



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

AGENDA TITLE: A Public Hearing to consider an Ordinance amending the Elk Grove Municipal Code for Consistency with the General Plan (No further CEQA Required)

MEETING DATE: December 11, 2019

PREPARED BY: Christopher Jordan, AICP, Director of Strategic Planning & Innovation

DEPARTMENT HEAD: Jason Behrmann, City Manager

RECOMMENDED ACTION:

Staff and the Planning Commission (5-0) recommend that the City Council conduct a public hearing to receive information from staff and comments from the public, and then introduce and waive the full reading, by substitution of title only, an Ordinance amending the Elk Grove Municipal Code (Attachment 1).

BACKGROUND INFORMATION:

The General Plan establishes a number of land use designations that describe the types of activities and development characteristics (residential density, building intensity) that may occur in a given area. Land use designations are grouped into five categories, including Commercial and Employment, Mixed Use, Public/Quasi-Public and Open Space, Residential, and Other.

The Elk Grove Municipal Code (EGMC) is the compilation of local laws adopted by the City. Contained within the EGMC is the Zoning Code (Title 23). Zoning is the regulation of land use and development standards, such as building setback and height, parking, landscaping, and signage. To accomplish this, the Zoning Code divides the City into a series of zones, which are illustrated on the Zoning Map. In accordance with State law, these zoning districts must have a consistent relationship with the General Plan's land use designations.

The City is preparing a series of amendments to the Zoning Code and other portions of EGMC (the Zoning Consistency Program) to provide consistency between the EGMC, the new General Plan, and state law. This report addresses Phase 2 of the Zoning Consistency Program and includes the following components:

- Updates to the Zoning Code: Various amendments to the Zoning Code are proposed, including, but not limited to:
 - Creation of new residential zoning districts,
 - Updates to density bonus and accessory dwelling units based upon recent changes to State law, and
 - Updated requirements for parking and off-street loading requirements.
- Update to EGMC Chapter 22.20 (Procedures): This revision addresses ambiguity in the approval process for extensions to certain types of subdivision and parcel maps.
- Updates to Title 30, Chapter 90, Solid Waste Management: This revision provides flexibility for the design of commercial trash enclosures and provides a deviation process consistent with the provisions in Title 23 (Zoning).

In addition, as discussed later in this report, the proposed amendments also include corrections to Phase 1 of the Zoning Consistency Program relative to the Floodplain Overlay Zone.

PLANNING COMMISSION ANALYSIS:

The Planning Commission considered the zoning consistency proposed amendments at its regular meeting on November 21, 2019. After staff's presentation and hearing public comment, the Commission asked clarifying questions of the proposed changes to building setbacks in Tables 23.29-1 Parts A and B, the changes to Accessory Dwelling Units, and the change in description and permit requirements for "Not-for-Profit Business".

Regarding the changes in setbacks, the Commission did not support changes in setbacks for higher density residential development (RD-20 through RD-40, footnote 8 of Table 23.27-1 Part A). The Commission desired to defer this discussion and potential changes until the update to the Design Guidelines is complete or as part of the 2021 Housing Element Update. Staff supports this request and the attached amendments have been updated to incorporate this change.

The Commission also discussed the changes to Accessory Dwelling Units as a result of recent State legislation. While some Commissioners noted the potential unintended consequences of these changes, they understood that the proposed updates are necessary for consistency with State law. No revisions were discussed.

Finally, regarding the change in title and description for the “Not-for-Profit Business,” the Commission agreed with the proposed changes. The Commission also discussed potential revisions to the allowed use regulations, making the use allowed upon approval of a Conditional Use Permit in the MP, LI, LI/FX, and HI zones. Ultimately, the Commission did not make these changes and requested that these permit requirements be reviewed at a later date.

Following these discussions, the Commission voted 5-0 to recommend approval of the proposed changes.

ANALYSIS/DISCUSSION:

This section describes the content of the proposed amendments.

Text Amendments

Revisions to the text of the EGMC are provided in Attachment 1 and are summarized as follows:

Chapter 23.10 – Planning Agency

- The review of real property transactions for consistency with the General Plan was added to the roles of the City Council. The Planning Commission would no longer consider these transactions. Rather, the Council would consider General Plan consistency as part of its action on the property transaction.
- A reference was added to EGMC Chapter 21.15 relative to the Planning Commission’s role in reviewing the Capital Improvement Program.
- Added a reference to the General Plan Annual Report as a responsibility of the Development Services Director as provided under Government Code Section 65400.

Section 23.14.040.C – Notice of Hearing

- This section was updated to add references to the applicable community plans as provided in the General Plan, rather than the references to land use designations. Under this revision, if a property is designated as Rural Residential or Estate Residential, but it is outside of these Community Plan areas, the larger noticing requirements would not apply. There are a number of Estate Residential areas in the urban area that were not intended for this noticing when the section was first adopted.

Section 23.14.050 – Approval Authority

- Table 23.14-1 has been updated to add map extensions (from Title 22), for reference, and to include Density Bonus from Chapter 23.50.
- Section B was updated to clarify the procedures for elevating (transferring) the approval authority from the Development Services Director or Zoning Administrator to a higher approval authority.

Section 23.16.070.B – Conditional Use Permits

- This section was updated to reflect and reference the changes in Section 23.14.050.B.

Section 23.16.080 – Design Review

- This section was updated to reflect and reference the changes in Section 23.14.050.B.
- A reference was added to the Deviations section to allow deviations provided elsewhere in the EGMC, such as in Title 30.

Section 23.24.020.C – Residential Districts

- This section has been updated to add descriptions for the new residential zoning districts, the RD-8, RD-12, RD-18, and RD-40 zones.
- Revisions were made to the RD-25 zone to remove references to single family units, which would not be developed in this zone due to the density requirements.
- Revisions were made to the RD-30 zone to recognize the creation of the RD-40 zone.

Section 23.26.050.F - Description of land use classifications

- The description of “Not-For-Profit Business” is replaced with the new “Community Assistance Organization” description.
- The title of “Second Dwelling Units” was changed to “Accessory Dwelling Units” consistent with State law and the provisions of EGMC Chapters 23.90 and 23.100. The description was also updated to use the same language in EGMC Section 23.100.020.F.
- The description of Fueling Stations was updated to add a reference to hydrogen fueling, as well as electric vehicle charging as the primary use.

Table 23.27-1 – Allowed Uses and Required Entitlements

- The title of “Second Dwelling Units” was changed to “Accessory Dwelling Units” consistent with State law and the provisions of EGMC Chapters 23.90 and 23.100. Further, based upon recent changes in State law, the use is allowed in all districts where multi-family residential is permitted.
- Allowed use provisions for Supportive Housing was updated for consistency with State law (Government Code Section 65650, et seq).
- The allowed use provisions for Not-For-Profit (changed to Community Assistance Organization) was revised to allow in the MP zone with a Conditional Use Permit. If the site is zoned MP and has a General Plan designation of Industrial, the use would be permitted by right pursuant to the footnote. This is consistent with the provisions for the industrial zoning districts.
- Outdoor Event Centers were removed from the Agricultural and Residential zoning districts, based upon prior Council direction.
- Footnotes 6 and 9 for the Office Zoning Districts were revised to refer to the underlying General Plan land use designations, rather than the existing text “industrial park.” The updated language is more precise.

Table 23.29-1, Part A: Development Standards for Agricultural and Residential Zoning Districts

- Standards were added for the new RD-8, RD-12, RD-18, and RD-40 zones.
- Minimum density standards for the RD-10, RD-15, and RD-20 zones were revised to recognize the creation of the new zones.
- Footnote 7 was revised to provide for “stair-stepping” of buildings in the RD-7 zones, where first story portions require a 10-foot setback and second story portions require a 15-foot setback.

Table 23.29-1, Part B: Development Standards for Commercial, Mixed Use, Office, Industrial, and Public/Quasi-Public Zoning Districts

- Increases the allowed height for development in the VCMU district to 75 feet (40 feet when within 100 feet of a residential zoning district).
- Increases the allowed height for development in the RMU district to 60 feet (40 feet when within 100 feet of a residential zoning district).

Section 23.40.020 – Special Planning Areas Districts

- Reference to the Auto Mall SPA and CMD Court SPA were added. These are existing SPAs that were unintentionally excluded in the March 2019 edits.

Section 23.42.030 – Multifamily Overlay

- This section is amended to allow Accessory Dwelling Units consistent with recent changes in State law.

Section 23.50.020 and 23.50.070 – Density Bonus

- The Legislature made several revisions to State Density Bonus law in 2016, 2018, and 2019 that need to be incorporated into the City's implementing regulations. These include:
 - Provisions for density bonus for transitional foster youth housing development.
 - Provisions for density bonus for lower income student housing development.
 - Provisions for density bonus for developments that are fully affordable.
 - Provisions relative to the processing of a density bonus application and notifications the City must provide to the applicant.
 - Updated parking regulations.

Note: the State has also adopted provisions for a Floor Area Bonus. The City has discretion to adopt/implement; however, the provisions only apply to development within a transit-priority area (which the City does not have), or within one-half mile of a major transit stop (which the City does not have). Therefore, this has not been incorporated.

Table 23.58-2, Parking Requirements by Land Use

- The parking requirement for storage uses have been updated for consistency with industry best practices. The proposed standards were informed by a parking study completed for a recently-approved self-storage facility and a review of standards for other jurisdictions.

Section 23.58.040.C.3 – Recreational Vehicle Parking

- This section is updated to provide an exemption from the screening requirement for recreational vehicle parking for not just all properties greater than two gross acres, but also all areas within the Rural Area Community Plan area. This exemption is needed as there are some portions of the Rural Area that are less than two gross acres. This revision would apply the standard consistently across the area.

Section 23.58.110 – Off-Street Loading Requirements

- This section has been comprehensively updated. Staff identified several issues with the current provisions, including excessively high space requirements for commercial uses (compared to other jurisdictions). These issues have been addressed in the proposed draft.

Chapter 23.68 – Accessory Uses

- This chapter is proposed for repeal. A number of conflicts with other portions of the Zoning Code were identified, including for alcohol sales and accessory retail. These activities are covered in the allowed use listings in Table 23.27-1. Other provisions of the chapter directed the reader to other sections of the Title, which are not necessary. To eliminate confusion and redundancy, staff proposes the chapter be repealed.

Section 23.84.040.A.4 – Nonconforming Uses

- In conjunction with the change to Section 23.58.040.C.3, this change would clarify the nonconforming use allowance for grandfathered recreational vehicle parking such that if an owner replaces their vehicle and does not discontinue on-site parking for less than 12 months, they are not required to conform to the current development standards and retain the historic standards.

Chapter 23.90 – Accessory Dwelling Units

- In 2019 the State adopted numerous changes to accessory dwelling unit law. The proposed revisions bring the City into compliance with State law and include the following changes:
 - Eliminating minimum lot size requirements.
 - Allowing a new type of unit called a junior accessory dwelling unit
 - Eliminating requirements for owner occupancy of one of the units (except for junior accessory dwelling units).
 - Updating parking standards for accessory dwelling units.
 - Updating setback standards for accessory dwelling units.

Section 23.100.020 – General Definitions

- The definition of Accessory Dwelling Unit has been updated for consistency with the allowed use description in Section 23.26.050.D.
- Updating the definition of Floor Area Ratio for consistency with the buildout calculations used to develop the General Plan.
- The definition for the 200-year floodplain is updated to not include a specific figure reference in the General Plan.

Chapter 22.20 – Procedures (for subdivision maps and parcel maps)

- This chapter addresses the procedures for processing, approving, and extending tentative subdivision maps, vesting tentative subdivision maps, and tentative parcel maps. Revisions clarify the approval process and allow the Zoning Administrator to approve extensions to vesting tentative subdivision maps and tentative parcel maps.

Section 30.90.050 – Solid Waste Management, Commercial Locations, Enclosures

- This section provides standards for trash enclosures in commercial development. The provisions have been updated to provide flexibility and include a deviation process from the standards through the Design Review process.

Corrections to Phase 1 of the Zoning Consistency Program

On March 13, 2019, the Council considered Phase 1 of the Zoning Consistency Program. At that meeting staff proposed that no changes be made to the Floodplain Overlay Zone and proposed text for the definition of Floor Area Ratio. At the completion of the hearing, the Council directed certain changes to the Ordinance in other areas. In integrating these Council changes and preparing the Ordinance for second reading on March 27, staff inadvertently utilized an earlier draft of the document than what was considered during the March 13 public hearing. Therefore, the Ordinance adopted via second reading did not accurately reflect Council's direction.

The attached draft ordinance addresses these errors. First, the Floodplain Overlay Zone is edited to reflect Council's March 13 direction to return to the pre-2019 version. The second issue regarding the Floor Area Ratio description is part of the definition changes in Section 23.100.020 described earlier in this report.

Staff is reviewing internal practices and will be instituting changes to prevent these errors from occurring in the future.

Zoning Map Revisions

A series of amendments to the Zoning Map is also being planned but is on hold at this time due to recent State legislation. Senate Bill 330 (SB 330, Skinner), the Housing Crisis Act of 2019, was recently adopted and, among other things, creates a streamlined approval process for qualifying residential development. It also imposes a limitation on a city or county's ability to change the general plan or specific plan land use designation or zoning of a residential property in a way that reduces the allowed height, density, or floor area ratio, or increases open space requirements, minimum setbacks or frontage requirements, or other development factors that have the effect of reducing the intensity of what can be built. These limitations are only permissible when the local agency makes a specific finding of impacts to health and safety. Further, if the City does make a change that effectively reduces the intensity of allowed development, the change is subject to review and approval from the State (the Department of Housing and Community Development, HCD). If HCD does not approve the change, then the City may not enforce the change. The legislation has a sunset provision of January 2025.

Staff is reviewing SB 330 and is coordinating with HCD to understand their review process. Until that discussion is complete staff has removed the rezones from the pending amendments. They will return for consideration at a later date.

ENVIRONMENTAL ANALYSIS:

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

The proposed amendments implement the General Plan, which was considered through the General Plan Update Environmental Impact Report (EIR) (SCH No. 2017062058). That document provides a programmatic review of the potential impacts associated with implementation of the overall General Plan. The EIR is comprised of a Draft EIR (Draft EIR) and Final EIR (Final EIR). The Final EIR was released for public review on January 4, 2019 and certified by the City Council on February 27, 2019

State CEQA Guidelines Section 15162 provides that no further review is required under CEQA when there are no substantial changes in the Project, there are no substantial changes with respect to the circumstances under which the Project is undertaken, and there is no new information of substantial importance, which was not known and could not have been known at the time of certification of the EIR. The proposed EGMC amendments are consistent with the analysis presented in the EIR and, pursuant to State CEQA Guidelines Section 15162, no subsequent analysis is required. Specifically, the revisions increase the allowed building height in the VCMU and RMU districts consistent with the allowed floor area ratio for the corresponding General Plan land use designations. Additional provisions for Density Bonus and Accessory Dwelling Units are updated consistent with State law, which provides an exemption from the General Plan’s density limitations for these activities.

