

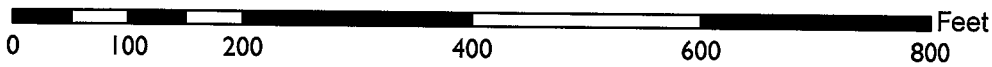
<b>Location:</b>	2510 Telegraph Ave. (APN: 009-0683-019-00). (See map on reverse)
<b>Proposal:</b>	To establish a new Alcoholic Beverage Sales Activity, Type 48 Bar, into a vacant ground floor commercial space. The proposed bar will occupy a 2, 400 square feet space and will have operating hours 4:00pm-2:00am Weekdays and 10:00am-2:00am Weekends.
<b>Applicant:</b>	Cory Hunt (916) 601-1782
<b>Owner:</b>	1305 10 <sup>th</sup> Street LLC
<b>Planning Permits Required:</b>	Major Conditional Use Permit with additional findings for Alcoholic Beverage Sales Commercial Activity; Findings of Public Convenience or Necessity (Design Review for façade improvements, signage, and sidewalk seating under separate application)
<b>General Plan:</b>	Community Commercial
<b>Zoning:</b>	CC-2 Community Commercial 2 Zone
<b>Environmental Determination:</b>	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities (operation); Section 15183 of the State CEQA Guidelines: Projects Consistent with a Community Plan, General Plan or Zoning
<b>Historic Status:</b>	Area of Secondary Importance (Upper Telegraph Avenue): Ed2*
<b>City Council District:</b>	3
<b>Action to be Taken:</b>	Approve with conditions
<b>Finality of Decision:</b>	<i>Appealable to City Council within 10 days</i>
<b>For Further Information:</b>	Contact case planner <b>Jose M. Herrera-Preza, Planner II</b> at (510) 238-3808 or <a href="mailto:jherrera@oaklandnet.com">jherrera@oaklandnet.com</a>

**SUMMARY**

The applicant requests Planning Commission approval of a Major Conditional Use Permit with Findings for Public Convenience and Necessity to establish a neighborhood bar within a 2,400 square foot space ground floor commercial space, with a 2:00am closing time, in the Uptown/Northgate District.

Staff recommends approval of the requested permits, subject to the Conditions of Approval included in this report.

# CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN17015  
Applicant: Cory Hunt  
Address: 2510 Telegraph Avenue  
Zone: CC-2

**PROJECT DESCRIPTION**

The proposal is to establish a new neighborhood bar on the ground floor of the building at 2510-2518 Telegraph Avenue. The bar would have a type 48 license from the California Department of Alcoholic Beverage Control (ABC) for bar with liquor, beer and wine for on-site consumption and no minors admitted. Hours of operation would be 4:00pm-2:00am weekdays and 10:00am-2:00am weekends. The layout would consist of a 2,400 square foot interior with tables and chairs throughout. The activity would have a total of 10 full-time employees including bartenders, security and bussers. The entrance will be facing Telegraph.

Design Review for minor exterior alterations including a façade improvement and signage will be handled separately from this application, and has been preliminary reviewed by Historic Preservation staff, due to the subject property being located in an Area of Secondary Importance (ASI) Upper Telegraph Avenue and has a Ed2\* rating by the Oakland Cultural Historic Survey. The purpose of the exterior alterations is to restore the historic features on the building under the existing façade and compliment the adjacent buildings.

**PROPERTY DESCRIPTION**

The property consists of a 1.5 story commercial building at 2510-2518 Telegraph Avenue, which is not a Designated Historic Property but is within an Area of Secondary Importance (ASI); therefore with the proposed façade improvements the building may become a minor contributor to the district. The building was constructed in 1929 and covers the entire parcel. The subject site has been used as a commercial retail space, convenience market and adult book store. The site lacks on-site parking; however, the district contains on-street metered parking, BART, AC Transit and auto fee parking lots. The district consists of restaurants, bars retail uses, consumer services, offices, and entertainment, including, the Paramount and Fox Theatres.

**GENERAL PLAN ANALYSIS**

The property is located in the Community Commercial area of the General Plan Land Use and Transportation Element (LUTE). The intent of the area is: "To identify, create, maintain, and enhance areas suitable for a wide variety of commercial and institutional operations along the City's major corridors and in shopping districts or centers." The proposal to expand a bar in a commercial area that does not have a high number of ABC licenses or reported crime conforms to this intent and to the following LUTE Policies and Objective:

Policy I/C1.2 Retaining Existing Business

Existing businesses and jobs within Oakland which are consistent with the long-range objectives of this Plan should, whenever possible, be retained.

Policy I/C3.2 Enhancing Business Districts.

Retain and enhance clusters of similar types of commercial enterprises as the nucleus of distinctive business districts, such as the existing new and used automobile sales and related uses through urban design and business retention efforts.

Policy I/C3.4 Strengthening Vitality.

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

Neighborhood Activity Centers

Objective N10

Support and create social, informational, cultural, and active economic centers in the neighborhoods.

Staff finds the proposal, subject to Conditions of Approval, to conform to the General Plan.

### **ZONING ANALYSIS**

The property is located in the CC-2 Community Commercial Zone. The intent of the CC-2 Zone is: "to create, maintain, and enhance areas with a wide range of commercial businesses with direct frontage and access along the City's corridors and commercial areas." The following are permits required for the proposal, the reason each permit is required, and a discussion of each permit requested. These items are further discussed in the Key Issues and Impacts section of this report.

