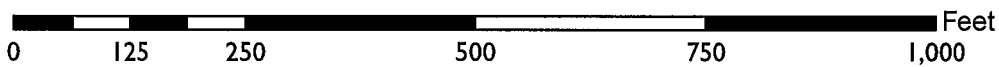


Location:	420 40 th Street #2 –Oakland Yard- (APN: 012 -1007-013-00). (See map on reverse)
Proposal:	To establish a retail wine shop (also with instructional tastings and bottle sales including craft beer), limited food sales and a 10:00 pm closing time (“Wine Yard”) in a ground floor commercial space.
Applicant:	Daniel M. Schmidt
Owner:	Becker Family Trust
Planning Permits Required:	Major Conditional Use Permits to allow an Alcoholic Beverage Sales Commercial Activity with Findings of Public Convenience or Necessity in an over-concentrated area (Sec. 17.134.050 & 17.103.030 (B) (2) & (3); and a Major Variance for distance separation (Sec.17.148.050).
General Plan:	Urban Residential
Zoning:	RU-5 Urban Residential 5 Zone
Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines; Existing Facilities (operation); Exempt, Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
Historic Status:	Not a Potential Designated Historic Property; Survey rating: X
Service Delivery District:	2
City Council District:	1
Finality of Decision:	Appealable to City Council within 10 Days
For Further Information:	Contact case planner Jose M. Herrera-Preza at (510) 238-3808 or jherrera@oaklandnet.com

SUMMARY

The applicant requests Planning Commission approval of a Major Conditional Use Permit with additional findings for Alcoholic Beverage Sales, Variances for alcohol sales within 1,000 feet of an existing civic use, and Findings of Public Convenience or Necessity to establish a retail wine shop (“Oakland Yard”) which includes instructional tastings and bottle sales of wine and craft beer, limited food sales and a 10:00 pm closing time. The location is in an over-concentrated area for ABC license in the census tract 4012 and reported crime for police beat 12x for that section of 40th Street. As detailed below, the project meets all of the required findings for approval. Therefore, staff recommends approval of the project subject to the attached conditions of approval.

CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN16155
Applicant: Daniel M. Schmidt
Address: 420 40th St. #2 –Oakland Yard
Zone: RU-5

PROJECT DESCRIPTION

The applicant proposes to establish a retail wine shop with instructional tasting classes, bottle sales of specialty wines and craft beers (90% wine and 10% craft beer), limited food sales and a 10:00 pm closing time ("Oakland Yard") in a vacant commercial space. The commercial space is approximately 2,142 square feet in floor area, with the retail customer area of approximately 1,385 square feet. The shop would open daily at 10:00am and would be operated by one to three employees (typically two to three, with one manager/sommelier on-site at all times).

The project would involve minor tenant improvements consisting of a new point of sales and service area near the entrance, new wine shelving, new wine and beer refrigerators and tasting/wine tables. The shop would consist of two tables with two six-foot benches in the rear; shelving in the middle and rear; a cashier area/educational counter with six bar stools near the front entrance, and adjacent refrigerators at the right side; rear restrooms and storage; and a rear mezzanine with meeting room for private offices. The proposal includes: no admittance of minors (per State of California ABC regulations); and the applicant has voluntarily included no sale of hard alcohol, no small bottles, no lottery and no tobacco products and these voluntary restrictions have been added as Condition of Approval 10.c. The Temescal/Mosswood Neighborhood Crime Prevention Council has reviewed the proposal and concluded that a boutique wine shop with limited hours and that will offer educational/instructional classes on specialty wine products and the viticulture industry would be a welcomed addition to the district, and several neighbors have submitted letters of support (Attachment F). The applicant has voluntarily agreed to train staff in the practices of safe selling practices per the Oakland Police Department's Alcohol Beverage Action Team (ABAT).

The applicants have 15-20 years of experience in the wine industry, and anticipate approximately fifty (50) to seventy-five (75) customers daily. The applicant has incorporated the following CPTED (Crime Prevention Through Environmental Design) suggestions from the Police Department's Alcoholic Beverage Action Team (ABAT) Officer Steve Vierra as follows:

- placement of point of sales near the entrance to monitor floor
- shelving placement to maximize visibility into store
- two security cameras
- illumination
- signage placement for easy location by OPD
- staff training

The business would require a Type 42 license from the California Department of Alcoholic Beverage Control (ABC) and could include beer under that license type. The ABC's description of a Type 42 license, an on-sale license type is as follows:

ON SALE BEER & WINE – PUBLIC PREMISES -Authorizes the sale of beer and wine for consumption on or off the premises where sold. No distilled spirits may be on the premises. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.

PROPERTY DESCRIPTION

The project site is a 15,401 square foot parcel at the corner of 40th Street and Webster St. in the Temescal commercial district of North Oakland. The subject property was approved for Small Project Design Review (Case file # DS140053) to extensively remodel the existing building including creation of 5 commercial tenant spaces and façade improvements in January 2014. The proposal will occupy commercial tenant space #2 which is the second space in from the corner of 40th and Webster Street.

GENERAL PLAN ANALYSIS

The subject property is located within the Urban Residential Area of the General Plan Land Use & Transportation Element (LUTE). The Urban Residential Classification is intended *"to create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise or high-rise residential structures in locations with good access to transportation and other services."* The proposed retail wine shop is located in an area of the city that is in transition from the commercial corridors of Broadway and Telegraph and in good location with easy access to transportation and other complimentary commercial services such as restaurants and cafés which is consistent with the intent of the General Plan. The proposal will enhance the variety of products available to residents and will increase the availability of comparison shopping in the area.

Policy I/C1.1 Attracting New Business.

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

Policy I/C3.2 Enhancing Business Districts.

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

Policy I/C3.4 Strengthening Vitality.

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

Policy I/C3.3 Clustering Activity in "Nodes"

Retail uses should be focused in "nodes" of activity, characterized by geographic clusters of concentrated commercial activity, along corridors that can be accessed through many modes of transportation.

Staff finds the proposal to be in conformance with the objectives of the General Plan by servicing the community with active storefronts with opportunities for comparison shopping on 40th Street.

ZONING ANALYSIS

The proposed project is located in the RU-5 Urban Residential 5 Zone. The intent of the RU-5 Zone is *"to create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise, and high rise residential structures and ground floor neighborhood businesses on the City's major corridors."* The proposed retail wine shop is an Alcohol Beverage Sales Activity. This proposal will allow for off premise sale of wine and beer with on-site instructional wine classes and wine tasting. This activity requires a type 42 license from the State's Alcoholic Beverage Control (ABC). The project requires a Major Conditional Use Permit per 17.134.050 and 17.103.030(A)(2)&(3), which states that establishments selling Alcohol Beverages require special findings. The applicant has voluntarily agreed to train staff on safe practice of alcohol sales, which include security for alcohol products consisting of cameras and product placement conducive to staff monitoring. The business has a total floor area of 1,385 square feet; therefore special restrictions apply if the proposal is within 1,000 feet of an existing ABC outlet or civic activity. Although there is no active Type 42 ABC outlet within 1,000 feet of the site but there is a civic activity (Thunder Road Adolescent Treatment Centers, Inc.) within a 1,000 feet and hence requires a variance.

Major Conditional Use Permit with additional findings

A Major Conditional Use Permit (CUP) is required for Alcoholic Beverage Sales Commercial Activities (retail wine shop). Additional findings are required to further ensure review of alcoholic beverage sales above and beyond general CUP findings. The Planning Code requires a review of these activities to ensure that they do not contribute to nuisances in the community, including both alcohol-related issues and discouragement of further business attraction.

