requirements for internal consistency.

- Amendment to Title 23 to correct an inconsistency between Title 23 (Zoning) and the adopted General Plan Housing Element. Specifically, Title 23 currently identifies the allowed density range of the RD-25 zoning district to be between 20.1 units per acre and 25 units per acre. However, in order to meet the City's regional housing needs allocation (RHNA), the density range for the RD-25 zone was previously changed to 20.1 units per acre to 30.0 units per acre. This density change was approved through adoption of the 2013-2021 General Plan Housing Element in February 2014. The proposed amendment would change two (2) references to the RD-25 density range in order to eliminate the inconsistency between the Housing Element and the Zoning Code.

The approval of these amendments does not approve any development project. The proposed changes update roles and responsibilities within the City's organization structure in order to process development projects, as well as changes to Title 6 and Title 23. Because each of these components, individually and cumulatively, do not have the potential to result in individually or cumulatively significant effects on the environment, these Municipal Code amendments are exempt from review under CEQA. Future projects under the proposed regulations would be subject to CEQA at that time, as those actions would be classified as "projects" under CEQA. Therefore, these changes are not subject to CEQA review at this time under the General Rule and no further environmental review is necessary.

*The Planning Commission reviewed these amendments on October 15, 2015 and on November 19, 2015 and voted unanimously to recommend approval to the City Council.*

Information regarding this item should be referred to Nate Anderson (916) 478-2245; or to the Office of Development Services – Planning, 8401 Laguna Palms Way, Elk Grove, California, 95758. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the close of the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 8401 Laguna Palms Way, 1<sup>st</sup> Floor, Elk Grove, CA, 95758, at or prior to the close of the public hearing.

Dated / Published: November 27, 2015

JASON LINDGREN  
CITY CLERK, CITY OF ELK GROVE

**ADA COMPLIANCE STATEMENT**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (916) 478-3635. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.