

RESOLUTION NO. 2011-104

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE FINDING THE SBH ELK GROVE PROPERTIES REZONE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (EG-11-001; APN: 125-0050-001)

WHEREAS, the Planning Department of the City of Elk Grove received an application from SBH Elk Grove Properties (hereinafter referred to as the Applicant) on March 7, 2011, for a Rezone of the property; and

WHEREAS, the SBH Elk Grove Properties Rezone project (EG-11-001) (the "Project") is located on real property in the incorporated portions of the City of Elk Grove more particularly described as 8686 and 8690 Elk Grove Boulevard, APN 125-0050-001; and

WHEREAS, the California Environmental Quality Act (CEQA), Public Resources Code, § 21000 et seq., requires that the City consider the environmental effects of a project before approving it; and

WHEREAS, Title 14, Division 6, Chapter 3 of the California Code of Regulations (herein after the State CEQA Guidelines) section 15301(a) (Existing Facilities) exempts projects that involve minor interior or exterior alterations; and

WHEREAS, State CEQA Guidelines section 15183 (Projects Consistent with a Community, General Plan, or Zoning) states that projects which are consistent with the development density established by existing zoning or general plan policies for which an EIR was certified shall not require additional environmental review; and

WHEREAS, the proposed Project's lease area is inside an existing shopping center and is therefore not considered environmentally sensitive; and

WHEREAS, all public utilities and services are available to the Project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby finds the Project exempt from the CEQA pursuant to Guidelines sections 15301 (Minor Existing Facilities) and 15183 (Projects Consistent with a Community, General Plan, or Zoning) based on the following findings:

Finding #1: The proposed Project is exempt from CEQA review under §15301 (Existing Facilities) of the CEQA Guidelines.

Evidence: The CEQA Guidelines §15301 (Existing Facilities) exempts projects consisting of the operations, repair, maintenance, permitting, leasing, licensing or the minor alteration of existing public or private structures involving negligible or no expansion of the use. The SBH Elk Grove Properties Rezone project meets this exemption because rezoning the site to GC does not expand the physical use of the structures found on the property. The GC zone supports the use that previously

occurred on the site. Therefore, this project qualifies for the identified exemption and no further environmental review is required.

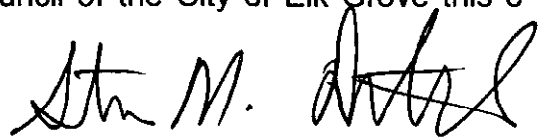
Finding #2 The proposed Project is exempt from CEQA under State CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning).

Evidence: CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review. The proposed rezone is consistent with the Elk Grove General Plan land use designation of Commercial. Further, the certified General Plan EIR analyzed the commercial development of this property and its potential impacts. Therefore, the project qualifies for the identified exemption.

NOW, THEREFORE, BE IT FURTHER RESOLVED that if any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City Council of the City of Elk Grove hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Director is hereby directed to file a Notice of Exemption with the Sacramento County Clerk Recorder's Office.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 8th day of June 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. 2011-104**

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 June 8, 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**