The applicant is in the process of obtaining an ABC license type 42 from within the City if available; in order to meet the goal of the City Council's "No Net Increase" to ABC licenses (Resolution No. 75490 passed February 1, 2000, restaurants and Downtown establishments exempted), the applicant has voluntarily agreed to obtain only a type 42 license from within the City (See Condition of Approval 10.d). The business is not anticipated to generate nuisances: the business will not sell small bottles nor hard alcohol similar to a liquor store nor will it have late hours such as a bar.

Variances

A Major Variance is required because the minimum one thousand (1,000) foot distance separation between the proposed activity and drug treatment facilities is not met (OMC Sec. 17.103.030(B)(4)(a)). Approval of the Variances requires justification for relief from the distance separation requirement.

Over-concentration/Findings for Public Convenience or Necessity

The project site is located in an over-concentrated area for ABC licenses and reported crimes. Census Tract 4012 contains eight restaurant liquor licenses per most recently-provided ABC data for August 9, 2016 and no type 42 or type 48 licenses. However, Police beat 12x contained 1,463 reported crimes where the citywide median (for 2015 per OPD) was 1008, which is over concentrated and hence the additional findings are required. Therefore, Findings of Public Convenience or Necessity must be made to approve the project. These Findings are intended to ensure that the establishment of additional alcohol beverage sales would be beneficial to the community.

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines categorically exempts specific types of projects from environmental review. Section 15301 of the State CEQA Guidelines exempts project involving *operation and licensing of existing private facilities*. The proposal to sell wine and beer from a new retail store located in an existing building with a parking lot located in a mixed-use district meets this description: the project would constitute operation of an existing private facility. Section 15183 of the State CEQA Guidelines relates to Projects Consistent with a Community Plan, General Plan or Zoning. The project adheres to this section. The project is therefore not subject to Environmental Review.

KEY ISSUES AND IMPACTS

In considering new applications 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.

Conditional Use Permit

A Conditional Use Permit is required for Alcoholic Beverage Sales activities within the RU-5 Urban Residential Zone. The purpose of the CUP is to consider compatibility of the proposed use with its surroundings and to attach operating conditions to ensure the business would not be a nuisance. The proposed storefront is directly in front of a bus stop, which may or may not be used by patients traveling to and from the Adolescent Treatment Center located one block north of the site, therefore consideration was taken into account to address the patients traveling along 40th street as such the entrance door will remain closed and no advertisement, related to merchandise, is proposed on the street facing storefront. Furthermore, the business is not anticipated to generate nuisances. The business would have an off-sale ABC license but would not sell items similar to a liquor store and would not sell liquor or have late hours that would be typical of a bar.

Variance

A Variance is required due to the site's proximity to the following civic use:

	<u>Address</u>	<u>Separation (parcels)</u>	<u>Description</u>
CIVIC			
	390 40 th Street	185'	Adolescent Treatment Center

Approval of the Variances requires justification for relief from the distance separation requirement. The intent of the distance separation is to ensure that alcohol outlets, such as bars and liquor stores/convenience markets, which historically frequently generate nuisances, do not proliferate, especially adjacent to residences and civic uses. In this case, the proposal is not for a bar or liquor store/convenience market. Census Tract 4012 has eight (8) ABC licenses but seven (7) are for restaurants; therefore, the tract is considered "over-concentrated." Furthermore, the City of Oakland contains only ten Type 42 licenses and none of these are located in this Census Tract or within one thousand feet of the site. The residential and civic uses in the area are not

located between the site and existing alcohol outlets and, furthermore, the operating characteristics of the proposed business are similar to a general retail sales business and not a bar or liquor stores/convenience markets.

The Police Beat is considered a high crime area since the number of reported incidents is 20% above the City wide median. A total of 1,463 reported crimes were reported where the citywide median (for 2015 per OPD) was 1008, which is over concentrated. The applicant has presented the proposal to the Neighborhood Crime Prevention Council (NCPC) for Police Beat 12x and they concluded that the business will be a valuable addition to the neighborhood. A petition of signatures from the NCPC in support is provided (Attachment E.). The attached Conditions of Approval impose various requirements, such as controls on litter, noise, and hours of operation, to maintain the compatibility of the business with the surrounding neighborhood commercial area.

Staff informed the City Councilmember's Office, Neighborhood Service Coordinator, Neighborhood Crime Prevention Council, and Oakland Police Department's Alcoholic Beverage Action Team of the application and has not received any objection to the application. With conditions of approval, staff does not consider crime to be a significant issue with this application.

Due to the proposal's ability to satisfy required findings, staff recommends approval of the project, subject to Conditions of Approval, including a compliance review.


- RECOMMENDATIONS:** For approvals: 1. Affirm staff's environmental determination.
2. Approve the Major Conditional Use permit, Findings of Public Convenience and Necessity and Variance for Alcoholic Beverage Sales for PLN16155 subject to the attached findings and conditions of approval.

Prepared by:



Jose M. Herrera-Peiza
Planner II

Reviewed by:



Scott Miller
Zoning Manager

Reviewed by:



~~Darin Ranelletti, Deputy Director~~
Bureau of Planning

Rachel Flynn

Approved for forwarding to the
City Planning Commission:



RACHEL FLYNN, Director
Department of Planning and Building

ATTACHMENTS:

- A. Findings
- B. Conditions of Approval
- C. Plans
- D. Crime Statistics
- E. Correspondence

FINDINGS FOR APPROVAL

This proposal meets the required findings under General Conditional Use Permit Criteria (OMC Sec. 17.134.050); CN Neighborhood Commercial Zones Regulations/Additional CUP Criteria (OMC Sec. 17.33.01L4); Use Permit Criteria for Establishments Selling Alcoholic Beverages and Findings for Public Convenience or Necessity (OMC Sec. 17.103.030A, B (3)); (as set forth below. Required findings are shown in bold type; explanations as to why these findings can be made are 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 proposal will establish a boutique style neighborhood retail wine shop with an emphasis on artisanal, small production bottlings. The establishment will focus on primarily off-premise bottle sales and weekly instructional wine tastings. The proposed wine shop will occupy an existing commercial space in a building that has undergone an extensive renovation in 2014 but has mostly remained unoccupied. The tenant space, to be occupied by the Oakland Yard, is one of five commercial spaces in the building which will be identical in size and have identical storefronts as other tenant spaces and the proposed use will benefit adjacent businesses on the block and the neighborhood as a whole. The area surrounding the subject property contains several restaurants, an upscale hair salon, a bike shop, a music store and coffee shops. The proposed wine shop will further increase the diversity of retail options along the 40th Street corridor. The 40th Street corridor is a mixed use area in between Broadway and Telegraph Ave. that serves pedestrians traveling or working in the area and local residents. Furthermore, the applicant has voluntarily consulted with OPD ABAT division and incorporated comments into the floor plan as such display areas are away from the entrance that can be easily monitored by staff; further, store employees will be trained on alcoholic beverage sales related safety measures. With appropriate conditions of approval the activity is not expected to contribute to nuisances in the commercial district and adjacent residential 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 proposed activity will occupy a vacant commercial space and will serve as a clean comfortable place to purchase gourmet wine and increase comparison shopping to local residents and consumers on a transition street in need of additional retail options.

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 activity will generate consumer interest in the area, benefitting other local businesses and will be managed so as to avoid resulting in nuisances that are sometimes related to alcoholic beverage sales.

