

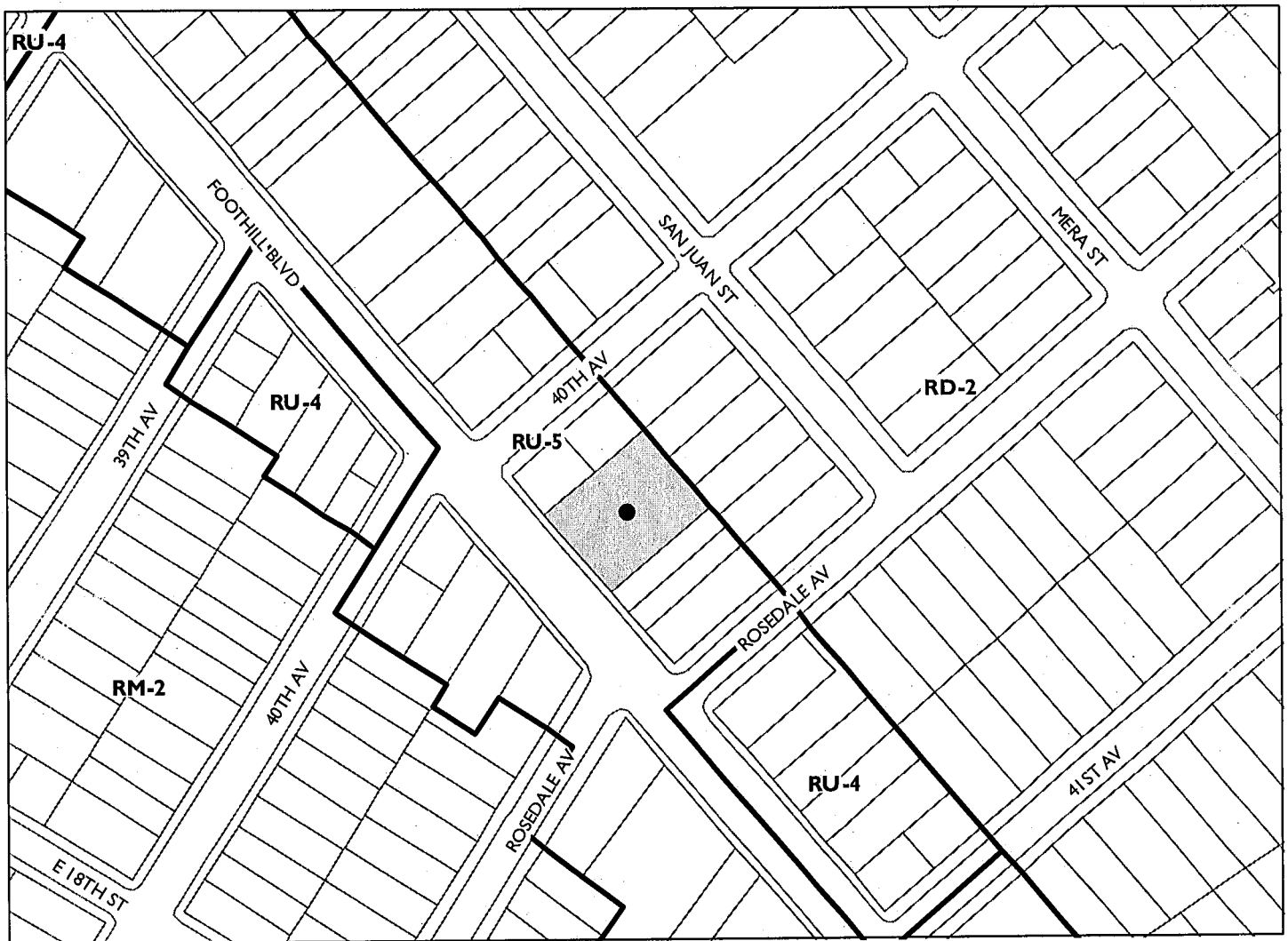
<b>Location:</b>	4010 Foothill Blvd. (APN: 032 -2088-010-00). (See map on reverse)
<b>Proposal:</b>	Façade Improvements, second-story addition and site improvements to an existing one-story commercial building. Includes change in land use from automotive repair service to a full-service restaurant activity "Zamorano Resteraunte" with a Type 41 ABC License.
<b>Applicant:</b>	Bunton Mousavi Architecture – Nastaran Mousavi AIA
<b>Owner:</b>	Socorro Murillo
<b>Planning Permits Required:</b>	Major Conditional Use Permit to allow a Type 41 "Beer & Wine" Alcoholic Beverage Sales Activity in conjunction with a full-service restaurant on a restricted street. Minor Conditional Use Permit to allow a full-service restaurant to exceed 5,000-square feet. Regular Design Review for the façade improvements and second-story addition to the existing building.
<b>General Plan:</b>	Urban Residential
<b>Zoning:</b>	RU-5 Urban Residential 5 Zone
<b>Environmental Determination:</b>	Exempt, Section 15301 of the State CEQA Guidelines exempts project involving operation of existing private facilities; Section 15303 of the State CEQA Guidelines: New Construction of small structures; Section 15183 Projects consistent with the General Plan or Zoning.
<b>Historic Status:</b>	Not a Potentially Designated Historic Property. OCHS Rating: X
<b>City Council District:</b>	5
<b>Staff Recommendation:</b>	Approve with conditions
<b>Finality of Decision:</b>	Appealable to City Council within 10 days
<b>For Further Information:</b>	Contact case planner <b>Jose M. Herrera-Preza, Planner II</b> at 510-238-3808 or <a href="mailto:jherrera@oaklandnet.com">jherrera@oaklandnet.com</a>

**SUMMARY**

The applicant, "Zamorano Resteraunte", requests Planning Commission approval of a Major Conditional Use Permit to allow a Type 41 ABC (Alcohol Beverage Control) license for the sale of "beer and wine" in conjunction with a full-service restaurant on Foothill Boulevard, which is a restricted street for alcohol. The proposal, which is located on an interior parcel, will revitalize the existing building through façade improvements, a second-story addition and landscaping.

Staff recommends the approval of the Major Conditional Use permit for the sale of beer and wine within "Zamorano Resteraunte" (a full-service restaurant), Minor Conditional Use Permits for to allow the full-service restaurant activity to exceed 5,000-sqaure feet on the ground floor and Regular Design Review for façade improvements and additions and alterations to the existing building.

# CITY OF OAKLAND PLANNING COMMISSION



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Case File: PLN17481  
Applicant: Bunton Mousavi Architecture  
Address: 4010 Foothill Blvd  
Zone: RU-5

## **BACKGROUND**

In general, full-service restaurants are allowed to sell alcoholic beverages with no additional zoning approvals, similar to an accessory use. However, establishments located along "restricted streets," including Foothill Boulevard, require a Major Conditional Use Permit. The subject site is in Police Beat 23X, which runs along Foothill Boulevard and across the street from Beat 24X. Staff review included the applicant presenting the item to the Fruitvale Unity Council and Neighborhood Crime Prevention Councils (NCPCs) for both police beats. While these groups expressed general concern for area crime and nuisances, both related and unrelated to alcohol, neither group indicated concerns related to this site or proposal.

## **PROJECT DESCRIPTION**

The applicant proposes to remodel an existing one-story 5,878 square-foot building, which has been historically occupied by an automotive related use. The remodel consists of a contemporary styled façade improvement, a 204-square foot ground floor addition, a 2,038 square-foot second story addition and site improvements. The entire restaurant consists of 8,120 square-foot space with a 2,527-square foot dining room with approximately 30 tables and 100 chairs. The first story (street level) will be 6,082 square-foot and will contain the restaurant, kitchen, dining areas, restrooms and storage closets. The second floor will consist of an employee break room and administrative offices related to the restaurant.

In addition to the remodel listed above, the proposal also requests that the full-service restaurant "Zamorano Resterante" serve beer and wine. The applicant has requested for the hours of operation to be from Sunday-Thursday 8:00am-9:00pm and Friday-Saturday 8:00am-11:00pm. Off-street parking (12 spaces) would be provided at the front and rear parking areas of property.

## **PROPERTY DESCRIPTION**

The subject property is a 12,754-square foot interior parcel near the intersection of 40<sup>th</sup> Avenue and Foothill Boulevard. The site contains a one-story, 1970's era commercial building. The building is sited at the northwest corner of the property and contains surface parking lots to the rear and front with total capacity of ten parking spaces. The property is surrounded by a mixture of small-scale commercial businesses and single-family residences along Foothill Boulevard and medium-density residential uses toward the north east across 40<sup>th</sup> Avenue.

## **GENERAL PLAN ANALYSIS**

The premises are located in a Urban Residential area of the General Plan's Land Use & Transportation Element (LUTE). The intent of the area is: *"to create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise or high-rise residential structures in locations with good access to transportation and other services."* The 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 consistent with these intents contained in the Planning Code. Additional considerations are discussed in the Key Issues And Impacts section of this report.

**ZONING ANALYSIS**

The premises are located in a RU-5 Urban Residential 5 Zone. The intent of the RU Zones is: *"to create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise or high-rise residential structures in locations with good access to transportation and other services."* The intent of the RU-5 Zone is *"to create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise, and high rise residential structures and ground floor neighborhood businesses on the City's major corridors."* The proposal is consistent with this intent and with the following purpose of the zoning regulations:

*To advance Oakland's position as a regional center of commerce, industry, recreation, and culture (OMC Sec. 17.07.030(B))*

Enhancing a full-service restaurant by allowing liquor to be served with meals is consistent with these intents contained in the Planning Code. Additional considerations are discussed in the Key Issues And Impacts section of this report.

A Conditional Use Permit for the sale of alcoholic beverages at any full-service restaurant on a restricted street is required by Section 17.103.030 (this Section also defines San Pablo Avenue as one of the City's restricted street). Section 17.134.020 of the Planning Code states that a Conditional Use Permit involving alcohol is major and must be decided by the Planning Commission.

**ENVIRONMENTAL DETERMINATION**

The California Environmental Quality Act (CEQA) Guidelines categorically exempts specific types of projects from environmental review. Section 15301 of the State CEQA Guidelines exempts project involving *operation of existing private...facilities*. The proposal to serve beer and wine at a full-service restaurant located in a commercial district meets this description: the project would constitute operation of an existing private facility. Separate and independent, the Project is also exempt per CEQA Guidelines Section 15183: Projects Consistent with a Community Plan,

The project is therefore exempt from Environmental Review.

**KEY ISSUES AND IMPACTS**Major Conditional Use Permit

Staff recommends approval of the Conditional Use Permit for alcohol sales on a restricted street. The major Conditional Use Permit for alcohol beverage sales on a restricted street is intended to ensure that a restaurant located on a corridor historically deemed to be high in crime not be operated as a bar and result in nuisances associated with such establishments. However, the project site is not in an over-concentrated area in terms of reported crime in the Police Beat as defined by the Planning Code. Further, conditions of approval, a sample menu, and floor plans submitted to the City ensure that the establishment will be operated as a primarily a full-service restaurant, not as a bar, and with adequate oversight. When the project is viewed in its entirety, the sale of alcoholic beverage is only a small portion of the project and with conditions of approval.

The proposal was presented to the Fruitvale Unity Council which included members of the Oakland Police Department and the following items were discussed and resolved:

Hours of Operation:

Proposal would close at 10:00pm and the applicant voluntarily agreed to incorporate sound reduction measures into the building design.

Alcohol License:

Type 41 "Beer and Wine" only.

Security Measures:

Oakland Police Department suggested and the applicant voluntarily agreed to place security cameras at the front and rear of the building. Lighting was not an issue of concern as that block is well lit and there had only been one reported crime in the previous 12 months.

Food Smell:

Applicant voluntarily agreed to provide additional filtering of exhaust through the hood above the required measure per the California Health and Safety Code.

Regular Design Review

Staff supports the proposed façade improvements to the subject Art Deco styled commercial building. The façade improvements will complement the historic Art Deco details at the second floor and open long shuttered street level storefront windows that will activate the streetscape along International Boulevard and 34<sup>th</sup> Avenue. The facade improvements have also been designed to be compatible with the existing architecture in the Fruitvale Commercial Historic District by using similar façade articulations, incorporating exterior materials with vertical accents, smooth stucco features, and two-inch recesses between windows and the surface of the building.

**RECOMMENDATIONS:**

- For approvals:
1. Affirm staff's environmental determination.
  2. Approve the Major Conditional Use Permit for Alcohol Beverage Sales on a restricted street and Minor Conditional Use Permit to allow a restaurant over 5,000-square feet subject to the attached findings and conditions.

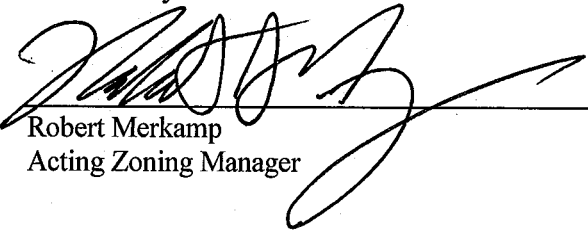
Prepared by:



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Jose M. Herrera-Preza  
Planner II

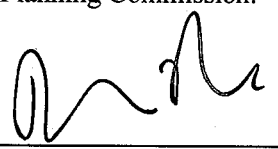
Reviewed by:



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Robert Merkamp  
Acting Zoning Manager

Approved for forwarding to the  
City Planning Commission:



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Darin Ranelletti, Deputy Director  
Bureau of Planning

**ATTACHMENTS:**

- A. Project Plans & Photographs
- B. Fruitvale Unity Council Meeting Minutes
- C. Menu and Statement of Purpose

**FINDINGS FOR APPROVAL**

This proposal meets the required findings under Conditional Use Permit Procedure/General Use Permit Criteria (OMC Sec. 17.134.050) and Special Regulations Applying To Certain Establishments Selling Alcoholic Beverages (OMC Sec. 17.102.210(A)) under the 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 in normal type.

