

Case File Number PLN25068**November 19, 2025**

Location:	8102 International Boulevard
Assessor's Parcel Numbers:	040 336402100; 040 336402200; 040 336402300; 040 336402400; 040 336401801
Proposal:	Sale of beer and wine at an existing grocery store, "Super Mercado Mi Tierra".
Applicant:	Rena Rickles
Phone Number:	(510) 326-4899
Owner:	JT-ITC Investments Limited Partnership
Case File Number:	PLN25068
Planning Permits Required:	Section 17.33.030 of the Planning Code requires a Major Conditional Use Permit for an Alcohol Beverage Sales Commercial Activity. Per Section 17.103.030 (B)(2) of the Planning Code, the project must meet Findings of Public Convenience or Necessity because the store is in an alcohol sales license overconcentrated area.
General Plan:	Neighborhood Center Mixed Use
Zoning:	Neighborhood Commercial Zone – 3 (CN-3); S-13 Affordable Housing Combining Zone.
Proposed Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines for existing facilities; Section 15183 of the State CEQA Guidelines for projects consistent with a community plan, general plan or zoning.
Historic Status:	Non-Historic Property
City Council District:	6
Status:	Pending
Staff Recommendation:	Approval based on Findings and Conditions of Approval
Finality of Decision:	Appealable to the City Council within 10 days.
For Further Information:	Contact City Case Planner Mike Rivera at (510) 238-6417 or by email at mrivera@oaklandca.gov

SUMMARY

The proposal is for the sale of beer and wine for off-site consumption at an existing grocery store called "Super Mercado Mi Tierra". The on-site sales of alcohol will be during the grocery store's hours of operation, which are 7:00 AM to 9:00 PM, daily. The project requires a Major Conditional Use Permit for Alcohol Beverage Sales in the Neighborhood Commercial- 3 (CN-3) Zone. No site or building alterations are proposed under this application, and no alcohol will be consumed on-site. Staff recommends approval because, as conditioned, the project meets the required findings (see **Attachments A and B**).

BACKGROUND

On December 27, 2023, the Bureau of Planning issued a Zoning Clearance (ZC230901) for the operation of a new 13,991 square-foot grocery store called "Super Mercado Mi Tierra" at 8102 International Boulevard. The prior business at this location was Walgreens, a General Retail Sales Commercial Activity that closed in July of 2021. On July 25, 2025, the applicant, Rena Rickles, applied for a Major Conditional Use Permit (CUP) for the off-site sales of alcohol at the market.

In October 2024, the State Department of Alcohol Beverage Control (ABC) received a public concern regarding the project noting that there are too many liquor stores in the neighborhood on International

CITY OF OAKLAND PLANNING COMMISSION



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Base Zone(s): CN-3
Combining Zone(s): S-13

Boulevard (see **Attachment C**). The applicant responded with a letter dated April 22, 2025 (see **Attachment E**). This issue is further discussed in the “Key Issues and Impacts” Section of this report.

PROPERTY DESCRIPTION

The existing grocery store, “Super Mercado Mi Tierra,” is at 8102 International Boulevard, which is located at the corner of International Boulevard and 81st Avenue. The lot area is approximately 41,371 square-feet and contains a one-story, 13,991 square-foot commercial building with a main entry that faces International Boulevard. The property has a surface parking lot with 49 parking spaces, three driveways, landscaping, light poles, business signage, and perimeter metal picket and stucco fencing. There is an existing commercial loading zone on 81st Avenue.

The project site is surrounded by a variety of commercial, civic, and apartment buildings on International Boulevard, and single-family homes on 81st and 82nd Avenues. Some of the immediate facilities include a restaurant, small grocery store, youth development center, and retirement home. The property is also next to a Bus Rapid Transit (BRT) stop.

PROJECT DESCRIPTION

The applicant requests approval for the off-site consumption of beer and wine at the existing grocery store. The proposal is for alcohol sales only, and alcohol will not be consumed at the project site. The applicant proposes alcohol sales Monday through Sunday from 7:00 AM to 9:00 PM, which are the same hours of operation for the grocery store. The area devoted to alcohol will be approximately two percent (280 square-feet) of the existing retail floor area and in three existing coolers. **Attachment D** contains the project plans.

The grocery store employs approximately 30 employees and averages about 70 customers per hour. A private security service is on-site during business hours, which will continue. The beer and wine coolers will be to the rear of the store, next to the pastry and fresh produce aisles. The existing grocery store has eight food aisles, a food court, a kitchen, a bakery, and sizable meat, fish, and produce departments.

The applicant filed an application with ABC for a Type 20 liquor license for off-site sales of beer and wine for the grocery store. Under this license, no distilled spirits may be sold and alcohol consumption is not allowed at the store.

The proposal does not include any building alterations.

GENERAL PLAN ANALYSIS

The proposal is consistent with the General Plan, as described below.

Land Use and Transportation Element (LUTE) of the General Plan

The project site is in the Neighborhood Center Mixed Use land use classification of the General Plan Land Use and Transportation Element (LUTE). The intent of this classification is to identify, create, maintain and enhance mixed-use neighborhood commercial centers typically characterized by smaller-scale pedestrian-oriented, continuous street frontage with a mix of retail, housing, office, active open space, eating and drinking places, personal and business services, and smaller-scale educational, cultural or entertainment uses. The proposal to include the sales of beer and wine will enhance the variety of goods shoppers can purchase at the store. The proposal is consistent with the following LUTE policies:

Policy N1.1 Concentrating Commercial Development: Commercial development in the neighborhoods should be concentrated in areas that are economically viable and provide opportunities for smaller scale, neighborhood-oriented retail.

