Oakland City Planning Commission STAFF REPORT

Case File Number CM10301 **February 2, 2011**

Location:	**211 Foothill Boulevard, Suite B**
Assessor's Parcel Number:	**020 -0180-001-00**
Proposal:	To allow an existing full-service restaurant ("Rockin' Crawfish") with an 11:00 pm closing time to serve beer and sake. The restaurant features a 620 square-foot dining room with a capacity of 65 persons and the 3-unit commercial site contains approx. 14 shared parking spaces.
	The Planning Commission heard this item on January 12, 2011 and continued it to this date certain to allow staff time to collect additional information
Applicant/Phone Number:	Mr. Kin Wong (510) 697-3888
Owner:	Wan K. Chow
Case File Number:	**CM10301**
Planning Permits Required:	Major Conditional Use Permit with additional findings to allow sale of alcoholic beverages at a full-service restaurant located on a restricted street (OMC Sec. 17.38.040(C), 17.38.070, 17.102.210(B)(2), 17.134.020(A)(2)(a)(viii))
General Plan:	Urban Residential
Zoning:	C-20 Shopping Center Commercial Zone
Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities (operation of existing private facilities); Section 15183 of the State CEQA Guidelines: Projects Consistent with a Community Plan, General Plan, or Zoning
Historic Status:	Non-Historic Property; Survey rating: Fd3 (post-1945 or modernized, potentially minor importance)
Service Delivery District:	III
City Council District:	2 – Kernighan
Date Filed:	November 19, 2010
Action to be Taken:	Approve with conditions
Finality of Decision:	*Appealable to City Council within 10 days*
For Further Information:	Contact case planner **Aubrey Rose** at **(510) 238-2071** or arose@oaklandnet.com

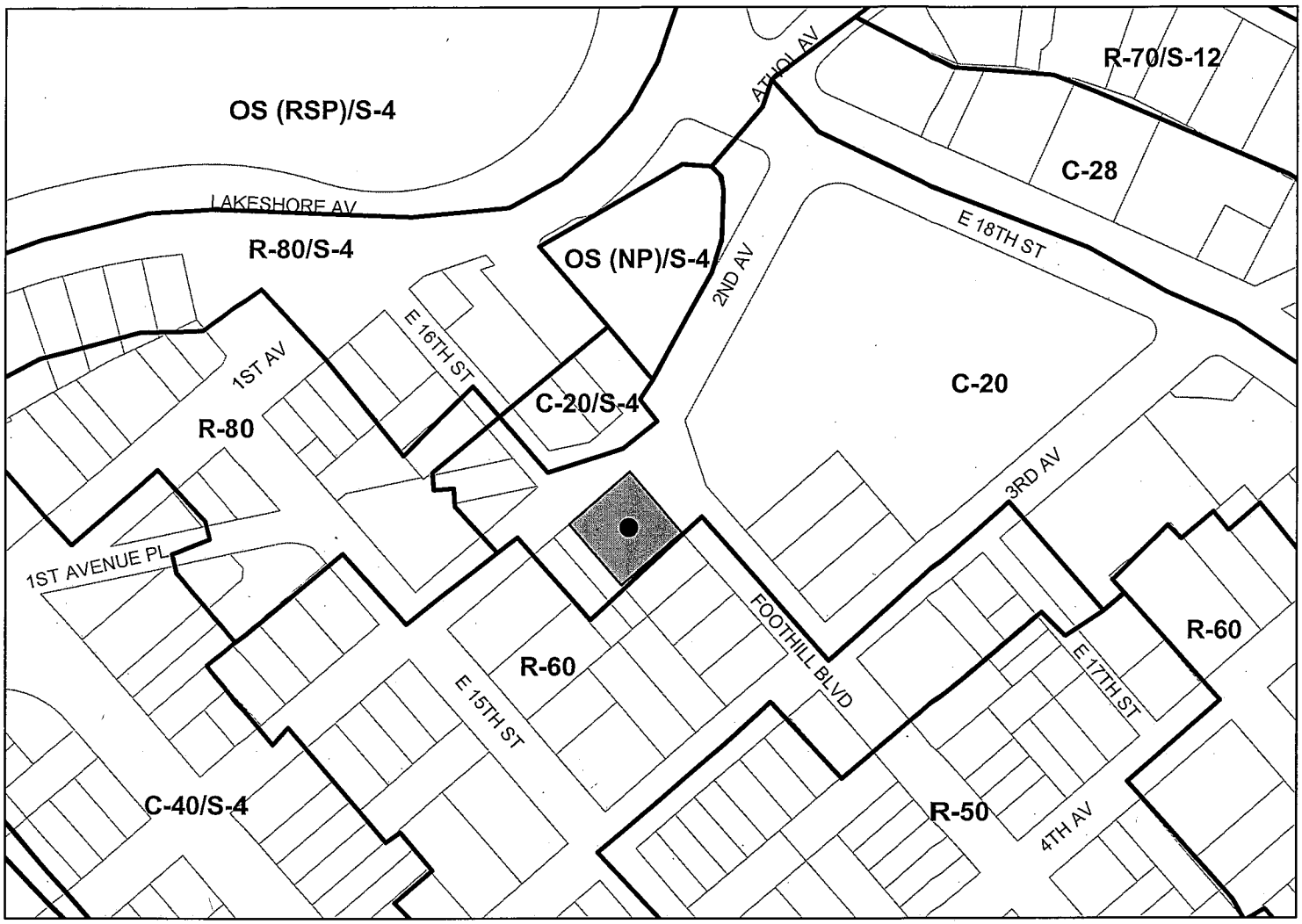
SUMMARY

The applicant Mr. Kin Wong on behalf of the property owner Wan K. Chow requests Planning Commission approval of one Major Conditional Use Permit with one set of additional findings to allow a full-service restaurant ("Rockin Crawfish' ") with an 11:00pm closing time to serve beer and sake. The proposal requires Planning Commission review because the request involves a restaurant serving alcoholic beverages on a restricted street (Foothill Boulevard), pursuant to OMC Sec. 17.102.210(B)(2).

The Planning Commission heard this item on January 12, 2011 and continued it to allow staff time to collect additional information. Staff has collected that information as described in this report.

Staff recommends approval of the requested permits, subject to the attached Findings for and Conditions of Approval.

CITY OF OAKLAND PLANNING COMMISSION



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Case File: CM10-301
Applicant: Kin Wong
Address: 211 Foothill Boulevard Suite B
Zone: C-20

PLANNING COMMISSION HEARING

The Planning Commission heard this item on January 12, 2011 and continued it to this date certain to allow staff time to collect additional information. At the hearing, the Planning Commission heard staff's presentation and public testimony provided by one neighbor, and asked questions of staff. The applicant was not present at the hearing. Staff's presentation including three additional draft Conditions of Approval not attached to the report. Those Conditions which have been added into attached draft Conditions involved the following requirements:

- Replace damaged slats on a chain-link trash enclosure for aesthetic purposes/reduction of visibility of contents
- Removal of an inactive phone booth located at the site
- Reduction of restaurant's deep fryer venting odor by changing oil, cleaning deep fryer, changing filters, and redirected rooftop venting equipment

Public testimony indicated that a problem with odor and grease exists at the trash enclosure and a letter was submitted (Attachment H). Additional issues raised by the Planning Commission (shown here with staff's responses subsequent to the hearing) consisted of the following:

- The applicant should be present at the hearing

The applicant (business owner) and business manager have agreed to attend the second hearing

- Confirmation of proper Alameda County Environmental Health Department approvals

The applicant has provided an ACEH permit good through May 10, 2011; it is attached to this report (Attachment I)

- Confirmation of proper Fire Department approvals

The Fire Department has indicated that the business has not had a fire inspection. The Department indicated that a restaurant business including a new proprietor in an existing restaurant space must have a satisfactory inspection every six months starting with the opening of the business. Draft conditions of approval have been amended to require a Fire Inspection within 30 days. The applicant has provided a receipt for a private fire service; it is attached to this report (Attachment J)

- Complete trash enclosure to conceal contents and odor

Staff has drafted a condition that the entire trash enclosure be replaced with a wooden enclosure that is attractive and a condition that should odors be detected at the trash enclosure in the future, the applicant must return to CEDA to develop mechanical revisions to the enclosure so that odor is not discernible at the nearest residential property.

- Comply with Conditions of Approval to the extent possible ahead of hearing

After the hearing the manager indicated to staff that in addition to not selling alcohol, the business has begun changing deep fryer oil daily. Apparently it is collected weekly by a private service and is not stored in the trash enclosure. Graffiti, litter, and obsolete signage on the northeast (left) side of the building have been removed. Staff clarified that the entire site and adjacent public right-of-way should be kept clean at all times effective immediately.

PROPERTY DESCRIPTION

The property is a corner lot located at the intersection of Foothill Boulevard and 2nd Avenue. The lot is square and measures 100-feet on each side. It contains a L-shaped commercial building constructed in 1958 facing a corner parking lot. The building contains an upper story on the east side, only, accessible from Foothill Blvd. The lower façade facing the parking lot contains extensive glazing. The parking lot contains approximately fourteen stalls with four dedicated stalls for the restaurant as well as one curb cut on each street frontage. The building's ground level contains the subject restaurant at the east side and a laundromat at the west (2nd Avenue) side. The upper floor is a separate suite utilized by the restaurant as an administrative office and previously contained a travel agency office. The restaurant features a 620 square-foot dining room with two exits and has a capacity of 65 persons. Two units contain business signage: the restaurant contains a cabinet sign with internal illumination and a mural above that with direct illumination and the laundromat contains a similarly-sized cabinet sign. There is some litter and graffiti at the site.

The surrounding area primarily contains mixed housing including senior housing as well as churches and commercial establishments. To the north toward Lake Merritt are a restaurant and City tennis courts; to the east toward East 18th Street are commercial establishments including the Merritt Restaurant & Bakery and Lucky store; to the west is International Boulevard which includes other restaurants and various establishments.

