

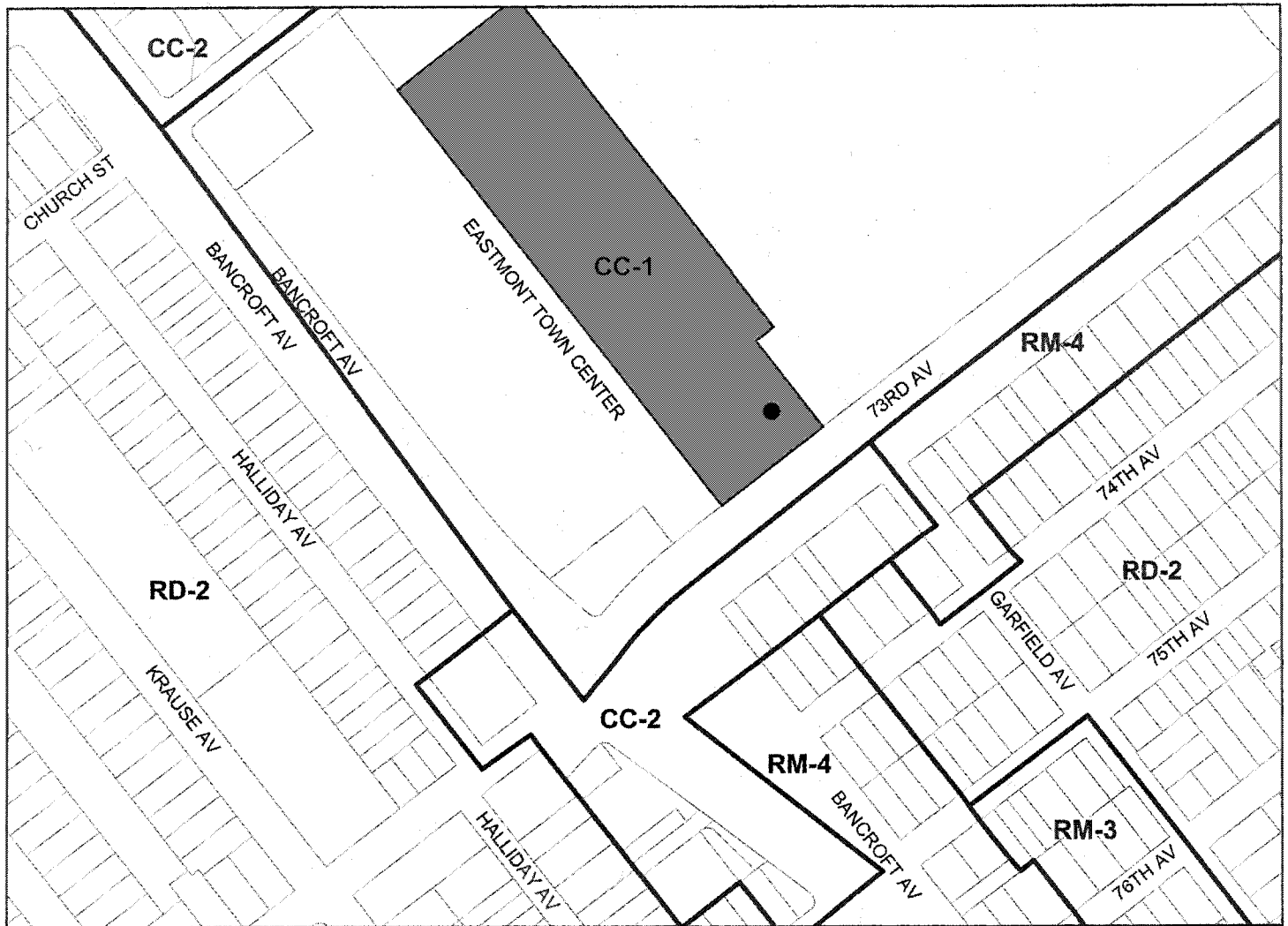
Location:	Eastmont Town Center
Assessor's Parcel Number:	7200 Bancroft Avenue (see map on reverse) 039 -3299-001-02
Proposal:	Establishment of a CVS Pharmacy within shell (southern most end) of the existing Eastmont Town Center Proposal includes the interior and exterior remodeling of existing 14,000 square-foot (end cap) building including the addition of 30 square feet. The refurbished structure would serve as a CVS pharmacy with a drive-through pharmacy window. In addition, the project would include construction of a new on-site vehicle drive-through lane, re-striping of parking at 73 rd Avenue, and new landscaping, lighting and signage.
Contact Person/	Alexis Pelosi
Phone Number:	(415) 774-2974
Owner:	Eastmont Oakland Associates, LLC
Planning Permits Required:	Major Conditional Use Permits to allow an Alcoholic Beverage Sales Commercial Activity with Findings of Public Convenience or Necessity (PCN) and to allow an automobile drive-through; Variances to allow for alcoholic Beverage Sales in an over-concentrated area which requires relief from PCN findings, including locating within 1,000 feet of existing Alcoholic Beverage Sales, proximity to civic uses and exceedance of police service calls; Regular Design Review for exterior additions and alterations including new signage
General Plan:	Community Commercial
Zoning:	CC-1 Community Commercial Zone-1
Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Alterations to and operation of existing facilities; 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 (PDHP); Survey rating: X
Service Delivery District:	5
City Council District:	6
Date Filed:	March 16, 2011
Action to be Taken:	Decision based on staff report
Finality of Decision:	Appealable to City Council within 10 days
For Further Information:	Contact case planner Moe Hackett, Planner II at (510) 238-3973 or mhackett@oaklandnet.com

SUMMARY

The applicant, Ms. Alexis Pelosi, on behalf of the property owner Eastmont Oakland Associates LLC requests Planning Commission approval of Major Conditional Use Permits with additional findings, Findings for Public Convenience or Necessity, Variances, and Regular Design Review to establish a CVS Pharmacy with alcoholic beverage sales and a drive-through pharmacy window in the vacant 14,000 square-foot south end-cap of the Eastmont Town Center.

Staff recommends approval of the requested permits, subject to Findings for and Conditions of Approval.

CITY OF OAKLAND PLANNING COMMISSION



0 155 310 620 930 1,240 Feet



Case File: CMDV11-047
Applicant: Alexis Pelosi / Shephard Mullin Richter & Hampton
Address: 7200 Bancroft Avenue
Zone: CC-1

PROPERTY DESCRIPTION

The project site is a vacant 14,000 square-foot commercial space at Eastmont Town Center. The shopping center/mall encompasses the entire City block bound by 73rd Avenue to the east, Bancroft Avenue to the south, Church Street to the west, and Foothill Boulevard to the north. The center is comprised of approximately six abutting parcels (County data). The site measures approximately 29.58 acres in area and contains approximately 651,000 square-feet of floor area. The Eastmont Town Center contains commercial retail, general food and fast food sales, residential (the Nate Miley Senior Facility – 69 units), medical services, and civic uses (including a branch library, federal and county assistance services, and an Oakland Police Department substation). Senior housing and social services are over 500-feet in distance from the project site commercial space. The shopping center was constructed in the 1970s (originally named Eastmont Mall) at the site of a former automobile factory. It has transitioned over the last three decades from a primarily retail mall to a facility that primarily focuses on neighborhood and community services. The area contains primarily a mix of housing types as well as businesses with some civic uses.

PROJECT DESCRIPTION

The project is to establish a new pharmacy (General Retail Commercial Activity) with a drive-through window and an off-sale Alcoholic Beverage Sales component in a 14,000 square-foot commercial space that was formerly an automotive retail and servicing store. Exterior changes would include a façade remodel, signage, addition of a double lane pharmacy drive-thru window, new landscaping planters, and improved site lighting. Standard hours of operation would be 7am to 11pm daily for the store and 24 hours for the drive-through pharmacy window. The store may request extended operating hours in the future. Loading would be at existing berths located to the rear of the store accessible by a driveway along 73rd Avenue. Major deliveries would be once or twice per week with smaller independent vendor deliveries occurring daily. Deliveries would take place during business hours mainly between 8am and 5pm. Staff would be trained on alcohol sales and the store design and security for alcohol would consist of cameras, bottle security caps, and layout conducive to staff monitoring. The applicant has voluntarily agreed not to sell single beers, malt liquor, and fortified wines.

GENERAL PLAN ANALYSIS

The project site is located within the Community Commercial area under the General Plan. The Intent of the Community Commercial classification is: *"To identify, create, maintain, and enhance areas suitable for a wide variety of commercial and institutional operations along the City's major corridors and in shopping districts or centers."* The Desired Character and Uses are that the area: *"May include neighborhood center uses and larger scale retail and commercial uses, such as auto related businesses, business and personal services, health services and medical uses, educational facilities, and entertainment uses can be complemented by the addition of urban residential development and compatible mixed use development."*

The basic CVS business model is a combination of the Use Classifications of (1) General Retail and (2) Alcoholic Beverage Sales Commercial Activities under the Planning Code. General Retail Sales Commercial Activity conforms to the General Plan for this area; the General Plan is silent on Alcoholic Beverage Sales Commercial Activity. The project would establish a new business and create new jobs by utilizing a vacant large floor plate retail space within a very large shopping center located on the edge of an underserved residential district. The proposed business would add to the business mix at the center, which possesses ideal transit access (pedestrian, bus, bus to BART, pedestrian). The proposal thus conforms to the following Industry and Commerce Goals and Policies of the Land Use & Transportation Element (LUTE) of the General Plan:

- Ensure that the Oakland community has access to a wide variety of goods and services, meeting daily and long term needs

Policy I/C1.1 Attracting New Business.

The City will strive to attract new businesses to Oakland which have potential economic benefits in terms of jobs and / or revenue generation. This effort will be coordinated through a citywide economic development strategy / marketing plan which identifies the City's existing economic base, the assets and constraints for future growth, target industries or activities for future attraction, and geographic areas appropriate for future use and development.

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 General Plan.

ZONING ANALYSIS

The project site is located within the CC-1 Community Commercial Zone Regulations -1. The intent of the CC-1 Zone is: *"to create, maintain, and enhance areas suitable for a wide variety of commercial and institutional operations along the City's major corridors and in shopping districts or centers."* General Retail Sales Commercial Activity is permitted by-right in the CC-1 Zone.

Sale of alcoholic beverages

The new drug store would include an alcoholic beverage sales component. This would be off-sale (no on-site consumption) for all alcoholic beverage types (beer, wine, distilled spirits). This activity requires a license type 21 from the State's Alcoholic Beverage Control (ABC). Sale of alcoholic beverages requires a conditional use permit from the City. The review for conditional use permits involving alcohol is always by Planning Commission (Major Permit). The establishment's staff would be trained on alcohol sales and the store design and security for alcohol would consist of cameras, bottle security caps, and layout conducive to staff monitoring. Additionally, the center is separated from neighborhoods by large parking lots and major multi-lane arterials with medians. Standard and additional findings can therefore be made to approve the Conditional Use Permit. The Planning Code requires new alcohol outlets be located over 1,000 feet from existing outlets; that requirement is not met by this proposal and a variance is therefore required.

Over-concentration/Findings for Public Convenience or Necessity

The project site is located in an over-concentrated area as defined in Code Section 17.09. Census Tract 4086 contains seven non-restaurant liquor licenses (all off-sale) where the County median is six (per most recently-provided ABC data for January 1, 2009). Police Beat 30Y contained 1,587 reported crimes where 968.4 crimes is twenty-percent greater than the Citywide median (for 2009 per OPD). Pursuant to Code Section 17.102.210(B)(3), Findings of Public Convenience or Necessity must be made to approve the project. These Findings ensure that the establishment would provide goods useful to the community, that the establishment would be beneficial to the community, and that alcohol sale is typical of this establishment type. The three criteria required by this section are met with this proposal, as summarized in Findings (see p. 12).

