

Discussion Item #1

BACKGROUND AND PURPOSE

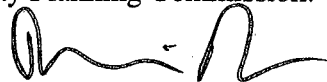
Staff proposes a verbal discussion regarding the components, contents and attachments of Planning Staff Reports to the Planning Commission as well as the various sub-committees. This was first mentioned during the Planning Commission retreat of September 17, 2014 as one of the work products for the coming year. Staff recommends a verbal discussion that would look at changing the staff report format to be more useful and eliminate redundancies while improving consistency in the produced reports that are brought before the Planning Commission. It is anticipated that this effort would result in future meetings of the Policies and Procedures Committee as this discussion may result in concrete changes to our staff reports.

Prepared by:


Robert D. Merkamp

Development Planning Manager

Approved for forwarding to the
City Planning Commission:



Darin Ranelletti

Deputy Director, Bureau of Planning

Attachments:

- A. A sample Planning Commission staff report

Location:	4659 Telegraph Avenue (APN013-1157-001-00)
Proposal:	Allow Alcoholic Beverage Sales in Limited Service Restaurant with a Variance for less than 1,000 feet separation from other Alcoholic Beverage Sales
Contact Person/Phone Number:	Jennifer Tucci (415) 846-8822
Owner:	Joe Brignole
Case File Number:	PLN 14-365
Planning Permits Required:	Major Conditional Use Permit for Alcohol Beverage Service at Limited Service Restaurant; Variance to allow the Activity with less than 1,000 foot separation from other Alcoholic Beverage Sales and Schools and Parks in Oakland Planning Code Section 17.103.030; Public Convenience and Necessity Findings
General Plan:	Neighborhood Commercial
Zoning:	CN-2 Neighborhood Commercial Zoning District
Environmental Determination:	Categorically Exempt, Section 15301 of the California Environmental Quality Act (CEQA) Guidelines; Existing Facilities; 15183, Projects in Conformance with Adopted Plans
Historic Status:	Not a Potential Designated Historic Property
Service Delivery District:	3
City Council District:	1
Staff Recommendation:	Planning Commission to Approve with Conditions
Finality of Decision:	Appealable to the City Council within 10 days
For Further Information:	Contact David Valeska at (510) 238-2075 or dvaleska@oaklandnet.com

SUMMARY

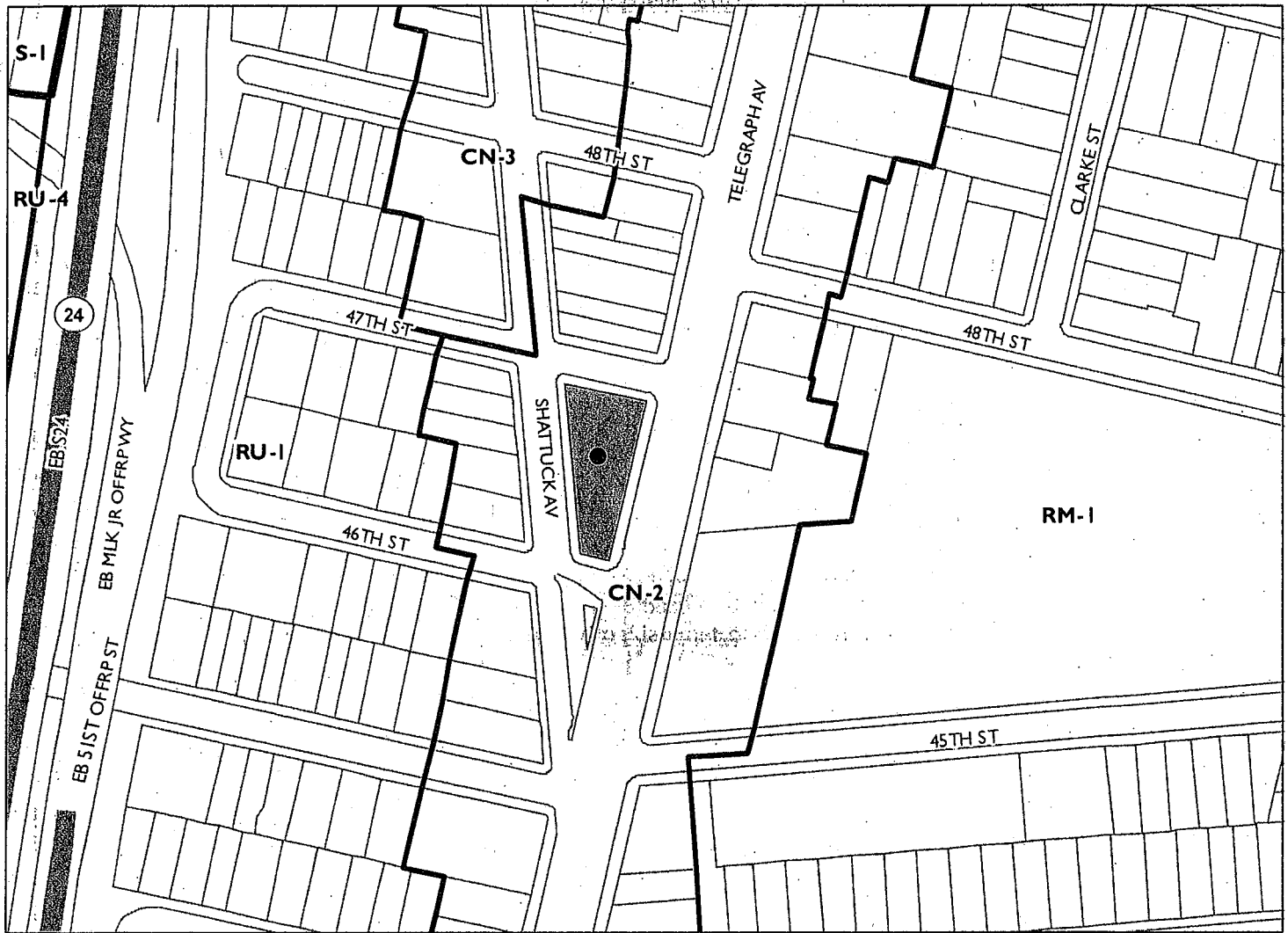
This application involves a request to establish a Limited Service Restaurant serving spirits, wine and beer in an existing commercial building on Telegraph Avenue in central Temescal. A Major Conditional Use Permit (CUP) is required in order to establish an Alcoholic Beverage Service unless the activity qualifies as a Full Service Restaurant, for which this application does not qualify. A Major Variance is also required due to proximity of the proposed business within 1,000 feet of existing alcohol outlets and other activities specified in Oakland Planning Code Section 17.103.030. Staff recommends approval with conditions.

PROJECT DESCRIPTION

The applicant proposes to utilize an approximately 1,000 square foot space in an existing building for Alcoholic Beverage sales, including spirits, wine and beer, as part of a Limited Service Restaurant menu. Any alcohol service at a Limited Service Restaurant requires a Major Conditional Use Permit, while at a Full Service Restaurant it does not (except when located on a Restricted Street as defined in OPC Section 17.103.030.B-2).

