

ORDINANCE NO. 25-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN AMENDING AND ADDING SECTIONS OF THE AUBURN MUNICIPAL CODE REGARDING THE PUBLIC WORKS DEPARTMENT, THE PLANNING DEPARTMENT, AND THE ECONOMIC DEVELOPMENT DEPARTMENT

THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Code Repeal.

Section 155.999 of chapter 155 (Grading, Erosion, and Sediment Control) of title XV (Land Use) is hereby repealed.

SECTION 2: Code Amendments.

Section 32.111, subdivision (C) of chapter 32 (City Organizations) of title III (Administration) of the Auburn Municipal Code is hereby amended to read as follows:

To observe and report to the Public Works Director inoperative or damaged streetlights, signs, traffic-control devices and structures;

Sections 32.140 through 32.142 (Planning and Public Works Departments) of chapter 32 (City Organizations) of title III (Administration) of the Auburn Municipal Code are hereby amended to read as follows:

32 Planning Department

32.140. Planning Director. The Office of the Planning Director is hereby established.

32.141. Planning Director, Powers and Duties. The Planning Director shall be the chief administrative officer of the Planning Department, subject to the administrative direction of the City Manager. The Planning Director shall supervise and be responsible for the performance of all the functions of the Planning Department and shall have all of the powers and duties set forth herein. He or she shall also supervise the Building Inspection Division and the building official.

In the event that a Planning Director has not been appointed, the City Manager shall serve in that role.

32.142 Assignment of Personnel. The Planning Director may temporarily assign personnel from the Planning Department to other departments to meet emergencies and to permit the efficient utilization of personnel during periods of work variation.

32.143 Planning Department; Functions

The Planning Department shall:

- A. Perform staff work pertaining to the development of the city;
- B. File documents, charges and maps pertaining to city planning and to business of the Planning Commission;
- C. Prepare all agendas for meetings of the Planning Commission and organize the data necessary for Planning Commission deliberations;
- D. Receive and process all communications and applications to the Planning Commission and submit recommendations for action thereon;
- E. Make studies, surveys, maps, charts and analyses relating to the general plan and zoning provisions;
- F. Perform such other functions relating to planning, developments, or other functions of the Planning Department as may be required by this code or by the City Manager.

Section 72.31, subdivision (H)(1) of chapter 72 (Parking Regulations) of title VII (Traffic Code) is amended to read as follows:

Mobile food vending may not take place in the Historic District Areas as illustrated on a map entitled "Prohibited Mobile Food Vending, Public Right of Way" maintained by the Planning Department. The map may be amended by resolution of the City Council.

Section 92.03 of chapter 92 (Outdoor Festivals) of title IX (General Regulations) is amended to read as follows:

Upon receipt of a complete application and the application fee, the Licensing-Revenue Officer shall give copies of the application to the Police Chief, the Health Officer, the Public Works Director, the Planning Director, and the Economic Development Director who shall investigate the matter and report in writing to the Licensing-Revenue Officer not later than 30 days prior to the event with appropriate recommendations concerning the activity. The Licensing-Revenue Officer shall also provide a copy of the complete application to members of the City Council.

Section 92.04, subdivision (B) of chapter 92 (Outdoor Festivals) of title IX (General Regulations) is amended to read as follows:

If conditions are imposed by the Police Chief, Health Officer, Public Works Director, Planning Director, or Economic Development Director, the applicant shall furnish or cause to be furnished to the Licensing-Revenue Officer proof that all the conditions have been met and the required security has been given before the license may be issued by the Licensing- Revenue Officer.

Section 92.05 of chapter 92 (Outdoor Festivals) of title IX (General Regulations) is amended to read as follows:

Upon determination that conditions, if any, imposed by the Police Chief, Health Officer, Public Works Director, Planning Director, or Economic Development Director have been complied with by the applicant, the Licensing-Revenue Officer shall collect a license fee of \$150 per day for each day the outdoor festival is scheduled and shall issue a license to the applicant for the specific location authorized for the outdoor festival and for the specific days for which the outdoor festival is authorized.

Section 94.09 of chapter 94 (Littering) of title IX (General Regulations) is amended to read as follows:

94.09 Removal Of Litter; Notices; Charges; Liens

- A. *Notices to remove.*

1. The City Engineer and Public Works Director are hereby authorized and empowered to notify the owner, his or her agent or the person in control of any private premises within the city to dispose of the litter located on such premises or upon the public places abutting or adjacent to the premises.
2. The notice shall be posted on the private premises and shall be addressed by certified mail to the owner, his or her agent or such other person at his or her last known address or shall be personally served to the owner, agent, person in control or occupant of the property.

B. *Notices to remove; contents.*

1. The notice to remove shall describe the work to be done and shall state that, if the work is not commenced within 5 days after the receipt of the notice and diligently prosecuted to completion without interruption, the Public Works Director shall dispose of the litter and the cost of the disposal shall be a lien on the property.
2. The notice shall be substantially in the following form:
NOTICE TO REMOVE LITTER

The owner of the property described as follows:

_____,
commonly known as _____ is hereby
ordered to properly dispose of the litter located on said
property, to wit,

_____ within
five (5) days from the date hereof. If the disposal of the
litter herein indicated is not commenced and diligently
prosecuted to completion within the time fixed herein, the
Public Works Director of the City of Auburn shall cause

such disposal to be done, and the cost thereof, including any incidental expenses, will be made a lien upon said property pursuant to the provisions of Chapter 94 of the Auburn Municipal Code.

Estimated Cost of Disposal: \$ _____

Dated: _____

Public Works Director of the City of Auburn.

C. *Records.*

1. The Public Works Director shall cause to be kept in his or her office a permanent record containing:
 - a. A description of each parcel of property for which a notice to remove litter has been given;
 - b. The name of the owner, if known;
 - c. The date on which the notice was mailed and posted;
 - d. The charges incurred by the city in disposing of the litter and all incidental expenses in connection therewith; and
2. A brief summary of the work performed.
3. Each such entry shall be made as soon as practicable after the completion of the act.

D. *Removal.*

1. Upon the failure, neglect or refusal of any owner or agent so notified to properly dispose of the litter within 5 days after the notice has been given, as provided in division (A) above, or within 10 days after the date of mailing the notice in the event the notice was returned to the city because of the inability of the Post Office to make delivery thereof; provided, the notice was properly addressed to

the last known address of the owner or agent, the Public Works Director is hereby authorized and empowered to pay for the disposal of the litter out of city funds or to order the disposal by city forces.

2. The Public Works Director and his or her authorized representatives, including any contractor with whom the Public Works Director contracts to dispose of the litter, and any assistants, employees or agents of the contractor, are hereby authorized to enter upon the property for the purpose of disposing of the litter described in the notice. Before the Public Works Director or contractor arrives, any property owner may dispose of the litter at his or her own expense.

E. *Charges; bills.*

1. When the city has effected the removal of the litter or has paid for its removal, the actual cost thereof, plus accrued interest at the rate of 7% per year from the date of the completion of the work, if not paid by the owner prior thereto, shall be charged to the owner of the property by the city, and the owner, or his or her agent, shall be billed therefor by mail.
2. The bill shall apprise the owner that failure to pay the bill will result in a lien.

F. *Unpaid charges; liens.*

1. Where the full amount due the city for the removal of litter is not paid by the owner within 30 days after the date of the billing by the Public Works Director, he or she shall cause to be recorded with the Finance Director a sworn or certified statement showing the costs and expenses incurred for the work, the date the work was done and the location of the property on which the litter disposal work was done.