Staff notes that the center and neighborhood do not contain any full service drug stores, and that liquor licenses and crime in the area are not focused at or adjacent to the center (Attachment E). In addition, the CVS store

would be a relatively large retail operation devoting a small percentage of its floor space to alcohol sales. Therefore, these findings can be made (Attachment A).

Additional regulations for Public Convenience or Necessity are applicable to over-concentrated areas not located in the Central District or on the Hegenberger Corridor pursuant to Code Section 17.102(B)(4). These additional criteria are not met by this proposal and variances are therefore required. Variances are discussed in the KEY ISSUES AND IMPACTS section of this report, below.

Police Department/Crime Prevention Through Environmental Design (CPTED)

The Police Department's Alcoholic Beverage Action Team (ABAT) has been informed of the project and their input has been sought for the ABC license and CPTED measures. The applicant attended Neighborhood Crime Prevention Committee (NCPC) meetings for the subject Police Beat (30Y) as well as the two Police Beats that the center adjoins (29X and 30), and OPD was present (not the ABAT unit). The 30Y NCPC has submitted a letter in support of the project (Attachment F). As of the completion of this report ABAT has not submitted a formal CPTED recommendations memorandum or copied the division on the final recommendation to ABC. Staff will provide a verbal update at the meeting.

Staff finds the center to have an appropriate setting and layout for a drug store and sale of alcoholic beverages is a typical component of a drug store of this size. The store would provide security staff and measures that would relate to alcohol products and sales. The store would not sell single beers, malt liquor, or fortified wines. With Conditions of Approval, Findings can be made to approve a Major Conditional Use Permit and Variance to allow sale of alcoholic beverages.

Drive-Through Pharmacy Window

A Major Conditional Use Permit is also be required to allow for a drive-through facility. The building wall is set back from the sidewalk, separated by parking stalls and a drive aisle, and the drive-through pharmacy window will therefore not detract from a façade at the property line; required findings can therefore be made.

Design Review

Exterior changes would include a façade remodel, addition of a double lane pharmacy drive-through window, new landscaping planters, and improved site lighting. Building and site design would be an appropriate enhancement of the existing center. Signage as permitted by Code is based on frontage along 73rd Avenue. Signage therefore is limited to 200 square feet. Current signage indicated on the plans exceeds this amount. Conditions of Approval #s 39 and 45 address signage compliance.

The proposal would beautify and modernize the exterior building and site, complement the center, and enhance the adjacent underserved neighborhoods. Staff finds the project to be consistent with the Planning Code.

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 minor alterations and/or operation of existing facilities. Section 15183 of the State CEQA Guidelines applies to projects consistent with a community plan, general plan, or zoning. The proposal to construct tenant improvements and establish a drug store at an existing commercial space meets this description: the project would constitute alterations to and operation of an existing facility and the project conforms to the General Plan. The project is therefore exempt from further Environmental Review.

KEY ISSUES AND IMPACTS

The key issues identified with this application are the potential for over-concentration of establishments selling alcoholic beverages and the associated possibility of negative impacts to surrounding uses including to civic centers as well as potential building code issues and consideration of district character. Staff finds the proposal will not generate adverse impacts as described in this section.

Findings for Public Convenience and Necessity

The center is located in an area that over-concentrated for liquor licenses and crime, and therefore additional criteria for Public Convenience or Necessity are required to approve the project relating to proximity to existing alcohol outlets, civic uses and exceedance of police service calls. These are discussed below.

Proximity to alcohol outlets

Oakland Planning Code section 17.102.210(B)(1) generally prohibits new alcohol retailers within 1,000 feet of an existing alcohol retailer, unless certain requirements are met, which they are not in this instance. Specifically, the proposal involves alcohol sales less than 1,000 feet from three existing outlets but the commercial space measures less than 20,000 square-feet in area (it is about 14,000 sq. ft.). Thus, the 1,000 foot separation applies. This standard is not met by this proposal: the center contains two active alcohol outlets, and there are convenience market/liquor stores in the area. The center has a gas station and a supermarket. The gas station sells beer and wine only, is a Deemed Approved outlet, and is actually slated for closure, according to the applicant. The supermarket holds a conditional use permit for general alcohol sale (all types). Another commercial suite at the center holds a conditional use permit for sale of alcohol but is a retail establishment and not an alcohol outlet. The area contains a few Deemed Approved liquor stores, some selling beer and wine only; none of these are located directly across from the center.

The following table indicates alcohol outlets located within 1,000-feet of the site:

	Address (establishment)	Distance separation (approx.)	ABC license type	Zoning
1.	7000 Bancroft Ave (supermarket at Eastmont)	105-ft.	21 (general)	Conditional Use Permit
2.	7000 Bancroft Ave (gas station at Eastmont)	180-ft.	20 (beer and wine)	Deemed Approved
3.	7000 Bancroft (discount store) *	500-ft.	20 (beer and wine)	CUP
4.	7475 Bancroft (liquor store)	595-ft.	20 (beer and wine)	Deemed Approved

**permitted but not actively selling*

While the 1,000-foot distance separation is not met by the project, staff finds that the intent of the Ordinance to ensure prevention of a proliferation of small alcohol outlets within a residential area or neighborhood shopping district, and this would not be an issue with this proposal. The proposal involves the establishment of a drug store in an existing 14,000 square-foot (approximate) commercial space at an existing 30-acre 651,000 square-foot shopping center/mall containing food services, consumer services, retail, social service offices, senior housing and a police substation. The mall features a large open parking lot along its south side and is bound to the east by 73rd Avenue (six lane major arterial with a median), to the south by Bancroft Avenue (four lane arterial with a median), and to the north by Foothill Boulevard (four lane arterial). The large commercial space would therefore be part of a mix of uses serving but appropriately buffered from adjacent neighborhoods.

Proximity to civic uses

These regulations include a 1,000-foot distance separation to civic uses, which is not met by this proposal and a variance is required. The center contains senior housing along Church Street and social service offices inside the complex towards Foothill Boulevard. There are schools and churches in the area. Staff finds the intent of the required distance separation from civic uses in over-concentrated areas to ensure that establishments such as bars and liquors stores are not located adjacent to sensitive uses such as schools, churches, and parks. In this case, the proposal involves a larger retail store with security measures at a location buffered from these types of civic uses by parking lots and major arterial roadways.

The following table indicates civic uses located within 1,000-feet of the site:

Address	Establishment	Distance separation (approx.)
2552 73rd Ave	Church	170-ft.
7200 Bancroft Ave	Senior citizen community center (at Eastmont)	500-ft.
7200 Bancroft Ave	Head Start (at Eastmont)	500-ft.
7200 Bancroft Ave	Senior housing (at Eastmont)	700-ft.

Due to the large separation between the commercial space and neighborhoods and the presence of a police substation on site, as well as the nature of the business (large retail store with only a small percentage of floor area devoted to alcohol sales) and security measures to be implemented, staff finds variance criteria for distance separation requirements can be made for this proposal (Attachment A).

Exceedance of Police service calls

An additional regulation also states that a maximum of police service calls shall not be exceeded. This regulation is not met by this proposal and a variance is required. Calls for police service numbered 24,765, which are twenty percent (20%) above the Citywide mean numbers 9,918 calls, the maximum allowed. Staff does not have location data for police service calls but does have location data for reported crimes within the last ninety days. Staff finds statistics for police service calls generally correlate to statistics for reported crimes. Staff notes that while the Police Beat does contain crime, "hot spots" do not cluster at or adjacent to the center (Attachment E). Staff feels the intent of the finding is to prevent alcohol outlets from locating in the center of a high crime area. Staff finds the proposal to involve a site not in or adjacent to a "hot spot" for high crime. Due to the large separation between the commercial space and areas of high crime, as well as the presence of a police substation on site, staff finds variance findings for excessive police service calls in the entire Police Beat can be made for this proposal (Attachment A).

District Character

Staff finds the re-use of a vacant commercial floor area in a very large shopping center to be an asset to the community. In fact, the prior establishment at this location was automotive and did not offer as great a community convenience as a general purpose pharmacy would. The establishment of a full service pharmacy with it many convenience amenities could allow for the catalyst that this shopping center and district needs to once again become extremely vibrant. The use could remain indefinitely but would not preclude higher and better uses of the property in the future.

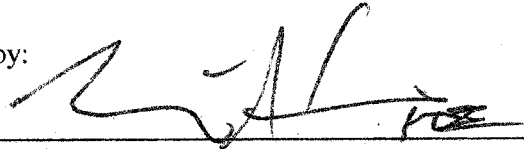
In conclusion, staff finds the project to establish a general retail drug store at a shopping center meets the required conditional use permit findings for a drive-through pharmacy windows and sale of alcoholic beverages, and variance findings for sale of alcoholic beverages within 1,000-feet of other alcohol outlets and some civic uses. This is due to the physical location with a regional shopping center and management of the

store and center which currently lacks a full service drug store in an underserved area. This is also due to the buffering effect of the large parking lot and adjacent major arterials separating the store from other outlets and civic uses in the area. In addition, only a small percentage of the store area is devoted to alcohol sales and CVS has a proven responsible track record in Oakland employs security measures including cameras, anti-theft devices, and security personnel and training.

RECOMMENDATIONS:


1. Affirm staff's environmental determination.
2. Approve the two Major Conditional Use Permits, three Variances, and Regular Design Review subject to the attached findings and conditions.

Prepared by:



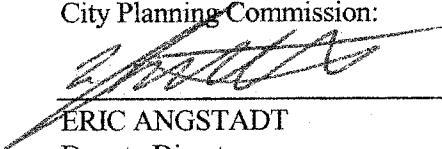
MOE HACKETT
Planner II

Approved by:



SCOTT MILLER
Zoning Manager

Approved for forwarding to the
City Planning Commission:



ERIC ANGSTADT
Deputy Director
Community & Economic Development Agency

ATTACHMENTS:

- A. Findings for Approval
- B. Conditions of Approval
- C. Plans
- D. Site/area photographs
- E. OPD Area Crime Statistics (Map)
- F. Correspondence in support of request: Eastmont Neighborhood Crime Prevention Council, Beat 30Y dated May 13, 2011

Attachment A: Findings for Approval

This proposal meets the required findings under General Use Permit Criteria (OMC Sec. 17.134.050), Use Permit Criteria for Drive-Through Nonresidential Facilities (OMC Sec. 17.102.290), Use Permit Criteria for Establishments Selling Alcoholic Beverages (OMC Sec. 17.102.210(A)), Criteria for Public Convenience or Necessity (OMC Sec. 17.102.212(B)(3)), Variance Findings (OMC Sec. 17.148.050(A)), and Regular Design Review Criteria for Nonresidential Facilities and Signs (OMC Sec. 17.136.050(B)), under the Oakland Planning Code (Title 17).

GENERAL USE PERMIT CRITERIA (OMC SEC. 17.134.050(A))

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 project is to establish a full service retail drug store. The project site is located within the CC-1 Community Commercial Zone Regulations-1. The intent of the CC-1 Zone is: *"To identify, create, maintain, and enhance areas suitable for a wide variety of commercial and institutional operations along the City's major corridors and in shopping districts or centers."* The re-use of vacant commercial floor area in the Eastmont Town Center as a use not currently contained in the center will be a benefit to the community and the ongoing vibrancy of the center. A drive-through pharmacy window will allow for additional, modern convenience as is appropriate in a large shopping center context that is located on a major automotive corridor nexus (Macarthur Boulevard, Bancroft Avenue, and 73rd Avenue). The sales of alcoholic beverages at this location allow for convenience and greater consumer options for existing and new patrons of the Eastmont Town Center. The center is accessed by automobile, public transportation, and by pedestrian access for those in the immediate area. Its design is that of a "retail island" within a large expanse of parking. This site design feature will not be altered, and as such the entire project site continues to exist as primarily a regional facility. This puts automotive convenience and destination shopping for off-site consumer use as the designed intent of the Eastmont Town Center shopping experience. The use of automotive drive-through and alcoholic beverage sales could remain indefinitely but will not preclude higher and better uses of the property in the future. Appropriate use is ensured by Conditions of Approval relating to traffic flow, noise and other minor nuisances as well as security.