The business, Rosamunde, has been operating a restaurant in Old Oakland for several years. The applicant would like to expand the business with a new location in Temescal (North Oakland) on Telegraph Avenue near 46th Street. The business would be open daily 11:30 am to 11 pm, with 10 employees and 5 outdoor tables for a sidewalk café, subject to issuance of a City encroachment permit.

CITY OF OAKLAND PLANNING COMMISSION



0 125 250 500 750 1,000 Feet



Case File: PLN14365
Applicant: Jennifer Tucci
Address: 4659 Telegraph Avenue
Zone: CN-2

The attached site map and plans further describe the project.

GENERAL PLAN ANALYSIS

The site is located in the Neighborhood Commercial district of the General Plan Land Use and Transportation Element. This designation provides for a wide variety of activities including commercial activities serving neighborhood residents. Providing gourmet alcoholic beverages with food will enhance the tourism and resident supported gourmet food and drink area of Temescal in North Oakland.

ZONING ANALYSIS

The site is located in the CN-2 Neighborhood Commercial Zoning District. In this district, sales of alcohol except in a Full Service Restaurant requires a Major Conditional Use Permit. This requirement was enacted primarily to control nuisance-type alcohol sales. The applicant's request is for a very small upscale gourmet Limited Service Restaurant also serving alcohol. The Variance is required because the proposed location lies within 1,000 feet of other businesses serving alcoholic beverages and sensitive uses: public park, school, church per OPC 17.103. The request is consistent with the theme of Temescal as a gourmet business concentration, in essence a satellite downtown to serve the neighborhood.

ENVIRONMENTAL DETERMINATION

Staff has evaluated the project according to the California Environmental Quality Act (CEQA) and determined it is exempt from environmental review for the following reasons: Section 15301 of the CEQA Guidelines exempt from environmental review existing facilities. The alcoholic beverage use and sales area is about 1,000 square feet within an existing building, and does not change the floor area of the building, and is not likely to produce measurable physical or other environmental effects. Therefore, the project is determined to be exempt from further CEQA review. This project is consistent with plans and zoning subject to CUP and Variance approval, and is therefore also exempt from further CEQA review under Section 15183 (projects consistent with a community plan, general plan, or zoning).

ANALYSIS

The applicant chose this location due to its proximity to an emerging expansion of Temescal's nightlife district. There are other restaurant and retail businesses serving alcohol in the area. One type of business which is not currently present among the spectrum of existing gourmet food and beverage uses in the area is a specialty sausage Limited Service Restaurant with specialty alcoholic beverage service.

The applicant's proposal requires a Major Conditional Use Permit (CUP) for Alcohol Beverage Service, and a Major Variance for Alcoholic Beverage Service within 1,000 feet of other existing alcoholic beverage activities including bars and retailers. This distance separation provision in the Oakland Planning Code was intended to restrict the proliferation of businesses like traditional liquor stores, rather than the proposed small specialty cafes serving alcohol with meals. This location is appropriate for a restaurant of this type, given its situation within the central area of Temescal which does not have a similar business nearby.

It is reasonable to expect that the small size, 11 pm closing time and limited customer base of the proposed restaurant will result in no adverse impacts. Further, the immediate neighbors are mainly commercial uses on a busy street; the nearest residential units are on backstreets which do not front toward this activity.

Overall crime statistics for the subject area (60 days prior to January 18, 2015, in a half mile radius) showed crime reports similar to other shopping areas. The subject area had 447 reported crimes, mainly

thefts, burglaries, robberies, graffiti cases, and assaults. While some crime does occur in the area, staff and the applicant believe the proposed cafe is small and will not significantly contribute to crime levels.

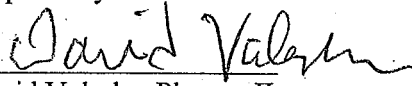
The applicant plans to sell beverages in a café setting, and the Conditional Use Permit and Variance would run with the property. If this specialty vendor moves out, a replacement business would be required to comply with the project description and conditions of this CUP and Variance.

In the Temescal/Telegraph Avenue commercial area, the proposed Limited Service Restaurant activity with alcohol would reinforce the emerging gourmet and shopping concept and help to bring customers to neighboring commercial uses. The existing Old Oakland Rosamunde location has been a responsible civic component in Old Oakland for several years. A second Rosamunde on Telegraph in Temescal is likely to fit in the area as well. There were no letters of concern from the neighboring community filed as of January 28, 2015. Staff concludes that the Findings for the Major CUP and Variance, including findings of Public Convenience or Necessity, are fulfilled, as further explained in Attachment A (Findings) and through the proposed Conditions of Approval.


RECOMMENDATION:

1. Affirm staff's environmental determination.
2. Approve the Major Conditional Use Permit, Major Variance and Findings of Public Convenience or Necessity for Alcoholic Beverage Sales, at 4659 Telegraph Avenue, based on the attached findings and conditions.

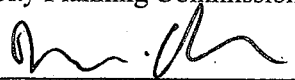
Prepared by:


David Valeska, Planner II

Approved by:


SCOTT MILLER
Zoning Manager

Approved for forwarding to the
City Planning Commission:


DARIN RANELLETTI, Deputy Director
Bureau of Planning

Attachments:

- A. Findings
- B. Conditions of Approval
- C. Plans and Photographs
- D. Applicant and Neighbor Correspondence

ATTACHMENT A: FINDINGS**FINDINGS FOR APPROVAL (ALCOHOLIC BEVERAGE SALES)**

This proposal meets the required findings under the Oakland Planning Code. Required findings are shown in **bold type**; explanations as to why these findings can be made are in normal type.

Section 17.134.050 (General Use Permit Criteria):

- 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 proposed business would satisfy a community need which does not affect livability of the surrounding neighborhood, and will be operated in a small scale which is compatible with Temescal's neighborhood character. The proposed limited service restaurant will offer gourmet food and alcohol selections in a neighborhood which is becoming known for gourmet food and drink facilities, retail and nightclub activities. Conditions of approval will limit noise, light, trash/litter, loitering, late hours and similar factors to offset any potential for negative effects of alcohol sales related activities.

- 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 proposed business will promote availability of gourmet alcoholic beverages with meals and enhance the convenience and functional living environment of its customers. The small size, reusing an existing space, will create an attractive facility as warranted by location and setting. This area of Telegraph Avenue is a gourmet food/beverage/entertainment related business district where such uses are appropriate.

- 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 proposed business will function to meet the community's café needs including hospitality or celebrations. This facility would have less traffic, noise and light than a similar business might have offered in a larger format. This facility complements the offerings of existing Telegraph Avenue restaurants and other Alcoholic Beverage Services in Temescal.

