

ORDINANCE NO. 15-2023

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
APPROVING A REZONE FOR THE
GUARDIAN MADEIRA APARTMENTS PROJECT (PLNG22-063)
ASSESSOR PARCEL NUMBERS 132-0050-170 AND 132-0050-171**

WHEREAS, the Development Services Department of the City of Elk Grove (the “City”) received an application on December 22, 2022, from Guardian Investment Capital, LLC (the “Applicant”) requesting a General Plan Amendment, Specific Plan Amendment, Rezone, and Major Design Review for the Guardian Madeira Apartments Project (the “Project”); and

WHEREAS, the proposed Project is located on real property in the incorporated portions of the City more particularly described as APNs: 132-0050-170 and -171; and

WHEREAS, on August 9, 2023, the City Council adopted Resolution No. 2023-187, adopting an Addendum to the Laguna Ridge Specific Plan Revised Environmental Impact Report (REIR) for the Guardian Madeira Apartments Project (PLNG22-063); and

WHEREAS, the Development Services Department considered the Project request pursuant to the Elk Grove General Plan, the Elk Grove Municipal Code (EGMC) Title 23 (Zoning), Title 22 (Land Development), the Laguna Ridge Specific Plan (LRSP), the Elk Grove Design Guidelines, and all other applicable state and local regulations; and

WHEREAS, the Planning Commission held a duly-noticed public hearing on July 20, 2023, as required by law to consider all of the information presented by staff, information presented by the Applicant, and public testimony presented in writing and at the meeting, and voted 5-0 to recommend approval of the Project to the City Council; and

WHEREAS, the City Council held a duly-noticed public hearing on August 9, 2023, as required by law to consider all of the information presented by staff, information presented by the Applicant, and public testimony presented in writing and at the meeting.

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

Section 1: Purpose

The purpose of this Ordinance is to amend the City of Elk Grove zoning map as described in Exhibit A of this Ordinance.

Section 2: Findings

Rezone

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

Evidence: The Project includes a Rezone for various portions of the site to amend the land use and zoning designations of the entire Project site to HDR and RD-30.

The General Plan High Density Residential (HDR) designation is generally characterized by attached homes, townhomes, garden apartments, and apartments. The Project site's existing and proposed High Density Residential (RD-30) zoning designation is considered an implementing zoning district of the HDR land use designation (General Plan Consistency Matrix Table 3-1). Pursuant to Elk Grove Municipal Code (EGMC) Table 23.27-1 (Allowed Uses and Required Entitlements), "dwelling, multi-family" is a permitted use in the RD-30 zone. As the proposed use is an allowed use within the allowed density range, the proposed Project will be consistent with the General Plan.

The Rezone is consistent with the following General Plan Policies:

Policy LU-2-1: Promote a greater concentration of high-density residential, office commercial or mixed-use sites and the population along identified transit corridors and existing commercial corridors, in activity centers, and at other appropriate locations.

Policy LU-2-4: Require new infill development projects to be compatible with the character of surrounding areas and neighborhoods, support increased transit use, promote pedestrian and bicycle mobility, and increase housing diversity.

Section 3: Action

The City Council hereby approves the Rezone as shown in Exhibit A, incorporated herein by this reference.

Section 4: No Mandatory Duty of Care.

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

Section 5: Severability

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

Section 6: Savings Clause

The provisions of this ordinance shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and effect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred

prior to the time when any such ordinance or part thereof shall be repealed or altered by said Code shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

Section 7: Effective Date and Publication

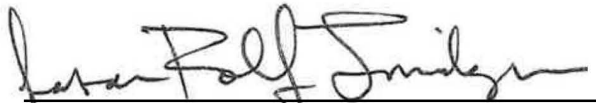
This ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council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

ORDINANCE: **15-2023**
INTRODUCED: August 9, 2023
ADOPTED: August 23, 2023
EFFECTIVE: September 22, 2023




BOBBIE SINGH-ALLEN, MAYOR of the
CITY OF ELK GROVE

ATTEST:


JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:


JONATHAN P. HOBBS,
CITY ATTORNEY

Date Signed: August 24, 2023

**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 15-2023**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law, was duly introduced on August 9, 2023, and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on August 23, 2023, by the following vote:

AYES: COUNCILMEMBERS: Singh-Allen, Spease, Brewer, Robles, Suen

NOES: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

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



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