

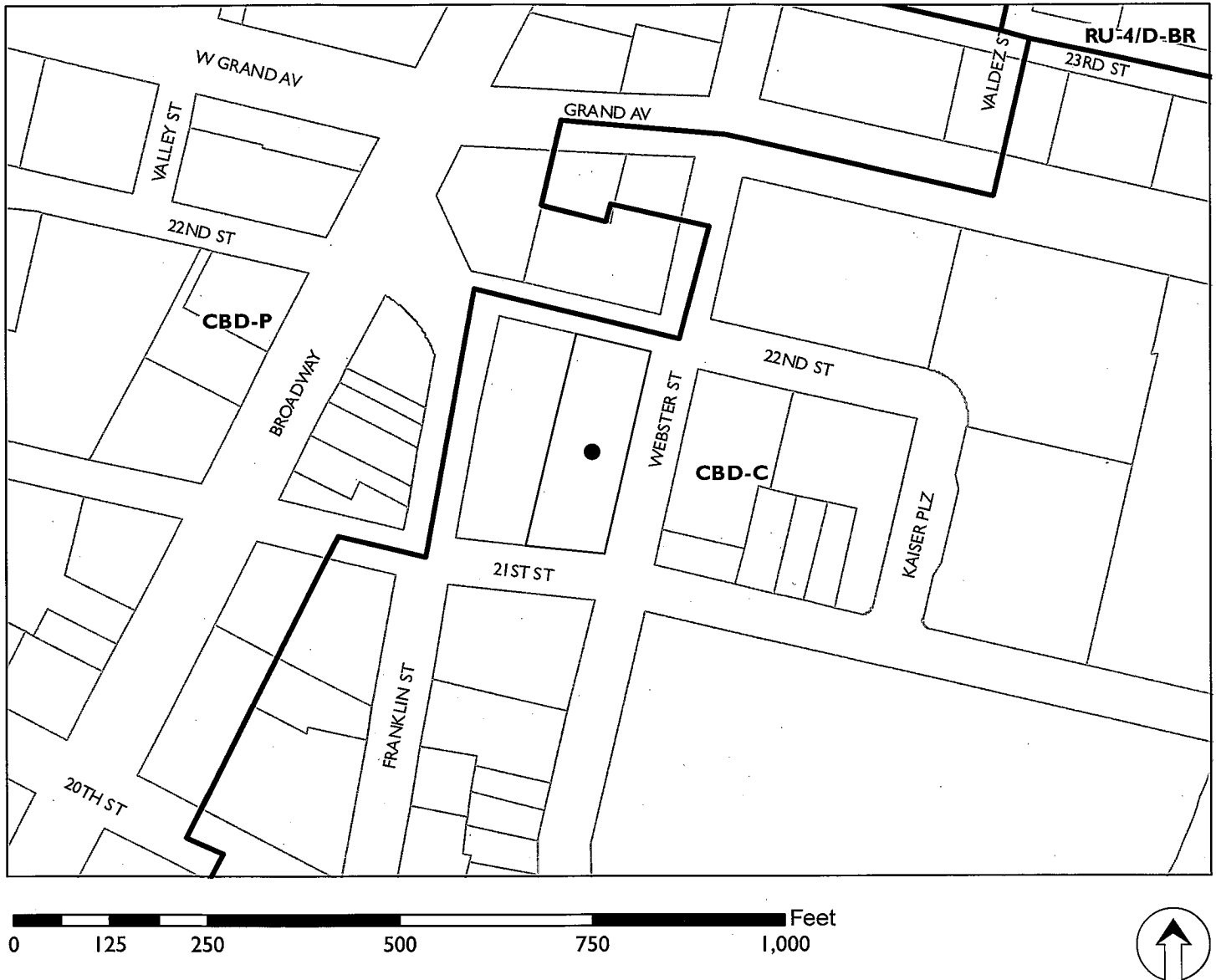
Location:	2102 Webster St. Suite 170 / Century 21 Building (see reverse for map)
Assessor's Parcel Number:	008 -0717-002-00
Proposal:	To allow sales of alcoholic beverages in conjunction with a limited service café.
Applicant:	The Octopus Literary Salon / Rebecca Grove
Phone Number:	(510) 388-1043
Owner:	C.I.M. Oakland Center 21, LP
Planning Permits Required:	Major Conditional Use Permit with additional findings for Alcoholic Beverage Sales Commercial Activity; Findings of Public Convenience or Necessity Central Business District
General Plan:	
Zoning:	CBD-C Central Business District Commercial Zone
Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities (operation); Section 15183 of the State CEQA Guidelines: Projects Consistent with a Community Plan, General Plan or Zoning
Historic Status:	Not A Designated Historic Property; Survey rating: F3
Service Delivery District:	Metro
City Council District:	3
Date Filed:	May 15, 2014
Action to be Taken:	Approve with conditions
Finality of Decision:	<i>Appealable to City Council within 10 days</i>
For Further Information:	Contact case planner Jose M. Herrera-Preza, Planner I at (510) 238-3808 or jherrera@oaklandnet.com

