

**RESOLUTION NO. 2021-210**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
APPROVING A DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY  
FOR THE BOTTLES UP PROJECT LOCATED AT 8470 ELK GROVE BOULEVARD  
ASSESSOR PARCEL NUMBER: 132-0410-044; PROJECT NO. PCN21-001  
(CEQA EXEMPT)**

**WHEREAS**, the Development Services Department of the City of Elk Grove received an application on April 14, 2021, requesting a Determination of Public Convenience or Necessity (PCN) to allow Bottles Up 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: 132-0410-044; 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 28, 2021, as required by law to consider all information presented by staff, information presented by the Project applicant, 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 Bottles Up 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 shopping center 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 Bottles Up Project (PCN21-001) as described in Exhibit A and depicted 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 20 alcohol license. The Project will be located in a shopping center zoned Shopping Center (SC) and will be surrounded by other commercially-zoned properties and uses. Therefore, the sale of beer and wine for off-site consumption will be compatible with the uses in the surrounding area. The nearest schools are Jesse Baker Elementary and Joseph Kerr Middle School, both located approximately one mile from the Project site. The nearest park is Oneto Park, which is located one half mile from the site. The nearest residential neighborhood is located to the north of the shopping center, approximately 800 feet away. 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 a 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 28<sup>th</sup> day of July 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  
BOTTLES UP RETAIL STORE  
PCN21-001**

**PROJECT DESCRIPTION**

The proposed Project consists of a Determination of Public Convenience or Necessity (PCN) to allow the Applicant to acquire a Type 20 alcohol license from the California Department of Alcoholic Beverage Control (ABC). The Type 40 license allows for the sale of beer and wine for consumption off the premises.

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# EXHIBIT B BOTTLES UP RETAIL STORE PCN21-001

Total Square Footage of Venue 2700

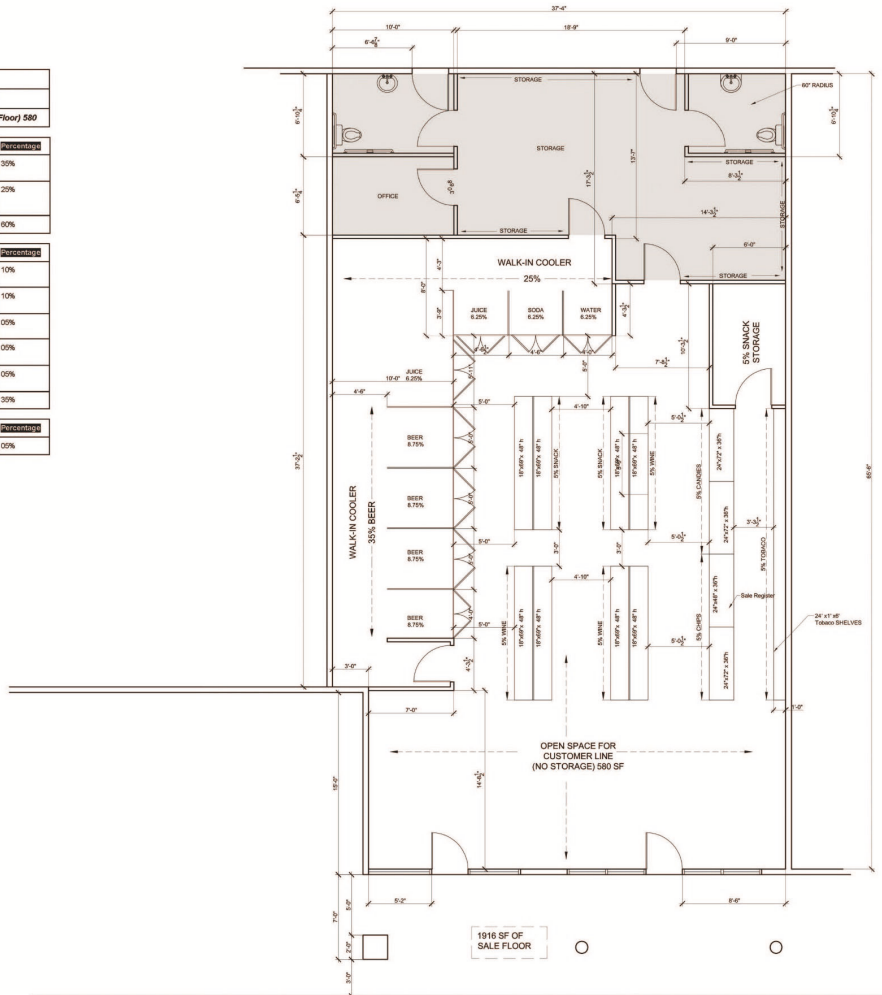
Total Square Footage Sales Floor Space 1916

Open Space for customer line (Non-Storage Sales Floor) 580

	Square Footage	Percentage
Cooler space devoted to Alcohol Sales	487.6 Square Foot	33%
Cooler Space devoted to Non-Alcoholic Sales (Aisle, Soda, Water)	334 Square Foot	25%
Total cooler space Space	821.6 square foot	60%

	Square Footage	Percentage
Shelf Space devoted to Alcohol Sales (wine)	133.6 Square foot	10%
Shelf Space devoted to snacks Sales	133.6 Square foot	10%
Shelf Space devoted to candies Sales	66.8 Square Foot	0%
Shelf Space devoted to chips Sales	66.8 Square Foot	0%
Shelf Space devoted to tobacco Sales	66.8 Square Foot	0%
Total Shelf Area	467.6 square foot	33%

	Square Footage	Percentage
Snack Storage	66.8 Square Foot	0%



PH (916) 332 2282  
 fineline@fineline.com  
 www.fineline.com



SHEET TITLE  
**FLOOR PLAN**

PROJECT NAME  
**BOTTLES UP  
 8470 Elk Grove Blvd, Suite 145 and 150  
 Elk Grove, Ca. 95758**

OWNER/CONTRACTOR  
 PAUL  
 916 912 0878

PROJECT NO.  
 20-148

OWNER / CONTRACTOR NOTE:  
 ALL OF THE VERIFYING PLUS / MINUS DIMENSIONS ON THE PLANS ARE TO BE DISCUSSED WITH THE DESIGNER OR ENGINEER BEFORE THE CONSTRUCTION BY THE CONTRACTOR AND OWNER.

DATE  
 1/9/20

DESIGNER  
 CV

Scale  
**1-1**

**CERTIFICATION  
ELK GROVE CITY COUNCIL RESOLUTION NO. 2021-210**

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 28, 2021 by the following vote:*

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

**NOES:**           **COUNCILMEMBERS:** *None*

**ABSTAIN:**       **COUNCILMEMBERS:** *None*

**ABSENT:**       **COUNCILMEMBERS:** *None*

  
\_\_\_\_\_  
**Jason Lindgren, City Clerk  
City of Elk Grove, California**