

Case File Number PLN14-298-R01

March 15, 2017

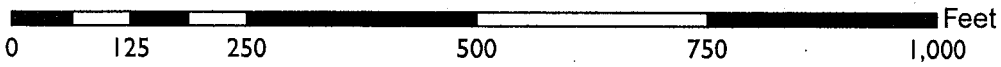
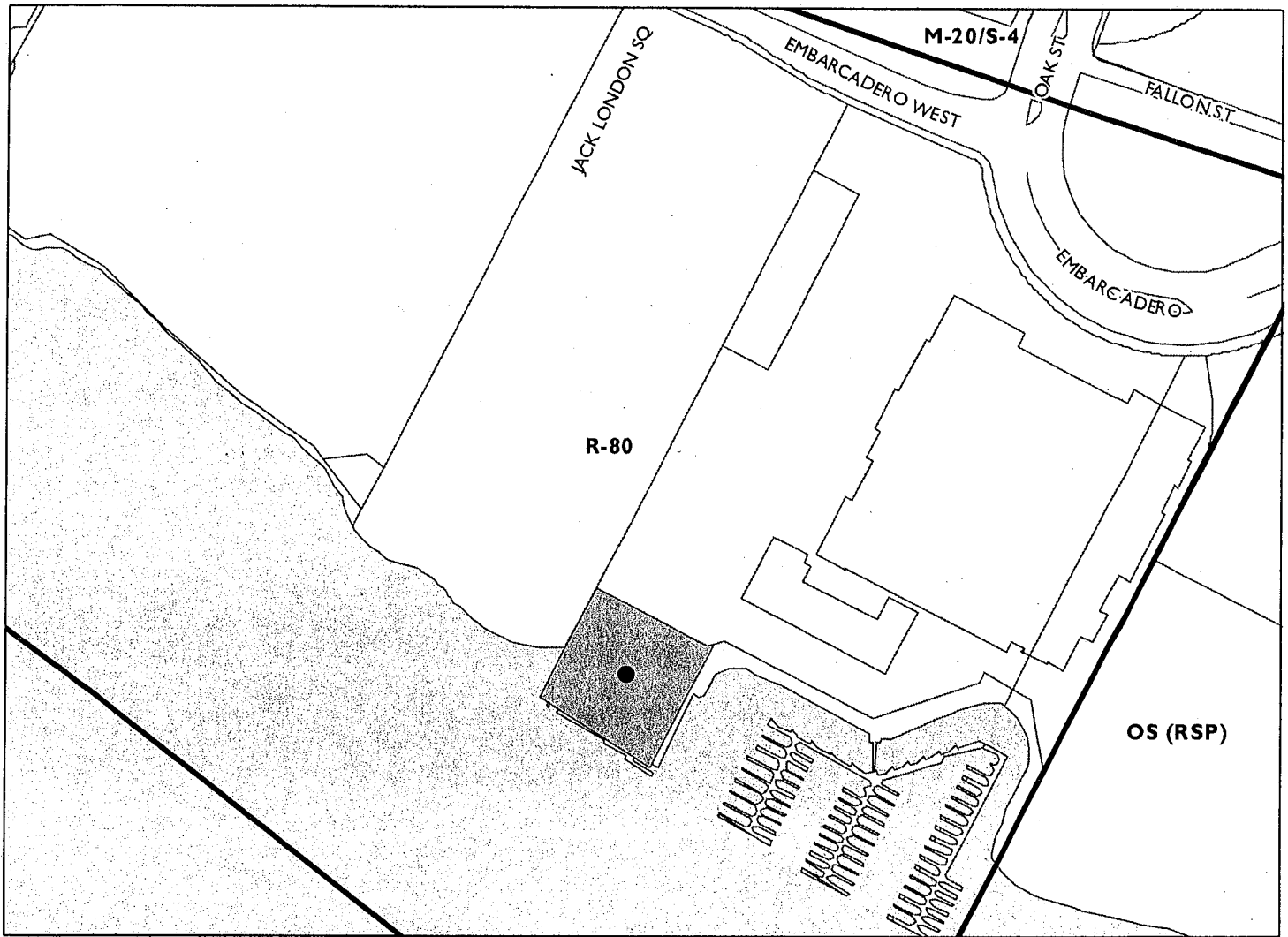
<b>Project Name:</b>	<b>Eve's Waterfront Nightclub</b>
<b>Location:</b>	<b>15 Embarcadero West (APN: 018-0425-012-00)</b>
<b>Proposal:</b>	To allow a Group Assembly Activity (nightclub) and Alcohol Beverage Sales Activity in a facility that is currently a full-service restaurant.
<b>Applicant:</b>	Chris Malki
<b>Phone Number:</b>	(925) 788-3737
<b>Owner:</b>	Capital Financial, LLC
<b>Case File Number:</b>	PLN14-298-R01 (Revision)
<b>Planning Permits Required:</b>	Major Conditional Use Permit for Alcohol Beverage Sales Commercial; Minor Conditional Use Permit for Group Assembly (nightclub with up to 450 persons).  <i>A Minor Conditional Use Permit (Case File: PLN14298) for a full-service restaurant with alcoholic beverage service was previously approved on January 2, 2015 and is operational.</i>
<b>General Plan:</b>	Waterfront Mixed-Use District per the Estuary Policy Plan
<b>Zoning:</b>	R-80 High-Rise Apartment Residential Zone  <i>A December 15, 2016 Zoning Best Fit Determination by the Zoning Manager allows Group Assembly with approval of a Conditional Use Permit (Case File: DET16-0144)</i>
<b>Environmental Determination:</b>	Categorically Exempt under the California Environmental Quality Act (CEQA) Guidelines per Section 15301, Existing Facilities and Section 15183 Projects Consistent with a Community Plan, General Plan or Zoning
<b>Historic Status:</b>	Not a Potentially Designated Historic Property
<b>City Council district</b>	3
<b>Staff Recommendation</b>	Decision based on staff report
<b>Finality of Decision:</b>	Appealable to City Council within 10 days
<b>For further information:</b>	Contact case planner <b>David Valeska</b> at (510)238-2075 or at <a href="mailto:dvalaska@oaklandnet.com">dvalaska@oaklandnet.com</a>

**SUMMARY**

On January 2, 2015, staff approved a Minor Conditional Use Permit (CUP) for a full-service restaurant with accessory alcoholic beverage service (Case File 14-298) in Jack London Square. The restaurant required approval of a Minor CUP because it is located in an R-80 zone. The project applicant is now requesting to add a nightclub (Group Assembly Activity) for up to 450 persons as well as expanded Alcoholic Beverage Sales for persons not dining in the restaurant until 2 AM.

Staff finds that the proposed activity complies with required findings for these entitlements as listed in this report, and therefore, recommends that the Planning Commission approve the project subject to the Conditions of Approval.

# CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN 14-298-R01 (Revision)

Applicant: Chris Malki

Address: 15 Embarcadero West

Zone: R-80

**SITE DESCRIPTION**

**Existing Location**

The project is located at 15 Embarcadero West and near the Amtrak station in City's Jack London District. The site is bounded by the San Francisco Bay Trail and parking lots to the northwest, the Oakland Estuary and parks to the west and south, a multi-family building to the northeast, the Portobello Marina to the west and the KTVU news station studios to the north. The half-acre site is part of a 4.5 acre larger development. The site includes approximately 200 parking spaces which are also used by adjacent uses.

The project is located in a 7,555 square foot building that extends over the Oakland Estuary on pilings. The building dimensions are approximately 110 feet by 80 feet, with an irregular exterior shape. Fire prevention upgrades and disabled (ADA) access were provided in recent years.

**Existing Uses at the Site**

The restaurant has a large kitchen with an open dining and event area and a bar. The restaurant typically closes at 10 PM but, per the applicant's State Alcoholic Beverage Commission (ABC) license, closes at 2 AM for special events. A cabaret permit for music was approved in 2016. The restaurant has approximately 30 employees and has an occupancy of 430 persons.

**PROJECT DESCRIPTION**

The project applicant is requesting to add a nightclub for up to 450 persons as an Alcoholic Beverage Sales Commercial Activity for persons not dining in the restaurant with a closing time of 2 AM (*Attachment A*). The project would continue employing 30 persons; however, additional security personnel is proposed in the amount of at least one trained security person per 50 customers

**GENERAL PLAN ANALYSIS**

The Land Use and Transportation Element (LUTE) and the Estuary Policy Plan (EPP) of the General Plan designate the project site as Waterfront Mixed-Use (WMU) District. The EPP states that the *intent* of the WMU District designation is to "allow for a mixture of uses that complement the waterfront setting, and maintains and enhances views and public access to the waterfront." The EPP states that the *desired character* of future development in the area should "be primarily residential, office, retail and restaurants, parks, and public open spaces. Water uses are also included."

The following General Plan Land Use Policies and Objectives apply to the proposed project:

EPP Objective LU-1: Provide for a broad mixture of activities within the Estuary area.

EPP Objective LU-4: Develop the Estuary area in a way that enhances Oakland's long-term economic development.

EPP Policy JL-8, Waterfront Mixed-Use District: Encourage the mix of uses east of Alice Street to promote land use compatibility, while maintaining and enhancing waterfront views and access.

Objective D1: Enhance the identity of Downtown Oakland and its distinctive districts.

Policy D5.1: Encouraging Twenty-Four Hour Activity.

The project is proposing to expand the use of the existing restaurant for Group Assembly and Alcohol Beverage Sales Activities. As noted in the EPP, “the Jack London District has been established as a regional destination for retail, dining and entertainment as a lively mixed-use district.” Also, “outside Jack London Square, eating and drinking establishments that take advantage of water views and ambiance are evident but not plentiful. There is potential for growth of these uses as development occurs, public access and open space improvements are made and large numbers of people are attracted to the waterfront.” The proposed project meets the referenced objectives and the general intent of the WMU land use designation and is a good fit for the Jack London District and waterfront areas.

### **ZONING ANALYSIS**

The site is zoned R-80 High-Rise Apartment Residential Zone. A Group Assembly Activity would not normally be approved. However, the City’s Best Fit Determination process allows zoning regulations to be applied to a property if consistent with the General Plan. Planning Code Section 17.01.100 allows the Zoning Manager to apply a “best fit zone” if the zoning regulations have not been fully updated and to allow a use upon the granting of a CUP pursuant to the CUP procedure in Chapter 17.134. On December 15, 2016, the Zoning Manager issued a Best Fit Determination (DET16-0144) allowing a CUP application for Group Assembly in the R-80 High-Rise Apartment Residential Zone. The Determination was not appealed and remains valid. Property owners within 300 feet were provided notice of this decision.

The prior CUP provided alcohol only with meals. Expanding alcohol service in conjunction with a nightclub use (not with meals) requires a Major CUP.

### **OTHER AGENCIES’ REGULATIONS**

The San Francisco Bay Conservation and Development Commission (BCDC) has jurisdiction over properties on or within 100 feet of San Francisco Bay, such as this shoreline site. On October 16, 2016, Matthew Trujillo at BCDC sent an e-mail (*Attachment B*) to the applicants stating:

“events would be entirely contained to the interior of the restaurant, which is not in the public access area. Therefore, you should be able to hold those events within the existing authorizations of the permit. Bear in mind, however, that there may be nuances to the events that could result in permit violations. For example, if you or your tenant intend to cordon off the walkway from the parking lot to the restaurant entrance for ‘red carpet’ events, that would be problematic because the public access path runs parallel to the front of the restaurant.”

