

ORDINANCE NO. 13-2003

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE EAST FRANKLIN SPECIFIC PLAN TO INCREASE THE AMOUNT OF MULTI FAMILY HOUSING AND A MODIFICATION OF LAND USE DESIGNATIONS INCLUDING RELOCATION OF A CONTINUATION SCHOOL SITE, SITING OF A FIRE STATION AND A WATER TREATMENT PLANT, DRAINAGE PARKWAY REALIGNMENT AND A ROADWAY MODIFICATION AND AMEND THE CITY OF ELK GROVE ZONING MAP FROM RD-7 TO RD-20, ON A PORTION OF ASSESSOR PARCEL NUMBER 132-0020-083, EAST FRANKLIN SPECIFIC PLAN AMENDMENT AND REZONE PROJECT NO. EG-01-240

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 City of Elk Grove Zoning Map as shown on attached Exhibit A and to amend the East Franklin Specific Plan as shown on attached Exhibit B.

Section 2: Findings

CEQA

Finding: The proposal will not have a significant adverse impact on the environment and a Negative Declaration has been prepared and completed in accordance with the California Environmental Quality Act (CEQA).

Evidence: An Initial Environmental Study was prepared for the proposed project and mitigation measures have been developed that will reduce potential environmental impacts to less than significant levels. On the basis of the 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.

Finding: The project is De Minimus and will not individually or cumulatively have an adverse effect on wildlife resources, as defined in section 711.2 of the Fish and Game Code.

Evidence: An initial study/negative declaration has been prepared to evaluate the potential for adverse environmental impacts associated with the proposed improvements. The City Council declares that there is no evidence before the City and in the public record that the proposed project will have any potential for adverse affect on wildlife resources beyond what was previous analyzed within the East Franklin Specific Plan Final Environmental Impact Report. No additional impacts to wildlife will occur and the existing mitigation measures within the Final Environmental Impact Report are not being modified or eliminated.

General Plan

Finding: The City shall not approve any proposed development project unless the following findings are made, based on substantial evidence in the record:

- (a) There is a reasonable probability that the land use or action proposed will be consistent with the general plan proposal being considered or studied or which will be studied within a reasonable time.
- (b) The project is consistent with the latest version of the Draft Land Use Policy Map and any draft General Plan Elements which have been reviewed by the General Plan Advisory Committee as of the date on which the project is approved.
- (c) There is little or no probability of substantial detriment to or interference with the future adopted general plan if the proposed use or action is ultimately inconsistent with the plan.
- (d) The proposed use or action complies with all other applicable requirements of state law and local ordinances.

Evidence:

- (a) The proposed EFSP land use amendment is consistent with the direction provided by LU-19 of the Draft General Plan Land Use Map. The East Franklin Specific Plan project has been reviewed and is consistent with the land use densities and design within the East Franklin Specific Plan and subsequently the Elk Grove General Plan.
- (b) As stated above, the Specific Plan and the latest version of the adopted Draft Land Use Policy Map are consistent with one another. Any changes to the Draft Land Use Policy Map would cause a change to the Specific Plan in order to maintain consistency. The proposed East Franklin Specific Plan Amendment project is consistent with the policies and guidelines of the East Franklin Specific Plan and is consistent with the draft policies of the Elements of the General Plan.
- (c) The EFSP land use amendment is being processed in order for the EFSP to be consistent with the Draft Land Use Policy Map. The proposed project is consistent with the Elk Grove General Plan.
- (d) The requested Specific Plan Amendment is consistent with state law and local ordinances as discussed by the following findings and evidence.

Specific Plan Amendment and Rezone

Finding: The proposed Specific Plan Amendment and Rezone is in the public interest. (Section 65358(a) of the Government Code)

Evidence: The City has reviewed the proposed Specific Plan Amendment and Rezone, staff report, and has received public testimony at a duly noticed public hearing regarding the matter. The proposal is consistent with the allowed density ranges and uses in the East Franklin Specific Plan, Elk Grove General Plan and Draft General Plan Land Use Map. The proposed amendment and rezone is consistent with the General Plan's objectives of orderly and systematic development and responds to opportunities and constraints in the local community area.

Section 3: Action

The City Council hereby amends the City of Elk Grove Zoning Map as shown on attached Exhibit A and amends the East Franklin Specific Plan as shown on attached Exhibit B, subject to the findings contained in this Ordinance.

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

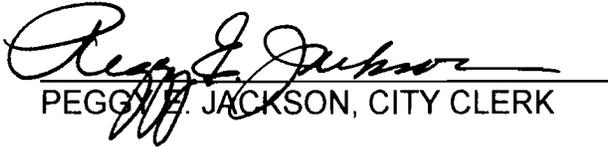
This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within 15 days after its passage, a summary of the ordinance may be published at least five days prior to and fifteen (15) days after adoption by the City Council and a certified 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 4th day of June.



