

Case File Number: PLN19185

September 18, 2019

<b>Location:</b>	2650 Broadway (See map on reverse)
<b>Assessor's Parcel Numbers:</b>	009-0685-018-06
<b>Proposal:</b>	To sell of alcoholic beverages for off-site consumption at a "Target" department store
<b>Applicant:</b>	Target Corporation
<b>Contact Person/</b>	Beth Aboulafia
<b>Phone Number:</b>	415-362-1215
<b>Owner:</b>	CRP/THC Oakland Broadway Upton Venture LLC
<b>Case File Number:</b>	<b>PLN19185</b>
<b>Planning Permits Required:</b>	Major Conditional Use Permits to allow an Alcoholic Beverage Sales Commercial Activity with Findings of Public Convenience or Necessity (Sec. 17.103.030 (B) (2) & (3))
<b>General Plan:</b>	Central Business District
<b>Zoning:</b>	D-BV-1 Broadway Valdez District Retail Commercial Zone
<b>Environmental Determination:</b>	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities (operation); Exempt, Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
<b>Historic Status:</b>	Not Historic Property
<b>Service Delivery District:</b>	2
<b>City Council District:</b>	3
<b>Action to be Taken:</b>	Approve with Conditions
<b>Finality of Decision:</b>	Appealable to City Council within 10 Days
<b>For Further Information:</b>	Contact case planner Eva Wu at (510) 238-3785 or <a href="mailto:ewu@oaklandca.gov">ewu@oaklandca.gov</a>

## SUMMARY

The applicant requests Planning Commission approval of a Major Conditional Use Permit with additional findings for Alcoholic Beverage Sales and Findings of Public Convenience or Necessity for on-site sales of alcoholic beverages inside a "Target" retail department store. As detailed below, the project meets all the required findings for approval. Therefore, staff recommends approval of the project subject to the attached conditions of approval.

## PROJECT DESCRIPTION

A Target retail store will occupy 17,989 square feet of 37,000 square feet of available retail space in a seven-story mixed use development with 255 dwelling units at the corner of Broadway and 27<sup>th</sup> Street. The total retail area occupies three levels spanning between level 1, lower level 1, and a mezzanine, with the main entrance at level 1 on Broadway. 76 off-street parking spaces are available at basement level 1 and loading dock access is via 26<sup>th</sup> Street. The sale of alcoholic beverages and groceries are located at the lower level 1. The alcohol beverage display area, including aisle space is expected to take up approximately 1,000 square feet of sales floor area (approximately 5.5% of the sales floor) and 300 square feet of cooler space (approximately 0.3% of refrigeration space). Target retail store is open 7 days a week from 7am – 12am.

## PROPERTY DESCRIPTION

The project site is an approximately 47,000 square foot lot in the Broadway Auto Row Commercial District and covers an entire city block at the southeast corner of the intersection of Broadway and 27<sup>th</sup> Street. The site is also bounded by 26<sup>th</sup> Street to the south and Valdez Street to the southeast. A Loading dock and garage parking entrance is located on 26<sup>th</sup> Street.

## GENERAL PLAN ANALYSIS

The General Plan's Land Use and Transportation Element (LUTE) classifies the project site as in the Central Business District (CBD) General Plan Area. This land use classification is intended *"to encourage, support, and enhance the downtown area as a high density mixed use urban center of regional importance and a primary hub for business, communications, office, government, high technology, retail, entertainment, community facilities, and visitor uses."* The CBD classification includes a mix of large-scale offices, commercial, urban high rise residential, institutional, open space, cultural, educational, arts, entertainment, service, community facilities, and visitor uses. The proposed Alcohol Beverage Sales activity within an existing mixed used residential and commercial development located in a commercial district is consistent with the intent of the General Plan. The proposal will enhance the variety of products available to residents who frequent the business and will increase the availability for comparison shopping in the district. Therefore, the proposed Alcohol Beverage Sales Activity will not adversely affect or detract from the Central Business District characteristics of the neighborhood and thus conform to the following LUTE Goals and Objectives:

### Objective I/C3

Ensure that Oakland is adequately served by a wide variety of commercial uses, appropriately sited to provide for competitive retail merchandising and diversified office uses, as well as personal and professional services.

### Policy I/C3.3 Clustering Activity in "Nodes"

Retail uses should be focused in "nodes" of activity, characterized by geographic clusters of concentrated commercial activity, along corridors that can be accessed through many modes of transportation.

Staff finds the proposal to be in conformance with the objectives of the General Plan by servicing the community with active storefronts with opportunities for comparison shopping in Broadway/Valdez neighborhood.

## ZONING ANALYSIS

The proposed project is in the D-BV-1 (Broadway Valdez District Retail Priority Site 1 Commercial Zone.) The intent of the D-BV-1 Zone is to: *“establish Retail Priority Sites in the Broadway Valdez District Specific Plan Area in order to encourage a core of comparison good retail with a combination of small-, medium-, and large scale retail stores.”* The proposed Alcohol Beverage Sales activity is located at 2650 Broadway in a Target retail store in the Broadway/ Valdez Neighborhood. This proposal is for off-sale (no on-site consumption) for all alcoholic beverage types (beer, wine, distilled spirits). This activity requires a Type 21 license from the State’s Alcoholic Beverage Control (ABC). The project requires a Major Conditional Use Permit per 17.103.030(B)(2)&(3), which states that establishments selling Alcohol Beverages require special findings. The establishment’s staff would be trained on alcohol sales, which include security for alcohol products consisting of cameras, bottle security caps, and product placement conducive to staff monitoring. The establishment has approximated 100 full time (FTE) employees and has a total floor area of seventeen thousand nine hundred eighty-nine (17,989) square feet; therefore, it is exempt from special restrictions that apply if the proposal is within 1,000 feet of an existing ABC outlet.

