

Location:	5901 International Boulevard (see map on reverse)
Assessor's Parcel Number:	041 -3882-031-00
Proposal:	To serve beer and wine at a full service restaurant "Los Dos Gallos" with a 12:00 A.M. closing time.
Applicant:	Mr. Jesus Aguayo Noyola
Phone Number:	(415) 368-6368
Owner:	Hong R & Won A Cho
Planning Permits Required:	Major Conditional Use Permit to serve alcoholic beverages at a Full Service Restaurant Commercial Activity located along a 'restricted street' (OMC Sec. 17.103.030(B)(2))
General Plan:	Neighborhood Commercial Mixed Use
Zoning:	CN-3 Neighborhood Commercial Zone
Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities (operation); Section 15183: Projects Consistent with a Community Plan, General Plan or Zoning
Historic Status:	Non historic property
City Council District:	6
Date Filed:	November 7, 2016
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

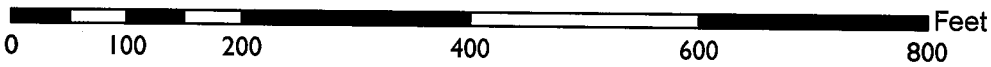
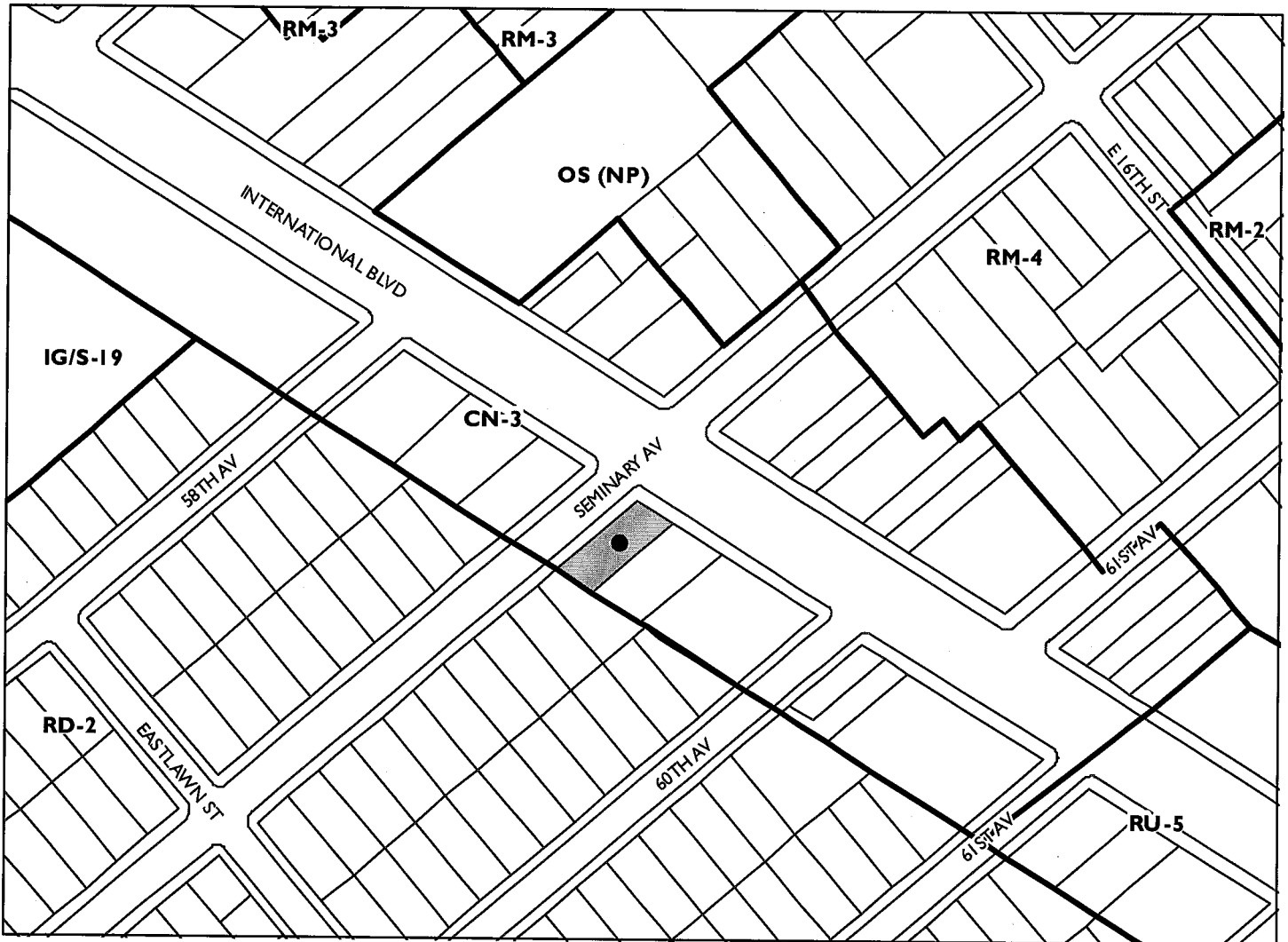
The applicant requests Planning Commission approval of a Major Conditional Use Permit to serve beer and wine on-site with meals at an existing full service restaurant ("Los Dos Gallos") with a rear parking lot and a 12:00 A.M. closing time requested by the applicant where staff recommends 11:00 P.M.

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

PROPERTY DESCRIPTION

The property is located on International Boulevard at the intersection of Seminary Avenue (southeast corner). The 4,400 square-foot lot contains a small one-story/one-unit commercial building facing International at zero lot line to the corner. The building contains a restaurant with a front entrance, dining room, kitchen, restroom and storage. The exterior contains business signage and attractive murals. The building was constructed at 866 square-feet circa 1933 with a 1966 renovation and 322 square-foot addition, according to County records. To the rear is an open parking lot accessed via Seminary Avenue. The lot measures approximately 65-feet from the restaurant to rear fence adjacent to a home beyond. The lot contains a large BBQ unit towards the restaurant, an accessory structure in the far corner and fence along its interior side and rear lot lines. Zoning clearances on files for the restaurant are dated 2011 and 2012. The restaurant ("Los Dos Gallos") is full service, operated by a small staff and specializing in Mexican-style BBQ.

CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN16341
Applicant: Mr. Jesus Aguayo Noyola
Address: 5901 International Boulevard
Zone: CN-3

The site is located at a relatively large intersection: International Boulevard consists of a 100-foot public right-of-way and Seminary Avenue is 60-feet. The streets contain sidewalks with corner ADA ramps. The adjacent property along International to the east of the site contains a convenience market/liquor store with a driveway in between the buildings. The drive is flanked with bollards and accesses the subject property's lot. Along Seminary Avenue to the south is an AC Transit bus stop; a utility pole; three tree wells (one planted); a curb cut to the restaurant's parking lot; a median strip with two cabinets each with two bollards; a fence; and a single-family home at the adjacent property. The opposite corners contain an open automobile business adjacent to a restaurant with beer and wine; a vacant market under apartments with a City park and recreation center to the rear diagonal, across the intersection to the north; and commercial uses with some upper story housing, across International to the east. The restaurant at 5803 International Boulevard was granted Planning Commission approval of a Major Conditional Use Permit in 2003 to sell beer and wine with a 10:00 P.M. closing time for at least the first six months. International Boulevard is commercial corridor and will be developed for AC Transit's Bus Rapid Transit (BRT) project. Seminary Avenue is residential consisting of single-family homes to the south and a combination of homes and apartments to the north. Further west beyond 58th Avenue are some industrial properties as well.

