

RESOLUTION NO. 2011-72

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
FINDING THE AMENDMENTS TO TITLE 23, TITLE 6, AND TITLE 4
OF THE ELK GROVE MUNICIPAL CODE EXEMPT
FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

WHEREAS, staff identified a series of amendments to the Elk Grove Municipal Code that needed to be made; and

WHEREAS, the proposed amendments at this time include the remaining major amendments that were identified by the City Council, the Planning Commission, the public, and staff over the past year; and

WHEREAS, the purpose for the proposed amendments is to simplify the development review process, to comply with state and federal laws, and to implement the City's Housing Element that was certified in 2009; and

WHEREAS, the proposed amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to the California Code of Regulations, Title 14, Division 6, Chapter 3 (State CEQA Guidelines); and

WHEREAS, the approval of these amendments does not approve any development project. Rather, they clarify the various planning permits and entitlements, clarify the allowed uses in the various zoning districts consistent with the General Plan, and clarify other development regulations including accessory structures, fences and walls, parking, signs, and wireless facilities.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Elk Grove finds the amendments to Titles 23, 6, and 4 of the Elk Grove Municipal Code exempt from California Environmental Quality Act (CEQA) review pursuant to Section 15183 of the CEQA Guidelines of Title 14 of the California Code of Regulations.

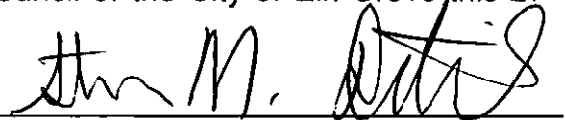
Finding: The proposed amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to the California Code of Regulations, Title 14, Division 6, Chapter 3 (State CEQA Guidelines).

Evidence: CEQA requires analysis of agency approvals of discretionary "projects." A "project," under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." Section 15061 (b)(3) of Chapter 3, Title 14 of the California Code of Regulations (the CEQA Guidelines) describes the General Rule that CEQA only applies to projects which "have the potential for causing a significant effect on the environment; where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

The approval of these amendments does not approve any development project. Rather, they clarify the various planning permits and entitlements, clarify the allowed uses in the various zoning districts consistent with the General Plan, and clarify other development regulations including accessory structures, fences and walls, parking, signs, and wireless facilities.

Each of these components, individually and cumulatively, does not result in the possibility of creating significant or cumulative effects on the environment. Future development under the proposed regulations would be subject to CEQA at that time, as those actions would be classified as "projects" under CEQA. Therefore, these changes are not subject to CEQA under the General Rule and no further environmental review is necessary.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 27th day of April 2011.


STEVEN M. DETRICK, MAYOR of the
CITY OF ELK GROVE

ATTEST:


JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:


SUSAN COCHRAN, CITY ATTORNEY

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2011-72**

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

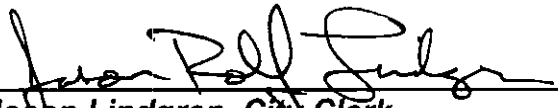
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on April 27, 2011 by the following vote:

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

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN : **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*



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