

CITY OF OAKLAND

AGENDA REPORT

To: Public Safety Committee
Attn: Larry Reid, Chairperson
From: Neighborhood Law Corps
City Attorney's Office
Date: April 27, 2004

Re: A Report and Recommendations regarding a Report Card on Oakland's Liquor Stores: the Good, the Bad, and the Ugly

SUMMARY

This Report Card provides a city-wide context in which to assess the impact of liquor stores in Oakland. It includes the number and location of liquor stores (mapped), areas of over-concentration of liquor stores as defined by the state, areas of high crime as defined by the state, and 2003 crime statistics by district.

The Report recommends actions for City Council with regard to:

1. A policy of vigorous enforcement
2. A new Attrition Moratorium in Oakland to replace the existing 'No Net Increase' policy.
3. A protocol to revisit the issues of signage covering and visibility into windows of liquor stores.

The Report Card's grading of liquor stores, as Good, Bad, or Ugly, is based on the City's data from 2001, 2002, and 2003 (within the statute of limitations for enforcement). Not yet included is community input, which will be discussed in this report as a recommendation for Council action.

FISCAL IMPACT

None at this time.

BACKGROUND

During the past two years, Neighborhood Law Corps Attorneys have attended over 200 community meetings. The single most consistent priority from neighborhood to neighborhood was problem liquor stores. Community complaints about these stores range from excess litter and loitering to accusations of alcohol sales to minors, drug dealing, prostitution, and shootings. We found that while many neighborhoods were focused on trying to abate local problem liquor stores, there has not been a comprehensive analysis of the impact liquor stores have city-wide. There remain issues about how to ensure visibility through store windows for enhanced public

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safety and how to address the reality that Oakland has neighborhoods with more liquor stores than the State limit would allow if we were starting with a new city today that had no liquor stores.

Last year, Neighborhood Law Corps worked with community members and store owners to implement a voluntary good neighbor program. More than 100 store owners signed a pledge to: 1) close at midnight, two hours earlier than state law allows for liquor sales; 2) stop the sale of fortified wines; 3) stop the sale of drug paraphernalia; and 4) participate in neighborhood meetings. We expected at least a 50% success rate with the voluntary good-neighbor program. According to Oakland’s Alcohol Beverage Action Team, there has been a 58% success rate.

NOMENCLATURE IN THIS REPORT

- ABAT* Alcohol Beverage Action Team in Oakland Police Department.
- NLC* Neighborhood Law Corps in City Attorney’s Office.
- ABC* Department of Alcohol Beverage Control, State of California.
- Signage* Signs and advertising as defined by ABC law.
- Visibility* The ability to see through a window, which is free from blockage and/or barrier of view, into the store.
- No-net-increase* Maintains status quo.
- Attrition Moratorium* Provides for decrease of liquor licenses.
- Grandfathered Status* Liquor outlets that had been in existence prior to the effective date of the Deemed-Approved Ordinance may continue operation under certain conditions.

KEY ISSUES AND IMPACTS

CITY-WIDE CONTEXT

In the City of Oakland, there are over 900 liquor licenses – over 900 commercial sources for alcohol [map A – liquor outlets & schools]. *Please note that these maps, printed on standard size paper, are difficult to read. Larger versions will be available at the Council meeting.* Of these, 359 are classified for off-sales (sale of alcohol to take off premise) [map B. Map C shows liquors in relation to income]. There are two classes of off-sales licenses, class 20 for sale of beer & wine, and class 21 for sale of general liquor. Maps D-1 through D-7 show liquor store locations by Council District. Although stores such as Safeway, Beverages & More, or Smart & Final also hold these licenses, they are not addressed by this report unless they have had alcohol related nuisances at their premise.

In 1994, the State set forth guidelines for ABC’s issuance of liquor licenses. The legislation, AB2897, defined specific limitations for off-sales licenses with regard to “undue concentration” of crime or liquor licenses in a given area. When this law went into effect **in 1994 Oakland was already over-concentrated with liquor stores.**

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When an operator applies for a new liquor license at ABC, two important Oakland conditions impact ABC's review for "undue concentration." One is whether the applicant will be in an area of high crime as determined from Oakland's annual crime statistics, and the second is whether the location under consideration has surpassed its concentration limit of liquor outlets as determined by census tract population.

The practice at ABC is to deny a liquor license application when it is for an area where there is either an over-concentration of liquor outlets or high crime; unless the City makes the finding that the applicant's business provides a public necessity or convenience.