### Over-concentration/Findings for Public Convenience or Necessity

Findings of Public Convenience or Necessity must be made to approve the project (see Findings section, below). These Findings are intended to ensure that the establishment of additional alcohol beverage sales would be beneficial to the community.

Staff can make these findings. Census Tract 4035.02 contains more than the County median with five non-restaurant liquor licenses (all off-sale). However, one of the five is a café with a Type 41 (beer and wine) license and Whole Foods Market accounts for three of the five (the other license is related a liquor store). Cafés and Markets generally do not generate nuisances in a district. Although Police Beat 8x is overconcentrated for crime, the area within 500 square feet from the project site has a relatively low number of reported crimes.

## ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines categorically exempts specific types of projects from environmental review. Section 15301 of the State CEQA Guidelines exempts project involving *operation and licensing of existing private facilities*. The proposal to sell beer and wine from an existing retail store located in an existing building with a parking lot located in a commercial district meets this description: the project would constitute operation of an existing private facility. Section 15183 of the State CEQA Guidelines relates to Projects Consistent with a Community Plan, General Plan or Zoning. The project adheres to this section. The project is therefore not subject to Environmental Review.

## KEY ISSUES AND IMPACTS

In considering new applications for sale of alcoholic beverages, staff considers factors including, but not limited to, operational characteristics such as closing time, types of alcoholic beverages sold and overall product mix, floor plan, location of the site in relation to the public right-of-way and residential/civic uses, and over-concentration of ABC licenses and/or crime in the area.

The Broadway/Valdez area (Census Tract 4035.02) contains five ABC licenses where four or more is over-concentrated. One of the five is a café with a Type 41 (beer and wine) license; Whole Foods Market accounts for three of the five, and the other license is related a liquor store. Staff can make the Findings of

Public Convenience or Necessity given the economic and consumer benefits of the project and the appropriateness of the activity for the business type. Additional findings stipulating distance separation from civic uses are not required given the store size.

The area is over-concentrated for crime in relation to Police Area 2, Police Beat 8x. Most recent data indicate Police Beat 8x had four reported crimes near project site. Staff notes that for Oakland Police Department crime statistics indicates three of the four crime is Larceny Theft and one Robbery-Strong Arm for a 500-foot radius over 28 days ending September 02, 2019 (Attachment C); three of these crimes are centered at the site and none were alcohol-related.

With conditions of approval, staff does not consider crime to be an issue with this application.

Sale of alcoholic beverages is typical of large retail stores in the City. In accordance with the City Council's 2000 resolution for a "no net increase" goal, the applicant would obtain an existing ABC license from within the City unless none is available. Given the use is typical and not known to be problematic in this format, staff can support the proposal with the following conditions of approval:

- No sale of "singles", as voluntarily agreed to by the applicant;
- 12:00 AM closing time;
- Small display only and not located near the entrance;
- No window display of alcoholic beverages, including advertising signage;
- Staff training on sale the of alcoholic beverages;
- Installation of surveillance cameras;
- Standard abatement procedures for graffiti, loitering, public drinking, and other nuisances;  
and
- Six-month compliance review at applicant's expense.

As described, staff recommends approval of the project subject to conditions of approval.

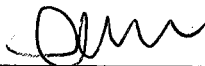
## **CONCLUSION**

The proposed project meets all the required findings for approval. Therefore, staff recommends approval of the project subject to the attached conditions.

**RECOMMENDATIONS:**

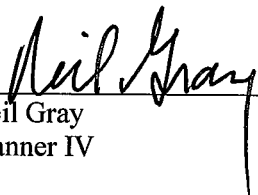
1. Affirm staff's environmental determination
  
2. Approve the Major Conditional Use permit and Findings of Public Convenience and Necessity for Alcoholic Beverage Sales for PLN19185 subject to the attached findings and conditions of approval.

Prepared by:



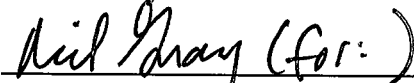
\_\_\_\_\_  
Eva Wu  
Planner II

Reviewed by:



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Neil Gray  
Planner IV

Reviewed by:



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Robert Merkamp, Zoning Manager  
Bureau of Planning

Approved for forwarding to the  
City Planning Commission



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Ed Manasse, Acting Deputy Director  
Department of Planning and Building

**ATTACHMENTS:**

- A. Findings
- B. Conditions of Approval
- C. Plans
- D. Crime Statistics (Map/Table)

## Attachment A: Findings

This proposal meets the required findings under **General Conditional Use Permit Criteria (OMC Sec. 17.134.050); Use Permit Criteria for Establishments Selling Alcoholic Beverages and Findings for Public Convenience or Necessity (OMC Sec. 17.103.030A, B (3))**; (as set forth below. Required findings are shown in bold type; explanations as to why these findings can be made are in normal type