BACKGROUND

CEDA Code Compliance was contacted in 2010 regarding "trash and debris" at the complex. Inspection staff visited the site and noted the violation as well as sale of alcoholic beverages (beer and sake) at the restaurant. Zoning staff was notified and confirmed proper City Zoning approval had not been granted (Major Conditional Use Permit). Zoning staff verified the State of California Department of Alcoholic Beverages Control (ABC) issued the #41 license (all-ages restaurant with beer and wine) in approximately May of 2009. Staff communicated this to the ABC and discovered City staff had signed an ABC Zoning Affidavit indicating in error no Conditional Use Permit was required. The business owner was contacted and applied for a Conditional Use Permit. Staff informed the applicant that alcoholic beverages could not be sold until an approval was obtained to which the applicant agreed. Staff has not requested the ABC rescind its approval while an application is pending. The Department will attempt to eliminate the likelihood of a recurrence by limiting review of ABC Zoning Affidavits to two staff alcohol case planners. The Code Compliance case has since been abated and draft Conditions of Approval ensure the site would be kept free of litter, graffiti, odor, and loitering.

PROJECT DESCRIPTION

The proposal would provide for sale of beer and sake at a full-service restaurant that closes at 11:00 pm. The project would allow the establishment to utilize a #41 license from the ABC which is for beer and wine in conjunction with a restaurant where minors are allowed, but would only be used for beer and sake. The license

is an original as opposed to a transfer from within or outside of the City. Draft Conditions of Approval would regulate hours of operation, noise, and site maintenance.

GENERAL PLAN ANALYSIS

The project site is located in an Urban Residential area under the General Plan's Land Use & Transportation Element (LUTE). The Intent of this classification is: *"to create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise or high-rise residential structures in locations with good access to transportation and other services."* The proposal conforms as conditioned to this Intent and to the following Policy of the LUTE:

> Policy N5.2 Buffering Residential Areas.
> Residential areas should be buffered and reinforced from conflicting uses through the establishment of performance-based regulations, the removal of non-conforming uses, and other tools.

ZONING ANALYSIS

The project requires a Major Conditional Use Permit for the restaurant to serve beer and sake due to the fact that the property is located on Foothill Boulevard, a 'restricted street' under the Planning Code. Sale of alcoholic beverages is generally permitted by-right in full-service restaurants under the Planning Code, with the exception of certain restricted streets. These are specific commercial corridors deemed to possess potential for negative impacts when restaurants selling alcoholic beverages are present. Therefore, restaurants featuring sales of alcoholic beverages at these locations are regulated by a Conditional Use Permit with special findings. All Conditional Use Permit applications involving alcohol are Major cases requiring Planning Commission approval. Special findings for the Major Conditional Use Permit ensure that the sale of alcoholic beverages would not pose nuisances to surrounding commercial, residential, and civic uses. The project site is located within the C-20 Shopping Center Commercial Zone. The intent of the C-20 Zone is: *"to create, preserve, and enhance integrated centers devoted primarily to retail shopping within attractive surroundings, and is typically appropriate to locations near major thoroughfares within or near residential communities, especially in newly developed portions of the city."* The proposal conforms to this intent. Staff finds a restaurant that serves beer and sake to be appropriate for a shopping center area when regulated by conditions of approval.

Site appearance
The site contains trash and graffiti, especially at the property lines along Foothill Boulevard and 2nd Avenue. A neighbor has expressed concern regarding these conditions. Draft conditions of approval require the site and adjacent public right-of-way be kept free of trash and graffiti at all times to allow sale of beer and sake at the restaurant. Additionally, the trash enclosure shall be reconstructed with a more attractive design that better conceals contents and, if necessary, odor.

Performance standards
A neighbor has expressed concern regarding noise and odor from the existing restaurant. Apparently, noise is due to both patrons and mechanical equipment and odor is due to cooking (frying). Draft conditions of approval require measures to operate the deep fryer and handle spent cooking oil and to eliminate odor at the new trash enclosure previously described if necessary.

Signage
The business operator has installed signage: a reface in an existing cabinet with internal illumination (20' in width x 1' in height = 20 square-feet) and a mural above that with direct illumination (24' in width x 9'-6" in

height = 228 square-feet). As mentioned earlier in this report, the laundromat also has a similar cabinet sign (22' in width x 1' in height = 22 square-feet). The cabinet signs are legally nonconforming; this type of sign is no longer permitted. Under the Planning Code, the site is permitted 100 square-feet of aggregate signage area with a minimum of 20 square-feet per establishment, with Design Review. The site contains approximately 250 square-feet in aggregate signage and is not in compliance with the Planning Code. Site signage as currently configured is not eligible for a Master Signage Program (Conditional Use Permit) and the applicant will not pursue a Minor Variance for signage. Therefore, draft Conditions of Approval require the applicant remove a large mural above their restaurant space and the center would then be in compliance for signage.

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines categorically exempts specific types of projects from environmental review. Section 15301 of the State CEQA Guidelines exempts project involving *operation of existing private...facilities*. The proposal to serve beer and sake at a full-service restaurant located in a commercial district meets this description: the project would constitute operation of an existing private facility only. The project is therefore exempt from Environmental Review.

KEY ISSUES AND IMPACTS

The key issues identified with this application are the potential for nuisances at the site; namely, negative impacts generally associated with establishments engaging in sale of alcoholic beverages such as noise and blight. These impacts can be more severe when over-concentration exists.

Over-concentration

Sale of alcoholic beverages at a Full-Service Restaurant Commercial Activity is considered an Accessory Activity. As such, it is not considered *"alcohol beverage sales activities that require review or special findings for over-concentration."* Over-concentration consists of either a higher than median number of outlets within a Census Tract in comparison with the County or a crime rate in the Police Beat exceeding twenty-percent of the Citywide median for Police Beats. As a full service restaurant, the proposal is not subject to the 1,000-foot separation requirement between establishments located outside of downtown (OMC Sec. 17.102.210 (B)(2)). In addition, it is not subject to findings of Public Convenience or Necessity to approve the project. City Ordinance no. 75490 (adopted February 1, 2000), a 'no net increase' goal in the number of alcohol outlets, does not apply because full-service restaurants are exempted. Nevertheless, as a Major Conditional Use Permit is required for full-service restaurants serving alcoholic beverages on restricted streets (including Foothill Boulevard), it has been staff's practice to analyze these applications in terms of over-concentration of alcohol outlets and crime for informational purposes to assist the Commission in its decision-making process.

Alcohol outlets

The project site is located in Census Tract 4053 which is over-concentrated with alcohol licenses: nine total, seven on-sale (bars) and two off-sale (liquor stores) where the County median is 6 (according to the district ABC office's most recent data released to the City January 2009). The following table indicates alcohol establishments other than full-service restaurants located within 1,000-feet of the project site:

	Address (establishment)	Distance separation (approx.)	ABC license type (business description)
1.	247 E. 18th St. (Lucky)	470-feet	21 (general, off-sale)
2.	201 International Blvd. (Security Liquor Store)	645-feet	21 (general, off-sale)

3.	288 E. 18th St. (Baggy's By The Lake)	815-feet	48 (bar)
4.	338 E. 19th St. (Lakeside Lounge)	940-feet	48 (bar)
5.	350 E. 18th St. (Carriage Trade Liquors)	960-feet	21 (general, off-sale)
6.	502 Foothill Blvd. (Jax Liquor)	995-feet	21 (general, off-sale)

The table indicates six active establishments: four off-sale establishments (stores) and two on-sale establishments (bars). Additionally, Walgreen's located at 1748 3rd Avenue will reactivate their general off-sale license in the near future to utilize their Conditional Use Permit. There is at least one restaurant located within 1,000-feet of the site selling alcoholic beverages (Pho Anh Dao at 280 E. 18th St.). Draft Conditions of Approval for this application attached to this report (Attachment B) require the establishment operate as a full-service restaurant, as defined in the Planning Code. Only sale of beer and sake has been requested; should the proprietor desire to additionally sell distilled spirits in the future, and/or other activities, a revision to amend the Conditional Use Permit would need to be approved, in addition to proper ABC authorization.

Crime

Police Beat 19X is over-concentrated for crime: 1,386 crimes were reported where 968.4 is 20-percent greater than the Citywide median (according to the Police Department's data compiled for calendar year 2009). The Police Department's statistics indicates 76 crimes were reported within 1,000-feet of the subject property in 90 days ending December 14, 2010. (Attachment E – OPD Area Crime Statistics) There is no indication that any of these crimes were associated with the subject establishment, and none involved alcohol. Furthermore, only five crimes were reported within 500-feet of the site in the last 30 days of this period, but not at or adjacent to the site and none involving alcohol. Area restaurants are not known by staff to be a contributing factor and it is not expected that the establishment would contribute to crime if maintained as a full-service restaurant, as requested and conditioned.

Staff finds sale of beer and sake at an existing full-service restaurant would not detract from the district, and would not pose nuisances to adjacent residential neighbors when regulated by Conditions of Approval including regulations on hours of operation, noise, odor, litter clean-up, and graffiti removal. Additionally, the applicant has voluntarily agreed to conditions requiring adherence to Deemed Approved Alcoholic Beverage Sale Regulations (OMC Sec. 17.156) and applicable ABC regulations. Finally, the Police Department's Alcoholic Beverages Action Team (ABAT) has been informed of the application and has not expressed concern regarding the proposal.

In conclusions, staff recommends approval of the request.

RECOMMENDATIONS:

1. Affirm staff's environmental determination.
2. Approve the Major Conditional Use Permit subject to the attached findings, additional findings, and conditions.

Prepared by:

Aubrey Rose

AUBREY ROSE
Planner II

Approved by:

Scott Miller

SCOTT MILLER
Zoning Manager
Community and Economic Development Agency

Approved for forwarding to the
City Planning Commission:

Scott Miller for

ERIC ANGSTADT
Deputy Director
Community and Economic Development Agency

ATTACHMENTS:

A. Findings for Approval
B. Conditions of Approval
C. Plans
D. Site/area photographs
E. OPD Area Crime Statistics (Map & Table)
F. Restaurant Menu
G. ABC summary
H. Letter from Bridget Galka and Matthew Chilcott (1532 2nd Avenue) dated January 11, 2010
I. Alameda County Environmental Health Department permit
J. Private fire service work receipt

Attachment A: Findings for Approval

This proposal meets the required findings under General Use Permit Criteria (OMC Sec. 17.134.050) and Use Permit Criteria for Establishments Selling Alcoholic Beverages (OMC Sec. 17.102.210(A)), as set forth below. 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 proposal will provide for sale of beer and sake at a full-service restaurant that closes at 11:00 pm. The restaurant features a 620 square-foot dining room. The project will allow the establishment to utilize a #41 license from the ABC, which is for beer and wine in conjunction with a restaurant where minors are allowed. The project site is located within the C-20 Shopping Center Commercial Zone. The intent of the C-20 Zone is: *"to create, preserve, and enhance integrated centers devoted primarily to retail shopping within attractive surroundings, and is typically appropriate to locations near major thoroughfares within or near residential communities, especially in newly developed portions of the city."* The proposal conforms to this intent. Conditions of Approval will regulate hours of operation, noise, odor, and site maintenance.

