

Case File Number CMDV12-171

October 3, 2012

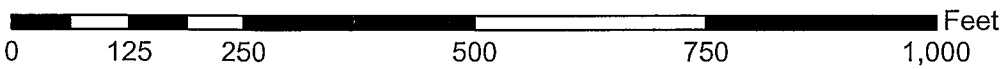
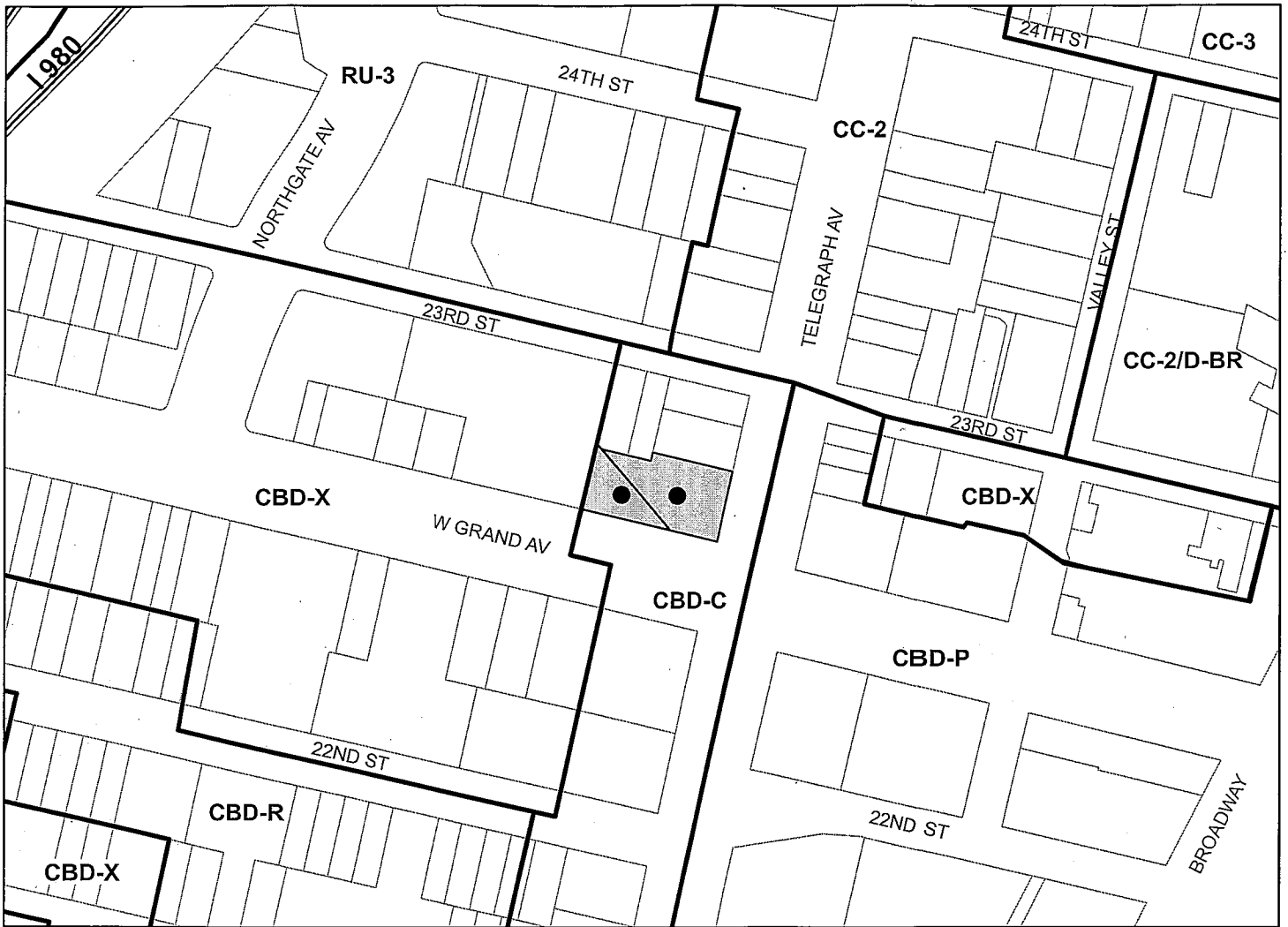
Location:	2205 Telegraph Avenue (APN 008-0660-003-05 / 052-01)
Proposal:	Demolition of an existing building, expand and revise location and design of an existing fast-food restaurant "Taco Bell".
Contact Person/Phone Number:	Richard Low / (925)978-3977
Owner:	David & Lisa Leung
Case File Number:	CMDV12-171
Planning Permits Required:	Requesting a Major Conditional Use Permit for the expansion of a legal non-conforming Fast Food restaurant containing a Drive thru facility and Regular Design Review for an existing Fast Food Restaurant Commercial Activity (Taco Bell) to a) expand the building from 1,683 square feet to 2,558 square feet (875 square feet added); b) relocate the building on the site and modify the architectural design; c) replace all building and site signage; d) minor variance to allow new building height at 23' where 45' is the height minimum for new construction.
General Plan:	Central Business District
Zoning:	CBD-C Central Business District Commercial Zone
Environmental Determination:	Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15302, Modifying existing facilities; 15183, Projects consistent with community plan, general plan or zoning
Historic Status:	Not Potential Designated Historic Property
Service Delivery District:	Metro
City Council District:	3
Recommendation:	Approve with Conditions
Finality of Action:	Appealable to City Council
For Further Information:	Contact Jose M. Herrera-Preza at (510) 238-3808 or jherrera@oaklandnet.com

SUMMARY

The applicant, Richard Low, proposes to demolish an existing Taco Bell restaurant and rebuild a new, larger Taco Bell on a lot at the northwest corner of Telegraph and West Grand Avenues. The new building would be located nearer the intersection than the existing building. Other improvements include a reconfiguring of the site circulation, repaving of the site, and installing new landscaping and signage. The new proposal requires the granting of a Major Conditional Use Permit for the establishment of a fast-foot restaurant and drive-through, Minor Variance for construction under the height minimum, and Regular Design Review approval.

The property was originally developed in 1977 under regular building permits as a Taco Charley as the code did not require a C.U.P. at this time; the building was modified in 1982 (D82-435) into a Taco Bell.

CITY OF OAKLAND PLANNING COMMISSION



Case File: CMDV12-171
Applicant: Richard Low / Dolan Foster Enterprises LLC
Address: 2255 Telegraph Avenue
Zone: CBD-C

PROJECT DESCRIPTION

The primary objective of the project is to rebuild and expand the size of the existing one-story 1,683 square foot Taco Bell restaurant building. The new building would be 2,558 square feet in size (875 square feet larger than the existing building). Whereas the existing building, originally constructed in 1977, has a generic design with tan stucco walls, a red tile mansard roof and large Taco Bell signage, the proposal has a more contemporary design in keeping with the most recent developments in the Uptown neighborhood. Landscape improvements would include a low (4-foot tall) brick wall with decorative columns to match the building design along Telegraph Avenue, an art feature near the corner of West Grand and Telegraph Avenues, new lighting, perimeter plantings, street trees, and plantings in the parking lot. Attachments C and D contain architectural and landscape plans for the project.

The existing site has three driveways: one from Telegraph Avenue, one from 23rd Street, and one from West Grand Avenue and large parking areas between the building and Telegraph Avenue. The new building location would near the northwest corner of the site to provide emphasis at the intersection and more pedestrian and visual interest by removing parking from between the building the streets. The revised site plan includes one entrance from Telegraph Avenue and maintains two driveways from 23rd Street and West Grand Avenue.

The drive-through would be along the West Grand Avenue elevation and be covered by a trellis with a metal fascia to match the proposed building. Site circulation and parking areas would be repaved, and a full landscape and signage plan would be implemented. New signs include wall and monument signs, parking area signs, and order boards near the drive-through lanes. The existing tall pole sign would be removed and not be replaced.

PROPERTY DESCRIPTION

The site is a series of three contiguous flat lots that create a 17,439 square foot, L-shaped lot at the corner of Telegraph and West Grand Avenues, adjacent to the historic "Uptown" downtown district. Nearby properties include former a Valero Gas station, and various small scale neighborhood businesses, civic activities and residential buildings. The restaurant site backs up to a large U.S. Post Office truck yard.

The "Uptown" district is characterized by small scale ground floor commercial spaces under upper story residential units, as well as freestanding modern buildings such as the Broadway/Grand mixed-use building, small restaurants, and automotive service businesses. Residential buildings along and behind the commercial area include two-story Victorian houses and apartments, as well as newer condominium buildings. Construction materials in the area include primarily stucco buildings with glass transoms and tile roof details; brick with wood details, wood shiplap and shingle walls with composite roofs, and other early-to- mid-20th Century materials.

GENERAL PLAN ANALYSIS

The property is located in the Central Business District Use category of the Land Use and Transportation (LUTE) element of the General Plan. This designation "is intended to encourage, support, and enhance the downtown area as a high density mixed use urban center of regional importance and a primary hub for business, communications, office, government, high technology, retail, entertainment, and transportation in Northern California." Telegraph Avenue is a "Growth and Change" corridor under the LUTE designation. Applicable policies include:

LUTE Policy I/C1.2 states that "Existing Businesses and jobs within Oakland which are consistent with the long-range objectives of this Plan should, whenever possible, be retained."

Policy I/C3.4 states that “The vitality of existing neighborhood mixed use and community commercial areas should be strengthened and preserved.”

LUTE page 222, addressing Upper Telegraph “Uptown” include improvements to the area’s physical appearance through streetscape improvements and blight abatement are key objectives for this area.

Staff finds that the proposed redesign and expansion of the existing restaurant is consistent with the intent of the General Plan.

ZONING ANALYSIS

The property is located within the CBD-Commercial Central Business District Commercial (CBD-C) Zone. Fast food restaurants and drive-through facilities are designated as conditionally permitted uses in the CBD-C zone that are subject to Planning Commission review. The uses are consistent with the intent of the zone to allow a wide range of commercial activities.

The site is in CBD “Height Area 7” which has no height limit and a minimum height requirement for new construction of 45 feet. The proposal calls for a 23’ height building and requires, therefore, a Minor Variance (see Key Issues and Impacts). Regular Design Review is also required for new construction. The proposal is consistent with these requirements. Findings required for approval are set forth in Attachment A.

ENVIRONMENTAL DETERMINATION

The project is Categorical Exempt under Section 15302 of the California Environmental Quality Act Guidelines for reconstruction of existing facilities, and Section 15183, projects consistent with a community plan, general plan or zoning.

KEY ISSUES AND IMPACTS

Issues include potential visual impacts along the streetscape, customer service benefits, neighborhood effects, security and parking/traffic.

