

Oakland City Planning Commission

Case File Number PLN15-036

STAFF REPORT

April 1, 2015

Location:	1414 Fruitvale Avenue (APN033-2123-005-00)
Proposal:	Allow Beer and Wine Sales in Full Service Restaurant in a Restricted area
Contact Person/Phone Number:	Maria Figueroa (415) 724-4841
Owner:	Fruitvale Farnum LLC
Case File Number:	PLN 15-036
Planning Permits Required:	Major Conditional Use Permit for a Full Service Restaurant within 200 Feet of a Restricted Street Pursuant to OPC 17.103 (International Boulevard)
General Plan:	Neighborhood Center Mixed Use
Zoning:	CN-3 Neighborhood Center Mixed Use Zone
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:	5
Action to Be Taken:	Approve
Finality of Decision:	Appealable to City Council
For Further Information:	David Valeska at (510) 238-2075 or dvaleska@oaklandnet.com

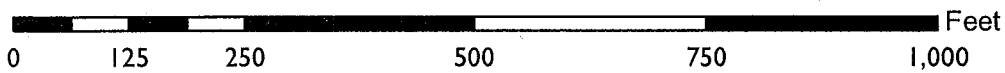
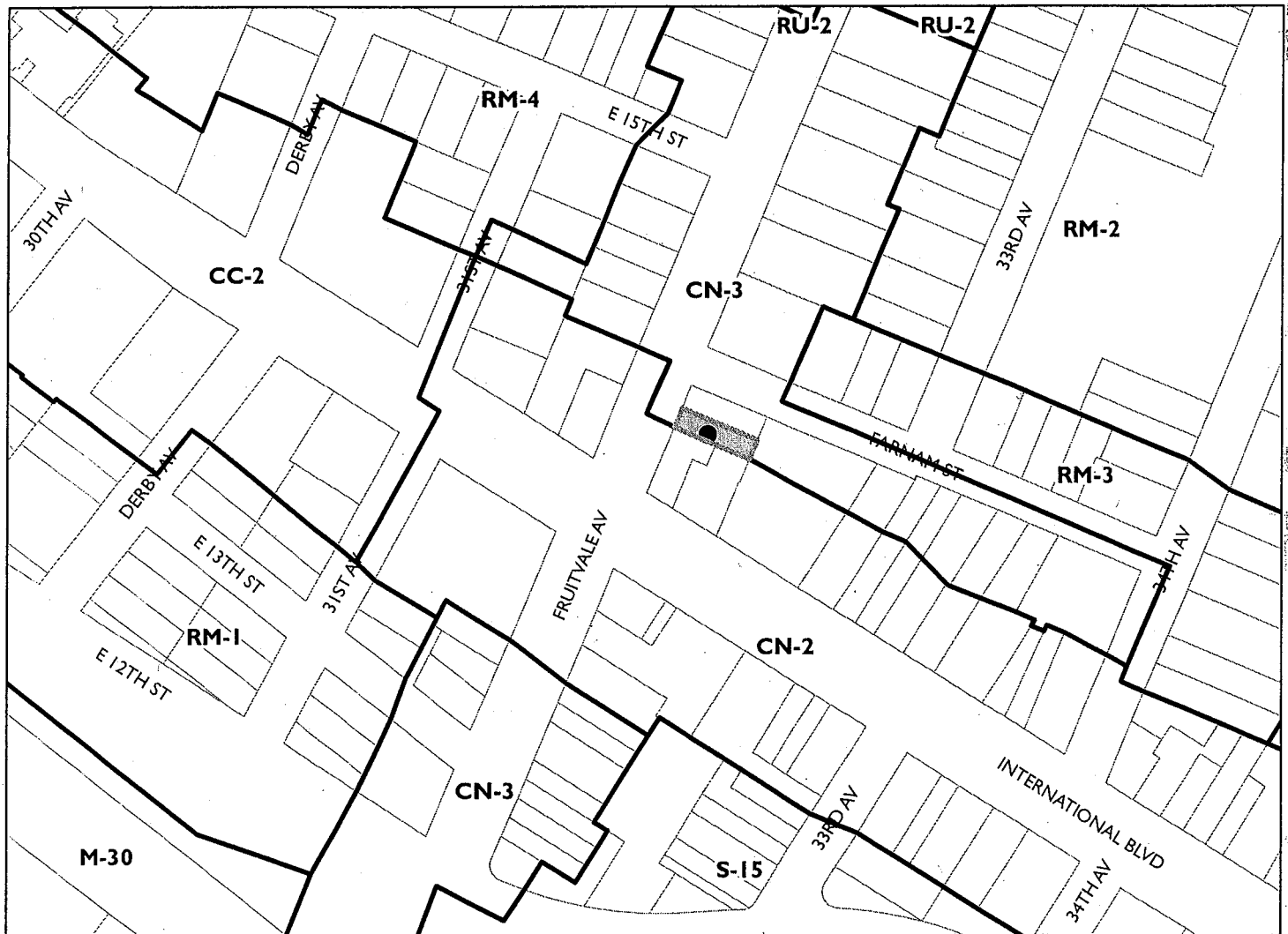
SUMMARY