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 lot contains four dedicated parking spaces for the restaurant. On-street parking is also available and the location is served by AC Transit bus lines and is adjacent to a residential area with several apartment complexes.

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 district contains various food establishments featuring different types of cuisines.

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

The project as conditioned is not subject to Design Review and this finding is therefore inapplicable.

E. That the proposal conforms in all significant respects with the Oakland Comprehensive Plan and with any other applicable plan or development control map which has been adopted by the City Council.

The project site is located in an Urban Residential area under the General Plan's Land Use & Transportation Element (LUTE). The Intent of this classification is: *"to create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise or high-rise residential structures in locations with good access to transportation and other services."* The proposal conforms as conditioned to this Intent and to the following Policy of the LUTE:

> Policy N5.2 Buffering Residential Areas.
> Residential areas should be buffered and reinforced from conflicting uses through the establishment of performance-based regulations, the removal of non-conforming uses, and other tools.

SECTION 17.102.210(A) – USE PERMIT CRITERIA FOR ESTABLISHMENTS SELLING ALCOHOLIC BEVERAGES:

1. That the proposal will not contribute to undue proliferation of such uses in an 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;

A full-service restaurant with beer and wine, as conditioned, will not detract from the district, and will not pose nuisances to adjacent residential neighbors when regulated by Conditions of Approval including regulations on hours of operation, noise, odor, litter clean-up, and graffiti removal. Additionally, the applicant has voluntarily agreed to conditions requiring adherence to Deemed Approved Alcoholic Beverage Sale Regulations (OMC Sec. 17.156) and applicable ABC regulations. Finally, the Police Department's Alcoholic Beverages Action Team (ABAT) has been informed of the application and has not expressed concern regarding the proposal.

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

The site is not directly adjacent to any sensitive civic land uses.

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

The project site is an existing, developed center in an urban area and the enhanced activity is not expected to appreciably increase vehicular traffic entering and exiting the parking lot.

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 project does not involve changes to the existing center.

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

The project involves the removal of one oversized sign and no changes to the parking lot.

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

This finding is alternately met by a Condition of Approval requirement litter removal from the premises and adjacent public right-of-way.

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 p.m. and seven a.m. The same criteria shall apply to all conditional use permits required by subsection B of this section for sale of alcoholic beverages at full-service restaurants.

The full-service restaurant serving beer and sake is located relatively close to residences and will close at 11:00 pm; noise will be governed by the Noise Ordinance (OMC Sec. 17.120.050) and verified complaints will result in application of conditions further restricting the activity or consideration of revocation.

8. That proposals for new Fast-Food Restaurants must substantially comply with the provisions of the Oakland City Planning Commission "Fast-Food Restaurant--Guidelines for Development and Evaluation" (OCPD 100-18).

This finding is not applicable; the proposal does not involve a Fast-Food Restaurant.

Attachment B: Conditions of Approval

1. **Approved Use**
   Ongoing
   a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials, staff report, and the plans submitted on **August 2, 2010** 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 approvals set forth below. This Approval includes:
   i) 1 Major Conditional Use Permit with one set of additional findings to allow an existing full-service restaurant to serve alcoholic beverages (beer and sake only) on Foothill Boulevard, a restricted street

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 for construction or alteration have been issued, or the 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 necessary 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 laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshal, and the City's Public Works Agency. Compliance with other applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition of Approval 3.

   b) The applicant shall submit approved building plans for project-specific needs related to fire protection to the Fire Services Division for review and approval, 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 of Oakland 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, stop work, permit suspension 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, notarized, and submitted with each set of permit plans to the appropriate City agency 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 its respective agents, officers, and employees (hereafter collectively called City) from any liability, damages, claim, judgment, loss (direct or indirect)action, causes of action, or proceeding (including legal costs, attorneys' 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 City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.

b) Within ten (10) calendar days of the filing of any Action as specified in subsection A above, the applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Letter of Agreement shall survive termination, extinguishment or invalidation of the approval. Failure to timely execute the Letter Agreement does not relieve the applicant of any of the obligations contained in this condition or other requirements or 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 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 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 stamped approved plans, along with the Approval Letter and Conditions of Approval, shall be available for review at the job site at all times.

SPECIFIC CONDITIONS FOR PROJECTS INVOLVING SALE OF ALCOHOLIC BEVERAGES

11. **Maintenance of Full-Service Restaurant**
    Ongoing
    The establishment must operate as a full-service restaurant to sell alcohol as defined as follows:

A) Planning Code Definition
"Full-service restaurant" means a place which is regularly and in a bona fide manner used and kept open for the serving of at least lunch and dinner to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for such meals. The sale or service of sandwiches (whether prepared in a kitchen or made elsewhere and heated up on the premises) or snack foods shall not constitute a full-service restaurant.

B) Planning Code Use Classification
17.10.272 - Full service restaurant commercial activities.
Restaurants providing food or beverage services to patrons who order and are served while seated (table service), and pay after eating. Only a minor proportion, if any, of the food is sold for consumption off-premises. These restaurants have kitchens that contain equipment suitable for cooking an assortment of foods. Also, see 17.102.180 and 17.156.070 for definitions of a full-service restaurant in relation to Alcoholic Beverage Sales. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

C) Planning Code Deemed Approved establishment definition
1. A "full service restaurant" shall serve "meals" to guests at all times the establishment is open for business. An establishment shall not be considered a "full-service restaurant" if it served alcohol without "meal" service being provided with the exception that alcohol sales to restaurant patrons may continue for up to two hours after meal service has ceased to allow guests to comfortably complete their meals.

2. There shall be a real offer or holding out to sell "meals." Premises shall make an offer or holding out of sales of "meals" to the public by maintaining and displaying a printed menu and/or a menu board. A two-thirds majority of the items offered on the menu shall be available at any given time the establishment is open. The mere offering of "meals" without actual sales shall not be deemed sufficient.

3. The "offer" of "meals" is not adequate to meet the above criteria. A "full service restaurant" shall make actual and substantial sales of "meals" to guests for compensation. Substantial sales shall mean that no less than sixty (60) percent of total revenue shall be generated from food service and no more than forty (40) percent of revenue from the sales of alcohol.

4. "Meals" means the usual assortment of foods commonly ordered at various times of the day for the cuisine served. The service of snack foods and/or appetizers alone shall not be deemed compliance with this requirement. "Meals" shall be prepared on the premises. Heating of food prepared elsewhere shall not constitute a meal for the purposes of this policy.

5. Premises shall be equipped for meal service and maintained in good faith. Premises must possess and maintain appliances for the cooking of a variety of foods such as stoves, ovens, broilers, or other devices, as well as pots, pans, or containers that can be used for cooking. Premises shall possess the necessary utensils, table service, and condiment dispensers with which to serve "meals" to the public.

6. A full service restaurant shall comply with all local health department standards.

7. A full service restaurant may have a separate lounge or bar area provided that the restaurant and bar/lounge area operate as a single entity. The physical layout, entry location(s), spatial connection between the areas, and operational characteristics, among other factors, shall be used to determine compliance. Any bar/lounge area cannot remain open when the dining area is closed. However, the dining area may be open while the bar/lounge area is closed.

8. To the extent that ABC regulations do not conflict with the above criteria, a full service restaurant shall comply with all State Department of Alcoholic Beverage Control regulations related to "Bona fide public eating place, meals."

12. <u>Sale of Alcoholic Beverages</u>
Ongoing

a. Location and manner of alcohol consumption
Alcohol sale is on-sale, for on-site consumption only, and is intended to be served with meals.

b. Types of Alcohol Permitted
Beer and sake only may be sold. Should the proprietor desire sale of distilled spirits, an application must be submitted to and approved by the Planning & Zoning Division.

c. Additional Permits Required
Necessary ABC permits must be obtained prior to commencement of activity.

d. Hours of Alcohol Sale
The proprietor voluntarily agrees to limit hours of alcohol sales to no later than 11:00pm.

e. Nuisances
Crime, litter, noise, or disorderliness conduct associated with alcohol sales at the establishment will result in a revocation of the Major Conditional Use Permit or a review to revoke.

13. <u>Inclusion of conditions in State Department of Alcoholic Beverage Control license</u>
Prior to signing of State Department of Alcoholic Beverage Control zoning affidavit

The applicant shall submit a letter to staff signed by the applicant addressed to the State Department of Alcoholic Beverage Control stipulating that they wish to include conditions of their ABC license to conform to all of the conditions and requirements in this approval. The letter shall request the ABC restrict its license to only those uses allowed under City permits. The Oakland Planning Commission may, after notice and hearing, revoke this Conditional Use Permit if the Applicant fails to include the above conditions in the ABC license.

14. **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.

15. **Compliance with City of Oakland special regulations for Alcoholic Beverage Sales Commercial Activities**
Ongoing

a. **Signage**
Within 30 days of the date of decision, 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 bar. The "No Open Container" signs are available from the cashier located on the second floor of 250 Frank H. Ogawa Plaza.

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

c. **Pay Phones**
No new pay phones are permitted outside the building.

d. **Loitering**
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 loiters 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.

e. **Securing Site**
Applicant shall conform to Ordinance 12390 related to securing sites after hours to discourage loitering and crime in parking lots.

f. **Deemed Approved Alcoholic Beverage Sale Regulations**
The applicant and proprietor voluntarily agree to conform to the Oakland Planning Code Deemed Approved Alcoholic Beverage Sale Regulations (OMC Sec. 17.156).

