

RESOLUTION NO. 2010-153

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
APPROVING A LETTER OF PUBLIC CONVENIENCE AND NECESSITY FOR A
TYPE 20 (OFF-SALE BEER AND WINE) ALCOHOL LICENSE FOR WALGREENS
LOCATED AT 7299 LAGUNA BOULEVARD PROJECT NO. EG-10-030
ASSESSOR PARCEL NUMBER 116-1380-001**

WHEREAS, the Planning Division of the City of Elk Grove received an application on July 14, 2010, requesting a Letter of Public Convenience and Necessity for Walgreens to obtain a Type 20 (Off-Sale Beer and Wine) alcohol license from the Department of Alcoholic Beverage Control in order to sell beer and wine 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 116-1380-001; 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 Letter of Public Convenience and Necessity requests; and

WHEREAS, the project is exempt from California Environmental Quality Act (CEQA) review under §15061(b)(3) of the CEQA Guidelines because a Letter of Public Convenience will not with reasonable certainty have a possible effect on the environment; 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 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 approves the Letter of Public Convenience and Necessity for Walgreens located at 7299 Laguna Boulevard based on the following findings:

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 Letter of Public Convenience and Necessity will not bring about any physical change to the environment

and therefore will not have any potential for causing a significant effect on the environment.

Public Convenience and Necessity

Finding: Public Convenience and Necessity is met by the issuance of a Type 20 (Off-Sale Beer and Wine) alcohol license for Walgreens.

Evidence: According to the Elk Grove Police Department, the Community Enhancement Department, the Building Department, the City Attorney, and the Sacramento County Environmental Health and Safety Department, no existing violations against the property or Applicant have occurred that would discourage the issuance of a Type 20 alcohol license for Walgreens. The public convenience would be served by responding directly to customer demand for wine and beer sales. Further, a one-stop shopping experience meets the public convenience by allowing consumers to purchase a range of products which includes beer and wine.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 14th day of July 2010.



SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:



JASON LINDGREN, INTERIM CITY CLERK



SUSAN COCHRAN, CITY ATTORNEY

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2010-153

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


I, Jason Lindgren, Interim 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 July 14, 2010 by the following vote:

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

NOES: COUNCILMEMBERS: *Davis*

ABSTAIN : COUNCILMEMBERS: *None*

ABSENT: COUNCILMEMBERS: *None*


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