

RESOLUTION NO. 2023-082

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING A DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY FOR THE SHELDON ROAD 7-ELEVEN CONVENIENCE STORE LOCATED AT 8100 SHELDON ROAD (ASSESSOR PARCEL NUMBER: 116-1550-004) (CEQA EXEMPT) PROJECT NO. PCN22-002

WHEREAS, the Development Services Department of the City of Elk Grove received an application on September 2, 2022, requesting a Determination of Public Convenience or Necessity (PCN) to allow the Sheldon Road 7-Eleven to upgrade from a Type 20 (Off-Sale Beer & Wine) to a Type 21 (Off-Sale General) alcohol license from the California Department of Alcoholic Beverage Control (ABC) in order to sell beer, wine, and distilled spirits 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: 116-1550-004; 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 requests for Determination of PCN; and

WHEREAS, the City Council held a duly-noticed public hearing on April 12, 2023, 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 Sheldon Road 7-Eleven Project (PCN22-002) 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 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 Sheldon Road 7-Eleven Project (PCN22-002) as described in Exhibit A, based on the following findings:

Public Convenience or Necessity

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

Evidence #1: There are two off-sale licenses in Census Tract 96.39 within the same shopping center as 7-Eleven (Sheldon Liquor & Food and WinCo Foods). The La Petite Academy is located on the southeastern end of the shopping center; however, as a childcare facility, all children are picked up from the facility by an adult and would not have unsupervised access to 7-Eleven. The nearest public school to the Project site is nearly half a mile away (Irene West Elementary School in the City of Sacramento). The nearest park is Elizabeth Pinkerton Park, which is approximately 1,300 feet south of the Project site. While within close proximity to residential neighborhoods (northern side of Sheldon Road and western side of Lewis Stein Road), the existing fueling station and convenience store have been in operation under a Type 20 ABC license since 1999, well before the establishment of these residential neighborhoods. While the 7-Eleven operates 24 hours a day, 7 days a week, their current Type 20 ABC license allows for alcohol sales between the hours of 6:00 am and 10:00 pm. If the upgrade to a Type 21 ABC is approved, the hours of operation for alcohol sales will continue. Finally, this operation allows for customers to fuel their vehicles while providing the convenience of purchasing everyday essential grocery items, which will reduce the number of trips they might otherwise need to make. 7-Eleven offers a full range of grocery and household items including, but not limited to fresh and healthy food options, salads and sandwiches, dairy items, and bakery items, in addition to the expanded line of products sold at 7-Eleven convenience stores. The nearest fueling station and convenience store is nearly half a mile away, so a unique type of goods and services are being provided. Based on the reviewed data, the location of the existing 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 the finding of PCN or the associated ABC license application.

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

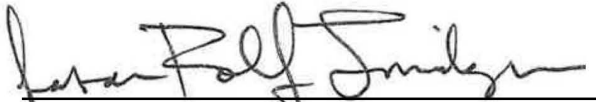
Evidence #2: The PCN determination will increase convenience to residents. The use will offer customers the convenience of fueling their vehicles while purchasing a limited selection of beer, wine, and distilled spirits along with other groceries and in a one-stop shop atmosphere without the need to travel elsewhere to purchase alcohol beverage products.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 12th day of April 2023



