

RESOLUTION NO. 2010-104

**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 LICENSE FOR TOLEDO'S MEXICAN
MARKET LOCATED AT 9059 BRUCEVILLE ROAD, SUITE 190
PROJECT NO. EG-10-017, ASSESSOR PARCEL NUMBER 116-0022-005**

WHEREAS, the Planning Division of the City of Elk Grove received an application on March 9, 2010, requesting a Letter of Public Convenience and Necessity for Toledo's Mexican Market to obtain a Type 20 (Off-Sale Beer and Wine) 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 116-0022-005; and

WHEREAS, Elk Grove Municipal Code Chapter 4.54, Article 5, establishes the City Council as the appropriate authority to hear and decide on all Letter of Public Convenience and Necessity requests; and

WHEREAS, the City Council is empowered to impose conditions of approval on the project in approving the granting of a letter of public convenience and necessity; 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 Toledo's Mexican Market 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 20 (Off-Sale Beer and Wine) alcohol license for Toledo's Mexican Market.

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 Toledo's Mexican Market. The public convenience would be served by allowing customers to purchase wine and beer 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 May 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. 2010-104**

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 May 26, 2010 by the following vote:

AYES : COUNCILMEMBERS: Scherman, Cooper, Hume

NOES: COUNCILMEMBERS: Detrick, Davis

ABSTAIN : COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None



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