PROJECT DESCRIPTION

The proposal is to add sale of alcoholic beverages at the full service restaurant. Alcoholic beverages would consist of beer and wine only, no hard liquor. The restaurant would retain its full service format. Alcoholic beverages would be sold for on-site consumption only. The intent is for beer or wine to be sold and consumed with meals. No changes to the interior or exterior of the building or site are proposed. The applicant requests that losing time be 12:00 A.M. (the restaurant would close earlier on weekdays); staff recommends an 11:00 P.M. closing time as described in the following section of this report. The upgrade would require a type 41 license with the State of California's Alcoholic Beverages Control (ABC). Following is the ABC's description for a type 41 license:

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.

Neighborhood Service Coordinator staff, OPD's Alcoholic Beverage Action Team (ABAT), and the Council District 6 office have been advised of the proposal. The applicant is invited to a Neighborhood Crime Prevention Council (NCPC) meeting to be held April 20, 2017.

GENERAL PLAN ANALYSIS

The property is located 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 center 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." A full service restaurant serving beer and wine and having an 11:00 A.M. closing time as recommended by staff, subject to conditions described in the 'Key Issues and Impacts' section of this report, conforms to this intent.

The property is in a 'Grow and Change' area on the LUTE's Strategy Diagram. The proposal conforms to the area's intent and strategy and to the following Goals and Policies of the LUTE:

Industry and Commerce Goals

- Ensure that the Oakland community has access to a wide variety of goods and services, meeting daily and long term needs.

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.

POLICY N2.3: LOCATING SERVICES ALONG MAJOR STREETS

New large scale community, government, and institutional uses should be located outside of areas that are predominately residential. Preferably, they should be located along major thoroughfares with easy access to freeways and public transportation or in the Downtown.

POLICY N9.6 RESPECTING DIVERSITY

The City's diversity in cultures and populations should be respected and built upon.

Enhancing a full service restaurant by allowing liquor to be served with meals is therefore consistent with the General Plan. Additional considerations are discussed in the Key Issues And Impacts section of this report.

ZONING ANALYSIS

The property is located in the CN-3 Neighborhood Commercial Zone. The Intent of the CN-3 Zone is: "to create, improve, and enhance areas neighborhood commercial centers that have a compact, vibrant pedestrian environment." The proposal requires a Conditional Use Permit because it involves alcoholic beverage sales (beer and wine only; no hard liquor) at a full service restaurant on a "restricted street" deemed to require heightened review under the Ordinance. The proposal is not subject to variances, additional findings for alcoholic beverage sales, or for Public Convenience or Necessity because it involves a full service restaurant.

As discussed in the 'Key Issues and Impacts' section of this report, a full service restaurant serving beer and wine and having a 12:00 A.M. closing time, subject to conditions, conforms to this intent.

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines categorically exempts specific types of projects from environmental review. Section 15301 of the State CEQA Guidelines exempts projects involving *operation and licensing of existing private facilities*. The proposal sale of alcoholic beverages at a full service restaurant meets this description: the project would constitute operation of an existing private facility 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 section, as described above. The project is, therefore, not subject to further Environmental Review.

KEY ISSUES AND IMPACTS

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, no hard liquor, a reasonable closing time, no cabaret component, and no adjacent civic uses. The proposal meets all of these considerations. Furthermore, staff is considering changes to "restricted street" restaurants with alcohol in the future. The home situated to the rear is over 65-feet from the rear of the restaurant where there is no exit; however, it is located next to the parking lot. At this time, staff notes that the property is only partially developed in a 60-foot height area; however, the inclusion of beer and wine would not preclude future development potential at the site.

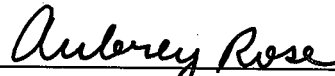
Additionally, staff suggests a starting closing time of 11:00 P.M. (rather than a requested 12:00 A.M. closing time), similar to the approval of the adjacent restaurant, with options for a later closing time with successful operation after six months. The adjacent restaurant was granted a 10:00 P.M. closing time for at least six months; however, staff finds a later time is acceptable given other restaurants' closing times along International Boulevard and general reduction in crime levels along the corridor. Staff recommends that in addition to draft standard conditions of approval which are attached, that the applicant attaches signage within the restaurant and within the parking lot indicating patrons should be quiet when leaving towards closing time if they are parked in the lot.

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

RECOMMENDATIONS:

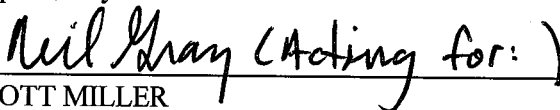
1. Affirm staff's environmental determination.
2. Approve a revision to amend Conditions of Approval of a Major Conditional Use Permit subject to the attached findings and conditions.

Prepared by:



AUBREY ROSE, AICP
Planner III

Approved 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. Menu
- E. Area Crime Statistics

Attachment A: Findings

This proposal meets the required findings under **General Conditional Use Permit Criteria (OMC Sec. 17.134.050)** of the **Oakland Planning Code (Title 17)** as set forth below. Required findings are shown in **bold type**; explanations as to why these findings can be made are shown in normal type.

General Conditional Use Permit Criteria (OMC Sec. 17.134.050)

A. That the location, size, design, and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.

The property is located in the CN-3 Neighborhood Commercial Zone. The Intent of the CN-3 Zone is: "to create, improve, and enhance areas neighborhood commercial centers that have a compact, vibrant pedestrian environment." A full service restaurant serving alcoholic beverages and having an 11:00 P.M. closing time (with a path to a 12:00 A.M. closing time), subject to conditions of approval including a staff compliance review, conforms to this intent. The proposal conforms to the General Plan Policies described in the 'General Plan Analysis' section of staff's report to the Planning Commission and hereby incorporated by reference.

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 proposal involves an existing restaurant and no site changes are needed. The restaurant and its site layout are appropriate for a commercial corridor. Other restaurants serving beer and wine in the district maintain 11:00 P.M. or later closing times.

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 proposal involves an existing restaurant and no site changes are needed. The restaurant and its site layout are appropriate for a commercial corridor. No beer or wine bottle sales will occur.

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 inapplicable; no exterior changes are proposed.

E. That the proposal conforms in all significant respects with the Oakland Comprehensive Plan and with any other applicable plan or development control map which has been adopted by the City Council.

The property is located 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 center 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 conforms to the General Plan Policies described in the 'General Plan Analysis' section of staff's report to the Planning Commission and hereby incorporated by reference.

A full service restaurant serving beer and wine and having a 11:00 P.M. closing time (with a path to a 12:00 A.M. closing time), subject to conditions, conforms to this intent.

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 November 6, 2016**, 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 cc
ie 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:

- 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 liquor sales

The applicant shall obtain a type 41 license for restaurant with beer and wine from the ABC.