SUMMARY

The applicant requests Planning Commission approval of a Major Conditional Use Permit to allow the sales of beer and wine within a café in an existing office and retail building. The building is located at 2101 Webster Street, identified as the Century 21 building. If the activity is not a "Full Service" restaurant, a Major Conditional Use Permit is required to sell alcoholic beverages. Since the activity is in conjunction with a limited service restaurant (Book store/Café) and not a "Full service restaurant", a Major CUP is required.

Staff recommends approval of the requested permits, subject to the Conditions of Approval included in this report.

CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN14152
Applicant: Rebecca Grove / The Octopus Literary Salon
Address: 2101 Webster Street
Zone: CBD-C

PROPERTY DESCRIPTION

The subject property is a high-rise commercial office building in the Central Business District. The proposal involves a ground floor commercial space along the Webster street frontage of the Center Twenty-One building. The proposal involves one commercial space situated along a row of five commercial spaces on the ground floor of the building and is approximately 1,368 square feet. The subject site has been used as a commercial space and was formerly occupied by a Quizno's sandwich shop. The site lacks on-site parking; however, the district contains on-street metered parking, BART, AC Transit and auto fee parking lots. The district consists of restaurants, retail uses, consumer services, offices, the Kaiser Building and the Paramount Theatre.

PROJECT DESCRIPTION

The proposal is to allow on-site beer and wine consumption and group assembly activities in a 1,368 square foot space, near the uptown entertainment and nightlife district, as follows.

- On-sale vending of beer and wine by the glass and by the bottle
- Group Assembly (a permitted activity in the CBD-C zone) such as theatrical performance, poetry recitals, music and other events, for typically 50-100 people.
- Food services including prepared foods, coffee, tea and pastries

The proposed activity would have a type 41 license from the California Department of Alcoholic Beverage Control (ABC) for a limited service restaurant with beer and wine for on-site consumption and minors admitted. Hours of operation would be daily from 8:30am to 9:00pm with Saturday from 4:00pm-11:00pm. The layout would consist of a 1,363 square foot interior with tables and chairs throughout. The activity would have a total of five full time employees including food prep staff, bussers and cashiers. Some proposed activities may also require a Cabaret permit from the City Administrator's Office. The entrance will be facing Webster Street.

GENERAL PLAN ANALYSIS

The property is located in the Central Business District area of the General Plan's Land Use and Transportation Element (LUTE). The intent of the area is: "to encourage, support, and enhance the downtown area as a high density mixed use urban center of regional importance and a primary hub for business, communications, office, government, high technology, retail, entertainment, and transportation in Northern California." Desired character and uses consist of: "a mix of large-scale offices, commercial, urban (high-rise) residential, institutional, open space, cultural, educational, arts, entertainment, service, community facilities, and visitor uses."

The proposal to create a bar in the Central Business District conforms to the intent and desired character and to the following LUTE Policies:

Policy I/C1.1 Attracting New Business.

The City will strive to attract new businesses to Oakland which have potential economic benefits in terms of jobs and / or revenue generation. This effort will be coordinated through a citywide economic development strategy / marketing plan which identifies the City's existing economic base, the assets and constraints for future growth, target industries or activities for future attraction, and geographic areas appropriate for future use and development.

Policy I/C3.2 Enhancing Business Districts.

Retain and enhance clusters of similar types of commercial enterprises as the nucleus of distinctive business districts, such as the existing new and used automobile sales and related uses through urban design and business retention efforts.

Policy I/C3.4 Strengthening Vitality.

The vitality of existing neighborhood mixed use and community commercial areas should be strengthened and preserved.

DOWNTOWN

Policy D5.1 Encouraging Twenty-Four Hour Activity.

Activities and amenities that encourage pedestrian traffic during the work week, as well as evenings and weekends should be promoted.

Policy D.12.1 Promoting Oakland's Strengths.

Build on and promote Oakland's educational resources, historic importance as an entertainment venue, existing cultural diversity, and strong arts community.

Staff finds the proposal, subject to Conditions of Approval, to conform to the General Plan.

ZONING ANALYSIS

The property is located in the CBD-C Central Business District Commercial Zone. The intent of the CBD-C Zone is: "is to create, maintain, and enhance areas of the Central Business District appropriate for a wide range of ground-floor office and other commercial activities. Upper-story spaces are intended to be available for a wide range of residential and office or other commercial activities." The proposal to allow beer and wine sales in a limited service restaurant located in a commercial space conforms to the intent of the zone.