2. The recordation of the sworn or certified statement shall constitute a lien on the property and shall remain in full force and effect for the amount due in principal and interest, plus the costs of court, if any, for collection, until final payment has been made.
3. The costs and expenses shall be subject to a delinquency penalty of 10% in the event the costs and expenses are not paid in full on or before the date the amount due becomes a lien.
4. Sworn or certified statements recorded in accordance with the provisions of this section shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily and shall be full notice to every person concerned that the amount of the statement, plus interest and costs, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law.
5. The Finance Director shall record the lien with the County Recorder.
6. The remedy provided in this section shall not constitute an election of remedies by the city.

Section 95.27, subdivision (A)(4)(a) of chapter 95 (Health and Sanitation; Nuisances) of title IX (General Regulations) is hereby amended to read as follows:

Trash, garbage or refuse cans, bins, boxes or other such containers which emanate a continuous, offensive odor; provided, however, that nothing in this division shall be construed as prohibiting the outdoor storage of any type of trash receptacle if the receptacle is screened from view from a street, public right-of-way, or neighboring properties in a manner approved by the Public Works Director and consistent with applicable zoning designations, rules or regulations.

Section 95.27, subdivision (A)(7) of chapter 95 (Health and Sanitation; Nuisances) of title IX (General Regulations) is hereby amended to read as follows:

Graffiti. Graffiti or other words, lettering or drawings not otherwise permitted by the provisions of this code, which remain on the exterior of any building, fence or wall more than 10 days after written notice to remove the same has been given by the Public Works Director.

Section 95.27, subdivision (A)(10) of chapter 95 (Health and Sanitation; Nuisances) of title IX (General Regulations) is hereby amended to read as follows:

Miscellaneous. Any other condition or use of property which the Public Works Director reasonably determines to be a threat to the health and welfare of the public by virtue of its unsafe, dangerous, hazardous, or offensive nature, or which is so out of harmony with the standards of properties in the vicinity so as to cause substantial diminution of the enjoyment, use or property values of such properties.

Section 95.27, subdivision (B)(13) of chapter 95 (Health and Sanitation; Nuisances) of title IX (General Regulations) is hereby amended to read as follows:

Any other condition which the Public Works Director reasonably determines is contrary to the public peace, health, and safety or otherwise prevents the enjoyment or reasonable use of property; and

Section 95.36 of chapter 95 (Health and Sanitation; Nuisances) of title IX (General Regulations) is hereby amended to read as follows:

A detailed account of abatement costs shall be maintained, including administrative costs such as the cost for preparing, bidding, and awarding the abatement job. Upon completion of abatement by the city, the Public Works Director or his or her designee shall transmit a report of abatement costs to the City Clerk.

Section 95.37 of chapter 95 (Health and Sanitation; Nuisances) of title IX (General Regulations) is hereby amended to read as follows:

In any action, administrative proceeding, or special proceeding to abate a nuisance, the prevailing party shall be entitled to recovery of attorney's fees. The recovery of attorney's fees by a prevailing party shall be limited to those individual actions or proceedings in which the city elects, at the initiation of that action or proceeding, to seek recovery of its own attorney's fees. In no action, administrative proceeding, or special proceeding shall an award of attorney's fees to a prevailing party exceed the amount of reasonable attorney's fees incurred by the city in the action or proceeding. The Public Works Director shall report any attorney's fees incurred by the city in a proceeding under this subchapter to the City Clerk. Such attorney's fees shall be considered abatement costs. The report of attorney's fees shall be made part of any related report of abatement costs.

Section 95.39, subdivision (A) of chapter 95 (Health and Sanitation; Nuisances) of title IX (General Regulations) is hereby amended to read as follows:

The Public Works Director may bring an action on behalf of the city in Small Claims Court against the responsible person(s) to collect the cost of abatement in an amount within the statutory limit for small claims actions.

Section 103.3 of chapter 103 (Garage or Yard Sales) of title IX (General Regulations) is hereby amended to read as follows:

The Planning Director, or his or her designee, shall enforce the provisions of this chapter.

The definition of "Director" in section 115.02 of chapter 115 (Wireless Telecommunications Facilities) of title XI (Business Regulations) is hereby amended to read as follows:

DIRECTOR. The City of Auburn Planning Director or designee.

Section 115.04, subdivision (C)(3)(b) of chapter 115 (Wireless Telecommunications Facilities) of title XI (Business Regulations) is hereby amended to read as follows:

An encroachment permit from the Public Works Department (if applicable);
and

Section 115.07, subdivision (C)(1) of chapter 115 (Wireless Telecommunications Facilities) of title XI (Business Regulations) is hereby amended to read as follows:

Application form. The City's standard application form, available on the City's website or from the Planning Department, as may be amended.

Section 115.07, subdivision (F)(6) of chapter 115 (Wireless Telecommunications Facilities) of title XI (Business Regulations) is hereby amended to read as follows:

Compliance with approved plans. The proposed project shall be built in compliance with the approved plans on file with the Planning Department.

Section 115.08, subdivision (B)(2) of chapter 115 (Wireless Telecommunications Facilities) of title XI (Business Regulations) is hereby amended to read as follows:

An encroachment permit from the Public Works Department (if required by applicable provisions of this Code); and

Section 115.08, subdivision (C)(1) of chapter 115 (Wireless Telecommunications Facilities) of title XI (Business Regulations) is hereby amended to read as follows:

Application form. The city's standard application form, available on the city's website or from the Planning Department, as may be amended.

Section 115.08, subdivision (H)(6) of chapter 115 (Wireless Telecommunications Facilities) of title XI (Business Regulations) is hereby amended to read as follows:

Compliance with approved plans. The proposed project shall be built in compliance with the approved plans on file with the Planning Department.

Section 115.09, subdivision (A) of chapter 115 (Wireless Telecommunications Facilities) of title XI (Business Regulations) is hereby amended to read as follows:

Appeal of action by the Director. Unless otherwise specified in this chapter, any interested person may file an appeal of a Director's decision. The appeal shall be filed in writing with the Planning Department within ten calendar days after the Director's decision is issued and shall state the grounds for appeal and any specific action the appellant requests the city to take. The appropriate fee, established from time to time by resolution of the City Council, shall be paid at time of appeal. If no appeal is timely filed, the Director's decision is final. Appeal of the Planning Director of an Administrative Review shall be forwarded to the Planning Commission.

Section 150.017 of chapter 150 (Building Code and Regulations) of title XV (Land Use) is hereby amended to read as follows:

150.17 Issuance; Improvements Required

1 .Curbs, gutters, drainage facilities, sidewalks and driveways for other than single family residential uses. Following a finding that a lot has adequate frontage, as set forth in § 150.016 of this chapter, no building permit for other than single-family residential uses shall be granted until the applicant has either installed, at his or her own expense, curbs, gutters, drainage facilities, sidewalks, and a driveway, all according to the standard specifications of the city, and on all street frontages of the lots to be used in conjunction with the building to be constructed or improved or, in the alternative, has entered into an improvement agreement with the city in which the applicant agrees to install the improvements required by this subsection, either prior to the final inspection, or prior to the issuance of a certificate of occupancy, or upon a date certain from the date of the improvement agreement, agreeing to hold the city and its agents, officers, and employees free and harmless from all claims of any nature whatsoever arising in any way from the

use and occupancy of the property or from the condition of the property. The improvement agreement shall be in a form approved by the city. Unless it is waived by the city, the applicant shall furnish the city with a performance bond or other security approved by the city in an amount deemed reasonably adequate by the Public Works Director to secure the full, and complete performance of the agreement by the applicant.

2. Curbs, gutters, drainage facilities, sidewalks and streets for single family residential uses. Whenever a lot is without standard curbs, gutters, drainage facilities, sidewalks or a paved street, or any one of them, and the Building Official determines that any one or more of them have already have been constructed on 40% of the occupied frontage of the same side of the street as the property for which a building permit is sought, the applicant shall construct the improvements, according to the standard specifications of the city, before a building permit shall be granted for single-family residential uses. For the purpose of computing the percentage, the percentage shall be of the block not to exceed 250 feet on either side of the property to a street corner.