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 location is accessible by automobile, public transportation and to lesser extent, by pedestrian travel. It is conveniently designed as a regional shopping facility that also serves civic and healthcare needs. As an existing shopping center at the confluence of several of the City's major corridors, the site is designed to provide for convenient and functional living, working, shopping, and civic activities that are oriented to a utilize the large floor areas and site area (including large parking facilities).

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 proposal is to establish a general retail use with the added convenience of a drive-through pharmacy window at a regional shopping, civic, and health center. The new drug store will be an enhancement to

Eastmont Town Center and the adjacent neighborhoods and commercial corridors to help create a district sought by residents and patrons.

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

Exterior alterations will enhance the appearance of both a portion of the structure and site. These changes include decorative sidings materials and fenestration, glazing, landscaping, paving, illumination, and signage. All proposals conform to the design review criteria set forth in Section 17.136.050.

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.

A drug store is a combination of the Use Classifications of General Retail Sales and Alcoholic Beverage Sales Commercial Activities under the Planning Code. General Retail Sales Commercial Activity conforms to the General Plan; the General Plan is silent on Alcoholic Beverage Sales Commercial Activity and on Business Signs. Drive-through facilities are allowable upon the granting of a Conditional Use Permit. The proposed drive-through pharmacy window is an appropriate facility for a large regional shopping center with abundant provisions for automotive access, maneuvering, and parking.

USE PERMIT CRITERIA FOR DRIVE-THROUGH NONRESIDENTIAL FACILITIES (OMC SEC. 17.102.290)

1. That the proposed facility will not impair a generally continuous wall of building facades;

The 73rd Avenue facing frontage will be the site of the drive-through pharmacy. A covered port will project above the drive-through lane at the location of the actual drive-through window. The drive-through lanes will have will also have a landscape feature adjacent to the sidewalk on 73rd Avenue. The proposal involves an existing building that is set back from the public right-of-way.

2. That the proposed facility will not result in weakening the concentration and continuity of retail facilities at ground level, and will not impair the retention or creation of a shopping frontage;

The proposal will reintroduce retail to an existing commercial space, and will add convenience retail and pharmacy as additional used at this regional retail and civic plaza.

3. That the proposed facility will not directly result in a significant reduction in the circulation level of service of adjacent streets.

The proposal involves an existing building that will be retrofitted with a drive-through pharmacy window. Traffic will enter and exit at existing driveways along a multi-lane arterial and circulation should not be negatively impacted.

USE PERMIT CRITERIA FOR ESTABLISHMENTS SELLING ALCOHOLIC BEVERAGES (OMC SEC. 17.102.210(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 proposal involves the establishment of a drug store in an existing 14,000 square-foot commercial space at an existing 30-acre 651,000 square-foot shopping center/mall containing food services, consumer services, retail, social service offices, senior housing and a police substation. The mall features a large open parking lot along its north and south sides and is bounded to the east by 73rd Avenue (six lane major arterial with a median), to the south by Bancroft Avenue (four lane arterial with a median), and to the north by Foothill Boulevard (four lane arterial).

Staff finds the center to have an appropriate setting and layout for general retail sales, and sale of alcoholic beverages is a typical component of a general retail sales store of this size. Staff will be trained on alcohol sales, and the store design and security for alcohol will consist of cameras, bottle security caps, and layout conducive to staff monitoring. Single beers, malt liquor, and fortified wines will not be sold. Additionally, the center is separated from neighborhoods by large parking lots and major multi-lane arterials with medians. Senior housing and social services at the center are a good distance from the commercial space. Finally, the commercial space is adjacent to a police substation. Conditions of Approval will ensure sale of alcoholic beverages does not constitute a nuisance.

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;

Area churches and schools are not on the same block as the commercial space. Alcohol sales will not negatively impact them as the establishment will be off-sale, will not include sale of singles/malt liquor/fortified wines, and due to the separation by the major arterials flanking the site.

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

The commercial space and mall are existing; alcohol will not be sold from the new drive-through pharmacy window.

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;

Building/site alterations and new signage are subject to design review; findings are made in a following section of this Attachment.

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

Building/site alterations and new signage are subject to design review; findings are made in a following section of this Attachment.

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

The proposal does not involve on-sale of alcoholic beverages; however, litter receptacles are provided where appropriate.

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 (10) p.m. and seven (7) 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 commercial suite is not located adjacent to residences. The nearest residences are more than 180 feet away across a major arterial street.

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 inapplicable: the proposal does not involve a Fast-Food Restaurant.

CRITERIA FOR PUBLIC CONVENIENCE OR NECESSITY (OMC SEC. 17.102.210(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

The proposed project will enhance physical accessibility to needed goods or services that the project would provide, including, but not limited to alcohol. Currently, the center which is located at a transit hub as well as the extensive surrounding neighborhood is underserved for full service drug stores. The proposed use will not be detrimental to the character of development in the immediate neighborhood; the center and commercial space exist and can accommodate all types of transportation including but not limited to automobile. The store will serve the community by providing a missing link in the area's mix of business types.

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 proposed use will be in harmony with the overall objectives of the General Plan by contributing to City economic development goals. This will be achieved by increasing local employment and business tax. The store will operate in a responsible manner. The applicant has demonstrated reasonable efforts to seek community input by attending community meetings (Neighborhood Crime Prevention Council/NCPC) for the Police Beat the site is located in as well as for the two adjoining Police Beats.

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).

Alcohol sales are a typical part of large drug stores in Oakland. The following table indicates drug stores of similar size located in Oakland that hold City approvals to sell alcohol:

301 E. 18th St.
3434 High St.
3232 Foothill Blvd.
8102 International Blvd.
344 Thomas L Berkeley Way
175 41 st Street
5100 Broadway

3320 Fruitvale Avenue
4100 Redwood Road

ADDITIONAL CRITERIA FOR PUBLIC CONVENIENCE OR NECESSITY (OMC SEC. 17.102.210(B)(4))

4. In addition to the above criteria, projects outside the Central District and Hegenberger Corridor shall meet all of the following criteria to make a finding of Public Convenience or Necessity, with the exception of those projects that will result in twenty-five (25) or more full time equivalent (FTE) employees and will result in a total floor area of twenty thousand (20,000) square feet or more:

a. The proposed project is not within one thousand (1,000) feet of another alcohol outlet (except full service restaurants), school, licensed day care center, public park or playground, churches, senior citizen facilities, and licensed alcohol or drug treatment facilities; and

This regulation is not met and a variance is required: alcohol outlets (off-sale), senior housing, schools, churches, social service offices are located within 1,000-feet of the premises. Variance findings can be made as described in a following section of this Attachment.

b. Police department calls for service within the "beat" where the project is located do not exceed by twenty percent (20%), the average of calls for police service in police beats citywide during the preceding twelve (12) months.

This regulation is not met and a variance is required: calls for police service numbered 24,765 where twenty percent above the Citywide mean numbers 9,918 calls, the maximum allowed. Variance findings can be made as described in a following section of this Attachment.

VARIANCE PROCEDURE/FINDINGS REQUIRED (OMC SEC. 17.148.050(A))

1. That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations, due to unique physical or topographic circumstances or conditions of design; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution improving livability, operational efficiency, or appearance.

Strict compliance with the zoning code requirements for a 1,000 foot separation between the proposed alcohol sales and alcohol outlets and civic uses and for police service level would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations, due to conditions of design. The City contains very few 14,000 square-foot spaces that are not within 1,000 feet of other alcohol sales outlets or civic uses. The intent of the regulation is to protect sensitive uses and to minimize or avoid the proliferation of potentially adversely impacting uses. The proposal, as discussed in Finding #3 below, possesses every indication that it will operate in a manner so as to not constitute a nuisance of any sort. The nature of the base use-a large retail drug store-is very different from the usual bar or liquor store use which are often more impactive yet the same limitations apply to the sale of alcohol.

The proposal involves the establishment of a drug store in an existing 14,000 square-foot (approximate) commercial space within an existing 30-acre 651,000 square-foot attached mall containing food services, consumer services, retail, social service offices, senior housing and a police substation. The mall is separated from the surrounding community by arterial roadways and large parking fields creating a "retail island" that is separate and distinct. There is a large open parking lot along the mall's south side and the mall is bounded to the east by 73rd Avenue (six lane major arterial with a median), to the south by Bancroft Avenue (four lane arterial with a median), and to the north by Foothill Boulevard (four lane arterial).

Findings for Approval

The mall is the only one of its size and configuration in Oakland. It is unique in that for 651,000 square feet, each commercial or retail space is attached to another commercial or retail use with no drive aisles or parking separation. This creates a unique physical circumstance where competing and/or complementary retail uses are in close proximity to one another. It would be impossible given the physical setting of the mall and its current uses to locate any new retail use with alcohol sales not within 1,000 feet of another alcohol sales outlet. Similar, but smaller, retail malls also have multiple retailers selling alcohol such as the center at 51st and Broadway with a CVS and Safeway selling alcohol, the center on Fruitvale Avenue with Farmer Joe's and CVS selling alcohol, and Lincoln Square on Redwood Road with Safeway and Lincoln Square Liquors selling alcohol.

The size of the mall indicates it was developed and intended as a regional center. Regional centers draw larger neighborhood serving uses and national retailers. Development of a retail mall that precludes national or larger neighborhood service type uses from providing a full range of products is inconsistent with the purposes of the zoning regulations. The zoning regulations were intended to address the negative impacts associated with alcohol sales. National retailers and larger neighborhood service type users do not have or create those impacts because of the resources available to them to address any impacts.

For example, the proposed retail store selling a wide range of products, and devoting only a small percentage of floor area to alcohol sales, and through the inclusion of security measures (security cameras, anti-theft packaging, security personnel, et cetera) are conditions of design that are unique to this application. Many smaller stores selling alcohol and alcohol-related products as the primary product are lacking the means or ability to adequately address security issues as they arise. As discussed in Finding #3, below, the existing CVS stores in Oakland that sell alcohol have a proven track record in responsible alcohol sales.

An additional regulation also states that a maximum of police service calls shall not be exceeded. This finding is not met by this proposal and a variance is required. Calls for police service numbered 24,765 which were twenty percent above the Citywide mean numbers of 9,918 calls. Location data for police service calls is not available but location data for reported crimes within the last ninety days is available and statistics for police service calls generally correlate to statistics for reported crimes. Police Beat 30Y does contain crime but "hot spots" do not cluster at or adjacent to the center. The intent of the finding is to prevent alcohol outlets from locating in an immediate area of high crime. Given that the mall is a "retail island" and that the crime "hot spots" cluster away from the center indicates that the proposal would not be an immediate area of high crime.

Strict adherence to the Ordinance would preclude the establishment of a standard sized drug store in an underserved community that offers a full range of products to promote one-stop shopping, such as alcoholic beverages. The applicant has stated that alcohol sales are an essential element of this store, and inability to sell would result in unnecessary hardship.

Strict adherence could result in the community continuing to be underserved for a wide variety of products where the proposal meets the intent of the Ordinance.

2. That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners of similarly zoned property; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution fulfilling the basic intent of the applicable regulation;

Strict compliance with the criteria would effectively preclude the proprietor from operating its standard business in an appropriate area where other retail uses are permitted. The nature of the base use-a standard sized drug store-is very different from the usual bar or liquor store use which is often more impactful yet the same limitations apply to the sale of alcohol.

