



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

**AGENDA TITLE:** A Public Hearing to consider an ordinance amending sections of Elk Grove Municipal Code Title 23 regulating Short-term Rentals (CEQA Exempt)

**MEETING DATE:** May 27, 2020

**PREPARED BY:** Shane Diller, Assistant Development Services Director

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

**RECOMMENDED ACTION:**

Staff recommends that the City Council introduce and waive the full reading, by substitution of title only, an ordinance amending Elk Grove Municipal Code (EGMC) Chapter 23.26 Use Classification System, Chapter 23.27 Allowed Land Uses and Required Entitlements, and Chapter 23.82 Home Occupations.

**PLANNING COMMISSION:**

Consistent with prior City Council direction, staff presented the Planning Commission with the following proposed code amendments at their February 20, 2020 meeting:

- Add the definitions of “Long-term rental” and “Short-term rental” to the Use Classification System in EGMC Chapter 23.26;
- Amend the definition of “Bed and breakfast inns” in the Use Classification System, EGMC Chapter 23.26;
- Amend Table 23.27-1 to add long-term and short-term rentals, and amend the code concerning Bed and breakfast inns; and

- Amend EGMC Chapter 23.82 related to Home Occupations by removing “Boarding house, bed and breakfast hotel, time share condominium” from the prohibited uses; inserting “Short-term rental” into the category of uses permitted with restrictions (EGMC Sections 23.82.050, 23.82.060), providing that such uses are conditionally permitted in zoning district as specified in the applicable use table; and adding “Hotels and motels” to the prohibited home occupations category (EGMC Section 23.82.060).

Council’s prior direction to staff was to utilize the Zoning Code to tightly restrict the use of residential property as a short-term rental. Following discussion and deliberation at the February 20, 2020 Planning Commission meeting, the Planning Commission continued the agenda item in order for staff to return with a summary of the various regulatory options and potential conditions discussed during Commission deliberations.

At the May 7, 2020 Planning Commission meeting, staff presented options on regulating short-term rentals through the issuance of a Special Business License (SBL), through the issuance of a use permit, or to prohibit them altogether. The majority of the Planning Commission (3-2 vote, Murphey and Shuck opposed) expressed a desire to ensure that the business model of operating short-term rentals in Elk Grove still be allowed, and the Planning Commission recommended the City Council create a Special Business License category of “Short-term rental”, adding a new chapter to EGMC Title 4, which would contain operating requirements such as the property being owner-occupied during all rental periods. The Planning Commission expressed concerns that a Conditional Use Permit (CUP) or the lesser entitlement of a Minor CUP (MUP) was too onerous and costly for short-term rental operators.

Additionally, the Planning Commission’s recommendation includes lowering the requirement to operate a bed and breakfast inn from the currently required CUP to the lesser entitlement of a MUP over the current allowed land use categories. An MUP requires approval of the City’s Zoning Administrator through a public hearing; however, it is less costly and is generally a more streamlined process.

The proposed ordinance is based on prior Council direction and includes the requirement that short-term rentals obtain a CUP, and does not incorporate the Planning Commission’s recommendation for a Special Business license that also requires the property be owner occupied. However, the Planning Commission recommendation to lower the bed and breakfast inn

requirement to an MUP is recommended and has been included in the proposed ordinance. Other alternatives, including the Planning Commission recommendation, are included in the Alternatives section below.

### **BACKGROUND INFORMATION:**

Short-term residential rentals (commonly known by the brand names Airbnb, Vrbo, and HomeAway) are typically single-family homes, condominiums or apartments where the owner offers overnight lodging for fewer than 30 days directly to the consumer through a third-party brokerage website. Rentals can vary from a single room in a unit occupied by the owner or a primary tenant, or the rental of a full unit or home occupied solely by the renters and their guests.

A search of the websites for the companies mentioned above, as well as information provided by the company Host Compliance reveals that there are approximately 150 short-term rentals currently offered within the City of Elk Grove. The number varies and is difficult for staff to pinpoint because some listings list multiple rooms and some list a single room or home. Also, there may be some rentals listed on more than a single website, creating duplicates and giving the impression of more rentals. Though the specific number of rentals is difficult to quantify, Airbnb provided some general data on rentals but did not provide the number of hosts in, or number of nights rented in Elk Grove specifically. According to Airbnb, there were 10,300 guest stays and \$1.3 million in host revenue generated in Elk Grove in 2018.

