

**RESOLUTION NO. 2015-059**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
APPROVING A DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY  
FOR A TYPE 21 OFF-SALE GENERAL LICENSE FOR SMART & FINAL  
LOCATED AT 8787 ELK GROVE BOULEVARD  
ASSESSOR PARCEL NUMBER 125-0070-040  
PROJECT NO. EG-15-002 (CEQA EXEMPTION)**

**WHEREAS**, the Planning Department of the City of Elk Grove received an application on January 16, 2015, requesting a Determination of Public Convenience or Necessity for Smart & Final to obtain a Type 21 (Off-Sale General) alcohol license from the Department of Alcoholic Beverage Control in order to sell beer, wine, and liquor from an existing store location; 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 Parcel Number 125-0070-040; and

**WHEREAS**, Chapter 4.54, Article 5 of the Elk Grove Municipal Code establishes the City Council as the appropriate authority to hear and decide on all Determination of Public Convenience or Necessity requests; and

**WHEREAS**, the City Council held a duly noticed public hearing on March 25, 2015 as required by law to consider all of the information presented by staff, information presented by the project proponent, 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, hereby finds the proposed the Smart & Final PCN Project, EG-15-002, exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the State CEQA Guidelines based upon the following finding:

**California Environmental Quality Act (CEQA)**

Finding: The project is exempt from CEQA review.

Evidence: A Categorical Exemption Section 15301 (Existing Facilities) exempts projects that involve negligible or no expansion of an existing use. This Project consists of the sale of alcoholic beverages within an existing grocery store within an established commercial center. The Project does not propose to physically expand the existing facility. Based on staff's review of the Project, no special circumstances exist that would create a reasonable possibility that granting a PCN to sell alcohol from their existing store's location will have a significant effect on the environment. Therefore, the proposed Project qualifies for the exemption under CEQA Guidelines Section 15301 and no further environmental review is required.

**AND, BE IT RESOLVED** that the City Council of the City of Elk Grove hereby approves the Determination of Public Convenience or Necessity for Smart & Final located at 8787 Elk Grove Boulevard based on the following findings:

**Public Convenience or Necessity**


Finding: The proposed use is compatible with neighborhood character.

Evidence: The application was routed to the Elk Grove Police Department, the Code Enforcement Department, and the Building Department. No violations against the property or Applicant were identified that would discourage the issuance of a Type 21 alcohol license for Smart & Final. The Smart & Final store is located in a Shopping Center zone district and is surrounded by other commercially zoned properties and uses. Therefore, the sale of alcohol for off-site consumption at this location is compatible with the uses in the surrounding area. The nearest school and playground facilities are at Joseph Kerr Middle School (8865 Elk Grove Florin Rd.), which is located approximately 800 feet to the east of the project site, and Jessie Baker Elementary (8850 Southside Ave.), which is located approximately 800 feet south of the project site. However neither of these facilities is directly accessible from the Project site.

Finding: The proposed use will be of benefit to the neighborhood.

Evidence: As the sale of alcoholic beverages is ancillary to the sale of general grocery products, the PCN determination will increase convenience to local shoppers. By including the sale of alcoholic beverages with the existing inventory, Smart & Final will be providing a "one-stop" shop store. "One-stop" shopping results in increased efficiency for shoppers, and may result in fewer vehicle trips for local shoppers. The amount of alcohol sales at the store will be ancillary to the general grocery sales. Less than 1.5% of the store's floor area will be dedicated to alcoholic sales display area.


**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 25<sup>th</sup> day of March 2015.

  
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GARY DAVIS, 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. 2015-059**

**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 March 25, 2015 by the following vote:***

**AYES :            COUNCILMEMBERS:        *Davis, Hume, Detrick, Ly, Suen***

**NOES:            COUNCILMEMBERS:        *None***

**ABSTAIN :        COUNCILMEMBERS:        *None***

**ABSENT:         COUNCILMEMBERS:        *None***

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