Below is a list of permits required for the proposal, the reason each permit is required, and a discussion of each permit requested.

Major Conditional Use Permit with Additional Findings

Section 17.103.030 of the Planning Code requires a Conditional Use Permit (CUP) for Alcoholic Beverage Sales Commercial Activities, as well as additional use permit criteria. The Planning Code requires additional review of these types of activities to ensure that they do not contribute to nuisances in the community, including both alcohol-related issues and discouragement of further business attraction.

On February 1, 2000, the Oakland City Council passed Resolution #75490 establishing a "No Net Increase" policy in the number of alcoholic beverage sales commercial activities in Oakland neighborhoods to protect the health, safety and welfare of residents. This resolution states that new off-sale and on-sale retail alcoholic beverage sales licenses should only be permitted for sites in the Central Business District or for other circumstances not related to this case. This proposal is consistent with Resolution 75490 because it is located in the Central Business District.

Findings of Public Convenience or Necessity

This proposal also requires findings of Public Convenience or Necessity. These findings, modeled on State findings, are required for Alcoholic Beverage Sales to be established in an over-concentrated area. The subject site is located in Census Tract 4029 where 38 ABC licenses exist and where more than 4 is over-concentrated; however, 25 of these are for restaurants as opposed to bars and liquor stores; and 9 of the others are for bars and on-sale establishments are not subject to distance separation requirements in the CBD. "Alcoholic beverage license over-concentrated areas" means a police beat with crime rates that exceed the City median by twenty (20)

percent or more or a census tract in which the per capita number of on-sale or off-sale retail Alcoholic Beverage Sales licenses exceeds the Alameda County median. The site is within Police Beat 04X: an area which 2,176 reported crimes where report during the first quarter of this year which is more than more than the 1,142 which is considered an over-concentrated.

Staff finds the proposal, as conditioned, to be in conformance with the Planning Code.

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 projects involving *operation and licensing of existing private facilities*. The proposal for on-sale of alcoholic beverages from a new bar located in an existing space meets this description: the project would constitute operation of an existing private facility. Section 15183 of the State CEQA Guidelines relates to Projects Consistent with a Community Plan, General Plan or Zoning. The project adheres to this section, as described above. The project is, therefore, not subject to further Environmental Review.

KEY ISSUES AND IMPACTS

A Conditional Use Permit is required for Alcoholic Beverage Sales activities within the CBD-C Central Business District Commercial Zone. The purpose of the CUP is to consider compatibility of the proposed use with its surroundings and to attach operating conditions to ensure the business will not be a nuisance. There are no adjacent churches, elementary schools, apartments, athletic fields, or liquor stores nearby. The proposal is consistent with the arts and entertainment character of the Uptown District and complements the entertainment activities of the area. The applicant has successfully operated literary and theatrical performance events. The attached Conditions of Approval impose various requirements, such as controls on litter and noise, to maintain the compatibility of a activity with the surrounding area. Given these conditions, staff recommends the Planning Commission grant the request, subject to the attached Conditions of Approval.

RECOMMENDATIONS:

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

Prepared by:



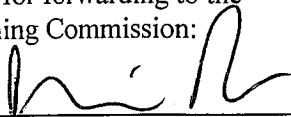
Jose M. Herrera-Preza
Planner I

Approved by:



Scott Miller
Zoning Manager

Approved for forwarding to the
City Planning Commission:



Darin Ranelletti
Deputy Director
Planning and Building Department

ATTACHMENTS:

- A. Findings
- B. Conditions of Approval
- C. Plans with photographs

Attachment A: Findings

This proposal meets the required findings under General Use Permit Criteria (OMC Sec. 17.134.050), Use Permit Criteria for Establishments Selling Alcoholic Beverages (OMC Sec. 17.103.030(A)) and Findings for Public Convenience or Necessity (OMC Sec. 17.103.030.B.3) under the Oakland Planning Code (Title 17).

General Use Permit Criteria (OMC Sec. 17.134.050):

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 is to allow for beer and wine sales within a limited service restaurant in the historic Uptown district, in an area within which the city encourages nightlife and entertainment such as what is proposed. The area consists of a combination of theatre, offices, retail stores and gourmet food and drink facilities in a neighborhood which derives its identity as being an entertainment and nightlife area. The proposal will increase the diversity of retail options and serve pedestrian use in the area.

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 alcoholic beverage service will promote the availability of quality beverages and enhance the convenience and functional living environment of its customers. The floor plan will efficiently accommodate the proposed activity. This use will fit into the gourmet food/beverage related business district.

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 region.

The project will enhance the synergy of food and beverage services in the Downtown office and entertainment district and will complement the activities in the adjacent areas. The proposal will bring more pedestrians and additional foot traffic to this area.

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

The non-historic building is existing and no exterior changes are proposed to the façade.

E. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable guidelines or criteria, district plan or development control map which has been adopted by the Planning Commission or City Council.

The property is located in the Central Business District area of the General Plan's Land Use and Transportation Element (LUTE). The intent of the area is: "to encourage, support, and enhance the downtown area as a high density mixed use urban center of regional importance and a primary hub for business, communications, office, government, high technology, retail, entertainment, and transportation in Northern California." Desired character and uses consist of: "a mix of large-scale offices, commercial, urban (high-rise) residential,

institutional, open space, cultural, education, arts, entertainment, service, community facilities, and visitor uses.”

The proposal to create a new lounge bar next to the Paramount Theatre conforms to this intent and desired character and to the following LUTE Policies:

Policy I/C1.1 Attracting New Business.

The City will strive to attract new businesses to Oakland which have potential economic benefits in terms of jobs and / or revenue generation. This effort will be coordinated through a citywide economic development strategy / marketing plan which identifies the City’s existing economic base, the assets and constraints for future growth, target industries or activities for future attraction, and geographic areas appropriate for future use and development.

Policy I/C3.2 Enhancing Business Districts.

Retain and enhance clusters of similar types of commercial enterprises as the nucleus of distinctive business districts, such as the existing new and used automobile sales and related uses through urban design and business retention efforts.

Policy I/C3.4 Strengthening Vitality.

The vitality of existing neighborhood mixed use and community commercial areas should be strengthened and preserved.

DOWNTOWN

Policy D5.1 Encouraging Twenty-Four Hour Activity.

Activities and amenities that encourage pedestrian traffic during the work week, as well as evenings and weekends should be promoted.

Policy D.12.1 Promoting Oakland’s Strengths.

Build on and promote Oakland’s educational resources, historic importance as an entertainment venue, existing cultural diversity, and strong arts community.

Staff finds the proposal, subject to Conditions of Approval, conforms to the General Plan.

Use Permit Criteria for Establishments Selling Alcoholic Beverages (OMC Sec. 17.103.030(A)):

- 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;**

There are no churches, elementary schools, apartments, athletic fields, or liquor stores nearby. The subject site is surrounded by large scale office buildings in any area where several restaurants and retail business are located. The applicant has successfully organized performance and literary events. Conditions of Approval would attach several requirements, such as controls on litter and noise, to maintain the compatibility of the activity with the surrounding area.

- 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 abutting civic uses and will operate at different hours than civic uses located in the district.

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

The project involves an existing commercial space with one entrances along Webster and will not interfere with pedestrian movement.

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;

There are no proposed exterior changes. A high quality interior and operation are proposed by the applicant to enhance the area.

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

The business will be located in a non-historic building and lacks on-site parking. Any proposed signage will conform to the style and character of the building and will not be large or obtrusive.

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

The business will contain litter receptacles at the interior and condition of approval #13 (F) requires that staff clean the fronting public right-of-way daily.

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 10 p.m. and 7 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 site is not adjacent to residences.

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.

Findings of Public Convenience or Necessity (OMC Sec. 17.103.030.B.3)

a. That a community need for the project is clearly demonstrated. To demonstrate community need, the applicant shall document in writing, specifically how the project would serve an unmet or underserved need or population within the overall Oakland community or the community in which the project is located, and how the proposed project would enhance physical accessibility to needed goods or services that the project would provide, including, but not limited to alcohol; and

The project will enhance the synergy of food and beverage services in the Downtown office and entertainment district and will complement the surrounding activities.

b. That the overall project will have a positive influence on the quality of life for the community in which it is located, providing economic benefits that outweigh anticipated negative impacts, and that will not result in a significant increase in calls for police service; and

The project will enhance the Uptown area of the City as a regional nightlife and entertainment district, which will have a positive effect on the adjacent businesses.

c. That alcohol sales are customarily associated with, and are appropriate, incidental, and subordinate to, a principal activity on the lot.

Alcoholic beverage sales are appropriate for a limited service restaurant business.

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 dated and submitted on **May 16th, 2014** and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall required prior written approval from the Director of City Planning or designee.
- b) This action by the **City Planning Commission** ("this Approval") includes the approvals set forth below. This Approval includes:
 - i) Major Conditional Use Permit for an Alcoholic Beverage Sales Commercial Activity at 2101 Webster.*

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.

SPECIFIC CONDITIONS

10. Security.

a. Ongoing

The applicant/property owner shall 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. The purpose of this condition is to maintain good sight lines in and out of the store to allow police to monitor activity inside and to allow business staff to monitor and discourage inappropriate activity in front of the business.

11. Hours.

a. Ongoing.

