

**CITY OF ALAMEDA
COMMUNITY DEVELOPMENT DEPARTMENT**

ADMINISTRATIVE USE PERMIT

ITEM NO: 3-B

APPLICATION NO: PLN14-0757 – 1600 PARK STREET – WALGREEN CO.

PROJECT DESCRIPTION: A public hearing to consider a use permit and determination of public convenience and necessity to allow the sales of beer, wine and spirits for off-premises consumption as an accessory use at an existing Walgreens drug store.

GENERAL PLAN: Community Commercial

ZONING: NP-G, North Park Street Gateway District

ENVIRONMENTAL DETERMINATION: Class 1 Categorical Exemption - no additional environmental review is necessary pursuant to CEQA Guidelines Section 15301(a) – operation, permitting or leasing of existing private structures involving negligible or no expansion of use beyond that which exists.

PROJECT PLANNER: Allen Tai

PUBLIC NOTICE: A notice for this hearing was mailed to property owners and residents within 300 feet of the site, published in local newspapers and posted in public areas near the subject property.

ATTACHMENTS: Exhibit 1 – Floor Plan

RECOMMENDATION: Find that the project will not cause significant adverse effects to the physical environment, is Categorically Exempt from environmental review, and approve the project with conditions based on the findings contained in this report.

PROPOSAL SUMMARY: Walgreen Co. proposes the sale of alcoholic beverages for off-site consumption at the existing Walgreens pharmacy and general retail establishment at 1600 Park Street. The proposed shelf space devoted to the sale of beer, wine and spirits is approximately seventy-four (74) square feet, or less than 1% of the existing 10,680-square-foot retail floor area. The State Department of Alcohol Beverage Control, prior to licensing a new off-sale alcohol establishment in an area of undue concentration or high crime (as defined by State law), requires business operators to obtain a Determination of

Public Convenience or Necessity from the City.

USE PERMIT FINDINGS:

- 1. The location of the proposed use is compatible with other land uses in the general neighborhood area, and the project design and size is architecturally, aesthetically, and operationally harmonious with the community and surrounding development.**

The proposed sale of alcoholic beverages for off-site consumption is compatible with the commercial and shopping nature of the area, and this accessory use at an existing pharmacy and general retail establishment will not adversely affect surrounding development. The North Park Street Gateway District is intended to provide a variety of neighborhood serving establishments along Park Street. This proposal to expand the selection of goods at an existing retail establishment is consistent with that goal.

- 2. The proposed use will be served by adequate transportation and service facilities, including pedestrian, bicycle and transit facilities.**

The existing establishment is already served by adequate transportation facilities, and the addition of alcoholic beverage sales will not generate significant traffic. Given the limited nature of the proposed accessory use, it is unlikely that there will be a large influx of additional customers. Rather, it is anticipated that many of the same customers who currently shop at Walgreens will continue to shop there, with the added benefit of "one stop" shopping. Therefore, the limited selection of alcoholic beverages will not materially increase the number of truck deliveries or vehicles, and the additional traffic generated by the addition of alcoholic beverages will be negligible.

- 3. The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity and will not have deleterious effects on existing business districts or the local economy.**

The business operates daily from 7:00 a.m. to 10:00 p.m. with shorter hours on weekends. There are no operational changes being proposed other than to devote approximately seventy-four (74) square feet of shelf space to alcohol sales. The ancillary sale of alcoholic beverages will be conducted in compliance with all conditions upon which approval is made contingent, and the activity will not adversely affect properties in the vicinity. The Alameda Police Department also did not express public safety concerns with this proposal.

- 4. The proposed use relates favorably to the General Plan.**

The site is located within an area designated by the General Plan as Community Commercial. The proposed use is consistent with this land use designation and Guiding Policy 2.5.a, which calls for "providing enough retail services to enable Alameda to realize its full retail sales potential and provide residents with the full range of business and services.

- 5. The issuance of the Public Convenience or Necessity determination to allow a license to sell beer, wine and distilled spirits at the proposed location will not be detrimental to the surrounding area and will serve a public convenience or**

necessity by providing one-stop shopping opportunity to customers of the business. The existing Walgreens is located along the Park Street commercial corridor, which is regarded as a primary destination for Alameda residents for goods and services. While many businesses along Park Street hold liquor licenses, the majority are restaurants that provide alcoholic beverages for on-site consumption. By adding alcoholic beverages to its inventory, Walgreens will provide a "one-stop" shopping experience for its customers. This convenience will result in increased efficiency for shoppers, and the sale of alcoholic beverages is typical for such national retail pharmacy. Although according to the State Department of Alcohol and Beverage Control, the subject site is located within an area of "undue concentration" of liquor licenses, the negative effects normally associated with the over-concentration of businesses selling alcohol within a particular geographic area, including increased crime, loitering, etc., are not evident along the Park Street commercial district. Moreover, the City's General Plan encourages a concentration of such uses within the commercial districts in order to minimize potential impacts to other neighborhoods. Therefore, issuance of the requested alcoholic beverage license will serve public convenience but not prove detrimental to public health and safety or welfare.