The proposal will contribute to the success of the existing grocery store, which provides essential groceries to neighborhood customers.

Policy N1.6- Reviewing Potential Nuisance Activities: The City should closely review any proposed new commercial activities that have the potential to create public nuisance or crime problems and should monitor those that are existing. These may include isolated commercial or industrial establishments located within residential areas, alcoholic beverage sales activities (excluding restaurants), adult entertainment, or other entertainment activities.

The proposal for the sale of beer and wine within the existing grocery store is not expected to create a public nuisance because alcohol will not be served or consumed at the project site. The attached Conditions of Approval will ensure that alcohol sales do not create nuisance impacts on the neighborhood.

Environmental Justice Element of the General Plan

In September of 2023, the City of Oakland adopted an Environmental Justice (EJ) Element as part of Phase 1 of the General Plan Update, which constitutes the baseline against which the Race and Equity Impact Assessment for this project is determined. The EJ Element “serves as the foundation for achieving equity and environmental justice when planning for future growth and development in Oakland.” The EJ Element identifies communities that are disproportionately impacted by environmental justice issues and proposes goals, policies, and objectives to reduce the unique or compounded health risks in these communities. It also contains a comprehensive table of actions to achieve those goals and objectives, many of which have already been implemented.

The goal of EJ-5 is to support a food system that provides nutritious, affordable, culturally relevant, and affordable food to all Oaklanders. The following is a priority policy:

***EJ-5.1 New Healthy Food Grocers.** Allow small grocery stores within residential areas. As a priority, efforts should be focused in areas underserved by healthy food retail with good access to the transportation network, where grocery stores and food co-ops are most economically viable.*

The existing grocery store, “Super Mercado Mi Tierra,” provides a mix of meats, vegetables, fish, dairy and international foods for local residents. The proposal for the inclusion of beer and wine sales would add to the variety of products available at the market and increase the store’s financial viability. The store’s location is on International Boulevard, which is a major transit corridor that includes Bus Rapid Transit Line 1T.

The goal of the EJ-7 is to create environments that support physical activity, recreation, and healthy lifestyles through safe, comfortable and ADA compliant walkable, bikeable neighborhoods, with access to transit, green space, trees, paths and parks. The following is a priority policy:

***EJ-7.1 Complete Neighborhoods.** Promote “complete neighborhoods”—where residents have safe and convenient access to goods and services on a daily or regular basis—that address unique neighborhood needs and support physical activity, including walking, bicycling, active transportation, recreation, and active play.*

The existing grocery market replaced a long-vacated retail store, and the proposal for beer and wine sales will make it an attractive destination for customers to complete their grocery shopping. The wide range of fresh meat and produce, international foods, miscellaneous grocery items, and beer and wine will fulfill the everyday needs of local residents who are within walking distance of the store.

International Boulevard Transit-Oriented Development Specific Plan

The fundamental goals of the International Boulevard Transit-Oriented Development (IBTOD) Plan, which was adopted by the City in 2011, is to leverage the investment of the new Bus Rapid Transit (BRT) system and associated projects to revitalize the International Boulevard corridor. The vision of the IBTOD Plan includes making International Boulevard an attractive main street by creating safe, thriving, vital communities with successful businesses and public services. The guiding principles of the TOD are to create a catalyst for positive change, safe and healthy communities, buildings that support transit and the public realm, transportation choices, attractive streets, job creation and economic development, and businesses that provide goods and services to residents.

The IBTOD Plan includes five sub-area plans, each with goals and recommendations. The project site is in the Hegenberger sub-area, where the plan recommends grocery stores and a diversity of retail stores and services. The overall objective is to encourage neighborhood-oriented retail and services that provide everyday goods for the residents of nearby neighborhoods.

The proposed sale of beer and wine at the existing market will support the IBTOD Plan vision by enhancing the financial viability of a local grocery store and adding to the variety of goods available to nearby residents.

ZONING ANALYSIS

Zoning Intent

The intent of the CN-3 Zone is to create, improve, and enhance neighborhood commercial centers that have a compact, vibrant pedestrian environment.

The property is also in the S-13 Affordable Housing Combining Zone. The intent of the S-13 Zone is to create and preserve affordable housing restricted for extremely low-, very low-, low-, and/or moderate-income households. The project does not include new housing development or the removal of existing units, so the S-13 Zone does not have any applicable regulations on this application.

Major Conditional Use Permit

Per Section 17.10.300 of the Planning Code, the Alcoholic Beverage Sales Commercial Activity land use classification includes the retail sale, for on- or off-premises consumption, of liquor, beer, wine, or other alcoholic beverages. This classification requires a Conditional Use Permit (CUP) to operate in the CN-3 Zone per Section 17.33.030 of the Planning Code. Additionally, Section 17.134.020(A) of the Planning Code states that this CUP is major, meaning that the Planning Commission reviews and decides on its issuance.

As mentioned in the “Key Issues and Impacts” report section and **Attachment A**, the project for off-site alcohol sales of beer and wine within a portion of the existing grocery store meets the required findings. In addition to General Findings found in Planning Code Section 17.134.050 and Findings for ground floor activities in the CN Zones found in 17.33.01(L4), the granting of a Conditional Use Permit for alcohol sales requires meeting additional Findings found in Section 17.103.030(A) of the Planning Code.

1,000 Foot Separation Requirement

Per Section 17.103.030(B) of the Planning Code, a proposed alcohol outlet cannot be approved if it is closer than 1,000 feet from an existing alcohol outlet, unless the proposal has 25 or more employees or a total floor area of at least 12,000 square feet. The market is 13,991 square feet and has 30 employees and, therefore, is exempt from the 1,000-foot separation requirement.