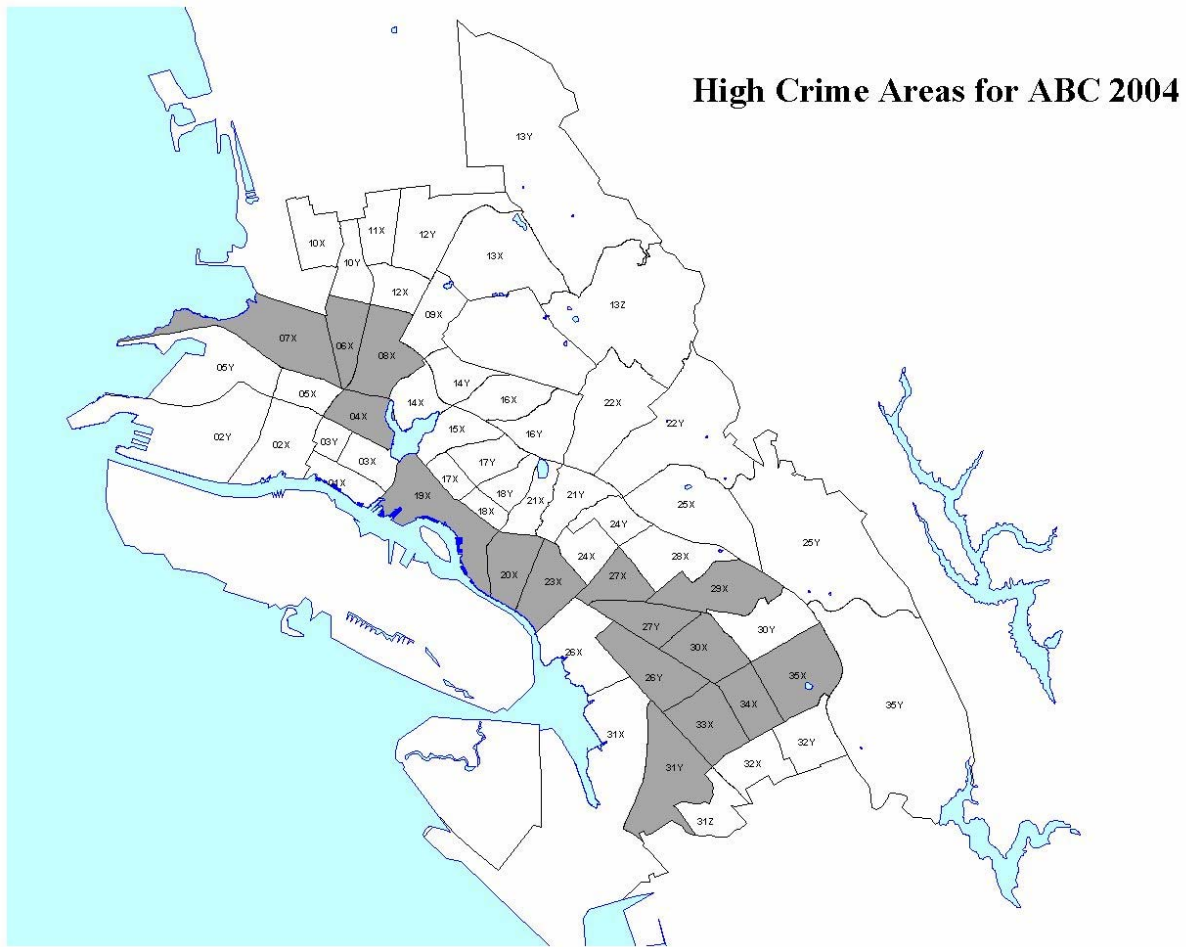
Under State "undue concentration" guidelines, Oakland currently has 16 police beats that are 'high crime,' and 29 areas of 'over-concentration' of liquor stores.

AREAS OF HIGH CRIME

Of the 57 police beats in Oakland, 16 beats are designated as high crime areas by ABC [map E see below]. These are:

- | | | | |
|--------------|---------------|----------------|----------------|
| 1. 4X | 5. 19X | 9. 27X | 13. 31Y |
| 2. 6X | 6. 20X | 10. 27Y | 14. 33X |
| 3. 7X | 7. 23X | 11. 29X | 15. 34X |
| 4. 8X | 8. 26Y | 12. 30X | 16. 35X |

Maps F-1 through F-7 show last year's crimes committed between 10:00 PM and 2:00 AM in all of Oakland by Council district. Note the proximity of crimes to liquor stores.



