

RESOLUTION NO. 2008-107

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
APPROVING A PUBLIC CONVENIENCE AND NECESSITY LETTER
GROCERY OUTLET PCN LETTER,
PROJECT #EG-08-008 – APN: 116-0041-022**

WHEREAS, the Planning Division of the City of Elk Grove received an application on February 14, 2008 from Grocery Outlet Inc. requesting a Letter of Public Convenience and Necessity to obtain a Type 42 alcohol license for The Grocery Outlet; and

WHEREAS, the proposed project is located on real property in the incorporated portions of the City of Elk Grove more particularly described as 116-0041-022; and

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

WHEREAS, the project is exempt under the California Environmental Quality Act (CEQA) Section 15061(b) (3); 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 project subject to the Conditions of Approval based on the following findings:

CEQA

Finding: The subject project is exempt from the California Environmental Quality Act (CEQA).

Evidence: Pursuant to CEQA Guidelines Section 15061(b)(3), no possibility of significant effect on environment are exempt from CEQA.

Public Convenience and Necessity


Finding: The Public Convenience and Necessity is met by the issuance of the Type 42 (On-Sale Beer and Wine – Public Premises) alcohol license.

Evidence: There are no existing violations against the property according to the Elk Grove Police, Community Enhancement, and Building departments that would preclude the issuance of a type 42 alcohol license. The public convenience would be served by allowing patrons to sample a beer or wine prior to purchase.


PASSED AND ADOPTED by the City Council of the City of Elk Grove this 14th day of May 2008.



GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:


SUSAN J. BLACKSTON,
ASSISTANT CITY CLERK

APPROVED AS TO FORM:


SUSAN COCHRAN, CITY ATTORNEY

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
On-Going			
1. The approved action is for a Letter of Public Convenience and Necessity. Any deviations from the approved proposal shall be reviewed by the City for substantial compliance and may require amendment by the appropriate hearing body.	On-Going	Planning	
2. This action does not relieve the Applicant of the obligation to comply with all City and ABC conditions, ordinances, statutes, regulations, and procedures.	On-Going	Planning	
3. The Applicant shall hold harmless the City, its Council Members, its Planning Commission, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this action or any environmental or other documentation related to approval of this letter. Applicant further agrees to provide a defense for the City in any such action.	On-Going	Planning	
4. The applicant shall operate all Type 42 activities in accordance with the attached letter dated received February 14, 2008.	On-Going	Planning	
5. The applicant shall operate Type 42 activities only during the normal operating hours of The Grocery Outlet.	On-Going	Police Department	

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2008-107**

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

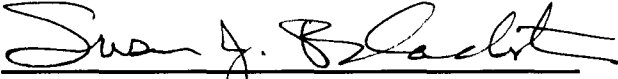
I, Susan J. Blackston, Assistant City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on May 14, 2008 by the following vote:

AYES : **COUNCILMEMBERS:** ***Hume, Scherman, Davis,***

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

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

ABSENT: **COUNCILMEMBERS:** ***Cooper, Leary***


**Susan J. Blackston, Assistant City Clerk
City of Elk Grove, California**