

EMERYVILLE PLANNING COMMISSION

STAFF REPORT

Agenda Date: December 8, 2022

Report Date: December 1, 2022

TO: Planning Commission

FROM: Community Development Department
Miroo Desai, Principal Planner

SUBJECT: **Prizefighter Bottle Shop**
UP22-007

LOCATION: 1320 67th Street (APN: 49-1512-2-2)

APPLICANT: Numero 9 LLC
4158 Manila Street
Oakland, CA 94609

OWNER: Mathew Schoenwald
6635 Hollis Street
Emeryville, CA 94609

PROJECT DESCRIPTION: Consideration of a Major Conditional Use Permit to allow retail sale of beer, wine and spirits (“Liquor Sales”) in a 1,025 square foot space within an existing building located at 1320 67th Street.

GENERAL PLAN DESIGNATION: Industrial

ZONING DISTRICT: Light Industrial (INL) and North Hollis Overlay Zone (NH)

ENVIRONMENTAL STATUS: This project is exempt from environmental review under State CEQA Guidelines Section 15301, which applies to minor alterations to existing facilities involving negligible expansion of use, and the “common sense exemption” at Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposal may have a significant effect on the environment.

APPLICABLE ZONING CODE PROVISIONS	Section 9-2.353	Commercial and Institutional Use Types: Retail – Liquor Sales
	Section 9-2.701(i)(2)	Uses of Special Concern
	Section 9-7.505	Conditional Use Permits: Findings

RECOMMENDED

- COMMISSION ACTION:**
- 1) Hear a presentation of the proposed Project.
 - 2) Open public hearing and take testimony regarding the proposed Conditional Use Permit application.
 - 3) Close public hearing and consider the Staff Report and Resolution.
 - 4) Approve Conditional Use Permit application.

PROJECT PROPOSAL

The project proposes to use an approximately 1,025 square foot space within an existing building to establish a new retail business for the sale of beer, wine and spirits (“Liquor Sales”) as well as a curated assortment of books, bar tools and glassware. The applicant is also the proprietor of the adjacent Prizefighter Bar and they plan to offer collaborative educational opportunities with the existing business.

The exterior of the building will not be changing and there are no proposed changes to the floor plan. The 800 square foot ground floor space will be used for retail purposes, while the 225 square foot upper floor will be used as an office.

Prizefighter Bottle Shop will be open five or six days a week in the afternoons and early evenings. There will be 2-3 employees, with one employee managing the shop.

This business will require a liquor license from the State Department of Alcoholic Beverage Control (ABC). Under State Business and Professions Code Section 23958, ABC must deny the license if its issuance would create a “law enforcement problem” or “undue concentration of licenses”. Business and Professions Code Section 23958.4(b) provides that, notwithstanding the “undue concentration of licenses” in Emeryville, ABC will issue the license if the governing body (i.e. City Council) determines that the public convenience or necessity would be served by the issuance of the license (“Finding of Public Convenience or Necessity”). The applicant has requested a Finding of Public Convenience or Necessity for the sale of alcohol by Prizefighter Bottle Shop. This request will be considered by the City Council on December 20, 2022, contingent upon the Planning Commission’s approval of the conditional use permit for the shop.

CONFORMITY TO ZONING REGULATIONS

Use

Pursuant to Planning Regulations Section 9-2.353(b), the proposed bottle shop is classified as “Retail: Liquor Sales”, which is considered a “Use of Special Concern” under Section 9-

**Planning Commission Staff Report
Prizefighter Bottle Shop Conditional Use Permit
December 8, 2022
Page 3 of 3**

2.701(i)(2), The project site falls within the Light Industrial (INL) zoning district where Liquor Sales are allowed with a Conditional Use Permit. Because it is considered a Use of Special Concern, it requires a Major Conditional Use Permit from the Planning Commission. The site is also located in the North Hollis Overlay Zone (NH), which does not include any special regulations that would apply to the proposed project.

In order to approve this application, the Conditional Use Permit Findings at Section 9-7.505 must be made. These include:

- (a) The proposed use is consistent with the General Plan.
- (b) The location, size, coverage, density, design and operating characteristics of the proposed use will be compatible with, and will not adversely affect, the surrounding area, including neighborhood character, street design and capacity, safety, noise, and lighting.
- (c) The proposed use is consistent with the capability of the water supply, wastewater disposal, fire, and police systems to operate adequately and cost effectively.
- (d) The proposed use at its proposed location will provide a service or facility that will contribute to the general well-being of the surrounding neighborhood or community.
- (e) The proposed use complies with all applicable standards and requirements of these Planning Regulations.

Staff believes that these findings can be made, as detailed in the attached resolution. The site is surrounded by a mix of uses that include a bar, pizzeria, and industrial type businesses where the proposed store would be compatible and complement especially with the existing Prizefighter Bar.

STAFF COMMENTS:

No concerns were raised by staff of Building, Fire, Police or Public Works for the proposed project.

CONCLUSION:

Staff recommends approval of the Major Conditional Use Permit subject to the attached conditions of approval.

Attachments:

1. [Resolution and Draft COA](#)
2. [Proposed Plans](#)