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

The building to be utilized by the specialty alcohol sales shop at 4659 Telegraph Avenue is existing. No major changes in the building are proposed from the existing façade which has been compatible with designs of neighboring facilities for many years, therefore Design Review is not required.

- 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.**

The General Plan allows for review and approval of Alcoholic Beverage Sales uses through the Conditional Use Permit, and in this case, Variance. The General Plan also allows for businesses that will not cause undue nuisance activity. The Neighborhood Commercial land use category envisions a wide range of retail, restaurant and specialty stores along with promoting mixed-use developments. An attractive and well-managed gourmet café with alcohol at this location will conform to adopted plans.

Section 17.103.030 (A) - Special Use Permit Criteria, Alcoholic Beverage Sales:

- 1. That the proposal will not contribute to undue proliferation of such uses in a 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 proposed business is not envisioned to contribute to the same types of loitering and other problems as do some other Alcoholic Beverage Sales locations. City crime statistics for recent months show that overall alcohol-related crime rates near the applicant's site are similar to commercial areas elsewhere in the City. The neighborhood streets have sufficient capacity to support this small facility without causing undue traffic or other problems. Much of the traffic is foot traffic due to its location, from the neighborhood, and the site lacks loitering areas.

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

The proposed business will be within 1,000 feet from park and school sites. The shop is unlikely to adversely affect them or small uses such as daycare centers in the area. Likewise, houses of worship are mainly too distant to experience effects. This facility design has built-in sound attenuation characteristics within the structure. Staff believes that the small scale and dining-focus of the use will protect nearby uses from adverse effects. Such Limited Service Restaurants serving alcohol are typically compatible with schools and churches (e.g., Chipotle and sushi bars).

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

The facility entrance will include ADA disabled access. The 50 to 75 projected daily customers would be arriving throughout the day and evening, which minimizes the crowd management issues of the building tenant. The building entry does not impede pedestrian corridors.

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

The building's façade shares a scale with nearby sales facilities for which CUP's have been approved, and has details similar to some of its neighbors, including color and shape. The facility is of an architectural character that harmonizes with and enhances the area.

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

While proposed signage is not subject to Design Review at this time, proposed signage would be similar to past signage for this commercial building, and would not be overly large or obtrusive. No parking is provided on-site, which is consistent with the Oakland Planning Code standard for reuse of existing commercial buildings. The site is walking distance to parking lots and has excellent bus service nearby, which supplements on-street parking in the area. MacArthur BART is within walking distance.

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

As conditioned, there will be non-flammable trash containers installed proximate to the entrance of the facility and litter will be removed from the sidewalk and gutter in front of and to twenty feet beyond the premises.

7. That where the proposed use is in close proximity to residential uses, and especially to bedroom windows, it will be limited in hours of operation, or designed or operated, so as to avoid disruption of residents' sleep between the hours of ten PM and seven AM.

The nearest dwellings are primarily behind the commercial district and are sufficiently distant to limit noise effects. Existing roadway noise creates an ambient level which will mask any of the business's noise effects. Attached conditions are provided to ameliorate some of the potential noise effects, including reduced hours of evening operations and lighting controls.

Section 17.103.030(B) - Special Use Permit Criteria

Finding B.1.below is satisfied with the proposal only by granting a Variance:

B. Special Restrictions on Establishments Selling Alcoholic Beverages.

1. No Alcoholic Beverage Sales Commercial Activity shall be located closer than one thousand (1,000) feet to any other Alcoholic Beverage Sales Commercial Activity except;
 - a. On-sale retail licenses located in the Central District (defined as within the boundaries of I-980 and Brush Street to the west; both sides of 27th Street to the north; Harrison Street/Lake Merritt and the Lake Merritt Channel to the east; and the Estuary to the south); or
 - b. Off-sale retail licenses located in the Jack London District (defined for the purposes of this Chapter as within the boundaries of Martin Luther King Jr. Way to the west,, I-880 to the north, the Lake Merritt Channel to the east and the Estuary to the south) or
 - c. If the activity is in conjunction with a Full-Service Restaurant Commercial Activity; or
 - d. Establishments with twenty-five (25) or more full time equivalent (FTE) employees and a total floor area of twenty thousand (20,000) square feet or more; or
 - e. If the activity is in conjunction with the on-sale or off-sale of alcoholic beverages at an alcoholic beverage manufacturer.

A Variance has been requested to allow this off-sale Alcoholic Beverage Sales Commercial Activity which is not a Full Service Restaurant to be situated closer than one thousand (1,000) feet to other

Alcoholic Beverage Sales Activities. This is not an adverse precedent for other such uses, due to the role defined in the General Plan Land Use and Transportation Element for areas where a cluster of alcoholic beverage service and other gourmet facilities is beneficial to the area's vitality.

This store will provide for an otherwise unmet Alcoholic Beverage Sales need for a population in the immediate Community. While spirits, beer and wine can be purchased in stores and bars within a 2 mile radius, this particular mix of gourmet sausages served with specialty alcohol will most likely not be available anywhere within convenient distance unless this application is approved at this location.

17.103.030-B-3: Public Necessity and Convenience Findings

- a. **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 community need or population within the overall Oakland community or the community in which the project is located, and how the proposed project would enhance physical accessibility to needed goods or services that the project would provide, including, but not limited to alcohol; and**

The applicants have submitted documentation as required, with findings as shown in italics:

"Rosamunde is a sausage grill restaurant serving all demographics including families with small children, senior citizens and everyone in between. Rosamunde is first and foremost a restaurant. Our patrons come for gourmet artisan sausages and we complement that with the highest quality of craft beer. Counter service allows a casual environment for patrons to enjoy the relaxed environment. We have a history" (from other Rosamunde locations in Oakland and San Francisco) "of keeping a visually clean and spotless facility."

The proposed alcoholic beverage service/cafe is not generally available to the public on this block, as demonstrated by the applicant's documents in the public record files. Where other businesses on Telegraph Avenue offer food and/or alcoholic beverage service, they do not provide the specialized customer food and beverage service which the applicant proposes. Variety in this district is important to serve visitors and residents.

- b. **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 project will provide consumer variety of service, a community gathering place and employment for residents and others. Economic and other benefits outweigh any anticipated negative impacts of alcohol service. This alcoholic beverage service is of a type which has in the past been compatible with and complimentary to other businesses in comparable gourmet restaurant and shopping areas. Rosamunde restaurants and similar uses are reported to not cause increases in calls for police service. The venue will attract clientele with a low probability of negative impacts or police calls for service.

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

Alcohol sales are sometimes part of Limited Service Restaurants (e.g. Wingstop and Chipotle). The applicant's activity proposes alcoholic beverage service primarily to facilitate gourmet use not likely to constitute a nuisance. A variety of gourmet beers and other alcoholic specialties will be provided

with food in a restaurant context typical of many similar facilities in the City which do not cause problems.

