

ORDINANCE NO. 05-2025

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING THE CITY OF ELK GROVE ZONING MAP FOR THE
DUNISCH GPA, REZONE, AND MAP PROJECT (PLNG22-047)
ASSESSOR PARCEL NUMBERS: 116-0050-010, -011, -013, -027, -030, -031, AND -034**

WHEREAS, the Community Development Department of the City of Elk Grove (“City”) received an application on August 8, 2022, from Pappas Investments, (“Applicant”) requesting a General Plan Amendment, Rezone, Tentative Subdivision Map, Subdivision Design Review, Tree Permit, and Determination of Consistency with the General Plan for the Abandonment of existing right-of-way for the Dunisch GPA, Rezone, and Map Project (“Project”); and

WHEREAS, the proposed Project is located on real property in the incorporated portions of the City more particularly described as APNs: 116-0050-010, -011, -013, -027, -030, -031, AND -034; and

WHEREAS, on February 12, 2025, the City Council adopted Resolution No. 2025-020, adopting an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Dunisch GPA, Rezone, and Map Project (PLNG22-047); and

WHEREAS, the Community Development 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 Elk Grove Design Guidelines, and all other applicable state and local regulations; and

WHEREAS, the Planning Commission of the City (the “Planning Commission”) held a duly-noticed public hearing on January 16, 2025, as required by law to consider all 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 February 12, 2025, 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 for the Dunisch GPA, Rezone, and Map Project (PLNG22-047) 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 proposes to Rezone the Project site from SC (Shopping Center) to RD-10 (Residential – 8.1 to 10 dwelling units per acre) and Open Space (O). The Project's proposed density of 9.0 units per acre is consistent with the MDR land use designation as well as the RD-10 zoning district. The MDR designation is generally characterized by small-lot single-family residential development (attached or detached), duplexes, townhomes, garden apartments, or apartments at density of 7.1-15.0 dwelling units per acre. The Project site's proposed RD-10 and Open Space (O) zoning designations are considered an implementing zoning district of the proposed land use designation (General Plan Consistency Matrix Table 3-1). As the proposed use is an allowed use within the allowed density range, the proposed Project will be consistent with the General Plan.

Section 3: Action

The City Council hereby approves the Rezone as shown in the attached 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

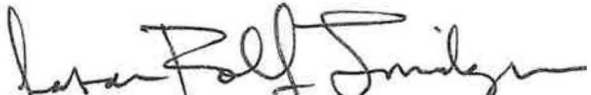
This ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council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

ORDINANCE: **05-2025**
INTRODUCED: February 12, 2025
ADOPTED: February 26, 2025
EFFECTIVE: March 28, 2025




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: March 4, 2025

CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 05-2025

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 February 12, 2025, and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on February 26, 2025, by the following vote:

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