#### Major Conditional Use Permit with Additional Findings

Section 17.103.030 of the Planning Code requires a Conditional Use Permit (CUP) for Alcoholic Beverage Sales Commercial Activities, as well as additional use permit criteria. The Planning Code requires additional review of these types of activities to ensure that they do not contribute to nuisances in the community, including both alcohol-related issues and discouragement of further business attraction.

On February 1, 2000, the Oakland City Council passed Resolution #75490 establishing a "No Net Increase" policy in the number of alcoholic beverage sales commercial activities in Oakland neighborhoods to protect the health, safety and welfare of residents. This resolution states that new off-sale and on-sale retail alcoholic beverage sales licenses should only be permitted for sites in the Central Business District or for other circumstances not related to this case. This proposal is consistent with Resolution 75490 because it is located in the Central District between 1<sup>st</sup> Street and 27<sup>th</sup> Street.

#### Findings of Public Convenience or Necessity

This proposal also requires findings of Public Convenience or Necessity. These findings, modeled on State findings, are required for Alcoholic Beverage Sales to be established in an over-concentrated area. The subject site is located in Census Tract 4013 where 27 ABC licenses exist and where more than 4 is over-concentrated. "Alcoholic beverage license over-concentrated areas" means a police beat with crime rates that exceed the City median by twenty (20) percent or more or a census tract in which the per capita number of on-sale or off-sale retail Alcoholic Beverage Sales licenses exceeds the Alameda County median. The site is within Police Beat 08X: an area which 2,176 reported crimes were reported during the first quarter of this year which is more than more than the 1,142 which is considered an over-concentrated.

Staff finds the proposal, as conditioned, to be in conformance with the Planning Code.

### **ENVIRONMENTAL DETERMINATION**

The California Environmental Quality Act (CEQA) Guidelines categorically exempts specific types of projects from environmental review. Section 15301 of the State CEQA Guidelines exempts projects involving *operation and licensing of existing private facilities*. The proposal for on-sale of alcoholic beverages from a new bar located in an existing space meets this description: the project would constitute operation of an existing private facility. Section 15183 of the State CEQA Guidelines relates to Projects Consistent with a Community Plan, General Plan or Zoning. The project adheres to this section, as described above. The project is, therefore, not subject to further Environmental Review.

### **KEY ISSUES AND IMPACTS**

#### Conditional Use Permit

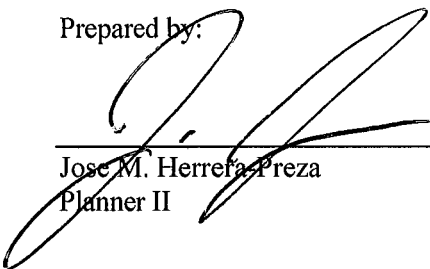
Staff recommends approval of the project, subject to Conditions of Approval, which include a requirement for compliance review within 6 and 12 months. The purpose of a CUP requirement for bars is to consider compatibility of the proposed use with its surroundings and to attach operating conditions to ensure the business will not be a nuisance. There is one church located at 2505 Telegraph Avenue located across the street from the project site but no elementary schools, athletic fields, or liquor stores. The church has limited daily services until 5:30pm. The proposal does not involve a cabaret. The attached Conditions of Approval impose various requirements, such as controls on litter and noise, to maintain the compatibility of a neighborhood bar with the surrounding area.

Therefore, the proposal is also consistent with the arts and entertainment character of the Northgate/Uptown District and complements the entertainment activities in the adjacent Paramount Theatre. The applicant has successfully operated bar businesses in the past. Given these conditions, staff recommends the Planning Commission grant the request, subject to the attached Conditions of Approval.

**RECOMMENDATIONS:**

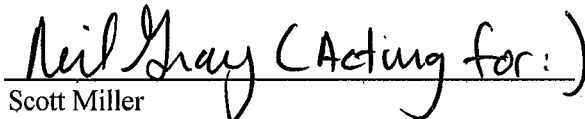
1. Affirm staff's environmental determination.
2. Approve the Major Conditional Use Permit subject to the attached findings and conditions.

Prepared by:




Jose M. Herrefas-Preza  
Planner II

Reviewed by:



Scott Miller  
Zoning Manager

Approved for forwarding to the  
City Planning Commission:



Darin Ranelletti, Interim Deputy Director  
Bureau of Planning

**ATTACHMENTS:**

- A. Findings
- B. Conditions of Approval
- C. Plans with elevations
- D. OPD Area Crime Statistics (Map & Table)
- E. Correspondence

**FINDINGS FOR APPROVAL**

**This proposal meets the required findings under General Use Permit Criteria (OMC Sec. 17.134.050), Use Permit Criteria for Establishments Selling Alcoholic Beverages (OMC Sec. 17.103.030(A)) and Findings for Public Convenience or Necessity (OMC Sec. 17.103.030.B.3) under the Oakland Planning Code (Title 17).**

**General Use Permit Criteria (OMC Sec. 17.134.050):**

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

The proposal to establish a new neighborhood bar in the historic Uptown district, a burgeoning nightlife and entertainment district, is compatible with the site and surroundings. The area consists of a combination of full-service restaurants, limited service café's, theaters, offices, retails stores and gourmet food and drink facilities. The proposal will further enhance this diversity of entertainment options.