ADDITIONAL PUBLIC CONVENIENCE OR NECESSITY FINDINGS, OPC17.103.030(B)(4)

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

This finding is *not* met and a variance is required. The premises are located within 1,000 feet of bars, public park and a school. Variance findings are provided in the following section of this attachment.

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

This finding is met. Average calls for police service in this beat do not exceed the standard.

SECTION 17.148.050(A)—VARIANCE FINDINGS:

All the following findings below are satisfied with the proposal:

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

A Variance is required because this business site, which is in central Temescal's business district, is within 1,000 feet of other alcoholic beverage services and sensitive uses like parks and schools. Approval of the Variance, therefore, requires justification for relief from the distance separation requirement. The intent of the distance separation regulation is to ensure that alcohol outlets, such as bars and liquor stores/convenience markets, which historically can sometimes be problematic for loitering, public drinking/intoxication, urination, violence, noise or general crime, do not proliferate adjacent to residential and civic uses. In this case, the proposal is not for a bar or liquor store, but for a specialty Limited Service Restaurant with alcohol. The operating characteristics of the proposed business are not similar to bars or liquor stores/convenience markets because in this case alcohol is served to seated customers with food in a social setting conducive to well-behaved enjoyment, rather than attracting loiterers or vagrants. In addition, a Variance may be granted for purposes of "conditions of design" meaning the appearance or physical attributes of the property. Conditions of design encompass specific operational elements of a project inherent in the design, which ameliorate any negative effects of an activity on the site.

This type of business needs an upscale central location with neighborhood proximity and emerging destination character, such as this location in North Oakland/Temescal. As a separate example, concentration of Alcoholic Beverage Service uses in a hillside residential or high crime neighborhood can disrupt a neighborhood. However, in North Oakland/Temescal, with its emerging

concentration of restaurants and retail, clustering gourmet food and beverage activities promotes community vitality.

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

Denial of a Variance for 1000 foot separation of Alcoholic Beverage Service on-sale activities results in an unnecessary hardship inconsistent with the purposes of zoning regulations. Rather than protecting the neighborhood, denying the variance could adversely affect the City's recognized gourmet food and beverage characteristics in this neighborhood. Due to the existing geographic limitations, it is more difficult for an applicant to find a site over 1000 feet from another alcohol and beverage sales activity and/or parks and schools than would be the case in another neighborhood. This places a burden on the owner of this business which does not exist in many other parts of the City. Requiring relocation of this facility and activity would deprive the owner of a privilege enjoyed by other similar uses, to relate to the neighborhood and customer base established precisely to support businesses such as the applicant's gourmet use.

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

Unlike some other Alcoholic Beverage Service facilities and activities in Oakland, this use would provide gourmet specialty food and alcohol sales, in a format similar to an Uptown or Downtown business. Such uses tend to have fewer detrimental or adverse effects because they appeal to a clientele that the General Plan seeks to attract to the District.

In addition, the project does not involve liquor sales or a late closing time and is not anticipated to generate off-site impacts associated with certain bars and liquor stores as evidenced by operational characteristics and as stipulated by conditions of approval. The project will not, therefore, adversely affect the character, livability, or appropriate development of the surrounding area, and will not be detrimental to the public welfare or contrary to development policy.

- 4. That a variance will not constitute a grant of a special privilege inconsistent with the limitations imposed on similarly zoned properties or inconsistent with the purposes of zoning regulations.**
This facility proposes to add to the gourmet/tourism character of the District in a manner which would not grant a special privilege inconsistent with the purpose of zoning regulations, because one purpose of zoning regulations is to promote community vitality while preserving equity and protecting neighborhood continuity.
- 5. That the elements of the proposal requiring the variance (e.g. elements such as buildings, walls, fences, driveways, garages and carports, etc.) conform with the regular design review criteria set forth in the design review procedure at Section 17.136.050.**

The Variances are for unmet distance separation between alcohol outlets and civic uses, and design review is, therefore, not applicable.

- 6. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable guidelines or criteria, district plan, or development control map**

which have been adopted by the Planning Commission or City Council.

The General Plan allows for review and approval of Alcoholic Sales uses by Conditional Use Permit and in this case, Variance. The General Plan also allows for businesses that will not cause undue nuisance activity. The Neighborhood Commercial land use category envisions a wide range of retail, restaurant and specialty stores along with promoting mixed-use developments. An attractive and well-managed gourmet specialty café with alcohol at this location will conform to adopted plans.

ATTACHMENT B: CONDITIONS OF APPROVAL**STANDARD CONDITIONS:****1. Approved Use.*****Ongoing.***

a. The project shall be constructed and operated in accordance with the authorized use as described in this letter and the plans dated **December 18, 2014** and submitted **December 22, 2014** and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall required prior written approval from the Director of City Planning or designee.

b. This action by the City Planning Commission ("this Approval") includes the approval set forth as follows: Onsite-sales (with meals) of gourmet alcoholic beverages in a Limited Service Restaurant.

2. Effective Date, Expiration, Extensions and Extinguishment***Ongoing.***

Unless a different termination date is prescribed, this Approval shall expire **two calendar years** from the approval date, unless within such period all necessary permits have been issued, or authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this permit, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any valid building permit for this project may invalidate this approval if the said extension period has also expired.

3. Scope of This Approval; Major and Minor Changes***Ongoing.***

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

4. Conformance with Other Requirements.***Prior to issuance of a demolition, grading, P-job or other construction related permit.***

a. The project applicant shall comply with all other applicable federal, state, regional and/or local codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshall, and the City's Public Works Agency.

b. The applicant shall submit approved plans for project-specific needs related to fire protection including, but not limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access and vegetation management for preventing fires and soil erosion.

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

Ongoing.

- a. Site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60-90 days of approval, unless an earlier date is specified elsewhere.
- b. The City Planning Department reserves the right at any time during construction, to require certification by a licensed professional that the as-built project conforms to all applicable zoning requirements, including but not limited to approved maximum heights and minimum setbacks. Failure to construct the project in accordance with approved plans may result in remedial reconstruction, permit revocation, permit modification or other corrective action.
- c. Violation of any term, Conditions or project description relating to the Approvals is unlawful, prohibited and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and /or abatement proceedings, or after notice and public hearing, to revoke the Approvals or alter these Conditions if it is found that there is violation of any of the Conditions, or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement Actions. The project applicant shall be responsible for paying fees in accordance with the City's Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Conditions of Approval.

6. Signed Copy of the Conditions

With submittal of a demolition, grading and building permit.

A copy of the approval letter and Conditions shall be signed by the property owner and submitted with each set of permit plans submitted for this project.