16. **Trash and litter**
    Ongoing
    The licensees/property owners shall clear the gutter and sidewalks along Foothill Boulevard plus twenty feet beyond the property lines along this street of litter twice daily or as needed to control litter. In addition to the requirements of B&P Section 25612.5, (sweep or mechanically clean weekly) the licensee shall clean the sidewalk with steam or equivalent measures once per month.

PROJECT SPECIFIC CONDITIONS

17. **Signage**
    Prior to commencing sale of alcoholic beverages
    A nonconforming mural sign and related illumination located above the restaurant establishment (Suite B) shall be removed.

18. **Immediate removal of trash and graffiti**
    Prior to commencing sale of alcoholic beverages
    Trash and graffiti at the site must be removed prior to any sale of alcoholic beverages – this requirement affects the entire site and refers in particular to trash located in a landscaped area on the north side of the site facing Foothill Boulevard and graffiti located on the north side of the building facing Foothill Boulevard – the site must be maintained free of trash and graffiti as stipulated by Conditions of Approval #15b and 16.

19. **Performance standards**
    Ongoing
    The establishment shall adhere to performance standards for noise, odor, and all environmental effects of the restaurant activity as regulated under OMC Chapter 17.120.

20. **Trash enclosure**
    Within 30 days of approval
    The site trash enclosure shall be rebuilt with a solid wood enclosure with a decorate top edge and maintained so that receptacles are not readily visible and odors are not discernible at the nearest adjacent residential property. Trash shall be double-bagged. Spent frying oil shall not be stored in the enclosure. Absorbent products shall not be applied to the enclosure floor. The applicant shall present a design to the Planning & Zoning Department for approval and proceed to apply for a Building Permit. The design shall not include gates that must encroach upon the public right-of-way during utilization.

21. **Phone booth**
    Within 30 days of approval
    The inactive phone booth located on site shall be removed.

22. **Restaurant odor**
    Within 30 days of approval
    The restaurants deep fryer shall be improved and maintained as follows:
    (a) Frying oil shall be replaced daily and written records shall be kept for a minimum period of 6 months and made available to city staff upon request.
    (b) Spent frying oil shall be collected by a private service weekly and shall not be stored in the trash enclosure between removal and collection.
    (c) The deep fryer shall be cleaned at regular and recommended intervals and written records shall be kept for a minimum period of 6 months and made available to city staff upon request.

(d) Deep fryer ventilation filters shall be replaced with new filters and cleaned at regular and recommended intervals.
(e) The rooftop vent shall be extended at a forty-five degree angle toward the site parking lot.

23. **Fire inspection**
Within 30 days of approval and prior to sale of alcoholic beverages
The applicant shall request an inspection from the Fire Department (510-238-3851x1). A Fire inspection is required every six months for all restaurants.

24. **Screening**
Within 30 days of approval and prior to sale of alcoholic beverages
Glass doors located on the building's northeast (left) side facing Foothill Boulevard shall be fully screened.

25. **Bulky waste**
Within 30 days of approval and prior to sale of alcoholic beverages
Dispose of bulky waste items located behind gate on northeast (left) side of building facing Foothill Boulevard.

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

INTERIOR FINISH SCHEDULE

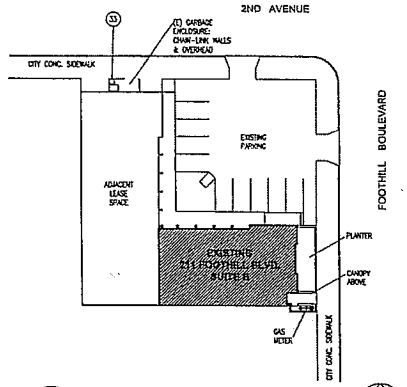
SEE SPECS ON THIS SHEET

ROOM	FLOOR		BASE		WALLS		CEILING		CABINETRY		REMARKS
	MATERIAL	FINISH	MATERIAL	FINISH	MATERIAL	FINISH	MATERIAL	FINISH	MATERIAL	TOP	
SITTING AREA	(E) SMOOTH CONC.	INT. COLOR & SEALED	4" HIGH COVED BASE		5/8" GYP. BD.	STOMTROWL WD. SCRNS & BRICK VENEER	2'x4' SUSPENDED T-BAR CEILING W/COLUM-HALE & WWC-HALE TILE	PAINTED; FLAT LATEX			
HALLWAY	(E) SMOOTH CONC.	INT. COLOR & SEALED	4" HIGH COVED BASE		5/8" GYP. BD.	SMOOTH FIN/FLAT	5/8" GYP. BD.	PAINTED; FLAT LATEX			
WOMEN TOILET ROOM	6" SQUARE QUARRY TILE	–	6" QUARRY TILE COVED BASE		5/8" GYP. BD.	4'-0" F.R.P. WAINSCOT; SATIN LATEX ABOVE	WD. PANELS				4'-0" HIGH F.R.P. WAINSCOT, SEE SPECS. ON FOOD SERVICE PLAN
MEN TOILET ROOM	6" SQUARE QUARRY TILE	–	6" QUARRY TILE COVED BASE		5/8" GYP. BD.	4'-0" F.R.P. WAINSCOT; SATIN LATEX ABOVE	WD. PANELS				4'-0" HIGH F.R.P. WAINSCOT, SEE SPECS. ON FOOD SERVICE PLAN
DRY STORAGE	(E) 12" SQ. TILE	–	(N) 6" QUARRY TILE COVED BASE		5/8" GYP. BD.	SMOOTH FIN/SATIN LATEX	5/8" GYP. BD.	PAINTED; FLAT LATEX			
JANITOR CLOSET	6" SQUARE QUARRY TILE	–	6" QUARRY TILE COVED BASE		5/8" GYP. BD.	SMOOTH FIN/FLAT	5/8" GYP. BD.	PAINTED; FLAT LATEX			
SERVICE AREA	6" SQUARE QUARRY TILE	–	6" QUARRY TILE COVED BASE		5/8" TYP-X GYP. BD.	8'-0" F.R.P. WAINSCOT; NO. SCRNS ABOVE	5/8" TYP-X GYP. BD.	PAINTED; FLAT LATEX	WD.	GRANITE	8'-0" HIGH F.R.P WAINSCOT SEE INTERIOR ELEVATIONS
FOOD PREP	6" SQUARE QUARRY TILE	–	6" QUARRY TILE COVED BASE		5/8" TYP-X GYP. BD.	8'-0" F.R.P. WAINSCOT; SATIN LATEX ABOVE	2'x4' SUSPENDED T-BAR CEILING W/COLUM-HALE & WWC-HALE TILE		ST. STEEL	ST. STEEL	8'-0" HIGH F.R.P WAINSCOT SEE INTERIOR ELEVATIONS
UTILITY ROOM	6" SQUARE QUARRY TILE	–	6" QUARRY TILE COVED BASE		5/8" TYP-X GYP. BD.	SMOOTH FIN/FLAT	5/8" GYP. BD.	PAINTED; FLAT LATEX			