This proposal involves a request to establish a Full Service Restaurant serving wine and beer in a new commercial building on Fruitvale Avenue near International Boulevard in central Fruitvale. Section 17.103.030.B requires a Major Conditional Use Permit (CUP) in order to establish an Alcoholic Beverage Service including a Full Service Restaurant, on a Restricted Street, including areas within 200 feet of International Boulevard.

The CUP requirement in the City's Zoning Code recognizes that on certain streets (MacArthur Boulevard, International Boulevard etc.) the combination of concentrated alcohol uses and history of street crime increase the risk to the public from certain added alcohol vendors. For this reason few new liquor stores, bars and similar uses have been approved in these areas. However, Full Service Restaurants are generally not considered to be crime generators. For this reason the CUP process allows such Restaurants to locate within the limitations of applied conditions which protect the public from any potential impacts. The current application at 1414 Fruitvale Avenue is considered in this context.

The merits of the project include providing family oriented quality restaurant service, with alcoholic beverage service, in a part of central Fruitvale known for restaurant selection. Providing alcoholic beverage service allows the restaurant to compete in this location. Staff recommends approval because this restaurant will enhance the concentration of dining choices and will help to support pedestrian traffic in one of the City's main shopping districts. Full Service Restaurants have been demonstrated in other neighborhoods to provide stability and identity.

CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN15036
Applicant: Maria Figueroa
Address: 1414 Fruitvale Avenue
Zone: CN-3 Neighborhood Commercial

PROJECT DESCRIPTION

The applicant proposes to utilize an approximately 2,440 square foot space in a new building and outdoor seating for wine and beer, as part of a Full Service Restaurant menu. Any alcohol service at a Full Service Restaurant requires a Major Conditional Use Permit, when located within 200 feet of a Restricted Street as defined in Oakland Planning Code (OPC) Section 17.103.030.B-2. The business, Mango, operates in a Fruitvale building which was rebuilt after a fire. A past restaurant with alcoholic beverage service occupied this site before the fire. The new business with 5 employees would be open daily 9 am to 9 pm, with room to serve 36 customers at once. The dining area and a large kitchen demonstrate that this is a Full Service Restaurant and not a bar.

The attached site map and plans further describe the project (See Attachment C).

GENERAL PLAN ANALYSIS

The site is located in the Neighborhood Center Mixed Use 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 central Fruitvale.

