

RESOLUTION NO. 2017-257

**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 LICENSE OF BEER, WINE AND DISTILLED SPIRITS
FOR TERA PROPERTIES CONVENIENCE STORE (CHEVRON) LOCATED AT THE
SOUTHWEST CORNER OF KAMMERER ROAD AND PROMENADE PARKWAY
ASSESSOR PARCEL NUMBER 134-1010-016 PROJECT NO. EG-17-029
(CEQA EXEMPT)**

WHEREAS, the Development Services Department of the City of Elk Grove received an application on July 21, 2017, requesting a Determination of Public Convenience or Necessity for Tera Properties Convenience Store (Chevron) to obtain a Type 21 (Off-Sale of Beer, Wine and Distilled Spirits) alcohol license from the Department of Alcoholic Beverage Control in order to sell beer, wine and distilled spirits; and

WHEREAS, the proposed project is located on the southwest corner of Kammerer Road and Promenade Parkway, more particularly described as Assessor Parcel Number 134-1010-016; 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, the certainty, will not have a significant effect on the environment from CEQA; and

WHEREAS, the City Council held a duly-noticed public hearing on October 25, 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 Tera Properties Convenience Store (Chevron) PCN Project, EG-17-029, 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 states that an activity is covered by the general rule that CEQA only applies to projects which 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 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 RESOLVED that the City Council of the City of Elk Grove hereby approves the Determination of Public Convenience or Necessity for Tera Properties Convenience Store (Chevron) Project located at the southwest corner of Kammerer Road and Promenade Parkway based on the following findings:

Public Convenience or Necessity

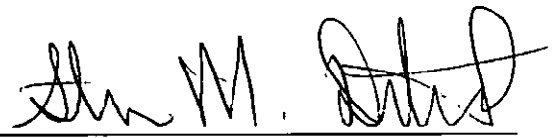
Finding: The proposed use is compatible with neighborhood character.

Evidence: The application was routed to and reviewed by the Elk Grove Police Department and the Development Services Department (Planning, Building and Code Enforcement). No violations against the property or Applicant were identified that would discourage the issuance of a Type 21 alcohol license. The future Chevron is located in the Lent Ranch Special Planning Area – Visitor Commercial zone district and will be generally surrounded by future commercially-zoned properties. 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 Elizabeth Pinkerton Middle School, which is located approximately 11,350 feet (over two miles) northwest of the subject site. The nearest park is Elk Grove Regional Park, which is located approximately 5,000 feet to the north and on the opposite side of State Route 99. The nearest residence is currently located on East Valley Drive, which is located approximately 4,450 feet to the north.

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 other inventory, the future Chevron will be providing a convenience to customers purchasing fuel and light groceries without the need to travel to other shopping centers to purchase their goods.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 25th day of October 2017.




STEVEN M. DETRICK, VICE 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. 2017-257**

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

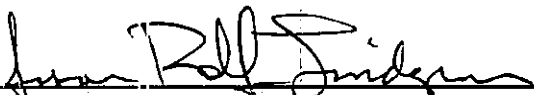
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on October 25, 2017 by the following vote:

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

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *Ly*



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