Therefore, there are no substantial changes in the Project, there are no substantial changes with respect to the circumstances under which the Project is undertaken, and there is no new information of substantial

importance, which was not known and could not have been known at the time of certification of the EIR, and no further environmental review is required.

ALTERNATIVE ACTIONS:

The City Council may consider modifications to the revisions or other changes as desired, provided they are consistent with the General Plan and the General Plan EIR. Changes that are inconsistent with those documents may require amendments to the General Plan or additional environmental review. Staff is not recommending any changes or revisions not otherwise incorporated into the attached materials.

FISCAL IMPACT:

There are no immediate fiscal impacts related to this action. The costs associated with this effort were included in the Fiscal Year 2019-2020 budget.

ATTACHMENT:

1. Ordinance

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
FINDING THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED
PURSUANT TO STATE CEQA GUIDELINES SECTION 15162 AND ADOPTING
AMENDMENTS TO THE ELK GROVE MUNICIPAL CODE
(TEXT AMENDMENTS)**

**GENERAL PLAN-ZONING CONSISTENCY PROGRAM, PHASE 2
FILE NO: PL0022**

WHEREAS, California Government Code Section 65300 requires the City adopt a comprehensive, long-term general plan for the physical development of the City; and

WHEREAS, Government Code Section 65860 requires that the city's zoning regulations be consistent with the General Plan and that in the event that zoning regulations become inconsistent with the general plan by reason of amendment to the General Plan, the zoning shall be amended so that it is consistent with the General Plan as amended; and

WHEREAS, in February 2019 the City adopted a comprehensive update to its General Plan; and

WHEREAS, amendments to the Elk Grove Municipal Code (EGMC), including its zoning regulations, are necessary to provide consistency with the 2019 General Plan Update (referred to herein as the General Plan-Zoning Consistency Program); and

WHEREAS, the City determined that the General Plan Update, including the General Plan-Zoning Consistency Program (also referred to herein as "Project") was a project requiring review pursuant to the California Environmental Quality Act (CEQA), Public Resources Code 21000 et seq. and that an Environmental Impact Report (EIR) should be prepared to evaluate the potential environmental effects of the Project; and

WHEREAS, on February 27, 2019, the City Council adopted Resolution No. 2019-035, certifying the EIR for the General Plan Update (State Clearinghouse Number SCH#2017062058), adopting Findings of Fact and Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program; and

WHEREAS, amendments to the EGMC are necessary in order to provide consistency between the General Plan and EGMC; and

WHEREAS, the Planning Commission held a duly noticed public hearing on November 21, 2019 as required by law to consider the information presented by staff and public testimony presented in writing and at the meeting and voted 5-0 to recommend approval to the City Council; and

WHEREAS, the City Council held a duly noticed public hearing on December 11, 2019 as required by law to consider the information presented by staff and public testimony presented in writing and at the meeting.

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

Section 1: Purpose

The purpose of this Ordinance is to update the Elk Grove Municipal Code for consistency with the General Plan as provided in Exhibit A, attached hereto.

Section 2: Findings

California Environmental Quality Act (CEQA)

Finding: No further environmental review is required pursuant to State CEQA Guidelines Section 15162.

Evidence: The proposed amendments implement the General Plan, which was considered through the General Plan Update Environmental Impact Report (EIR) (SCH No. 2017062058). That document provides a programmatic review of the potential impacts associated with implementation the overall General Plan. The EIR is comprised of a Draft EIR (Draft EIR) and Final EIR (Final EIR). The Final EIR was released for public review on January 4, 2019 and certified by the City Council on February 27, 2019.

The proposed EGMC amendments are consistent with the analysis presented in the EIR and, pursuant to State CEQA Guidelines Section 15162, no subsequent analysis is required. Specifically, the revisions increase the allowed building height in the VCMU and RMU districts consistent with the allowed floor area ratio for the corresponding General Plan land use designations. Additional provisions for Density Bonus and Accessory Dwelling Units are updated consistent with State law, which provides an exemption from the General Plan's density limitations for these activities.

Therefore, there are no substantial changes in the Project, there are no substantial changes with respect to the circumstances under which the Project is undertaken, and no new information of substantial importance, which was not known and count not have been known at the time of certification of the EIR, and no further environmental review is required.

General Plan

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

Evidence: The proposed amendments to Title 23 (Zoning), Chapter 22.20 (Procedures), and Section 30.90.050 (Solid Waste Management, Commercial Locations, Enclosures) are necessary in order to provide consistency with the 2019 General Plan. The proposed revisions increase the allowed building height in the VCMU and RMU districts consistent with the allowed floor area ratio for the corresponding General Plan land use designations. Additional provisions for Density Bonus and Accessory Dwelling Units are updated consistent with State law, which provides an exemption from the General Plan's density limitations for these activities.

Section 3: Action – Text Amendments

EGMC Title 23 (Zoning), Chapter 22.20 (Procedures), and Chapter 30.90 (Commercial Locations) are hereby amended as provided in Exhibit A, attached hereto and incorporated herein by this reference.

Section 4: No Mandatory Duty of Care.

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

Section 5: Severability.

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

Section 6: Savings Clause

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

Section 7: Effective Date and Publication

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

INTRODUCED:
ADOPTED:
EFFECTIVE:

STEVE LY, 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
Proposed Municipal Code Revisions
General Plan Zoning Consistency Update, Phase 2 – Draft Dated November 22,
2019**

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

Changes to Title 23 (Zoning)

Chapter 23.10 (Identification and Responsibilities of Designated Planning Agencies) shall be amended as follows:

**Chapter 23.10
IDENTIFICATION AND RESPONSIBILITIES OF DESIGNATED PLANNING
AGENCIES**

Sections:

- 23.10.010 Purpose.**
- 23.10.020 Composition of the Elk Grove Planning Agency.**
- 23.10.030 Responsibilities of the City Council.**
- 23.10.040 Responsibilities of the Planning Commission.**
- 23.10.050 Additional provisions for the Planning Commission.**
- 23.10.055 Responsibilities of the Zoning Administrator.**
- 23.10.060 Responsibilities of the Development Services Director.**

23.10.010 Purpose.

The purpose of this chapter is to establish the administration of this title and to set forth the basic responsibilities of the officials and bodies charged with its administration.

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 (1) of the following, as further defined in this chapter and title. In the absence of an assignment, the City Council shall have the Planning Agency responsibility and authority.

- A. City Council;
- B. Planning Commission;
- C. Zoning Administrator;
- D. Development Services Director.

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

23.10.030 Responsibilities of the City Council.

The City Council shall have the following land use responsibilities:

A. Approve appointment of members of the Planning Commission by the Mayor.

B. Hear and decide appeals of the decisions of the Planning Commission.

C. Hear and decide applications for zoning amendments, General Plan and amendments thereto, community plans, specific plans, special planning areas, rezoning, and development agreements. In the event that applications for other land use permits are requested in conjunction with these entitlements, the City Council shall also be the final decision-making body for the other land use permits.

D. Direct planning-related policy amendments and special studies as necessary or desired.

E. Make determinations on consistency with the General Plan of proposed real property acquisitions or disposals as provided in Section 65402 of the California Government Code.

~~E~~F. Exercise such other powers and duties as are prescribed by State law or local ordinance.

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 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. Make recommendations to the City Council with respect to the consistency of a proposed Capital Improvement Program with the General Plan as provided in EGMC Chapter 21.15, or the proposed Public Works improvements or projects of other agencies or special districts within the City as requested and provided under Section 65401 of the California Government Code.

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

23.10.050 Additional provisions for the Planning Commission.

A. Membership and Term. There shall be five (5) members of the Planning Commission. Commissioners shall not be employees of the City, but shall be residents of the City. There shall be no maximum term that may be served by an individual member.

B. Vacancies. If a member of the Commission is unable or unwilling to complete his or her service, the Mayor, with the approval of the City Council, shall appoint another person to serve as Commissioner.

C. Compensation. Each appointee to the Planning Commission shall receive compensation as determined by ordinance, resolution, or other formal action of the City Council.

D. Rules. The Planning Commission shall adopt rules of procedure which shall govern the conduct of hearings and other business of the Commission. Copies of the rules shall be published and shall be available at the Office of the Clerk of the City Council.

E. Organization. The Planning Commission members shall annually select a chairperson and vice-chairperson amongst themselves and shall determine the time, place, and frequency of regular meetings.

F. Committees. The Planning Commission is authorized to create committees from their membership for the conduct of their business.

G. Voting. The approval of any action by the Planning Commission shall require the affirmative votes of a majority of the quorum.

23.10.055 Responsibilities of the Zoning Administrator.

A. The City Manager, or his or her designee, shall serve as the Zoning Administrator.

B. The Zoning Administrator shall have the following land use responsibilities:

1. Hear and decide applications for minor design reviews and minor use permits;
2. Hear and decide tentative subdivision map, ~~and~~ vesting subdivision map, ~~and~~ tentative parcel map extensions; and
3. Exercise such other powers and duties as are prescribed by State or local law, or as directed by the Planning Commission and/or City Council.

23.10.060 Responsibilities of the Development Services Director.

The 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. In coordination with other departments of the City, prepare and submit to the City Council for review, and submit to the State of California Office of Planning and Research and the Department of Housing and Community Development, an annual report on implementation of the General Plan as provided in Section 65400 of the California Government Code.
- IJ. Exercise such other powers and duties as are prescribed by State law, local ordinance, or as directed by the City Manager.

Section 23.14.040.C (Notice of Hearing) shall be amended as follows:

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 the five hundred (500' 0") foot mailing radius 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 within the Rural Area Community Plan or the Triangle Sub-Area of the Eastern Elk Grove Community Plan,~~ notices shall be mailed to owners of property and residents/occupants, as applicable, within one thousand (1,000' 0") feet of the boundary of the property that is the subject of the application.

b. For drive-through uses in the rural commercial combining zone (RUC), notices shall be mailed to owners of property and residents/occupants, as applicable, within two thousand (2,000' 0") feet of the boundary of the property that is the subject of the application.

c. For regional projects, notices shall be mailed to owners of property and residents/occupants, as applicable, within two thousand (2,000' 0") feet of the boundary of the property that is the subject of the application. A regional project shall include a new specific plan, a new special planning area, any project for which an environmental impact report is required pursuant to the California Environmental Quality Act, or any other project determined by the 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 Development Services Department. Mailings to such organizations shall not be counted toward the thirty (30) parcel minimum defined above.

3. With the exception of private development applications, if the number of owners and residents/occupants receiving mailed notice of the public hearing in accordance with subsection (C)(2) of this section exceeds one thousand (1,000), the City may, in lieu of mailed notice, provide notice by placing a display advertisement of at least one-eighth (1/8) page in one (1) newspaper of general circulation within the City. This published notice shall satisfy the published notice as required under subsections (C)(1) and (C)(2) of this section.

4. Notice of the public hearing shall be mailed, postage prepaid, to the owner of the subject real property or the owner's authorized agent, and to each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the proposed project.

5. In addition to the notices required by this section, the City may give notice of the public hearing in any other manner it deems necessary or desirable.

Section 23.14.050 (Approval Authority) shall be amended as follows:

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. This section shall apply to the permits and entitlements listed in Table 23.14-1. All other permits and entitlements under this code, including, without limitation, boundary line adjustments and voluntary parcel mergers, may be processed separately to the designated approving authority or concurrently to the highest approving authority with all other project entitlements, all in the Development Services Director’s discretion.

**Table 23.14-1
 Approval Authority**

Type of Permit, Entitlement, or Decision	Permit Description (EGMC Section)	Designated Approval Authority ¹			
		Development Services Director	Zoning Administrator	Planning Commission	City Council
Administrative Permits					
Official zoning interpretation	23.12.040	Recommending	---	Final	---
Zoning clearance/plan check	23.16.020	Final	---	---	---
Minor deviation	23.16.030	Final	---	---	---
Minor uniform sign program	23.16.027	Final	---	---	---
Temporary use permit	23.16.050	Final	---	---	---
Special parking permit	23.16.037	Final	---	---	---
Reasonable accommodation	23.16.065	Final	---	---	---
Master home plan – design review	23.16.080	Final	---	---	---
Outdoor activity design review	23.16.080	Final	---	---	---

Quasi-Judicial Permits and Entitlements					
<u>Map Extension (tentative subdivision, vesting tentative subdivision, tentative parcel)</u>	<u>22.20.090</u>	<u>Recommending</u>	<u>Final</u>	---	---
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
Cluster development permit	23.16.085	Recommending	---	Final	---
Tentative parcel map	22.20	Recommending	---	Final	---
Tentative subdivision map	22.20	Recommending	---	Final	---
<u>Density Bonus</u>	<u>23.50</u>	<u>Recommending</u>	---	<u>Recommending</u>	<u>Final</u>

Legislative Approvals					
Special planning area (establishment and amendment)	23.16.100	Recommending	---	Recommending	Final
Specific plan (establishment and amendment)	23.16.090	Recommending	---	Recommending	Final
Zoning amendment (text and map)	23.16.110	Recommending	---	Recommending	Final
Community plan (establishment and amendment)	23.16.115	Recommending	---	Recommending	Final
General Plan amendment	23.16.120	Recommending	---	Recommending	Final
Prezoning	23.16.130	Recommending	---	Recommending	Final
Development agreement (establishment and amendment)	23.16.140	Recommending	---	Recommending	Final

Notes:

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

~~B. Development Services Director/Zoning Administrator Elevations. For any entitlement where the 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.~~

1. At any point in the application review process, any permit or entitlement where the Development Services Director or Zoning Administrator is identified as the approval authority may be elevated (or transferred) to the next highest approval authority, meaning that approvals of the Development Services Director would be elevated to the Zoning Administrator, and approvals of the Zoning Administrator may be elevated to the Planning Commission. A permit or entitlement request elevated to the Zoning Administrator may be further elevated to the Planning Commission. Such elevation may occur because of policy implications, unique or unusual circumstances, the magnitude of the project, or other reasons as

determined by the approving authority or as provided in this Title.

2. Public Hearing. An elevated application shall be considered at a noticed public hearing. Noticing shall occur pursuant to the provisions of EGMC 23.14.040.