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 development is 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 site is located in the Urban Residential area of the General Plan's Land Use and Transportation Element (LUTE). The intent of the area is: "to create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise or high-rise residential structures in locations with good access to transportation and other services." The proposal consists of a low impact commercial activity that will complement existing local business in the area by operating similar business hours and occupying a vacant storefront. The proposal will expand retail selection and bring new employment opportunities. The proposal will conform to the following LUTE Goal and Objective, as detailed above, hereby incorporated by reference. Staff finds the request, as conditioned, conforms to the General Plan.

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 area is over-concentrated for ABC licenses and over-concentrated for crime. Census Tract 4012 contains 8 ABC licenses where four or more is over-concentrated according to the Planning Code. Seven of these eight are restaurants and the other is a home occupation for a wine wholesaler. Given the statistics the proposal was presented to OPD ABAT officer Steve Vierra on April 27th, 2016 who collaborated with the applicant and incorporated crime prevention into the project design. The proposal was also presented to the Neighborhood Crime Prevention Council on June 15th, 2016 and received support. In accordance with the City Council's 2000 resolution for a "no net increase" goal, the applicant will obtain an existing ABC license from within the City unless none is available with these factors over-concentration is not considered to be a significant issue with adoption of conditions of approval.

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 does not abut any churches, schools, parks or playgrounds within 1,000 feet; it is in a urban residential mixed-use district surrounding by similar uses.

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

As described in the previous section, the site is accessible by one driveway and one pedestrian way, and no construction or change to the mode of operation is proposed; therefore, there will be no effect to 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 activity will take place in an existing building.

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

No construction is proposed; conditions of approval will ensure tenant signage appropriate for the neighborhood commercial area and advertising signage are not located at façade glazing near the storefront windows.

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

Conditions of approval require trash cans and litter clean-up both on-site and in the public right-of-way.

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

The proposed activity will operate between 10:00am and 10:00pm, hours appropriate to a vibrant commercial corridor and consistent with adjacent businesses. The rear of the space is buffered by a private gated parking area. There will be no open doors or windows during business hours

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

This finding is not applicable; the proposal does not involve a fast-food restaurant.

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

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

The applicant has submitted written documentation to demonstrate no Type 42 license exist in the area and will offer the community a specialty/artisanal boutique style business that would enhance the pocket commercial node in with a accessibility to good found in other commercial districts city-wide. Census Tract 4012 has eight (8) ABC licenses and the area is, therefore, considered "over-concentrated." However, of the seven (7) licenses which are active and are for restaurants and one (1) is for a home occupation wine wholesaler. The City of Oakland contains ten (10) Type 42 licenses and none are in this Census Tract or within one thousand feet of the site.

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

The project will increase business tax and consumer selection, and is not anticipated to result in related nuisances given the format of the location and surrounding area.

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

The sale of alcoholic beverages is typical of a small gourmet specialty wine store in Oakland.

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

This finding is not met and a Variance is required as included in this report; the site is within one thousand feet of one 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 Beat 12x is well below the Citywide average for service calls within the beat. Beat 12x received 4,929 calls for service while 8,132 was the city-wide average (OPD 2015 statistic).

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 variance for relief of the 1,000 foot separation requirement from a civic use, i.e., a licensed adolescent treatment center “Thunder Road”, which is located less than 200’ feet away from the proposed activity. Although there are 8 active ABC licenses in the 4012 Census Tract, none are off-sale within 1,000 feet; all active ABC licenses within 1,000 feet are bona-fide food establishments. The intent and purpose of the ordinance requiring distance separations between certain uses is to ensure neighborhoods, with high crime rates, are not saturated with activities that generate off-site impacts such as littering, public intoxication/drinking/urination/noise/crime/violence in between civic uses and residential neighborhoods. 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 particular proposed use may include the proposed activities operational characteristics and business practices such as hours of operation, specialized product mix and educational/instructional classes. Generally, “conditions of design” means the appearance or physical attributes of a proposed use or property. With a Major Variance, variances are allowed for particular uses that might not otherwise be permitted under the zoning regulations. 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 boutique wine shop, and a liquor store or bar. The proposal has carefully considered its business operations to minimize its effect on the treatment center by proposing operating hours that do not conflict with the treatment center’s operations; no minors will be allowed admittance into the store and exterior signage will complement signage of adjacent business’. In addition, the business model for this activity is a boutique wine shop with some sales of craft beers which have been operating throughout Oakland with no adverse impacts. As stated in previous findings the applicant has worked closely with OPD ABAT to implement crime prevention techniques into the project and has met with the treatment center operators and received a letter of support. Precedents in the district also support the suitability of the requested separation variance as evident by a similar variance granted to “The Hog’s Apothecary” at 375 40th Street to sell beer and wine, directly across the street from the treatment center. . The retail wine shop conforms to the intent of the RU-5 zoning designation as a permitted activity.

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 an adolescent treatment facility which is located one block to the east of the subject property. The applicant has met with the director of the facility to inform them about the scope and intent of the proposed wine shop, which resulted in a letter of support for the proposed activity. Furthermore a similar variance was granted for a limited service restaurant to serve and sell bottles of beer and wine at 375 40th Street, directly across the street from the facility and subsequently two additional restaurants within 1,000 feet were also granted a variance.

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 wine shop will be located in an existing building with no changes to the exterior of the space or changes to the storefront. The proposed activity will occupy an existing commercial space that has undergone an extensive remodel and is identical in size and shape to the other tenant spaces in the building and is compatible in size and character with the adjacent business on the block and neighborhood as a whole. The wine shop will not include any liquor or tobacco sales and will close at 10:00pm. The character, livability, or appropriate development of the surrounding area will not be adversely and will not be detrimental to the public welfare or contrary to development policy. Furthermore, the applicant visited the Neighborhood Crime Prevention Council in June of 2016 and received support for their application.

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;

As previously stated, a similar variance was granted for a project that did not meet the distance separation requirement from the adolescent treatment center, for a limited service restaurant directly across the street. The proposed wine shop will admit minors and will cater to a specialized consumer interested in gourmet wines, educational wine classes and instructional wine seminars. The proposed project is a permitted activity in the Urban Residential 5 zoning designation which is intended to create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise, and high rise residential structures and ground floor neighborhood businesses on the City's major corridors. The proposed wine shop will not affect the existing building frontage on 40th Street but will allow for a new commercial tenant to occupy the street fronting tenant space of the adjacent storefront which maintains consistency with the zoning regulations.

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 a licensed drug treatment center 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.

The intent of the Urban Residential General Plan Land Use designation is create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise or high-rise residential structures in locations with good access to transportation and other service. The proposed retail wine shop located in Urban Residential General Plan conforms to policies regarding attracting new and enhancing business districts business in the City as the retail wine shop will allow for the potential to attract more customers and strengthen the vitality of the 40th Street commercial corridor. See also findings above and in the report, hereby incorporated by reference.

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 building length along side lot lines, 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.

CONDITIONS OF APPROVAL
PLN16155**STANDARD CONDITIONS:****1. Approved Use**

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, PLN16155 and the approved plans dated **May 19th, 2016**, as amended by the following conditions of approval (“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 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

- a. Minor changes to the approved project, plans, Conditions, facilities, or use may be approved administratively by the Director of City Planning
- b. 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.
- b. 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.