**B. That the location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant.**

The layout of the bar will allow for convenient customer service and will provide an attractive storefront to the district.

**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 region.**

The project will enhance the synergy of food and beverage services in the Uptown entertainment district and will complement the activities in the nearby theaters. The proposal will bring more pedestrian and foot traffic to this area.

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

Design Review for minor exterior alterations including signage is pending and will be filed under separate planning and building permits.

**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.**

The property is located in the Community Commercial area of the General Plan Land Use and Transportation Element (LUTE). The intent of the area is: "To identify, create, maintain, and enhance areas suitable for a wide variety of commercial and institutional operations along the City's major corridors and in shopping districts or centers." The proposal to open a bar in a commercial area conforms to this intent and to the following LUTE Policies and Objective:

***FINDINGS***

Policy I/C1.1 Attracting New Business.

The City will strive to attract new businesses to Oakland which have potential economic benefits in terms of jobs and / or revenue generation. This effort will be coordinated through a citywide economic development strategy / marketing plan which identifies the City's existing economic base, the assets and constraints for future growth, target industries or activities for future attraction, and geographic areas appropriate for future use and development.

Policy I/C3.2 Enhancing Business Districts.

Retain and enhance clusters of similar types of commercial enterprises as the nucleus of distinctive business districts, such as the existing new and used automobile sales and related uses through urban design and business retention efforts.

Policy I/C3.4 Strengthening Vitality.

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

**DOWNTOWN**

Policy D5.1 Encouraging Twenty-Four Hour Activity.

Activities and amenities that encourage pedestrian traffic during the work week, as well as evenings and weekends should be promoted.

Policy D.12.1 Promoting Oakland's Strengths.

Build on and promote Oakland's educational resources, historic importance as an entertainment venue, existing cultural diversity, and strong arts community.

Staff finds the proposal to open a new bar, subject to Conditions of Approval, conforms to the General Plan.

**Use Permit Criteria for Establishments Selling Alcoholic Beverages (OMC Sec. 17.103.030(A)):**

- A. 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;**

There is one church within 100 feet of the proposal but no elementary schools, apartments, athletic fields, or liquor stores nearby. The church is located on the other side of the street and only has daily services, which will not conflict with the proposed bar activities. The subject site is next to several restaurants, retail business and both the Fox and Paramount Theatres. The applicant has successfully operated bar businesses in San Francisco. Conditions of Approval would attach several requirements, such as controls on litter and noise, to maintain the compatibility of a bar with the surrounding area.

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

The site is not abutting civic uses and will operate at different hours than civic uses located in the district.

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

***FINDINGS***

The project involves an existing commercial space with one entrance along Telegraph and will not interfere with pedestrian movement.

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

Design Review for minor exterior alterations including signage will be reviewed under separate permits.

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

The business will be located in a non-historic building built in 1929 and lacks on-site parking. Any proposed signage will conform to the style and character of the building and will not be large or obtrusive.

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

The business will contain litter receptacles at the interior and Condition of Approval #111 requires that staff clean the fronting public right-of-way daily.

- G. That where the proposed use is in close proximity to residential uses, and especially to bedroom windows, it will be limited in hours of operation, or designed or operated, so as to avoid disruption of residents' sleep between the hours of 10 p.m. and 7 a.m. The same criteria shall apply to all conditional use permits required by subsection B of this section for sale of alcoholic beverages at full-service restaurants.**

The site is not adjacent to residences.

- H. That proposals for new Fast-Food Restaurants must substantially comply with the provisions of the Oakland City Planning Commission "Fast-Food Restaurant--Guidelines for Development and Evaluation" (OCPD 100-18).**

This finding is not applicable; the proposal does not involve a Fast Food Restaurant.

**Findings of Public Convenience or Necessity (OMC Sec. 17.103.030.B.3)**

- A. That a community need for the project is clearly demonstrated. To demonstrate community need, the applicant shall document in writing, specifically how the project would serve an unmet or underserved need or population within the overall Oakland community or the community in which the project is located, and how the proposed project would enhance physical accessibility to needed goods or services that the project would provide, including, but not limited to alcohol; and**

The project will enhance the synergy of food and beverage services in the Uptown entertainment district and will complement the activities in the adjacent Paramount Theater.

- B. That the overall project will have a positive influence on the quality of life for the community in which it is located, providing economic benefits that outweigh anticipated negative impacts, and that will not result in a significant increase in calls for police service; and**



The project will enhance the Uptown area of the City as a regional nightlife and entertainment district, which will have a positive effect on the adjacent businesses.

- C. That alcohol sales are customarily associated with, and are appropriate, incidental, and subordinate to, a principal activity on the lot.**

Alcoholic beverage sales are appropriate for a bar business.

**CONDITIONS OF APPROVAL**

**Attachment B**

**STANDARD CONDITIONS:**

**1. Approved Use**

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, PLN17015 and the approved plans dated January 9, 2017, as amended by the following conditions of approval and mitigation measures, if applicable (“Conditions of Approval” or “Conditions”).