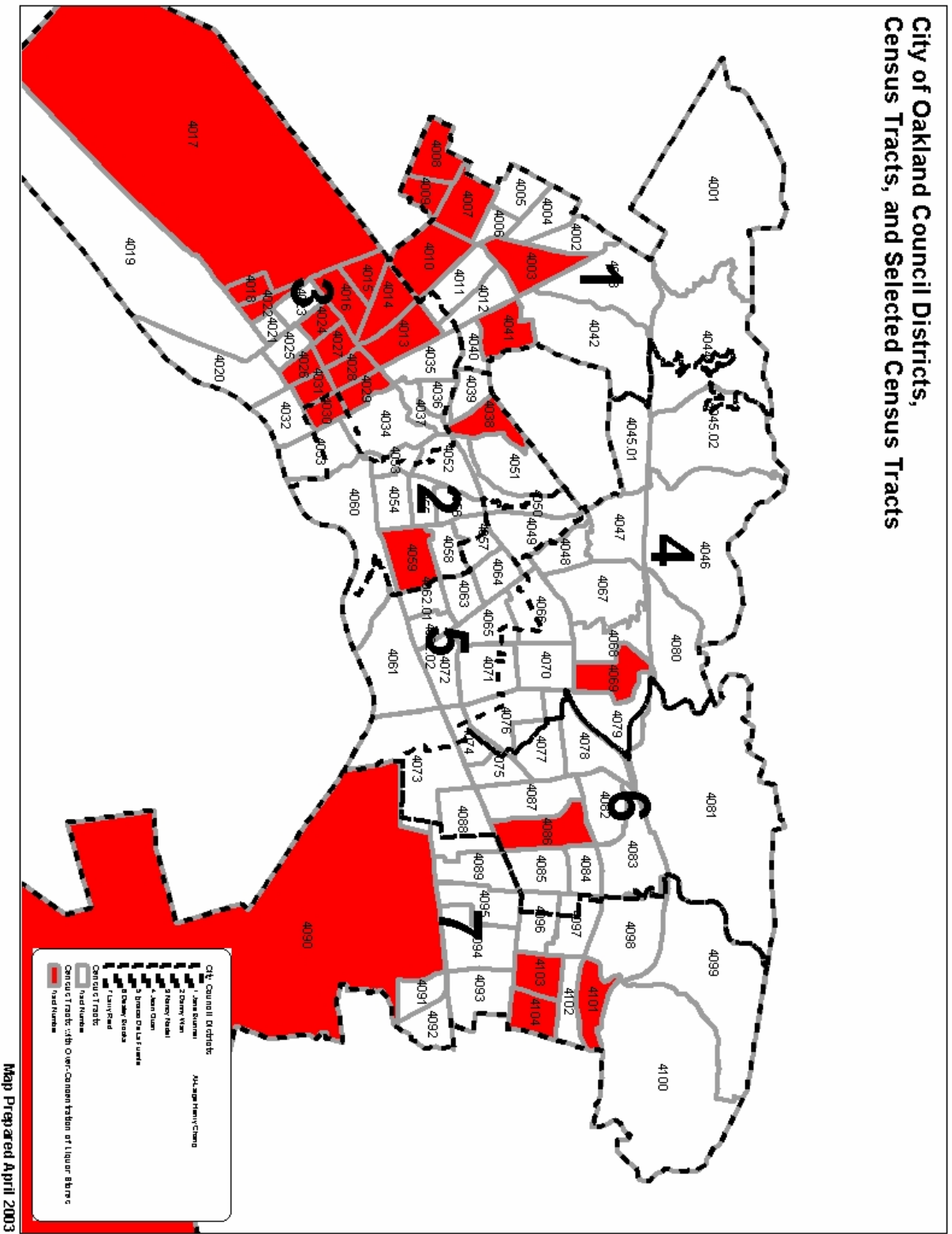
AREAS OF OVER-CONCENTRATION

Of the seven districts in Oakland, six exceed ABC’s liquor license concentration limit [map G]. The extreme case is district 3, which is over by 28. The following table shows, by district, the number of active liquor licenses beyond the allowable limit:

Census Tract	Licenses Allowed	Actual Licenses	Overage
<i>District One: 14 Over</i>			
4003	4	8	4
4007	4	7	3
4008	3	4	1
4009	2	3	1
4010	5	6	1
4041	4	8	4
<i>District Two: 14 Over</i>			
4030	2	11	9

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4038	3	4	1
4059	6	10	4
<i>District Three: 28 over</i>			
4013	2	3	1
4014	4	6	2
4015	2	3	1
4016	2	4	2
4017	2	3	1
4018	2	4	2
4022	2	4	2
4024	2	3	1
4026	1	2	1
4027	2	4	2
4028	2	3	1
4029	1	3	2
4030	2	11	9
4031	2	3	1
<i>District Four: One over</i>			
4069	4	5	1
<i>District Five: No overage</i>			
			0
<i>District Six: 3 over</i>			
4086	4	7	3
<i>District Seven: 14 over</i>			
4090	3	12	9
4101	2	5	3
4103	3	4	1
4104	3	4	1



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THE REPORT CARD

CRITERIA FOR GOOD, BAD & UGLY

This Report Card is based only on data the City has for the last three years. Examples for the criteria for the grades include:

- Minor violations such as excessive litter; graffiti, etc.
- Serious violations such as selling alcohol to minors, selling drug paraphernalia, etc.

Grade	Criteria for last three years
G - Good	There have been no recorded violations, or only one or two minor incidents.
B - Bad	There have been several minor violations or at least one serious violation.
U - Ugly	There have been multiple serious violations.
N/A – Not Available	Information not available at time of report.

REPORT CARD ON OAKLAND’S LIQUOR STORES 2004

STORE NAME	PREMISE ADDRESS	GRADE
	1546 35TH AVE	N/A
	2201 14TH AVE	G
	2979 MACARTHUR BLVD	N/A
	3051 SCHOOL ST	N/A
	375 NINTH ST	N/A
	4301 MARKET ST	N/A
	4875 TELEGRAPH AVE	N/A
	5676 SAN PABLO AVE	N/A
	8138 MACARTHUR BLVD	G
	828 FRANKLIN ST	N/A
	942 54TH ST	N/A
19TH STREET STATION	339 19TH STREET	G
3 M FOODS	6349 MACARTHUR BLVD	G
35TH AVENUE BP	3201 35TH AVE	G
65TH STREET MARKET	6444 SAN PABLO AVE	N/A
7 ELEVEN 2232 141	4720 MACARTHUR BLVD	G
7 ELEVEN 2232 321	4193 PIEDMONT AVE	B
7 ELEVEN STORE 22	2350 HARRISON ST	N/A
7 ELEVEN STORE 22	3500 GRAND AVE	G