Potential Visual Impacts Along the Streetscape. The proposed changes would result in an improved appearance over the existing facility. The new location will provide visual emphasis to the intersection and the new building would not be visually buffered by parking. The contemporary façade is more in keeping with other new buildings in downtown. The tall pole sign at the corner of Telegraph and West Grand would be removed and more understated signs would be placed on and near the building. An arcade/enclosure with anodized aluminum panels and columns, low wall along the sidewalk, and contemporary-style trellises over the automobile lane will provide a visual buffer from the drive-through facility.

Landscape improvements would also significantly improve the site. New landscaping includes a low brick wall with decorative columns to match the building design along Telegraph Avenue, an art feature near the corner of West Grand and Telegraph Avenues, new lighting, perimeter plantings, street trees, and plantings in the parking lot.

Variance for Minimum Height. The CBD Height Map designates this site as Height Area 7. This height area has no height limit and a minimum height of 45-feet for new construction because it is mapped in the CBD where the City desires the most intensive development. The proposed building is 23-feet tall.

Initially, the applicant proposed to rebuild the restaurant at its current location on the property but staff was concerned by the site plan and the existing and apparent auto-orientation of the building. The City encouraged the applicant to move the building towards the corner of the property to give the restaurant a greater street presence and give a better urban form to this intersection. Staff acknowledges that this property, as well as several others at this corner, is currently deficient in this but they developed under older zoning regulations that were less concerned about the urban fabric than the modern code is. Therefore, staff is recommending a variance from the minimum height requirement as we believe this to be a significant improvement in the property and is consistent with the proposed activity.

Customer Service Benefits. The proposal will provide more customer amenities, including restrooms within the restaurant (patrons currently must exit the restaurant to use the restrooms) and more comfortable seating. The new parking, circulation and drive-through make efficient use of the site and enhance customer convenience.

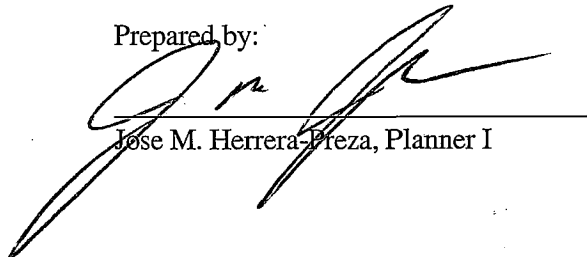
Security. The site and building layout provide for supervision for all activities on the site. Security response time, including police and fire protection, is measured in minutes at this location. The parking lot and building will be fully lighted and visible from both Telegraph and West Grand Avenues.

Parking/Traffic. The current development has 28 parking spaces, and the proposed design would contain 29 spaces (No parking is required in the CBD-C zone for this activity). In addition, the drive-through will not create queuing into the street because it provides spaces for eight vehicles. The driveways have been reconfigured with a one-way entrance from Telegraph Avenue and a two-way driveway to West Grand Avenue. This design conforms to the proposed BRT (Bus Rapid Transit) route on Telegraph Avenue by maintaining all existing bus stops and bus shelters on the route along Telegraph. Staff anticipates that traffic patterns would likely be safer and more convenient as designed than existing due the increase capacity for drive thru queuing and using W. Grand Ave as an exit street.

RECOMMENDATIONS:

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

Prepared by:



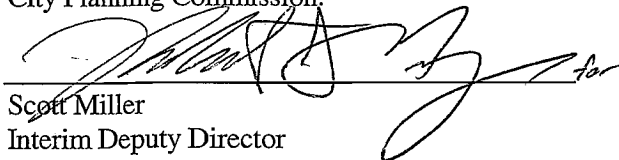
Jose M. Herrera-Preza, Planner I

Approved by:



Robert D. Merkamp
Acting Zoning Manager

Approved for forwarding to the
City Planning Commission:



Scott Miller
Interim Deputy Director
Planning, Building and Neighborhood Preservation

LEGAL NOTICE: The decision of the City Planning Commission is final and not administratively appealable. Any party seeking to challenge such decision in court must do so within ninety (90) days of the date the decision is announced (Code of Civil Procedure Section 1094.6).

ATTACHMENTS:

- A. Findings
- B. Conditions
- C. Plans and Elevations
- D. Landscape Plans

ATTACHMENT A**FINDINGS FOR APPROVAL:**

This proposal meets all the required findings as set forth below and which are required to approve your application. Required findings are shown in **bold** type; reasons your proposal satisfies them are shown in normal type.

Section 17.136.070(B) Regular Design Review Criteria, Nonresidential Facilities:

- 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 17.102.030:**

The proposed changes would result in an improved appearance over the existing facility. The new location will provide visual emphasis to the intersection and the new building would not be visually buffered by parking. The contemporary façade is more in keeping with other new buildings in downtown. The tall pole sign at the corner of Telegraph and West Grand would be removed and more understated signs would be placed on and near the building. An arcade/enclosure with anodized aluminum panels and columns, low wall along the sidewalk, and contemporary-style trellises over the automobile lane will provide a visual buffer from the drive-through facility.

Landscape improvements would also significantly improve the site. New landscaping includes a low brick wall with decorative columns to match the building design along Telegraph Avenue, an art feature near the corner of West Grand and Telegraph Avenues, new lighting, perimeter plantings, street trees, and plantings in the parking lot.

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

The remodeled project will enhance Uptown neighborhood's appearance through the investment in an outdated property that has been unchanged since the 1970's. The improvement will retain a restaurant business that draws customers to the Uptown entertainment district, providing an improvement in quality of materials, design and landscaping from the existing 1970's restaurant design.

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

Policies I/C-1.2 and I/C3.4 of the General Plan Land Use and Transportation Element (LUTE) of the General Plan show that this project is compatible with the General Plan. The facility has been analyzed and found to be in conformity with the Zoning Code, design guidelines and the General Plan.

FINDINGS

Section 17.134.050 General Use Permit Criteria:

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

A Taco Bell restaurant has been at this location in the Uptown neighborhood for over 30 years. Modifications planned for the facility will complement and be compatible with surrounding properties in scale, bulk, lot coverage and density. Traffic movements will be within the capacity of surrounding streets. Civic facilities and utilities are available for the site.

In addition, the drive-through will not create queuing into the street because it provides spaces for eight vehicles. The driveways have been reconfigured with a one-way entrance from Telegraph Avenue and a two-way driveway to West Grand Avenue. This design conforms better to the proposed BRT (Bus Rapid Transit) route on Telegraph Avenue since the proposal will not interfere with existing bus stops and maintain service along Telegraph. Staff anticipates that traffic patterns would likely be safer and more convenient as designed than existing.

- 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 location of the facility in the Uptown neighborhood provides convenient restaurant access for customers. The rebuilt facility will be better able to serve the site's function of a restaurant with enhanced design and landscaping. In particular, the seating will be more comfortable and customers will be able to access restrooms without having to leave the restaurant.

- 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.**

Rebuilding and upgrading the restaurant will increase its ability to enhance basic community dining and social gathering functions in the Uptown neighborhood.

- D. That the proposal conforms to all applicable design review criteria set forth in the design review procedure at Section 17.136.070(B) for non-residential facilities.**

Fulfillment of design review criteria has been demonstrated above in this document. The rebuilding design reflects several revisions in order to achieve a functional yet aesthetic design.

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

Fulfillment of General Plan and Zoning criteria has been demonstrated above in this document.

FINDINGS

The General Plan LUTE provides for restaurant and other commercial uses in the Uptown area as resources in the community.

Section 17.102.210(D): Fast Food Restaurant Findings

- 1. No Fast-Food Restaurant Commercial Activity shall be located within a one thousand (1,000) foot radius of an existing or approved Fast-Food Restaurant, as measured from the center of the front property line of the proposed site, except in the Central Business District..., within the main building of Shopping Center Facilities, and in the C-36 boulevard service commercial zone.**

This is not a new restaurant site, but rather a legal non-conforming activity to a long-time existing facility. The restaurant was established in 1975 before applicable regulations of Section 17.102.210(D) and modified with several Permits thereafter. As an existing restaurant, there is no need to relocate the facility over 1,000 feet from another such restaurant, although there is one nearby (Quarter Pound Burger).

- 2. Fast Food Restaurants with Drive-Through Facilities shall not be located within five hundred (500) feet of a public or private elementary school, park or playground, measured perpendicularly from the street right-of-way.**

This is not a new restaurant site, but rather legalizing a legal non-conforming activity to a long-time existing facility. The restaurant was established in 1975 before applicable regulations of Section 17.102.210(D) and modified with several Design Review Permits thereafter. As an existing restaurant, there is no need to relocate the facility over 500 feet from the adjacent park/school playground.

- 3. Access. Ingress and egress to Fast Food Facilities shall be limited to commercial arterial streets rather than residential streets. No direct access shall be provided to adjacent residential streets which are less than thirty-two (32) feet in pavement width. Exceptions to either of the requirements may be obtained where the City Traffic Engineer determines that compliance would deteriorate local circulation or jeopardize the public safety. Any such determination shall be stated in writing and shall be supported with findings. Driveway locations and widths and entrances and exits to Fast-Food Facilities shall be subject to the approval of the City Traffic Engineer.**

As noted above, this is not a new restaurant site. Access has been from Telegraph Avenue and from West Grand Avenue for over 30 years. West Grand Avenue contains non-residential facilities near the restaurant and the turning and driving movement alignments to restaurant driveways are distant from residential driveways.

- 4. Trash and Litter. Disposable containers, wrappers and napkins utilized by Fast-Food Restaurants shall be imprinted with the restaurant name or logo.**

This restaurant business has generally followed this practice at this site and other sites throughout the Nation as a corporate policy. Conditions of Approval have been added to set standards for compliance.

5. **Vacated/Abandoned Fast Food Facilities.** The project sponsor of a proposed Fast-Food Facility shall be required to obtain a performance bond, or other security acceptable to the City Attorney, to cover the cost of securing and maintaining the facility and site if it is abandoned or vacated within a prescribed high risk period...The defined period of coverage is four (4) years following obtaining an occupancy permit...(additional provisions set forth at length in the Code).

This provision is not applicable since it applies to the first four years after opening the facility, and there has been a Taco Bell Restaurant here for thirty-three years. A condition of this (CMDV) case accepts voluntary compliance in the unforeseen event of a change of use in the future.

Section 17.102.290: Drive-through Nonresidential Facilities Findings

A.1. The proposed facility will not impair a generally continuous wall of building facades.

An existing narrow restaurant in a quarter acre open site would be turned 90 degrees and rebuilt/expanded so as to create more of a continuous wall of building façade along Telegraph Avenue, more consistent with the Uptown pattern. Pedestrian entry would be provided. The drive-through would be screened and incorporated into the building design like the drive-through lane of certain bank facilities.

A.2. The proposed facility will not result in weakening the concentration and continuity of retail facilities at ground level, and will not impair the retention or creation of a shopping frontage.

The existing restaurant, which has been in place for 30 years, would be replaced by a building which better strengthens the concentration and continuity of commercial facilities at the ground level. There would be no impairment of shopping frontage. This site is at the beginning of the Uptown district near the Upper Telegraph Historic District, in a transitional area characterized by vehicular-oriented businesses.