The City has received complaints regarding short-term rentals over the past two years. The City received one complaint concerning a short-term rental in 2018 and has received complaints and experienced police responses related to three other properties in 2019. The 2018 complaint concerned parties being thrown that disturbed the peace. The 2019 complaints related to nuisance conditions, such as vehicles leaking oil, outdoor marijuana smoking, calls for service related to acts of violence (a shooting and a disturbance that led to a fight with police officers), reckless driving, parking violations, and disturbing the peace.

The Elk Grove Police Department and/or Code Enforcement have been able to apply enforcement strategies to respond to some complaints. Other complaints are more difficult to enforce, such as loitering, trespassing, and vehicles leaving behind leaked fluids in the roadway. Nonetheless, all these activities raise concerns for neighbors and impact quality of life.

Generally, the rental of a residential property has been considered a “dwelling” use, and it is a permitted use pursuant to EGMC Table 23.27-1. The EGMC also specifically endorses the rental use of property through its Rental Housing Registration ordinance (EGMC §§ 16.20.1200–.1227). However, the EGMC does not clearly distinguish between long-term and short-term rentals of residential property in the context of the short-term rental “Airbnb-type” model, and staff received direction from Council at the August 28, 2019 meeting to clarify these definitions.

Currently, under the Zoning Code, “Bed and breakfast inns” require a Conditional Use Permit (CUP) to operate in residential zones (except RD-20 and greater density zones where such use is not allowed). Additionally, current code lists “Bed and breakfast inns” as a prohibited home occupation, which conflicts with the conditional allowance in the land use table (EGMC 23.27-1). This action proposes amending this definition, adding the “Short-term rental” and “Long-term rental” classifications and allowing “Short-term rentals” with a CUP only in Ag-Residential (AR), Residential (RD), some Commercial and Mixed-Use zones. “Bed and breakfast inns” allowances would change, now requiring a MUP in AG, AR, RD, Commercial, and Mixed-Use zones. “Long-term rentals” would be permitted in all zones.

“Hotels and motels” are prohibited in residential zones. In 2017, at staff’s recommendation, the City Council repealed the definition of “Rooming and/or boarding house” from the Zoning Code. However, “Boarding house, bed and breakfast hotel, time share condominium” continue to be listed as prohibited home occupation businesses in EGMC Section 23.82.060. In order to bring more consistency to the code, staff recommends revising and reconciling the definitions and use restrictions for boarding houses and bed and breakfast uses (which are treated in a conflicting manner). These proposed changes are reflected in the proposed ordinance and are consistent with the land use policies described above.

### **ANALYSIS:**

At the August 28, 2019, City Council meeting, staff sought Council direction regarding amendments to the EGMC that would more clearly define the distinction between long-term and short-term rentals, as well as what restrictions, if any, should be placed on short-term rentals. Council directed staff to amend the Zoning Code to establish strict guidelines on the use and operation of short-term rentals.

Staff also received concurrence from the City Council that the Zoning Code be amended to clarify definitions of short-term and long-term residential rental uses, to remove any reference in the EGMC to boarding houses, and that a bed and breakfast inn, as defined, be reconciled with the restrictions placed on short-term rentals.

The ordinance presented with this staff report is in accordance with Council's prior direction on August 28, 2019. Attachment 1 proposes an EGMC amendment to regulate the use of short-term rentals through the issuance of a CUP. This amendment would clarify that renting residential property for less than 30-day periods is inconsistent with the typical residential use of single-family homes, condominiums, and apartments and more consistent with the operation of hotels and motels.

Amendments to the EGMC provided in the proposed ordinance are summarized below (amendments or new text are shown in bold and underline):

### **Chapter 23.26 Use Classification System**

1. Amend EGMC Section 23.26.050 (Description of Land Use Classifications) to add the classifications of "Long-term rental" and "Short-term rental" and amend the classification of "Bed and breakfast Inn".

"Bed and breakfast inns" means residential structures with the **owner or primary long-term tenant** in permanent residence with up to five (5) bedrooms **which are rented for dwelling, lodging or sleeping purposes to transients for stays of less than thirty (30) days in exchange for consideration, and** where meals may be **are** provided subject to applicable Health Department regulations. A bed and breakfast inn with more than five (5) guest rooms is considered a hotel or motel and is included under the definition of "hotels and motels."