**CONDITIONAL USE PERMIT PROCEDURE/GENERAL USE PERMIT CRITERIA (OMC SEC. 17.134.050)**

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

The proposal involves the granting of a Major Conditional Use Permit for the sale of alcoholic beverages at a full-service restaurant located on Foothill Blvd., which is a restricted street for the sale of alcohol. The proposed restaurant will have hours of operation from 8:00am to 10:00pm Sunday – Monday with the sale of alcoholic beverages beginning no earlier than 11:00am.

The premises is located in a RU-5 Urban Residential 5 Zone. The intent of the RU Zones is: *"to create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise or high-rise residential structures in locations with good access to transportation and other services"* The intent of the RU-5 Zone is: *"to create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise, and high rise residential structures and ground floor neighborhood businesses on the City's major corridors"* The sale of beer and wine at a full service restaurant is consistent with this intended neighborhood ground floor character.

Conditions of approval to reduce the potential for nuisances such as noise, loitering, and littering are incorporated into this report. Conditions will also ensure the restaurant operates a kitchen at all times and only sells alcoholic beverages for onsite consumption with food.

**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 involves the addition of beer and wine to the menu of an existing full-service restaurant that has successfully operated in an area of East Oakland that is rapidly expanding in the number of restaurants. The "Zamorano Resteraunte" specializes in Latin cuisine where the addition of beer and wine will complement the menu and offer the residents and businesses in the neighborhood an attractive food option.

**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 restaurant employs twelve full time local employees and hopes to add additional staff in the future. The restaurant is in an area of the City that is need of successful food service options for nearby business and residents that have traditionally been required to drive to other cities to enjoy similar food service options.

**D. That the proposal conforms to all applicable design review criteria set forth in the design review procedure at Section 17.136.050.**

The proposal meets all design review criteria.

- 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.**

As discussed in the Report, and hereby incorporated by reference, the proposal conforms to the area's intent and strategy and to the Goal and Policies of the LUTE.

**SPECIAL REGULATIONS APPLYING TO CERTAIN ESTABLISHMENTS SELLING ALCOHOLIC BEVERAGES (OMC SEC. 17.102.210(A))**

- 1. That the proposal will not contribute to undue proliferation of such uses in an area where additional ones would be undesirable, with consideration to be given to the area's function and character, problems of crime and loitering, and traffic problems and capacity;**

The proposal is to allow a new full-service restaurant in an existing building to serve beer and wine. The new establishment will have hours of operation from 8:00am to 10:00pm with sale of alcoholic beverages beginning no earlier than 11:00am. Conditions of approval will ensure nuisances such as noise, loitering, and littering is avoided. Conditions will also ensure the restaurant operates a kitchen at all times and only sell alcoholic beverages for onsite consumption with food and submits to a six-month compliance review. Therefore, conditions of approval will ensure that the establishment is a well-run full service restaurant only. Enhancing a full-service restaurant by allowing liquor to be served with meals is consistent with the Planning Code.

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

The site is not adjacent to or nearby civic uses.

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

The proposal consists of serving beer and wine in an existing commercial building and will not interfere with the flow of pedestrians along the public right-of-way.

- 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 proposal will extensively remodel an existing building from an automotive to a food sales use, with an aesthetic consistent with other buildings in the District.

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

The proposal does not involve signage. All on-site parking areas will be well lit and monitored and the one large wall facing Foothill will be covered by landscape or a mural. Conditions of approval will ensure no alcoholic beverage signage is displayed.



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

The proposal is for a full-service restaurant where patrons will dine on site; as conditioned, restaurant staff will clean any litter in the public right-of-way fronting the establishment 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 ten (10) p.m. and seven (7) 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 premises is along a major commercial corridor. The property does not abut residences located on Market Street and the hours of operation are 8:00am to 10:00pm.

**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).**

The proposal does not involve a fast-food restaurant.

**NONRESIDENTIAL DESIGN REVIEW CRITERIA (OMC 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 building will create new ground floor window glazing with a focus on the Foothill Boulevard frontage. Specifically, large first floor windows, facing Foothill Blvd., will remain open and be designed in a manner that will contribute to a very pedestrian-friendly street frontage, with views into the restaurant. The second-story which will serve as the administrative office activities space, will be setback 20' feet from the front facade. The façade improvements will revitalize an underutilized blighted building and incorporate site improvements to the surface parking lot, which will incorporate permanent landscaping and fencing. Façade improvements will incorporate successful storefront glazing elements and integrate architectural features found in the commercial neighborhood. The resulting ground level design will complement the pedestrian streetscape on Foothill commercial district.

**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 proposed façade improvement to the existing building is designed with the intent to both enhance the change of use of the existing building through opening the front façade and eliminating existing loading berths and complement and enhance the Fruitvale Commercial District. The façade improvements will create new storefront glazing with at least 70% transparency and 12-foot ceiling height and roof parapets along the street-facing elevations, which will harmonize with existing continuous storefronts. The second-story will have matching exterior details but setback from the front elevation to separate the two volumes and maintain a one-story perspective from the street.

**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.**

The subject site is located within the Urban Residential General Plan Land Use classification which is intended *"to create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise, and high rise residential structures and ground floor neighborhood businesses on the City's major corridors."* The proposed full-service restaurant within a commercial building fits with the desired character and related uses typically found in neighborhood commercial districts specific to the Fruitvale Commercial District. Therefore, the project conforms to the General Plan and applicable Design Review criteria.

**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.

**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, and the approved plans **November 29, 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 years** from the Approval date, or from the date of the final decision in the event of an appeal, unless within such period all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this Approval, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit or other construction-related permit for this project may invalidate this Approval if said Approval has also expired. If litigation is filed challenging this Approval, or its implementation, then the time period stated above for obtaining necessary permits for construction or alteration and/or commencement of authorized activities is automatically extended for the duration of the litigation.

**3. Compliance with Other Requirements**

The project applicant shall comply with all other applicable federal, state, regional, and local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Bureau of Building, Fire Marshal, and Public Works Department. Compliance with other applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition #4.

**4. Minor and Major Changes**

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

**5. Compliance with Conditions of Approval**

- a. The project applicant and property owner, including successors, (collectively referred to hereafter as the "project applicant" or "applicant") shall be responsible for compliance

with all the Conditions of Approval and any recommendations contained in any submitted and approved technical report at his/her sole cost and expense, subject to review and approval by the City of Oakland.

- b. The City of Oakland reserves the right at any time during construction to require certification by a licensed professional at the project applicant's expense that the as-built project conforms to all applicable requirements, including but not limited to, approved maximum heights and minimum setbacks. Failure to construct the project in accordance with the Approval may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension, or other corrective action.
- c. Violation of any term, Condition, or project description relating to the Approval is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approval or alter these Conditions if it is found that there is violation of any of the Conditions or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions. The project applicant shall be responsible for paying fees in accordance with the City's Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Approval or Conditions.

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

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

**7. Blight/Nuisances**

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

**8. Indemnification**

- a. To the maximum extent permitted by law, the project applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Redevelopment Successor Agency, the Oakland City Planning Commission, and their respective agents, officers, employees, and volunteers (hereafter collectively called "City") from any liability, damages, claim, judgment, loss (direct or indirect), action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul this Approval or implementation of this Approval. The City may elect, in its sole discretion, to participate in the defense of said Action and the project applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.
- b. Within ten (10) calendar days of the filing of any Action as specified in subsection (a) above, the project applicant shall execute a Joint Defense Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above

obligations. These obligations and the Joint Defense Letter of Agreement shall survive termination, extinguishment, or invalidation of the Approval. Failure to timely execute the Letter of Agreement does not relieve the project applicant of any of the obligations contained in this Condition or other requirements or Conditions of Approval that may be imposed by the City.

**9. Severability**

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

**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.
- b. 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

### **13. Lighting**

Requirement: Proposed new exterior lighting fixtures shall be adequately shielded to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties.

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

### **14. Construction-Related Air Pollution Controls (Dust and Equipment Emissions)**

Requirement: The project applicant shall implement all of the following applicable air pollution control measures during construction of the project:

- a. Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever feasible.
- b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d. Pave all roadways, driveways, sidewalks, etc. within one month of site grading or as soon as feasible. In addition, building pads should be laid within one month of grading or as soon as feasible unless seeding or soil binders are used.
- e. Enclose, cover, water twice daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
- f. Limit vehicle speeds on unpaved roads to 15 miles per hour.
- g. Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure

Title 13, Section 2485, of the California Code of Regulations). Clear signage to this effect shall be provided for construction workers at all access points.

- h. Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations").
- i. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- j. Portable equipment shall be powered by electricity if available. If electricity is not available, propane or natural gas shall be used if feasible. Diesel engines shall only be used if electricity is not available and it is not feasible to use propane or natural gas.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**15. Asbestos in Structures**

Requirement: The project applicant shall comply with all applicable laws and regulations regarding demolition and renovation of Asbestos Containing Materials (ACM), including but not limited to California Code of Regulations, Title 8; California Business and Professions Code, Division 3; California Health and Safety Code sections 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended. Evidence of compliance shall be submitted to the City upon request.

When Required: Prior to approval of construction-related permit

Initial Approval: Applicable regulatory agency with jurisdiction

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

**16. Archaeological and Paleontological Resources – Discovery During Construction**

Requirement: Pursuant to CEQA Guidelines section 15064.5(f), in the event that any historic or prehistoric subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant shall notify the City and consult with a qualified archaeologist or paleontologist, as applicable, to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City. Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the project site while measures for the cultural resources are implemented.

In the event of data recovery of archaeological resources, the project applicant shall submit an Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist for review and approval by the City. The ARDTP is required to identify how the

proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practicable. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource, if feasible, preparation and implementation of the ARDTP would reduce the potential adverse impact to less than significant. The project applicant shall implement the ARDTP at his/her expense.

In the event of excavation of paleontological resources, the project applicant shall submit an excavation plan prepared by a qualified paleontologist to the City for review and approval. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by a qualified paleontologist, as appropriate, according to current professional standards and at the expense of the project applicant.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**17. Human Remains – Discovery During Construction**

Requirement: Pursuant to CEQA Guidelines section 15064.5(e)(1), in the event that human skeletal remains are uncovered at the project site during construction activities, all work shall immediately halt and the project applicant shall notify the City and the Alameda County Coroner. If the County Coroner determines that an investigation of the cause of death is required or that the remains are Native American, all work shall cease within 50 feet of the remains until appropriate arrangements are made. In the event that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of section 7050.5 of the California Health and Safety Code. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance, and avoidance measures (if applicable) shall be completed expeditiously and at the expense of the project applicant.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**18. Construction-Related Permit(s)**

Requirement: The project applicant shall obtain all required construction-related permits/approvals from the City. The project shall comply with all standards, requirements and conditions contained in construction-related codes, including but not limited to the Oakland Building Code and the Oakland Grading Regulations, to ensure structural integrity and safe construction.

When Required: Prior to approval of construction-related permit



Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

**19. Hazardous Materials Related to Construction**

Requirement: The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential negative effects on groundwater, soils, and human health. These shall include, at a minimum, the following:

- a. Follow manufacture's recommendations for use, storage, and disposal of chemical products used in construction;
- b. Avoid overtopping construction equipment fuel gas tanks;
- c. During routine maintenance of construction equipment, properly contain and remove grease and oils;
- d. Properly dispose of discarded containers of fuels and other chemicals;
- e. Implement lead-safe work practices and comply with all local, regional, state, and federal requirements concerning lead (for more information refer to the Alameda County Lead Poisoning Prevention Program); and
- f. If soil, groundwater, or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the project applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notifying the City and applicable regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**20. Erosion and Sedimentation Control Measures for Construction**

Requirement: The project applicant shall implement Best Management Practices (BMPs) to reduce erosion, sedimentation, and water quality impacts during construction to the maximum extent practicable. At a minimum, the project applicant shall provide filter materials deemed acceptable to the City at nearby catch basins to prevent any debris and dirt from flowing into the City's storm drain system and creeks.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**21. Site Design Measures to Reduce Stormwater Runoff**

Requirement: Pursuant to Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), the project applicant

is encouraged to incorporate appropriate site design measures into the project to reduce the amount of stormwater runoff. These measures may include, but are not limited to, the following:

- a. Minimize impervious surfaces, especially directly connected impervious surfaces and surface parking areas;
- b. Utilize permeable paving in place of impervious paving where appropriate;
- c. Cluster structures;
- d. Direct roof runoff to vegetated areas;
- e. Preserve quality open space; and
- f. Establish vegetated buffer areas.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

## **22. Source Control Measures to Limit Stormwater Pollution**

Requirement: Pursuant to Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), the project applicant is encouraged to incorporate appropriate source control measures to limit pollution in stormwater runoff. These measures may include, but are not limited to, the following:

- a. Stencil storm drain inlets "No Dumping – Drains to Bay;"
- b. Minimize the use of pesticides and fertilizers;
- c. Cover outdoor material storage areas, loading docks, repair/maintenance bays and fueling areas;
- d. Cover trash, food waste, and compactor enclosures; and
- e. Plumb the following discharges to the sanitary sewer system, subject to City approval:
- f. Discharges from indoor floor mats, equipment, hood filter, wash racks, and, covered outdoor wash racks for restaurants;
- g. Dumpster drips from covered trash, food waste, and compactor enclosures;
- h. Discharges from outdoor covered wash areas for vehicles, equipment, and accessories;
- i. Swimming pool water, if discharge to on-site vegetated areas is not feasible; and
- j. Fire sprinkler test water, if discharge to on-site vegetated areas is not feasible.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

## **23. Construction Days/Hours**

Requirement: The project applicant shall comply with the following restrictions concerning construction days and hours:

- a. Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pier drilling and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m.

