

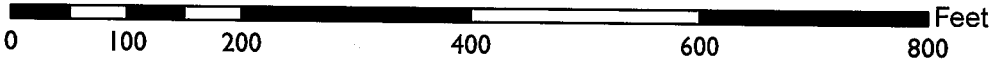
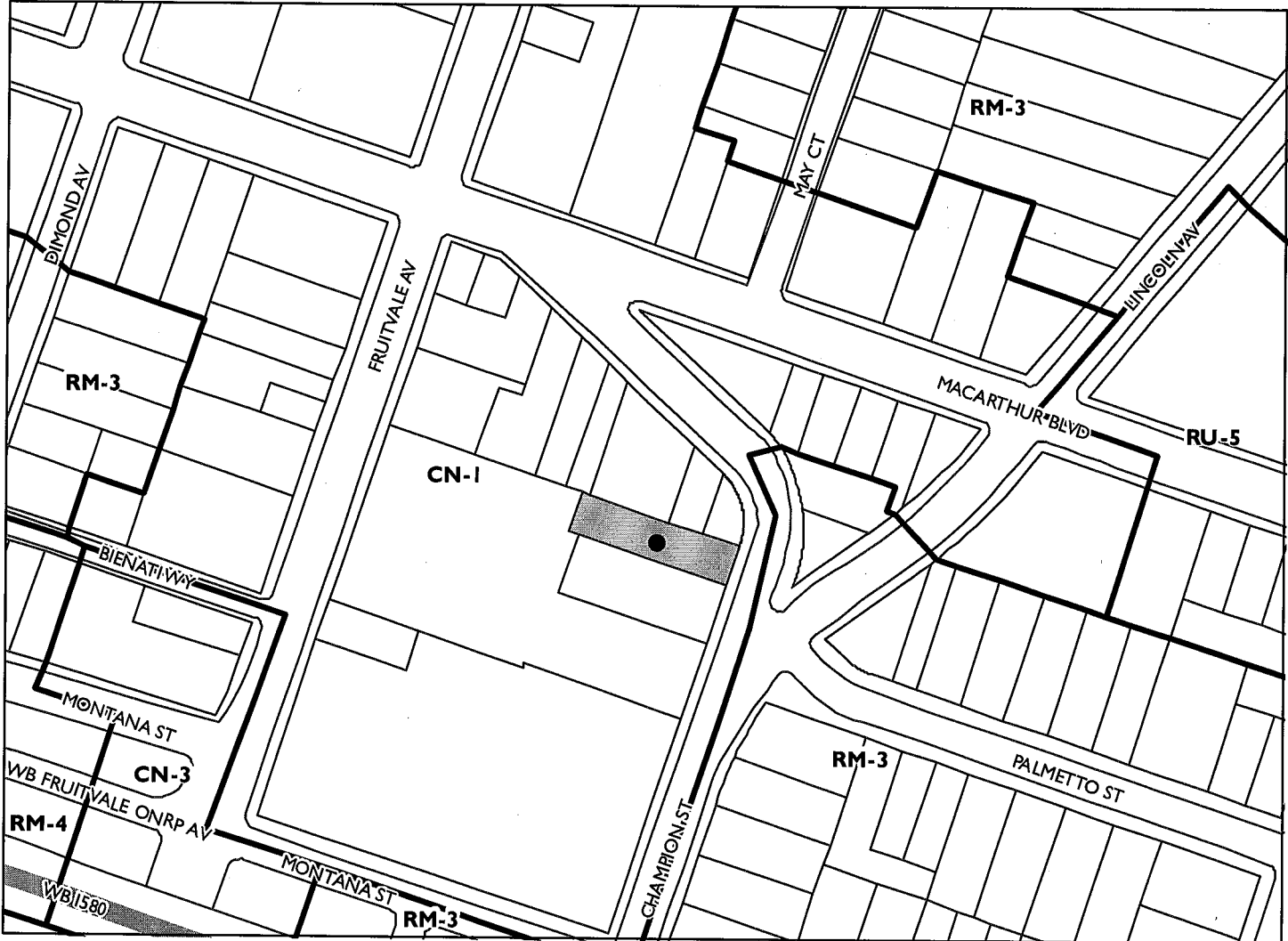
Project:	“Bombera Bar & Grill”
Location:	3455-3459 Champion Street (former City fire station no. 14) (see map on reverse)
Assessor’s Parcel Number:	028 -0905-013-02
Proposal:	To convert a former City fire station into a 4,500 square-foot full-service restaurant serving alcoholic beverages (beer & wine) including a 600 s.f. front patio seating area, no on-site parking, an 11:00 P.M. closing time & modifications including façade changes and a 1,400 square-foot / 10’ tall upper addition of non-customer space
Applicant / Phone Number:	Ms. Dominica Rice (415) 385-4914
Owner:	City of Oakland (sale currently pending to: Ms. Rice)
Planning Permits Required:	Major Conditional Use Permit with additional findings for a full-service restaurant located within 200 feet of a restricted street (MacArthur Blvd) to serve alcoholic beverages; Regular Design Review for an addition exceeding 1,000 square-foot in floor-area
General Plan:	Neighborhood Center Mixed Use
Zoning:	CN-1 Neighborhood Commercial Zone
Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities (operation; additions); Section 15183: Projects Consistent with a Community Plan, General Plan or Zoning
Historic Status:	Non-historic property
City Council District:	4
Date Filed:	May 23, 2017
Action to be Taken:	Decision based on staff report
Finality of Decision:	<i>Appealable to City Council</i>
For Further Information:	Contact case planner Aubrey Rose, AICP at (510) 238-2071 or arose@oaklandnet.com

SUMMARY

The applicant requests Planning Commission approval of a Major Conditional Use Permit, Minor Conditional Use Permit, and Regular Design Review to convert a former City fire station into a full-service restaurant including sale of beer and wine, indoor and outdoor seating, an 11:00 P.M. closing time, and, an upper addition at the rear half of the building to contain the restaurant’s office.

Staff recommends approval subject to conditions of approval as described in this report.

CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN17196
Applicant: Ms. Dominica Rice
Address: Bombera Bar & Grill” 3455-3459 Champion St
(former City fire station no. 14)
Zone: CN-1

PROPERTY DESCRIPTION

The property is in the Dimond District which centers on the intersection of Fruitvale Avenue and MacArthur Boulevard. The lot is level and measures 6,530 square-feet in area (40-feet in width x 163-feet in depth). The property contains former City fire station no. 14 (constructed c. 1950 per City records). The City considers the property to be surplus as reviewed by the Planning Commission (Attachment E) and is currently under pending sale to the applicant. The City Council has authorized the sale of this property in 2016 under Ord. 13400 (Attachment F). It ceased operation as a fire station in 2013. The closest active fire station is no. 16 which is situated less than one mile to the west at 3600 13th Avenue.

The existing building measures 30-feet in width by 117-feet in length by 19-feet in height. Yards measure 20-feet deep at front, 5-feet in width at the sides, and 22'-6" feet deep at the rear yard which contains a 200 square-foot detached accessory building (workshop). The station is a non-historic structure consisting of a utilitarian appearance with a flat roof, stucco exterior with low concrete base, two large garage bays at the front, and a double-width driveway. A low chain link fence runs along the left side property line; the property to the right is an open paved lot containing a small utility facility. The subject property is not contaminated per State records (Attachment G).

The Dimond District features neighborhood-serving businesses including full and limited-service restaurants, bars, markets selling alcoholic beverages, and, other consumer services. To the west of the project site is Farmer Joe's Supermarket and CVS Pharmacy with large parking lots in between; to the east is a mixed housing type residential neighborhood running between the 580 freeway and MacArthur Boulevard including single-family property within 120-feet of the site; to the north are neighborhoods running along Lincoln Avenue up towards the Oakland hills; to the south is the freeway. The district contains street parking including metered and 2-hour stalls, and public lots beneath the freeway and west of Fruitvale Avenue; also, two bus lines cross at the main intersection, and, mainly visitors arrive by foot or bicycle. There are residences in the immediate vicinity of the project site including a two-story four-unit apartment building to the immediate south (left), and, a three-story six-unit building down the block and across the street. Large blank commercial rear walls are located facing the right and rear sides (the Farmer Joe's building to the rear was originally a movie theatre). No schools, parks or places of worship are in the immediate vicinity; a senior apartment facility is located 400-feet to the east; Sequoyah public elementary school is located 1,500-feet to the east; Dimond branch library is located 65-feet to the north; and, Dimond Park is located over 1,500-feet to the north.

PROJECT DESCRIPTION

The proposal is to convert a former City fire station into a 4,500 square-foot full-service restaurant serving alcoholic beverages (beer and wine). The restaurant would feature a dining room in the front with an open trellis ceiling and small bar along one side of the room; a 600 square-foot outdoor seating patio with barriers in the front; a kitchen at the middle of the building; restrooms; a banquet room at the rear of the building; an additional seating area at the rear yard; and a new upper addition to contain the restaurant's office. The restaurant would admit all ages, would feature Latin-fusion fare, and would close at 11:00 P.M. The restaurant would not include on-site parking. Patrons would enter through the center of the patio and right-side door into the building. The rear patio would be used for private reservations at the banquet room. Live music is not intended. Small free events would sometimes be held.

Architectural and site modifications would consist of: façade changes to replace the two garage doors with a metal and glazed storefront system including two single-width glass doors and transoms (powder coated or painted metal); new paint; conversion of the driveway into a seating area with two L-shaped barriers at the outer corners (wooden base with upper screening and higher screening on the south/left side barrier); restoration of a flagpole; refurbishing steel sashes of windows throughout building; demolition of the rear detached accessory building; an upper addition at the rear half of the building (1,400 square-feet in floor-area and 10-feet in height) including a small roof deck all to be consistent with the appearance of the existing building in terms of roofline,

exterior materials, and window style; and, new interior and exterior (left-side) stairs screened from the public right-of-way by being set into a recessed area. Signage would be painted above the new front doors

The proposal would require a Type 41 license for an all-ages restaurant serving beer and wine from the State of California's Alcoholic Beverages Control Department ("ABC"), as described below:

ON SALE BEER & WINE – EATING PLACE - (Restaurant) Authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.

Since 2011, the applicant has operated a restaurant serving liquor, beer and wine ("Cosecha") at 907 Washington Street in Swan's Marketplace located in Old Oakland. The applicant has conducted neighborhood outreach for this project (Attachment I).

GENERAL PLAN ANALYSIS

The property is in a Neighborhood Center Mixed Use area under the General Plan's Land Use & Transportation Element (LUTE). The Intent of the area is: "to identify, create, maintain and enhance mixed use neighborhood commercial centers. These centers are typically characterized by smaller scale pedestrian-oriented, continuous street frontage with a mix of retail, housing, office, active open space, eating and drinking places, personal and business services, and smaller scale educational, cultural, or entertainment uses." The proposal for a full service restaurant in a closed fire station conforms to the area's intent and to the following Goals and Policies of the LUTE:

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 Strengthened Vitality

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

Staff finds site improvements to a closed fire station in order to establish a full-service restaurant serving alcoholic beverages, subject to conditions, to conform to the General Plan.

ZONING ANALYSIS

The property is in the CN-1 Neighborhood Commercial Zone. The Intent of the CN-1 Zone is: "*to maintain and enhance vibrant commercial districts with a wide range of retail establishments serving both short and long term needs in attractive settings oriented to pedestrian comparison shopping.*" The proposal requires Conditional Use Permits (CUP) with additional findings to establish a Full Service Restaurant Commercial Activity in the CN-1 Zone, and, to serve alcoholic beverages at a full-service restaurant within 200-feet of a "restricted street" (MacArthur Boulevard). The proposal also requires a Regular Design Review for an addition exceeding one thousand square-feet in floor-area. The CUP for sale of alcoholic beverages near a "restricted street" requires Planning Commission decision, and all approvals are decided together. The proposal analyzes in the 'Key Issues and Impacts' section of this report.

Staff finds site improvements to a closed fire station in order to establish a full-service restaurant serving alcoholic beverages, subject to conditions, to conform to the Planning Code.

