

<b>Location:</b>	482 49 <sup>th</sup> Street, Unit #B (see map on reverse)
<b>Assessor's Parcel Number:</b>	013-1152-014-01
<b>Proposal:</b>	To establish a retail wine shop (Prima Materia) with instructional tastings, bottle sales, and limited food sales, in an existing 240 square foot commercial tenant space.
<b>Applicant:</b>	Pietro Buttitta
<b>Phone Number:</b>	(707) 391-0492
<b>Owner:</b>	Waite Sarita & Ral Properties, LLC
<b>Planning Permits Required:</b>	Major Conditional Use Permit with additional findings for Alcoholic Beverage Sales Commercial Activity; Minor Variance for alcohol sales within 1,000 feet of existing alcohol outlets and civic uses; Findings of Public Convenience or Necessity in an over-concentrated area.
<b>General Plan:</b>	Mixed Housing Type Residential
<b>Zoning:</b>	CN-2 Neighborhood Commercial – 2 Zone
<b>Environmental Determination:</b>	Exempt, Section 15301 of the State CEQA Guidelines; Existing Facilities; Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
<b>Historic Status:</b>	Ed3
<b>City Council District:</b>	1
<b>Action to be Taken:</b>	Approve with Conditions
<b>Finality of Decision:</b>	Appealable to City Council within 10 Days
<b>For Further Information:</b>	Contact Case Planner <b>Gregory Qwan</b> at (510) 238-2958 or by email at <a href="mailto:gqwan@oaklandca.gov">gqwan@oaklandca.gov</a> .

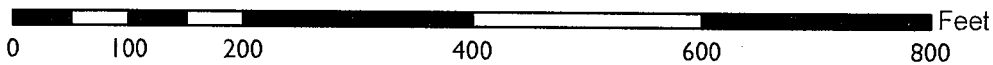
**SUMMARY**

The applicant requests Planning Commission approval of a Major Conditional Use Permit (CUP) with additional findings for an Alcoholic Beverage Sales Commercial Activity to operate a retail wine shop (Prima Materia), a Minor Variance for alcohol sales within 1,000 feet of existing alcohol outlets and civic uses, and Findings of Public Convenience or Necessity to allow a Type 02 ABC (Alcohol Beverage Control) license for a winegrower with instructional tastings, bottle sales, and limited food sales. The business would be open seven days a week with a 9:00 p.m. closing time. No exterior building modifications are proposed.

The proposal meets the intent of the Neighborhood Commercial – 2 Zone (CN-2 Zone) and the General Plan including supporting economic centers, providing a variety of goods and services, and strengthening the vitality of neighborhoods. The proposal will draw additional patrons and add to the variety of retail establishments in the area.

Staff recommends the approval of the proposal, subject to Findings and Conditions as described in Attachments A and B this report.

# CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN18161  
Applicant: Pietro Buttitta  
Address: 482 49th Street, Unit #B  
Zone: CN-2

## PROPERTY DESCRIPTION

The existing approximately 240 square foot subject commercial tenant space is located within a larger 12,850 square foot multi-tenant commercial lot located on the north side of 49th Street, between Telegraph Avenue and Clarke Street ("Temescal Alley"). The subject space is set back approximately 32 feet from the front property line, and is located to the rear of several Telegraph Avenue fronting commercial uses to the west, with a variety of retail, consumer service, and food orientated businesses abutting and surrounding the space to the north, south, and east. The site is located within approximately 400 feet of four AC Transit stops, serving three bus lines, in addition to being within approximately 100 feet of a Ford bike share station.

## PROJECT DESCRIPTION

The proposal will establish a retail wine shop, "Prima Materia," with instructional tastings, bottle sales, and limited food sales (Attachment C, D and E). The retail concept is described as a boutique business specializing in wine produced from the applicant's own vineyard. Business hours would be from 12:00 p.m. to 9:00 p.m. every day, with all ages admitted at all times. Live music is not intended. The interior includes a seating area, sales counter, and display cabinets. No construction or exterior building modifications are proposed.

The applicant has requested a Type 02 (Winegrower) license for a retail wine shop and winery tasting room from the State of California's Alcoholic Beverages Control Department (ABC), as described below:

**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.**

## GENERAL PLAN ANALYSIS

The property is in a Mixed Housing Type Residential area under the General Plan's Land Use & Transportation Element (LUTE). The intent of the area is: "to create, maintain, and enhance residential areas typically located near the City's major arterials and characterized by a mix of single family homes, townhouses, small multi-unit buildings, and neighborhood businesses where appropriate." The proposal conforms to the area's intent and to the following Objective and Policy of the LUTE:

### Objective N10 Neighborhood Activity Centers

Support and create social, informational, cultural, and active economic centers in the neighborhoods.

### Policy N10.1 Identifying Neighborhood "Activity Centers"

Neighborhood Activity Centers should become identifiable commercial, activity and communication centers for the surrounding neighborhood. The physical design of neighborhood activity centers should support social interaction and attract persons to the area. Some of the attributes that may facilitate this interaction include plazas, pocket parks, outdoor seating on public and private property, ample sidewalk width, street amenities such as trash cans and benches, and attractive landscaping.

Staff finds the proposed operation, subject to Conditions, conforms to the General Plan.

## ZONING ANALYSIS

The proposed project is in the CN-2 Zone. The intent of the CN-2 Zone is *"to enhance the character of established neighborhood commercial centers that have a compact, vibrant pedestrian environment."* The proposed project meets the intent of the zoning designation. The proposal would require a Major CUP, Minor Variance, and Findings of Public Convenience or Necessity, as detailed below. These items are further discussed in the Key Issues and Impacts section of this report.

### Major Conditional Use Permit with Additional Findings

The proposed Alcoholic Beverage Sales Commercial Activity in the CN-2 Zone would require a Major CUP per Section 17.33.030 of the Planning Code. Per Section 17.134.020 of the Planning Code, a CUP involving alcohol is a Major Permit and must be decided by the Planning Commission. Additional findings further ensure review of alcoholic beverage sales activities above and beyond the general CUP findings.

### Minor Variance

Per Section 17.103.030 of the Planning Code, if the proposal is located in an over-concentrated area outside of the Central District (including Jack London Square) and does not involve a full-service restaurant, it is subject to a 1,000 foot distance separation from any alcoholic beverage sales commercial activity or civic use. A Minor Variance will allow the proposed activities to be established within 1,000 feet of existing alcohol outlets and civic uses.

### Findings of Public Convenience or Necessity

Section 17.103.030 of the Planning Code 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 area that is over-concentrated in terms of crime rate or alcohol outlets.

"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. City records show that the subject site is located within a police beat (12X) that is not over-concentrated. However, the corresponding census tract (4011) is over-concentrated in terms of alcohol outlets. Therefore, Findings of Public Convenience or Necessity must be made to approve the project.

## ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines categorically exempt 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 to sell wine in an existing commercial tenant space meets this description: the project would constitute operation of an existing private facility. Section 15183 of the State CEQA Guidelines, which relates to projects Consistent with a Community Plan, General Plan or Zoning, serves as a separate and independent basis for CEQA clearance. The project adheres to this section, as described above. The project is, therefore, exempt from Environmental Review.

## KEY ISSUES AND IMPACTS

In considering an application for the sale of alcoholic beverages, staff considers factors including, but not limited to, operational characteristics such as closing time, types of alcoholic beverages sold and overall product mix, floor plan, location of the site in relation to the public right-of-way and residential/civic uses, and over-concentration of ABC licenses and/or crime in the area.

### Major Conditional Use Permit

The purpose of the CUP requirements is to consider compatibility of the proposed use with its surroundings and to attach appropriate operating conditions to ensure the business would not create nuisances in the neighborhood. The proposed specialty retail wine shop would be located within an existing commercial space and would enhance the function of the Temescal/Telegraph Business District as a destination to eat, shop and enjoy leisure time. The sale of boutique wine, with instructional tastings, bottle sales, and limited food sales, as conditioned, is not anticipated to generate nuisances. The business will not have late hours that would be typical of a liquor store or bar. A production brewery with tasting room and sales, approved by Conditional Use Permit at 4930 Telegraph Avenue, has generated no known negative impacts. Conditions of Approval to reduce the potential for nuisances such as noise, loitering, and littering are incorporated into this report.

### Minor Variance

A Minor Variance is required due to the site's proximity within 1,000 feet to the following uses:

	Address	Separation (parcels)	Description
<b>ABC Outlets</b>			
	574 48 <sup>th</sup> St.	780'	Carey Q Wines, LLC - ABC License Type 20
	4875 Telegraph Ave.	320'	U and I No 1 Liquors - ABC License Type 21
	4822 Telegraph Ave.	355'	The Avenue - ABC License Type 48
	5131 Shattuck Ave.	830'	PH55 Gas and Mini Mart - ABC License Type 20
	5227 Telegraph Ave.	840'	Kingfish Pub and Cafe - ABC License Type 48
<b>Civic Uses</b>			
	426 45 <sup>th</sup> St.	560'	Oakland International High School
	5302 Telegraph Ave.	970'	Telegraph Baptist Center
	430 49 <sup>th</sup> St.	525'	Faith Presbyterian Church
	Clark St./Redondo Av.	740'	Little Frog Park

Approval of the Variance requires justification for relief from the distance separation requirement. The intent of the distance separation is to ensure that alcohol outlets, such as bars selling distilled spirits and liquor stores/convenience markets, which historically generate nuisances, do not proliferate, especially adjacent to residences and civic uses. This does not generally include breweries or wineries, although in this case wine production would be off-site. In this case, the proposal is not for the sale of distilled spirits or a liquor

store/convenience market and would have different operating characteristics in terms of clientele on-site (minors allowed), product sold (specialty wine), and operating hours (9:00 p.m. closing time). The City of Oakland contains 23 Type 02 licenses and none of these are located in the subject property's census tract or within one thousand feet of the site. The proposed retail wine shop would be located within an area of Oakland that is appropriate for an independent small business with a family friendly clientele.

