

ORDINANCE NO. 33-2002

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE EAST FRANKLIN SPECIFIC PLAN AND THE CITY OF ELK GROVE ZONING MAP FROM AG-80 TO RD-5, AND SC SHOPPING CENTER ZONES ON ASSESSOR PARCEL NUMBER 132-0020-034 FOR A PROJECT KNOWN AS LAGUNA ESTATES EG-01-197

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 Land Use Policy Map and the City of Elk Grove Zoning Map to assign revised Specific Plan Designations and change the Zoning of the parcels specified within the attached exhibits.

Section 2: Findings

1. Finding: The proposal will not have a significant adverse impact on the environment and a Mitigated Negative Declaration/Initial Study has been 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. An Initial Environmental Study was also prepared specifically for the proposed project and mitigation measure have been developed that that will reduce potential environmental impacts to less than significant levels. On the basis of the Mitigated Negative Declaration, comments received, and the whole record, there is no substantial evidence that the project will have a significant adverse impact on the environment.

2. Finding: The proposed Specific Plan Amendment and Rezone request will implement and be consistent with goals and policies of the East Franklin Specific Plan.

Evidence: The East Franklin Specific Plan allows densities in the 2-4 units per acre and 3-6 units per acre in the Land Use Exhibit Figure 2-1. The applicant is requesting a modification to the alignment of the permitted densities and increases the area designated for lower density development, thus reducing the total development potential of the site.

The Executive Housing Overlay designation is no longer necessary, due to the ultimate design of the project. The intent of the Executive Housing Overlay is implemented within the site design, which blends the larger estate sized lots into the remainder of the site. The larger lots accommodate large oak trees within the site, eliminating the need to remove the trees for the placement of the lots. The large trees will be incorporated into the site plans for the larger lots of the plan.

The Rezone of AG-80 to RD-5 and SC is consistent with the allowed zoning prescribed in the East Franklin Specific Plan. The residential component is less dense than what the RD-5 designation would permit (253 lots out of maximum 337 lots permitted). The proposed development is less dense than the original Specific Plan would have permitted

Section 3: Action

The City Council hereby amends the Land Use Map of the East Franklin Specific Plan and the Zoning Map of the City of Elk Grove for Assessor's Parcel Number 132-0020-034, as shown on the exhibit.

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.

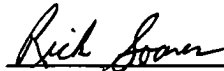
Section 5: Severability

If any such provision of section of this Ordinance is determined to be unenforceable, invalid, or unlawful, such determination shall not affect the enforceability of the remaining provisions of this Ordinance.

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 16th day of October 2002.




RICK SOARES, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY JACKSON, CITY CLERK

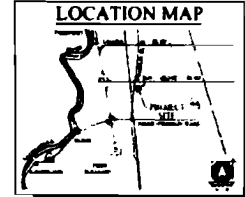
APPROVED AS TO FORM:



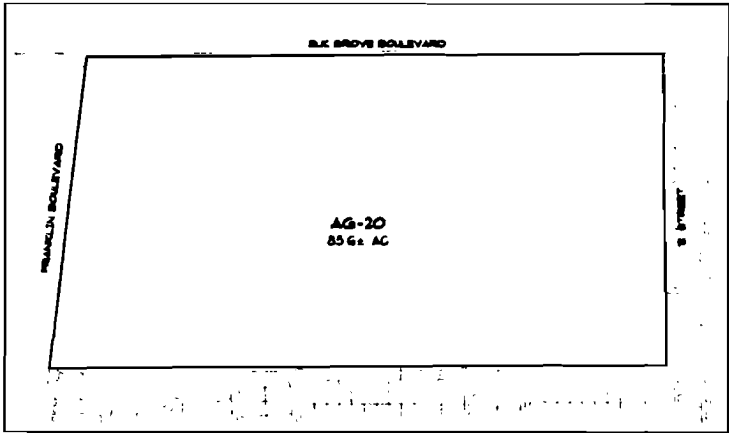
ANTHONY B. MANZANETTI,
CITY ATTORNEY

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

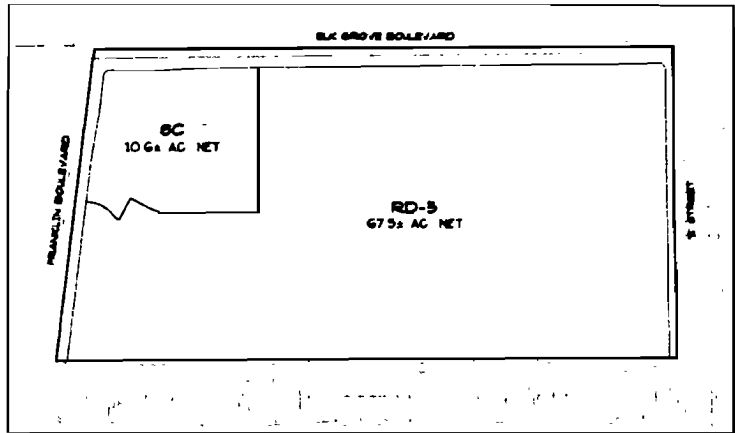
REZONE EXHIBIT LAGUNA ESTATES CITY OF ELK GROVE, CALIFORNIA SEPTEMBER 24, 2001 (REVISED APRIL 22, 2002)



PROJECT NOTES	
ADDRESS: 1800 W. 180TH ST. ELK GROVE, CA 95758	OWNER: LAGUNA ESTATES, INC.
DATE: 9/24/01	PREPARED BY: J. W. ROGERS
CONTACT: J. W. ROGERS, 2221 G STREET, SUITE 100, SACRAMENTO, CA 95811	PHONE: (916) 241-7700
PROJECT NO.: 01-010	DATE: 9/24/01
DESCRIPTION: TO REZONE THE 7.5 AC. TRACT SHOWN ON THE REZONE EXHIBIT FROM AG-20 TO RD-3.	
APPROVALS: APPROVED BY THE CITY ENGINEER AND THE CITY CLERK ON 9/24/01.	
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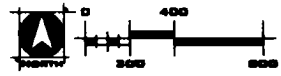
Existing Zoning *



Proposed Zoning **

* EXCLUDES PUBLIC RIGHTS-OF-WAY FOR ELK GROVE BOULEVARD, FRANKLIN BOULEVARD AND 15 STREET

** NET ACRES EXCLUDES PUBLIC RIGHTS-OF-WAY FOR FRANKLIN BOULEVARD, ELK GROVE BOULEVARD AND 15 STREET (PUBLIC R/W=7.5 TOTAL AC)



RODGERS INC.
ENGINEERING PLANNING ARCHITECTURE
2221 G STREET, SUITE 100 • SACRAMENTO, CA 95811
PHONE: (916) 241-7700 FAX: (916) 241-7701