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines categorically exempts specific types of projects from environmental review. Section 15301 of the State CEQA Guidelines exempts projects involving “*operation and licensing of existing private facilities,*” and, “*(a)dditions to existing structures...*” *The proposal to establish a restaurant including an addition to accommodate its office meets these descriptions: the project would constitute operation of an existing private facility and an addition, and is therefore exempt under CEQA Guidelines section 15301. Section 15183 of the State CEQA Guidelines, which relates to Projects Consistent with a Community Plan, General Plan or Zoning, also serves as a separate and independent basis for CEQA clearance. The project adheres to this sections, as described above.* The project is, therefore, no subject to further Environmental Review.

KEY ISSUES AND IMPACTS

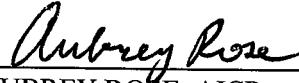
Full service restaurants in the CN-1 Neighborhood Commercial Zone require a CUP in order to consider potential retail displacement, and to ensure the district remains pedestrian-oriented as opposed to automobile-oriented. In this case, the site was formerly a fire station that is not closed, and the driveway would be converted into outdoor seating in front of a new restaurant. Sale of alcoholic beverages for on-site consumption in conjunction with a restaurant are generally non-problematic. This is especially true with a full-service format, a reasonable closing time, no cabaret component, and no adjacent civic uses. The proposal meets these considerations, and other restaurants in the district as well as along MacArthur Boulevard generally have been granted a similar approval to that which is requested. Furthermore, staff is considering changes to “restricted street” restaurants with alcohol in the future. The CN-1 Zone conditionally permits full service restaurants; therefore, any restaurant with or without alcoholic beverage service is still subject to restrictions such as a specified closing time. There are approximately six other restaurants in the district serving beer and wine; a few of them have an 11:00 P.M. closing time (including by ABC restriction). Regarding design, staff finds proposed architectural and site modifications to be attractive and appropriate. Therefore, staff has drafted recommended conditions of approval addressing potential issues in general such as noise and litter control that are consistent with other similar approvals in the area (Attachment B). because the garage would be eliminated and driveway converted, staff recommends restoration of the curb at the curb cut (driveway apron), installation of street trees, and installation of a bicycle parking rack on-site. Additionally, due to the proximity of an apartment building to the south (left), conditions of approval including required installation of an attractive taller fence along the left side property line for buffering, and no smoking and a 10:00 P.M. closing time at open seating areas Sundays through Thursdays.

In conclusion, staff recommends approval subject to conditions of approval.

RECOMMENDATIONS:

1. Affirm staff's environmental determination.
2. Approve a Major Conditional Use Permit, Minor Conditional Use Permit and Regular Design Review subject to the attached findings and conditions.

Prepared by:



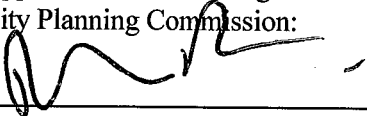
AUBREY ROSE, AICP
Planner III

Reviewed by:



SCOTT MILLER
Zoning Manager

Approved for forwarding to the
City Planning Commission:



DARIN RANELLETTI, Interim Director
Planning and Building Department

ATTACHMENTS:

- A. Findings
- B. Conditions of Approval
- C. Plans/Photographs
- D. Dinner Menu
- E. Zoning Review #ZR12166
- F. City Council Ordinance 13400
- G. State Geotracker Report
- H. Area Crime Statistics
- I. Correspondences

Attachment A: Findings

This proposal meets the required findings under **General Conditional Use Permit Criteria (OMC Sec. 17.134.050)**, **Use Permit Criteria for Establishments Selling Alcoholic Beverages (OMC Sec. 17.103.030(A))**, **Conditional Use Permit Findings in the CN Neighborhood Commercial Zone (OMC Sec. 17.33.030)** and **Regular Design Review Criteria For Nonresidential Facilities and Signs (OMC Sec. 17.136.050(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.

A new full-service restaurant, with site improvements, serving alcoholic beverages and having an 11:00 P.M. closing time (10:00 P.M. outdoors on weeknights), conforms to the Planning Code. The project will convert the property use from government (closed fire station) to neighborhood-serving, thereby enhancing the commercial district without displacing retail uses. The conversion of the driveway into open seating will serve to better-activate the street in a district having ample transportation and parking options.

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 will convert the property use from closed government facility to neighborhood-serving, thereby enhancing the commercial district without displacing retail uses.

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 conversion of the driveway into open seating will better-activate the street in a district having ample transportation and parking options.

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 applicable, and is met as described in a following section of this Attachment.

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 Neighborhood Center Mixed Use area under the General Plan's Land Use & Transportation Element (LUTE). The Intent of the area is: "to identify, create, maintain and enhance mixed use neighborhood commercial centers. These centers are typically characterized by smaller scale pedestrian-oriented, continuous street frontage with a mix of retail, housing, office, active open space, eating and drinking places, personal and business services, and smaller scale educational, cultural, or entertainment uses." The proposal for a full service restaurant in a closed fire station conforms to the area's intent and to the following Goals and Policies of the LUTE:

Policy N2.6 Disposing of Public Property

Before disposing of schools or other significant public or quasi-public properties that are no longer needed for their original purpose, careful consideration should be given to their possible utilization for other kinds of civic, institutional, or open space uses.

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 Strengthened Vitality

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

A full-service restaurant serving alcoholic beverages, with site improvements to a closed fire station, subject to conditions, conforms to the General Plan.

Use Permit Criteria for Establishments Selling Alcoholic Beverages.

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 proposal involving alcoholic beverage sales at a full-service restaurant with an 11:00 P.M. closing time (10:00 P.M. at outdoor spaces on weeknights per Conditions) in a neighborhood-serving commercial district is not anticipated to generate negative impacts to the surrounding community.

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;

No schools, parks or places of worship are in the immediate vicinity; a senior apartment facility is located 400-feet to the east; Sequoyah public elementary school is located 1,500-feet to the east; Dimond branch library is located 65-feet to the north; and, Dimond Park is located over 1,500-feet to the north.

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

The project features the conversion of a double-width driveway into open restaurant seating, which will eliminate traffic crossing the sidewalk. Furthermore, Conditions require restoration of the curb, installation of street trees, and installation of a bicycle parking rack on-site.

4. That the proposed development will be of an architectural and visual quality and character which harmonizes with, or where appropriate enhances, the surrounding area;

The project is subject to design review for architectural and site improvements, and findings can be made as described in the following section of this Attachment.

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

The project features the conversion of a double-width driveway into open restaurant seating with attractive barriers.

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

The proposal is for a full-service restaurant as opposed to a convenience market or fast food restaurant, and litter receptacles for customers are therefore not necessary; nonetheless, Conditions ensure that restaurant staff maintain the cleanliness of the fronting public right-of-way (sidewalk and gutter) daily.

7. That where the proposed use is in close proximity to residential uses, and especially to bedroom windows, it will be limited in hours of operation, or designed or operated, so as to avoid disruption of residents' sleep between the hours of 10:00 p.m. and 7:00 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 property is adjacent to an apartment building to the south (left); Conditions include installation of an attractive taller fence for buffering along the left-side property line, and, a 10:00 P.M. closing time at open seating areas Sundays through Thursdays and no smoking at open seating areas.

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 inapplicable; the proposal does not involve a Fast-Food Restaurant.

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 restaurant involving site improvements is appropriate for a neighborhood-serving district and utilizes a closed fire station, thereby enhancing the commercial district without displacing retail uses.

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

The conversion of the driveway into open restaurant seating will serve to better-activate the street in a district have multiple transportation and parking options.

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 utilizes a closed fire station and therefore does not displace retail uses.

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

The project features the conversion of a double-width driveway into open seating which will serve to better-activate the street in a district having ample transportation and parking options. Conditions required the restoration of the curb, installation of street trees, and installation of a bicycle parking rack on-site.

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

No plan is adopted for the district.

Regular Design Review Criteria For Nonresidential Facilities and Signs (OMC Sec. 17.136.050(B))

1. That the proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered, except as otherwise provided in Section 17.136.060;

The proposal is to convert a former City fire station into a 4,900 square-foot full-service restaurant. The restaurant will feature a 600 square-foot outdoor seating patio with barriers in the front, a rear patio, and will not include on-site parking.

Architectural and site modifications will consist of: façade changes to replace the two garage doors with a glazed façade including two single-width glass doors and transoms; new paint; conversion of the driveway into a seating area with two L-shaped barriers at the outer corners; demotion of the rear detached accessory building; and, an upper addition at the rear half of the building (1,400 square-feet in floor-area and 10-feet in height) to be consistent with the appearance of the existing building in terms of roofline, exterior materials, and window style; and, new interior and exterior (left-side) stairs. The project will improve the appearance of the site in a manner compatible with the surrounding neighborhood.

2. That the proposed design will be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area;

The project will improve the appearance of the site in a manner compatible with the surrounding neighborhood.

3. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.

This finding is met as described in a previous section of this Attachment.

Attachment B: Conditions of Approval

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 May 23, 2017**, 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. **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

13. **Maintenance of Full-Service Restaurant**

Ongoing

The establishment must operate as a full-service restaurant to sell alcohol. To that end, the following requirements must be adhered to:

Conditions of Approval

- i. The monthly gross sales of alcoholic beverages shall not exceed 40-percent of gross sales during the same period. The licensee shall at all times maintain records which reflect separately the gross sale of food and the gross sale of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Department on demand.
- ii. The premises shall be maintained as a bona fide eating place and shall provide a menu containing an assortment of foods normally offered in such restaurants.
- iii. The premises shall be equipped and maintained in good faith and shall possess, in operative condition, such convenience for cooking foods such as a stove, ovens, broilers, or other devices as well as pots, pans or containers which can be used for cooking or heating foods on the type heating device employed.
- iv. The premises shall possess the necessary utensils, table service, and condiment dispensers with which to serve meals to the public.
- v. The licensee shall comply with the provisions of Section 23038 B&P, and acknowledge the incidental, sporadic or infrequent sales of meals or a mere offering of meals without actual sales shall not be deemed sufficient to consider the premises in compliance with the aforementioned code section.

14. Alcoholic Beverage Control Approvals

Prior to commencement of alcoholic beverage sales

The applicant shall obtain a type 41 license for restaurant with beer and wine from the ABC. After 6 months of alcoholic beverages sales, the same operator may apply for an administrative revision to the conditional use permit in order to allow for an upgrade of the ABC license to type 47 also allowing distilled spirits to be served.

15. Hours of Operation

Ongoing

Closing time shall be no later than 11:00 P.M.. Outdoor areas must close by 10:00 P.M. Sundays through Thursdays. After 6 months of alcoholic beverage sales, as part of the required Compliance review stipulated under Condition of Approval #22, the applicant may request a 12:00 A.M. closing time which staff may grant should there be no verified complaints. Any subsequent requests for later closing times would require approval of a publicly-noticed revision case application.

16. Sale of Alcoholic Beverages

Ongoing

a. Location and manner of alcohol consumption

Alcohol sale is on-sale, for on-site consumption only, and is intended to be served with meals. No beer or wine bottle sales ("to-go") are permitted. Food service shall be available at all hours that alcoholic beverages are served.

b. Nuisances

Crime, litter, noise, or disorderliness conduct associated with alcohol sales at the establishment will result in a revocation of the Major Conditional Use Permit or a review to revoke.

c. Conformance with State Department of Alcoholic Beverage Control regulations

Ongoing

This use shall conform to all provisions of the State ABC license. The state license and state conditions shall be posted along with these Conditional Use Permit conditions in a place visible to the public. This use

shall also conform to all State Retail Operating Standards, Section 25612.5 of the Business and Professions Code and local Performance Standards, Section 15210, where applicable including any future changes in the above regulations. The intent of these standards is to reduce nuisance, litter, loitering, and crime associated with alcohol outlets. The City Conditions of Approval shall be forwarded to the Department of Alcoholic Beverage Control.

e. Special Regulations for Sale of Alcoholic Beverages

Ongoing

i. Signage

Within 30 days of the date of decision, at least one sign (one square foot maximum) shall be posted and maintained in a legible condition at each public entrance to the building prohibiting littering and loitering. Required signage prohibiting open containers and drinking in public shall also be maintained in legible condition near each public entrance to bar. The "No Open Container" signs are available from the cashier located on the second floor of 250 Frank H. Ogawa Plaza.

ii. Additionally, signage shall be posted inside the restaurant and within the parking lot facing inward on each of three sides opposite Seminary Avenue indicated that patrons leaving the restaurant towards closing time should be quiet in the parking lot.

ii. 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.

iii. Securing Site

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

iv. 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) and/or any requirements of ABAT.

f. Trash and litter

Ongoing

The licensees/property owners shall clear the gutter and sidewalks along Champion Street plus twenty feet beyond the property lines along these streets of litter twice daily or as needed to control litter. In addition to the requirements of B&P Section 25612.5, (sweep or mechanically clean weekly) the licensee shall clean the sidewalk with steam or equivalent measures once per month.

g. Signage

Prior to constructing signage

The design for signage must be approved by the Bureau of Planning.

h. Noise

Ongoing

The proprietor shall ensure noise generated by the restaurant is not audible outside of the building subject to Performance Standards (OMC Sec. 17.120.050).

i. Cabaret

Ongoing

The proprietor shall not establish a cabaret unless permits are obtained for a small cabaret, only, featuring music not audible from outside of the building.

j. Accessory activity: Catering preparation

Ongoing

Catering production must be subordinate to the restaurant and adhere to Planning Code Sec. 17.10.040(F) for Accessory Activities.

k. Private parties

Ongoing

Private parties shall adhere to all conditions.

l. Minors

Ongoing

Minors shall be admitted at all times.

m. Smoking

Ongoing

No smoking is allowed on the rear seating area or elsewhere at the property.