### **General Conditional Use Permit Criteria (OMC Sec. 17.134.050)**

**A. That the location, size, design, and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.**

The proposal is to add the sale of beer, wine and distilled spirits at a "Target" retail store. Various other stores with the same business model in the City are currently selling beer, wine and distilled spirits. The proposed display area will comprise less than six percent of the store's sales floor and will be displayed away from the store entrance and where it can be easily monitored by staff. Store employees will be trained on alcoholic beverage sales safety measures. The large store is prominently located at the corner of Broadway and 27<sup>th</sup> Street in a low crime shopping district and is not adjacent to civic uses. The activity is not expected to contribute to nuisances in the commercial district, adjacent residential district, or area parks or churches, with appropriate conditions of approval.

**B. That the location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant.**

The activity will increase selection and convenience to the 255 residences in the mixed-used development as well as other consumers that work and live in the area.

**C. That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region.**

The store will enhance the development by providing convenient access to daily essentials for the large influx of new residences. The incidental sale of alcoholic beverages sales will be managed with trained staff and security surveillance to avoid nuisances that can be related to alcoholic beverage sales.

**D. That the proposal conforms to all applicable design review criteria set forth in the design review procedure at Section 17.136.070.**

This finding is not applicable; no development is proposed.

**E. That the proposal conforms in all significant respects with the Oakland Comprehensive Plan and with any other applicable plan or development control map which has been adopted by the City Council.**

The site is located in the Central Business District of the General Plan's Land Use and Transportation Element (LUTE). The intent of the area is: *"to encourage, support, and enhance the downtown area as a high density mixed use urban center of regional importance and a primary hub for business, communications, office, government, high technology, retail, entertainment, transportation in Northern*

California.” Target retail and the incidental sales of alcoholic beverages and groceries reinforces the intent of the General Plan to enhance an urban center and activate retail. The Broadway/Valdez neighborhood is not a high crime area related to alcohol sales. To add the incidental sale of beer, wine and distilled spirits with a 12:00 AM closing time will conform to the following LUTE Goal and Objective:

Industry and Commerce Goals

Create and maintain a favorable business climate in Oakland

Objective I/C3

Ensure that Oakland is adequately served by a wide variety of commercial uses, appropriately sited to provide for competitive retail merchandising and diversified office uses, as well as personal and professional services.

Staff finds the request, as conditioned, to conform to the General Plan.

**Use Permit Criteria for Establishments Selling Alcoholic Beverages OMC 17.103.030 A)**

**1. That the proposal will not contribute to undue proliferation of such uses in an area where additional ones would be undesirable, with consideration to be given to the area’s function and character, problems of crime and loitering, and traffic problems and capacity;**

The Broadway/Valdez area is over-concentrated for ABC licenses. Census Tract 4035.02 contains five ABC licenses where four or more is considered over-concentrated. One of the five is a café with a type 41 license; Wholefoods Market account for three of the five, and the other license is related a liquor store business. Staff does not consider restaurants and specialty outlets to generate nuisances on a district. Over-concentration is not considered to be a major issue with adoption of conditions of approval.

Sale of alcoholic beverages is typical of large retail stores in the City and the region. In accordance with the City Council’s 2000 resolution for a “no net increase” goal, the applicant will obtain an existing ABC license from within the City unless none is available.

**2. That the proposal will not adversely affect adjacent or nearby churches, temples, or synagogues; public, parochial, or private elementary, junior high, or high schools; public parks or recreation centers; or public or parochial playgrounds;**

Project location is in the Central Business District with street frontage on Broadway, a major street. While there are nearby Churches and School, the sale of alcoholic beverages is incidental to Target’s overall retail operation and, therefore, will not adversely affect any nearby sensitive uses.

**3. That the proposal will not interfere with the movement of people along an important pedestrian street;**

The site is accessible by one driveway and one pedestrian way, and no construction or change to the mode of operation is proposed; therefore, there will be no effect to pedestrian access in the area.

**4. That the proposed development will be of an architectural and visual quality and character which harmonizes with, or where appropriate enhances, the surrounding area;**

No construction is proposed; the activity will take place in an existing building.

**5. That the design will avoid unduly large or obtrusive signs, bleak unlandscaped parking areas, and an overall garish impression;**

No construction is proposed; conditions of approval will ensure displays and advertising signage are not located at façade glazing near the storefront windows.

**6. That adequate litter receptacles will be provided where appropriate;**

Conditions of approval require trash cans and litter clean-up both on-site and in the public right-of-way.

**7. That where the proposed use is in close proximity to residential uses, and especially to bedroom windows, it will be limited in hours of operation, or designed or operated, so as to avoid disruption of residents' sleep between the hours of 10 p.m. and 7 a.m.**

This mixed-use development abuts other commercial businesses. The normal operational noise will not be disrupt residences with the incidental alcohol sales.

**8. That proposals for new Fast-Food Restaurants must substantially comply with the provisions of the Oakland City Planning Commission "Fast-Food Restaurant--Guidelines for Development and Evaluation" (OCPD 100-18).**

This finding is not applicable; the proposal does not involve a fast-food restaurant.