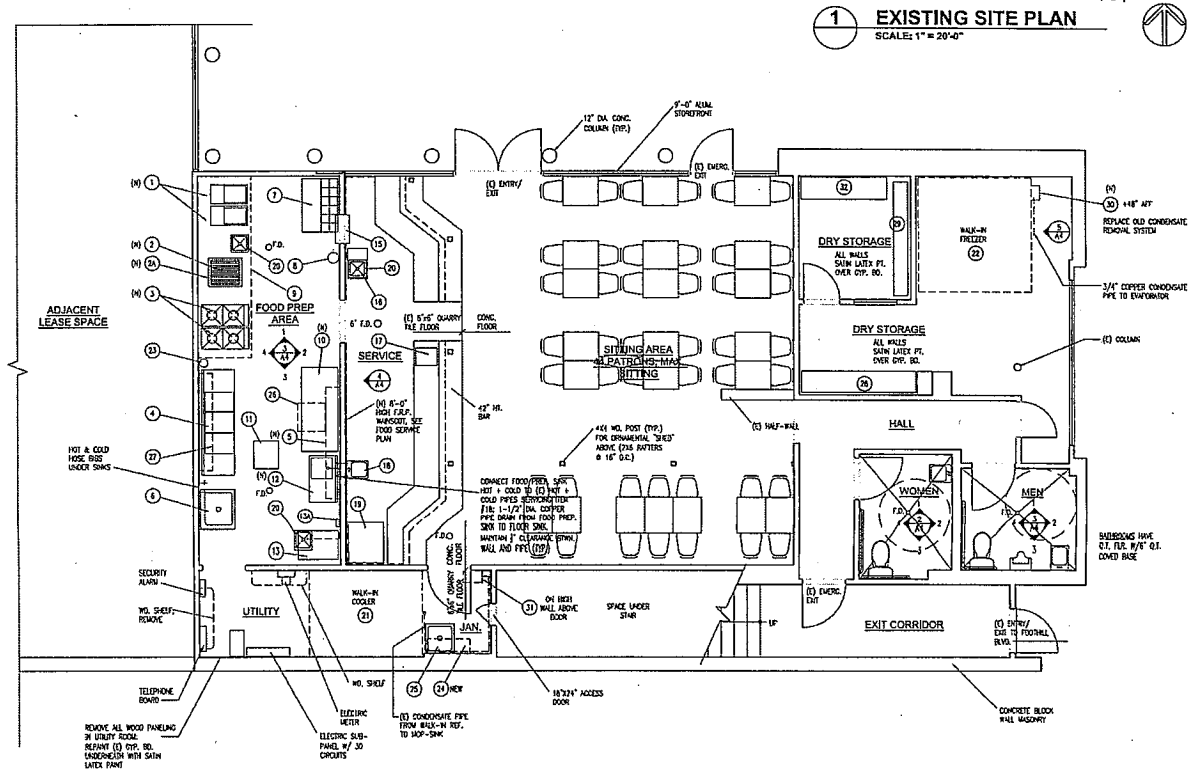
FOOD SERVICE EQUIPMENT LIST

SEE FOOD SERVICE PLAN, SHEET A3, FOR COMPLETE FOOD SERVICE SPECIFICATIONS AND UTILITY REQUIREMENTS

ITEM NO.	DESCRIPTION	QUAN.
1	FRYER (N)	2
2	SINGLE GRILL (N)	1
2A	S.S. TABLE FOR GRILL (N)	1
3	DOUBLE POT STOVE (N)	2
4	S.S. 3 COMPARTMENT DISH SINK (N)	1
5	S.S. SHELF (N)	1
6	S.S. SINGLE BASIN HAND-SINK & SOAP DISPENSER (E)	1
7	S.S. REFRIG. FOOD PREP TABLE (E)	1
8	SODA DISPENSER CARB. DIOXIDE TANK (E)	1
9	S.S. TYPE I EXHAUST HOOD ABOVE (E)	1
10	S.S. CHEF TABLE w/ 1 SHELF BELOW (E)	1
11	GREASE TRAP (E)	1
12	S.S. FOOD PREP SINK (N)	1
13	S.S. ICE MAKER (E)	1
13A	WATER FILTER FOR ICE-MAKER (E)	1
14	EMPLOYEE MTL. LOCKERS (E)	1
15	PASS-THROUGH WALL OPENING (E)	1
16	SODA DISPENSER (E)	1
17	POINT OF SALE REGISTER (P.O.S)	1
18	HAND SINK w/ TOWEL & SOAP DISP. (E)	1
19	BEVERAGE REFRIGERATOR CASE (E)	1
20	FLOOR SINK (E)	2
21	WALK-IN REFRIGERATOR (E)	1
22	WALK-IN FREEZER (E)	1
23	FIRE EXTINGUISHING SYSTEM (E)	1
24	S.S. SHELF (N)	1
25	MOP SINK (E)	1
26	MAKE-UP AIR UNIT (E)	1
27	S.S. POT/PAN SHELF	1
28	S.S. WIRE SHELVING FREE-STANDING (N)	1
29	S.S. WIRE SHELVING FREE STANDING (N)	1
30	CONDENSATE EVAPORATOR (N) +36"A.F.F.	1
31	NAT. GAS. TANKLESS WATER HTR. (N)	1
32	S.S. WIRE SHELVING FREE-STANDING (N)	1
33	GREASE STORAGE (ROLL-TOP TYPE)	1



1 EXISTING SITE PLAN
SCALE: 1" = 20'-0"



2 EXISTING FLOOR PLAN
SCALE: 1/4" = 1'-0"

ATTACHMENT C

robert nebolon
architect

Revisions	Date

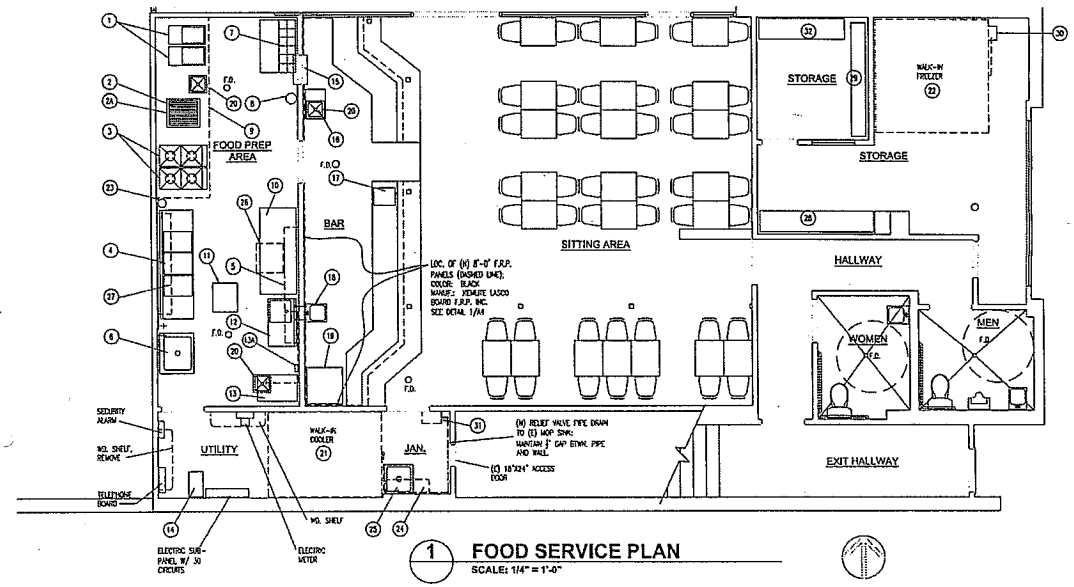
Preliminary Set	
Design Review Set	
Plan Check Set	
Permit Set	X
Construction Set	

ROCKIN' CRAWFISH
REMODELING
211 FOOTHILL BOULEVARD, SUITE B
OAKLAND, CA 94606

Date:	FEBRUARY 2, 2010
Scale:	AS NOTED
Drawn By:	RNCM
Job:	ROCKIN CRAWFISH
Sheet:	A2
of: 5	

FOOD SERVICE EQUIPMENT SCHEDULE

ITEM NO.	DESCRIPTION	QUAN.	MANUFACTURER	MODEL NO.	WATER COLD	WATER HOT	WASTE DIR.	WASTE INDIR.	PHASE	VOLT	LOAD KW	LOAD AMP	LOAD HP	BTUS	OVERALL DIMENSIONS	REMARKS
1	FRYER (N)	2	ROYAL RANGE / CA	RFT-50										114,000	16"W x 31"D x 35.75"H	6" x 1" SH. SPACER ON LINE
2	SINGLE GRILL (N)	1	STRATUS	SRB-24-CRB										15,000	24"W x 28"D x 18"H	ON S.S. TABLE
2A	S.S. TABLE FOR GRILL (N)	1	TURBO AIR INC.	TSE-2824											24"W x 28"D x 16"H	
3	DOUBLE POT STOVE (N)	2	STRATUS	SSP-18										90,000	18" Wx 40"Dx 24"H	
4	S.S. 3 COMPARTMENT DISH SINK (N)	1			1/2"	1/2"	1.5"								30"D x 102"W x 35"H	
5	S.S. SHELF (N)	1													12"D x 96"W	WALL MOUNTED
6	S.S. SINGLE BASIN HAND-SINK & SOAP DISPENSER (E)	1			1/2"	1/2"	1.5"								34"W x 29"D x 35"H	1/2" REF. S.S. SPLASH GUARD ON REAR SIDE
7	S.S. REFRIG. FOOD PREP TABLE (E)	1	McCALL	RP-10-12EN						115		8			45"W x 30"D x 36"H	NSF APPROVED, MIN. CHRG. CAPACITY TYP., INSTALL CHARGE
8	SODA DISPENSER CARB. DIOXIDE TANK (E)	1														
9	S.S. TYPE I EXHAUST HOOD ABOVE (E)	1													45"D x 153"W x 84"HT AFF	
10	S.S. CHEF TABLE w/ 1 SHELF BELOW (E)	1													30"D x 72"W x 36"H	
11	GREASE TRAP (E)	1													24" x 21" x 24"D	
12	S.S. FOOD PREP SINK (N)	1	CALIF. COOKING	TSA-1-12-R1	1/2"	1/2"		1.5"							24"D x 40"W x 44"H	SINK WITH FLOOR-LOCK DRAIN BOWL OR ROPE SINK
13	S.S. ICE MAKER (E)	1	SCOTSMAN	B3225	1/4"					115		7.8			22"W x 34"D	3 IN DIA. x 4 IN DRAIN, DRAIN INTO (E) FOOD PREP. FLOOR SINK
13A	WATER FILTER FOR ICE-MAKER (E)	1	ICE-O-MATIC	IOMQ	1/4"											NSF APPROVED
14	EMPLOYEE MTL. LOCKERS (E)	1													12"W x 20"D x 72"H	
15	PASS-THROUGH WALL OPENING (E)	1														
16	SODA DISPENSER (E)	1	IMI CORNELIUS	CB 1522AHK6	1/4"					115		12			26"W x 17"D	NSF APPROVED
17	POINT OF SALE REGISTER (P.O.S)	1														
18	HAND SINK w/ TOWEL & SOAP DISP. (E)	1	TURBO AIR INC.	TSS-1-H	1/2"	1/2"	1.5"									NSF APPROVED, CONSUMER + DRAIN TO (E) FLOOR SINK
19	BEVERAGE REFRIGERATOR CASE (E)	1	TRUE MANUFACT.	6DM-26						115		7.5	1/5		30"D x 30"W x 72"H	NSF APPROVED, GRADE 'A' PR'D MILK, METAL CASING
20	FLOOR SINK (E)	2													24"D x 24"W (JAN. MOP SINK) & 12"D x 12"W (2 IN FOOD PREP.)	
21	WALK-IN REFRIGERATOR (E)	1	KOLPAK	ADT 052AJ						115		2.36	1/15		96"D x 72"W x 72"H	MIN. CHRG. CAPACITY TYP., HELPING TEMPERATURE AND HUMIDITY, CONTINUOUS MFG DISCHARGE PUMP, SEE NOTE 2/A
22	WALK-IN FREEZER (E)	1	ICE KOLD	COOL MFR. SOL.											96"D x 96"W x 72"H	
23	FIRE EXTINGUISHING SYSTEM (E)	1	PYRO-CHEM	PCL 275												
24	S.S. SHELF (N)	1													12"D x 36"W (N)	WALL MOUNTED ABOVE (E) MOP SINK, SINK WALL
25	MOP SINK (E)	1			1/2"	1/2"	1.5"								24"D x 24"W	ON FLOOR
26	MAKE-UP AIR UNIT (E)	1														SPECIALIST'S WITH NOTE
27	S.S. POT/PAN SHELF	1	METRO												15"D x 96"W (N)	WALL-MOUNTED
28	S.S. WIRE SHELVING FREE-STANDING (N)	1	METRO												18"D x 96"W x 72"H; (N)	1/2"FT FLOOR CLEARANCE
29	S.S. WIRE SHELVING FREE STANDING (N)	1	METRO												12"D x 96"W x 72"H; (N)	1/2 FOOT FLOOR CLEARANCE
30	CONDENSATE EVAPORATOR (N) +36"A.F.F.	1	FRANKLIN MACHINE PRODUCTS	12H-1080						120	.40					1/2" AFF., WALL 2 OR WALL OR FLT. SIM. SEE, AS REQ'D.
31	NAT. GAS. TANKLESS WATER HTR. (N)	1	TAKAGI	FLASH T-H1	3/4"	3/4"								199,000 MAX	29"H x 18"W x 12"D; (N)	WALL-MOUNTED, DIRECT VENT, 2" GAS SUPPLY
32	S.S. WIRE SHELVING FREE-STANDING (N)	1	METRO												18"D x 72"W x 72"H; (N)	1/2"FT FLOOR CLEARANCE
33	GREASE STORAGE (ROLL-TOP TYPE)	1	PIG	DRM828-WOD												SINGLE DRUM 75 GAL. CAP., NO DRAIN



