

The Good, the Bad, and the Ugly; a Report Card and Recommendations on Oakland's Liquor Stores**Project Description**

This Report Card and recommendations was accepted unanimously by City Council on April 27, 2004. It provides a city-wide context in which to assess the impact of liquor stores in Oakland. It includes the numbers and location of liquor stores in each District, 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.

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 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.

CITY-WIDE CONTEXT

In the City of Oakland, there are over 900 liquor licenses – over 900 commercial sources for alcohol. Of these, 359 are classified for off-sales (sale of alcohol to take off premise). There are two classes of off-sales licenses, class 20 for sale of beer & wine, and class 21 for sale of general liquor.

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.**

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. 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 |

See Map A below.

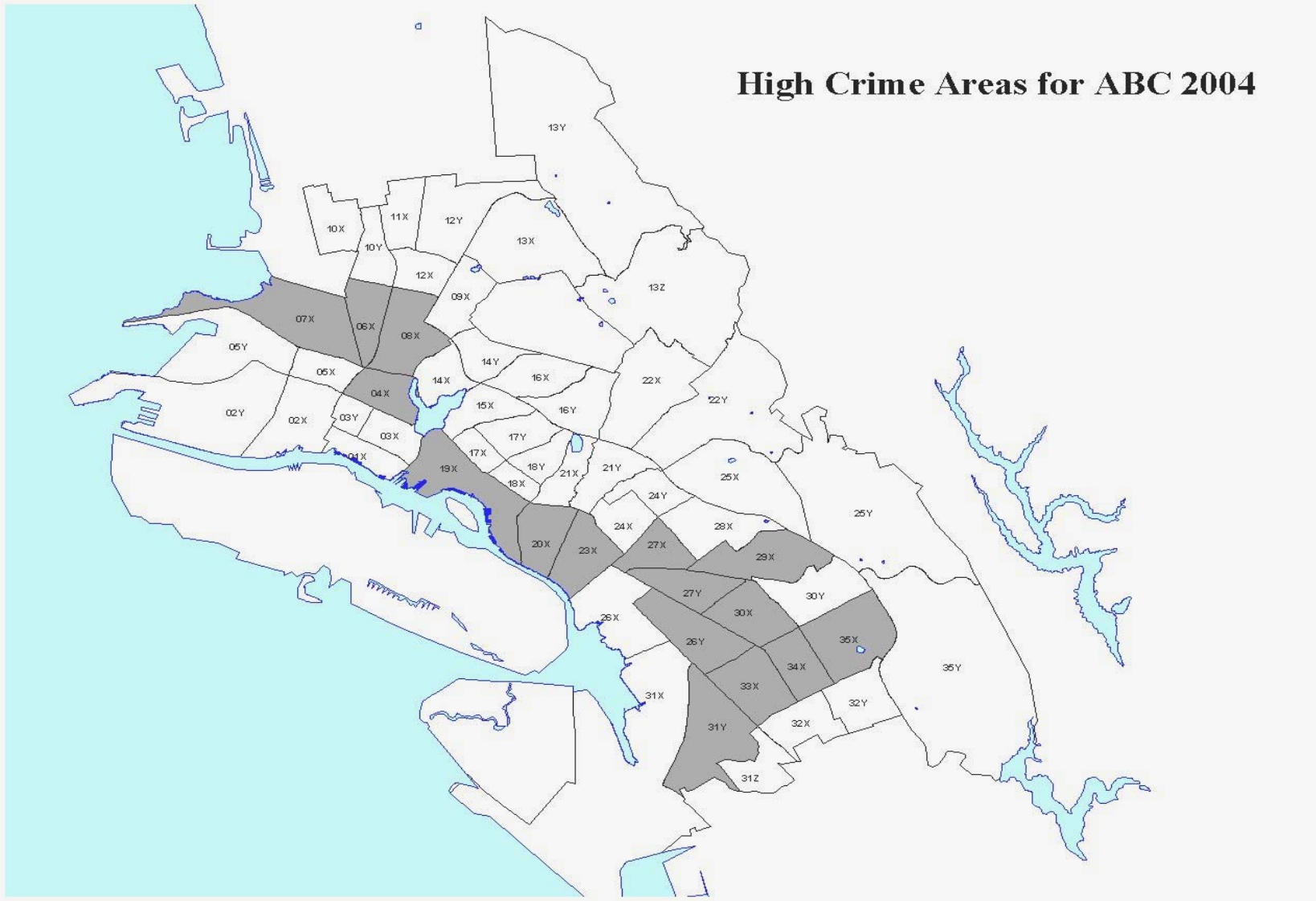
AREAS OF OVER-CONCENTRATION

Of the seven districts in Oakland, six exceed ABC’s liquor license concentration limit. 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: **See Map B below**

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
4038	3	4	1

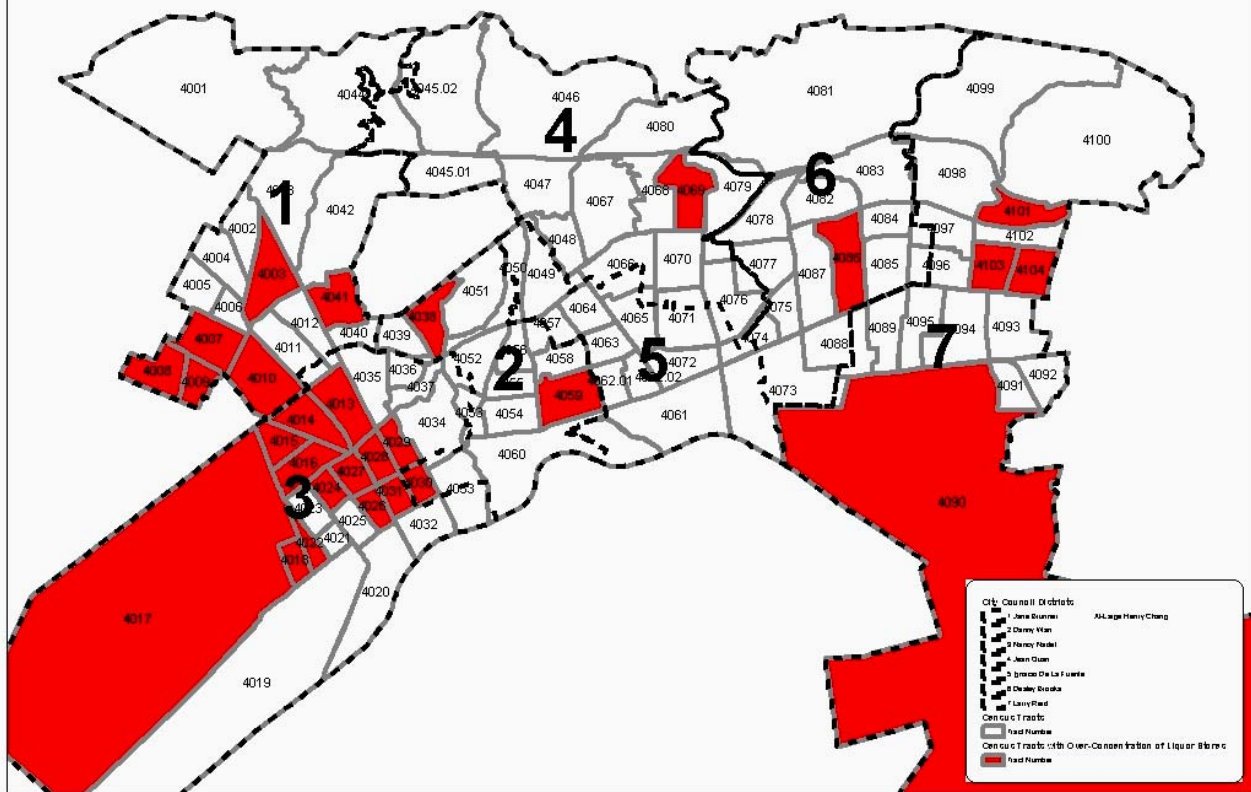
4059	6	10	4
<i>District Three: 28 over</i>			
4013	2	3	1
4014	4	6	2
4015	2	3	1
4016	2	4	2
4017	2	3	1
4018	2	4	2
4022	2	4	2
4024	2	3	1
4026	1	2	1
4027	2	4	2
4028	2	3	1
4029	1	3	2
4030	2	11	9
4031	2	3	1
<i>District Four: One over</i>			
4069	4	5	1
<i>District Five: No overage</i>			
			0
<i>District Six: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