The Variance requires Findings of Public Convenience of Necessity to be met; given the economic and consumer benefits of the project and the appropriateness of the activity for the business type, these findings are met as detailed later in the report.

Other Issues

With conditions of approval, staff does not consider crime to be a significant issue with this application. The area is not over-concentrated for crime. Staff notes that crime statistics indicate 13 crimes on record for a 500-foot radius over four weeks ending October 30, 2018 (Attachment F); these crimes are not centered at the site and none were alcohol-related.

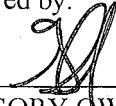
In addition, the applicant has conducted neighborhood outreach for this project and has provided letters of support from the Temescal Telegraph Business Improvement District, the Temescal Neighborhood Council Steering Committee, and others (Attachment G).

In conclusion, staff finds the proposal, as conditioned, to be in conformance with the Planning Code in that the proposal meets all required findings and will not have nuisance impacts on the neighborhood. These issues are further discussed in the "Key Issues and Impacts" Section of this report. The required findings are contained in this report.

**RECOMMENDATIONS:**

1. Affirm staff's environmental determination.
2. Approve the Major CUP and Minor Variance with Findings of Public Convenience or Necessity subject to the attached findings and conditions.

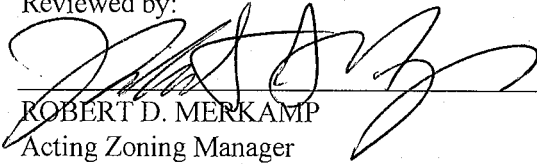
Prepared by:



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GREGORY QWAN  
Planner II

Reviewed by:



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ROBERT D. MERKAMP  
Acting Zoning Manager

Approved for forwarding to the  
City Planning Commission:



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ED MANASSE, Interim Deputy Director  
Planning and Building Department

**ATTACHMENTS:**

- A. Findings
- B. Conditions of Approval
- C. Applicant Description of the Proposal
- D. Plans/Photographs
- E. Menu
- F. Area Crime Statistics (Map and Table)
- G. Letters of Support

**Attachment A: Findings**

This proposal meets the required findings under **General Conditional Use Permit Criteria (OMC Sec. 17.134.050)**, **Conditional Use Permit Findings in the CN Neighborhood Commercial Zone (OMC Sec. 17.33.030)**, **Use Permit Criteria for Establishments Selling Alcoholic Beverages (OMC Sec. 17.103.030(A))**, **Variance Findings (OMC Sec. 17.148.050)**, **Findings of Public Convenience or Necessity (OMC Sec. 17.103.030(B))** of the **Oakland Planning Code (Title 17)** as set forth below. Required findings are shown in **bold** type; explanations as to why these findings can be made are shown in normal type.

**General Conditional 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 applicant requests a Major CUP to allow an Alcoholic Beverage Sales Commercial Activity in the CN-2 Zone. The proposed wine shop would be located within an existing commercial tenant space and within approximately 400' of four AC Transit stops, serving three bus lines, in addition to being within approximately 100' of a Ford bike share station. Hours of operation would be limited to 12:00 p.m. - 9:00 p.m. every day. No construction or exterior building modifications are proposed.

Conditions of Approval to reduce the potential for nuisances such as noise, loitering, and littering are incorporated into this report. Conditions will also ensure the business sells wine and food only, and not distilled spirits or beer. As such, the proposal will not adversely affect the livability or appropriate development of abutting properties or the surrounding neighborhood.

**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 project is conveniently located within approximately 400' of four AC Transit stops, serving three bus lines, within approximately 100' of a Ford bike share station, and within walking distance of several other restaurant, retail, and consumer service establishments. As no exterior alterations are proposed, the subject building will continue to be compatible with the surrounding area and as attractive as the nature of the use and its location and setting warrant. Furthermore, the proposal for a retail wine shop with instructional tastings, bottle sales, and limited food sales, in an existing 240 square foot commercial tenant space, will provide a convenient and functional working and eating environment.

**C. That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region.**

The proposed retail wine shop with instructional tastings, bottle sales, and limited food sales, will provide the community with additional food and drink options, as well as a place to gather and socialize, while improving neighborhood safety through additional "eyes on the street." As such, the proposal will draw additional persons to the area and enhance the successful operation of the neighborhood.

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

This finding is not applicable; no exterior building modifications are proposed.



**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 property is in a Mixed Housing Type Residential area under the General Plan's Land Use & Transportation Element (LUTE). The intent of the area is: "to create, maintain, and enhance residential areas typically located near the City's major arterials and characterized by a mix of single family homes, townhouses, small multi-unit buildings, and neighborhood businesses where appropriate." The proposal conforms to the area's intent and to the following Objective and Policy of the LUTE:

Objective N10 Neighborhood Activity Centers

Support and create social, informational, cultural, and active economic centers in the neighborhoods.

Policy N10.1 Identifying Neighborhood "Activity Centers"

Neighborhood Activity Centers should become identifiable commercial, activity and communication centers for the surrounding neighborhood. The physical design of neighborhood activity centers should support social interaction and attract persons to the area. Some of the attributes that may facilitate this interaction include plazas, pocket parks, outdoor seating on public and private property, ample sidewalk width, street amenities such as trash cans and benches, and attractive landscaping.

A retail wine shop with instructional tastings, bottle sales, and limited food sales, in an existing 240 square foot commercial tenant space, subject to conditions, conforms to the General Plan.

**Conditional Use Permit Findings in the CN Neighborhood Commercial Zone (OMC Sec. 17.33.030)**

**1. That the proposal will not detract from the character desired for the area;**

The proposal for a retail wine shop with instructional tastings, bottle sales, and limited food sales, in an existing 240 square foot commercial tenant space, is appropriate for a neighborhood-serving district and would add to the variety of available drinking and eating establishments in the area.

**2. That the proposal will not impair a generally continuous wall of building facades;**

The project does not involve new construction or additions to a building. The existing building façade will continue to maintain its relationship relative to other properties in the area.

**3. That the proposal will not weaken the concentration and continuity of retail facilities at ground level, and will not impair the retention or creation of an important shopping frontage;**

The proposal does not involve new construction and will establish a ground floor retail wine shop, attracting additional patrons to the area.

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

The proposal does not involve changes to the City sidewalk or otherwise that would hinder pedestrian circulation.

**5. That the proposal will conform in all significant respects with any applicable district plan which has been adopted by the City Council.**

The proposal conforms to the General Plan as described in the previous section of this attachment.

**Use Permit Criteria for Establishments Selling Alcoholic Beverages OMC 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;**

The applicant would utilize an ABC License type 02 for wine sales and tastings. No other type 02 license is found in the census tract or within 1,000 feet of the subject site. As a boutique retail wine producer, the operating characteristics differ from liquor and convenience stores and is not expected to significantly contribute to crime, loitering, or other undesirable behaviors. Given the small size (240 square feet) of the proposed tenant space and location within walking distance of public transit and bike share, the proposal is not expected to generate problems with traffic.

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

The site is not directly abutting any civic use; it is in a commercial district surrounding by similar uses. The nearest civic use is over 500 feet away. Conditions of Approval have been added to reduce the potential for nuisances such as noise, loitering, and littering.

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

No construction is proposed that would change the pedestrian access in the area.

**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;**

No construction is proposed; the proposed tenant space and storefront will maintain the existing architectural and visual character and continue to harmonize with the surrounding area.

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

No construction is proposed; any future signage would require separate planning review and approval to ensure architectural compatibility with the site and surrounding area.

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

Conditions of approval require clean-up of trash and litter both on-site and in the public right-of-way. Permanent garbage receptacles will be provided where appropriate and maintained by dedicated staff employed by the property owner.

**7. That where the proposed use is in close proximity to residential uses, and especially to bedroom windows, it will be limited in hours of operation, or designed or operated, so as to avoid disruption of residents' sleep between the hours of ten p.m. and seven a.m. The same criteria shall apply to all conditional use permits required by subsection B of this section for sale of alcoholic beverages at full-service restaurants.**

The subject tenant space is immediately surrounded by commercial uses on all sides and will have a closing time of 9:00 p.m.

**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.

**SECTION 17.148.050 – VARIANCE FINDINGS:**

**1. That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations, due to unique physical or topographic circumstances or conditions of design; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution improving livability, operational efficiency, or appearance.**

The proposal requires a Minor Variance for relief of the 1,000-foot separation requirement from nearby alcoholic beverage sales activities and civic uses as noted in the table in the staff report

The intent of the ordinance requiring distance separation between certain uses is to ensure neighborhoods are not saturated with activities that generate off-site impacts such as littering, public intoxication, urination, noise, crime, and violence. However, retail specialty wine shops generally do not tend to create nuisances in a neighborhood. No ABC License Type 02 wine shops currently exist in the census tract or within 1,000 feet of the subject site.