15. Hours of Operation

Ongoing

Closing shall be 11:00 P.M. After 6 months of alcoholic beverage sales, as part of the required Compliance review stipulated under Condition of Approval #19, 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. Compliance with City of Oakland special regulations for Alcoholic Beverage Sales Commercial

Activities

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 licensee/property owners shall clear the gutter and sidewalks along International Boulevard and Seminary Avenue 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.

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 Seminary Avenue to match the existing tree in the third well.

19. Compliance Review

After six months of commencement of activity

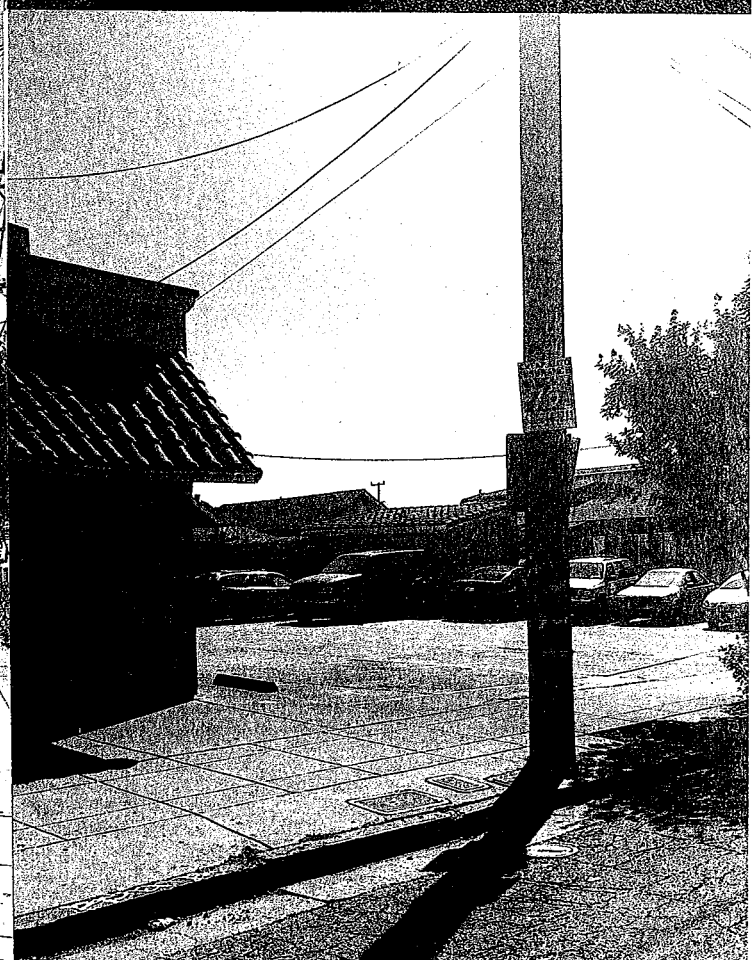
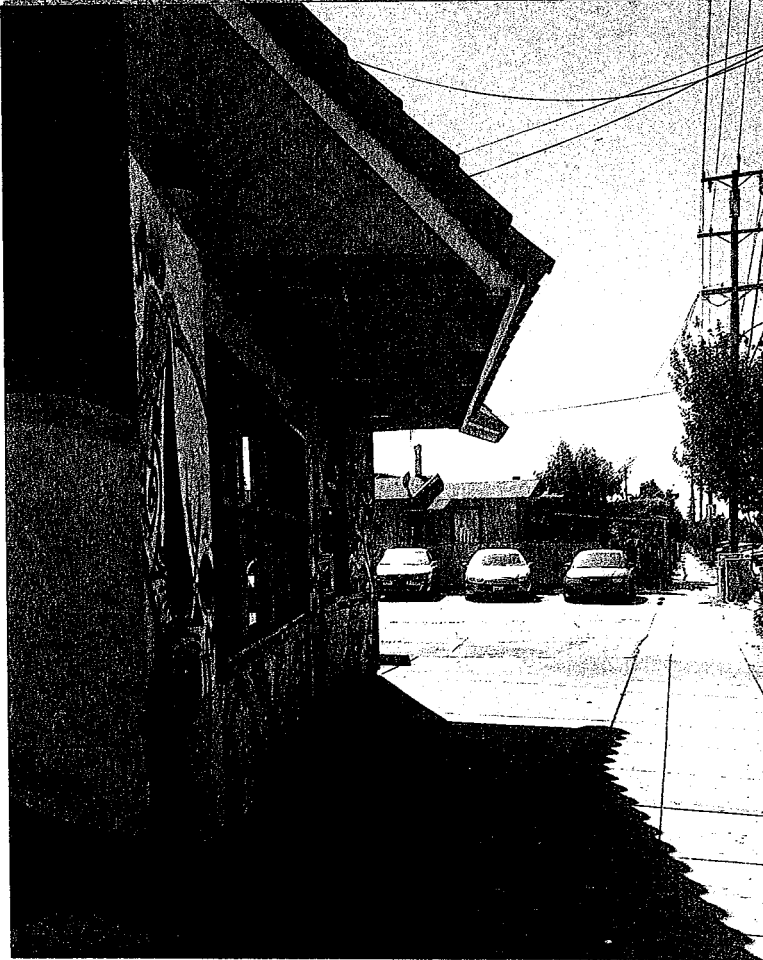
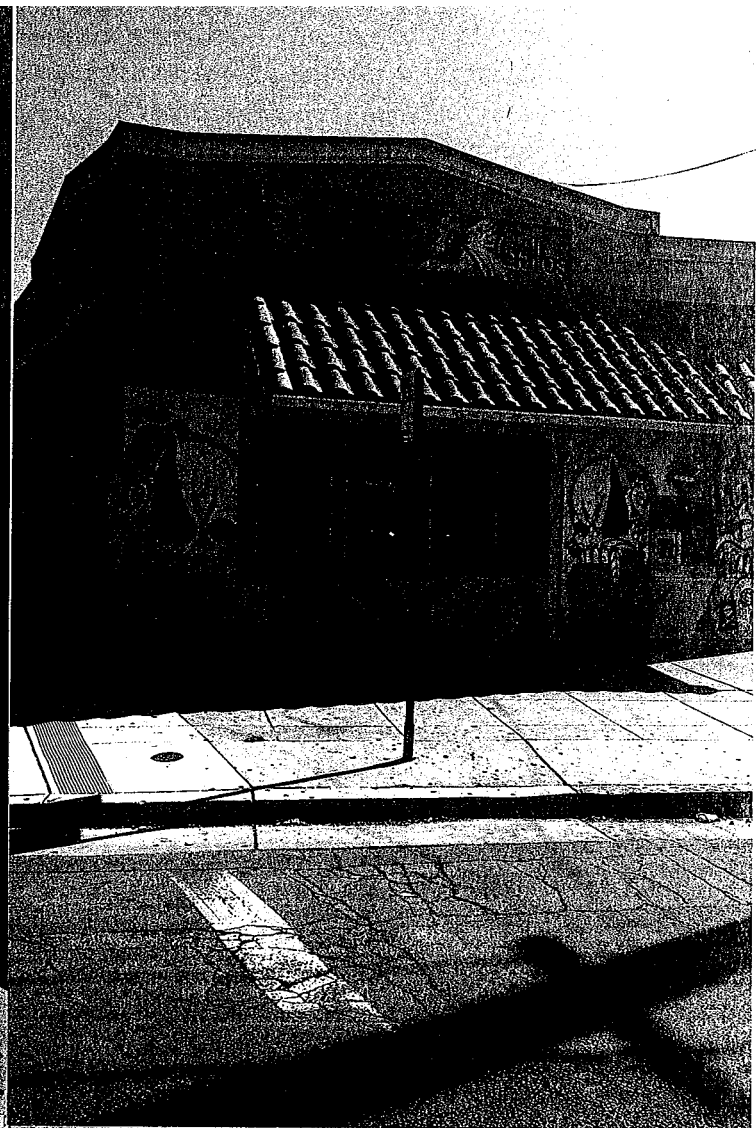
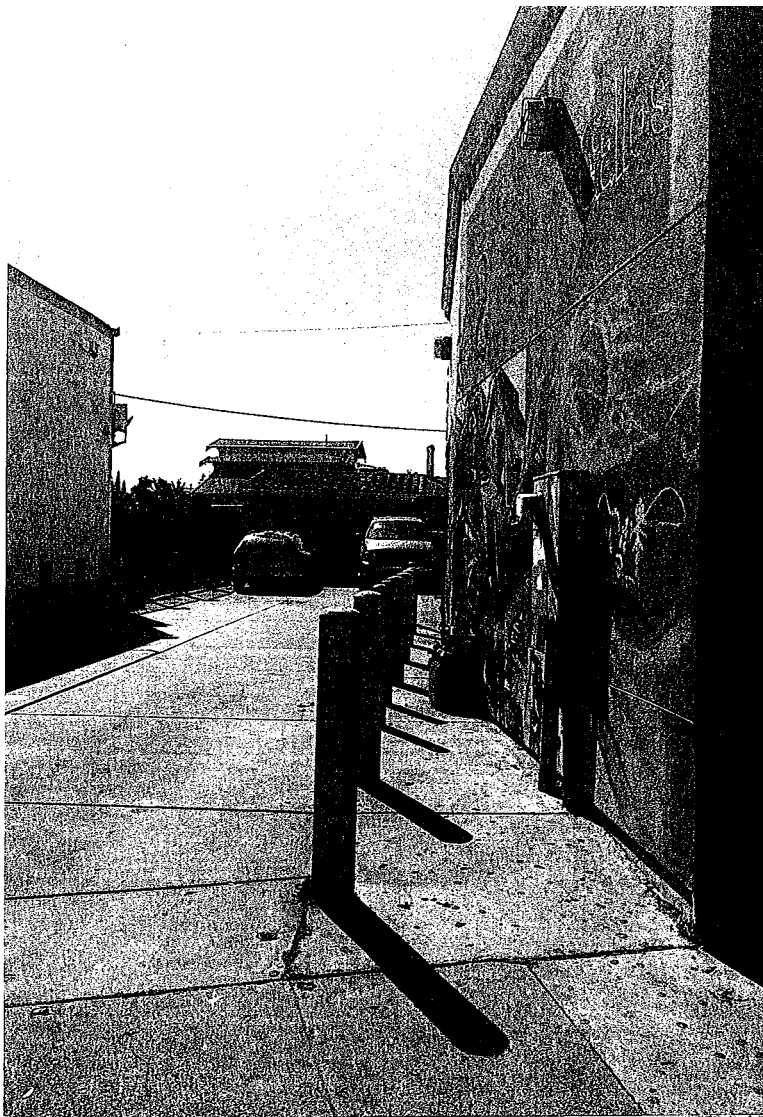
The applicant shall return to the Bureau of Planning to report their progress and to provide for an assessment of compliance with Conditions of Approval. Should any complaints regarding on-sale provision or other issues regarding sale of alcohol be identified, staff may refer the item back to the Planning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