Business hours of operation shall be between the hours of 6:00 AM and 11:00 PM Sunday through Thursday, and until Midnight Friday and Saturday. Food service (full menu) must be available at all hours that alcohol will be served (except for special events). Any work outside these hours shall solely be staff preparation or cleaning the site. After ninety (90) days of operation, the applicant may request of the Zoning Manager, in writing, the ability to open until 1:00 am on Friday and Saturday only, plus weeknights that the Fox Theater or Paramount Theatre holds events to 12:30 am or later only, subject to written approval of the Zoning Manager. If such extension of hours is granted, after ninety (90) additional days of operation, the applicant shall apply for a compliance review and pay the Revision/Reconsideration fee as set forth in the Master Fee Schedule (currently \$1,352.91) to assess compliance with Conditions of Approval and to determine whether a) amended hours of operation have created adverse impacts, and b) whether changes to hours of operation are warranted (either lesser or greater hours). Said Compliance Review shall be agendaized for an upcoming Planning Commission meeting for review and determination on appropriateness of hours of operation and whether any changes should be made.

12. Conformance with State Department of Alcoholic Beverage Control regulations

a. 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.

b. Ongoing

Lighting shall be maintained to meet the B&P code section 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.

c. 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. 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.

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

a. Ongoing.

Unless waived by the Zoning Manager, 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 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.

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.

14. Trash and litter

a. Prior 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 and additional trash cans as directed by Planning staff for events of over 50 persons.

15. Outdoor Tables/No Smoking

Ongoing

Due to close proximity to the front door, there shall be no smoking allowed at the outdoor seating and appropriate signage shall be installed stating "No Smoking Area."

16. Encroachment Permit for Sidewalk Seating

Prior to outdoor seating commencement

The applicant shall secure any necessary encroachment permits for sidewalk seating from the Building Services Division.

17. Cabaret Activities

Ongoing

Pursuant to Municipal Code Section 5.12, any activities qualifying as a Cabaret will also require a separate Cabaret permit from the City Administrator's office.

18. Sidewalk Seating Landscaping

Prior to commencement of sidewalk seating

At least two (2) 15-gallon size trees in planters shall be provided, one at each end of the seating. The planters may be of suitable wood, stone or concrete and shall be compatible with other nearby planters. In addition, at least two (2) additional planters with flowering plants shall be provided within the sidewalk seating area to help define the edge with the public sidewalk. A clear path of travel of at least 6 feet and an average of at least 10 feet in width shall be provided for pedestrians and wheelchairs past the seating area, exclusive of posts, signs, bollards, trash containers, tables and chairs and other objects either moveable or fixed in position. The applicant shall maintain, and where damaged, replace the landscaping over time.

19. Inclusion of conditions in State Department of Alcoholic Beverage Control license.

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 number 13 through 18 in the conditions of their ABC license. 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.

20. Environmental Effects

a. Nuisances

Crime, litter, 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.

b. 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.

c. 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.

d. Odor

Staff shall eliminate outdoor odors by refraining from purposefully breaking defective bottles outside and by immediately washing spillage from bottles broken accidentally.

e. Graffiti

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

f. Trash and litter

The licensees/property owners shall clear the gutter and sidewalks along Broadway 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. The business shall utilize a recycling program.

g. Noise

The City Noise Ordinance (OMC Sec. 8.18.010) and Performance Standards (OMC Sec. 17.20.050) shall be observed for noise emanating from within the establishment from any source of recorded music and from patrons as well as from outdoor noise from patrons.

h. Smoking

The City Smoking Ordinance (OMC Sec. 8.30) shall apply. Smoking shall only be located in the front of the building on the public sidewalk a minimum of 25-feet from doorways. Ashtrays shall be provided adjacent to the entrance to prevent littering of cigarette butts. The establishment shall provide signage inside the building and next to the exit to direct patrons to the proper location for smoking.

21. Design

a. Signage

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

b. Signage to discourage other nuisances

Ongoing

The establishment shall display signage inside the building and next to the exit discouraging the patrons from generating nuisances outdoors both fronting the building and within the neighborhood.

c. Contact phone numbers

Ongoing

The establishment shall display signage behind the bar offering contact numbers for both the establishment and the City (Code Compliance at (510) 238-3381 and OPD non-emergency at (510) 777-3333) for the purpose of reporting nuisances.

d. Advertising signage

No product advertising signage (such as neon beer signs) or banners (such as happy hour advertisements) may be displayed.

e. Pay Phones

No pay phones are permitted outside the building.

f. Building Code Upgrades

Prior to commencing approved activities

The applicant shall obtain Building Permits and construct any building upgrades required to comply with the Building Code for occupancy requirements; it may be the case that no upgrades are required.

g. Modifications

Prior to submitting for a building permit & ongoing

All business signage and exterior alterations shall require Planning and Zoning Division approval.