BCDC opposed spillover of events onto decks that are required for public access to the waterfront. There is an existing BCDC permit that applies to exterior areas of the property along the shoreline.

The U.S. Army Corps of Engineers (Corps) also has jurisdiction over San Francisco Bay. Since the applicant would be using a building already approved by the Corps, without exterior changes, no further permits are expected to be needed from the Corps.

## **ENVIRONMENTAL REVIEW**

Staff has evaluated the project according to the California Environmental Quality Act (CEQA) and determined it is exempt from environmental review under Sections 15301 and 15183, each as a separate and independent basis, and when viewed collectively, as an overall basis for CEQA clearance.

Section 15301 of the CEQA Guidelines exempts from CEQA review, those facilities which are existing. The project is not likely to produce measurable physical or other environmental effects pursuant to CEQA thresholds as the project only involves expanded operation of an already existing restaurant for events and alcohol beverage service. However, the Conditions of Approval require limited interior renovations to address further noise attenuation as necessary.

Furthermore, this project doesn't meet the exceptions in CEQA Section 15300.2 to disqualify it for an exemption. The project is not located in a particularly sensitive environment as a large portion of the Oakland Estuary and Bay Area have development located along the water's edge. It would not result in a cumulative impact of successive projects of the same type and the same place being significant. No successive projects like this are anticipated due to the site's unique location on and over the Oakland Estuary and the other structures are currently used for residential, industrial and commercial uses as well as the KTVU news station. There is no reasonable possibility that the activity will have an effect due to unusual circumstances. In urban environments, such as Oakland and the Bay Area, nightclub uses are sometimes located adjacent to other uses. With the inclusion of additional Conditions of Approval to limit noise, no unusual circumstances are expected. Finally, the project is not located near a scenic highway, on a hazardous waste site or in a historic resource.

As noted above, this project is also consistent with the City's General Plan and zoning subject to CUP approval, consistent with CEQA Section 15183.

## **ANALYSIS**

Staff has considered potential issues that could be associated with the project as well as neighborhood comments. Issues evaluated include attendance, vehicular access and parking noise from the events within the restaurant, use of outdoor decks; and security issues.

### **Number of Persons**

The applicant's request is for 450 persons at the nightclub. Staff explored a lower limit such as 300 persons as a way to further reduce parking and traffic, noise or other effects. However, after additional site inspections, review of the plans, and discussions about occupancy with the Oakland Fire Department, staff concluded that a maximum of 430 persons could use the facility with implementation of additional Conditions of Approval to address compatibility and potential nuisances.

### **Parking and Traffic**

The restaurant has an existing shared parking agreement with the nearby office building and the marina for more than 200 spaces in the parking lot. This agreement allows first-come, first-served parking over most of the spaces and is separate from the dedicated multi-family residential parking. In late evening hours, when nightclub use occurs, many office and marina users would likely be absent. Staff has reviewed this supply and found parking spaces are adequate pursuant to the Planning Code and staff review.

Since the parking lot is oriented north-south, there is a long maneuvering aisle and more than adequate room to stack vehicles while they wait to turn onto Embarcadero West. This will prevent roadway traffic conflicts. Also, Embarcadero is a boulevard with substantial capacity and, in the past, the restaurant with a large permitted occupancy has not resulted in reports of traffic backups. It is even less likely that a nightclub would cause traffic back-ups due to the late operational hours of the club outside peak traffic periods. Finally, the club is located near 16 separate bus lines including one all-nighter and the Free Broadway Shuttle which runs until 1 AM on Fridays and Saturdays, so significant parking and traffic issues are not expected.

### **Noise Near Residential Neighbors**

The Oakland Noise Ordinance and Section 17.120.050 of the Oakland Planning Code regulates the maximum allowable receiving noise for residential, commercial and industrial properties. The project is located within a residential zone (R-80 Residential Zoning District) so the maximum allowable receiving noise level is 45 dba from 10 PM to 7 AM. A noise study was prepared by Jemal Johnson of InTune Sound Inc. in December 2016 (*Attachment C*). The study found that there was a maximum of 88.8 decibels (dba) on the dance floor, 85 dba near the bar, 76.21 dba outside the front door, 77.1 dba on the sidewalk near the front door with testing accurate to plus or minus 5 decibels. The maximum suitable interior night club sound level is reported at 92.1 dba average. Mr. Johnson confirmed that sound reduces with the distance, so areas across the parking lot, across the water or near Embarcadero should experience less sound than areas closer to the building, likely below 55 dba. Residential units should experience no more than 45 dba (City standard) at night with the windows closed.

On January 26, 2017, Zoning staff visited the site at 3 PM just before dinner began. The owner ran sound tests, operated by Jemal Johnson, and staff used the City's latest noise meter, calibrated by Code Enforcement, to test the sound. The music was tested at the normal nightclub sound level which produced about 85-90 decibels inside the space. Staff found this sound comparable to seating close to the stage at a rock and roll concert. With doors closed, the parking lot tests showed acceptable noise (mid-range circa 50-55 decibels/ LDN). Tests indicated that residential neighbors should not experience unacceptable noise levels.

On January 30, 2017, staff received a written complaint from a nearby liveaboard boat resident about noise from the restaurant. As shown in *Attachment D*, this neighbor opposes the amendment of the Use Permit. However, staff has added Conditions of Approval to address noise issues.

The Conditions of Approval related to noise include sound proofing the building, ensuring the doors remain shut except for incidental ingress and egress, a prohibition on late night use of the outdoor decks consistent with BCDC's opposition, and ongoing compliance reviews. These Conditions along with better management of the parking lots should reduce any sound related impacts on neighbors. Finally, staff is not aware of noise issues resulting from other prior tenants of the restaurant, and expects management to maintain its operations within the confines of the CUP and Conditions of Approval.

Staff explored, with the applicant, an earlier end time than the requested 2 AM closing, such as the current 12 AM or a 1 AM closing. The applicant made a case that the 2 AM closing time would allow more popular and well known acts to be booked in the facility, benefitting tourism and fulfilling the Estuary Policy Plan's intention to create a regional entertainment area.

### **Crime and Social Issues**

This applicant is taking extensive steps to provide a nightclub with alcohol beverage service resulting in minimal risk for drawing crime. Proposed actions to manage visitors include providing security personnel (at least one trained security person per 50 customers), lighting, built in security cameras and

fencing/access restrictions from the parking lot. Conditions of Approval would reinforce the applicant's responsibility to manage and control this issue. One such condition authorizes reopening of the approval if staff determines nuisances, including crime, are occurring.

The Police Department and other agencies have not been hesitant to close down music venues which attract crime (e.g. several on lower Broadway). The applicants have every motivation to comply with the Conditions of Approval and implement measures to reduce this potential issue in order to keep their CUP in good standing.

Crime statistics for the subject area are similar to other entertainment districts in the City such as Jack London Square at Broadway or Telegraph Avenue near 18<sup>th</sup> Street. While some crime does occur in the area, the nature of nearby neighbors (housing, television station, marina, and offices) discourages crime at night. Staff and the applicant believe the facility with expanded entertainment will not contribute to crime levels due to the location, Conditions of Approval, design and proposed operation of the facility and neighborhood factors.

Section 17.03.030B of the Oakland Planning Code requires Findings of Public Necessity and Convenience when an alcoholic beverage service site is in a census tract or area with excessive police calls for service or crime. Planning staff reviewed records and found this site was not in such an area. In addition, the site is in the Central Business District where separation of nightclubs and bars is not required.

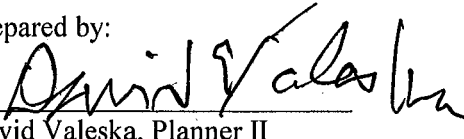
**Conclusion**

As described above, the Group Assembly and expanded Alcohol Beverage Activity would provide benefits to the community and promote Jack London Square as a center for regional entertainment and tourism in a unique venue along the Oakland Estuary in conformance with the City's Estuary Policy Plan. The proposed Conditions of Approval address noise, trash, crime, security and other nuisances that might occur with such a development proposal. As detailed in the Findings for Approval, staff concludes that the Findings for a CUP are fulfilled, and recommends approval of the project.

**RECOMMENDATION:**

1. Affirm staff's environmental determination.
2. Approve the Major Conditional Use Permit for Group Assembly and expansion of alcoholic beverage services, based on the attached findings and subject to the attached Conditions of Approval.

Prepared by:

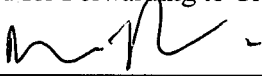
  
David Valeska, Planner II

Reviewed by:

  
SCOTT MILLER  
Zoning Manager

Bureau of Planning

Approved for Forwarding to City Planning Commission



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DARIN RANELLETTI, Interim Director  
Department of Planning and Building

Attachments:

- A. Plans and Photographs
- B. Email from BCDC, dated October 16, 2016
- C. Noise Study, Jemal Johnson, InTune Sound Inc., December 2016
- D. Applicant and Neighbor Correspondence



## FINDINGS FOR APPROVAL

This proposal meets the required findings under the Oakland Planning Code. Required findings are shown in **bold type**; explanations as to why these findings can be made are in normal type.

### 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.**

The Group Assembly (nightclub) Activity will be located in an existing restaurant building and no additional floor area or physical expansion is proposed. The facility will be similar in scale and type to Yoshi's, Kimball's and others. The Estuary Policy Plan (EPP) envisions further growth of entertainment sites along the waterfront but outside Jack London Square. In terms of operations, the proposed activity would satisfy a community need which will not affect livability of the surrounding neighborhood. Conditions of Approval have been included limiting noise, light, trash/litter, loitering, and similar factors to offset any potential for negative effect

- 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 Group Assembly (nightclub) Activity will be located in an existing restaurant building and no additional floor area or physical expansion is proposed. The project will enhance the existing restaurant and provide a destination venue as envisioned in the General Plan. The use will also provide a convenient and functional entertainment environment. On-site management is likely to limit nuisances as well as or better than typical meeting halls or nightclubs. The existing waterfront location will offer scenic vistas, and the existing parking lot is more than adequate.

- 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 EPP envisions a mix of uses that complement the waterfront setting and maintain and enhance views and public access to the waterfront. The proposal will expand the restaurant as a destination venue within Jack London Square and fulfill the goals of the EPP at this shoreline site. This facility would have similar traffic and noise to its previous use with implementation of the Conditions of Approval.

- D. That the proposal conforms to all applicable design review criteria set forth in the design review procedure at Section 17.136.070.**

The building is existing and would be remodeled to address the nightclub activity and sound reduction but not enlarged the area. Design Review is not required because there are no additions to the structure.

*Findings*

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

As shown in the staff report, the project meets the following General Plan objectives and policies: EPP Objective LU-1, EPP Objective LU-4, EPP Policy Waterfront Mixed-Use District JL-8, Objective D1, and Policy D5.1. The proposal will expand a restaurant and allow for group assembly activities that will promote Jack London Square as a regional entertainment district, expand economic activities in the area, and will be compatible with the area subject to the Conditions of Approval.

