

**RESOLUTION NO. 2013-193**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
APPROVING A DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY  
FOR A TYPE 21 OFF-SALE GENERAL LICENSE FOR THE FRESH MARKET  
LOCATED AT 7707 LAGUNA BOULEVARD #140,  
ASSESSOR PARCEL NUMBER 116-1160-004 (PROJECT NO. EG-13-045)**

**WHEREAS**, the Planning Department of the City of Elk Grove received an application on August 15, 2013, requesting a Determination of Public Convenience or Necessity for The Fresh Market to obtain a Type 21 (Off-Sale General) alcohol license from the Department of Alcoholic Beverage Control in order to sell beer, wine, and liquor from an existing 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 116-1160-004; 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 October 9, 2013 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 The Fresh Market PCN Project, EG-13-045, 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 §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 (PCN) 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 The Fresh Market located at 7507 Laguna Boulevard #140 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, Code Enforcement Department, Business Licensing, and Building Department. No violations against the property or Applicant were identified that would discourage the issuance of a Type 21 alcohol license for The Fresh Market. The Fresh Market store is located in a Shopping Center zone district and is surrounded by other commercially zoned properties and uses. Therefore, the sale of alcohol for off-site consumption at this location is compatible with the uses in the surrounding area. The closest school is over 1,500 feet (Harriet Eddy Middle School) away from the Project site and are not directly accessible from the Project site. The closest playground (Zimbelman Park) is located approximately 1,900 feet away from the Project site.

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 grocery products, the PCN determination will increase convenience to local shoppers. By including the sale of alcoholic beverages with the existing inventory, The Fresh Market will be providing a "one-stop" shop store. "One-stop" shopping results in increased efficiency for shoppers, and may result in fewer vehicle trips for local shoppers. The amount of alcohol sales at the store will be ancillary to the general grocery sales. No more than 8% of the store's floor area will be dedicated to alcoholic sales display area.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 9<sup>th</sup> day of October 2013.

  
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GARY DAVIS, 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. 2013-193**

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

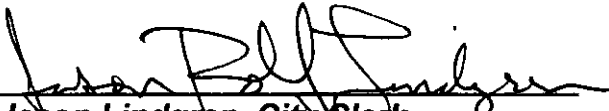
*I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on October 9, 2013 by the following vote:*

**AYES :**        **COUNCILMEMBERS:**     *Detrick, Cooper, Hume, Trigg*

**NOES:**       **COUNCILMEMBERS:**     *Davis*

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

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

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