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

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

**3. Compliance with Other Requirements**

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

**4. Minor and Major Changes**

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

**5. Compliance with Conditions of Approval**

- a. The project applicant and property owner, including successors, (collectively referred to hereafter as the “project applicant” or “applicant”) shall be responsible for compliance with all the Conditions of Approval and any recommendations contained in any submitted and approved technical report at his/her sole cost and expense, subject to review and approval by the City of Oakland.
- b. The City of Oakland reserves the right at any time during construction to require certification by a licensed professional at the project applicant’s expense that the as-built project conforms to all applicable requirements, including but not limited to, approved maximum heights and minimum setbacks. Failure to construct the project in accordance with the Approval may result in remedial

***CONDITIONS OF APPROVAL***

reconstruction, permit revocation, permit modification, stop work, permit suspension, or other corrective action.

- c. Violation of any term, Condition, or project description relating to the Approval is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approval or alter these Conditions if it is found that there is violation of any of the Conditions or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions. The project applicant shall be responsible for paying fees in accordance with the City's Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Approval or Conditions.

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

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

**7. Blight/Nuisances**

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

**8. Indemnification**

- a. To the maximum extent permitted by law, the project applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Redevelopment Successor Agency, the Oakland City Planning Commission, and their respective agents, officers, employees, and volunteers (hereafter collectively called "City") from any liability, damages, claim, judgment, loss (direct or indirect), action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul this Approval or implementation of this Approval. The City may elect, in its sole discretion, to participate in the defense of said Action and the project applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.
- b. Within ten (10) calendar days of the filing of any Action as specified in subsection (a) above, the project applicant shall execute a Joint Defense Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Joint Defense Letter of Agreement shall survive termination, extinguishment, or invalidation of the Approval. Failure to timely execute the Letter of Agreement does not relieve the project applicant of any of the obligations contained in this Condition or other requirements or Conditions of Approval that may be imposed by the City.

**9. Severability**

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

**SPECIFIC CONDITIONS RELATED TO ALCOHOL BEVERAGE SALES**

**10. Alcoholic Beverage Sales**

**a. Additional Permits Required**

***Prior to commencement of activity***

A type 48 license shall be obtained from the ABC. The license must be obtained from existing stock within the City limits to the extent practicable pursuant to City Council Resolution No. 75490 (2000). This use shall conform to all provisions of the State ABC license. The state license and state conditions shall be posted along with these Conditional Use Permit conditions in a place visible to the public. This use shall also conform to all State Retail Operating Standards, Section 25612.5 of the Business and Professions Code and local Performance Standards, Section 15210, where applicable including any future changes in the above regulations. The intent of these standards is to reduce nuisance, litter, loitering, and crime associated with alcohol outlets. The City Conditions of Approval shall be forwarded to the Department of Alcoholic Beverage Control.

**a. ABAT Registration**

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

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

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

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

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

**d. Neighborhood outreach**

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

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

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

**f. Hours of Alcohol Sale**

Hours of alcohol sales are limited to the following: Monday through Sunday 1:00pm to 1:45am. No alcoholic beverages shall be sold within fifteen minutes prior to closing time.

**g. Admittance**

No minors shall be admitted at any time.

**h. Staffing**

The establishment shall have at least two staff persons on-site at all times including at least one security guard 9:00pm until thirty (30) minutes after closing.

**i. Staff training program**

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

***CONDITIONS OF APPROVAL***

**j. Staff to monitor site**

Staff of the business shall regularly monitor the bar and public right-of-way to discourage all nuisances including but not limited to discouraging loitering, littering, noise, graffiti, public drinking / intoxication / urination / violence, and noise.

**k. Entry**

Admission shall never be charged for events or otherwise.

**l. Cabarets**

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

**11. Facility Management**

**a. Signage**

*Within 30 days of the date of decision and ongoing*

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

**b. Advertising signage**

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

**c. Pay Phones**

No pay phones are permitted outside the building.

**d. Building Code Upgrades**

*Prior to commencing approved activities*

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

**e. Modifications**

*Prior to submitting for a building permit & ongoing*

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

**f. Loitering**

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

**g. Odor**

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

**h. Graffiti**

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

**i. Trash and litter**

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

**j. Noise**

The City Noise Ordinance (OMC Sec. 8.18.010) and Performance Standards (OMC Sec. 17.20.050) shall be observed for noise emanating from within the establishment from any source of recorded music and from patrons as well as from outdoor noise from patrons.

**k. Smoking**

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

**l. Taxi call program**

***Ongoing***

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

**m. Security cameras**

The applicant has voluntarily agreed to install two additional high definition security cameras facing in either direction of the bar entrances along the Telegraph Ave. frontage, one outside the restrooms and two at the bar area. Closed circuit television (CCTV) shall be installed and maintained in good working order and utilized for surveillance, including the cash register areas, at all times while the store is open to the public and shall record transactions. Recordings shall be retained for a minimum of two weeks.