**"Long-term rental" means residential structures rented for overnight lodging for stays of thirty (30) days or longer**

**"Short-term rental" means any residential structure, or portion of any structure, not otherwise qualifying as a bed and breakfast inn, which is rented for dwelling, lodging or sleeping purposes to transients for stays of less than thirty (30) days in exchange for consideration. A short-term rental with more than five (5) guest rooms or suites is considered a hotel or motel and is included under the definition of "Hotels and motels".**

## **Chapter 23.27 Allowed Uses and Required Entitlements**

1. Amend Table 23.27-1 (Allowed Uses and Required Entitlements for Base Zoning Districts) to (i) require a CUP for "Short-term rentals" in all Residential, Limited Commercial (LC), General Commercial (GC), Shopping Center (SC) and Mixed-Use zone districts, and to prohibit "Short-term rentals" in all other districts; and (ii) add "Long-term rental" as a permitted use in all Ag Residential (AR), Residential (RD), and Mixed-Use (VCMU/RMU) zones.
2. Amend Table 23.27-1 (Allowed Uses and Required Entitlements for Base Zoning Districts) to lower the permit requirement for "Bed and breakfast inns" from a CUP to a MUP.

## **Chapter 23.82 Home Occupations**

1. Amend Chapter 23.82 (Home Occupations) to (i) remove the use of "Boarding house, bed and breakfast hotel, time share condominium" from EGMC Section 23.82.060 (Prohibited Uses); (ii) add the use of "Hotels and motels" to EGMC Section 23.82.060 (Prohibited Uses); and (iii) add the uses of "Bed and breakfast inn" and "Short-term rental" to the restricted home occupations category in EGMC Section 23.82.050, allowing the uses with a MUP and CUP, respectively.

The proposed amendments are intended to improve the City's ability to address activity related to short-term rentals that are inconsistent with the nature, character, and behavior in a residential area. The proposed amendments represent changes that would protect the City's interests in providing for public safety, safeguarding already strained housing stock, and maintaining the residential character of neighborhoods. As discussed above, the City has had public safety issues with existing short-term rentals relating to acts of violence, including a shooting, disturbances and fights with responding police, and the City has received complaints regarding suspicious and alleged criminal activity associated with short-term rentals. In addition to these concerns, unregulated proliferation of short-term rentals in residential neighborhoods could interfere with the residential character of such neighborhoods. Transient use of short-term rental properties may result in issues related to noise, drug and alcohol use, trash, damage to property, and parking.

Staff's recommendation to require CUPs for short-term rentals is consistent with Council's prior direction and ensures that short-term rentals are operated in a manner that protects the health and safety of guests. Should

the Council approve requiring a CUP for short-term rentals, staff would provide a condition for each CUP that a violation of existing health, safety, and building codes could result in revocation of the CUP. Short-term rentals that are unregulated might fail to meet these standards, putting guests and others at risk. Requiring a CUP would allow the City to condition short-term rentals to address concerns regarding health and safety, parking, trash, noise, and other matters which may be specific to the applicable short-term rental.

With respect to bed and breakfast inns, such businesses would be subject to the new definition. They would be permitted with an MUP and require that an owner or primary tenant operator be on-site.

### **ENVIRONMENTAL ANALYSIS:**

CEQA Guidelines Section 15061(b)(3) states that a project is exempt from CEQA “where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” The approval of the code amendments discussed herein does not approve any physical development project. The EGMC amendments would conditionally allow residential units in residential, mixed-use, and some commercial zoning districts to be utilized as short-term rentals. Where the operation of short-term rentals is conditionally allowed, the operation of such short-term rentals would be subject to compliance with the EGMC and any associated conditions of approval. The Project would not have a significant effect on the environment and is therefore exempt from CEQA.

### **ALTERNATIVE ACTION:**

Rather than tightly regulate short-term residential rentals, the City Council could direct staff to prohibit such use altogether. This was not an option presented to Council at the August 28, 2019 meeting as staff was still reviewing its legality. This review had been completed by the Planning Commission meeting of February 20, 2020, and the option was presented there.

The City Council could also adopt the Planning Commission’s recommendation of requiring a Special Business License (SBL) to operate a “Short-term rental” with the condition that the property be owner-occupied during all rental periods. Staff could return at a future meeting with an amendment creating a new category of SBL and establishing operating standards and licensing fees.

