

RESOLUTION NO. 2019-021

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
APPROVING A DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY
FOR A TYPE 21 LICENSE FOR BEER, WINE, AND DISTILLED SPIRIT SALES FOR
THE CIRCLE K FUEL CENTER/SHELDON PLACE CENTER AT THE SOUTHWEST
CORNER OF SHELDON ROAD AND EAST STOCKTON BOULEVARD
(CEQA EXEMPT)
ASSESSOR PARCEL NUMBERS: 116-0030-110, 116-0030-111, AND 116-0030-112
PROJECT NO. PCN18-002**

WHEREAS, the Development Services Department of the City of Elk Grove received an application on December 18, 2018, requesting a Determination of Public Convenience or Necessity in order for the Circle K Fuel Center/Sheldon Place Center to obtain a Type 21 alcohol license from the Department of Alcoholic Beverage Control 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 APNs 116-0030-110, 116-0030-111, and 116-0030-112; and

WHEREAS, Section 15061(b)(3) of the CEQA Guidelines states that an activity is covered by the general rule that CEQA only applies to projects that have the potential for causing a significant effect on the environment; and

WHEREAS, based on staff's review of the Project, granting this Public Convenience or Necessity will expand the products available for sale at the approved 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

WHEREAS, Chapter 4.54, Article 5 of the Elk Grove Municipal Code establishes the City Council as the appropriate 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 February 13, 2019, as required by law to consider all of the 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 Circle K Fuel Center/Sheldon Place Center PCN Project, PCN18-001, 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: Section 15061(b)(3) of the CEQA Guidelines states that an activity is covered by the general rule and exempt from environmental review in 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 Public Convenience or Necessity will expand the products available for sale at the approved 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 Circle K Fuel Center/Sheldon Place Center PCN Project 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, Code Enforcement, and the Building Department. No violations against the property or Applicant were identified that would discourage the issuance of a Type 21 alcohol license. The Circle K Fuel Center will be located in a shopping center zoned General Commercial (GC) and Shopping Center (SC) and will be surrounded by other commercially-zoned properties and uses. Therefore, the sale of beer, wine, and distilled spirits for off-site consumption at this location will be compatible with the uses in the surrounding area. The nearest schools are Roy Herburger and Raymond Case Elementary schools, both located over 2,000 feet from the Project site. There are no parks within the vicinity of the Project site. The nearest residential neighborhood is located to the southeast of the shopping center, approximately 500 feet away.

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

Evidence #2: As the sale of alcoholic beverages is ancillary to the sale of fuel, the PCN determination will increase convenience to local shoppers. The inherent motivation for shopping at a convenience store is the expectation of a convenient location that can facilitate a quick stop for a typical commuter and reduce the necessity to travel to a larger regional shopping center or grocery store. The sale of alcoholic beverages at the Circle K fuel center will benefit customers by providing shorter walks from the vehicle to the store and easier access and increased selection of products within the store. Additionally, convenience stores provide faster transactions and shorter, faster moving checkout lines, as well as longer shopping hours (excluding 24-hour competitors), which would be a benefit to the neighborhood.

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




STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2019-021**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) **ss**
CITY OF ELK GROVE)

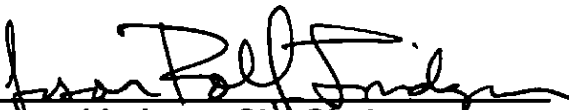
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on February 13, 2019 by the following vote:

AYES: COUNCILMEMBERS: Ly, Hume, Nguyen, Suen

NOES: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Detrick


Jason Lindgren, City Clerk
City of Elk Grove, California