**Section 17.103.030 (A) - Special Use Permit Criteria, Alcoholic Beverage Sales:**

- 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 proposed business is not envisioned to contribute to the proliferation of nightclub uses due to its unique location as the only building in the area overlooking the Estuary and its adjacency to residential, commercial (including the KTVU news station) and industrial buildings. Furthermore, as noted above, while some crime does occur in the area, the nature of nearby neighbors (housing, television station, yacht marina, and offices) discourages crime at night and its location is unlikely to attract loitering and other problems as do some other Alcoholic Beverage Sales locations. However, the applicant is proposing significant measures to address crime, including added security, and the City has placed a Condition of Approval for the potential for ongoing compliance review to ensure any crime issue is addressed promptly. As shown also above, the parking lot and street are not anticipated to be adversely affected by the proposal.

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

The proposed alcohol-serving Group Assembly facility will be within 1,000 feet of shoreline park sites. The San Francisco Bay Trail is located approximately 500 feet away and public shoreline access is available around the building. However, the activity is unlikely to adversely affect these open areas since most activity onsite is in the evening and will be located within the existing building. Uses such as daycare centers and houses of worship are too distant to experience adverse effects. This facility has built-in sound attenuation characteristics within the structure and additional sound reduction measures are proposed as Conditions of Approval. Staff believes that nearby uses will be protected from adverse effects of the proposed activity.

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

Embarcadero is not an important pedestrian street at this location, and the pedestrian traffic is modest. Up to 430 projected customers would be arriving throughout the day and evening. Counting the parking area, over 4 acres are provided for the movement of people and vehicles, which minimizes the crowd management issues of the building tenant. Per the Conditions of Approval and BCDC's opposition, the exterior decks will not be used for events which would possibly conflict with public access to the waterfront access areas.

- 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 proposed project is located within an existing building and no building construction is proposed. Any renovations will be on the interior and address interior noise per the proposed Conditions of Approval.

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

The proposal does not include signage. Any potential signage would require an additional Planning permit submittal, review and approval. About 200 existing on-site parking spaces are shared with neighbors, which is consistent with Oakland Planning Code standards. The site has excellent bus service nearby, which supplements on-street parking in the area. Furthermore, the Amtrak station, a Ferry terminal and multiple bus lines (two with late night service) are within walking distance. The proposed project is located within an existing building and no building renovations are proposed except to address interior noise per the proposed Conditions of Approval.

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

As conditioned, there will be non-flammable trash containers installed proximate to the entrance of the facility and litter will be removed from in front of the building and the parking lot after events. Furthermore, large trash containment will be concealed from view from adjacent residential uses, public shorelines and other visible areas and will intercept sound. Staff has also limited outdoor trash and recycling timeframes between the hours of 7:00 pm and 9:00 am.

- 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 PM and seven AM.**

The nearest residential dwellings are primarily 300 feet behind this facility and are a sufficient distance away to minimize noise and incompatibility effects. This is the conclusion of a December 2016 noise study by the restaurant's sound engineer and a January 2017 noise meter test by Zoning staff. Existing roadway and train noise creates an ambient level which will mask any of the business's noise effects. Attached Conditions are provided to ameliorate the potential noise effects.

## CONDITIONS OF APPROVAL

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### 1. Approved Use

The project shall be constructed and operated in accordance with the authorized use as described in the approved application along with the approved plans dated June, 2016 as amended by the following conditions of approval and mitigation measures, if applicable (“Conditions of Approval” or “Conditions”).

### 2. Effective Date, Expiration, Extensions and Extinguishment

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

### 3. Compliance with Other Requirements

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

### 4. Minor and Major Changes

- 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 service 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. Regulatory Permits and Authorizations from Other Agencies**

Requirement: The project applicant shall obtain all necessary regulatory permits and authorizations from applicable resource/regulatory agencies including, but not limited to, the Regional Water Quality Control Board, Bay Area Air Quality Management District, Bay Conservation and Development Commission, California Department of Fish and Wildlife, U. S. Fish and Wildlife Service, and Army Corps of Engineers and shall comply with all requirements and conditions of the permits/authorizations. The project applicant shall submit evidence of the approved permits/authorizations to the City, along with evidence demonstrating compliance with any regulatory permit/authorization conditions of approval.

When Required: Prior to activity requiring permit/authorization from regulatory agency

Initial Approval: Approval by applicable regulatory agency with jurisdiction; evidence of approval submitted to Bureau of Planning

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

**13. 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

**14. 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

**15. Bay Conservation and Development Commission (BCDC) Approval**

Requirement: The project applicant shall obtain the necessary permit/approval, if required, from the Bay Conservation and Development Commission (BCDC) for work within BCDC's jurisdiction to address issues such as but not limited to shoreline public access and sea level rise. The project applicant shall submit evidence of the permit/approval to the City and comply with all requirements and conditions of the permit/approval.

When Required: Prior to activity requiring permit/approval from BCDC

Initial Approval: Approval by BCDC; evidence of approval submitted to Bureau of Planning

Monitoring/Inspection: BCDC

**16. 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. (See also Condition #32).

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building: N/A

**17. Bicycle Parking**

Requirement: The project applicant shall comply with the City of Oakland Bicycle Parking Requirements (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall demonstrate compliance with the requirements.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

**SPECIFIC PROJECT CONDITIONS**

**18. Sound Attenuation and Materials**

The applicant shall enclose and operate the dining and nightclub area in a manner to minimize noise impacts on nearby residential properties. Patio doors to the dining area shall be installed with self-closing mechanisms to ensure that the doors remain closed except when staff or customers are passing through the doors. The exterior building envelope shall be renovated and soundproofed with building permits and shall be designed to control noise to the maximum extent to accomplish noise limits specified in the December 2016 Jemal Johnson noise test letter on file with Planning and Zoning and the City's noise ordinance.

When Required: Ongoing

Initial Approval: N/A

Monitoring Inspection: Code Compliance Staff

**19. Music and Group Assembly.**

The applicant shall get any required Cabaret Permit and/or other City permits. No music or music service (including live or broadcast music) shall take place outside of the restaurant including the deck areas. No patron seating or standing shall be permitted in the space between the outer building wall (including deck areas) and the neighbors' property line. No events shall be permitted onto decks used for public access. Maximum occupancy is 430 persons.

When Required: Ongoing

Initial Approval: N/A

Monitoring Inspection: Code Compliance Staff

**20. Trash Areas**

Non-flammable trash containers installed proximate to the entrance of the facility and litter will be removed from the area in front of the premises and within the parking lot after events. Additional large trash areas shall receive City Small Project Design Review to be concealed from view from adjacent residential uses, public shorelines and other visible areas with at least 8 feet of wall rated to intercept sound. No trash or recycling emptying shall occur between the hours of 7:00 pm and 9:00 am.

When Required: Prior to Building Permit final, and ongoing

Initial Approval: Bureau of Planning

Monitoring Inspection: Code Compliance Staff

**21. Compliance Matrix Completion and Review**

- a. The project applicant shall submit a Compliance Matrix, in both written and electronic form, for review and approval by the Bureau of Planning and the Bureau of Building that lists each Condition of Approval in a sortable spreadsheet. The Compliance Matrix shall contain, at a minimum, each required Condition of Approval, when compliance with the Condition is



required, and the status of compliance with each Condition. The project applicant shall submit the initial Compliance Matrix six (6) months after the Certificate of Occupancy has been issued (or temporary Certificate of Occupancy if one is issued).

**22. Compliance Review**

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. The same process shall be repeated at least 12 months and at 18 months after the Certificate of Occupancy has been issued. Further matrix reviews shall be at the discretion of the Zoning Manager. If Zoning or Code Compliance staff are aware of complaints that would indicate significant non-compliance with any Condition of Approval or any applicable City regulations, the applicant shall submit for, and pay all appropriate fees consistent with the Master Fee Schedule, and such review will be conducted in the process provided for under Oakland Planning Code. If ongoing complaints are received and verified, the City may pursue revocation or an amendment to the project to reduce the number of person permitted at events, make adjustments to the closing time, and/or limit alcohol beverage sales associated with the nightclub.

**23. Security**

**Ongoing**

- a. The applicant shall maintain at least one trained security person per 50 customers as described in the project application. If complaints regarding crime, noise or other nuisances are noted as part of the Compliance Review, the Zoning Manager may require additional security personnel to address these issues.
- b. The owner, manager, and employees of this establishment shall make appropriate efforts to discourage loitering from the premises after the nightclub closed including calling the police to ask that they remove loiters that 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.

**24. Activity Closing**

Group assembly activities, music and service of alcoholic beverages shall cease by 1:45 am or earlier.

