

**Case File Number CM11-060****July 6, 2011**

<b>Location:</b>	<b>95-101 Linden Street (APN 004-0023-006-00)</b>
<b>Proposal:</b>	Allow sales and sampling of alcoholic beverages at an existing brewery and group assembly activities
<b>Contact Person/Phone Number:</b>	Adam Lamoreaux & Alice Chen, (510)251-8898
<b>Owner:</b>	101 Linden LLC
<b>Case File Number:</b>	<b>CM11-060</b>
<b>Planning Permits Required:</b>	Major Conditional Use Permit to allow Alcoholic Beverage Service (sales and sampling/tasting) pursuant to OPC Section 17.102.210 for an existing brewery/Light Manufacturing Activity; and Group Assembly for special events and concerts for up to 1,000 persons
<b>General Plan:</b>	Light Industrial Estuary Policy Plan
<b>Zoning:</b>	M-30 General Industrial
<b>Environmental Determination:</b>	Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15303
<b>Historic Status:</b>	Potential Designated Historic Property, B*1+ API contributor, Major Importance, DM1 SP Railroad Industrial District
<b>Service Delivery District:</b>	Metro
<b>City Council District:</b>	3
<b>Date Filed:</b>	April 6, 2010
<b>Staff Recommendation:</b>	Approve Subject to Conditions
<b>Action to be Taken:</b>	Decision on Application Based on Staff Report
<b>Finality of Decision:</b>	Appealable to City Council within 10 Days
<b>For Further Information:</b>	Contact <b>David Valeska</b> at (510) 238-2075 or <a href="mailto:dvaleska@oaklandnet.com">dvaleska@oaklandnet.com</a>

**SUMMARY**

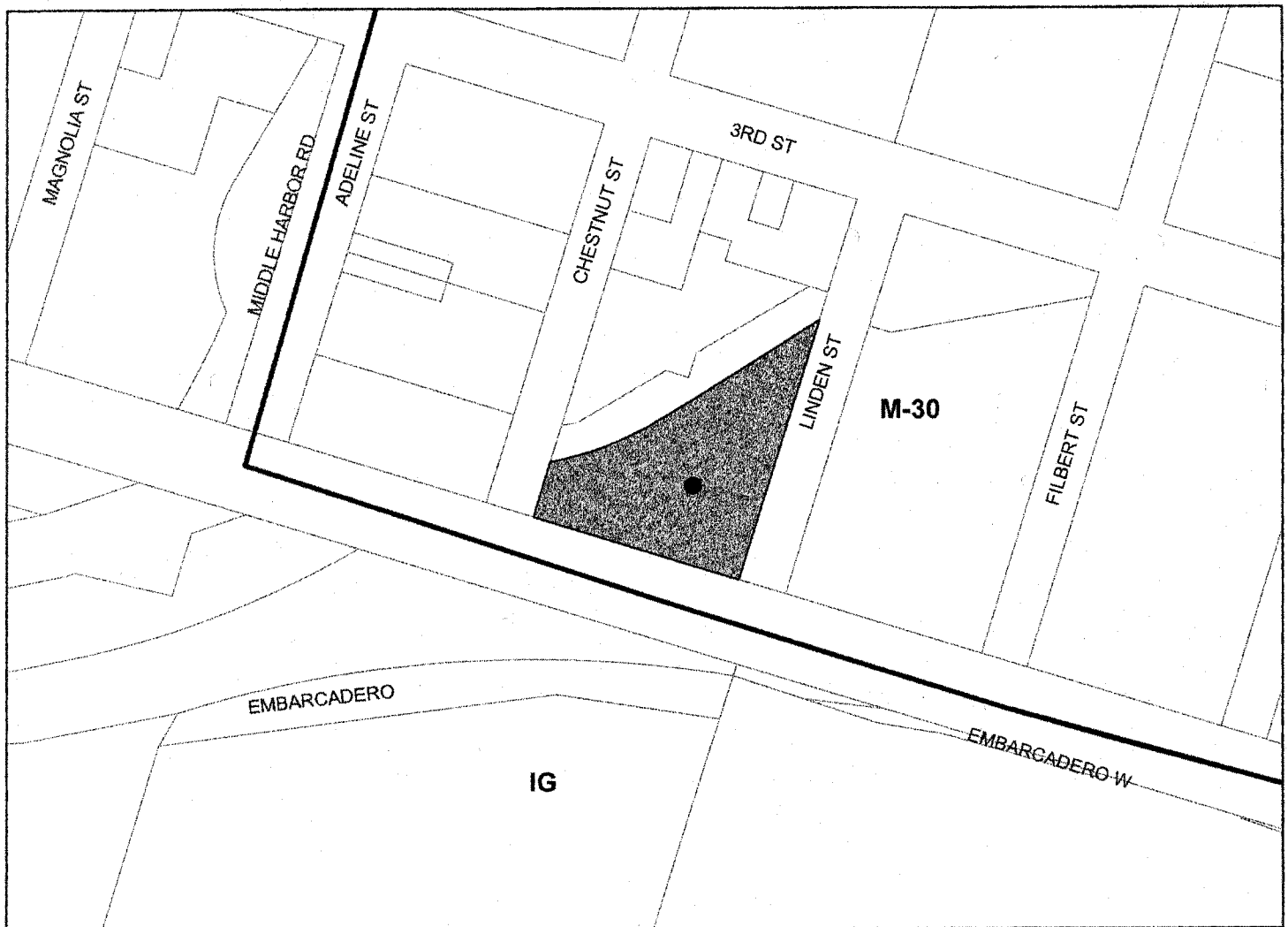
This is an application to allow sales of beer, wine and distilled spirits and group assembly in, and adjacent to, and outdoors of, an existing 2 story industrial brewery building. The building is located at Linden Street at 3<sup>rd</sup> Street, near railroad tracks of the Port of Oakland. If an Activity is not a "Full-Service" restaurant, a Major Conditional Use Permit (CUP) is required to sell alcoholic beverages. Since the applicant plans a bar and not a Full Service restaurant, a Major CUP is required. A CUP is also required for Group Assembly in the M-30 General Industrial zoning district.

An on-sale Alcoholic Beverage Sales activity (bar) or off-sale Alcoholic Beverage Sales activity (store selling bottles of beer, wine or spirits) in the Linden Street area requires a 1,000 feet separation from another such activity. The applicant proposes both on-sale and off-sale activities. City records, Alcohol Deemed Approved records and field observations show no such other Alcoholic Beverage Sales activity within 1,000 feet of 95-101 Linden Street, which is in an industrial area of the Port. Therefore the proposal meets this requirement.

**PROJECT DESCRIPTION**

The proposed project includes on-site beer and wine consumption and group assembly activities in a 1,700 square foot brewery and 1,800 square foot additional space, near the Jack London Square entertainment district, including but not limited to the following:

# CITY OF OAKLAND PLANNING COMMISSION



0 125 250 500 750 1,000 Feet



Case File: CM11-060  
Applicant: Adam Lamoreaux & Alice Chen  
Address: 95-101 Linden Street  
Zone: M-30

- Tasting and direct retail sale of beer and wine, by the glass and by the bottle;
- Group assembly such as music, sporting (boxing), weddings/private events, art and other events, inside and outside the building for up to 1,000 persons per event; and
- Food catering of events from trucks brought in from off-site locations.