7. Indemnification

Ongoing

- a. To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and their respective agents, officers, and employees (hereafter collectively called the City) from any liability, damages, claim, judgment, loss (direct or indirect) action, causes of action or proceeding (including legal costs, attorney's fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul, (1) an approval by the City relating to a development-related application or subdivision or (2) implementation of an approved development-related project. The project applicant shall reimburse the City for its reasonable legal costs and attorneys fees.
- b. Within ten (10) calendar days of the filing any Action as specified in subsection A above, the project applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations shall survive termination, extinguishment or invalidation of the approval. Failure to timely execute the Letter Agreement does not relieve the project applicant of any of the obligations contained in this condition or other requirements, or other conditions of approval that may be imposed by the City.

8. Compliance with Conditions of Approval

Ongoing

The project applicant shall be responsible for compliance with the recommendations in any submitted and approved technical report and all the Conditions of Approval and all applicable

adopted mitigation measures set forth below at its sole cost and expense, and subject to review and approval of the City of Oakland.

9. Severability

Ongoing

Approval of the project would not have been granted but for the applicability and validity of each and every one of the specified conditions and if any one or more of such conditions is found to be invalid by a court of competent jurisdiction this Approval would not have been granted without requiring other valid conditions consistent with achieving the same purpose and intent of such Approval.

10. Job Site Plans

Ongoing throughout demolition, grading, and/or construction

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

11. Recycling Space Allocation Requirements

Prior to issuance of a building permit

The design, location and maintenance of recycling collection and storage areas must substantially comply with the provision of the Oakland City Planning Commission "Guidelines for the Development and Evaluation of Recycling Collection and Storage Areas", Policy 100-28. Pursuant to Section 17.118.020 of the Oakland Planning Code, this condition shall apply to new commercial and industrial development that requires a building permit. A minimum of two cubic feet of storage and collection area shall be provided for each dwelling unit and for each 1,000 square feet of commercial space.

Ongoing.

No deviation shall be made from the approved drawings or conditions of approval that alters the project's siting, height, exterior appearance, and/or required new landscaping without prior written approval from the Oakland Planning & Zoning Department.

12. Construction Practices.

During construction.

All work shall apply the "Best Management Practices" (BMPs) for the construction industry, including BMPs for dust, erosion and sedimentation abatement per Section 15.04 of the Oakland Municipal Code, as well as all specific construction-related conditions of approval attached to this project.

13. Days/Hours of Construction Operation

Ongoing throughout demolition, grading and/or construction.

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

- a) Construction activities are limited to between 7:00 AM and 7:00 PM Monday through Friday, except that pile driving and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 AM and 4:00 PM Monday through Friday.
- b) Any construction activity proposed to occur outside of the standard hours of 7:00 AM to 7:00 PM Monday through Friday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of residents' preferences for whether the activity is acceptable if the overall duration of

construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Services Division.

- c) Construction activity shall not occur on Saturdays, with the following possible exceptions:
 - i) Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of residents' preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division.
 - ii) After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division, and only then within the interior of the building with the doors and windows closed.
- d) No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions.
- e) No construction shall take place on Sundays or Federal holidays.
- f) Construction activities include but are not limited to: truck idling, moving equipment (including trucks, elevators, etc.) or materials, deliveries and construction meetings held on-site in a non-enclosed area.

SPECIFIC PROJECT CONDITIONS

14. Hours.

Ongoing

The business may be open to the public for business from 10 am to 11 pm daily. Any work outside these hours shall solely be for purposes of staff preparation and the business shall not be open to the public during these hours. Any request for expansion of hours shall be reviewed and approved by the Zoning Manager.

15. Security.

Ongoing

The applicant/property owner shall continue to keep windows clear of visual obstructions including, but not limited to signage beyond 20% window coverage, any advertising displays, product racks, refrigerated equipment, cardboard, trash, wire mesh/security bars, reflective coatings, or other materials. Note that this is more restrictive than the state regulations related to signage.

16. Facility Management

a. Ongoing

Lighting shall be maintained providing enough illumination to identify loiterers standing in front of the store and in the parking lot. Such illumination shall remain lit during all hours of darkness when the business is open.

b. Ongoing

The licensees/property owners shall clear the gutter and sidewalks twenty feet beyond the property lines along these streets of litter twice daily or as needed to control litter (sweep or mechanically clean weekly). The licensee shall clean the sidewalk with steam or equivalent measures once per month.

c. Ongoing.

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

d. Ongoing.

No pay phones are permitted outside the building.

e. Ongoing.

The owner, manager, and employees of this establishment shall make appropriate efforts to discourage loitering from the premises including calling the police to ask that they remove 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.

17.Trash and litter

Prior to commencement of use and ongoing.

The applicant/property owner shall install and maintain at least one (1), non-flammable trash can located near the entrance of the store. Said trash receptacle shall be emptied as needed to avoid overflow and/or adverse odors.

18. Crowd Control/Anti-Loitering Plan

Prior to commencement of use and ongoing

A crowd control/anti-loitering plan shall be reviewed and approved by the Zoning Manager prior to occupancy. The applicant shall provide staff on duty from noon until closing on days when the business is open to the public. Staff shall patrol the interior and exterior as necessary to achieve crowd control and to deter nuisance, loitering and crime.

19.Limitations on Merchandise and Sales

Prior to commencement of use and ongoing

The applicant will not sell retail alcoholic beverages for off-site sales, and shall not serve alcohol on-site except with meals served, without subsequent approval by the Planning Commission of a Revision to the Major Conditional Use Permit. The applicant will arrange that the State Alcoholic Beverage Control License shall be restricted for the type specified. The owner will record a restriction with the Alameda County Recorder to this effect, for the property now and in the future, in a form satisfactory to the City Attorney and Zoning Manager.

SPECIFIC CONDITIONS RELATED TO ALCOHOL SALES

20. Conformance with State Department of Alcoholic Beverage Control regulations

Ongoing.

This use shall conform to all provisions of the State ABC license. The state license and state conditions shall be posted along with these Conditional Use Permit conditions in a place visible to the public. This use shall also conform to all State Retail Operating Standards, Section 25612.5 of the Business and Professions Code and local Performance Standards, Section 15210, where applicable including any future changes in the above regulations. The intent of these standards is to

reduce nuisance, litter, loitering, and crime associated with alcohol outlets. The City Conditions of Approval shall be forwarded to the Department of Alcoholic Beverage Control.

21. Compliance with City of Oakland Special Regulations for Alcoholic Beverage Sales Commercial Activities.

a. Prior to the Commencement of Operations and Ongoing

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

b. Ongoing.

The applicant/property owners shall clear the sidewalks adjacent to their property of all "Street Furniture" including mattresses, crates, pads, and other items for sitting or laying on by loiterers on a daily basis.