**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

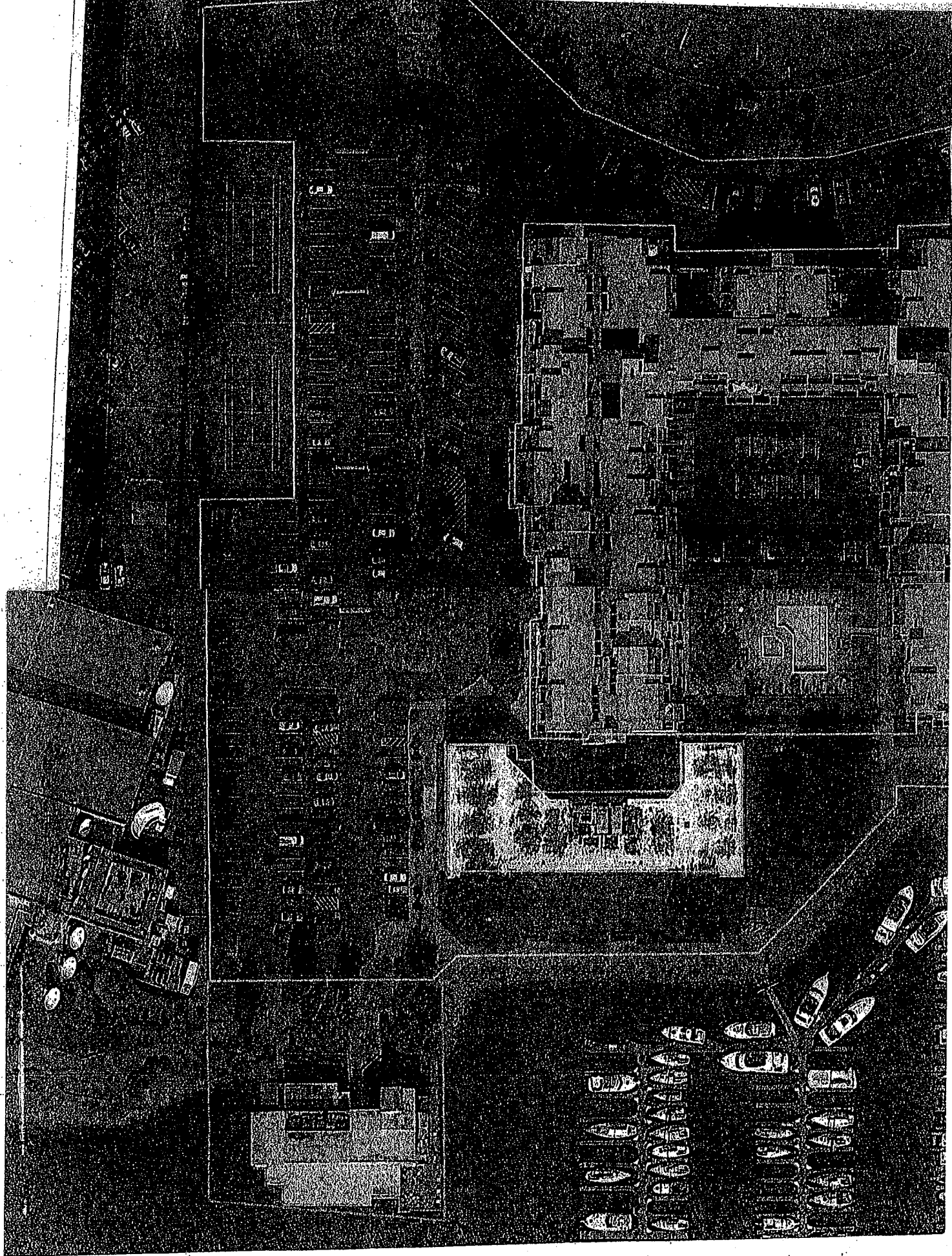
**PLN14298**

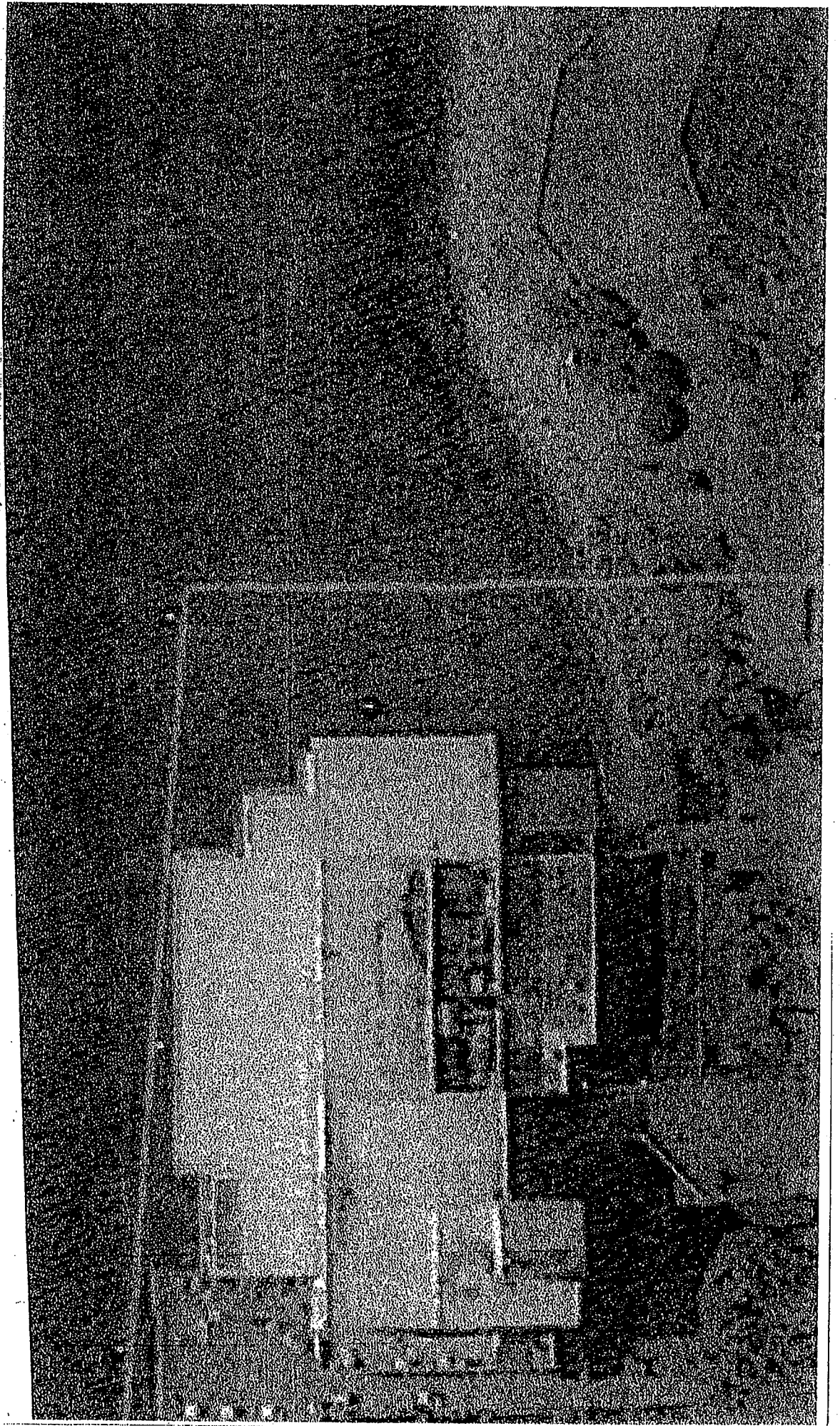


500 ft

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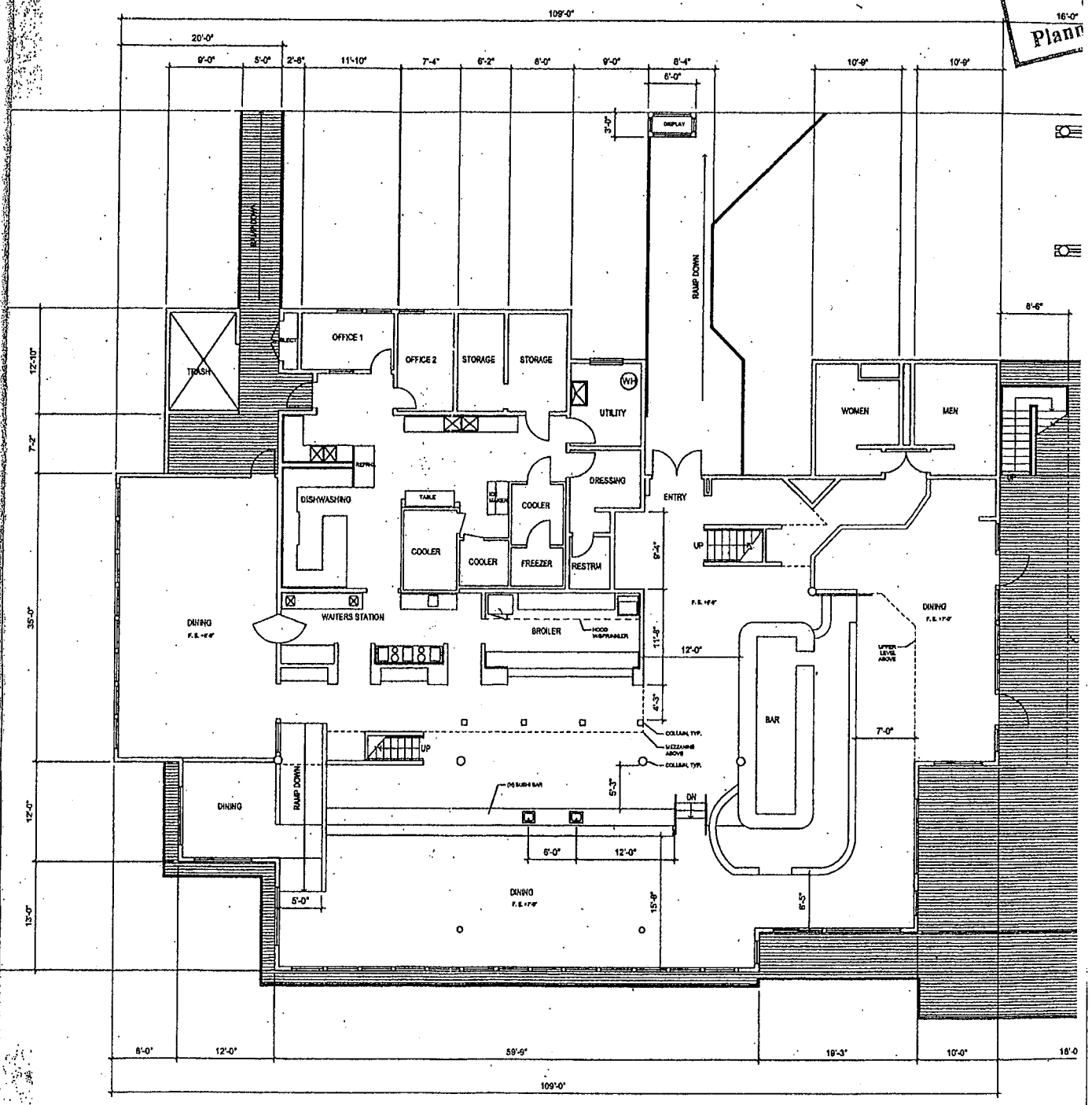
Notes: 15 Embarcadero





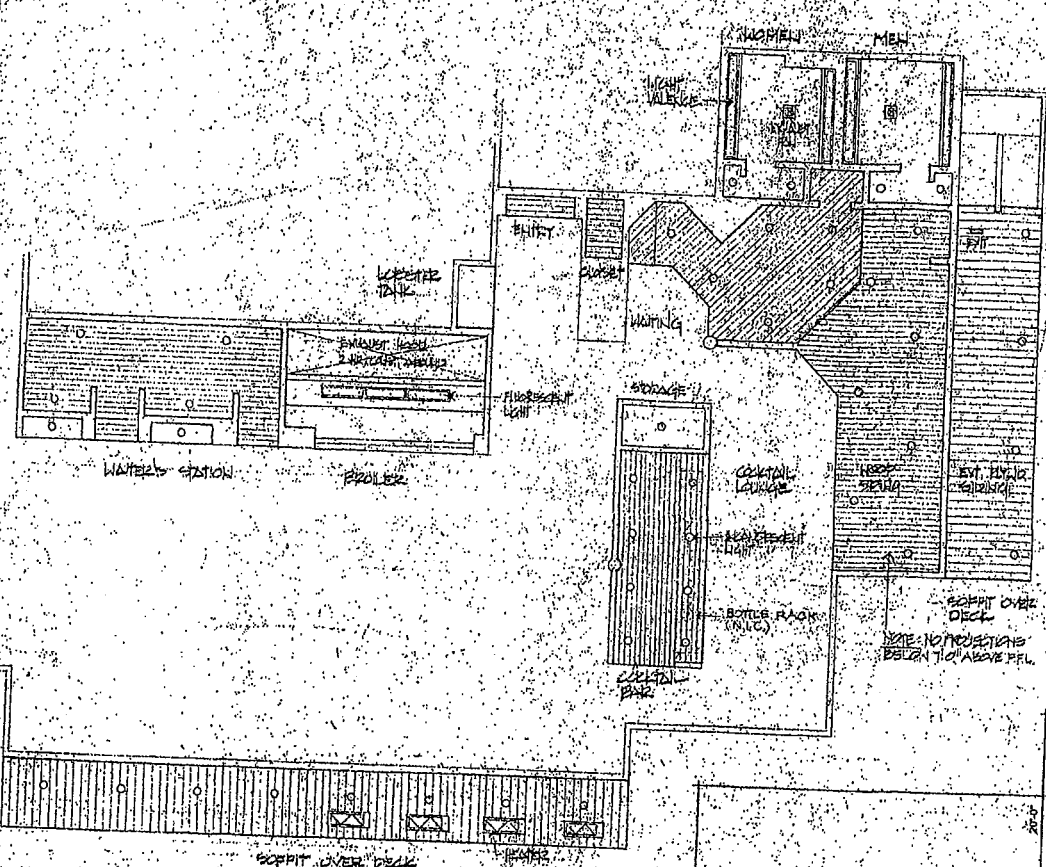
NOTES:  
 1. PRESENT AND HEREIN PARTIAL GROUND FLOOR PLAN.  
 2. FLOOR ELEVATIONS & VERTICAL DIMENSIONS ARE TAKEN FROM TOP OF FINISHED CEILING & INTERIOR OF BLDG.  
 3. FINISHES OF CEILING & INTERIOR.  
 4. SHALL FINISH SPACES MUST BE FIRE STOPPED @ 10' INTERVALS IN VERTICAL & HORIZONTAL DIRECTION.

