

## ORDINANCE NO. 20-2021

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING A REZONE FOR THE LAGUNA MAIN STREET APARTMENTS PROJECT (PLNG19-047): ASSESSOR PARCEL NUMBERS 119-1110-009, 119-1110-010, 119-1110-013, AND 119-1110-014

**WHEREAS**, the Development Services Department of the City of Elk Grove (the “City”) received an application on October 31, 2019, from KF Properties, Inc. (the “Applicant”) requesting a Major Design Review and Special Parking Permit for the Laguna Main Street 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: 119-1110-009, 119-1110-010, 119-1110-013, and 119-1110-014; and

**WHEREAS**, on August 11, 2021, the City Council adopted Resolution No. 2021-225, adopting an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Laguna Main Street Apartments Project (PLNG19-047); and

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

**WHEREAS**, the Planning Commission held a duly noticed public hearing on July 15, 2021, 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 11, 2021, 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 and Exhibit B of this Ordinance, attached hereto and incorporated herein by reference.

#### 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 proposes to Rezone the Project site from Limited Commercial (LC) to Residential Mixed Use (RMU). The RMU district designates areas for residential development that allow for the integration of compatible office, retail, and

service uses. The predominant land use is residential, with commercial and office serving as supporting uses. This zone is characterized by pedestrian-oriented development, with vertical mixes of uses that feature ground-floor activity spaces, live-work units, or retail or office uses with residential uses on upper floors. The Project's proposed density of 25.3 dwelling units per acre (du/acre) is consistent with the RMU density range of 15.1 to 40 du/acre. The proposed Project 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.

Therefore, the proposed Rezone to from LC to RMU is consistent with the General Plan goals, policies, and implementation programs.

### Section 3: Action

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

### Section 4: No Mandatory Duty of Care.

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

### Section 5: Severability

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

### Section 6: Savings Clause

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

proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

Section 7: Effective Date and Publication

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

**ORDINANCE:**       **20-2021**  
**INTRODUCED:**     August 11, 2021  
**ADOPTED:**        August 25, 2021  
**EFFECTIVE:**      September 24, 2021



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 26, 2021

**Exhibit A**  
**Laguna Main Street Apartments Project PLNG19-047**  
**Project Description**

**PROJECT DESCRIPTION**

The Project consists of a General Plan Amendment from Community Commercial (CC) to Residential Mixed Use (RMU), a Rezone from Limited Commercial (LC) to RMU, a Major Design Review for a 148-unit apartment complex, and a Special Parking Permit for a reduction in the number of required parking spaces. The Project proposal includes six, three-story multi-family residential apartment buildings and two clubhouses as well as a swimming pool and spa, outdoor eating and meeting areas, covered parking and tuck-under garages, landscape areas, and associated improvements.

The Project shall comply with the City's Climate Action Plan (CAP) for new multi-family development, including CAP measures related to energy efficiency (BE-4), electric appliances (BE-6), off-road construction fleet (TACM-8), and electric vehicle charging (TACM-9).

# Exhibit B Laguna Main Street Apartments PLNG19-047 Rezone Exhibit



CLIENT  
KF-PROPERTIES

ADDRESS  
LAGUNA MAIN STREET  
SUBJECT  
ELK GROVE

PROJECT TITLE  
LAGUNA MAIN APARTMENTS  
WEST LAGUNA CT.

ELK GROVE  
CALIFORNIA

SHEET TITLE  
**REZONE  
EXHIBIT**

REV	DATE	DESCRIPTION

DRAWN/CHKD BY: MFB  
DATE: 09/28/2022  
JOB NO.: 0410.001  
SHEET NUMBER

**RZ.1**

**CERTIFICATION**  
**ELK GROVE CITY COUNCIL ORDINANCE NO. 20-2021**

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 11, 2021, and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on August 25, 2021, by the following vote:*


**AYES:**           **COUNCILMEMBERS:** *Singh-Allen, Nguyen, Hume, Spease, Suen*

**NOES:**           **COUNCILMEMBERS:** *None*

**ABSTAIN:**       **COUNCILMEMBERS:** *None*

**ABSENT:**       **COUNCILMEMBERS:** *None*

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

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