Project Specific Conditions: Alcohol Beverage Sales Activities

10. Sale of Alcoholic Beverages

Ongoing

a. Hours of Operation

The applicant has voluntarily agreed that Alcoholic beverages may only be sold between 10:00 AM and 10:00 PM daily.

b. Types of Alcoholic Beverages Sold

Alcoholic beverage sale includes off-sale of beer and wine, for off-premise consumption, as well as on-site tasting of products sold.

c. Voluntary Restrictions on Types of Alcoholic Beverages Sold

The applicant has voluntarily agreed there shall be **no** sale of:

- 1) Small bottles of wine no less than 375ml
- 2) 40 oz. bottles of beer;
- 3) Malt liquor in excess of 5.9% alcoholic content;
- 4) Distilled Spirits
- 5) Tobacco products; and/or
- 6) Lottery tickets

d. Additional Permits Required

Necessary ABC permit (license types #42 for general off-sale) must be obtained prior to commencement of activity. The license must be purchased from an existing license located within the City of Oakland if available or through the California ABC priority application process for new licenses issued in Alameda County.

e. Floor Plan/Displays

- 1) The displays are to be located at the greatest possible distance from the entrance.
- 2) Display of alcoholic beverages and advertising of alcoholic beverages shall not be visible through façade glazing (front windows).

f. Nuisances

The applicant shall obey all local and state laws relating to crime, litter, noise, or disorderly conduct.

g. Signage

- 1) 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. The "No Open Container" signs are available from the cashier located on the second floor of 250 Frank H. Ogawa Plaza.

- 2) Loitering and noise would be discouraged by "No loitering" signage at the entrance of the store. Signage would be located in the parking lot stating that no drinking in the lot or public right-of-way is permitted. A contact phone number for a manager shall be located on signage within the store available to the public.

h. Graffiti

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

i. Pay Phones

No pay phones are permitted outside the building in any area controlled by the Applicant.

j. Loitering

The owner, manager, and employees of this establishment shall make appropriate efforts to discourage loitering from the premises including calling the police to ask that they remove loiters who refuse to leave. Persons hanging around the exterior of the establishment with no apparent business for more than ten minutes shall be asked to leave. Techniques discussed in the manual entitled "Loitering: Business and Community Based Solutions" may be used and are recommended by the Alcoholic Beverage Action Team.

k. Trash and Litter

The licensees/property owners shall clear the site and the gutter and sidewalks along 40th Street and Webster 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 Section 25612.5, (sweep or mechanically clean weekly) the licensee shall clean the sidewalk with steam or equivalent measures once per month.

l. Securing Site

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

m. Exterior Illumination

The front of the store and parking lot shall be illuminated during the evening.

n. 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).

o. 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.

p. Staff to monitor site

An employee or store manager shall be located at or near the checkout counter at all times that they are operated. Staff or store manager shall regularly monitor the store and parking lot to

discourage all nuisances in the parking lot and off-site in the public right-of-way fronting the property including but not limited to discouraging loitering, littering, noise, graffiti, public drinking/intoxication/urination/violence, and noise.

q. Security cameras

The applicant has voluntarily agreed to install two additional high definition security cameras facing in either direction of the stores entrances along the 40th St. frontage and one along the rear facing the parking lot. Closed circuit television (CCTV) shall be installed and maintained in good working order and utilized for surveillance, including the cash register areas, at all times while the store is open to the public and shall record transactions. Recordings shall be retained for a minimum of two weeks.

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

Prior to signing of State Department of Alcoholic Beverage Control zoning affidavit

The applicant shall submit a letter to staff signed by the applicant addressed to the State Department of Alcoholic Beverage Control (“ABC”) agreeing to execute a Petition to Condition License in accordance with Section 23800, et. seq. of the ABC Act that they wish to include as conditions of their ABC licenses those conditions and requirements in this approval which are under the jurisdiction of the ABC. The letter shall request the ABC condition its license to those uses allowed under City permits which are also under the jurisdiction of the ABC. If the Applicant fails to make such request to the ABC to include the above conditions in its Petition to Condition License, staff may initiate enforcement proceedings pursuant to Condition of Approval 5C, including revocation.

12. Conformance with State Department of Alcoholic Beverage Control regulations

Ongoing

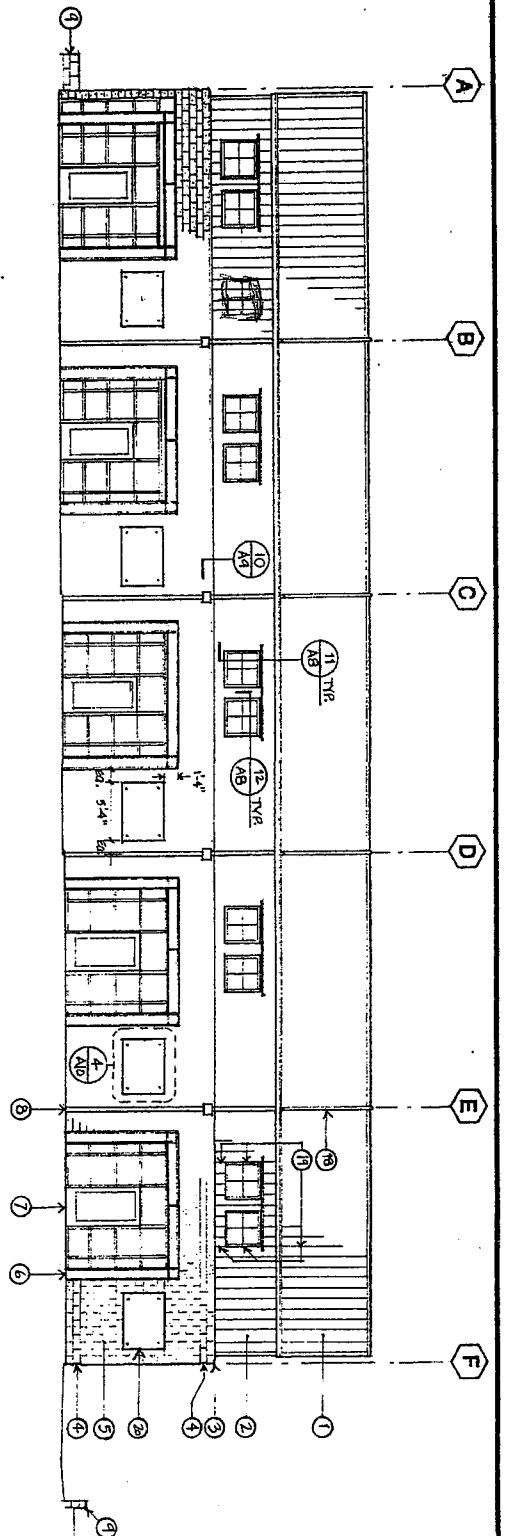
This use shall conform to all provisions of the Alcoholic Beverage Control Act. The ABC license(s) and Petition to Condition License shall be posted along with these Conditional Use Permit conditions in a place visible to the public. Applicant’s use shall also conform to all State Retail Operating Standards, 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.