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7-ELEVEN STORE 22	2411 MACARTHUR BLVD	G
7-ELEVEN STORE 22	324 23RD AVE	G
7-ELEVEN STORE 22	4100 BROADWAY	G
7-ELEVEN STORE 22	5741 THORNHILL DR	N/A
7TH ST FOOD & LIQ	1460 SEVENTH ST	B
98 CLEARANCE CENTER (DOLLAR TREE)	7200 BANCROFT AVE	B
A & A CORNER	2520 FOOTHILL BLVD	G
A & G MARKET	1849 E 21ST ST	B
A & J LIQUORS	1901 SAN PABLO AVE	N/A
A & M LIQUOR	1301 MACARTHUR BLVD	N/A
A & M LIQUOR #2	303 OAKLAND AVE	G
A & R MARKET	3615 FOOTHILL BLVD	G
A 1 ARCO AM PM	889 W GRAND AVE	N/A
A MARKET (& SONS)	5650 MARKET ST	B
A&M MARKET	1774 82ND AVE	G
A-1 SUPER MARKET	9509 INTERNATIONAL BLVD	G
ABB MARKET	1839 96TH AVE	B
ADELINE LIQUOR	5702 ADELINE ST	B
AIBAN MARKET	701 60TH ST	B
AKHYAR MARKET	2118 INTERNATIONAL BLVD	G
ALCATEL BOTTLE SH	6363 TELEGRAPH AVE	N/A
ALS MARKET	3841 WEST ST	N/A
ANES MARKET (HIGHLAND MARKET)	2467 HIGHLAND AVE	G
ARCO AM/PM	566 HEGENBERGER RD	G
ARCO AM/PM	9800 INTERNATIONAL BLVD	G
ARRWA ONE STOP MARKET	8607 BANCROFT AVE	B
ASA MARKET	5909 MARKET ST	B
BAY AREA LIQUORS	3148 SAN PABLO AVE	N/A
BAY FARM PRODUCE	1244 HIGH ST	G
BENNYS MARKET	1854 CHURCH ST	G
BEST SOUTH PACIFI	3315 HIGH ST	N/A
BETTER TRADE MARK	7838 INTERNATIONAL BLVD	G
BLUE & GOLD MARKE	1811 14TH AVE	G
BLUE BIRD LIQUORS	3431 SAN PABLO AVE	N/A
BONFARE MARKET	1615 MACARTHUR BLVD	B
BONFARE MARKET 17	10319 INTERNATIONAL BLVD	G
BOTTLENECK	3151 98TH AVE	G
BOTTLE'S LIQUOR	1150 MARKET ST	B
BROADWAY LIQUORS	2860 BROADWAY	G
BROOKFIELD DISCOUNT LIQUOR	9786 EDES ST	B
BROOKFIELD FOOD C	675 98TH AVE	B

BROTHERS MARKET	2837 MARTIN LUTHER KING JR	G
BRUCE LIQUORS	10729 MACARTHUR BLVD	B
BUCKINGHAM WINES	3293 LAKESHORE AVE	G
CAPTAIN LIQUOR	2531 MARTIN LUTHER KING JR	B
CARRIAGE TRADE LIQUOR	350 E 18TH ST	G
CENTURY PETROLEUM	403 E 12TH ST	N/A
CHAOS AM PM 2	3310 PARK BLVD	B
CHAOS AMPM #3 (AM PM MINI MART)	10600 MACARTHUR BLVD	G
CHESTERS MARKET	1671 EIGHTH ST	U
CHEVRON	2142 E TWELFTH ST	G
CHEVRON MINI MART	1700 CASTRO ST	U
CHICO LIQUORS	2801 HAVENSCOURT BLVD	U
CHOICE KORNER	198 TENTH ST	G
CHOICE LIQUORS	3820 TELEGRAPH AVE	N/A
CILLES LIQUORS	8940 INTERNATIONAL BLVD	B
COLISEUM SHELL	540 HEGENBERGER RD	G
COOLIDGE MARKET	2637 COOLIDGE AVE	U
COOPERS BROTHERS GROCERY	1450 EIGHTH ST	G
CROWN LIQUORS	6410 MORAGA AVE	B
CYPRESS GROCERY &	933 CYPRESS ST	B
DALLAS LIQUOR	2604 MACARTHUR BLVD	N/A
DALLAS MARKET	2539 MARKET ST	B
DANNYS LIQUORS	1624 PERALTA ST	B
DAVES MARKET	2484 PARK BLVD	B
DIAMOND DELI	3434 FRUITVALE AVE	G
DISCOUNT MARKET	261 24TH ST	B
E & L LIQUOR	2401 23RD AVE	B
EAST BAY LIQUOR	5350 MARTIN LUTHER KING JR	B
EAST BAY MARKET	8432 INTERNATIONAL BLVD	N/A
EAST TOWN LIQUOR	2833 MACARTHUR BLVD	N/A
EASTMONT 76	7210 BANCROFT AVE	G
EASY LIQUORS 2	900 W MACARTHUR BLVD	G
EDDIES DRIVE IN LIQUOR	5491 COLLEGE AVE	U
EDDIES MARKET	1935 73RD AVE	B
EDDIE'S MARKET	6243 AVENAL AVE	G
EDS LIQUORS	2700 23RD AVE	G
EL RANCHITO MARKET	1536 13TH AVE	B
ENGS LIQUORS	2003 23RD AVE	B
EUGENE'S FOOG MARKET	332 14TH ST	G
EVERGREEN PRODUCE	3225 FOOTHILL BLVD	G
EXPRESS LIQUOR &	1250 INTERNATIONAL BLVD	B