**12. Compliance hearings**

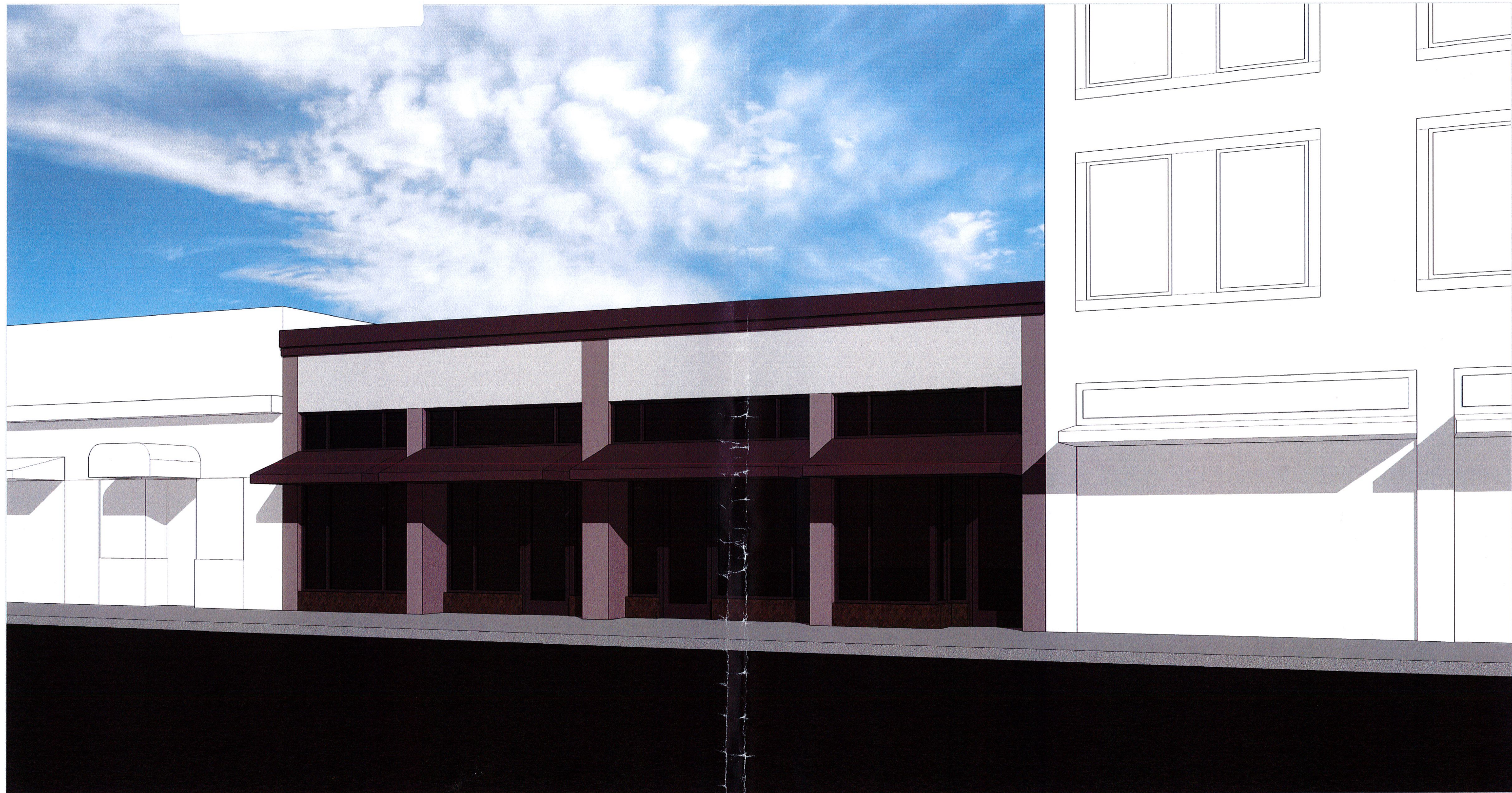
Six months after the Certificate of Occupancy has been issued (or temporary Certificate of Occupancy if one is issued) for the tenant improvements, the applicant shall meet with the Zoning staff to review any complaints or other known issues that have arisen during the first 6 months of operation under this permit. If Zoning or Code Compliance staff are aware of complaints that would indicate significant non-compliance with any Conditions of Approval, the applicant shall submit for, and pay all appropriate fees consistent with the Master Fee Schedule, and such review will be concluded in the process provided for under Oakland Planning Code, which may include referral to the Planning Commission. The same process shall be repeated at 12 months after the Certificate of Occupancy is issued.