Another alternative could be to require an MUP rather than a CUP for “Short-term rentals”. The MUP is an entitlement approved by the Zoning Administrator, but which carries the same effectiveness of conditioning projects as a CUP. The Zoning Administrator approval process includes a publicly noticed hearing but is less expensive due to less staff time involved in project processing. The deposit for an MUP is \$5,000 as compared to \$8,800 for a CUP. This lower cost and streamlined processing could lower the barrier to permitting for applicants seeking to operate a short-term rental. Should Council select this alternative, Council could adopt the proposed ordinance (Attachment 1) and direct staff to replace the CUP designation in EGMC Table 23.27-1 with the MUP designation.

If one or more of the above alternative actions is directed by the City Council, staff may need time to prepare a revised ordinance and return to the City Council at a later date.

**FISCAL IMPACT:**

Information provided by the firm Host Compliance (a service that monitors short-term rental activity) identifies approximately 150 short-term rentals operating in Elk Grove. Though staff is unable to quantify how much revenue those 150 rentals generate, based on the 2018 numbers reported by Airbnb of 10,300 guest stays and \$1.3 million in revenue for a single year, the potential annual Transient Occupancy Tax (TOT) (12% of the rent) on these stays could be approximately \$156,000 per year. No TOT was collected from short-term rentals prior to this year. In 2020, there are three properties registered to pay TOT tax as a short-term rental. Those properties have remitted approximately \$1,300 to date.

**ATTACHMENTS:**

1. Ordinance
  - a. Exhibit A



**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
AMENDING ELK GROVE MUNICIPAL CODE TITLE 23 RELATED TO RESIDENTIAL  
RENTAL PROPERTY (CEQA EXEMPT)**

**WHEREAS**, Elk Grove Municipal Code (EGMC) Title 23 regulates land use and zoning, and

**WHEREAS**, EGMC Chapters 23.26 and 23.27 contain land use classifications and the allowed uses of those classifications, and

**WHEREAS**, this ordinance amends those classifications and allowed uses to ensure that short-term rental business activity can be regulated to protect the residential character and quality of life in Elk Grove’s neighborhoods, and

**WHEREAS**, EGMC Chapter 23.82 contains regulations related to the operation of home-based businesses, and this amendment conforms those standards to the allowed land uses amended in EGMC Chapter 23.27, and

**WHEREAS**, the adoption of this ordinance would not have a significant effect on the environment and would therefore qualify for an exemption under the California Environmental Quality Act (CEQA) and is therefore exempt from CEQA.

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

Section 1: Purpose

The purpose of this ordinance is to amend EGMC Chapter 23.26 Use Classification System, Chapter 23.27 Allowed Uses and Required Entitlements, and Chapter 23.82 Home Occupations.

Section 2: Amend Elk Grove Municipal Code Section 23.26.050, Description of land use classifications.

*(All additions are shown as **bold** text, deletions in ~~strikethrough~~)*

Elk Grove Municipal Code 23.26.050 is hereby amended to read as follows:

23.26.050 Description of land use classifications.

The following items are used through this title and shall have the following descriptions:

...

B. “B” Allowed Use Descriptions

...

3. “Bed and breakfast inns” means residential structures with ~~one (1) family~~ **the owner or primary long-term tenant** in permanent residence with up to five (5) bedrooms **which are rented for dwelling, lodging or sleeping purposes to transients for stays of less than thirty (30) days in exchange for consideration, and** where meals **are** provided subject to applicable Health Department regulations. A bed and breakfast inn with more than five (5) guest rooms is considered a hotel or motel, and is included under the definition of “hotels and motels.”

...

L. “L” Allowed Use Descriptions

...

**5. “Long-term rental” means residential structures rented for overnight lodging for stays of thirty (30) days or longer.**

...

S. “S” Allowed Use Descriptions

...

**2. “Short-term rental” means any residential structure, or portion of any structure, not otherwise qualifying as a bed and breakfast inn, which is rented for dwelling, lodging or sleeping purposes to transients for stays of less than thirty (30) days in exchange for consideration. A short-term rental with more than five (5) guest rooms or suites is considered a hotel or motel and is included under the definition of “Hotels and motels.”**

~~2.~~ **3. “Single room occupancy (SRO) facilities” means multi-unit housing for very low income persons that typically consists of a single room and shared bath and also may include a shared common kitchen and common activity area. SROs could be restricted to seniors or be available to persons of all ages. Subsidized versions could be supervised by a government housing agency.**

~~3.~~ **4. “Slaughterhouse” means an establishment for the slaughter of livestock.**