APPROVED BY:

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

LABEL DOOR TO REMAIN
OCCUPIED

IF DOOR IS EQUIPPED WITH A
CLOSER, THE PERIOD OF CLOSURE
SHALL BE ADJUSTED SO THAT
FROM AN OPEN POSITION FOR
CLOSING, THE DOOR SHALL
TAKE AT LEAST 2 SECONDS TO
THE LATCH MECHANISM AT
THE LANDING EDGE OF THE
DOOR.

(D) DOUBLE 3'-0" x 7'-0"

HOLLOW CORE METAL DOORS

LEVER HANDLE

MAX. EFFORT FOR HWT DOORS
LATCHING DOOR HARDWARE
SHALL BE LOCATED BETWEEN
30 AND 48 INCHES A.F.D.

17" HIGH ANCHOR W/ KEY PLATE
TO BE APPLIED TO PUSH SIDE
OF DOOR

EXISTING REAR DOORS

E: 3/4" = 1'-0"

2

(B) 2'-0" x 7'-0" ALUMINUM STORM-PROOF DOOR
W/ TAPERED GLASS

WEATHER STRIP AT ENTRANCE DOORS

METAL THRESHOLD, FINISH 274A BRONZE
LANDING AND INTERIOR FINISH FLOOR

TRANSITION DOOR THRESHOLD

E: 3/4" = 1'-0"

3

(N) LABEL DOOR TO REMAIN
UNOCCUPIED WHILE BUILDING IS
OCCUPIED

(B) DOOR CLOSER
IS ADJUSTED SO THAT FROM AN
OPEN POSITION, THE DOOR SHALL
TAKE AT LEAST 2 SECONDS TO
THE LATCH MECHANISM AT
THE LANDING EDGE OF THE DOOR
(C) 2'-0" x 7'-0" ALUMINUM
STORM-PROOF DOOR W/ TAPERED
GLASS
(D) ALUMINUM STORM-PROOF
WINDOW W/ TAPERED GLASS
(E) LEVER HANDLE, VERTICAL
MAX. EFFORT TO OPEN DOOR 15
LBS. MAX. MAX. EFFORT TO
CLOSE DOOR 15 LBS. MAX.
DOOR HARDWARE SHALL BE
LOCATED BETWEEN 33 AND 44
INCHES A.F.D.

EXISTING ENTRANCE DOOR

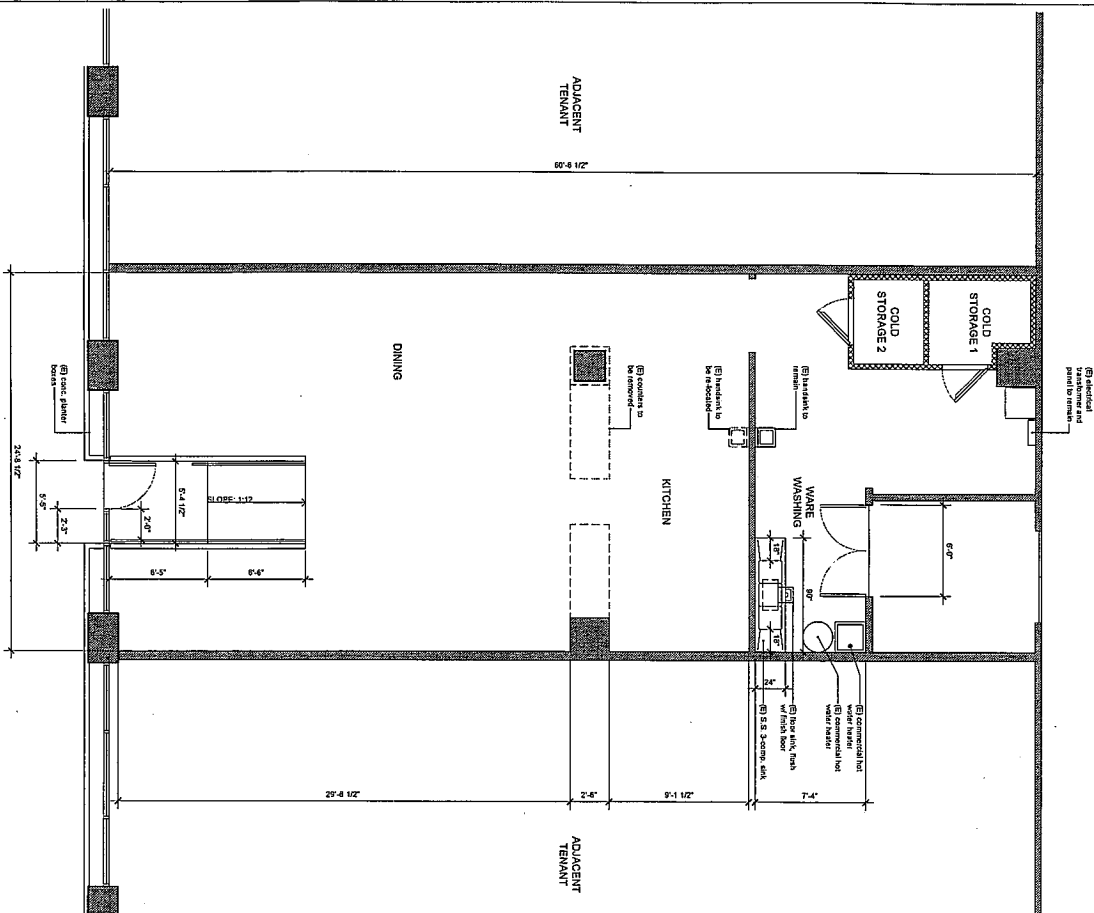
E: 3/4" = 1'-0"

