

Case File Number: PLN16125

July 20, 2016

Location:	1991 Mountain Blvd. – Rite Aid Pharmacy- (See map on reverse)
Assessor's Parcel Numbers:	048F-7359-011-02
Proposal:	“Rite Aid Pharmacy” requests the addition of the sale of beer, wine and distilled spirits to their products offering at an existing 19,924 square foot drug store with a 10:00 PM closing time and therefore requires a Type 21 Alcohol Beverage Sales License to add the off-sale of Alcohol Beverages.
Applicant:	Thrifty Payless Inc. DBA Rite Aid #5952
Contact Person/ Phone Number:	Jason Overman (510)735-8193
Owner:	G.A. Sturtevant No.1 Inc.
Case File Number:	PLN16125
Planning Permits Required:	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); Additional Conditional Use Permit Findings for Activities in CN zones (Sec. 17.33.01(L4) & 17.33.030).
General Plan:	Neighborhood Center Mixed Use
Zoning:	CN-1 Neighborhood Center Mixed Use 1 Zone
Environmental Determination:	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.
Historic Status:	Not a Potential Designated Historic Property; Survey rating: X
Service Delivery District:	2
City Council District:	4
Date Filed:	April 29, 2016
Finality of Decision:	Appealable to City Council within 10 Days
For Further Information:	Contact case planner Jose M. Herrera-Preza at (510) 238-3808 or jherrera@oaklandnet.com

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 to add on-site sales of alcoholic beverages inside the Montclair “Rite Aid Pharmacy”. As detailed below, the project meets all of the required findings for approval. Therefore, staff recommends approval of the project subject to the attached conditions of approval.

CITY OF OAKLAND PLANNING COMMISSION



0 125 250 500 750 1,000 Feet



Case File: PLN16125

Applicant: Thrifty Payless Inc. DBA Rite Aid #5952

Address: 1991 Mountain Blvd

Zone: CN-1

PROJECT DESCRIPTION

The applicant (Thrifty Payless Inc. DBA Rite Aid #5952) is implementing a complete interior remodel and façade improvement to the Montclair Rite Aid Pharmacy at 1991 Mountain Blvd. The Bureau of Planning reviewed and approved a small project design review application, case number DS150483, to incorporate architectural features at the front entrance, repair or replace the exterior brick façade and paint the entire building. As part of their final phase of the project the applicant is requesting a Type 21 ABC license to allow the off-sale of Alcoholic Beverages. The product is expected to take up 507 square feet of sales floor area (approximately 3.9% of the sales floor) and 80 square feet of cooler space (approximately 0.8% of refrigeration space).

PROPERTY DESCRIPTION

The project site is a 22,297 square foot rectangular shaped parcel at the corner of Mountain Blvd. and Medau Pl. in the Montclair Village commercial district. The subject property has been occupied by the applicant, "Rite Aid Pharmacy", since 1995 in an existing 19,924 square foot 22' tall commercial building.

GENERAL PLAN ANALYSIS

The subject property is located within the Neighborhood Center Mixed Use Area of the General Plan Land Use & Transportation Element (LUTE). The Neighborhood Center Mixed Use Classification is intended *"to create, preserve, and enhance mixed use neighborhood commercial centers. The centers are typically characterized by smaller scale pedestrian oriented, continuous and active store fronts with opportunities for comparison shopping."* The proposed Alcohol Beverage Sales activity within an existing General Retail Sales activity ("Rite Aid Pharmacy") 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 Neighborhood Center Mixed Use characteristics of the neighborhood.

Policy I/C1.2 Retaining Existing Business [Existing businesses and jobs within Oakland which are consistent with the long-range objectives of this Plan should, whenever possible, be retained.

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 Montclair Village.

ZONING ANALYSIS

The proposed project is located in the CN-1 Neighborhood Center Mixed Use 1 Zone. The intent of the CN-1 Zone is *"to maintain and enhance vibrant commercial districts with a wide range of retail establishments serving both short and long term needs in attractive settings oriented to pedestrian comparison shopping."* The proposed Alcohol Beverage Sales activity is located at 1991 Mountain Blvd. in the Montclair Village commercial district of the Oakland Hills. 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 twenty-five (25) or more full time equivalent (FTE) employees and has a total floor area of more than twelve thousand (12,000) square feet; therefore it is exempt from special restrictions that apply if the proposal is within 1,000 feet of an existing ABC outlet. Furthermore, special findings are required for conditionally permitted activities in all CN zones to ensure that the activity will contribute to the commercial district to the greatest extent possible.

Over-concentration/Findings for Public Convenience or Necessity

The project site is located in an over-concentrated area. Census Tract 4045.02 contains seven non-restaurant liquor licenses (all off-sale) where the County median is six (per most recently-provided ABC data for June 20, 2016). Although, Police beat 13z contained 83 reported crimes where the citywide median (for 2015 per OPD) was 968.4, the additional findings are required. Therefore, Findings of Public Convenience or Necessity must be made to approve the project. These Findings are intended to ensure that the establishment of additional alcohol beverage sales would be beneficial to the community.

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 Montclair Village area is over-concentrated for ABC licenses. Census Tract 4045.02 contains twenty-eight ABC licenses where four or more is over-concentrated according to the Planning Codes formula. Twenty of these twenty-eight are restaurants; Safeway and Lucky's Supermarkets account for three, and the other licenses are related to specialty beer and wine businesses. Staff does not consider restaurants and specialty outlets to generate nuisances on a district. Findings of Public Convenience of Necessity are required; given the economic and consumer benefits of the project as well as the appropriateness of the activity for the business type, findings can be made. Additional findings stipulating distance separation from civic uses are not required given the store size. Given the store is in operation and alcohol was previously sold from the building (previously a Lucky's Supermarket), staff does not consider outlet concentration to be a major issue with adoption of conditions of approval.