3. Elevation Is Not an Appeal. An elevation to another decision-maker is not an appeal and requires no appeal application or fee.

4. Subsequent Applications. The approval authority of an elevated application shall consider subsequent amendments or revocations of the referred application. Extensions of time for a prior elevated approval shall be processed pursuant to EGMC 23.18.060 (permit extension).

Section 23.16.070.B (Conditional use permit and minor conditional use permit, Approving Authority) shall be amended as follows:

B. Approving Authority. The designated approving authority of use permits (both conditional and minor conditional) is listed below:

1. Conditional Use Permit. The designated approving authority for a conditional use permit is the Planning Commission. The Development Services Director provides a recommendation and the Planning Commission approves, conditionally approves, or denies the conditional use permit in accordance with the requirements of this title.

2. Minor Conditional Use Permit. The designated approving authority for a minor use permit is the Zoning Administrator. The Development Services 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.~~
The Zoning Administrator may elevate a minor conditional use permit pursuant to the provisions of EGMC Section 23.14.050.B (Development Services Director/Zoning Administrator Elevations).

Section 23.16.080.D (Design Review, Approving Authority) shall be amended as follows:

D. Approving Authority. The designated approving authorities for the seven (7) types of design review are listed in Table 23.14-1 (Approval Authority). For any design review process not specifically identified in subsection (B) of this section (Design Review Applicability), the Planning Commission shall be the designated approving authority. The following notes apply to the table:

1. Where the Development Services Director is identified as the designated approving authority for a design review, the Development Services Director may elevate the matter to the Zoning Administrator if the Development Services Director determines that the application could not be simply approved without

conditions or denied or if the 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 shall be processed pursuant to the provisions of EGMC Section 23.14.050.B (Development Services Director/Zoning Administrator Elevations).

2. Where the Zoning Administrator is identified as the designated approving authority for a design review, the Zoning Administrator shall approve, approve with conditions, or deny applications for minor design after making the necessary findings. The Zoning Administrator may elevate a minor design review permit to the Planning Commission for review and consideration if the Zoning Administrator determines that because of location, size, or design the project warrants a hearing before the Planning Commission. In such instances, the permit request shall become a major design review shall be processed pursuant to the provisions of EGMC Section 23.14.050.B (Development Services Director/Zoning Administrator Elevations).

3. Where the Planning Commission is identified as the designated approving authority for a design review, the Planning Commission shall approve, approve with conditions, or deny applications for major design review after making the necessary findings.

4. Where the City Council is identified as the designated approving authority for a design review, the City Council shall approve, approve with conditions, or deny applications for major design review after making the necessary findings.

Section 23.16.080.H (Design Review, Deviations from Standards) shall be amended as follows:

H. Deviations from Standards. As part of any discretionary design review approval (i.e., minor design review, major design review, subdivision design review, district development plan design review, CIP design review), the designated approving authority may approve deviations from the development standards in this title and other portions of this Code, and applicable design guidelines; provided, that the approving authority makes a finding that the deviation improves the usability of the site and its relationship to surrounding development, including but not limited to pedestrian and vehicular movement and accessibility, architectural design, and landscaping and site amenities or otherwise does not impact the usability of the site or negatively impact adjoining property. Allowed deviations shall be limited to standards that affect the layout of the site, including, but not limited to, setbacks, height, and landscaping. Deviations from minimum lot size and signage standards shall be specifically prohibited. Any deviation to Citywide improvement standards shall be reviewed and decided by the Public Works Director pursuant to EGMC Section 22.20.010(D).

Section 23.24.020.C (Residential Districts) shall be amended as follows:

C. Residential Districts.

1. Very Low Density Residential (RD-1 through RD-3). The very low density residential zoning district designations are applied to areas of the City intended to accommodate very low density single-family residential uses in a semi-rural setting. Residential densities shall be in the range of one (1) to three (3) dwelling units per acre with minimum lot sizes between one-third (1/3) acre to one (1) acre. This residential designation includes the following specific zoning districts:

a. RD-1, RD-2, and RD-3. The RD districts are applied to areas of the City intended to accommodate very low density single-family estate type uses. Property with these RD designations should serve as a transitional residential district between agricultural residential and traditional lower density single-family neighborhoods. The zoning district number associated with the RD districts corresponds to the number of dwelling units permitted per acre of land. These RD districts allow a density range of one (1) to three (3) dwelling units per acre.

2. Low Density Residential (RD-4 through RD-7). The low density residential zoning district designations are applied to areas of the City intended to accommodate low density single-family residential neighborhoods. Typical development includes detached (and in some cases attached) single-family homes. Permitted uses in the RD districts include single-family and two-family homes, second units, and compatible neighborhood support facilities. Residential densities shall be in the range of 3.1 to seven (7) dwelling units per acre. Property with this designation should be located near other residential properties, schools, parks/open space, and neighborhood commercial services with low-impact office and light industrial uses nearby. Development standards for these districts allow design flexibility and promote a range of housing densities and variety of housing types. This residential designation includes the following specific zoning districts:

a. RD-4. The RD-4 district is intended for detached single-family and two-family homes up to a maximum density of four (4) dwelling units per acre. Development is typically one (1) and two (2) stories in height with larger yard areas.

b. RD-5. The RD-5 district allows single-family and two-family homes up to a maximum density of five (5) dwelling units per acre. This district may include detached and attached housing types. Development is typically one (1) and two (2) stories in height with private yard areas.

c. RD-6. The RD-6 district allows single-family and two-family homes up to a maximum density of six (6) dwelling units per acre. This district may include detached and attached housing types, as well as cluster developments. Building heights in this district are typically one (1) and two (2) stories. Development standards allow for a variety of housing types.

d. RD-7. The RD-7 district allows single-family and two-family homes up to a maximum density of seven (7) dwelling units per acre. This district may include detached and attached housing types, as well as cluster developments. Building heights in this district are typically one (1) and two (2) stories. Development standards allow for a variety of housing types.

3. Medium Density Residential (RD-8, RD-10, RD-12, and RD-15). The medium density residential zoning district designations are applied to areas of the City intended to accommodate higher density single-family and lower density multifamily residential neighborhoods. These RD districts accommodate a variety of housing types with a density range between 7.1 and fifteen (15) dwelling units per acre. Specifically, medium density residential development may include detached and attached single-family homes, duplexes, townhomes, condominiums, row houses, and garden apartments. Development standards for these districts allow significant design flexibility to encourage a broad range of housing types and are intended to ensure compatibility and connectivity with surrounding neighborhoods and uses. This residential designation includes the following specific zoning districts:

a. RD-8. The RD-8 district allows single-family and two-family homes up to a maximum density of eight (8) dwelling units per acre. This district may include detached and attached housing types, as well as cluster developments. Building heights in this district are typically one (1) and two (2) stories. Development standards allow for a variety of housing types.

ab. RD-10. The RD-10 district allows higher density single-family attached and detached homes, and may include lower density multifamily for-sale and for-lease units with a maximum of ten (10) dwelling units per acre. Property with this designation should be located near other residential sites, offices, commercial uses and services, or light industrial areas. Development is typically one (1) and two (2) stories in height (three (3) stories in some cases) with greater lot coverage than the low density single-family residential districts.

c. RD-12. The RD-12 district allows higher density single-family attached and detached homes, and may include lower density multifamily for-sale and for-lease units with a maximum of twelve (12) dwelling units per acre. Property with this designation should be located near other residential sites, offices, commercial uses and services, or light industrial areas. Development is typically one (1) and two (2) stories in height (three (3) stories in some cases) with greater lot coverage than the low density single-family residential districts.

bd. RD-15. The RD-15 district may include single-family, two-family, and/or multifamily residential use within a maximum density of fifteen (15) dwelling units per acre. Development may include both for-sale and for-lease products, such as small-lot single-family attached or detached

homes, townhomes, condominiums, row houses, and garden apartments. Residential structures are typically one (1) and two (2) stories in height (three (3) stories in some cases) with greater lot coverage than the low density single-family residential districts. The RD-15 district should serve as a transitional residential district between lower density single-family neighborhoods and high density residential districts, office buildings, commercial uses, or light industrial uses. RD-15 sites should be located near arterial or collector roads.

4. Medium-High Density Residential (RD-18). The medium-high density residential zoning district is intended for attached single-family homes, such as townhomes or row houses, as well as medium density multifamily development that includes apartments and condominiums up to a maximum density of eighteen (18) dwelling units per acre. Development is typically two (2) stories in height (three (3) stories in some cases) with greater lot coverage than the medium density residential districts.

~~45.~~ High Density Residential (RD-20 through RD-~~30~~40). The high density residential zoning district designations are applied to areas of the City intended to accommodate higher density multifamily development such as apartments and condominiums. This designation may also include high density single-family development types such as townhomes and other attached housing types. High density detached homes may be considered in the RD-20 designation. Residential densities shall be in the range of 15.1 to ~~thirty (30)~~ forty (40) dwelling units per acre. Property with this designation should be located near other multifamily sites, offices, commercial uses, or light industrial areas. Additionally, multifamily residential sites should be located along thoroughfare, arterial, or collector roads or near existing or planned public transit stops. Standards for these districts promote attractive residential development that is compatible with surrounding neighborhoods, while at the same time carefully regulating uses to assure compatible development that limit impacts on surrounding uses. This residential designation includes the following specific zoning districts:

a. RD-20. The RD-20 district is intended for high density attached single-family homes, such as townhomes or row houses, as well as ~~medium density~~ multifamily development that includes apartments and condominiums up to a maximum density of twenty (20) dwelling units per acre. Detached single-family homes may be considered on a case-by-case basis with a conditional use permit request. Development is typically two (2) stories in height (three (3) stories in some cases) with greater lot coverage than the medium density residential districts.

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 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 in the RD-20 district.

~~c. RD-30. The RD-30 district allows the maximum residential density permitted in the City is intended for high density residential development, including apartments and condominiums. Except with a density bonus, the The maximum density is thirty (30) dwelling units per acre and in general building heights will be three (3) stories with greater lot coverage than in the RD-25 district. Apartments or condominiums are generally expected to be the primary type of development in this district. The City encourages the location of RD-30 sites near commercial or office centers or near light industrial uses or other centers of employment.~~

d. RD-40. The RD-40 district is intended for high density residential development, including apartments and condominiums. The maximum density is forty (40) dwelling units per acre. Apartments or condominiums are generally expected to be the primary type of development in this district.

Section 23.26.050 (Description of land use classifications) shall be amended as follows (listings shall be renumbered as appropriate):

...

C. "C" Allowed Use Descriptions

...

7. "Community Assistance Organization" means a not-for-profit use that distributes or facilitates the giving of goods and services for charitable purposes. This use classification includes soup kitchens and food banks. This listing does not include establishments that receive payment for services or goods, or regularly staffed drop-off facilities for clothing and household goods, such as a thrift store.

D. "D" Allowed Use Descriptions

...

3. "Dwelling, second Accessory unit" means an attached or detached residential dwelling unit which provides complete independent living facilities for one (1) or more persons, with permanent provisions for living, sleeping, eating, cooking and sanitation sited on the same parcel as the primary dwelling unit. unit, that provides complete independent living facilities for one (1) or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot as the single-family or multifamily dwelling is or will be situated. This definition includes so-called "granny flats." By definition, a second-unit dwelling shall be limited to one (1) kitchen

...

F. “F” Allowed Use Descriptions.

...

5. “Fueling station” means a retail business selling gasoline, diesel, hydrogen, or other motor vehicle fuels, or that provides electrical vehicle charging as the primary use. Vehicle services that are incidental to fuel services are included under separate listings, including, but not limited to, “car washing and detailing” and “vehicle services – minor.” This listing excludes electric vehicle charging facilities when accessory to the primary use, such as at a residence or apartment complex, office building, shopping center, automotive sales or repair facility, or other business not exclusively engaged in vehicle charging.

...

N. “N” Allowed Use Descriptions.

...

~~3. “Not-for-profit business” means a not-for-profit use that distributes or facilitates the giving of goods and services for the relief of the needy. This use classification includes soup kitchens and food banks. This listing does not include establishments that receive payment for services or goods, or regularly staffed drop-off facilities for clothing and household goods, such as a thrift store.~~

...

Continued on next page

Table 23.27-1 (Allowed Uses and Required Entitlements for Base Zoning Districts) is hereby amended as follows (note, only the column titles and the rows, as shown, are amended; rows not listed are not amended; where rows are retitled they shall be reordered within that uses listing as appropriate):

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

Land Use/Zoning District	Zoning Districts																									Specific Use Regulations
	Agricultural					Residential					Commercial					Mixed Use		Office		Industrial			Public/Quasi-Public			
	AG-80	AG-20	AR-5/10	AR-2	AR-1	RD-1/2/3	RD-4/5/6	RD-7	RD-8/10/12/15/18	RD-20/25/30/40	LC	GC	SC	AC	C-O	VCM U	RM U	BP	MP	LI	LI/FX	HI	PR	PS	O	
Residential Uses																										
Dwelling, Second Accessory Unit	P	P	P	P	P	P	P	P	P	<u>P</u>	-	<u>P</u>	-	-	-	<u>P</u>	<u>P</u>	-	-	-	-	-	-	-	-	EGMC Chapter 23.90
Supportive Housing	P	P	P	P	P	P	P	P	P	P	-	<u>21</u>	-	-	-	<u>6</u>	P	-	-	-	-	-	-	-	-	
Human Services Uses																										
Not-For-Profit Business Community Assistance Organization	-	-	-	-	-	-	-	-	-	-	-	CUP	-	-	-	-	-	-	<u>CU P⁹</u>	P	P	P	-	-	-	
Recreation, Open Space, Education, and Public Assembly Uses																										
Outdoor Event Center	-	-	CUP	CUP	<u>CU P</u>	CUP	-	-	-	-	CUP ₉	CUP ₉	CUP ₉	-	-	-	-	-	-	-	-	-	CUP	CUP	-	

...

Notes that pertain to the commercial zoning districts:

...

21. Use is permitted by right when the use is consistent with the provisions of Section 65650 et seq. of the California Government Code.