When analyzing the proposed activity, it satisfies the intent and purpose of the Planning Code separation requirement as is evidenced by the project's conditions of design, which, in the case of a proposed use, may include the proposed activity's operational characteristics and business practices such as hours of operation and types of alcohol sold. Generally, "conditions of design" means the appearance or physical attributes of a proposed use or property. With land use Variances, "conditions of design" encompasses specific operational elements of a project; that is, business practices as they relate to a use's land use impacts. Here, there are distinctions between the proposed use, a specialty wine shop, and a liquor store or bar selling distilled spirits. The proposal has carefully considered its business operations to minimize its effect on adjacent land uses by proposing reasonable operating hours from 12:00 p.m. to 9:00 p.m. and by excluding the sale of distilled spirits and beer. Minors will be admitted. Staff will be trained regarding safe practices for selling. No live music will be performed in the space. The proposed establishment is not anticipated to create or contribute to nuisance issues per their operational characteristics and as stipulated by conditions of approval. To preclude a specialty retail wine shop in an existing multi-tenant commercial complex due to the presence of other types of alcohol outlets will prohibit the furthering of a diversity of retail opportunities in the Temescal/Telegraph Avenue retail district in a manner that is inconsistent with the intent and purpose of the regulation. Therefore, such strict compliance would preclude an effective design solution improving livability and operational efficiency.

**2. That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners of similarly zoned property; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution fulfilling the basic intent of the applicable regulation;**

The Variance will allow the activity to be established within 1,000 feet of other ABC outlets and civic uses in the same commercial district. Several alcoholic beverage establishments exist nearby on similarly zoned properties as shown in the table in the staff report. Strict compliance will preclude an effective design and operational solution fulfilling the basic intent of the regulation as noted above.

**3. That the variance, if granted, will not adversely affect the character, livability, or appropriate development of abutting properties or the surrounding area, and will not be detrimental to the public welfare or contrary to adopted plans or development policy;**

The proposed retail wine shop would be located within an existing multi-tenant commercial property with no changes to the exterior of the building or storefront. The proposed activity will occupy an existing commercial space and is of similar size and shape to other adjoining tenant spaces in the commercial complex and is of compatible size and character with adjacent businesses on the block and neighborhood as a whole. Alcohol sales will include wine only, with distilled spirits and beer excluded. Hours of operation will be limited to 12:00 p.m. to 9:00 p.m. every day. The character, livability, or appropriate development of the surrounding area will not be adversely affected and the proposal will not be detrimental to the public welfare or contrary to development policy. Furthermore, the applicant has received letters of support from the Temescal Telegraph Business Improvement District, the Temescal Neighborhood Council Steering Committee, and other interested parties.

**4. That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the zoning regulations;**

The proposed retail wine shop differs from traditional liquor and convenience markets in that the business will admit minors and will cater to families and customers interested in artisanal drink options. The neighborhood commercial zoning designation is intended to enhance the character of established neighborhood commercial centers that have a compact, vibrant pedestrian environment. The operating characteristics of the proposed business, including the offering of gourmet wine, wine tasting and education, and attraction of patrons to the area, maintains consistency with the purposes of the zoning regulations. The Variance will not be a grant of special privilege. The operating characteristics of the proposal are unique as noted above, and staff has approved similar proposals in the past.

**5. That the elements of the proposal requiring the variance (e.g., elements such as buildings, walls, fences, driveways, garages and carports, etc.) conform with the regular design review criteria set forth in the design review procedure at Section 17.136.050.**

The Variance is for relief from the distance separation requirement to existing ABC outlets and civic uses and design review is, therefore, not applicable.

**6. 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 have been adopted by the Planning Commission or City Council.**

See General Use Permit Finding E, above.

**7. For proposals involving one or two residential dwelling units on a lot: That, if the variance would relax a regulation governing maximum height, minimum yards, maximum lot coverage or maximum floor area ratio, the proposal also conforms with at least one of the following criteria:**

a. The proposal when viewed in its entirety will not adversely impact abutting residences to the side, rear, or directly across the street with respect to solar access, view blockage and privacy to a degree greater than that which would be possible if the residence were built according to the applicable regulation and, for height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height; or

b. Over sixty (60) percent of the lots in the immediate vicinity are already developed and the proposal does not exceed the corresponding as-built condition on these lots and, for height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street (see illustration I-4b); however, the Director

of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any decision on any variance.

This finding is not applicable; the project does not involve a house or duplex.

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

**3a. 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**

No other ABC license type 02 exists within the census tract or within 1,000 feet of the subject site. The proposed business will offer unique artisanal wine and wine education from a certified sommelier. The subject site would be easily accessible by vehicle or pedestrian traffic and is served by public transit and bike share.

**3b. 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 increase business tax and consumer selection and is not anticipated to result in related nuisances given the format of the location and surrounding area.

**3c. That alcohol sales are customarily associated with, and are appropriate, incidental, and subordinate to, a principal activity on the lot.**

The sale of alcoholic beverages is typical of a retail wine shop.

**4a. The proposed project is not within one thousand (1,000) feet of another alcohol outlet (not including Full Service Restaurant Commercial Activities), school, licensed day care center, public park or playground, churches, senior citizen facilities, and licensed alcohol or drug treatment facilities; and**

A Variance is required as included in this report; the site is within one thousand feet of other alcohol outlets and civic uses as described in Variance finding #1.

**4b. Police department calls for service within the "beat" where the project is located do not exceed by twenty percent (20%), the average of calls for police service in police beats Citywide during the preceding one (1) calendar year.**

This finding is met. Police department calls for service within the Police Beat 12X where the project is located do not exceed by twenty percent (20%), the average of calls for police service in police beats Citywide during the preceding one (1) calendar year.

**Attachment B: Conditions of Approval**

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**1. Approved Use**

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, **staff report**, and the approved plans **submitted April 5, 2018**, as amended by the following conditions of approval and mitigation measures, if applicable (“Conditions of Approval” or “Conditions”).

**2. Effective Date, Expiration, Extensions and Extinguishment**

This Approval shall become effective immediately, unless the Approval is appealable, in which case the Approval shall become effective in ten calendar days unless an appeal is filed. Unless a different termination date is prescribed, this Approval shall expire two calendar years from the Approval date, or from the date of the final decision in the event of an appeal, 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 Approval, 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 or other construction-related permit for this project may invalidate this Approval if said Approval has also expired. If litigation is filed challenging this Approval, or its implementation, then the time period stated above for obtaining necessary permits for construction or alteration and/or commencement of authorized activities is automatically extended for the duration of the litigation.

**3. Compliance with Other Requirements**

The project applicant shall comply with all other applicable federal, state, regional, and local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City’s Bureau of Building, Fire Marshal, and Public Works Department. 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 #4.

**4. Minor and Major Changes**

Minor changes to the approved project, plans, Conditions, facilities, or use may be approved administratively by the Director of City Planning. Major changes to the approved project, plans, Conditions, facilities, or use shall be reviewed by the Director of City Planning to determine whether such changes require submittal and approval of a revision to the Approval by the original approving body or a new independent permit/approval. Major revisions shall be reviewed in accordance with the procedures required for the original permit/approval. A new independent permit/approval shall be reviewed in accordance with the procedures required for the new permit/approval.

**5. Compliance with Conditions of Approval**

- a. The project applicant and property owner, including successors, (collectively referred to hereafter as the “project applicant” or “applicant”) shall be responsible for compliance with all the Conditions of Approval and any recommendations contained in any submitted and approved technical report at his/her sole cost and expense, subject to review and approval by the City of Oakland.
- b. The City of Oakland reserves the right at any time during construction to require certification by a licensed professional at the project applicant’s expense that the as-built project conforms to all applicable requirements, including but not limited to, approved maximum heights and minimum setbacks. Failure to construct the project in accordance with the Approval may result in remedial

reconstruction, permit revocation, permit modification, stop work, permit suspension, or other corrective action.

- c. Violation of any term, Condition, or project description relating to the Approval 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 Approval 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 Approval or Conditions.

**6. Signed Copy of the Approval/Conditions**

A copy of the Approval letter and Conditions shall be signed by the project applicant, attached to each set of permit plans submitted to the appropriate City agency for the project, and made available for review at the project job site at all times.

**7. Blight/Nuisances**

The project site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60 days of approval, unless an earlier date is specified elsewhere.

**8. Indemnification**

- a. To the maximum extent permitted by law, the project applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Redevelopment Successor Agency, the Oakland City Planning Commission, and their respective agents, officers, employees, and volunteers (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 this Approval or implementation of this Approval. The City may elect, in its sole discretion, to participate in the defense of said Action and the project applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.

Within ten (10) calendar days of the filing of any Action as specified in subsection (a) above, the project applicant shall execute a Joint Defense Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Joint Defense Letter of Agreement shall survive termination, extinguishment, or invalidation of the Approval. Failure to timely execute the Letter of Agreement does not relieve the project applicant of any of the obligations contained in this Condition or other requirements or Conditions of Approval that may be imposed by the City.

**9. Severability**

The Approval would not have been granted but for the applicability and validity of each and every one of the specified Conditions, and if one or more of such Conditions is found to be invalid by a court of competent jurisdiction this Approval would not have been granted without requiring other valid Conditions consistent with achieving the same purpose and intent of such Approval.

