

Location:	4345 International Blvd. (see reverse for map)
Assessor's Parcel Number:	034 -2251-004-00
Proposal:	To allow a new full service restaurant "Casa Jimenez Family Restaurant and Art Gallery" in an existing restaurant space to serve liquor (distilled spirits) in addition to sale of beer and wine under City approval #CM97113.
Applicants/	Mr. Jose Ortiz
Phone Number:	(510) 938-2385
Owners:	Bay Farms Produce Inc.
Planning Permits Required:	Major Conditional Use Permit with additional findings for a full service restaurant located on a restricted street in order to upgrade its State ABC liquor license
General Plan:	Community Commercial
Zoning:	CC-2 Community Commercial Zone - 2
Environmental	Exempt, Section 15301 of the State CEQA Guidelines:
Determination:	Existing Facilities (operations); Section 15183 of the State CEQA Guidelines: Projects consistent with a community plan, general plan or zoning
Historic Status:	Non-Historic Property
Service Delivery District:	V
City Council District:	5
Date Filed:	June 21, 2011
Staff Recommendation:	Continue to a date uncertain as described in the Summary
For Further Information:	Contact case planner Aubrey Rose, AICP at (510) 238-2071 or arose@oaklandnet.com

SUMMARY

The applicant requests a Major Conditional Use Permit (CUP) to serve liquor (distilled spirits) at a full service restaurant on International Boulevard. The restaurant currently possesses a Planning Commission approved conditional use permit to sell beer and wine with meals served on-site and a 10:00pm closing time. This CUP would allow for liquor in addition to beer and wine. The current restaurant operator, however, has not activated an ABC license to sell beer and wine. The previous restaurant operator had an ABC license which has been suspended. The area surrounding this site has seen adverse impacts caused by alcoholic beverage sales in the past, mostly attributed to bars and liquor stores. Staff believes a balanced approach to assist in determining whether a new CUP to include distilled spirits should be authorized is to first allow the operation with beer and wine sales (which they have all necessary zoning authority to undertake).

After a period of six (6) months of actual beer and wine sales at the restaurant, it is likely that any potential impacts from alcoholic beverage sales would be known and would better inform the decision as to whether a new CUP should be issued. This more cautious approach (along this restricted street) is recommended due to the over-concentration of establishments in the area (per Census Tract data) and the well-over average calls for police service in the area.

Staff recommends the Planning Commission continue the item to a date uncertain. As stated, staff suggests that the applicant operate a full service restaurant with sale of beer and wine for a period of six

CITY OF OAKLAND PLANNING COMMISSION



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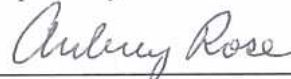
Case File: CM11-120
Applicant: Mr. Jose Ortiz
Address: 4345 International Boulevard
Zone: CC-2

months. After this period, staff would review the operation and return to the Planning Commission with a recommendation on the new Major Conditional Use Permit.

Alternately, the Planning Commission could direct staff to prepare findings for approval or denial and to return to an upcoming hearing for a decision on the current request.

RECOMMENDATION: 1. Continue the item to a date uncertain so that actual beer and wine sales can commence prior to decision on a new CUP.

Prepared by:



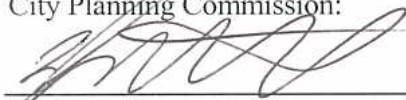
AUBREY ROSE, AICP
Planner II

Approved by:



SCOTT MILLER
Zoning Manager

Approved for forwarding to the
City Planning Commission:



ERIC ANGSTADT
Deputy Director
Community and Economic Development Agency