~~4.~~ **5. “Smoke shops” means a retailer whose main purpose is the sale of smoking and/or tobacco products, including, but not limited to, cigars, pipe tobacco, and smoking accessories for off-premises consumption at a retail establishment that either devotes more than fifteen (15%) percent of its total floor area to smoking, drug, and/or tobacco paraphernalia or devotes more than a two foot by four (2' by 4') foot (two (2' 0") feet in depth maximum) section of shelf space for display of for-sale tobacco products and the sale of smoking and/or tobacco paraphernalia. Includes electronic cigarettes and electronic vapor devices.**

~~5.~~ **6.** “Smoking lounge” means a business establishment that is dedicated to the smoking of tobacco, including but not limited to establishments commonly known as cigar lounges, hookah bars/cafes, tobacco clubs, or smoking parlors.

~~6.~~ **7.** “Storage, personal storage facility” means a structure or group of structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand.

~~7.~~ **8.** “Storage, warehouse” means a facility for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include warehouse, storage, or mini-storage facilities offered for rent or lease to the general public (see “storage, personal storage facility”) or warehouse facilities in which the primary purpose of storage is for wholesaling and distribution (see “wholesaling and distribution”).

~~8.~~ **9.** “Storage, yards” means the storage of various materials outside of a structure other than fencing, either as an accessory or principal use.

~~9.~~ **10.** “Supportive housing” means housing that is linked with on- or off-site services that assist the resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, where possible, work in the community. In accordance with Section 50675.14 of the Health and Safety Code there is no limit on the length of stay and such facilities are occupied by a target population that includes, among other populations, adults, emancipated youth, families, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people who are:

- a. Low income having one (1) or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions; or
- b. Individuals eligible for services provided under the Lanterman Development Disabilities Services Act (Division 4.5 of the Welfare and Institutions Code).

...

Section 3: Amend Elk Grove Municipal Code Section 23.27.020 titled Allowed uses and required entitlements – Table 23.27-1.

Elk Grove Municipal Code Section 23.27.020 Table 23.27-1 is hereby amended to read as shown in Exhibit A attached hereto and incorporated herein by reference.

Section 4: Amend Elk Grove Municipal Code Section 23.82.050 titled Restricted home occupations.

*(All additions are shown as **bold** text, deletions in ~~strikethrough~~)*

Elk Grove Municipal Code Section 23.82.050 is hereby amended to read:

23.82.050 Restricted home occupations.

The following specific home occupation uses shall be permitted, subject to further limitations as follows:

...

**G. Short-term rentals as defined in Section 23.26.050 of this title shall only be permitted in accordance with Table 23.27-1.**

**H. Bed and breakfast inns, as defined in Section 23.26.050 of this title, shall only be permitted in accordance with Table 23.27-1.**

...

Section 5: Amend Elk Grove Municipal Code Section 23.82.060 titled Prohibited home occupations.

*(All additions are shown as **bold** text, deletions in ~~strikethrough~~)*

Elk Grove Municipal Code Section 23.82.060 is hereby amended to read:

The following uses are expressly prohibited as home occupations:

...

~~C. Boarding house, bed and breakfast hotel, time share condominium;~~

**CD.** Carpentry, cabinetmakers;

**DE.** Ceramics (kiln of six (6 ft<sup>3</sup>) cubic feet or more);

**EF.** Health salons, gyms, dance studios, aerobic exercise studios;

~~FG.~~ Medical, dental, chiropractic, or veterinary clinics;

**GH.** Mortician, hearse service;

**HI.** Palm reading, fortune telling;

**IJ.** Private clubs;

**JK.** Repair, or reconditioning, of boats or recreation vehicles;

**KL.** Restaurants or taverns;

**LM.** Retail sale from site, including but not limited to firearms and retail car sales. It shall specifically exclude direct distribution, artists' originals, and food sales as provided by the California Health and Safety Code for cottage food operations;

~~MA.~~ Storage, repair or reconditioning of major household appliances, including refrigerators, freezers, clothes washers and dryers, dishwashers, stoves, heating and air conditioning equipment;

**NO.** Storage, repair or reconditioning of motorized vehicles or large equipment on site;

**OP.** Tattoo service;

**PQ.** Tow truck services;

**QR.** Veterinary uses (including boarding);

**R.S.** Welding service (office only).

## **S. Hotels and motels**

### Section 6: California Environmental Quality Act (CEQA).

**Finding:** The Project is exempt from CEQA pursuant to State CEQA Guidelines Section 15061(b)(3).

**Evidence:** 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.” (CEQA Guidelines, § 15378.) The proposed Project includes discretionary amendments to the EGMC and is a project under CEQA; but it is exempt from CEQA review as set forth below.