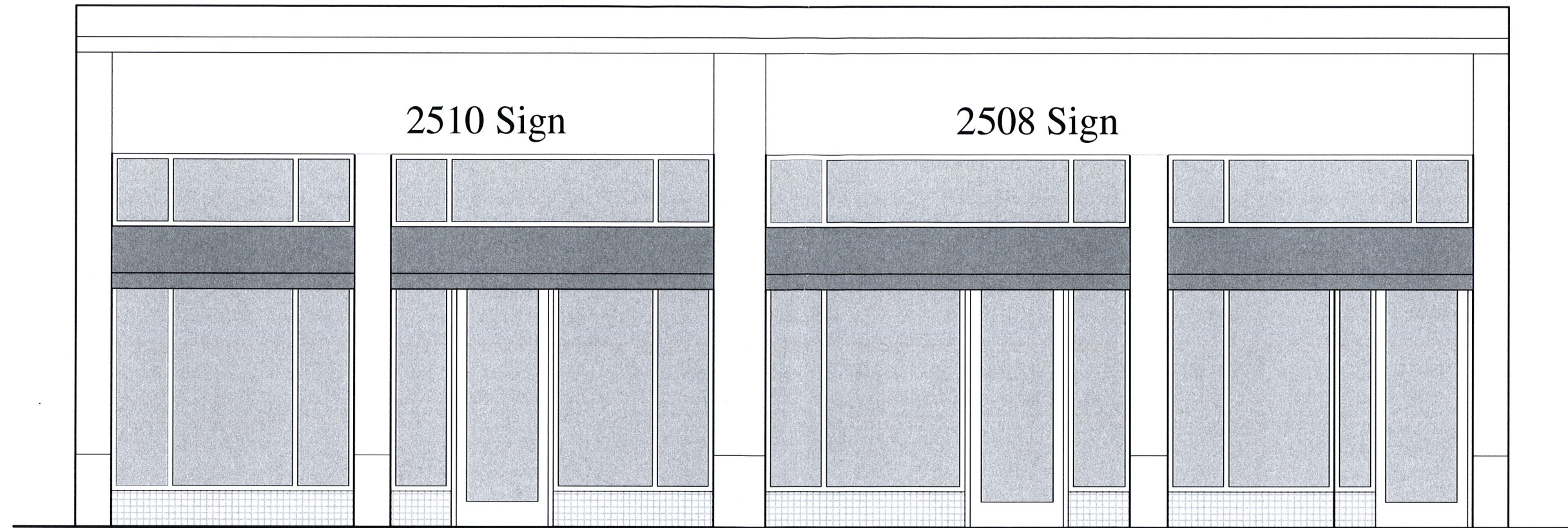
**APPROVED BY:**

City Planning Commission: \_\_\_\_ (date) \_\_ (vote)