A.3. The proposed facility will not directly result in a significant reduction in the circulation level of service of adjacent streets.

The existing restaurant has operated driveways from Telegraph Avenue and West Grand Avenue for 30 years, without noticeable reduction in circulation levels of adjacent streets. West Grand Avenue has non-residential uses near the restaurant site at this end of its right-of-way. The relatively small increase in restaurant floor area would not increase the 1/4 acre size of the site, nor would it create a huge increase in vehicle trips to the site.

B. Standards. A driveway serving as a vehicle stacking or queuing lane for a drive-through window shall be separated from parking areas and shall not be the only entry or exit lane on the premises. Such facility shall be so situated that any vehicle overflow from it shall not spill onto public streets or the major circulation aisles of any parking lot. Such facility shall have durable, all-weather surface; shall have reasonable disposal of surface waters by grading and drainage; and shall be permanently maintained in good condition.

The driveways for stacking or queuing lanes for the drive-through windows are separated from parking areas and are not the only entry or exit lanes on the premises. Vehicles not using the

drive-through lane can completely bypass that portion of the site and use non-dedicated driveways, as vehicles have done for decades at this site. The overflow does not spill into public streets. The surface will be durable and all-weather, well drained and maintained as required.

- C. Dimensions. Each vehicle space comprising a stacking or queuing lane for a drive-through window shall be a minimum of ten (10) feet in width by twenty (20) feet in length. Such a stacking or queuing lane shall have a maximum capacity of eight (8) vehicles.**

Since the lane is routed through an extra-large ¼ acre commercial site, a limit of eight vehicles is not necessary. However, the project design does show eight vehicle spaces between order stations and merchandise pickup station, although this drive-through and thus the cumulative total is a dozen spaces for both lanes. This design promotes efficient drive-through operations and helps prevent impacts off-site.

Section 17.148.050 - Variance Criteria:

- A) Strict compliance with the specified regulations would result in practical difficulty or unnecessary hardship inconsistent with the purpose of the Zoning Regulations, due to unique physical or topographic circumstances or conditions of design; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution improving livability, operational efficiency, or appearance:**

The CBD Height Map designates this site as Height Area 7. This height area has no height limit and a minimum height of 45-feet for new construction because it is mapped in the CBD where the City desires the most intensive development. The proposed building is 23-feet tall. Initially, the applicant proposed to rebuild the restaurant at its current location on the property but staff was concerned by the site plan and the existing and apparent auto-orientation of the building. The City encouraged the applicant to move the building towards the corner of the property to give the restaurant a greater street presence and give a better urban form to this intersection. Staff acknowledges that this property, as well as several others at this corner, is currently deficient in this but they developed under older zoning regulations that were less concerned about the urban fabric than the modern code is. Therefore, staff is recommending a variance from the minimum height requirement as we believe this to be a significant improvement in the property and is consistent with the proposed activity.

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

The existing building is an outdated structure that has not been improved for over 30 years and strict compliance with the zoning regulations would preclude the operators of improving the subject property. Considerations were given in the re-design to provide a more functional restaurant space for both employees and customers while fulfilling the requirements of the General Plan with the exception of the minimum height limit for new construction. The proposed re-design will re-locate the building along the corner of Telegraph Avenue and West Grand with a taller contemporary building that will improve the streetscape.

- C) The variance, if granted, will not adversely affect the character, livability, or appropriate development of abutting properties or the surrounding area, and will not be detrimental to the public welfare or contrary to adopted plans or development policy:**

The subject property is surrounded by commercial buildings or commercial activities in an urban downtown setting. The proposed re-build will not adversely affect the character of the neighborhood. The activity has been existing for over 30 years and will not change, the proposal will allow the operators to provide a much need upgrade the existing facilities while enhancing the Uptown district with a custom Taco Bell and encourage development for neighboring properties.

- D) The variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the Zoning Regulations:**

The requested variance will not constitute a grant of special privilege since considerations were made to improve the overall property thru site improvements; landscaping and building design consistent with the zoning and general plan.

- E) That the elements of the proposal requiring the variance (e.g. elements such as buildings, walls, fences, driveways, garages and carports, etc.) conform with Regular Design review Criteria set forth in the design review procedures at section 17.136.050:**

The proposed project meets all the required regular design review criteria set forth I chapter 17.136.050.

ATTACHMENT B

The proposal is hereby approved subject to the following Conditions of Approval:

STANDARD CONDITIONS:**1. Approved Use.*****Ongoing.***

a. The project shall be constructed and operated in accordance with the authorized use as described in this letter and the plans dated **April 11th, 2012** and submitted **April 11th, 2012**, and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, conditions of approval or use shall required prior written approval from the Director of City Planning or designee.

b. This action by the Director of City Planning ("this Approval") includes the approvals set forth below. This approval includes: Requesting a Major Conditional Use Permit for the expansion of a legal non-conforming Fast Food restaurant containing a Drive thru facility and Regular Design Review for an existing Fast Food Restaurant Commercial Activity (Taco Bell) to a) expand the building from 1,683 square feet to 2,558 square feet (875 square feet added); b) relocate the building on the site and modify the architectural design; c) replace all building and site signage; d) minor variance to allow new building height at 23' where 45' is the height minimum for new construction..

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

Unless a different termination date is prescribed, this Approval shall expire **two calendar years** from the approval date, unless within such period all necessary permits have been issued, or 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 permit, 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 valid building permit for this project may invalidate this approval if the said extension period has also expired.

3. Scope of This Approval; Major and Minor Changes***Ongoing.***

The project is approved pursuant to the Planning Code only. Minor changes to approved plans may be approved administratively by the Director of City Planning or designee. Major changes to the approved plans shall be reviewed by the Director of City Planning or designee to determine whether such changes require submittal and approval of a revision to the approved project by the approving body or a new, completely independent permit.

4. Conformance with Other Requirements.***Prior to issuance of a demolition, grading, P-job or other construction related permit.***

a. The project applicant shall comply with all other applicable federal, state, regional and/or local codes, requirements, regulations, and guidelines, including but not limited to those imposed

by the City's Building Services Division, the City's Fire Marshall, and the City's Public Works Agency.

b. The applicant shall submit approved plans for project-specific needs related to fire protection including, but not limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access and vegetation management for preventing fires and soil erosion.

5. Conformance to Approved Plans; Modification of Conditions or Revocation

Ongoing.

a. The City Planning Department reserves the right at any time during construction, to require certification by a licensed professional that the as-built project conforms to all applicable zoning requirements, including but not limited to approved maximum heights and minimum setbacks. Failure to construct the project in accordance with approved plans may result in remedial reconstruction, permit revocation, permit modification or other corrective action.

b. Violation of any term, Conditions or project description relating to the Approvals 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 Approvals 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

6. Signed Copy of the Conditions

With submittal of a demolition, grading and building permit.

A copy of the approval letter and Conditions shall be signed by the property owner and submitted with each set of permit plans submitted for this project.

7. Indemnification

Ongoing

a. The project applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and their respective agents, officers, and employees (hereafter collectively called the City) from any claim, action, or proceeding (including legal costs and attorney's fees) against the City to attack, set aside, void or annul, this approval or any related approval by the City. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate fully in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding. 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 a claim, action or proceeding to attack, set aside, void or annul this Approval or any related approval by the City, the project applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations and this condition of approval. This condition/obligation shall survive termination, extinguishment or invalidation of this or any related approval. Failure to timely execute the Letter Agreement does not relieve the project applicant of any of the obligations contained in 7a above, or other conditions of approval.

8. Compliance with Conditions of Approval

Ongoing

The project applicant shall be responsible for compliance with the recommendations in any submitted and approved technical report and all the Conditions of Approval and all applicable adopted mitigation measures set forth below at its sole cost and expense, and subject to review and approval of the City of Oakland.

9. Severability

Ongoing

Approval of the project would not have been granted but for the applicability and validity of each and every one of the specified conditions and if any 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. Job Site Plans

Ongoing throughout demolition, grading, and/or construction

At least one (1) copy of the approved plans, along with the Approval Letter and Conditions of Approval shall be available for review at the job site at all times.

11. Recycling Space Allocation Requirements

Prior to issuance of a building permit

The design, location and maintenance of recycling collection and storage areas must substantially comply with the provision of the Oakland City Planning Commission "Guidelines for the Development and Evaluation of Recycling Collection and Storage Areas", Policy 100-28. Pursuant to Section 17.118.020 of the Oakland Planning Code, this condition shall apply to new commercial and industrial development that requires a building permit. A minimum of two cubic feet of storage and collection area shall be provided for each dwelling unit and for each 1,000 square feet of commercial space.

Ongoing.

No deviation shall be made from the approved drawings or conditions of approval that alters the project's siting, height, exterior appearance, and/or required new landscaping without prior written approval from the Oakland Planning & Zoning Department.

12. Construction Practices.

During construction.

All work shall apply the "Best Management Practices" (BMPs) for the construction industry, including BMPs for dust, erosion and sedimentation abatement per Section 15.04 of the Oakland Municipal Code, as well as all specific construction-related conditions of approval attached to this project.

13. Days/Hours of Construction Operation

Ongoing throughout demolition, grading and/or construction.

The project applicant shall require construction contractors to limit standard construction activities as follows:

- a) Construction activities are limited to between 7:00 AM and 7:00 PM Monday through Friday, except that pile driving and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 AM and 4:00 PM Monday through Friday.
- b) Any construction activity proposed to occur outside of the standard hours of 7:00 AM to 7:00 PM Monday through Friday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case

basis, with criteria including the proximity of residential uses and a consideration of residents' preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Services Division.

- c) Construction activity shall not occur on Saturdays, with the following possible exceptions:
 - i) Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of residents' preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division.
 - ii) After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division, and only then within the interior of the building with the doors and windows closed.
- d) No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions.
- e) No construction shall take place on Sundays or Federal holidays.
- f) 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.

14. Noise Control

a. Ongoing throughout demolition, grading and/or construction

To reduce noise impacts due to construction, the project applicant shall require construction contractors to implement a site-specific noise reduction program, subject to City review and approval, which includes:

- a) Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g. improved mufflers, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible.
- b) Impact tools (e.g. jack hammers, pavement breakers and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible 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 where feasible, and this should achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.
- c) Stationary noise sources shall be located as far from adjacent receptors as possible and they shall be muffled and enclosed with temporary sheds, incorporate insulation barriers or other measures to the extent feasible.
- d) If feasible, the noisiest phases of construction shall be limited to less than 10 days at a time.