High Crime Areas for ABC 2004



Map A – OPD Beats considered areas of High Crime by State ABC

**City of Oakland Council Districts,
Census Tracts, and Selected Census Tracts**



Map B - Census tracts that are currently over concentrated with liquor stores.

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

DIST	STORE NAME	PREMISE ADDRESS	GRADE
1	S M S LIQUORS	1049 55TH ST	B
1	CHOICE LIQUORS	3820 TELEGRAPH AVE	N/A
1	ALS MARKET	3841 WEST ST	N/A
1	GALLAGHER LIQUOR DRIVE IN STORE	3849 MLK JR WAY	G
1	MULLEN LIQUORS	4001 BROADWAY	B
1	VINO	4027 PIEDMONT AVE	G
1	7-ELEVEN STORE 22	4100 BROADWAY	G
1	7 ELEVEN 2232 321	4193 PIEDMONT AVE	B
1		4301 MARKET ST	N/A
1	MICROS	4428 MLK JR WAY	G
1	NORTHSIDE MARKET	4505 MARKET ST	B
1		4875 TELEGRAPH AVE	N/A
1	ROCKRIDGE LIQUORS	5316 COLLEGE AVE	N/A
1	SUN HOP FAT SUPER	5424 INTERNATIONAL BLVD	G
1	PARK'S MARKET (TQS UNION 76)	5425 MLK JR WAY	G
1	KING MARKET	5442 MLK JR WAY	G
1	EDDIES DRIVE IN LIQUOR	5491 COLLEGE AVE	U
1	WALLY'S WORLD MARK	5559 CLAREMONT AVE	G
1	UPTOWN MARKET & LIQUOR	5635 SHATTUCK AVE	N/A
1	A MARKET (& SONS)	5650 MARKET ST	B
1		5676 SAN PABLO AVE	N/A
1	ADELINE LIQUOR	5702 ADELINE ST	B
1	WILLIAMS MARKET &	5830-5840 TELEGRAPH	N/A
1	VILLAGE MARKET	5885 BROADWAY TERRACE	N/A
1	GATEWAY SUPERMARKET	5908 SAN PABLO AVE	N/A
1	ASA MARKET	5909 MARKET ST	B
1	GATEWAY LIQUORS	5944 SAN PABLO AVE	N/A
1	M & B MARKET	6310 MARKET ST	B
1	VINO	6319 COLLEGE AVE	G
1	T&K MARKET	6342 SHATTUCK AVE	N/A
1	ALCATEL BOTTLE SH	6363 TELEGRAPH AVE	N/A
1	NIC NAK LIQUORS	6400 SHATTUCK AVE	N/A
1	65TH STREET MARKET	6444 SAN PABLO AVE	N/A
1	QUIK STOP 3	66 MACARTHUR BLVD	G