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

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

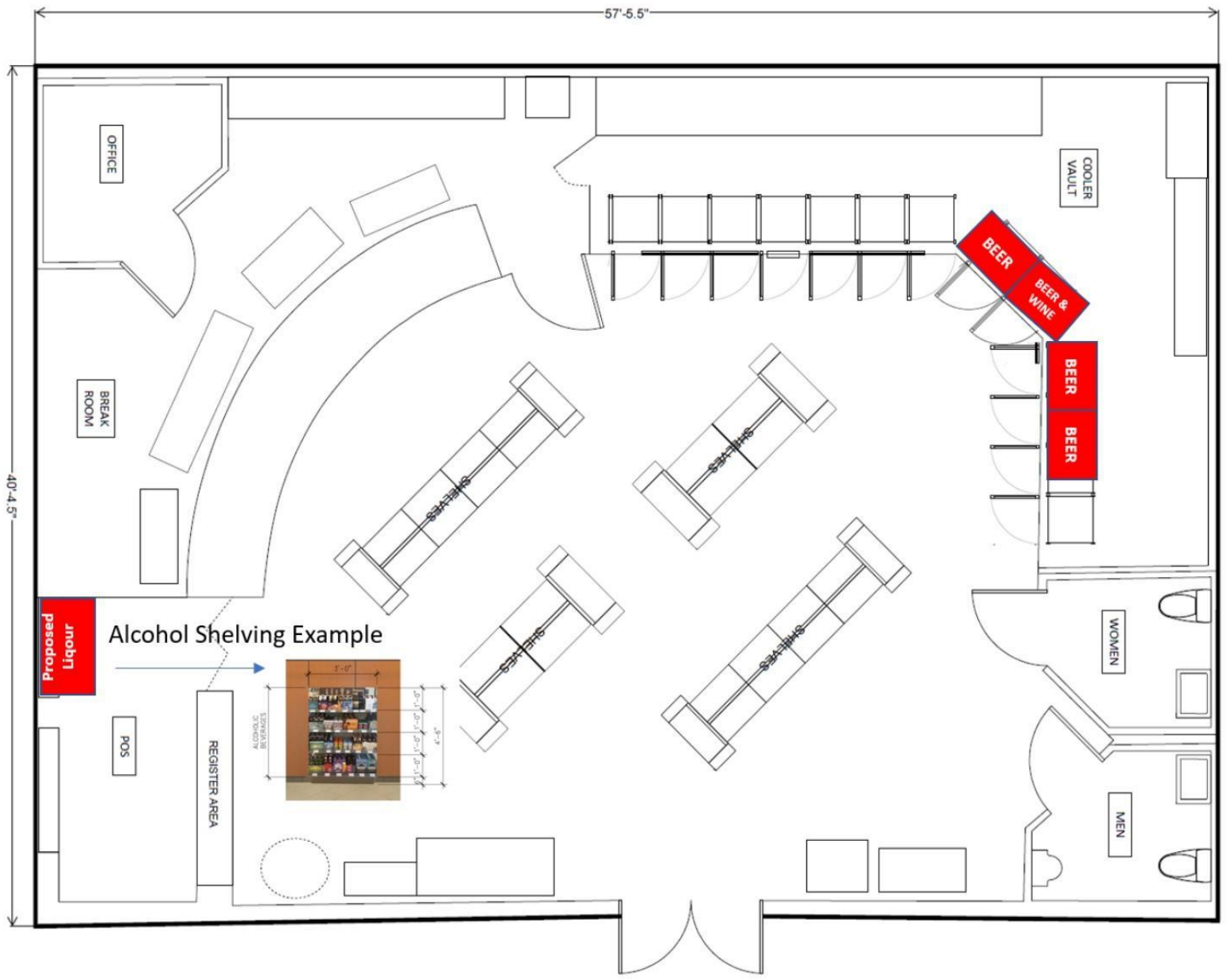
**EXHIBIT A
SHELDON ROAD 7-ELEVEN
PCN22-002**

PROJECT DESCRIPTION

The Project consists of a request for a Determination of Public Convenience or Necessity pursuant to Elk Grove Municipal Code Section 4.54.500 in order for 7-Eleven to upgrade from a Type 20 (Off-Sale Beer & Wine) to a Type 21 (Off-Sale General) alcohol license from the California Department of Alcoholic Beverage Control (ABC). The proposed Type 21 license would authorize the sale of beer, wine, and distilled spirits for off-site consumption. The existing Type 20 license only authorizes the sale of beer and wine for off-site consumption.

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EXHIBIT B



7-ELEVEN
8100 SHELDON RD
ELK GROVE, CA 95758

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DATE PRINTED
8/9/2022 ENTITLEMENT FILING

FLOOR PLAN

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2023-082

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 April 12, 2023 by the following vote:

AYES: COUNCILMEMBERS: Singh-Allen, Spease, Brewer, Robles, Suen

NOES: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None



Jason Lindgren, City Clerk
City of Elk Grove, California