**10. Special Inspector/Inspections, Independent Technical Review, Project Coordination and Monitoring**

The project applicant may be required to cover the full costs of independent third-party technical review and City monitoring and inspection, including without limitation, special inspector(s)/inspection(s) during times of extensive or specialized plan-check review or construction, and inspections of potential violations of the Conditions of Approval. The project applicant shall establish a deposit with the Bureau of Building, if directed by the Building Official, Director of City Planning, or designee, prior to the issuance of a construction-related permit and on an ongoing as-needed basis.

**11. Public Improvements**

The project applicant shall obtain all necessary permits/approvals, such as encroachment permits, obstruction permits, curb/gutter/sidewalk permits, and public improvement (“p-job”) permits from the City for work in the public right-of-way, including but not limited to, streets, curbs, gutters, sidewalks, utilities, and fire hydrants. Prior to any work in the public right-of-way, the applicant shall submit plans for review and approval by the Bureau of Planning, the Bureau of Building, and other City departments as required. Public improvements shall be designed and installed to the satisfaction of the City.

**12. Regulatory Permits and Authorizations from Other Agencies**

Requirement: The project applicant shall obtain all necessary regulatory permits and authorizations from applicable resource/regulatory agencies including, but not limited to, the Regional Water Quality Control Board, Bay Area Air Quality Management District, Bay Conservation and Development Commission, California Department of Fish and Wildlife, U. S. Fish and Wildlife Service, and Army Corps of Engineers and shall comply with all requirements and conditions of the permits/authorizations. The project applicant shall submit evidence of the approved permits/authorizations to the City, along with evidence demonstrating compliance with any regulatory permit/authorization conditions of approval.

When Required: Prior to activity requiring permit/authorization from regulatory agency

Initial Approval: Approval by applicable regulatory agency with jurisdiction; evidence of approval submitted to Bureau of Planning

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

**13. Trash and Blight Removal**

Requirement: The project applicant and his/her successors shall maintain the property free of blight, as defined in chapter 8.24 of the Oakland Municipal Code. For nonresidential and multifamily residential projects, the project applicant shall install and maintain trash receptacles near public entryways as needed to provide sufficient capacity for building users.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**14. Graffiti Control**

Requirement:

- a. During construction and operation of the project, the project applicant shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include, without limitation:
  - i. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces.
  - ii. Installation and maintenance of lighting to protect likely graffiti-attracting surfaces.
  - iii. Use of paint with anti-graffiti coating.
  - iv. Incorporation of architectural or design elements or features to discourage graffiti defacement in



accordance with the principles of Crime Prevention Through Environmental Design (CPTED).

- v. Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement.

The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include the following:

- i. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system.
- ii. Covering with new paint to match the color of the surrounding surface.
- iii. Replacing with new surfacing (with City permits if required).

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

## **PROJECT SPECIFIC CONDITIONS**

### **15. Alcoholic Beverage Sales**

#### **a. Additional Permits Required**

##### ***Prior to commencement of activity***

A type 02 license shall be obtained from the ABC. 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. ABAT Registration**

The operator shall register with the Police Department's Alcoholic Beverage Action Team and adhere to their regulations.

#### **c. Deemed Approved Alcoholic Beverage Sale Regulations**

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

#### **d. Crime Prevention Through Environmental Review (CPTED)**

The applicant shall request a CPTED review from the Oakland Police Department's Alcoholic Beverage Action Team (ABAT) and shall implement all recommendations to the extent practicable.

#### **e. Neighborhood outreach**

The business operator shall be accessible to neighbors wishing to register complaints against the business and shall work to eliminate any nuisances related to the business as reported by neighbors. 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. The establishment shall display signage at the front entrance and 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.

#### **f. Location and manner of alcohol consumption**

*Conditions of Approval*

Alcoholic beverage sales shall be accompanied by instruction (i.e. in the form of instructional tastings) or shall otherwise be off-sale.

**g. Hours of Alcohol Sale**

Hours of alcohol sales are limited to the following: every day from 12:00 p.m. to 9:00 p.m.

**h. Staff training program**

The operator shall require new employees to complete a staff training program that includes training in the conditions of approval and ABC statutes and regulations.

**i. Cabarets**

No live music or DJ's are allowed without a Cabaret Permit from the City Administrator's Office.

**j. Limitation on Alcohol Types for Sale**

The business operator shall only offer tastings or sale of wine, or alcoholic beverage types permitted by the ABC under a Type 02 license, which derive from wine. However, other types of distilled spirits shall not be offered.

**16. Facility Management**

**a. Signage**

*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. Advertising signage**

*Ongoing*

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

**c. Pay Phones**

*Ongoing*

No pay phones are permitted outside the building.

**d. 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.

**e. Modifications**

*Prior to submitting for a building permit & ongoing*

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

**f. Loitering**

*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.

**g. Odor**

***Ongoing***

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

**h. Noise**

***Ongoing***

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.

**i. Smoking**

***Ongoing***

No smoking is allowed on the property.

**j. Taxi call program**

***Ongoing***

The establishment shall maintain a program of calling taxi cabs or rideshare for patrons on request for the purpose of preventing driving while intoxicated and shall maintain this service. Signage offering this service shall be displayed behind the bar.

**k. Trash and litter**

***Ongoing***

The licensees/property owners shall pick up and remove any trash or litter on the subject property and clear the gutter and sidewalks along 49<sup>th</sup> Street 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 Code 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.

**l. Performance standards**

***Ongoing***

The establishment shall adhere to performance standards for noise, odor, and all-environmental effects of the business activity as regulated under OMC Chapter 17.120.

**m. Staff to monitor site**

***Ongoing***

Staff of the business shall regularly monitor the premises and public right-of-way to discourage all nuisances including but not limited to loitering, littering, noise, graffiti, public drinking / intoxication / urination / violence, and noise.

**17. Compliance hearings**

Six months after commencement of activity, the applicant shall meet with Zoning staff to review any complaints or other known issues that have arisen during the first 6 months of operation under this permit. If Zoning or Code Compliance staff are aware of complaints that would indicate significant non-compliance with any Conditions of Approval, the applicant shall submit for, and pay all appropriate fees consistent with the Master Fee Schedule, and such review will be concluded in the process provided for under Oakland Planning Code, which may include referral to the Planning Commission.

**18. Hours of Operation**

*Ongoing*

Business hours of operation shall be limited to the following: every day from 12:00 p.m. to 9:00 p.m.

**19. Minors**

*Ongoing*

Minors shall be admitted at all times.

**20. Future Operators**

*Ongoing*

Any future operators of the business are subject to these conditions and shall register with the Bureau of Planning and with ABAT.

**APPROVED BY:**

City Planning Commission: \_\_\_\_\_ (date) \_\_\_\_\_ (vote)

City of Oakland CUP & Variance Application

General Project Description Sheet for City of Oakland CUP & Variance Application  
for "Prima Materia"

482 #B 49<sup>th</sup> Street, Oakland, Ca. 94609 by Pietro Buttitta

The applicant proposes to establish a winery tasting room ("Prima Materia") in a preexisting food and beverage commercial space without any exterior modifications. The space is approximately 240 square feet in total with a retail customer area of approximately 120 square feet. As a winery tasting room, the applicant would only sell wine that he produces himself. Operating hours would be between 12pm and 9pm and the location would be staffed by one to three employees who are trained in safe alcohol sales. The owner would be onsite most of the time. Light food would be available and the license type allows children on the premises, making it family friendly.

