

RESOLUTION NO. 2011-252

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE FINDING THE ALBIANI JUSTAMERE TENTATIVE PARCEL MAP PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (PROJECT NO. EG-10-019; ASSESSOR'S PARCEL NUMBER: 127-0080-049-0000)

WHEREAS, on March 22, 2010, Dennis and Elizabeth Albiani (the "Applicant") submitted an application to the City of Elk Grove Planning Department for a Rezone from AR-5 (Agricultural Residential, 5-acre minimum) to AR-2 (Agricultural Residential, 2-acre minimum) and a Tentative Parcel Map to *subdivide one 5.05± gross acre (4.82± net acre) parcel into two lots measuring 2.26± and 2.79± gross acres each (the "Project")*; and

WHEREAS, the subject property is located on real property within the incorporated limits of the City of Elk Grove, specifically identified as 10170 Justamere Lane, Assessor's Parcel Number 127-0080-049-0000; and

WHEREAS, the property is surrounded by occupied residential parcels; features an *on-site gravel driveway*; includes on-site landscaped areas, including the eucalyptus trees along the southern property line; there are overhead electrical and telecommunication lines near the property; there is a newly planted orchard on the site; Justamere Lane, a public road, is along the northern property line; and the site is developed with a small pump and outbuilding of approximately 180 square feet; and

WHEREAS, on April 7, 2011, the Planning Commission held a duly-noticed public hearing and accepted public testimony on the Project; and

WHEREAS, after considering the public testimony and all the information presented at the public hearing, the Planning Commission made a recommendation to the City Council to find the Project exempt from the California Environmental Quality Act (CEQA) and approve the Project; and

WHEREAS, on April 27, May 25, and December 14, 2011, the City Council held duly-noticed public hearings where they considered the recommendation of the Planning Commission and accepted public testimony on the Project; and

WHEREAS, as part of its review, the City Council considered the report entitled "Biological Resources Survey and Swainson's Hawk Habitat Assessment for the Albiani-Justamere (EG-10-019) Tentative Parcel Map and Rezone Entitlement Application City of Elk Grove, Sacramento County, California," (the "Survey") dated November 9, 2011 and prepared by Michael Brandman Associates; and

WHEREAS, the Survey concluded that the Project site "does not support suitable nesting habitat for the Swainson's hawk and only marginally suitable foraging habitat given the groundcover and young walnut trees, the residential development and related landscaping, and the unpaved roads that exist onsite. While Swainson's hawk may occasionally forage over the site, they are likely to do so only en route to more highly suitable foraging grounds."

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove finds, based upon the information provided in the Survey, that the Albani Justamere Tentative Parcel Map project (EG-10-019) is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15315 (Minor Divisions of Land) of Chapter 3, Division 6, Title 14 of the California Code of Regulations (State CEQA Guidelines) based upon the following finding:

Finding 1:

The proposed Albani Justamere Tentative Parcel Map project (EG-10-019) is categorically exempt from CEQA pursuant to Section 15315 (Minor Divisions of Land) of the State CEQA Guidelines.

Evidence:

The Section 15315 (Minor Divisions of Land) exemption applies to projects consisting of the "division of property in urbanized areas zoned for residential...use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20 percent."

The proposed rezone and tentative parcel map for this projects qualifies for this exemption because:

1. The Project site is within an urbanized area as defined in Section 15387 of the State CEQA Guidelines. Under Section 15387, an urbanized area is a city or group of cities with a population greater than 50,000 people and with a density of at least 1,000 persons per square mile. For purposes of CEQA, an area may be determined to be an urbanized area if it is listed as an urban area by the U.S. Bureau of the Census. The City has reviewed the map titled Urbanized Area Outline Map (Census 2000) for Sacramento, CA (Map Number UA 77068, Panel 10). The subject property is located within the urbanized area contained in Map Number UA 77068, Panel 10, because it is north of Pleasant School Road and west of Mackey Road.
2. The proposed Project is consistent with the General Plan because:
 - a. Rezone. The property is designated on the General Plan Land Use Diagram as Rural Residential. Policy LU-3 of the General Plan establishes the zoning districts that are consistent with the various land use designations. The AR-2 district is listed as consistent with the Rural Residential designation.
 - b. Subdivision. Under the Rural Residential designation and AR-2 zoning district, the minimum lot size for parcels is 2 gross acres. The proposed subdivision of the property will create two parcels measuring 2.26± and 2.79± gross acres each, which is larger than the minimum parcel size required under the General Plan and zoning district.
3. The project will be served by private well and septic services. The provision of private septic service is consistent with the General Plan (Policy PF-10). The project is served by all other necessary services.

4. The site is directly accessible from Justamere Lane, a public street, and access to the proposed parcel 2 is provided from a proposed easement across parcel 1 consistent with City policy and standards.
5. The parcel was not involved in a division of a larger parcel within the previous two years.
6. The project site is flat and does not have a slope greater than 20 percent.

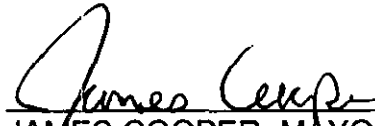
Therefore, as described above, the project meets all of the qualifications for the Section 15315 exemption and no further environmental review is required.

Finding 2: None of the exceptions to the Categorical Exemptions provided in Section 15300.2 of the State CEQA Guidelines apply to this project.

Evidence: Section 15300.2 of the State CEQA Guidelines prohibits the use of a Categorical Exemption under certain circumstances, including cumulative impact and significant effect. None of the exclusions to the Categorical Exemptions provided in Section 15300.2 apply to this project, as evidenced by the Survey. Therefore, this project qualifies for the Minor Divisions of Land exemption and no further environmental review is required.

BE IT FURTHER RESOLVED, that staff is directed to prepare and file a Notice of Exemption for this project as required by section 15062 of the State CEQA Guidelines.


PASSED AND ADOPTED by the City Council of the City of Elk Grove this 14th day of December 2011.



JAMES COOPER, MAYOR of the
CITY OF ELK GROVE

ATTEST:


JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:


JONATHAN HOBBS,
INTERIM CITY ATTORNEY

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2011-252**

**STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)**

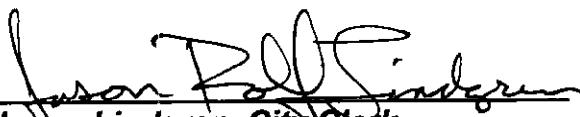
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on December 14, 2011 by the following vote:

AYES : COUNCILMEMBERS: Cooper, Hume, Davis, Detrick, Scherman

NOES: COUNCILMEMBERS: None

ABSTAIN : COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None


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