3. Paved streets. Following a finding that a lot has adequate frontage, as set forth in § 150.016 of this chapter, and upon a joint finding by the Public Works Director and the City Engineer that the nature of the proposed occupancy of the premises is such that it will result in an increase in traffic, or create any hazardous condition, so that a paved street is reasonably necessary in order to protect the public, the applicant shall be required to pave, according to the standard specifications of the city, 1/2 of the width of the street prior to the issuance of a building permit for other than single-family residential uses; provided, however, the paving need not exceed 33 feet in width. Where the frontage is on a private easement, the Public Works Director and the City Engineer, upon such a joint finding, may require

the entire width of the private easement to be so paved and adequate drainage to be provided.

4. *Street widening and corner rounding.* Following a finding that a lot has adequate frontage, as set forth in § 150.016 of this chapter, and in all cases where the Council determines, because of increased traffic caused by the intended uses, that street widening or corner rounding is required, the property owner shall deed to the city, at no cost to the city, an adequate right-of-way therefore prior to the granting of a building permit for other than single-family residential uses.

Section 153.03 of chapter 153 (Landscaping Development) of title XV (Land Use) is hereby amended to read as follows:

153.03 Application Process

Complete landscaping plans shall be submitted to the Planning Department at the time of the application for a project for review by the Planning Department and shall include the following.

- A. All planting areas shall be drawn to scale and plants shall be clearly located and labeled. The size, number, type and botanical and common names shall be shown.
- B. The types of irrigation systems shall be indicated.
- C. The Planning Commission or committees thereof may require the plans to be reviewed by a landscape architect or qualified nursery person at the cost of the developer.

Section 153.07 of chapter 153 (Landscaping Development) of title XV (Land Use) is hereby amended to read as follows:

153.07 Building Requirements. The Planning Department and the Planning Commission, or a committee thereof, shall review each project as to landscaping adequacy adjacent or near the building, or buildings, or remaining ground area. Unless excluded by approved phase development, all parts of the site not built upon or paved shall be landscaped. The total of all landscaped areas shall be at least 5% of the gross area of the total parcel or lot, with a minimum of 2% of the landscaped area required in conjunction

with any building in the event the developer otherwise provides a landscaped parking area.

The definition of "Department" in section 155.003 of chapter 155 (Grading, Erosion and Sediment Control) of title XV (Land Use) is hereby amended to read as follows:

DEPARTMENT. The Public Works Department of the City of Auburn.

The definition of "Director of Public Services" in section 155.003 of chapter 155 (Grading, Erosion and Sediment Control) of title XV (Land Use) is hereby amended to read as follows:

PUBLIC WORKS DIRECTOR. Public Works Director of the City of Auburn, California, acting either directly or through his or her authorized deputies, subject to the administrative direction of the City Manager.

The definition of "Planning Authority" in section 155.003 of chapter 155 (Grading, Erosion and Sediment Control) of title XV (Land Use) is hereby amended to read as follows:

PLANNING AUTHORITY. The Planning Director of the city; acting directly or through his or her authorized agents.

Section 156.05 of chapter 156 (House Trailers) of title XV (Land Use) is hereby amended to read as follows:

156.05 Adjustments and Variances

In cases of undue hardship, the Planning Commission shall have the power and authority to grant adjustments and variances from the provisions of this chapter upon the terms and conditions as the Commission shall make for each such case when the Commission shall determine that the adjustments and variances shall not be adverse to the public interests; provided, however, the Planning Department shall make a report to the Commission on each such case; and provided, further, the adjustments and variances shall not exceed a period of time of more than 180 days.

Section 155.022 of chapter 155 (Grading, Erosion, and Sediment Control) of title XV (Land Use) is hereby amended to read as follows:

155.022 Construction in Public Rights-Of-Way

No person shall perform any grading work within the right-of-way of a public road or street, or within a public easement, without prior written approval of the Public Works Director.

Section 157.03 of chapter 157 (Development Agreements) of title XV (Land Use) is hereby amended to read as follows:

157.03 Forms and Information

- A. Planning Department shall prescribe the form for each application, notice and document provided for or required by this chapter for the preparation and implementation of development agreements.
- B. The Planning Department may require an applicant to submit the information and supporting data as the Planning Department considers necessary to process the application.

Section 157.04 of chapter 157 (Development Agreements) of title XV (Land Use) is hereby amended to read as follows:

157.04 Qualifications of Applicants

Only a qualified applicant may file an application to enter into a development agreement. A qualified applicant is a person who has legal or equitable interest in the real property which is the subject of the development agreement and an applicant includes an authorized agent. The Planning Director may require an applicant to submit proof of his interest in the real property and of the authority of the agent to act for the applicant. Before processing the application, the Planning Director will obtain the opinion of the City Attorney as to the sufficiency of the applicant's interest in the real property to enter into the agreement. The Planning Director may require the applicant to submit a preliminary title report.

Section 157.06 of chapter 157 (Development Agreements) of title XV (Land Use) is hereby amended to read as follows:

157.06 Duty to Give Notice

The Planning Department shall give notice of the intention to consider the adoption of a development agreement in conjunction with any other public hearing required by law or this chapter at least 10 days prior to the hearing date.

- A. *Form of notice.* The form of the notice of intention to consider the adoption of a development agreement shall contain:
 - 1. The time and place of the hearing;
 - 2. A general explanation of the matter to be considered, including a general description of the area affected; and
 - 3. Other information required by specific provisions of this chapter or which the Planning Department considers necessary or desirable.
- B. *Time and manner of notice.* The time and manner of giving notice shall be by both:
 - 1. *Publication.* Publication at least once in a newspaper of general circulation published and circulated in the city; and
 - 2. *Mailing.* Mailing of the notice to all persons shown on the last equalized assessment roll as owning real property within 300 feet of the property which is the subject of the proposed development agreement.

Section 157.11 of chapter 157 (Development Agreements) of title XV (Land Use) is hereby amended to read as follows:

157.11 Review of Agreements

The Planning Department shall review the development agreement every 12 months after the date the agreement is entered into.

- A. The Planning Department shall begin the review proceeding by giving notice that the City intends to undertake a periodic review of the development agreement to the property owner.

- He or she shall give the notice at least 30 days in advance of the time at which the matter will be considered by the Council.
- B. The Council shall conduct a public hearing at which the property owner shall demonstrate good faith compliance with the terms of the agreement. The burden of proof on the issue shall be upon the property owner. Notice of the hearing shall be given in conformance with § 157.06.
 - C. The Council, upon the recommendation of the Planning Director, shall determine whether or not the property owner, for the period under review, has complied in good faith with the terms and conditions of the agreement.
 - D. If the Council finds and determines that the property owner has complied in good faith with the terms and conditions of the agreement during the period under review, the review for the period shall be concluded. If the Council finds and determines that the property owner has not complied in good faith with the terms and conditions of the agreement during the period under review, the Council shall order the property owner to cure the default within 60 days. If the property owner fails to do so, the Council may modify or terminate the agreement.

The definition of "Director of Public Services" in section 158.004, subdivision (B) of chapter 158 (Subdivisions) of title XV (Land Use) is hereby amended to read as follows:

Public Works Director. The designated official employed by the city as a staff member charged with the responsibility of the administration of public works for the city.

Section 158.016 of chapter 158 (Subdivisions) of title XV (Land Use) is hereby amended to read as follows:

158.016 City Engineer

The City Engineer or the Public Works Director shall be responsible for reporting to the Planning Commission and the Council as to whether the proposed design and improvements are consistent with the regulations contained in this chapter and shall be responsible further for the supervision and approval of all improvements. He or she shall further have final jurisdiction in the approval of final parcel maps for the purpose of determining substantial conformance with approved tentative parcel maps.

