

**RESOLUTION NO. 2010-186**

**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 9180 FRANKLIN BOULEVARD, PROJECT NO. EG-09-066  
ASSESSOR PARCEL NUMBER 119-0144-005**

**WHEREAS**, the Planning Division of the City of Elk Grove received an application on December 30, 2009, requesting a Letter of Public Convenience and Necessity, in conjunction with a Conditional Use Permit, 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 City of Elk Grove Planning Commission adopted a Resolution on March 18, 2010, approving a Conditional Use Permit for Walgreens to conduct alcoholic beverage sales per the project site's underlying LC (Limited Commercial) zoning district; 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 119-0144-005; 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 9180 Franklin 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: The City of Elk Grove has approved a Conditional Use Permit for this location allowing the sale of alcoholic beverages subject to specific conditions and the issuance of a license by the State of California. 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. Furthermore, the public convenience would be served by allowing customers to purchase wine and beer from the store to be consumed off-site.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Letter of Public Convenience and Necessity shall be issued and become effective after the approval of an amendment to the Conditional Use Permit, which was approved by the Planning Commission on March 18, 2010, to include the following three additional Walgreens store policies outlined in the August 25, 2010 City Council staff report:

- 1) The Applicant shall commit to no exterior advertising or exterior display of any beer or wine products;
- 2) The Applicant shall install cameras to provide visible perimeter video surveillance with 2 exterior front store views, 1 exterior view of the rear building façade, and 2 inside views;
- 3) The Applicant shall incorporate additional trash receptacles, designate a smoking area for employees, and post signs regarding the City's smoking (EGMC 6.22.060) and loitering (EGMC 9.12.020) prohibitions.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 25<sup>th</sup> day of August 2010.

  
SOPHIA SCHERMAN, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
JASON LINDGREN, INTERIM CITY CLERK

APPROVED AS TO FORM:

  
SUSAN COCHRAN, CITY ATTORNEY

**CERTIFICATION**  
**ELK GROVE CITY COUNCIL RESOLUTION NO. 2010-186**

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

*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 August 25, 2010 by the following vote:*

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

**NOES:**        **COUNCILMEMBERS:**        *None*

**ABSTAIN :**   **COUNCILMEMBERS:**        *None*

**ABSENT:**     **COUNCILMEMBERS:**        *Davis*

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