- b. Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and windows closed. No pier drilling or other extreme noise generating activities greater than 90 dBA are allowed on Saturday.
- c. No construction is allowed on Sunday or federal holidays.

Construction activities include, but are not limited to, truck idling, moving equipment (including trucks, elevators, etc.) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.

Any construction activity proposed outside of the above days and hours for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis by the City, with criteria including the urgency/emergency nature of the work, the proximity of residential or other sensitive uses, and a consideration of nearby residents'/occupants' preferences. The project applicant shall notify property owners and occupants located within 300 feet at least 14 calendar days prior to construction activity proposed outside of the above days/hours. When submitting a request to the City to allow construction activity outside of the above days/hours, the project applicant shall submit information concerning the type and duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notice.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

## 24. Construction Noise

Requirement: The project applicant shall implement noise reduction measures to reduce noise impacts due to construction. Noise reduction measures include, but are not limited to, the following:

- a. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever feasible.
- b. Except as provided herein, impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.
- c. Applicant shall use temporary power poles instead of generators where feasible.
- d. Stationary noise sources shall be located as far from adjacent properties as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction.

- e. The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

## 25. **Extreme Construction Noise**

### ***a. Construction Noise Management Plan Required***

Requirement: Prior to any extreme noise generating construction activities (e.g., pier drilling, pile driving and other activities generating greater than 90dBA), the project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction impacts associated with extreme noise generating activities. The project applicant shall implement the approved Plan during construction. Potential attenuation measures include, but are not limited to, the following:

- i. Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;
- ii. Implement “quiet” pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;
- iii. Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;
- iv. Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and
- v. Monitor the effectiveness of noise attenuation measures by taking noise measurements.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

### ***b. Public Notification Required***

Requirement: The project applicant shall notify property owners and occupants located within 300 feet of the construction activities at least 14 calendar days prior to commencing extreme noise generating activities. Prior to providing the notice, the project applicant shall submit to the City for review and approval the proposed type and duration of extreme noise generating activities and the proposed public notice. The public notice shall provide the estimated start and end dates of the extreme noise generating activities and describe noise attenuation measures to be implemented.

When Required: During construction

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

**26. Operational Noise**

Requirement: Noise levels from the project site after completion of the project (i.e., during project operation) shall comply with the performance standards of chapter 17.120 of the Oakland Planning Code and chapter 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the City.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**27. Construction Activity in the Public Right-of-Way****a. Obstruction Permit Required**

Requirement: The project applicant shall obtain an obstruction permit from the City prior to placing any temporary construction-related obstruction in the public right-of-way, including City streets and sidewalks.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

**b. Traffic Control Plan Required**

Requirement: In the event of obstructions to vehicle or bicycle travel lanes, the project applicant shall submit a Traffic Control Plan to the City for review and approval prior to obtaining an obstruction permit. The project applicant shall submit evidence of City approval of the Traffic Control Plan with the application for an obstruction permit. The Traffic Control Plan shall contain a set of comprehensive traffic control measures for auto, transit, bicycle, and pedestrian detours, including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The project applicant shall implement the approved Plan during construction.

When Required: Prior to approval of construction-related permit

Initial Approval: Public Works Department, Transportation Services Division

Monitoring/Inspection: Bureau of Building

**c. Repair of City Streets**

Requirement: The project applicant shall repair any damage to the public right-of way, including streets and sidewalks caused by project construction at his/her expense within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to approval of the final inspection of the construction-related permit. All damage that is a threat to public health or safety shall be repaired immediately.

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**28. Construction and Demolition Waste Reduction and Recycling**

Requirement: The project applicant shall comply with the City of Oakland Construction and Demolition Waste Reduction and Recycling Ordinance (chapter 15.34 of the Oakland

Municipal Code) by submitting a Construction and Demolition Waste Reduction and Recycling Plan (WRRP) for City review and approval, and shall implement the approved WRRP. Projects subject to these requirements include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R-3 type construction), and all demolition (including soft demolition) except demolition of type R-3 construction. The WRRP must specify the methods by which the project will divert construction and demolition debris waste from landfill disposal in accordance with current City requirements. The WRRP may be submitted electronically at [www.greenhalosystems.com](http://www.greenhalosystems.com) or manually at the City's Green Building Resource Center. Current standards, FAQs, and forms are available on the City's website and in the Green Building Resource Center.

When Required: Prior to approval of construction-related permit

Initial Approval: Public Works Department, Environmental Services Division

Monitoring/Inspection: Public Works Department, Environmental Services Division

## **29. Underground Utilities**

Requirement: The project applicant shall place underground all new utilities serving the project and under the control of the project applicant and the City, including all new gas, electric, cable, and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits, and similar facilities. The new facilities shall be placed underground along the project's street frontage and from the project structures to the point of service. Utilities under the control of other agencies, such as PG&E, shall be placed underground if feasible. All utilities shall be installed in accordance with standard specifications of the serving utilities.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

## **SPECIFIC CONDITIONS RELATED TO ALCOHOL BEVERAGE SALES**

### **30. Alcoholic Beverage Sales**

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

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

A type 41 license shall be obtained from the ABC. The license must be obtained from existing stock within the City limits to the extent practicable pursuant to City Council Resolution No. 75490 (2000). This use shall conform to all provisions of the State ABC license. The state license and state conditions shall be posted along with these Conditional Use Permit conditions in a place visible to the public. This use shall also conform to all State Retail Operating Standards, Section 25612.5 of the Business and Professions Code and local Performance Standards, Section 15210, where applicable including any future changes in the above regulations. The intent of these standards is to reduce nuisance, litter, loitering, and crime associated with alcohol outlets. The City Conditions of Approval shall be forwarded to the Department of Alcoholic Beverage Control.

**b. ABAT Registration**

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

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

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

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

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

**e. Neighborhood outreach**

The business operator shall be accessible to neighbors wishing to register complaints against the business and shall work to eliminate any nuisances related to the business as reported by neighbors. The establishment shall display signage inside the building and next to the exit discouraging the patrons from generating nuisances outdoors both fronting the building and within the neighborhood. The establishment shall display signage at the front entrance and behind the bar offering contact numbers for both the establishment and the City (CEDA Code Compliance at (510)238-3381 and OPD non-emergency at (510)777-3333 for the purpose of reporting nuisances.

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

Alcohol sale is on-sale, for on-site consumption only.

**g. Hours of Alcohol Sale**

Hours of alcohol sales are limited to the following: Sunday through Monday 11:00am to 9:45pm. No alcoholic beverages shall be sold within fifteen minutes prior to closing time.

**h. Staff training program**

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

**i. Cabarets**

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

**31. Facility Management****a. Signage****Ongoing**

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

**b. Advertising signage*****Ongoing***

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

**c. Pay Phones*****Ongoing***

No pay phones are permitted outside the building.

**d. Building Code Upgrades*****Prior to commencing approved activities***

The applicant shall obtain Building Permits and construct any building upgrades required to comply with the Building Code for occupancy requirements; it may be the case that no upgrades are required.

**e. Modifications*****Prior to submitting for a building permit & ongoing***

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

**f. Loitering*****Ongoing***

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

**g. Odor*****Ongoing***

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



**h. Graffiti*****Ongoing***

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

**i. Trash and litter*****Ongoing***

The licensees/property owners shall clear the gutter and sidewalks along San Pablo Avenue plus twenty feet beyond the property lines along this street of litter twice daily or as needed to control litter. In addition to the requirements of B&P Code Section 25612.5 (sweep or mechanically clean weekly), the licensee shall clean the sidewalk with steam or equivalent measures once per month. The business shall utilize a recycling program.

**j. Noise*****Ongoing***

The City Noise Ordinance (OMC Sec. 8.18.010) and Performance Standards (OMC Sec. 17.20.050)

shall be observed for noise emanating from within the establishment from any source of recorded music and from patrons as well as from outdoor noise from patrons.

**k. Smoking*****Ongoing***

The City Smoking Ordinance shall apply (OMC Sec. 8.30). Smoking shall only be located in the front of the building on the public sidewalk 25-feet to the north (left) of the doorway only due to the proximity of neighbors on-site to the rear and right of the building and State law. Ashtrays shall be provided adjacent to the entrance to prevent littering of cigarette butts. The establishment shall provide signage inside the building and next to the exit to direct patrons to the proper location for smoking. No smoking shall be permitted in the rear yard area.

**l. Taxi call program*****Ongoing***

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

**32. Compliance hearings**

Six months after the Certificate of Occupancy has been issued (or temporary Certificate of Occupancy if one is issued) for the expanded floor area, the applicant shall meet with the Zoning staff to review any complaints or other known issues that have arisen during the first 6 months of operation under this permit. If Zoning or Code Compliance staff are aware of complaints that would indicate significant non-compliance with any Conditions of Approval, the applicant shall submit for, and pay all appropriate fees consistent with the Master Fee Schedule, and such review will be concluded in the process provided for under Oakland

Planning Code, which may include referral to the Planning Commission. The same process shall be repeated at 12 months and at 18 months after the Certificate of Occupancy is issued.

**Applicant Statement**

I have read and accept responsibility for the Conditions of Approval. I agree to abide by and conform to the Conditions of Approval, as well as to all provisions of the Oakland Planning Code and Oakland Municipal Code pertaining to the project.

---

Name of Project Applicant

---

Signature of Project Applicant

---

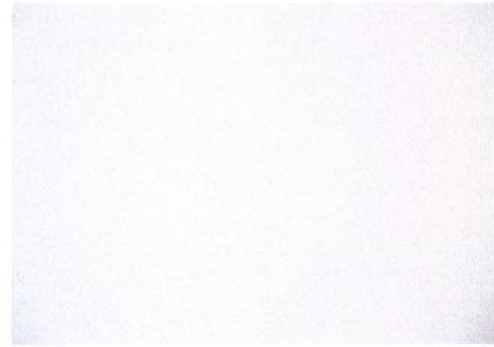
Date



RED CEDAR WOOD SLAT



SMOOTH STUCCO FINISH



BLACK METAL SIGNAGE WITH BACKLIGHT



DARK GREY STEEL WINDOW FRAME



SMOOTH STUCCO FINISH





# ZAMORANO RESTAURANT

FACILITY IMPROVEMENTS  
4010 FOOTHILL BLVD  
OAKLAND, CA 94601



Attachment A

bunton | mousavi

architecture  
planning  
interiors

351 9th Street, Suite #300  
CA, 94103  
[T] 415.314.7386  
[T] 510.612.7758  
www.BuntonMousavi.com



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NO.	REMARKS	DATE

KEY

ZAMORANO  
RESTAURANT  
FACILITY  
IMPROVEMENTS

PLANNING DEPARTMENT  
SUBMITTAL

4010 FOOTHILL BLVD  
OAKLAND, CA 94601

COVER SHEET

Date: 2/15/2018  
Scale:      Drawing Number: A0.0  
Project Number: 17916



4010 FOOTHILL BLVD  
OAKLAND, CA 94601

architecture  
planning  
interiors

351 9th Street, Suite #300  
CA, 94103  
[T] 415.314.7386  
[T] 510.612.7758  
[www.BuntorMousavi.com](http://www.BuntorMousavi.com)

SOUTH FACADE (FROM POTHILL BLVD)

KEY

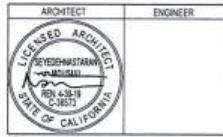
ZAMORANO  
RESTAURANT  
FACILITY  
IMPROVEMENTS