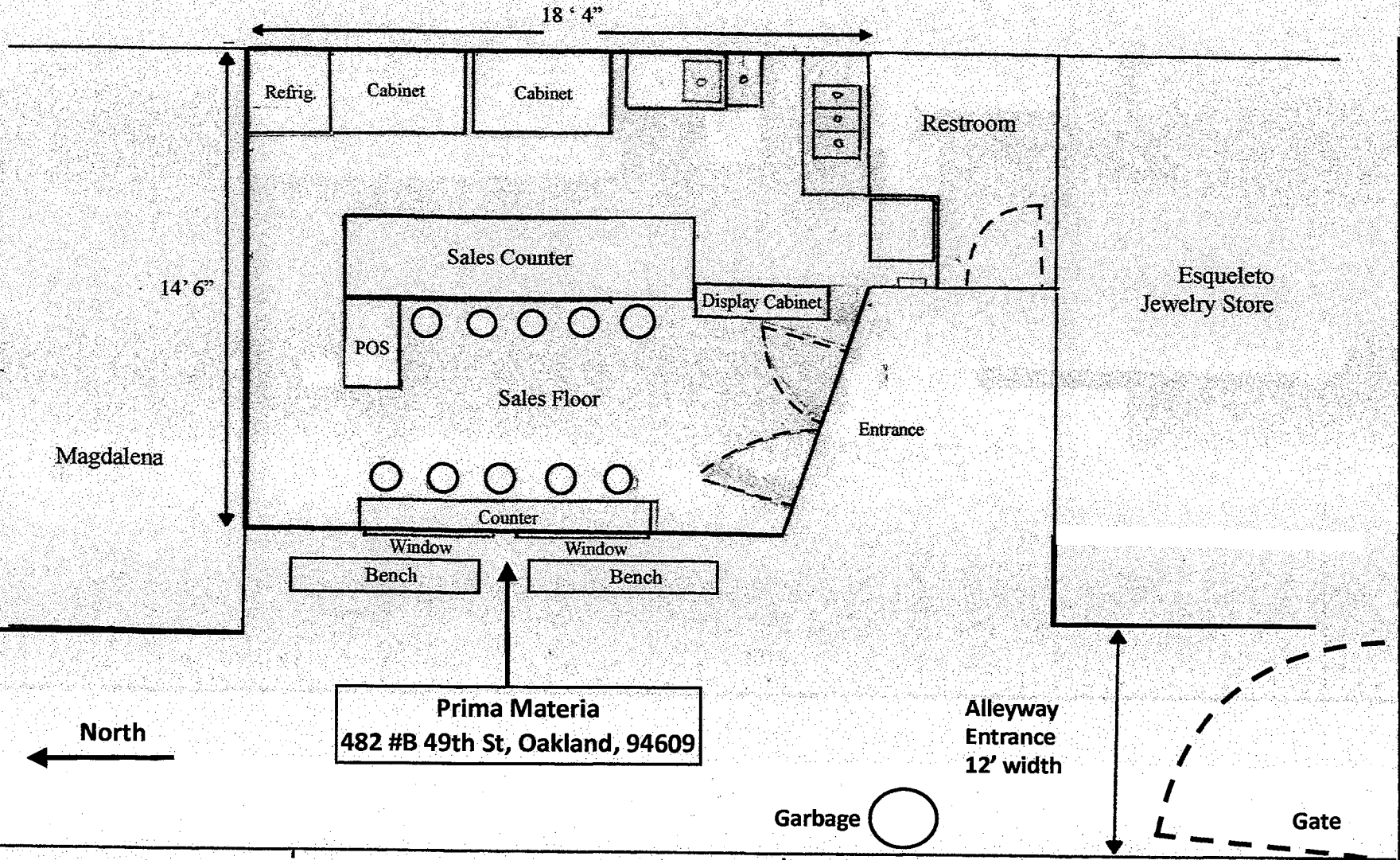
As a winery tasting room the location would operate under a type 02 ABC license, unlike a retail type 20 off-sale license or type 41 ABC on-sale restaurant license. The applicant will only be allowed to sell the wine products that he creates himself. The license does not allow the sale of spirits, beer, groceries or wine products that other than what Prima Materia produces. The location anticipates up to 40 customers on peak weekend days, and will also host food and wine educational events. A public restroom is directly adjacent to the location and an additional ADA restroom is located 30 feet away. Waste receptacles are in place and a dedicated maintenance and housekeeping crew is employed by the property owner.

The ABC defines a type 02 license as:  
WINEGROWER - (Winery) Authorizes the sale of wine [...] to any person holding a license authorizing the sale of wine [...] (wholesalers), and to consumers for consumption off the premises where sold. May conduct winetastings under prescribed conditions (tasting rooms) including consumption on premises. Minors are allowed on the premises.

The proposed location's entrance is in a private alleyway with only one entrance approximately 20 feet off of 49<sup>th</sup> Street in between Telegraph Avenue and Clark Street within Temescal's CN-2 zoning. The alley entrance has a locked iron gate that is closed after business hours. Approximately eight outdoor seats will be available when weather permits within a controlled area directly in front of the location's windows and in full view of the staff, and 20 feet from the public sidewalk.

The applicant is an Oakland resident with experience spanning 10 years of winemaking and vineyard management, six years working in wine retail and tasting rooms, seven years in professional kitchens and as a chef, and three years in restaurant and wine consulting. He is in good standing with the ABC and TTB and brings value to the Oakland food and wine scene.

Other Temescal Alley shops directly about this dividing back wall and face the alleyway 30 feet to the east.



49th Street Sidewalk

**Prima Materia**  
482 #B 49th St, Oakland, 94609

3 story tall back of building block that faces the east side of Telegraph Ave.

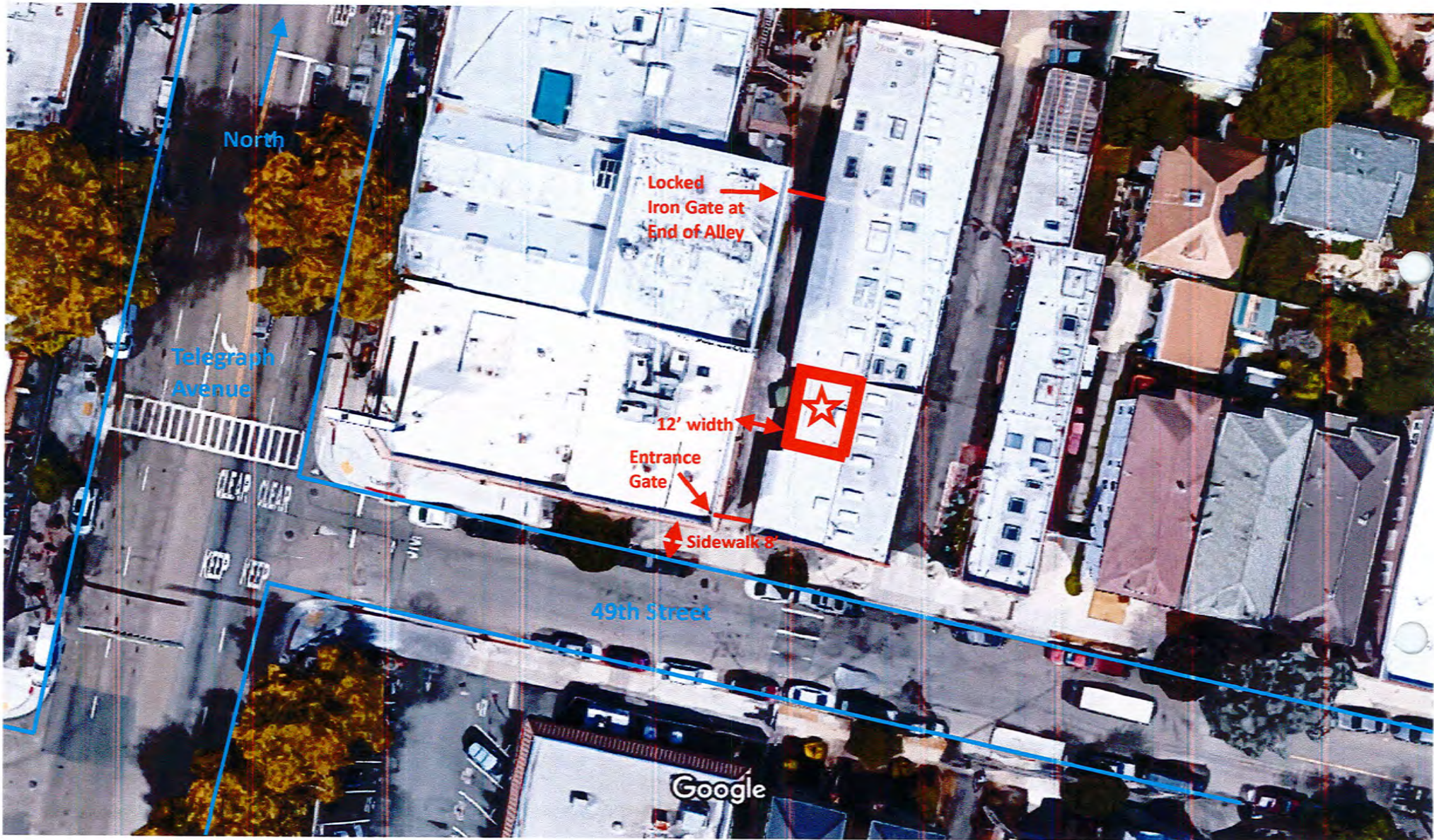
Sagrada - 4926 Telegraph

The Mixing Bowl - vacant

Shoe Palace - 4900 Telegraph

Telegraph Avenue, 4900 - 5100 block







Mountain  
Mike's  
Pizza  
4870  
Telegraph

Shoe  
Palace  
4900  
Telegraph

It's  
Your  
Move  
  
Mixing  
Bowl  
(vacant)