These activities would be in addition to existing approved brewery/light industrial activity (Type 23 State Alcoholic Beverage Control/ABC license). Linden Street Brewery reports it is Oakland's first brewery since the 1950's. Additional permitted activities in the M-30 Zone include General Retail Sales (e.g. brewery logo shirts etc.); General Food Sales, either Full Service or Limited Service Restaurant and Café; Administrative (brewery office); and General Wholesale Sales (e.g. beer wholesaler).

A dozen employees typically would serve approximately 200 patrons, though more may attend. There are 75 parking spaces serving the applicant and other tenants in the building including Huntleigh Development, Zentner and Zentner and Integral Group; there are several vacant spaces as well. The building would include men's and women's restrooms, office, and storage. The business hours will be revised to seven days a week, initially 8 am until 1:45 am, adding evening hours.

## PROPERTY DESCRIPTION

The 49,500 square foot, 1.1 acre triangular parcel includes a 26,233 square foot industrial building. Of this area, approximately 3,500 square feet of building space is to be used by the applicant and 23,100 square feet of additional area is for other tenants. Until recently another industrial user occupied half of the planned brewery space, and their exit allows the expansion of Linden Street Brewery.

## GENERAL PLAN ANALYSIS

This project is located in the Light Industrial Estuary Policy Plan Land Use Classification, under the General Plan Land Use and Transportation Element (LUTE). One intent of this classification is to identify, create, maintain and enhance commercial and industrial structures in this area with good access to transportation and other services. Excerpts from Estuary Plan include:

**Land Use Objective LU-1 (page 29):** "A variety of uses can contribute to making the Estuary of value to Oakland's community and an attractive destination. A balance of uses and activities such as commercial, recreation and residential, both traditional and non-traditional, will add to a dynamic waterfront. Additionally, innovate mixes of cultural arts, institutions, and events will entice people to experience and enjoy the waterfront in a variety of ways should be included." (*Staff note: While this site is not literally waterfront, it is near main routes to waterfront parks and reinforces the waterfront area.*)

**Land Use Objective LU-4 (page 30):** "Oakland's Estuary can accommodate a wide variety of uses which will add to the economic health and well-being of the City. Opportunities range from hotels, restaurants and entertainment venues to retail, general office space, cultural facilities and business parks. At the same time, existing commercial and industrial uses that are already established and which also contribute to the City's tax and employment base should be encouraged to expand."

**Land Use Policy JL-7 (page 64):** "The Estuary Policy plan recommends maintaining light industrial activities, including warehousing and distribution uses, west of Martin Luther King Jr. Boulevard where a concentration of industrial activities exists. Office and retail uses should be encouraged within this area as well."

Staff review of these policies confirms that there is community support for a specialty alcohol service and group assembly activities west of the Jack London Square area. Existing business districts should be supported, and enhanced, through business retention and attraction efforts.

### **ZONING ANALYSIS**

A Major Conditional Use Permit is required for an Alcoholic Beverage Sales Commercial Activity in the General Industrial M-30 Zone. Regular Conditional Use Permit findings per Section 17.134.050 and special findings for Alcoholic Beverage Sales Commercial Activities per Section 17.102.210 must be made, including Findings of Public Convenience and Necessity for being in a higher-crime police beat area.

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. The applicant intends to obtain an existing Oakland license if possible for any service expansion.

In the M-30 zone, an "Open" facility such as the outdoor concert/event area of the parking lot is a permitted facility. The Zoning Code establishes maximum noise standards even for industrial areas, which are 70 decibels (dB/CNEL) on weekday nights and 60 decibels on weekend nights at a property line. (The site is next to a main rail line and near the 880 freeway which results in ambient background noise over 45 dB/CNEL). Due to the non-residential nature of the vicinity, it is unlikely that a typical concert would violate such standards.

### **ENVIRONMENTAL DETERMINATION**

The California Environmental Quality Act (CEQA) Guidelines list projects which are categorically exempt from environmental review. Section 15301 exempts facilities, which consist of minor alterations to existing structures, involving negligible or no expansion of use beyond that previously existing, including interior or exterior alteration. No significant changes in the Potential Designated Historic Property are planned. Therefore, this project is considered categorically exempt from the provisions of CEQA pursuant to Sections 15301 of the State CEQA guidelines. In addition, Section 15183 applies as this activity, subject to Conditional Use Permit approval, is consistent with a Community Plan, General Plan, and Zoning.

### **KEY ISSUES AND IMPACTS**

The proposed facility will establish a daily beer and wine tasting facility, event venue and catered dining area for typically 200 patrons inside and up to 1,000 patrons in combined inside/outside group assembly events. The proposed use would provide a greater vitality to this West Oakland vicinity, while generating minimum nuisance due to the implementation of alcohol license and other restrictions (See Conditions 13 to 22 inclusive).

Issues reviewed include: Crime Control; Parking; and Concentration of Alcoholic Beverage Services.

**Crime Control**

Staff consulted Police statistics for the 90 day period ending June 7, 2011 within a quarter-mile radius of 95-101 Linden Street, and found similar or somewhat higher crime statistics to those of Old Oakland and Civic Center/Uptown (1741 Telegraph Avenue) as shown below.

LINDEN/THIRD/CHESTNUT AREA: Aggravated Assault, 0; Burglary, 0; Narcotics, 0; Robbery, 0; Simple Assault, 1; Vandalism, 1; Theft, 2; Alcohol, 0; Vehicle Theft, 0.

UPTOWN/CIVIC CENTER BORDER, 1741 TELEGRAPH AVENUE. Aggravated Assault, 5; Burglary, 4; Narcotics, 3; Robbery, 5; Simple Assault, 13; Theft, 42; Vandalism, 4; Vehicle Theft, 2; Alcohol, 2.

OLD OAKLAND, 9<sup>TH</sup> & WASHINGTON. Aggravated Assault, 1; Burglary, 2; Narcotics, 1; Robbery, 4; Simple Assault, 13; Theft, 19; Vandalism, 9; Vehicle Theft, 4; Alcohol, 1.

With present industrial uses, the Linden/Third/Chestnut area has much lower crime reports than Uptown or Old Oakland. One reason may be that there are many more people (potential crime victims) in the other two areas than in the applicant's Linden Street area at this time. However, with such a low baseline to start, it is unlikely that crime reports would approach or exceed those of more intense concentrated nightlife areas like Uptown and Old Oakland.

With appropriate conditions regarding hours and alcohol sales limitations and other operational elements, this project will meet all of the Use Permit Criteria pursuant to Section 17.134.050 and other Sections listed, which are attached hereto and are hereby incorporated into this report.

The Oakland Police Departments ABAT unit has not determined that this use will create nuisance activity if managed properly. As a part of the program ABAT will be responsible for monitoring this location. Through compliance with the conditions of approval as well as active enforcement and police assistance when necessary, this use should remain safe and compatible with surrounding uses.

**Parking**

An existing building (pre 1965) in the M-30 zoning would not require parking for the introduction of non-residential uses, except as may be deemed appropriate to satisfy any applicable Findings for Approval. There are no new buildings proposed. This building has existed for decades in its current configuration. Institute for Transportation Engineering (ITE) data indicates a building of this size would need approximately 48 parking spaces for office/industrial (1.85 spaces per 1000 square feet).

