

City of Elk Grove

NOTICE OF EXEMPTION

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

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

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

County Recorder Filing	State Clearinghouse Received
(stamp here)	(stamp here)

PROJECT TITLE: **Calvine Pointe ARCO AM/PM (PLNG23-017)**

PROJECT LOCATION - SPECIFIC: **8798 CALVINE ROAD**

ASSESSOR'S PARCEL NUMBER(S): **115-2010-007**

PROJECT LOCATION - CITY: **Elk Grove**

PROJECT LOCATION - COUNTY: **Sacramento**

PROJECT DESCRIPTION: The Project consists of a Conditional Use Permit (CUP) and Major Design Review Amendment to the previously-approved Calvine Pointe Project (EG-01-156) for a new fueling station with canopy, car wash, and convenience store within the existing Calvine Pointe Shopping Center. The Project also includes a Determination of Public Convenience or Necessity related to a Type 21 license from the California Department of Alcoholic Beverage Control (ABC) due to an overconcentration of licenses and a higher-than-average crime rate in the Project site's Census Tract. The Type 21 license allows for the sale of beer, wine, and distilled spirits for off-site consumption.

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

LEAD AGENCY CONTACT: Sarah Kirchgessner (916) 478-2245

APPLICANT: BP Projects North America, Inc.
 Shannon Nichols (Representative)

30 South Wacker Drive
Chicago, IL 60606
216-513-3981

- EXEMPTION STATUS:
- Ministerial [Section 21080(b); 15268];
 - Declared Emergency [Section 21080(b)(3); 15269(a)];
 - Emergency Project [Section 21080(b)(4); 15269(b)(c)];
 - Preliminary Review [Section 15060(c)(3)]
 - Consistent With a Community Plan or Zoning [Section 15183(a)]
 - Statutory Exemption
 - Categorical Exemption [15332]
 - Common Sense Exemption [Section 15061 (b)(3)]
 - Criteria for Subsequent EIR [Section 15162]

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

The Project is exempt from environmental review pursuant to Section 15332 (Infill Development Projects) of the State CEQA Guidelines. Section 15332 applies to development projects which are: consistent with applicable general plan and zoning regulations; within City limits on a project site that is less than five acres and substantially surrounded by urban uses; located on a site with no value as habitat for endangered, rare, or threatened species; would not result in any significant effects relating to traffic, noise, air quality, or water quality; and located on a site that can be adequately served by all required utilities and public services

The Project site is within City boundaries, is surrounded existing development, and is less than five acres in size. The Project is consistent with land use and intensities established in the General Plan and zoning for the SC zoning district. The Project site is disturbed and provides no value as habitat for endangered, rare, or threatened species. The Project is below the Sacramento Metropolitan Air Quality Management District's construction and operational air pollutant screening levels provided in its CEQA Guide. The Project site is subject to City water quality control requirements under EGMC Chapter 16.44, Land Grading and Erosion Control. Public services and utilities exist in the Project area and are available to serve the Project. The Applicant provided a Noise Study that that demonstrates compliance with City noise standards with the addition of design measures that are included as conditions of approval on the Project. Additionally, the Project has been conditioned to comply with the General Plan's adopted mitigation measures (MM) related to cultural resources to address the potential for cultural discoveries. No special circumstances exist that would create a reasonable possibility that approving the Project would create a significant adverse effect on the environment.

State CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations) provides that when an Environmental Impact Report (EIR) has been certified or negative declaration adopted for a project, no subsequent EIR/negative declaration shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, that there are new significant environmental effects due to a change in the project or circumstances, or there is new information of substantial importance as identified in State CEQA Guidelines Section 15162(a)(3).

The subject property was zoned for commercial development in 2005 with the approval of the Calvine Pointe Project (EG-01-156). An EIR was prepared and certified for the Calvine Pointe Project (SCH# 2002052038). The

current Project proposes to amend the previous approvals modifying the overall site plan by adding a new automobile fueling station with a convenience store, canopy, and car wash, replacing the previously approved Shops 1/Drive-Thru 1 building.

In February 2019, the City Council adopted a new General Plan and amended the land use designation of the Project site from Commercial to Regional Commercial. The General Plan relies on Vehicle Miles Traveled (VMT) as a measure of transportation impacts. Pursuant to the City's Transportation Analysis Guidelines (November 2023), as the Project is consistent with the applicable General Plan and Zoning designations and qualifies for a categorical exemption, the Project is not likely to lead to a substantial or measurable increase in VMT and is presumed to be less than significant.

No potential new impacts related to the Project have been identified that would necessitate further environmental review beyond the impacts and issues already disclosed and analyzed in the Calvine Pointe EIR. No other special circumstances exist that would create a reasonable possibility that the Project will have a significant adverse effect on the environment and the Project is subject to the adopted Mitigation Monitoring and Reporting Program (MMRP). Therefore, pursuant to State CEQA Guidelines Section 15332 and 15162, no further environmental review is required.

CITY OF ELK GROVE
Development Services -
Planning

By: 
Sarah Kirchgessner

Date: March 4, 2024