The area is not over-concentrated for crime. Most recent data indicates Police Beat 13z had 83 reported crimes where 1,143 is over-concentrated. This police beat ends at Moraga Avenue. Staff notes that for Oakland Police Department crime statistics indicate 83 crimes for a 1,000 foot radius over ninety days

ending June 20, 2016 (Attachment C); these crimes are not centered at the site and none were alcohol-related.

Staff informed the City Councilmember's Office, Neighborhood Service Coordinator, Neighborhood Crime Prevention Council, and Oakland Police Department's Alcoholic Beverage Action Team of the application and has not received any objection to the application. With conditions of approval, staff does not consider crime to be an issue with this application.

Sale of alcoholic beverages is typical of large drug 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 (that is, a large store in a low crime area), staff can support the proposal with the following conditions of approval:

- No sale of "singles" as voluntarily agreed to by the applicant.
- 10:00 PM closing time
- Small display only not located near entrance
- No window display of alcoholic beverages, including advertising signage
- Staff training on sale of alcoholic beverages
- Surveillance cameras
- Standard nuisance abatement procedures for graffiti, loitering, public drinking, et cetera
- 6-month compliance review at applicant's expense

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

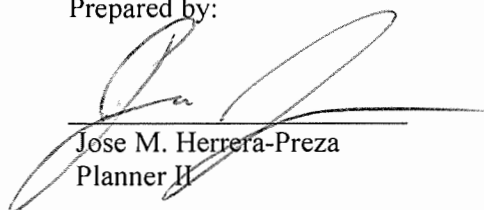
CONCLUSION

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

RECOMMENDATIONS:

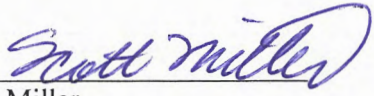
1. Affirm staff's environmental determination
2. Approve the Major Conditional Use permit and Findings of Public Convenience and Necessity for Alcoholic Beverage Sales for PLN16125 subject to the attached findings and conditions of approval.

Prepared by:



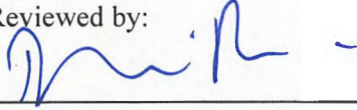
Jose M. Herrera-Preza
Planner II

Reviewed by:



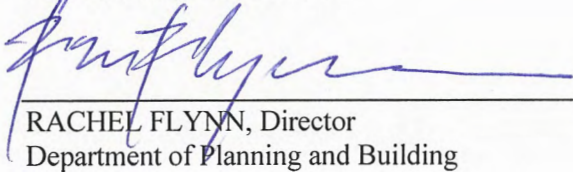
Scott Miller
Zoning Manager

Reviewed by:



Darin Ranelletti, Deputy Director
Bureau of Planning

Approved for forwarding to the
City Planning Commission



RACHEL FLYNN, 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)**; **CN Neighborhood Commercial Zones Regulations/Additional CUP Criteria (OMC Sec. 17.33.01L4)**; **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 drug store. Various other drug 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 four percent of the store's sales floor and will be located in an area of the store that is away from the 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 Medau Place and Mountain Blvd. 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 consumers that is consistent with the prior use and the format of other similar businesses in the City.

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 activity will be managed so as to avoid resulting in nuisances that are sometimes 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 Neighborhood Center Mixed Use of the General Plan's Land Use and Transportation Element (LUTE). The intent of the area is: "To identify, create, maintain and enhance mixed use neighborhood commercial centers." Beer, wine and distilled spirits were historically sold from

the one-store establishment at the facility and currently from the adjacent store (Lucky’s). The Montclair Village area is not high in crime. To add the sale of beer, wine and distilled spirits with a 10:00 PM 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.

CN Neighborhood Commercial Zones Regulations/Additional CUP Criteria (OMC Sec. 17.33.01L4)

1. That the proposal will not detract from the character desired for the area;

The proposal to add the sale of beer, wine and distilled spirits in a commercial building formerly occupied by a regional supermarket, and now occupied by a national retail pharmacy, will not detract from the commercial shopping district.

2. That the proposal will not impair a generally continuous wall of building facades;

No new construction is proposed. As part of a complete remodel, the building’s façade improvements have been approved under separate permits.

3. That the proposal will not weaken the concentration and continuity of retail facilities at ground level, and will not impair the retention or creation of an important shopping frontage;

The proposal does not involve development and does not involve activities that are non-retail in nature.

4. 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. No construction is proposed nor would change the mode of operation so there will be no effect to pedestrian access in the area.

5. That the proposal will conform in all significant respects with any applicable district plan which has been adopted by the City Council.

The proposal conforms to the General Plan as described in the previous section of this attachment.

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 area is over-concentrated for ABC licenses but not for crime. Census Tract 4045.02 contains twenty-eight ABC licenses where four or more is over-concentrated according to the Planning Code. Twenty of these twenty-eight are restaurants, three are national supermarkets, and the others specialty beer and wine outlets. Given the store is existing and as alcohol was previously sold from the building and is at present in

the other tenant space in the adjacent parcel, over-concentration is not considered to be a major issue with adoption of conditions of approval.

Of the many other retail drug store locations in Oakland that possess Zoning approvals for sale of alcoholic beverages; some locations of similar chains sell liquor, beer and wine as well. Sale of alcoholic beverages is therefore typical of large drug stores in the City. 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;

The site is not abutting any civic use; it is in a commercial district surrounding by similar uses.