The applicant requests a 200-person baseline occupancy (daily use) for brewery, shop and small events inside the leased space, compared to a few dozen persons now. Staff evaluated parking supply needed to provide for this baseline. The project proposes to retain approximately 75 on-site parking spaces which serve this business and several offices in the same building. The applicant's expansion parking demand for office staff and daily tours (at one vehicle per two persons) is less than half of this supply. (Staff contacted a few of the other tenants in the building to discuss their parking demand; two supported the applicant's project and there was no opposition as of June 27, 2011).

On-street parking on adjacent streets exceeds 100 spaces, which spaces in a day-time Google Earth photograph were shown as approximately one-third occupied. Adding the applicant's on-site parking (half of 75 spaces supply=38 spaces) and street parking (two-thirds of 100+ spaces supply=60+), there should be approximately 100 spaces for the applicant's business (there are several hundred on-street spaces within a ten minute walk outside of this immediate area). At two persons per vehicle, in this projection, up to 200 persons could occupy the business at one time without exceeding typical daytime parking supply on and near the site. This 200 person capacity is the baseline measure used for this report.

Special events may generate up to 1000 persons such as concerts, weddings and other indoor and outdoor events. Such outdoor events would displace part of the parking lot and affect parking for the other building tenants. While it is anticipated that existing on-site and nearby on-street parking will meet the demand during normal operations, a condition of this CUP is proposed to require a Parking Management Plan for Zoning Manager approval for events over 200 persons, including potential shuttle buses, extra bicycle parking, transit passes and other options for review and approval. The site is within approximately 6 blocks of the West Oakland BART station, which will meet transportation demands for many patrons during special events (either by walking or shuttle).

#### **Concentration of Alcoholic Beverage Services**

There are no on-sale or off-sale Alcoholic Beverage Service activities within a 1,000 foot radius of this site. There are liquor stores across Highway 880 in West Oakland, and there are alcohol-serving restaurants and bars in Jack London Square and Bret Harte Boardwalk areas to the east. There is no over-concentration issue for this property.

#### **CONCLUSION**

The expansion of the existing Linden Street Brewery will bring more visitors to the Jack London Square and Estuary tourism/nightlife areas, reinforcing commercial benefits which provides revenue to preserve the building. This business would be a one-of-a-kind facility in the north Estuary area of Oakland. The facility will be an enhancement as seen from the street, replacing industrial space with activity and nightlife. Staff concludes that the application merits support, subject to appropriate Conditions of Approval.


#### **RECOMMENDATION:**

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

Prepared by:

  
David Valeska, Planner II

Approved by:

  
SCOTT MILLER  
Zoning Manager

Approved for forwarding to the  
City Planning Commission:



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ERIC ANGSTADT, Deputy Director  
Community & Economic Development Agency

Attachments:

- A. Findings
- B. Conditions
- C. Site Plan/Aero Photo
- D. Applicant Letter
- E. Applicant Plans and Photographs





**ATTACHMENT A: FINDINGS FOR APPROVAL**

This proposal meets the required findings under Sections 17.134.050, General Use Permit Criteria, 17.102.210(A)&(B) Special Use Permit Criteria, 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 proposed expansion of alcohol sales in this section of the Port/Estuary area will be compatible with adjacent and surrounding businesses. There are no nearby residences. As approved the activity with limited operating hours and other operating characteristics will not adversely affect livability or appropriate development. The building is existing and this area of Oakland can support the anticipated traffic. Transportation demand will be satisfied, in part, from relatively close proximity to the West Oakland BART station.

- 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 existing development will provide a convenient and functional living, working and shopping environment by providing a convenient location for specialty alcoholic beverages and events such as concerts.

- 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 retail alcohol sales will enhance the area by providing a supplementary space for this service supportive of the Jack London Square entertainment/nightlife district a mile to the south. The project, including beer and wine tasting and sales, will also provide an essential meeting area and recreational venue.

- 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 is existing and very minimal exterior changes are planned to the restored 1899 façade, as updated in 1910 and 1918.

- 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 General Plan and Estuary Policy Plan are silent regarding sales of alcohol. The General Plan allows for businesses that will not cause undue nuisance activity. The proposed activity is within an established industrial/office district north of an entertainment district, and as conditioned will cause a minimum of nuisance activity. The Estuary Policy Plan Light Industrial land use category envisions a wide range of industrial, retail, restaurant and other activities along with promoting mixed-use developments. This use of an existing commercial storefront will enhance the visitors' experience.

**Section 17.102.210 (A) - Special Use Permit Criteria:**

- 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 proposal will not result in a net increase in such effects and the activity is in conjunction with other desired activities. While increasing entertainment gatherings at night may cause concentration of both legal and illegal behavior, performance by other venues in Oakland and San Francisco has shown minimal contribution by this type of industrial/mixed use facility to crime, loitering or traffic problems. As conditioned, expanding Linden Street Brewery's activity will not contribute significantly to such problems. Streets in this vicinity have capacity for the projected traffic without affecting the level of service, and the site is in relatively close proximity to the West Oakland BART station.

- 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**

Sensitive uses as listed above within 1,000 feet are very few and would not be affected. Staff believes that CUP conditions will ensure the additional alcoholic beverage and event activities will not adversely effect surrounding uses.

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

There will be no direct effect on people along Third Street or nearby pedestrian streets. This expanded use is in an industrial area with few pedestrians.

- 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 is existing and the façade is proposed for retention in its historic style and make minor first floor replacements of doors and windows. 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 unlandscaped parking areas, and an overall garish impression.**

There is no proposed added signage at this time. Any signage proposed will be modest and will go through a separate design review process. No additional parking areas would be built.

**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 business and more during special events; and litter will be removed from the sidewalk and gutter in front of and to twenty feet beyond the premises along adjacent streets.

**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 business is not in close proximity to residential uses or bedroom windows; apartment buildings such as Acorn are over two blocks away.

**Section 17.102.210(B) - Special Use Permit Criteria**

**B. Special Restrictions on Establishments Selling Alcoholic Beverages.**

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

The proposal is not within 1,000 feet of another Alcoholic Beverage Sales Commercial Activity of the type mentioned in Section 17.102.210(B).

- 3. In addition to the criteria prescribed elsewhere in the zoning regulations, a land use permit for an Alcoholic Beverage Sales Activity located within an Alcoholic Beverage Sales license overconcentrated area shall be granted and a finding of Public Convenience or Necessity made only if the proposal conforms to all of the following three criteria:**
  - 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:**

This Census Tract is not considered overconcentrated with alcoholic beverage service according to General Plan policies. City crime statistics for this area are currently much lower than for other nightlife districts in the City.

- 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.**

Review of police statistics confirm that this expansion of an existing use will be a positive influence on community life and would not likely result in a significant increase in police calls for service, due to clientele behavior demonstrated by similar wineries, breweries and event venues in the Bay Area.

- c. That alcohol sales are typically a part of this business in the City of Oakland (for example, and not by way of limitation, alcohol sales in a Laundromat would not meet this criteria).**

Alcohol beverage service is typically a part of breweries and the applicant's proposal is consistent with this pattern near Jack London Square.

**4. In addition to the above criteria, projects outside the Central District and Hegenberger Corridor shall meet all of the following criteria to make a finding of Public Convenience or Necessity, with the exception of those projects that will result in twenty-five (25) or more full time equivalent (FTE) employees and will result in a total floor area of twenty thousand (20,000) square feet or more:**

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

The property is in an industrial area of the Port over 1,000 feet from the listed facilities and activities.

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

City police statistics show that this beat area 02X was less than 120% of the Citywide average of calls for police services. Census Tract 4020 was also below this standard.