Section 158.017 of chapter 158 (Subdivisions) of title XV (Land Use) is hereby amended to read as follows:

158.017 Planning

The Planning Director shall be responsible for reporting to the Planning Commission and the Council as to whether the proposed design and improvements are consistent with the general plan and any specific plans adopted by the city.

Section 158.031, subdivision (A) of chapter 158 (Subdivisions) of title XV (Land Use) is hereby amended to read as follows:

A tentative map shall be required for every subdivision and shall be filed with the Planning Director and be prepared in accordance with the provisions of this subchapter and the Subdivision Map Act of the state.

Section 158.032, subdivision (B) of chapter 158 (Subdivisions) of title XV (Land Use) is hereby amended to read as follows:

Tentative parcel maps. The same information as set forth in division (A) above shall appear on a tentative parcel map, unless portions of such information are waived in writing by the Planning Director under policies established by the Planning Commission.

Section 158.033 of chapter 158 (Subdivisions) of title XV (Land Use) is hereby amended to read as follows:

A preliminary soils investigation and report by a registered civil engineer authorized by the state to use the title "Geotechnical Engineer" specializing in soils engineering may be required for tentative maps. If the subdivision is within a special studies zone established by the state, a geological report prepared by a registered geologist or a registered engineering geologist complying with the requirements of the Alquist-Priolo Act shall be submitted. The City Engineer or Public Works Director and the Planning Director may require other information in order to evaluate the map for conformance with city policies, including the adopted general policies plan. A legal description of the property to be subdivided shall also be submitted.

Section 158.033 of chapter 158 (Subdivisions) of title XV (Land Use) is hereby amended to read as follows:

158.035 Filing And Fees

- A. 1. The subdivider shall file the number of copies of the tentative map as specified by the Planning Director.
- 2. The tentative map shall not be considered as being filed unless and until it complies with all the provisions of this chapter and the drawings, statements and other data required to accompany the tentative map have been submitted in a form acceptable to the Planning Director.
- B. The subdivider shall pay filing fees as set forth by Council resolution.

Section 158.036, subdivision (D) of chapter 158 (Subdivisions) of title XV (Land Use) is hereby amended to read as follows:

Tentative maps; approval or disapproval. Within the period prescribed by § 66452.1 of the Subdivision Map Act of the state, the Advisory Agency shall consider the tentative map; the accompanying drawings; statements and other data; the reports and recommendations of the City Engineer, the Public Works Director, and the Planning Director; and the evidence and testimony introduced at its meeting, and shall approve, conditionally approve, or disapprove the map.

Section 158.036, subdivision (E) of chapter 158 (Subdivisions) of title XV (Land Use) is hereby amended to read as follows:

Tentative parcel maps; approval or disapproval. Within the period prescribed by § 66452.1 of the Subdivision Map Act of the state, the Advisory Agency shall consider the tentative parcel map; the waived parcel map; the accompanying drawings; statements and other data, including the recommendations of the City Engineer, Public Works Director, and the Planning Director; and shall approve, conditionally approve, or disapprove the map.

Section 158.065, subdivision (A) of chapter 158 (Subdivisions) of title XV (Land Use) is hereby amended to read as follows:

The general form and layout of the map shall be as determined by the City Engineer or Public Works Director;

Section 158.081, subdivision (A) of chapter 158 (Subdivisions) of title XV (Land Use) is hereby amended to read as follows:

The scale of the map shall be one inch equals 10 feet and one inch equals 50 feet maximum unless otherwise permitted by the City Engineer or Public Works Director.

Section 158.160 of chapter 158 (Subdivisions) of title XV (Land Use) is hereby amended to read as follows:

A preliminary soils report shall be required for every subdivision. The soils report may be waived if the City Engineer or Public Works Director makes the finding in California Government Code section 66491, subdivision (a) (the Subdivision Map Act), as that section may be from time to time amended. Reference to the information replacing the soils report shall be made on the map. Under the authority of California Government Code section 66491,

subdivision (b), the City Engineer or Public Works Director may require a soils investigation of each lot.

Section 158.170, subdivision (B)(2) of chapter 158 (Subdivisions) of title XV (Land Use) is hereby amended to read as follows:

Subject to approval by the City Engineer or Public Works Director, a bond, as specified in the Subdivision Map Act of the state, may be permitted to secure the installation of the monuments.

Section 158.171, subdivision (B) of chapter 158 (Subdivisions) of title XV (Land Use) is hereby amended to read as follows:

Subject to approval by the City Engineer or Public Works Director, a bond, as specified in the Subdivision Map Act of the state, may be permitted to secure the installation of the monuments.

Section 158.227, subdivision (A) of chapter 158 (Subdivisions) of title XV (Land Use) is hereby amended to read as follows:

The alignment of all streets shall conform to those designated on any plan adopted by the Council prior to the date of the filing of the tentative map with the Planning Director.

The definition of "Director" and "Community Development Director" in section 159.001 of chapter 159 (Zoning) of title XV (Land Use) is hereby amended to read as follows:

DIRECTOR and PLANNING DIRECTOR. The Planning Director of the City or his or her designee.

Section 159.017, subdivision (C)(1) of chapter 159 (Zoning) of title XV (Land Use) is hereby amended to read as follows:

The zoning map of the city shall be kept on file and updated at the Planning Department of the city.

Section 159.033, subdivision (C)(1) of chapter 159 (Zoning) of title XV (Land Use) is hereby amended to read as follows:

Temporary outdoor sales in conjunction with special events may be authorized by the Planning Director without necessity of a use permit.

Section 159.047, subdivision (C)(5) of chapter 159 (Zoning) of title XV (Land Use) is hereby amended to read as follows:

Operations plans. An operations plan is required for all emergency shelters to address management experience, good neighbor issues, transportation, client supervision, client services, and food services. The plan shall be submitted to and approved by the Planning Department and Police Department prior to operation of the emergency shelter. The approved plan shall remain active throughout the life of the facility, and all operational requirements covered by the plan shall be complied with at all times. At a minimum, the plan shall include:

Section 159.056, subdivision (A) of chapter 159 (Zoning) of title XV (Land Use) is hereby amended to read as follows:

The Planning Director may authorize the use of a mobile/modular structure for up to 90 days to allow a use permit application to be processed.

Section 159.092 of chapter 159 (Zoning) of title XV (Land Use) is hereby amended to read as follows:

159.092 Applications; Fees; Hearings

Applications for planned unit developments shall be made in writing on a form prescribed by the Commission and shall be accompanied by a fee of \$25, no part of which shall be returnable to the applicant, and by such additional plans, documents and other evidence as the Commission may reasonably require properly to evaluate the application. The application shall be referred to the Public Works Department for review and a public hearing with notice given as set forth in § 159.460 et seq. The public hearing and decision of the Commission shall be within 60 days after the date of the filing of the application unless continued with the consent and approval of the applicant.

Section 159.112 of chapter 159 (Zoning) of title XV (Land Use) is hereby amended to read as follows:

159.112 Definitions

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ARCHITECT’S REVIEW COMMITTEE (ARC). A group of architects that serve, on an on-call basis, as an advisory body to the Planning Director on issues relating to architectural review. The ARC shall be established by resolution of the City Council. The membership roster for the Committee shall be maintained by the Planning Director.

BUILDING OFFICIAL. The chief administrative officer.

DEPARTMENT. The Planning Department.

DESIGN REVIEW. The city review process for development requests.

DESIGN REVIEW DISTRICT. Special subareas of the city, which due to their location, unique character, historical nature, and/or architectural character, are of particular interest to, and for which specific development standards have been developed by, the city.

DESIGN REVIEW PERMIT (DRP). A development permit issued by the Planning Commission, Historic Design Review Commission, or Planning Department for new construction or alteration, modification, or additions to existing structures or sites within the City of Auburn.

DIRECTOR. The Planning Director.

