



City of Elk Grove NOTICE OF DETERMINATION

To: Office of Planning and Research
 P.O. Box 3044, 1400 Tenth Street, Room 22
 Sacramento, CA 95812-3044

Sacramento County Clerk-Recorder
 Sacramento County
 PO Box 839, 600 8th Street
 Sacramento, CA 95812-0839

From: City of Elk Grove
 Development Services-Planning
 8401 Laguna Palms Way
 Elk Grove, CA 95758

County Recorder Filing	State Clearinghouse Received
(stamp here)	<p>Governor's Office of Planning & Research</p> <p>SEP 25 2019</p> <p>STATE CLEARINGHOUSE</p> <p>(stamp here)</p>

PROJECT TITLE: **Fortune Charter School**

PROJECT LOCATION - SPECIFIC: Southwest Intersection of Bilby Road and McMillan Road (Future Bruceville Road Extension)

ASSESSOR'S PARCEL NUMBER(S): 132-0300-021

PROJECT LOCATION - CITY: **Elk Grove** PROJECT LOCATION - COUNTY: **Sacramento**

PROJECT DESCRIPTION: The proposed Project consists of a Conditional Use Permit and Major Design Review to construct a new Fortune Charter School on a vacant ±8.5-acre parcel at the southwest intersection of Bilby Road and McMillan Road (Future Big Horn Boulevard Extension) within the Southeast Policy Area (SEPA) community plan area. The proposed 800-student middle and high school (grades 7 through 12) will consist of three new buildings totaling ±94,381 square feet with associated onsite improvements including parking, drainage, lighting, landscaping, outdoor track, and frontage improvements.

LEAD AGENCY: **City of Elk Grove**
 Development Services-Planning
 8401 Laguna Palms Way
 Elk Grove, CA 95758

LEAD AGENCY CONTACT: Antonio Ablog, AICP Planning Manager, (916) 627-3335

APPLICANT: TA Sacramento BR LP
 Aarathi Sowrirajan
 3000 Olympic Blvd. Ste 2120
 Santa Monica, CA 90404

ENVIRONMENTAL DETERMINATION: Subsequent EIRs and Negative Declarations [Section 15162]

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REASONS WHY THIS PROJECT IS EXEMPT OR DOES NOT REQUIRE FURTHER ENVIRONMENTAL DOCUMENTATION:

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." The proposed Project is a project under CEQA.

State CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations) requires 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, based on substantial evidence in light of the whole record, that one or more of the following exists:

1. 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;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken 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; or
3. New information of substantial importance, which was not known and could not have been known with exercise of reasonable diligence at the time of the previous EIR was certified as complete shows any of the following:
 - a. The project will have one or more significant on discussed in the previous EIR;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measures or alternative.

On July 9, 2014, the City Council certified an EIR for the Southeast Policy Area Strategic Plan (State Clearinghouse No. 2013042054). The SEPA EIR analyzed full buildout of SEPA based upon the land plan, development standards, and policies contained in the Community Plan and Special Planning Area, as well as the improvements identified in the accompanying infrastructure master plans.

The proposed charter school is conditionally permitted within the SEPA Office designation and will therefore be consistent with the land uses envisioned for the area. The proposed Charter School would be less intense than the envisioned office uses, as the proposed floor area ratio (FAR) for the school would be 0.25 and restricted to one and two stories in height while the SEPA office designation allows a FAR up to 0.75 and heights of up to 45 feet. The SEPA EIR MMRP provides measures to address sensitive species. The construction of the proposed Project will comply with EGMC development standards (Chapter 16.44) and SEPA mitigation measures for land grading and erosion control. Swainson's hawk surveys and mitigation are also required in addition to other pre-construction surveys as defined by the SEPA EIR.

A Traffic Report and Technical Memorandum was prepared by Fehr and Peers which concluded that the anticipated Vehicle Miles Traveled (VMT) for the charter school would be within the Citywide VMT annual baseline of 6,364,405 and therefore would not require further analysis or measures to reduce VMT per the City's Transportation Analysis Guidelines (TAG). In addition, the proposed Project site is located within a pre-screened area that exempts projects from additional VMT analysis as the area

has already been determined to be 15 percent or below Citywide VMT averages due to land use intensities anticipated in the General Plan. As the use is consistent with the General Plan designation, the pre-screen analysis applies, and no further analysis is required. As the Project anticipates generating over 100 vehicle trips at peak traffic hours (7am-9am and 4pm-6pm), a condition of approval has been added that the Project comply with the I-5 Subregional Corridor Fee consistent with EGMC Chapter 16.97.

Based on the above analysis, staff believes the traffic generated by the project is consistent with the levels anticipated in the SEPA EIR. The Project will provide access, roadways, and utility tie-ins consistent with all SEPA and local requirements. The two-story and one-story buildings comply with all setback standards to ensure the building massing will not negatively impact the visual aesthetics or privacy of the adjacent single-family subdivision that has yet to be constructed. No additional environmental impacts have been identified for the Project other than those previously disclosed and analyzed in the EIR for SEPA and the Project will be subject to the SEPA Mitigation Monitoring and Reporting Program (MMRP). The Project is being undertaken pursuant to and in conformity with the approved SEPA and General Plan EIRs. Analysis of the Project's land use plan and special studies did not indicate substantial changes to the adopted land plan, increase in development intensity, or additional impacts to existing environmental resources beyond those previously identified in the 2003 LRSP EIR. No new information of substantial importance has been identified and no changes to the EIR are necessary to support the Project. Further, since no changes to the EIR are necessary to support the Project, the City is not required to prepare an Addendum to the EIR as required by State CEQA Guidelines Section 15164. Therefore, the prior EIR is sufficient to support the proposed action and no further environmental review is required.

CITY OF ELK GROVE
Development Services - Planning

By: _____

Antonio Ablog, AICP
Planning Manager

Date: _____

9/24/19