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

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★ ROSAMUNDIE ★

SAUSAGE GRILL
FINE BEER ON TAP

grilled sausage on a french roll

step 1 - choose sausage from list (👉)
step 2 - choose two toppings:

- grilled onions
 - spicy
 - sweet peppers
 - sauerkraut
 - beef chili
 - hot peppers
- (additional toppings .50 ea) (gluten-free roll add 1.)

sausage plate

cash only

- sauerkraut, baked beans (v), green salad
choose one sausage.....9.75
choose two sausages.....13.25
currywurst sliced knockwurst in curry ketchup.....6.5

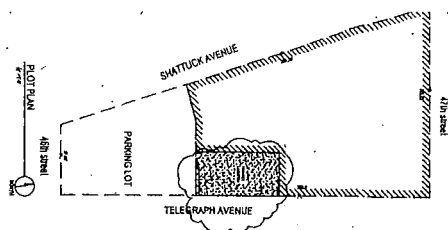
sides

fries small 3. large 4.25

- german baked beans (v).....3.25
german potato salad with bacon.....3.25
green salad with walnuts, blue cheese.....5.25
bag of chips2.5
pickle.....2.5

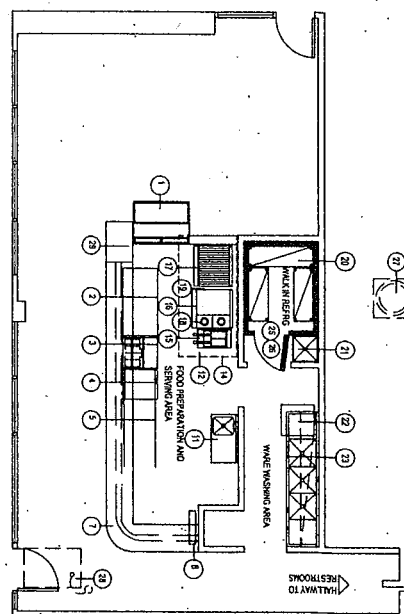
- Soda.....2.75 iced tea.....2.5
Pellegrino.....2.25 hot tea.....2

- cheddar brat - smoked, spicy pork & beef.....6.5
beer sausage - smoked, spicy pork & beef.....6.5
knockwurst - all-beef.....6.5
hungarian - smoked pork.....6.5
weisswurst - veal & pork, with leeks & herbs.....6.5
nuernberger bratwurst - savory pork.....6.5
hot italian - spicy pork.....6.5
chicken habanero - smoked with tequila.....6.5
andouille - spicy cajun smoked pork.....6.5
vegan apple sage - smoked w potato & ginger.....6.5
vegan italian - red wine, garlic & fennel.....6.5
vegan kielbasa - polish-style sausage.....6.5
mission street - knockwurst wrapped w/ bacon.....7.
wild boar - apples, cranberries & spice.....7.
chicken - new chicken sausage.....6.5
merquez - moroccan spiced lamb.....7.
duck - duck & figs.....7.
SPECIALS
bison - with jalapeño & sage.....8.
bison - with jalapeño & sage.....8.
bison - with jalapeño & sage.....8.



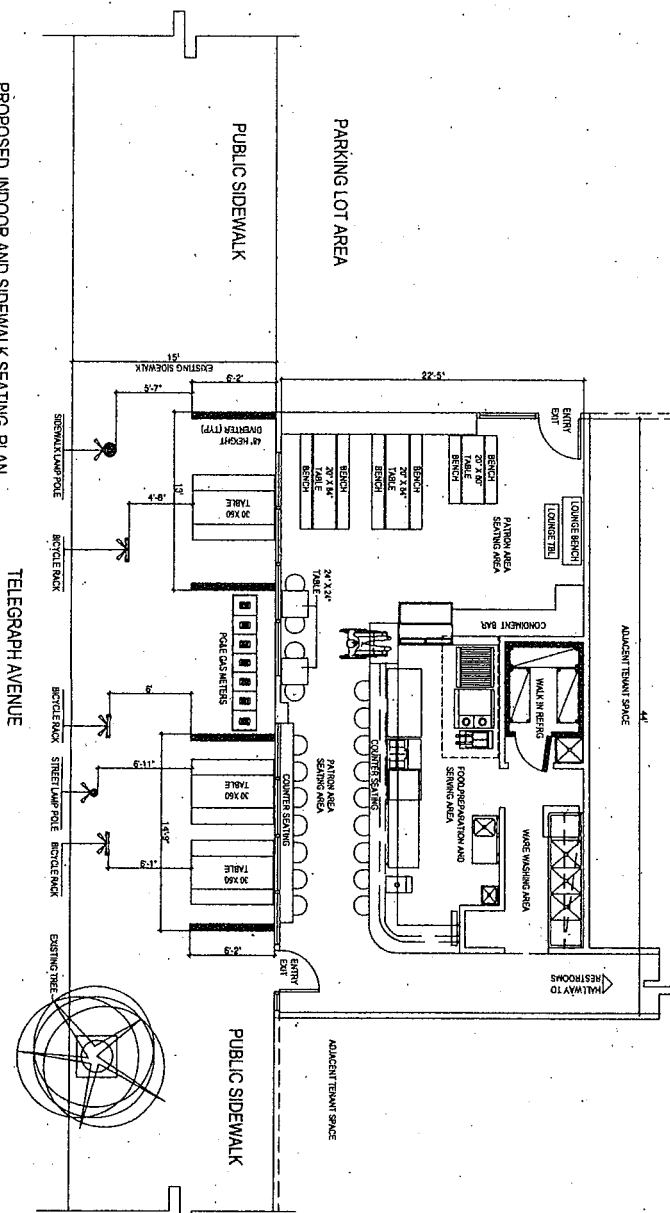
BUILDING DATA:
 PROJECT NAME: ROSAMUNDE SAUSAGE GRILL
 PROJECT ADDRESS: 4650 TELEGRAPH AVENUE, OAKLAND, CA 94609
 CONSTRUCTION TYPE: VA
 STORES: 2
 SQUARE FOOTAGE: 1000
 SCOPE OF WORK: FULL SERVICE RESTAURANT DESIGNATION FOR ALC LICENSE ISSUE

PROPOSED FOODSERVICE EQUIPMENT FLOOR PLAN



ITEM NO.	QUANTITY	DESCRIPTION	MANUFACTURER	MODEL NUMBER
1	1	DISPLAY CASE	TRUE	TSD-44-2
2	1	WARM TOP REFRIG	TRUE	TRW-48
3	1	REFRIG PREP	TRUE	TSSU-27-4
4	1	WARM TOP FREEZER	TRUE	TRW-27-2
5	1	UNDERBELL REFRIG	TRUE	TRW-2
6	1	ICE MAKER	WELDON	WELDON
7	1	FRONT COUNTER	WELDON	WELDON
8	1	DAWT BEER SYSTEM	CUSTOM	CUSTOM
9	0	SPACE		
10	1	HAND WASH SINK	EXISTING	
11	1	FOOD PREP SINK	EXISTING	
12	1	TYPE I EXHAUST HOOD	EXISTING	
13	0	SPACE		
14	1	FINE SUPPRESSION SYSTEM	EXISTING	
15	1	RAVES	EXISTING	
16	1	FLAT TOP GRIDDLE	WILSON	WILSON
17	1	UNDERBELL BROILER	WILSON	WILSON
18	1	INDUCTION BURNER	WILSON	WILSON
19	1	CONVECTION OVEN	WILSON	WILSON
20	1	CONVECTION OVEN	WILSON	WILSON
21	1	WARM SINK	EXISTING	
22	1	DISHWASHER	EXISTING	
23	1	3 COMP SINK	EXISTING	
24	1	WALL SHELVES	EXISTING	
25	1	WALK IN COOLER	WILSON	WILSON
26	1	REFRIG SYSTEM	WILSON	WILSON
27	1	EXHAUST FAN (HOOD)	EXISTING	
28	1	MAKE UP AIR FAN	EXISTING	
29	1	WHEEL CHAIR ACCESS CTR	WILSON	WILSON