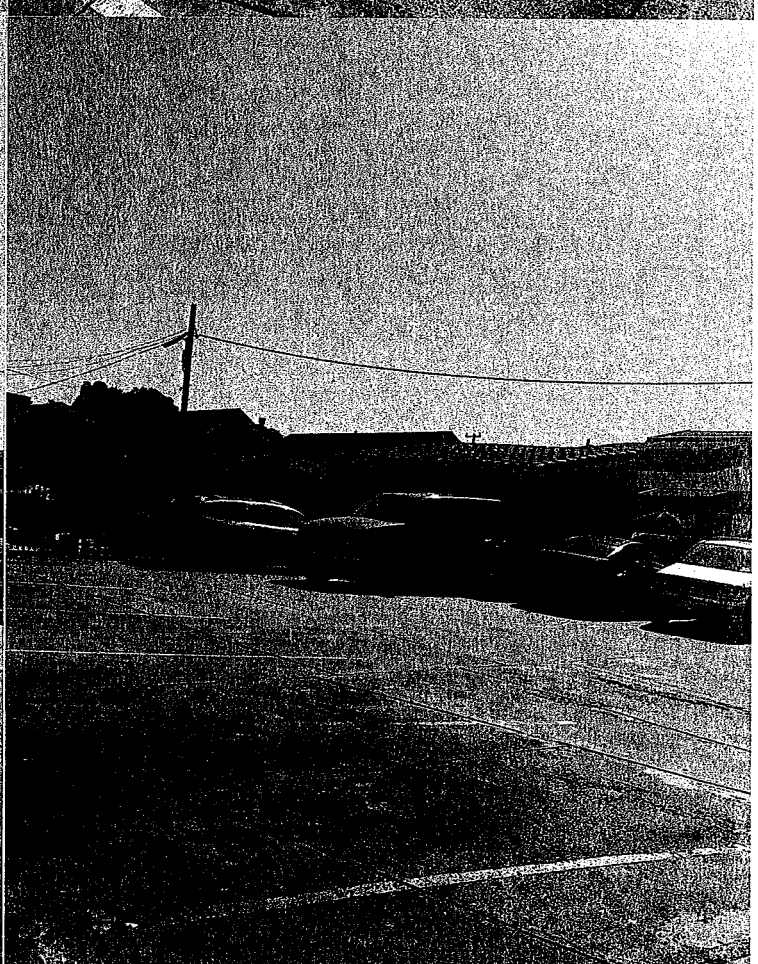
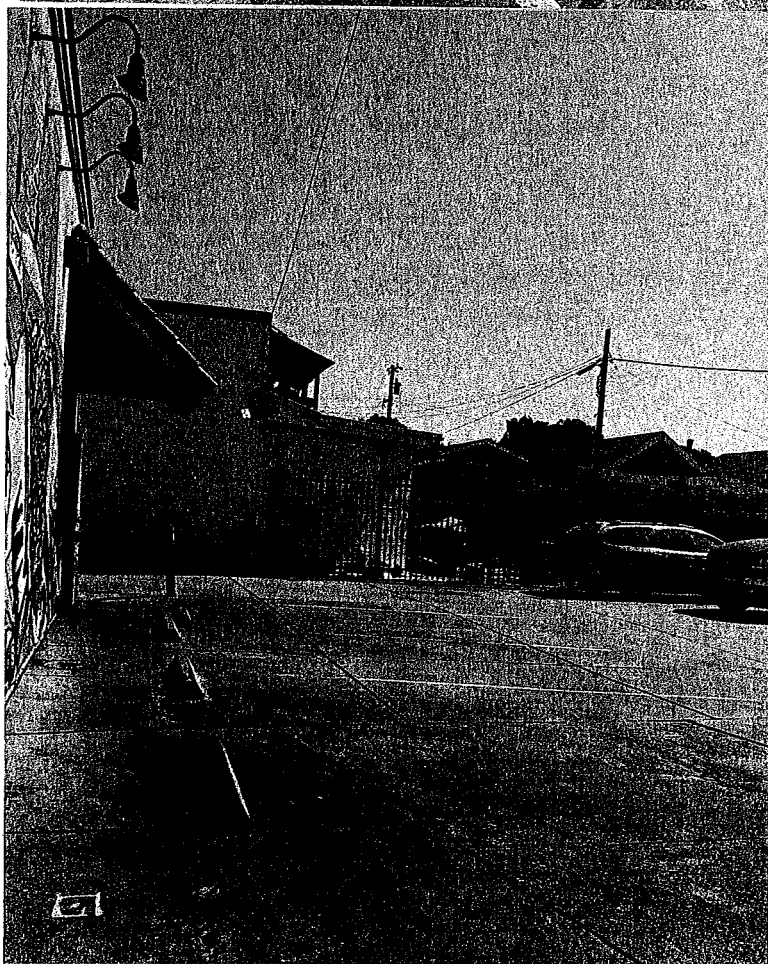
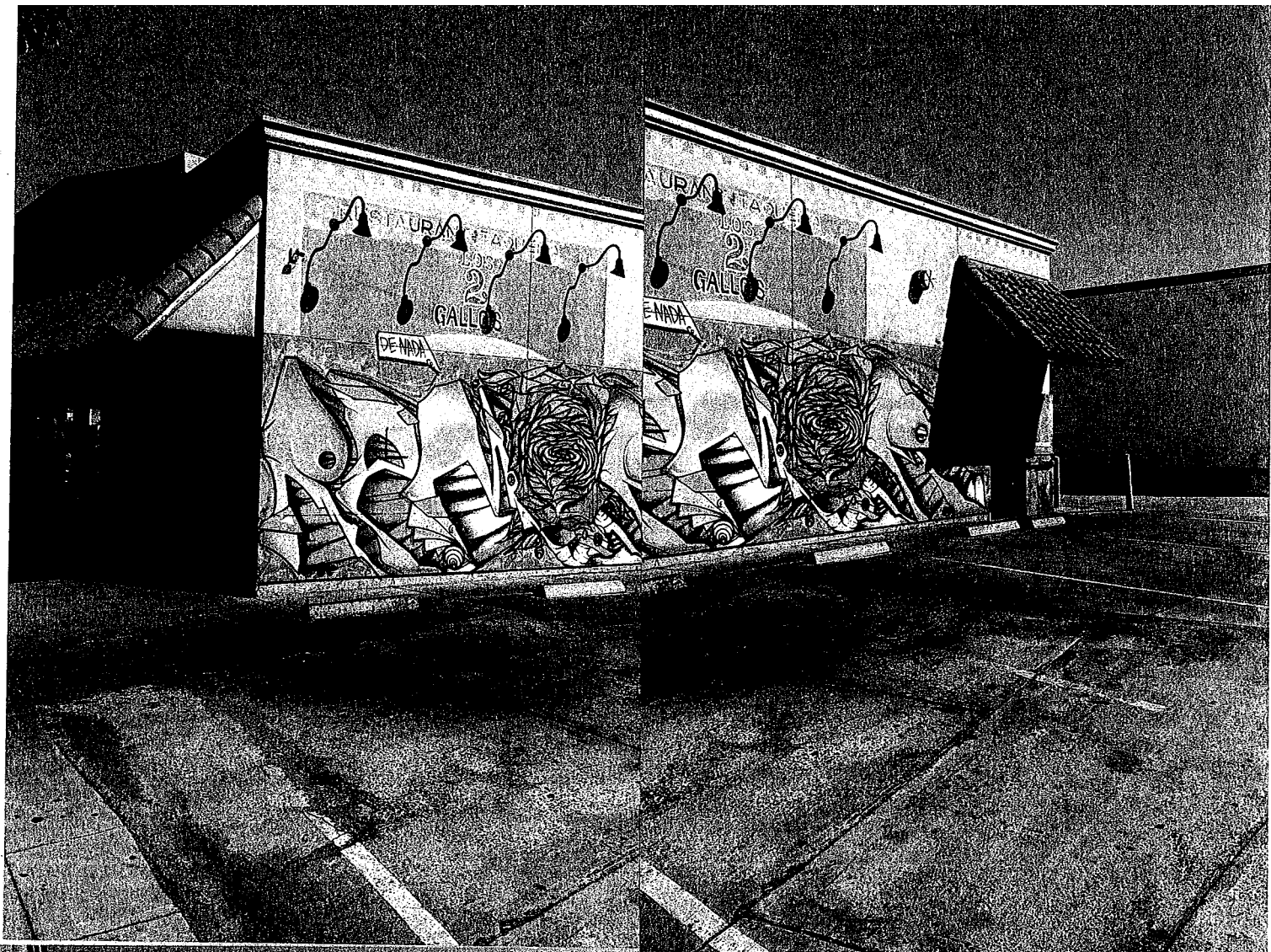
APPROVED BY:

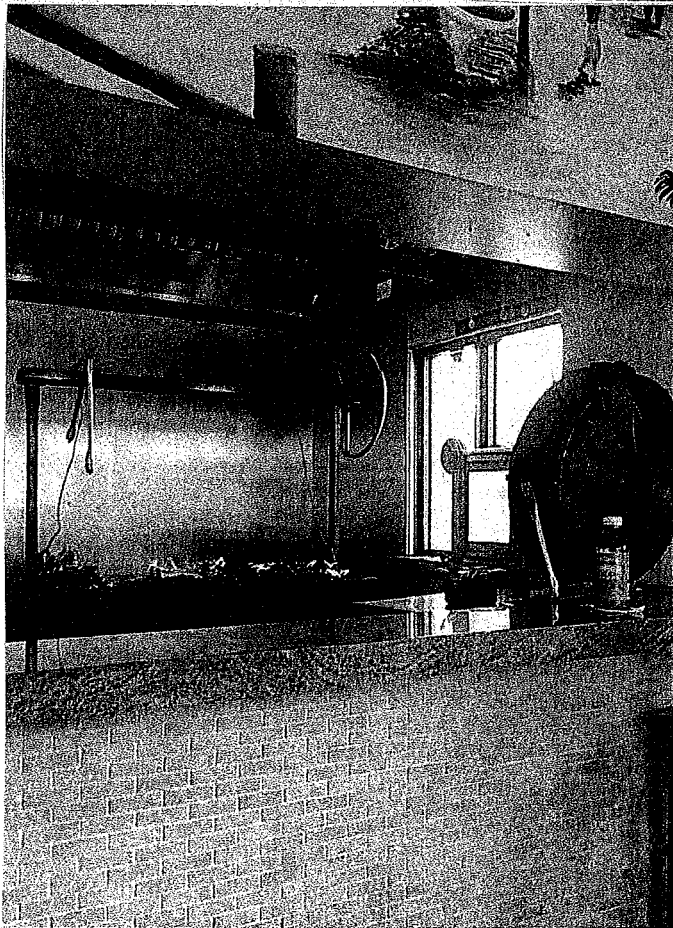
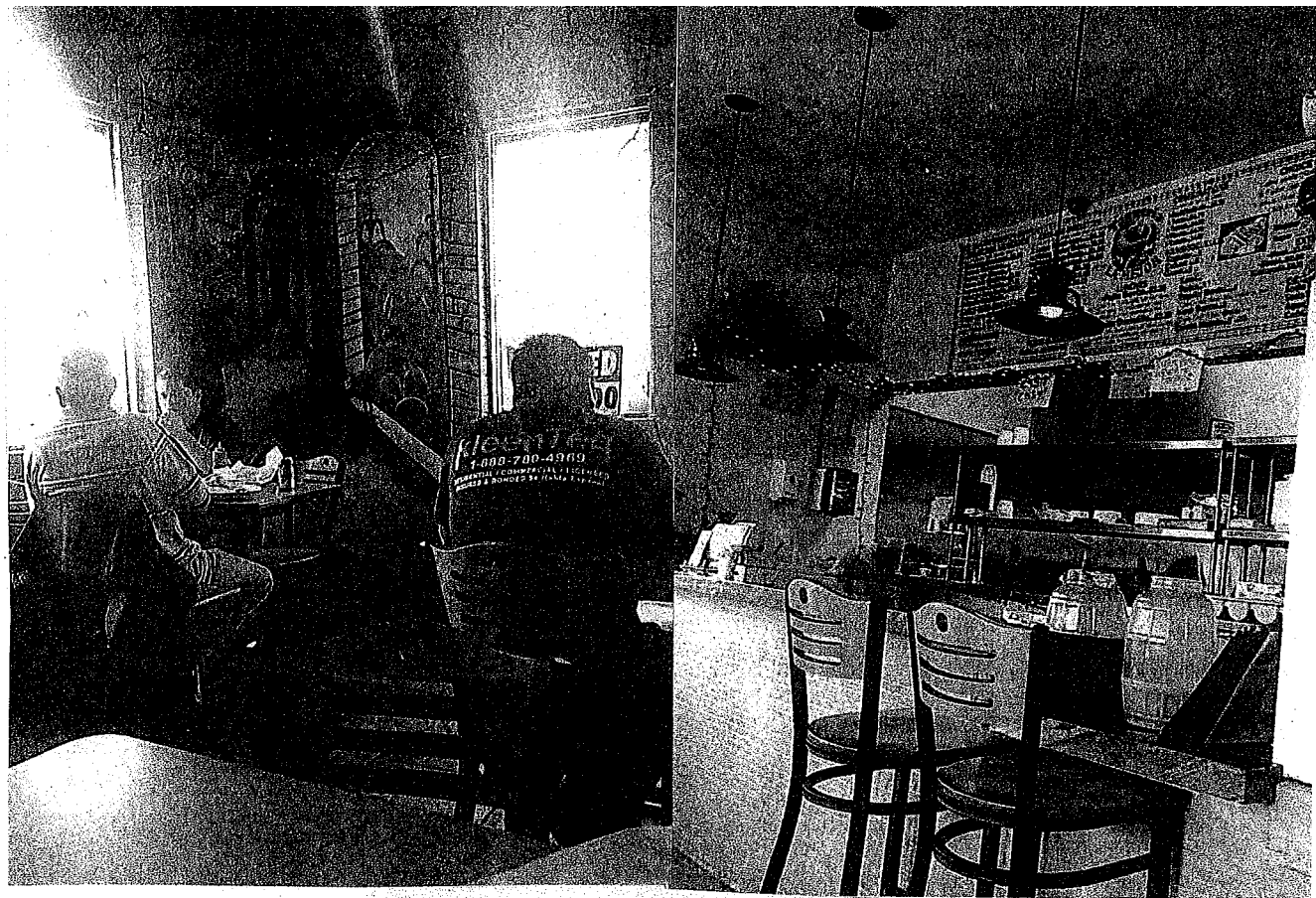
City Planning Commission: _____ (date) _____ (vote)

