

RESOLUTION NO. 2019-259

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
APPROVING A MINOR CONDITIONAL USE PERMIT AND DETERMINATION OF
PUBLIC CONVENIENCE OR NECESSITY FOR THE BANK SHOT PROJECT
LOCATED AT 8535 ELK GROVE BOULEVARD (CEQA EXEMPT)
ASSESSOR PARCEL NUMBER: 125-0390-020
PROJECT NO. PCN19-002**

WHEREAS, the Development Services Department of the City of Elk Grove received an application on July 31, 2019, requesting a Minor Conditional Use Permit (MUP) and Determination of Public Convenience or Necessity (PCN) to allow the Bank Shot to obtain a Type 40 alcohol license from the Department of Alcoholic Beverage Control (ABC) in order to sell beer for on-site consumption; and

WHEREAS, the proposed Project is located on real property in the incorporated portions of the City of Elk Grove more particularly described as APN: 125-0390-020; and

WHEREAS, Chapter 4.54, Article V of the Elk Grove Municipal Code (EGMC) establishes the City Council as the approving 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 November 13, 2019, as required by law to consider all 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 Bank Shot Project, PCN19-002, exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines based upon the following finding:

California Environmental Quality Act (CEQA)

Finding: The Project is exempt from CEQA review.

Evidence: The California Environmental Quality Act (Section 21000, et seq., of the California Public Resources Code - hereafter 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.

Staff has reviewed the Project to determine the required level of review under CEQA. The proposed Project is exempt from CEQA under State CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption). Section 15061(b)(3) of the CEQA Guidelines states that an activity is covered by the common sense exemption that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA review. Granting a MUP and PCN

for the Project will expand the services available at the existing shopping center, but will not bring about any physical change to the environment and will not have any potential for causing a significant effect on the environment.

AND, BE IT FURTHER RESOLVED that the City Council of the City of Elk Grove hereby approves the Minor Conditional Use Permit and Determination of Public Convenience or Necessity for the Bank Shot Project (PCN19-002) as described in Exhibit A, subject to the conditions of approval contained in Exhibit B, incorporated herein by this reference. based on the following findings:

Minor Conditional Use Permit

Finding #1: The proposed use is consistent with the General Plan and all applicable provisions of EGMC Title 23 (Zoning).

Evidence #1: EGMC Title 23 allows the accessory sale of beer for on-site consumption where the primary use is an indoor amusement/entertainment facility with approval of a Minor Conditional Use Permit. Staff has analyzed the Bank Shot's proposal and determined that it is consistent with the development provisions established in the Title 23, Zoning of the Elk Grove Municipal Code. Since Title 23 establishes land use provisions that enable the General Plan's policies to be achieved, this project can be found consistent with the goals, objectives and policies of the General Plan.

Finding #2: The establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the neighborhood of such use, or general welfare of the City.

Evidence #2: As proposed, the Applicant's sale of alcohol will not be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the neighborhood of the Project site, or general welfare of the City. The Bank Shot will be located in a shopping center zoned General Commercial (GC) and will be surrounded by other commercially-zoned properties and uses. Therefore, the sale of beer for on-site consumption at this location will be compatible with the uses in the surrounding area. The nearest schools are Ellen Feickert Elementary and Joseph Kerr Middle School, both located over 2,000 feet from the Project site. The nearest park is Feickert Park, which is also located over 2,000 feet away. The nearest residential neighborhood is located to the north of the shopping center, approximately 500 feet away. Based on the reviewed data, the location of the proposed business, and the operating guidelines that have been presented by the business, the approval of this license will likely not result in increased calls for police service. The Elk Grove Police Department has determined that there is no public safety reason to oppose a finding of Public Convenience or Necessity and the associated ABC license application. The Project includes Conditions of Approval requiring safety and security measures that will ensure that the Applicant's sale of alcohol will not be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the neighborhood of the Project site, or general welfare of the City.