1	WHITE HORSE LIQUO	6606 TELEGRAPH AVE	N/A
1	AIBAN MARKET	701 60TH ST	B
1	EASY LIQUORS 2	900 W MACARTHUR BLVD	G
1	W & L MARKET	942 54TH STREET	G
2	STAR MARKET	1038 E 21ST ST	G
2	EXPRESS LIQUOR &	1250 INTERNATIONAL BLVD	B
2	A & M LIQUOR	1301 MACARTHUR BLVD	N/A
2	OAKLAND LIQUOR &	1335 E 17TH ST	G
2	T & K LIQUOR (A & J LIQUORS)	1500 23RD AVE	B
2	EL RANCHITO MARKET	1536 13TH AVE	B
2	BLUE & GOLD MARKE	1811 14TH AVE	G
2	A & G MARKET	1849 E 21ST ST	B
2	SUNRISE MARKET	1900 (1880?) 22ND AVE	B
2	FOOTHILL MARKET	1906 FOOTHILL BLVD	G
2	CHOICE KORNER	198 TENTH ST	G
2	LIQUOR SECURITY	201 INTERNATIONAL BLVD	B
2	PARAMOUNT LIQUOR	2045 FOOTHILL BLVD	G
2	WAH FAY MARKET AN	2101 EIGHTH AVE	G
2	AKHYAR MARKET	2118 INTERNATIONAL BLVD	G
2	CHEVRON	2142 E TWELFTH ST	G
2		2201 14TH AVE	G
2	NEIGHBORHOOD MARKET	2244 21ST AVE	G
2	SALEH MARKET	2348 11TH AVE	B
2	E & L LIQUOR	2401 23RD AVE	B
2	ANES MARKET (HIGHLAND MARKET)	2467 HIGHLAND AVE	G
2	DAVES MARKET	2484 PARK BLVD	B
2	GOOD LUCK SUPERMA	259 TENTH ST	G
2	OASIS MARKET	260 13TH ST	B
2	GONGS SNAK CORNER / K & C SNACK CORNER	2645 14TH AVE	G
2	N & M MARKET	2731 13TH AVE	B
2	FOOD 24 CONVENIEN	2900 PARK BLVD	G
2	NEW TINS MARKET	310 SEVENTH ST	N/A
2	GRAND LAKE LIQUOR	3217 GRAND AVE	G
2	BUCKINGHAM WINES	3293 LAKESHORE AVE	G
2	CHAOS AM PM 2	3310 PARK BLVD	B
2	CARRIAGE TRADE LIQUOR	350 E 18TH ST	G
2	7 ELEVEN STORE 22	3500 GRAND AVE	G

2		375 NINTH ST	N/A
2	HONG KEE'S	385 EIGHTH ST	G
2	REGAL WINE & LIQU	3900 GRAND AVE	U
2	SOUZAS LIQUOR & DELI	396 12TH ST	G
2	RICHIES CHINESE FOOD	401 INTERNATIONAL BLVD	N/A
2	OAKLAND MARKET	401 NINTH ST	G
2	CENTURY PETROLEUM	403 E 12TH ST	N/A
2	ORIENT MARKET	410 - 424 SEVENTH STREET	N/A
2	NEW SAIGON SPMK	441-443 NINTH ST	N/A
2	SUN HOP FAT 1	501 E 12TH ST	N/A
2	SYBIL'S LIQUOR	501 E 18TH ST	G
2	JAX LIQUOR	502 FOOTHILL BLVD	G
2	LUCKYS SPOT LIQUOR	700 FOOTHILL BLVD	G
2	JACKSONS LIQUORS	739 E 12TH ST	G
2		828 FRANKLIN ST	N/A
3	OAKLAND MARKET	1000 18TH ST	B
3	SHARIFS MARKET	1044 WILLOW ST	G
3	GOLDEN WEST MARKE	1100 18TH ST	G
3	K & D MARKET	1100 24TH ST	B
3	VINCE'S LIQUORS (BAY AREA MARKET)	1141 PERALTA ST	B
3	BOTTLE'S LIQUOR	1150 MARKET ST	B
3	SAV MOR LIQUORS	1333 PERALTA ST	B
3	STATE MARKET	1334 PERALTA ST	N/A
3	LAKESIDE MARKET	136 14TH ST	G
3	SUNBEAM MARKET	1400 ADELIN ST	B
3	P & M LIQUORS	1405 34TH ST	B
3	COOPERS BROTHERS GROCERY	1450 EIGHTH ST	G
3	HIENS MARKET	1451 HARRISON ST	G
3	7TH ST FOOD & LIQ	1460 SEVENTH ST	B
3	YEMEN MARKET THE	1501 34TH ST	U
3	NEIGHBORS MARKET (US MARKET)	1523 9TH STREET	B
3	HOMRAN MARKET & D	1539 CAMPBELL ST	B
3	GOURMET MARKET	1549 JACKSON ST	B
3	LAKE FOOD CENTER	1585 MADISON ST	U
3	FAMILY MARKET	1600 12TH ST	B
3	DANNYS LIQUORS	1624 PERALTA ST	B
3	HAPPY TIME LIQUOR	1647 EIGHTH ST	B