Findings of Public Convenience or Necessity

The store is within an “alcohol sales license overconcentrated area” because the subject site is in a census tract (4085) that already contains five off-site alcohol sale outlets, while the State of California Alcoholic Beverage Control (ABC) restricts the number of alcohol licenses to three. These outlets include the following:

Location	License Type	Business Name
7838 International Blvd	20	Better Trade Market
7900 Holly St	20	Holly Market
7475 Bancroft Ave	20	Family Market
7940 International Blvd	21	G 1 Liquor 4
7717 Bancroft Ave	21	LT Liquors & Groceries

Note: the above outlets are licensed or permitted to sell alcoholic beverages for off-site consumption but are prohibited from allowing customers to drink on the premises.

As such, the City of Oakland and ABC must make findings of “Public Convenience or Necessity” to approve the sale of wine and beer at the market. Section 17.103.030(B)(2) of the Planning Code states that the City can make these findings if the following criteria are met:

- 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;
- 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
- c) That alcohol sales are customarily associated with, and are appropriate, incidental, and subordinate to, a principal activity on the lot.

As discussed in the “Key Issues and Impacts” section and **Attachment A**, the proposal meets these criteria.

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines lists the projects that qualify as categorical exemptions from environmental review. The development proposal is categorically exempt from the environmental review requirements pursuant to Section 15301 for Existing Facilities and Section 15183 for Projects consistent with a Community Plan, General Plan or Zoning.

KEY ISSUES AND IMPACTS

As conditioned, staff recommends approval of the proposal. The sale of beer and wine will help to financially support a grocery store that serves a variety of foods, including a sizable amount of fresh meats, fish, and produce, to residents of a lower-income neighborhood. The sale of beer and wine for off-site consumption will also enhance the variety of goods residents can purchase from the store. As conditioned, the sales of beer and wine will not create nuisance issues. The following more specifically addresses key issues regarding the proposal.

Major Conditional Use Permit

As discussed above, the proposal for off-site alcohol beverage sales requires the granting of a Major Conditional Use Permit (CUP) from the Planning Commission. The proposed sale of wine and beer at the market for off-site consumption meets the required CUP findings, which focus on impacts on surrounding properties, compatibility with the neighborhood, impacts on the surroundings, General Plan consistency, and functionality of the plans. With the recommended conditions related to neighborhood outreach, trash, loitering, and other nuisances (see Condition 13, below), staff anticipates that the proposal will have negligible impacts on the neighborhood because the alcohol sales are only a small part of the much larger grocery store, and there is no proposed building alteration. The sale of beer and wine will enhance the financial viability of the market, which is an important amenity in the neighborhood. As described in the General Plan Analysis section, above, the proposal is consistent with the LUTE, EJ and IBTOD.

Finding of Public Convenience or Necessity

Staff believes the proposal meets the Findings for “Convenience or Necessity,” per ABC requirements. As discussed in the Zoning Analysis section above, these findings relate to the community need for the outlet, the proposal being a positive influence on the quality of life, and the sale of beer and wine being customarily associated with the principal activity on the lot. These findings can be made because the sale of wine and beer: 1) will financially support the market, which is a vital business located in an underserved area, that provides essential grocery goods contributes to the health and quality of life of the neighborhood, 2) is a common practice in grocery stores, 3) the area devoted to alcohol sales is minor and incidental when compared to the area devoted to the food aisles, a food court, a kitchen, a bakery, and sizable meat, fish, and produce departments, and 4) the positive benefit of retaining the grocery store outweigh any negative impacts though none are expected.

Concerned Neighbor/Interested Party Protest Letter to ABC

Prior to submitting a Planning application to the City, the applicant filed the Type 20 application with the Department of Alcoholic Beverage Control (ABC). As part of the ABC process, the site was posted, and a notice was provided to neighbors of the pending application. Only one concerned neighbor submitted a protest to ABC, expressing concern that there were too many businesses selling alcohol in the neighborhood (see **Attachment C**). ABC acknowledged receipt of the protest and included the next steps.

The applicant reviewed the letter and responded to the neighbor with a letter dated April 22, 2025 (see **Attachment E**). As stated in the letters, the market intends the following community engagement outreach actions to address these concerns.

1. Use good faith efforts to engage in one-on-one discussions with the concerned neighbor/interested party who filed the protest letter with ABC in order to provide clear information about the plans and operations, and listen to concerns and possible suggestions that could be implemented.

2. Use good faith efforts to establish clear communication channels with the community members with a dedicated email and phone number for the designated manager during business hours when the alcohol is being sold.
3. Use good faith efforts to continue the dialogue and responsiveness, availability for meetings and discussion, consider feedback, and evaluate potential operational adjustments and management practices where feasible to mitigate concerns.
4. Cooperate in good faith with the City and state agencies should there be code enforcement issues that arise from the sale of alcohol on the premises.

To date, Planning staff has not received any other public comments regarding the proposed project.

RECOMMENDATION

Staff finds that the proposal for the sale of beer and wine in an existing grocery market is a practical and compatible use that will contribute to the success of a vital neighborhood amenity. Staff believes that the application meets the required findings in **Attachment A**, and recommends approval by the Planning Commission, subject to the Conditions of Approval shown in **Attachment B**.

1. Affirm staff's Environmental Determination; and
2. Approve the Major Conditional Use Permit subject to the attached findings.

