

RESOLUTION NO. 2011-254

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
FINDING THE BP ARCO PROJECT (EG-08-060) EXEMPT FROM THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT
ASSESSOR'S PARCEL NUMBER: 132-0410-040**

WHEREAS, the Planning Department of the City of Elk Grove received an application on September 4, 2008 from MAM Design Build (the "Applicant") requesting a Rezone, Design Review, Variance, and Minor Deviation for the BP Arco Project (the "Project"); and

WHEREAS, the proposed Project is located on real property in the incorporated portions of the City of Elk Grove more particularly described as Assessor's Parcel Number 132-0410-040; and

WHEREAS, the Project qualifies as a project under the California Environmental Quality Act (CEQA), Public Resource Code sections 21000-21178 but is exempt; and

WHEREAS, Section 15332 (In-Fill Development Projects) of Title 14 of the California Code of Regulations, Chapter 3, Division 6 (State CEQA Guidelines) provides an exemption from CEQA for projects that are categorized as in-fill development; and

WHEREAS, Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) of Title 14 of the California Code of Regulations, Chapter 3, Division 6 (State CEQA Guidelines) provides an exemption from CEQA for projects that are consistent with the applicable General Plan and Zoning for which an Environmental Impact Report (EIR) was certified; and

WHEREAS, the 0.63 acre site accommodates an existing service station within the City limits surrounded by other commercial uses on a site that has no value as habitat for endangered, rare, or threatened species; and

WHEREAS, based on staff's review of the Project, no special circumstances exist that would create a reasonable possibility that granting a Rezone, Design Review, Variance, and Minor Deviation for this Project will have a significant effect on the environment beyond what was previously analyzed and disclosed; and

WHEREAS, an EIR was certified by the City Council for the adoption of the City of Elk Grove General Plan (SCH 2002062082) which identified the Project site as Commercial; and

WHEREAS, the Planning Department considered the Project request pursuant to the Elk Grove General Plan, the Elk Grove Municipal Code Title 23 (Zoning), and all other applicable State and local regulations; and

WHEREAS, all required services and access to the proposed parcels in compliance with the City's standards are available; and

WHEREAS, no adverse environmental effects were identified during staff review of the development application and Project site visit; and

WHEREAS, the Planning Commission considered the Applicant's request at a public hearing on November 17, 2011 and recommended the City Council approve the Project; and

WHEREAS, the City Council is the appropriate authority to hear and take action on this Project after a recommendation by the Planning Commission; and

WHEREAS, the City Council held a duly noticed public hearing as required by law to consider all of the information presented by staff, information presented by the Applicant, and public testimony presented in writing and at the meeting.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Elk Grove finds the BP Arco Project (EG-08-060) (the "Project") exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Sections 15332 (In-Fill Development Projects) and 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) of the CEQA Guidelines of Title 14 of the California Code of Regulations based upon the following finding:

Finding: The Project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations, Chapter 3, Division 6 (State CEQA Guidelines) Sections 15332 (In-Fill Development Projects) and 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning).

Evidence: CEQA Guidelines Section 15183 (Public Resources Code §21083.3), provides that projects that are consistent with a Community Plan, General Plan or Zoning for which an EIR has been certified "shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site." An EIR was certified by the City Council for the adoption of the City of Elk Grove General Plan (SCH 2002062082).

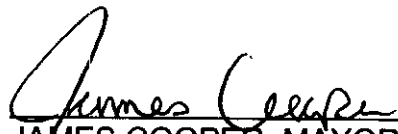
CEQA Guidelines Section 15332 provides a categorical exemption for projects that are characterized as in-fill development meeting the conditions described as below:

- a) The Project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

- c) The Project site has no value as habitat for endangered, rare or threatened species.
- d) Approval of the Project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- e) The site can be adequately served by all required utilities and public services.

The 0.63 acre site accommodates an existing service station within the City limits surrounded by other commercial uses on a parcel that has no value as habitat for endangered, rare or threatened species. The rezone from LC (Limited Commercial) to SC (Shopping Center) is consistent with the General Plan land use designation of Commercial. The proposed project consists of a new mini-mart and gas island canopy. The existing structures will be demolished. Draft conditions of approval have been prepared that would require the design and construction of a right turn pocket onto State Highway 99 southbound, which would relieve traffic congestion on Elk Grove Boulevard. No potential new impacts related to the properties or Project have been identified that would necessitate further environmental review beyond the impacts and issues already disclosed and analyzed in the General Plan EIR. No other special circumstances exist that would create a reasonable possibility that the proposed Project will have a significant adverse effect on the environment. Therefore, the proposed Project qualifies for the exemption under CEQA Guidelines Sections 15183 and 15332 and no further environmental review is required.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 14th day of December 2011.



JAMES COOPER, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN HOBBS,
INTERIM CITY ATTORNEY

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2011-254**

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

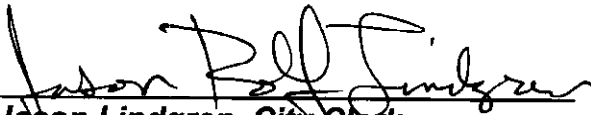
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on December 14, 2011 by the following vote:

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

NOES: COUNCILMEMBERS: None

ABSTAIN : COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None


Jason Lindgren, City Clerk
City of Elk Grove, California