

RESOLUTION NO. 2013-18

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
FINDING THE AMENDMENTS TO TITLE 23 OF THE ELK GROVE MUNICIPAL
CODE RELATED TO COTTAGE FOOD OPERATIONS EXEMPT FROM THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT**

WHEREAS, the proposed changes would modify Chapter 23.82 Home Occupations of Title 23, Zoning of the Elk Grove Municipal Code related to cottage food operations and other permit requirements; 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 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 Section 15061 (b)(3) of 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 amendment revises the home occupations provisions to allow cottage food operations in residential neighborhoods and zoning districts consistent with the requirements of State law. In addition, the proposed amendment would delete the requirements for both a home occupation permit and business license consistent with Elk Grove City Council direction. The proposed amendments are zoning regulations, which do not approve any development project and do 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. 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 23rd day of January 2013.




GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. KOBBS,
CITY ATTORNEY

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2013-18**

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

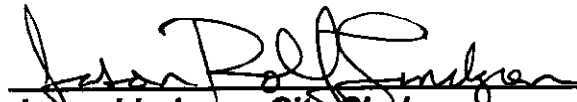
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on January 23, 2013 by the following vote:

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

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN : **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*


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