15. Noise Complaint Procedures***a. Ongoing throughout demolition, grading and/or construction***

Prior to the issuance of each building permit, along with submission of construction documents, the project applicant shall submit to the City Building Services Division a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include:

- a) A procedure and phone numbers for notifying the City Building Services Division staff and Oakland Police Department, during regular construction and off-hours;
- b) A sign posted on-site pertaining with permitted construction days and hours and complaint procedures and whom to notify in the event of a problem. The sign shall also include a listing of both the City and construction contractor's telephone numbers, during regular construction and off-hours;
- c) The designation of an on-site construction complaint and enforcement manager for the project;
- d) Notification of neighbors and occupants within 300 feet of the project construction area at least 30 days in advance of extreme noise generating activities about the estimated duration of the activity; and
- e) A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise measures & practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.

16. Announcement Sound System***Ongoing***

The project applicant shall operate any sound system to show consideration for neighboring uses after residential and work live structures are constructed on properties across perimeter streets. No sound systems louder than 45 ldn/cnel at any off-site sensitive receptor (e.g. homes) shall operate between the hours of 9 pm and 2 am. No sound systems shall operate which are louder than 65 ldn/cnel at any perimeter street.

17. Pedestrian and Driveway Crossing***Prior to issuance of building permits and ongoing***

The applicant shall install and maintain traffic signs on the property at the interface between the pedestrian path from Telegraph Avenue near West Grand Avenue and the drive-through lane near this path, to promote safety, to the satisfaction of the Zoning Manager. This design may include flashing lights, a stop sign or other similar signals. Additional driveways may be required to be so marked if determined necessary by the Zoning Manager.

18. Lighting***Ongoing***

The proposed lighting fixtures shall be adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties. All lighting shall be architecturally integrated into the site. Walkway lighting shall not exceed 10 lumens, nor building lighting exceed 30 lumens, as viewed from the nearest property line, without Planning and Zoning approval. No lighting standard shall be over 25 feet tall.

19. Encroachment Permits***Prior to Issuance of Building Permits***

The applicant shall obtain any necessary Encroachment Permits for structures placed in the Alice Street right-of-way and comply with the conditions of such permits.

20. Odor Control

Ongoing

The activity shall be operated so that little or no odors are discernible by the average person at the property lines. The use shall be designed and operated to contain fumes and odors within the cooking area.

21. Litter Control Plan.

Prior to Issuance of Building Permits

A Litter Control Plan that ensures that the premises and surrounding 300 feet of the property are kept free of litter and debris shall be submitted to and approved by the Planning and Zoning Division prior to application for a building permit. The plan shall include, but not be limited to:

1. Distribution of proposed locations of litter receptacles on site and in the public right of way. The design and location of litter receptacles shall be consistent and coordinated with the City's street furniture program.
2. A management schedule for keeping the premises and surrounding area free from litter originating from the operation of the commercial activities; and
3. Daily sweeping and trash collection of the premises, the public sidewalk and the gutter area of the public street immediately adjacent to the project.

22. Right-of-way Clean-up.

Ongoing.

The applicant shall clear the sidewalk and gutter areas along Telegraph Avenue and West Grand Avenue and 300 feet beyond the property lines along these streets, of litter and debris at least daily or as needed to control litter. The applicant shall sweep or mechanically clean the sidewalk with steam or equivalent measures at least once per month.

23. Imprinted Disposables.

Ongoing.

Disposable containers, wrappers, bags, and napkins used by this activity shall be imprinted with the establishment name and/or logo.

24. Litter Receptacles.

Prior to operation.

At least four (4) non-flammable external litter receptacles shall be installed outside of the building in a place accessible to employees and the public. The location of any permanent ashtray and litter receptacle shall be reviewed and approved by the Planning and Zoning Division.

25. Trash and Recyclables Enclosure.

Prior to issuance of any building permits.

The applicant shall submit for review and approval by the Planning and Zoning Division, plans showing all trash and recyclables collection areas on the site. The location of the proposed collection areas shall be shown on the building permit plan set. This collection area enclosure shall be screened from the street and adjacent properties by a wall, fence, or dense landscaping with a minimum height of six (6) feet, and with an opaque covered closure. No trash shall be stored outside the designated trash area.

26. Restaurant Hours.

Ongoing.

The hours of lobby operation shall be limited to 7:00 AM to 3:00 AM. The City Planning Commission reserves the right to modify the hours of operation after holding a public hearing to consider said modification.

27. Pay Phones.

Ongoing.

No external pay phones are permitted on the premises. The applicant shall remove any existing external pay phones prior to issuance of building permits.

28. No Loitering Signs.

Prior to issuance of building permits.

The applicant shall post at least five "No Loitering" signs on the building façade and other strategic locations around the site. Signs shall be of a permanent nature and have letters a minimum of 2 inches in height. 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 loitering in the vicinity of 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.

29. Lighting Plan

Prior to the issuance of an electrical or building permit

The proposed lighting fixtures shall be adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties. Plans shall be submitted to the Planning and Zoning Division and the Electrical Services Division of the Public Works Agency for review and approval. All lighting shall be architecturally integrated into the site.

30. Parking Lot Lighting.

Ongoing.

The exterior lighting fixtures which serve the parking area shall be equipped with daylight sensors that will automatically turn the lights on at dusk and off at sunrise, and shall be adequately shielded to a point below the bulb and reflector and shall prevent unnecessary glare onto adjacent properties. Generally at least 2 ½ lumens, with an average of at least 5 lumens, but no more than an average of 10 lumens, shall light the entire parking lot.

31. One-way Driveways.

Ongoing.

The applicant shall close the existing driveway opposite Telegraph Avenue; shall maintain the westerly Telegraph Avenue driveway and the drive-through lane as one-way in; and the easterly West Grand Avenue driveway as one-way out. The West Grand Avenue driveway may continue to be two-way. The drive-through lane shall have a directional raised curb ("pork chop" design) to the satisfaction of the City Engineer to enforce right-turn only shared with the West Grand Avenue one-way in driveway. The driving route for the drive-through customers shall be counterclockwise around the building.

32. Graffiti Removal.

Ongoing.

Graffiti shall be removed within 72 hours of application. Removal can involve resurfacing of a material and/or color that matches the remaining surface.

33. Delivery and Loading.

Ongoing.

The applicant shall ensure that all goods for the facility shall be delivered during between the hours of 7 am and 10 pm. Delivery drivers shall be instructed not to block parking or driveways of neighbors and to the extent possible to use off street parking when available.

34. Waiver of Bonding for Abandonment or Vacation.

Prior to commencement of operation.

Since the business has been in operation for 30 years, the usual 4-year requirement to bond for abandonment or vacation of a fast-food restaurant is waived. However, in the event of closure of the restaurant and lack of immediate replacement tenant (within 60 days) the applicant stipulates to voluntarily following the requirements which include, but are not limited to:

1. Enclose the property with a security fence and secure the facility;
2. Post signs indicating that vehicular parking and storage are prohibited on the site (10.16.070 O.T.C. and 22658 C.V.C), and that violators will be cited, and vehicles towed at the owner's expense, and that it is unlawful to litter or dump waste on the site (Sections 374b.5 C.P.C. and 374b C.P.C.). All signs shall conform to the limitations on signs for the specific zone and shall be weatherproof and of appropriate size and standard design for the particular function;
3. Install and maintain security lighting as appropriate and required by the Oakland Police Department;
4. Keep the site free of handbills, posters and graffiti and clear of litter and debris pursuant to Section 8.38.160 of the O.M.C.;
5. Maintain existing landscaping and keep the site free of overgrown vegetation.

35. Drive-through Lane/Pedestrian Crossing

Prior to occupancy of rebuilt facility

The applicant shall submit for Zoning Manager approval a plan to improve the drive-through lane/pedestrian crossing, including but not limited to marked and raised paving surfaces for the pedestrian paths as a speed-hump. The building permits shall be modified accordingly.

36. Stormwater Pollution Prevention Plan (SWPPP)

Prior to and ongoing throughout demolition, grading, and/or construction activities

The project applicant must obtain coverage under the General Construction Activity Storm Water Permit (General Construction Permit) issued by the State Water Resources Control Board (SWRCB). The project applicant must file a notice of intent (NOI) with the SWRCB. The project applicant will be required to prepare a stormwater pollution prevention plan (SWPPP) and submit the plan for review and approval by the Building Services Division. At a minimum, the SWPPP shall include a description of construction materials, practices, and equipment storage and maintenance; a list of pollutants likely to contact stormwater; site-specific erosion and sedimentation control practices; a list of provisions to eliminate or reduce discharge of materials to stormwater; Best Management Practices (BMPs), and an inspection and monitoring program. Prior to the issuance of any construction-related permits, the project applicant shall submit to the Building Services Division a

copy of the SWPPP and evidence of submittal of the NOI to the SWRCB. Implementation of the SWPPP shall start with the commencement of construction and continue through the completion of the project. After construction is completed, the project applicant shall submit a notice of termination to the SWRCB.

37. Post-Construction Stormwater Management Plan

Prior to issuance of building permit (or other construction-related permit)

The applicant shall comply with the requirements of Provision C.3 of the National Pollutant Discharge Elimination System (NPDES) permit issued to the Alameda Countywide Clean Water Program. The applicant shall submit with the application for a building permit (or other construction-related permit) a completed Construction-Permit-Phase Stormwater Supplemental Form to the Building Services Division. The project drawings submitted for the building permit (or other construction-related permit) shall contain a stormwater management plan, for review and approval by the City, to manage stormwater run-off and to limit the discharge of pollutants in stormwater after construction of the project to the maximum extent practicable.

- a) The post-construction stormwater management plan shall include and identify the following:
 - i. All proposed impervious surface on the site;
 - ii. Anticipated directional flows of on-site stormwater runoff; and
 - iii. Site design measures to reduce the amount of impervious surface area and directly connected impervious surfaces; and
 - iv. Source control measures to limit the potential for stormwater pollution;
 - v. Stormwater treatment measures to remove pollutants from stormwater runoff; and
 - vi. Hydromodification management measures so that post-project stormwater runoff does not exceed the flow and duration of pre-project runoff, if required under the NPDES permit.
- b) The following additional information shall be submitted with the post-construction stormwater management plan:
 - i. Detailed hydraulic sizing calculations for each stormwater treatment measure proposed; and
 - ii. Pollutant removal information demonstrating that any proposed manufactured/mechanical (i.e. non-landscape-based) stormwater treatment measure, when not used in combination with a landscape-based treatment measure, is capable of removing the range of pollutants typically removed by landscape-based treatment measures and/or the range of pollutants expected to be generated by the project.

All proposed stormwater treatment measures shall incorporate appropriate planting materials for stormwater treatment (for landscape-based treatment measures) and shall be designed with considerations for vector/mosquito control. Proposed planting materials for all proposed landscape-based stormwater treatment measures shall be included on the landscape and irrigation plan for the project. The applicant is not required to include on-site stormwater treatment measures in the post-construction stormwater management plan if he or she secures approval from Planning and Zoning of a proposal that demonstrates compliance with the requirements of the City's Alternative Compliance Program.

Prior to final permit inspection

The applicant shall implement the approved stormwater management plan.