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

The project shall be constructed and operated in accordance with the authorized use as described in this staff report and the plans submitted April 6, 2011, and as amended by the following conditions. Any additional uses other than those approved with this permit, as described in the project description, will require a separate application and approval. The approved activity is: Major Conditional Use Permit to allow Alcoholic Beverage Service (sales and sampling/tasting) pursuant to OPC Section 17.102.210 for an existing brewery/Light Manufacturing Activity, in 3,500 square feet of an existing building; and Group Assembly for special events including concerts for up to 1,000 persons on the grounds of the facility.

**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 and when operating***

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. Waste Reduction and Recycling**

***a. Prior to issuance of a building or demolition permit***

The applicant may be required to complete and submit a "Waste Reduction and Recycling Plan," and a plan to divert 50 percent of the solid waste generated by the operation of the project, to the Public Works Agency for review and approval, pursuant to City of Oakland Ordinance No. 12253. Contact the City of Oakland Environmental Services Division of Public Works at (510) 238-7073 for information.

**12. Recycling Space Allocation Requirements**

***a. Prior to issuance of 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. 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.

**STANDARD CONDITIONS FOR ALCOHOLIC BEVERAGE SALES COMMERCIAL ACTIVITY:**

**13. 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.

**14. Hours.**

***a. Ongoing.***

The alcoholic beverage service portion of the business may be open from 8:00 AM to 2:00 AM. Alcohol Sale shall conclude at or prior to 1:45 AM. Any work outside these hours shall solely be brewery (beer-making), staff preparation or cleaning the site.

**15. 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.

**16. 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 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.

**17. 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 200 persons.

**18. 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."

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

***a. 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. Parking Management Plan**

***Prior to expanded activity, and ongoing***

The applicant shall prepare for Zoning Manager approval a Parking Management Plan which provides for all events with over 200 persons congregating at the business on this property (inside and/or outside). The plan shall provide an acceptable mix of shuttle buses to and from off-site parking lots and/or BART; extra bicycle parking; transit passes to customers and other commonly implemented strategies. The applicant shall follow the plan. After 6 months or the second event generating over 200 persons, whichever occurs first, monitoring by staff pursuant to Condition 24 herein will confirm that the events are in compliance, and if not, shall request a formal compliance review by the Planning Commission. If a compliance review by the Planning Commission is determined necessary by staff, the applicant shall be required to pay a reconsideration fee (currently \$1,803.87) and submit for Planning Commission review.

**21. Bicycle Parking**

***Prior to expanded activity, and ongoing***

The applicant shall provide bicycle parking for approval by the City CEDA staff. Such parking shall meet approved design and number of spaces. This parking is in addition to overflow bicycle parking as part of the Parking Management Plan for events from 200 to 1000 persons.

**22. Occupancy Maximum**

***Ongoing***

The maximum occupancy for interior use shall be as directed by the Oakland Fire Department and Building Code limitations.

**23. Special Event Permits**

***Ongoing***

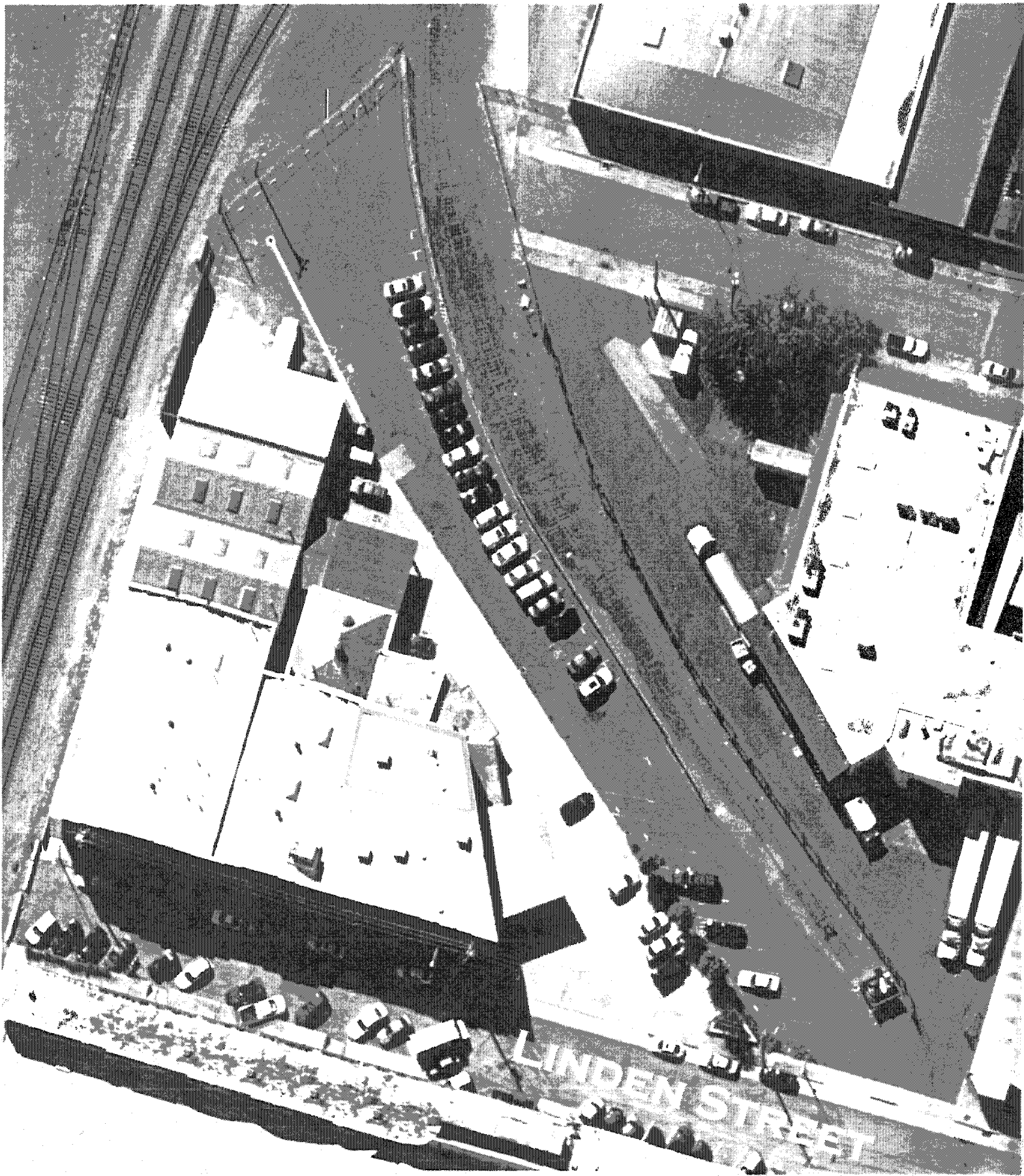
The applicant may be required to obtain Special Event Permits from the City Administrator's Office and/or Police Department for any events on-site with attendance greater than that provided by the occupancy maximum referred to in Condition 22.