REC  
 16'-0"  
 Plans

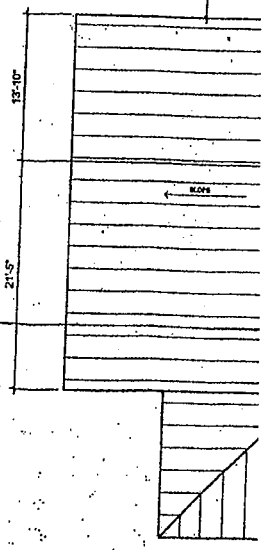


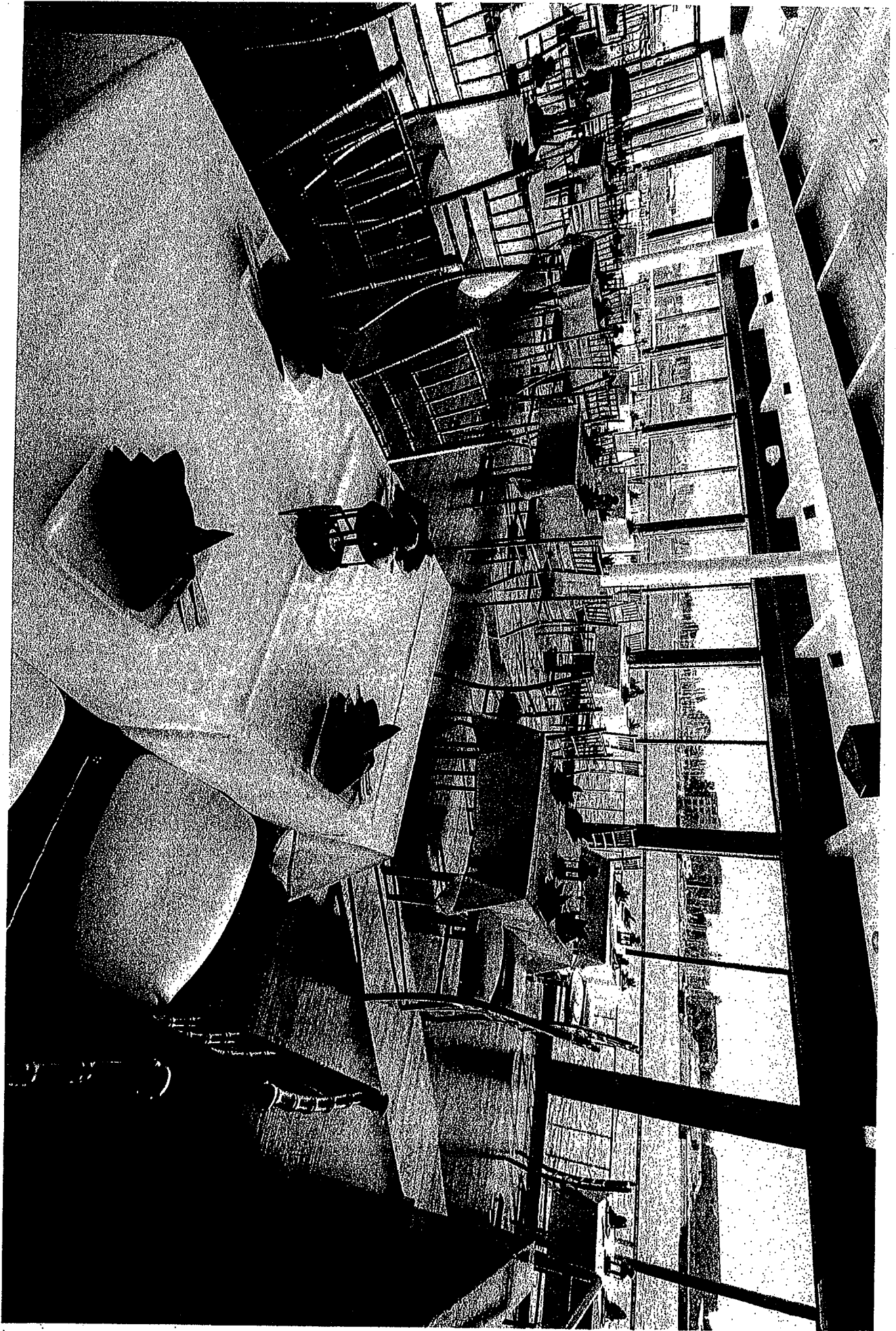
① GROUND FLOOR PLAN  
 SEE PARTIAL PLAN ②

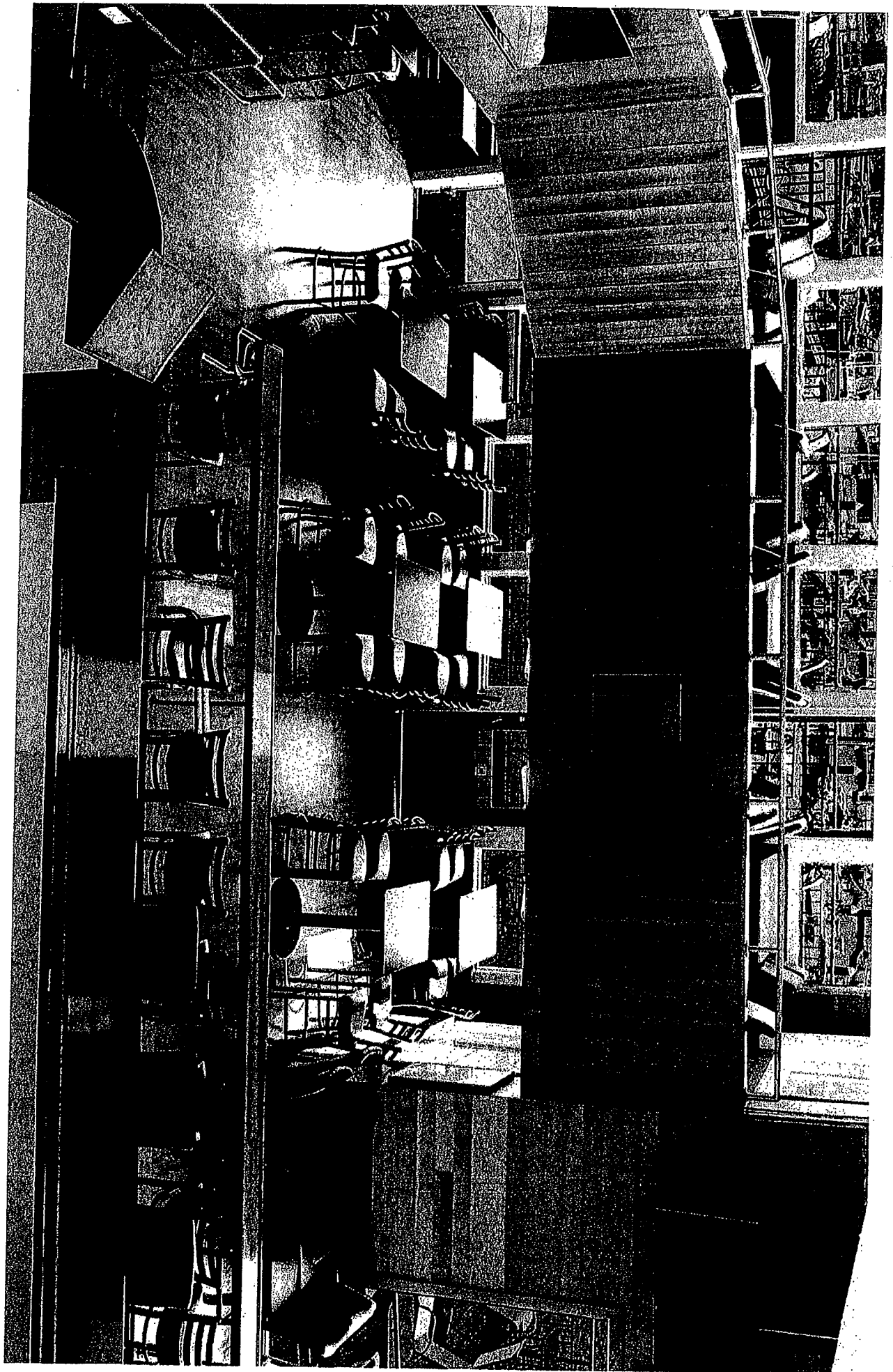




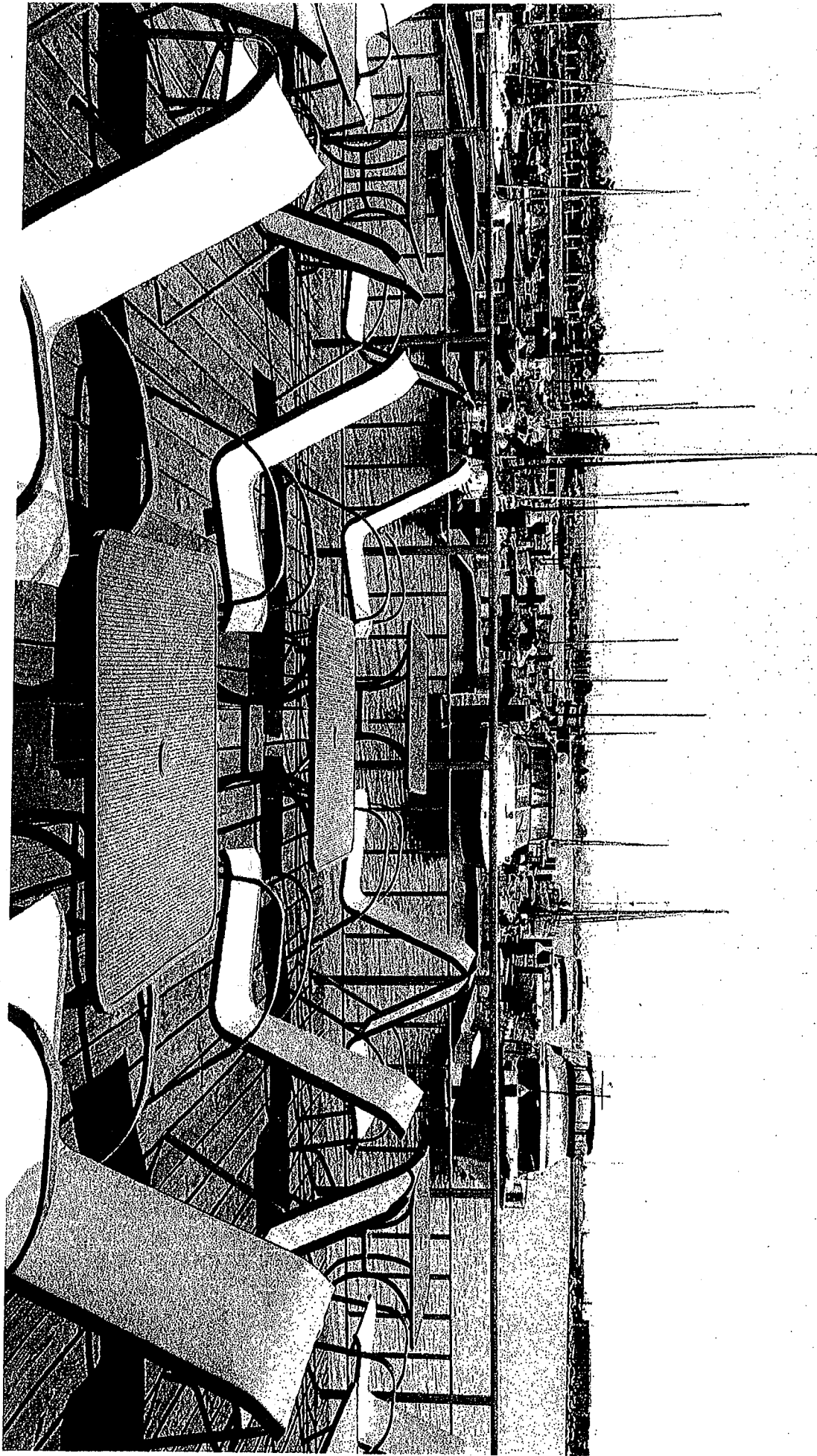
PARTIAL REFLECTED CEILING  
1/8" = 1'-0"