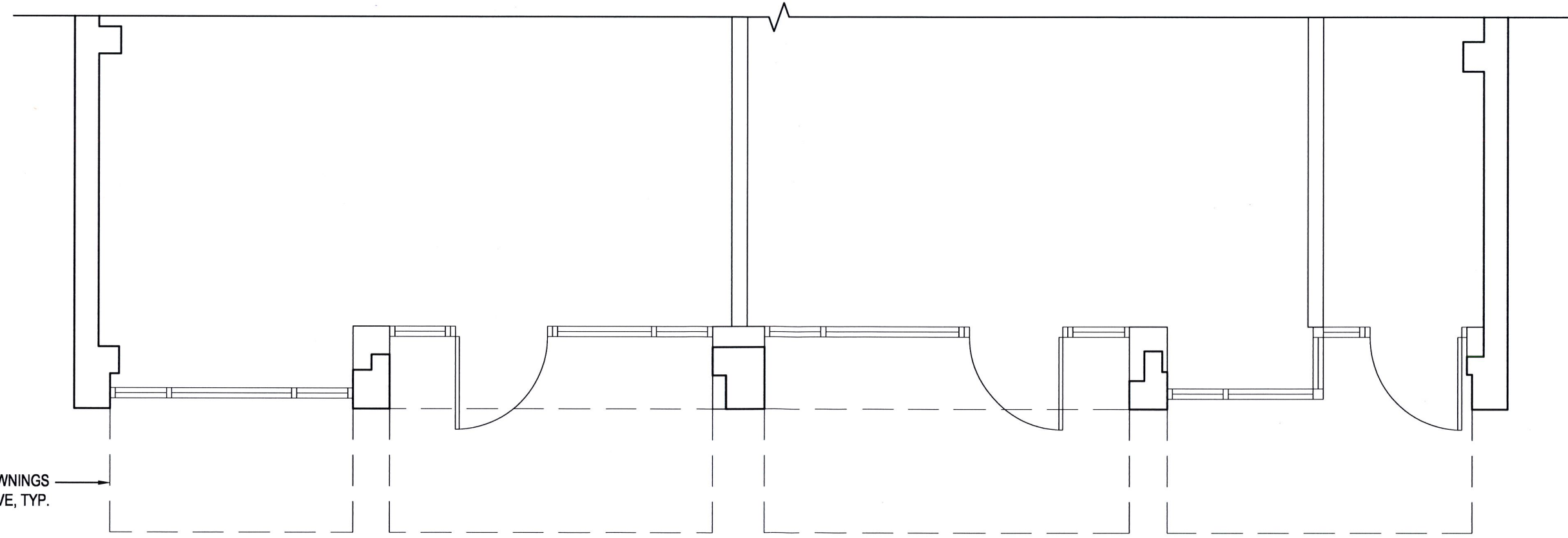
**CONDITIONS OF APPROVAL**

Attachment C



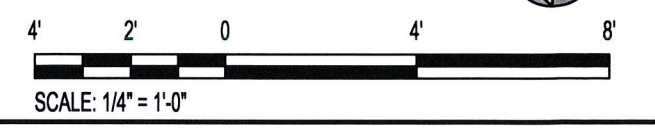


ELEVATION

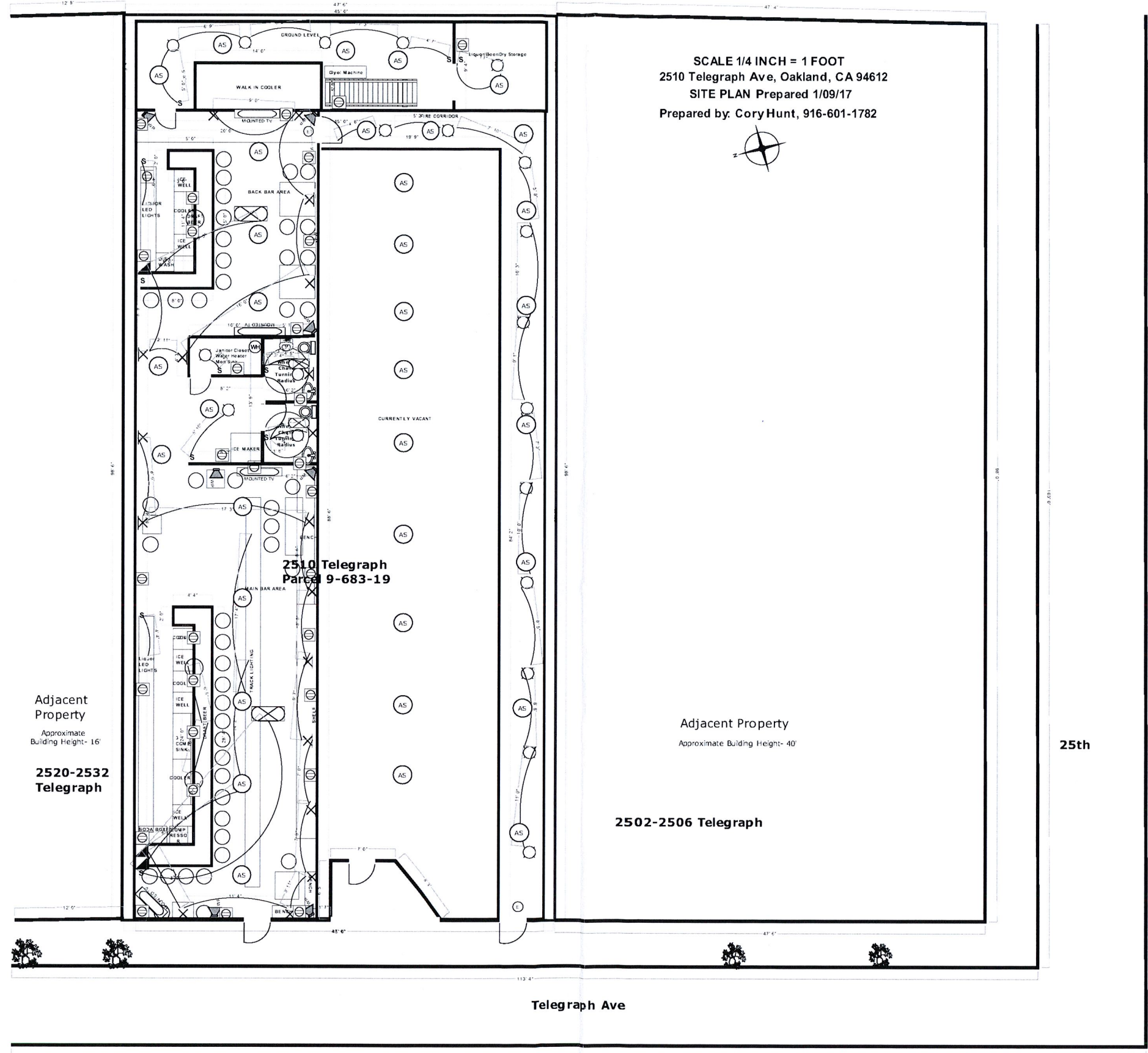


AWNINGS  
ABOVE, TYP.

PLAN







SCALE 1/4 INCH = 1 FOOT  
2510 Telegraph Ave, Oakland, CA 94612  
SITE PLAN Prepared 1/09/17  
Prepared by: Cory Hunt, 916-601-1782



2510 Telegraph  
Parcel 9-683-19

Adjacent Property  
Approximate Building Height- 16'  
**2520-2532  
Telegraph**

Adjacent Property  
Approximate Building Height- 40'