**24. Compliance Review**

***After a Second Event Hosting More Than 200 Persons or Within 6 Months of Commencement of Operations, Whichever Occurs First***

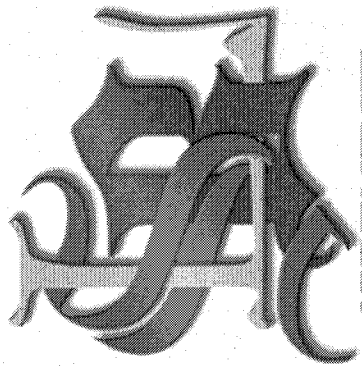
If deemed necessary by staff pursuant to Condition of Approval #20, the project shall be re-evaluated for compliance with conditions of approval and impacts by the Planning Commission. The applicant shall initiate said Compliance Review by paying the Reconsideration/Revision fee to the cashier at the City Planning and Zoning offices (currently \$1,803.87).

**APPROVED BY:** City Planning Commission: \_\_\_\_\_ (date) \_\_\_\_\_ (vote)  
City Council



**Attachments C: Site Plan/Aero Photo**

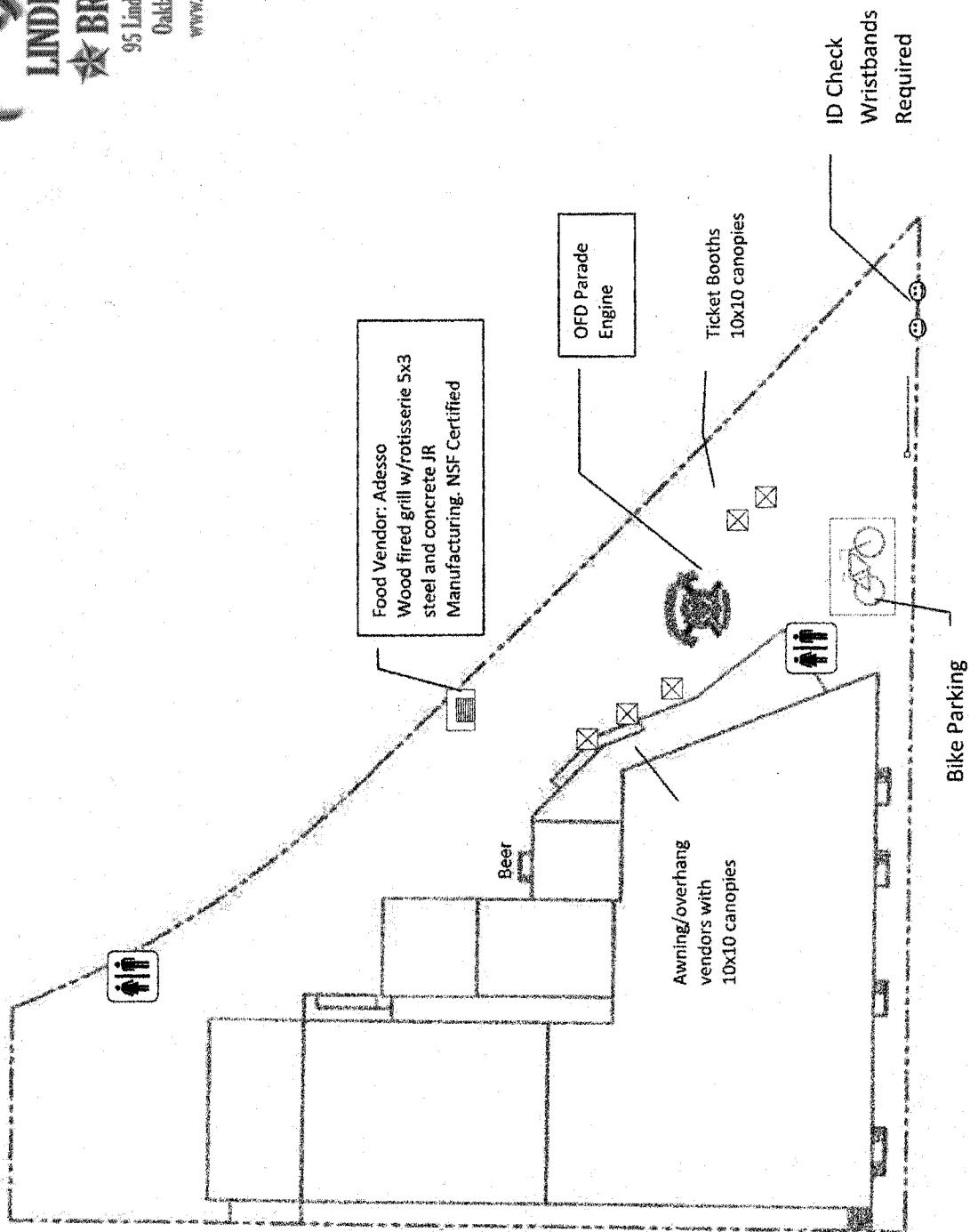
**Fundraiser for OFD's Random Acts**  
June 11, 2011 1pm to 5pm



**LINDEN STREET  
BREWERY**

95 Linden Street, Suite 8  
Oakland, CA 94607  
[www.lindenbeer.com](http://www.lindenbeer.com)

<b>LINDEN ST. BREWERY</b>	<b>Project Address:</b> 95 LINDEN ST. SUITE 8 OAKLAND, CA 94607	<b>Project Name:</b> LINDEN STREET BREWERY	<b>Project No.:</b> 05-21	<b>Date:</b> 06-23-05	<b>Drawn By:</b> HDL	<b>Checked By:</b> ML	<b>Revision:</b>	<b>Drawn</b>	<b>or</b>	<b>Ad</b>
<b>Project Address:</b> 95 LINDEN ST. SUITE 8 OAKLAND, CA 94607	<b>Project Name:</b> LINDEN STREET BREWERY	<b>Project No.:</b> 05-21	<b>Date:</b> 06-23-05	<b>Drawn By:</b> HDL	<b>Checked By:</b> ML	<b>Revision:</b>	<b>Drawn</b>	<b>or</b>	<b>Ad</b>	



## **Linden Street Brewery CUP Proposal:**

### Immediate Planned Use:

- 1) The tasting and direct retail sale of beer, both by-the-glass and bottle
- 2) The tasting and direct retail sales of wine, both by-the-glass and bottle
- 3) Wine & Beer storage consistent with an ABC Type 14 Public Warehouse License
- 4) The daily use of food trucks as off-site caterers
- 5) Operational hours of 8 am to 2 am, 7 days/week
- 6) Weekly onsite music
- 7) Weekly use of the parking lot area for large group gatherings (up to 1,000 people)
- 8) The hosting of weddings and private events
- 9) Art Gallery
- 10) Yoga/Boxing
- 9) All other permitted uses under an ABC Type 23 Small Beer Manufacturers & Type 01 Beer Manufacturers License\*
- 9) All other permitted uses under an ABC Type 2 Wine Growers License\*

### Future Planned Use:

- 1) The production, tasting and direct retail sale of artisan spirits, both by-the-glass and bottle
- 2) The construction and operation of a licensed kitchen and food production facility.
- 3) The development of a youth hostel in contiguous space

+Department of Alcoholic Beverage Control State of California

### **COMMON ABC LICENSE TYPES AND THEIR BASIC PRIVILEGES**

**<http://www.abc.ca.gov/forms/abc616.pdf>**

**TYPE 02: WINEGROWER** - (Winery) Authorizes the sale of wine and brandy to any person holding a license authorizing the sale of wine and brandy, and to consumers for consumption off the premises where sold. Authorizes the sale of all wines and brandies, regardless of source, to consumers for consumption on the premises in a bona fide eating place that is located on the licensed premises or on premises owned by the licensee that are contiguous to the licensed premises and operated by and for the licensee. May possess wine and brandy for use in the preparation of food and beverage to be consumed at the bona fide eating place. May conduct winetastings under prescribed conditions (Section 23356.1; Rule 53). Minors are allowed on the premises.