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

As described in the previous section, 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 ten p.m. and seven a.m. The same criteria shall apply to all conditional use permits required by subsection B of this section for sale of alcoholic beverages at full-service restaurants.

The rear of the building abuts other commercial businesses in the district and the closing time will remain at 10:00 PM.

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 a typical of selections offered at large drug stores in Oakland. Although it is located on the same block as a large supermarket chain that offers a similar product offering, there is other drug store operation selling alcohol in this particular district. 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 location and surrounding area.

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 drug stores in Oakland.

CONDITIONS OF APPROVAL
PLN16125

ATTACHMENT B

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, **PLN16125** and the approved plans **dated February 16th, 2016**, 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 8:00 AM and 10:00 PM daily.

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 #20 for off-sale beer and wine) 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.

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 Mountain Blvd. and Madau Pl. 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

The applicant has voluntarily agreed to install two additional high definition security cameras facing in either direction of the stores frontage along Mountain Blvd. 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.

APPROVED BY:

City Planning Commission: _____ (date) _____ (vote)



Architectural Solutions Group

6930 DESTINY DRIVE, SUITE 100, ROCKLIN, CA 95677
 PHONE: (916) 415-5358
 FAX: (916) 343-4391
 BOB PEDRO, ARCHITECT
 KENNY CRACKEN, ARCHITECT
 JESSE MACIAS, VICE PRESIDENT



RITE AID #5952
 1991 MOUNTAIN BLVD
 OAKLAND, CA 94611



REVISIONS
 No. 1
 DATE 3/7/2016
 INITIAL SUBMITTAL

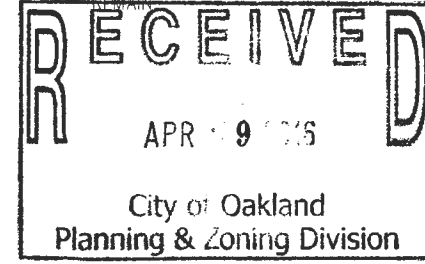
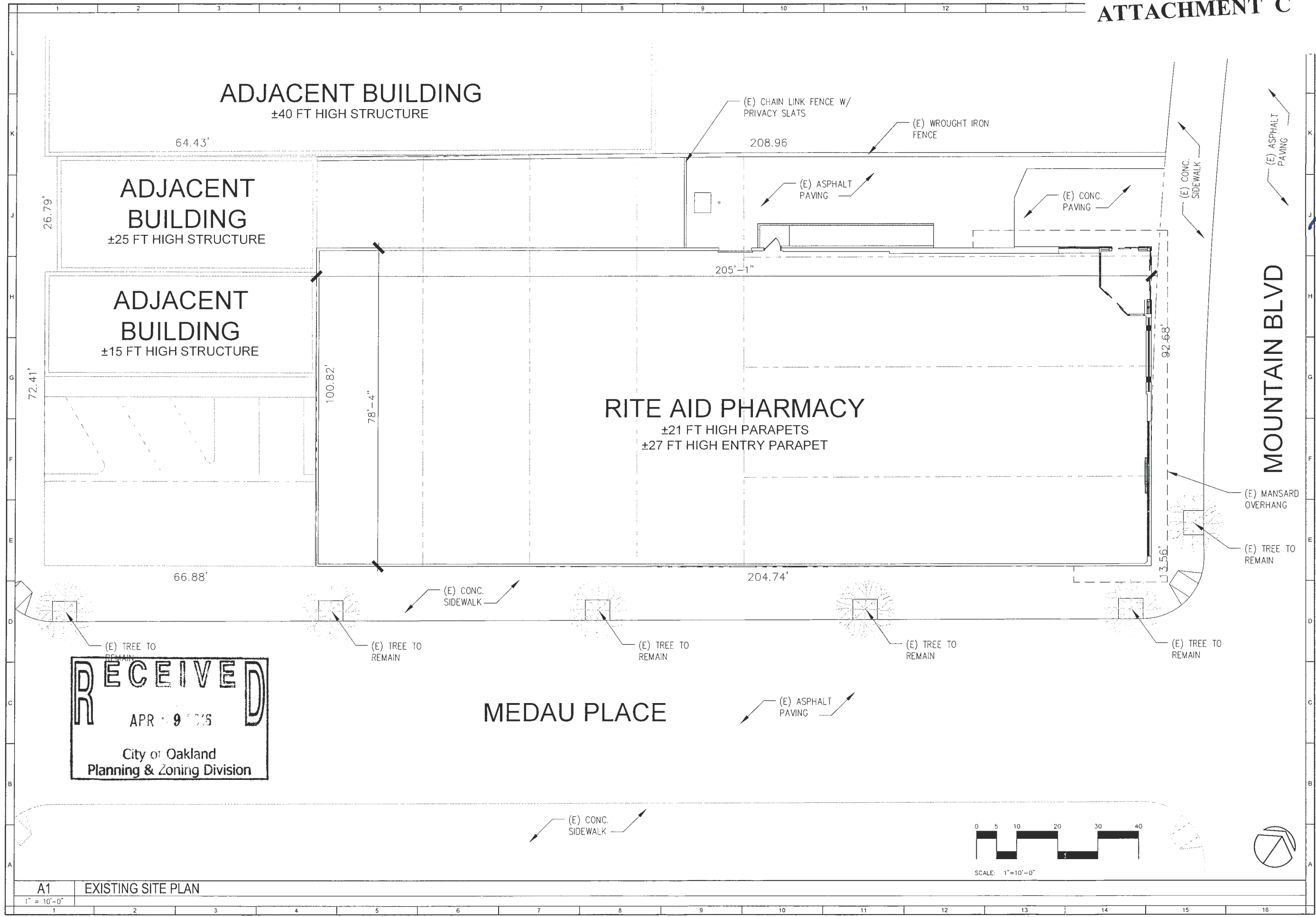
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 Checked: DTL
 Approved: RMP

Project No. R115064.0

Title: EXISTING SITE PLAN

Sheet No.