ZONING ANALYSIS

The site is located in the CN-3 Neighborhood Center Mixed Use Commercial Zone. In this district, sales of alcohol in a Full Service Restaurant located within 200 feet of a Restricted Street (International Boulevard) requires a Major Conditional Use Permit. This requirement was enacted primarily to control nuisance-type alcohol sales. The applicant's request is for a small upscale gourmet Full Service Restaurant also serving alcohol. Since this is a Full Service Restaurant, a Variance and Findings of Public Convenience and Necessity are not required by the Oakland Planning Code. The request is consistent with the theme of central Fruitvale 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 area is about 2,440 square feet within an existing building, 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 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 Fruitvale's nightlife district. At street festival dates like November's Dia De Los Muertos, thousands of Oaklanders from all communities join the festivities. This is a desirable location for a business which depends on tourism and on regular neighborhood patronage. There are other restaurant and retail businesses serving alcohol in the area. One type of business which is rare among the spectrum of existing gourmet food and beverage uses in the area is an upscale Salvadorean menu restaurant with specialty alcoholic beverage service. Mango intends to fill this gap.

The applicant's proposal requires a Major Conditional Use Permit (CUP) for Alcohol Beverage Service. It is reasonable to expect that the small size, 9 pm closing time and family-oriented 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 March 10, 2015, in a half mile radius) showed crime reports similar to other shopping areas. The subject area had over 140 reported crimes, mainly thefts, burglaries, robberies, graffiti cases, and assaults. This crime rate is consistent with other non-hillside areas of Oakland, and is less than the rate further east in the City. People from other neighborhoods and from Fruitvale feel safe patronizing the variety of businesses on the very busy sidewalks of central Fruitvale. While crime does occur in the Police Beat 23X area, staff and the applicant believe the proposed cafe is small and will not significantly contribute to crime levels.

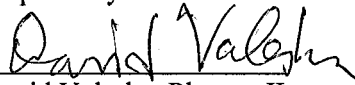
The applicant plans to sell beverages in a café setting, and the Conditional Use Permit would run with the property. If this specialty vendor moves out, a replacement business would be required to comply with the project description and conditions of this CUP.

In the central Fruitvale commercial area, the proposed Full Service Restaurant activity with alcohol would reinforce the emerging gourmet and shopping concept and help to bring customers to neighboring commercial uses. Restaurants serving alcohol on this property have been responsible civic components in Fruitvale for years. There were no letters of concern from the neighboring community filed as of March 24, 2015. Staff concludes that the Findings for the Major CUP 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 at 1414 Fruitvale 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 Fruitvale's neighborhood character. The proposed Full 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 a rebuilt space, will create an attractive facility as warranted by location and setting. This area of Fruitvale 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 Fruitvale Avenue and International Boulevard restaurants and other Alcoholic Beverage Services in Fruitvale.

- 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 Full Service Restaurant at 1414 Fruitvale Avenue is existing, rebuilt after a fire, with City Design Review approval. No major changes in the building are proposed from the façade which has been compatible with designs of neighboring facilities, therefore additional 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. The General Plan also allows for businesses that will not cause undue nuisance activity. The Neighborhood Center Mixed Use 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 Fruitvale. 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 is in a neighborhood central district which includes park and school sites. The restaurant 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 Full Service Restaurants serving alcohol are typically compatible with schools and churches.

- 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 not proposed for Design Review of signage at this time, future 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. Fruitvale 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 site in this 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.

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 **January 21, 2015** and submitted **February 17, 2015** 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 alcoholic beverages in a Full 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 9 am to 9 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. Food must be served at all hours that alcohol is available.