Seminary Avenue









Restaurant y Taquería

Breakfast - Lunch - Dinner

EL GALLO DE ORO



Preparamos comida para fiestas o eventos especiales

Take Out Orders Call

(510) 633-4991

Open 7 Days a Week 8:00 am to 1

5901 International Blvd., Oakland

Attachment D

LUNCHES

Fajita Burrito

\$7.75

Giant Flour Tortilla filled with Rice,, Beans, Sauteed Onions, Bell Pepper and your choice of Chicken, Beef or a combination of both topped with Guacamole, Sour Sream and Tomatoes

Fajita Quesadilla

~~\$7.00~~

Giant four Tortilla filled with Cheese Sauteed Onions and Bell Peppers and your choice of Chicken Beef or a combination of both served with Sour Cream and Guacamole



COMBINATIONS

Served with rice and beans

- 1 Enchilada.....\$4.75
- 1 Taco.....\$4.75
- 1 Enchilada Verde.....\$4.75
- 1 Tamal.....\$4.75
- 1 Flauta.....\$4.75
- 1 Tostada.....\$4.95



ESPECIALES

- Regular Nachos (no carne).....\$5.00
- Super Nachos.....~~\$7.00~~



BURRITOS (Al Gusto)

(extra queso, crema o guacamole.... +\$.50)

Carne Asada, Chile Colorado
Carne Molida, Chile Verde,
Carnitas, Lengua, Pollo

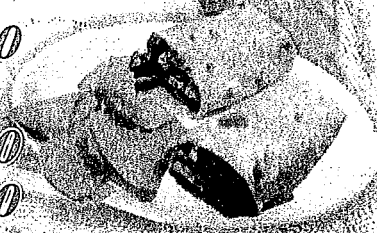
REGULAR.....\$ 5.00

(Carne, Arroz y Frijoles)

SUPER.....\$ 6.00

CAMARON.....\$10.00

(Carne, Arroz, Frijoles, Queso, Crema



Good Morning!
Breakfast Served 9:00 am till 10:30 am

DESAYUNOS MEXICANOS

Served with rice and beans

Omelette Mexicano
\$5.95

Huevos con Choriso
\$7.50

Huevos Rancheros
\$7.50

Huevos a la Mexicana
\$5.95

Chilaquiles Rojos o Verdes
Con Carne \$9.99 No Carne \$7.25

Hevos con Chuleta
\$7.75

Huevos con Carne Asada
\$9.50

EARLY BIRD BREAKFAST

\$6.50

2 eggs (any style)

3 strips of bacon, 3 link sausages or 2 sausage patties

Hot buttered toast

PANCAKE COMBO

\$5.95

2 pancakes

1 eggs

2 slices of bacon, 2 link sausages or 1 sausage patty

MARISCOS

Served with rice and beans

Cocktail de Camarones (small)

\$6.75

Cocktail de Camarones (large)