SD-1



A1 EXISTING SITE PLAN
 1" = 10'-0"

PROJECT CONTACTS

CLIENT

RITE AID CORPORATION
 14625 SW ALLEN BLVD, SUITE #101
 BEAVERTON, OR 97007
 PHONE: (503) 393-3089
 CONTACT: THOMAS HUGHES
 THOMAS.P.HUGHES@RITEAID.COM

ARCHITECT:

PM DESIGN GROUP, INC.
 6930 DESTINY DRIVE, SUITE 100
 ROCKLIN, CA 95677
 PHONE: (916) 415-5358
 FAX: (916) 303-4340
 CONTACT: DAVID LUNDY
 EMAIL: DLUNDY@PMDGNC.COM



Architectural Solutions Group
 6930 DESTINY DRIVE, SUITE 100
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 PHONE: (916) 415-5358
 FAX: (916) 303-4340
 RVP: PETER W. ARTHUR
 KEN MCCRACKEN, ARCHITECT
 JESSE MACIAS, VICE PRESIDENT



RITE AID #5952
 1991 MOUNTAIN BLVD
 OAKLAND, CA 94611



REVISIONS
 No. 1
 3/7/2016 INITIAL SUBMITTAL

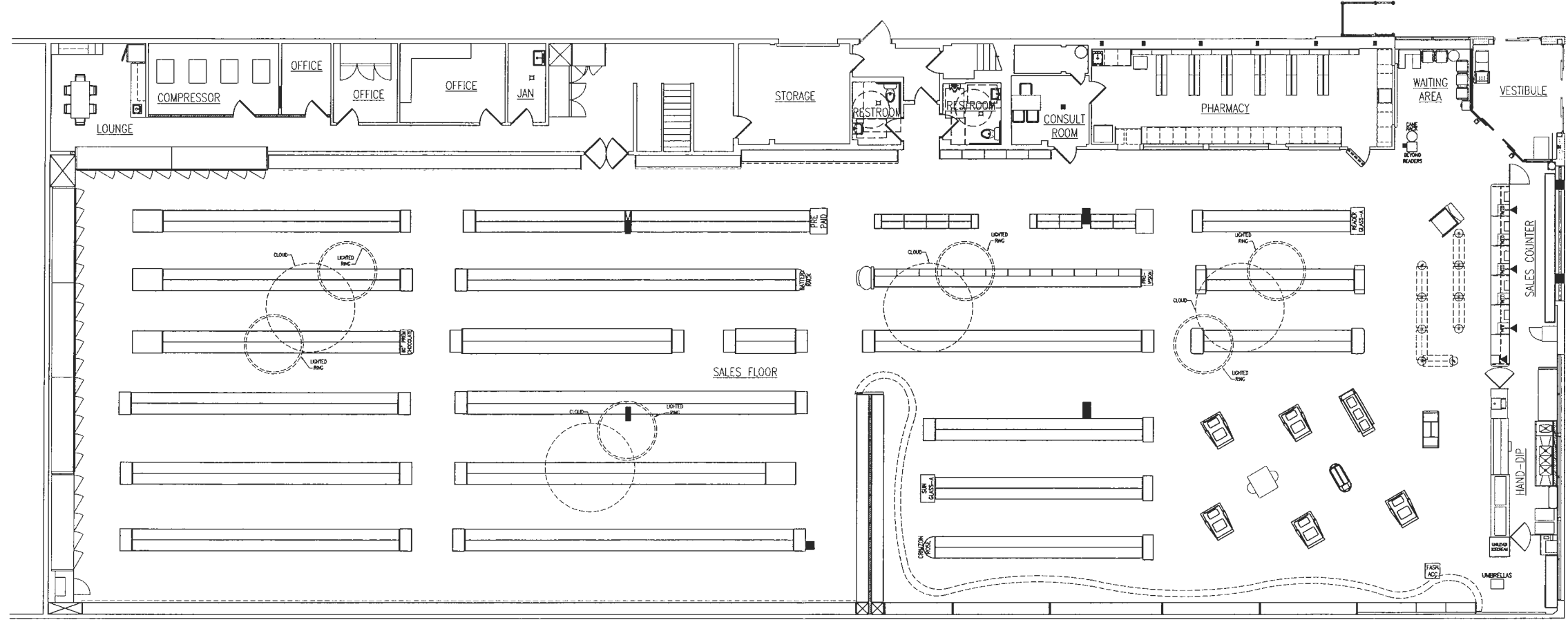
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 Checked: DTL
 Approved: RWP

