

RESOLUTION NO. 2009-178

**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-SITE GENERAL ALCOHOL LICENSE FOR CVS PHARMACY
LOCATED AT 8434 BRADSHAW ROAD PROJECT NO. EG-09-029
ASSESSOR PARCEL NUMBER 121-0190-009**

WHEREAS, the Planning Division of the City of Elk Grove received an application on June 15, 2009, from Armstrong Development Co. (the "Applicant") requesting a Letter of Public Convenience and Necessity for CVS Pharmacy to obtain a Type 21 (Off-Site General) alcohol license from the Department of Alcoholic Beverage Control; 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 121-0190-009; 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 CVS Pharmacy 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 review only applies to projects, which have the potential for causing a significant effect on the environment. A Letter of Public Convenience and Necessity will not with reasonable certainty have a possible effect on the environment.

Public Convenience and Necessity

Finding: Public Convenience and Necessity is met by the issuance of a Type 21 (Off-Site General) alcohol license for CVS Pharmacy.

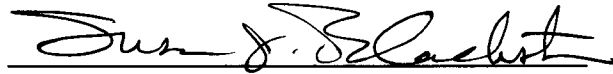
Evidence: According to the Elk Grove Police Department, the Community Enhancement Department, the Building Department, the City Attorney, and the Sacramento County Environmental Health and Safety Department, no existing violations against the property or Applicant have occurred that would discourage the issuance of a Type 21 alcohol license for CVS Pharmacy. The public convenience would be served by allowing customers to purchase wine, beer, or distilled spirits from the store to be consumed off-site.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 26th day of August 2009.



PATRICK HUME, MAYOR of the
CITY OF ELK GROVE

ATTEST:



SUSAN J. BLACKSTON, CITY CLERK

APPROVED AS TO FORM:



SUSAN COCHRAN, CITY ATTORNEY

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2009-178**

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


I, Susan Blackston, 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 26, 2009 by the following vote:

AYES : COUNCILMEMBERS: Hume, Scherman, Davis, Detrick

NOES: COUNCILMEMBERS: None

ABSTAIN : COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Cooper


**Susan Blackston, City Clerk
City of Elk Grove, California**