

**RESOLUTION NO. 22-\_\_\_\_**

**Resolution Of The City Council Of The City Of Emeryville Determining That Public Convenience Or Necessity Would Be Served By The Issuance Of A License By The Department Of Alcoholic Beverage Control To Prizefighter Bottle Shop At 1320 67th Street, Emeryville, California**

**WHEREAS**, California Business and Professions Code Section 23958 requires the Department of Alcoholic Beverage Control (“ABC”) to deny a license if such license would create a “law enforcement problem” or “undue concentration of licenses” as those terms are defined by statute and determined by existing statistical data; and

**WHEREAS**, Business and Professions Code Section 23958.4(b) provides that notwithstanding the undue concentration of licenses, the ABC will issue the license if the governing body determines that the public convenience or necessity would be served by the issuance of the license; and

**WHEREAS**, Prizefighter Bottle Shop, to be located at 1320 67<sup>th</sup> Street, has applied to the ABC for a Type 21 license to sell beer, wine and distilled spirits for off premises consumption and has been referred by the ABC to the City of Emeryville for a determination of public convenience or necessity; and

**WHEREAS**, the Police Department does not anticipate problems from the sale of alcoholic beverages at this location; and

**WHEREAS**, the sale of beer, wine and distilled spirits for off premises consumption at Prizefighter Bottle Shop, to be located at 1320 67<sup>th</sup> Street, will provide a convenience for local workers and residents; now therefore, be it

**RESOLVED**, that the City Council of the City of Emeryville hereby determines that the public convenience or necessity would be served by the issuance of a license by the Department of Alcoholic Beverage Control to Prizefighter Bottle Shop, to be located at 1320 67<sup>th</sup> Street, Emeryville, California.

Resolution No.  
Emeryville City Council Determination of Public Convenience or Necessity  
City Council Meeting | December 20, 2022  
Page 2 of 2

**ADOPTED**, by the City Council of the City of Emeryville at a regular meeting held Tuesday, December 20, 2022, by the following vote:

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_  
ABSENT: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY CLERK

DocuSigned by:  
*John Kennedy*  
2C934D02DB55467  
\_\_\_\_\_  
CITY ATTORNEY