PLANNING DEPARTMENT  
SUBMITTAL

4010 FOOTHILL BLVD  
OAKLAND, CA 94601

PROJECT INFORMATION

Date	Growing Number
2nd/2018	A0.1
Scale	
As indicated	
Project Number	
17010	



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NO.	REMARKS	DATE

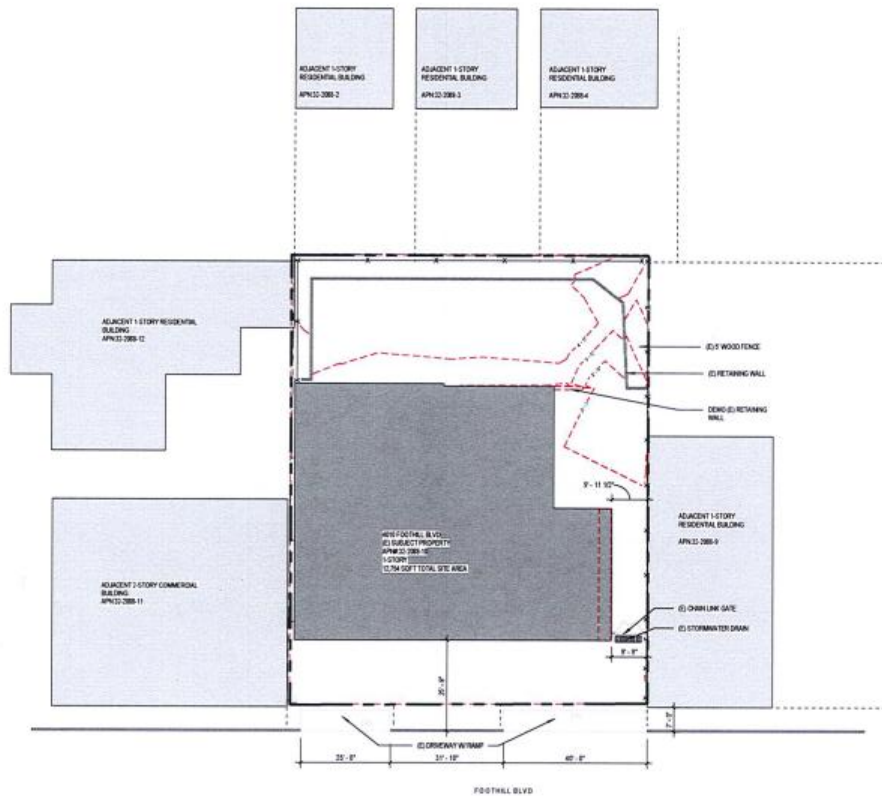
KEY  
ZAMORANO  
RESTAURANT  
FACILITY  
IMPROVEMENTS

PLANNING DEPARTMENT  
SUBMITTAL

4010 FOOTHILL BLVD  
OAKLAND, CA 94601

EXISTING SITE PLAN

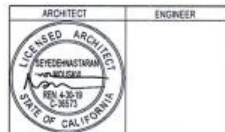
Date: 2/15/2018  
Scale: As indicated  
Project Number: 17070  
Drawing Number: A0.3



SITE PLAN - EXISTING 1  
1/16" = 1'-0"

LEGEND	
	PROPERTY LINE
	EXISTING FENCE
	REMOVED
	ADDITION
	EXISTING ELEMENTS TO REMAIN
	EXISTING ELEMENTS TO BE DEMOLISHED





- GENERAL NOTES
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NO.	REMARKS	DATE
1	STORMWATER TREATMENT MEASURES	SEPTEMBER
2	EXTERIOR LIGHTING	SEPTEMBER

KEY

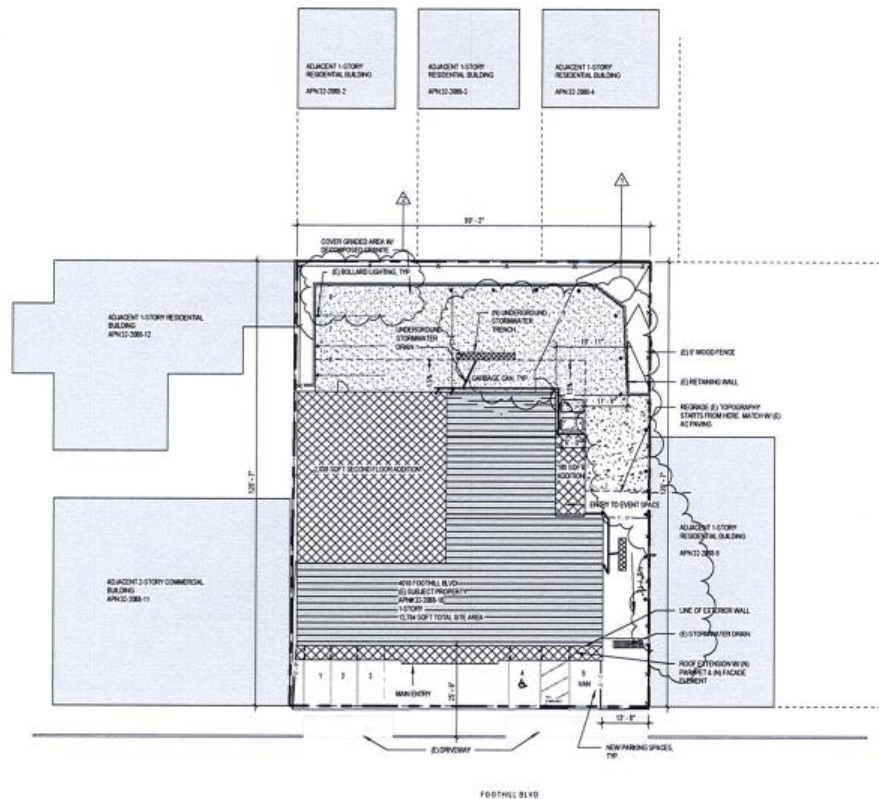
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RESTAURANT  
FACILITY  
IMPROVEMENTS

PLANNING DEPARTMENT  
SUBMITTAL

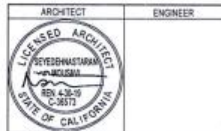
4010 FOOTHILL BLVD  
OAKLAND, CA 94601

PROPOSED SITE PLAN

LEGEND	
	PROPERTY LINE
	EXISTING FENCE
	REMODEL
	ADDITION
	EXISTING ELEMENTS TO REMAIN
	EXISTING ELEMENTS TO BE DEMOLISHED



PROPOSED SITE PLAN 1  
1/16" = 1'-0"



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NO.	REMARKS	DATE
1	PARKING STRIPING PLAN	07/10/2018

**KEY**

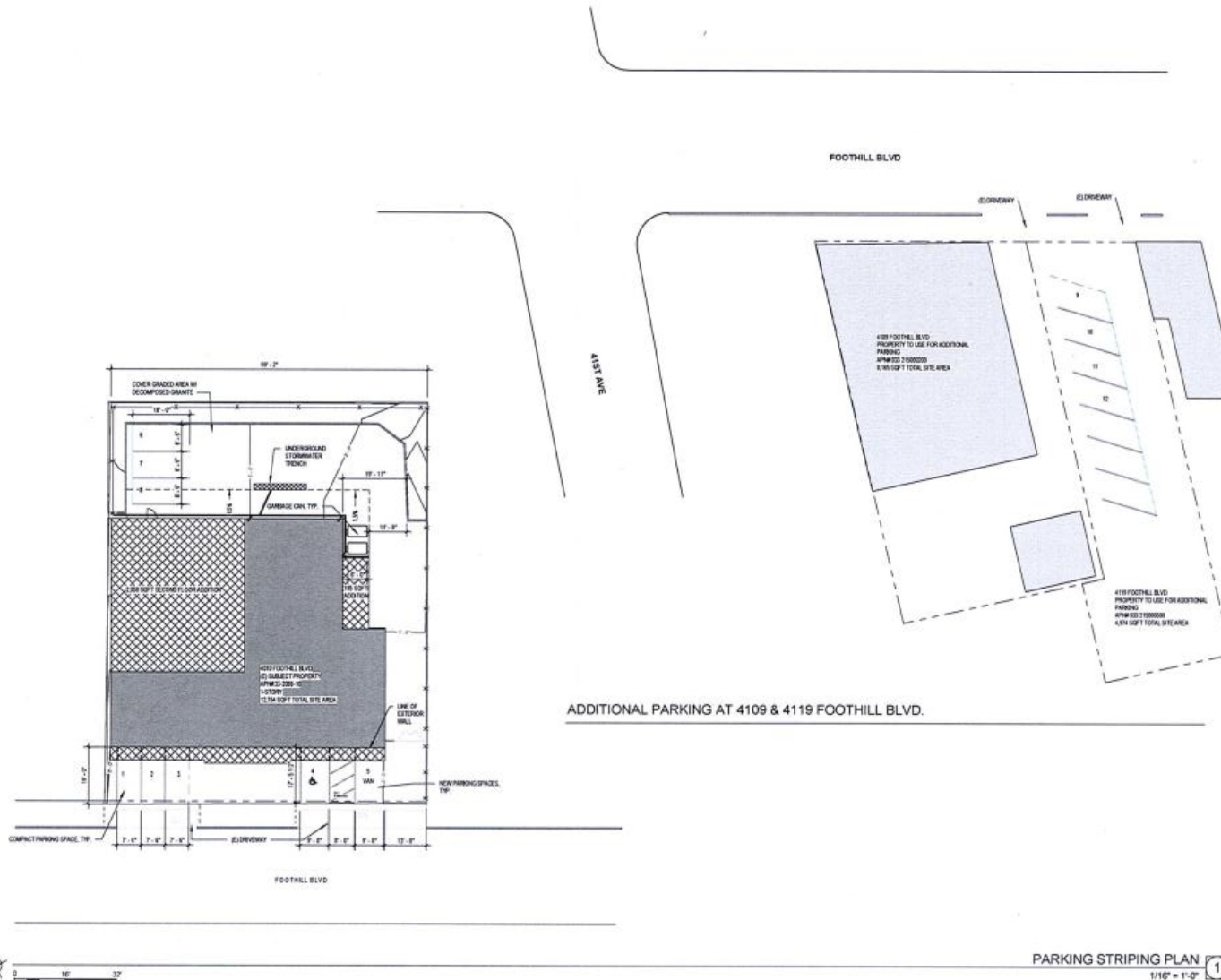
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RESTAURANT  
FACILITY  
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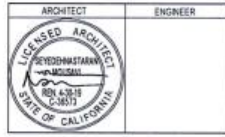
4010 FOOTHILL BLVD  
OAKLAND, CA 94601

**PARKING STRIPING  
PLAN**

Date: 2/15/2018  
Scale: 1/16" = 1'-0"  
Project Number: 17010  
Drawing Number: **A0.6**







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GROUND FLOOR PLAN -  
DEMOLITION/EXISTING

LEGEND

	NEW WALL
	EXISTING WALL TO REMAIN
	DEMOLISHED WALL
	CUSTOMER DINING AREA

GROUND FLOOR PLAN - EXISTING/DEMOLITION

1/4" = 1'-0"

1

Date: 3/15/2018  
Scale: As indicated  
Project Number: 17010  
Drawing Number: A1.0





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GROUND FLOOR PLAN -  
PROPOSED

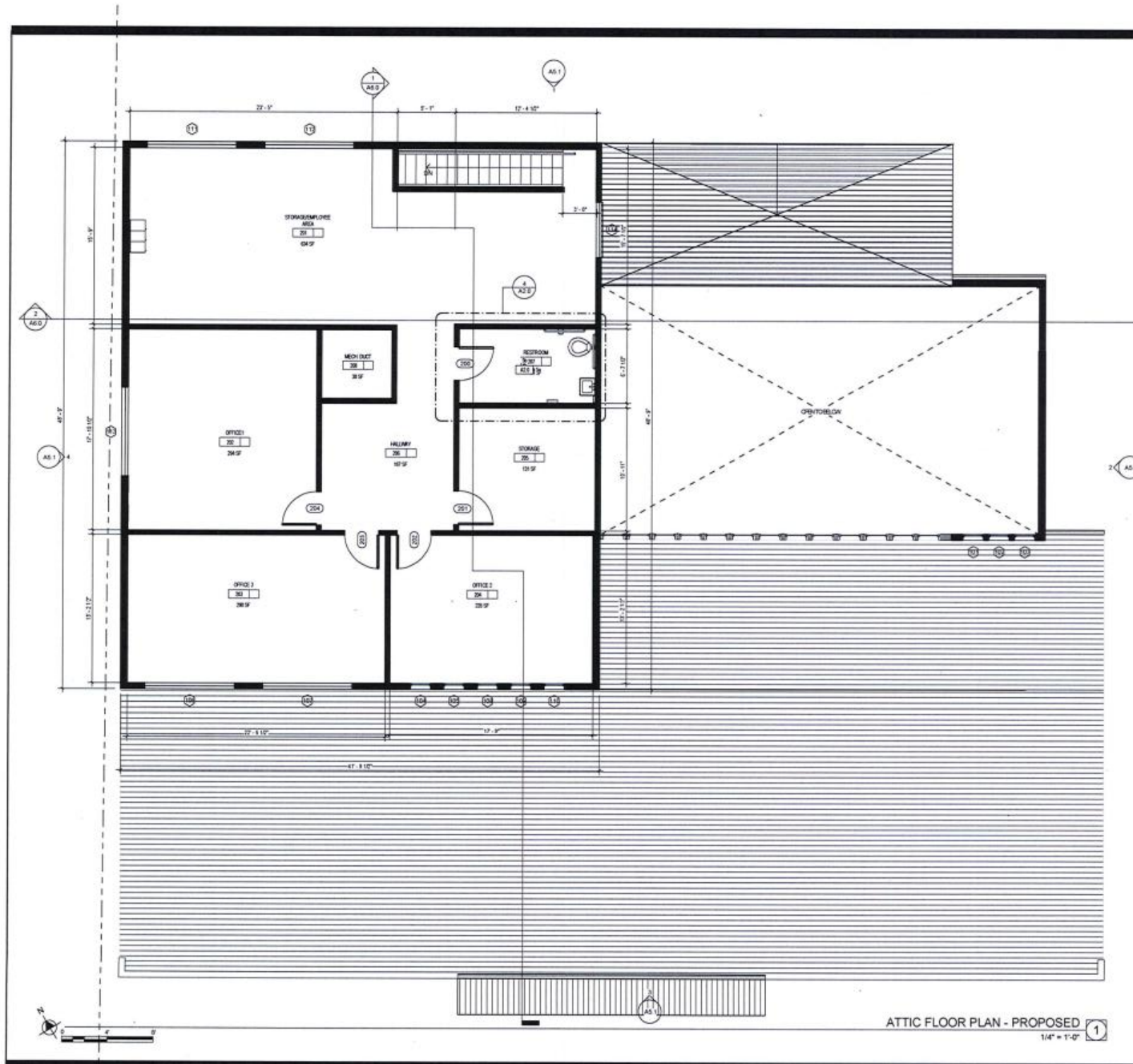
LEGEND

- NEW WALL
- EXISTING WALL TO REMAIN
- DEMOLISHED WALL
- CUSTOMER SERVING AREA

GROUND FLOOR PLAN - PROPOSED  
1/4" = 1'-0"

