

RESOLUTION NO. 2023-173

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
APPROVING A DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY
FOR THE LOOP NEIGHBORHOOD MARKET CONVENIENCE STORE
LOCATED AT 8607 ELK GROVE BOULEVARD (CEQA EXEMPT)
ASSESSOR PARCEL NUMBER: 125-0390-016
PROJECT NO. PCN23-001**

WHEREAS, the Development Services Department of the City of Elk Grove received an application on May 4, 2023, requesting a Determination of Public Convenience or Necessity (PCN) to allow the Loop Neighborhood Market to obtain a Type 20 (Off-Sale Beer and Wine) 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: 125-0390-016; 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 July 26, 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 Loop Neighborhood Market Project 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 Loop Neighborhood Market Project (PCN23-001) 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 is one off-sale license in Census Tract 93.08 within the same shopping center as Loop Neighborhood Market (CVS). The nearest public school to the Project site is more than half a mile away (Joseph Kerr Middle School). The nearest park is Baker Park, which is approximately 2,500 feet east of the Project site. The nearest residential neighborhood is the Emerald Vista Apartment Homes that are located on the east side Emerald Vista Drive. Finally, the current use of the property allows customers to fuel their vehicles while purchasing everyday essential grocery items, which reduces the number of trips they might otherwise need to make elsewhere. Loop Neighborhood Market offers a full range of grocery items including, but not limited to, fresh and healthy food options, salads and sandwiches, dairy items, and bakery items. The nearest fueling station and convenience store is the Chevron Fueling Station and Extra Mile convenience store on the southeast intersection on Elk Grove Boulevard and E. Stockton Boulevard (Census Tract 93.09) that is operating under a Type 21 license that allows the sale of beer, wine, and distilled spirits for off-site consumption. The partnership between the Shell Fueling Station and Loop Neighborhood Market provides an all-in-one experience, allowing customers to fuel their vehicles and providing access to a variety of fresh foods and daily grocery items. The Loop Neighborhood Market supports active and healthy lifestyles by carrying organic, natural, and gluten-free products, as well as ensuring customers have a place to go during breakfast, lunch, and dinner. 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 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.

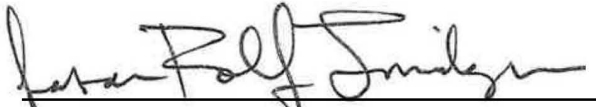
Evidence #2: The PCN determination will increase convenience for residents. The use will offer customers the convenience of filling their vehicles with fuel while purchasing a limited selection of beer and wine, along with other groceries and in a one-stop shop atmosphere without the need to travel elsewhere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

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 26th day of July 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
LOOP NEIGHBORHOOD MARKET
PCN23-001**

PROJECT DESCRIPTION

The Project consists of a request for a Determination of Public Convenience or Necessity (PCN) pursuant to Elk Grove Municipal Code 5.54.500 in order for Loop Neighborhood 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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EXHIBIT B

KEYED NOTES:

- 1 CONNECT TO SITE UTILITIES. COORDINATE WITH CIVIL SECTION OF WORK.
- 2 SEE P.17 FOR CONTINUATION.
- 3 PROVIDE ONE LINE SERVING ITEMS 16, 21 AND 42 FROM "ICE MACHINES/COFFEE" OUTLET OF FILTER AND ONE LINE SERVING ITEMS 13, 22, 23, AND 25 FROM "VOLUNTARY" OUTLET OF FILTER.
- 4 GAS METER: COORDINATE WITH RISE, TOTAL GAS DEMAND AT METER + 10% MIN. COLD-DRY PRESSURE SHALL BE 7" W.G. PROVIDE SERVICING SHUT-OFF VALVE DOWNSTREAM OF METER.
- 5 GAS LINE ABOVE CEILING FOR FUTURE CONNECTION TO EQUIPMENT UNDER HOOD.

STORE SIZE: 4,420 SF
 BEER DISPLAY: 153 SF
 % OF STORE: 3.5%

← MAIN ENTRANCE/EXIT

1 ENLARGED PLUMBING PLAN - WATER AND GAS
1/4" = 1'-0"



M I Architects, Inc.
 ARCHITECTURE
 INTERIOR
 MANAGEMENT
 DESIGN
 SUITE 100
 WALNUT CREEK, CA
 94505
 925-387-1174 Tel
 925-843-1581 Fax
 925-878-9975 Cell
 muthana@miarchitect.com
 www.miarchitect.com

APPROVED
 APR 02, 2021
 CITY OF ELK GROVE
 BUILDING DEPT

I, THE UNDERSIGNED, ARCHITECT, HEREBY CERTIFY THAT I AM A LICENSED ARCHITECT IN THE STATE OF CALIFORNIA AND THAT I AM THE ARCHITECT OF RECORD FOR THE PROJECT. I AM NOT PROVIDING PROFESSIONAL SERVICES AND I AM NOT PROVIDING PROFESSIONAL OPINION OR SPECIFICATIONS. ANY REVISIONS TO THIS DOCUMENT SHALL BE THE RESPONSIBILITY OF THE ARCHITECT. THE USE, REPRODUCTION OR DISSEMINATION OF THIS DOCUMENT WITHOUT WRITTEN CONSENT FROM M I ARCHITECTS, INC. IS PROHIBITED.

SHELL GAS STATION, CARWASH,
 "LOOP" CONVENIENCE STORE & Q.S.R.
 8607 ELK GROVE BLVD
 ELK GROVE, CA 95624



NO.	DATE	DESCRIPTION
Δ	11-02-20	ISSUE FOR PERMIT
Δ	12-11-20	ISSUE FOR PERMIT
Δ		
Δ		

ENLARGED PLUMBING PLAN
 WATER AND GAS
 PROJECT # 17-5092
 DRAWN: SL CHECKED: MI
 SCALE: AS NOTED DATE: 11-02-20

LITZBERGER ENGINEERING, INC.

3000 F Donella Blvd #100
 Davis, CA 95618
 Phone: (530) 889-7482

P2.1

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CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2023-173

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 July 26, 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