CEQA Guidelines Section 15061(b)(3) states that a project is exempt from CEQA “where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” The approval of the code amendments discussed herein does not approve any physical development project. The EGMC amendments would conditionally allow residential units in residential, mixed-use, and some commercial zoning districts to be utilized as short-term rentals. Where the operation of short-term rentals is conditionally allowed, the operation of such short-term rentals would be subject to compliance with the EGMC and any associated conditions of approval. The Project would not have a significant effect on the environment and is exempt from CEQA.

### Section 7: 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 8: 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 9: 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 10: 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: \_\_\_\_\_

**ATTACHMENT 1, EXHIBIT A**

*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 use's 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-10/15	RD-20/25/30	LC	GC	SC	AC	C-O	VCMU	RMU	BP	MP	LI	LI/FX	HI	PR	PS		O
<b>Residential Uses</b>																										
<u>Long-Term Rental</u>	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	P	P	-	-	-	-	-	-	-	-	
<u>Short-Term Rental</u>	-	-	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	-	-	CUP	CUP	-	-	-	-	-	-	-	-	
Bed and Breakfast Inns	CUP MUP	CUP MUP	CUP MUP	CUP MUP	CUP MUP	CUP MUP	CUP MUP	CUP MUP	CUP MUP	CUP MUP	CUP MUP	CUP MUP	CUP MUP	-	-	CUP MUP	CUP MUP	-	-	-	-	-	-	-	-	



*Incorporated July 1, 2000*

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**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, May 27, 2020 at the hour of 6:00 p.m.**, or as soon thereafter as the matter may be heard, the Elk Grove City Council will conduct a public hearing at City Hall in the Council Chambers, 8400 Laguna Palms Way, Elk Grove, California, to consider the following matter:

### **AMENDMENTS TO TITLE 23 (ZONING) OF THE ELK GROVE MUNICIPAL CODE RELATED TO RESIDENTIAL RENTAL PROPERTIES (CITY-INITIATED ORDINANCE):**

The proposed Project consists of a series of City-initiated amendments to Title 23 (Zoning) of the Elk Grove Municipal Code (EGMC). Highlights of the amendments recommended by staff include, but are not limited to, the following:

- Adds use classifications of “Long-term rental and “Short-term rental” to EGMC Chapter 23.26.050, while amending the classification of “Bed and Breakfast Inn;”
- Adds “Long-term rental” and “Short-term rental” to EGMC Table 23.27-1 (Allowed Uses and Required Entitlements for Base Zoning Districts), and
- Adds a requirement to EGMC Table 23.27-1 that “Short-term rental” uses obtain a Conditional Use Permit; and;
- Adds “Short-term rental” and “Bed and Breakfast Inn” to the restricted home occupations list in EGMC Section 23.82.050; and
- Deletes “Bed and Breakfast Inn” from the prohibited home occupations list in EGMC Section 23.82.060; and
- Adds “Hotels and Motels” to the prohibited home occupations list in EGMC Section 23.82.060.

*The Planning Commission reviewed this matter at its meeting on May 7, 2020 and voted 3-2 (Murphey/Shuck opposed) to recommend the City Council approve the definitions of Bed and breakfast inn, Long-term rental, and Short-term rental, but require that Short-term rentals obtain a Special Business License with certain conditions.*

LOCATION/APN:	Citywide
ENVIRONMENTAL:	No further environmental review is required from the California Environmental Quality Act pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3)(Common Sense Exemption).



Consistent with Executive Order N-35-20 issued on March 21, 2020, by the Governor of the State of California, this meeting will be conducted by teleconference only. The meeting location will be the City Council Chamber, but it will not be open to the public. The live meeting can be viewed via the City's website at [http://www.elkgrovecity.org/city\\_hall/city\\_government/live\\_archived\\_broadcasts](http://www.elkgrovecity.org/city_hall/city_government/live_archived_broadcasts).

Information regarding this item may be obtained by contacting the City Clerk via email at [jlindgren@elkgrovecity.org](mailto:jlindgren@elkgrovecity.org). All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk either in writing or by email at any time prior to the close of the hearing scheduled herein, and oral statements may be made following the procedures established to accommodate social distancing guidelines.

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

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

Dated / Published: May 15, 2020

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.**