Prepared by:

= *Mike Rivera* =

Mike Rivera
Planner III

Reviewed by:



Heather Klein Acting for Robert Merkamp
Zoning Manager

Approved for forwarding to the
City Planning Commission:



Ed Manasse, Deputy Director,
Bureau of Planning

ATTACHMENTS:

- A. Findings for Approval
- B. Conditions of Approval

- C. October 10, 2024 Letter of objection to ABC
- D. Project plans
- E. Applicant's letter, dated April 22, 2025, and Community Engagement

ATTACHMENT A: FINDINGS

This proposal for alcohol beverage sales for off-site consumption meets the required findings under Sections 17.134.050, 17.103.030(A), 17.103.030 (B)(2) and 17.33.01 (L4) of the Oakland Planning Code (OMC Title 17) as set forth below and which are required to approve your application. Required findings are shown in **bold** type; reasons your proposal does satisfy them are shown in normal type.

SECTION 17.134.050 –GENERAL CONDITIONAL USE PERMIT FINDINGS

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

The proposal will be compatible with the daily functions of a typical grocery store. Alcohol sales will be purchased at the store and will not be consumed at the project site. The area devoted to alcohol will be in the back of the existing grocery store and only consist of three, existing coolers, about two percent of the floor area. No exterior changes are proposed and so will not affect scale, bulk, coverage, mass or density. With the recommended conditions related to neighborhood outreach, trash, loitering, and other nuisances (see Condition 13, below), staff anticipates that the proposal will have negligible impacts on the neighborhood.

- 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, design, and site planning of the existing grocery store will not be altered. The alcohol sales will be convenient for customers while shopping for other groceries in the existing store, will complement other offerings and is typical of products located in a grocery store.

- 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 will provide convenient access to beer and wine for nearby residents and contribute to the success of the grocery store, which is an essential amenity to the community.

- D. **That the proposal conforms with all applicable Regular Design Review criteria set forth in Section 17.136.050 of the Oakland Planning Code.**

The proposal for alcohol sales does not include new construction or alterations to the existing building.

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

See “General Plan Analysis Section”, above.

SECTION 17.103.030(A) ADDITIONAL CONDITIONAL USE PERMIT FINDINGS-FOR ESTABLISHMENTS SELLING ALCOHOL BEVERAGES

1. **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 will not contribute to the undue proliferation of alcoholic beverage sales because it will encompass only about two percent of the floor area of the existing grocery store. The sales of beer and wine will be for off-site consumption only. The proposal will contribute to the success of a commercial area by attracting additional customers and continue the viability of the grocery store by expanding its product offerings. With the recommended conditions related to neighborhood outreach, trash, loitering, and other potential nuisances (see Condition 13, below), and existing security, staff anticipates that the proposal will have negligible impacts on the neighborhood.

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

The proposal will not adversely affect these establishments because they are not located in the immediate area of the project. The grocery store includes a bakery, fresh produce, meat, and fish, as well as kitchen, and other household goods; alcohol displays will entail only two percent of the total floor area.

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

The proposal for alcohol sales will be entirely located within the existing grocery store. As conditioned, loitering will not be permitted in front of the market.

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

The proposal does not involve any alterations to the existing one-story commercial building.

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

The proposal does not include any new signage for alcohol sales advertising or changes to the parking layout or landscaping area.

6. **Adequate litter receptacles will be provided where appropriate.**

The application materials indicate that trash containers are provided within the property.

7. **Where the proposed use is in close proximity to residential uses, and especially to bedroom windows, it will be limited in hours of operation, or designed or operated, so as to avoid disruption of residents' sleep between the hours of 10:00 p.m. and 7:00 a.m.**

The alcohol will be sold inside the existing grocery store and is for off-site consumption. The applicant proposes to sell beer and wine only during the business hours of the market, which are from 7:00 AM to 9:00 PM daily.

SECTION 17.103.030(B)(2) ADDITIONAL FINDINGS OF PUBLIC CONVENIENCE OR NECESSITY

- 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**

Applicant's summary response (in italics):

Supermercado fills a major unmet need for this neighborhood. There is no comparable commercial business that provides the totality of neighborhood convenience of these goods and services, along with ample convenient parking anywhere in the area. Sales of alcohol here constitutes a significantly small percentage of sales and are sold as a complement to the other goods and services so desperately needed by this community.

- 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 proposal will improve the quality of life in the community by increasing the financial feasibility of a grocery store with healthy food offerings in a lower-income neighborhood. With the recommended conditions related to neighborhood outreach, trash, loitering, and other nuisances (see Condition 13, below), and existing on-site security, staff anticipates that the proposal will not result in any negative impacts on the neighborhood.

- c. **That alcohol sales are customarily associated with, and are appropriate, incidental, and subordinate to, a principal activity on the lot.**

Beer and wine are typical offerings at a grocery store. Alcohol sales will be subordinate to the market because the area devoted to it will be in only three coolers and about two percent of the total floor area. In addition, given the alcohol sales are limited to beer and wine, there is not the potential negative result of increased customer intoxication through hard liquor sales, which may increase the risk of public intoxication given the alcohol by volume is so much greater.

SECTION 17.33.01 (L4)–ADDITIONAL CONDITIONAL USE PERMIT FINDINGS

- a. **That the proposal will not detract from the character desired for the area.**

The proposal will enhance the commercial district by attracting additional customers to the neighborhood. As conditioned, the sale of alcohol will not cause nuisances to the neighborhood.

- b. **That the proposal will not impair a generally continuous wall of building facades.**

The proposal for alcohol sales will not impair the continuous wall of the building because there are no proposed exterior alterations to the facade of the existing building.

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

The proposal does not include alterations to the facades of the existing grocery store. The ground level store will continue to be a retail facility after the sale of alcohol is approved.

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

The proposal for alcohol beverage sales will take place within the existing building, so the project will not interfere with or block the sidewalks.

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

See “General Plan Analysis,” above.

ATTACHMENT B: CONDITIONS OF APPROVAL

1. Approved Use

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials received on July 25, 2025 and the revised design plans, received October 2, 2025, as amended by the following conditions of approval and mitigation measures, if applicable (“Conditions of Approval” or “Conditions”).

