

**RESOLUTION NO. 2023-073**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE FINDING NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO STATE CEQA GUIDELINES SECTION 15162; AUTHORIZING THE CITY MANAGER TO EXECUTE A PRIVATE STORM DRAIN, ACCESS, AND MAINTENANCE EASEMENT AGREEMENT ON A PORTION OF LOT 4 OF THE SHELDON FARMS – LARGE LOT SUBDIVISION MAP (SUBDIVISION NO. 18-019) [A PORTION OF ASSESSOR PARCEL NUMBER 116-0012-070], AND FINDING THE GRANTING OF THE EASEMENT CONSISTENT WITH THE GENERAL PLAN**

**WHEREAS**, JEN California 18, LLC, a California limited liability company (Developer), is the current owner of a HDR zoned parcel known as Lot 4 [Assessor Parcel Number 116-0012-070] (HDR Parcel), and a Community Commercial zoned parcel known as Lot 3 [Assessor Parcel Number 116-0012-070] (CC Parcel), which are part of the Sheldon Farms – Large Lot Map (Subdivision No. 18-019); and

**WHEREAS**, on May 12, 2021, City Council adopted Resolution No. 2021-124 ratifying the Agreement for Dedication of Land and Affordable Housing Fee Waiver with the Developer for the HDR Parcel and authorized the close of escrow on the HDR Parcel; and

**WHEREAS**, the Developer is expected to complete all conditions to close escrow on the HDR Parcel by April 15, 2023 and it is expected that close of escrow on the HDR Parcel will be completed by April 20, 2023; and

**WHEREAS**, as part of the Developer’s approved drainage plan for the subdivision and development of the CC Parcel, a private storm drain was planned to bisect the HDR Parcel; and

**WHEREAS**, staff and the Developer propose to relocate the private storm drain line to be within the HDR Parcel’s 25-foot landscaping setback area in order to not affect the HDR Parcel’s area for development and propose entering into a Private Storm Drain, Access, and Maintenance Easement Agreement.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Elk Grove hereby finds that the granting of the Private Storm Drain, Access and Maintenance Easement is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations) based upon the following finding:

Finding: No further environmental review is required for the Project under CEQA pursuant to State CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations).

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” (State CEQA Guidelines Section 15378). The proposed Project is a project under CEQA.

No further environmental review is required under CEQA pursuant to State CEQA Guidelines 15162 (Subsequent EIRs and Negative Declarations). State CEQA Guidelines Section 15162 provides that when an EIR has been certified for an adopted project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, that no substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

On October 14, 2020, the City Council adopted a Mitigated Negative Declaration (MND) and a Mitigation Monitoring and Reporting Program (MMRP) for the Sheldon Farms North Project (State Clearinghouse No. 2020070214). The Sheldon Farms North MND analyzed full buildout of Project area including the installation of any infrastructure necessary for future development.

The relocation of the storm drain line is an activity covered by the adopted MND and the installation of the associated infrastructure would be subject to any applicable mitigation measures in the MMRP. The Project is being undertaken pursuant to and in conformity with the approved Sheldon Farms North Project. No special circumstances exist and no changes in the Project have occurred that would necessitate the preparation of subsequent environmental review. No additional environmental impacts have been identified for the Project other than those previously disclosed and analyzed in the MND. Since no changes to the MND are necessary to support the Project, the City is not required to prepare an Addendum to the MND as required by State CEQA Guidelines Section 15164. Therefore, the prior MND is sufficient to support the proposed action and no further environmental review is required; and.

**BE IT FURTHER RESOLVED** that the City Council of the City of Elk Grove hereby authorizes the City Manager to execute the Private Storm Drain, Access, and Maintenance Easement Agreement with JEN California 18 LLC, a California limited liability company, in substantially the form presented, for a portion of Lot 4 of the Sheldon Farms - Large Lot Subdivision Map (Subdivision No. 18-019) [a portion of Assessor Parcel Number 116-0012-070]; and

**BE IT FURTHER RESOLVED**, that the City Council of the City of Elk Grove hereby finds the granting of the easement consistent with the City's General Plan as required by Elk Grove Municipal Code Section 23.10.030 and Government Code Section 65402(a) based upon the following finding:

Finding The granting of the Private Storm Drain, Access, and Maintenance Easement is consistent with the General Plan.

Evidence: The granting of the easement is consistent with the General Plan as it will support the efficient development of the Sheldon Farms North HDR Parcel without impacting the ability to serve either the CC Parcel or HDR Parcel with required utilities.

This is consistent with General Plan Goal LU-1 of “a coordinated development pattern” and Goal LU-2 of “a focus on infill.”

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 12<sup>th</sup> day of April 2023

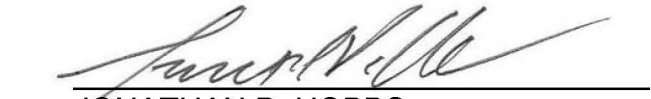


BOBBIE SINGH-ALLEN, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:

  
JONATHAN P. HOBBS,  
CITY ATTORNEY

**CERTIFICATION**  
**ELK GROVE CITY COUNCIL RESOLUTION NO. 2023-073**

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 12, 2023 by the following vote:*

**AYES:**        **COUNCILMEMBERS:**    *Singh-Allen, Spease, Brewer, Robles, Suen*

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

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

**ABSENT:**    **COUNCILMEMBERS:**    *None*

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