

RESOLUTION NO. 2018-093

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
APPROVING A DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY
FOR A TYPE 20 LICENSE FOR BEER AND WINE SALES FOR THE LAS CUATRO
MARKET AT 8698 ELK GROVE BOULEVARD (CEQA EXEMPT)
ASSESSOR PARCEL NUMBER: 125-0040-028
PROJECT NO. EG-18-018**

WHEREAS, the Development Services Department of the City of Elk Grove received an application on March 5, 2018, requesting a Determination of Public Convenience or Necessity in order for the Las Cuatro Market to obtain a Type 20 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 APN 125-0040-028; 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 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 May 9, 2018, 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 Las Cuatro Market PCN Project, EG-18-018, 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 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 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 the Las Cuatro Market PCN Project based on the following findings:

Public Convenience or Necessity

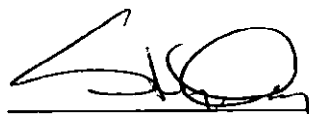
Finding: The proposed use is compatible with neighborhood character.

Evidence: The application was routed to the Elk Grove Police, Code Enforcement, and the Building Departments. No violations against the property or Applicant were identified that would discourage the issuance of a Type 20 alcohol license. The Las Cuatro Market will be located in an existing shopping center zoned General Commercial (GC) and will be surrounded by other commercially-zoned properties and uses. Therefore, the sale of beer and wine for off-site consumption at this location is compatible with the uses in the surrounding area. The nearest schools are Jessie Baker Elementary and Joseph Kerr Middle School, both located over 1,000 feet from the Project site. The nearest park is Baker Park, which is also located over 1,000 feet away. The nearest residential neighborhood is located to the south of the shopping center, approximately 300 feet away.

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

Evidence: As the sale of alcoholic beverages is ancillary to the sale of groceries and meat, the PCN determination will increase convenience to local shoppers. By including the sale of alcoholic beverages with the existing inventory, the Las Cuatro Market will be providing a "one-stop" shop store resulting in increased efficiency for shoppers with the potential for fewer vehicle trips for local shoppers.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 9th day of May 2018.



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. 2018-093

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

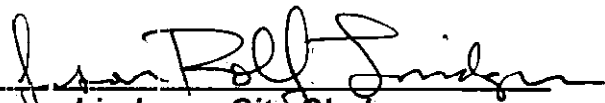
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on May 9, 2018 by the following vote:

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

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*



Jason Lindgren, City Clerk
City of Elk Grove, California