2. Effective Date, Expiration, Extensions and Extinguishment

This Approval shall become effective immediately, unless the Approval is appealable, in which case the Approval shall become effective in ten (10) calendar days unless an appeal is filed. This Approval shall expire **three (3) years** from the Approval date, or from the date of the final decision in the event of an appeal, unless within such period a complete building permit application has been filed with the Bureau of Building and diligently pursued towards completion, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this Approval, the Director of City Planning or designee may grant up to two, one-calendar year extensions or a one, two-calendar year extension with additional extensions subject to approval by the approving body. Expiration of any necessary building permit or other construction-related permit for this project may invalidate this Approval if said Approval has also expired. If litigation is filed challenging this Approval, or its implementation, then the time period stated above for obtaining necessary permits for construction or alteration and/or commencement of authorized activities is automatically extended for the duration of the litigation.

3. Compliance with Other Requirements

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

4. Minor and Major Changes

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

5. Compliance with Conditions of Approval

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

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

6. Signed Copy of the Approval/Conditions

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

7. Blight/Nuisances

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

8. Indemnification

- a) To the maximum extent permitted by law, the project applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Redevelopment Successor Agency, the Oakland City Planning Commission, and their respective agents, officers, employees, and volunteers (hereafter collectively called "City") from any liability, damages, claim, judgment, loss (direct or indirect), action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul this Approval or implementation of this Approval. The City may elect, in its sole discretion, to participate in the defense of said Action and the project applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.
- b) Within ten (10) calendar days of the filing of any Action as specified in subsection (a) above, the project applicant shall execute a Joint Defense Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Joint Defense Letter of Agreement shall survive termination, extinguishment, or invalidation of the Approval. Failure to timely execute the Letter of Agreement does not relieve the project applicant of any of the obligations contained in this Condition or other requirements or Conditions of Approval that may be imposed by the City.

9. Severability

The Approval would not have been granted but for the applicability and validity of each and every one of the specified Conditions, and if one or more of such Conditions is found to be invalid by a

court of competent jurisdiction this Approval would not have been granted without requiring other valid Conditions consistent with achieving the same purpose and intent of such Approval.

10. Trash and Blight Removal

Requirement: The project applicant and his/her successors shall maintain the property free of blight, as defined in chapter 8.24 of the Oakland Municipal Code. For nonresidential and multi-family residential projects, the project applicant shall install and maintain trash receptacles near public entryways as needed to provide sufficient capacity for building users.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

11. Graffiti Control

Requirement:

- a. During construction and operation of the project, the project applicant shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include, without limitation:
 - i. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces.
 - ii. Installation and maintenance of lighting to protect likely graffiti-attracting surfaces.
 - iii. Use of paint with anti-graffiti coating.
 - iv. Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED).
 - v. Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement.
- d. The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include the following:
 - i. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system.
 - ii. Covering with new paint to match the color of the surrounding surface.
 - iii. Replacing with new surfacing (with City permits if required).

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

Alcoholic Beverage Sales Commercial Activities

12. Additional Permits Required

Requirement:

- a) Necessary ABC permit, Type 20 must be obtained prior to commencement of activity. 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.

- b) 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.

When Required: Prior to commencement of activity

Initial Approval: N/A

Monitoring/Inspection: N/A

13. Operation and Facility Requirements

Requirement: The project applicant and business owners in the project shall comply with all the following:

a) Hours of Operation

Hours of operation (including but not limited to alcoholic beverage sales) shall be limited to 7:00 am to 9:00 pm daily unless further restricted by the State's Alcohol Beverage Control (ABC).

b) Location and Manner

Alcoholic beverages at the existing grocery store, located at 8102 International Boulevard may be purchased for off-site consumption only.

c) Business signage

Any new or modified business signage requires review and approval by the Planning and Zoning Division.

d) Advertising signage

No product advertising signage (such as neon beer signs) or banners (such as happy hour advertisements) may be displayed visible from the exterior facade.

e) Nuisances

Crime, litter, noise, or disorderliness conduct associated with alcoholic beverage sales at the establishment may result in a hearing to consider revocation of the Conditional Use Permit or attachment of additional Conditions of Approval.

f) Loitering

The owner, manager, and employees of this establishment shall make appropriate efforts to discourage loitering from the parking lot and the public right-of-way fronting the premises including calling the police to ask that they remove loiterers 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.

g) Trash and litter

The licensees/property owners shall clear the gutter and sidewalks along the building frontage plus twenty feet beyond the property lines along these streets of litter daily or as needed to control litter. In addition to the requirements of Business and Profession Code Section 25612.5, (sweep or mechanically clean weekly) the licensee shall clean the sidewalk with steam or equivalent measures monthly or as needed.

h) Performance standards

The establishment shall adhere to performance standards for odor, and all environmental effects of the activity as regulated under Oakland Municipal Code (OMC) Chapter 17.120.

i) Neighborhood Outreach and contact phone numbers

The business operator shall be accessible to neighbors wishing to register complaints against the business and shall work to eliminate any nuisances related to the business as reported by neighbors. 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. The establishment shall also display signage in visible areas offering contact telephone numbers for both the business operator and the City Code Compliance at (510) 238-3381 and Oakland Police Department (OPD) non-emergency at (510) 777-3333 for the purpose of reporting nuisances. In addition, the business operator shall engage in a good faith effort to have a one-on-one discussions with the concerned neighbor/interested party who filed the ABC protest letter in order to provide clear information about the plans and operations, and listen to concerns and possible suggestions that could be implemented. The business owner shall also engage in good faith efforts to continue the dialogue and responsiveness, availability for meetings and discussion, consider feedback, and evaluate potential operational adjustments and management practices where feasible to mitigate neighbor concerns. The business owner shall also cooperate in good faith with the City and state agencies should there be code enforcement issues that arise from the sale of alcohol on the premises, which may include agreeing to additional conditions to address any code enforcement violations or neighborhood impacts arising from the sale of alcohol.

j) 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 the grocery store. The “No Open Container” signs are available from the City of Oakland, Cashier Office, located on the second floor of 250 Frank H. Ogawa Plaza.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

Applicant Statement

I have read and accept responsibility for the Conditions of Approval. I agree to abide by and conform to the Conditions of Approval, as well as to all provisions of the Oakland Planning Code and Oakland Municipal Code pertaining to the project.

