

RESOLUTION NO. 17-144

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

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)(2) provides that notwithstanding the undue concentration of licenses, the ABC will issue the license if the local governing body determines that the public convenience or necessity would be served by the issuance of the license; and

WHEREAS, New Seasons Market LLC, to be located at 6201 Shellmound 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

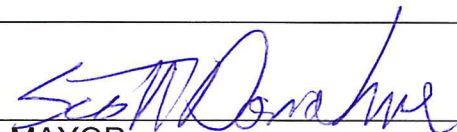
WHEREAS, the Police Department does not anticipate problems from the sale of alcoholic beverages at this location; and

WHEREAS, the sale of beer, wine and distilled spirits for off premises consumption at New Seasons Market LLC located at 6201 Shellmound Street will provide a convenience for local workers and residents, thereby serving the public convenience; 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 New Seasons Market LLC located at 6201 Shellmound Street, Emeryville, California.

ADOPTED by the City Council of the City of Emeryville at a regular meeting held on Tuesday, September 19, 2017 by the following vote:

AYES:	<u>5</u>	Mayor Donahue, Vice Mayor Bauters and Council Members Martinez, Medina and Patz
NOES:	<u>0</u>	
ABSTAIN:	<u>0</u>	
ABSENT:	<u>0</u>	


MAYOR

ATTEST:

APPROVED AS TO FORM:


CITY CLERK



CITY OF EMERYVILLE


CITY ATTORNEY