

**RESOLUTION NO. 2012-109**

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

**WHEREAS**, staff identified a series of minor amendments to the Elk Grove Municipal Code and the Triangle Special Planning Area that needed to be made; and

**WHEREAS**, the proposed changes modify and clarify the various planning permits and entitlements and correct inconsistencies throughout Title 23 and Title 4, and reverts setbacks to previously adopted standards in the Triangle Special Planning Area; 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.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Elk Grove finds the amendments to Title 23 of the Elk Grove Municipal Code and the Triangle Special Planning Area 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. The proposed changes modify and clarify the various planning permits and entitlements and correct inconsistencies throughout Title 23, and reverts setbacks to previously adopted standards in the Triangle Special Planning Area. The proposed setback is a

zoning regulation, which does not approve any development project and does not result in a physical change in the environment.

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. Additionally, the proposed amendments to the Triangle SPA do not increase the scope or intensity of development beyond from that previously analyzed when the subdivisions were approved. 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 13<sup>th</sup> day of June 2012.

  
SOPHIA SCHERMAN, COUNCIL  
MEMBER and Temporary Presiding  
Officer of the CITY OF ELK GROVE

ATTEST:

  
JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:

  
JONATHAN P. HOBBS,  
INTERIM CITY ATTORNEY

**CERTIFICATION  
ELK GROVE CITY COUNCIL RESOLUTION NO. 2012-109**

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

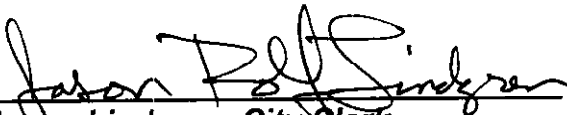
*I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on June 13, 2012 by the following vote:*

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

**NOES:**       **COUNCILMEMBERS:**    *None*

**ABSTAIN :**   **COUNCILMEMBERS:**    *None*

**ABSENT:**    **COUNCILMEMBERS:**    *Cooper, Hume*

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