\$9.99

Camarones a la Diabla

\$10.95

Camarones a la Ranchera

\$10.95

Camarones al Mojo de Ajo

\$10.95

Shrimp Fajitas

\$11.00

ESPECIALES DE FIN DE SEMANA

Menudo regular.....\$7.50

Plato de Birria..... \$9.99

SIDE ORDERS

French Fries.....\$2.50

Beans.....\$2.50

Rice.....\$2.50

Guacamole.....\$2.50

DRINKS

Sodas de lata.....\$1.00

Sodas de botella.....\$2.00

Café regular.....\$1.50

Chocolate.....\$1.50

Aguas Frescas.....\$1.75

Soda Medio Litro.....\$2.50



TACOS *(al Gusto)*

\$1.35

Carne Asada, al Pastor
Cabeza, Carnitas
Pollo, Lengua



TORTAS *(al Gusto)*

\$5.50

Carne Asada
Al Pastor
Cabeza, Carnitas
Pollo, Lengua



HAMBURGUESAS

(with Cheese)..... +\$.25)
Served with French Fries

- Regular..... \$5.00
- Deluxe..... \$5.50
- Giant..... \$6.50
- Extra Meat Patty..... \$2.50

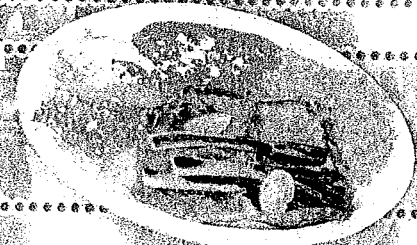


DINNERS

ESPECIALIDAD DE LA CASA

Served with rice and beans

- Chile Relleno (1 pieza)..... \$6.00
- Chile Relleno (2 piezas)..... \$8.99



- Carne Asada..... \$9.99
- Carnitas..... \$9.25
- Steak Picado (steak, onions, bell peppers)..... \$11.00
- Steak a la Mexicana (steak, grilled onions)..... \$11.00
- Talpa (steak, prawns, onions, bell peppers)..... \$11.00




Traditional Combinations
Served with rice and beans

- #1. Enchilada y Tamal..... \$6.25
- #2. Enchilada y Taco..... \$6.50
- #3. Two Tacos..... \$6.50
- #4. Two Enchiladas..... \$7.75
- #5. Two Enchiladas Verdes..... \$7.75
- #6. Chorizo con Huevos..... \$7.50
- #7. Huevos Rancheros..... \$7.99
- #8. Enchilada y Chile Relleno..... \$7.99
- #9. Enchilada y Tostada..... \$7.99
- #10. Two Flautas..... \$7.99



EGGS AND OMELETTES

Served with Hash Browns, Grits, Toast or Biscuit

2 Large Ranch Eggs.....		.....\$4.25
w/Hickory Smoked Bacon.....		.....\$5.50
w/Pork Link Sausage.....		.....\$5.50
w/Ham Steak.....		.....\$6.25
Plain Omelette.....		.....\$4.45
Cheese Omelette.....		.....\$4.75
<i>* Swiss, American, Jack or Cheddar</i>		
Ham Omelette.....		.....\$6.00
Ham & Cheese Omelette.....		.....\$6.50
Denver Omelette.....		.....\$7.00
<i>w/Green Peppers, Onions, Diced Ham and Cheese</i>		

PANCAKES AND WAFFLES

Stack of 3 Pancakes.....		.....\$3.95
Or One Waffle.....		.....\$2.25
w/4 Slices of Bacon.....		.....\$5.75
Short Stack of 2 Pancakes.....		.....\$3.75
Golden French Toast.....		.....\$4.95

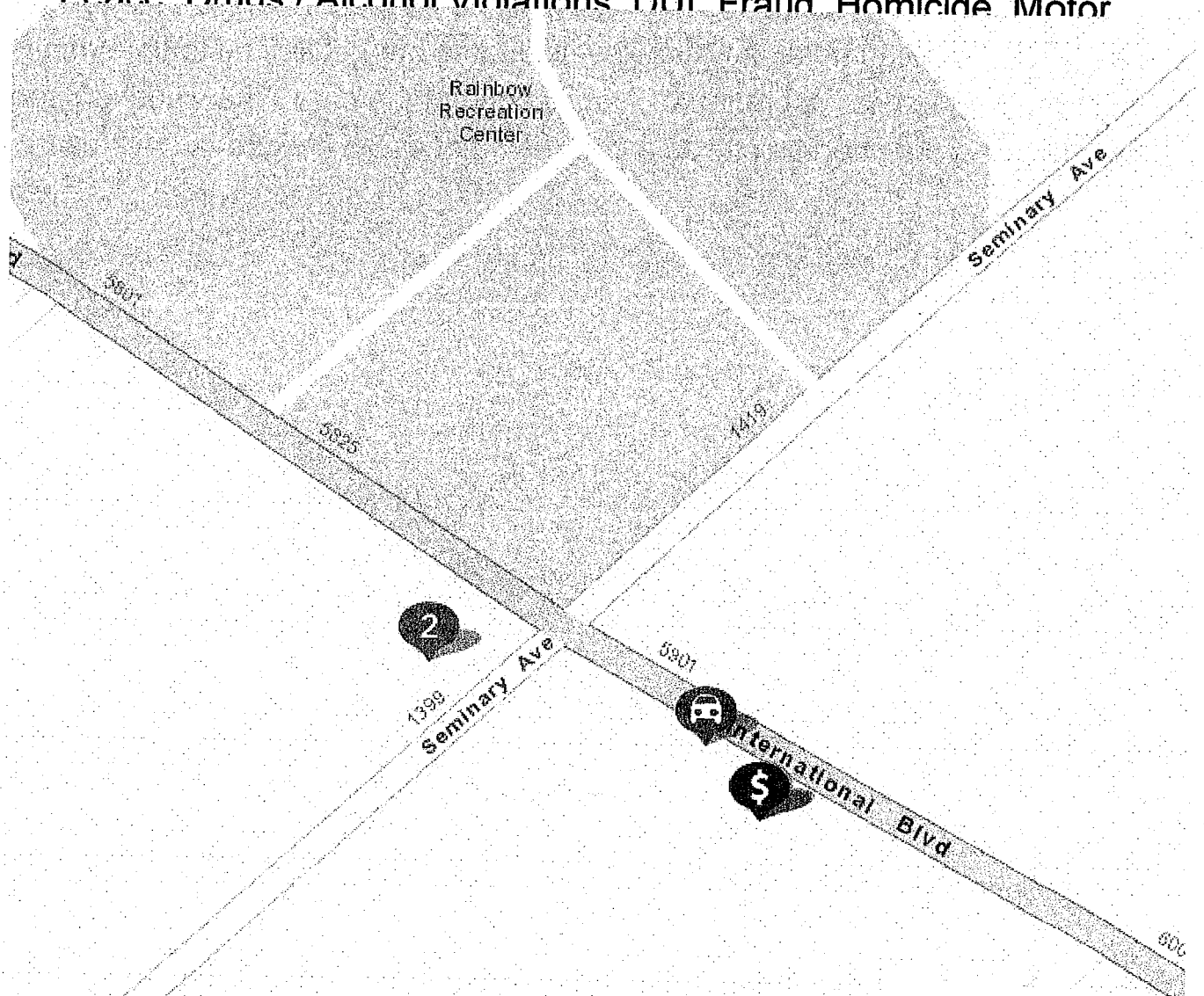
**Powdered Sugar on top*

Print

CrimeMapping.com Map

Thursday, December 22, 2016 through Wednesday, March 22, 2017

Showing crime types: Arson, Assault, Burglary, Disturbing the Peace, Drugs / Alcohol Violations, DUI, Fraud, Homicide, Motor