Date: 3/15/2018  
Scale: As indicated  
Project Number: 17018  
Drawing Number: A1.1





LEGEND	
	WALL
	ELECTRICAL PANEL TO REMAIN
	DEMOLISHED WALL
	CUSTOMER SERVING AREA

ATTIC FLOOR PLAN - PROPOSED 1  
1/4" = 1'-0"

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**ATTIC FLOOR PLAN -  
PROPOSED**

Date: 2/15/2016  
Scale: As indicated  
Project Number: 17010  
Drawing Number: **A1.2**

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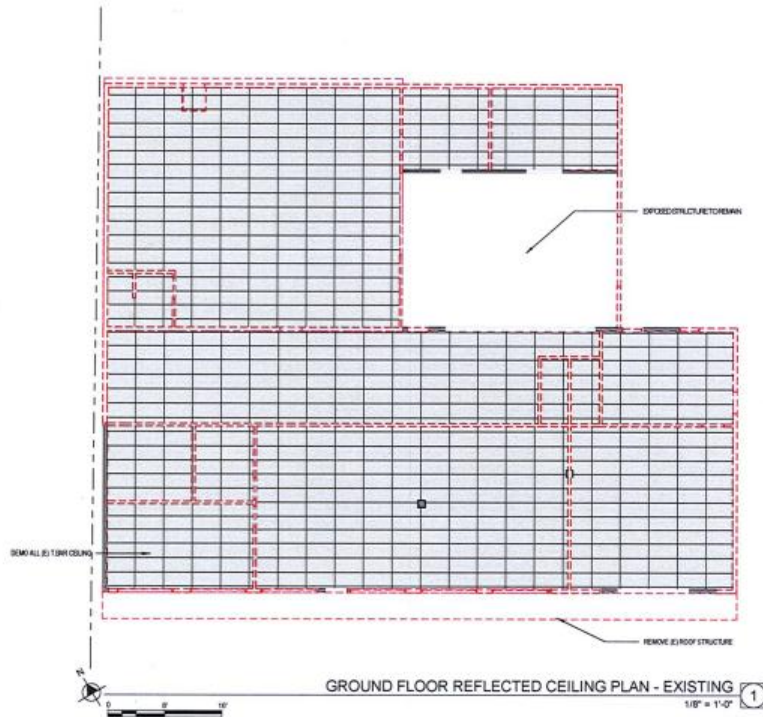
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REFLECTED CEILING  
PLAN - EXISTING

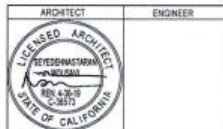
RCP LEGEND

- EXISTING 2'x4' SUSPENDED ACoustICAL CEILING PANEL, TO BE DEMOLISHED
- NEW PAINTED GYPSON HALLOWAY CEILING, SEE FINISH SCHEDULE
- RECESSED CDM SHIMMER FICTURE, COLOR TO MATCH CEILING
- BEAM/DEEP MOUNTED PENDANT LIGHT FEATURE
- CEILING LINEAR LIGHT BOX 4'x1'



Date  
2/15/2018  
Scale  
As indicated  
Project Number  
17210

Drawing Number  
**A3.0**



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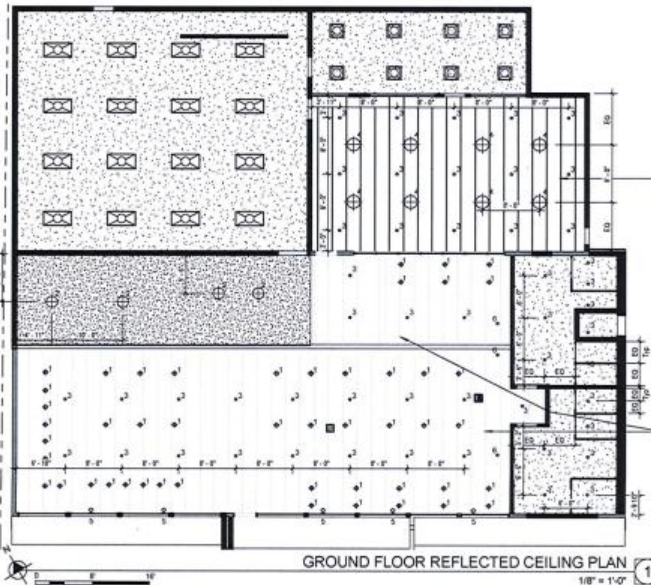
REFLECTED CEILING  
PLANS - PROPOSED

GENERAL NOTES

- SEE SHEET A710 FOR FINISH SCHEDULE.
- MECHANICAL, ELECTRICAL AND PLUMBING TO BE DESCRIBED BY CONTRACTOR.
- SUSPENDED CEILING GRID SYSTEM SHALL BE COORDINATED WITHIN EACH ROOM FLOOR.
- CEILING SYSTEM SHALL BE COORDINATED WITH THE LEVITON & ELECTRICAL FIXTURES.
- EXISTING JOIST TO REMAIN NATURAL WOOD. PROTECT WHILE OTHER BUILDING ELEMENTS ARE BEING FINISHED.
- SEE SECTIONS AND ELEVATIONS FOR CEILING AND LIGHTING HEIGHTS.

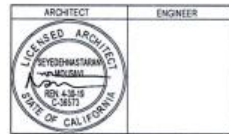
RCP LEGEND

- EXISTING 2"x4" SUSPENDED ACROSTICAL CEILING PANEL TO BE DEMOLISHED
- NEW FINISHED GYPSUM HALOGEN CEILING. SEE FINISH SCHEDULE.
- NEEDED CHY LIGHTING FEATURE. COLOR TO MATCH CEILING
- BEAM/JUST MOUNTED PENDANT LIGHT FEATURE
- CEILING LINEAR LIGHT BOX 4'x4'



ID	Description	Manufacturer	Model	Lamp	Color
1	Pendant above tables	Global Lighting	The Aspen 17A Pendant - 7010027/LED	11W GU-24, Twist Lock, A19	Snow/ Clear Turquoise
2	Large Pendant	Global Lighting	Black out large pendant - SE1012B/LED	3 x 11W GU-24	White
3	Surface mount	WAC Lighting	Tube	42W LED module, 2700K 90CRI	Black
4	Large Pendant	Tech Lighting	Karam Pendant	19 watt, A21 LED lamp	Black/Black
5	Wall Sconce	Hallmark Lighting	D601-367	10W GU-24	Black & Bronze
6	Wall washer	WAC Lighting	MO-495-BR	9W LED	Brushed Brass





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NO.	REMARKS	DATE
1	ROOF DRAINAGE	03/10/2018

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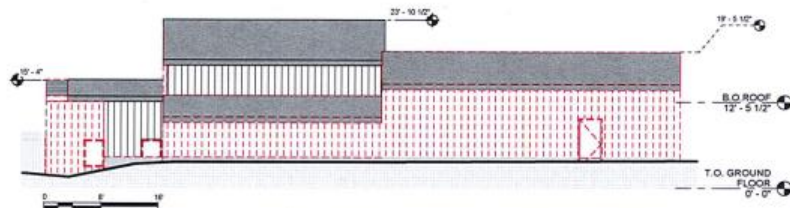
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**ROOF PLANS**

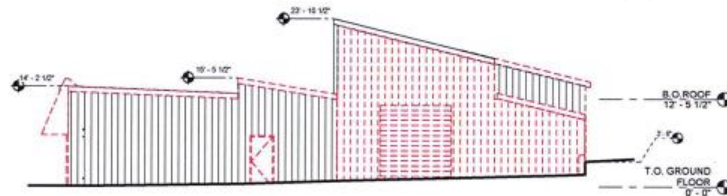
Date: 03/10/2018  
Scale: As indicated  
Project Number: 17010  
Drawing Number: **A4.0**

**GENERAL NOTES**

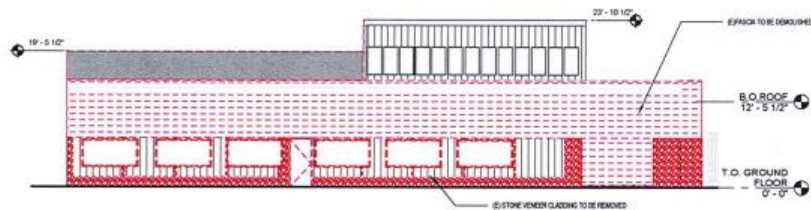
- ALL WORK SHOWN IS NEW UNLESS SPECIFICALLY NOTED OTHERWISE.
- NOTES AND SYMBOLS ARE TO APPLY AT ALL AREAS OF SIMILAR GRAPHIC REPRESENTATION. SUCH INDICATIONS MAY BE LIMITED TO PROMOTE CLARITY OR AVOID REDUNDANCY. NO LIMITATION OF APPLICATION SHALL BE CONSTRUED WITHOUT SPECIFIC NOTATION.
- ALL ROOF MATERIALS TO BE CLASS A RATED OR NON-COMBUSTIBLE CONFORMING TO DKS 1800 AND 1804.
- MEMBRANE ROOF PRIMARY SLOPE IS IN STRUCTURAL DECK, 1/8" IN 12' INCHES.
- SECONDARY SLOPE (CRACKETS, SADDLES, SLUPS, ETC.) SHALL BE MINIMUM SLOPE OF 1/4" IN 12' INCHES AS INDICATED AT ALL ROOF AREAS, INCLUDING VALLEYS AND STITCHES AS REQUIRED TO MEET VALLEY SLOPE CRITERIA.
- BACK SLOPE SHALL BE 2 X THE PRIMARY SLOPE.
- MINIMUM ROOF SLOPE IN VALLEYS 1/4" IN 12' INCHES. ADJUST SLOPE OF CRACKETS TO PROVIDE MINIMUM SLOPE AT ALL LOCATIONS OF ROOF. PREVENT PONDING. DIRECT ALL ROOF WATER TO DRAIN.
- MINIMUM ROOF INSULATION R VALUE: 30.0 ALL LOCATIONS OF THE ROOF.
- MINIMUM THICKNESS OF ROOF INSULATION TO BE 1/2" INCHES AT LOW POINT OF ROOF DRAIN SLUMP. MINIMUM SLOPE 1/8" IN 12' INCHES TO DRAIN AT ALL LOCATIONS.
- PENETRATIONS, CURBS AND TERMINATIONS, INCLUDING THOSE FOR MECHANICAL, ELECTRICAL, PLUMBING AND OTHER FACILITY SERVICES SHALL PROVIDE MINIMUM 8" HIGH VERTICAL MADE FLASHING ELEVATION ABOVE THE TOP OF THE ADJACENT ROOF SURFACE (NOT STRUCTURAL DECK).
- PENETRATIONS SHALL BE PLACED A MINIMUM OF 12" INCHES APART IN ALL DIRECTIONS. NO PENETRATIONS OR CURBS WITHIN 24" INCHES OF PARAPET WALLS.
- EQUIPMENT SUPPORT PENETRATIONS SHALL BE ROUND SHAPES UNLESS SPECIFICALLY DETAIL OTHERWISE.
- FLASHING TERMINATIONS SHALL HAVE WATER-TIGHT SHEET METAL CLOSURES WITH WATERPROOF MEMBRANE UNDERLAYER.
- WALL PANS ARE REQUIRED ON MEMBRANE ROOFS. INSTALL MAXIMUM OF 12" INCHES APART AND 12" INCHES AWAY FROM WALLS AND CURBS. PROVIDE AT ALL ROOF ENTRY AND EXIT POINTS AND IN FRONT OF SERVICE DOORS OR PANELS IN MECHANICAL EQUIPMENT, AND OTHERWISE AS REQUIRED BY ROOF MANUFACTURER.
- WALLER THICKNESS SHALL MATCH ADJACENT INSULATION THICKNESS WITHIN 1/4" INCH TOLERANCE.
- TAPER INSULATION UP FROM DRAIN IN SLUPS MAXIMUM OF 1/4" IN 12' INCHES BUT NOT TO EXCEED 1" INCH. 1" INCH PROVIDE TAPERED FILL TO CONFORM TO THE SUMP INSULATION TO THE THICKNESS OF INSULATION IN THE FIELD OF THE ROOF.
- PROVIDE TAPERED CRACKET ON THE HIGH SIDE OF PENETRATIONS UNDER 24" INCHES.
- REFER TO MECHANICAL, PLUMBING, ELECTRICAL AND OTHER FACILITY SERVICES DRAWINGS FOR EQUIPMENT, DUCTWORK, PENETRATIONS AND OTHER FEATURES NOT OTHERWISE SHOWN.
- MECHANICAL UNIT MOUNTINGS ON MEMBRANE ROOF PER DETAIL 10, TYPE B.1.
- TYPICAL MEMBRANE ROOF RIDGE PER DETAIL 10, TYPE B.2.
- TYPICAL MEMBRANE ROOF VALLEY/SLOPE TRANSITION PER DETAIL 10, TYPE B.3.
- MEMBRANE ROOF WALL FLASHINGS GREATER THAN 30" INCHES ABOVE HIGH POINT OF ROOF PER DETAIL 10, TYPE B.1.
- MEMBRANE ROOF HOT STACK PENETRATION PER DETAIL 10, TYPE B.3.
- MECHANICAL / PLUMBING VENT FLASHINGS, PIPE BOOTHS PER 1A, 1B, 1C AND 1D. 1E. 1F. 1G. 1H. 1I. 1J. 1K. 1L. 1M. 1N. 1O. 1P. 1Q. 1R. 1S. 1T. 1U. 1V. 1W. 1X. 1Y. 1Z. 1AA. 1AB. 1AC. 1AD. 1AE. 1AF. 1AG. 1AH. 1AI. 1AJ. 1AK. 1AL. 1AM. 1AN. 1AO. 1AP. 1AQ. 1AR. 1AS. 1AT. 1AU. 1AV. 1AW. 1AX. 1AY. 1AZ. 1BA. 1BB. 1BC. 1BD. 1BE. 1BF. 1BG. 1BH. 1BI. 1BJ. 1BK. 1BL. 1BM. 1BN. 1BO. 1BP. 1BQ. 1BR. 1BS. 1BT. 1BU. 1BV. 1BW. 1BX. 1BY. 1BZ. 1CA. 1CB. 1CC. 1CD. 1CE. 1CF. 1CG. 1CH. 1CI. 1CJ. 1CK. 1CL. 1CM. 1CN. 1CO. 1CP. 1CQ. 1CR. 1CS. 1CT. 1CU. 1CV. 1CW. 1CX. 1CY. 1CZ. 1DA. 1DB. 1DC. 1DD. 1DE. 1DF. 1DG. 1DH. 1DI. 1DJ. 1DK. 1DL. 1DM. 1DN. 1DO. 1DP. 1DQ. 1DR. 1DS. 1DT. 1DU. 1DV. 1DW. 1DX. 1DY. 1DZ. 1EA. 1EB. 1EC. 1ED. 1EE. 1EF. 1EG. 1EH. 1EI. 1EJ. 1EK. 1EL. 1EM. 1EN. 1EO. 1EP. 1EQ. 1ER. 1ES. 1ET. 1EU. 1EV. 1EW. 1EX. 1EY. 1EZ. 1FA. 1FB. 1FC. 1FD. 1FE. 1FF. 1FG. 1FH. 1FI. 1FJ. 1FK. 1FL. 1FM. 1FN. 1FO. 1FP. 1FQ. 1FR. 1FS. 1FT. 1FU. 1FV. 1FW. 1FX. 1FY. 1FZ. 1GA. 1GB. 1GC. 1GD. 1GE. 1GF. 1GG. 1GH. 1GI. 1GJ. 1GK. 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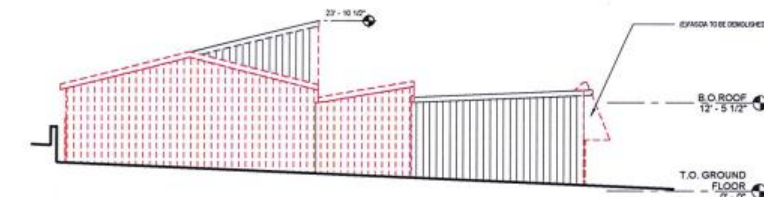
NORTH EXTERIOR ELEVATION - EXISTING/DEMOLITION 1  
1/8" = 1'-0"