13. Compliance Review

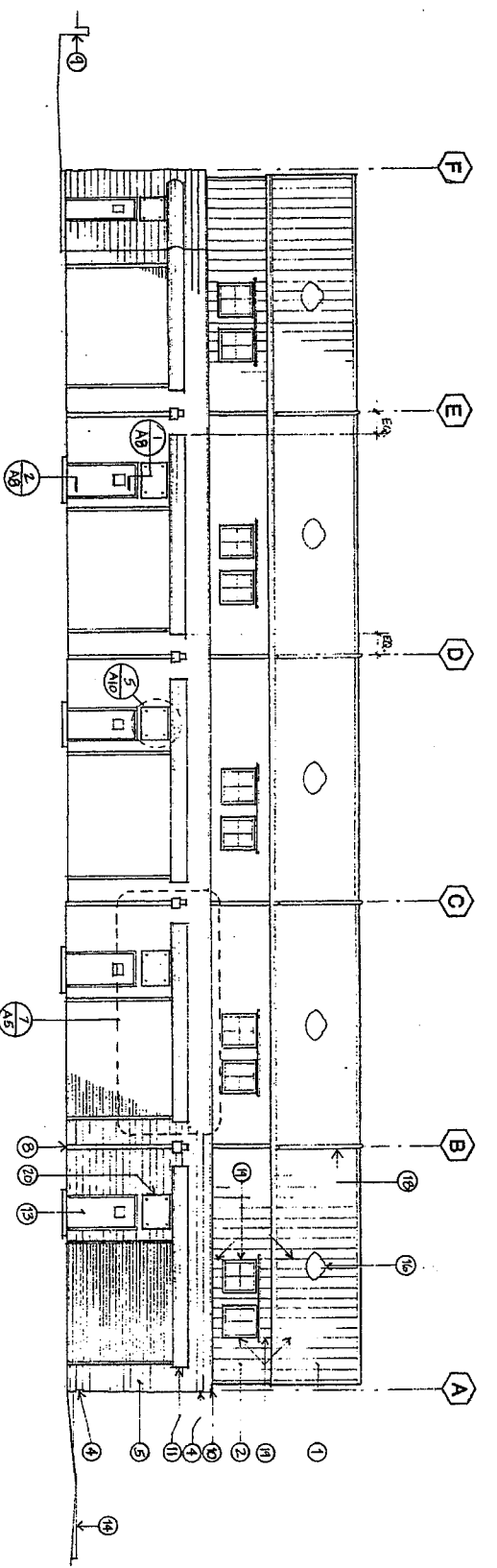
Six months after the Certificate of Occupancy has been issued (or temporary Certificate of Occupancy if one is issued), the applicant shall initiate /schedule and attend a meeting with the Zoning staff to review any complaints or other known issues that have arisen during the first 6 months of operation 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.

APPROVED BY:

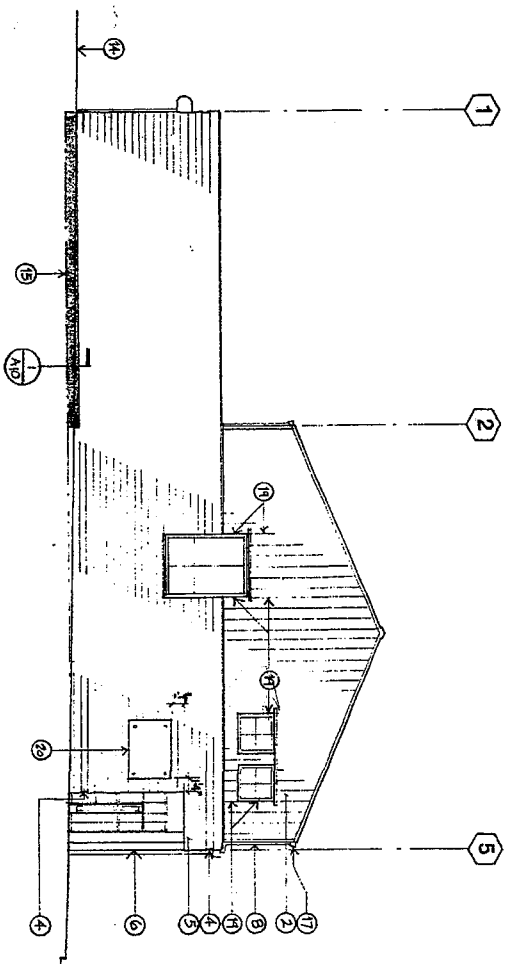
City Planning Commission: _____(date)_(vote)



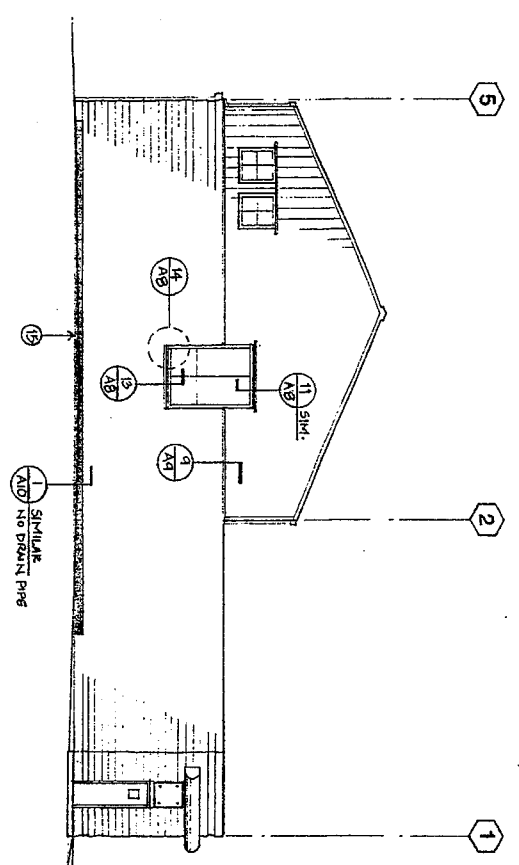
1 SOUTH ELEVATION



2 NORTH ELEVATION



3 WEST ELEVATION



4 EAST ELEVATION

SHEET NOTES

- 1 Metal siding (painted steel mesh, light green).
- 2 Metal siding, identical to roofing.
- 3 Sheet metal water table, painted to match glazed C.M.U. feature color.
- 4 Glazed concrete block feature course, red.
- 5 Split-face concrete masonry, red.
- 6 Wide-flange steel portal frame, painted yellow.
- 7 Aluminum storefront, painted to match window.
- 8 Rain water leader, painted to match window.
- 9 C.M.U. retaining wall as perching for S.S.D.
- 10 Sheet metal parapet cap, painted to match C.M.U. feature course.
- 11 Rolling door mechanism cover, painted to match window.
- 12 Metal roll-up door, painted yellow.
- 13 Hollow metal door with steel frame, painted to match window.
- 14 Concrete sidewalk.
- 15 Concrete curb (see foundation plan).
- 16 Exhaust fan hood, painted to match roof, typical.
- 17 G.S.M. gutter, painted to match window, typical.
- 18 G.S.M. bay divider molding, painted to match roof.
- 19 Align metal cladding seams with window frames, typical.
- 20 Sign.