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)
City Council

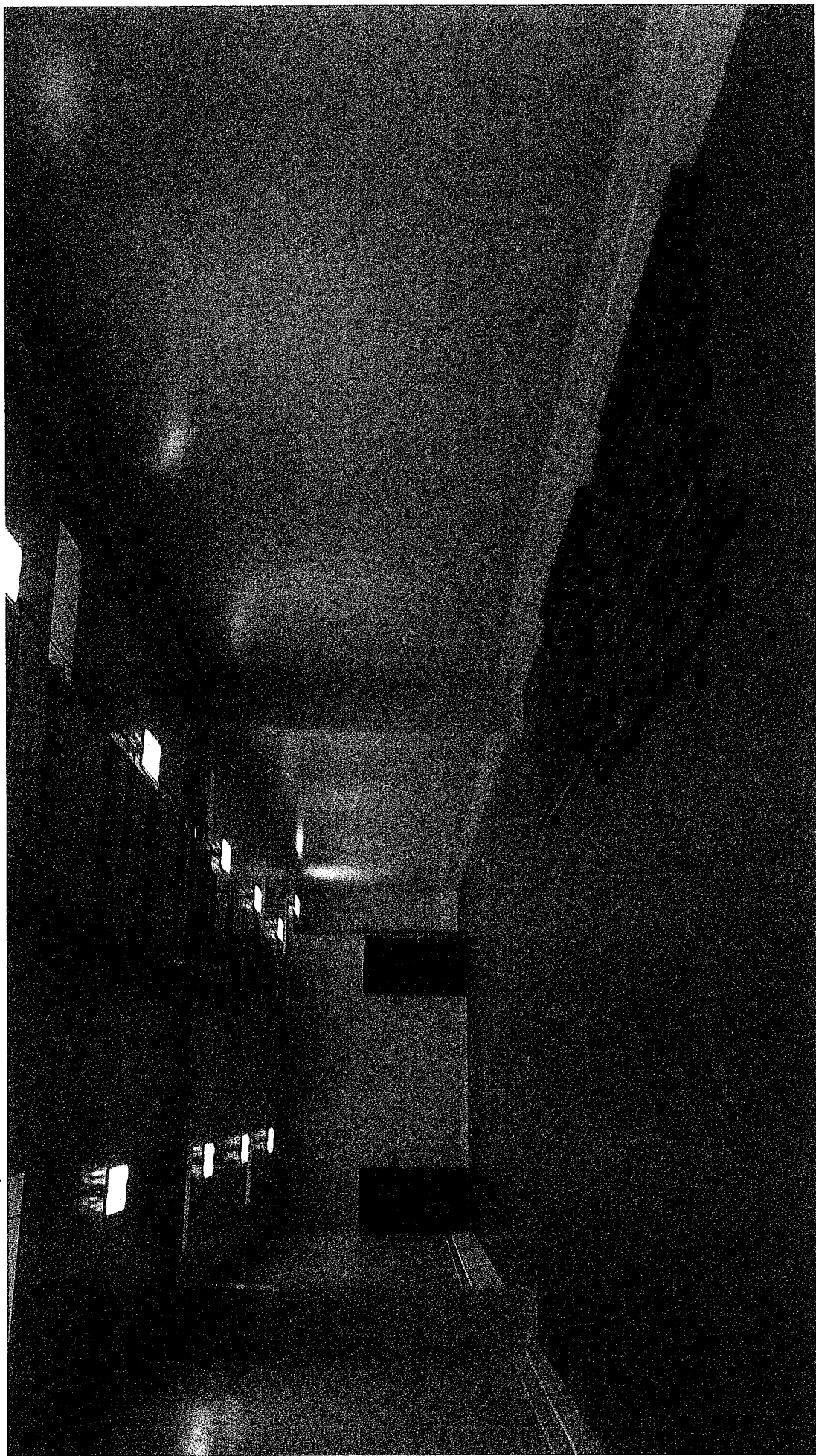
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City of Oakland
Planning & Zoning Division

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Mango

Especialidades Mexicanas

26. Burritos carne asada o pollo (beef or chicken)	\$6.50
27. Burrito vegetariano (vegetarian)	\$5.00
28. Quesadillas carne asada o pollo, (beef or chicken)	\$6.50
29. Quesadilla vegetariana (vegetarian)	\$5.00
30. Nachos carne asada o pollo (beef or chicken,)	\$6.50
31. Nachos vegetariano (vegetarian)	\$5.00
32. Fajitas de pollo o carne con arroz, frijoles, y ensalada (chicken or beef)	\$13.75
33. Fajitas Mix con arroz, frijoles, y ensalada (beef, chicken & shrimp)	\$15.75
34. Tacos Mexicanos pollo o carne (chicken or beef)	\$2.75
35. Enchiladas Mexicanas pollo o queso con arroa, frijoles y ensalada (chicken, or cheese)	\$9.00