PROPOSED INDOOR AND SIDEWALK SEATING PLAN



TELEGRAPH AVENUE

PUBLIC SIDEWALK

PROJECT: ROSAMUNDE SAUSAGE GRILL
 4650 TELEGRAPH AVENUE
 OAKLAND, CA 94609

SHEET TITLE: PROPOSED SEATING PLAN
 FOODSERVICE EQUIPMENT PLAN

DATE: 01.26.2015
 DRAWN BY: J.B.
 SHEET NUMBER: A-1

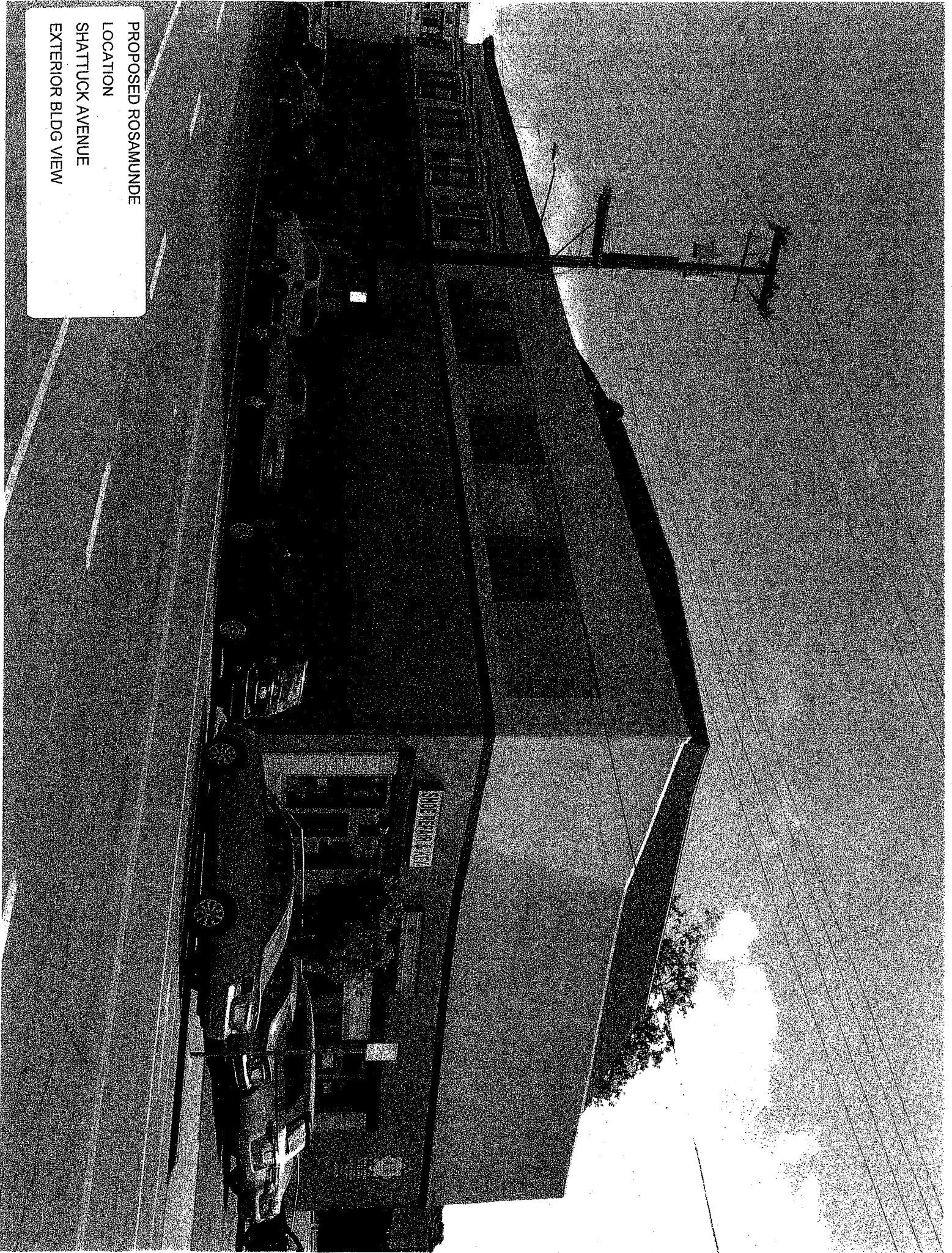
415.010.202
 J.B. ROSENBERG
 618.107.1178
 OAKLAND, CA 94612
 J.B.ROSENBERG@GMAIL.COM