38. Maintenance Agreement for Stormwater Treatment Measures

Prior to final zoning inspection

For projects incorporating stormwater treatment measures, the applicant shall enter into the "Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement," in accordance with Provision C.3.e of the NPDES permit, which provides, in part, for the following:

- i. The applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and
- ii. Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary. The agreement shall be recorded at the County Recorder's Office at the applicant's expense.

City of Oakland
Community and Economic Development Agency
Zoning Division
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, CA 94612

NOTICE OF EXEMPTION

TO: Alameda County Clerk
1106 Madison Street
Oakland, CA 94612

Project Title: CMDV12-171

Project Applicant: Richard Low c/o Dolan Foster Enterprises

Project Location: 2205 Telegraph Avenue, APN 008-0660-003-05

Project Description: Approved Conditional Use Permits, Minor Variance, Design Review for Reconstruction of Taco Bell Restaurant Including Fast-Food Drive-through, expanding to 2,558 square feet, on 17,438 Square Foot Lot

Exempt Status: CHECK ALL THAT APPLY

Statutory Exemptions
{Article 18:Section 21080;15260}

Categorical Exemptions
{Article 19:Section 21084;15300}

- | | |
|---|---|
| <input type="checkbox"/> Ministerial {Sec.15268} | <input type="checkbox"/> Existing Facilities {Sec.15301} |
| <input type="checkbox"/> Feasibility/Planning Study {Sec.15262} | <input checked="" type="checkbox"/> Replacement or Reconstruction {Sec.15302} |
| <input type="checkbox"/> Emergency Project {Sec.15269} | <input type="checkbox"/> Small Structures {Sec.15303} |
| <input type="checkbox"/> General Rule {Sec.15061(b)(3)} | <input type="checkbox"/> Minor Alterations {Sec.15304} |
| <input type="checkbox"/> Other: {Sec._____} | <input checked="" type="checkbox"/> Other {Sec.15183} |
| <input type="checkbox"/> In-fill Development {Sec. 15332} | |

Reasons why project is exempt: The project is replacement or reconstruction of an existing commercial structure located on the same site with a new structure of substantially the same size, purpose and capacity that also conforms to the applicable General Plan and zoning, and is exempt from environmental review.

Lead Agency: City of Oakland, Community and Economic Development Agency, Zoning Division, 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612

Department/Contact Person: Jose M Herrera-Preza, Planner I **Phone:** (510) 238-3808

Signature (Robert D Merkamp, Zoning Manager)

Date:

Pursuant to Section 711.4(d)(1) of the Fish and Game Code, statutory and categorical exemptions are also exempt from Department of Fish and Game filing fees.

CONDITIONS OF APPROVAL

*ENVIRONMENTAL DECLARATION
(CALIF. FISH AND GAME CODE SEC. 711.4)

: FOR COURT USE ONLY

NAME AND ADDRESS OF APPLICANT OR LEAD AGENCY :

LEAD AGENCY: :
COMMUNITY & ECONOMIC :
DEVELOPMENT AGENCY/PLANNING :
250 Frank H. Ogawa Plaza :
Room 2114 :
Oakland, CA 94612 :

APPLICANT: Taco Bell :
Contact: Richard Low :
City of Oakland :

: FILING NO. _____
: _CMDV12-171

CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:

CLERK'S
USE ONLY

- 1. NOTICE OF EXEMPTION/STATEMENT OF EXEMPTION PLU 117
 - A – STATUTORILY OR CATEGORICALLY EXEMPT PLU 117
\$50.00 (Fifty Dollars) – CLERK’S FEE
 - B – DE MINIMUS IMPACT – CERTIFICATE OF FEE EXEMPTION PLU 117
\$50.00 (Fifty Dollars) – CLERK’S FEE REQUIRED
- 2. NOTICE OF DETERMINATION – FEE REQUIRED PLU 116
 - A – NEGATIVE DECLARATION PLU 116
\$1,800.00 (Eighteen Hundred Dollars)-
STATE FILING FEE
\$50.00 (Fifty Dollars) – CLERK’S FEE
 - B – ENVIRONMENTAL IMPACT REPORT PLU 115
\$2,500.00 —(Twenty Five Hundred Dollars) – STATE
FILING FEE
\$50.00 (Fifty Dollars) – CLERK’S FEE
 - C -- Certificate of Fee Exemption PLU 117
& De Minimis Impact Fee
\$50.00 (Fifty Dollars) – CLERK’S FEE

*THIS FORM MUST BE COMPLETED AND SUBMITTED WITH ALL ENVIRONMENTAL DOCUMENTS FILED WITH THE ALAMEDA COUNTY CLERK’S OFFICE.

FIVE COPIES OF ALL NECESSARY DOCUMENTATION ARE REQUIRED FOR FILING PURPOSES.

APPLICABLE FEES MUST BE PAID AT THE TIME OF FILING AN ENVIRONMENTAL DOCUMENT WITH THE ALAMEDA COUNTY CLERK’S OFFICE.

CONDITIONS OF APPROVAL

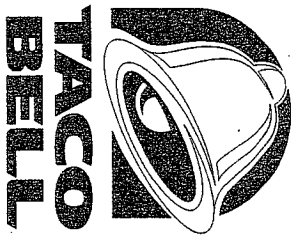
MAKE CHECK PAYABLE TO: ALAMEDA COUNTY CLERK

APPROVED BY: City Planning Commission: October 3, 2012 (date) _____ (vote)
City Council: _____ (date) _____ (vote)

RECEIVED
 SEP 20 2012
 City of Oakland
 Planning & Zoning Division

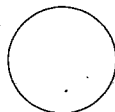
Remodel Restaurant

Telegraph & Grand Ave.; Oakland, California



ARCHITECT:
 BAY ARCHITECTS ASSOCIATES
 1550 Pacific Avenue
 San Francisco, CA 94109
 Tel: 415-474-3111 Fax: 415-474-3225
 Contact: Robert Gobel, Project Architect

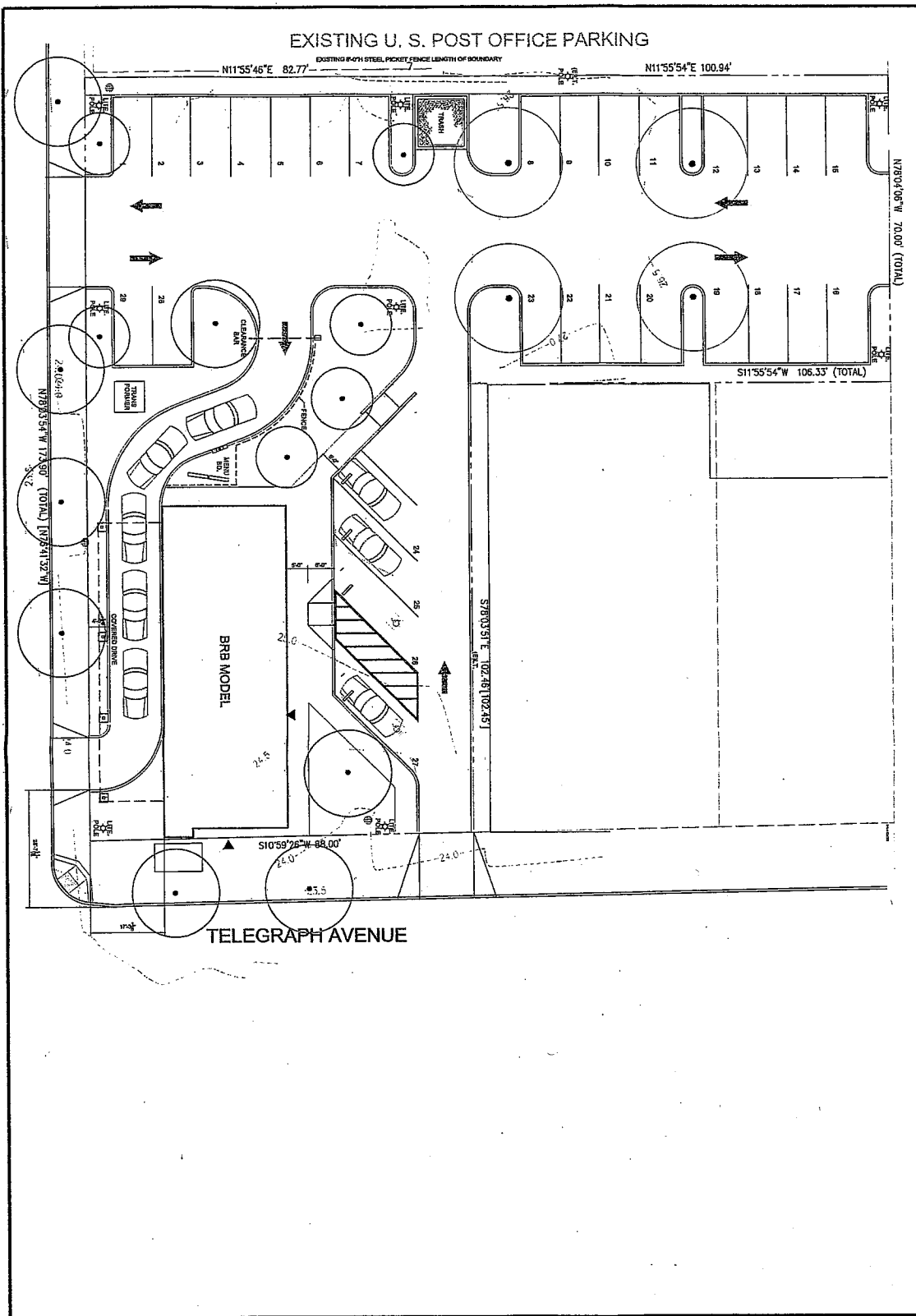
OWNER:
 DOLAN FOSTER ENTERPRISES
 5635 W. LAS POSITAS BLVD., # 406
 Pleasanton, CA 94588
 Tel: 925-621-2600



