

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk
County of: Merced
2222 M St
Merced, CA 95340

From: (Public Agency): City of Merced
678 W. 18th Street
Merced, CA 95340

(Address)

Project Title: Site Plan Review #517 Env. Review #23-09

Project Applicant: Gateway Park Development Partners, LLC

Project Location - Specific:
3120 Campus Parkway (south side of Campus Pkwy, east of Coffee St.

Project Location - City: Merced Project Location - County: Merced

Description of Nature, Purpose and Beneficiaries of Project:
Construction of a 2,313 s.f. fast-food restaurant with drive-thru and outdoor seating.

Name of Public Agency Approving Project: City of Merced

Name of Person or Agency Carrying Out Project: Robert Toro

- Exempt Status: **(check one):**
- Ministerial (Sec. 21080(b)(1); 15268);
 - Declared Emergency (Sec. 21080(b)(3); 15269(a));
 - Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
 - Categorical Exemption. State type and section number: Section 15162
 - Statutory Exemptions. State code number: _____

Reasons why project is exempt:
This is a second-tier review based on the City's determination that the project remains consistent with the General Plan and the CEQA Section 15162 [Environmental Review #15-18 EIR for the Merced Gateway Master Plan (SCH 2015101048)].

Lead Agency
Contact Person: Julie Nelson Area Code/Telephone/Extension: 209-385-6967

- If filed by applicant:**
1. Attach certified document of exemption finding.
 2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature:  Date: 4/3/23 Title: Ln. Planner

- Signed by Lead Agency
- Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code. Date Received for filing at OPR: _____
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.



**The California Environmental Quality Act
(CEQA) Section 15162 Findings:**

Application: Site Plan Review #517 – Environmental Review #23-09

Assessor Parcel Number or Location: Assessor’s Parcel Number (APN): 061-670-002

Previous Initial Study/EIR Reference: This site was previously reviewed through Environmental Review #15-18 [EIR for the Merced Gateway Master Plan (SCH #2015101048)].

Original Project Date: Initial Study #15-18 was approved on August 7, 2017, by the Merced City Council.

Section A - Previous Studies

- | | | |
|--|--------------------------|-------------------------------------|
| | Yes | No |
| 1. Substantial changes are proposed in the project that will require major revisions of the previous project EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comment/Finding: The proposed project is consistent with the previous environmental review. The site plan for the Merced Gateway Master Plan project included a fast-food restaurant with drive-through. There is no change from the original plan that was analyzed under the previous EIR and therefore, no new significant or increased impacts.

- | | | |
|--|--------------------------|-------------------------------------|
| | Yes | No |
| 2. Substantial changes have occurred with respect to the circumstances under which the project is undertaken that will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comment/Finding: There have been no changes in the circumstances under which the project is undertaken that would require major revisions in the previous EIR. There are no new significant environmental effects or substantial increases in the severity of previously identified environmental effects, and the area under consideration remains the same area previously evaluated.

- | | | |
|---|--------------------------|-------------------------------------|
| | Yes | No |
| 3. New information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, has been revealed? (If “Yes” is checked, go to Section “B” below) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comment/Finding: There is no new information of substantial importance that was not known and could not have been known with the reasonable diligence at the time the previous EIR was adopted.

Section B - New Information

	Yes	No
A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Yes	No
B) Significant effects previously examined will be substantially more severe than shown in the previous EIR.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Yes	No
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Yes	No
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 measure or alternative.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

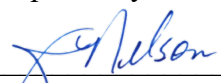
Comment/Finding: All previously identified mitigation measures will be enforced with this project including payment of Public Facility Impact Fees. Therefore, the resulting impacts are no greater than those previously analyzed and the previously imposed mitigation measures remain sufficient to address all impacts from this project.

On the basis of this evaluation, in accordance with the requirements of Section 15162 of the CEQA Guidelines:

- | | |
|----------|--|
| | 1. It is found that subsequent negative declaration will need to be prepared. |
| | 2. It is found that an addendum Negative Declaration will need to be prepared. |
| | 3. That a subsequent EIR will need to be prepared. |
| X | 4. No further documentation is required. |

Date: April 3, 2024

Prepared By:



 Julie Nelson,
 Senior Planner