EAST EXTERIOR ELEVATION - EXISTING/DEMOLITION 2  
1/8" = 1'-0"



SOUTH EXTERIOR ELEVATION - EXISTING/DEMOLITION 3  
1/8" = 1'-0"



WEST EXTERIOR ELEVATION - EXISTING/DEMOLITION 4  
1/8" = 1'-0"

#### FINISH LEGEND

	EXISTING ROOF SHINGLES
	EXISTING SHINGLES
	EXISTING VINYL SIDING
	NEW VERTICAL WOOD SLAT
	NEW SMOOTH WHITE STUCCO
	NEW SMOOTH DARK GREY STUCCO
	NEW PAINT HOUSE CLADDING
	EXISTING ELEMENTS TO REMAIN
	EXISTING ELEMENTS TO DEMOLISH
	NEW ELEMENTS
	EXISTING STONE VENEER

**bunton | mousavi**  
architecture  
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351 9th Street, Suite #300  
CA, 94103  
T: 415.314.7386  
F: 510.612.7758  
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NO.	REMARKS	DATE

#### KEY

**ZAMORANO  
RESTAURANT  
FACILITY  
IMPROVEMENTS**

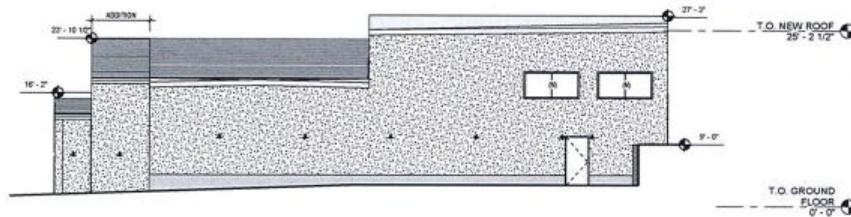
PLANNING DEPARTMENT  
SUBMITTAL

4010 FOOTHILL BLVD  
OAKLAND, CA 94601

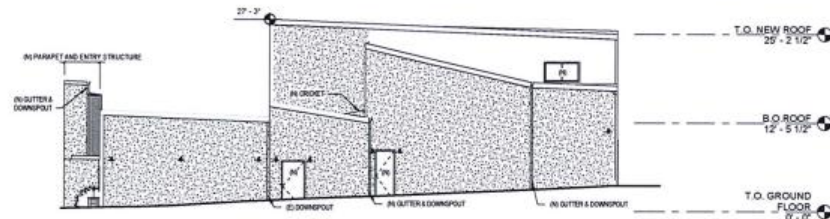
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DEMOLITION**

Date: 2/15/2018  
Scale: As indicated  
Project Number: 17010  
Drawing Number: **A5.0**

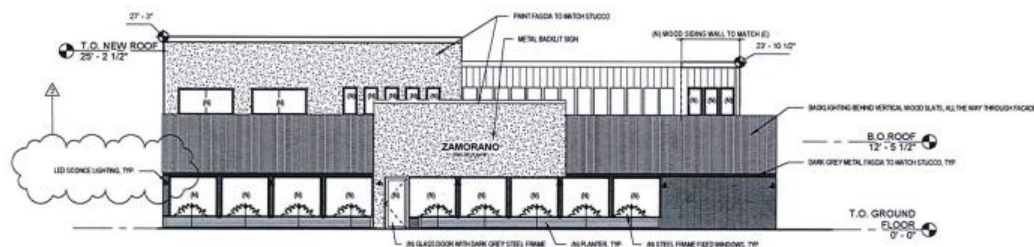




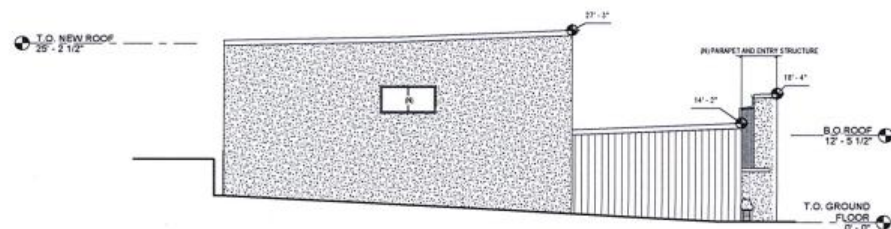
EXTERIOR NORTH ELEVATION - PROPOSED 1  
1/8" = 1'-0"



EXTERIOR EAST ELEVATION - PROPOSED 2  
1/8" = 1'-0"



EXTERIOR SOUTH ELEVATION - PROPOSED 3  
1/8" = 1'-0"



EXTERIOR WEST ELEVATION - PROPOSED 4  
1/8" = 1'-0"



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NO.	REMARKS	DATE
1	EXTERIOR LIGHTING	02/06/18
2		
3		
4		
5		
6		
7		
8		
9		
10		

## KEY

## ZAMORANO RESTAURANT FACILITY IMPROVEMENTS

PLANNING DEPARTMENT  
SUBMITTAL

4010 FOOTHILL BLVD  
OAKLAND, CA 94601

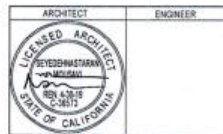
## EXTERIOR ELEVATIONS - PROPOSED

## FINISH LEGEND

	EXISTING WOOD SIDING
	EXISTING SHINGLES
	EXISTING WOOD SIDING
	NEW VERTICAL WOOD SLAT
	NEW SMOOTH WHITE STUCCO
	NEW SMOOTH DARK GREY STUCCO
	NEW WOOD SIDING CLADDING
	EXISTING ELEMENTS TO REMAIN
	EXISTING ELEMENTS TO BE REMOVED
	NEW ELEMENTS
	EXISTING STONE VENEER

Date: 2/15/2018  
Scale: As indicated  
Project Number: 17010  
Drawing Number: A5.1





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NO.	REMARKS	DATE

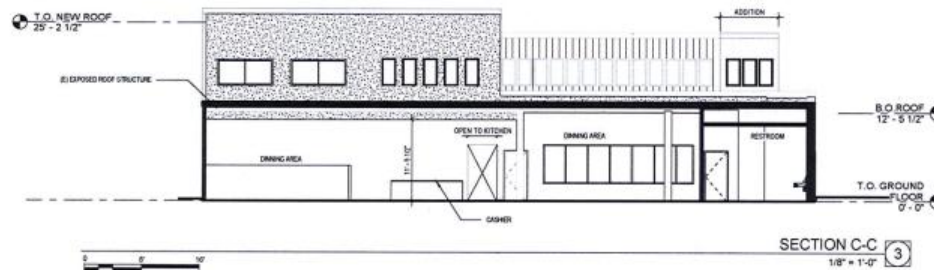
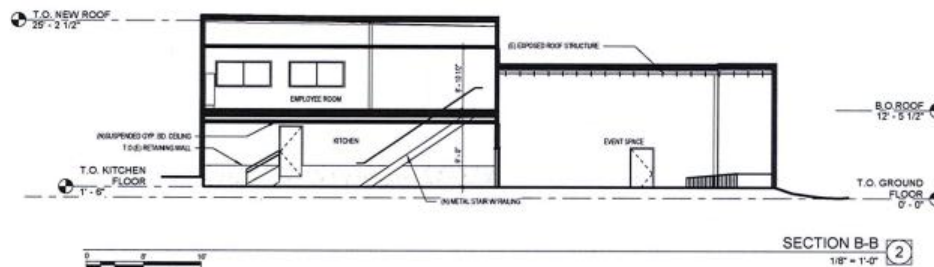
KEY  
ZAMORANO  
RESTAURANT  
FACILITY  
IMPROVEMENTS

PLANNING DEPARTMENT  
SUBMITTAL

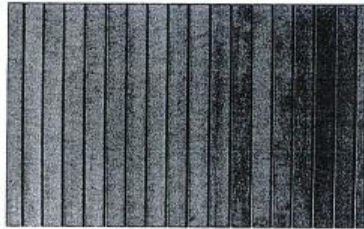
4010 FOOTHILL BLVD  
OAKLAND, CA 94601

BUILDING SECTIONS

Date: 2/15/2018  
Scale: 1/8" = 1'-0"  
Project Number: 17010  
Drawing Number: A6.0



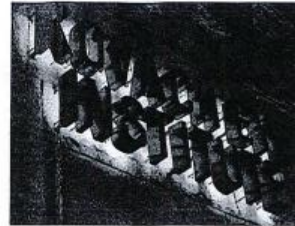
RED CEDAR WOOD SLAT



SMOOTH STUCCO FINISH



BLACK METAL SIGNAGE WITH BACKLIGHT



DARK GREY STEEL WINDOW FRAME



SMOOTH STUCCO FINISH





# Meeting Sign In

Project: Zamorano Restaurant  
 Facilitator: Nastaran Mousavi  
 Place/Room: Fruitvale Unity Council

Date: 2/15/2018  
 Time: 6:30pm

Statement of purpose, plans and renderings of the proposed design for Zamorano restaurant located on 4010 Foothill Blvd,  
 Presented Documents: Oakland, CA 94601

PRINT NAME	ORGANIZATION	TITLE	PHONE	EMAIL
1. Angelica Lopez	PRYD		510 535-5631	alopez@oaklandnet
2. Joanna Alvarez			510 944 2928	findingjoanna@aol.com
3. Cynthia Elliott				
4. K. Korchiwina				
5. K. Pipkorn	Phoenix Commons	Security	415-308-3495	kipkorn@yakco.com
6. Jenee Scott	Miraculous Foundation	President	(510) 912-2157	ejenee5@sbjdx.net
7. Patricia Scott	Youth Learning	E.D.	(510) 366-8850	YLCI94@aol.com
8. Suzie Dershowitz	City Attorney		(510) 238-3868	sdershowitz@oaklandcityattorney.org
9. Maria L. Sanchez	The Unity Council	Coordinator	(510) 535-6919	oaklandcityattorney.org
10. Ken Wilson	OHAPD	Sgt.	510-535-3100	KenWilson@ohapd.org
11. PHILIP CHOW	OHAPD	OFCR	510 535-3100	pchow@ohapd.org
12. OFC. A. NAVARRO	OPD	OFC		ANAVARRO@oaklandnet.com
13. OFC. B. PERRY	OPD	OFC		B.Perry@oaklandnet.com
14.				
15.				
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18.				
19.				
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21.				
22.				

