

RESOLUTION NO. 2021-354

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
APPROVING A DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY
FOR THE ELK GROVE-FLORIN ROAD CHEVRON PROJECT
LOCATED AT 8487 ELK GROVE-FLORIN ROAD (CEQA EXEMPT)
ASSESSOR PARCEL NUMBER: 121-0140-013
PROJECT NO. PCN21-002**

WHEREAS, the Development Services Department of the City of Elk Grove received an application on August 10, 2021, requesting a Determination of Public Convenience or Necessity (PCN) to allow the Elk Grove-Florin Road Chevron to obtain a Type 21 alcohol license from the California Department of Alcoholic Beverage Control (ABC) in order to sell beer, wine, and 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: 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 December 8, 2021, 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 Elk Grove-Florin Road Chevron Project, PCN21-002, 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 Elk Grove Florin Road Chevron Project (PCN21-002) as described in Exhibit A and shown in Exhibit B, 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. No violations against the property or Applicant were identified that would discourage the issuance of a Type 21 alcohol license. The Project site is located in the Shopping Center (SC) zone and is surrounded by a mix of commercial and residential uses. The sale of beer, wine, and spirits for off-site consumption at this location will be compatible with the uses in the surrounding area. The nearest public school is Arthur C. Butler Elementary which is over 1/2 mile from the Project site. The Early Beginnings daycare is located across the street on the south side of Brown road, however, as a childcare facility, all children are picked up from the facility by an adult and would not have unsupervised access to the Elk Grove-Florin Road Chevron. The nearest park is Gage Park, which is located 300 feet from the site, but on the east side of Elk Grove-Florin Road. The next nearest park is Amundson Park, which is located over 700 feet from the site to the south. 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.

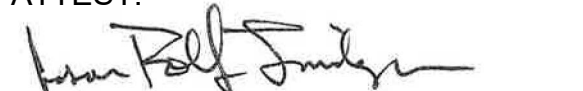
Finding #2: The proposed use will be of benefit to the neighborhood.

Evidence #2: The PCN determination will increase convenience to residents. the Project will offer more convenient access and a variety of selection. Customers will have ease of access to the proposed retail location, and they will not have to navigate a large parking lot or large interior big-box store to have access to the beverage selection.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 8th day of December 2021


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

PROJECT DESCRIPTION

The Project consists of a request for a Letter of Public Convenience or Necessity in order for the Elk Grove-Florin Road Chevron to obtain a Type 21 (Off-Sale General) alcohol license from the California Department of Alcoholic Beverage Control (ABC).

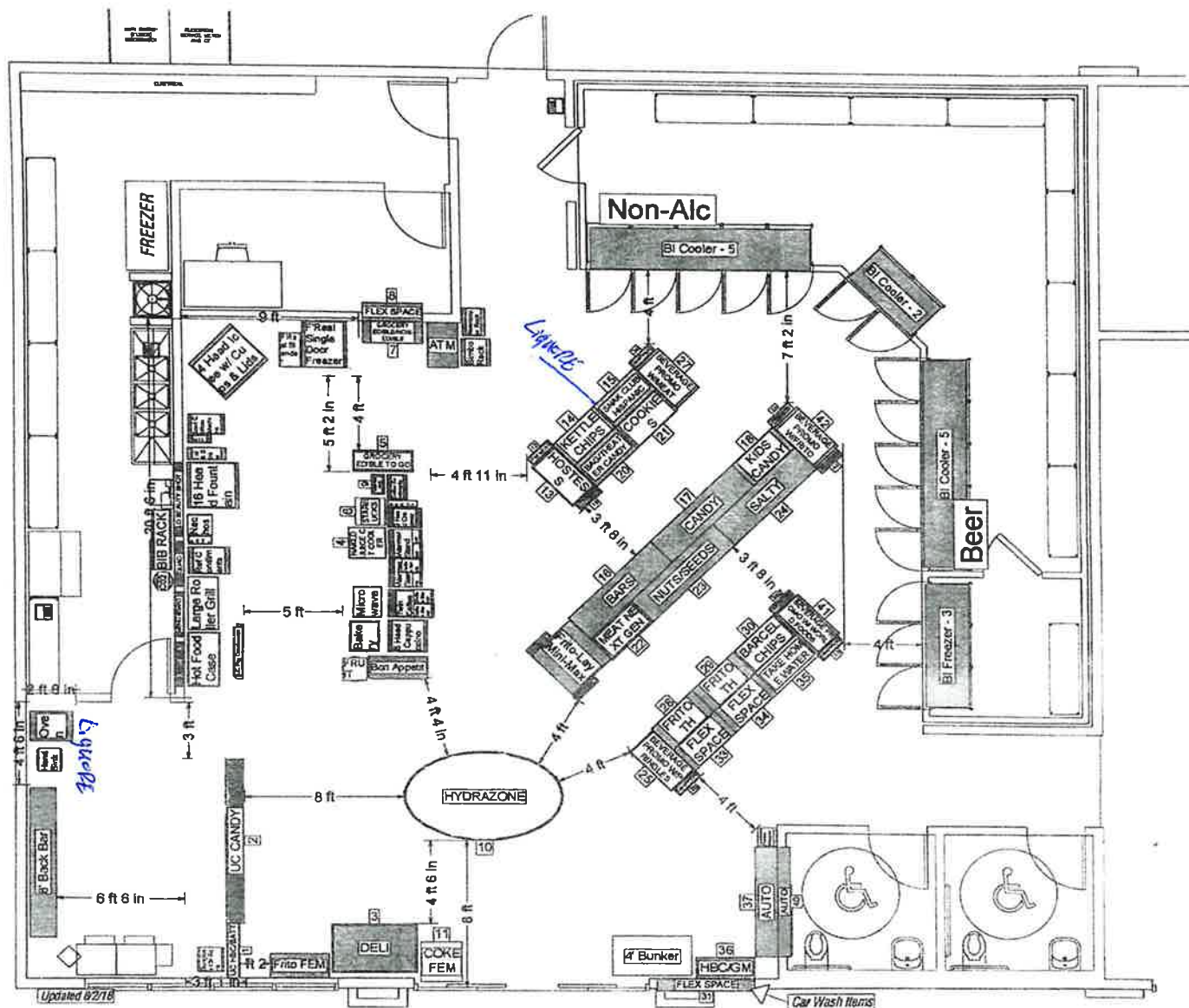
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8487 Elk Grove FLOWER RD
 Elk Grove CA 95624

EXHIBIT B

RECEIVED
 AUG 10 2021
 CITY OF ELK GROVE
 PLANNING

Utility: 379138
 Layout: Non-Standard



Updated 6/2/18

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2021-354

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 December 8, 2021 by the following vote:

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

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *Spease*



Jason Lindgren, City Clerk
City of Elk Grove, California