CONTRACT DATE	BUILDING TYPE	PLAN VERSION	SITE NUMBER	STORE NUMBER

TACO BELL
REMODEL
 TELEGRAPH & GRAND AVENUE
 OAKLAND, CALIFORNIA

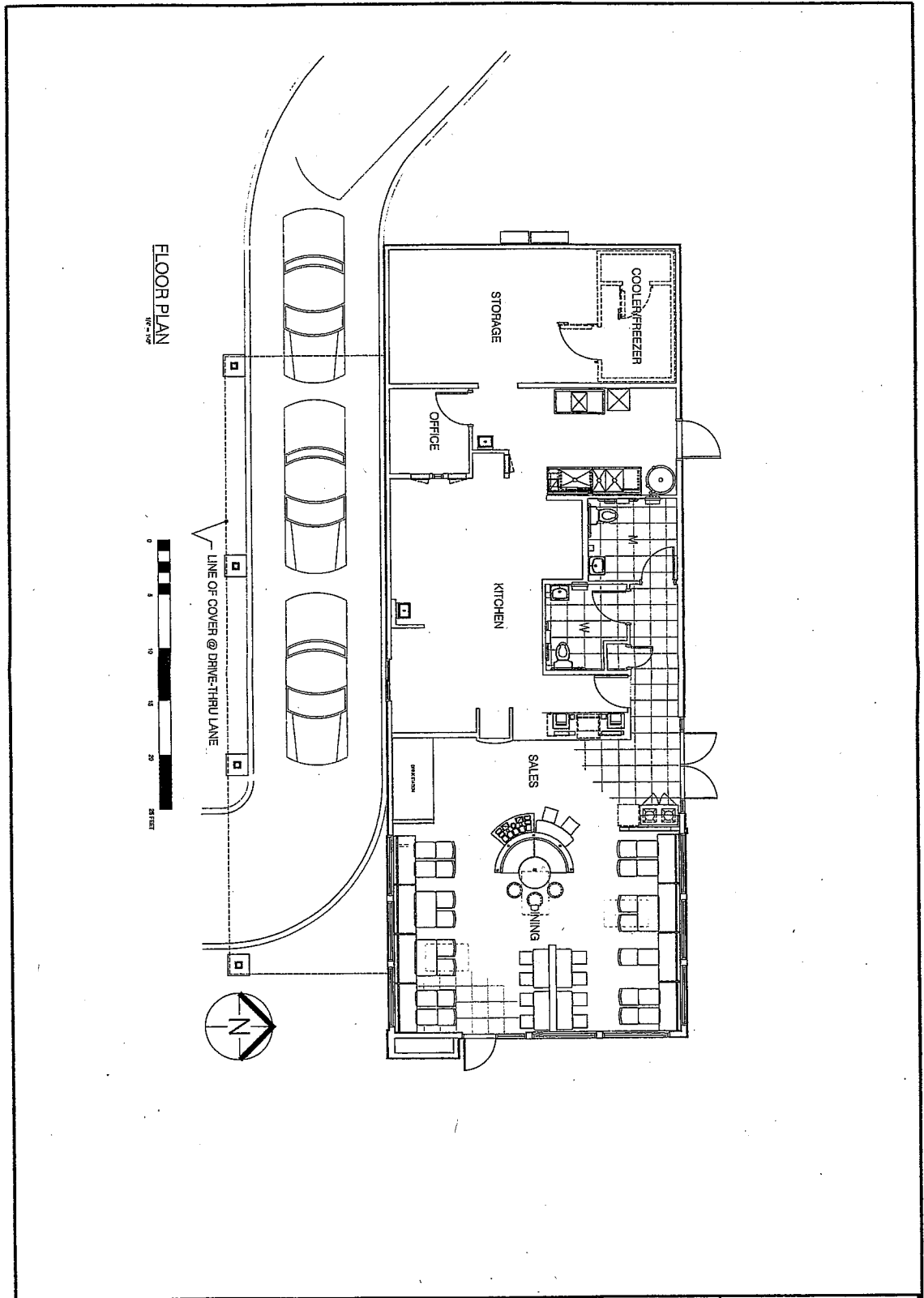
23RD STREET



WEST GRAND AVENUE

TELEGRAPH AVENUE

<p>REMODEL SITE PLAN 1</p>	<p>TAOQ BELL REMODEL TELEGRAPH AVENUE COMMERCIAL CENTER</p>	<p>OWNER: DOLAN FOSTER ENTERPRISES 5635 W. LAS POSITAS BLVD., # 406 Pleasanton, CA 94588 Tel: 925-621-2600</p>	<p>ARCHITECT: BAY ARCHITECTS ASSOCIATES 1550 Pacific Avenue San Francisco, CA 94109 Tel: 415-474-3111 Fax: 415-474-3225 Contact: Robert Gobel, Project Architect</p>
		<p>DATE: 03-14-01</p>	<p>SCALE: 1/8" = 1'-0"</p>



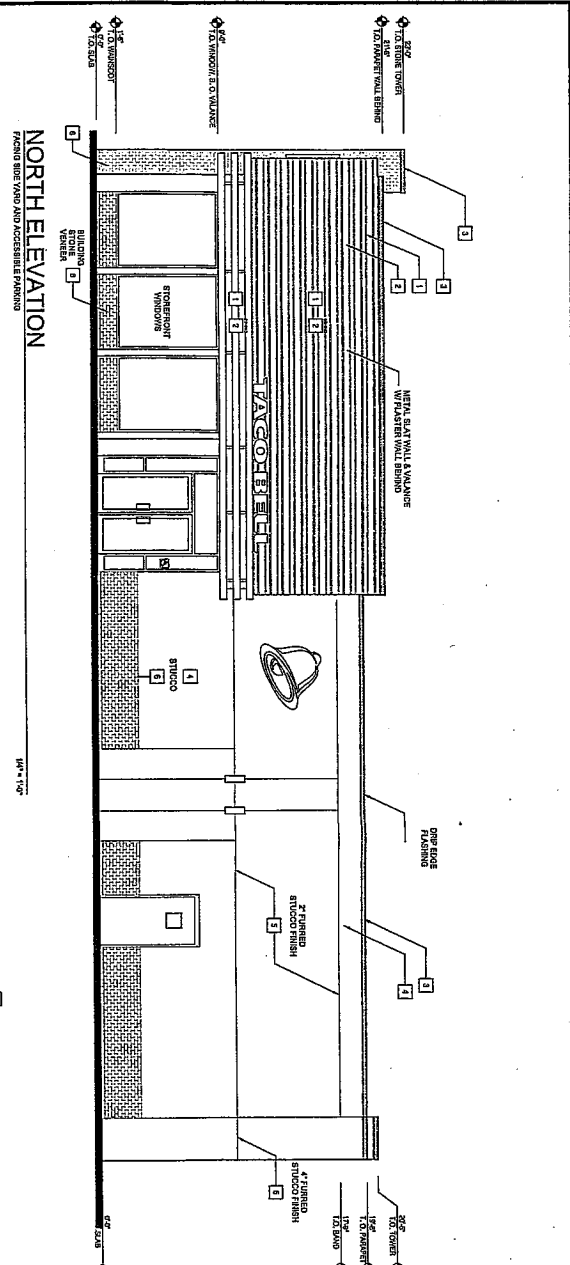
FLOOR PLAN
1/8" = 1'-0"



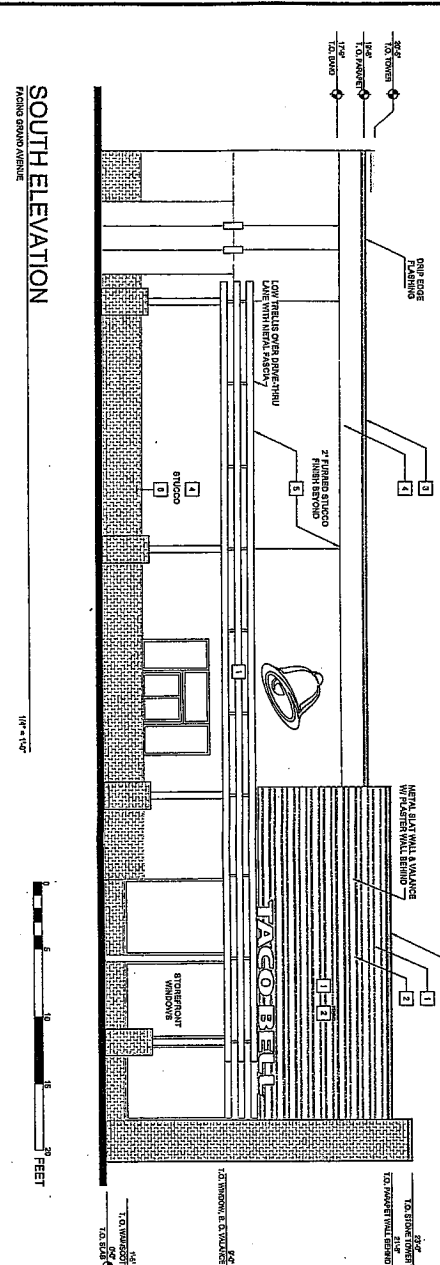
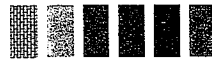
LINE OF COVER @ DRIVE-THRU LANE



2 REFORMER FLOOR PLAN		TACO BELL REMODEL TRANSDORF INC. OAKLAND, CALIFORNIA	CONTRACT DATE: BUILDING TYPE: FINISHES: FIRE RISK/USE: CODES/STANDARDS: OTHER COMMENTS:		OWNER: DOLAN FOSTER ENTERPRISES 5635 W. LAS POSITAS BLVD., # 406 Pleasanton, CA 94588 Tel: 925-621-2600	ARCHITECT: BAY ARCHITECTS ASSOCIATES 1550 Pacific Avenue San Francisco, CA 94109 Tel: 415-474-3111 Fax: 415-474-3225 Contact: Robert Gobel, Project Architect
					DATE:	03-14-



- COLOR SAMPLES:**
- 1 TACO BELL SLAT WALL COLOR
 - 2 TACO BELL SLAT WALL ACCENT COLOR
 - 3 TACO BELL SLAT WALL COLOR
 - 4 TACO BELL SLAT WALL COLOR
 - 5 TACO BELL SLAT WALL COLOR
 - 6 TACO BELL SLAT WALL COLOR
 - 7 TACO BELL SLAT WALL COLOR



- COLOR SAMPLES:**
- 1 TACO BELL SLAT WALL COLOR
 - 2 TACO BELL SLAT WALL ACCENT COLOR
 - 3 TACO BELL SLAT WALL COLOR
 - 4 TACO BELL SLAT WALL COLOR
 - 5 TACO BELL SLAT WALL COLOR
 - 6 TACO BELL SLAT WALL COLOR
 - 7 TACO BELL SLAT WALL COLOR

OWNER:
DOLAN FOSTER ENTERPRISES
 5635 W. LAS POSITAS BLVD., # 406
 Pleasanton, CA 94588
 Tel: 925-821-2600

ARCHITECT:
BAY ARCHITECTS ASSOCIATES
 1550 Pacific Avenue
 San Francisco, CA 94109
 Tel: 415-474-3111 Fax: 415-474-3225
 Contact: Robert Gobel, Project Architect