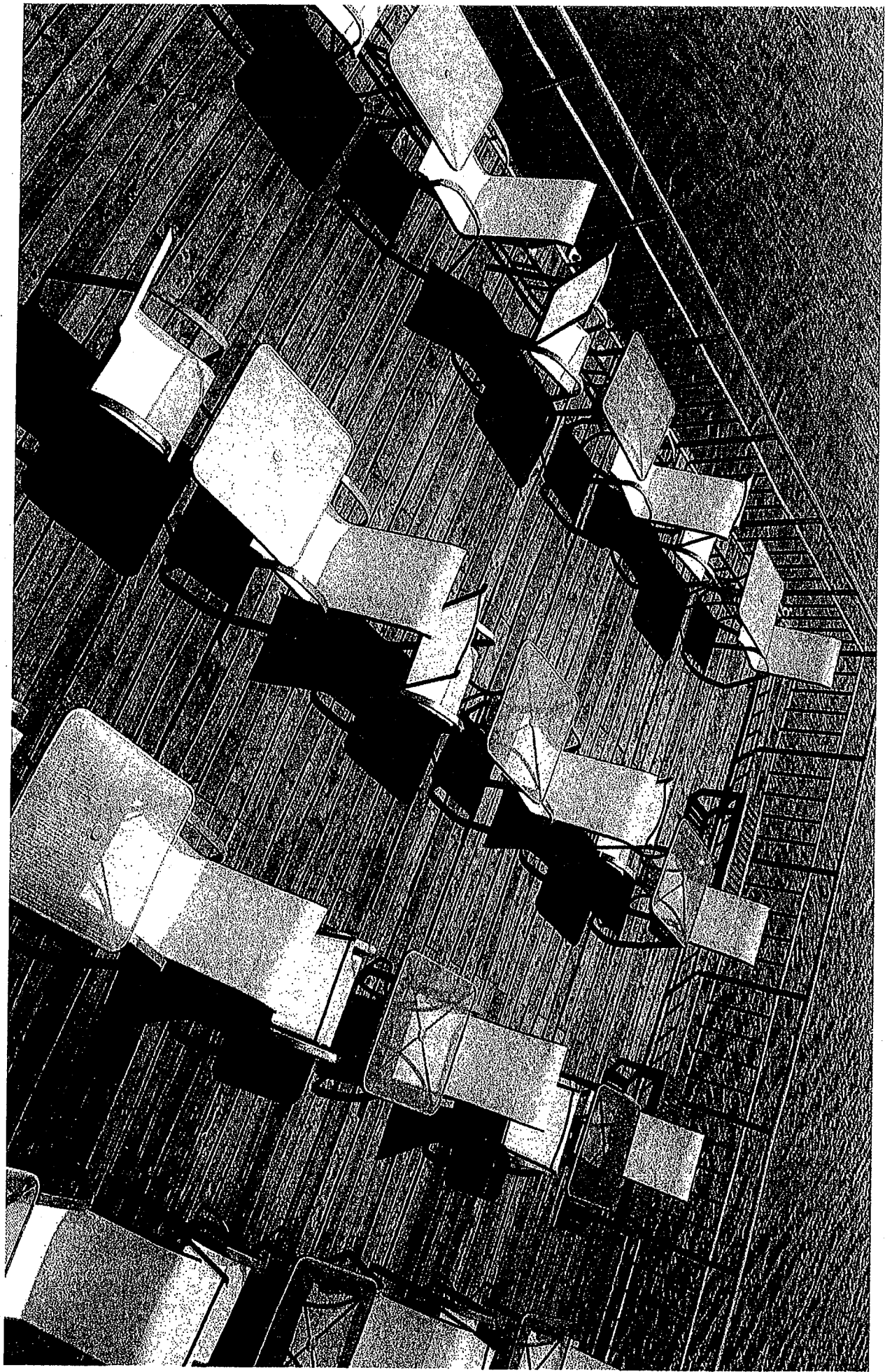












## Attachment B



c MALKI <claw1001@gmail.com>

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### RE: Phone Call Follow-up - BCDC Permit No. 1971.032.09

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Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdc.ca.gov>  
To: Claw <claw1001@gmail.com>

Fri, Oct 28, 2016 at 3:45 PM

Hi Chris,

On the phone you stated that the events would be entirely contained to the interior of the restaurant, which is not in the public access area. Therefore, you should be able to hold those events within the existing authorizations of the permit. Bear in mind, however, that there may be nuances to the events that could result in permit violations. For example, if you or your tenant intend to cordon off the walkway from the parking lot to the restaurant entrance for "red carpet" events, that would be problematic, because the public access path runs parallel to the front of the restaurant. Similarly, any spillover onto the upper or lower decks of the restaurant would be problematic if it encroached upon the defined public access areas as illustrated in Exhibit B of the permit.

If you feel like there is any possibility of these or similar problems, I would advise you to seek a permit amendment to authorize special events that can affect the public access areas that border the restaurants.

Best Regards,

Matthew

---

**From:** Claw [claw1001@gmail.com]  
**Sent:** Friday, October 28, 2016 3:02 PM  
**To:** Trujillo, Matthew@BCDC  
**Subject:** Re: Phone Call Follow-up - BCDC Permit No. 1971.032.09

Matthew

It was nice speaking with you. Let me know when you have time to come out I spoke with city regarding our events and I explained that I spoke with you and you stated that having events as long as it does not interfere with public access is fine The city planner asked if you can put that in writing so we can get to the next step Thank you in advance

Chris Malki

025.788.3737

**Valeska, David**

---

**From:** Djmally <djmally@yahoo.com>  
**Sent:** Thursday, January 19, 2017 9:44 PM  
**To:** Valeska, David  
**Subject:** sound measurements  
**Attachments:** sound measurements.pdf

Dave, here is the document for Eves Waterfront sound measurements. Any question call me.  
Thanks  
Jemal  
5105993140

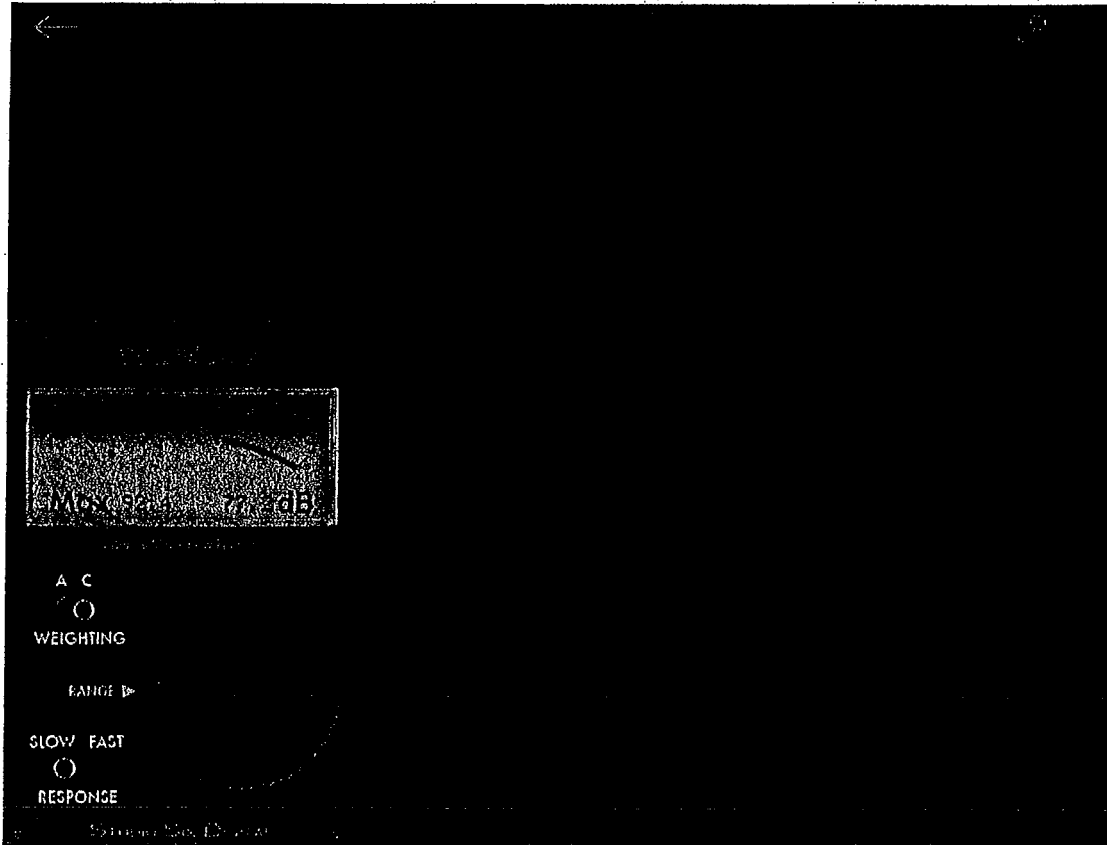
**Attachment C**

## Valeska, David

---

**From:** Claw <claw1001@gmail.com>  
**Sent:** Friday, January 13, 2017 8:55 AM  
**To:** Valeska, David  
**Subject:** 15 embarcadero. Sound engineer

> Jemal Johnson  
> InTune Sound Inc  
> 248 3rd st #713  
> Oakland, CA 94607  
>  
> To whom this concern:  
> Here are 5 decibel measurement from Eves Waterfront.  
> The max db(decibel) is 92.1 average sound level for a night club.  
>  
> 1st pic 88.8db measure on the dance floor 2nd pic 85.0 measure by the  
> bar 3rd pic 84.0 measure inside by the front door 4th pic 76.1 measure  
> outside front door 5th pic 77.1 measure on the sidewalk on front of  
> front door.  
> I could not hear any music from the sidewalk.  
> I have over 10 years sound engineering experience and sound setup Any  
> question Call Jemal  
> 5105993140  
>  
> Chris hope this help  
> Jemal



This screen shots was taken from mezzanine. Max decibel 92.1 Average decibel 77.2

Info about the sound system

2 JBL SRX 715

2 JBL SRX 718

Each speaker is power by a 1200 watt QSC 3402 amp

R & B music was use for the test.

