

RESOLUTION NO. 2024-195

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
APPROVING A DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY
FOR THE SAFEWAY SUPERMARKET LOCATED AT 10050 BRUCEVILLE ROAD
ASSESSOR PARCEL NUMBER: 132-2170-007
PROJECT NO. PCN24-002
(CEQA EXEMPT)**

WHEREAS, the Development Services Department of the City of Elk Grove received an application on August 16, 2024, requesting a Determination of Public Convenience or Necessity (PCN) to allow the Safeway Supermarket to obtain a Type 21 (Off Sale General) alcohol license from the California Department of Alcoholic Beverage Control (ABC) in order to sell beer, wine and distilled spirits for consumption off the premises where sold; 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: 132-2170-007; 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 October 9, 2024, as required by law to consider all 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 Safeway Supermarket Project, PCN24-002, 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 provides for a common sense exemption in 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 a new supermarket 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 Safeway Supermarket Project (PCN24-002) as described in Exhibit A, based on the following findings:

Public Convenience or Necessity

Finding #1: The proposed use is compatible with neighborhood character.

Evidence #1: The Project is in Census Tract 96.37. This census tract is bounded by Whitelock Parkway to the north, Franklin High Road and Stathos Drive to the west, Bruceville Road to the east, and Bilby Road to the south. ABC has determined that any more than two off-sale licenses within the census tract is considered an over-concentration of licenses. There are no existing off-sale licenses in the Census Tract, but there are two off-sale licenses in the neighboring census tract (Tract 96.52). Issuing the requested PCN will not result in an over-concentration of licenses for the subject Census Tract. Furthermore, the nearest public schools to the Project are Arlene Hein Elementary School, over 1,000 feet away to the northwest and site, and Franklin High School nearly a half-mile away to the west. The nearest park is Bartholomew Sports Park, which is approximately 750 feet from the Project site. Other nearby parks in the area are Johntson Park to the northwest and Promenade Park to the east, which are both over 1,000 feet away from the Project site. While the site is in proximity to residential neighborhoods, the sale of alcohol at the Safeway Supermarket would be limited to the hours between 6:00am and 12:00am, consistent with the store hours of operation.

Though the Project site is in what is deemed to a “high crime” area as the number of reported crimes is greater that 20% over the average number of crimes reported per subsector in Elk Grove (average of 109 crimes reported), the Police Department has reviewed data, the location of the proposed business, and the operating guidelines that have been presented by the business, and has concluded that the approval of this license will likely not result in increased calls for police service. The 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: As a full-service supermarket, Safeway will cater to a large variety of a shopper’s daily needs including produce, meats, bakery items, dairy section, cleansers, and sundries. To better serve their patron’s shopping needs, Safeway is requesting the ability to also offer alcoholic beverage sales to be enjoyed off-site. All Safeway stores operate with an ABC License, and Safeway is an experienced alcohol retailer with a positive record of compliance with the Dept of ABC. The sale of alcoholic beverages is not expected to be a large part of the store’s sales, but is nonetheless an expected amenity at any full-service supermarket. The new Safeway store will be the first full-service supermarket south of the Elk Grove corridor on the west side of Elk Grove and allowing alcohol sales at the requested location will provide a convenience for nearby residents who will utilize the new Safeway for their grocery needs.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 9th day of October 2024




BOBBIE SINGH-ALLEN, MAYOR of the
CITY OF ELK GROVE

ATTEST:


JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:


JENNIFER A. ALVES,
ACTING CITY ATTORNEY

**EXHIBIT A
SAFEMWAY SUPERMARKET
PCN24-002**

PROJECT DESCRIPTION

The proposed Project consists of a Determination of Public Convenience or Necessity (PCN) to allow a new Safeway Supermarket to obtain a Type 21 (Off-Sale General) alcohol license from the California Department of Alcoholic Beverage Control (ABC). The Type 21 license authorizes the sale of beer, wine, and distilled spirits for consumption off the premises where sold.

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CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2024-195

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, 2024, by the following vote:

AYES: COUNCILMEMBERS: Singh-Allen, Brewer, Robles, Spease, Suen

NOES: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None



Jason Lindgren, City Clerk
City of Elk Grove, California