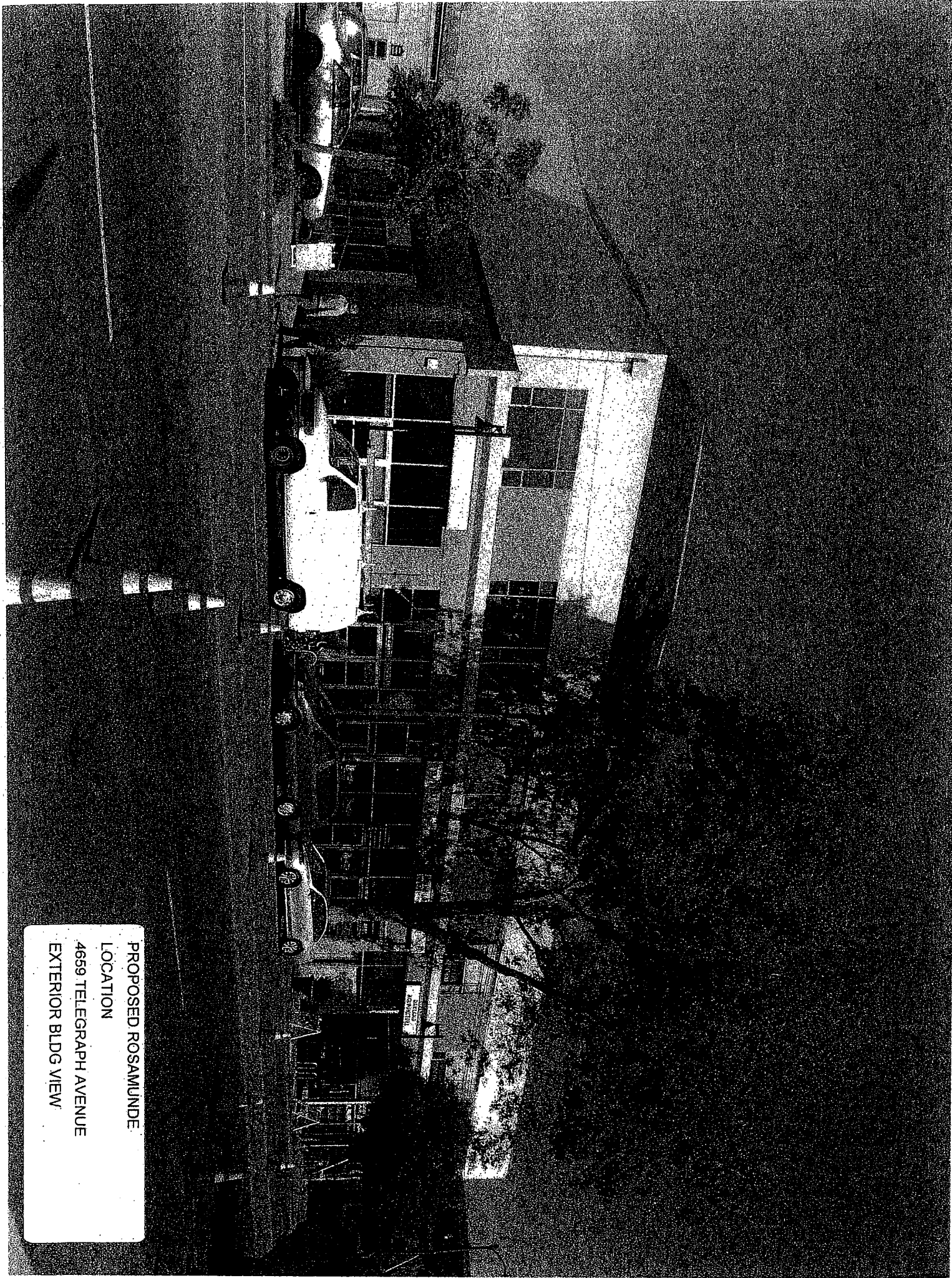
PROPOSED ROSAMUNDE

LOCATION

SHATTUCK AVENUE

EXTERIOR BLDG VIEW





PROPOSED ROSAMUNDE

LOCATION

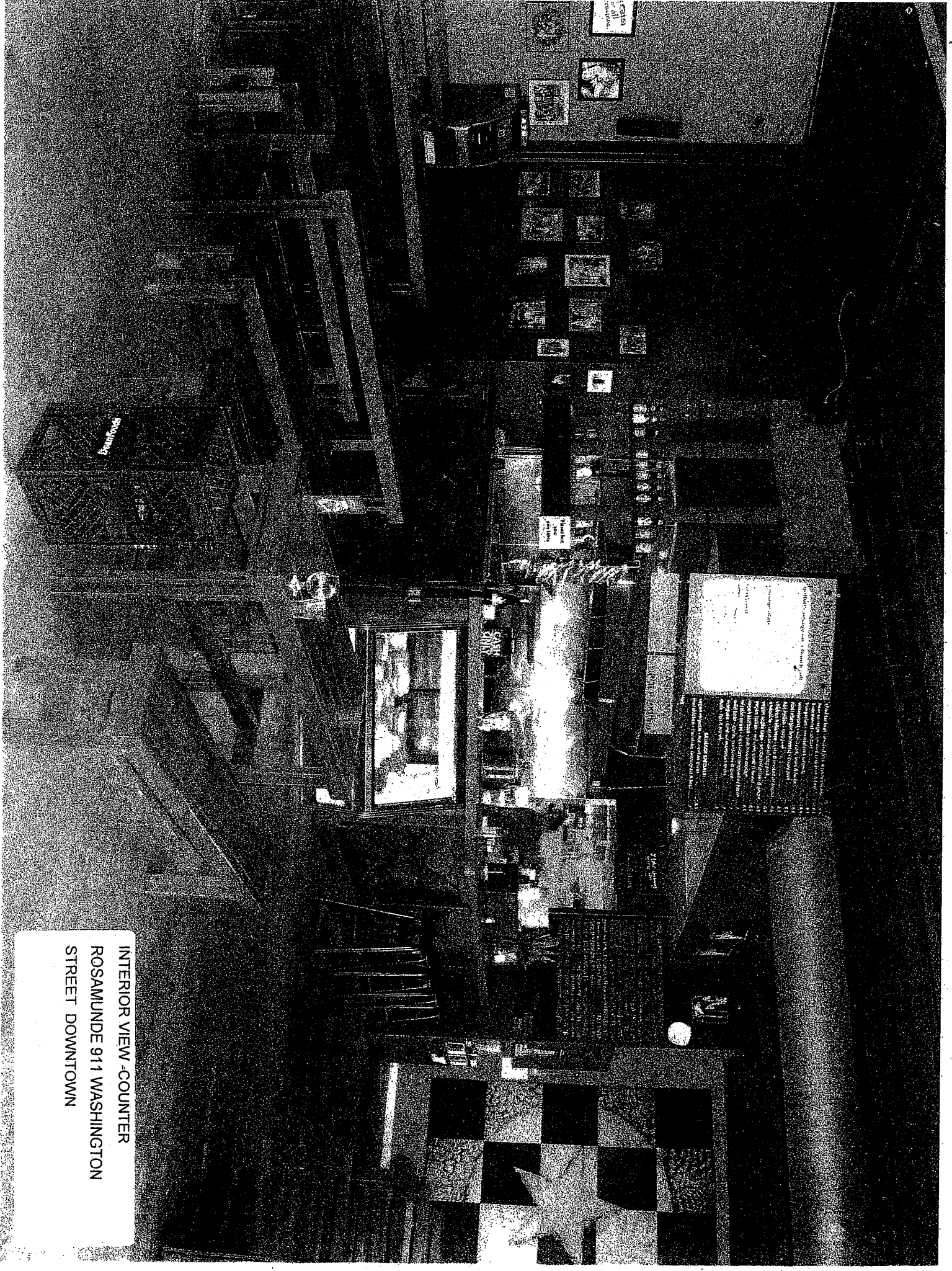
4659 TELEGRAPH AVENUE

EXTERIOR BLDG VIEW

INTERIOR VIEW - COUNTER
ROSAMUNDE 911 WASHINGTON
STREET - DOWNTOWN



Place
DO NOT
Place



INTERIOR VIEW -COUNTER
ROSAMUNDE 911 WASHINGTON
STREET DOWNTOWN

ROSAMUNDE
911 WASHINGTON ST
OUT DOOR SEATING