FAIRFAX LIQUORS	5403 FOOTHILL BLVD	G
FAMILY MARKET	1600 12TH ST	B
FAMILY MARKET	2036 MARKET ST	B
FAMILY MARKET	2222 62ND AVE	N/A
FAMILY MARKET	3050 BIRDSALL	G
FOOD 24 CONVENIEN	2900 PARK BLVD	G
FOOD KING LIQUOR	8824 INTERNATIONAL BLVD	G
FOOD TOWN	6421 INTERNATIONAL BLVD	B
FOODVALE MARKET	3401 INTERNATIONAL BLVD	G
FOOTHILL DISCOUNT	3828 FOOTHILL BLVD	G
FOOTHILL MARKET	1906 FOOTHILL BLVD	G
FOUR BELL LIQUOR	5001 BANCROFT AVE	G
FOUR BELLS LIQUOR	1065 98TH AVE	B
FOUR STAR LIQUORS	2884 38TH AVE	G
FRIENDLY MARKET	3227 WEST ST	N/A
FRUITVALE LIQUOR STORE	2678 FRUITVALE AVE	G
G & M	8301 INTERNATIONAL BLVD	N/A
G B RATTO & CO	821 WASHINGTON ST	N/A
GALLAGHER LIQUOR DRIVE IN STORE	3849 MARTIN LUTHER KING JR	G
GATEWAY FOODS	900 MARKET ST	G
GATEWAY LIQUORS	5944 SAN PABLO AVE	N/A
GATEWAY SUPERMARKET	5908 SAN PABLO AVE	N/A
GIANTS LIQUORS	7629 MACARTHUR BLVD	G
GOLDEN HOURS LIQUORS	3201 INTERNATIONAL BLVD	N/A
GOLDEN SEVEN	2400 MARKET ST	N/A
GOLDEN WEST MARKE	1100 18TH ST	G
GONGS SNAK CORNER/K&C SNACK CORNER	2645 14TH AVE	G
GOOD LUCK SUPERMA	259 TENTH ST	G
GOURMET MARKET	1549 JACKSON ST	B
GRAND EXPRESS MAR	363 GRAND AVE	N/A
GRAND FOODS	925 W GRAND AVE	G
GRAND LAKE LIQUOR	3217 GRAND AVE	G
GRAND LAKE MARKET	246 GRAND AVE	G
GREEN VALLEY FOODS	749 ADELIN ST	B
GREERS LIQUORS	3039-43 MARTIN LUTHER KING J	U
HANDY CORNER	1801 57TH AVE	G
HAPPY TIME LIQUOR	1647 EIGHTH ST	B
HAROLDS MARKET	7615 MACARTHUR BLVD	B
HARRIS GROCERY	1774 87TH AVE	N/A
HARRYS DRIVE IN LIQUORS	9002 MACARTHUR BLVD	G
HI TIMES LIQUOR	1741 MARKET ST	B

HIENS MARKET	1451 HARRISON ST	G
HIGH STREET FOOD	630 HIGH ST	G
HOLLY MARKET	7900 HOLLY ST	G
HOMRAN MARKET & D	1539 CAMPBELL ST	B
HONG KEE'S	385 EIGHTH ST	G
HUB LIQUOR STORE	9419 INTERNATIONAL BLVD	B
HUNTSBERRY	10151 FOOTHILL BLVD	B
HUONGS ED GREEN MARKET	3950 EDWARDS AVE	G
ISLAND MARKET	2314 HIGH ST	B
ISLERS LIQUORS	5285 FOOTHILL BLVD	G
J & M LIQUORS	2151 SEMINARY AVE	N/A
JACKSONS LIQUORS	739 E 12TH ST	G
JALOS MARKET	2267 38TH AVE	G
JAX LIQUOR	502 FOOTHILL BLVD	G
JIMS LIQUORS	8137 MACARTHUR BLVD	G
K & B MARKET	7701 BANCROFT AVE.	G
K & D MARKET	1100 24TH ST	B
KELLER MARKET	4400 KELLER AVE STE 100	N/A
KENS MARKET & LIQUOR	10501 FOOTHILL BLVD	B
KING MARKET	5442 MARTIN LUTHER KING JR	G
KINGS LIQUORS	3715 INTERNATIONAL BLVD	G
L & T LIQUOR	7717 BANCROFT AVE	B
LA BARCA MARKET	2701 E NINTH ST	G
LA FRANCHI'S	3500 MACARTHUR BLVD	B
LAKE FOOD CENTER	1585 MADISON ST	U
LAKE MERRITT SUPERMARKET	346 GRAND AVE	G
LAKESIDE MARKET	136 14TH ST	G
LAKESIDE MARKET	300 14TH ST	B
LARAZA MARKET	5040 INTERNATIONAL BLVD	B
LEONS MARKET (BOSS MARKET)	10808 BANCROFT AVE	G
LEOS DAY & NIGHT	1776 BROADWAY	G
LINCOLN SQUARE LI	4100 REDWOOD RD SP 17	G
LIQUOR SECURITY	201 INTERNATIONAL BLVD	B
LITTLE AL'S	3329 FOOTHILL BLVD	G
LOTTO LIQUOR	10125 INTERNATIONAL BLVD	N/A
LUCKY TWO	1901 103RD AVE	B
LUCKYS SPOT LIQUOR	700 FOOTHILL BLVD	G
LUSTERS	10625 INTERNATIONAL BLVD	N/A
LYON'S LIQUORS	4100 FOOTHILL BLVD	G
M & A MARKET	2448 E. 24TH STREET	G
M & A MART LIQUOR (CALI FOODS?)	3408 MARTIN LUTHER KING JR	G