**COMMERCIAL BUILDING
420 FORTIETH STREET
OAKLAND, CA**

**EXTERIOR
ELEVATIONS**

DATE	7/30/82
SCALE	1/4" = 1'-0"
DRAWN	5/2/82
CHECKED	5/2/82
DESIGNED	5/2/82
BY	5/2/82

REVISIONS	BY



OT ITALIA

WANTON / DAVIS / FINE

420

420

PLN 16155



OAKLAND YARD INTERIOR 1 (FRONT)
420 40TH # 2

RECEIVED
AUG 19 2016
City of Oakland
Planning & Zoning Division

PLN 16/55



OAKLAND YARD INTERIOR #2

#PLN16155-



OAKLAND YARD INTERIOR #3

#PLAN/16155



OAKLAND YARD INTERIOR (REAR) #4

MAPPING™.com

Helping You Build a Safer Community











ATTACHMENT D

[Back to Map](#)

Crime Incidents

08-18-2016 to 08-24-2016 (7 Days)

10 Records

	Type	Description	Incident #	Location	Agency	Date
Map it		VANDALISM	16-044419		Oakland Police	8-22-2016 1:50
Map it		LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	16-910909		Oakland Police	8-21-2016 9:10
Map it		LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	16-910961		Oakland Police	8-21-2016 7:00
Map it		LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	16-910928		Oakland Police	8-21-2016 3:00
Map it		LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	16-910899		Oakland Police	8-20-2016 9:00
Map it		VANDALISM	16-910856		Oakland Police	8-19-2016 10:30
Map it		BURGLARY - FORCIBLE ENTRY	16-044296		Oakland Police	8-19-2016 9:00
Map it		MOTOR VEHICLE THEFT - AUTOS	16-043968		Oakland Police	8-18-2016 9:00
Map it		MOTOR VEHICLE THEFT - AUTOS	16-043894		Oakland Police	8-18-2016 11:30
Map it		BURGLARY - FORCIBLE ENTRY	16-910769		Oakland Police	8-18-2016 12:00

1 - 10 of 10 items



CA.gov | Contact Us | Career Opportunities

HOME ABOUT US BUSINESS LAWS, RULES AND REGS SERVICES OTHER

License Query System - Map Query

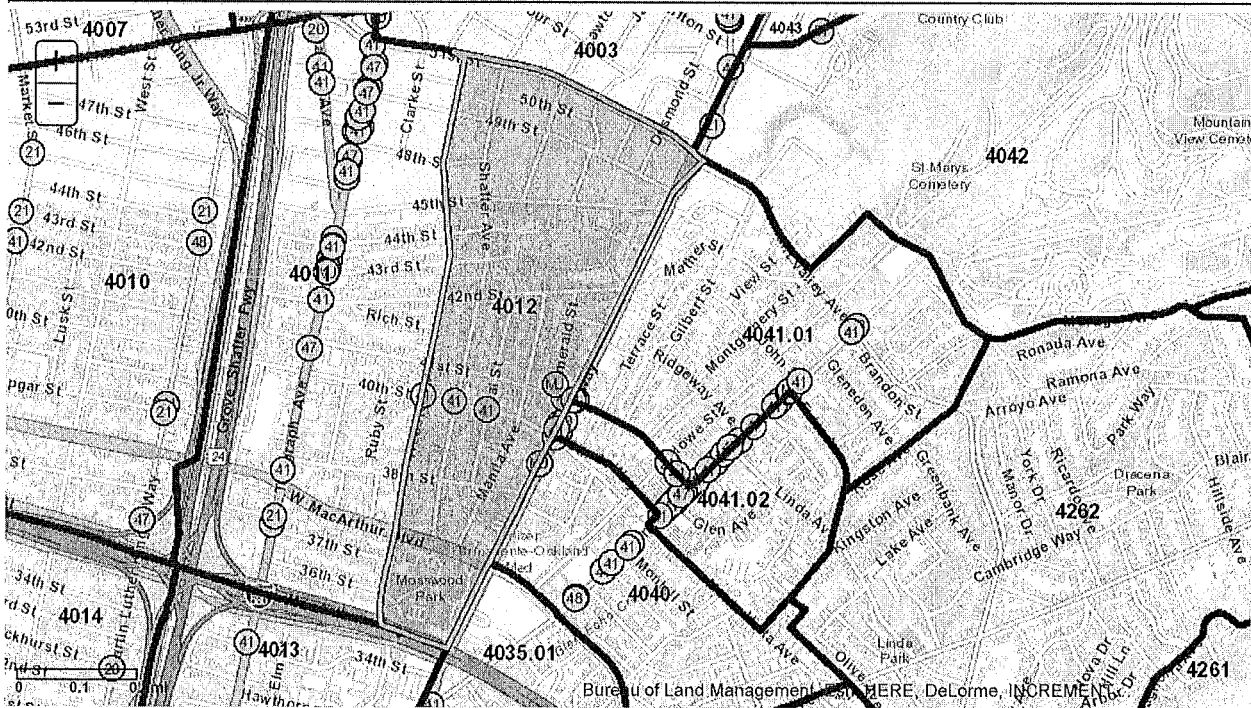
Search for a specific

License Number:

Or, locate a general area by entering:

Address:

Census Tract: City:



Licenses on the map display the license type that is currently issued for it. In the event there is more than one license type issued, the code MU is displayed.

[Home](#) | [Privacy Policy](#) | [Technical Support](#) | [Site Map](#)
[Office of Governor](#) | [BCSH Agency](#) | [ABC Executive Staff](#) |

[Back to Top](#) | [Conditions of Use](#) | [Accessibility](#) | [Email Us](#)
Copyright © 2012 State of California

ATTACHMENT E

Herrera, Jose

From: Hutzol, Anthony
Sent: Saturday, August 20, 2016 10:38 AM
To: Herrera, Jose
Subject: 420 40th St., Wineshop info

Hello sir

I am the community resource officer for Beat 12X/12Y and I am writing this e-mail to verify that Daniel Schmidt did indeed come to the June meeting for the Temescal TNC. He seemed extremely receptive to CPTED measures such as LED lighting and surveillance cameras which are proven measures to deter and defeat criminal activity. I believe having cameras inside the business is important but the possibility of having externally mounted cameras facing 40th St. would be crucial, as the 40th St. corridor is a hot spot of not only auto burglary but also robbery, armed and strong-arm alike.

I believe Daniel Schmidt will be a valuable addition to the neighborhood and a great partner with the community and the police department.

Respectfully,

Ofc. A. Hutzol 9115

CRO 2 - 12X and 12Y

"An Ounce of Prevention is worth a Pound of Cure" - Benjamin Franklin

Herrera, Jose

From: aubyns@gmail.com on behalf of Temescal Neighbors
<TemescalNeighborhoodCouncil@gmail.com>
Sent: Friday, August 19, 2016 3:00 PM
To: Herrera, Jose
Subject: Oakland Yard, Proposed Wine Shop in Temescal

Jose Herrera, Oakland Planning Department:

My name is Aubyn Merie and I am the Chair of the Temescal Neighborhood Council (formerly Temescal NCPC, Beat 12X).

I am writing you to confirm that Daniel Schmidt and his business partner Max Davis have met with me and also formerly presented their business proposal at our Temescal Neighborhood Council Meeting on June 15, 2016. Their proposal was well received by those in attendance.

Officer Anthony Hutzol (OPD) and Oliver Luby from Dan Kalb's office (Oakland City Council) were also in attendance.

If you have any questions or need more detailed information, please don't hesitate to contact me. I am happy to support Daniel's and Max's business efforts and know that their business, Oakland Yard, will be a nice addition to our Temescal Community.

Best wishes,

Aubyn Merie, Resident and Chair
Temescal Neighborhood Council
510-545-6446 talk & text

THUNDER ROAD

ADOLESCENT TREATMENT CENTERS, INC.

May 18, 2016

To whom it may concern:

I am writing to confirm that I met with Daniel Schmidt, owner/manager of Wineshop, which will be located at 420 40th Street, #2 Oakland CA, 94609. We discussed the scope of his business and what will be offered.

Thunder Road is aware of the proposal and we welcome them to the neighborhood.

Please don't hesitate to contact me with any questions.

Thank you.