2

EXISTING GROUND FLOOR PLAN

SCALE: 1/4" = 1'-0"

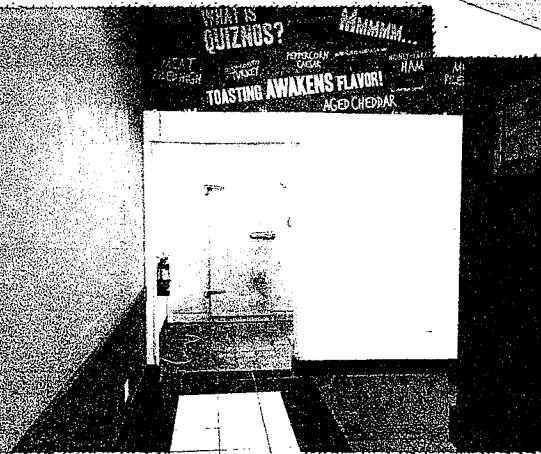
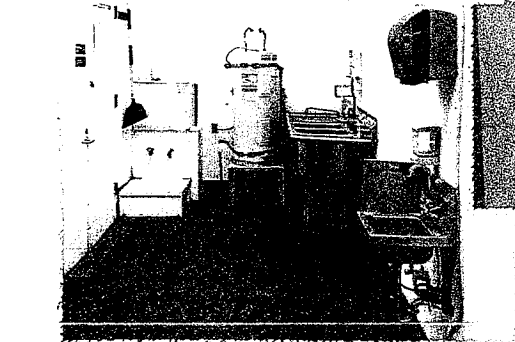
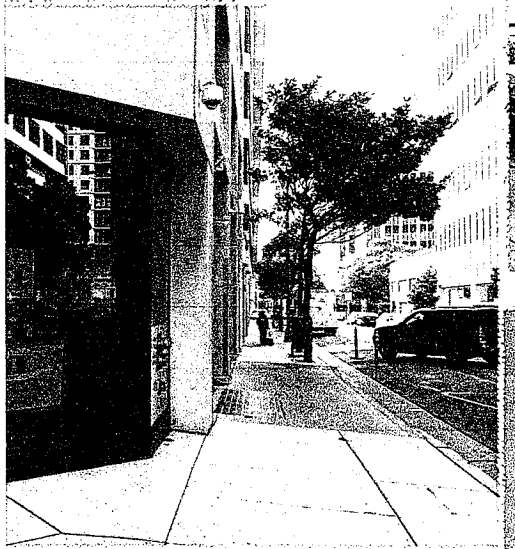
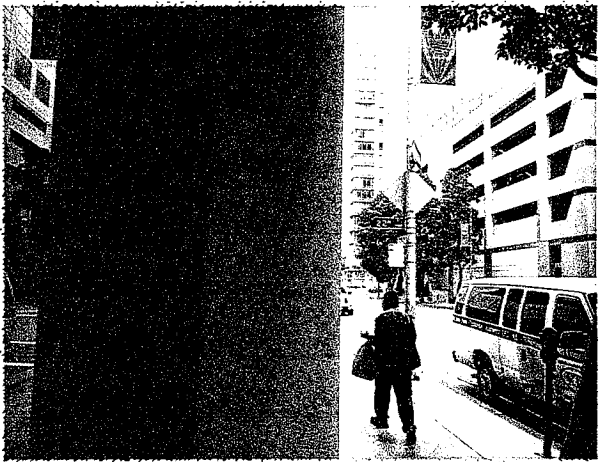
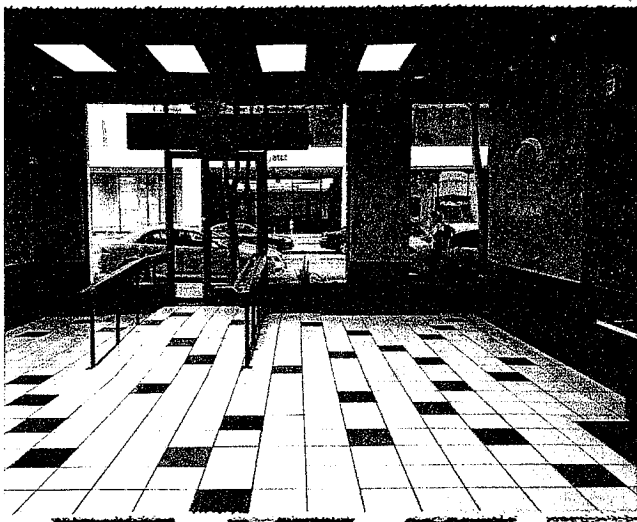
1