ATTACHMENT E

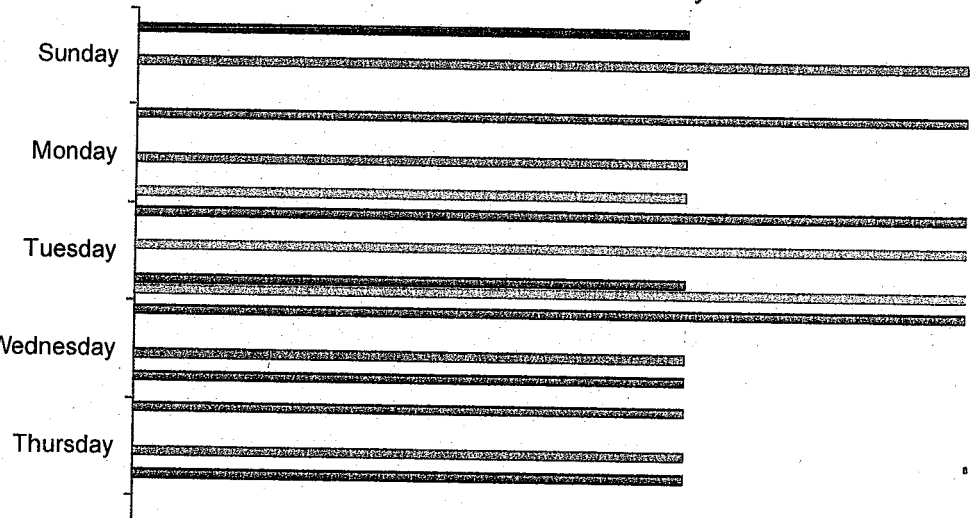
Bureau of Land Management, Esri, HERE, Garmin, I

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

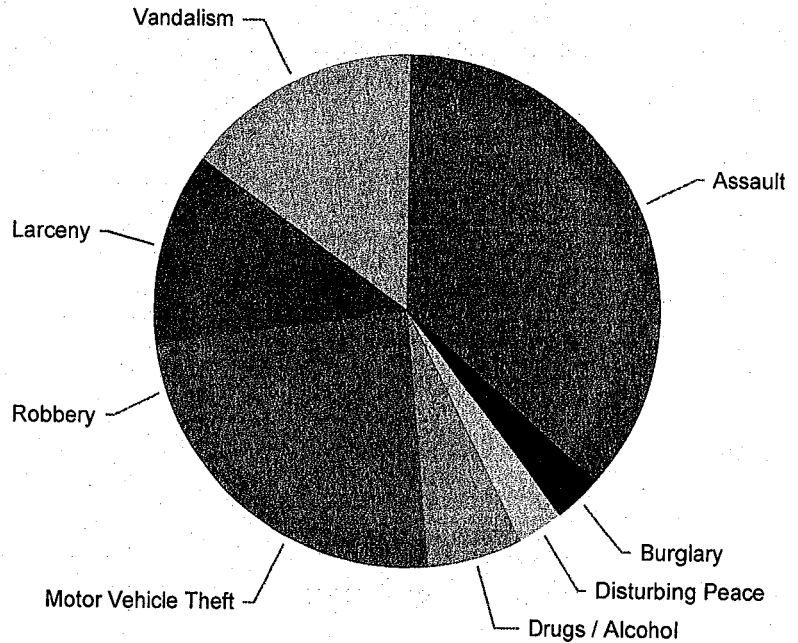
All representations on this map are distributed and transmitted "AS IS" without warranties of any kind, either express or implied including without limitation, of title or implied warranties of merchantability or fitness for a particular purpose. CrimeMapping.COM shall not become liable to users of these data for any damages, consequential or otherwise, including but not limited to time, money 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


- Assault
- Burglary
- Disturbing Peace
- Drugs / Alcohol
- Motor Vehicle Theft
- Robbery
- Larceny
- Vandalism


































Crime Summary




Crime Report

Type	Description	Incident #	Location	Ac
	ASSAULT - OTHER ASSAULTS - SIMPLE, NOT AGGRAVATED	17-013662		Oak
		17-013429		Oak

Type	Description	Incident #	Location	Ac
	ASSAULT - OTHER ASSAULTS - SIMPLE, NOT AGGRAVATED			
	MOTOR VEHICLE THEFT - AUTOS	17-012008		Oak
	ASSAULT - OTHER ASSAULTS - SIMPLE, NOT AGGRAVATED	17-011522		Oak
	VANDALISM	17-010830		Oak
	MOTOR VEHICLE THEFT - AUTOS	17-011112		Oak
	ASSAULT - OTHER ASSAULTS - SIMPLE, NOT AGGRAVATED	17-008313		Oak
	VANDALISM	17-008663		Oak
	ASSAULT - OTHER ASSAULTS - SIMPLE, NOT AGGRAVATED	17-007302		Oak
	LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	17-007172		Oak
	ASSAULT - OTHER DANGEROUS WEAPON	17-007034		Oak
	ASSAULT - OTHER ASSAULTS - SIMPLE, NOT AGGRAVATED	17-006822		Oak
	ASSAULT - OTHER ASSAULTS - SIMPLE, NOT AGGRAVATED	17-007449		Oak
	VANDALISM	17-005530		Oak
	LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	17-006083		Oak
	LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	17-005896		Oak

Type	Description	Incident #	Location	Ac
	ASSAULT - OTHER ASSAULTS - SIMPLE, NOT AGGRAVATED	17-005731		Oak
	LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	17-006085		Oak
	ASSAULT - OTHER ASSAULTS - SIMPLE, NOT AGGRAVATED	17-005323		Oak
	ROBBERY - STRONG-ARM (HANDS, FISTS, FEET, ETC.)	17-004893		Oak
	DRUG ABUSE VIOLATION - POSSESSION OF OTHER	17-004216		Oak
	VANDALISM	17-901100		Oak
	MOTOR VEHICLE THEFT - AUTOS	17-002856		Oak
	MOTOR VEHICLE THEFT - AUTOS	17-002748		Oak
	BURGLARY - FORCIBLE ENTRY	17-002616		Oak
	ASSAULT - OTHER ASSAULTS - SIMPLE, NOT AGGRAVATED	17-001653		Oak
	MOTOR VEHICLE THEFT - AUTOS	17-002013		Oak
	VANDALISM	17-001322		Oak
	DISORDERLY CONDUCT	17-000939		Oak
	ROBBERY - FIREARM	17-000931		Oak
	MOTOR VEHICLE THEFT - AUTOS	17-001047		Oak
	DRUG ABUSE VIOLATION - POSSESSION OF OPIUM OR COCAINE	17-000421		Oak

Type	Description	Incident #	Location	Arrest
	ASSAULT - OTHER DANGEROUS WEAPON	17-000235		Oak