Attachment B

## Meeting Agenda

Fruitvale Unity Council meets every second Thursday of the month. Bunton Mousavi Architecture was added to the agenda by Ana Martinez to present the proposed design for new Zamorano Restaurant to be located on 4010 Foothill blvd.

## Meeting Attendees

- Members of Fruitvale Unity Council (Please refer to attached Sign-in Sheet)
- Meeting Organizer Ana Martinez (Refer to correspondence with Ana)
- Bunton Mousavi Architecture, represented by Nastaran Mousavi (Architect)

## Meeting Minutes

The overall feedback and comments from the members were very positive. Majority of attendees are already familiar with the El Taco Zamorano business and are excited to hear that the old abandoned building on 4010 Foothill blvd is going to be utilized for Zamorano Restaurant. Among the concerns of the attendees were:

### **1. Hours of operation and noise concerns regarding the event space:**

The question was what the exact use of the event space is and whether it will be used at late hours and creates a lot of noise. The architect's response was the hours of operation for the facility is 8am to 10pm and sounds absorption measures will be considered to mitigate the noise impact on the neighborhood.

### **2. Alcohol Serving**

Members asked what type of alcohol will be served and architect's response was beer & wine only.

### **3. Security Measures**

Architect brought up the required security measure and specifically asked the OPD members present at the meeting whether there are any requirements for enhanced security measure. The OPD members responded that there was one robbery last year around the area, but overall that part of the street has not experienced a high level of crime, majorly due to presence of "Hell's

Angels" building across the street. OPD members suggested that placing cameras around the building that could record up to one week would be helpful. They mentioned that lighting is pretty decent on Foothill blvd and there is usually minimal concerns about lighting.

#### **4. Food Smell**

One of the members' concern was regarding the exhaust from the kitchen and the smell that could spread in the neighborhood. Architect responded that there will be measures on filtering the exhaust through the hood, grease trap and many other measures that are mandatory per California Health and Safety Code.

#### **5. Exterior Seating & Trees**

One of the members suggested adding trees to the sidewalk and adding murals or vines to the exterior wall facing Foothill blvd in order to avoid vandalism and graffities.





Nastaran Mousavi &lt;nastaran@buntonmousavi.com&gt;

**Full Service Restaurant Project in Fruitvale Area**

11 messages

**Nastaran Mousavi** <nastaran@buntonmousavi.com>

Tue, Feb 6, 2018 at 2:36 PM

To: communitypolicingbeat23@oaklandnet.com

Cc: Dane Bunton &lt;dane@buntonmousavi.com&gt;

Hi Mr. Ramos,

I am an architect working on a full service restaurant project located on 4010 Foothill Blvd in Oakland. I just left you a voicemail and wanted to follow up with an email. I was referred to you by our case planner from Oakland Planning Department to get your comments on the project. The project is going to serve alcohol and it is being relocated from its current location at 4032 Foothill Blvd (El Taco Zamorano) to this new address (4010 Foothill Blvd).

I wanted to ask if there are any enhanced safety measures that you think we need to provide for the project and get your approval to move forward.

Please let me know what you think.

Thanks,

Nastaran Mousavi, AIA

*Principal Architect*

415.314.7386

www.buntonmousavi.com

**Nastaran Mousavi** <nastaran@buntonmousavi.com>

Tue, Feb 6, 2018 at 2:42 PM

To: amartinez@oaklandnet.com

Cc: Dane Bunton &lt;dane@buntonmousavi.com&gt;

Hi Ana,

I am an architect working on a full service restaurant project located on 4010 Foothill Blvd in Oakland. I just left you a voicemail and wanted to follow up with an email. I was referred to you by our case planner from Oakland Planning Department to get your comments on the project. The project is going to serve alcohol and it is being relocated from its current location at 4032 Foothill Blvd (El Taco Zamorano) to this new address (4010 Foothill Blvd).

The project is going to be presented to the planning commission by March 7th and we are required to review the project with you prior to this date. I wanted to see how the review and approval process usually works with the Fruitvale Unity Council and whether I need to present the project at a certain time/day of the month.

Please let me know what you think.

Thanks,

Nastaran Mousavi, AIA

*Principal Architect*

415.314.7386

www.buntonmousavi.com

**Nastaran Mousavi** <nastaran@buntonmousavi.com>

Thu, Feb 8, 2018 at 12:35 PM

To: amartinez@oaklandnet.com

Cc: Dane Bunton &lt;dane@buntonmousavi.com&gt;

Hi Ana,

I am following up on my email below. Please let me know what you think.



Thanks!

Nastaran Mousavi, AIA  
Principal Architect  
415.314.7386  
www.buntonmousavi.com

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**Nastaran Mousavi** <nastaran@buntonmousavi.com>  
To: communitypolicingbeat23@oaklandnet.com  
Cc: Dane Bunton <dane@buntonmousavi.com>

Thu, Feb 8, 2018 at 12:36 PM

Hi Mr. Ramos,

I am following up on the email below. Please let me know what you think.

Thanks,

Nastaran Mousavi, AIA  
Principal Architect  
415.314.7386  
www.buntonmousavi.com

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**Martinez, Ana** <AMartinez@oaklandnet.com>  
To: Nastaran Mousavi <nastaran@buntonmousavi.com>  
Cc: Dane Bunton <dane@buntonmousavi.com>

Thu, Feb 8, 2018 at 1:06 PM

Hello Mr. Mousavi,

Thank you for your email about your project. The Fruitvale Unity Council meets on the 3<sup>rd</sup> Thursday, February 15<sup>th</sup>. I will email the group and let them know that you are interested in presenting the project to the group. It is short notice at this point but I will let you know what they say.

Best regards,

Ana Martinez

**From:** Nastaran Mousavi [mailto:nastaran@buntonmousavi.com]  
**Sent:** Tuesday, February 06, 2018 2:42 PM  
**To:** Martinez, Ana <AMartinez@oaklandnet.com>  
**Cc:** Dane Bunton <dane@buntonmousavi.com>  
**Subject:** Full Service Restaurant Project in Fruitvale Area

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**Nastaran Mousavi** <nastaran@buntonmousavi.com>  
To: "Martinez, Ana" <AMartinez@oaklandnet.com>

Thu, Feb 8, 2018 at 1:23 PM

Cc: Dane Bunton <dane@buntonmousavi.com>

Thank you very much for getting back to me. I look forward to hearing back from you.

Best,  
Nastaran

Nastaran Mousavi, AIA  
Principal Architect  
415.314.7386  
www.buntonmousavi.com

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**nastaran@buntonmousavi.com** <nastaran@buntonmousavi.com>

Mon, Feb 12, 2018 at 9:53 PM

To: "Martinez, Ana" <AMartinez@oaklandnet.com>

Cc: Dane Bunton <dane@buntonmousavi.com>

Hello Ms. Martinez,

Hope all is well. I wanted to follow up and see whether you heard back from the council regarding presenting this project to the group on Thursday.

Looking forward to hearing from you.

Best,  
Nastaran

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**Martinez, Ana** <AMartinez@oaklandnet.com>

Tue, Feb 13, 2018 at 3:10 PM

To: "nastaran@buntonmousavi.com" <nastaran@buntonmousavi.com>

Cc: Dane Bunton <dane@buntonmousavi.com>

Hello Nastaran,

Yes, we have added you to the agenda for Thursday, February 15<sup>th</sup> at 6:30pm. The meeting is at 3301- E12Street, suite 201. How much time do you need?

Ana Martinez

**From:** nastaran@buntonmousavi.com [mailto:nastaran@buntonmousavi.com]

**Sent:** Monday, February 12, 2018 9:53 PM

**To:** Martinez, Ana <AMartinez@oaklandnet.com>

**Cc:** Dane Bunton <dane@buntonmousavi.com>

**Subject:** Re: Full Service Restaurant Project in Fruitvale Area

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**Nastaran Mousavi** <nastaran@buntonmousavi.com>

Tue, Feb 13, 2018 at 3:13 PM

To: "Martinez, Ana" <AMartinez@oaklandnet.com>

Cc: Dane Bunton <dane@buntonmousavi.com>

Great! Thanks. I only need about 10-15 minutes to introduce the project to the group and get feedback. Is there anywhere I can project a pdf file or should I bring hard copies? How many people will I be presenting the project to, so I can bring

2/16/2018

BuntonMousavi Mail - Full Service Restaurant Project in Fruitvale Area

enough hard copies?

Thanks again,  
Nastaran

Nastaran Mousavi, AIA  
*Principal Architect*  
415.314.7386  
www.buntonmousavi.com

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**Martinez, Ana** <AMartinez@oaklandnet.com>  
To: Nastaran Mousavi <nastaran@buntonmousavi.com>  
Cc: Dane Bunton <dane@buntonmousavi.com>

Tue, Feb 13, 2018 at 3:50 PM

Great I will give you 15 minutes. We have a wall but no projector, so you would have to bring your own. We usually have about 20 participants. I look forward to seeing you then.

**From:** Nastaran Mousavi [mailto:nastaran@buntonmousavi.com]  
**Sent:** Tuesday, February 13, 2018 3:13 PM

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**Nastaran Mousavi** <nastaran@buntonmousavi.com>  
To: "Martinez, Ana" <AMartinez@oaklandnet.com>  
Cc: Dane Bunton <dane@buntonmousavi.com>

Tue, Feb 13, 2018 at 3:52 PM

Sounds good, thank you and see you on Thursday.

Nastaran Mousavi, AIA  
*Principal Architect*  
415.314.7386  
www.buntonmousavi.com

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# **SPECIALTIES** SERVED WITH RICE & BEANS & TORTILLAS

# **SPECIAL DINNERS** SERVED WITH RICE & BEANS & SHIMP OR FISH \$2.00 EXTRA

19.50	11.95	NO. 1 ENCHILADA TACO Y TAMALES
17.50	11.95	NO. 2 CHILE RELLENO TACO Y ENCHILADA
17.50	11.95	NO. 3 TACO TAMALES Y CHILE RELLENO
14.95	11.95	NO. 4 TACO FLAUTA Y ENCHILADA
19.50	12.50	NO. 5 ENCHILADA Y TACO
19.50	12.50	NO. 6 TACO Y CHILE RELLENO
17.50	12.50	NO. 7 ENCHILADA Y CHILE RELLENO
17.50	12.50	NO. 8 TAMALES Y CHILE RELLENO
17.50	12.50	NO. 9 TAMALES Y ENCHILADA
17.50	12.50	NO. 10 TAMALES PORK OR CHICKEN
17.50	12.50	NO. 11 TACO SOFT OR CRISP
16.50	11.95	NO. 12 TOSTITAS
14.95	11.95	NO. 13 FLAUTAS
14.95	11.95	NO. 14 ENCHILADAS ROLLAS (RED)
14.95	12.50	NO. 15 ENCHILADAS VERDES (GREEN)
14.95	12.95	NO. 16 SOUP CREAM CHICKEN & CLAMATO
14.95	12.95	NO. 17 SOUP CREAM & CUCUMBER
23.95	12.95	NO. 18 FANFOSO BURRITOS
	12.95	NO. 19 CHICHONGANAS
	12.95	NO. 20 SOUP CREAM & CUCUMBER

## **A LA CARTA**

3.25	PUPUSA
3.25	CHILE RELLENO CON QUESO FOLDO CON QUESO
3.45	ENCHILADA ROLLAS (RED)
3.95	ENCHILADA VERDE (GREEN)
4.35	ENCHILADA CAMARON O PESCADO
4.95	SOPE
3.95	TAMALES (PORK OR CHICKEN)
4.50	RICE & BEANS W/ CHEESE
4.50	RICE
4.50	BEANS W/ CHEESE
4.95	CHICHONGANAS
3.95	FLAUTA
4.95	TOSTADA
2.50	CHILE RELLENO
2.00	TORTILLAS MAIZ (D)
	TORTILLAS HARINA (D)
	AVOCADO
12	ENTERO (WHOLE)
2.95	

## **BEVERAGES**

3.25	AGUAS FRESCAS
2.99	COFFEE
2.30	MEXICAN CHOCOLATE
2.30	HOT TEA
2.30	MILK
4.95	CLAMATO

4.25	WINE
5.25	MARGARITAS
6.95	PIÑA COLADA
6.95	MICHELADAS

**DESSERTS**

FLAN (MEXICAN VANILLA CUSTARD) 3.75

FOR CATERING, CALL (510) 536 - 3146



• DEBIT OR CASH ONLY - NO CHECKS ACCEPTED. 15% GRATUITY ADDED TO PARTIES OF 6 OR MORE. WE RESERVE THE RIGHT TO REFUSE SERVICE TO ANYONE. NOT RESPONSIBLE FOR PERSONAL BELONGINGS. ALL FOOD IS AVAILABLE TO-GO. NO EXCHANGES & NO REFUNDS. CHIPS AND SALSA NOT INCLUDED IN TO-GO ORDERS.