CONDITIONS:

1. **Compliance with Conditions:** The applicant shall ensure compliance with all of the following conditions. Failure to comply with any condition may result in the business operation being stopped, issuance of a citation, and/or modification or revocation of the permit.
2. **Approved Plans:** The amount of shelving space devoted to the display of alcoholic beverages shall be in substantial compliance with the floor plan titled "Beer, Wine & Spirits Area" consisting of one sheet, stamped received on December 30, 2014, and shall consist of the use characteristics as indicated in the application supplements, both on file in the Community Development Department offices.
3. **Limitations of this Permit:** The sale of the following types are alcoholic beverage products are excluded from this permit:
 - a. Distilled spirits in sizes smaller than 200ml,
 - b. Malt liquors or ice beers,
 - c. Beer, malt beverages, and wine coolers of 16 oz. or less in single containers (these beverages shall be sold in manufacturers' pre-packaged multi-unit quantities),
 - d. Any wine with alcoholic content of greater than 15% by volume except for "Dinner Wines," as defined by the Department of Alcoholic Beverage Control, which have been aged two years or more and maintained in corked bottles,
 - e. Wine in bottles or containers smaller than 750ml.
4. **Alcohol Sales:** The Permittee and all employees selling alcohol, or directly supervising such sales, shall complete a course in Responsible Beverage Sales and Service (RBSS) through the California Department of Alcoholic Beverage Control within 6

months of employment at the establishment. Employees who have completed the course within the last five (5) years shall be exempt from this requirement. The applicant shall obtain all required permits from the CA Department of Alcoholic Beverage Control prior to operating the component of their business that includes alcohol.

5. **Signs:** All signage on the premises shall comply with the City Sign Regulations and permitting requirements set forth in AMC Section 30-6.
6. **Vesting:** The Use Permit approval shall expire two (2) years after the date of approval or by February 3, 2017 unless authorized use of the property has commenced. The applicant may apply for a time extension, not to exceed two (2) years. An extension request will be subject to approval by the Zoning Administrator and must be filed prior to the date of expiration.
7. **Expiration:** This Use Permit allows for ancillary sales of beer, wine, and/or spirits for off-site consumption at the existing Walgreens at 1600 Park Street. **This Use Permit shall expire and terminate immediately upon a change of use on the property where the premises no longer operates as a pharmacy and general retailer.**
8. **Revocation:** This Use Permit may be modified or revoked by the Zoning Administrator, pursuant to Alameda Municipal Code Section 30-21.3d should the Zoning Administrator determine that: 1) the use or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity; 2) the property is operated or maintained so as to constitute a public nuisance; or 3) the use is operated in violation of the conditions of the Use Permit.
9. **Indemnification:** The Applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Planning Board, Zoning Administrator and their respective agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Alameda, Alameda City Planning Board, Zoning Administrator and their respective agents, officers, or employees to attack, set aside, void or annul, an approval by the City of Alameda, the Community Development Department, Alameda City Planning Board, or City Council related to this project. The City shall promptly notify the Applicant of any claim, action, or proceeding and the City shall cooperate in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision plus extensions authorized by California Code of Civil Procedure Section 1094.6

DECISION:

Environmental Determination:

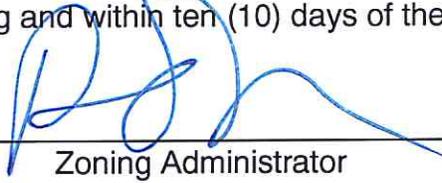
The Zoning Administrator has determined that this project does not involve expansion of an existing use and will not have a significant effect on the environment. Therefore, it is categorically exempt from further environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15301 – Existing Facilities.

Use Permit:

The Zoning Administrator approves the Use Permit with conditions.

The decision of the Zoning Administrator shall be final unless appealed to the Planning Board, in writing and within ten (10) days of the decision.

Approved by: _____



Zoning Administrator

Date: _____

2-3-15