Public Convenience or Necessity

Finding #1: The proposed use is compatible with neighborhood character.

Evidence #1: The application was routed to the Elk Grove Police Department. No violations against the property or Applicant were identified that would discourage the issuance of a Type 40 alcohol license. The Bank Shot will be located in a shopping center zoned General Commercial (GC) and will be surrounded by other commercially-zoned properties and uses. Therefore, the sale of beer for on-site consumption at this location will be compatible with the uses in the surrounding area. The nearest schools are Ellen Feickert Elementary and Joseph Kerr Middle School, both located over 2,000 feet from the Project site. The nearest park is Feickert Park, which is also located over 2,000 feet away. The nearest residential neighborhood is located to the north of the shopping center, approximately 500 feet away. Based on the reviewed data, the location of the proposed business, and the operating guidelines that have been presented by the business, the approval of this license will likely not result in increased calls for police service. The Elk Grove Police Department has determined that there is no public safety reason to oppose either a finding of Public Convenience or Necessity or the associated ABC license application.

Finding #2: The proposed use will be of benefit to the neighborhood.

Evidence #2: As the sale of alcoholic beverages is ancillary to the indoor amusement/entertainment use at the Project site, the PCN determination will increase convenience to residents. The Applicant notes that the Bank Shot will offer an alternative to the classic bar or pub. The Bank Shot will be a community taproom offering local crafted beers, welcoming people of all ages to enjoy a unique experience. While there are other bonafide bars, pool halls, and breweries in the surrounding area, such as the Sac Yard Taproom and Sac City Neighborhood Tap House, the Bank Shot will provide a unique experience for Elk Grove by promoting community and positive experiences without the need to travel elsewhere.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 13th day of November 2019



STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:


JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:

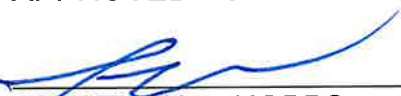

JONATHAN P. HOBBS,
CITY ATTORNEY

EXHIBIT A

Project Description

The Bank Shot Project (PCN19-002)

The proposed Project consists of a Minor Conditional Use Permit (MUP) and a Determination of Public Convenience or Necessity (PCN) to allow the Applicant to acquire a Type 40 alcohol license from the California Department of Alcoholic Beverage Control (ABC). The Type 40 license allows for the sale of beer for consumption on or off the premises.

EXHIBIT B
Conditions of Approval
The Bank Shot Project (PCN19-002)

<u>Conditions of Approval</u>		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
On-Going				
1.	Development and operation of the proposed Project shall be consistent with the Project Description as provided in Exhibit A, incorporated herein by this reference. Deviations from the approved plans shall be reviewed by the City for substantial compliance and may require amendment by the appropriate hearing body.	On-Going	Planning	
2.	This action does not relieve the Applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.	On-Going	Planning	
3.	The Applicant, or Successors in Interest (hereinafter referred to as the Applicant) shall indemnify, protect, defend, and hold harmless the City, its officers, officials, agents, employees, and volunteers from and against any and all claims, damages, demands, liability, costs, losses or expenses including without limitation court costs, reasonable attorney's fees and expert witness fees arising out of this Project including challenging the validity of this Application/permit or any environmental or other documentation related to approval of this application.	On-Going	Planning	
4.	Approval of this project does not relieve the Applicant from the requirements of subsequent permits and approvals, including but not limited to the following as may be applicable: <ul style="list-style-type: none"> • Building Permit and Certificate of Occupancy • Fire Department review for permits and/or occupancy 	On-Going	Planning Engineering Building CCSD SCWA SASD	
5.	The Project shall comply with the Safety/Security Actions and House Policies as detailed in the attached Project Description/Security Plan provided by Applicant dated September 30, 2019.	On-Going	Planning	

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2019-259**

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 November 13, 2019 by the following vote:

AYES: COUNCILMEMBERS: Ly, Hume, Detrick, Nguyen, Suen

NOES: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None



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