1 FOOD SERVICE PLAN
SCALE: 1/4" = 1'-0"

robert nehelen
architect

Revisions	Date

Preliminary Set	
Design Review Set	
Plan Check Set	
Permit Set	X
Construction Set	

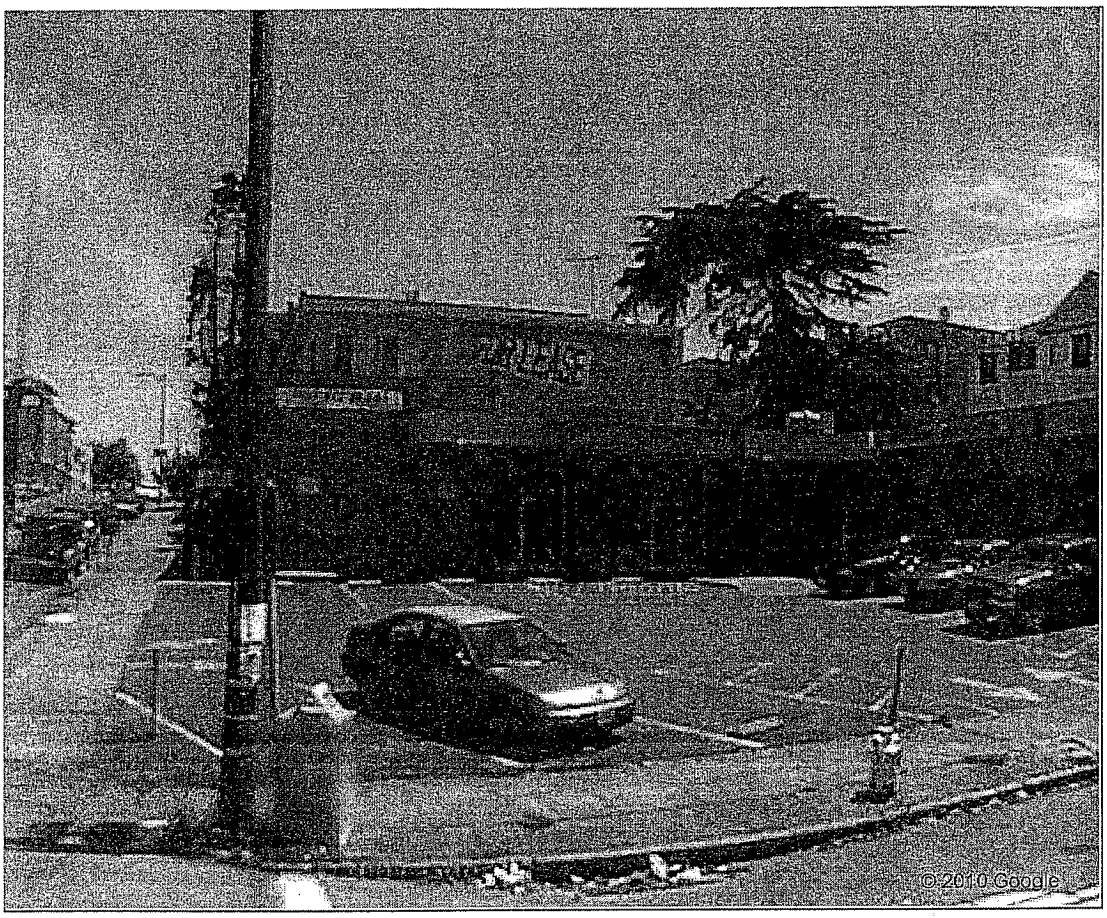
ROCKIN' CRAWFISH
REMODELING
211 FOOTHILL BOULEVARD, SUITE B
OAKLAND, CA 94606

Date:	FEBRUARY 2, 2010
Scale:	AS NOTED
Drawn By:	RN/CM
Job:	ROCKIN CRAWFISH
Sheet:	A3
of: 5	

Google maps

Get Google Maps on your phone
Text the word "GMAPS" to 466453

A. **Foothill** Wash House
211 Foothill Boulevard, Oakland, CA -
(510) 763-6661
1 review



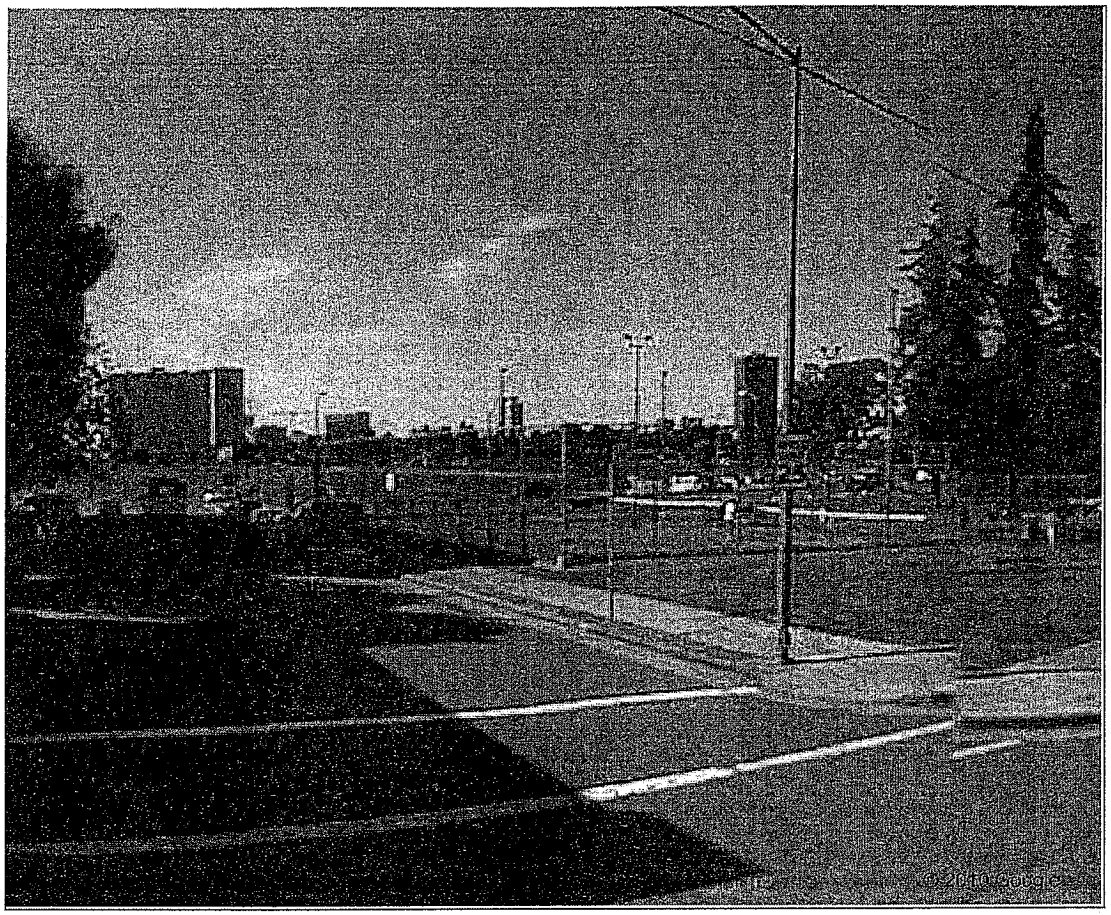
ATTACHMENT D

Google maps

Address **2nd Avenue / Foothill Boulevard**

Address is approximate

Save trees. Go green!
Download Google Maps on your phone at **google.com/gmm**



Google maps

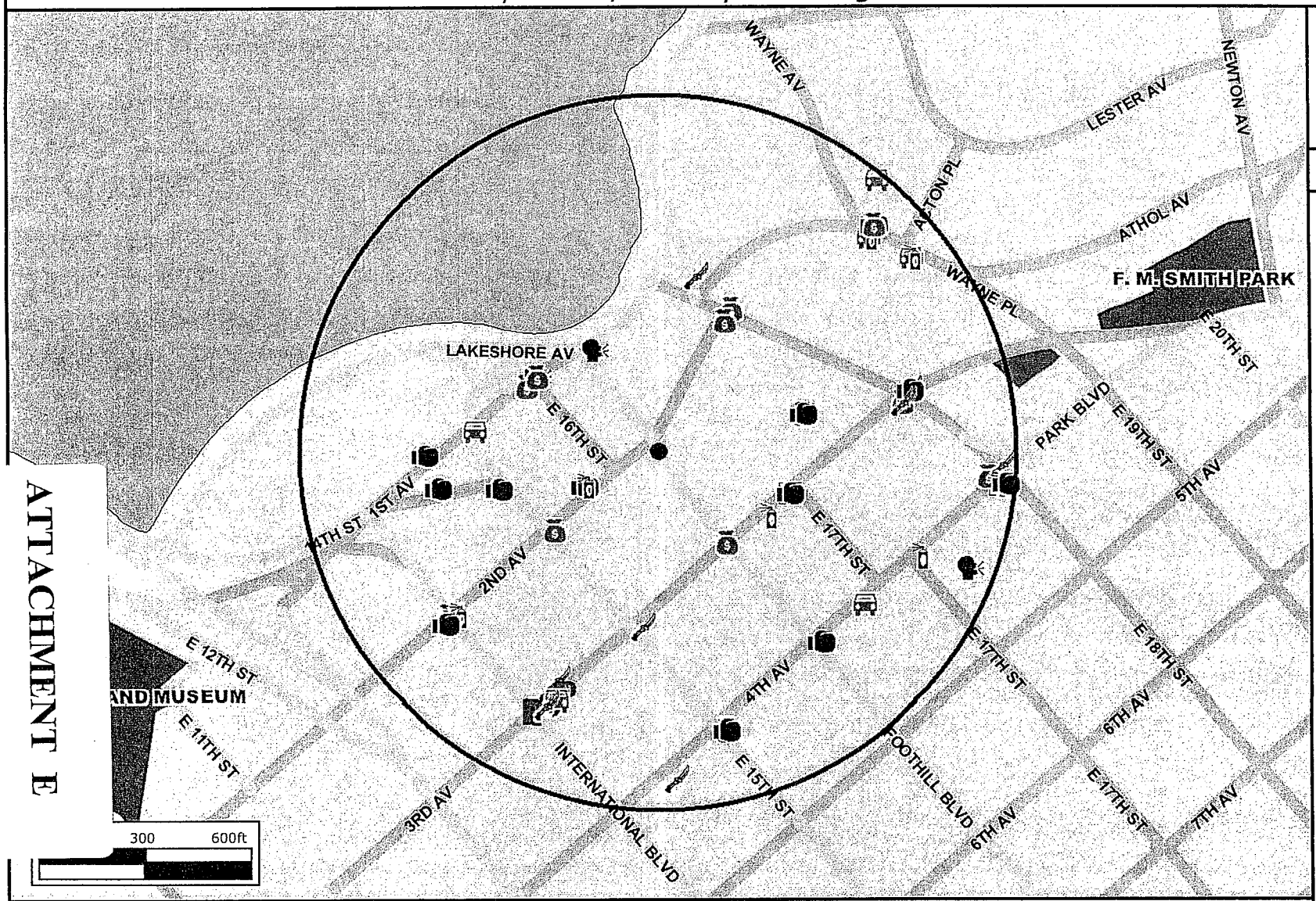
Address **2nd Avenue / Foothill Boulevard**