Many existing large-scale retail stores, including similar stores to CVS that sell pharmaceuticals and convenience items, also have alcohol sales as a standard part of the products available. Many of those similar stores do not exhibit distance separation issues with other alcohol outlets, and while the proposed CVS store with alcohol sales does have separation issues, the expectation that such store would sell alcohol is high among consumers. Numerous alcohol outlets do not meet these requirements for distance separations and area police service calls.

3. That the variance, if granted, will not adversely affect the character, livability, or appropriate development of abutting properties or the surrounding area, and will not be detrimental to the public welfare or contrary to adopted plans or development policy;

The proposal's component requiring a variance for the sale of alcoholic beverages would not constitute a potential nuisance. The nature of the base use-a standard sized drug store-is very different from the usual bar or liquor store use which is more impactful yet the same limitations apply to the sale of alcohol.

The variance will allow the establishment of a drug store in an existing commercial space within an existing mall buffered from an underserved community by major parking lots and arterial streets. The applicant, CVS, currently has 7 stores within the City of Oakland, of which five sell alcohol (Type 21). Crime statistics from the police beats in which these 5 existing CVS store are located do not show a higher concentration of crime incidents than other areas of the police beat. In fact, some locations show a lower incident- concentration immediately surrounding the CVS stores. While an in-depth analysis as to the reason behind that incident-concentration characteristic has not been done, it may be attributable in part, to security measures initiated by CVS (security cameras, anti-theft packaging, security personnel, et cetera). Given the proven responsible track record of the CVS stores selling alcohol, especially since significant security measures will be in place, this store selling alcohol will not have adverse impacts.

4. That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the zoning regulations;

The variance will not constitute a grant of special privilege inconsistent with the purposes of the zoning regulations. The regulations relating to distance separation for alcohol sales are designed to protect the public from potential adverse impacts from too many alcohol outlets in too close proximity. In this application, the potential adverse impacts are mitigated or eliminated because of: 1) building layout and distance from sensitive uses due to the regional aspect of the shopping center and 2) the CVS security measures including security cameras, anti-theft devices, and security personnel and training programs.

5. That the elements of the proposal requiring the variance (e.g., elements such as buildings, walls, fences, driveways, garages and carports, etc.) conform with the regular design review criteria set forth in the design review procedure at Section 17.136.050;

The elements of the proposal requiring variances do not relate to design; however, the proposal does involve alterations and signage and design review findings can be made as shown in a section of this Attachment.

6. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.

The proposal is a major new business that completes the business mix at the center which possesses ideal transit access (pedestrian, bus, bus to BART, pedestrian). The proposal thus conforms to the following

Industry and Commerce Goals and Policies of the Land Use & Transportation Element (LUTE) of the General Plan:

- Ensure that the Oakland community has access to a wide variety of goods and services, meeting daily and long term needs

Policy I/C1.1 Attracting New Business.

The City will strive to attract new businesses to Oakland which have potential economic benefits in terms of jobs and / or revenue generation. This effort will be coordinated through a citywide economic development strategy / marketing plan which identifies the City's existing economic base, the assets and constraints for future growth, target industries or activities for future attraction, and geographic areas appropriate for future use and development.

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.

REGULAR DESIGN REVIEW CRITERIA FOR NONRESIDENTIAL FACILITIES AND SIGNS
(OMC SEC. 17.136.050(B))

A. That the proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered;

The subject site, situated at the corner of Bancroft Avenue and 73rd Avenue, is located on the emerging edge of the Eastmont Commercial District. The subject site is surrounded primarily by parking lots and faces major thoroughfares. The current condition of the building is as a utilitarian commercial façade occupying the end-cap of the Eastmont Town Center. The proposal is to remove the large roll up doors and replace them with decorative cement plaster, with cornice trim, and featuring back-lit display windows with decals / transparencies. The corner of the building (facing Bancroft) will be the location of the main entry and will feature a new parapet, pilasters, and a signature tower. This project will introduce a new and attractive façade. These proposed activities and design changes will enhance the continued revitalization of the surrounding commercial district and will serve the adjacent and nearby residential uses. The exterior alterations will establish a strong visual commercial presence along 73rd Avenue and Bancroft Avenue and the design of this project compliments the Eastmont Town Center and the surrounding neighborhood.

B. That the proposed design will be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area;

The design of this project compliments the surrounding neighborhood. The building is pre-existing. The site design is consistent with that of a "retail island". The building is located within a large parking lot, and bordered by street edge abutting sidewalks. The proposal is consistent with the other larger floor plate commercial buildings of this type and the current centers façade style. The modification will enhance the site when viewed from the surrounding area and adjacent thoroughfares. This project will likely enhance the continued revitalization of the surrounding commercial district.

C. That the proposed design conforms in all significant respects with the Oakland General Plan and

with any applicable design review guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.

The General Plan designation of the site is Community Commercial Zone Regulation -1. This designation is intended *“to create, maintain, and enhance areas suitable for a wide variety of commercial and institutional operations along the City’s major corridors and in shopping districts or centers.”* The proposed design will enhance the center and surrounding area especially due to the façade’s highly-visible location and the project conforms to the intent of the General Plan area.

Attachment B: Conditions of Approval

1. Approved Use

Ongoing

- a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials, **staff report**, and the plans dated **March 15, 2011** and submitted on **March 16, 2011**, and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall required prior written approval from the Director of City Planning or designee.
- b) This action by the **City Planning Commission** ("this Approval") includes the approvals set forth below. This Approval includes:
 - i) *Two Major Conditional Use Permits with one set of additional findings each, three Variances, Regular Design Review, and Criteria for Public Convenience or Necessity to establish a CVS Pharmacy with alcoholic beverage sales and a drive-through pharmacy window in a 14,000 square-foot south end-cap of the Eastmont Town Center*

2. Effective Date, Expiration, Extensions and Extinguishment

Ongoing

Unless a different termination date is prescribed, this Approval shall expire **two calendar years** from the approval date, 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 permit, 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 for this project may invalidate this Approval if the said extension period has also expired.

3. Scope of This Approval; Major and Minor Changes

Ongoing

The project is approved pursuant to the **Planning Code** only. Minor changes to approved plans may be approved administratively by the Director of City Planning or designee. Major changes to the approved plans shall be reviewed by the Director of City Planning or designee to determine whether such changes require submittal and approval of a revision to the approved project by the approving body or a new, completely independent permit.

4. Conformance with other Requirements

Prior to issuance of a demolition, grading, P-job, or other construction related permit

- a) The project applicant shall comply with all other applicable federal, state, regional and/or local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshal, and the City's Public Works Agency. 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 of Approval 3.
- b) The applicant shall submit approved building plans for project-specific needs related to fire protection to the Fire Services Division for review and approval, including, but not limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access, and vegetation management for preventing fires and soil erosion.

5. Conformance to Approved Plans; Modification of Conditions or Revocation

Ongoing

- a) Site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60-90 days of approval, unless an earlier date is specified elsewhere.
- b) The City of Oakland reserves the right at any time during construction to require certification by a licensed professional that the as-built project conforms to all applicable zoning requirements, including but not limited to approved maximum heights and minimum setbacks. Failure to construct the project in accordance with approved plans may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension or other corrective action.
- c) Violation of any term, **Conditions** or project description relating to the Approvals 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 Approvals 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 Conditions of Approval.

6. Signed Copy of the Conditions

With submittal of a demolition, grading, and building permit

A copy of the approval letter and **Conditions** shall be signed by the property owner, notarized, and submitted with each set of permit plans to the appropriate City agency for this project.

7. Indemnification

Ongoing

- a) To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and its respective agents, officers, and employees (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, (1) an approval by the City relating to a development-related application or subdivision or (2) implementation of an approved development-related project. The City may elect, in its sole discretion, to participate in the defense of said Action and the 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 applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Letter of Agreement shall survive termination, extinguishment or invalidation of the approval. Failure to timely execute the Letter Agreement does not relieve the applicant of any of the obligations contained in this condition or other requirements or conditions of approval that may be imposed by the City.

8. Compliance with Conditions of Approval

Ongoing

The project applicant shall be responsible for compliance with the recommendations in any submitted and approved technical report and all the Conditions of Approval set forth below at its sole cost and expense, and subject to review and approval of the City of Oakland.

9. Severability

Ongoing

Approval of the project 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.

10. Job Site Plans

Ongoing throughout demolition, grading, and/or construction

At least one (1) copy of the stamped approved plans, along with the Approval Letter and Conditions of Approval, shall be available for review at the job site at all times.

11. Special Inspector/Inspections, Independent Technical Review, Project Coordination and Management

Prior to issuance of a demolition, grading, and/or construction permit

The project applicant may be required to pay for on-call third-party special inspector(s)/inspections as needed during the times of extensive or specialized plancheck review or construction. The project applicant may also be required to cover the full costs of independent technical review and other types of peer review, monitoring and inspection, including without limitation, third party plan check fees, including inspections of violations of Conditions of Approval. The project applicant shall establish a deposit with the Building Services Division, as directed by the Building Official, Director of City Planning or designee.

12. Landscape Requirements for Street Frontages.

Prior to issuance of a final inspection of the building permit

On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half (6 ½) feet and does not interfere with access requirements, a minimum of one (1) twenty-four (24) inch box tree shall be provided for every twenty-five (25) feet of street frontage, unless a smaller size is recommended by the City arborist. The trees to be provided shall include species acceptable to the Tree Services Division.

13. Landscape Maintenance.

Ongoing

All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. All required irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.

14. Underground Utilities

Prior to issuance of a building permit

The project applicant shall submit plans for review and approval by the Building Services Division and the Public Works Agency, and other relevant agencies as appropriate, that show all new electric and telephone facilities; fire alarm conduits; street light wiring; and other wiring, conduits, and similar facilities placed underground. The new facilities shall be placed underground along the project applicant's street frontage and from the project applicant's structures to the point of service. The plans shall show all electric, telephone, water service, fire water service, cable, and fire alarm facilities installed in accordance with standard specifications of the serving utilities.

15. Improvements in the Public Right-of-Way (General)

Approved prior to the issuance of a P-job or building permit

- a) The project applicant shall submit Public Improvement Plans to Building Services Division for adjacent public rights-of-way (ROW) showing all proposed improvements and compliance with the conditions and City requirements including but not limited to curbs, gutters, sewer laterals, storm drains, street trees, paving details, locations of transformers and other above ground utility structures, the design specifications and locations of facilities required by the East Bay Municipal Utility District (EBMUD), street lighting, on-street parking and accessibility improvements compliant with applicable standards and any other improvements or requirements for the project as provided for in this Approval. Encroachment permits shall be obtained as necessary for any applicable improvements- located within the public ROW.
- b) Review and confirmation of the street trees by the City's Tree Services Division is required as part of this condition.
- c) The Planning and Zoning Division and the Public Works Agency will review and approve designs and specifications for the improvements. Improvements shall be completed prior to the issuance of the final building permit.
- d) The Fire Services Division will review and approve fire crew and apparatus access, water supply availability and distribution to current codes and standards.

16. Payment for Public Improvements

Prior to issuance of a final inspection of the building permit.

The project applicant shall pay for and install public improvements made necessary by the project including damage caused by construction activity.

17. Construction Management Plan

Prior to issuance of a demolition, grading, or building permit

The project applicant shall submit to the Planning and Zoning Division and the Building Services Division for review and approval a construction management plan that identifies the conditions of approval related to construction impacts of the project and explains how the project applicant will comply with these construction-related conditions of approval.