3	DISCOUNT MARKET (CHESTER'S MKT)	1671 - 8TH STREET	U
3	CHEVRON MINI MART	1700 CASTRO ST	U
3	HI TIMES LIQUOR	1741 MARKET ST	B
3	LEOS DAY & NIGHT	1776 BROADWAY	G
3	A & J LIQUORS	1901 SAN PABLO AVE	N/A
3	FAMILY MARKET	2036 MARKET ST	B
3	SAIGON MARKET	2331 TELEGRAPH AVE	N/A
3	7 ELEVEN STORE 22	2350 HARRISON ST	N/A
3	SAN PABLO LIQUORS	2363-67 SAN PABLO AVE	N/A
3	PUSAN MARKET	2370 TELEGRAPH AVE	N/A
3	GOLDEN SEVEN	2400 MARKET ST	N/A
3	NICKS LIQUORS	2401 ADELINE ST	B
3	S & A MARKET	2429 TELEGRAPH AVE	N/A
3	GRAND LAKE MARKET	246 GRAND AVE	G
3	CAPTAIN LIQUOR	2531 MLK JR WAY	B
3	DALLAS MARKET	2539 MARKET ST	B
3	DISCOUNT MARKET	261 24TH ST	B
3	BROTHERS MARKET	2837 MLK JR WAY	G
3	BROADWAY LIQUORS	2860 BROADWAY	G
3	ORLANDO MARKET	2940 LINDEN ST	B
3	LAKESIDE MARKET	300 14TH ST	B
3	A & M LIQUOR #2	303 OAKLAND AVE	G
3	GREERS LIQUORS	3039-43 MLK J	U
3	QUALITY FOOD MARK	3145 WEST ST	N/A
3	N & A MARKET	3147 ADELINE ST	B
3	BAY AREA LIQUORS	3148 SAN PABLO AVE	N/A
3	VERNON MARKET	3210 HARRISON ST	G
3	S & N MARKET	3222 MLK JR WAY	G
3	FRIENDLY MARKET	3227 WEST ST	N/A
3	EUGENE'S FOOG MARKET	332 14TH ST	G
3	19TH STREET STATION	339 19TH STREET	G
3	NASAN MARKET	3401 ADELINE ST	G
3	M & A MART LIQUOR (CALI FOODS?)	3408 MLK JR WAY	G
3	BLUE BIRD LIQUORS	3431 SAN PABLO AVE	N/A
3	NEW YORK MARKET	3446 MARKET ST	N/A
3	LAKE MERRITT SUPERMARKET	346 GRAND AVE	G
3	GRAND EXPRESS MAR	363 GRAND AVE	N/A
3	SANA FAMILY MARKE	3710 TELEGRAPH AVE	N/A