HISTORIC DESIGN REVIEW. The city review process for development requests associated with property located within the Historic Design Review District or for properties that are designated as a historic resource.

HISTORIC DESIGN REVIEW COMMISSION. The approving authority for projects located within the Historic Design Review District.

HISTORIC DESIGN REVIEW DISTRICT. The design review district that includes the Downtown Design Review District, the Old Town Design Review District, and properties designated as a historic resource.

HISTORIC DESIGN REVIEW PERMIT. A Design Review Permit issued for properties located within the Historic Design Review District.

Section 159.113 of chapter 159 (Zoning) of title XV (Land Use) is hereby amended to read as follows:

159.113 Areas Of Application

The provisions of this subchapter shall apply citywide. Except as otherwise provided for by this subchapter, separate Design Review Districts may be established by resolution of the City Council and shall be identified on a map, attached as an exhibit hereto and maintained on file in the Planning Department and incorporated herein by reference.

Section 159.115 of chapter 159 (Zoning) of title XV (Land Use) is hereby amended to read as follows:

159.115 Reviewing Authority

- A. Planning Commission. The Planning Commission shall be the reviewing authority on all Design Review Permits for projects not located within the Historic Design Review District.
- B. Historic Design Review Commission. The Historic Design Review Commission shall be the reviewing authority for all Historic Design Review Permits required for properties located within the Historic Design Review District per §§ 159.490-159.507.
- C. Administrative approval. The Planning Department shall be the design review authority for all improvements which do not require approval by the Planning Commission or Historic Design Review Commission.
- D. Architect's Review Committee (ARC). At the discretion of the Director, the ARC may serve in an advisory capacity to the Planning Department on issues relating to architectural review.

Section 159.116, subdivision (A) of chapter 159 (Zoning) of title XV (Land Use) is hereby amended to read as follows:

Application submittal. An application for a permit required by this Title shall be submitted to the Planning Department on an application form provided by the Department, and shall include the consent of the lawful owner of record, fees as established by the City Council, and plans, maps, and any additional information as specified on forms provided by the Department.

Section 159.119 of chapter 159 (Zoning) of title XV (Land Use) is hereby amended to read as follows:

159.119 Effectuation

A Design Review Permit or Historic Design Review Permit is effective when:

A. A building or foundation permit is issued by the Planning Department authorizing the construction or modification of a building(s) or structure(s); or

B. Historic Design Review Permit only. A sign permit has been issued by the Historic Design Review Commission authorizing the installation or modification of a sign or sign structure.

Section 159.120, subdivision (A) of chapter 159 (Zoning) of title XV (Land Use) is hereby amended to read as follows:

Applications for an extension shall be filed on a form provided by the Planning Department and shall be processed pursuant to the design review provisions of this chapter.

Section 159.121 of chapter 159 (Zoning) of title XV (Land Use) is hereby amended to read as follows:

159.121 Modifications

A project approved by Design Review Permit or Historic Design Review Permit shall be constructed or otherwise established only as approved by the granting authority and subject to any conditions of approval, except where changes to the project are approved as set forth in this section. An applicant shall request any desired changes in writing, and shall also furnish

appropriate supporting materials and an explanation of the reasons for the request. Changes may be requested either before or after construction or establishment and operation of the approved use.

- A. The Planning Director may authorize changes to an approved plan and/or architecture if the changes:
 - 1. Are consistent with all applicable provisions of this chapter; and
 - 2. Do not result in a significant expansion of the project; and
 - 3. Do not substantially alter the original approval action.
- B. Modifications to a project which are not consistent with paragraph (A) above shall be approved by the Planning Commission (for Design Review Permits) or the Historic Design Review Commission (for Historic Design Review Permits). The developer shall be responsible for submitting an amendment request on a form to be provided by the Planning Department. The proposed modification request shall be processed pursuant to the design review provisions of this chapter.

Section 159.123 of chapter 159 (Zoning) of title XV (Land Use) is hereby amended to read as follows:

159.123 Enforcement

The Planning Director shall be responsible for the enforcement of the provisions of this chapter.

Section 159.146, subdivision (B) of chapter 159 (Zoning) of title XV (Land Use) is hereby amended to read as follows:

Marking and lighting. Notwithstanding the provisions of paragraph (A) above, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of the markers and lights as shall be deemed necessary by the Planning Director to indicate to the operators of aircraft in the vicinity of the airport the presence of the

airport obstruction. The markers and lights shall be installed, operated and maintained at the expense of the city.

Section 159.169, subdivision (B) of chapter 159 (Zoning) of title XV (Land Use) is hereby amended to read as follows:

The Planning Department shall have the authority to establish and/or approve parking stall and maneuvering area dimensions for parking angles other than those set forth in this section.

Section 159.170, subdivision (D) of chapter 159 (Zoning) of title XV (Land Use) is hereby amended to read as follows:

Plans; approval. Every person, firm or corporation desiring to establish, change or enlarge an off-street parking area, off-street loading or unloading area, or storage, sale, rental or service area for any type of equipment, goods, materials or objects shall make an application to the Public Works Director for the approval of the facilities. The application shall be accompanied by three copies of the layout, grading, and paving plans.

The definition of "Community Development Department" in section 159.186 of chapter 159 (Zoning) of title XV (Land Use) is hereby amended to read as follows:

PLANNING DEPARTMENT. City of Auburn Planning Department, which for the purposes of this subchapter shall be synonymous with the Director as defined below.

The definition of "Director" in section 159.186 of chapter 159 (Zoning) of title XV (Land Use) is hereby amended to read as follows:

DIRECTOR. The Planning Director or designee.

Section 159.195, subdivision (G)(3)(c) of chapter 159 (Zoning) of title XV (Land Use) is hereby amended to read as follows:

Highway 49/Elm Commercial area. The maximum height shall be 25 feet for properties located within the areas delineated on a map maintained by the Planning Department. The map may be amended by resolution of the City Council.

Section 159.228, subdivision (C)(2) of chapter 159 (Zoning) of title XV (Land Use) is hereby amended to read as follows:

The Public Works Director is hereby authorized and directed, within a reasonable time after a written request therefor, to furnish the assessed owner of any parcel of real property affected by a plan line with a legal description of the plan line on the owner's property.

Section 159.229, subdivision (B)(2) of chapter 159 (Zoning) of title XV (Land Use) is hereby amended to read as follows:

The Public Works Director is hereby authorized and directed, within a reasonable time after a written request therefor, to furnish the assessed owner of any parcel of real property affected by a plan line with a legal description of the plan line on the owner's property.

Section 159.277, subdivision (C) of chapter 159 (Zoning) of title XV (Land Use) is hereby amended to read as follows:

If the Council concurs in the findings of the school district, the provisions of this subchapter shall be applicable to actions taken on residential development in the affected attendance areas by the Commission, Planning Department, Building Department, and Council.

The definition of "Development Permit" in section 159.311 of chapter 159 (Zoning) of title XV (Land Use) is hereby amended to read as follows:

DEVELOPMENT PERMIT. Any permit required for development of private or public lands by the city or another agency, government or otherwise. The permit allows development to improved or unimproved real estate and

includes, but is not limited to grading permits, encroachment permits, water and sewer permits, building permits and permits required by the Environmental Health and Planning departments.

Section 159.314, subdivision (A) of chapter 159 (Zoning) of title XV (Land Use) is hereby amended to read as follows:

Standards for developing lots located in both Zone A and C. If a portion of a lot is situated in a special flood hazard area (such as the 100-year floodplain) and another portion of the lot is outside of the 100-year floodplain, and there is a feasible building site on this latter portion, including grading and associated construction, then the structure, grading and associated construction shall be located outside of the special flood hazard area. If a discrepancy exists between other city requirements, such as setbacks and this requirement to build outside the 100-year floodplain, then this will necessitate that the applicant exhaust the Planning Department's (or other department's) variance process before any consideration is given to allowing the applicant to proceed with construction within the 100-year floodplain.