17. Future Operators

Ongoing

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

18. Street Trees

Prior to commencing alcoholic beverage sales & Ongoing

The Applicant shall install two (2) street trees in the unplanted tree wells along Champion Street.

19. Curb Cut / Sidewalk

Prior to obtaining a final inspection

The curb cut (driveway apron) shall be restored to sidewalk and curb with Building Bureau and Public Works Agency approvals.

20. Fencing

Prior to obtaining a final inspection

The chain link fence along the left-side property line between the sidewalk and building shall be replaced with a 6-foot tall fence consisting of attractive material and 60-percent transparency with plans are reviewed and approved by the Planning Bureau.

21. Bicycle Parking

Prior to obtaining a final inspection

installation of a bicycle parking rack on-site

22. Compliance Review

After six months of commencement of activity

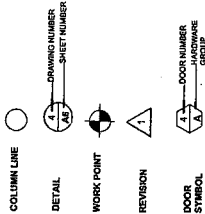
The applicant shall return to the Bureau of Planning to report their progress and to provide for an assessment of compliance with Conditions of Approval. Should any complaints regarding on-sale provision or other issues regarding sale of alcohol be identified, staff may refer the item back to the Planning Commission

under a Director's Report. In that case, the applicant shall submit for a Compliance Review, and pay all appropriate fees consistent with the current Master Fee Schedule at that time (currently \$1,310.00). The Compliance Review will be agendaized for an upcoming Planning Commission meeting. The Compliance Review shall provide an opportunity for the Commission and the public to provide comment on the operation and determine whether there is a violation of any term, Conditions or project description relating to the Approvals or if there is violation of any provision of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance or there exists adverse impacts caused. As a result of the hearing, the Commission may direct staff to initiate enforcement proceedings pursuant to Condition of Approval 5C, and/or may impose additional conditions related to the operation.

APPROVED BY:

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

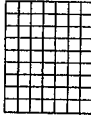
REFERENCE SYMBOLS



ABBREVIATIONS

- AT ABOVE FINISH FLOOR
- APPR. APPROXIMATELY
- CLR. CLEAR
- CONC. CONCRETE
- CONT. CONTINUOUS
- DIA. DIAMETER
- ELV. ELEVATION
- E.W. EACH WAY
- F.P. FLUSH PANEL
- GA. (ga) GAUGE
- GSM. GALVANIZED METAL
- HDG. HOT DIP GALVANIZED
- HM. HOLLOW METAL
- HORZ. HORIZONTAL
- M. MEN'S RESTROOM
- (N) NEW
- N.I.C. NOT IN CONTRACT
- OS. O.C.E.W. ON CENTER EACH WAY
- OS. ON CENTER
- O.C.E.W. ON CENTER EACH WAY
- P.G&E. PACIFIC GAS AND ELECTRIC
- P.O.C. POINT OF CONNECTION
- REINF. REINFORCING
- REAR REAR
- RM. ROOM
- SHTG. SHEETING
- SS. STAINLESS STEEL
- S.S.D. SEE STRUCTURAL DRAWINGS
- T.P. TOILET PAPER
- TYP. TYPICAL
- U UNISEX RESTROOM
- U.O.N. UNLESS OTHERWISE NOTED
- VERT. VERTICAL
- W.F. WOMEN'S RESTROOM
- W/ WITH

DENNIS M. OWENS
ARCHITECTURE



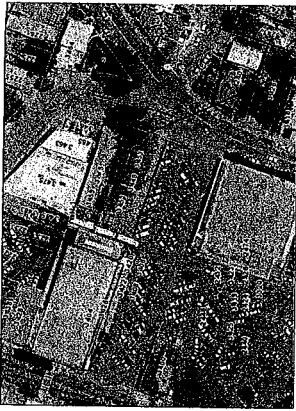
1555 Everett St.
Alhambra, CA 94501
610.979.6998
DMOWEN@MOL.COM

Probert & Probert, Inc.
Design Collaborators
2400 N. Alhambra Blvd.
1920 200 151 | pprobert@probert.com

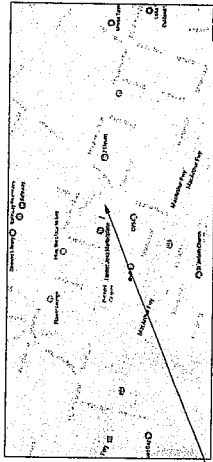
INDEX OF DRAWINGS

ARCHITECTURAL DRAWINGS

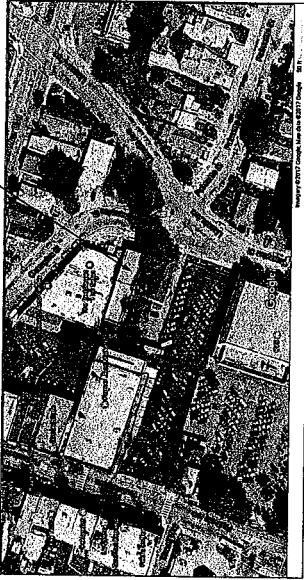
- A - 0 TITLE, INDEX OF DRAWINGS PLANS
- A - 1 SCHEMATIC ELEVATIONS
- A - 2 SIDE AND REAR ELEVATIONS
- A - 3 CA GREEN BUILDING CODE P1
- A - 4 CA GREEN BUILDING CODE P2
- A - 5 CA GREEN BUILDING CODE P3



ZONING MAP



LOCATION MAP



AERIAL LOCATION MAP

OWNER: Champion Steel LLC
12270 S. Bascom Avenue
9217 Chatham, San Jose, CA 95128

ASSESSOR'S PARCEL NUMBER: 093.016.035
ZONING: CH-1 Neighborhood Center Commercial

CA BUILDING CODE 2014 EDITION

TYPE 4 CONVENTIONAL NON REFRIGERATED, UNUNITED
A-2 OCCUPANCY (RESTAURANT)
B OCCUPANCY (OFFICE)

BUILDING HEIGHT: @ 2nd fl TOP OF PARAPET
ADDITION: 3rd fl

STREET ADDRESS: 1555 EVERETT ST.
PERMITS REQUIRED: COMMERCIAL RESTAURANT
AND STUDY ADDITION AT THE REAR FOR OFFICE USE.

PROJECT INFORMATION

PROJECT NOTES

PLANNING, ZONING AND DESIGN REVIEW ONLY
NOT FOR CONSTRUCTION

GENERAL NOTES

ALL WORK AND MATERIALS SHALL BE IN FULL COMPLIANCE WITH THE LATEST EDITION OF ALL STATE AND LOCAL LAWS, STATUTES, ORDINANCES, CODES AND CODES. BUILDERS SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION PROVIDED AND FOR OBTAINING NECESSARY PERMITS FROM ALL AFFECTED AGENCIES PRIOR TO CONSTRUCTION.

THE DRAWING INDICATES THE LOCATION, DIMENSIONS, EXPERIENCES AND TYPICAL DETAILS OF THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION PROVIDED AND FOR OBTAINING NECESSARY PERMITS FROM ALL AFFECTED AGENCIES PRIOR TO CONSTRUCTION.

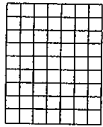
VERIFY ANY DISCREPANCIES IN FIELD CONDITIONS WITH THE DRAWINGS, WITH THE PROJECT MANUAL OR BETWEEN THESE THE DRAWINGS AND THE PROJECT MANUAL. TO THE EXTENT OF ANY DISCREPANCY, THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING NECESSARY PERMITS FROM ALL AFFECTED AGENCIES PRIOR TO CONSTRUCTION.

USE FINISHED DIMENSIONS ONLY. DO NOT SCALE THE DRAWINGS.

DIMENSIONS ARE GIVEN TO THE FACE OF FINISH FOR WALLS, PARTITIONS, AND ARCHITECTURAL ELEMENTS UNLESS OTHERWISE NOTED.

THE ORIGINAL SIZE OF THIS SET OF DRAWINGS IS 24" X 36". IF THEY INCLUDE OTHER THAN THAT THEN THE SCALES HAS BEEN ALTERED WITHOUT REPRODUCTION.

DENNIS M. OWENS
ARCHITECTURE



1536 Everett St.
Alhambra, CA 91801
Tel: 626-801-9800
DMOARCH@AOL.COM

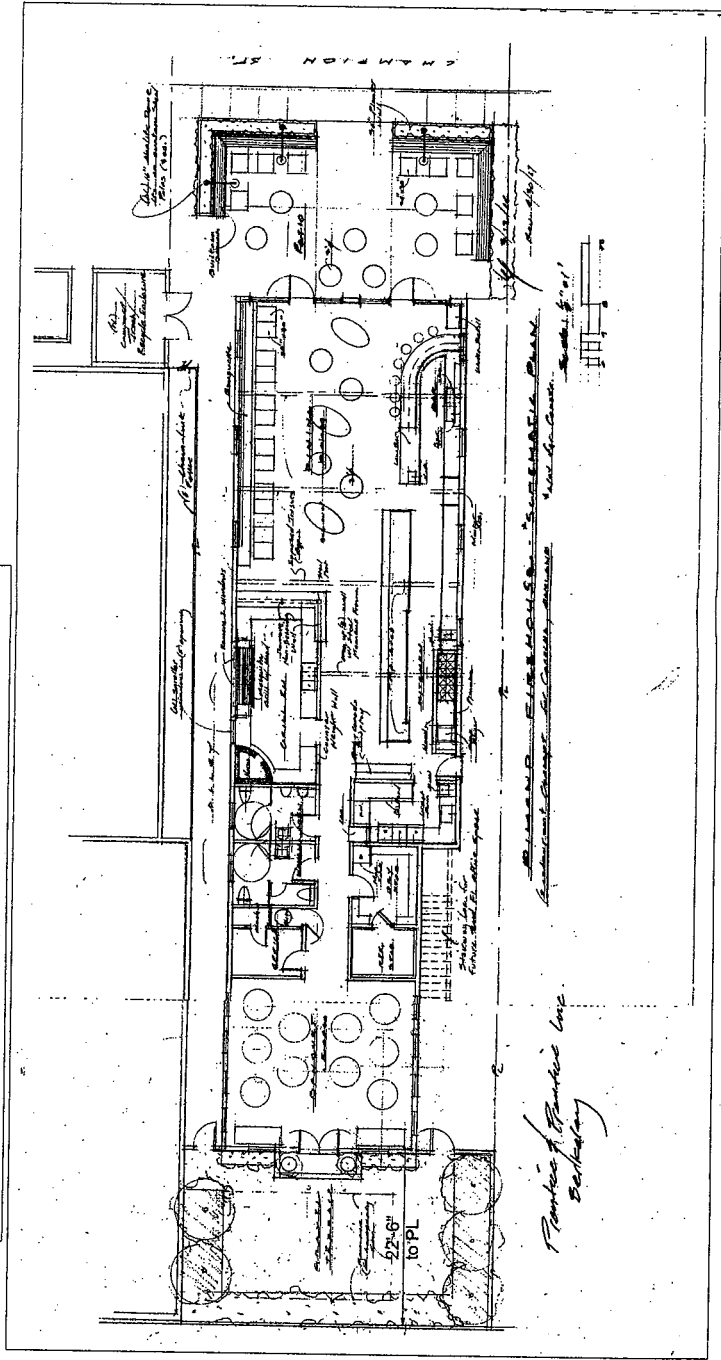
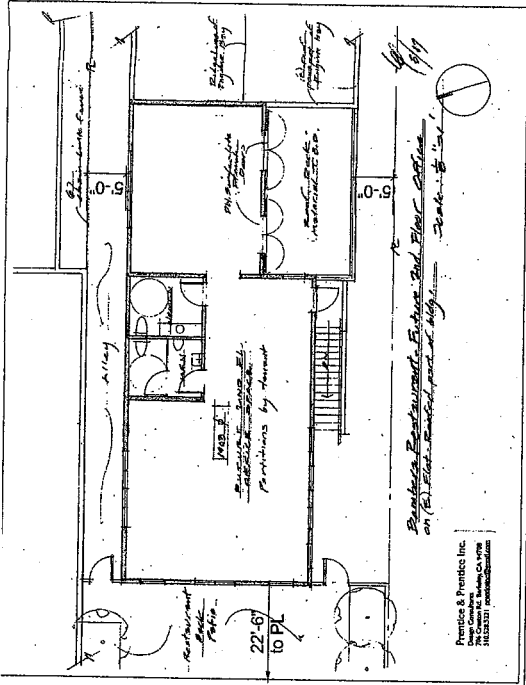
Prenetics & Perinetco, Inc.
5055 Central Expressway, Suite 200
San Jose, CA 95128
Tel: 408-951-8821
prenetics@perinetco.com

