

## ORDINANCE NO. 21-2002

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE EAST FRANKLIN SPECIFIC PLAN ADDING LANDSCAPE DESIGN GUIDELINES WITHIN PROPERTY LOCATED SOUTH OF ELK GROVE BOULEVARD AND BOUNDED BY FRANKLIN BOULEVARD, BILBY ROAD AND BRUCEVILLE ROAD EAST FRANKLIN SPECIFIC PLAN LANDSCAPE DESIGN GUIDELINES PROJECT NO. EG-01-222

The City Council of the City of Elk Grove does ordain as follows:

#### Section 1: Purpose and Authority

The purpose of this Ordinance is to amend the East Franklin Specific Plan by including the Landscape Design Guidelines for Laguna Reserve of the East Franklin Specific Plan, incorporated by reference and the Conditions of Approval are identified as Exhibit A.

#### Section 2: Findings

Finding: The proposal will not have a significant adverse impact on the environment because an environmental document was previously prepared and completed in accordance with the California Environmental Quality Act (CEQA).

Evidence: The proposed project is a component of a Specific Plan where environmental issues were analyzed within a program level Environmental Impact Report. The project would promote consistent landscaping, entry features and sound walls. The project would not have an impact upon the environment above what was previously analyzed, therefore, no further CEQA analysis is required.

Finding: The proposed Amendment to the East Franklin Specific Plan is in the public interest. (Section 65358(a) of the Government Code and the Plan Administration Element of the Elk Grove General Plan).

Evidence: The City has reviewed the proposed amendments to the East Franklin Specific Plan. The proposed amendment is consistent with the Plan's objectives of orderly and systematic development and responds to opportunities and constraints in the local specific plan area. The new guidelines are more specific with regard to landscaping materials and placement of landscaping relative to other improvements such as roadways, sidewalks and bike trails. The primary modification is to establish a uniform corridor sound wall throughout the plan area and to also locate and create a uniform style for entry features.

#### Section 3: Action

The City Council hereby amends the East Franklin Specific Plan by including the Landscape Design Guidelines for the Laguna Reserve as part of the East Franklin

Specific Plan, incorporated by reference and the Conditions of Approval are identified as Exhibit A.

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.

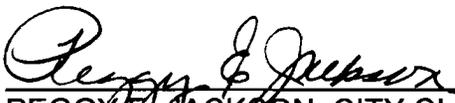
Section 6: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within 15 days after its passage, a summary of the ordinance may be published at least five 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).

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 17<sup>th</sup> day of July 2002.

  
MICHAEL P. LEARY, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
PEGGY E. JACKSON, CITY CLERK  
EFFECTIVE DATE: AUGUST 16, 2002

APPROVED AS TO FORM:

  
ANTHONY B. MANZANETTI,  
CITY ATTORNEY

**AYES:** Leary, Cooper, Scherman,  
Briggs, Soares  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

**EAST FRANKLIN SPECIFIC PLAN LANDSCAPE DESIGN GUIDELINES EG-01-222**  
**EXHIBIT A: CONDITIONS OF APPROVAL**

<b><u>Conditions of Approval</u></b>		<b><u>Timing/ Implementation</u></b>	<b><u>Enforcement/ Monitoring</u></b>
1.	The development approved by this action is for a Specific Plan Amendment for the East Franklin Specific Plan as described in the City Council report and associated Exhibits dated June 13, 2002, including representations made by the applicant during the June 13, 2002 Planning Commission meeting.	On-Going	Planning Division
2.	This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.	On-Going	Planning Division
3.	The Applicant shall hold harmless the City, its Council Members, its Planning Commission, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.	On-Going	Planning Division
4.	The East Franklin Specific Plan is modified by the Landscape Design Guidelines in regard to roadway cross sections, landscape corridors, entry features, soundwalls and plant materials. The East Franklin Specific Plan Landscape Design Guidelines will be an addendum to the East Franklin Specific Plan.	On-Going	Planning Division
5.	Primary Residential Roadways with a detached parkway strip and front on lots, will have a parkway strip that varies in width from 6 feet to 10 feet. The 6 foot width will require subterranean drip irrigation design.	Modified in Final Guidelines	Planning Division