3	QUIK STOP MARKET	401 MERRITT AVE	G
3	S & A LIQUORS	600-606 14TH ST	B
3	STATE MARKET LIQU	707 WILLOW ST	B
3	GREEN VALLEY FOODS	749 ADELINE ST	B
3	TOLIN GROCERY	799 17TH ST	G
3	G B RATTO & CO	821 WASHINGTON ST	N/A
3	A 1 ARCO AM PM	889 W GRAND AVE	N/A
3	UNITED MARKET	893 WILLOW ST	N/A
3	GATEWAY FOODS	900 MARKET ST	G
3	SAMS LIQUOR STORE	907 WASHINGTON ST	N/A
3	GRAND FOODS	925 W GRAND AVE	G
3	MOMS PLACE DONUTS	93 EIGHTH ST	B
3	CYPRESS GROCERY &	933 CYPRESS ST	B
4	ROCKYS MARKET	1440 LEIMERT BLVD	G
4	TWO STAR LIQUOR	2020 MACARTHUR BLVD	N/A
4	M & W LIQUORS	2400 HIGH ST	N/A
4	7-ELEVEN STORE 22	2411 MACARTHUR BLVD	G
4	DALLAS LIQUOR	2604 MACARTHUR BLVD	N/A
4	EAST TOWN LIQUOR	2833 MACARTHUR BLVD	N/A
4	FOUR STAR LIQUORS	2884 38TH AVE	G
4		2979 MACARTHUR BLVD	N/A
4	V & W LIQUORS	3115 35TH AVE	G
4	QUIK STOP MARKET	3130 35TH AVE	G
4	OAKTOWN MARKET	3133 HIGH ST	N/A
4	35TH AVENUE BP	3201 35TH AVE	G
4	BEST SOUTH PACIFI	3315 HIGH ST	N/A
4	DIAMOND DELI	3434 FRUITVALE AVE	G
4	LA FRANCHI'S	3500 MACARTHUR BLVD	B
4	SEAGULL MARKET	4005 MACARTHUR BLVD	B
4	LINCOLN SQUARE LI	4100 REDWOOD RD SP 17	G
4	7 ELEVEN 2232 141	4720 MACARTHUR BLVD	G
4	PENNY SAVER MARKE	4800 FOOTHILL BLVD	G
4	MELROSE MARKET	4840 MELROSE AVE	B
4	WOODMINSTER MARKET	5000 WOODMINSTER LN	G
4	ISLERS LIQUORS	5285 FOOTHILL BLVD	G
4	MONTCLAIR VILLAGE WINE SPIRITS N' BREW	6140 MEDAU PLACE	G
4	CROWN LIQUORS	6410 MORAGA AVE	B

4	QUIK STOP MARKET	6773 BROADWAY TERRACE	G
5	BAY FARM PRODUCE	1244 HIGH ST	G
5		1546 35TH AVE	N/A
5	OAKTREE LIQUOR	1601 28TH AVE	G
5	BONFARE MARKET	1615 MACARTHUR BLVD	B
5	WILLIE BROWNS LIQ	1933 FRUITVALE AVE	B
5	ENGS LIQUORS	2003 23RD AVE	B
5	SHOPPERS MARKET	2101 23RD AVE	G
5	S&S MARKET	2235 35TH AVE	G
5	JALOS MARKET	2267 38TH AVE	G
5	QUEEN OF SHEBA	2286 35TH AVE	N/A
5	ISLAND MARKET	2314 HIGH ST	B
5	QUIK STOP 67	2400 FRUITVALE AVE	N/A
5	M & A MARKET	2448 E. 24TH STREET	G
5	A & A CORNER	2520 FOOTHILL BLVD	G
5	COOLIDGE MARKET	2637 COOLIDGE AVE	U
5	FRUITVALE LIQUOR STORE	2678 FRUITVALE AVE	G
5	EDS LIQUORS	2700 23RD AVE	G
5	LA BARCA MARKET	2701 E NINTH ST	G
5	U & I LIQUORS NO. 2	2710 FOOTHILL BLVD	G
5	SUPERMARCADO MI TIERRA	2758 FRUITVALE AVE	N/A
5	PEACE GROCERY	2941 COOLIDGE AVE	G
5		3051 SCHOOL ST	N/A
5	S & W MARKET	3100 COOLIDGE AVE	G
5	QUIK STOP MARKET	3132 BEAUMONT AVE	N/A
5	GOLDEN HOURS LIQUORS	3201 INTERNATIONAL BLVD	N/A
5	EVERGREEN PRODUCE	3225 FOOTHILL BLVD	G
5	7-ELEVEN STORE 22	324 23RD AVE	G
5	LITTLE AL'S	3329 FOOTHILL BLVD	G
5	FOODVALE MARKET	3401 INTERNATIONAL BLVD	G
5	WAH MEI HING MARK	3432 INTERNATIONAL BLVD	G
5	YUMIS MARKET	3501 INTERNATIONAL BLVD	B
5	A & R MARKET	3615 FOOTHILL BLVD	G
5	KINGS LIQUORS	3715 INTERNATIONAL BLVD	G
5	RED SEA MARKET	3800-06 FOOTHILL BLVD	G
5	FOOTHILL DISCOUNT	3828 FOOTHILL BLVD	G
5	LYON'S LIQUORS	4100 FOOTHILL BLVD	G
5	SAVEMORE MARKET &	4219 PARK BLVD	G