Name of Project Applicant

Signature of Project Applicant

Date

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

3927 Lennane Drive, Suite 100, Sacramento, CA 95834
www.abc.ca.gov



NOTICE

Attachment C

October 29, 2024

LOLA PUGH
8135 INTERNATIONAL BLVD, #321
OAKLAND, CALIFORNIA 94621

SUPERMERCADO MI TIERRA LLC
SUPERMERCADO MI TIERRA
8102 INTERNATIONAL BLVD
OAKLAND, CA 94621
File: 20-661954

Your protest has been received and accepted. A copy has been sent to the applicant.

If the applicant withdraws the application for licensure or if the Department denies issuance of the license and the applicant does not request a hearing, you will receive no further notice from the Department.

If the application for licensure is recommended for approval, you will be contacted to see if you wish to request a protest hearing.

If the Department denies issuance of the license, and the applicant requests a hearing, the protest hearing will be held at the same time. You will be notified of the date, time and place of the hearing. You will be expected to attend the hearing and to testify regarding your protest. Failure to do so will result in the dismissal of your protest by the Administrative Law Judge. If you cannot or choose not to attend the hearing, please notify the District Office, below.

Please contact the Concord District Office at (925) 655-6314 if you have any questions.

L.M.

Copy: ☒ Concord District office
☒ Applicant(s) with Enclosure
☐ Representative(s) with Enclosure

Alcoholic Beverage Control
AGAINST ALCOHOLIC BEVERAGE LICENSE APPLICATION

State of California

Refer to Form ABC-510, Information Regarding ABC License Application and Protests (Rev. January 2014), before completing and submitting your protest. The ABC-510 is located at www.abc.ca.gov and in each district office.

- **Please print legibly or type.** Incomplete and/or illegible information will cause the protest to be rejected.
- You will be notified by letter whether or not your protest is accepted.
- If the Department recommends licensure, you will be afforded the opportunity to request a hearing on your protest.
- If a hearing is scheduled as to whether or not a license should be granted, you or your authorized representative will need to attend the hearing to testify and/or present evidence to support your protest, or your protest will be deemed abandoned.
- All protests submitted to the ABC are public records and are open to inspection pursuant to the California Public Records Act (CPRA). (Gov. Code sec. 6254 et seq.)
- A copy of all valid and verified protests (ABC-510-A) and Protestant's/Complainant's Declaration (ABC-128) will be provided to the applicant as part of the licensing process.

I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to:

For premises at:

(Name(s) of Applicant(s))

8102 International Blvd. Oakland, CA.

(Exact address of proposed premises)

on the grounds that:

there are too many stores selling alcohol in my neighborhood already. The store sits between 2 liquors store to left and 2-3 to the right, on International Blvd.

☐ Check here if additional sheets attached

I, Lola Pugh

PRINT (Name of Protestant)

, declare under penalty of perjury:

- (1) That I am the Protestant herein;
- (2) That I have read the above protest and know the contents thereof; and
- (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

PROTESTANT'S SIGNATURE

Lola Pugh

TELEPHONE NUMBER (Optional & non-public)

SIGNED AT (City and State)

8135 International Blvd # 321

DATE SIGNED

10/10/24

PROTESTANT'S ADDRESS (Full address - Street name & number, Unit or Apt. No., City, State, & Zip Code)

[illegible]

CONTRACTOR

THESE CONDITIONS AND TERMS OF AGREEMENT APPLY TO ALL CONTRACTS ENTERED INTO BY THE COMPANY. CONTRACTS THAT VARY FROM THESE CONDITIONS WILL BE VOID. THE COMPANY'S STANDARD CONTRACTS ARE AVAILABLE UPON REQUEST. THE COMPANY'S STANDARD CONTRACTS ARE AVAILABLE UPON REQUEST. THE COMPANY'S STANDARD CONTRACTS ARE AVAILABLE UPON REQUEST.

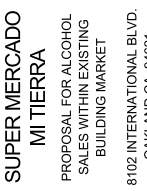
GENERAL CONTRACTOR
CONSTRUCTION
INC. LLC