**TYPE 23: SMALL BEER MANUFACTURER** - (Brew Pub or Micro-brewery) Authorizes the same privileges and restrictions as a Type 01. A brewpub is typically a very small brewery with a restaurant. A micro-brewery is a small-scale brewery operation that typically is dedicated solely to the production of specialty beers, although some do have a restaurant or pub on their manufacturing plant.

**TYPE 01: BEER MANUFACTURER** - (Large Brewery) Authorizes the sale of beer to any person holding a license authorizing the sale of beer, and to consumers for consumption on or off the manufacturer's licensed premises. Without

**Attachment D: Applicant Letter**

Linden Street Brewery  
Parcel #: 004-0023006

any additional licenses, may sell beer and wine, regardless of source, to consumers for consumption at a bona fide public eating place on the manufacturer's licensed premises or at a bona fide eating place contiguous to the manufacturer's licensed premises. May conduct beer tastings under specified conditions (Section 23357.3). Minors are allowed on the premises.

**PARKING MANAGEMENT—LINDEN BREWERY SITE, 2011**

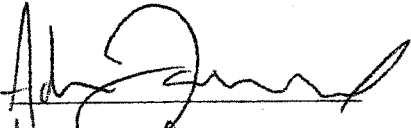
For events of over 200 persons at one time, up to a maximum 1,000 persons (to be held only outside of regular Monday-Friday business hours), pedestrian use of our 75-space parking lot may move parking demand to on-street, garage, satellite lot and/or BART connection. The following procedures are planned:


- Pedicabs connecting to BART; and/or
- Shuttle buses to BART and Jack London Square garages; and/or
- Cooperative use agreements with nearby private parking areas.

In addition, bike valet areas will be provided on-site (see site plan).

We have tested these procedures for events in the past e.g. June 10 Firefighters bbq, and found that they worked without producing substantial complaints.

An additional detailed plan is being submitted separately by our architect June 27, 2011.

  
Adam Lamoreaux

 6/27/11  
BRENDAN ELIASON

LINDEN STREET BREWERY

# Linden Street Brewery Special Events Manual

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Large Scale Events 500-1,000

Helen Wyman

6/27/2011



**LINDEN STREET**  
★ **BREWERY** ★

95 Linden Street, Suite 8  
Oakland, CA 94607  
[www.lindenbeer.com](http://www.lindenbeer.com)



## GENERAL EVENT RULES

No Event is put on the Linden Street Calendar without a complete Event Permit/Contract and deposit received or negotiated. It is the policy of Linden Street that no event in the Tasting Room, Brewery or Parking Lot can advertise or sell tickets until the Linden Special Event Coordinator has received a signed Event Permit/Contract and a deposit for the space has been paid. All advertising done on behalf of the event with the Linden Street name must be approved by the Special Events Coordinator.

- Tasting Room hours
- Events of 500-1,000 people will end before 11:00pm
- Any amplified sound must end at 10pm
- Alcohol sales must cease at 11:00pm
- 8hrs is the maximum duration of an event
- All events must have a basic first aid kit on site at all times-this includes set up and tear down
- All events must follow the Rules and Regulations put forth in the Special Event Manual. It is the responsibility of the event producer to read the Special Events Manual and ask any questions necessary during the planning process. Failure to read or understand the Special Events Manual does not indemnify event planner against failure to comply consequences.
- An event can be canceled with no refund given for failure to comply with the Special Event Manual or the Event Permit Contract.

For applications and information regarding events at Linden Street Brewery contact:

**Helen Wyman**  
**Special Events Coordinator**  
**Linden Street Brewery**  
**95 Linden Street Suite 7/8**  
**Oakland, CA 94607**  
**510.301.3122 phone**  
[lindenstevents@gmail.com](mailto:lindenstevents@gmail.com)

## HOURS OF OPERATION

The parking lot will be used for large events after business hours and on weekends. Currently there are no businesses open after 5pm or on the weekends.

Attendance	Fridays	Saturday	Sunday
Up to 500	5pm -10pm	11am – 11pm	11am – 7pm
Up to 1,000	6pm – 9pm	Noon – 8pm	Noon – 6pm

## RULES REGULATING THE SALE OF ALCOHOLIC BEVERAGES

1. Linden Street Event Staff will manage all alcohol sales for all events at the brewery. Events that are held in the parking lot will require the following.
2. Wristbands are required for anyone consuming alcohol at Linden Street.

3. Trained Event Staff will check ID's at all point of sale locations. No one without proper ID is allowed to purchase alcoholic beverages or tickets redeemable for alcoholic beverages.
4. Signs are posted at the entrance to the parking lot and at points of sale "Must be 21 and over to purchase alcohol. ID Required"
5. Sign posted at Beverage Area "Wristband Required"
6. Security present

### **FOOD VENDOR REQUIREMENTS**

- On site cooking is required to take place in parking lot according to the SITE PLAN.
- Food vendors that will be cooking on-site using OPEN FLAME or LIQUID PETROLEUM GAS are required to obtain a permit from City of Oakland Fire Prevention Bureau.
- We strongly recommend making an appointment with a Fire Marshall to inspect and permit your cooking apparatus during regular business hours to avoid having to pay the minimum 2-hours of overtime required if an inspector comes out after 3pm M-F and on weekends and holidays.

### **TEMPORARY FOOD PERMITS**

Linden Street Brewery requires all temporary food vendors to follow the "Rules and Regulations Pertaining to Food Service Establishments" set forth by the Alameda County Department of Environmental Services (Health Department). This condition applies to all vendors, profit and non-profit alike. A temporary food vendor includes mobile units, push carts, stands, etc. The temporary food vendor must contact the Alameda County Department of Environmental Health to obtain a permit.

For more information contact:

**Chris Ogbu**  
**Alameda County Environmental Health**  
**1131 Harbor Bay Parkway**  
**Alameda, CA 94502-6577**  
**Telephone: (510) 567-6748**

### **COOKING REQUIREMENTS**

- If you are cooking with a charcoal grill, you must either take the used charcoal with you or ask the Special Events Coordinator to designate a spot for disposal.
- Any caterers using a large amount of grease, must bring something to store and dispose of their own grease.
- If you are cooking with a charcoal grill, you must either take the used charcoal with you or ask the Special Events Coordinator to designate a spot for disposal. No charcoal is to be placed in the trashcans or dumped on the grass.
- Linden Street Brewery requires that all vendors follow the City of Oakland Greenware Ordinance.

- All food vendors are required to use compostable serving ware including utensils, plates, to-go containers.

## **GREEN EVENT POLICY**

- Linden Street requires all vendors to comply with the City of Oakland's Greenware Ordinance.
- Linden Street is committed to producing Green events. Please contact the Special Events Coordinator to obtain a copy of the Green Event Manual produced by Stopwaste.org.
- All events are required to have a Plan for monitoring the trash produced at the event. Volunteers may be required to monitor the waste areas.
- The City of Oakland's Environmental Services Department has Zero Waste stations available on a first come first serve basis. The stations include Clearspans for Compost, Recycling and Landfill and informational signage for events to use. Contact Wanda Redic at [wredic@oaklandnet.com](mailto:wredic@oaklandnet.com) or the Linden Street Events Coordinator to find out more about how to make your event 100% Green.
- Maintenance staff is required to be present at all events to monitor waste stations and keep the site clean throughout the day.
- Vendors are responsible for trash removal. The street must be left in the same condition it was when they arrived.