M & B MARKET	6310 MARKET ST	B
M & S SHELL	9750 GOLF LINKS RD	N/A
M & W LIQUORS	2400 HIGH ST	N/A
MACARTHURS LIQUOR	5947 MACARTHUR BLVD	B
MELROSE MARKET	4840 MELROSE AVE	B
MEWS MARKET	992 105TH AVE	B
MICROS	4428 MARTIN LUTHER KING JR	G
MILLS FOOD CENTER	5911 MACARTHUR BLVD	B
MINI MARKET	2001 96TH AVE	G
MOMS PLACE DONUTS	93 EIGHTH ST	B
MONTCLAIR VILLAGE WINE SPIRITS N' BREW	6140 MEDAU PLACE	G
MULLEN LIQUORS	4001 BROADWAY	B
N & A MARKET	3147 ADELINE ST	B
N & M MARKET	2731 13TH AVE	B
NASAN MARKET	3401 ADELINE ST	G
NEIGHBORHOOD MARKET	2244 21ST AVE	G
NEIGHBORS MARKET	1523 9TH STREET	B
NEW SAIGON SPMK	441-443 NINTH ST	N/A
NEW TINS MARKET	310 SEVENTH ST	N/A
NEW YORK MARKET	3446 MARKET ST	N/A
NIC NAK LIQUORS	6400 SHATTUCK AVE	N/A
NICKS LIQUORS	2401 ADELINE ST	B
NORTHSIDE MARKET	4505 MARKET ST	B
OAK KNOLL MARKET	7980 MOUNTAIN BLVD	N/A
OAKLAND FOOD CENT	9422 EDES AVE	B
OAKLAND LIQUOR &	1335 E 17TH ST	G
OAKLAND MARKET	1000 18TH ST	B
OAKLAND MARKET	401 NINTH ST	G
OAKLAND SUPER MAR	8433 INTERNATIONAL BLVD	N/A
OAKTOWN MARKET	3133 HIGH ST	N/A
OAKTREE LIQUOR	1601 28TH AVE	G
OASIS MARKET	260 13TH ST	B
ONE STOP LIQUOR	9265 CORAL ROAD	G
ONE STOP LIQUORS	8400 INTERNATIONAL BLVD	N/A
ONE STOP MARKET	6001 MACARTHUR BLVD	B
ORIENT MARKET	410 - 424 SEVENTH STREET	N/A
ORLANDO MARKET	2940 LINDEN ST	B
P & M LIQUORS	1405 34TH ST	B
PARAMOUNT LIQUOR	2045 FOOTHILL BLVD	G
PARK'S MARKET (TQS UNION 76)	5425 MARTIN LUTHER KING JR	G
PEACE GROCERY	2941 COOLIDGE AVE	G

PENNY SAVER MARKE	4800 FOOTHILL BLVD	G
PLUCKYS LIQUORS	6415 INTERNATIONAL BLVD	B
POPULAR MARKET	1088 98TH AVE	U
PUSAN MARKET	2370 TELEGRAPH AVE	N/A
Q & S MARKET	1524 100TH AVE	G
QUALITY FOOD MARK	3145 WEST ST	N/A
QUEEN OF SHEBA	2286 35TH AVE	N/A
QUIK STOP 3	66 MACARTHUR BLVD	G
QUIK STOP 67	2400 FRUITVALE AVE	N/A
QUIK STOP MARKET	3130 35TH AVE	G
QUIK STOP MARKET	3132 BEAUMONT AVE	N/A
QUIK STOP MARKET	401 MERRITT AVE	G
QUIK STOP MARKET	6773 BROADWAY TERRACE	G
RED SEA MARKET	3800-06 FOOTHILL BLVD	G
REGAL WINE & LIQU	3900 GRAND AVE	U
RICHIES CHINESE FOOD	401 INTERNATIONAL BLVD	N/A
ROCKRIDGE LIQUORS	5316 COLLEGE AVE	N/A
ROCKYS MARKET	1440 LEIMERT BLVD	G
ROSS FOODS MARKET	9261 INTERNATIONAL BLVD	N/A
ROWAID MARKET	2123 90TH AVE	G
S & A LIQUORS	600-606 14TH ST	B
S & A MARKET	2429 TELEGRAPH AVE	N/A
S & N MARKET	3222 MARTIN LUTHER KING JR	G
S & W MARKET	3100 COOLIDGE AVE	G
S M S LIQUORS	1049 55TH ST	B
S&S MARKET	2235 35TH AVE	G
SAEEDS MARKET	5035 E 12TH ST	B
SAFE LAND MARKET	5701 FOOTHILL BLVD	U
SAIGON MARKET	2331 TELEGRAPH AVE	N/A
SALEH MARKET	2348 11TH AVE	B
SAMS LIQUOR	6447 INTERNATIONAL BLVD	G
SAMS LIQUOR STORE	907 WASHINGTON ST	N/A
SAN PABLO LIQUORS	2363-67 SAN PABLO AVE	N/A
SANA FAMILY MARKE	3710 TELEGRAPH AVE	N/A
SAV MOR LIQUORS	1333 PERALTA ST	B
SAVEMORE MARKET &	4219 PARK BLVD	G
SCOTTYS CORNER (USA CORNER MARKET)	10459 EDES AVE	B
SEAGULL MARKET	4005 MACARTHUR BLVD	B
SEKHON GAS STATIO	6600 FOOTHILL BLVD	B
SEMINARY GAS MART	6235 SEMINARY AVE	N/A
SEMINARY LIQUORS	2611 SEMINARY AVE	N/A