18. Dust Control

Prior to issuance of a demolition, grading or building permit

During construction, the project applicant shall require the construction contractor to implement the following measures required as part of Bay Area Air Quality Management District's (BAAQMD) basic and enhanced dust control procedures required for construction sites. These include:

- a) Water all active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.
- b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- c) Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- d) Sweep daily (with water sweepers using reclaimed water if possible) all paved access roads, parking areas and staging areas at construction sites.
- e) Sweep streets (with water sweepers using reclaimed water if possible) at the end of each day if visible soil material is carried onto adjacent paved roads.

- f) Limit the amount of the disturbed area at any one time, where feasible.
- g) Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.
- h) Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- i) Replant vegetation in disturbed areas as quickly as feasible.
- j) Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
- k) Limit traffic speeds on unpaved roads to 15 miles per hour.
- l) Clean off the tires or tracks of all trucks and equipment leaving any unpaved construction areas.

19. Construction Emissions

Prior to issuance of a demolition, grading or building permit

To minimize construction equipment emissions during construction, the project applicant shall require the construction contractor to:

- a) Demonstrate compliance with Bay Area Air Quality Management District (BAAQMD) Regulation 2, Rule 1 (General Requirements) for all portable construction equipment subject to that rule. BAAQMD Regulation 2, Rule 1 provides the issuance of authorities to construct and permits to operate certain types of portable equipment used for construction purposes (e.g., gasoline or diesel-powered engines used in conjunction with power generation, pumps, compressors, and cranes) unless such equipment complies with all applicable requirements of the "CAPCOA" Portable Equipment Registration Rule" or with all applicable requirements of the Statewide Portable Equipment Registration Program. This exemption is provided in BAAQMD Rule 2-1-105.
- b) Perform low- NOx tune-ups on all diesel-powered construction equipment greater than 50 horsepower (no more than 30 days prior to the start of use of that equipment). Periodic tune-ups (every 90 days) shall be performed for such equipment used continuously during the construction period.

20. Days/Hours of Construction Operation

Ongoing throughout demolition, grading, and/or construction

The project applicant shall require construction contractors to limit standard construction activities as follows:

- a) Construction activities are limited to between 7:00 AM and 7:00 PM Monday through Friday, except that pile driving and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday.
- b) Any construction activity proposed to occur outside of the standard hours of 7:00 am to 7:00 pm Monday through Friday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Services Division.
- c) Construction activity shall not occur on Saturdays, with the following possible exceptions:
 - i. Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division.

- ii. After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division, and only then within the interior of the building with the doors and windows closed.
- d) No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions.
- e) No construction activity shall take place on Sundays or Federal holidays.
- f) Construction activities include but are not limited to: truck idling, moving equipment (including trucks, elevators, etc) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.
- g) Applicant shall use temporary power poles instead of generators where feasible.

21. Noise Control

Ongoing throughout demolition, grading, and/or construction

To reduce noise impacts due to construction, the project applicant shall require construction contractors to implement a site-specific noise reduction program, subject to the Planning and Zoning Division and the Building Services Division review and approval, which includes the following measures:

- a) Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).
- b) Except as provided herein, Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.
- c) Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction.
- d) The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.

22. Noise Complaint Procedures

Ongoing throughout demolition, grading, and/or construction

Prior to the issuance of each building permit, along with the submission of construction documents, the project applicant shall submit to the Building Services Division a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include:

- a) A procedure and phone numbers for notifying the Building Services Division staff and Oakland Police Department; (during regular construction hours and off-hours);
- b) A sign posted on-site pertaining with permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign shall also include a listing of both

the City and construction contractor's telephone numbers (during regular construction hours and off-hours);

- c) The designation of an on-site construction complaint and enforcement manager for the project;
- d) Notification of neighbors and occupants within 300 feet of the project construction area at least 30 days in advance of extreme noise generating activities about the estimated duration of the activity; and
- e) A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.

23. Interior Noise

Prior to issuance of a building permit and Certificate of Occupancy

If necessary to comply with the interior noise requirements of the City of Oakland's General Plan Noise Element and achieve an acceptable interior noise level, noise reduction in the form of sound-rated assemblies (i.e., windows, exterior doors, and walls), and/or other appropriate features/measures, shall be incorporated into project building design, based upon recommendations of a qualified acoustical engineer and submitted to the Building Services Division for review and approval prior to issuance of building permit. Final recommendations for sound-rated assemblies, and/or other appropriate features/measures, will depend on the specific building designs and layout of buildings on the site and shall be determined during the design phases. Written confirmation by the acoustical consultant, HVAC or HERS specialist, shall be submitted for City review and approval, prior to Certificate of Occupancy (or equivalent) that:

- (a) Quality control was exercised during construction to ensure all air-gaps and penetrations of the building shell are controlled and sealed; and
- (b) Demonstrates compliance with interior noise standards based upon performance testing of a sample unit.
- (c) Inclusion of a Statement of Disclosure Notice in the CC&R's on the lease or title to all new tenants or owners of the units acknowledging the noise generating activity and the single event noise occurrences. Potential features/measures to reduce interior noise could include, but are not limited to, the following:
 - a) Installation of an alternative form of ventilation in all units identified in the acoustical analysis as not being able to meet the interior noise requirements due to adjacency to a noise generating activity, filtration of ambient make-up air in each unit and analysis of ventilation noise if ventilation is included in the recommendations by the acoustical analysis.
 - b) Prohibition of Z-duct construction.

24. Operational Noise-General

Ongoing.

Noise levels from the activity, property, or any mechanical equipment on site shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the Planning and Zoning Division and Building Services.

25. Construction Traffic and Parking

Prior to the issuance of a demolition, grading or building permit

The project applicant and construction contractor shall meet with appropriate City of Oakland agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of this project and other nearby projects that could be simultaneously under construction. The project applicant shall develop a

construction management plan for review and approval by the Planning and Zoning Division, the Building Services Division, and the Transportation Services Division. The plan shall include at least the following items and requirements:

- a) A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes.
- b) Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur.
- c) Location of construction staging areas for materials, equipment, and vehicles at an approved location.
- d) A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager. The manager shall determine the cause of the complaints and shall take prompt action to correct the problem. Planning and Zoning shall be informed who the Manager is prior to the issuance of the first permit issued by Building Services.
- e) Provision for accommodation of pedestrian flow.

26. Erosion and Sedimentation Control

Ongoing throughout demolition grading, and/or construction activities

The project applicant shall implement Best Management Practices (BMPs) to reduce erosion, sedimentation, and water quality impacts during construction to the maximum extent practicable. Plans demonstrating the Best Management Practices shall be submitted for review and approval by the Planning and Zoning Division and the Building Services Division. At a minimum, the project applicant shall provide filter materials deemed acceptable to the City at nearby catch basins to prevent any debris and dirt from flowing into the City's storm drain system and creeks.

27. Hazards Best Management Practices

Prior to commencement of demolition, grading, or construction

The project applicant and construction contractor shall ensure that construction of Best Management Practices (BMPs) are implemented as part of construction to minimize the potential negative effects to groundwater and soils. These shall include the following:

- a) Follow manufacture's recommendations on use, storage, and disposal of chemical products used in construction;
- b) Avoid overtopping construction equipment fuel gas tanks;
- c) During routine maintenance of construction equipment, properly contain and remove grease and oils;
- d) Properly dispose of discarded containers of fuels and other chemicals.
- e) Ensure that construction would not have a significant impact on the environment or pose a substantial health risk to construction workers and the occupants of the proposed development. Soil sampling and chemical analyses of samples shall be performed to determine the extent of potential contamination beneath all UST's, elevator shafts, clarifiers, and subsurface hydraulic lifts when on-site demolition, or construction activities would potentially affect a particular development or building.
- f) If soil, groundwater or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notification of regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.

28. Waste Reduction and Recycling

The project applicant will submit a Construction & Demolition Waste Reduction and Recycling Plan (WRRP) and an Operational Diversion Plan (ODP) for review and approval by the Public Works Agency.

Prior to issuance of demolition, grading, or building permit

Chapter 15.34 of the Oakland Municipal Code outlines requirements for reducing waste and optimizing construction and demolition (C&D) recycling. Affected projects include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R-3), and all demolition (including soft demo). The WRRP must specify the methods by which the development will divert C&D debris waste generated by the proposed project from landfill disposal in accordance with current City requirements. Current standards, FAQs, and forms are available at www.oaklandpw.com/Page39.aspx or in the Green Building Resource Center. After approval of the plan, the project applicant shall implement the plan.

Ongoing

The ODP will identify how the project complies with the Recycling Space Allocation Ordinance, (Chapter 17.118 of the Oakland Municipal Code), including capacity calculations, and specify the methods by which the development will meet the current diversion of solid waste generated by operation of the proposed project from landfill disposal in accordance with current City requirements. The proposed program shall be implemented and maintained for the duration of the proposed activity or facility. Changes to the plan may be re-submitted to the Environmental Services Division of the Public Works Agency for review and approval. Any incentive programs shall remain fully operational as long as residents and businesses exist at the project site.

29. Pile Driving and Other Extreme Noise Generators

Ongoing throughout demolition, grading, and/or construction

To further reduce potential pier drilling, pile driving and/or other extreme noise generating construction impacts greater than 90dBA, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted for review and approval by the Planning and Zoning Division and the Building Services Division to ensure that maximum feasible noise attenuation will be achieved. This plan shall be based on the final design of the project. A third-party peer review, paid for by the project applicant, may be required to assist the City in evaluating the feasibility and effectiveness of the noise reduction plan submitted by the project applicant. The criterion for approving the plan shall be a determination that maximum feasible noise attenuation will be achieved. A special inspection deposit is required to ensure compliance with the noise reduction plan. The amount of the deposit shall be determined by the Building Official, and the deposit shall be submitted by the project applicant concurrent with submittal of the noise reduction plan. The noise reduction plan shall include, but not be limited to, an evaluation of implementing the following measures. These attenuation measures shall include as many of the following control strategies as applicable to the site and construction activity:

- a) Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;
- b) Implement "quiet" pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;
- c) Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;

- d) Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and
- e) Monitor the effectiveness of noise attenuation measures by taking noise measurements.

30. Lighting Plan

Prior to the issuance of an electrical or building permit

The proposed lighting fixtures shall be adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties. Plans shall be submitted to the Planning and Zoning Division and the Electrical Services Division of the Public Works Agency for review and approval. All lighting shall be architecturally integrated into the site.

31. Asbestos Removal in Structures

Prior to issuance of a demolition permit

If asbestos-containing materials (ACM) are found to be present in building materials to be removed, demolition and disposal, the project applicant shall submit specifications signed by a certified asbestos consultant for the removal, encapsulation, or enclosure of the identified ACM in accordance with all applicable laws and regulations, including but not necessarily limited to: California Code of Regulations, Title 8; Business and Professions Code; Division 3; California Health & Safety Code 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended.

32. Site Design Measures for Post-Construction Stormwater Management

Prior to issuance of building permit (or other construction-related permit)

The project drawings submitted for a building permit (or other construction-related permit) shall contain a final site plan to be reviewed and approved by Planning and Zoning. The final site plan shall incorporate appropriate site design measures to manage stormwater runoff and minimize impacts to water quality after the construction of the project. These measures may include, but are not limited to, the following:

- i. Minimize impervious surfaces, especially directly connected impervious surfaces;
- ii. Utilize permeable paving in place of impervious paving where appropriate;
- iii. Cluster buildings;
- iv. Preserve quality open space; and
- v. Establish vegetated buffer areas.

Ongoing

The approved plan shall be implemented and the site design measures shown on the plan shall be permanently maintained.

33. Source Control Measures to Limit Stormwater Pollution

Prior to issuance of building permit (or other construction-related permit)

The applicant shall implement and maintain all structural source control measures imposed by the Chief of Building Services to limit the generation, discharge, and runoff of stormwater pollution.