The definitions of "Department" and "Director" in section 159.326 of chapter 159 (Zoning) of title XV (Land Use) are hereby amended to read as follows:

DEPARTMENT. The Planning Department.

DIRECTOR. The Planning Director or his or her designee.

Section 159.348, subdivision (C) of chapter 159 (Zoning) of title XV (Land Use) is hereby amended to read as follows:

All applications for a reclamation plan for surface mining operations shall be made on forms provided by the Planning Department and as called for by § 2772 of the California Surface Mining and Reclamation Act of 1975.

Section 159.348, subdivision (E) of chapter 159 (Zoning) of title XV (Land Use) is hereby amended to read as follows:

A person who has obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall submit to the Planning Department and receive, within a period of 12 months, the approval of a reclamation plan for operations to be conducted after January 1, 1976, unless a reclamation plan was approved by the city prior to January 1, 1976, and the person submitting the plan has accepted responsibility for reclaiming the mined lands in accordance with the plan. Nothing in this subchapter shall be construed as requiring the filing of a reclamation plan for, or the reclamation of, mined lands on which surface mining operations were conducted prior to, but not after, January 1, 1976.

Section 159.349, subdivision (A) of chapter 159 (Zoning) of title XV (Land Use) is hereby amended to read as follows:

The Planning Director shall review the use permit application and the reclamation plan and shall schedule a public hearing within a reasonable period of time after the filing of the permit application, reclamation plan and the initial environmental study.

Section 159.351, subdivision (A) of chapter 159 (Zoning) of title XV (Land Use) is hereby amended to read as follows:

Upon a finding by the Commission that a supplemental guarantee for the reclamation of the mined lands is necessary, and upon the determination by the Planning Department and Public Works Department of the cost of the reclamation of the mined land according to the reclamation plan, a surety bond or other security guarantee conditioned upon the faithful performance of the reclamation plan shall be filed with the office of the City Treasurer.

Section 159.354, subdivision (B) of chapter 159 (Zoning) of title XV (Land Use) is hereby amended to read as follows:

Amendments to an approved reclamation plan may be submitted to the Planning Department at any time, detailing proposed changes from the original plan. Minor deviations may be approved by the staff. Substantial

deviations from the original plan shall not be undertaken until such amendments have been filed with, and approved by, the Commission.

Section 159.392 of chapter 159 (Zoning) of title XV (Land Use) is hereby amended to read as follows:

159.392 Large Family Day-Care Home Permit

- A. The Planning Director shall grant a permit for a large family day-care home as an accessory residential use on property zoned for single-family residences provided that the use complies with all of the following standards:
1. The facility is the principal residence of the provider and the use is clearly incidental and secondary to the use of the property for residential purposes;
 2. No structural changes are proposed which will alter the character of the single-family residence;
 3. Provisions have been made to provide at a minimum 1 off-street parking space per employee (the residential driveway is acceptable if the parking space will not conflict with any required child drop-off/ pick-up area and does not block the public sidewalk or right-of-way);
 4. The operation of the facility shall comply with noise standards contained herein;
 5. Residences located on major arterial streets must provide a drop-off/pick-up area designed to prevent vehicles from backing onto the major arterial roadway;
 6. The provider shall comply with all applicable regulations of the Fire Department regarding health and safety requirements;
 7. The provider has secured a large family day care home license from the Department of Social Services of the state; and

8. The facility will be operated in a manner which will not adversely affect adjoining residences nor be detrimental to the character of the residential neighborhood.
- B. The Planning Department is hereby authorized to establish a fee necessary to process the large family day-care home permit which shall be identified on the applicable planning and zoning fee schedule adopted, and periodically amended, by the City Council.

Section 159.476 of chapter 159 (Zoning) of title XV (Land Use) is hereby amended to read as follows:

159.476 Administrative Permits; Issuance

Certain permits as prescribed in this chapter may be issued following the administrative discretion of the Planning Director according to the following provisions:

- A. Administrative permit applications shall include all information as prescribed on the appropriate applications and shall include names and addresses of all owners of abutting properties, including those across any abutting public or private street. The property owner information shall be based on the latest adopted county tax role.
- B. The Planning Director shall transmit the relevant parts of the administrative permit application to all affected city departments for review and comment, including recommendations for any conditions applicable to the request.
- C. Not less than 10 days prior to the date on which the administrative decision will be made, the Planning Director shall give notice of the proposed request application by mail or delivery to all applicable adjacent property owners.
- D. If no hearing is requested by the applicant or other affected person, or if no responses are received in opposition to the request within the prescribed time period, then the Planning

Director shall issue the permit subject to the conditions as may be determined by the Director.

- E. If a hearing is requested by the applicant or other affected person, or if any responses are received in opposition to the request, the Planning Director shall forward the application to the Planning Commission for formal public hearing and consideration. When the application is forwarded to the Planning Commission, the applicant shall be responsible for paying any additional application processing fees and providing any additional permit application materials.

Section 159.477 of chapter 159 (Zoning) of title XV (Land Use) is hereby amended to read as follows:

159.477 Temporary Sales Permit; Issuance

Notwithstanding any other provision contained in this subchapter, temporary uses may be conducted outside an enclosed building subject to the approval by the Planning Director of a temporary sales permit according to the following provisions.

- A. The permit shall be issued in accordance with the provisions of § 159.475.
- B. The temporary sale shall be described in a permit issued therefor by the Planning Director prior to commencement. The permit shall also include all other licenses, permits or approvals otherwise required by this code.
- C. The temporary sale shall not continue for more than 45 consecutive days at the same location or on the same premises.
- D. The temporary sale shall be discontinued at the expiration of the time period for which it is allowed and any trash, signs, stands, poles, electrical wiring or any other fixtures and appurtenances or equipment connected therewith shall be removed from the location or premises.
- E. The Planning Director may, in issuing permits for temporary uses, attach such conditions as are determined to be reasonably

necessary in connection with the hours of operation, cleanup of the location or premises, use of lights or lighting or other means of illumination or operation of any loudspeaker or sound amplification in order to prevent the creation of any nuisance or annoyance to the occupants of or commercial visitors to adjacent buildings or premises, in addition to any other conditions imposed, the Planning Director may require the posting of a cash bond in an amount sufficient to guarantee the removal of any fixtures, equipment or stands and the cleanup of the location or premises immediately upon the expiration of any such temporary use.

Section 159.478 of chapter 159 (Zoning) of title XV (Land Use) is hereby amended to read as follows:

159.478 Outdoor Seating Permit; Issuance

Notwithstanding any other provision contained in this subchapter, limited outdoor seating, up to a maximum of 12 seats, may be allowed in conjunction with an existing eating establishment subject to the approval by the Planning Director of an outdoor seating permit according to the following provisions.

- A. The permit shall be issued in accordance with the provisions of § 159.475.
- B. The outdoor seating shall be described in a permit issued therefor by the Planning Director prior to commencement. The permit shall also include all other licenses, permits or approvals otherwise required by this code.
- C.
 1. The outdoor seating shall be discontinued in the event that the business it is in conjunction with closes or relocates.
 2. Any trash, chairs, benches, tables or other fixtures, appurtenances or equipment connected therewith shall be removed from the location or premises at that time.

- D. The Planning Director may, in issuing permits for outdoor seating, attach such conditions as are determined to be reasonably necessary in connection with the hours of operation, cleanup of the location or premises, use of lights or lighting or other means of illumination, operation of any loudspeaker or sound amplification and the like in order to prevent the creation of any nuisance or annoyance to the occupants of or commercial visitors to adjacent buildings or premises.
- E. Outdoor seating may be permitted within the public right-of-way if an encroachment permit is approved by the Public Works Department.

The definition of "Department" in section 159.492 of chapter 159 (Zoning) of title XV (Land Use) is hereby amended to read as follows:

DEPARTMENT. The Planning Department.