SHARIFS MARKET	1044 WILLOW ST	G
SHOP RITE MARKET	5800 BANCROFT AVE	G
SHOPPERS MARKET	2101 23RD AVE	G
SOUZAS LIQUOR & DELI	396 12TH ST	G
STAR LIQUORS	7940 INTERNATINAL BLVD	G
STAR MARKET	1038 E 21ST ST	G
STATE MARKET	1334 PERALTA ST	N/A
STATE MARKET LIQU	707 WILLOW ST	B
SUN HOP FAT 1	501 E 12TH ST	N/A
SUN HOP FAT SUPER	5424 INTERNATIONAL BLVD	G
SUNBEAM MARKET	1400 ADELINE ST	B
SUNNY AIRPORT SHELL	285 HEGENBERGER RD	G
SUNRISE MARKET	1900 (1880?) 22ND AVE	B
SUPER CHEVRON	7225 BANCROFT AVE	B
SUPERMARCADO MI TIERRA	2758 FRUITVALE AVE	N/A
SYBIL'S LIQUOR	501 E 18TH ST	G
T & K LIQUOR (A & J LIQUORS)	1500 23RD AVE	B
T&K MARKET	6342 SHATTUCK AVE	N/A
TAIZ MARKET	874 85TH AVE	B
THE NEW MARKET	7475 BANCROFT AVE	G
THOMAS GROCERY	1228 59TH ST	G
TOLIN GROCERY	799 17TH ST	G
TOLINS LIQUORS	7101 INTERNATIONAL BLVD	G
TWO STAR LIQUOR	2020 MACARTHUR BLVD	N/A
U & I LIQUORS NO. 2	2710 FOOTHILL BLVD	G
UNCLE ROSS MARKET	1102 71ST AVE	B
UNITED MARKET	6651 BANCROFT AVE	N/A
UNITED MARKET	893 WILLOW ST	N/A
UNOCAL	449 HEGENBERGER RD	G
UPTOWN MARKET & LIQUOR	5635 SHATTUCK AVE	N/A
US MARKET	1523 NINTH ST	N/A
USA (BOOKERS GROCERY & LIQUORS)	1944 90TH AVE	B
V & W LIQUORS	3115 35TH AVE	G
VERNON MARKET	3210 HARRISON ST	G
VILLAGE MARKET	5885 BROADWAY TERRACE	N/A
VINCE'S LIQUORS (BAY AREA MARKET)	1141 PERALTA ST	B
VINO	4027 PIEDMONT AVE	G
VINO	6319 COLLEGE AVE	G
W & L MARKET	942 54TH STREET	G
WAH FAY MARKET AN	2101 EIGHTH AVE	G
WAH MEI HING MARK	3432 INTERNATIONAL BLVD	G

WALLYS WORLD MARK	5559 CLAREMONT AVE	G
WHITE HORSE LIQUO	6606 TELEGRAPH AVE	N/A
WHITE HOUSE MARKE	2630 KINGSLAND AVE	N/A
WILLIAMS MARKET &	5830-5840 TELEGRAPH	N/A
WILLIE BROWNS LIQ	1933 FRUITVALE AVE	B
WOODMINSTER MARKET	5000 WOODMINSTER LN	G
YEMEN MARKET THE	1501 34TH ST	U
YUMIS MARKET	3501 INTERNATIONAL BLVD	B

30-DAY PUBLIC INPUT PERIOD

To ensure that this Report Card is balanced and accurate, community input is needed. It is recommended that City Council implement a 30-day period, from May 5 to June 4, 2004, to receive constituent information in each Council office about each district's respective liquor stores. If requested, Neighborhood Law Corps attorneys will be available to staff Town-Hall or other district meetings. At the end of 30 days, the community's information will be factored into the Report Card and brought back to City Council as soon as possible.

This is an example of the information needed from the public:

Date: <i>April 9, 2004</i>	Time: <i>7:45 P.M</i>	Location <i>Laura's Liquors—1234 Main St.</i>
Activity: <i>I was in the store to buy some cigarettes when I was approached by two Asian men, who asked me if I wanted to buy some weed.</i>		
Report, Complaint, or Incident #: <i>15802</i> Who you called: <i>CPD, ABAJ</i> Result of your call? <i>The police drove by later</i>		

Date: <i>April 12, 2004</i>	Time: <i>9:45 P.M</i>	Location <i>Laura's Liquors—1234 Main St.</i>
Activity: <i>Today I saw the clerk sell a pack of wine coolers to two girls who were obviously under-age.</i>		

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Report, Complaint, or Incident #: *15802*

Who you called: *CPD, ABAJ, ABC* Result of your call? *Pending investigation*

Blank logs are available for distribution as a small notebook, and can also be uploaded on the City's Website.