Sagrada  
4926 Telegraph

Rose's  
Taproom  
Brewery  
4930  
Telegraph

Doná  
Tomas  
5004  
Telegraph

Pizza  
Aiolo  
5008  
Telegraph

49th  
Street

Gate

Esqueleto

Prima  
Materia

Magdal  
Chapel

Photography

Curbside  
Creamery

Ali  
Golden

Mind'  
s Eye

Bookstore

Interface

Homestead  
Apothecary

Restrooms

Temescal Alley  
470 49th Street

Cmsen

Cro

Barber  
shop

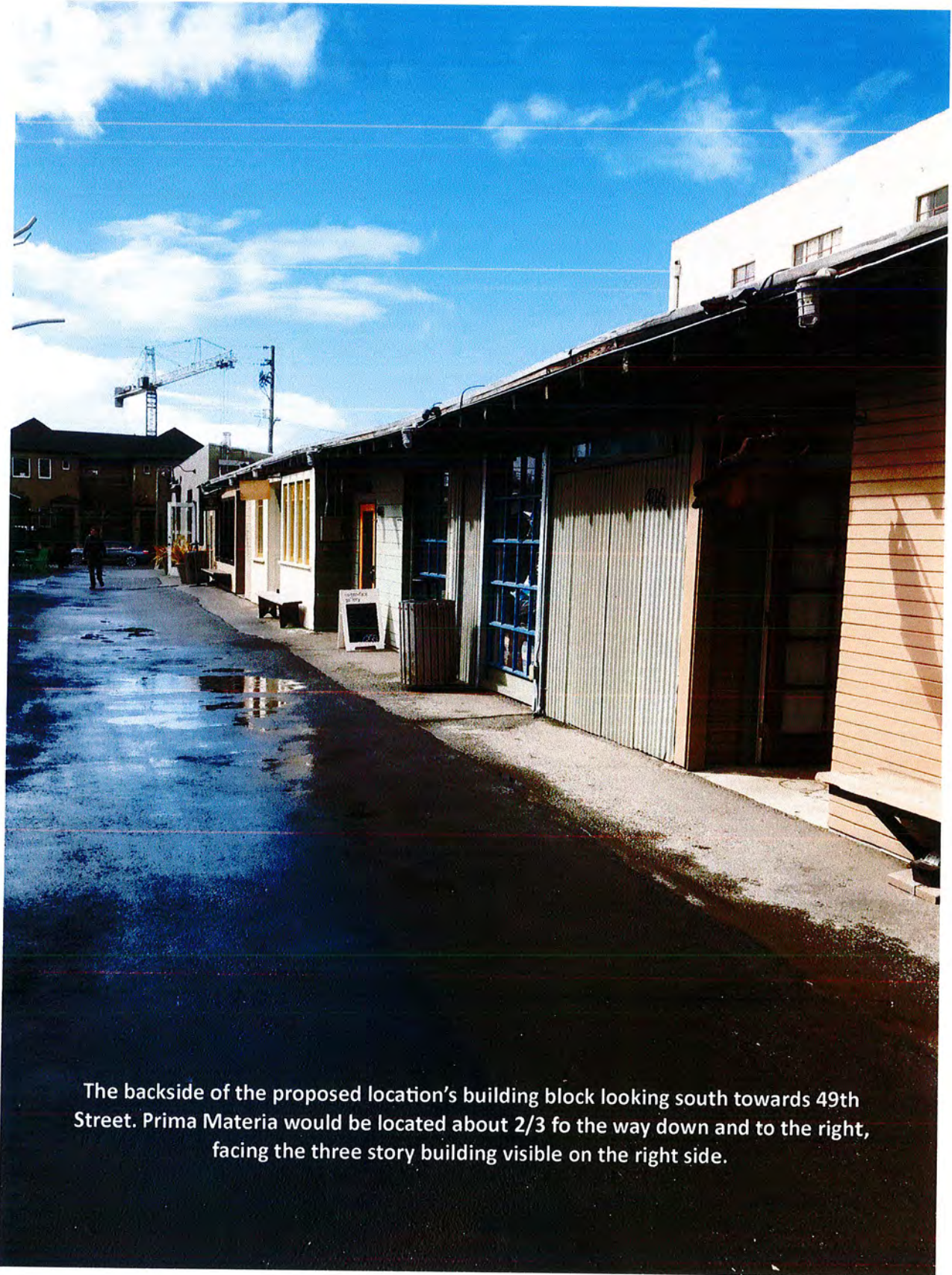
Caplin  
Thayer

Wood &  
Wires

Baggu

Google





The backside of the proposed location's building block looking south towards 49th Street. Prima Materia would be located about 2/3 fo the way down and to the right, facing the three story building visible on the right side.



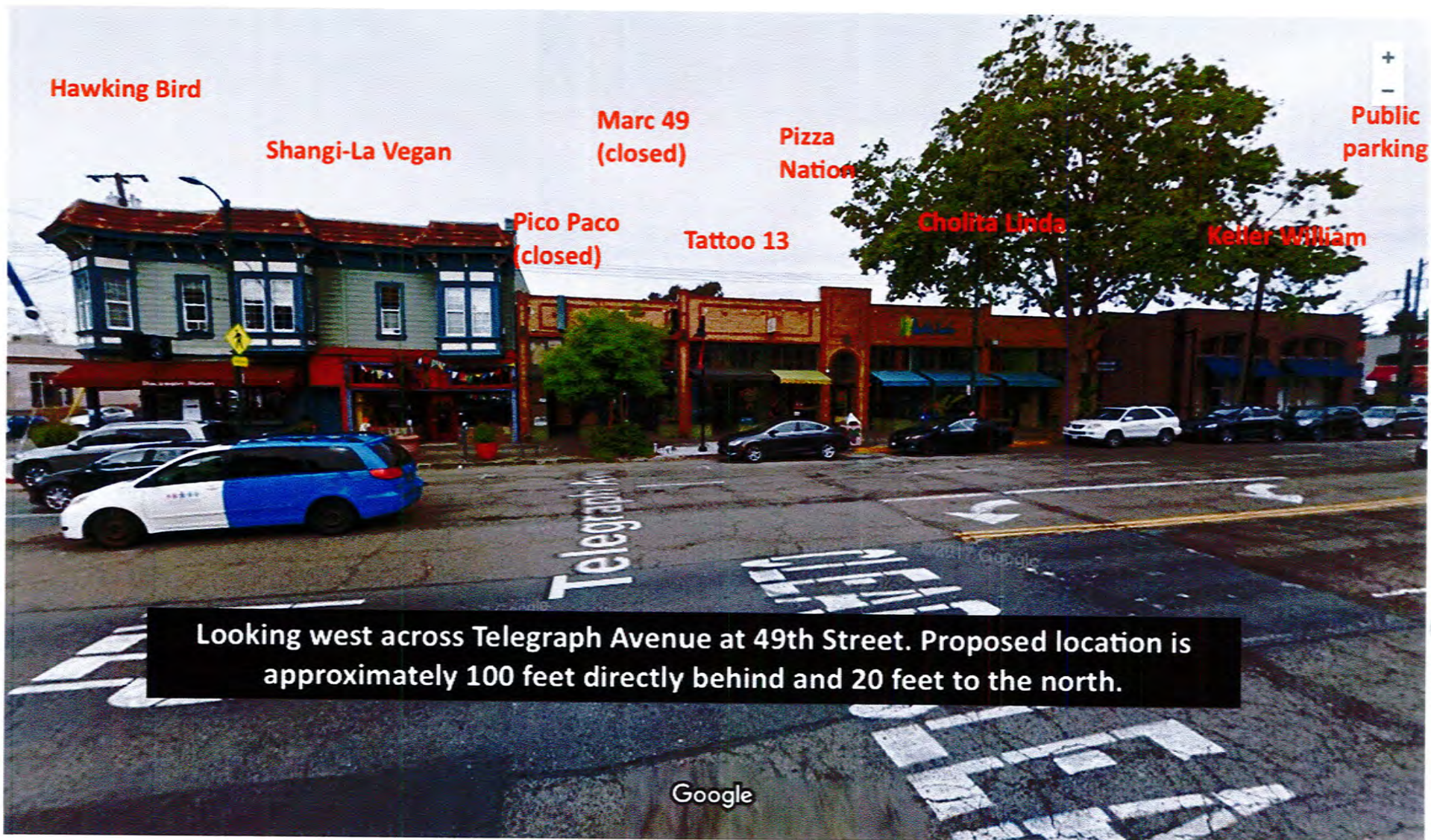
The front of and entrance to the proposed location from the southwest corner of the gated alleyway entrance while standing against the back of the Shoe Palace building.



South end of the building complex looking north across 49th Street. The proposed location would be 20 feet up the alleyway on the left side of the photograph.



**Interior of proposed location from NW corner.**



Hawking Bird

Shangi-La Vegan

Marc 49  
(closed)

Pizza  
Nation

Public  
parking

Pico Paco  
(closed)