2100 FRANKLIN STREET,
SUITE 170
OAKLAND, CA 94612

SHEET:
EXISTING
GROUND
FLOOR PLAN
DETAILS

A1



HOURS

M-F

8:30a-9:00 p

Saturday

4:00-11:00 p

Sunday

11:00a-3:00 p

The Octopus Literary Salon

Breakfast

\$5 House made fruit-granola parfait

Made daily with fresh fruit and Greek yogurt. Topped with roasted almonds.

\$5 Warm oat fruit crisp

Hot out of the oven each morning. Fruit changes daily.

\$10 Greens, eggs and ham

Two poached eggs, chard, Parmesan grils, and crispy Prosciutto. A few drops of hot sauce recommended. Good for the metabolism.

\$7 Fried egg sandwich

Two fried eggs, cream cheese, and herbs on toast.

\$7 Biscuit of the day

Meat (optional), cheese, vegetables, herbs. Flavored butters (e.g. pesto, strawberry, herb-garlic).

\$4 Bread and jam

Biscuit or toast (white, rye, pumpernickel), apricot, strawberry, or Concord grape jam. Flavored butters (e.g. pesto, strawberry, herb-garlic, spicy).

\$4 Muffin

Blueberry, Fiberbomb, Cranberry orange.

\$9 Smoked mackerel

Served cold on seaweed, sesame seed rice.

Salads/ sizes, combos

- \$7.50 Faro, roasted beets and Brussels' sprouts, toasted almonds, spinach and blue cheese in a balsamic vinaigrette
- \$7.50 Panzanella: bread, field greens, mozzarella, olives, heirloom tomatoes, pesto vinaigrette, red onion
- \$9.50 Soba, tofu, cabbages, pickled carrots, bell pepper, roasted peanuts, sesame seeds, green onions, ginger sesame dressing
- \$9 Kale Caesar salad
With quinoa, corn, and roasted pumpkin seeds with cumin lime dressing.
+ crispy house-made tofu.
- \$11 Quinoa, arugula, sweet potato, cranberry, goat cheese, pecans
- 7.5 Greens n seeds
- \$5 Fruit n nuts

Sandwiches (soft bread)

- \$11 cubano: ham/pickles/cheese/mustard/aioli
- \$11 sausage/or meatballs on bruschetta with fava, hard cooked egg, coriander, caraway, chiles, mayo, cilantro, salt, pepper lemon juice.
- \$8 squash, pepper, tapenade, arugula, aioli
- \$7 BBQ tempeh, slaw, cheese
- \$7 3-cheese melt, mustard, arugula
- \$4 Peanut butter and jelly or banana honey sandwich
Served on white bread.

Also

- \$2 McClure's Crinkle Cut Potato Chips
Garlic dill pickle or spicy pickle.

Sweets

\$8 Pot de Crème (pudding)

Chocolate, coffee, tapioca, or cherry.

\$5

Ice Cream Sandwich

vanilla, ice cream and cinnamon cookie

crème de menthe ice cream and chocolate cookie (grasshopper pie)

vanilla, ice cream and gingersnap cookie

chocolate ice cream and peanut butter cookie

vanilla ice cream and key lime cookie

\$2

Cookies (cinnamon, chocolate, gingersnap, peanut butter, or key lime)

Drinks (sizes!)

\$2.50 Americano
\$3 Cappuccino
\$2.25 Espresso
\$3.50 Latte
\$2.75 Macchiato
\$3.75 Mocha

\$2 cup drip coffee
\$5 pot of hot brewed coffee
\$3 cold brewed coffee
\$2.50 organic chai
\$2.50 café au lait

\$2 hot or iced tea
\$4 pot of tea
Selections of black, green, herbal teas.

\$3 House made spritzers
Elderflower, Black Cherry, Sassafras Sarsaparilla, Orange, Lemonade. (Regular, light) Seasonal flavors.

\$4 Juice
Fresh squeezed orange, cranberry, apple.

\$5 Kombucha
Various flavors.

\$4 Coconut water

Adult Beverages 21+

\$4 Pint of draft beer
\$12 Pitcher of draft beer
Selections of lager, ale, porter and stout.
\$9- Glass of wine
\$15