Project No.: RIT15064.0

Title: FLOOR PLAN

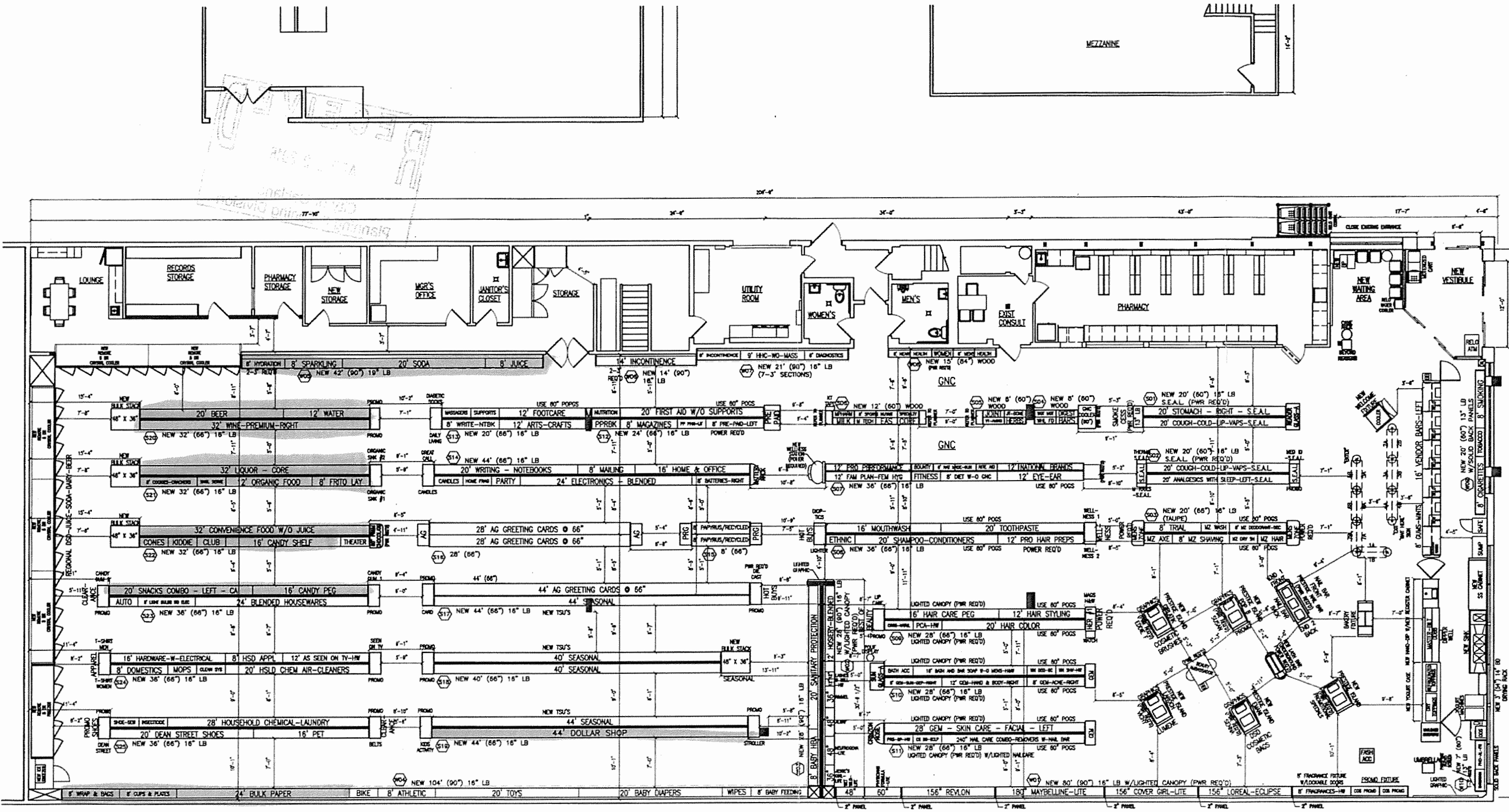
Sheet No.

A-1



A1 FLOOR PLAN
 1/8" = 1'-0"

RITE AID PHARMACY
1991 MOUNTAIN BLVD.
OAKLAND, CA 94611-2812



SALES FLOOR	12890 SQ FT
PHARMACY	586 SQ FT
WAITING AREA	139 SQ FT
RECEIVING ROOM	1519 SQ FT
OTHER	438 SQ FT
TOTAL	15552 SQ FT

FIXTURE MFG.	LOZIER
FIXTURE COLOR	LOZ SOFT WHITE
LINEAL FOOTAGE	1731 FT
WALL HEIGHT	60.90 IN
GONDOLA HEIGHT	60.66 IN
BASEDECK SIZE	13,16.19 IN

MERCHANDISE SET DATE	02/01/16
STORE OPENING DATE	OPEN
FIXTURE PLAN BY	RW1
DATE FIXT PLAN CREATED	10/02/15
MERCHANDISE PLAN BY	SAG
DATE MERCH PLAN CREATED	10/07/15