5	FOUR BELL LIQUOR	5001 BANCROFT AVE	G
5	SAEEDS MARKET	5035 E 12TH ST	B
5	LARAZA MARKET	5040 INTERNATIONAL BLVD	B
5	HIGH STREET FOOD	630 HIGH ST	G
6	A&M MARKET	1774 82ND AVE	G
6	HANDY CORNER	1801 57TH AVE	G
6	BENNYS MARKET	1854 CHURCH ST	G
6	EDDIES MARKET	1935 73RD AVE	B
6	J & M LIQUORS	2151 SEMINARY AVE	N/A
6	FAMILY MARKET	2222 62ND AVE	N/A
6	SEMINARY LIQUORS	2611 SEMINARY AVE	N/A
6	WHITE HOUSE MARKE	2630 KINGSLAND AVE	N/A
6	CHICO LIQUORS	2801 HAVENSCOURT BLVD	U
6	FAMILY MARKET	3050 BIRDSALL	G
6	HUONGS ED GREEN MARKET	3950 EDWARDS AVE	G
6	KELLER MARKET	4400 KELLER AVE STE 100	N/A
6	COLISEUM SHELL	540 HEGENBERGER RD	G
6	FAIRFAX LIQUORS	5403 FOOTHILL BLVD	G
6	SAFE LAND MARKET	5701 FOOTHILL BLVD	U
6	7-ELEVEN STORE 22	5741 THORNHILL DR	N/A
6	SHOP RITE MARKET	5800 BANCROFT AVE	G
6	MILLS FOOD CENTER	5911 MACARTHUR BLVD	B
6	MACARTHURS LIQUOR	5947 MACARTHUR BLVD	B
6	ONE STOP MARKET	6001 MACARTHUR BLVD	B
6	SEMINARY GAS MART	6235 SEMINARY AVE	N/A
6	EDDIE'S MARKET	6243 AVENAL AVE	G
6	3 M FOODS	6349 MACARTHUR BLVD	G
6	PLUCKYS LIQUORS	6415 INTERNATIONAL BLVD	B
6	FOOD TOWN	6421 INTERNATIONAL BLVD	B
6	SAMS LIQUOR	6447 INTERNATIONAL BLVD	G
6	SEKHON GAS STATIO	6600 FOOTHILL BLVD	B
6	UNITED MARKET	6651 BANCROFT AVE	N/A
6	TOLINS LIQUORS	7101 INTERNATIONAL BLVD	G
6	98 CLEARANCE CENTER (DOLLAR TREE 1249)	7200 BANCROFT AVE	B
6	EASTMONT 76	7210 BANCROFT AVE	G
6	SUPER CHEVRON	7225 BANCROFT AVE	B
6	THE NEW MARKET	7475 BANCROFT AVE	G