RICK SOARES, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



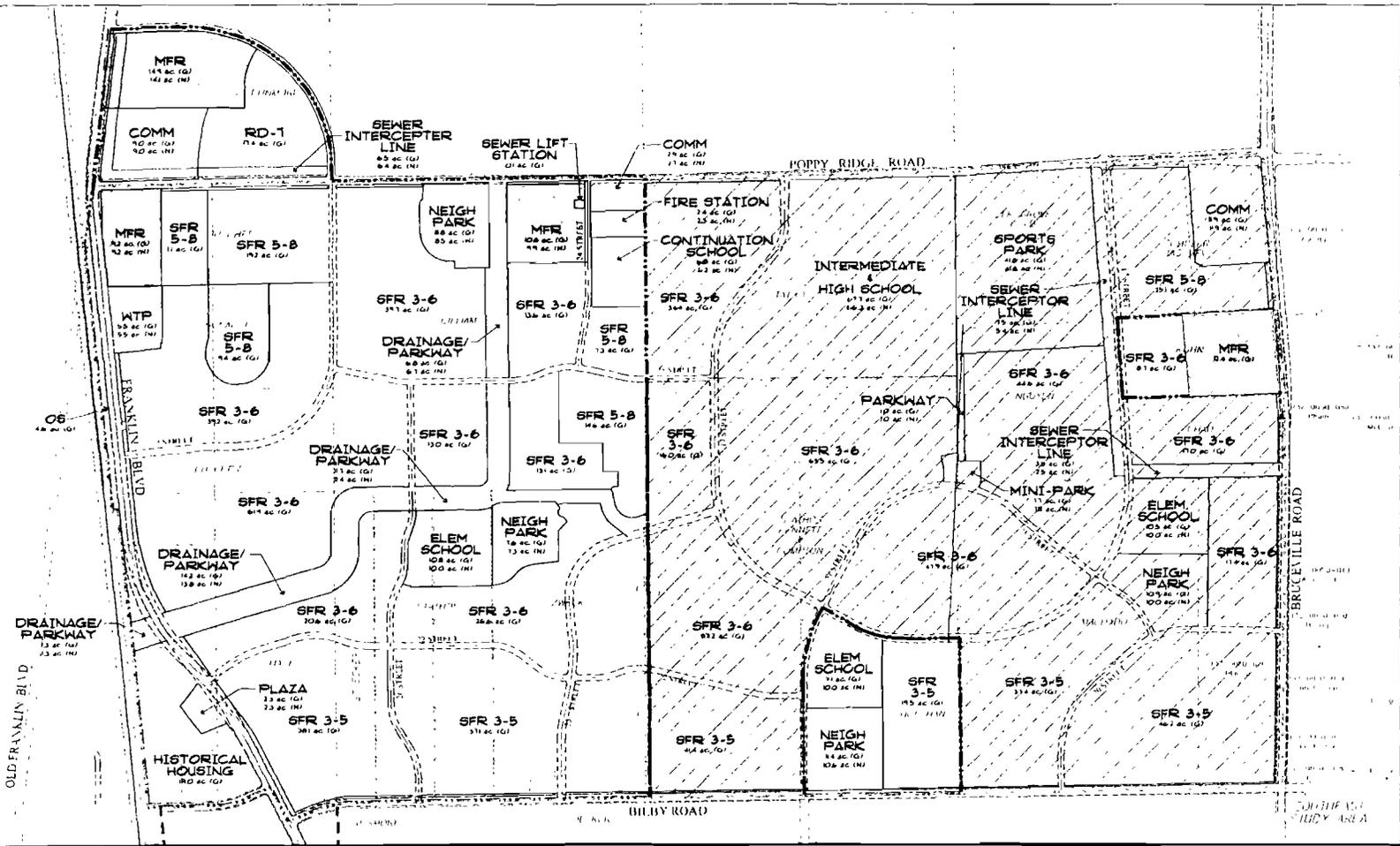
ANTHONY B. MANZANETTI,
CITY ATTORNEY

Effective Date: July 4, 2003

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

SPECIFIC PLAN AMENDMENT EXHIBIT
EAST FRANKLIN SPECIFIC PLAN
SOUTH PORTION *
CITY OF ELK GROVE, CALIFORNIA

AUGUST 8, 2002
 REVISION #1 (MAY 19, 2003)
 REVISION #2 (MAY 14, 2003)



LEGEND

	PROPOSED MULTI-FAMILY RESIDENTIAL
	AREAS CONSISTENT WITH APPROVED (EXISTING) SPECIFIC PLAN

MULTI-FAMILY RESIDENTIAL SUMMARY

SITE (SHOWN ON MAP)	ACREAGE
DUNMORE PROPERTY	14.1 AC (N)
ELM GROVE MEADOWS PHASE 11	9.2 AC (N)
GILLIAM MEADOWS UNIT #1	9.4 AC (N)
KUHN PROPERTY	12.4 AC (N)
SUBTOTAL	45.0 AC (N)
SITE (NOT SHOWN ON MAP)	ACREAGE
BACKER RANCH	5.4 AC (N)
LAGUAN CREEK SOUTH	10.0 AC (N)
SUBTOTAL	15.4
TOTAL	60.4

Proposed Specific Plan Land Use Plan

WOOD ROUGE
 ENGINEERING • PLANNING • MAPPING • SURVEYING
 1301 E STREET, SUITE 100, SACRAMENTO, CA 95811
 PHONE (916) 341-7700 FAX (916) 341-7717

EXHIBIT B

SEPP 3-3

PAPFAS
12-000-08

SEPP 2-6

RD-20
14.1 AC. (N)
14.9 AC. (G)

RD-20 / DEBAR INTERCEPTOR LINE PARCEL 13 AC

SC

2.8 AC. (G)

FRANKLIN MEADOWS
133-000-07

RD-7
17.4 AC. (G)

RD-7 / DEBAR INTERCEPTOR LINE PARCEL
13 AC.

13 AC

REYNOLDS & BAROIS DEVELOPMENTS, LLC.
12-000-24

RD-7

REYNOLDS & BAROIS DEVELOPMENTS, LLC.
12-000-44

RD-7

GULLAN
12-000-67

RD-7

FRANKLIN MEADOWS

RD-20

FRANKLIN MEADOWS
127-000-07

APPROVED TENTATIVE

BLINDWATER MAP

RD-7

FRANKLIN MEADOWS
120-000-01

RD-7 / E

BOULEVARD

FRANKLIN

22ND RIDGE ROAD