Raymond F. Payer

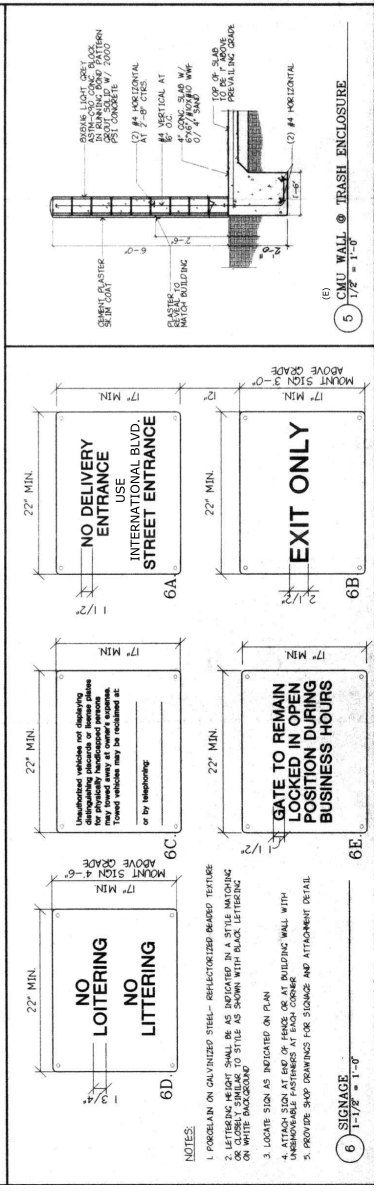
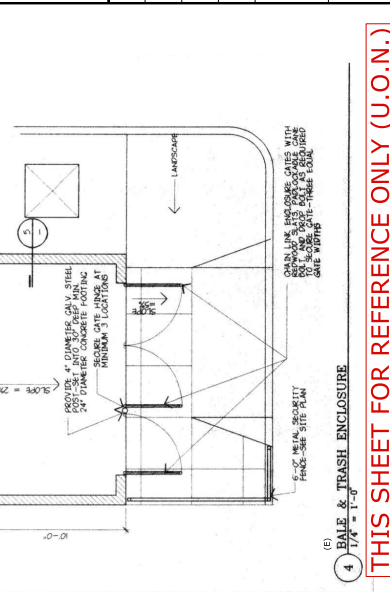
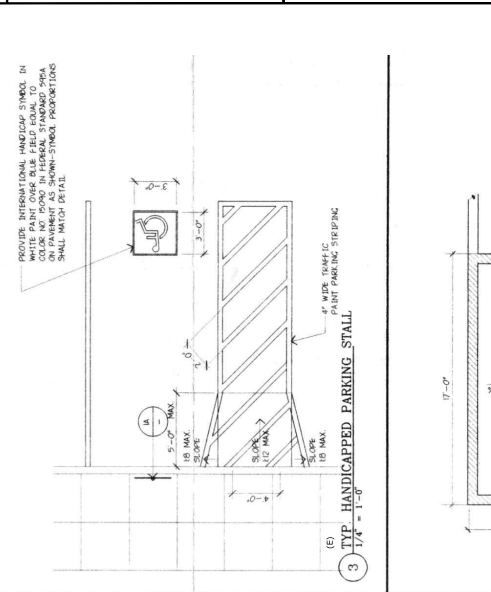
2521 WHEAT NEWWAY
HAYWARD, CA 94542
(510) 376-6605



25713 WESTVIEW WAY
HAYWARD, CA. 94542
(510) 376-6805



SHEET NO.: A0.1



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Raymundo F. Reyes
25713 WESTVIEW WAY
HAYWARD, CA. 94542
(774) 013-2700



**SUPER MERCADO
MI TIERRA**
PROPOSAL FOR ALCOHOL
SALES WITHIN EXISTING
BUILDING MARKET
8102 INTERNATIONAL BLVD.
OAKLAND, CA 94621

DRAWN BY: / DATE:
R. REYES 06.20.25

CHECKED BY: / DATE:
R. F. REYES 06.20.25

SCALE:
AS NOTED

PROJECT NO.:	N/A
CUSTOMER NAME:	

SHEET NAME:

FLOOR PLAN

SHEET NO.:	

A1.0



1. DRY GOODS/SPICES/GRAINS
2. CANNED GOODS
3. BEVERAGES
4. BREAD/PASTRY
5. BREAKFAST/WIC
6. CLEANING PRODUCTS
7. HOME GOODS
8. DAIRY/SODA/JUICE/WATER
9. FRESH PRODUCE
10. BAKED GOODS
11. MERCHANDISE DISPLAY
12. PACKAGED SNACKS
13. PREP. FOOD DISPLAY
14. MEATS DEPT. DISPLAY CASE
15. REGISTERS/DISPLAYS
16. SEATING
17. SHOPPING CARTS
18. FROZEN FOOD

PROPOSED MERCHANDISE

- ## 19. BEER BEVERAGES

NOTE:
ITEMS REMOVED WILL BE REARRANGED IN
ADJACENT EXISTING COOLERS



Attachment E

Supermercados Mi Tierra, LLC

8102 International Blvd

Oakland, CA 94621

Tuesday, April 22, 2025

VIA First Class U.S. Mail

Lola Pugh
8135 International Blvd, #321
Oakland, CA 94621

RE: Our Plans for the New Grocery Store and Wine/Beer Sales, Pending License #662954

Dear Neighbor:

We're writing to you regarding our application to sell beer and wine at the new community grocery store we are planning for 8102 International Blvd, in the former pharmacy space. We understand you have expressed concerns, specifically regarding the number of stores already selling alcohol in the area, and we appreciate the opportunity to share more details about our plans and why we believe our store will be a distinct and positive addition, rather than contributing to existing issues.

Our Primary Focus: A Neighborhood Grocery Store

Our core mission is to establish a neighborhood grocery store focused on providing convenient access to fresh, quality foods. Our offerings will center around fresh meats, fish, produce, dairy, pantry staples, and a variety of prepared foods, making it easy for local residents to pick up daily necessities and meals close to home. We aim to fill a need for accessible, fresh groceries in this immediate area.

Beer & Wine as a Complementary Offering

The selection of beer and wine we plan to offer is intended specifically to *complement* these food purchases – providing a convenient option for customers buying groceries for dinner or entertaining at home. This is not the primary driver of our business; it's an added convenience integral to offering a full-service grocery experience.