APPROVAL	
02/22/16	IAS

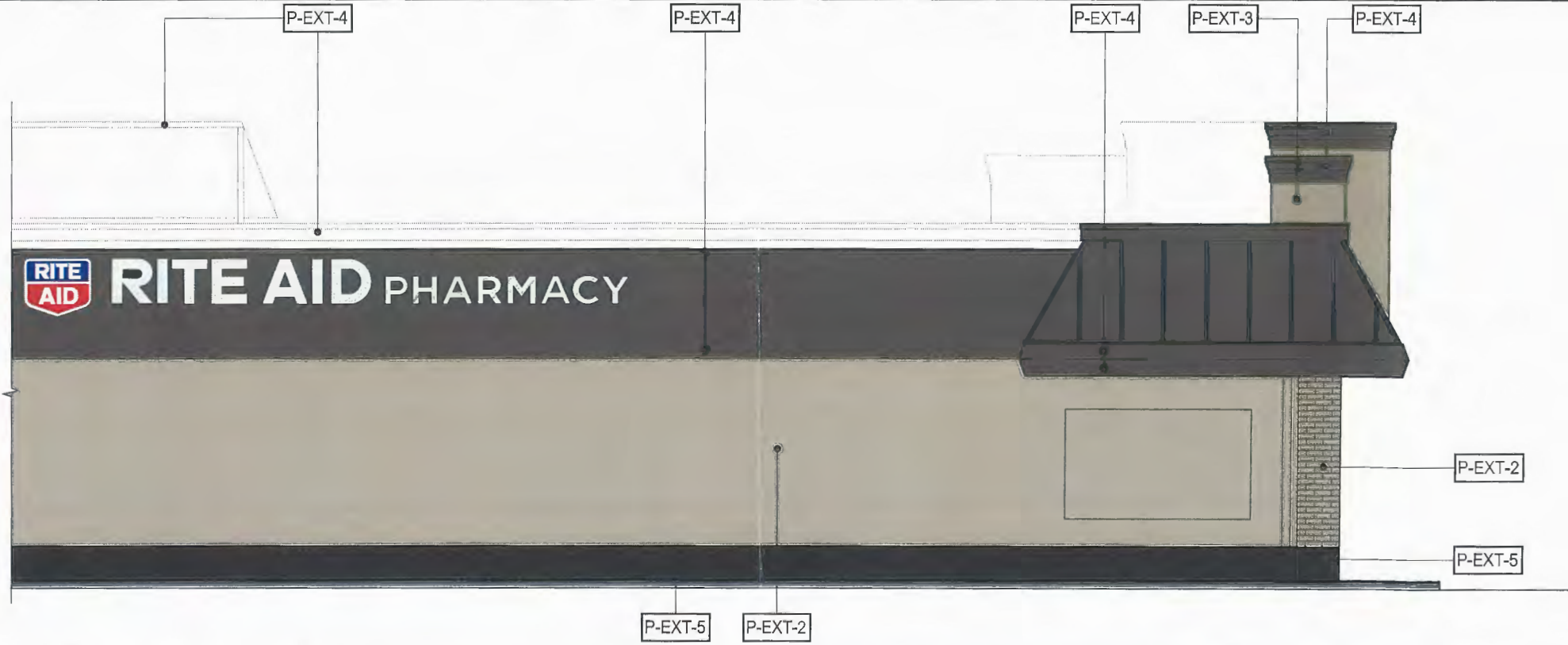
RECEIVED
APR 29 2016
City of Oakland
Planning & Zoning Division

KEY	ITEM	MANUFACTURER	COLOR	LOCATION
P-EXT-2	PAINT	DUNN EDWARDS	DE6206 DESERT SUEDE	EXTERIOR BUILDING
P-EXT-3	PAINT	DUNN EDWARDS	DE6172 BUNGALOW TAUPE	EXTERIOR BUILDING
P-EXT-4	PAINT	SHERWIN WILLIAMS	SW7509 TIKI HUT	EXTERIOR BUILDING
P-EXT-5	PAINT	SHERWIN WILLIAMS	SW6076 TURKISH COFFEE	EXTERIOR BUILDING



F1 EXISTING EAST ELEVATION (MOUNTAIN BLVD.)

1/4" = 1'-0"

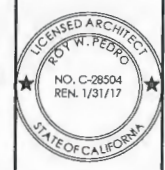


A1 EXISTING SOUTH ELEVATION (MEDAU PL.)

1/4" = 1'-0"



6930 DESTINY DRIVE,
SUITE 100
ROCKLIN, CA 95677
PHONE: (916) 415-5358
FAX: (916) 303-4339
ROY PEDRO, ARCHITECT
KEN MCCrackEN, ARCHITECT
JESSE MACIAS, VICE PRESIDENT