Tattoo 13

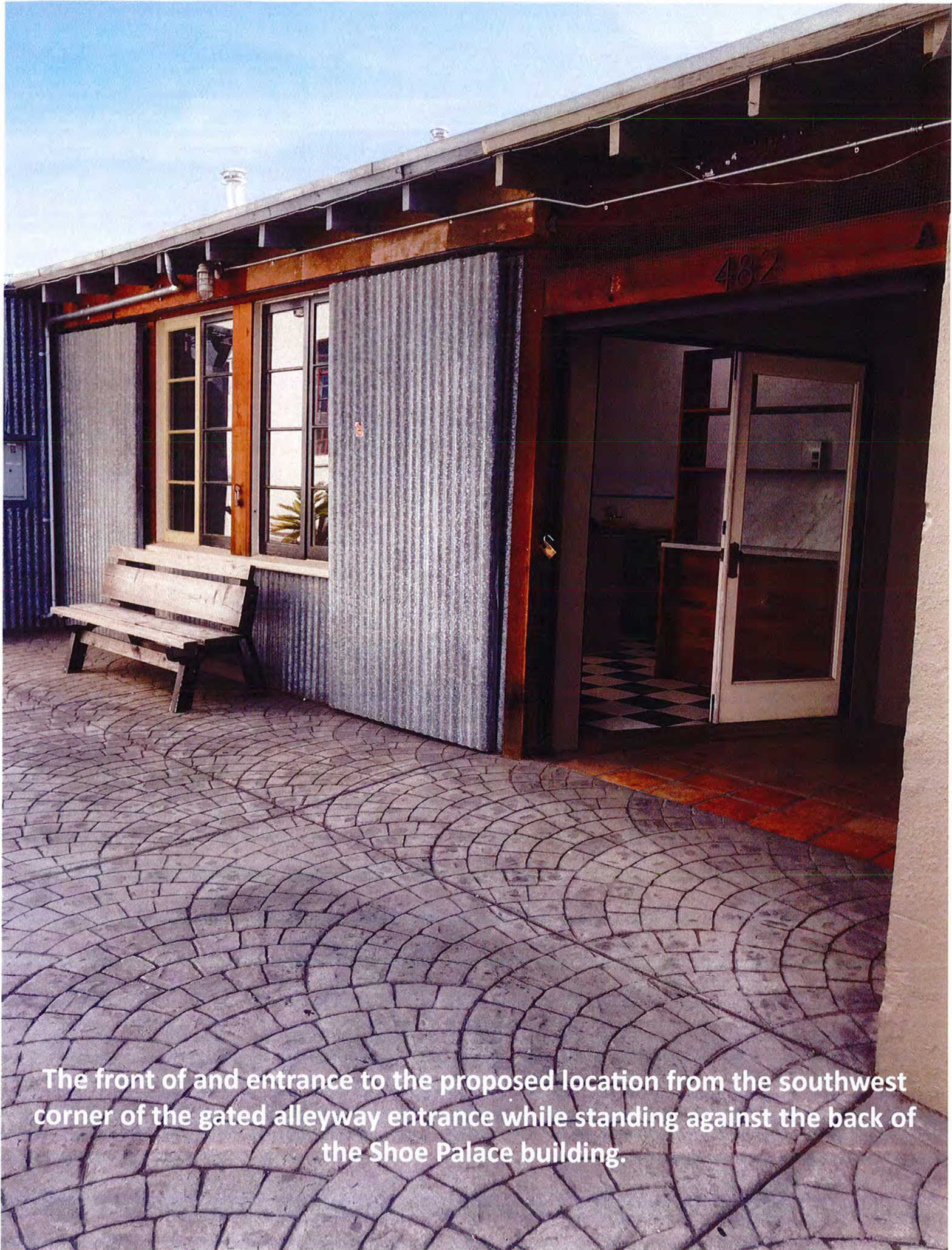
Cholita Linda

Keller William

Looking west across Telegraph Avenue at 49th Street. Proposed location is approximately 100 feet directly behind and 20 feet to the north.

Google



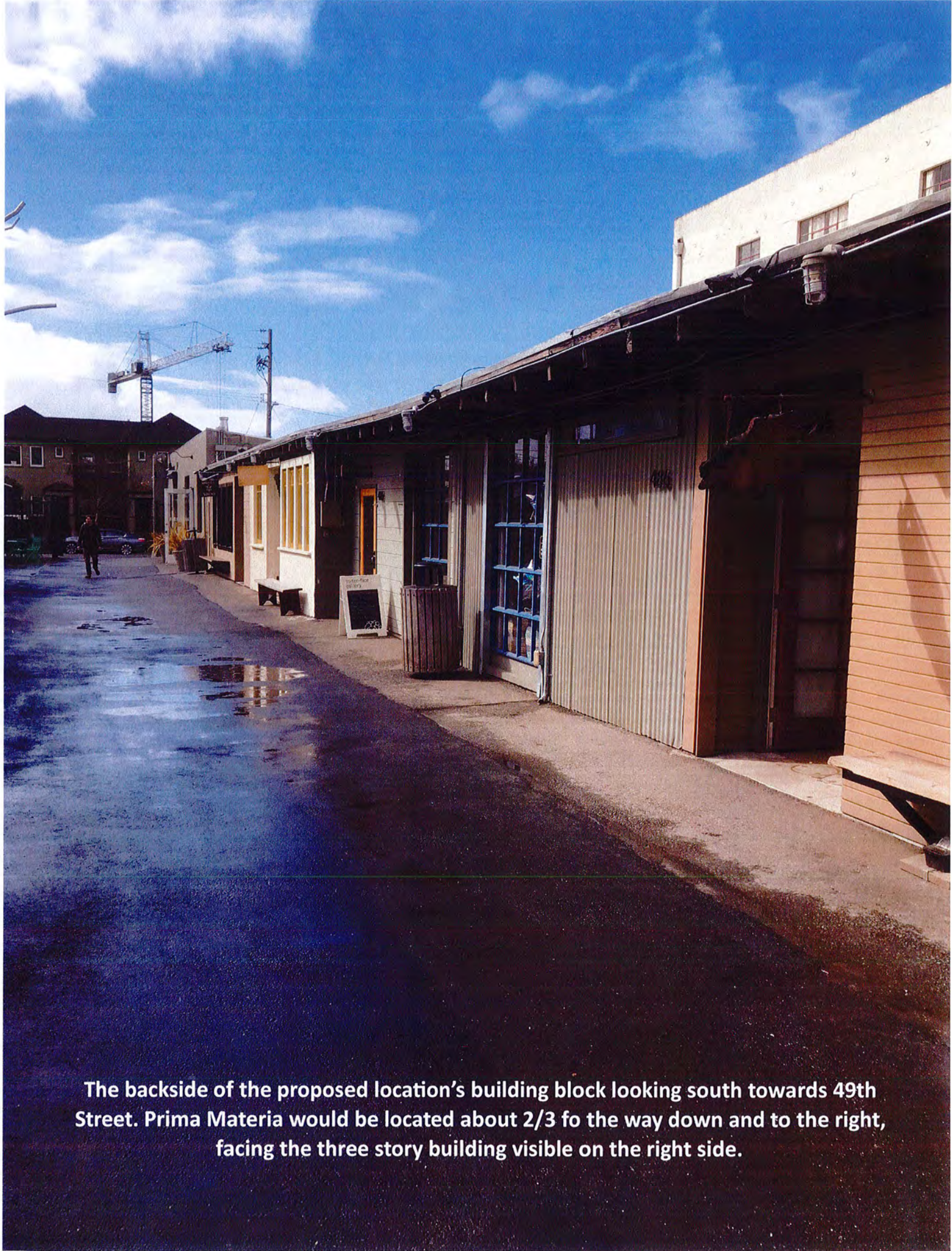


The front of and entrance to the proposed location from the southwest corner of the gated alleyway entrance while standing against the back of the Shoe Palace building.



**Interior of proposed location from NW corner.**





**The backside of the proposed location's building block looking south towards 49th Street. Prima Materia would be located about 2/3 fo the way down and to the right, facing the three story building visible on the right side.**

Prima Materia  
CUP/Variance Application  
PLN 18161  
482 #B 49<sup>th</sup> Street  
Oakland, Ca. 94609  
Pietro Buttitta, owner and applicant

Re: Menu of Food and Drink Options at Prima Materia, requested 10/03/2018

**Weekly Drink Options:**

3 one-ounce tastes for \$5

6oz. glass:

Prima Materia Chardonnay \$8 (\$18 per bottle)  
Prima Materia Sangiovese Bianco \$9 (\$20 per bottle)  
Prima Materia Rosé \$9 (\$20 per bottle)  
Prima Materia House Red Wine \$9 (\$20 per bottle)  
Prima Materia Sangiovese \$11 (\$25 per bottle)  
Prima Materia Barbera \$11 (\$25 per bottle)  
Prima Materia Refosco \$13 (\$30 per bottle)  
Prima Materia Aglianico \$14 (\$35 per bottle)

**Sample Small-Bite Weekly Food Menu:**

(Wednesday, Thursday, Friday)

Coastal Sonoma Cheese plate with house-made terrine and pistachio crisps

(Saturday)

Spiced Moroccan chicken in pastry

(Sunday)

Ancient Roman raviolo with herb sauce

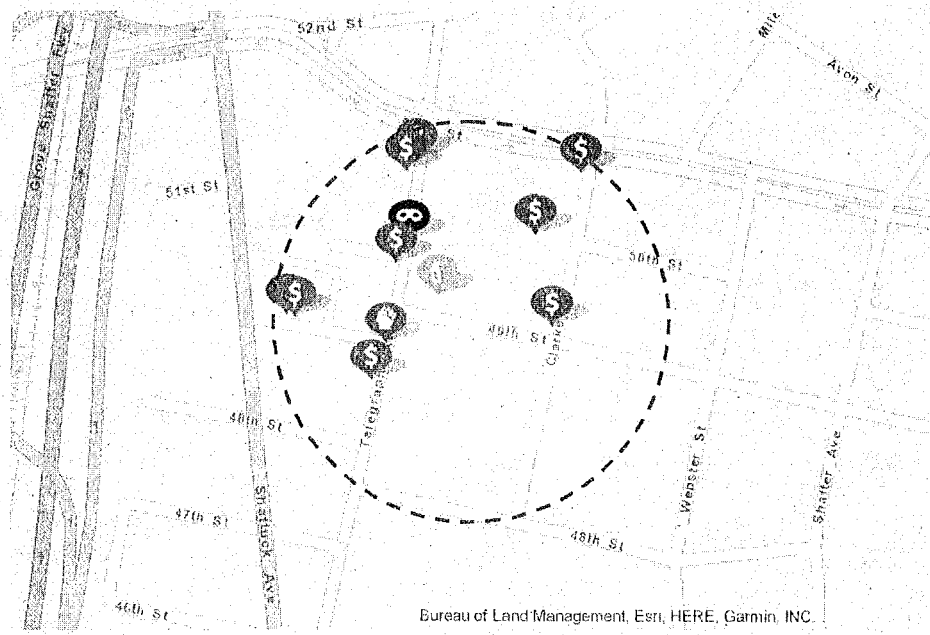
Print

### CrimeMapping.com Map

Wednesday, October 3, 2018 through Tuesday, October 30, 2018

Showing crime types: Arson, Assault, Burglary, Disturbing the Peace, Drugs / Alcohol Violations, DUI, Fraud, Homicide, Motor Vehicle Theft, Robbery, Sex Crimes, Theft / Larceny, Vandalism, Vehicle Break-In / Theft, Weapons














Show crime report    Show crime chart



Grab the bottom/right borders to resize the map or the handle in the bottom right corner.