Ongoing

The applicant, or his or her successor, shall implement all operational Best Management Practices (BMPs) imposed by the Chief of Building Services to limit the generation, discharge, and runoff of stormwater pollution.

ALCOHOLIC BEVERAGE SALES – SPECIFIC CONDITIONS

34. Alcohol Sale

Ongoing

- a. Location and manner of alcohol consumption

Alcohol sale is off-sale, for off-site consumption only.

b. Types/Location of alcohol sold

All types of alcohol (beer, wine, distilled spirits) may be sold with the following exclusions: no single beers, malt liquor, or fortified wines shall be sold as voluntarily agreed by the applicant. Alcohol shall not be sold via the drive-through.

c. Additional Permits Required

Necessary ABC permits must be obtained prior to commencement of activity.

d. Nuisances

Pursuant to condition of approval #5, Crime, litter, or disorderliness conduct associated with alcohol sales at the establishment may result in a revocation of the Major Conditional Use Permit or a review to revoke.

35. Compliance with City of Oakland special regulations for Alcoholic Beverage Sales Commercial Activities

Ongoing

a. Signage

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 to bar. The "No Open Container" signs are available from the cashier located on the second floor of 250 Frank H. Ogawa Plaza.

b. Graffiti

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

c. Pay Phones

No pay phones are permitted outside the building.

d. 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.

e. 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).

36. Inclusion of conditions in State Department of Alcoholic Beverage Control license.

a. 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 stipulating that they wish to include conditions of their ABC license. The Oakland Planning Commission may, after notice and hearing, revoke this Conditional Use Permit if the applicant fails to include the above conditions in the ABC license.

37. Conformance with State Department of Alcoholic Beverage Control regulations

Ongoing

This use shall conform to all provisions of the State ABC license. The state license and state conditions shall be posted along with these Conditional Use Permit conditions in a place visible to the public. This 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.

ADDITIONAL PROJECT-SPECIFIC CONDITIONS

38. Hours of Operation

Ongoing

Hours of operation would be daily from 7am to 11pm for the store and 24 hours for the drive-through pharmacy window. Should the establishment wish to extend store hours after a period of six months, a request shall be provided to the Zoning Manager for review and decision. The applicant has voluntarily agreed that there will not be sales of alcoholic beverages between 12am midnight and 7 am (should store hours be extended).

39. Signage

Prior to submittal of building permit

Any new signage is limited to a total of 200 sq. ft. unless modified through separate variance or conditional use permit. (See also Condition of Approval #45)

40. Trash and litter

Ongoing

The licensees/property owners shall clear the gutter and sidewalks and landscaped area adjacent to the CVS store frontage.

41. Noise

Ongoing

The establishment shall display signage at the automotive queuing area for the drive-through pharmacy window discouraging patrons from generating excessive noise, such as from audio system.

42. Signage to discourage other nuisances

Ongoing

The establishment shall display signage inside the building and next to the exit discouraging the patrons from generating nuisances outdoors both fronting the building and within the neighborhood.

43. Contact phone numbers

Ongoing

The establishment shall display signage behind the cashier station offering contact numbers for both the establishment and the City CEDA Code Compliance at (510) 238-3381 and OPD non-emergency at (510) 777-3333 for the purpose of reporting nuisances.

44. Ashtrays

Ongoing

The City Smoking Ordinance shall apply (OMC Sec. 8.30). Smoking shall only be located in front of the building 25-feet from building entrances to prevent littering of cigarette butts. The establishment shall provide signage inside the building and next to the exit to direct patrons to the proper location for smoking.

Conditions of Approval

45. Window Transparency

Ongoing

The three sets of windows facing south (73rd Avenue) and west (Bancroft Avenue) shall be maintained with the upper 50-percent (at a minimum) clear glass, kept free of frosting, product displays or stock, and any type of advertising. The lower portion of these windows (50-percent maximum) may be opaque. Any window graphics within the lower portion of the windows shall utilize lettering that is 6-inches or less in height, or shall otherwise be counted into total sign area.

APPROVED BY:

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

SITE DATA

ASSESSOR'S PARCEL NUMBER: 39-3291-22

ZONING: C-30 / S-4

SITE AREA (CVS PORTION): 117,406 S.F.

PARKING PROVIDED FOR CVS: 56, INCLUDING (2) ACCESSIBLE

GENERAL NOTES:

1. THIS PROJECT CREATES OR REPLACES LESS THAN 10,000 SQUARE FEET OF IMPERVIOUS SURFACE AREA.
2. ALL REPLACED SURFACE PAVEMENT AREAS WILL SUBSTANTIALLY MATCH EXISTING LINE & GRADE. NO ALTERATIONS TO EXISTING SURFACE OR SUB-SURFACE STORMWATER PATTERNS ARE PROPOSED.
3. THE ACCESSIBLE PATH OF TRAVEL AS DELINEATED SHALL BE A BARRIER-FREE ROUTE 48" MINIMUM IN WIDTH WITH NO ABRUPT LEVEL CHANGES EXCEEDING 1" UNLESS BRIDGES AT A 1:2 MAXIMUM SLOPE, AND NO VERTICAL LEVEL CHANGES EXCEEDING 1". THE CROSS SLOPE SHALL NOT EXCEED 2% AND SLOPE IN THE DIRECTION OF TRAVEL SHALL NOT EXCEED 5%. THE SURFACE SHALL BE FIRM, STABLE AND SLIP RESISTANT. THE ACCESSIBLE PATH OF TRAVEL SHALL BE FREE OF OVERHANGING OBSTRUCTIONS BELOW 80" AND OBJECTS PROTRUDING GREATER THAN 4" FROM A WALL ABOVE 27" AND BELOW 80".

CVS
pharmacy

STORE NUMBER: 52445
73RD AVE. & HINGERT AVE.
DANFORTH, ON

DEVELOPER: 5850 CANADA AVE. #200
73RD AVE. & HINGERT AVE.
(416) 850-4400

LANDMARK
RETAIL GROUP
A Newmark Group Company

PLANNING NO. S. KATNER

DRAWING BY: G. DRIZ

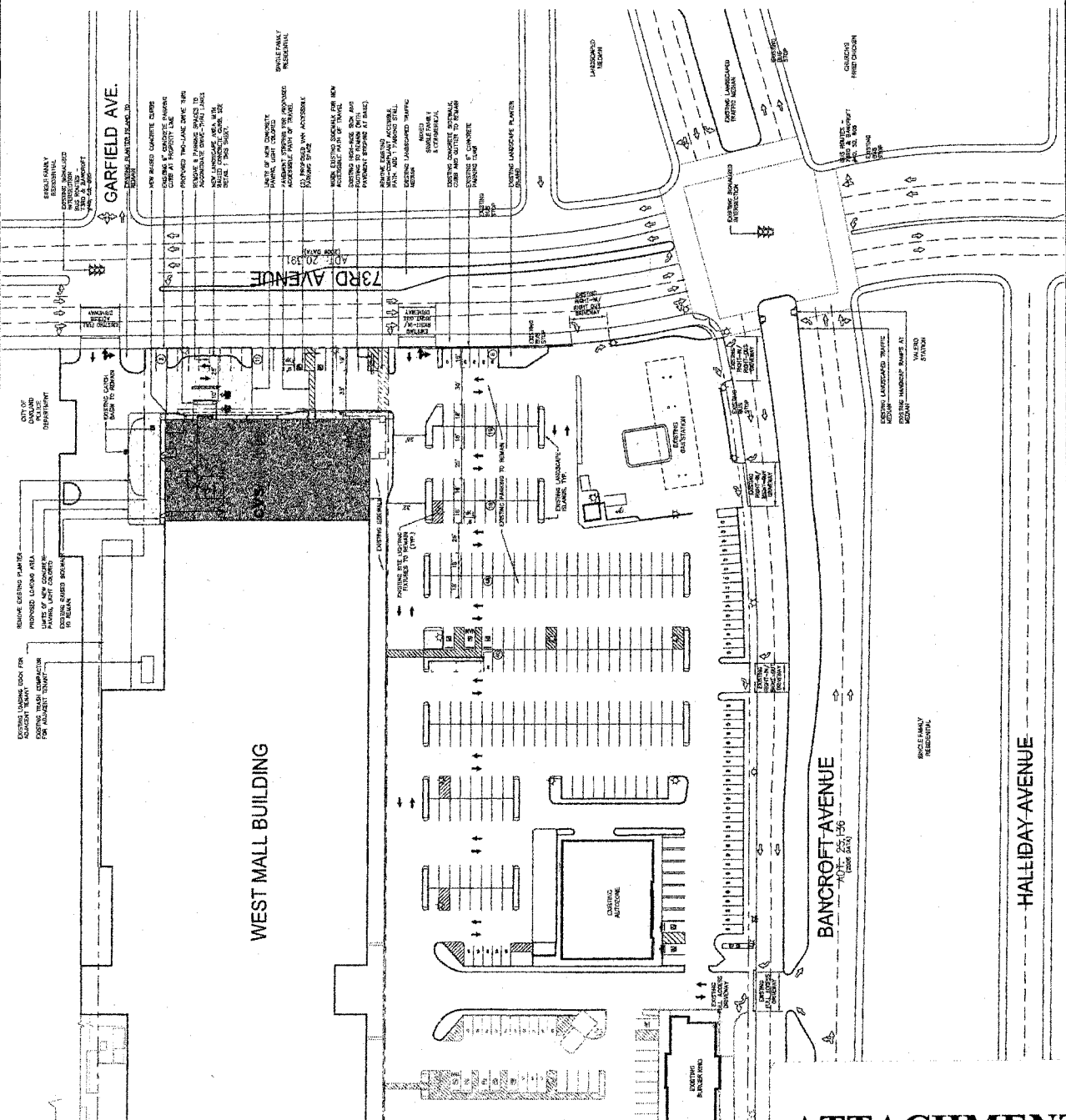
DATE: 03/25/21

APP. NUMBER: CDS284

TITLE:

SITE PLAN

CONCEPTUAL
SITE PLAN
SHEET NUMBER
SP-1
SCALE: 1" = 40'-0"



CITY OF
OAKLAND
POLICE
DEPARTMENT

WEST MALL BUILDING

SENIOR COMMUNITY
HOUSING CENTER

CHURCH STREET

EXISTING
LEES

EXISTING
FACOBEL

EXISTING
BURGER KING

EXISTING
AUTOZONE

GAS STATION

BANCROFT AVENUE

SINGLE FAMILY
RESIDENTIAL



OVERALL SITE PLAN

GAS STATION

CHURCH'S
FRIED CHICKEN

SINGLE FAMILY
RESIDENTIAL

BUS ROUTES -
73RD & BANCROFT
#40, 50, 805

MIXED
SINGLE FAMILY
& COMMERCIAL

SINGLE FAMILY
RESIDENTIAL

BUS ROUTES -
73RD & GARFIELD
#40, 50, 805

GARFIELD AVE.