## **EVENT PARKING**

Linden Street encourages alternative transportation by offering patrons and event attendees Free Bike Valet. Linden Street is located just a short walk from the WEST OAKLAND BART STATION. For large scale events, Linden Street provides a shuttle to and from the BART station. Linden Street is only a few blocks from the Ferry Terminal and Amtrak located in Jack London Square. Street parking is available on both sides of 3<sup>rd</sup> Street. There is a free parking lot directly next door to the Brewery which can also be used for event parking.

## **BUILDING TENANT PARKING**

The regular business hours for the building are Monday thru Friday 8am to 5pm. There are currently no tenants open during the proposed event hours. The parallel parking spaces on Linden Street immediately following the first driveway of the parking lot will be reserved for Authorized Vehicles and Tenants. This will be designated with signage. Event attendees will be directed to park in the parking lot of the adjacent building.

## **SANITATION**

- Permanent facilities will not be accessible during events. All events held in the parking lot at Linden Street will be required to rent portable toilets.
- Number of portalets varies per event. The building's restroom facilities are restricted to tenants only.

Below are guidelines provided by the Portable Sanitation Association International that Linden Street Brewery will use to determine the needs of the event. In addition, the ADA requires 5% of restroom facilities to be accessible.

Guidelines for events with no pumping service and 50/50 mix of men and women with alcohol served:

Crowd Size	1hr	2hrs	3hrs	4hrs	5hrs	6hrs	7hrs	8hrs
500	3	5	5	7	8	9	12	12
1000	5	8	10	10	12	12	14	16

## INSURANCE

Linden Street Brewery carries a \$2 Million line of general operations insurance with Safeco Insurance Company. We additionally insure all of our clients for the day(s) of our events. Our provider will send your proof of insurance to any fax or email you require.

Below is a detailed list of the most frequently sub-contracted roles we use and the insurance policies that Linden Street requires of them.

**Sound:** \$1million Commercial General Liability (CGL) policy, they are required to additionally insure both Oakland Events and our client, then they must send that proof of insurance to all required person(s).

**Lighting:** \$1million Commercial General Liability (CGL) policy, they are required to additionally insure both Oakland Events and our client, then they must send that proof of insurance to all required person(s).

**Staging:** \$1million Commercial General Liability (CGL) policy, they are required to additionally insure both Linden Street Brewery and our property management company, then they must send that proof of insurance to all required person(s).

**Port-a-Potties:** \$1million Commercial General Liability (CGL) policy, they are required to additionally insure both Linden Street Brewery and our property management company, then they must send that proof of insurance to all required person(s).

**Grounds Maintenance:** \$1million Commercial General Liability (CGL) policy, they are required to additionally insure both Linden Street Brewery and our property management company, then they must send that proof of insurance to all required person(s).

**Generators:** \$1million Commercial General Liability (CGL) policy, they are required to additionally insure both Linden Street Brewery and our property management company, then they must send that proof of insurance to all required person(s).

**Production Staffing:** \$1million Commercial General Liability (CGL) policy, they are required to additionally insure both Linden Street Brewery and our property management company, then they must send that proof of insurance to all required person(s).

## SECURITY

It is the responsibility of the applicant/event producer to provide adequate security for the event. The type of event, expected attendance and event hours and other factors will determine the amount of security needed at any event. Linden Street may require an applicant/event producer to provide private security (unarmed). Private security provided by the applicant/event producer must be licensed in the state of California.

The Oakland Police Department and the Oakland Fire Department will serve in an advisory capacity to determine the extent of police protection and private security protection.

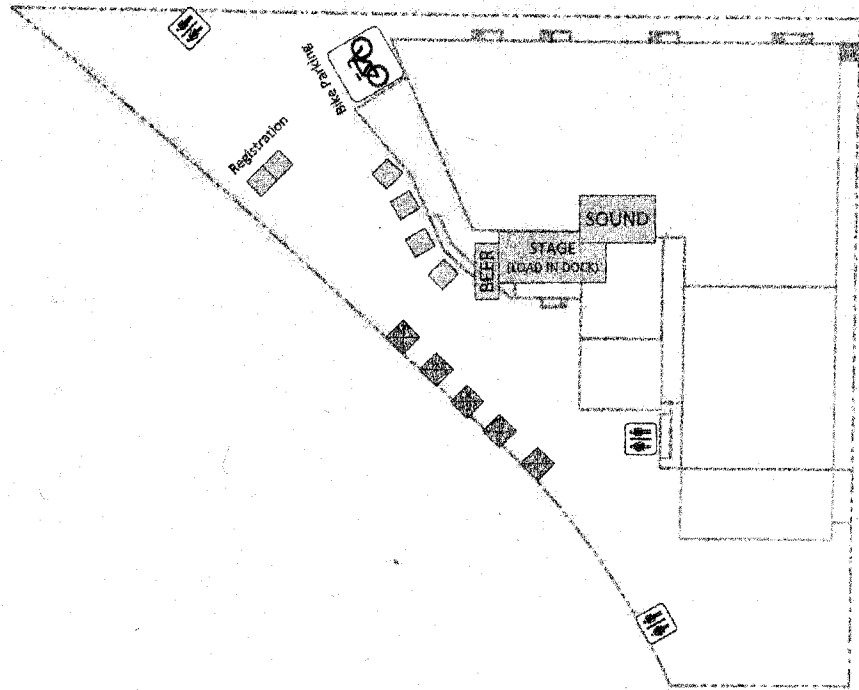
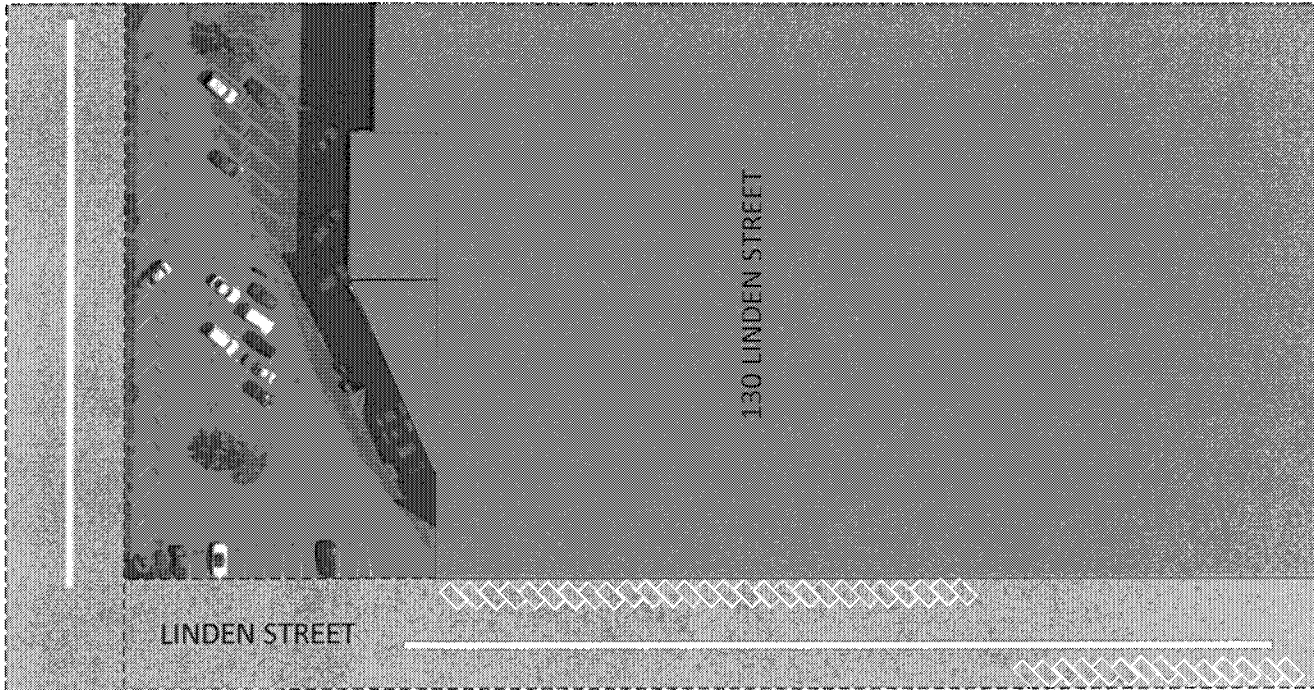
## ON-SITE EVENT STAFF