3

REMODEL ELEVATIONS

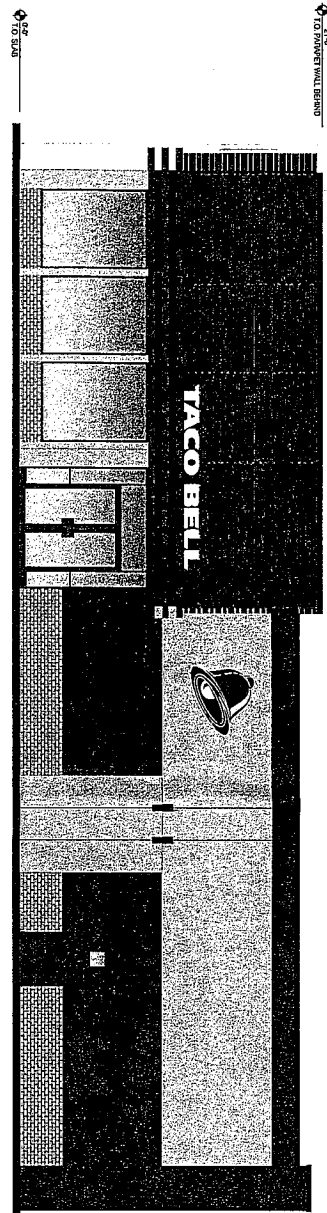
TACO BELL REMODEL

THIRDS FLOOR

DATE: _____

LOT DATE: _____

23'6"
 21'0"
 21'0"
 TO SLOPE TOWARD
 TO SLOPE TOWARD
 TO SLOPE TOWARD



NORTH ELEVATION
 FRONT SIDE WIND AND ACCESSIBLE PARKING

1/8" = 1'-0"

- COLOR SAMPLES:**
- 1 TACO BELL SLAT WALL COLOR
SW 704 'Shoreline'
 - 2 TACO BELL SLAT WALL BACKGROUND
SW 6511 'Cerulean'
 - 3 TACO BELL PAWNET COLOR
SPR08 'Paw Print'
 - 4 TACO BELL MAIN WALL COLOR
SW 3223 'Woodward City'
 - 5 TACO BELL ACCENT BAND COLOR
SW 4124 'Cambridge'
 - 6 TACO BELL VENEER BRICK
Brew 'Hickwood'




23'6"
 21'0"
 21'0"
 TO SLOPE TOWARD
 TO SLOPE TOWARD
 TO SLOPE TOWARD

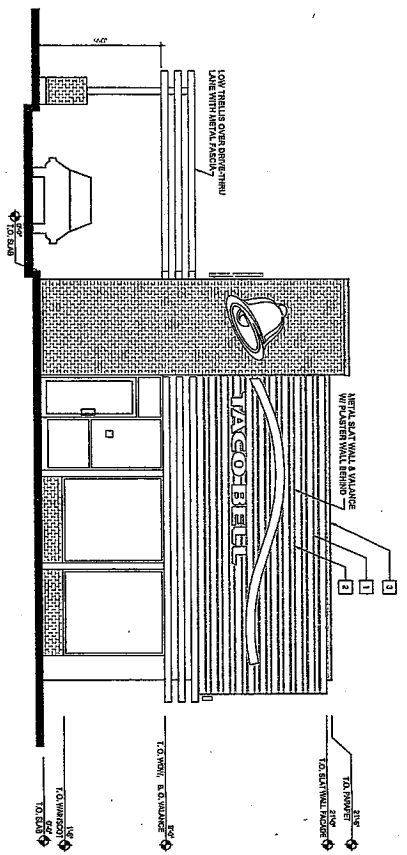


SOUTH ELEVATION
 FRONTING GRAND AVENUE

1/8" = 1'-0"

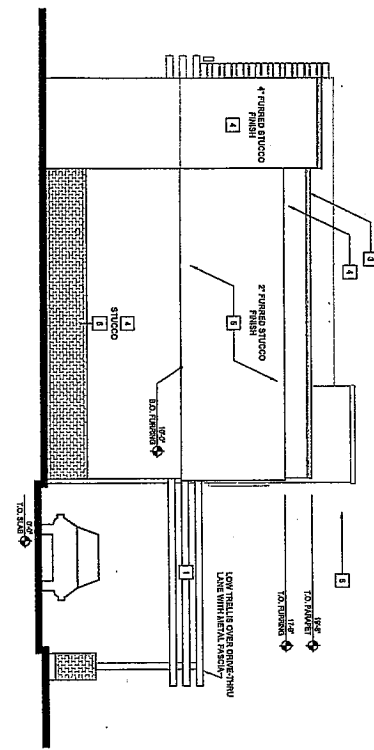


<p>FOR DATE: 10-1-14</p>	 <p>REMODEL ELEVATIONS</p>	<p>TACO BELL REMODEL TELICAPAY, INC. 046-1410, CALIFORNIA</p>	<p>OWNER: DOLAN FOSTER ENTERPRISES 5635 W. LAS POSITAS BLVD., # 406 Pleasanton, CA 94588 Tel: 925-621-2600</p>	<p>ARCHITECT: BAY ARCHITECTS ASSOCIATES 1550 Pacific Avenue San Francisco, CA 94109 Tel: 415-474-3111 Fax: 415-474-3225 Contact: Robert Gobel, Project Architect</p>
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EAST ELEVATION
FACING TELEGRAPH AVENUE
1/4" = 1'-0"

- COLOR SAMPLES:**
- 1 TACO BELL SLAT WALL COLOR
 - 2 TACO BELL SLAT WALL BACKGROUND
 - 3 SW 681, "Charade"
 - 4 TACO BELL, PAWNET COLOR
 - 5 SW78, "Two On"
 - 6 TACO BELL, LANTANA WALL COLOR
 - 7 SW 303, "Redwood Clay"
 - 8 TACO BELL, ACCENT BAND COLOR
 - 9 SW 612, "Combed"
 - 10 TACO BELL, VENEER RICK
 - 11 Band "Pavane"



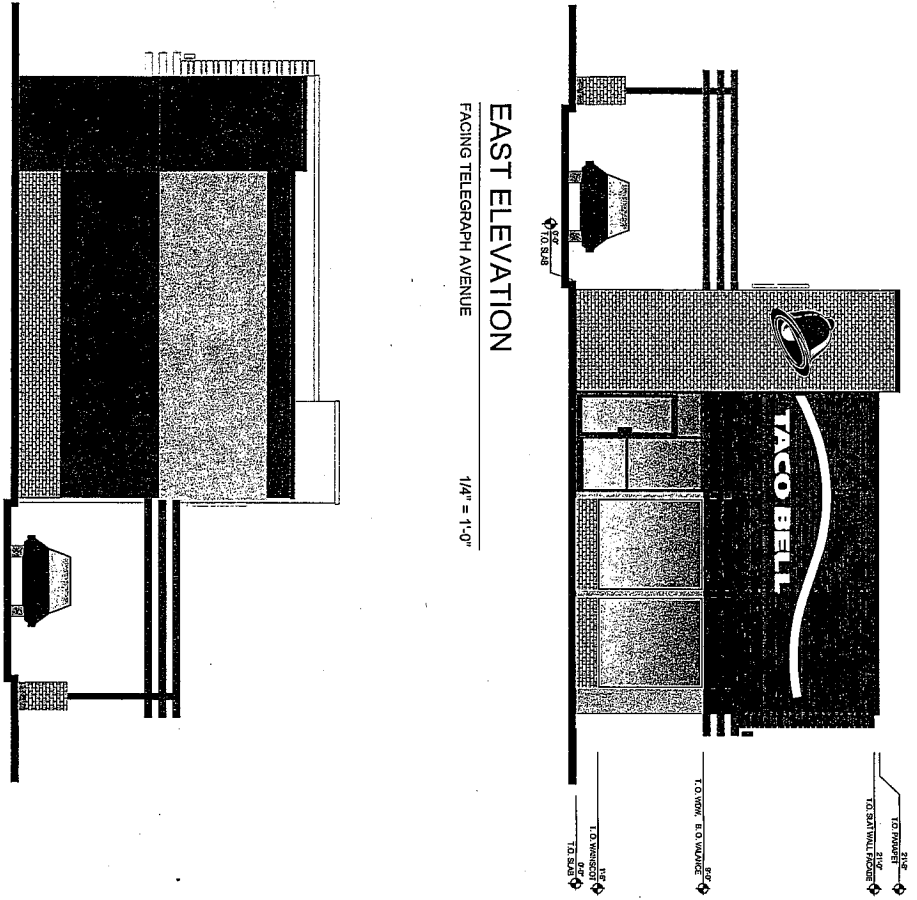
WEST ELEVATION
SHOWING DRIVE-THRU
1/4" = 1'-0"



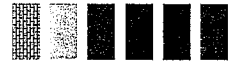
 <p>TACO BELL REMODEL ELEVATIONS</p>	<p>4</p>	<p>OWNER: DOLAN FOSTER ENTERPRISES 5635 W. LAS POSITAS BLVD., # 406 Pleasanton, CA 94588. Tel: 925-621-2600</p>	<p>ARCHITECT: BAY ARCHITECTS ASSOCIATES 1550 Pacific Avenue San Francisco, CA 94109. Tel: 415-474-3111 Fax: 415-474-3225 Contact: Robert Gobel, Project Architect</p>	
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EAST ELEVATION
FACING TELEGRAPH AVENUE

1/4" = 1'-0"

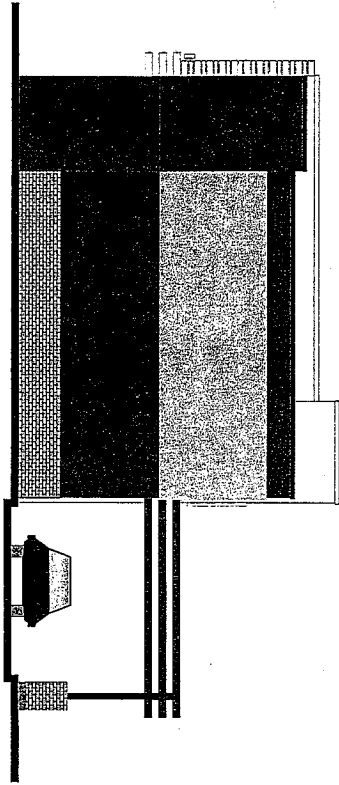


- COLOR SAMPLES:**
- 1 TACO BELL SLAT WALL COLOR
SW 704 "Shine Bone"
 - 2 TACO BELL SLAT WALL BACKGROUND
SW 651 "Onyx"
 - 3 TACO BELL PAPER COLOR
SW 701 "Sun On"
 - 4 TACO BELL MAIN WALL COLOR
SW 252 "Redwood Clay"
 - 5 TACO BELL ACCENT BAND COLOR
SW 612 "Chestnut"
 - 6 TACO BELL VENEER BRICK
Best "Redwood"