Sincerely,



Katherine Svoboda
Supervisor – Administrative Services

Herrera, Jose

From: Rachel Buck <racheldbuck@gmail.com>
Sent: Friday, July 08, 2016 4:00 PM
To: Riselwyn.Melodias@abc.ca.gov; Herrera, Jose
Subject: In Support of Retail Wine Store On 420 40th Street Oakland

Dear Mr. Risel Melodias and Mr. Jose M. Herrera-Preza,

I am writing to express my support for the proposal to put a retail wine store at 420 40th Street, in Oakland. As a neighborhood resident, I would welcome the convenience of a small boutique wine shop within walking distance of my home. I believe such a business would rely largely on foot traffic, enlivening the surrounding area, increasing sidewalk safety, and bringing new customers to other local businesses along the 40th Street commercial corridor. I know the business partners to be friendly, honest, hardworking people, who will do their best to serve the neighborhood, and so I wholeheartedly endorse their proposed wine shop project.

Sincerely,

Rachel Buck

Herrera, Jose

From: Peter Sullivan <petermsullivan@gmail.com>
Sent: Friday, July 01, 2016 3:03 PM
To: Riselwyn.Melodias@abc.ca.gov; Herrera, Jose
Subject: Support for Cameron Davis Schmidt LLC proposal

Hi,

I fully support the Cameron Davis Schmidt LLC proposal for a small boutique wine shop at 420 40th Street, in Oakland.

Sincerely,

Peter Sullivan
40th Street Resident

Herrera, Jose

From: Carly Roemmer <carly@pizzaioloakland.com>
Sent: Friday, July 08, 2016 3:10 PM
To: Riselwyn.Melodias@abc.ca.gov; Herrera, Jose
Subject: Support for Cameron Davis Schmidt LLC proposal, 420 40th Street

Hello Mr. Melodias and Mr. Herrera-Preza,

I am writing to express my support for the proposal to put a retail wine store at 420 40th Street, in Oakland. As a neighborhood resident, I would welcome the convenience of a small boutique wine shop within walking distance of my home. I believe such a business would rely largely on foot traffic, enlivening the surrounding area, increasing sidewalk safety, and bringing new customers to other local businesses along the 40th Street commercial corridor. I know the business partners to be friendly, honest, hardworking people, who will do their best to serve the neighborhood, and so I wholeheartedly endorse their proposed wine shop project.

Sincerely,

Carly Roemmer

CARLY ROEMMER

PIZZAIOLO <<http://www.pizzaioloakland.com>> / BOOT & SHOE SERVICE <<http://www.bootandshoeservice.com>> /
PENROSE <<http://www.penroseoakland.com>> / CHARLIEHALLOWELL.COM

Herrera, Jose

From: David Brown <davidejbrown@gmail.com>
Sent: Friday, July 08, 2016 2:53 PM
To: Herrera, Jose
Subject: Cameron Davis Schmidt LLC's Proposal

Hello Mr. Jose M. Herrera-Preza,

I wanted to write and express my support for the Cameron Davis Schmidt LLC's proposal for a small boutique wine shop at 420 40th Street, in Oakland. I think that they will be an amazing asset to the neighborhood and bring great life to the area. I know them personally and would like you to know that they are honest, hardworking, and kind people that will do their best to serve the community.

I wholeheartedly endorse their proposal!

Sincerely,
David Brown

Herrera, Jose

From: Brendan Willard <bpw1978@gmail.com>
Sent: Thursday, July 07, 2016 11:28 AM
To: bwilldard1@hotmail.com
Subject: Support for the Cameron Davis Schmidt LLC proposal at 420 40th Street, in Oakland

Hello,

I am writing to express my support for the proposal to put a retail wine store at 420 40th Street, in Oakland. As a neighborhood resident, I would welcome the convenience of a small boutique wine shop within walking distance of my home. I believe such a business would rely largely on foot traffic, enlivening the surrounding area, increasing sidewalk safety, and bringing new customers to other local businesses along the 40th Street commercial corridor. I know the business partners to be friendly, honest, hardworking people, who will do their best to serve the neighborhood, and so I wholeheartedly endorse their proposed wine shop project.

Sincerely,

Brendan Willard

816 53rd st.

Oakland Ca 94608

Herrera, Jose

From: Sky Lanigan <sky@mediumplenty.com>
Sent: Thursday, June 30, 2016 3:43 PM
To: Riselwyn.Melodias@abc.ca.gov; Herrera, Jose
Subject: 420 40th Street Wine Shop Proposal Notice of Support

I fully support the Cameron Davis Schmidt LLC proposal for a small boutique wine shop at 420 40th Street, in Oakland. I live and work in Oakland, and believe this intimate wine shop would really add to the quality of the 40th street commercial corridor, connecting with existing foot traffic from the adjacent businesses and bringing more pedestrians and attention to the street. As a homeowner in Oakland, I believe that opportunities for these small operator-owned businesses really help make our city a vibrant and unique place for residents and visitors.

Sincerely,

Sky Lanigan

Sky Lanigan | Medium Plenty <<http://www.mediumplenty.com/>>

M 510 292 8151 <[tel:510%20292%208151](tel:51020292208151)>

1729 Telegraph Ave, 3rd Fl

Oakland CA 94612

Herrera, Jose

From: Virginia Hamilton <vahamilton@mac.com>
Sent: Wednesday, June 29, 2016 2:03 PM
To: Riselwyn.Melodias@ABC.CA.GOV; Herrera, Jose
Subject: retail wine shop in neighborhood - Support

I am writing to express my support for the proposal to put a retail wine store at 420 40 th Street, in Oakland.

I live in the neighborhood, and enjoy walking to buy my food and wine - one of the many reasons that I moved to this part of Oakland four years ago. I am very enthusiastic about the way the 40th Street commercial corridor has grown, and think that a small wine shop with unique offerings would make the area even better. As a former New Yorker, I have seen first hand the value of people out walking around in neighborhoods; the feeling of personal safety, and the atmosphere that it creates. A walkable neighborhood with shops such as this make property values go up, and make us like our community even more.

I happen to know the business partners, and know how they values a sense of place. They are genuine honest and hardworking people, who are dedicated to making this business work in this particular community.

Therefore, I absolutely endorse their proposed wine shop project.

Sincerely,

Herrera, Jose

From: Laura Judson <laura@bootandshoeservice.com>
Sent: Thursday, July 14, 2016 9:23 PM
To: Herrera, Jose
Subject: Wine Store @ 420 40th St

I am writing to express my support for the proposal to put a retail wine store at 420 40th Street, in Oakland. As a neighborhood resident, I would welcome the convenience of a small boutique wine shop within walking distance of my home. I believe such a business would rely largely on foot traffic, enlivening the surrounding area, increasing sidewalk safety, and bringing new customers to other local businesses along the 40th Street commercial corridor. I know the business partners to be friendly, honest, hardworking people, who will do their best to serve the neighborhood, and so I wholeheartedly endorse their proposed wine shop project.

**Sincerely,
Laura**

--
Laura Judson
general manager
boot & shoe service
3308 grand ave oakland!
510.763.2668

Herrera, Jose

From: Stephanie Chevalier <stephaniechevalier28@gmail.com>
Sent: Monday, July 11, 2016 11:50 AM
To: Herrera, Jose
Subject: Wine shop support on 40th St. in Oakland

Hi Mr. Herrera-Preza,

Im am writing to express my support for the Cameron Davis Schmidt LLC for opening a small boutique wine shop at 420 40th street in Oakland!

Thank you of you time.