Notes that pertain to the office zoning districts:

1. A CUP is required when located within five hundred (500' 0") feet of any agricultural, agricultural residential or residential zoned property or residential use.
2. Permitted by right if the use is located on a property owned by the school district.
3. May only be developed as an accessory use to the primary use of the property.
4. Drive-in and drive-through services are only permitted when associated with banks and financial services and may not be developed or operated with any other use type. Also see relevant regulations in EGMC Chapter 23.78, Drive-In and Drive-Through Facility.
5. The Planning Commission may also consider similar industrial uses within an industrial park subject to approval of a CUP.
6. Conditionally permitted when located ~~within an industrial park~~ on a site designated as Light Industrial in the General Plan. Otherwise, new freestanding industrial uses not a part of an integrated, industrial development are not permitted.
7. Tasting room and/or retail sales require approval of a minor conditional use permit.
8. All forms of ~~outdoor~~ outdoor speaker amplification associated shall be prohibited unless otherwise authorized in combination with a conditional use permit or minor use permit (if required for the use as provided in Table 23.27-1) or a minor use permit if the use is otherwise allowed by right.
9. Permitted by right when located ~~within an approved industrial park~~ on a site designated as Light Industrial in the General Plan. Otherwise, requires a conditional use permit.

...

Notes that pertain to the mixed-use zoning districts:

...

6. Use is permitted by right when the use is consistent with the provisions of Section 65650 et seq. of the California Government Code.

Continued on next page

Table 23.29-1 Part A (Development Standards for Base Zoning Districts, Agricultural and Residential Zoning Districts Zoning Districts) is hereby amended as follows:

**Table 23.29-1
 Development Standards for Base Zoning Districts
 Part A: Agricultural and Residential Zoning Districts**

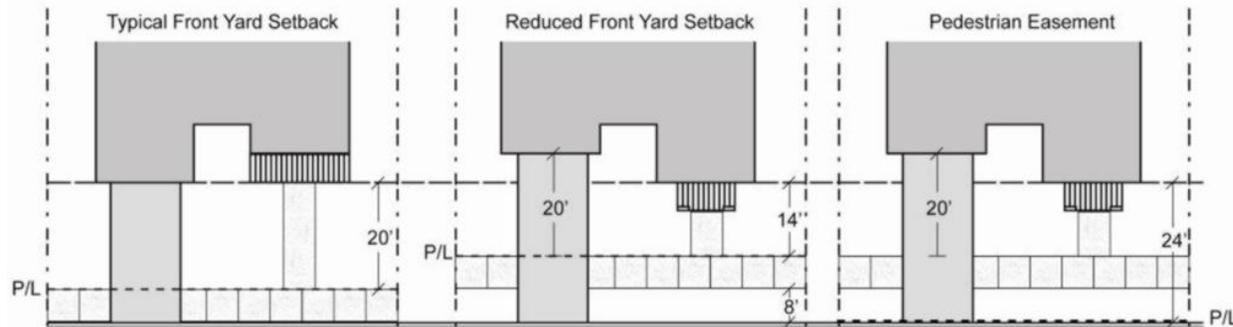
Measurement/ Zoning District	Agricultural Zoning Districts						Residential Zoning Districts																
	AG-80	AG-20	AR-10	AR-5	AR-2	AR-1	RD-1	RD-2	RD-3	RD-4	RD-5	RD-6	RD-7	RD-8	RD-10	RD-12	RD-15	RD-18	RD-20	RD-25	RD-30	RD-40	
Residential Density																							
Density (du/acre)																							
Minimum	-	-	-	-	-	-	-	-	-	-	-	-	-	-	<u>7.1</u> du/acr es	<u>7.4</u> 8.1 du/acr es	<u>10.1</u> 12.1 du/acr es	<u>15.1</u> 18.1 du/acr es	<u>15.4</u> 18.1 du/acr es	20.1 du/acr es	25.1 du/acr es	<u>30.1</u> du/acr es	
Maximum	1 du/lo t	1 du/lo t	1 du/lo t	1 du/lo t	1 du/lo t	1 du/lo t	1 du/acr e	2 du/acr e	3 du/acr e	4 du/acr e	5 du/acr e	6 du/acr e	7 du/acr e	<u>8.0</u> du/acr es	10 du/acr es	<u>12.0</u> du/acr es	15 du/acr es	<u>18.0</u> du/acr es	20 du/acr es	30 du/acr es	30 du/acr es	<u>40.0</u> du/acr es	
Lot Dimensions²																							
Lot Area, minimum																							
Acres	80	20	10	5	2	1	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Square feet	-	-	-	-	-	-	43,560	20,000	10,000	8,500	5,200	4,000	- ⁴	<u>-⁴</u>	- ⁴	<u>-⁴</u>	- ⁴	<u>-⁴</u>	- ⁴	<u>-⁴</u>	- ⁴	- ⁴	<u>-⁴</u>
Lot Width/Frontage, minimum																							
Generally	1,000 ft	500 ft	300 ft	250 ft	150 ft	75 ft	75 ft	75 ft	65 ft	65 ft	52 ft	40 ft	- ⁴	<u>-⁴</u>	- ⁴	<u>-⁴</u>	- ⁴	<u>-⁴</u>	-	-	-	-	<u>-</u>
Corner lots	-	-	-	-	-	-	-	-	-	75 ft	62 ft	47.5 ft	- ⁴	<u>-⁴</u>	- ⁴	<u>-⁴</u>	- ⁴	<u>-⁴</u>	-	-	-	-	<u>-</u>
Lot Depth, minimum	1,500 ft	1,500 ft	100 ft	100 ft	100 ft	100 ft	125 ft	125 ft	125 ft	100 ft	85 ft	65 ft	- ⁴	<u>-⁴</u>	- ⁴	<u>-⁴</u>	- ⁴	<u>-⁴</u>	-	-	-	-	<u>-</u>

Setbacks																							
Front Yard																							
Generally	50 ft	50 ft	30 ft	30 ft	25 ft	25 ft	20 ft ³	20 ft ³	20 ft ³	20 ft ³	15 ft ³	15 ft ³	12.5 ft ³	<u>-4</u>	-4	<u>-4</u>	-4	<u>-4.11</u>	25 ft	25 ft	25 ft	<u>20 ft</u>	
To covered porch										20 ft ³	15 ft ³	12.5 ft ³	12.5 ft ^{3, 5}	<u>-4</u>	-4	<u>-4</u>	-4	<u>-4</u>	-	-	-	-	
To garage door, front facing										22 ft ³	20 ft ³	20 ft ³	18 ft ³	<u>-4</u>	-4	<u>-4</u>	-4	<u>-4</u>	-	-	-	-	
To garage, swing/side load										15 ft ³	15 ft ³	15 ft ³	12.5 ft ³	<u>-4</u>	-4	<u>-4</u>	-4	<u>-4</u>	-	-	-	-	
Side Yard																							
Interior side, generally	50 ft	50 ft	20 ft	20 ft	20 ft	10 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	<u>-4</u>	-4	<u>-4</u>	-4	<u>-4.11</u>	25 ft ⁸	25 ft ⁸	25 ft ⁸	<u>20 ft⁸</u>
Side setback for zero lot line	-	-	-	-	-	-	-	-	-	10 ft	10 ft	10 ft	10 ft	<u>-4</u>	-4	<u>-4</u>	-4	<u>-4</u>	-	-	-	-	
Interior side, adjacent to residential and open space																							
Street side	50 ft	50 ft	15 ft	15 ft	15 ft	15 ft	12.5 ft	12.5 ft	12.5 ft	12.5 ft	12.5 ft	12.5 ft	12.5 ft	<u>-4</u>	-4	<u>-4</u>	-4	<u>-4.11</u>	25 ft	25 ft	25 ft	<u>20 ft</u>	
Rear Yard																							
Generally	50 ft	50 ft	25 ft	25 ft	25 ft	-	-	-	15 ft ⁷	<u>-4</u>	-4	<u>-4</u>	-4	<u>-4.11</u>	20 ft ⁸	20 ft ⁸	20 ft ⁸	<u>20 ft⁸</u>					
To living area, lots > 100 feet deep										20 ft	15 ft	15 ft	-	<u>-4</u>	-4	<u>-4</u>	-4	<u>-4</u>	-	-	-	-	
To living area, lots ≤ 100 feet deep										15% of average lot depth ⁶	-	-	- ⁴	<u>-4</u>	-4	<u>-4</u>	-4	<u>-4</u>	-	-	-	-	
To detached garage/secondary dwelling unit										5 ft	5 ft	5 ft	-	<u>-4</u>	-4	<u>-4</u>	-4	<u>-4</u>	-	-	-	-	

Height Limits																							
Generally	30 ft ¹	30 ft ¹	30 ft ¹	30 ft ¹	30 ft ¹	30 ft ¹	30 ft	<u>35 ft</u>	35 ft	<u>35 ft</u>	35 ft	<u>40 ft⁹₁₁</u>	40 ft ⁹	40 ft ⁹	40 ft ⁹	<u>60 ft</u>							
Buildings < 100 feet from agricultural, agricultural residential, residential	-	-	-	-	-	-	-	-	-	-	-	-	-	-	∴	-	∴	-	∴	-	-	-	
Other Development Standards																							
Minimum open space ¹⁰	-	-	-	-	-	-	-	-	-	-	-	-	-	-	∴	-	∴	-	∴	25%	25%	25% <u>20%</u>	<u>10%</u>
Accessory structures	Refer to Chapter EGMC 23.46																						
Fences and walls	Refer to Chapter EGMC 23.52																						
Landscaping	Refer to Chapter EGMC 23.54																						
Lighting	Refer to Chapter EGMC 23.56																						
Parking	Refer to Chapter EGMC 23.58																						
Performance standards	Refer to Chapter EGMC 23.60																						
Signs	Refer to Chapter EGMC 23.62																						

Notes:

1. Accessory structures are generally permitted to a maximum height of forty (40' 0") feet, except that water tanks, silos, granaries, and similar structures or necessary mechanical apparatus may be a maximum height of sixty-five (65' 0") feet.
2. Flag lots are discouraged and will be reviewed on a case-by-case basis.
3. The front yard setback may be reduced when separated sidewalks are utilized. The setback reduction shall not exceed the width of the planter separating the sidewalk and the street. The front yard setback is measured from the front property line, which is typically located at the back of a monolith sidewalk that is contiguous to the street. When a separated sidewalk is used, the property line may either be located at the back of the sidewalk or at the back of the curb. In such instances, the width of the landscaping separating the sidewalk from the curb may be reduced from the required front yard setback. In any instance, however, the driveway shall maintain a minimum depth of twenty (20' 0") feet (fifteen (15' 0") feet for side garages/swing driveways). See the following example figure, which illustrates this concept with the development standards for the RD-5 zone:



4. Determined through the design review process.
5. The front setback to covered porch may be reduced to ten (10' 0") feet if a reduced public utility easement (PUE) is approved as part of the subdivision map.
6. In no event shall the rear yard be less than ten (10' 0") feet for one (1) story buildings and fifteen (15' 0") feet for two (2) and three (3) story buildings.
7. ~~Fifteen (15' 0") foot setback for two (2) story; ten (10' 0") foot setback for one (1) story~~ Portions of the structure limited to one (1) story may be setback a minimum of ten (10' 0"); second story portions shall be setback a minimum of fifteen (15' 0") feet.
8. The side and rear setback for all three (3) or more story multifamily structures (or portions thereof) abutting any single-family residential or open space district shall be one hundred (100' 0") feet, measured from the property line of the common boundary.
9. As part of the design review process, the maximum height may be increased to sixty (60' 0") feet.
10. Open space includes active and passive recreation areas, other outdoor amenities, natural open space areas, and all landscaped areas outside of the required landscape corridors along adjoining streets.
11. Notwithstanding footnote 4, development of multifamily dwellings in the RD-18 zone shall utilize the corresponding development standard provided in the RD-20 zone.

Table 23.29-1 Part B (Development Standards for Base Zoning Districts, Commercial, Mixed Use, Office, Industrial, and Public/Quasi-Public Zoning Districts) is hereby amended as follows (note, only the rows, as shown, are amended; rows not listed are not amended):

**Table 23.29-1
 Development Standards for Base Zoning Districts
 Part A: Commercial, Mixed Use, Office, Industrial, and Public/Quasi-Public Zoning Districts**

Measurement/Zoning District	Commercial Zoning Districts					Mixed Use		Office Zoning Districts		Industrial Zoning Districts			Public/Quasi-Public Zoning Districts		
	LC	GC	SC	AC	C-O	VCMU	RMU	BP	MP	LI	LI/FX	HI	PR	PS	O
Height Limits															
Generally	40 ft ²	40 ft ²	40 ft ²	40 ft ²	40 ft ²	40 75 ft ²	40 60 ft ²	40 60 ft ²	40 ft ²	40 ft ²	40 ft ²	40 ft ²	40 ft	40 ft	40 ft
Buildings < 100 feet from agricultural, agricultural residential, residential, or open space zoning district	20 ft ²	20 ft ²	20 ft ²	20 ft ²	20 ft	24 40 ft ²	24 40 ft ²	24 ft ²	24 ft ²	24 ft ²	24 ft ²	24 ft ²	24 ft ²	24 ft ²	24 ft ²

Notes:

...

2. As part of the design review process, the maximum height may be increased to a height as determined by the designated approving authority; provided, that the intensity of the development is consistent with the General Plan and on-site improvements, including but not limited to architectural articulation, quality, and materials and landscaping, are provided to ensure, as determined by the approval authority, compatibility with the surrounding context and character of the project site.

Continued on next page

Section 23.40.020 (Special Planning Area District) is hereby amended as follows:

23.40.020 Special planning area district.

A. Purpose. The purpose of the special planning area (SPA) district is to designate areas for unique and imaginative planning standards and regulations not provided through the application of standard zoning districts. Special planning area purposes, content requirements, and procedures are outlined in EGMC Section 23.16.100, Special planning area.

B. Designation. On the zoning map, all property within a designated special planning area shall be delineated in a manner similar to that of any other zoning district except that each SPA-zoned area shall also bear a number or name which distinguishes it from other special planning areas. The assignment of the SPA designation and number or name serves to provide a reference to the corresponding special planning area documents and exhibits adopted by the City Council. If there are unique zoning regulations and standards applicable to the land area, such provisions will be established in the adopted special planning area. The following special planning areas have been adopted and designated on the zoning map under the following ordinances:

1. Elk Grove Old Town SPA (SPA 5-6-4);
2. Elk Grove-Florin and Bond Roads SPA (adopted 1989);
3. Elk Grove Triangle SPA (Ordinance No. 16-2019);
4. Auto Mall SPA (Ordinance No. 23-2003);
5. CMD Court SPA (Ordinance No. 35-2008);
46. Southeast Policy Area SPA (Ordinance No. 16-2014);
57. Silverado Village SPA (Ordinance No. 20-2014);
68. Calvine Meadows Special Planning Area (Ordinance No. 05-2016).

C. Allowed Uses. Except as otherwise provided, allowed uses within the special planning area are those listed uses in the special planning area.

D. Development Standards. Except as otherwise provided, development standards within the special planning area are those standards listed in the adopted special planning area.