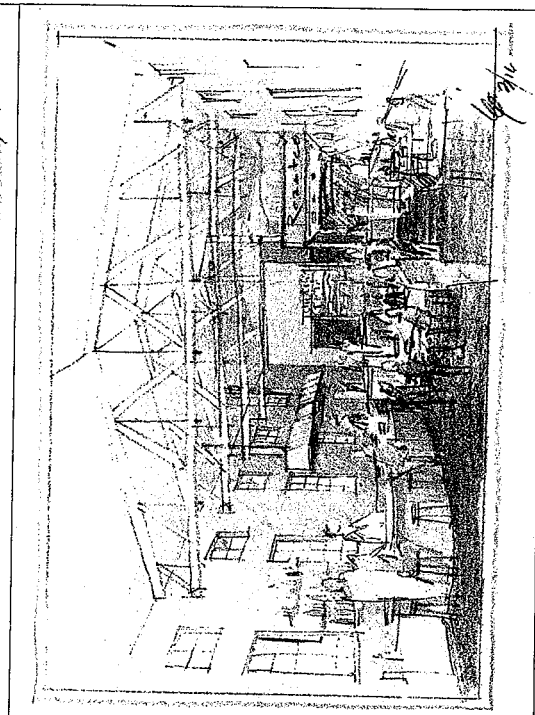
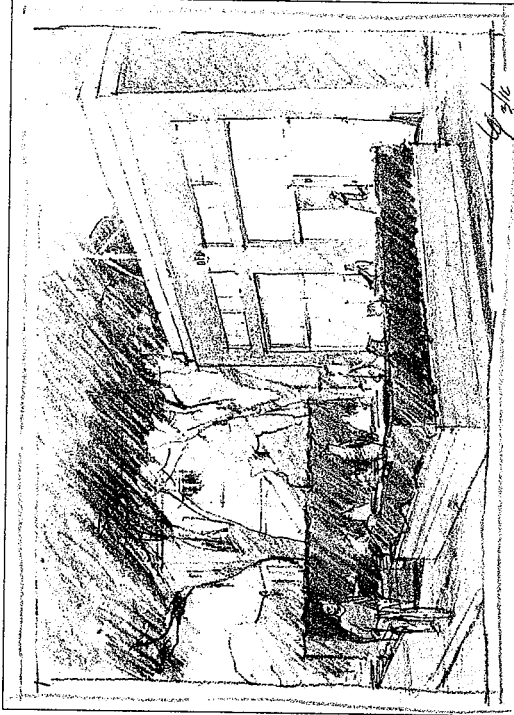
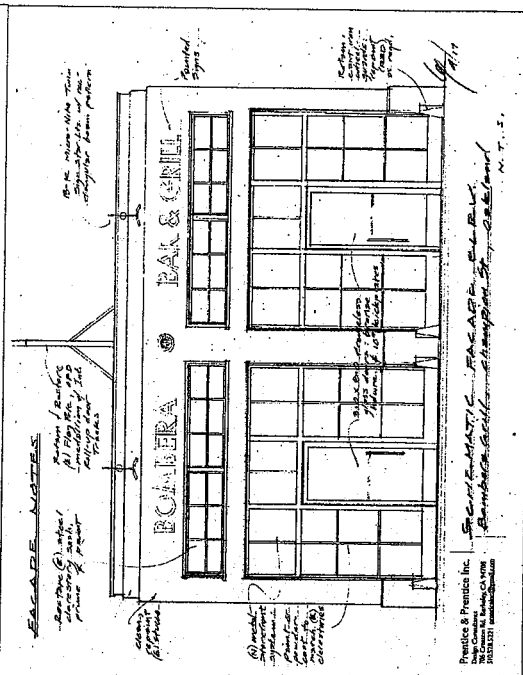
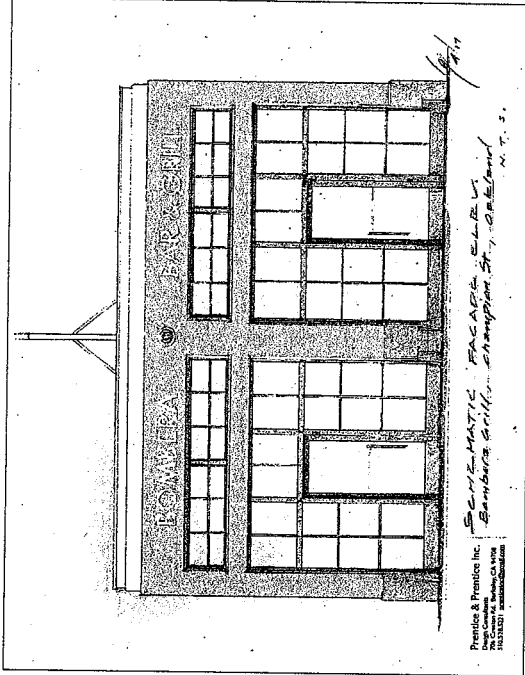
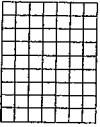


345 CHAMPION STREET
RESTAURANT
CONVERTED BRENHOUSE

PLANS

DATE: MAY 24, 2017
DRAWN BY: DMG
CHECKED BY:
SCALE: AS SHOWN
A-1
DMG





348 CHAMPION STREET
RESTAURANT
IN
CONVERTED FIREHOUSE

SCHEMATIC
ELEVATIONS

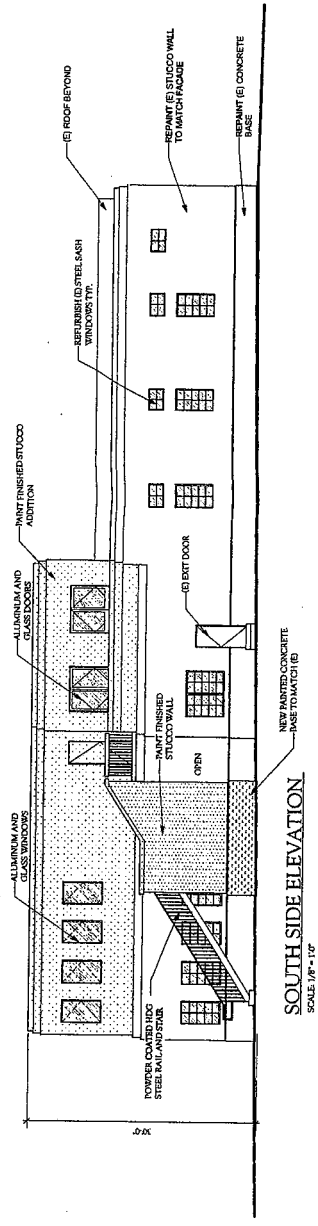
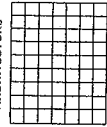
PROJECT NO.
DATE
MAY 9, 2017
DWG NO.
A-2

DENNIS M. OWENS
ARCHITECTURE

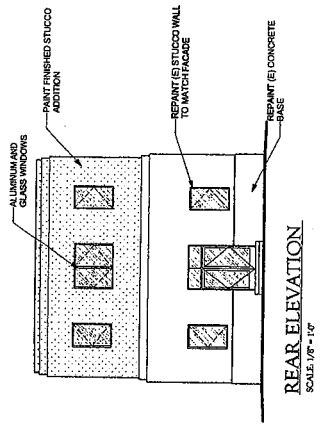
1556 Everett St.
Alameda, CA 94601
(415) 762-6000
DMO@DARCHIT.COM

Pratticks & Pratticks, Inc.
Architects
110 32nd Street
New York, NY 10018

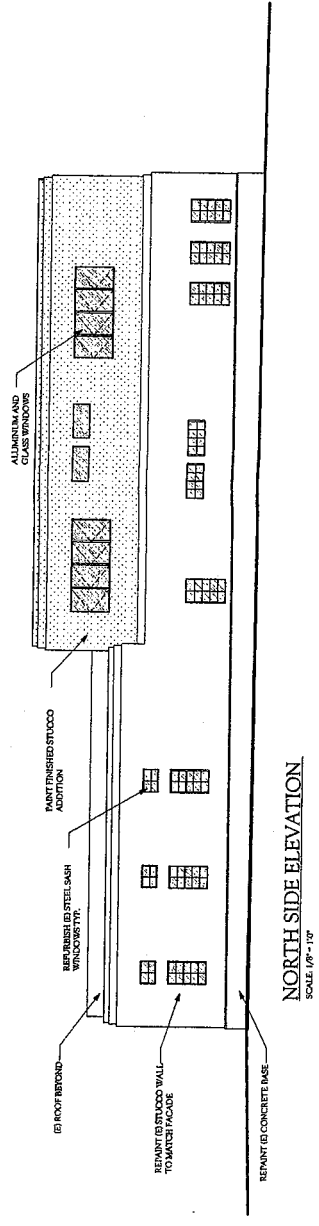
NOTE:
SEE THE FRONT ELEVATIONS
FOR COLOR SELECTION.



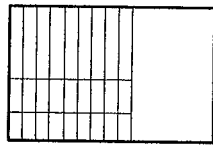
SOUTH SIDE ELEVATION
SCALE: 1/8" = 1'-0"



REAR ELEVATION
SCALE: 1/8" = 1'-0"



NORTH SIDE ELEVATION
SCALE: 1/8" = 1'-0"



3455 CLAYTON STREET
RESTAURANT
IN
CONVERTED FIREHOUSE

**SIDE AND REAR
ELEVATIONS**

PROJECT NO.
DATE
DRAWN BY
DATE
DWG NO.

