

RESOLUTION NO. 2017-080

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
APPROVING A DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY
FOR A TYPE 20 BEER AND WINE OFF-SALE LICENSE FOR BRUCEVILLE ARCO
AM-PM LOCATED AT THE SOUTHEAST CORNER OF WHITELOCK PARKWAY
AND BRUCEVILLE ROAD, ASSESSOR PARCEL NUMBER 132-2170-006
PROJECT NO. EG-17-003 (CEQA EXEMPT)**

WHEREAS, the Planning Division of the City of Elk Grove received an application on January 31, 2017, requesting a Determination of Public Convenience or Necessity for Bruceville Enterprises Inc. to obtain a Type 20 (Off-Sale Beer and Wine) alcohol license from the Department of Alcoholic Beverage Control in order to sell beer and wine from a future convenience store location; and

WHEREAS, the proposed project is located on real property in the incorporated portions of the City of Elk Grove more particularly described as Assessor Parcel Number 132-2170-006; 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 determined that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3), which exempts projects which, with certainty, will not have a significant effect on the environment from CEQA; and

WHEREAS, the City Council held a duly noticed public hearing on April 12, 2017, 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 proposed Bruceville ARCO AM-PM Project, EG-17-003, 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: Pursuant to Section 15061(b)(3) of the CEQA Guidelines, 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. 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 Determination of Public Convenience or Necessity will not bring about any physical change to the environment. The PCN is only for the sale of alcohol and will not result in any physical changes to the existing setting. Therefore, the PCN 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 Bruceville ARCO AM-PM Project located at the southeast corner of Whitelock Parkway and Bruceville Road based on the following findings:

Public Convenience or Necessity

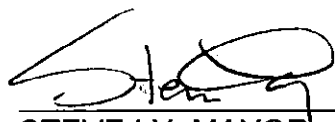
Finding: The proposed use is compatible with neighborhood character.

Evidence: The application was routed to the Elk Grove Police Department, the Code Enforcement Department, and the Building Department. No violations against the property or Applicant were identified that would discourage the issuance of a Type 20 alcohol license for Bruceville Enterprises Inc. The future ARCO AM-PM fuel station and convenience store is located in a SC - Shopping Center zone district and is generally surrounded by other commercially-zoned properties and uses with an existing shopping center. Therefore, the sale of alcohol for off-site consumption at this location is compatible with the uses in the surrounding area. The nearest school is Arlene Hein Elementary School, which is located approximately 0.5 miles north-west of the shopping center. The nearest park is Promenade Park, which is located approximately 1,000 feet to the north. The nearest residence is located on Chappelle Way, which is located approximately 300 feet to the east. The fuel station and convenience store would be surrounded by other commercial buildings and would not directly interface with the nearest residential area.

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

Evidence: As the sale of alcoholic beverages is ancillary to the sale of general fuel and grocery sales, the PCN determination will increase convenience to local shoppers. By including the sale of alcoholic beverages with the existing inventory, ARCO AM-PM will offer customers convenience with the ability to purchase alcohol when only needing to purchase gasoline without having the need to patronize larger scale retail centers.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 12th day of April 2017.




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. 2017-080

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, 2017 by the following vote:

AYES : **COUNCILMEMBERS:** *Ly, Detrick, Nguyen, Suen*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *Hume*

ABSENT: **COUNCILMEMBERS:** *None*



Jason Lindgren, City Clerk
City of Elk Grove, California