Section 23.42.030 (Multifamily Overlay District) is hereby amended as follows:

23.42.030 Multifamily overlay district.

A. Purpose and Intent. The purpose of the multifamily overlay zone (MF) is to implement the General Plan by establishing opportunities for multifamily housing in specified locations throughout the City. This overlay zone supplements the allowed uses and development standards of the underlying zoning district. The intent is to allow multifamily development in conjunction with nonresidential uses permitted in the underlying zoning district to which it is applied.

B. Applicability of Multifamily Overlay Zoning (MF) District. The (MF) appearing after a zone abbreviation on the comprehensive zoning map indicates that the property so classified is subject to the provisions of this section in addition to those of the underlying zone.

C. Permitted Density. Multifamily residential uses shall be permitted with a minimum density of 15.1 dwelling units to the acre and a maximum density of forty (40) dwelling units to the acre.

D. Review Procedure. Multifamily residential development shall require the approval of a district development plan, pursuant to EGMC Section 23.16.080(B)(6). Appropriate development standards for the proposed development shall be set as part of the district development plan review process.

E. Design Review Required. In addition to the provisions of subsection (D) of this section, all development shall comply with the provisions of EGMC Section 23.16.080 (Design review) for design review approval prior to building permit issuance.

F. Accessory Dwelling Units. Accessory dwelling units are also permitted in the Multifamily Overlay Zoning District pursuant to the provisions of Chapter 23.90 (Accessory dwelling units).

Section 23.42.040.D.2 (Flood combining district) is hereby amended as follows:

~~2. To the extent feasible, new essential public facilities should be located outside of the F100, F200, and F100/200 areas, or should be constructed so as to minimize damage to said facilities if located in such area. For purposes of this section, essential public facilities includes, but is not limited to, hospitals and health care facilities, emergency shelters, fire stations, emergency command centers, and emergency communications facilities. Health care facilities and government facilities shall be prohibited from being built in the F district. The City Council may approve exceptions to this if it determines that the operations of the proposed facility would be substantially compromised in an alternative location.~~

Chapter 23.50 (Density Bonus) is hereby amended as follows:

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

Sections:

- 23.50.010 Purpose.**
- 23.50.020 Eligibility for density bonus and incentives and concessions.**
- 23.50.030 General provisions for density bonus and incentives and concessions.**
- 23.50.040 Number and types of density bonuses and incentives and concessions allowed.**
- 23.50.050 Location of density bonus units.**
- 23.50.060 Continued availability.**
- 23.50.070 Process for approval or denial.**

23.50.010 Purpose.

The purpose of this chapter is to provide incentives for the production of housing for very low-income, lower-income, moderate-income, special needs, and senior households in the City and to establish procedures for carrying out the legislative requirements and complying with Section 65915 et seq. of the California Government Code. In enacting this chapter, it is the intent of the City to facilitate the development of affordable housing by positively impacting the economic feasibility of providing lower-income housing and implementing the goals, objectives, and policies of the City's housing element.

23.50.020 Eligibility for density bonus and incentives and concessions.

The City shall grant one (1) density bonus, with concessions or incentives, as specified in EGMC Section 23.50.040 (Number and types of density bonuses and incentives and concessions allowed), when the applicant for a residential development seeks and agrees to construct a residential development, excluding any units permitted by the density bonus awarded pursuant to this chapter, that shall contain at least one (1) of the following. The units qualifying a development for a density bonus shall be referred to as "target units." The applicant shall specify which of the following is the basis for the density bonus:

A. Ten (10%) percent of the total units of a housing development are for lower-income households as defined in Section 50079 of the California Health and Safety Code;

B. Five (5%) percent of the total units of a housing development are for very low-income households; as defined in Section 50105 of the California Health and Safety Code.

C. A senior citizen housing development as defined in Sections 51.3 ~~and 51.12~~ of the California Civil Code, or age-restricted mobile home park; ~~or pursuant to California Civil Code Sections 798.76 or 799.5.~~

D. Ten (10%) percent of the total dwelling units are in a common interest development as defined in Section 4100 of the California Civil Code for persons and families of moderate income as defined in Section 50093 of the California Health and Safety Code; provided, that all units in the development are offered to the public for purchase.

E. Ten percent (10%) of the total units in a housing development for transitional foster youth (as defined in Section 66025.9 of the California Education Code), disabled veterans (as defined in Section 18541 of the California Government Code), or homeless persons (as defined in the federal McKinney-Vento Homeless Assistance Act, 42 USC Section 11301 et seq.). The units described in this subsection shall be subject to a recorded affordability restriction of fifty-five (55) years and shall be provided at the same affordability level as very low income units.

F. Twenty percent (20%) of the total units (for purposes of this subsection units is defined as one rental bed and its pro rata share of associated common area facilities, subject to a recorded affordability restriction of 55 years) for lower income students in a student housing development that meets the qualifications provided in Section 65915(b)(1)(F) of the California Government Code.

G. One hundred percent (100%) of the total units, exclusive of a manager’s unit or units, are for lower income households, as defined by Section 50079.5 of the Health and Safety Code, except that up to twenty percent (20%) of the total units in the development may be for moderate-income households, as defined in Section 50053 of the Health and Safety Code.

23.50.030 General provisions for density bonus and incentives and concessions.

The following general requirements apply to the application and determination of all incentives and bonuses:

A. Rounding. All density calculations resulting in fractional units shall be rounded up to the next whole number; except that the percentage of total units proposed to qualify the development for a density bonus shall not be rounded up. For example, for a two hundred (200) unit project that proposes twenty-one (21) lower-income units (or ten and one-half (10.5%) percent), the allowed density bonus would be based on ten (10%) percent lower-income units, not eleven (11%) percent.

B. Relation to General Plan, Zoning. The granting of a density bonus, or a concession or incentive, shall not be interpreted, in and of itself, to require a General Plan amendment, zoning change (rezone), or other discretionary approval.

C. Density Bonus Excluded in Calculation. The density bonus shall not be included when calculating the total number of housing units that qualify the housing development for a density bonus.

D. Parking.

1. Upon request by the applicant, the City shall not require that a housing development meeting the requirements of EGMC Section 23.50.020 (Eligibility for density bonus and incentives and concessions) provide a vehicular parking ratio, inclusive of handicapped and guest parking that exceeds the following. If the total of parking spaces required for a housing development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subsection, a development may provide “on-site parking” through tandem parking or uncovered parking, but not through on-street parking.

4a. Zero (0) (studio) to one (1) bedroom: one (1) on-site parking space per unit;

2b. Two (2) to three (3) bedrooms: two (2) on-site parking spaces per unit;

3c. Four (4) or more bedrooms: two and one-half (2.5) parking spaces per unit.

2. If the total of parking spaces required for a housing development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subsection, a development may provide “on-site parking” through tandem parking or uncovered parking, but not through on-street parking.

3. Notwithstanding paragraph 1, if a development includes the maximum percentage of low-income or very low income units provided for in Sections 23.50.020.A and B and is located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, and there is unobstructed access to the major transit stop from the development, then, upon the request of the developer, a city, county, or city and county shall not impose a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds one-half (1/2) spaces per bedroom. For purposes of this subdivision, a development shall have unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments.

4. Notwithstanding paragraph 1, if a development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families, as provided in Section 50052.5 of the Health and Safety Code, then, upon the request of the developer, the City shall not impose a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds the following ratios:

a. If the development is located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, and there is unobstructed access to the major transit stop from the development, the ratio shall not exceed one-half (1/2) spaces per unit.

b. If the development is a for-rent housing development for individuals who are 62 years of age or older that complies with Sections 51.2 and 51.3 of the Civil Code, the ratio shall not exceed one-half (1/2) spaces per unit. The development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

5. Notwithstanding paragraphs 1 and 6, if a development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families, as provided in Section 50052.5 of the Health and Safety Code, and the development is either a special needs housing development, as defined in Section 51312 of the Health and Safety Code, or a supportive housing development, as defined in Section 50675.14 of the Health and Safety Code, then, upon the request of the developer, the City shall not impose any minimum vehicular parking requirement. A development that is a special needs housing development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

6. Notwithstanding paragraphs 3 and 4, if the City or an independent consultant has conducted an areawide or jurisdiction wide parking study in the last seven years, then the City may impose a higher vehicular parking ratio not to exceed the ratio described in paragraph 1, based upon substantial evidence found in the parking study, that includes, but is not limited to, an analysis of parking availability, differing levels of transit access, walkability access to transit services,

the potential for shared parking, the effect of parking requirements on the cost of market-rate and subsidized developments, and the lower rates of car ownership for low-income and very low income individuals, including seniors and special needs individuals. The City shall pay the costs of any new study. The City shall make findings, based on a parking study completed in conformity with this paragraph, supporting the need for the higher parking ratio.

7. A request pursuant to this subdivision shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to subdivision (d).

E. Waived or Reduced Development Standards. The City shall not apply any development standard that would have the effect of physically precluding the construction of a housing development meeting the requirements of EGMC Section 23.50.020 (Eligibility for density bonus and incentives and concessions) at the densities or with the incentives or concessions permitted by this chapter. A proposed waiver or reduction of development standards shall neither reduce nor increase the number of allowable incentives or concessions under EGMC Section 23.50.040 (Number and types of density bonuses and incentives and concessions allowed).

An applicant may submit to the City a proposal for the waiver or reduction of development standards, when standards would have the effect of physically precluding the proposed development, and may request a meeting with the City. Nothing in this subsection, however, shall be interpreted to require the City to waive or reduce development standards if:

1. The waiver or reduction would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the California Government Code, upon health and safety or the physical environment and for which the City determines there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households;
2. This would have an adverse impact on any real property that is listed in the California Register of Historical Resources; or
3. The waiver or reduction would be contrary to State or Federal law.

F. Multiple Zoning Districts. If the site of a development proposal is located in two (2) or more zoning districts, the number of dwelling units permitted in the development is the sum of the dwelling units permitted in each of the zoning districts respectively. The permitted number of dwelling units may be distributed within the development without regard to the zone boundaries.

G. City Authority. Nothing in this chapter shall be construed to enlarge or diminish the authority of the City to require a developer to donate land as a condition of development.

H. Agreement Required.

1. Prior to the award of a density bonus and any related incentives or concessions, the applicant shall enter into an agreement with the City to ensure the continued affordability of all target units.
2. For all target units, the agreement shall specify the household income classification, number, location, size, and construction scheduling and shall require target units in a project and phases of a project to be constructed concurrently with the construction of nontarget units. The agreement shall include such other provisions as necessary to establish compliance with the requirements of this chapter.

I. Reports. The applicant shall submit financial or other reports along with the application for the project to establish compliance with this chapter. The City may retain a consultant to review any financial report (pro forma). The cost of the consultant shall be borne by the applicant, except that if the applicant is a nonprofit organization, the cost of the consultant may be paid by the City upon prior approval of the City Council.

J. CEQA Review. Any residential development that qualifies for a density bonus shall not be exempt from compliance with the California Environmental Quality Act.

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

A. Density Bonus. A housing development that satisfies the eligibility requirements in EGMC Section 23.50.020 (Eligibility for density bonus and incentives and concessions) shall be entitled to the following density bonus:

1. For developments providing ten (10%) percent lower-income target units, the City shall provide a twenty (20%) percent increase above the otherwise maximum allowable residential density as of the date of application, plus a one-and-one-half (1.5%) percent supplemental increase over that base for every one (1%) percent increase in low-income target units above ten (10%) percent. The maximum density bonus allowed including supplemental increases is thirty-five (35%) percent.
2. For developments providing five (5%) percent very low-income target units, the City shall provide a twenty (20%) percent increase above the otherwise maximum allowable residential density as of the date of application, plus a two-and-one-half (2.5%) percent supplemental increase over that base for every one (1%) percent increase in very low-income target units above five (5%) percent. The maximum density bonus allowed including supplemental increases is thirty-five (35%) percent.
3. For senior citizen housing developments, a flat twenty (20%) percent of the number of senior units.
4. For common interest developments providing ten (10%) percent moderate-income target units, the City shall provide a five (5%) percent increase above the otherwise maximum allowable residential density as of the date of application,

plus a one (1%) percent increase in moderate-income units above ten (10%) percent. The maximum density bonus allowed including supplemental increases is thirty-five (35%) percent.

5. For developments providing ten percent (10%) of the total units for transitional foster youth, disable veterans, or homeless persons, a flat twenty percent (20%) of the number of the type of units giving rise to a density bonus.

6. For development providing twenty percent (20%) of the total units for lower income students in a student housing development, a flat thirty five percent (35%) of the student housing units.

7. For developments providing one hundred percent (100%) of the units for lower income households as provided in EGMC 23.50.020.G, a flat eighty percent (80%) of the number of units for lower income households; except that if the development is located within one-half (1/2) mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the California Public Resources Code, there shall be no maximum density.

B. Number of Incentives or Concessions. In addition to the density bonus described in this section, an applicant may request specific incentives or concessions. The applicant shall receive the following number of incentives or concessions.

1. One (1) incentive or concession for projects that include at least ten (10%) percent of the total units for lower-income households, at least five (5%) percent for very low-income households, or at least ten (10%) percent for persons and families of moderate income in a common interest development.

2. Two (2) incentives or concessions for projects that include at least twenty (20%) percent of the total units for lower-income households, at least ten (10%) percent for very low-income households, or at least twenty (20%) percent for persons and families of moderate income in a common interest development.

3. Three (3) incentives or concessions for projects that include at least thirty (30%) percent of the total units for lower-income households, at least fifteen (15%) percent for very low-income households, or at least thirty (30%) percent for persons and families of moderate income in a common interest development.

4. Four (4) incentives or concessions for projects meeting the criteria of EGMC 23.50.020.G. If the project is located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, the applicant shall also receive a height increase of up to three additional stories, or 33 feet.

C. Available Incentives and Concessions. The following are available incentives or concessions:

1. A reduction in the site development standards or a modification of the requirements of this title that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5

(commencing with Section 18901) of Division 13 of the Health and Safety Code, including but not limited to a reduction in setback and square footage requirements and in the ratio of vehicle parking spaces that would otherwise be required and that results in identifiable, financially sufficient, and actual cost reductions.

2. Approval of mixed-use zoning in conjunction with the housing development if the nonresidential land uses will reduce the cost of the housing development and the nonresidential land uses are compatible with the housing development and existing or planned development in the area in which the housing development will be located.

3. Other regulatory incentives or concessions proposed by the applicant or the City that result in identifiable, ~~financially sufficient~~, and actual cost reductions to provide for affordable housing costs as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Government Code Section 65915(c).

