



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: September 19, 2017

TO: Carolyn Lehr, City Manager

FROM: Charles S. Bryant, 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 A License By The Department Of Alcoholic Beverage Control To New Seasons Market LLC At 6201 Shellmound 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 a liquor license to New Seasons Market LLC at 6201 Shellmound Street.

BACKGROUND

Under State Business and Profession Code Section 23958, the Department of Alcoholic Beverage Control (ABC) must deny a license if its issuance would create a “law enforcement problem” or “undue concentration of licenses” in the city in which the facility is proposed, unless a determination of public convenience or necessity is made by the local governing body (B&P Section 23958.4(b)(2)). Due to the small size of Emeryville and the existing number of ABC licenses, the City Council is sometimes required to make this determination when new licenses are requested and granting the license is deemed to be in the overall public good.

DISCUSSION

New Seasons Market LLC is an upscale grocery store, currently under construction, at 6201 Shellmound Street. New Seasons is part of the “Marketplace Redevelopment Project” Planned Unit Development (PUD04-02) that was approved by the City Council on August 5, 2008, and the Final Development Plan for “Parcel C” (FDP13-001) of the Marketplace PUD that was approved by the Planning Commission on May 28, 2015. New Seasons Market LLC has applied to the ABC for a Type 21 “Off-Sale General” license to sell alcoholic beverages, and have been referred by the ABC to the City of Emeryville 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.

New Seasons Market LLC will provide a convenient community service to workers and residents of the area. The sale of food and alcohol for consumption off premises (such as at home) is an appropriate enhancement to this neighborhood, is a convenience to the public, and therefore should be approved. The Police Department does not anticipate any problems from the sale of alcoholic beverages at the 6201 Shellmound Street location.

FISCAL IMPACT

There is no fiscal impact of the proposed determination of public convenience or necessity.

STAFF COMMUNICATION WITH THE PUBLIC

There has been no staff communication with the public on this item.

PREPARED BY: Navarre Oaks, Assistant Planner

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



Carolyn Lehr, City Manager

ATTACHMENT

1. Resolution