**Findings of Public Convenience or Necessity (OMC Sec. 17.103.030 B(3))**

**a. That a community need for the project is clearly demonstrated. To demonstrate community need, the applicant shall document in writing, specifically how the project would serve an unmet or underserved need or population within the overall Oakland community or the community in which the project is located, and how the proposed project would enhance physical accessibility to needed goods or services that the project would provide, including, but not limited to alcohol; and**

Sale of beer, wine and distilled spirits is typical of selections offered at large retail stores in Oakland such as Target. The store will sell everyday necessities to nearby residents. This outlet contains a large parking lot as well as pedestrian access and is served by transit.

**b. That the overall project will have a positive influence on the quality of life for the community in which it is located, providing economic benefits that outweigh anticipated negative impacts, and that will not result in a significant increase in calls for police service; and**

The project will increase business tax and consumer selection, and is not anticipated to result in related nuisances given the format of the store, surrounding area, and conditions of approval.

**c. That alcohol sales are typically a part of this type of business in the City of Oakland (for example and not by way of limitation, alcohol sales in a laundromat would not meet this criteria).**

The sale of alcoholic beverages is typical of large retail stores in Oakland.

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**CONDITIONS OF APPROVAL**  
**PLN19185**

**STANDARD CONDITIONS:**

**1. Approved Use**

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, **PLN19185** and the approved plans **dated August 27<sup>th</sup>, 2019**, as amended by the following conditions of approval (“Conditions of Approval” or “Conditions”).

**2. Effective Date, Expiration, Extensions and Extinguishment**

This Approval shall become effective immediately, unless the Approval is appealable, in which case the Approval shall become effective in ten calendar days unless an appeal is filed. Unless a different termination date is prescribed, this Approval shall expire **two years** from the Approval date, or from the date of the final decision in the event of an appeal, unless within such period all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this Approval, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit or other construction-related permit for this project may invalidate this Approval if said Approval has also expired. If litigation is filed challenging this Approval, or its implementation, then the time period stated above for obtaining necessary permits for construction or alteration and/or commencement of authorized activities is automatically extended for the duration of the litigation.

**3. Compliance with Other Requirements**

The project applicant shall comply with all other applicable federal, state, regional, and local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City’s Bureau of Building, Fire Marshal, and Public Works Department. Compliance with other applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition #4.

**4. Minor and Major Changes**

- a. Minor changes to the approved project, plans, Conditions, facilities, or use may be approved administratively by the Director of City Planning
- b. Major changes to the approved project, plans, Conditions, facilities, or use shall be reviewed by the Director of City Planning to determine whether such changes require submittal and approval of a revision to the Approval by the original approving body or a new independent permit/approval. Major revisions shall be reviewed in accordance with the procedures required for the original permit/approval. A new independent permit/approval shall be reviewed in accordance with the procedures required for the new permit/approval.

**5. Compliance with Conditions of Approval**

- a. The project applicant and property owner, including successors, (collectively referred to

hereafter as the “project applicant” or “applicant”) shall be responsible for compliance with all the Conditions of Approval and any recommendations contained in any submitted and approved technical report at his/her sole cost and expense, subject to review and approval by the City of Oakland.

- b. The City of Oakland reserves the right at any time during construction to require certification by a licensed professional at the project applicant’s expense that the as-built project conforms to all applicable requirements, including but not limited to, approved maximum heights and minimum setbacks. Failure to construct the project in accordance with the Approval may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension, or other corrective action.
- c. Violation of any term, Condition, or project description relating to the Approval is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approval or alter these Conditions if it is found that there is violation of any of the Conditions or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions. The project applicant shall be responsible for paying fees in accordance with the City’s Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Approval or Conditions.

**6. Signed Copy of the Approval/Conditions**

A copy of the Approval letter and Conditions shall be signed by the project applicant, attached to each set of permit plans submitted to the appropriate City agency for the project, and made available for review at the project job site at all times.

**7. Blight/Nuisances**

The project site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60 days of approval, unless an earlier date is specified elsewhere.

**8. Indemnification**

- a. To the maximum extent permitted by law, the project applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Redevelopment Successor Agency, the Oakland City Planning Commission, and their respective agents, officers, employees, and volunteers (hereafter collectively called “City”) from any liability, damages, claim, judgment, loss (direct or indirect), action, causes of action, or proceeding (including legal costs, attorneys’ fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called “Action”) against the City to attack, set aside, void or annul this Approval or implementation of this Approval. The City may elect, in its sole discretion, to participate in the defense of said Action and the project applicant shall reimburse the City for its reasonable legal costs and attorneys’ fees.
- b. Within ten (10) calendar days of the filing of any Action as specified in subsection (a) above, the project applicant shall execute a Joint Defense Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations.

These obligations and the Joint Defense Letter of Agreement shall survive termination, extinguishment, or invalidation of the Approval. Failure to timely execute the Letter of Agreement does not relieve the project applicant of any of the obligations contained in this Condition or other requirements or Conditions of Approval that may be imposed by the City.

**9. Severability**

The Approval would not have been granted but for the applicability and validity of each and every one of the specified Conditions, and if one or more of such Conditions is found to be invalid by a court of competent jurisdiction this Approval would not have been granted without requiring other valid Conditions consistent with achieving the same purpose and intent of such Approval.