HOW WILL THE REPORT CARD BE USED?

This Report Card will give the City and community a benchmark for assessing the impact of liquor stores in Oakland, help us to identify all problem neighborhoods, set goals for working with ABC in high crime and over-concentrated areas, and provide the Planning Commission with a fuller picture as it evaluates liquor store Conditional Use Permit applications, Deemed Approved Status Appeals, and Public Necessity or Convenience findings.

Effective immediately, a store graded "Ugly" would be brought to administrative hearing and afforded due process in determining stricter conditions for operation. Upon completion of the 30-day public input period, we would attempt to verify the community's information and proceed as appropriate, case by case.

UTILIZING DEEMED-APPROVED ORDINANCE TO ITS FULLEST POTENTIAL

Since the implementation of the Deemed Approved Ordinance six years ago, there have been very few Deemed Approved hearings, and there has not been one revocation of the "grandfathered" status through the hearing process. Revocation of the status does not automatically mean the store is "shut down." It simply revokes the grandfathered status and requires the store to apply for a Conditional Use Permit.

The Deemed Approved Ordinance contains a set of regulations for the operating standards of the "grandfathered" liquor stores. Any violation of the regulations can trigger a hearing. Also, any ABC conviction can trigger a City hearing. As part of the stores' due process rights, an initial hearing is provided where the City can argue for stricter conditions. Only in the event of further violation can the City move to revoke the "grandfathered" status at a second hearing.

In 2003, there were a reported 35 violations cited by the City, and 12 convictions by ABC; however, there was only one Deemed-Approved hearing scheduled, which did not take place due to the absence of the Hearing Officer.

Furthermore, during the six years that the Deemed Approved Ordinance has been in effect, there have been 133 convictions by ABC, but not nearly as many City hearings resulted. Certainly, each case must be assessed on its specific set of facts. Yet, of the 133 ABC convictions, 118 were serious enough violations of law to warrant City action.

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It is recommended that City Council support a policy of vigorous enforcement of the Deemed Approved Ordinance whereby the City of Oakland shows it will not tolerate serious violations or repeated lesser violations of the Deemed Approved Ordinance. To be effective, this would entail prompt attention every time a violation occurs.

PROPOSED ATTRITION MORATORIUM FOR LIQUOR LICENSES IN OAKLAND

In February of 2000, City Council passed resolution 75490 “adopting a city goal to see no net increase in certain retail alcoholic beverage sales licenses except within identified areas” [Attachment 1]. This moratorium allows the following exceptions:

1. Licenses located in the Central Business District or Hegenberger Corridor.
2. A full service restaurant in any area of the City.
3. A large retailer with 25 or more FTE employees and 20,000 square feet or more in any area of the City.
4. Where there is an Oakland to Oakland transfer of the same license type in any area of the City.

There are two other exceptions:

1. A Planning Commission finding for Public Necessity or Convenience
2. Acceptance of existing licenses from elsewhere in Alameda County.

Also, there are approximately 50 inactive licenses in Oakland that can be purchased and/or reactivated. Hence, it is actually possible under the current moratorium to have a significant increase of liquor stores in Oakland.

It is recommended that Council enact a new Attrition Moratorium stating that Oakland will have no new liquor stores or licenses. The County of Sacramento has done this, and it has been 100% effective at ABC, which has not granted any new liquor licenses in that jurisdiction. In the event that a much needed business, such as a large grocery outlet, wants to open in an underserved area, the Planning Commission can make a finding for Public Necessity or Convenience that would provide an exception.

SIGNAGE vs. VISIBILITY

In 1999, City Council adopted resolution 75409, “adopting the Crime Prevention Through Environmental Design (CPTED) concept and principles, and implementing a CPTED pilot project in the uptown area.” [Attachment 2].

The essence of the resolution is to provide for visibility into stores for enhanced public safety.

Lack of visibility through windows of liquor stores remains a problem. While state law regulates that no more than 33% of a liquor store’s window area may be covered with signs or advertising,

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the law likely does not prevent store owners from blocking window visibility with other barriers, such as refrigerators or shelves. Some stores, while complying with the state's 33% signage law, block the remaining 67% of their windows with other barriers.

It is recommended that Council direct Planning and City Attorney staff to research the possibility of regulating windows to provide visibility for public safety.

SUSTAINABLE OPPORTUNITIES

Economic – No economic opportunities were identified.

Environmental - No environmental opportunities were identified.

Social Equity – No social equity issues were identified.

DISABILITY AND SENIOR CITIZEN ACCESS

There are no ADA or senior citizen access issues contained in this report.

RECOMMENDATION

Staff recommends that Council implement the 30-day public input period to complete the Report Card, support a policy of vigorous enforcement of the Deemed-Approved Ordinance, enact a new Attrition Moratorium for liquor licenses in Oakland, and pursue regulations that ensure visibility into liquor stores.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that Council instruct staff to:

1. Implement the 30-day public input period
2. Vigorously enforce the Deemed-Approved Ordinance
3. Research and propose an Attrition Moratorium for liquor licenses [stores]in Oakland
4. Research and propose regulation requiring visibility into liquor store premises.

Respectfully submitted,

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