A-3

MAY 24, 2017

BOMBERA

BAR & GRILL

Chips, Salsa & Guacamole	5.50	Rotisserie Chicken Achiote	18
Queso Fundido <i>grilled Mexican cheese w/ mushrooms, peppers & tortillas</i>	7	<i>Marinated in Annatto seed, lime & garlic Slow cooked over mesquite, grilled veggies, guacamole, rice beans & tortillas</i>	
Mango Salad <i>Butter Lettuce, Jicama, Toasted Pumpkin Seeds, Cucumber and Citrus Vin</i> (add avocado 2.50 add grilled chicken 3.25)	8	Short Rib Chile Morita <i>Wood oven roasted, garlic & red chile</i>	18
Ceviche de Camaron	9	Thick Pork Chop al Pastor <i>Seared over hardwood, grilled pineapple & Cebollitas</i>	20
Beet Avocado, Green Goddess Salad	9	Seared Mussels al Mojo de Ajo <i>Chile de arbol</i>	17
Pozole Verde w/ Chicken <i>Mexican Chicken soup with hominy, cilantro & green chile</i>	8	Wood Oven Baked California Halibut Chile de Arbol	
Corn Quesadillas	9	Cazuela de Butternut Squash <i>Baked in a clay pot, chile ancho, queso fresco, toasted pumpkin seeds</i>	15
<i>1 Yam & Oaxacan Cheese</i>			
<i>Peppers & Oaxacan Cheese</i>			
<i>1 Mushrooms & Oaxacan Cheese</i>			
<i>aised beef, braised pork 3.50 or grilled chicken for 3.25)</i>			

Location:	3455 & 3461 Champion Street (APN's: 028-0905-013-02 & -009)
Proposal:	To determine the appropriate zoning classification of two City-owned parcels (former fire station) prior to the sale of excess City property pursuant to Ordinance No. 11602 C.M.S.
Applicant:	City of Oakland
Contact Person:	City of Oakland Real Estate Services Division, Anthony Reese
Phone Number:	(510) 238-6357
Owner:	City of Oakland
Case File Number:	ZR12-166
Planning Permits Required:	Zoning Review to determine the appropriateness of the current zoning designation.
General Plan:	Neighborhood Center Mixed Use
Zoning:	CN-1, Neighborhood Center Commercial Zone - 1
Environmental Determination:	Exempt, Section 15312 of the State CEQA Guidelines; Surplus Government Property Sales.
Historic Status:	Not a Potentially Designated Historic Property; Survey rating: X
Service Delivery District:	4
City Council District:	5
Status:	Pending
Action to be Taken:	Determination of appropriate zoning classification and recommendation to the City Council based on staff report.
Finality of Decision:	Recommendation to the City Council
For further information:	Contact case planner Pete Vollmann at (510) 238-6167 or by email at pvollmann@oaklandnet.com

PROJECT SUMMARY

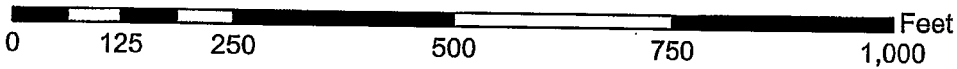
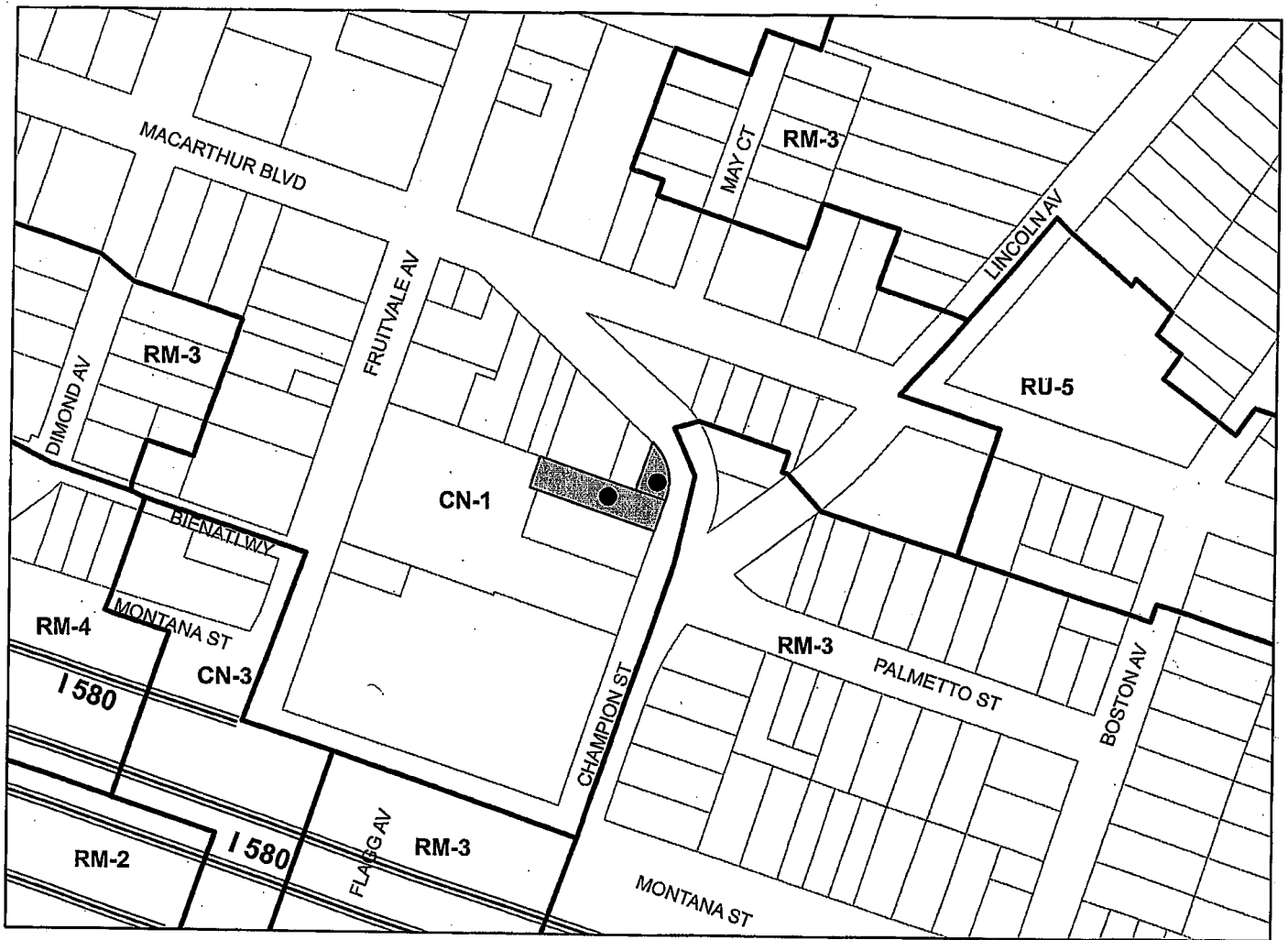
Per Ordinance 11602 C.M.S., adopted June 29, 1993, the Planning Commission is required to determine the appropriate zoning classification for any City-owned surplus property that is 2,500 square feet or larger prior to its sale. The City's Real Estate Division requests Zoning Review of a property consisting of two parcels on the westerly side of Champion Street just south of MacArthur Blvd. Surplus property is defined as real property owned or controlled by the City which is not needed by the City for public purposes. The Real Estate Division contacted all potentially affected public agencies to determine if the property is needed for public purposes, and no agency expressed interest in retaining the property. The sale of the property will bring savings to the City, relieve the City of maintenance and insurance expenses, and convey the property back onto the tax rolls.

California Code Section 65402 also requires that the disposition of publicly-owned real estate property be submitted to and reported upon by the planning agency as to determine the conformity with the City's adopted General Plan. The transfer of the subject property conforms to Oakland's adopted General Plan.

PROPERTY DESCRIPTION

The subject property contains two parcels one of which houses a former fire station and the other is an adjacent surface parking lot. The parcels together comprise 8,244 square feet in area and the existing fire house building is 3,275 square-feet in area. The Real Estate Division's intent is to sell the two parcels together as one property. The surrounding parcels on Champion Street and MacArthur Boulevard are primarily commercial structures with a mix of residential uses as well.

CITY OF OAKLAND PLANNING COMMISSION



Case File: ZR12-166
Applicant: City of Oakland
Address: 3455 & 3461 Champion Street
Zone: CN-1

GENERAL PLAN ANALYSIS

California Code Section 65402 requires that no real property acquired for public purposes shall be disposed of until it is demonstrated that the disposition conforms to the City's adopted General Plan. The General Plan land use classification for the subject property is Neighborhood Center Mixed Use. The Neighborhood Center Mixed Use classification is intended to identify, create, maintain and enhance mixed use neighborhood commercial centers. These centers are typically characterized by smaller scale pedestrian oriented, continuous street frontage with a mix of retail, housing, office, active open space, eating and drinking places, personal and business services, and smaller scale educational, cultural, or entertainment uses. The maximum FAR for this classification is 4.0, and the maximum residential density is 125 units per gross acre. The two parcels within this classification are in the CN-1, Neighborhood Center Commercial Zone 1 which is compatible with the General Plan land use classification.

ZONING ANALYSIS

The subject property is currently in the CN-1, Neighborhood Commercial 1 district, which is intended to maintain and enhance vibrant commercial districts with a wide range of retail establishments serving both short and long term needs in attractive settings oriented to pedestrian comparison shopping. The acquisition of an existing non-residential ("civic") building would be appropriate because of its close proximity to the mix of commercial and residential buildings in the area. Future re-uses of the former fire station could include conversion to a commercial building, residential above a commercial ground floor or even potentially convert to a live-work facility, all of which would be in character with the surrounding neighborhood.

STATE OF CALIFORNIA GOVERNMENT CODE SECTION 65402

State Law requires the City of Oakland to make a finding of General Plan conformance prior to the City's disposing of any property. Section 65402 states the following:

"65402. (a) If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof. The planning agency shall render its report as to conformity with said adopted general plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body. If the legislative body so provides, by ordinance or resolution, the provisions of this subdivision shall not apply to: (1) the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes; (2) acquisitions, dispositions, or abandonments (sic) for street widening; or (3) alignment projects, provided such dispositions for street purposes, acquisitions, dispositions, or abandonments (sic) for street widening, or alignment projects are of a minor nature".

Staff finds that the property's General Plan classification as Neighborhood Center Mixed Use and the CN-1 Zone are consistent with the area's current commercial and residential mix. The property will continue to be in character with the neighborhood.

ENVIRONMENTAL DETERMINATION

The transfer of the subject surplus government property does not have a significant value for wildlife habitat or other environmental purposes as it has been previously developed and is located within a completely urbanized area, and the property to be sold would qualify for an exemption under other classes of categorical exemptions in the State CEQA guidelines, thus is exempt from the California Environmental Quality Act (CEQA) per Section 15312 of the State Guidelines.

RECOMMENDATIONS:

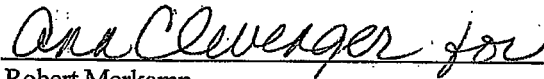
1. Affirm staff's environmental determination.
2. Affirm that sale of the subject property conforms with the City of Oakland's General Plan, Land Use and Transportation Element.
3. Confirm the existing CN-1 zoning designation of the property located at 3455 & 3461 Champion Street, Assessors Parcel Number's (APN): 028-0905-013-02 & -009

Prepared by:

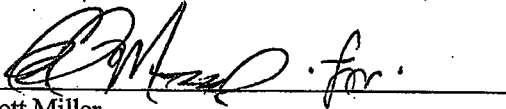


Peterson Z. Vollmann
Planner III

Approved by:



Robert Merkamp
Acting Zoning Manager



Scott Miller
Interim Director of Planning & Zoning
Department of Planning, Building and Neighborhood Preservation

ATTACHMENTS:

- A. Request letter from Real Estate Division
- B. Copy of Ordinance 11602

CITY OF OAKLAND

Inter-Office Memo

TO: CEDA, Planning and Building
ATTN: Robert Merkamp, Acting Zoning Manager
FROM: Anthony Reese, Real Estate Division
DATE: July 23, 2012
RE: Zoning Review of City-owned Property