4. Priority processing of a housing development that qualifies for a density bonus based on income-restricted units.

D. Additional Density Bonus and Incentives and Concessions for Donation of Land to the City.

1. When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the City (other than that land typically dedicated as part of a subdivision, such as roadways/rights-of-way, parks, utility sites and easements, landscape corridors, and similar land) and agrees to include a minimum of ten (10%) percent of the total units before the density bonus for very low-income households, the applicant shall be entitled to a fifteen (15%) percent increase above the otherwise maximum allowable residential density, plus a one (1%) percent supplemental increase for each additional percentage of very low-income units to a maximum density bonus of thirty-five (35%) percent for the entire development.

2. The density bonus provided in this subsection shall be in addition to any other density bonus provided by this chapter up to a maximum combined density bonus of thirty-five (35%) percent.

3. The applicant shall be eligible for the increased density bonus described in this subsection if all of the following conditions are met:

a. The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application;

b. The developable acreage and zoning designation of the land being transferred are sufficient to permit construction of units affordable to very low-income households in an amount not less than ten (10%) percent of the number of residential units of the proposed development;

c. The transferred land is at least one (1) acre in size or of sufficient size to permit development of at least forty (40) units, has the appropriate General Plan designation, is appropriately zoned with appropriate development standards for development at the density described in paragraph (3) of subdivision (c) of Section 65583.2 of the Government Code, and is or will be served by adequate public facilities and infrastructure;

d. The transferred land shall have all of the entitlements and approvals, other than building permits, necessary for the development of the very low-income housing units on the transferred land, not later than the date of approval of the final subdivision map, parcel map, or residential development application, except that the City may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of Section 65583.2 of the Government Code if the design is not reviewed by the City prior to the time of transfer;

e. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with the requirements of this chapter which shall be recorded on the property at the time of the transfer;

f. The land is transferred to the City or to a housing developer approved by the City;

g. The transferred land shall be within the boundary of the proposed development or, if the City agrees, within one-quarter (1/4) mile of the boundary of the proposed development; and

h. A proposed source of funding for the very low-income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.

4. Nothing in this subsection shall be construed to enlarge or diminish the authority of the City to require a developer to donate land as a condition of development.

E. Additional Density Bonus or Incentives and Concessions for Development of Child Care Facility.

1. Housing developments meeting the requirements of EGMC Section 23.50.020 (Eligibility for density bonus and incentives and concessions) and including a child care facility that will be located on the premises of, as part of, or adjacent to the housing development shall receive either of the following:

a. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility;

b. An additional incentive or concession that contributes significantly to the economic feasibility of the construction of the child care facility.

2. The City shall require the following as conditions of approving the housing development:

a. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the target units are required to remain affordable, pursuant to subdivision (c) of Section 65915 of the Government Code; and

b. Of the children who attend the child care facility, the children of very low-income households, lower-income households, or moderate income households shall equal a percentage that is equal to or greater than the percentage of target units that are required pursuant to EGMC Section 23.50.020 (Eligibility for density bonus and incentives and concessions).

3. Notwithstanding any other requirements of this section, the City shall not be required to provide a density bonus or incentive or concession for a child care facility if it makes a written finding, based upon substantial evidence, that the community has adequate child care facilities.

F. Condominium Conversion Incentives for Low-Income Housing Development.

1. When an applicant for approval to convert apartments to a condominium project agrees to the following, the City shall grant either a density bonus of twenty-five (25%) percent over the number of apartments, to be provided within the existing structure or structures proposed for conversion, or provide other incentives of equivalent financial value. In either case, the applicant shall agree to pay for the reasonably necessary administrative costs incurred by the City.

a. Provide at least thirty-three (33%) percent of the total units of the proposed condominium project to persons and families of low or moderate income; or

b. Provide at least fifteen (15%) percent of the total units of the proposed condominium project to lower-income households.

2. An applicant for approval to convert apartments to a condominium project may submit to the City a preliminary proposal pursuant to this subsection prior to the submittal of any formal requests for subdivision map approvals. The City shall, within ninety (90) days of receipt of a written proposal, notify the applicant in writing of the manner in which it will comply with this subsection.

3. For purposes of this subsection, “other incentives of equivalent financial value” shall not be construed to require the City to provide cash transfer payments or other monetary compensation but may include the reduction or waiver of requirements which the City might otherwise apply as conditions of conversion approval.

4. Nothing in this subsection shall be construed to require the City to approve a proposal to convert apartments to condominiums.

5. An applicant shall be ineligible for a density bonus or other incentives under this subsection if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentive was previously provided.

23.50.050 Location of density bonus units.

The location of density bonus units within the housing development may be at the discretion of the developer. However, the target units shall be dispersed throughout the housing development and when feasible shall contain, on average, the same number of bedrooms as the nontarget units in the development, and shall be compatible with the design or use of the remaining units in terms of appearance, materials, and quality finish.

23.50.060 Continued availability.

A. Minimum ~~Thirty (30)~~ Fifty-Five (55) Years. If a housing development provides low- or very low-income target units to qualify for a density bonus, the target units must remain restricted to lower- or very low-income households for a minimum of ~~thirty (30)~~ fifty-five (55) years from the date of issuance of the certificate of occupancy by the building official, or longer if required by the project financing construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Except as otherwise provided herein, rents for the lower income density bonus units shall be set at an affordable rent as defined in Section 50053 of the Health and Safety Code. For housing developments meeting the criteria of Section 23.50.020.G, rents for all units in the development, including both base density and density bonus units, shall be as follows:

1. The rent for at least 20 percent of the units in the development shall be set at an affordable rent, as defined in Section 50053 of the Health and Safety Code.
2. The rent for the remaining units in the development shall be set at an amount consistent with the maximum rent levels for a housing development that receives an allocation of state or federal low-income housing tax credits from the California Tax Credit Allocation Committee.

B. Common Interest Housing. In the case of a common interest housing development providing moderate-income target units to qualify for a density bonus, the initial occupant of the target unit must be a person or family of very low, low, or moderate income, and that the units are offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the Health and Safety Code. Upon resale, the seller of the target units shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation, and the City shall recapture any initial subsidy and its proportionate share of appreciation which shall then be used within ~~three (3)~~ five (5) years for any of the purposes described in subdivision (e) of Section 33334.2 of the California Health and Safety Code that promote homeownership. The City's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value. The City's "proportionate share" shall be

equal to the percentage by which the initial sale price to the moderate-income household was less than the fair market value of the home at the time of the initial sale.

C. Direct Financial Contributions. Where there is a direct financial contribution to a housing development pursuant to Section 65915 of the Government Code, the City shall assure continued availability for low- and moderate-income units for ~~thirty (30)~~ fifty-five (55) years.

23.50.070 Process for approval or denial.

A. Process for Approval. The density bonus and incentive(s) and concession(s) request shall be considered in conjunction with any necessary development entitlements for the project, including but not limited to conditional use permit and design review, as provided in EGMC Section 23.14.050. The designated approving authority for density bonuses, incentives, and concessions shall be the City Council, and the City Council shall be the approving authority for all associated entitlements. In conjunction with approving the density bonus and any related incentives or concessions, the City and applicant shall enter into a density bonus agreement.

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

a. The amount of the density bonus, calculated pursuant to EGMC Section 23.50.040 for which the proposed project is eligible;

b. If the applicant requests a parking ratio pursuant to EGMC Section 23.50.030, the parking ratio for which the proposed project is eligible; and

c. If the applicant requests incentives or concessions pursuant to EGMC Section 23.50.040 or waivers or reductions of development standards pursuant to EGMC Section 23.50.040, whether the applicant has provided adequate information for the City to make a determination as to those incentives, concessions, or waivers or reductions of development standards.

B. Approval of Density Bonus Required. The City shall grant the density bonus requested by the applicant provided it is consistent with the requirements of this chapter and State law.

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

1. The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

2. The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the California Government Code, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical

Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.

3. The concession or incentive would be contrary to State or Federal law.

D. Administrative Fee. The City shall charge applicants an administrative fee to cover the City’s cost to review all materials submitted in accordance with this chapter and for ongoing enforcement of this chapter. The amount of the administrative fee shall be established by City Council resolution and updated as required. Fees will be charged for staff time and materials associated with:

1. Review and approval of applications for the proposed development;
2. Project marketing and lease-up; and
3. Long-term compliance of the applicant and successors-in-interest to the applicant, with respect to the affordable housing units.

Table 23.58-2 (Parking Requirements by Land Use) is hereby amended as follows (note, only the rows, as shown, are amended; rows not listed are not amended):

Land Use	Required Parking Spaces
Industrial, Manufacturing, and Processing Uses	
Storage	1 space/2,000 sf., plus one/company-operated vehicle
Personal Storage Facility	
Warehouse	
Yards	
Personal Storage Facility	4 spaces
Warehouse	1 space per 2,000 sf.
Yards	2 spaces per facility, plus 1 space per 250 sf. of office

Section 23.58.040.C.3 (Recreational Vehicle, Trailer, and Vessel Parking) is hereby amended as follows:

3. Recreational Vehicle, Trailer, and Vessel Parking. Recreational vehicles, trailers, and vessels of an owner, tenant, guest, or visitor may be parked on any highway (street) for a maximum period of seventy-two (72) hours as provided in EGMC Section 10.24.070(B). Any request to extend this period for guests and visitors shall be submitted in writing to the Chief of Police for consideration and authorization. Recreational vehicle, trailer, and vessel storage is prohibited in required front and street side yards except as provided in EGMC Section 23.84.031. Recreational vehicle, trailer, and vessel parking shall comply with applicable covenants, conditions and restrictions applicable to that subdivision.

However, recreational vehicle, trailer, and vessel parking is permitted outside of required front and street side yard setback areas and within interior side and rear yards when screened by a solid six (6' 0") foot tall fence, wall, and/or landscape barrier.

Screening shall be consistent with EGMC Chapter 23.52, Fences and Walls. The screening requirement does not apply to parcels with two (2) or more gross acres or within the Rural Area Community Plan area.

Section 23.58.110 (Off-street loading requirements) is hereby amended as follows:

23.58.100 Off-street loading requirements.

~~A. Number of Spaces. At a minimum, one loading space (dock or parking space) shall be provided for all commercial and industrial buildings in excess of 10,000 square feet plus one additional space for every additional 20,000 square feet of floor area.~~ Purpose of loading area requirements. The purpose of these regulations is to provide the number, size, location, and screening requirements for loading areas in various types of developments and uses. The intent of these regulations is to minimize disruptions of traffic flow and vehicular and pedestrian conflicts through adequate sizing and siting of these facilities.

~~B. Dimensions. Each required loading space shall be not less than 10 feet wide, 35 feet long and with 14 feet of clear height. Loading zones shall be separate from other required parking and maneuvering area.~~ Loading Areas for Goods and Materials. The following regulations shall apply to loading area for goods and materials. Examples include, but are not limited to, loading docks and delivery areas.

1. When loading regulations apply. This regulation applies to all industrial, commercial, office, and similar land uses. Buildings or tenant spaces smaller than ten thousand (10,000) square feet in size are exempt from the requirements of this section.

2. General loading area requirements. The number of required loading spaces is based on the use of the building and the building size, minus any residential component square footage, as described in Table 23.58-5 (Required Minimum Loading Spaces). Where two or more uses are located on the same premises, the number of loading area spaces required is the sum of the spaces required for each use.

Table 23.58-5
Required Minimum Loading Spaces

<u>Land Use</u>	<u>Loading Spaces Required</u>
<u>Industrial Uses</u>	<u>1 space for the first 10,000 square feet and 1 space for each additional 20,000 square feet</u>
<u>Commercial Uses</u>	<u>1 space for the first 10,000 square feet and 1 space for each additional 35,000 square feet</u>
<u>Office and Similar Uses</u>	<u>1 space for each building 10,000 square feet or more</u>

3. Loading area standards.

a. The loading space(s) required by this section may be constructed as either a dock (where a truck may back up directly to a building or platform and goods may be unloaded from the floor of the truck to the floor of the building or platform without the use of a ramp or lift gate) or designated loading area (a paved area so designated with appropriate striping and/or signage), as appropriate for the use/development, subject to approval of the designated approving authority.

b. Loading spaces shall be at least ten feet (10') in width and thirty-five feet (35') in length, with fourteen feet (14') of vertical clearance.

c. Loading areas shall comply with the setback and perimeter landscaping and screening standards as provided in EGMC Chapter 23.54, Landscaping.

d. Loading and maneuvering areas shall be hard-surfaced unless a permeable surface is required to reduce surface runoff, as determined by the City.

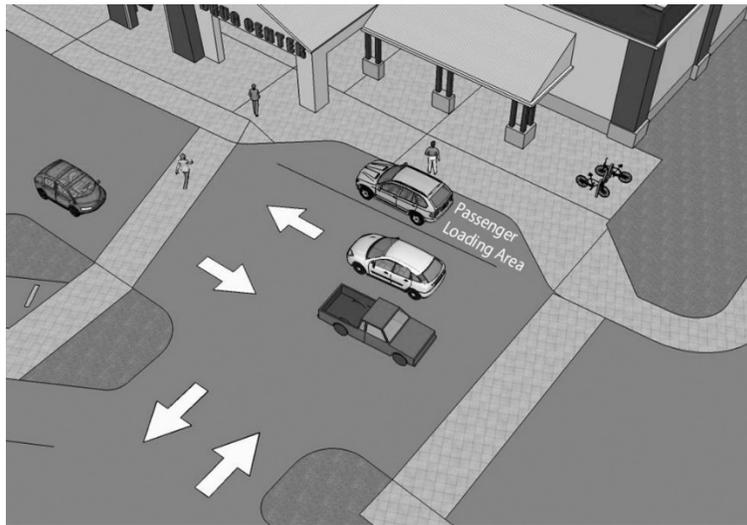
e. Parking of passenger vehicles may be allowed in off-street loading areas subject to specific time limits to prevent conflicts with off-street loading activities. If parking is allowed, the parking time limits shall be clearly posted. These parking spaces shall not count toward meeting the general parking requirements.

~~C. Location. Where feasible, loading zones and docks shall be located to the rear of properties. No truck entrance door, loading zone and/or dock serving commercial vehicles shall be permitted to face a residential area within 500 feet.~~

~~D. Screening. All loading zones and truck parking areas shall be screened from view by a minimum of a six-foot high hedge, vine-covered fence or wall plus landscaping as required by Chapter 23.54 EGMC, Landscaping.~~

ED. Passenger Loading Areas. Public parking areas for major development projects shall designate a passenger loading area or areas for embarking and disembarking passengers from ridesharing vehicles. Such passenger loading areas shall be located at the point(s) of primary pedestrian access from the parking area to the adjacent building, or buildings, and shall be designed in such a manner that vehicles waiting in the loading area do not impede vehicular circulation in the parking area. The passenger loading areas shall be designed as a turnout as indicated by Figure 23.58-2 and shall be large enough to accommodate the number of waiting vehicles equivalent to one-half of one percent of the required parking for the project.