**Project Specific Conditions: Alcohol Beverage Sales Activities**

**10. Sale of Alcoholic Beverages**

***Ongoing***

**a. Hours of Operation**

The applicant has voluntarily agreed that Alcoholic beverages may only be sold between 7:00 AM and 12:00 AM daily 7 days a week.

**b. Types of Alcoholic Beverages Sold**

Alcoholic beverage sale includes off-sale of beer, wine, and distilled spirits for off-site consumption

**c. Voluntary Restrictions on Types of Alcoholic Beverages Sold**

The applicant has voluntarily agreed there shall be no sale of:

- 1) single bottles of beer;
- 2) 40 oz. bottles of beer; and/or
- 3) Malt liquor in excess of 5.9% alcoholic content

**d. Additional Permits Required**

Necessary ABC permit (license types #21 for general off-sale) must be obtained prior to commencement of activity. The license must be purchased from an existing license located within the City of Oakland if available or through the California ABC priority application process for new licenses issued in Alameda County.

**e. Floor Plan/Displays**

- 1) Display areas devoted to beer shall be a maximum of a 10'-10" cooler and for wine shall be a maximum of one 24-foot and two 3'-2.25" shelf displays. The displays are to be located at the greatest possible distance from the entrance and shall constitute no more than 5% of store display.
- 2) Display of alcoholic beverages and advertising of alcoholic beverages shall not be visible through façade glazing (front windows).

**f. Nuisances**

The applicant shall obey all local and state laws relating to crime, litter, noise, or disorderly

conduct.

**g. Signage**

- 1) Within 30 days of the date of decision, at least one sign (one square foot maximum) shall be posted and maintained in a legible condition at each public entrance to the building prohibiting littering and loitering. Required signage prohibiting open containers and drinking in public shall also be maintained in legible condition near each public entrance. The "No Open Container" signs are available from the cashier located on the second floor of 250 Frank H. Ogawa Plaza.
- 2) Loitering and noise would be discouraged by "No loitering" signage at the entrance of the store. Signage would be located in the parking lot stating that no drinking in the lot or public right-of-way is permitted. A contact phone number for a manager shall be located on signage within the store available to the public.

**h. Graffiti**

Graffiti shall be removed from the premises within 72 hours (3 days) of application.

**i. Pay Phones**

No pay phones are permitted outside the building in any area controlled by the Applicant.

**j. Loitering**

The owner, manager, and employees of this establishment shall make appropriate efforts to discourage loitering from the premises including calling the police to ask that they remove loiters who refuse to leave. Persons hanging around the exterior of the establishment with no apparent business for more than ten minutes shall be asked to leave. Techniques discussed in the manual entitled "Loitering: Business and Community Based Solutions" may be used and are recommended by the Alcoholic Beverage Action Team.

**k. Trash and Litter**

The licensees/property owners shall clear the site and the gutter and sidewalks along Broadway and 27<sup>th</sup> Street plus twenty feet beyond the property lines along this street of litter twice daily or as needed to control litter. In addition to the requirements of B&P Section 25612.5, (sweep or mechanically clean weekly) the licensee shall clean the sidewalk with steam or equivalent measures once per month.

**l. Securing Site**

Applicant shall conform to Ordinance 12390 related to securing sites after hours to discourage loitering and crime in parking lots.

**m. Exterior Illumination**

The front of the store and parking lot shall be illuminated during the evening.

**n. Deemed Approved Alcoholic Beverage Sale Regulations**

The applicant and proprietor voluntarily agree to conform to the Oakland Planning Code Deemed Approved Alcoholic Beverage Sale Regulations (OMC Sec. 17.156).

**o. Staff training program**

The operator shall require new employees to complete a staff training program that includes training in the conditions of approval and ABC statutes and regulations.

**p. Staff to monitor site**

An employee shall be located at or near the checkout counter at all times that they are operated. Staff shall regularly monitor the store and parking lot to discourage all nuisances in the parking lot and off-site in the public right-of-way fronting the property including but not limited to discouraging loitering, littering, noise, graffiti, public drinking/intoxication/urination/violence, and noise.

**q. Odor**

Staff shall eliminate outdoor odors by refraining from purposefully breaking defective bottles outside and by immediately washing spillage from bottles broken accidentally.

**r. Security cameras**

Closed circuit television (CCTV) shall be installed and maintained in good working order and utilized for surveillance, including the cash register areas, at all times while the store is open to the public and shall record transactions. Recordings shall be retained for a minimum of two weeks.

**11. Inclusion of conditions in State Department of Alcoholic Beverage Control license**

***Prior to signing of State Department of Alcoholic Beverage Control zoning affidavit***

The applicant shall submit a letter to staff signed by the applicant addressed to the State Department of Alcoholic Beverage Control ("ABC") agreeing to execute a Petition to Condition License in accordance with Section 23800, et. seq. of the ABC Act that they wish to include as conditions of their ABC licenses those conditions and requirements in this approval which are under the jurisdiction of the ABC. The letter shall request the ABC condition its license to those uses allowed under City permits **which are also under the jurisdiction of the ABC**. If the Applicant fails to make such request to the ABC to include the above conditions in its Petition to Condition License, staff may initiate enforcement proceedings pursuant to Condition of Approval 5C, including revocation.