The definition of "Director" in section 159.492 of chapter 159 (Zoning) of title XV (Land Use) is hereby amended to read as follows:

DIRECTOR. The Planning Director.

Section 159.493, subdivision (A) of chapter 159 (Zoning) of title XV (Land Use) is hereby amended to read as follows:

The Historic Design Review District shall be identified on a map, attached as an exhibit hereto and maintained on file in the office of the Planning Department and incorporated herein by reference.

Section 159.495, subdivision (C) of chapter 159 (Zoning) of title XV (Land Use) is hereby amended to read as follows:

Staff. The Planning Department shall act as staff to the Historic Design Review Commission.

Section 159.497 of chapter 159 (Zoning) of title XV (Land Use) is hereby amended to read as follows:

- A. Except as otherwise specified in this section, a Historic Design Review Permit shall be processed per the requirements of Chapter 157.
- B. *Application submittal.* An application for a Historic Design Review Permit shall be made on a form provided by the Planning Department and shall be accompanied by the fees established by resolution of the City Council. The application shall include all information as prescribed on the form provided by the Department.
- C. *Historic design review.* Projects located within the Historic Design Review District, or properties situated outside the district that have been designated a historic resource, shall be subject to historic design review as required by this subchapter.
 - 1. *Historic Design Review Permit (HDRP) required.* A Historic Design Review Permit shall be required for the following types of projects:
 - a. Construction of all new commercial, office, industrial, and multi-family residential buildings or structures.
 - b. Alterations, remodeling, or additions to existing structures.
 - c. Replacement of building materials with different materials (including re-roofing of buildings).
 - d. Painting of buildings if the color(s) used are not similar to the existing colors.
 - e. Sign permits.
 - f. Modifications to existing Historic Design Review Permits.
 - 2. *Administrative approval.* The Director may approve, conditionally approve, or deny the following types of projects:

- a. Minor modifications to existing site improvements (such as parking lot re-striping).
 - b. Exterior painting on buildings and/or structures if the color(s) are the similar to the existing color(s).
 - c. Replacement of building materials with the same materials (including re-roofing of buildings).
 - d. Sidewalk replacement.
 - e. Landscaping.
 - f. Temporary signage for special events.
 - g. Projects as delegated by the Planning Commission.
3. *Exemptions.* The following types of projects are exempt from the design review process:
- a. Ordinary maintenance and repair.
 - b. Single-family residential buildings or structures.
- D. *Reviewing authority.*
- 1. *Historic Design Review Commission.* The reviewing authority for Historic Design Review Permit applications shall be the Historic Design Review Commission.
 - 2. *Administrative approval.* The Director may issue permits for those administrative approval items identified in division (C)(2) above. The Director may, however, refer requests to the Historic Design Review Commission for consideration, when, in the Director's opinion, review and approval is warranted. The permit shall be referred to the Historic Design Review Commission within 30 days after deeming the application as complete. When applicable, the applicant shall provide additional information as required by § 159.116(A).
- E. *Application evaluation criteria.* The approving authority shall review and approve, conditionally approve, or deny applications in accordance with the provisions of this chapter and all applicable design guidelines as specified in § 159.498.

- F. *Appeals.* Appeals may be taken pursuant to Chapter 162 of this Municipal Code.
- G. *Expiration.* Expiration of a Historic Design Review Permit shall be subject to the provisions of § 159.118.
- H. *Extension.* Extension of a Historic Design Review Permit shall be subject to the provisions of § 159.120.
- I. *Modifications.* Modification of a Historic Design Review Permit shall be subject to the provisions of § 159.121.
- J. *Building Permit.* Prior to issuance of a building permit for any structure, improvement, or building proposed as part of an approved Historic Design Review Permit, the Planning Department shall provide written approval to the Building Official certifying that the proposed improvements are in conformity with the approved permit. Before a building permit may be issued for any structure, improvement, or building proposed as part of the approved Historic Design Review Permit, the Building Official shall secure written approval from the Planning Department that the proposed improvements are in conformity with an approved permit.
- K. *Occupancy Permit.* Before a building, improvement or structure may be occupied or finalized, the Planning Department shall notify the Building Official that the site and/or such building improvement or structure thereon have been developed in conformity with the approved Historic Design Review permit.
- L. *Violation/Revocation with permit.*
 - 1. Should the holder of a Historic Design Review Permit violate any provision of this subchapter or any condition of approval of the permit, the permit shall be automatically suspended. The Planning Department shall provide the holder of the permit with written notice of the suspension, which notice shall identify the reasons for the suspension and may instruct the holder of the permit to

immediately terminate any and all activities, including, without limitation, construction, restoration or renovation work being performed pursuant to the permit.

2. Within 60 days of the suspension of the permit, the Historic Design Review Commission shall hold a hearing and receive evidence as to whether the permit should be reinstated, revoked or additional conditions or restrictions be placed on the permit or other actions taken by the holder to ensure compliance with the provisions of the permit and this subchapter.
- M. *Violation without permit.* When any improvements are commenced or made or installed to a building, improvement or structure in the Historic Design Review District without the prior issuance of an Historic Design Review Permit, the owner of the site and/or occupant of the building shall be required to cease and desist all such work and (depending on which person(s) undertook the un-permitted work) shall be subject to completing the application process and a penalty fee of double the standard processing fee, and in the event such permit is denied, shall be responsible for returning the building, improvement or structure to its state prior to any such work having been commenced, or, if such state cannot be achieved, to as near its pre-existing state as reasonably possible.

Section 159.499 of chapter 159 (Zoning) of title XV (Land Use) is hereby amended to read as follows:

159.499 Declaration Of Historic Buildings And Places

The Council may, by resolution, establish guidelines for the declaration of historical sites, areas, buildings and structures within the city and designate all such locations and structures as having special historical significance in a separate register of historical buildings (such as the Auburn Register of Historic Buildings and Places) to be maintained by the Planning Department.

All sites, areas, buildings or structures on the register shall be subject to the requirements of this chapter.

The definition of "Director" in section 160.031 of chapter 160 (Construction) of title XV (Land Use) is hereby amended to read as follows:

DIRECTOR. The Public Works Director of the city or his or her designee. Section 160.119 of chapter 159 (Zoning) of title XV (Land Use) is hereby amended to read as follows:

160.119 Hardships

Where the enforcement of the provisions of § 160.116 would result in undue hardship, or not be economically or practically feasible, the City Engineer may permit different arrangements for electric and communication services as follows.

- A. A written application for an exception shall be filed with the Planning Department and a copy of the application shall be filed with the Public Works Director.
- B. The application shall include all the information necessary properly to apprise the Planning Department and the Public Works Director of the alleged circumstances which require the exception.
- C. The Planning Director shall consider the application and shall, within 20 days after the filing of the application, make a recommendation to the City Engineer, who shall grant or deny the exception. Any action so taken may be appealed to the Planning Commission. For subdivisions and developments, any exception shall also be approved by the Public Utilities Commission of the state if so required by state laws and regulations.

Section 161.02, subdivision (G) of chapter 161 (Tree Preservation) of title XV (Land Use) is hereby amended to read as follows:

Authorize the Planning Director, or his or her designee, to administer this chapter; and

The definition of "Department" in section 161.03 of chapter 161 (Tree Preservation) of title XV (Land Use) is hereby amended to read as follows:

DEPARTMENT. The Planning Department.

The definition of "Director" in section 161.03 of chapter 161 (Tree Preservation) of title XV (Land Use) is hereby amended to read as follows:

DIRECTOR. The Planning Director or his or her designee.