**Figure 23.58-2
Passenger Loading Area**



Section 23.62.110.C (Menu/Order Board Signs) is hereby amended as follows:

C. Menu/Order Board Sign.

1. Location. Menu/order board signs shall not face onto the public right-of-way.
2. Illumination. Menu/order board signs shall only be illuminated by internal light source with opaque (nontransparent) background.
3. Maximum Size, Height, and Number. The size, height, and number of menu/order board signs shall be limited as described in EGMC Section 23.62.090.B.9, Exempt signs, Menu/order board signs.

Continued on next page

Chapter 23.68 (Accessory uses) is hereby amended as follows:

**Chapter 23.68
ACCESSORY USES (Repealed)**

Sections:

~~23.68.010 Purpose.~~

~~23.68.020 Accessory uses defined.~~

~~23.68.030 Accessory uses permitted.~~

~~23.68.040 Repealed.~~

~~**23.68.010 Purpose.**~~

~~The purpose of this chapter is to identify and regulate accessory uses of property in all zoning districts to ensure such uses are developed and conducted in a manner that does not create any public safety or public nuisance issues.~~

~~**23.68.020 Accessory uses defined.**~~

~~For the purposes of this title, “accessory uses” are those related uses necessary, or incidental, appropriate and subordinate to the operation and enjoyment of the principal use of the parcel or structure on which such use is authorized by zoning district regulations and as otherwise stated herein. Accessory uses are permanent or long-term in nature, distinct from the temporary use regulations of EGMC Chapter 23.92, Temporary Uses.~~

~~**23.68.030 Accessory uses permitted.**~~

~~A. Agricultural and Residential Zoning Districts. The following list of accessory uses are permitted in all agricultural and residential zoning districts and uses are subject to compliance with listed conditions and other provisions of this title:~~

- ~~1. Antennas, cables, and wireless telecommunications facilities in accordance with provisions of EGMC Chapter 23.94, Wireless Communications Facilities.~~
- ~~2. Garage/yard sales are permitted on any parcel where the sale operator resides, not to exceed four (4) sales per calendar year for a maximum of two (2) consecutive days and may only operate during daylight hours.~~
- ~~3. Home occupations in accordance with provisions of EGMC Chapter 23.82, Home Occupations.~~
- ~~4. Off-street parking for use by persons living at or visiting the premises.~~
- ~~5. Outdoor storage in compliance with provisions of EGMC Chapter 23.86, Outdoor Sales, Display, Storage, and Seating.~~
- ~~6. Private residential recreation facility for use by persons living at or visiting the premises.~~
- ~~7. Recreation, refreshment, and service buildings in public parks.~~

~~8. Rental and sales offices for the leasing and/or sales of units located in the same apartment or condominium complex.~~

~~9. Homeowner's association and/or clubhouse buildings for resident and guest use with approval of a conditional use permit pursuant to EGMC Section 23.16.070, Conditional use permit.~~

~~10. Vehicle maintenance and repair shall be limited to work conducted entirely within an enclosed garage on vehicles that are registered to a person currently residing at the home.~~

~~B. Commercial, Office and Industrial Zoning Districts. The following list of accessory uses are permitted in all commercial, office and industrial zoning districts subject to compliance with listed conditions and other provisions of this title:~~

~~1. Alcohol sales of beer and wine for on-site consumption are permitted as an accessory use with a minor use permit where the primary use is any of the following, as defined in Section 23.26.030 (Allowed land uses):~~

- ~~• Fitness and sports facilities~~
- ~~• Theaters and auditoriums~~
- ~~• Indoor amusement/entertainment facility~~
- ~~• Outdoor commercial recreation~~
- ~~• Other similar uses as determined by the Development Services Director to be substantially similar to the uses listed above based on the definitions and listed criteria in Chapter 23.26, Use Classification System, and making required findings outlined in EGMC Section 23.12.040 (Official zoning interpretation).~~

~~Not more than fifteen (15%) percent of the net floor area of the primary use shall be dedicated to alcohol sales/display.~~

~~2. Accessory retail uses such as restaurants, pharmacies, and the sale of retail merchandise are allowed accessory to a primary use.~~

~~3. Antennas, cables, and wireless telecommunications facilities in accordance with provisions of EGMC Chapter 23.94, Wireless Communications Facilities.~~

~~4. Automated teller machine(s).~~

~~5. Bus shelters.~~

~~6. Off-street parking for use by persons working at or conducting business at the premises.~~

~~7. Outdoor sales, display, storage and seating in compliance with provisions~~

~~of EGMC Chapter 23.86, Outdoor Sales, Display, Storage, and Seating.~~

~~8. Recreation, refreshment and service buildings in public parks.~~

~~9. Recreation facility (indoors and outdoors) for use of employees.~~

~~10. Small recycling collection facility and reverse vending machines.~~

~~C. Open Space Zoning Districts. The following list of accessory uses are permitted in the open space zoning districts subject to compliance with listed conditions and other provisions of this title:~~

~~1. Antennas, cables, and wireless telecommunications facilities in accordance with provisions of EGMC Chapter 23.94, Wireless Communications Facilities.~~

~~2. Bus shelters and park-and-ride lots.~~

~~3. Recreation, refreshment and service buildings in public parks.~~

~~4. Small recycling collection facility and reverse vending machines.~~

~~**23.68.040 Permit required.**~~

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

Section 23.84.040.A.4 (Nonconforming) is hereby amended as follows:

23.84.040.A

...

4. A nonconforming recreational vehicle, trailer, or vessel may be replaced with a new recreational vehicle, trailer, or vessel similar in size and parked in the same location as the former vehicle, ~~subject to applicable provisions of this title~~; provided, that the nonconforming use has not been terminated as contained in subsection (A)(1) of this section.

Chapter 23.90 (Accessory Dwelling Units) is hereby amended as follows:

**Chapter 23.90
ACCESSORY DWELLING UNITS**

Sections:

23.90.010 Purpose.

23.90.020 Definitions.

23.90.030 Allowed use and density provisions.

23.90.040 Development standards.

23.90.050 Junior accessory dwelling units

23.90.010 Purpose.

The purpose of this chapter is to regulate accessory dwelling units in residential zoning districts and on residential property consistent with State law (Sections 65852.42

through 65852.22 of the California Government Code). Implementation of this section is intended to expand housing opportunities for low income and moderate income or elderly households by increasing the number of rental units available within existing neighborhoods while maintaining the primarily single-family residential character of the area.

23.90.020 Definitions.

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

23.90.030 Allowed use and density provisions.

Accessory dwelling units shall be allowed in all residential, agricultural residential, and agricultural zoning districts in compliance with the development standards as set forth in EGMC Section 23.90.040, subject to zoning clearance/plan check review. Accessory dwelling units are an accessory residential use and do not count towards that do not exceed the allowable density for the lot upon which the accessory dwelling unit is located and are consistent with the existing general plan and zoning designation for the lot.

23.90.040 Development standards.

Pursuant to Sections 65852.2 and 65852.22 of the Government Code, accessory dwelling units shall be permitted on single-family and multifamily residential parcels by the Development Services Director when the following conditions are met. All other development standards shall be in compliance with the underlying zone district.

~~A. Accessory dwelling units shall only be located on lots with an area of six thousand (6,000 ft²) square feet or larger.~~ Accessory dwelling units may be located either attached to or located within, the proposed or existing primary dwelling, including attached garages, storage areas, or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

B. The lot is zoned to allow mixed-use, single-family use or multifamily use and includes a proposed or existing dwelling.

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

~~GD. No more than one (1) accessory dwelling unit shall be allowed per parcel.~~ Accessory dwelling units shall be permitted as follows:

1. One (1) accessory dwelling unit or one junior accessory dwelling unit that is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure provided that the space has exterior access from the proposed or existing single-family dwelling. An accessory dwelling unit or junior accessory dwelling unit hereunder (i) shall not be subject to the setback standards of Section 23.90.040.G, (ii) shall maintain side and rear setbacks that are sufficient for fire and safety, and (iii) may include an expansion of not more than one hundred and fifty square feet (150 ft²) beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to

accommodating ingress and egress. A junior accessory dwelling unit hereunder shall comply with the requirements set forth in Section 23.90.050.

2. One (1) detached, new construction, accessory dwelling unit per lot with a proposed or existing single-family dwelling. This detached accessory dwelling unit may be combined with a junior accessory dwelling unit described in Section 23.90.040.1.

3. On lots with existing multifamily residential, a maximum of two (2) detached accessory dwelling units.

4. On lots with existing multifamily residential, at least one accessory dwelling unit internal to the building(s) and up to a maximum of twenty five percent (25%) of the total existing multifamily units within the development. Such accessory dwelling units may be developed within portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with building standards for dwellings.

~~DE. The property owner shall occupy either the primary unit or accessory dwelling unit. The minimum size for an accessory dwelling unit shall be one hundred fifty square feet (150 ft²).~~

~~EF. An accessory dwelling unit shall not exceed one thousand two hundred (1,200 ft²) square feet, excluding garage area. If an accessory dwelling unit includes an attached garage or other unfinished space, the characterization of the structure shall be based upon which use encompasses the greater square footage. If the square footage of the attached garage or other unfinished space exceeds the square footage of the habitable area, the structure shall be deemed to be an accessory structure and shall be subject to the development standards identified in EGMC Chapter 23.46. the following maximum total floor areas:~~

1. Accessory dwelling units that are attached to the primary dwelling unit shall not exceed fifty percent (50%) of the total floor area of the primary dwelling unit, except that:

a. Studio and one-bedroom units shall be allowed up to eight hundred fifty square feet (850 ft²);

b. Units with more than one bedroom shall be allowed up to one thousand square feet (1,000 ft²).

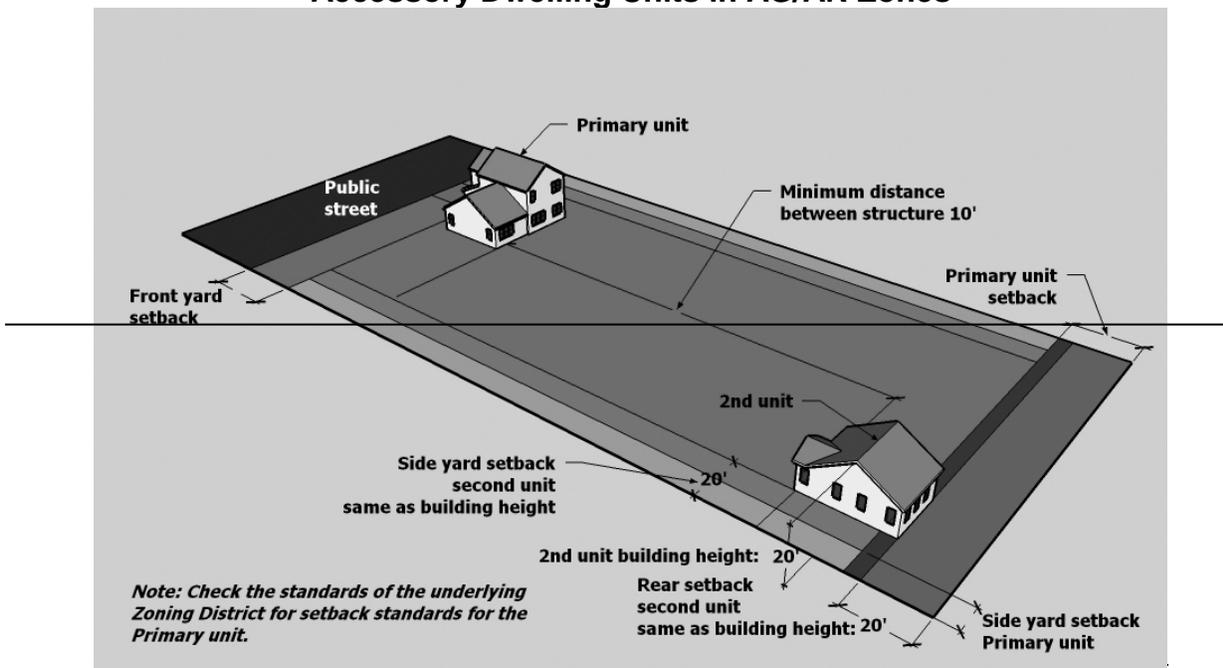
2. Accessory dwelling units that are detached from the primary dwelling shall not exceed one thousand two hundred square feet (1,200 ft²).

~~F. The maximum building coverage, including an accessory dwelling unit, is five (5%) percent above the maximum lot coverage as set forth in this code for the underlying zoning district.~~

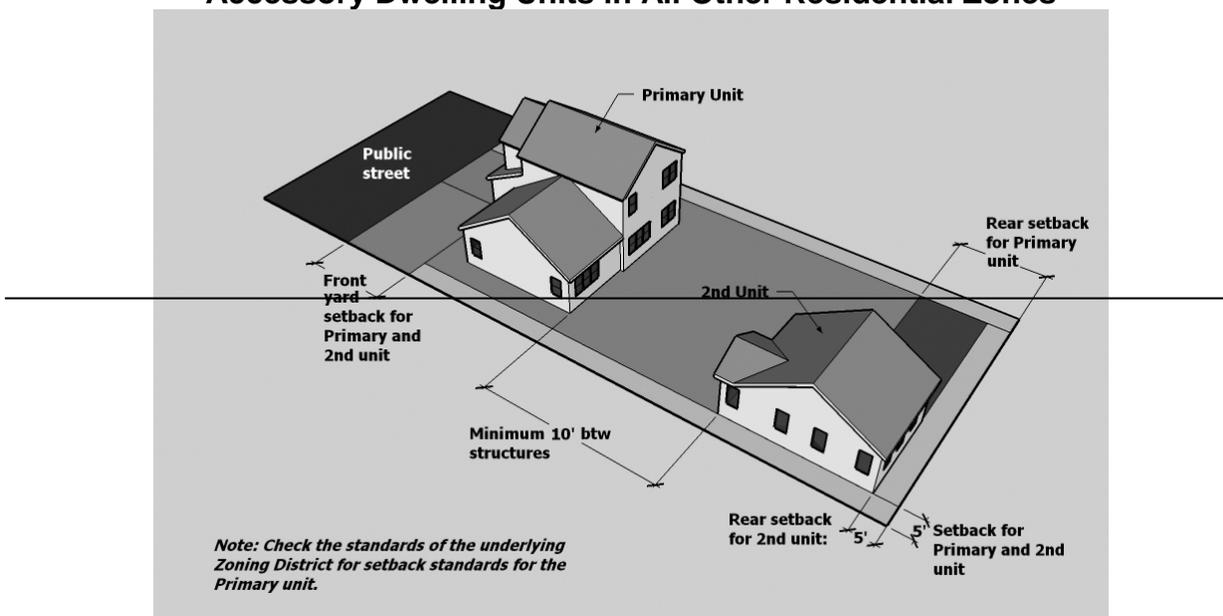
~~G. Building setbacks for attached accessory dwelling units shall comply with all required building setbacks for the primary unit. Within the agricultural and agricultural-residential~~

zoning districts, the building setbacks for detached accessory dwelling units shall not be less than the height of the structure at the highest point, with a minimum distance of ten (10' 0") feet between structures (see Figure 23.90.040-1). Building setbacks for detached accessory dwelling units within all other residential zones shall be the same as the underlying zoning district for front and street side yards, five (5' 0") feet from interior and rear yard property lines, with a minimum distance of ten (10' 0") feet between structures (see Figure 23.090.040-2). Roof overhangs into required setback areas shall be governed by EGMC Chapter 23.64, Yard Measurements and Projections.