**12. Conformance with State Department of Alcoholic Beverage Control regulations**

***Ongoing***

This use shall conform to all provisions of the Alcoholic Beverage Control Act. The ABC license(s) and Petition to Condition License shall be posted along with these Conditional Use Permit conditions in a place visible to the public. Applicant's use shall also conform to all State Retail Operating Standards, Section 25612.5 of the Business and Professions Code and local Performance Standards, Section 15210, where applicable including any future changes in the above regulations. The intent of these standards is to reduce nuisance, litter, loitering, and crime associated with alcohol outlets. The City Conditions of Approval shall be forwarded to the Department of Alcoholic Beverage Control.

**13. Compliance Review**

Six months after the Certificate of Occupancy has been issued (or temporary Certificate of

Occupancy if one is issued), the applicant shall meet with the Zoning staff to review any complaints or other known issues that have arisen during the first 6 months of operation under this permit. If Zoning or Code Compliance staff are aware of complaints that would indicate significant non-compliance with any Conditions of Approval, the applicant shall submit for, and pay all appropriate fees consistent with the Master Fee Schedule, and such review will be concluded in the process provided for under Oakland Planning Code, which may include referral to the Planning Commission.

**14. Community Engagement**

The applicant shall engage in a neighborhood council meeting prior to obtaining Building Permit. Subject site is in Police Area 2 and Beat 8X. Neighborhood council meeting day is held 3<sup>rd</sup> Thursday of January, March, May, July, September, and November at 7:00 PM.

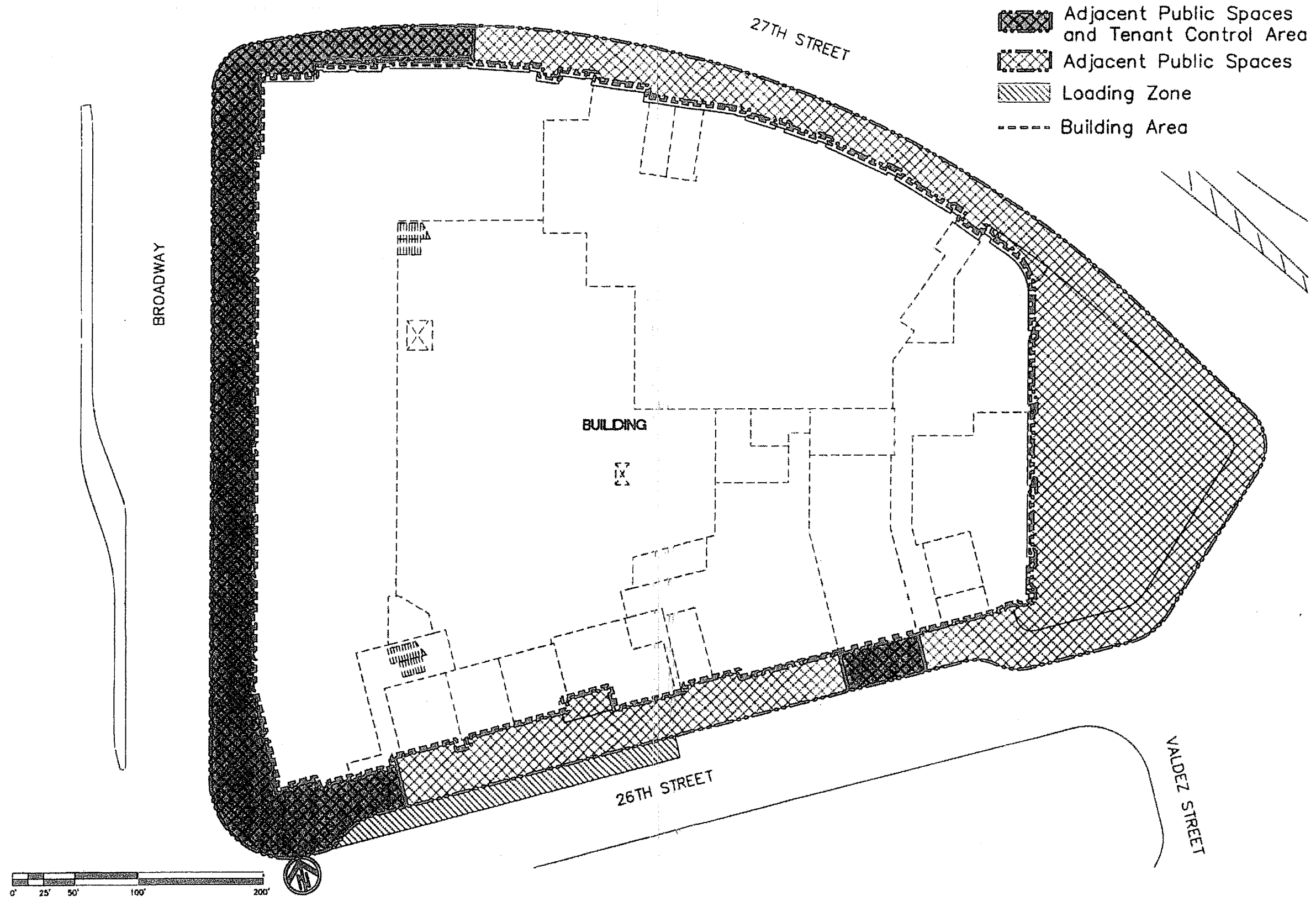
Neighborhood Council Name: Northgate





Location: 550 24<sup>th</sup> Street – Northgate Terrace Apartments

Neighborhood Service Coordinator (NSC): Kenny Ip, 510-238-3102, [kkip@oaklandca.gov](mailto:kkip@oaklandca.gov)

