

RESOLUTION NO. 2013-192

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
APPROVING A DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY FOR
THE WAL-MART STORE LOCATED AT 10075 BRUCEVILLE ROAD (EG-13-051)
ASSESSOR PARCEL NUMBER: 132-2170-001**

WHEREAS, the Planning Division of the City of Elk Grove received an application on August 29, 2013 from the Pelosi Law Group (the Applicant) requesting Determination of Public Convenience or Necessity for off-site sale of beer, wine, and liquor for an existing store located at 10075 Bruceville Road; 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: 132-2170-001; 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 as required by law to consider all of the information presented by staff, information presented by the Applicant, 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 finds the Project 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.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City Council of the City of Elk Grove approves the Determination of Public Convenience or Necessity based upon the following finding:

Letter of 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, the Building Department, and City Business License staff. No violations against the property or Applicant were identified that would discourage the issuance of a Type 21 alcohol license for Wal-Mart. The Wal-Mart store is located within a commercial area, and is near 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 schools (Arlene Hein Elementary and Franklin High School/Toby Johnson Middle School) are located over a ½ mile away from the Project site and are not directly accessible from the Project site. The closest playground (Bartholomew Sports Complex) is located approximately ¼ mile from the Project site.

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

Evidence: Because the sale of alcoholic beverages will be ancillary to the sale of general merchandise and groceries, the PCN determination will increase convenience to local shoppers. By including the sale of alcoholic beverages with the existing inventory, Wal-Mart 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 residents. The amount of alcohol sales at the store will be ancillary to the general merchandise and grocery sales. Alcohol will be displayed on shelves located away from the store entrance to discourage theft. Wal-Mart's cash registers utilize state of the art technology to help cashiers confirm a customer's age as part of every sales transaction. The cash registers are programmed to prohibit the sale of alcohol between the hours of 2:00 a.m. and 6:00 a.m. Additionally, Wal-Mart will implement security measures at the store to ensure the safe sale of alcohol, including the use of security cameras and parking lot lighting. Wal-Mart also requires employees to undergo extensive training and participate fully in the store's strict operational policies regarding the sale of alcohol. Less than 1% of the store's floor area will be dedicated to alcoholic sales display area.

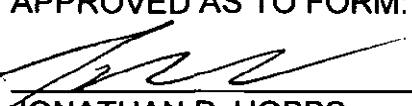
PASSED AND ADOPTED by the City Council of the City of Elk Grove this 9th day of October 2013.



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. 2013-192

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

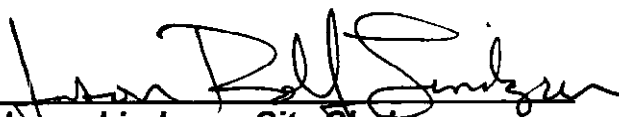
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on October 9, 2013 by the following vote:

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

NOES: **COUNCILMEMBERS:** *Davis, Cooper*

ABSTAIN : **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*


Jason Lindgren, City Clerk
City of Elk Grove, California