Address is approximate

Save trees. Go green!
Download Google Maps on your phone at **google.com/gmm**

211 Foothill Blvd

1,000-ft/90-days ending 12-14-10



Legend

Incidents
- Aggravated Assault
- Simple Assault
- Burglary
- Disturbing the Peace
- Narcotics
- Prostitution
- Robbery
- Theft
- Vandalism
- Vehicle Theft
- Freeways
- Major City Streets

Streets
- City Streets
- Water
- PARKS
- CITY LIMITS

N W E S

This map application does not reflect official crime index totals as reported to the FBI's Uniform Crime Reporting program. The crime icons do not reflect the exact location of any particular crime. The listed crimes are subject to change for a variety of reasons, including late reporting, reclassification of some offenses and discovery that some offenses were unfounded.

Printed: 12/14/2010 3:58:12 PM

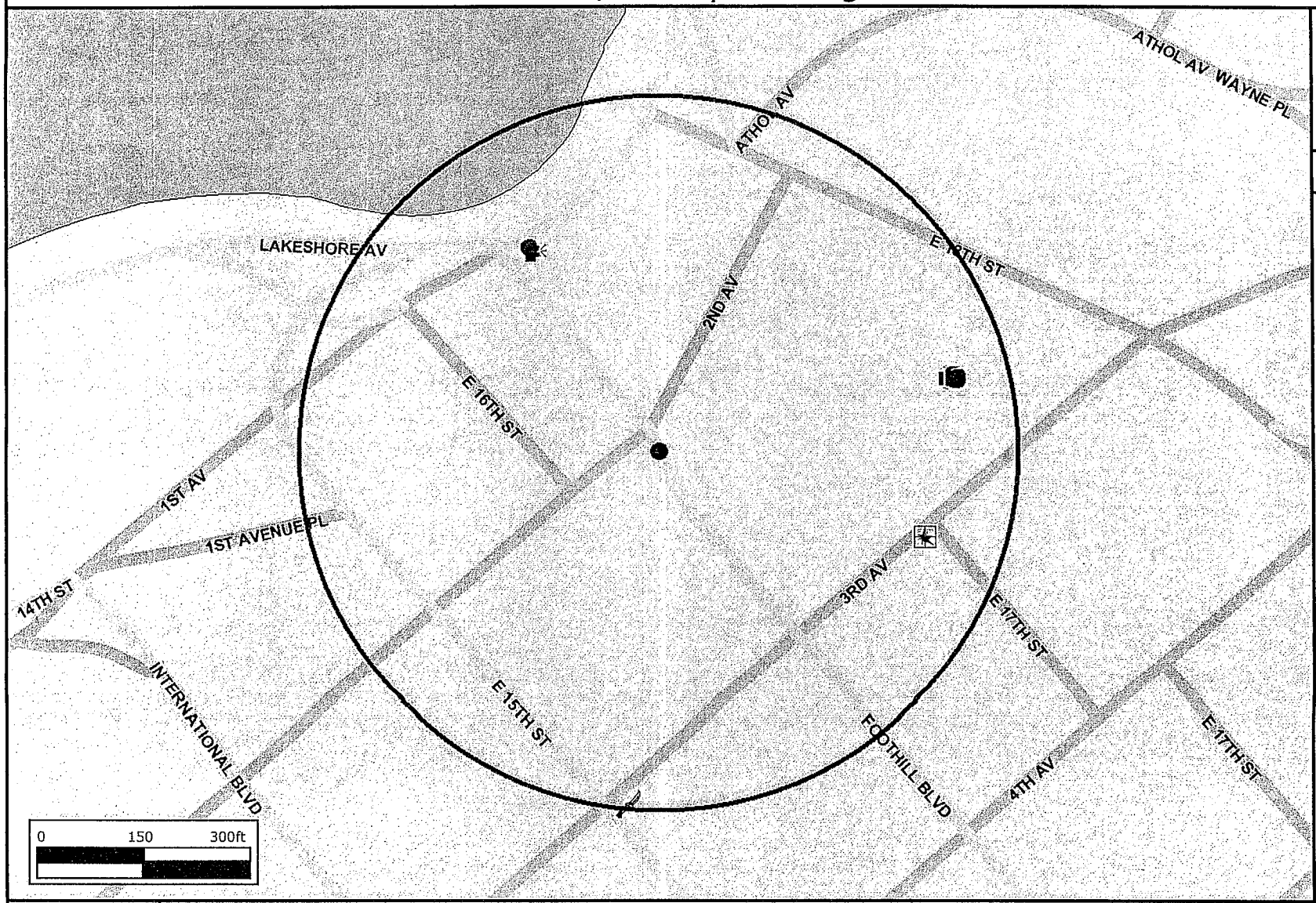
City of Oakland

ATTACHMENT E

Incident Summary Report		
LEGEND	**Total**	**Chart**
AGGRAVATED ASSAULT	5	
BURGLARY	2	
DISTURBING THE PEACE	5	
NARCOTICS	1	
PROSTITUTION	6	
ROBBERY	11	
SIMPLE ASSAULT	12	
THEFT	19	
VANDALISM	8	
VEHICLE THEFT	7	
Grand Total	**76**	

211 Foothill Blvd

500-ft/30-days ending 12-14-10



Legend

Incidents
- Simple Assault
- Burglary
- Disturbing the Peace
- Robbery
- Theft
- Freeways
- Major City Streets

Streets
- City Streets
- Water
- PARKS
- CITY LIMITS

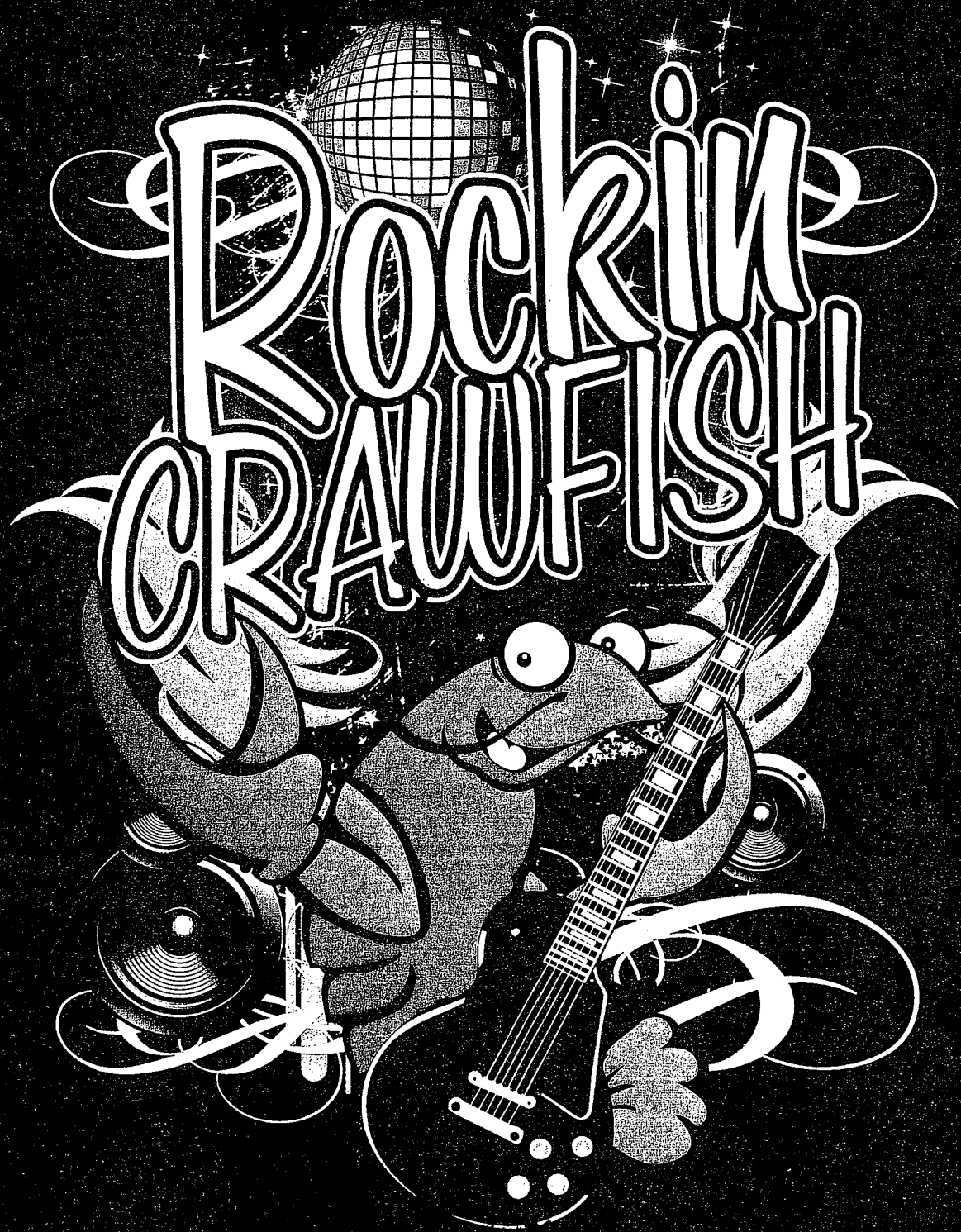
N W E S

This map application does not reflect official crime index totals as reported to the FBI's Uniform Crime Reporting program. The crime icons do not reflect the exact location of any particular crime. The listed crimes are subject to change for a variety of reasons, including late reporting, reclassification of some offenses and discovery that some offenses were unfounded.