**APPROVED BY:**

City Planning Commission: \_\_\_\_\_ (date) \_\_\_\_\_ (vote)



-  Adjacent Public Spaces and Tenant Control Area
-  Adjacent Public Spaces
-  Loading Zone
-  Building Area

T-3330 Oakland, CA

K:\0020559.00\DWG\3330SITEB.DWG 10/16/2018 12:04:01 PM

Exhibit B  
Site Plan (Sheet 1 of 9)

TARGET CORPORATION

TARGET CORPORATION, PROPERTY DEVELOPMENT  
2000 MARKET STREET  
INDIANAPOLIS, INDIANA 46204

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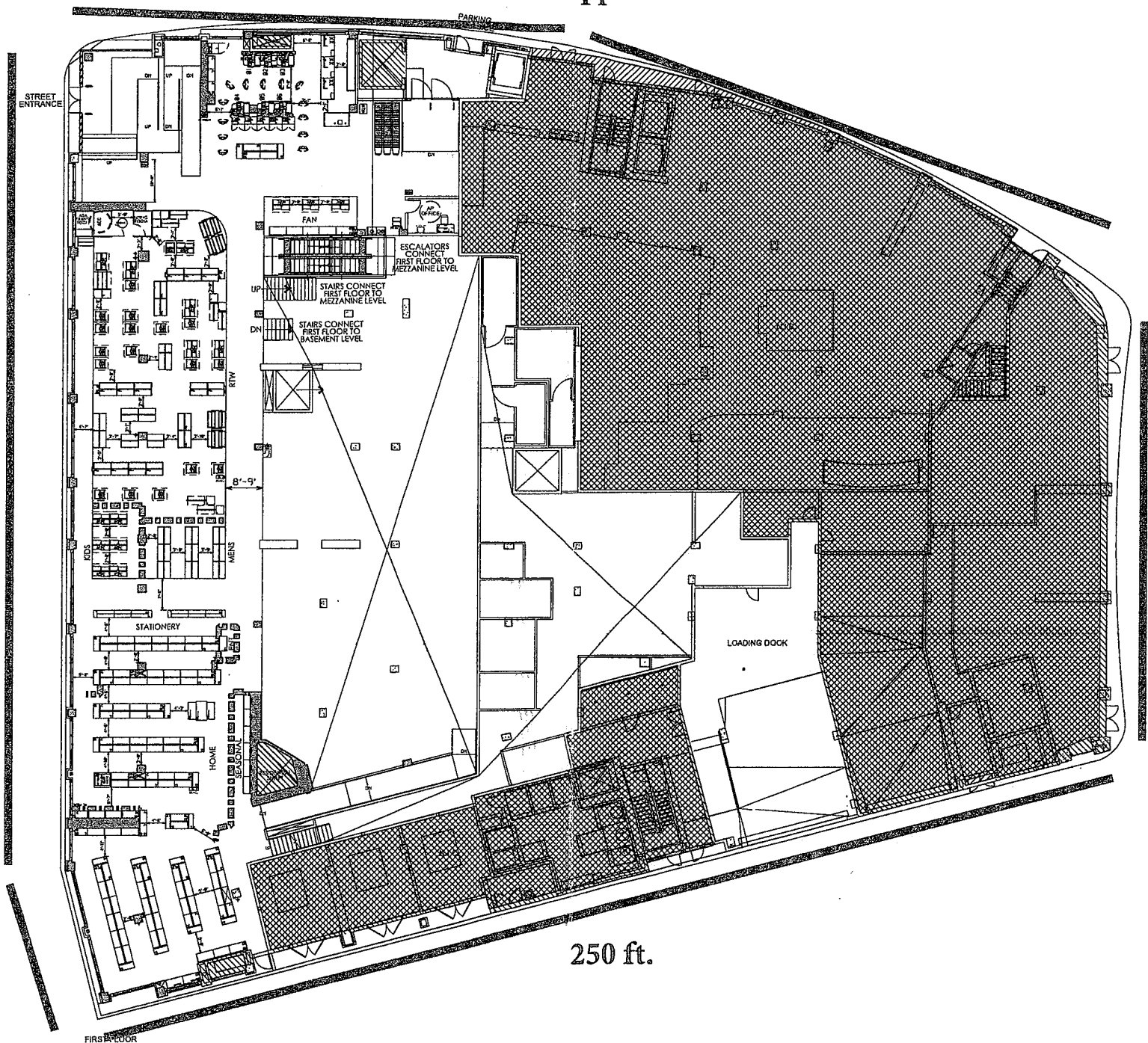
approx. 300 ft.

195 ft.

105 ft.

35 ft.

250 ft.