- **License Type:** Crucially, we are applying for a Type 20 Off-Sale Beer & Wine license only. This means only wine and beer products are sold sealed (no liquor) and *must* be consumed off the premises. No on-site consumption will be permitted.
- **Operating Hours:** Our planned hours of 7:00 AM to 9:00 PM daily are designed for community convenience while explicitly avoiding the late-night hours often associated with nuisance activities.

Addressing Concerns About Alcohol Outlet Density

We understand and respect the concern that there are already several businesses selling alcohol nearby. You noted a liquor store and a market two blocks Northwest, and three other liquor stores two and three blocks Southeast. However, we believe our grocery store serves a fundamentally different purpose and clientele than dedicated liquor stores:

1. **Primary Business:** We are primarily a *food retailer*. Customers will overwhelmingly be visiting us for groceries, with beer and wine being an incidental or complementary purchase for many, not the sole reason for their visit.
2. **Product Focus:** Our beer and wine selection will be curated to pair with food, differing from the high-volume focus of many liquor stores.
3. **Operational Model:** Our model (grocery focus, 9 PM closing, no on-site consumption) is designed to serve local household needs, not to be a late-night destination for alcohol purchases.
4. **Management Practices:** We are committed to responsible alcohol sales, including rigorous staff training (all clerks will have completed an all-day course in Responsible Beverage Service (RBS)) and adherence to all ABC regulations to prevent sales to minors or intoxicated persons.

By filling a vacant storefront with a needed grocery service, we aim to enhance the neighborhood. We anticipate many customers will walk, bike, or use rideshares, minimizing traffic. Our small parking lot will further help keep street parking available.

Next Steps

We hope this detailed explanation clarifies our operational plan and addresses your specific concerns about adding another alcohol outlet. We genuinely believe our community-focused grocery store, with its ancillary beer and wine offerings, will operate responsibly and be a valuable asset, distinct from the existing liquor stores.

If this information alleviates your concerns and you feel comfortable withdrawing your protest, we understand you can contact the California Department of Alcoholic Beverage Control (ABC) directly. The relevant office for Oakland is typically the Bay Area District Office, and while direct protest withdrawal procedures can vary, the general information number you previously noted is (925) 655-6314. They can guide you on the formal process.

If you still have concerns or questions you'd like to discuss directly with us, please don't hesitate to reach out at 510 567 8617 or isela@supermercandomitierra.com. We would welcome the chance to speak further. Our goal is to be a helpful, considerate, and responsible neighbor.

Sincerely,



Isela Garcia, President
Supermercado Mi Tierra LLC

Subject: Narrative of Intended Community Engagement Actions

Introduction:

This narrative outlines the intended community engagement actions for Supermercado Mi Tierra's application to the Oakland Planning Bureau for a conditional use permit authorizing our Type 20 Off-Sale Beer & Wine license application for the premises located at 8102 International Boulevard in Oakland. While this application pertains to an existing business seeking a new license type, we acknowledge that the City of Oakland Planning Bureau may determine that this Type 20 license "may potentially cause substantial community impacts" that we seek to proactively address in our initial application.

We have already filed the type 20 application with the Department of Alcoholic Beverage Control ("ABC"), while we prepared our planning application. During the process with ABC, we were required to post a notice of our application and mail notices to neighbors of the project to give them the opportunity to protest the application. In response to our notice to hundreds of neighbors, only one protest letter was filed concerning this application. We are including the protest letter, our response to the protest raised, and this summary of our intended future engagement efforts.

We have received and carefully reviewed the concerns expressed in the protest letter dated October 10, 2024 (Attachment A). We responded on April 18, 2025, (Attached to Basic Application). We understand that introducing or modifying alcohol sales can raise questions within a community, and we are committed to being a responsible operator and a positive contributor to the neighborhood.

Intended Future Community Engagement Actions:

Recognizing the importance of ongoing dialogue and addressing community feedback, Supermercado Mi Tierra intends to undertake the following community engagement actions moving forward:

1. **Direct Outreach:** Instead of waiting for the ABC hearing, we responded directly to the ABC protestor to:
 - Provide clear information about our operational plans, including hours, product selection focus (e.g., complementing existing offerings, only wine and beer), and staff training related to responsible beverage service.
 - Offer our contact information to discuss the specifics of our Type 20 license application and proposed operations.
 - Listen directly to any ongoing concerns or suggestions they may have.
2. **Establish Clear Communication Channels:** We will establish and maintain clear points of contact for community members to reach us with questions or concerns regarding the Type 20 license operations, should the license be approved. This will include a dedicated email address, a direct phone number during business hours and a designated manager contact listed at the front of the store.
3. **Ongoing Dialogue and Responsiveness:** We commit to maintaining an open dialogue with our neighbors and community stakeholders. We will:

- Make ourselves available for reasonable requests for meetings or discussions regarding the impacts of our Type 20 license operations.
 - Seriously consider community feedback received through our outreach efforts and established communication channels.
 - Evaluate potential operational adjustments or management practices, where feasible and appropriate, to mitigate concerns raised by the community, consistent with responsible business practices and the terms of the Type 20 license.
4. **Collaboration with City Agencies:** We will continue to cooperate fully with the Oakland Planning Bureau, the Oakland Police Department, and the California Department of Alcoholic Beverage Control (ABC) throughout this application process and during future operations, adhering to all regulations and conditions of approval.

Conclusion:

Our goal is to operate responsibly and be a valued member of the Oakland community. By proactively outlining these intended actions, submitting the existing correspondence, and committing to ongoing dialogue, we hope to address potential concerns effectively and demonstrate our commitment to positive community relations. We believe this proactive approach aligns with the intent of our community engagement and will allow the Planning Bureau to have a more complete picture as they review our application.

We welcome further discussion with Planning staff regarding appropriate community engagement strategies for this application.