Printed: 12/14/2010 4:00:23 PM

City of Oakland

Incident Summary Report		
LEGEND	**Total**	**Chart**
BURGLARY	1	
DISTURBING THE PEACE	1	
ROBBERY	1	
SIMPLE ASSAULT	1	
THEFT	1	
Grand Total	**5**	



211 FOOTHILL BLVD. SUITE B

OAKLAND, CA 9

510.251.165

ATTACHMENT F

California Department of Alcoholic Beverage Control
License Query System Summary as of 1/2/2011

License Information
License Number: 469534
Primary Owner: LE, HOANG NGOC
ABC Office of Application: 22 - OAKLAND
Business Name
Doing Business As: ROCKIN CRAWFISH
Business Address
Address: 211 FOOTHILL BLVD # B **Census Tract:** 4053.00
City: OAKLAND **County:** ALAMEDA
State: CA **Zip Code:** 94606
Licensee Information
Licensee: LE, HOANG NGOC
License Types
1) **License Type:** 41 - ON-SALE BEER AND WINE - EATING PLACE
License Type Status: ACTIVE
Status Date: 26-MAY-2009 **Term:** 12 Month(s)
Original Issue Date: 26-MAY-2009 **Expiration Date:** 30-APR-2011
Master: Y **Duplicate:** 0 **Fee Code:** P40
Condition: OPERATING RESTRICTIONS
Current Disciplinary Action
. . . No Active Disciplinary Action found . . .
Disciplinary History
. . . No Disciplinary History found . . .
Hold Information
. . . No Active Holds found . . .
Escrow
. . . No Escrow found . . .

- - - End of Report - - -

For a definition of codes, view our glossary.

ATTACHMENT G

January 11, 2011

Aubrey Rose
Planner II
City of Oakland
250 Frank Ogawa Place
Oakland, CA 94612

RE: Case File Number CM10301 – Need to Mitigate Persistent Odor Blight

Dear Aubrey Rose, Scott Miller and City of Oakland Planning Commissioners:

We are writing about Case File Number CM10301, Agenda Item #3 on the January 12, 2011 City of Oakland Planning Commission Meeting Agenda. The purpose of our letter is to encourage the City of Oakland to get actively involved in ensuring that the Performance Standards regarding Odor identified in City of Oakland Municipal Code Section 17.120.090 and Abatement of Blight in Section 8.24.060 start to be met within a reasonable timeframe by the Rockin Crawfish restaurant at 211 Foothill Blvd, Suite B.

Our family resides at 1530-1532 2nd Avenue in Oakland, California. We purchased the property in August 1997. Over the years there have been restaurants operating at 211 Foothill Blvd, Suite B but none of the previous restaurants generated greasy fish frying restaurant odors. Since Rockin Crawfish opened our property has been saturated by the odor of greasy fish frying between 80-85% of the time when Rockin Crawfish is open (2-11pm M-F and 1-11pm on weekends). On a scale of 1-10 with 1 being barely perceptible and 10 being grease odor so thick it sticks to your skin; on average the odor of greasy fish frying on our property is in the range of 7-8 when Rockin Crawfish is open. If we open ANY window in our house the odor of greasy fish frying will permeate throughout the house. We can assure you, from personal experiences, that a mature night jasmine bush in full bloom outside or many scented candles inside do not mask the persistent and intense greasy fish-frying odor that is being generated every day by the Rockin Crawfish restaurant.

Attached please find photographs of existing conditions at and around 211 Foothill. Photograph A shows an aerial centered on the roof of Rockin Crawfish. There is a blue arrow pointing to the roof of the restaurant and another blue arrow pointing to the roof of our property. As you can see 211 Foothill is in close proximity to our property and high-density residential buildings. Additionally, due to the elevation of the area the roof of 211 Foothill is essentially at ground level in relation to the neighboring residential properties. Photographs B and C have been taken from a window in our house and illustrate how close the mechanical equipment at 211 Foothill is to our property. We have pointed arrows to items on the roof, which we believe may be the kitchen vent. The items are between 27-30 feet from our property line. Unfortunately, there is nothing we can do to our property to mitigate or mask the persistent, intense odor of greasy fish frying that is generated by the Rockin Crawfish restaurant every day.

ATTACHMENT H

We encourage the City of Oakland to add specific and detailed provisions to the Conditions of Approval for Case File Number CM 10301 to ensure that the Owner and/or Leaseholder of Rockin Crawfish abate the blight of the persistent greasy fish frying odor that substantially detracts from the aesthetic and economic value of our property by installing and maintaining restaurant odor control vent technology that will allow the restaurant to meet the performance standards outlined in the City of Oakland municipal code and abate the blight odor that is negatively impacting the economic value and our ability to enjoy our property. We believe that City of Oakland staff needs to be actively involved in examining and approving the odor control strategy/technology in advance of installation as well as after installation to ensure that the odor control system is sufficient and will operate as designed over the long-term. Unfortunately, we've witnessed the Owner and Leasehold consistently doing less than the minimum to address normal Owner and Business Operator responsibilities. For example, Photograph D shows the Rockin Crawfish trash enclosure along 2nd Avenue. The trash enclosure has been a consistent and flagrant source of visual and odor blight since the opening of Rockin Crawfish. Grease oozes under the poorly fenced trash enclosure area and saturates an approximately 10 square foot area of public sidewalk. Cat litter is then thrown on the grease stained sidewalk. We find it hard to believe that the restaurant is properly disposing of its grease waste -- but the cat litter strewn greasy sidewalk is visually unappealing, attracts vermin and is a hazard for the many senior citizens and disabled people who travel down 2nd Avenue on their way to the nearby Merritt Bakery and the Lucky Grocery store.

We appreciate your time and consideration in advance and are available to answer any questions.

Sincerely,

Bridget Galka and Matthew Chilcott
Owners of 1532 2nd Avenue
Oakland, CA 94606

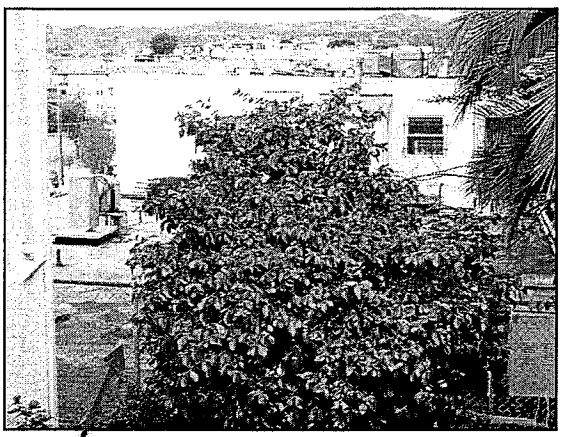
Attach: Photographs of 211 Foothill roof and trash enclosures

CC: Patricia Kernighan, Councilperson District 2

Photograph A

roof 1532 2nd Ave

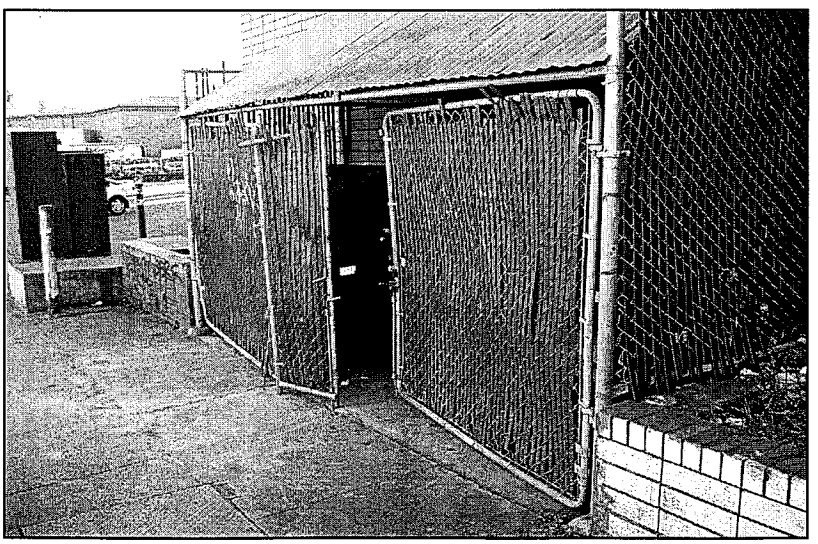
roof 211 Foothill Blvd



Photographs B and C

vent?

vent?



Photograph D

Alameda County Environmental Health

1131 Harbor Bay Parkway Alameda, CA 94502-6840 (510) 567-6700

PERMIT TO OPERATE

Facility Name
ROCKIN' CRAWFISH
211 FOOTHILL BLVD #B
OAKLAND, CA 94606

Mail to:
ROCKIN' CRAWFISH
211 FOOTHILL BLVD #B
OAKLAND, CA 94606

Permit Expires: 5/10/2011

Facility ID FA0000544

Facility Owner Name HOANG LE

Date Printed 06/19/10

Valid Dates (from-to) 5/11/2010 - 5/10/2011

Permit Number
PT0000541

Program Description
2029 RESTAURANT OVER 75 SEATS

Census Tract: 053

By Authority of:
Ariu Levi, Director, Department of Environmental Health of Alameda County

Permit to Operate is NOT TRANSFER

Permit may be revoked or suspended for:
-non payments of fees
-violations of the California

ATTACHMENT I