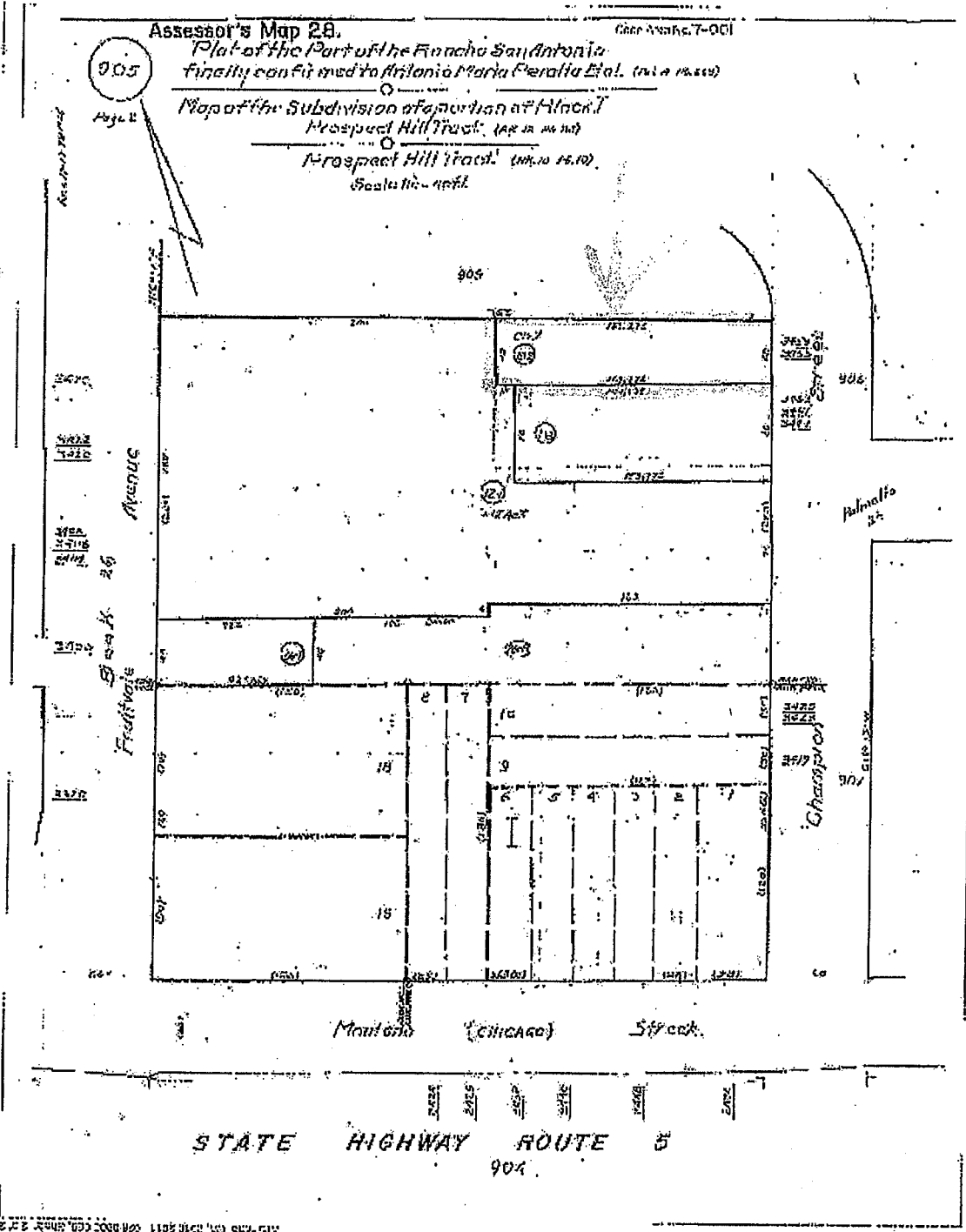
The following property is considered surplus of the needs of the City of Oakland and is under consideration for sale to the Public. It is requested that the Planning Commission examine and determine the appropriate zoning classification in accordance with Ordinance No. 11602 C.M.S.

Location: 3455 & 3461 Champion Street, Oakland
Assessor's Parcel Nos.: 028-0905-013-02 & 028-0905-009-00
Area of Parcel (sq. ft.) +/- 8,244 square feet
Existing Improvements: +/- 3,275 building – Old Fire House #14
Purpose of acquisition: NA
Current Zoning: CN-1
Reason for disposal: Excess to the City's needs
City owned property within 300 feet: No
Recommendation: Disposition of Surplus Property
Real Estate Agent for field review: Anthony Reese x 6357
Assemblage: No
Comments: None

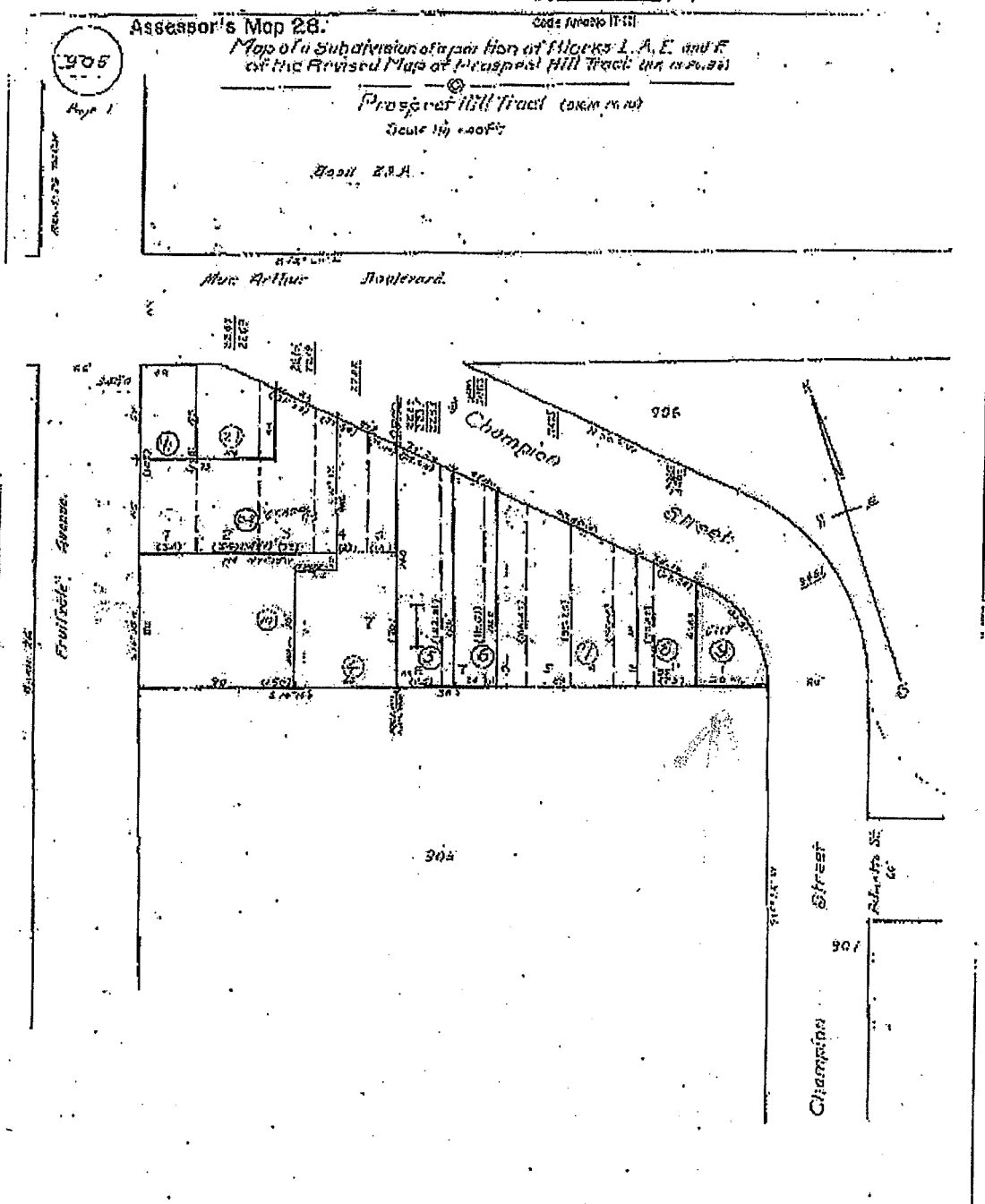
Attachment: Assessor's Maps

ATTACHMENT A

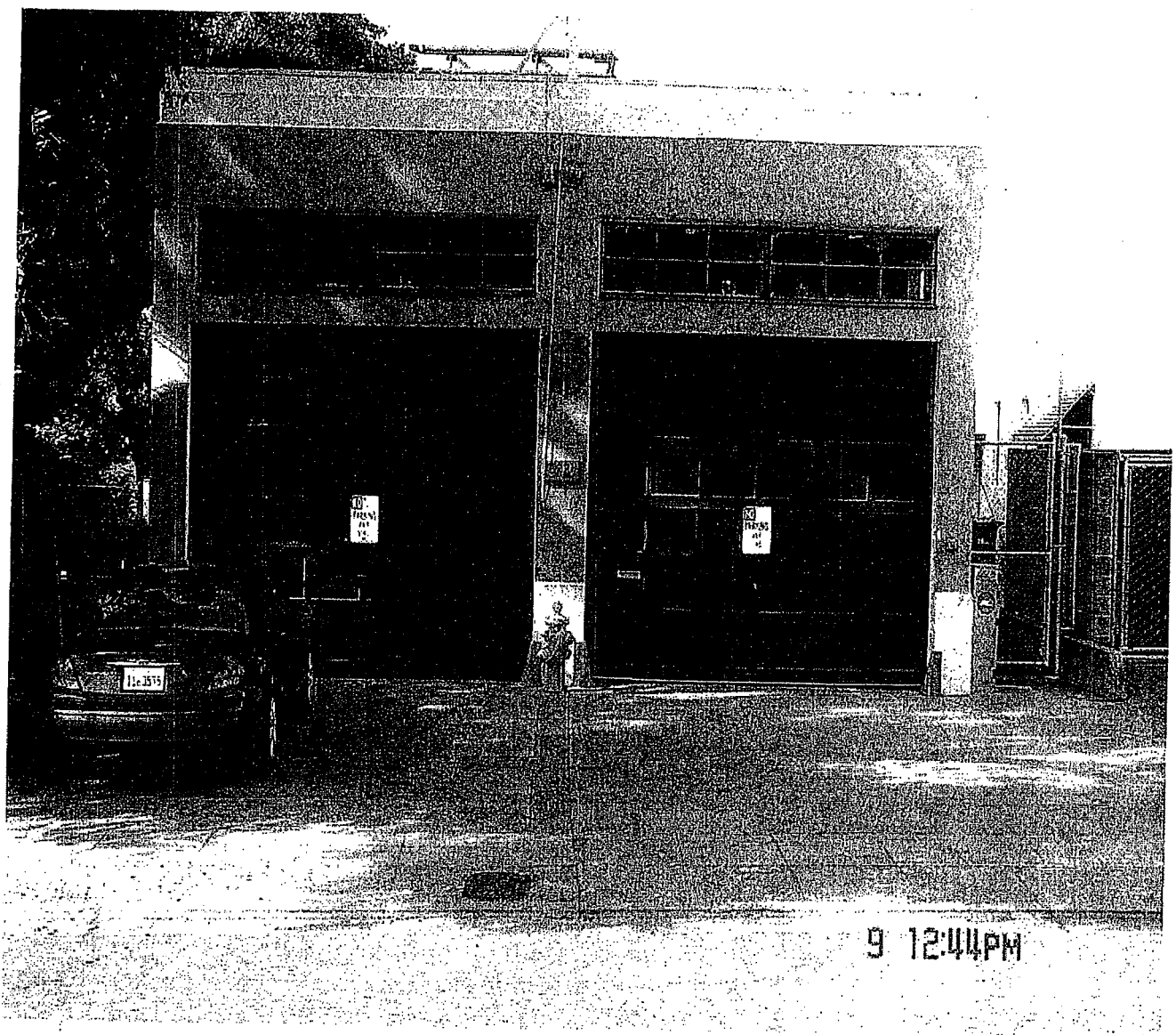
APN Map for 3455 Champion Street



APN Map for 3461 Champion St



3455 Champion St - Street level Photo



3461 Champion St - Street level Photo



ORDINANCE No. 11602 C. M. S.**AN ORDINANCE ESTABLISHING PROCEDURES FOR
SALE OF CITY-OWNED SURPLUS REAL PROPERTY**

WHEREAS, pursuant to Section 1001 of the Charter of the City of Oakland, the City Council desires to establish uniform procedures for the sale of City-owned surplus real property; and

WHEREAS, by Ordinance No. 7952 C.M.S. dated March 18, 1969, as amended by Ordinance No. 8642 C.M.S. dated September 5, 1972, the City Council authorized the sale of City-owned surplus real property; and

WHEREAS, existing legislation is in need of consolidation and updating to allow the City of Oakland to implement uniform procedures for the sale of City-owned surplus real property; and

WHEREAS, the Office of Public Works, Real Estate Division, is responsible for all real estate services, and has recommended that the City Council rescind previous City legislation related to surplus property sales and establish updated procedures; now, therefore

The Council of the City of Oakland does ordain as follows:

Section 1. Definitions. For purposes of this Ordinance the following definitions shall apply:

- (a) CITY MANAGER: The City Manager of the City of Oakland or an officer expressly designated to act for the City Manager. Designations shall be made in writing by the City Manager and filed with the City Clerk.
- (b) SURPLUS REAL PROPERTY: All real property owned or controlled by the City which is not needed by the City for public purposes.