73RD AVENUE

74TH AVENUE

CVS
pharmacy
STORE NUMBER 52445
73RD AVE & BANCROFT AVE.
OAKLAND, CA

DEVELOPER: WOODHILL REALTY
5800 DAVENIA AVE. #300
DUBLIN, CA 94568
(925) 835-4400

LANDMARK
RETAIL GROUP
A Wal-Mart Stores Company

CONSULTANT:
TAIT
1000
1000
1000

LANDSET CODE: 000
PLANNING NO.: S. KATHNER
DRAWING BY: D. GRIZ
DATE: 03/15/01
JOB NUMBER: 000124
FILE:

OVERALL
SITE PLAN
SHEET NUMBER:
SP-2

CDI
Chris Dornier International, LLC
Professional Building, Suite 111
10000 E. 1st Avenue
Denver, CO 80231
Tel: 303.755.5555 Fax: 303.755.5555

CONTRACT



CVS/
pharmacy

REGISTERED (NJ)
STORE NUMBER 807
STORE NAME CVS
10000 E. 1st Avenue
Denver, CO 80231

DEVELOPER
10000 E. 1st Avenue
Denver, CO 80231

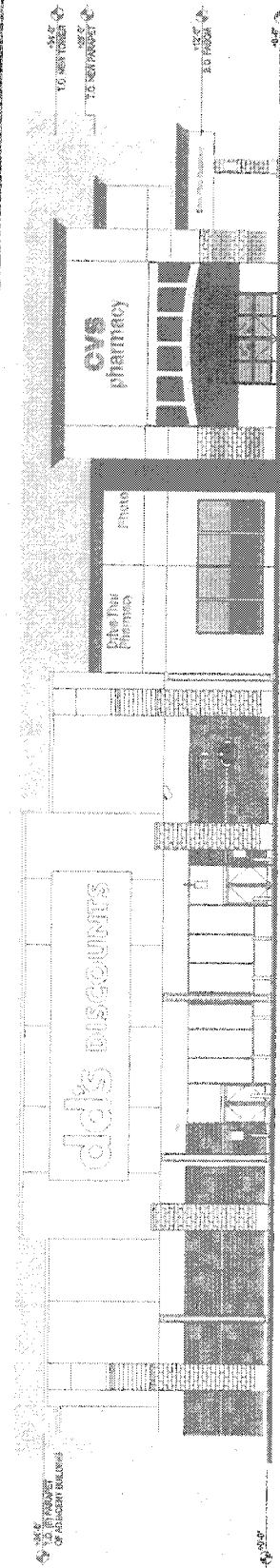
LANDMARK
RETAIL GROUP
A Newmark Retail Company

REVISED

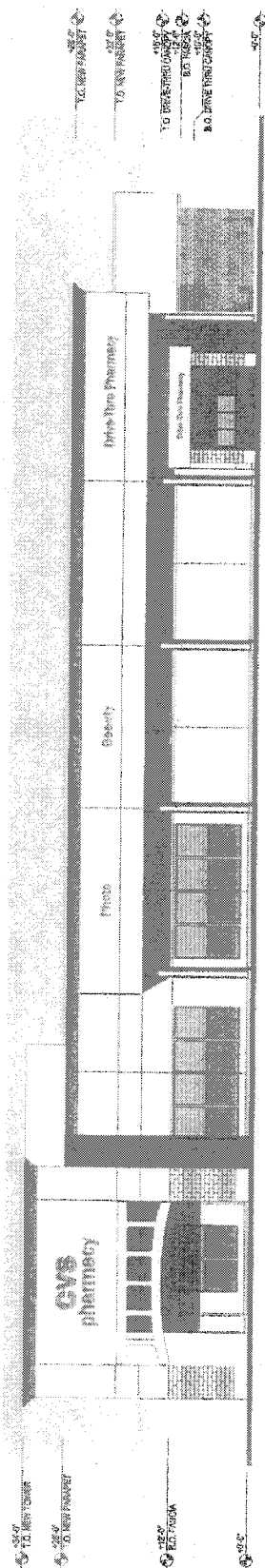
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PLANNING INFO
DRAWING BY
DATE
JOB NUMBER
TITLE

EXTERIOR ELEVATIONS

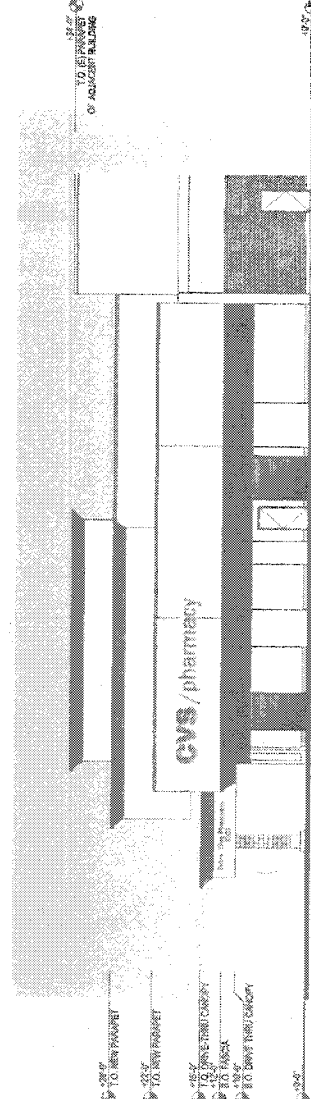
SHEET NUMBER
A-4.10
CONTENTS



WEST ELEVATION (BANCROFT AVENUE)
SCALE 1/8" = 1'-0"



SOUTH ELEVATION (73RD AVENUE)
SCALE 1/8" = 1'-0"



EAST ELEVATION (SERVICE)
SCALE 1/8" = 1'-0"



Circa Domini International, LLC
Engineering - Planning - Architecture
17033 San 116 Street
Suite 111
San Diego, CA 92128
O Phone: (619) 594-6027 Fax: (619) 594-6022

CONSULTANT:



SEAL

CVS
pharmacy

DEAL 1770 NEW / REMAIN IMPROVEMENT
REBUILDING #770
STORE NUMBER
8451
NEW STORE
1601 7300 AVENUE & BANCROFT AVENUE
OAKLAND, CA

DEVELOPER:

LANDMARK RETAIL GROUP
5000 CANOGA AVENUE
WOODLAND HILLS, CA 91367
TEL (818) 880-4400
FAX (818) 880-4422

REVISIONS:

DRAWING BY:

DATE: 03-11-11

JOB NUMBER: 668.075

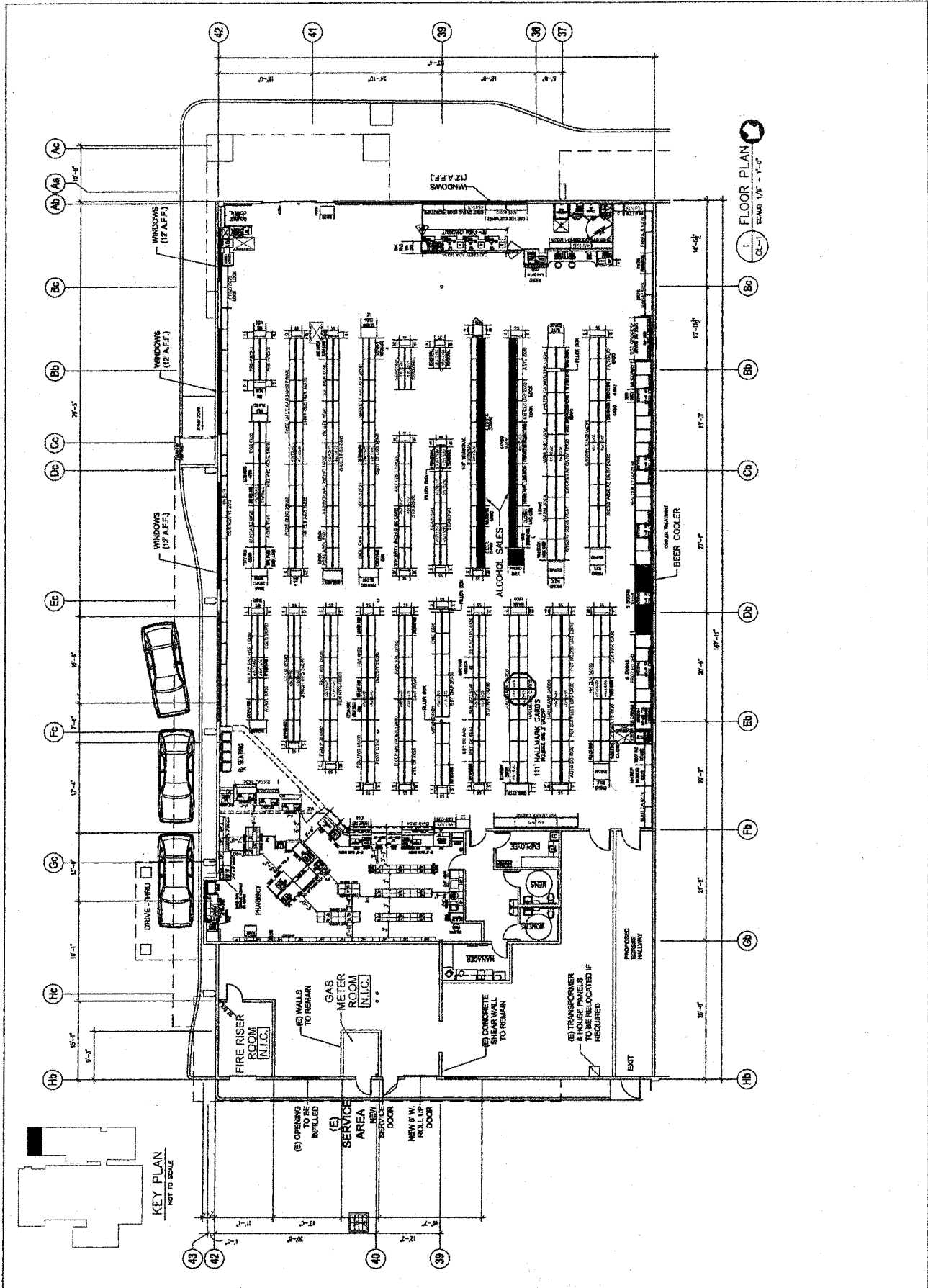
TITLE:

FIXTURE PLAN

SHEET NUMBER:

F-1P

COMMENTS:
NOT RELEASED FOR CONSTRUCTION



CDI
Crisa Dental International, LLC
10000 Wilshire Blvd., Suite 1000
Beverly Hills, CA 90210
Tel: (310) 276-1111 Fax: (310) 276-1112
E-Mail: info@cdi.com

CONSULTANT:
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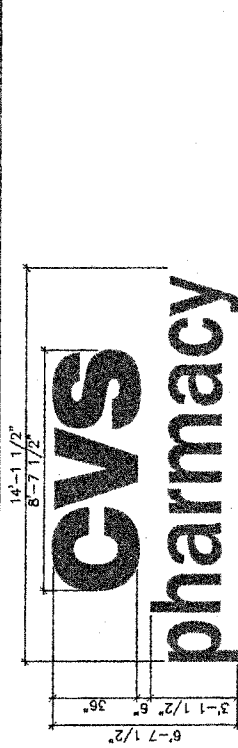


CVS/pharmacy
***** (TJ) *****
STORE NUMBER 8431
EASTWIND TOWN CENTER
7300 BANCROFT AVE.
OAKLAND, CA

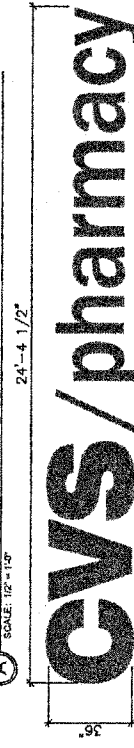
DEVELOPER
L & M MARK
RETAIL GROUP
A Newland Retail Company

REVISIONS:
LAYOUT CODE:
PLANNING AIR:
DRAWING BY:
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TITLE:

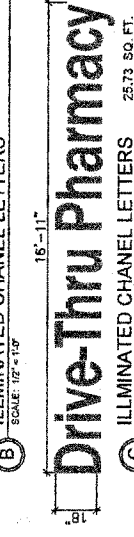
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SHEET NUMBER
SN-1
COMMENTS:



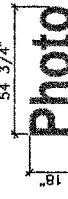
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(B) ILLUMINATED CHANEL LETTERS 73.13 SQ. FT.