**TACO TRUCK:**  
4850 INTERNATIONAL BLVD. OAKLAND, CA 94601



**RESTAURANT:**  
(510) 536 - 3146

4215 FOOTHILL BLVD. OAKLAND, CA 94601

• DEBIT OR CASH ONLY - NO CHECKS ACCEPTED. 15% GRATUITY ADDED TO PARTIES OF 6 OR MORE. WE RESERVE THE RIGHT TO REFUSE SERVICE TO ANYONE. NOT RESPONSIBLE FOR PERSONAL BELONGINGS. ALL FOOD IS AVAILABLE TO-GO. NO EXCHANGES & NO REFUNDS. CHIPS AND SALSA NOT INCLUDED IN TO-GO ORDERS.



## APPETIZERS

<b>SUPER NACHOS</b>	10.95	6.50
CARNE FRIO, QUESO, GUACAMOLE, JALAPEÑOS Y VERDURA		
<b>MEAT QUESADILLA (CON CARNE)</b>	8.95	
GUACAMOLE, JALAPEÑOS & VEGETABLES		
<b>STEAK FRIES</b>	10.95	10.95
CARNE, QUESO, GUACAMOLE, JALAPEÑOS & VEGETABLES		
<b>AGUA CHILE</b>	16.95	
SHRIMP COOLED IN LEMON JUICE & CHILE		
<b>CAMARON, PEPINO Y NARANJA</b>	12.95	
SHRIMP, CUCUMBER & ORANGE		
<b>BUFFALO WINGS (7)</b>	10.50	
<b>GUACAMOLE</b>	5.50	

## AMERICAN BREAKFAST SERVED 8 AM - 12 PM

<b>PANCAKES (4)</b>	6.50	
<b>PANCAKES (3) AND EGGS</b>	10.50	10.99
CHOICE OF HAM, BACON OR SAUSAGE		
<b>FRENCH TOAST (2)</b>	6.50	
<b>FRENCH TOAST (2) AND EGGS</b>	10.50	16.50
CHOICE OF HAM, BACON OR SAUSAGE		
<b>EGG (1)</b>	1.99	
<b>TOAST (2)</b>	1.99	
<b>HASH BROWN</b>	2.99	10.99
<b>HAM</b>	2.99	
<b>SAUSAGE (4)</b>	2.99	10.99
<b>BACON (4)</b>	2.99	10.99
<b>SERVED WITH TOAST &amp; HASH BROWN</b>		
<b>HAM AND EGGS</b>	9.50	10.99
<b>BACON AND EGGS</b>	9.50	
<b>SAUSAGE AND EGGS</b>	9.50	10.99
<b>STEAK AND EGGS</b>	14.95	
<b>HAM AND CHEESE OMELETTE</b>	10.50	
<b>HAM OMELETTE</b>	9.50	
<b>DENVER OMELETTE</b>	10.50	

## MEXICAN BREAKFAST SERVED WITH RICE, BEANS & TORTILLAS

<b>CHILAQUILES ROJOS O VERDES</b>	10.99	
SCRAPBLED EGGS W/ TORTILLA AND CHEESE		
<b>TOSTED W/ RED OR GREEN SAUCE (NO TORTILLAS)</b>	6.50	
<b>CHILAQUILES CON CARNE</b>	16.50	
RED OR GREEN SAUCE CHILAQUILES W/ SLOTTED STEAK		
<b>(NO TORTILLAS) (NO RICE)</b>		
<b>HUEVOS RANCHEROS</b>	10.99	
<b>2 EGGS MEXICAN STYLE</b>	10.99	
<b>MACHACA CON HUEVO</b>	10.99	
SHREDDED BEEF & EGGS		
<b>HUEVOS CON CHORIZO</b>	10.99	
CHORIZO & EGGS		
<b>NOPALES CON HUEVO</b>	10.99	
EGGS WITH CACTUS		
<b>HUEVOS A LA MEXICANA</b>	10.99	
EGGS WITH TOMATO, ONIONS & PEPPERS		

## BREAKFAST BURRITO'S

<b>SERVED WITH RICE AND BEANS INSIDE</b>		
<b>HAM AND EGG</b>	7.50	
<b>BACON AND EGG</b>	7.50	
<b>SAUSAGE AND EGG</b>	7.50	
<b>MACHACA CON HUEVO</b>	7.50	
<b>CHORIZO CON HUEVO</b>	7.50	
<b>NOPALES CON HUEVO</b>	7.50	
<b>A LA MEXICANA</b>	7.50	

## MARISCADA 24.95 PER PERSON

PULPO, ABULON, CAMARON, FILETE, ALMEJAS, JAIVA, LECHUGA, TOMATE, AGUACATE, CEBOLLA Y NARANJA.

1 CHOICE OF FISH, SHRIMP OR GARLIC SAUCE, GRILLED SHRIMP, SHRIMP, FISH FILLET, CLAMS, CRAB LEGS, LETTUCE, TOMATO, AVOCADO, ONION & ORANGE.

## CAMARONES (SHRIMP) SERVED WITH RICE, BEANS, SALAD & TORTILLAS 18.50

CAMARONES AL MOJO DE AJO  
GARLIC SHRIMP

CAMARONES A LA PLANCHA  
GRILLED SHRIMP

CAMARONES A LA DIABLA  
SHRIMP IN HOT SAUCE

CAMARONES RANCHEROS  
SHRIMP WITH ONION, BELL PEPPER & TOMATO

CAMARONES EMPANIZADOS  
BREADED SHRIMP

## SALADS & TOSTADAS

<b>TOSTADA DE CAMARON</b>	5.95	
<b>TOSTADA DE CERVICHE</b>	5.95	
FISH MARINATED WITH LEMON		
<b>ENSALADA DE CAMARON</b>	13.95	
<b>ENSALADA DE POLLO</b>	11.95	
<b>ENSALADA VERDE</b>	5.95	
<b>TACO SALAD</b>	11.95	
(WITH YOUR CHOICE OF MEAT)		

## COCKTAIL'S

<b>CAMPECHANA</b>	19.50	19.95
SHRIMP, ABALONE & OCTOPUS		
<b>CAMARON</b>	17.50	18.95
SHRIMP		
<b>ABULON</b>	17.50	19.95
<b>ABALONE</b>	17.50	
<b>PULPO</b>	17.50	
<b>OCTOPUS</b>	17.50	
<b>PULPO Y CAMARON</b>	17.50	
BABY OCTOPUS & SHRIMP		
<b>CAMARON Y ABULON</b>	17.50	
SHRIMP & ABALONE		

## ZAMORANO ESPECIAL 65.50

PESCADO AL GUSTO, CARNE EN SALSA, ALMOJO DE AJO, A LA PLANCHA, ALMOJO DE AJO, RANCHEROS Y EMPANIZADOS, CON PEPEROS, AGUACATE, VERDURA Y NARANJA.

1 CHOICE OF FISH, SHRIMP OR GARLIC SAUCE, GRILLED SHRIMP, SHRIMP, FISH FILLET, CLAMS, CRAB LEGS, LETTUCE, TOMATO, AVOCADO, CUCUMBER, VEGETABLES & ORANGE.

## FILETE (FISH FILLET) SERVED WITH RICE, BEANS, SALAD & TORTILLAS 18.50

FILETE EMPANIZADO  
BREADED FISH FILLET

FILETE A LA PLANCHA  
GRILLED FISH FILLET

FILETE A LA DIABLA  
FISH FILLET IN HOT SAUCE

## PESCADO (FISH) SERVED WITH RICE, BEANS, SALAD & TORTILLAS

<b>SMALL</b>	16.50	
<b>MEDIUM</b>	17.50	
<b>LARGE</b>	18.50	
<b>FRITO</b>		
<b>FRIED FISH</b>		
<b>A LA DIABLA</b>		
FISH COVERED IN HOT SAUCE		
<b>AL MOJO DE AJO</b>		
FISH COVERED IN GARLIC SAUCE		
<b>VERACRUZANO</b>		
TOMATO, ONION & BELL PEPPERS		

## CALDO'S (SOUPS)

<b>7 MARES</b>	19.95	
<b>7 SEAS SOUP</b>		
<b>CAMARON</b>	18.95	
SHRIMP		
<b>PESCADO</b>	18.95	
FISH		
<b>PESCADO Y CAMARON</b>	19.95	
FISH & SHRIMP		

## TORTILLAS & HAMBURGERS SERVED WITH FRENCH FRIES

<b>TORTILLA</b>	8.95	
CARNE, QUESO, GUACAMOLE, JALAPEÑOS & VERDURA		
<b>TORTILLA DE JAMON</b>	8.95	
<b>\$4 LB CHEESEBURGER</b>	7.95	
<b>\$4 LB VEGGIE CHEESEBURGER</b>	8.95	
<b>GRILLED CHICKEN BURGER</b>	7.95	
<b>FRENCH FRIES</b>	4.95	
<b>CHICKEN NUGGETS</b>	6.50	

## TACOS

<b>SUAVE (SOFT)</b>	2.95	
<b>DORADO (CRISPY)</b>	3.25	
(CARNE ASADA, POLLO, AL PASTOR, CARNIJITAS, CARNE DESHEBRADA, CARNE MOLIDO)		
<b>GRILLED CHICKEN OR LENGUA</b>	3.65	
<b>FISH OR SHRIMP</b>	3.65	

## HALF ORDER'S SERVED WITH RICE & BEANS

<b>QUESADILLA</b>	8.95	
<b>QUESADILLA WITH MEAT</b>	10.95	
<b>CARNICHERIA (1)</b>	10.95	
WITH SOUR CREAM & GUACAMOLE		
<b>TACO (1) (SOFT OR CRISPY)</b>	7.95	
<b>TOSTADA (1)</b>	9.45	
WITH SOUR CREAM & GUACAMOLE		
<b>FLAUTAS (2)</b>	9.45	
WITH SOUR CREAM & GUACAMOLE		
<b>SOPE (1)</b>	9.45	
WITH SOUR CREAM & GUACAMOLE		
<b>TAMAL (1) (PORK OR CHICKEN)</b>	8.45	
<b>ENCHILADA ROJA (1)</b>	8.45	
<b>ENCHILADA VERDE (1)</b>	8.95	
WITH SOUR CREAM, ONIONS & CILANTRO		
<b>CHILE RELLENO (1)</b>	8.95	
WITH TORTILLAS		

## BURRITO'S

<b>REGULAR BURRITO</b>	7.95	
WITH SOUR CREAM & CHEESE		
<b>SUPER BURRITO</b>	10.95	
WITH SOUR CREAM & CHEESE		
<b>VEGETARIAN</b>	6.50	
WITH SOUR CREAM & CHEESE		
<b>SUPER VEGETARIAN</b>	9.50	
WITH SOUR CREAM & CHEESE		
<b>BEANS &amp; CHEESE</b>	5.50	
<b>SUPER BEANS &amp; CHEESE</b>	8.50	
<b>SHRIMP OR FISH</b>	10.95	
<b>SUPER SHRIMP OR FISH</b>	15.95	
WITH SOUR CREAM & CHEESE		
<b>GRILLED CHICKEN</b>	9.50	
<b>SUPER GRILLED CHICKEN</b>	12.95	
WITH SOUR CREAM & CHEESE		

\*\*\*UPGRADE TO A FANOSO WET BURRITO FOR \$2.00  
(TOPPED WITH RED ENCHILADA SAUCE & CHEESE)

\*\*\*ADD GUACAMOLE FOR \$2.50

(PREPARED WITH PICO DE GALLO & JALAPEÑOS)

Zamorano Restaurant  
4010 Foothill Blvd.  
Oakland, CA 94601

# Statement of Purpose

## Summary

Zamorano restaurant project is a proposal for a full service mexican restaurant located at 4010 foothill blvd in Fruitvale area of Oakland. The restaurant owners currently are running "El Taco Zamorano" located on 4032 Foothill blvd, only 2 buildings away from this new location. The purpose of this proposal for the owners is to move to a larger building that could accommodate larger number of users for both dining and private events.

## Cuisine Type

Mexican

## Specialties

El Taco Zamorano is a family owned and operated Mexican restaurant that has served delicious cuisine from the same location for over 20 years. We specialize in truly authentic Mexican food, going far beyond the simple burrito and nachos you can find anywhere these days. If you're looking for menudo or nopales, we've got you covered. Our cozy ambiance is great for families, and we're also the perfect place to relax and watch a telenovella or a boxing match!

## Seating & Accommodations

The restaurant's dining space seats approximately 84 and the private dining space could accommodate up to 60 people.

## Atmosphere

Informal outpost dishing up hearty portions of standard Mexican favorites in a casual setting.

## Number of employees

12

## Hours of operation

8am - 10pm

## Event space use

Private events, private dining