WEST ELEVATION
SHOWING DRIVE-THRU

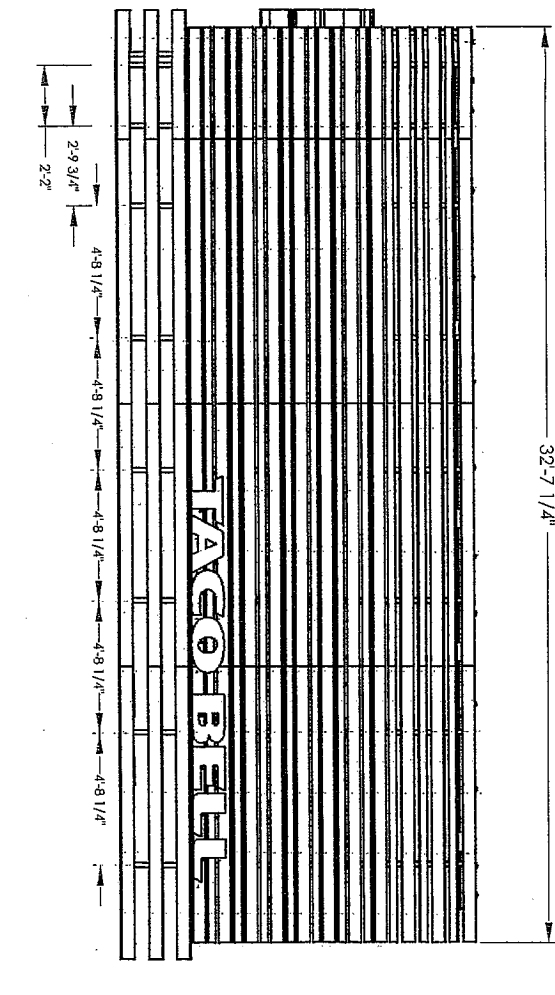
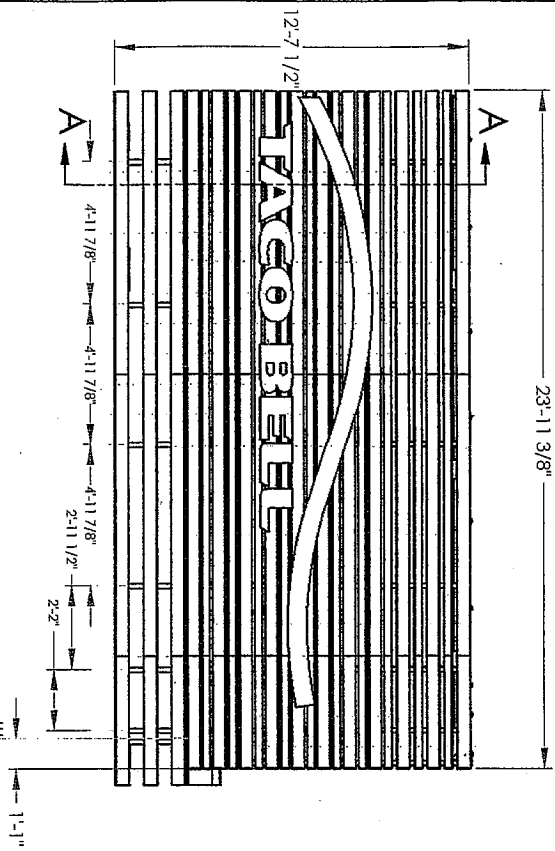
1/4" = 1'-0"



	<p>OWNER: DOLAN FOSTER ENTERPRISES 5635 W. LAS POSITAS BLVD., # 406 Pleasanton, CA 94588 Tel: 925-621-2600</p>	<p>ARCHITECT: BAY ARCHITECTS ASSOCIATES 1550 Pacific Avenue San Francisco, CA 94109 Tel: 415-474-3111 Fax: 415-474-3225 Contact: Robert Gobel, Project Architect</p>
	<p>CONTRACT DATE: BUILDING TYPE: PLAN VERSION: DATE REVISION: SHEET NUMBER:</p>	<p>TACO BELL REMODEL ELEVATIONS OWNER: DOLAN FOSTER ENTERPRISES</p>

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REVISED FOR		REVISIONS	
NO.	DATE	DESCRIPTION	BY

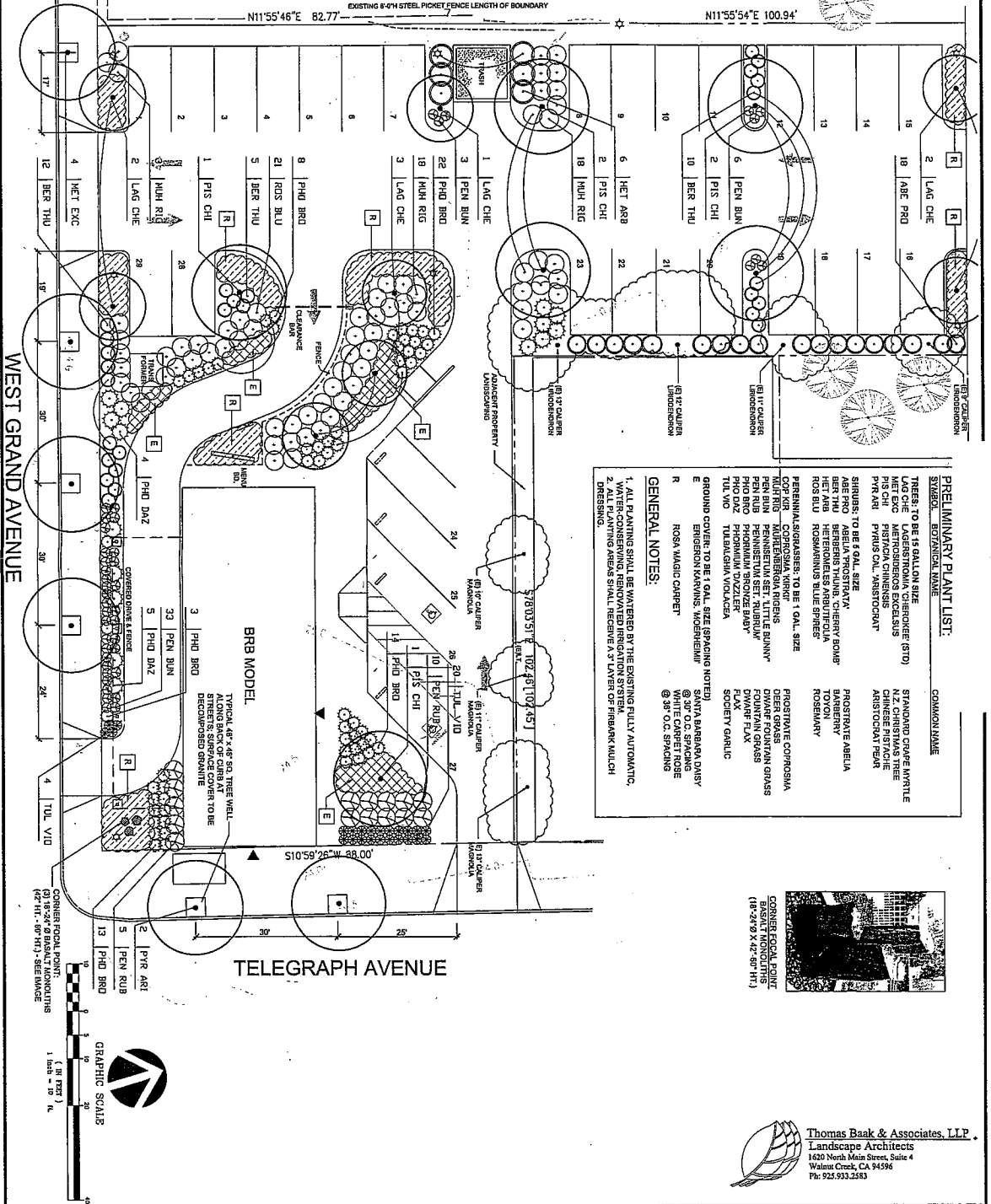


COLOR NOTES:
SLATE WALL TO BE PAINTED
REFER TO SEPERATE DRAWINGS FOR CHANNEL LETTER SPECS.

CUMMINS SIGNS 12000 N. WILSON WASHINGTON, DC 20031 (800) 854-6263 FAX: (301) 424-6263		CUSTOMER TACO BELL	
PROJECT NO. TB SL 01		PROJECT TITLE PRESENTATION	
DRAWING APPROVED BY [Signature]		SCALE 1"=8'	
PROGRAM APPROVED BY [Signature]		LOCATION SLATE WALL	
REVISIONS FOR PRODUCTION BY [Signature]		ENGINEER JEFF WELLS	
SHEET NO. OF X 1 OF 1		ESTIMATOR WENDY WILSON	
DRAWING NUMBER TB SL 01		PROJECT REPRESENTATIVE WENDY WILSON	

NOTES:

EXISTING U. S. POST OFFICE PARKING



PRELIMINARY PLANT LIST:

SYMBOL	BOTANICAL NAME	COMMON NAME
TRES	TO BE 15 GALLON SIZE	STANDARD CRANE WYTHLE
LAG CHE	LAGERSROMA CHIERCKE (STD)	N.Z. CHRISTMAS TREE
MET EXC	METROBIOSIS SACULUS	ARISTOCALY PEAR
PRK AR	PARIS OIL ASTROCARP	PROSTRATE AEMILA
SHRUBS	TO BE 1 GAL. SIZE	BARBERNY
BER THU	BERBERIS THUN. CHERRY BOMB	TOYON
HET ARB	HETEROMELES ARBUTIFOLIA	ROSEMARY
ROS BLU	ROSA MARINA BLUE SPRAYE	PROSTRATE COPROSMIA
PERENNIALS	TO BE 1 GAL. SIZE	DUWAR FOUNTAIN GRASS
COPT KIR	COPROSMIA KIRKP	DUWAR FLAX
MUN RIG	MUNSBURIA INGENUS	FOUNTAIN GRASS
PHO BRD	PHONISSETUM SET. RUBRALY*	DUWAR GRASS
PHO BRD	PHONISSETUM SET. RUBRALY*	SOCIETY GARLIC
TUL VO	TULALOHIA VIOLESCA	
GROUND COVER	TO BE 1 GAL. SIZE (SPACING NOTED)	
EMERSON DORVINS	EMERSONIA DORVINS. MODERATA	
R	ROSA MAGIC CARPET	

GENERAL NOTES:

- ALL PLANTING SHALL BE WATERED BY THE EXISTING FULLY AUTOMATIC WATER-CONSERVING, REMOVED AND IRRIGATION SYSTEM.
- ALL PLANTING AREAS SHALL RECEIVE A 3" LAYER OF FIBERGLASS MULCH DRESSING.



CONTRACT DATE: 03/14/14

DRAWING TYPE: LANDSCAPE PLAN

DATE: 03/14/14

PROJECT: TAYCO BELL REMODEL

OWNER: TELEGRAPH AVENUE

OWNER:
DOLAN FOSTER ENTERPRISES
5635 W. LAS POSITAS BLVD., # 406
Pleasanton, CA 94588
Tel: 925-621-2600

ARCHITECT:
BAY ARCHITECTS ASSOCIATES
1550 Pacific Avenue
San Francisco, CA 94109
Tel: 415-474-3111 Fax: 415-474-3225
Contact: Robert Gabel, Project Architect

GRAPHIC SCALE: 1" = 30' (IN FEET)

GRAPHIC SCALE: 1" = 10' (IN FEET)

DATE: 03/14/14

PROJECT: TAYCO BELL REMODEL

OWNER: TELEGRAPH AVENUE