

RESOLUTION NO. 2022-162

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING A DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY FOR THE SEASONS ASIAN MARKET LOCATED AT 7740 LAGUNA BOULEVARD, SUITE 107 (ASSESSOR PARCEL NUMBER: 121-0140-013) PROJECT NO. PCN22-001 (CEQA EXEMPT)

WHEREAS, the Development Services Department of the City of Elk Grove received an application on March 29, 2022, requesting a Determination of Public Convenience or Necessity (PCN) to allow the Seasons Asian Market to obtain a Type 20 alcohol license from the California Department of Alcoholic Beverage Control (ABC) in order to sell beer and wine for off-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: 121-0140-013; 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 June 22, 2022, 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 Seasons Asian Market Project (PCN22-001) 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 this PCN will expand the services at the existing convenience store 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 Determination of Public Convenience or Necessity for the Seasons Asian Market Project (PCN22-001) as described in Exhibit A and illustrated in Exhibit B, both attached and incorporated herein by reference, based on the following findings:

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 (EGPD). No violations against the property or Applicant were identified that would discourage the issuance of a Type 20 alcohol license. The Project site is located in the Shopping Center (SC) zone and is surrounded by a mix of commercial and residential uses. Therefore, the sale of and wine for off-site consumption will be compatible with the uses in the surrounding area. The nearest off-sale license in Census Tract 96.12 is over three-quarter miles away on the northwest corner of Bruceville Road and Elk Grove Boulevard (Rite Aid). The nearest off-sale licenses within one-quarter mile of the Project site are in neighboring Census Tract 96.39 (Walgreen's, Target, and Total Wine & More). There is one public school within one-quarter mile of the Project site (Harriet G. Eddy Middle School). The nearest park is Batey Park, which is approximately 2,000 feet west of the Project site. There are two daycares located within one-quarter mile: the Little Flowers Montessori Daycare on the western side of Bruceville Road and the Little London Montessori on the southeast intersection of Laguna Boulevard and Trenholm Drive. As a childcare facility, all children are picked up from the facility by an adult and would not have unsupervised access to the Seasons Asian Market. While directly adjacent to residential neighborhoods, the Seasons Asian Market closes daily at 7:30 pm, so there would be no later hours for the sale of beer and wine. Finally, the Seasons Asian Market primarily sells Chinese and Asian grocery items. Similar grocery stores are over one-quarter mile away, so the Seasons Asian Market is providing a unique type of good. 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 EGPD has determined that there is no public safety reason to oppose either the 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: The PCN determination will increase convenience to residents. The sale of alcoholic beverages would offer customers the convenience of purchasing beer and wine along with other groceries and in a one-stop shop atmosphere without the need to travel elsewhere to purchase alcohol beverage products.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 22nd day of June 2022



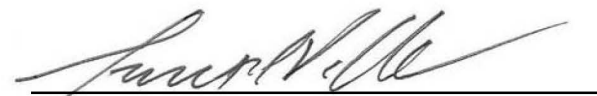
BOBBIE SINGH-ALLEN, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

**EXHIBIT A
SEASONS ASIAN MARKET
PCN22-001**

PROJECT DESCRIPTION

The Project consists of a request for a Determination of Public Convenience or Necessity (PCN) pursuant to Elk Grove Municipal Code 4.54.500 in order for Seasons Asian Market to obtain a Type 20 (Off-Sale Beer & Wine) alcohol license from the California Department of Alcoholic Beverage Control (ABC). The Type 20 license allows for the sale of beer and wine for consumption off the premises.

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CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2022-162

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 June 22, 2022 by the following vote:

AYES: **COUNCILMEMBERS:** *Singh-Allen, Suen, Hume, Spease, Nguyen*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*



Jason Lindgren, City Clerk
City of Elk Grove, California