

RESOLUTION NO. 2010-151

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
APPROVING A LETTER OF PUBLIC CONVENIENCE AND NECESSITY FOR
A TYPE 21 (OFF-SALE GENERAL) ALCOHOL LICENSE AND
A TYPE 42 (ON-SALE BEER AND WINE FOR PUBLIC PREMISES) ALCOHOL
LICENSE FOR HENRY'S FARMERS MARKET LOCATED AT 8211 LAGUNA
BOULEVARD, PROJECT NO. EG-10-033 AND EG-10-038
ASSESSOR PARCEL NUMBER 116-0320-055**

WHEREAS, the Planning Division of the City of Elk Grove received an application on May 26, 2010, requesting a Letter of Public Convenience and Necessity for Henry's Farmers Market to obtain a Type 21 (Off-Sale General) alcohol license from the Department of Alcoholic Beverage Control in order to sell beer, wine, and liquor from an existing store location; and

WHEREAS, the Planning Division of the City of Elk Grove received an application on June 18, 2010, requesting a Letter of Public Convenience and Necessity for Henry's Farmers Market to obtain a Type 42 (On-Sale Beer and Wine for Public Premises) alcohol license from the Department of Alcoholic Beverage Control in order to conduct wine tasting 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 116-0320-055; 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 Henry's Farmers Market located at 8211 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 21 (Off-Sale General) alcohol license for Henry's Farmers Market.

Evidence: According to the Elk Grove Police Department, the Community Enhancement Department, the Building Department, 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 21 alcohol license for Henry's Farmers Market. Furthermore, the public convenience would be served by allowing customers to purchase wine and beer from the store to be consumed off-site. This convenience would eliminate the need to travel from store to store in search of alcoholic beverages. Henry's Farmers Market can therefore function as a one-stop-shop business.

Finding: Public Convenience and Necessity is met by the issuance of a Type 42 (On-Sale Beer and Wine for Public Premises) alcohol license for Henry's Farmers Market.

Evidence: According to the Elk Grove Police Department, the Community Enhancement Department, the Building Department, 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 42 alcohol license for Henry's Farmers Market. Furthermore, the public convenience would be served by allowing customers to sample wine and beer at the store, providing consumers with the opportunity to make informed purchases. The public's convenience is further enhanced by providing additional merchandise and an interactive method of selecting it.

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:


JASON LINDGREN, INTERIM CITY CLERK

APPROVED AS TO FORM:


SUSAN COCHRAN, CITY ATTORNEY

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2010-151**

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, Davis, Hume*

NOES: COUNCILMEMBERS: *None*

ABSTAIN : COUNCILMEMBERS: *None*

ABSENT: COUNCILMEMBERS: *None*


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