**SCHEMATIC PUBLICATION**

**© TARGET**

ISSUE DATE: 10/26/18
PLT. DATE: xxxxxxxx
PLANNER: M. Adams
SCALE: 1/8"=1'-0"
PROJECT
NAME: Oct 2019 New Store
NAME: Oakland Broadway and
CA
STORE NO. T-3330
TITLE: FIXTURE PLAN
PLAN TYPE SHEET NO.
FW1-01

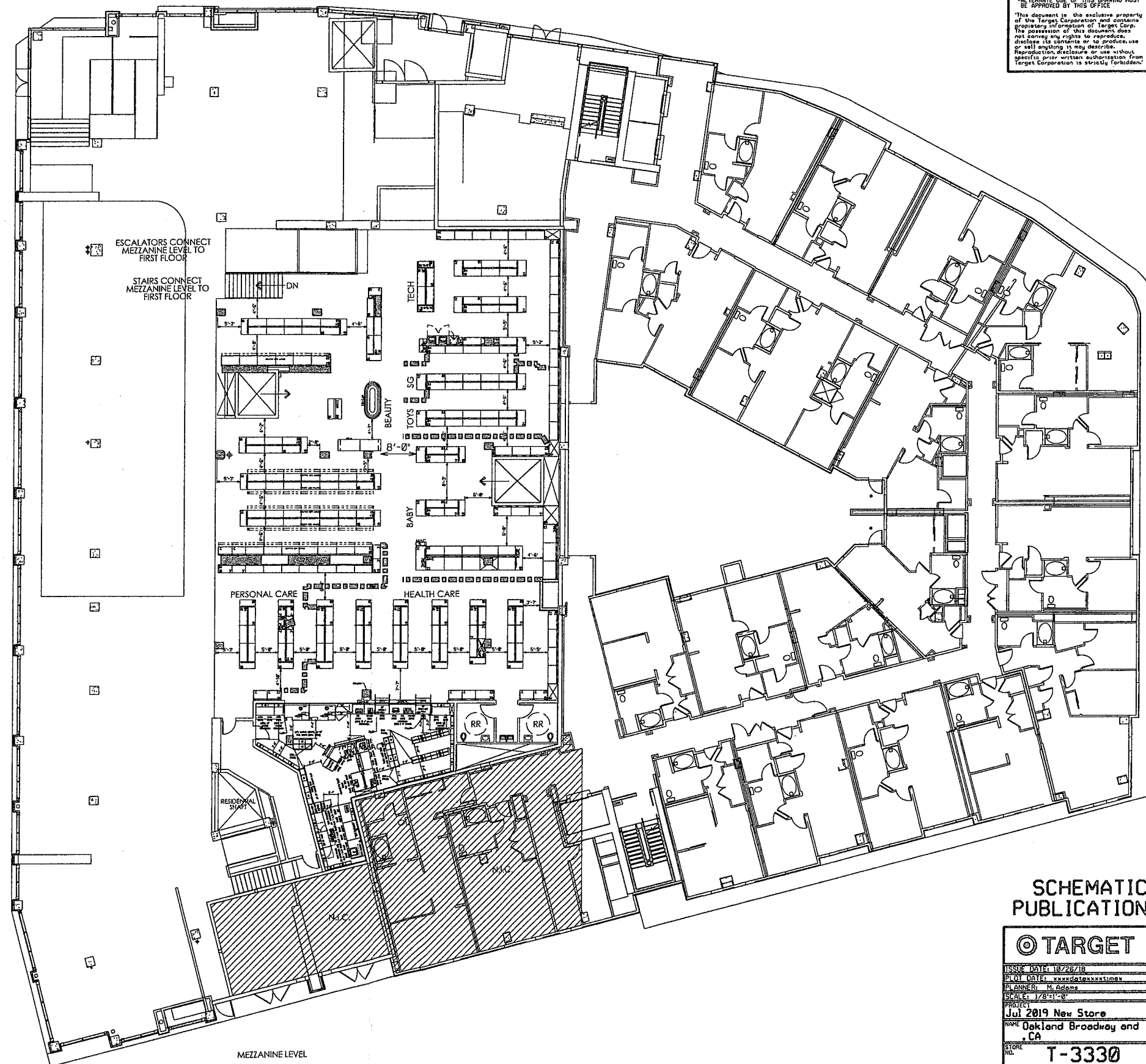




TARGET CORPORATION

TARGET CORPORATION, PROPERTY DEVELOPMENT  
1000 WHEATLEY HILL  
MINNEAPOLIS, MINNESOTA 55403

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SCHEMATIC PUBLICATION

TARGET

ISSUE DATE: 10/26/18
PLAT DATE: xxxxxxxx
PLANNER: M. Adams
SCALE: 1/8"=1'-0"
PROJECT:
Jul 2019 New Store
NAME: Oakland Broadway and 2
CA
STORE NO. T-3330
TITLE: FIXTURE PLAN
PLAN TYPE SHEET NO.
FW1-M1





**ATTACHMENT D**  
**PLN19185**

[Back to Map](#)

Crime Incidents

08-06-2019 to 09-02-2019 (28 Days)

4 Records

	Type	Description	Incident #	Location	Agency
<a href="#">Map it</a>		ROBBERY - STRONG-ARM (HANDS, FISTS, FEET, ETC.)	19-043648		Oakland Police
<a href="#">Map it</a>		LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	19-042410		Oakland Police
<a href="#">Map it</a>		LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	19-042211		Oakland Police
<a href="#">Map it</a>		LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	19-913761		Oakland Police

1 - 4 of 4 items