RITE AID #5952
1991 MOUNTAIN BLVD
OAKLAND, CA
94611



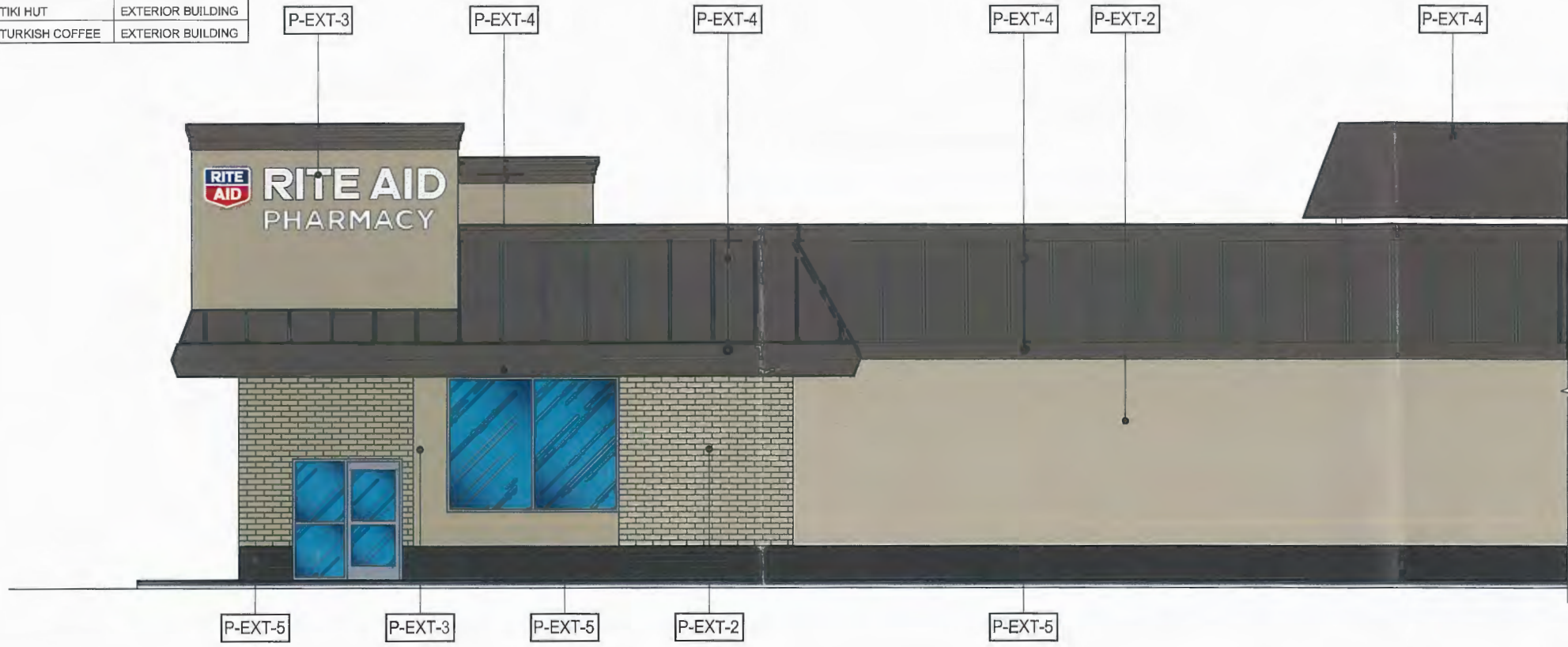
REVISIONS
No. 1
3/7/2016 INITIAL SUBMITTAL

Project No. R1115064.0
Title
PROPOSED ELEVATIONS

Sheet No.

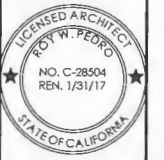
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KEY	ITEM	MANUFACTURER	COLOR	LOCATION
P-EXT-2	PAINT	DUNN EDWARDS	DE6206 DESERT SUEDE	EXTERIOR BUILDING
P-EXT-3	PAINT	DUNN EDWARDS	DE6172 BUNGALOW TAUPE	EXTERIOR BUILDING
P-EXT-4	PAINT	SHERWIN WILLIAMS	SW7509 TIKI HUT	EXTERIOR BUILDING
P-EXT-5	PAINT	SHERWIN WILLIAMS	SW6076 TURKISH COFFEE	EXTERIOR BUILDING



F1 EXISTING SOUTH ELEVATION
1/4" = 1'-0"

RECEIVED
 11/15/2016
 PROJECT NO. R115064.0
 TITLE: PROPOSED ELEVATIONS



RITE AID #5952
 1991 MOUNTAIN BLVD
 OAKLAND, CA 94611




REVISIONS	INITIAL	DATE
No. 1		3/7/2016
Drawn	MOG	
Checked	DTL	
Approved	RWP	

Project No. R115064.0
 Title: PROPOSED ELEVATIONS

Sheet No.