**Figure 23.90.040-1
 Accessory Dwelling Units in AG/AR Zones**



**Figure 23.90.040-2
 Accessory Dwelling Units in All Other Residential Zones**



G. Accessory dwelling units shall comply with the following setback standards:

1. No additional setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit. Structures converted into habitable space shall comply with applicable building code requirements for protection of life and safety.

2. Where new construction is proposed, except for new construction contemplated by Section 23.90.040.G.1, the required minimum interior side yard and rear yard setback shall be four feet (4 ft). Front and street side yard setbacks shall be the same as the underlying zoning district.

H. The maximum height of a ~~detached~~ an attached accessory dwelling unit shall not exceed the height of the primary dwelling unit within the building envelope, while detached accessory dwelling units (or portions thereof) may not exceed sixteen (16' 0") feet in the required yard area. Within the agricultural and agricultural-residential zoning districts, the maximum height of a detached structure shall be thirty (30' 0") feet. (See Chapter 23.64 EGMC, Yard Measurements and Projections, for description of required yard area.)

I. No accessory dwelling unit may be sold separately from the primary dwelling unit. An accessory dwelling unit may be rented separately from the primary unit. Rentals shall be for terms of longer than thirty (30) days.

J. An accessory dwelling unit shall provide one (1) additional off-street parking space for each bedroom in the accessory dwelling unit unless an accessory dwelling unit meets any one (1) of the following criteria, then no additional parking spaces are required:

1. The accessory dwelling unit is located within one-half (1/2) mile walking distance of public transit, including any bus stop.

2. The accessory dwelling unit is located within an architecturally and historically significant historic district.

3. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.

4. When on-street parking permits are required but not available to the occupant of the accessory dwelling unit.

5. When there is a car share vehicle located within one (1) block of the accessory dwelling unit.

K. Any additional parking space(s) required for an accessory dwelling unit may be provided as tandem parking on an existing driveway. Off-street parking shall be permitted in setback areas consistent with the underlying zoning district requirements and other adopted policies or plans.

23.90.050 Junior accessory dwelling units

Junior accessory dwelling units shall comply with the following development standards:

1. The junior accessory dwelling unit shall be located on a lot zoned for single-family residential that includes a proposed or existing single-family residence.
2. The junior accessory dwelling unit shall be constructed within the walls of the primary dwelling unit and shall not be more than five hundred square feet (500 ft²).
3. The junior accessory dwelling unit shall include a separate entrance from the main entrance to the structure.
4. The junior accessory dwelling unit includes an efficiency kitchen, which includes all of the following:
 1. A cooking facility with appliances; and
 2. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
5. No additional parking shall be required for the junior accessory dwelling unit.
6. Either the primary dwelling unit or the junior accessory dwelling unit shall be occupied by the property owner. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization. The junior accessory dwelling unit shall not be sold separate from the primary dwelling unit.

Section 23.100.020 (General Definitions) is hereby amended as follows (listing shall be renumbered as appropriate):

23.100.020 General definitions.

A. "A" Definitions

1. "Accessory dwelling unit" means an attached or detached residential dwelling unit, including a manufactured home or an efficiency unit, sited on the same parcel as the primary dwelling unit, which that provides complete independent living facilities for one (1) or more persons and is located on a lot with a proposed or existing primary residence, ~~with~~ An accessory dwelling units includes permanent provisions for living, sleeping, eating, cooking (kitchen, as defined in this chapter), and sanitation on the same lot as the single-family or multifamily dwelling is or will be situated, ~~and includes a single kitchen as defined in this chapter.~~ This definition includes an efficiency unit so-called "granny flats". This definition is consistent with the allowed use description titled "Dwelling, Accessory Unit".

...

F. "F" Definitions

...

8. “Floor area ratio (FAR)” means the gross floor area of development on a site or project area divided by the total gross lot area. FAR is expressed as a decimal fraction (for example, 0.5 or 2.0). Gross floor area is measured from the exterior walls of the structure and includes, but is not limited to, areas occupied by the use(s) in the building and the accompanying common areas, including hallways; basements with structural headroom of seven feet (7.0’) or more; mezzanines; penthouses; elevator shafts and stairwells; patios and balconies (whether covered or not); and enclosed porches. Areas excluded from the FAR calculation include, but are not limited to, landings; porte-cocheres; any areas dedicated to parking or vehicle movement (e.g., freestanding or integrated structured parking, tuck-under parking, underground parking); loading areas or docks, elevator and stair bulkheads; storage or utility areas with structural headroom of less than seven feet (7.0’); rooftop mechanical equipment; freestanding signs; and industrial equipment including but not limited to grain elevators, silos, and storage tanks. Areas dedicated to residential uses, including any hallways or common areas, are also excluded, as this is measured as density of units per acre of land.

...

J. ~~Reserved for future use~~ “J” Definitions

1. “Junior accessory dwelling unit” means a unit that is no more than 500 square feet in size and contained entirely within a single family residence. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.

...

T. “T” Definitions

...

8. “Two hundred (200) year floodplain” means areas that have a one (1) in two hundred (200) chance of flooding in any given year using criteria consistent with, or developed by, the Department of Water Resources. As used in this chapter, the term shall be ascribed to all areas labeled as such on ~~Figure 2 of the general plan safety element~~ in the General Plan.

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Continued on next page

Changes to Title 22 (Land Development)

Chapter 22.20 (Procedures) is hereby amended as follows:

...

22.20.025 Advisory agency, tentative subdivision maps.

Except as otherwise provided herein in EGMC Section 22.20.030, the Planning Commission is designated as the approval authority as to all matters relating to tentative subdivision maps, and said commission is charged with the duty to approve, conditionally approve, or recommend approval or disapprove of such tentative subdivision maps.

22.20.030 Advisory agency (special processing).

The Elk Grove City Council shall serve as the approval authority as to all matters relating to tentative subdivision maps in those instances when tentative subdivision maps are filed with an application for a rezone, specific plan amendment, or a General Plan amendment, or other legislative action as described in EGMC Title 23 (Zoning).

22.20.032 Advisory agency for vesting tentative maps.

The Elk Grove City Council is the approval authority as to all matters relating to vesting maps. The Planning Commission, after a public hearing, shall forward a recommendation to the Council on all vesting maps.

22.20.035 Advisory agency – Tentative parcel maps.

Except as otherwise provided herein, the Planning Commission is designated as the approval authority as to all matters relating to tentative parcel maps, including reversion to acreage by parcel map.

22.20.036 Advisory agency – Boundary line adjustments.

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

...

22.20.090 Extensions of time.

Any tentative subdivision map, or vesting tentative subdivision map, or tentative parcel map is eligible for an extension of time, provided final approval for such extension occurs prior to the expiration of the original map through approval of the Zoning Administrator. Upon filing of a timely application for an extension of time, the map shall automatically be extended for sixty (60) days or until the application for the extension is approved, conditionally approved, or denied. No final map or parcel map may be approved during the period between the expiration of the original map and the approval of the extension of time. An extension of time may not be granted for more than thirty-six (36) months, but may be granted for a lesser time at the sole discretion of the final hearing body. A subdivider may apply for a resubmission of the map rather than an extension of time, in which case the map may be approved after the expiration date of the original map. The expiration date of an approved resubmitted map shall be as set forth in EGMC Section 22.20.060.

...

Changes to Title 30 (Solid Waste Management)

Section 30.90.050 (Commercial Locations – Enclosures for front-end loading containers) is hereby amended as follows:

30.90.050 Commercial locations – Enclosures for front-end loading containers.

A. Enclosures shall be designed with greater than fifty (50%) percent of space designated for recycling. This shall be achieved with three (3) bins; one (1) for recycling, one (1) for organics, and one (1) for trash.

~~B. Commercial projects shall implement, as applicable and as determined by the designated approving authority, the City's Space Allocation and Enclosure Design Guidelines for Solid Waste. The containers shall be located within an enclosed masonry area consistent with the architecture of the project with a surrounding wall at least five (5' 0") feet high and not higher than eight (8' 0") feet. All enclosures shall be designed consistent with the following:~~

- ~~1. Enclosures shall be built of noncombustible materials (wood is not permitted);~~
- ~~2. Materials/finishes shall relate to, and be of same quality as, be of materials used on the building;~~
- ~~3. Landscaping and screening shall be included to help visually buffer loading areas and enclosures; and~~
- ~~4. A pedestrian access, separate from the primary service access, is recommended.~~

~~C. Deviations. The designated approving authority may approve deviations from the provisions of the Space Allocation and Enclosure Design Guidelines for Solid Waste in conjunction with Design Review through the procedures of EGMC Section 23.16.080.H and, as provided, such deviations shall be limited to those standards that affect the layout of the site, including, but not limited to, setbacks, height, and landscaping. Enclosures shall be located twenty-five (25' 0") feet from any public street, fifteen (15' 0") feet from the edge of pavement of a private street and, in commercial areas, twenty five (25' 0") feet from any residential zoned property line.~~

~~D. Dimensions will vary based on projected usage but shall be consistent with height, width and length dimensions for standard equipment listed in the space allocation and enclosure design guidelines for trash and recycling available from IW. If multiple containers go in one (1) enclosure, a minimum thirty (30") inch separation shall be provided between containers.~~

~~E. Gates should be two (2") inches off the ground and hung on the outside so that, when open, gates are out of the bin's way. Gates shall be able to open more than ninety (90°) degrees and shall be equipped to prevent accidental swinging, which can result in injury to persons or equipment.~~

~~F. Hardware shall be of sufficient strength to accommodate repetitive swinging, and so that individuals with gloves should be able to open them.~~

~~G. Lid ears and bin pockets will rub enclosure walls. Bin may also roll against the back of the enclosure during service. Wood or metal bumpers or interior curbs shall be provided to extend enclosure life. Bolts or screws shall be inset on bumpers to avoid injury to collector or user.~~

~~H. Container shall be on a flat, level surface in the enclosure and in position for the driver to dump the container. Asphalt or dirt floor in the enclosure may not hold up under the heavy weight of a loaded bin. Concrete is required.~~

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Incorporated July 1, 2000

8401 Laguna Palms Way
Elk Grove, California 95758

CITY OF ELK GROVE

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City of Elk Grove – City Council

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, December 11, 2019**, 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:

GENERAL PLAN-ZONING CONSISTENCY PROGRAM – ELK GROVE MUNICIPAL CODE AMENDMENT (CITY-INITIATED PROJECT):

In parallel with the City's General Plan Update, the City is preparing a series of amendments to its Zoning Code (EGMC Title 23, hereinafter referred to as the "Zoning Code") and other portions of the Elk Grove Municipal Code (EGMC). This Zoning Consistency Program is intended to provide consistency between the EGMC and the new General Plan and includes the following components:

- Updates to the Zoning Code: Various amendments to the Zoning Code are proposed, including, but are not limited to, creation of new residential zoning districts (the RD-8, RD-12, RD-18, and RD-40 districts), updates to density bonus and accessory dwelling units based upon recent changes to State law, and updated requirements for parking and off-street loading requirements. Also includes following:
 - Updated procedures for elevating permits from the Development Services Director or Zoning Administrator to a higher authority;
 - Updated roles and responsibilities of the composition of the Elk Grove Planning Agency relative to extension of approvals and preparation of the General Plan Annual Report;
 - Creation of a new Community Assistance Organization allowed use to replace the Not-for-Profit listing;
 - Increases in the allowed height in the VCMU and RMU districts to 75 feet and 60 feet, respectively;
 - Revising the setback for buildings in the RD-7 zone to allow portions that are one-story to be setback a minimum of ten feet; second story portions shall be setback a minimum of fifteen feet;
 - Repeal of the Accessory Uses chapter (EGMC 23.68);
 - Updates to the standards for recreational vehicle parking and related provisions for nonconforming uses related to recreational vehicle parking.
 - Update to the standards for loading areas for commercial, office, and industrial developments;
 - Update to the definition of Floor Area Ratio for consistency with the density and intensity calculations in the General Plan
- Update to EGMC Chapter 22.20 (Procedures): This revision addresses ambiguity in the approval process for extensions to certain types of subdivision and parcel maps.

- Updates to Title 30, Chapter 90, Solid Waste Management: This revision provides a reference to the City's Design Guidelines for Solid Waste space allocation and enclosure design and provides a deviation process consistent with the provisions in Title 23 (Zoning).

The Planning Commission considered this matter at its regular meeting of November 21, 2019 and voted 5-0 to recommend approval to the City Council.

The proposed action also includes a correction to the Floodplain Overlay Zone (the F District) based upon Council direction in March 2019 to retain language prohibiting the construction of healthcare and government facilities in the F District.

LOCATION: Citywide

ZONING: Various

ENVIRONMENTAL: The proposed amendments have been considered as part of the General Plan Update Environmental Impact Report (EIR) (SCH No. 2017062058). Pursuant to State CEQA Guidelines Section 15162 no further review is required.

Information or questions regarding this item should be referred to Christopher Jordan, AICP, (916) 478-2222, or to the office of Development Services – Planning, 8401 Laguna Palms Way, Elk Grove, CA, 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, Elk Grove, CA, 95758, at or prior to the close of the public hearing.

This meeting notice is provided pursuant to Section 23.14.040 of Title 23 of the Elk Grove Municipal Code.

Dated/Published: November 29, 2019

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.