Linden Street Event Coordinator will work with the Event Organizer to create an event staffing plan to meet the needs of the event.

Linden Street also has a dedicated group of volunteers that are trained to support our large scale events.

## EVENT CONTACTS

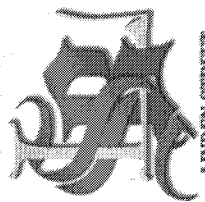
Activity	Details	Contact
Bike Valet		Brian Drayton Richmond Spokes FB Page: <a href="http://www.facebook.com/richmond.spokes">http://www.facebook.com/richmond.spokes</a>
Security	3-5 guards	Elizabeth Caprini General Manager VMA Security Group 650.288.8778 cell <a href="mailto:ecaprini@vmasecurity.com">ecaprini@vmasecurity.com</a> PPO Lic # 16815
Portable Toilets	10 standard 2 handicapped 2 sinks	United Site Services Ernie Fazio <a href="mailto:erniefazio@sbcglobal.net">erniefazio@sbcglobal.net</a> 925-838-8373



LEGEND:

10x10 Canopy

10x10 Food Booth: Propane/Charcoal/Fryer/Electrical



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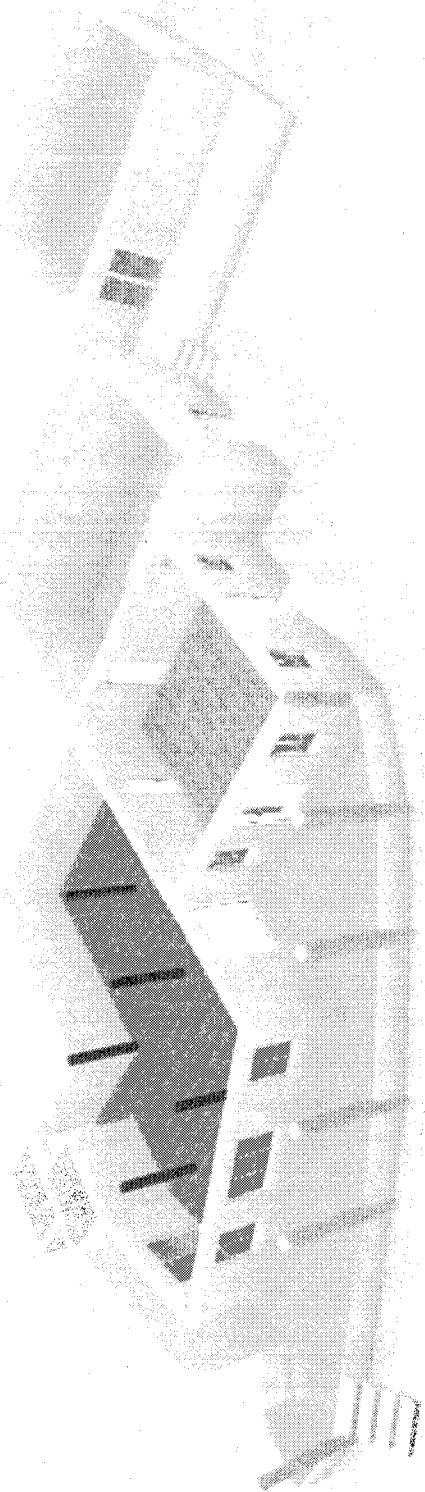
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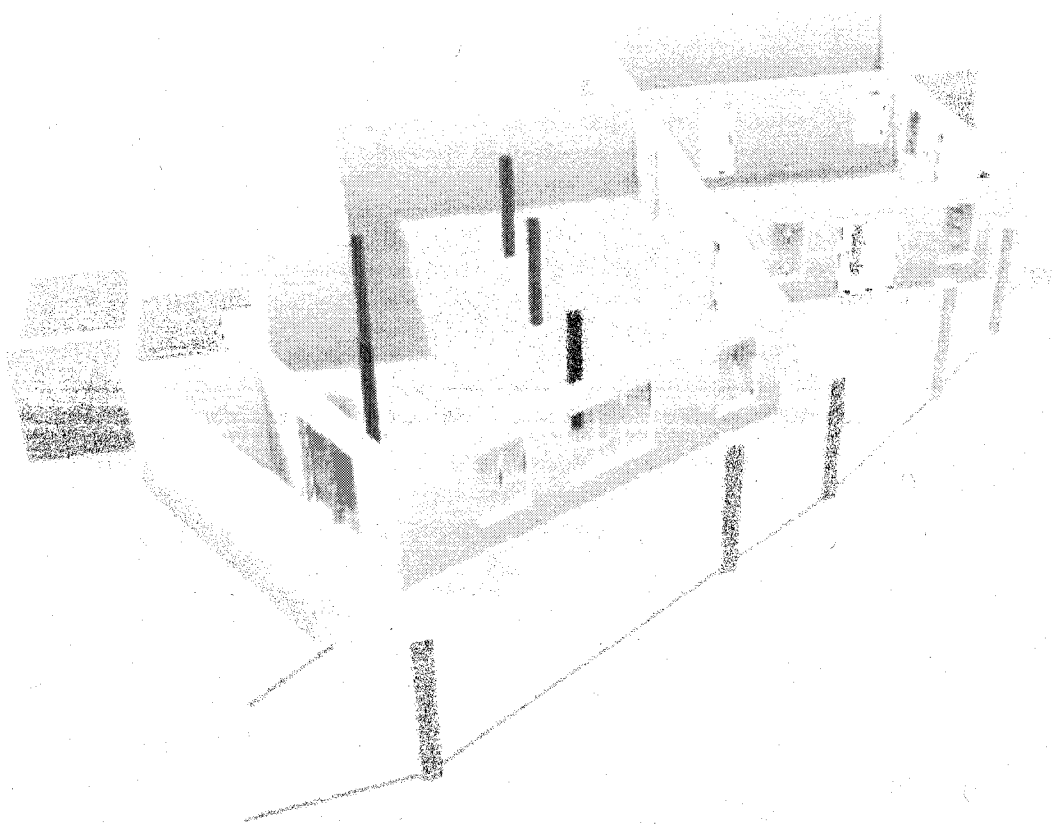
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### First Floor Plan