6	HAROLDS MARKET	7615 MACARTHUR BLVD	B
6	GIANTS LIQUORS	7629 MACARTHUR BLVD	G
6	K & B MARKET	7701 BANCROFT AVE.	G
6	L & T LIQUOR	7717 BANCROFT AVE	B
6	HOLLY MARKET	7900 HOLLY ST	G
6	JIMS LIQUORS	8137 MACARTHUR BLVD	G
6		8138 MACARTHUR BLVD	G
6	G & M	8301 INTERNATIONAL BLVD	N/A
6	OAKLAND SUPER MAR	8433 INTERNATIONAL BLVD	N/A
7	LOTTO LIQUOR	10125 INTERNATIONAL BLVD	N/A
7	HUNTSBERRY	10151 FOOTHILL BLVD	B
7	BONFARE MARKET 17	10319 INTERNATIONAL BLVD	G
7	SCOTTYS CORNER (USA CORNER MARKET)	10459 EDES AVE	B
7	KENS MARKET & LIQUOR	10501 FOOTHILL BLVD	B
7	CHAOS AMPM #3 (AM PM MINI MART)	10600 MACARTHUR BLVD	G
7	LUSTERS	10625 INTERNATIONAL BLVD	N/A
7	FOUR BELLS LIQUOR	1065 98TH AVE	B
7	BRUCE LIQUORS	10729 MACARTHUR BLVD	B
7	LEONS MARKET (BOSS MARKET)	10808 BANCROFT AVE	G
7	POPULAR MARKET	1088 98TH AVE	U
7	UNCLE ROSS MARKET	1102 71ST AVE	B
7	THOMAS GROCERY	1228 59TH ST	G
7	Q & S MARKET	1524 100TH AVE	G
7	HARRIS GROCERY	1774 87TH AVE	N/A
7	ABB MARKET	1839 96TH AVE	B
7	LUCKY TWO	1901 103RD AVE	B
7	USA (BOOKERS GROCERY & LIQUORS)	1944 90TH AVE	B
7	MINI MARKET	2001 96TH AVE	G
7	ROWAID MARKET	2123 90TH AVE	G
7	SUNNY AIRPORT SHELL	285 HEGENBERGER RD	G
7	BOTTLENECK	3151 98TH AVE	G
7	UNOCAL	449 HEGENBERGER RD	G
7	EAST BAY LIQUOR	5350 MLK JR W	B
7	ARCO AM/PM	566 HEGENBERGER RD	G
7	BROOKFIELD FOOD C	675 98TH AVE	B
7	BETTER TRADE MARK	7838 INTERNATIONAL BLVD	G
7	STAR LIQUORS	7940 INTERNATINAL BLVD	G

7	OAK KNOLL MARKET	7980 MOUNTAIN BLVD	N/A
7	ONE STOP LIQUORS	8400 INTERNATIONAL BLVD	N/A
7	EAST BAY MARKET	8432 INTERNATIONAL BLVD	N/A
7	ARRWA ONE STOP MARKET	8607 BANCROFT AVE	B
7	TAIZ MARKET	874 85TH AVE	B
7	FOOD KING LIQUOR	8824 INTERNATIONAL BLVD	G
7	CILLES LIQUORS	8940 INTERNATIONAL BLVD	B
7	HARRYS DRIVE IN LIQUORS	9002 MACARTHUR BLVD	G
7	ROSS FOODS MARKET	9261 INTERNATIONAL BLVD	N/A
7	ONE STOP LIQUOR	9265 CORAL ROAD	G
7	HUB LIQUOR STORE	9419 INTERNATIONAL BLVD	B
7	OAKLAND FOOD CENT	9422 EDES AVE	B
7	A-1 SUPER MARKET	9509 INTERNATIONAL BLVD	G
7	M & S SHELL	9750 GOLF LINKS RD	N/A
7	BROOKFIELD DISCOUNT LIQUOR	9786 EDES ST	B
7	ARCO AM/PM	9800 INTERNATIONAL BLVD	G
7	MEWS MARKET	992 105TH AVE	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 PM</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>		
Report, Complaint, or Incident #: <i>15802</i>		
Who you called: <i>CPD, ABAI, ABC</i> Result of your call? <i>Pending investigation</i>		

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

Issues

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 outlet 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.

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, 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.

Recommendation

The Council accepted all of Neighborhood Law Corp's recommendations & added a few specific tasks. We have 30days to perform the work, and bring it back within two weeks after the 30 days.

NLC's recommendations:

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 (for liquor stores) in Oakland
4. Research and propose regulation requiring visibility into liquor store premises.

Additional tasks:

1. Can we have a zero tolerance policy for taking a store to hearing?
2. Outline criteria for going to hearing. Options?
3. Can we prohibit 'set-ups and/or 'personals'?
4. Establish coordination plan with relevant departments.
5. What can we do about over concentration, proximity to schools, hours of operation?
Emergency ordinance possible?
6. How many permits have been given for liquor stores in last 10 years?

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Attachments

1. 2000 City Council Resolution #75490
2. 1999 City Council Resolution #75409