Section 161.07, subdivision (B)(13)(c) of chapter 161 (Tree Preservation) of title XV (Land Use) is hereby amended to read as follows:

Signing. A minimum of one sign shall be installed on the fence around each individual protected tree. Signs placed on fencing around a grove of protected trees shall be placed at approximately 50-foot intervals. The size of each sign must be a minimum of 8-1/2 inches by 11 inches and must contain the following language:

"DO NOT REMOVE SIGN OR FENCE WITHOUT APPROVAL FROM THE
PLANNING DEPARTMENT. CALL (530) 823-4211 FOR INFORMATION"

Section 161.07, subdivision (B)(13)(d) of chapter 161 (Tree Preservation) of title XV (Land Use) is hereby amended to read as follows:

Fence removal. Once approval has been obtained, protective fencing shall remain in place throughout the entire construction period and shall not be removed without obtaining written authorization from the Planning Department.

Section 162.03 of chapter 162 (Land Use Appeals) of title XV (Land Use) is hereby amended to read as follows:

162.03 Appellate Authority

Unless otherwise expressly provided in Chapters 153, 155, 158, 159, or 161 of this Municipal Code, any decision made by the Director pursuant to those chapters may be appealed to the Planning Commission or the Historic Design

Review Commission, as the context shall require, and any decision made by the Planning Commission, the Historic Design Review Commission, or the Floodplain Administrator pursuant to those chapters may be appealed to the City Council. As used in this chapter, DIRECTOR shall mean the Public Works Director, the City Engineer, the Floodplain Administrator, or the Planning Director, as the context shall require.

Section 162.04, subdivision (B) of chapter 162 (Land Use Appeals) of title XV (Land Use) is hereby amended to read as follows:

Filing of appeal. Unless otherwise specified in this code, any interested person may file an appeal of a Director's decision. The appeal shall be filed in writing with the Planning Department within 10 calendar days after the Director's decision is issued and shall state the grounds for appeal and any specific action the appellant requests the city take. The appropriate fee, established from time to time by resolution of the City Council, shall be paid at the time the appeal is filed. If no appeal is timely filed, the Director's decision is final.

The definition of "director" in section 164.01 of chapter 164 (Electric Vehicle Charging Stations) of title XV (Land Use) is hereby amended to read as follows:

DIRECTOR. The Public Works Director or her or his designee.

Section 31.026, subdivision (E)(1) of Chapter 31 (Officers and Employees) of Title III (Administration) is hereby amended to read as follows:

It shall be the duty of the City Manager to appoint, discipline and dismiss all heads of departments and all subordinate officers and employees of the city, except the City Attorney, City Treasurer and External Auditor. The City Manager may temporarily assign personnel from any department to other departments for a period not to exceed 6 months to meet emergencies and to permit the efficient utilization of personnel during short periods of work load variation.

SECTION 3: Code Additions.

Sections 32.160 through 32.163 (Public Works Department) are hereby added to chapter 32 (City Organizations) of title III (Administration) as follows:

32 Public Works Department

32.160. Public Works Director. The Office of the Public Works Director is hereby established.

32.161. Public Works Director, Powers and Duties. The Public Works Director shall be the chief administrative officer of the Public Works Department, subject to the administrative direction of the City Manager. He or she shall supervise and be responsible for the performance of all the functions of the Public Works Department, including but not limited to planning, engineering, capital improvements and maintenance, building, inspection and code enforcement, and shall have all of the powers and duties set forth herein. The Public Works Director shall assume the statutory powers and duties of the City Engineer and Superintendent of Streets as required or may delegate those powers and duties to another.

32.162 Assignment of Personnel. The Public Works Director may temporarily assign personnel from the Public Works Department to other departments to meet emergencies and to permit the efficient utilization of personnel during periods of work variation.

32.163. Public Works Department, Functions. The Public Works Department shall:

- A. Perform or supervise the performance of all the engineering work of the city;
- B. Perform or supervise and inspect all construction work of the City;
- C. Maintain all rights-of-way, structures, grounds, equipment, and utilities of the city not made the specific responsibility of some other department under this code;

- D. Operate all devices, equipment, and utilities of the city not made the specific responsibility of some other department under this code; and
- E. Safely keep all data, records, maps, surveys, and measurements made.
- F. Perform such other functions as may be required by this code or by the City Manager.

Sections 32.170 through 32.173 (Economic Development Department) are hereby added to chapter 32 (City Organizations) of title III (Administration) of the Auburn Municipal Code are hereby amended to read as follows:

32 Economic Development Department

32.170. Economic Development Director. The Office of the Economic Development Director is hereby established.

32.171. Economic Development Director, Powers and Duties. The Economic Development Director shall be the chief administrative officer of the Economic Development Department, subject to the administrative direction of the City Manager. The Economic Development Director shall supervise and be responsible for the performance of all the functions of the Economic Development Department and shall have all of the powers and duties set forth herein. In the event that an Economic Development Director has not been appointed, the City Manager shall serve in that role.

32.172 Assignment of Personnel. The Economic Development Director may temporarily assign personnel from the Economic Development Department to other departments to meet emergencies and to permit the efficient utilization of personnel during periods of work variation.

32.173 Economic Development Department; Functions
The Economic Development Department shall:

- A. Perform staff work pertaining to the economic development of the city;
- B. Support ongoing commercial projects, light industrial and commercial project development, expanded retail development and local labor force enhancement programs;
- C. Works with relevant economic and business groups, and organizations at the local, regional, state and national levels;
- D. Coordinates economic development strategies for use of redevelopment and/or other related programs in designated areas;
- E. Make studies, surveys, maps, charts and analyses relating to the general plan and zoning provisions;
- F. Perform the functions of the Airport Manager under sections 32.155-32.157;
- G. Perform such other functions relating to economic developments, or other functions of the Economic Development Department as may be required by this code or by the City Manager.

Section 155.139 is hereby added to chapter 155 (Grading, Erosion, and Sediment Control) of title XV (Land Use) as follows:

155.999 Penalty

- A. Notwithstanding any other provisions of this code, any person, firm or corporation convicted of an infraction under the provisions of this code shall be punishable, upon a first conviction, of a fine of not more than \$100, and for a second conviction within a period of 1 year by a fine of not more than \$200, and for a third or any subsequent conviction within a 1-year period by a fine of not more than \$500. Any violation beyond the third conviction within a 1-year period may be charged by the City Attorney as a misdemeanor and the penalty for conviction of the same shall be subject to a fine, or imprisonment or both not to exceed the limits set forth in Cal. Penal Code § 19.

- B. In addition to the penalties provided in this section any condition caused or permitted to exist in violation of any of the provisions of this code shall be deemed a public nuisance and may be by the city summarily abated as such.
- C. Each person, firm or corporation shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this code is committed, continued or permitted by the person and shall be punishable accordingly.
- D. The Public Works Director and the City Engineer shall have the power to designate by written order that particular officers or employees shall be authorized to enforce particular provisions of this code. Officers or employees so designated shall have the authority to arrest persons who violate any of the provisions.
- E. The remedies provided herein are not exclusive and are in addition to any other remedy or penalty provided by law for violation of this chapter.

SECTION 4. CEQA: The City staff have evaluated the proposed Ordinance and determined that it is not a project within the meaning of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) on the grounds that it can be seen with certainty that the Ordinance will not have a significant effect on the environment.

SECTION 5. Severability: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases or portions might be declared invalid or unconstitutional.

SECTION 6. Effective Date: This Ordinance shall take effect thirty (30) days after final adoption.

SECTION 7. Certification: The City Clerk shall certify to the passage and adoption of this Ordinance and shall give notice of its adoption as required by law.

INTRODUCED by the City Council on the 13th day of October 2025; and

PASSED AND ADOPTED at a regular meeting of the City Council on the 27th day of October, 2025.

by the following vote:

AYES: Davis, Dowdin Calvillo, Holmes, Amara

NOES:

ABSENT: Radell-Harris

ABSTAIN:



Sandy Amara, Mayor

ATTEST:



Amy Lind, City Clerk