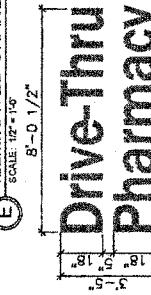
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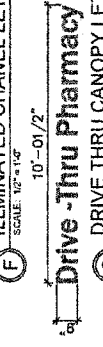
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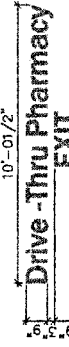
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(G) DRIVE THRU CANOPY LETTERS 7.5 SQ. FT.



(H) DRIVE THRU CANOPY LETTERS 9.1 SQ. FT.



Proposed tenant improvement storefront as viewed from property line of existing 76 service station.
View is Eastward along 73rd Avenue.



View Eastward along 73rd Avenue from property line of existing 76 service station showing parking area and adjacent businesses.

ATTACHMENT D



Eastmont Shopping Center storefronts as viewed from 73rd Avenue driveway.



Storefront of proposed tenant improvement retail space as viewed from 73rd Avenue driveway.



Proposed tenant improvement retail space as viewed from 73rd Avenue (South elevation) driveway.



Proposed tenant improvement retail space as viewed from Southeast corner of site (South elevation), along 73rd Avenue.



West face - Eastmont Mall, at 73rd Avenue & Garfield Avenue



West face - Eastmont Mall, at 73rd Avenue & Garfield Avenue



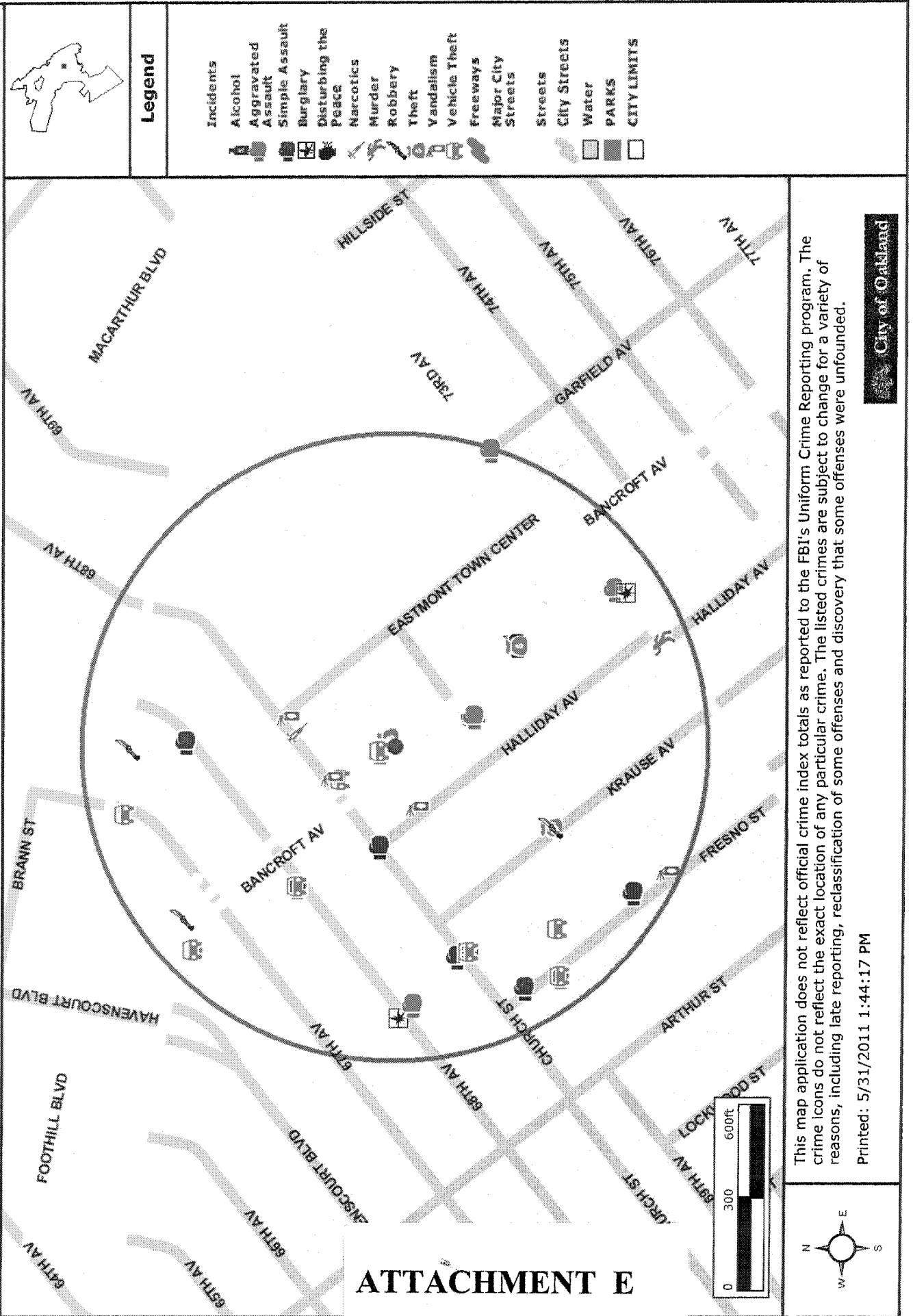
East face - Oakland Police, Eastmont Station at 73rd Avenue & Garfield Avenue



East face - Oakland Police, Eastmont Station at 73rd Avenue & Garfield Avenue

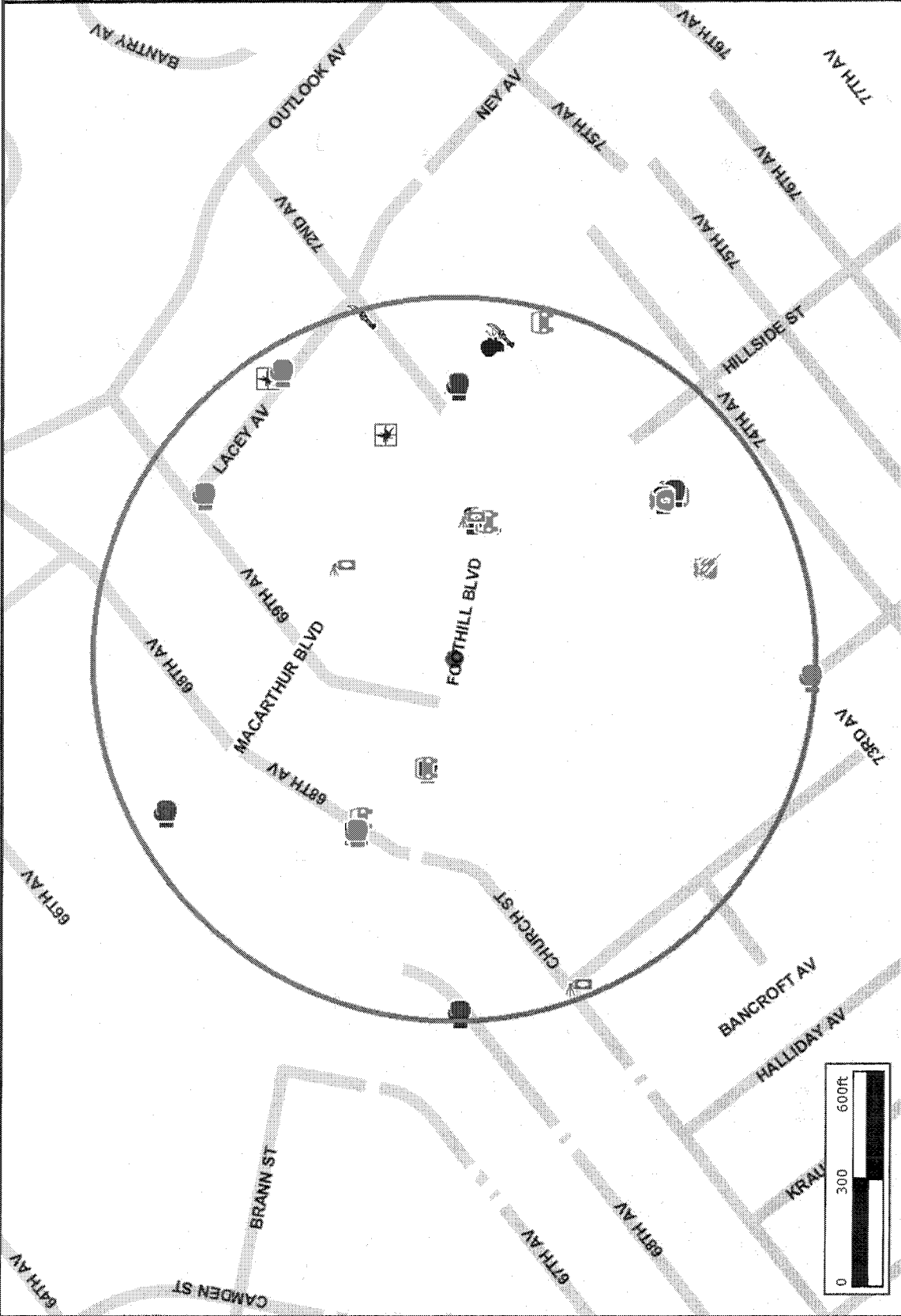
7000 BANCROFT

1,000-FT/90 DAYS ENDING 5-31-11



6929 FOOTHILL BL

1,000-FT/90 DAYS ENDING 5-31-11

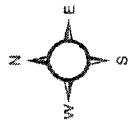


Legend

- Incidents
- Aggravated Assault
- Simple Assault
- Burglary
- Disturbing the Peace
- Narcotics
- Robbery
- Theft
- Vandalism
- Vehicle Theft
- Freeways
- Major City Streets
- Streets
- City Streets
- Water
- PARKS
- CITY LIMITS

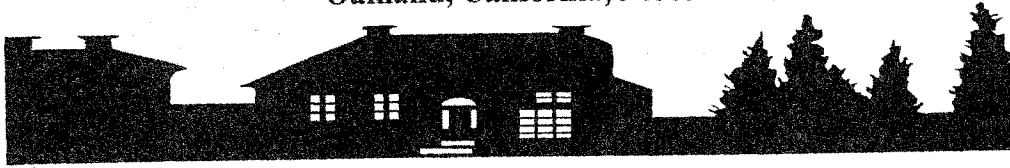
This map application does not reflect official crime index totals as reported to the FBI's Uniform Crime Reporting program. The crime icons do not reflect the exact location of any particular crime. The listed crimes are subject to change for a variety of reasons, including late reporting, reclassification of some offenses and discovery that some offenses were unfounded.

Printed: 5/31/2011 1:46:22 PM



City of Oakland

Eastmont Neighborhood Crime Prevention Council, Beat 30Y
C/O 7711 MacArthur Boulevard
Oakland, California, 94605



May 13, 2011

Oakland Planning Commission
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, California 94612

Honorable Members of the Planning Commission:

We the Eastmont Neighborhood Crime Prevention Council fully support CVS Pharmacy coming to the Eastmont Town Center. We understand this move has been a consideration for approximately two years. The NCPC would like to see this project approved as soon as possible.

CVS has promised not to sell any singles of beer or alcohol, and we understand that the area, which will house alcohol, is a small percentage of the total store area. We also understand that CVS will have cameras both inside and outside of the store and will improve lighting in the parking lots. We believe that this national retailer will handle alcohol sales responsibly.

Our area has been under-served; therefore we believe that having CVS at the Town Center will encourage other retailers to come to our neighborhood. Please approve this project as soon as possible as we look forward to shopping at CVS Pharmacy in the near future.

Respectfully,

A handwritten signature in black ink, appearing to read "Samuel Banner". The signature is written in a cursive, flowing style.

Samuel Banner
Chairperson

Cc: Vice Mayor Desley Brooks, Alexis M. Pelosi

ATTACHMENT F