All representations on this map are distributed and transmitted "AS IS" without warranties of any kind, either express or implied including without limitation, warranties of title or implied warranties of merchantability or fitness for a particular purpose. In no event shall CrimeMapping.COM become liable to users of these data for any loss or damages, consequential or otherwise, including but not limited to time, money, goodwill, arising from the use, operation or modification of the data. The visual presentation of data is being provided strictly as a courtesy, not as an obligation to its users.

## Crime Report

Type	Description	Incident #	Location	Agency	Date
	ASSAULT - OTHER ASSAULTS - SIMPLE, NOT AGGRAVATED	18-054666		Oakland Police	10/27/2018 11:22 PM
	LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	18-054419		Oakland Police	10/26/2018 1:35 PM
	BURGLARY - FORCIBLE ENTRY	18-054325		Oakland Police	10/25/2018 7:30 PM
	LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	18-915200		Oakland Police	10/24/2018 7:00 PM
	LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	18-915027		Oakland Police	10/22/2018 10:00 PM
	VANDALISM	18-914956		Oakland Police	10/20/2018 1:00 PM
	LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	18-914861		Oakland Police	10/18/2018 8:30 PM
	LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	18-914693		Oakland Police	10/16/2018 9:20 PM
	LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	18-914268		Oakland Police	10/9/2018 6:00 PM
	LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	18-914145		Oakland Police	10/7/2018 2:30 PM
	LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	18-914250		Oakland Police	10/6/2018 7:30 PM
	MOTOR VEHICLE THEFT - AUTOS	18-050663		Oakland Police	10/5/2018 5:30 PM
	LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	18-913995		Oakland Police	10/4/2018 5:30 PM



October 31, 2018

Gregory Qwan, Planner II  
City of Oakland, Bureau of Planning  
250 Frank H Ogawa Plaza, Suite 2114  
Oakland, CA 94612  
gqwan@oaklandca.gov

Dear Mr. Qwan,

On behalf of the Temescal Neighborhood Council Steering Committee, we are writing to provide feedback on the proposal by **Pietro Buttitta** to establish his business **Prima Materia**, a winery tasting room, in Temescal Alley at 482 #B 49th Street, Oakland, 94609.

Pietro requested an audience at our October Neighborhood Council meeting. At the meeting he shared his history and experience in the restaurant and wine industries. We had about 35 Temescal residents at our meeting, and all responded positively to his presentation and business proposal. Pietro answered all questions to the satisfaction of the group, and no concerns were expressed.

We feel that allowing Pietro to establish Prima Materia in Temescal will further add to the shopping experience and cultural destination of Temescal Alley, and we are supportive of his proposal.

Sincerely,

*Temescal Neighborhood Council Steering Committee*

Allison Cook  
Aubyn Merie  
Kati Skulski

Michael Thompson  
Natalie Otten  
Sue Mark

To contact the Temescal Neighborhood Council Steering Committee:  
[temescal-neighbors-team@googlegroups.com](mailto:temescal-neighbors-team@googlegroups.com)

 [temescalneighbors.com](http://temescalneighbors.com)

 [temescal.neighbors@gmail.com](mailto:temescal.neighbors@gmail.com)

 [TemescalNeighbors](https://www.facebook.com/TemescalNeighbors)

# TEMESCAL TELEGRAPH

BUSINESS IMPROVEMENT DISTRICT

**Temescal Telegraph Community Assoc.**

4430 Telegraph Avenue #49 • Oakland, CA 94609

510-860-7327 • info@temescaldistrict.org • www.temescaldistrict.org

June 16, 2018

Dear City of Oakland Planning and Alameda County ABC,

On May 23, 2018, the Temescal Telegraph Business Improvement District (TTBID) board unanimously endorsed Prima Materia's application for a Type 02 (winegrower) ABC license to open a neighborhood wine tasting room at 482 49<sup>th</sup> Street. Prima Materia Tasting Room will add a unique independent business and a strong community partner in the heart of Temescal.

Pietro Buttitta's proposal to open a unique, artisanal winery tasting room to showcase his Prima Materia wine from Lake County in California will draw new visitors to the area, and encourage residents to patronize nearby local independent shops in Temescal Alley and throughout the Temescal District. The BID believes that the Prima Materia Tasting Room will complement existing local food and drink options in the area, and bring new employment and revenue opportunities to the City and Temescal community. The proposed wine tasting room will allow children on the premises, providing a family-friendly business for the community.

The proposed change of use to a winery tasting room will increase foot traffic throughout the entire day, and add to the existing retail in Temescal Alley. Pietro Buttitta's in-depth experience of 10 years in winemaking and vineyard management, six years in wine retail and tasting rooms, seven years in professional kitchens, and three years in restaurant and wine consulting will enhance the Temescal District and the community as a whole. Prima Materia will be a high quality tasting room shop and community gathering spot, and so will be an asset to the District.

Furthermore, Prima Materia's owner/operator Pietro Buttitta is a local Oakland resident with 10 years experience of producing his own wine from a 10-acre vineyard that he planted in Lake County. With the opening of Prima Materia in Oakland, Mr. Buttitta plans to move his winemaking operation from a location near the vineyard to the East Bay, further increasing the positive economic impact of this small winery tasting room in Temescal. Mr. Buttitta's plan to conduct regular food and wine education events, as well as daily tastings demonstrates his commitment to the local community, oenology, and the local farm to table food scene.

Because of these reasons, the Temescal Telegraph BID urges the City of Oakland Planning Department and Alameda County ABC to approve Prima Materia's application for a Type 02 ABC license to operate an artisanal winery tasting room in Temescal. Furthermore, the TTBID supports a condition of approval that would allow operation until 10 PM on nights when there are special events in the district, not to exceed 10 nights a year.

Sincerely,



Shifra de Benedictis-Kessner

Executive Director

Temescal Telegraph BID

03/21/2018

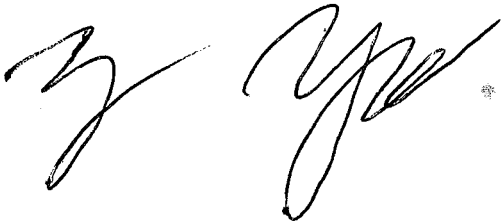
Hello,

I am writing to express support for the proposal to put a winery tasting room in Temescal Alley at 482 49<sup>th</sup> Street.

Temescal does not have any place like it currently and as a community member I welcome its addition.

Thank you,

Ti Ngo

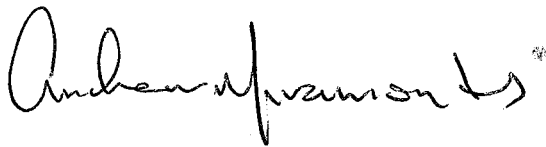
A handwritten signature in black ink, appearing to read 'Ti Ngo', written in a cursive style.

To Whom it may Concern,

I want to add my approval for Prima Materia's request to open a winery tasting room in Temescal.

It is a craft business and would fit in perfectly with all of the other owner-operated craft businesses in the Temescal Alleys. It is a small location, located in an alley and completely unlike a liquor store or wine shop. This makes it very unique and would be an asset to Oakland as well as the neighborhood.

Thanks,

A handwritten signature in cursive script, appearing to read "Andrew Johnson". The signature is written in dark ink on a white background.



To whom it may concern,

I am writing to express support for Pietro Buttitta's proposal to open a tasting room for his winery at 482 #B 49<sup>th</sup> Street in Temescal Alley.

As a community member, I would welcome the presence of a wine tasting room in the Temescal neighborhood. I believe Prima Materia would be a vibrant and fitting addition to this group of artisan shops, and would help draw new customers to these and other local businesses.

As a result, I wholeheartedly endorse this tasting room project.

Sincerely,

Rachel Boyes  
Oakland resident

To whom it may concern,

I am writing to express support for Pietro Buttitta's proposal to open a tasting room for his winery at 482 #B 49th Street in Temescal Alley.

As a community member, I would welcome the convenience of having a wine tasting room nearby. I have no doubt that Prima Materia would be an asset for the businesses and residents of Temescal and surrounding Oakland neighborhoods. Temescal Alley is a charming, upscale destination that would benefit from the addition of Pietro Buttitta's well-conceived project.

Sincerely,

Stephen Muzio

Oakland resident

To whom it may concern,

I am writing to express support for Pietro Buttitta's proposal to open a tasting room for his winery at 482 #B 49 th Street in Temescal Alley.

As a longtime Oakland resident, I would welcome the presence of a wine tasting room in the Temescal neighborhood. I am not aware of any similar businesses in the vicinity, and believe Prima Materia would be a vibrant and fitting addition to this group of artisan shops, and would help draw new customers to these and other local businesses. Further, providing people the opportunity to taste fine wine in Oakland saves them the long trip to wine country, and promotes spending locally to sustain Oakland's economy.

As a result, I wholeheartedly endorse this tasting room project.

Sincerely,

Jessica Muzio

Oakland Resident and Business Owner