Info about Intunesound Inc

I provide sound engineering and Dj services in the Bay Area

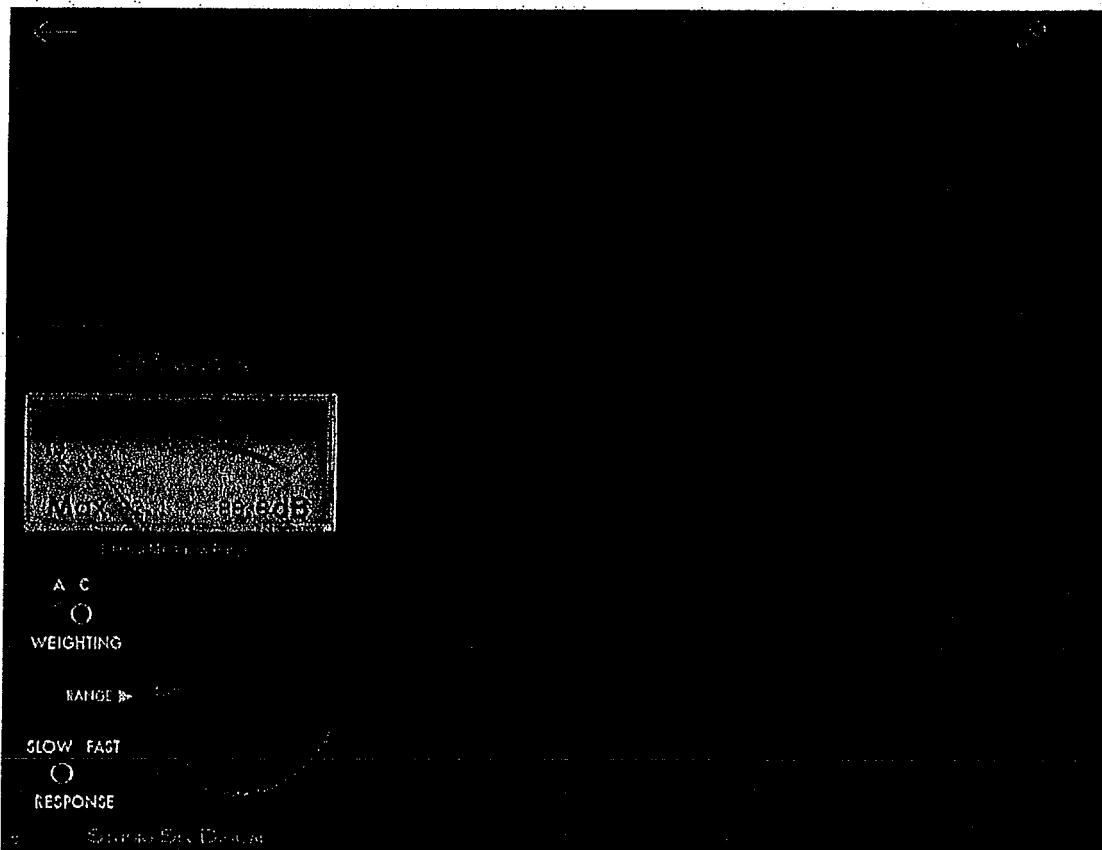
I was the sound engineer when this location was name Zazoo's from 2003 – 2008 using the same equipment. Which I cannot recall any complaints about the sound system being to loud.

I have tune Sweet Ballroom, Bench & Bar, club 21, Bal theatre sound system just to name a few.

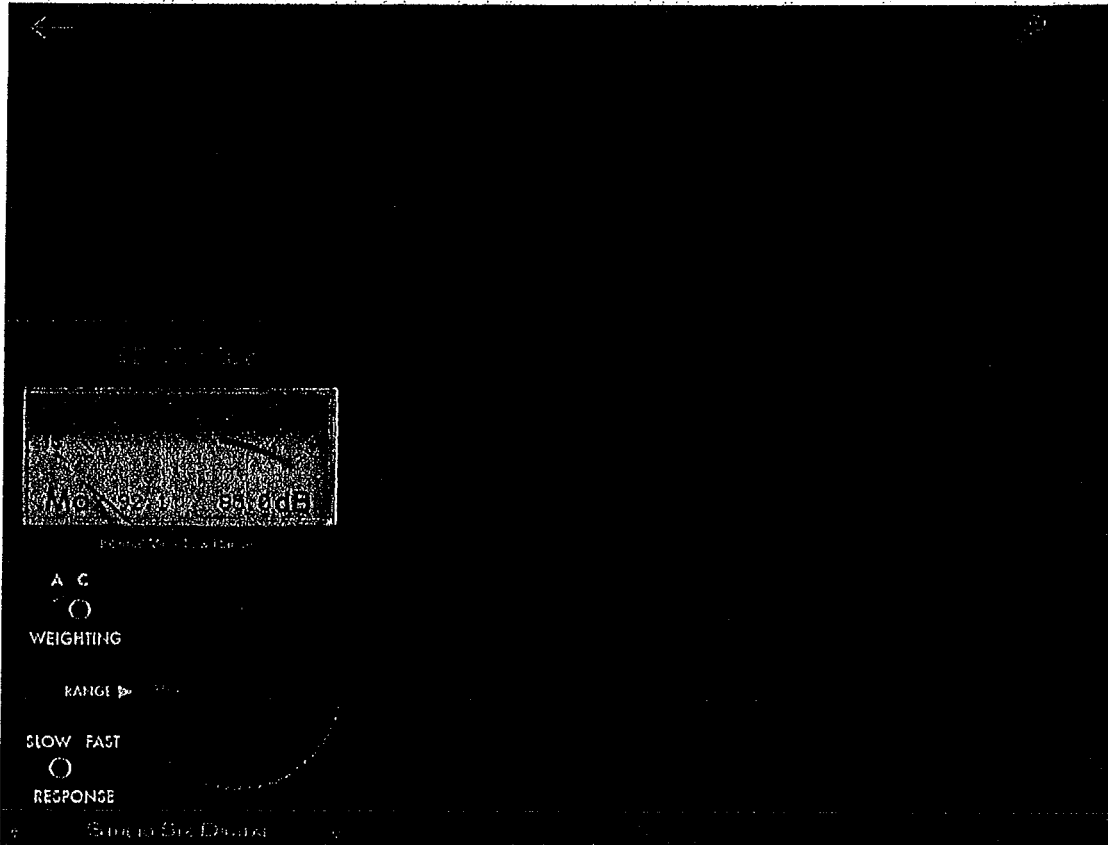
Hope this information helps.

Artist Johnson

Here are screen shots of all the sound measurements taking at Eves waterfront.

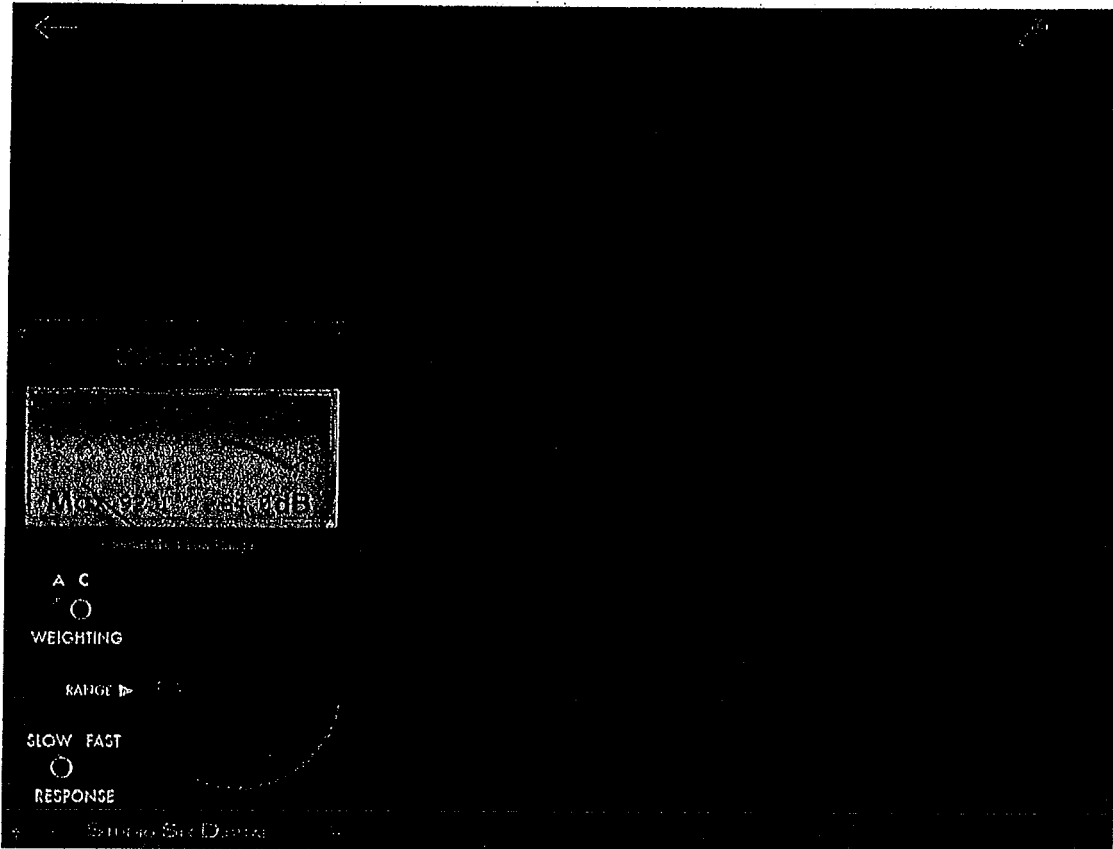


This screen shot was taken on the dance floor 10 feet from the speakers. Max decibel 92.1 Average decibel 88.8.