Section 2. Zoning: The City Planning Commission shall review the zoning classification of City-owned surplus real property and determine the appropriate zoning classification prior to the sale of the property. Planning Commission zoning review classification reviews shall be limited to surplus real properties equal to or larger than 2,500 square feet in area. After such surplus real property is sold, the zoning classification of such property shall not be reclassified for a period of two years unless the application for rezoning contains a statement in detail of the changes in circumstances which in the opinion of the applicant justify such a zoning reclassification and which changes in the opinion of the City Planning Commission do, in fact, justify a zoning reclassification.

ATTACHMENT B

Section 3. Notification to Public Agencies: In order to determine public agency interest in the acquisition of City-owned surplus real property, a solicitation of interest shall be sent to public agencies within Alameda County. Said agencies shall be allowed sixty (60) days to express an interest in the purchase of said property.

Section 4. Negotiated Sales: For City-owned surplus real properties of less than 2,500 square feet, the City Planning Commission may recommend that due to size, shape and utility, the property should be sold to the adjoining or abutting property owners. The City Council by resolution or ordinance may authorize the negotiated sale of such property to an adjoining or abutting property owner at its fair market value.

Section 5. Competitive Bidding: No surplus real property equal to or larger than 2,500 square feet shall be sold except after calling for oral or written competitive bids, unless otherwise authorized by resolution or ordinance of the City Council as set forth in this Ordinance. Such call for competitive bid shall be by City Council resolution.

Each resolution authorizing the sale of surplus real property by competitive bid shall contain the following:

- (a) The time and place bids are to be received.
- (b) The minimum acceptable bid on each parcel.
- (c) The statement regarding zoning and the zoning classification required by Section 2 herein.
- (d) A description of each parcel.
- (e) The amount and type of deposit required of the successful bidder. Said deposit shall be subject to retention by the City if the successful bidder fails or refuses to complete the transaction.
- (f) Whether bids are to be oral or by sealed bids.
- (g) The minimum amount of increase of each bid if oral bids are to be received.
- (h) When the balance of the bid price must be paid.
- (i) A directive to the City Clerk requiring the advertisement in the official newspaper of the City which shall contain the foregoing information.

Advertising of the sale of surplus real property shall be published by the City Clerk in the official newspaper of the City for at least three (3) calendar days; the first day of such advertising shall be not less than ten calendar days prior to the date set for receiving said bids. Bids shall be received in public at the time and place specified in the notice calling for bids. The sale, if accepted by the City Council, shall be awarded to the highest bidder meeting the conditions specified in the notice calling for the sale of the property. The City Council shall have the right to accept or reject any and all bids. If the highest bidder fails or refuses to complete the transaction, the property may subsequently be sold through negotiation to the next highest bidder willing to meet the same minimum advertised terms and conditions.

If no bids are received after advertising the property as required by this Ordinance, the surplus real property may subsequently be sold through negotiation; such sale to be approved by the City Council.

Section 6. Exceptions to Bidding Requirements: Upon the finding and determination, in each instance by the City Council by ordinance or resolution, that any one or more of the following conditions exist, the restrictions and provisions of this Ordinance shall not apply:

- (a) The surplus real property is to be sold to another public agency or entity which has the power of eminent domain.
- (b) Calling for bids on a competitive basis is impractical, unavailing or impossible.
- (c) In other cases when specifically authorized by the City Council after a finding and determination by the City Council that it is in the best interests of the City to sell such surplus property by negotiated sale.

Section 7. The following enumerated officers and employees of the City of Oakland shall not as principal, agent, attorney or otherwise, be directly or indirectly interested in the sale of any City-owned surplus real property: Mayor, Members of the City Council, Members of the City Planning Commission, City Auditor, City Attorney, City Manager, City Clerk, Director of Finance, Director of City Planning, Director of Planning and Building, Director of Public Works, Real Estate Services Manager and employees of the Real Estate Division, and any other City employee who, because of his or her position with the City, has a potential conflict of interest or a potential advantage over other bidders.

-4-

Section 8. The City Manager is directed to prepare the appropriate procedures necessary to carry out the intent of this Ordinance.

IN COUNCIL, OAKLAND, CALIFORNIA,

JUN 29 1993

19

PASSED BY THE FOLLOWING VOTE:

AYES— BAYTON, DE LA FUENTE, JORDAN, MILEY, MOORE, OGAWA, SPEES, WOODS-JONES, and PRESIDENT, - 8
HARRIS

NOES— NONE

ABSENT— MOORE, - 1

ABSTENTION— NONE

ATTEST



CEDA FLOYD

City Clerk and Clerk of the Council
of the City of Oakland, California

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL



City Attorney

2016 OCT 13 PM 2:39 ORDINANCE No. 13400 C.M.S.

AN ORDINANCE: (1) AUTHORIZING THE CITY ADMINISTRATOR, WITHOUT RETURNING TO THE CITY COUNCIL, TO NEGOTIATE AND EXECUTE A DISPOSITION AND DEVELOPMENT AGREEMENT AND RELATED DOCUMENTS BETWEEN THE CITY OF OAKLAND AND CARLOS SOLOMAN AND DOMINICA RICE-SOLOMAN OR A LEGAL ENTITY AFFILIATED WITH CARLOS SOLOMAN & DOMINICA RICE-SOLOMAN FOR (A) THE SALE OF THE PARCELS LOCATED AT 3455 AND 3461 CHAMPION STREET, RESERVING TO THE CITY AN EASEMENT FOR A FIBER OPTICS HUB AND RELATED USES ("PROPERTY") FOR AN AMOUNT NOT LESS THAN THREE HUNDRED FORTY THOUSAND DOLLARS (\$340,000), AND (B) DEVELOPMENT AND OPERATION ON THE PROPERTY OF A FULL SERVICE RESTAURANT, ALL OF THE FOREGOING DOCUMENTS TO BE IN A FORM AND CONTENT SUBSTANTIALLY IN CONFORMANCE WITH THE TERM SHEET ATTACHED AS EXHIBIT A, AND (2) ADOPTING CEQA EXEMPTION FINDINGS

WHEREAS, Old Fire House #14, located at 3455 and 3461 Champion Street was identified as surplus property by both the Oakland Fire Department and the Oakland Public Works (collectively, and excluding the Fiber Optics Hub Easement described below, the "Property"); and

WHEREAS, the City Council previously determined that revenue from selling the Property would benefit the City and the potential reuse of the building would benefit the surrounding community and therefore authorized the City Administrator to market the Properties for a restaurant use through a Notice of Development Opportunity ("NODO"); and

WHEREAS, a NODO was issued in January 2016 and the City received six responses, and such responses were subsequently reviewed and ranked by a selection committee of four staff from the Economic & Workforce Development Department based on an established set of criteria; and

WHEREAS, the selection committee has recommended that the purchase and sale of the Property be awarded to the highest ranking respondent which was Carlos Soloman & Dominica Rice-Soloman (collectively, "Developer"), owners of another successful restaurant, Cosecha, in Old Oakland; and

WHEREAS, the minimum acceptable purchase price and the appraised value is three hundred forty thousand dollars (\$340,000) based on an independent appraisal; and

WHEREAS, the City desires to sell the Property in "as is" condition a easements as are necessary for the City to maintain a lease with Comca (the "Fiber Optics Hub Easement"); and

ATTACHMENT F

WHEREAS, the Developer proposes to develop and operate on the Property a full service restaurant as further described in the Term Sheet attached as Exhibit A (the "Term Sheet") and incorporated herein by this reference (the "Project"); and

WHEREAS, sale of the Property and development of the Project will maximize the City's economic and non-economic return, generating additional property and sales tax revenue to the City, eliminating ongoing maintenance and fire control costs and reduce future litigation exposure; and

WHEREAS, the requirements of the California Environmental Quality Act of 1970 ("CEQA"), the Guidelines as prescribed by the Secretary for Resources (the "CEQA Guidelines"), and the provisions of the Statement of Objectives, Criteria and Procedures for Implementation of CEQA (collectively, "CEQA Requirements") have been satisfied, and in accordance with Sections 15061(b)(3)(general rule exemption), 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), Section 15183 (projects consistent with the General Plan), 15312 (Surplus Government Property Sales), 15303 (New Construction or Conversion of Small Structure), and 15332 (In-fill Development) of the CEQA Guidelines, the adoption of this Ordinance is exempt from the provisions of CEQA; and

WHEREAS, Resolution No. 85324 C.M.S. established a general policy to lease rather than sell City property; and

WHEREAS, the City Administrator is recommending a sale of the Property instead of a ground lease in this case because a sale is necessary for the reasons set forth in the Agenda Report for this item; now therefore

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this Ordinance.

Section 2. The City Council hereby finds and determines, pursuant to Resolution No. 85324 C.M.S., that it is in the best interests of the City to sell rather than lease the Property for the reasons described in the Agenda Report for this item, and hereby authorizes the conveyance of the Property to the Developer pursuant to the terms of the documents described in Section 6 hereof for a purchase price of not less than three hundred forty thousand dollars and 00/100 (\$340,000.00).

Section 3. The City Council hereby finds and determines that the process by which the City has solicited and considered the development proposals and negotiated with interested entities has met the requirements of Oakland Municipal Code Section 2.42.170.

Section 4. The City Council hereby finds and determines, based on the appraisal conducted by CBRE dated December 22, 2015, the Property is being conveyed to Developer at its fair market value, and the City is not granting any economic development subsidy to the Project.

Section 5. The City Council authorizes the City Administrator to deposit the sales proceeds in General Purpose Fund (1010), Real Estate Sale of Land (85231), Surplus Property Account (48111), Surplus Property Disposition Project (P47010), Real Estate Program (PS32).

Section 6. The City Council hereby authorizes the City Administrator or his/her designee, without returning to the City Council, to negotiate and execute: (1) a Disposition and Development Agreement and related documents with the Developer, for the sale and development of the Property, all of the foregoing documents to be in a form and content substantially in conformance with the Term Sheet; (2) grant deeds and any other agreements or documents as necessary to convey the Property to the Developer as well as the grant of any easement(s), covenants, or similar interests to City regarding the Fiber Optics Hub as negotiated by the City Administrator pursuant to the general provisions of Term Sheet Item number 43; (3) such other additions, amendments or other modifications to any of the foregoing documents that the City Administrator, in consultation with the City Attorney's Office, determines are in the best interests of the City, do not materially increase the obligations or liabilities of the City, and are necessary or advisable to complete the transactions contemplated by this Ordinance, to be conclusively evidenced by the execution and delivery by the City Administrator of any such amendments; and (4) such other documents as necessary or appropriate, in consultation with the City Attorney's Office, to facilitate the sale and development of the Property in order to consummate the transaction in accordance with this Ordinance, or to otherwise effectuate the purpose and intent of this Ordinance and its basic purposes.

Section 7. The City Administrator, without returning to the City Council, shall determine satisfaction of conditions precedent to the conveyance of the Property to the Developer.

Section 8. All agreements associated with the Property and the Project shall be reviewed and approved as to form and legality by the City Attorney's Office prior to execution by the City, and shall be placed on file with the City Clerk.

Section 9. The City Council has independently reviewed and considered this environmental determination, and the City Council finds and determines, based on the information in the Agenda Report accompanying this Ordinance, that in accordance with Sections 15061(b)(3)(general rule exemption), 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), Section 15183 (projects consistent with the General Plan), 15312 (Surplus Government Property Sales), 15303 (New Construction or Conversion of Small Structure), and 15332 (In-fill Development) of the CEQA Guidelines, the adoption of this Ordinance is exempt from the provisions of CEQA.

Section 10. The City Administrator or his/her designee is hereby authorized to file a notice of exemption with the Office of the Alameda County Recorder and the State Office of Planning and Research, and to take any other action necessary in furtherance of the Project, consistent with this Ordinance and its basic purposes.

Section 11. The record before this Council relating to this Ordinance includes, without limitation, the following:

- A. All staff reports, decision letters and other documentation and information produced by or on behalf of the City, including all notices relating to this Ordinance and the DDA;
- B. All oral and written evidence received by City staff and the City Council before and during the consideration of this Ordinance; and
- C. All matters of common knowledge and all official enactments and acts of the City, such as (1) the General Plan; (2) the Oakland Municipal Code, without limitation, the Oakland real estate regulations; (3) the Oakland Planning Code; (4) other applicable City policies and regulations; and (5) all applicable state and federal laws, rules and regulations.