ATTACHMENT D

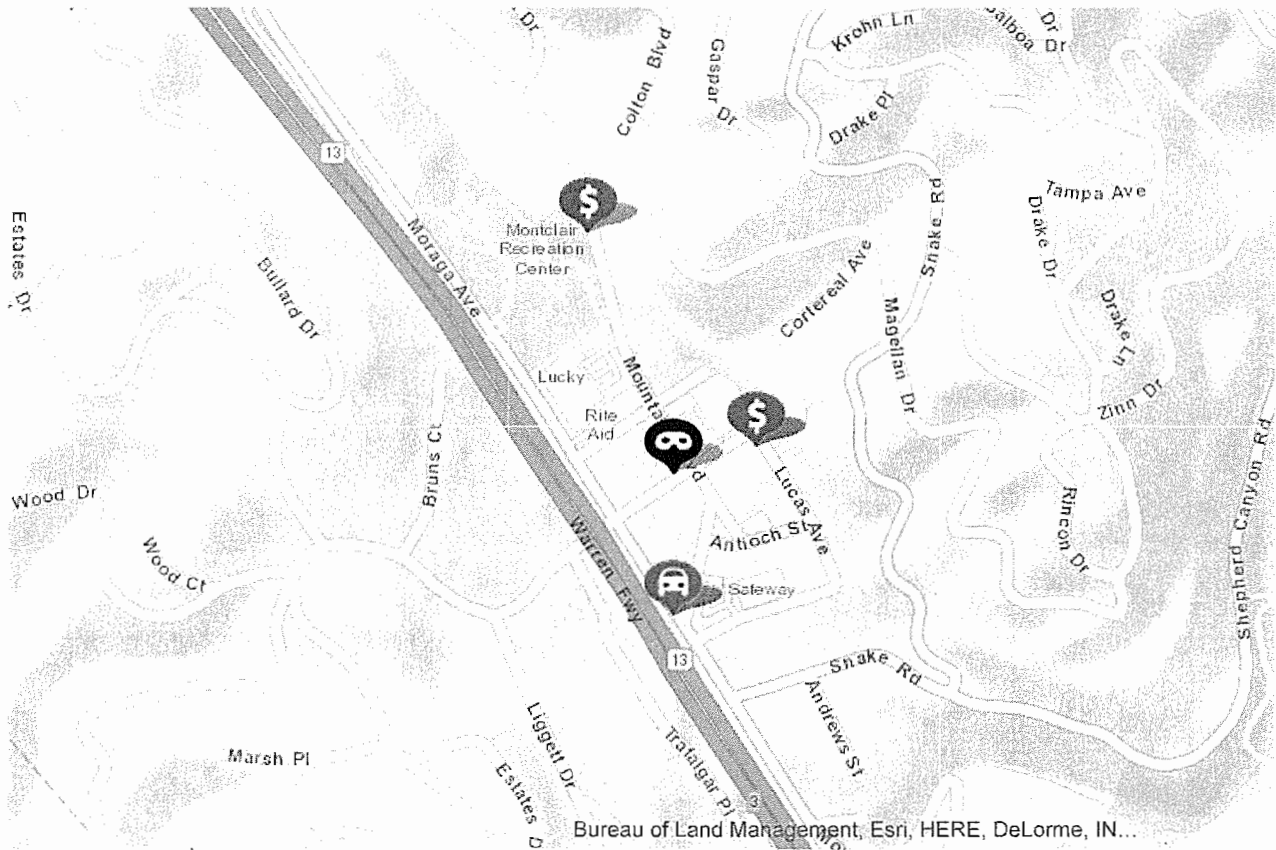
 Print

CrimeMapping.com Map

Friday, June 10, 2016 through Thursday, July 7, 2016

Showing crime types: Arson, Assault, Burglary, Disturbing the Peace, Drugs / Alcohol Violations, DUI, Fraud, Homicide, Motor Vehicle Theft, Robbery, Sex Crimes, Theft / Larceny, Vandalism, Vehicle Break-In / Theft, Weapons





Show crime report



Grab the bottom/right borders to resize the map or the handle in the bottom right corner.

All representations on this map are distributed and transmitted "AS IS" without warranties of any kind, either express or implied including without limitation, warranties of title or implied warranties of merchantability or fitness for a particular purpose. In no event shall CrimeMapping.COM become liable to users of these data for any loss or damages, consequential or otherwise, including but not limited to time, money, goodwill, arising from the use, operation or modification of the data. The visual presentation of data is being provided strictly as a courtesy, not as an obligation to its users.

Crime Report

Type	Description	Incident #	Location	Agency	Date
	LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	16-908103		Oakland Police	6/25/2016 11:56 AM
	BURGLARY - FORCIBLE ENTRY	16-908078		Oakland Police	6/20/2016 11:30 PM
	MOTOR VEHICLE THEFT - AUTOS	16-032096		Oakland Police	6/15/2016 7:15 PM
	LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	16-907674		Oakland Police	6/12/2016 7:00 AM



[Back to Map](#)

Crime Incidents

06-10-2016 to 07-07-2016 (28 Days)

4 Records

	Type	Description	Incident #	Location	Agency	Date
Map it		LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	16-908103		Oakland Police	6-25-2016 11:56
Map it		BURGLARY - FORCIBLE ENTRY	16-908078		Oakland Police	6-20-2016 11:30
Map it		MOTOR VEHICLE THEFT - AUTOS	16-032096		Oakland Police	6-15-2016 7:15
Map it		LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	16-907674		Oakland Police	6-12-2016 7:00

1 - 4 of 4 items

< >



July 12, 2016

Mr. Jose M. Herrera-Preza
Planning and Building Department
City of Oakland
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, CA 94612

RE: PLN16125 (1991 Mountain Boulevard)

Dear Mr. Herrera-Preza:

We write to provide supplemental information you requested regarding security protocols at our store located at 1991 Mountain Boulevard. As you can imagine, Rite Aid is a responsible retailer of all products – especially when it comes to alcohol beverage sales. For example:

- We always ask for identification when selling alcoholic beverages, representing one of the strictest policies in the industry.
- All state and local 'responsible retailer programs' are implemented and monitored.
- Internal audits are conducted randomly to maintain compliance.
- All associates complete the alcohol computer-based training (CBT) on a yearly basis, and sign an affidavit that they have done so.
- All new hires are assigned the CBT within the first week of employment, prior to being given register access.
- All store managers complete a self-assessment every six months to ensure that all associates have completed the training CBT and are compliant with all regulations.
- The "Certified Green" program ensures that all stores are compliant with corporate, state, and federal regulations through audits by district and corporate operators.

In addition to being a responsible retailer, we have top-level security measures in place -- such as:

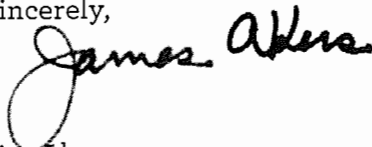
- Undercover 'asset protection agents' are assigned to the store
- We maintain a surveillance system with 20 interior cameras – including a camera that will cover the alcohol beverage sales department, and cameras that record every transaction.
- We will utilize security caps on all liquor bottles to help prevent theft – and control the quantities of the items that are at higher risks of theft, managing this inventory weekly.
- After approval of this use permit amendment, we will install two cameras covering the outside of the store – placement to be coordinated with the Montclair Village Association.

- We maintain a store alarm system, with remote monitoring through Protection One.
- We have an armored car service that transports our cash deposits.
- We may also consider locked cases and/or inventory placement behind register areas as requested.

Finally, we have a zero-tolerance policy when it comes to employees violating the law – including sale of tobacco and alcohol products to underage customers. We terminate for these violations on the first offense – and as a result, we have had very few failures.

Thank you for your consideration. If you have any additional questions, please contact Jason Overman at (510) 735-8193 or jason@lighthousepublicaffairs.com.

Sincerely,



Jim Akers
Licensing Manager