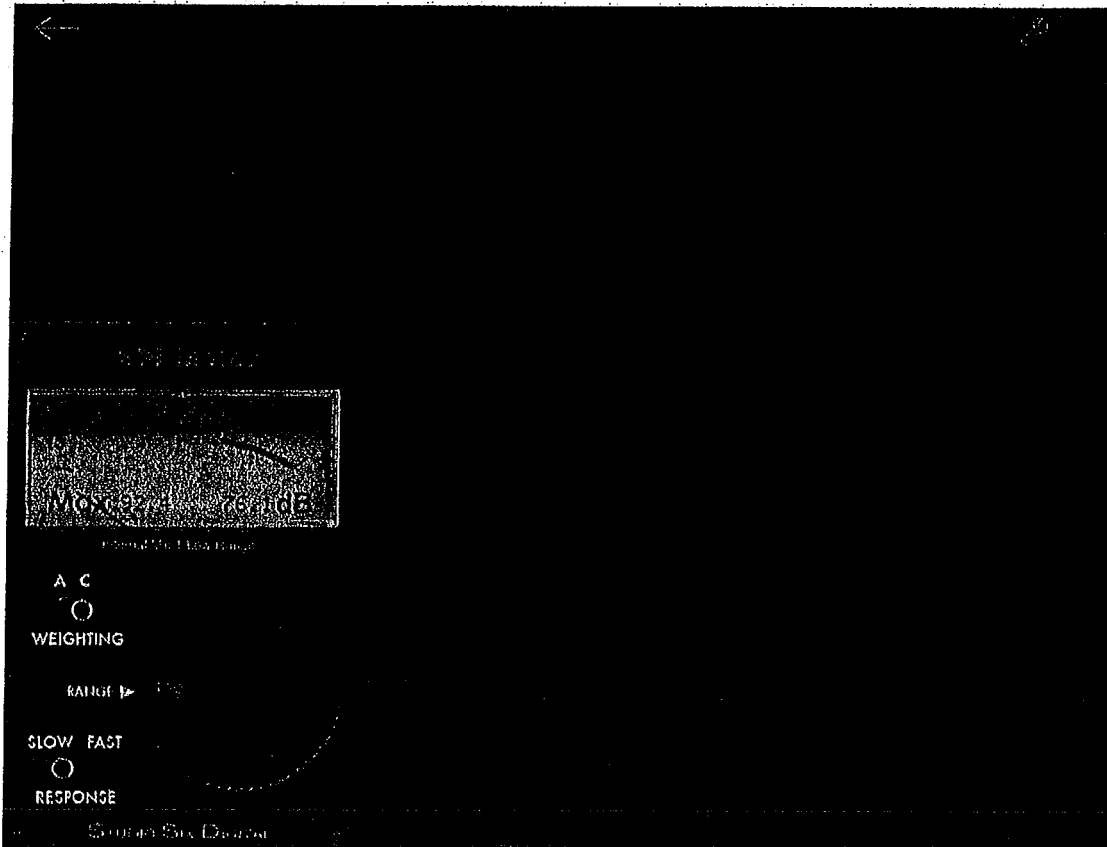


This screen shot was taken on the dance floor 25 feet from the speakers. Max decibel 92.1 Average decibel 85.0



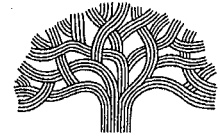


This screen shots was taken by the bar 35 feet from the speakers. Max decibel 92.1 Average decibel 84.0



This screen shots was taken inside by the front door. Max decibel 92.1 Average decibel 76.1

# CITY OF OAKLAND



DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA, SUITE 2114 • OAKLAND, CALIFORNIA 94612-2032

Department of Planning and Building  
Zoning Division

(510) 238-3911  
FAX (510) 238-4730  
TDD (510) 238-3254  
December 15, 2016

Christopher Malki  
Attorney at Law  
1630 N. Main Street #408  
Walnut Creek, CA 94596

Re: Case File No. DET16-144, 15 Embarcadero West; APN: 018-0425-012-00)

Dear Mr. Malki:

Under Section 17.01.070 of the Planning Code, the Director of City Planning (or designee) shall determine whether any specific proposal conforms to the General Plan. The purpose of this Determination letter is to consider whether a proposed Group Assembly night club space at the above location would conform to the policies contained in the General Plan.

For the reasons outlined below, the Zoning Manager finds that this accessory Group Assembly activity, a function of an approved Full Service Restaurant, is consistent with the Oakland Estuary Policy Plan (EPP), which is considered part of the Land Use and Transportation Element (LUTE) of the General Plan.

### General Plan

The subject property is classified as within the "Waterfront Mixed Use" District in the EPP. According to the EPP, the intent of this district is to "allow for a mixture of uses that complement the waterfront setting and maintains and enhances views and public access to the waterfront." The desired character for the area should be primarily light industrial, warehousing, wholesale, retail, restaurant, office, residential, work/live, loft units, parks and public open spaces with manufacturing, assembly, and other uses that are compatible with adjacent uses.

A Revision to Minor Conditional Use Permit PLN14-298 would be required for Group Assembly and for extending closing time from midnight to the requested 2:00 AM. Separately, if alcoholic beverage service is separate from full meal service by a period of two (2) hours on an evening, a Major Conditional Use Permit would be required with Planning Commission review. The current PLN14-298 approval restricts alcoholic beverage service to be an accessory use to full meal service.

### Determination

The Zoning Manager hereby determines that a restaurant and associated night club (Full Service Restaurant and Group Assembly Commercial Activity) is consistent with the General Plan. As described above, the intent of the Waterfront Mixed Use District is to promote a wide variety of entertainment, assembly, restaurant, and other commercial activities. Further, the proposal would enhance access to the waterfront by improving an outdoor deck area directly adjacent to the Oakland Estuary and provide access into a vacant building that overlooks the Estuary.

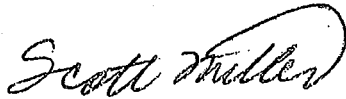
**Attachment D**

Christopher Malki  
DET16-144, 15 Embarcadero West

Page 2

If you, or any interested party, seeks to challenge this decision, an appeal must be filed by no later than ten (10) calendar days from the date of this letter, by 4:00 pm. An appeal must be on a form provided by the Planning and Zoning Division of the Community and Economic Development Agency, and submitted to the same at 250 Frank H. Ogawa Plaza, Suite 2114, to the attention of David Valeska, Planner II. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Zoning Manager or wherein his decision is not supported by substantial evidence and must include the payment of \$1,622.57 in accordance with the City of Oakland Master Fee Schedule. Failure to timely appeal will preclude you, or any interested party, from challenging the City's decision in court. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record which supports the basis of the appeal; failure to do so may preclude you, or any interested party, from raising such issues during the appeal and/or in court. However, the appeal will be limited to evidence presented to the Zoning Manager prior to the close of the previously noticed public comment period on the matter.

Sincerely,



SCOTT MILLER  
Zoning Manager

Cc: Tim Low, Building Official  
Celena Chen, City Attorney's Office  
Property owners within 300 feet

## Alert: Portobello Condo Complex Owners and Renters

Most people don't mind a wild party next door on rare occasions, but zoning changes are in the works to make your back yard a Night Club...very soon.

So... if you like very loud music, loud conversations, noisy arguments and occasional gun shots with accompanying police and ambulances, then you are in luck to live here! Google ZaZoo's Restaurant, Feb. 10, 2008, Violence Shatters Another Oakland Nightspot), Portobello at 15 Embarcadero West.

Then there is the litter, crowded parking lot and accidental fender benders... along with the general fear to step out from your residence at night. The city planners may promise you that they will step up the Police Presence in your area. That will be great for resale value!

I wouldn't recommend contacting your Portobello Homeowner's Association, because they already know about these zoning changes.



Some of you may have received a letter before Christmas telling you that for \$1,622.57 you could have the privilege of voicing your opposition to a Night Club in your back yard. But... it is too late now... that offer expired 10 days after you received the letter!

If you want to party within walking distance, do nothing. If you want these zoning changes stopped, then you will have to do something... Anything.

Planning and Zoning Division of the Community and Economic  
Development Agency (aka Night Clubs For Residential Waterfront Areas)  
Scott Miller, Oakland Zoning Manager Phone 510-238-2235  
David Valeska, Planner II Phone 510-2382075

**From:** JD [mailto:claw1001@gmail.com]  
**Sent:** Friday, January 20, 2017 12:29 PM  
**To:** Valeska, David  
**Cc:** Miller, Scott; Ranelletti, Darin  
**Subject:** Re: 15 embarcadero; please help me set up meeting with Scott Miller and/or Darin Ranelletti

Good Morning David,

I would like to request an in person meeting as soon as possible with Scott Miller or Darin Ranelletti and yourself. It's necessary to discuss the requirements, as I have been working with various departments and agencies for over a year, and the process seems to be neverending, with additional requirements being added. I have worked on several projects in Oakland as a real estate attorney and developer over the past 15 years and have employed many local residents to develop and upgrade projects in Oakland. I want to introduce myself to Mr. Miller and Mr. Ranelletti to go over this project and hope to develop a long term working relationship. David, I appreciate all your help thus far and would appreciate your help in setting up the meeting and continued assistance in finalizing the permit.

In regards to the previous email, the answers are below:

1. There is absolutely NO effect of the TV station. We have had several people come by and they are excited to see the restaurant reopen after almost 10 years. In fact, the station introduced our opening on September 29 on the live morning news with Steve Glazer and we discussed the events we will be having on air. The news casters all expressed excitement on live air.
2. I contacted BCDC months ago and am including Matthew Trujillo's response via email. BCDC has no problem with it.
3. The police department and Fire Department both approve it. In fact, Fire Department gave me the Public Assembly permit. We worked with them for almost one year to prepare for the Public Assembly permit. I explained to Neil Gray, who said it is different than the City Public Assembly Permit and said he will help expedite, since I was apparently misdirected in the extremely costly process we started almost one year ago.
4. In regards to valet, I don't envision valet since we have ample parking, but I may offer it for some events that request that service. In that case, I would hire a bonded and licensed valet service.

5. There is no issue with sound. The music will not reach outside the property. The restaurant was built with sound in mind. The site has had live music from the inception back in the 1970s.

6. Security. We already pay for security 7 days a week and will increase security when we have certain events that necessitate it. I am the primary member of the HOA board and without the restaurant contribution, the HOA would completely collapse and cause much hardship to the community. The Board members understand and support the restaurant in securing the cabaret permit. The board members understand that without the cabaret, the HOA community may suffer severe financial hardship.

7. In regards to a stage, we are not providing a stage at this time, but rather we will move tables around depending upon the artist and band. The space is primarily a restaurant, but we will be having events that may require a versatile stage location.

Furthermore and probably most importantly, our target audience is "mature adults," not the 20 something age group. We will NOT have HIP HOP music or target that audience. There are many places for HIP HOP in Oakland, and this will not be one of them. There is, however, a huge lack of upscale restaurants and venues that offer a premium dinner and dancing experience. Our model for the restaurant is to enjoy a 5 star dinner experience with live music, that will include dancing for "date night." There is a large need in Oakland for adults to enjoy a safe and upscale environment like ours. The restaurant will be a valued addition to the Oakland community, will serve the community's needs, and will help make Oakland a more desired destination.

Yesterday we hosted the Oakland of Chamber Commerce's Annual mixer, in partnership with the Hispanic, African American, Chinese, and Vietnamese Chamber at our restaurant. We had a great turnout of approximately 150 guests and several want to host events in our space for various charities and mixers. Everyone said the space was amazing and that there is no space like this anywhere to hold events. This will be a valuable asset to have in the City of Oakland.

Please let me know when would be a good time to have the meeting with Scott Miller and/or Darin Ranelletti to discuss the remainder of the process. Because this is a huge priority and timing is of the essence, I can make myself available anytime next week except Tuesday afternoon, in order to accommodate everyone's schedule.

I look forward to hearing from you.

Chris Malki  
Attorney and Manager for Eve15 LLC dba Eve's Waterfront  
925-788-3737