MARISCOS/SEAFOOD

36. Camarones a la Plancha con arroz, papas fritas y ensalada (grilled shrimp w/garlic butter served with rice, fries and salad)	\$12.75
37. Coctail de camarones (shrimp cocktail)	\$10.25
38. Pescado frito o al vapor con arroz, papas fritas y ensalada (fish fried, or steam served with rice, fries, and salad)	\$14.25

HUEVOS/EGGS Servido con arroz, frijoles y ensalada (served w/rice, beans & salad)

39. Huevos Rancheros (sunny side up eggs, topped w/sautéed tomatoes & onions)	\$8.50
40. Carne Desilachada con Huevo (scrambled eggs w/shredded beef, tomatoes, onions, and bell pepper)	\$9.25

ENSALADAS/SALADS

41. Ensalada verde (green salad)	\$4.00
42. Ensalada de Pollo (grilled chicken green salad)	\$7.25

POSTRES/DESSERTS

43. Empanadas (2) de leche o frijoles (dough made from plantain filled w/custard or beans)	\$5.50
44. Chilate con Nuegados (chilate is a hot drink made from corn meal, ginger, and allspice, served w/sweet preserve made from yams and plantains)	\$7.25

Additional 15% charge for groups of 8 people or more
15% adicional por grupos de 8 o mas personas

Mango

Pollo/Chicken

Servido con arroz, frijoles y ensalada (served w/rice, beans & salad)

5. Pollo Salvadoreño(chicken salvadorean style, sautéed w/tomatoes, onions & spices)	\$10.50
6. Pollo Encebollado(chicken sautéed in onion and spices)	\$10.50
7. Pollo a la Plancha(grilled breast of chicken)	\$10.00

Carnes/Beef

Servido con arroz, frijoles & ensalada (served w/rice, beans & salad)

8. Bistec Salvadoreño(top sirloin topped with sautéed onions & bell peppers)	\$12.75
9. Bistec Encebollado(top sirloin topped with sautéed onions)	\$12.75
10. Bistec con Camarones(prawns grilled w/small steak)	\$14.75

Especialidades Salvadoreñas

11. Chile Relleno Carne de Puerco o Queso con arroz, frijoles y ensalada	\$9.00
12. Tamal de Pollo con arroz, frijoles y ensalada (chicken tamal, rice & beans)	\$7.25
13. Huevos picados con Platanos fritos, frijoles y crema;(fried plantain, beans, sour cream, scrambled eggs)	\$9.00
14. Tamal de Pollo solo(salvadorean chicken tamal only)	\$3.75
15. Yuca con Chicharrón (yuca is similar to potato, boiled & served with fried pork, coleslaw & sauce)	\$7.50
16. Platanos fritos con frijoles y crema (fried plantain w/beans and/or sour cream)	\$6.50
17. Platanos fritos (fried plantains)	\$4.00
18. Pastelitos de puerco (2) (dough is made from corn meal, filled then topped w/chopped pork, then fried)	\$6.50
19. Enchiladas Salvadoreña de puerco (2) (small corn tortilla, fried then topped w/chopped pork, coleslaw & sauce)	\$6.50
20. Tamal (1) de elote con crema (Salvadoreña corn tamal w/sour cream)	\$3.25

SOPAS/SOUPS

21. Sopa de Camarones(Salvadorean style, shrimp soup w/ vegetables)	\$11.25
22. Sopa Siete Mares(Seven seas soup)	\$14.75
23. Sopa de Pollo(salvadoreña style chicken soup w/vegetables)	\$10.25
24. Sopa de Res(Salvadoreña style beef soup)	\$11.25
25. Sopa de Pata (beef tripe w/ vegetable)	\$11.75

Additional 15% charge for groups of 8 people or more
15% adicional por grupos de 8 o mas personas