Sincerely,

Stephanie Chevalier

Herrera, Jose

From: Jillian Budd <budd.jillian@gmail.com>
Sent: Monday, July 11, 2016 9:46 AM
To: Herrera, Jose
Subject: Letter of Support for new Oakland wine shop

Dear Mr. Herrera-Preza,

I am writing to express my support for the proposal to put a retail wine store at 420 40th Street in Oakland. As a neighborhood resident, I would welcome the convenience of a small boutique wine shop within walking distance of my home. I believe such a business would rely largely on foot traffic, enlivening the surrounding area, increasing sidewalk safety, and bringing new customers to other local businesses along the 40th Street commercial corridor. I know the business partners to be friendly, honest, hardworking people, who will do their best to serve the neighborhood, and so I wholeheartedly endorse their proposed wine shop project.

Sincerely,

Jillian Budd
Oakland resident

Herrera, Jose

From: Patrice Scinta <pscinta@gmail.com>
Sent: Sunday, July 10, 2016 8:02 PM
To: Herrera, Jose
Subject: Endorsement of Wine Store at 420 40th

Dear Mr. Herrera-Preza,

I am writing to express my support for the **Cameron Davis Schmidt LLC** proposal to put a retail wine store at 420 40th Street, in Oakland. As a neighborhood resident, I would welcome the convenience of a small boutique wine shop within walking distance of my home. I believe such a business would rely largely on foot traffic, enlivening the surrounding area, increasing sidewalk safety, and bringing new customers to other local businesses along the 40th Street commercial corridor. I know the business partners to be friendly, honest, hardworking people, who will do their best to serve the neighborhood, and so I wholeheartedly endorse their proposed wine shop project.

Sincerely,

Patrice Scinta
1001 46th St.
Oakland, California

Herrera, Jose

From: Ezra Chomak <ezchomak@gmail.com>
Sent: Friday, July 08, 2016 5:39 PM
To: Herrera, Jose
Subject: Wine shop

Dear Mr. Herrera,

I am writing to express my support for the proposal to put a retail wine store at 420 40th Street, in Oakland. As a neighborhood resident, I would welcome the convenience of a small boutique wine shop within walking distance of my home. I believe such a business would rely largely on foot traffic, enlivening the surrounding area, increasing sidewalk safety, and bringing new customers to other local businesses along the 40th Street commercial corridor. I know the business partners to be friendly, honest, hardworking people, who will do their best to serve the neighborhood, and so I wholeheartedly endorse their proposed wine shop project.

Sincerely,

Ezra Chomak
925.876.5936

Herrera, Jose

From: Jennifer Robinson <pandajen@gmail.com>
Sent: Thursday, July 07, 2016 4:56 PM
To: Herrera, Jose
Subject: Support for Cameron Davis Schmidt LLC wine shop on 40th Street

TO Mr. Jose M. Herrera-Preza, Planner II, City of Oakland, Bureau of Planning

I fully support the Cameron Davis Schmidt LLC proposal for a small boutique wine shop at 420 40th Street, in Oakland. I'm an Oakland resident since 2011 and a public librarian.

Sincerely,

Jen Robinson

(510) 292-5122

Herrera, Jose

From: oakland.cory@gmail.com on behalf of Cory Gowan <cory@streetsandavenues.com>
Sent: Sunday, July 03, 2016 11:49 AM
To: Riselwyn.Melodias@abc.ca.gov
Cc: Herrera, Jose
Subject: Support For Boutique Wine Shop at 420 - 40th Street In Oakland

Good Afternoon -

I am writing to express my support for the proposal to put a retail wine store at 420 - 40th Street, in Oakland. As a neighborhood resident since 2002 I would welcome the convenience of a small boutique wine shop within walking distance of my home. In my time in the Temescal/Piedmont area I have seen a neighborhood grow and become more thriving and walkable, safer, and more welcoming.

I believe such a business would rely largely on foot traffic, enlivening the surrounding area, increasing sidewalk safety, and bringing new customers to other local businesses along the 40th street corridor. I know the business partners to be friendly, honest, hardworking people, who will do their best to serve the neighborhood, and so I wholeheartedly endorse their proposed wine shop project.

If you have any additional questions for me please don't hesitate to ask.

Sincerely,

-Cory Gowan
293 Whitmore St. #12
Oakland, CA 94611

Herrera, Jose

From: Drew Huffine <drew.huffine@gmail.com>
Sent: Thursday, June 30, 2016 12:03 PM
To: Herrera, Jose
Subject: 40th st. Wine store

30 June 2016

Office of Mr. Jose M. Herrera-Prez,

Planner II,

City of Oakland, Bureau of Planning

Dear Mr. Herrera-Perez,

I am writing to express my support for the proposal to put a retail wine store at 420 40th Street, in Oakland. As a neighborhood resident, I would welcome the convenience of a small boutique wine shop within walking distance of my home. I believe such a business would rely largely on foot traffic, enlivening the surrounding area, increasing sidewalk safety, and bringing new customers to other local businesses along the 40th Street commercial corridor. I know the business partners to be friendly, honest, hardworking people, who will do their best to serve the neighborhood, and so I wholeheartedly endorse their proposed wine shop project.

Sincerely,

Drew Huffine
Proud Oakland resident.

Herrera, Jose

From: Jillian Budd <budd.jillian@gmail.com>
Sent: Monday, July 11, 2016 9:46 AM
To: Herrera, Jose
Subject: Letter of Support for new Oakland wine shop

Dear Mr. Herrera-Preza,

I am writing to express my support for the proposal to put a retail wine store at 420 40th Street in Oakland. As a neighborhood resident, I would welcome the convenience of a small boutique wine shop within walking distance of my home. I believe such a business would rely largely on foot traffic, enlivening the surrounding area, increasing sidewalk safety, and bringing new customers to other local businesses along the 40th Street commercial corridor. I know the business partners to be friendly, honest, hardworking people, who will do their best to serve the neighborhood, and so I wholeheartedly endorse their proposed wine shop project.

Sincerely,

Jillian Budd
Oakland resident

Herrera, Jose

From: Patrice Scinta <pscinta@gmail.com>
Sent: Sunday, July 10, 2016 8:02 PM
To: Herrera, Jose
Subject: Endorsement of Wine Store at 420 40th

Dear Mr. Herrera-Preza,

I am writing to express my support for the **Cameron Davis Schmidt LLC** proposal to put a retail wine store at 420 40th Street, in Oakland. As a neighborhood resident, I would welcome the convenience of a small boutique wine shop within walking distance of my home. I believe such a business would rely largely on foot traffic, enlivening the surrounding area, increasing sidewalk safety, and bringing new customers to other local businesses along the 40th Street commercial corridor. I know the business partners to be friendly, honest, hardworking people, who will do their best to serve the neighborhood, and so I wholeheartedly endorse their proposed wine shop project.

Sincerely,

Patrice Scinta
1001 46th St.
Oakland, California

Herrera, Jose

From: Alexandra Brown <iamalexandrabrown@gmail.com>
Sent: Saturday, July 09, 2016 10:16 AM
To: Herrera, Jose
Subject: Email of Support for Retail Wine Shop at 420 40th Street Oakland CA

Hello Mr. Herrera-Preza,

I am writing to express enthusiastic support for the proposal to put a retail wine store at 420 40th Street in Oakland, CA.

As a community member, I would welcome the convenience of a small boutique wine shop within this neighborhood. I believe such a business would rely largely on foot traffic, enlivening the surrounding area, increasing sidewalk safety and drawing in new customers to other local businesses along the 40th Street commercial corridor. I know the business partners to be compassionate, friendly, honest and hardworking people who will do their utmost to serve the neighborhood.

As a result, I wholeheartedly endorse their proposed wine shop project.

Sincerely,
Alexandra Brown