Section 12. The custodians and locations of the documents or other materials which constitute the record of proceedings upon with the City Council's decision is based are respectively (a) the Real Estate Services Division, 250 Frank Ogawa Plaza, 4th Floor, Oakland, CA and (b) Planning and Building Department, 250 Frank Ogawa Plaza, 3rd, Floor, Oakland, CA; and (c) the Office of the City Clerk, 1 Frank Ogawa Plaza, 1st Floor, Oakland, CA.

Section 13. The Ordinance shall be in full force and effect immediately upon its passage as provided by Section 216 of the City Charter if adopted by at least six members of Council, or upon the seventh day after final adoption if adopted by fewer votes.

IN COUNCIL, OAKLAND, CALIFORNIA, NOV 29 2016

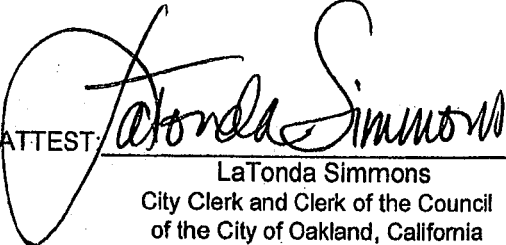
PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN , KALB, KAPLAN, REID, and PRESIDENT GIBSON MCELHANEY -8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST: 
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

DATE OF ATTESTATION: 12-14-16

Introduction Date
NOV 01 2016

GEOTRACKER

3455 champion street, oakland, ca 94602

Map Address

Sites and Facilities

Cleanup Sites

- LUST Cleanup Sites
- Cleanup Program Sites
- Military Cleanup Sites
- DTSC Cleanup Sites

Permitted Facilities

- Waste Discharge Requirements (WDR) Sites
- Permitted USTs - INFO
- DTSC Hazardous Waste Sites
- Land Disposal Sites
- Irrigated Lands Regulatory Program Sites
- Oil / Gas Sites

Other Sites

- Project Sites
- Non-Case Information Sites
- Sampling Points - Public
- Field Points

SIGNIFIES A CLOSED SITE

Tools

Map Coverages

[TAKE A TOUR](#)

[VIEW ON GAMA](#)

Chase Bank

First Hemp Bank Oakland

3455 Champion St, Oakland, CA 94602, USA

LIMIT TO SITES WITHIN FEET OF THIS LOCATION

Farmer Joes Marketplace

CVS

Montana St

Montana St

Flagg Ave

MacArthur Fwy

Champion St

Lincoln Ave

Google

SITES CURRENTLY VISIBLE ON MAP

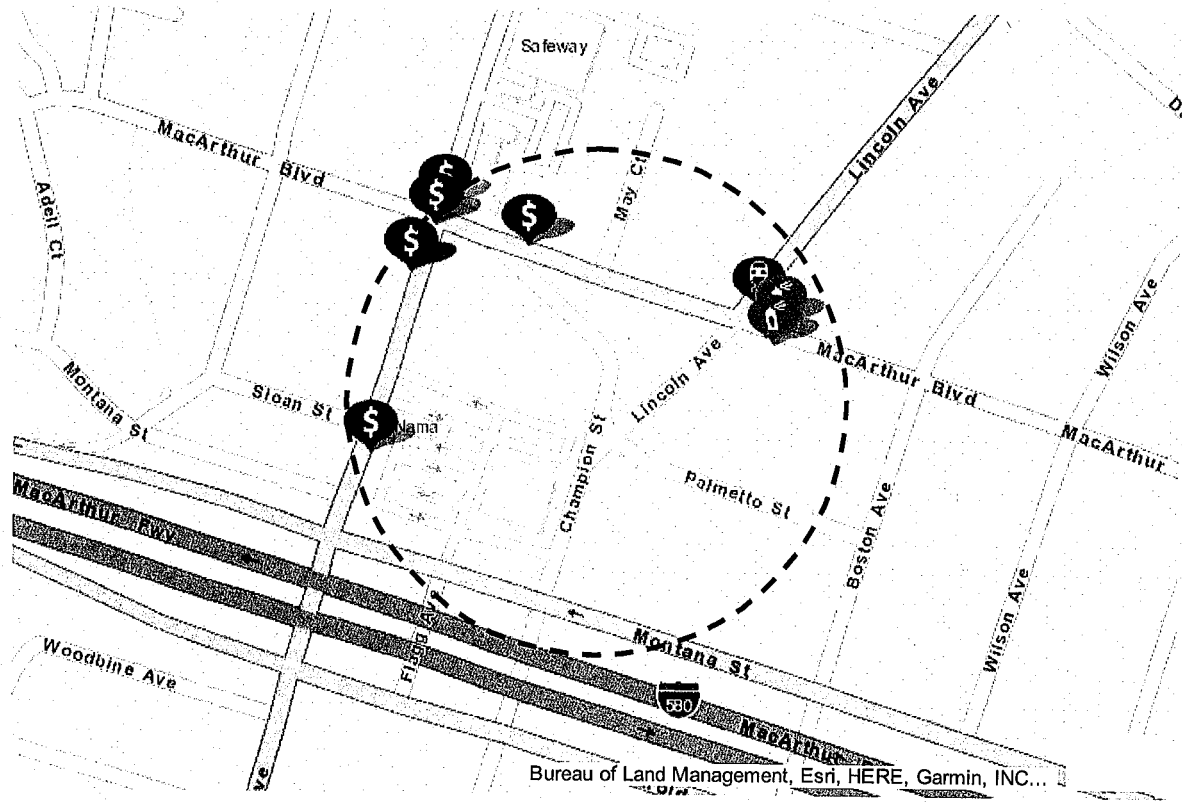
ATTACHMENT G

CrimeMapping.com Map

Thursday, May 25, 2017 through Wednesday, June 21, 2017

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

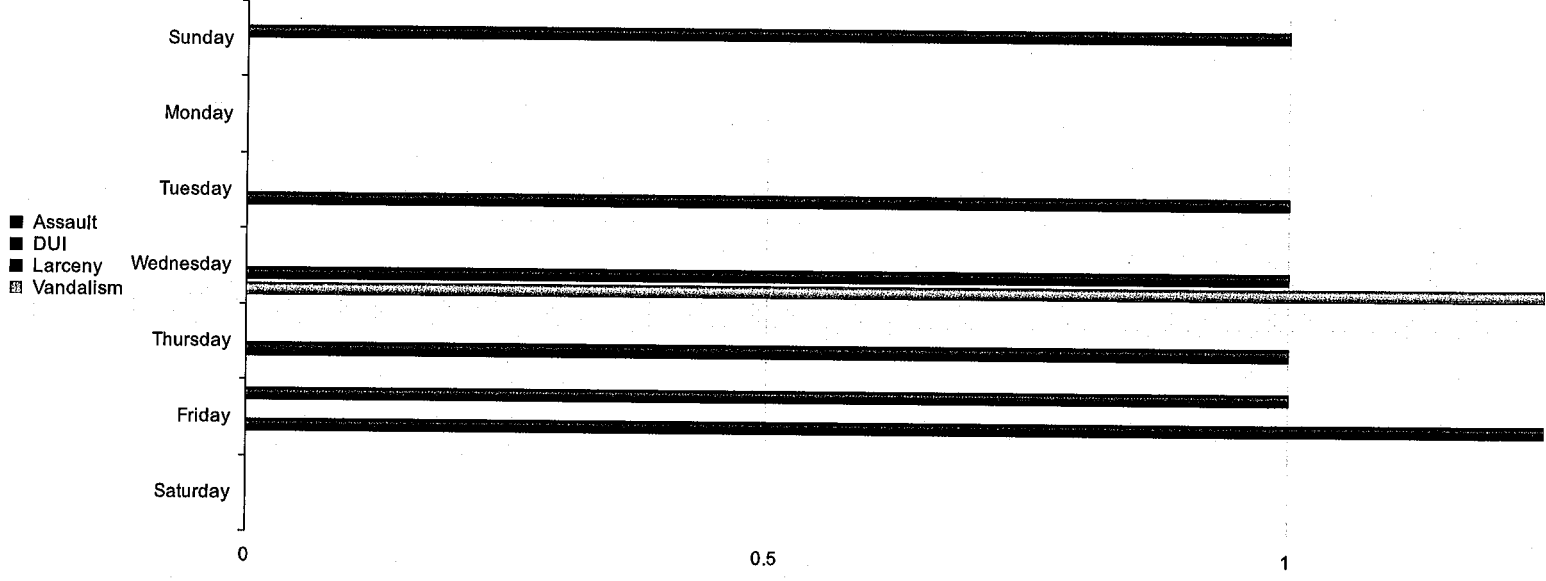
Show crime report Show crime chart



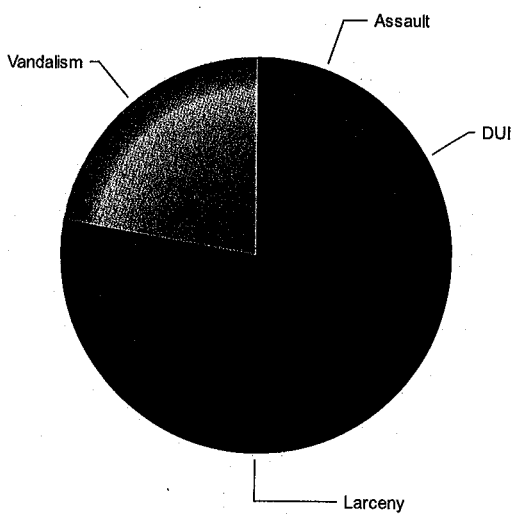
Grab the bottom/right borders to resize the map or the handle in the bottom right corner.

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.

Day of Week Summary



Crime Summary



Crime Report

Type	Description	Incident #	Location	Agency	Date
\$	LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	17-909379		Oakland Police	6/15/2017 6:30 PM
👤	VANDALISM	17-031201		Oakland Police	6/14/2017 12:00 PM
👤	VANDALISM	17-032478		Oakland Police	6/14/2017 9:00 AM
\$	LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	17-029750		Oakland Police	6/7/2017 3:20 PM
\$	LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	17-908641		Oakland Police	6/2/2017 5:55 PM
\$	LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	17-028166		Oakland Police	5/30/2017 10:50 PM
🚗	DRIVING UNDER THE INFLUENCE	17-027788		Oakland Police	5/28/2017 11:55 PM
\$	LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	17-027485		Oakland Police	5/26/2017 8:30 PM
👊	ASSAULT - OTHER ASSAULTS - SIMPLE, NOT AGGRAVATED	17-027435		Oakland Police	5/26/2017 6:30 PM

Rose, Aubrey

From: Carrie Ousley <drcarrieousley@yahoo.com>
Sent: Monday, June 12, 2017 2:56 PM
To: Rose, Aubrey
Cc: Stand Dodson; dominicasmil@yahoo.com
Subject: Fw: Cosecha family restaurants

Here is another copy of the original email I sent on 5/24/17. Thank you.

Carrie A. Ousley, D.C.
Dimond Chiropractic Center
3221 Fruitvale Ave.
Oakland, CA 94602
510-534-7484
www.dimondchiropracticcenter.com

----- Forwarded Message -----

From: Carrie Ousley <drcarrieousley@yahoo.com>
To: "arose@oaklandnet.com" <arose@oaklandnet.com>
Cc: "dominicasmail@yahoo.com" <dominicasmail@yahoo.com>
Sent: Wednesday, May 24, 2017, 8:16:15 AM PDT
Subject: Cosecha family restaurants

Dear Mr. Rose,

The Dimond Business & Professional Association enthusiastically supports Domenica Rice (Cosecha family restaurants) and her quest to open a full service restaurant in the former firehouse at 3455 Champion Street in Oakland's Dimond District. We are pleased she plans to include the sale of beer, wine, and spirits in her application, and believe her proposed daily hours of 11am–11pm (maximum) will meet the needs of both the neighborhood and her future success.

Sincerely,

Dr. Carrie Ousley
Secretary
Dimond Business & Professional Association

Carrie A. Ousley, D.C.
Dimond Chiropractic Center
3221 Fruitvale Ave.
Oakland, CA 94602
510-534-7484
www.dimondchiropracticcenter.com

ATTACHMENT I