



# City of Emeryville

CALIFORNIA

## MEMORANDUM

**DATE:** May 21, 2024

**TO:** Paul Buddenhagen, City Manager

**FROM:** Chadrick Smalley, Community Development Director

**SUBJECT:** Resolution Of The City Council Of The City Of Emeryville Determining That Public Convenience Or Necessity Would Be Served By The Issuance Of Type 21 And Type 42 Licenses By The Department Of Alcoholic Beverage Control To Total Wine & More For A Proposed Retail Store At 3938 Horton Street, Emeryville, California

## RECOMMENDATION

Staff recommends that the City Council approve the attached resolution determining that public convenience or necessity would be served by the issuance of Type 21 and Type 42 liquor licenses to Total Wine & More for a proposed retail store at 3938 Horton Street.

## BACKGROUND

Total Wine & More is a retail business that sells beer, wine, and spirits ("Liquor Sales"). This principal use would be accompanied by accessory tasting and educational facilities, as well as online order and delivery services. Total Wine & More would occupy 25,000 square feet in the existing building at 3938 Horton Street. The building is in the East Bay Bridge Center and was formerly occupied by retail uses such as Decathlon sporting goods and Toys "R" Us.

On April 25, 2024, the Planning Commission approved a Major Conditional Use Permit to allow Liquor Sales at this location. Total Wine & More has applied to the California Department of Alcoholic Beverage Control (ABC) for a Type 21 "Off-Sale General" license and a Type 42 "On-Sale Beer & Wine – Public Premises" license. The staff report to the Planning Commission is attached to this report as Attachment 2.

ABC has referred Total Wine & More to the City for a determination of public convenience or necessity. The Type 21 license authorizes the sale of beer, wine, and distilled spirits for consumption off the store premises. The Type 42 license authorizes the sale of beer and wine for consumption on or off the premises and would be used exclusively by Total Wine & More to provide on-site tastings in designated areas of the store, under strict oversight.

The Target department store, Pak' n Save grocery store, and Black & White Liquor store are existing nearby uses with approved Type 21 licenses. Alcohol sales are incidental to

both Target and Pak' n Save's normal retail operations, which include sale of convenience items, household goods, and groceries.

Total Wine & More will provide public convenience to Emeryville residents and employees. The proposed use will create new employment for up to 60 individuals and will occupy a vacant building in a region-serving shopping center of compatible scale and use type. The sale of alcohol for consumption off premises (such as at home) is an appropriate enhancement to the shopping center. Wine and beer tastings will support retail sales and be administered in accordance with ABC requirements. The Police Department does not anticipate any problems from the sale of alcoholic beverages at the 3938 Horton Street location.

For these reasons, staff is recommending the City Council adopt the attached draft resolution of public convenience or necessity for the proposed Total Wine & More retail store.

### **FISCAL IMPACT**

There is no direct fiscal impact of the proposed determination of public convenience or necessity, however, the establishment of a Total Wine & More store is expected to contribute revenues to the City in the form of sales tax.

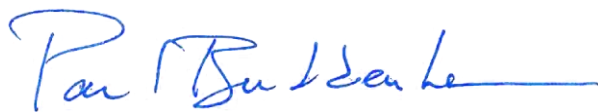
### **STAFF COMMUNICATION WITH THE PUBLIC**

There has been no staff communication with the public on this item. As noted above, the Planning Commission conducted a public hearing on April 25, 2024 on the Major Conditional Use Permit application for the proposed store, during which no public comments were received.

**PREPARED BY:** Alyssa Chung, Assistant Planner

**REVIEWED BY:** Miroo Desai, Planning Manager

**APPROVED AND FORWARDED TO THE  
CITY COUNCIL OF THE CITY OF EMERYVILLE:**



Paul Buddenhagen, City Manager

**ATTACHMENTS:**

- April 25, 2024 Planning Commission Staff Report and Approved Resolution CPC No. UP24-001 and Conditions of Approval.
- Draft Resolution