**2502-2506 Telegraph**

**25th**

Telegraph Ave

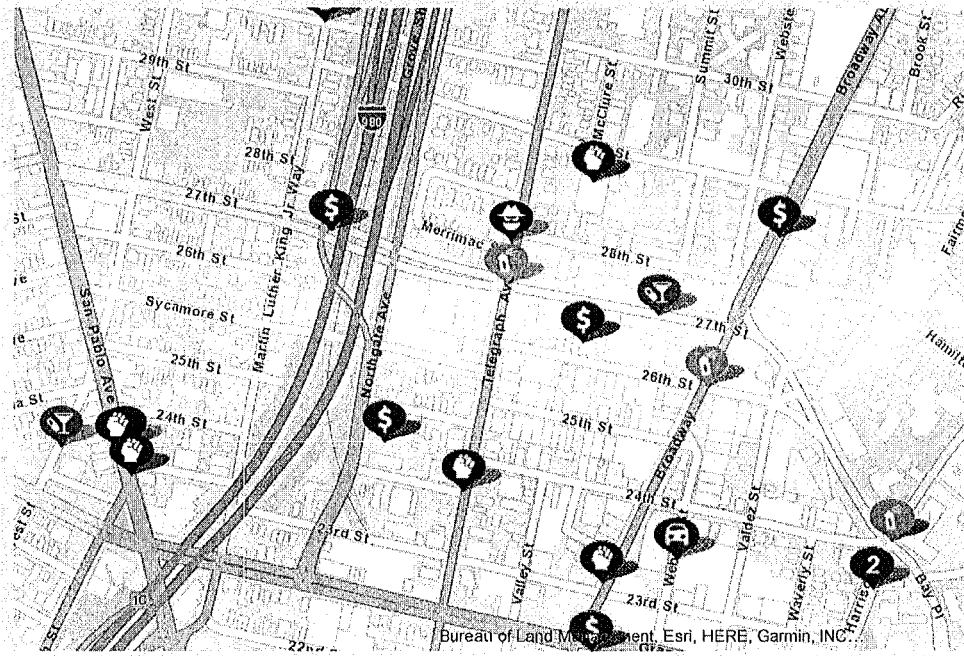
Print

### CrimeMapping.com Map

Thursday, April 6, 2017 through Wednesday, April 12, 2017

Showing crime types: Arson, Assault, Burglary, Disturbing the Peace, Drugs / Alcohol Violations, DUI, Fraud, Homicide, Motor Vehicle Theft, Robbery, Sex Crimes, Theft / Larceny, Vandalism, Vehicle Break-In / Theft, Weapons

Show crime report  Show crime chart

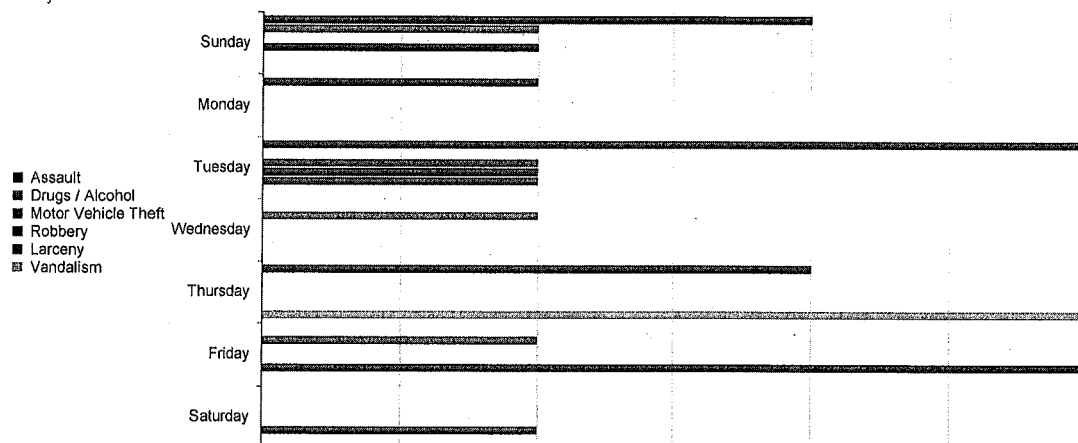


Grab the bottom/right borders to resize the map or the handle in the bottom right corner.

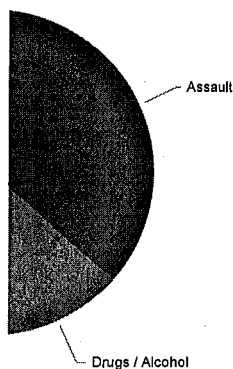
All representations on this map are distributed and transmitted "AS IS" without warranties of any kind, either express or implied including without limitation, warranties of title or implied warranties of merchantability or fitness for a particular purpose. In no event shall CrimeMapping.COM become liable to users of these data for any loss or damages, consequential or otherwise, including but not limited to time, money, goodwill, arising from the use, operation or modification of the data. The visual presentation of data is being provided strictly as a courtesy, not as an obligation to its users.

## Attachment D

Summary
















Summary



**Crime Report**

Type	Description	Incident #	Location	Agency	Date
	DRUG ABUSE VIOLATION - POSSESSION OF OTHER	17-018846		Oakland Police	4/12/2017 12:15 AM
	ASSAULT - OTHER ASSAULTS - SIMPLE, NOT AGGRAVATED	17-018818		Oakland Police	4/11/2017 8:20 PM
	ASSAULT - OTHER ASSAULTS - SIMPLE, NOT AGGRAVATED	17-018756		Oakland Police	4/11/2017 2:50 PM
	ASSAULT - OTHER ASSAULTS - SIMPLE, NOT AGGRAVATED	17-018739		Oakland Police	4/11/2017 1:30 PM
	ROBBERY - FIREARM	17-018730		Oakland Police	4/11/2017 12:41 PM
	LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	17-905906		Oakland Police	4/11/2017 9:00 AM
	MOTOR VEHICLE THEFT - AUTOS	17-018722		Oakland Police	4/11/2017 7:00 AM
	ASSAULT - HANDS, FISTS, FEET, ETC. - AGGRAVATED INJURY	17-018555		Oakland Police	4/10/2017 4:41 PM
		17-018408		Oakland Police	4/9/2017 7:55 PM

Type	Description	Incident #	Location	Agency	Date
	ASSAULT - OTHER ASSAULTS - SIMPLE, NOT AGGRAVATED				
	ROBBERY - STRONG-ARM (HANDS, FISTS, FEET, ETC.)	17-018389		Oakland Police	4/9/2017 6:17 PM
	ASSAULT - OTHER DANGEROUS WEAPON	17-018307		Oakland Police	4/9/2017 6:17 AM
	DRUG ABUSE VIOLATION - POSSESSION OF OTHER	17-018294		Oakland Police	4/9/2017 2:46 AM
	LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	17-905785		Oakland Police	4/8/2017 3:20 PM
	LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	17-905766		Oakland Police	4/7/2017 11:30 PM
	LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	17-905749		Oakland Police	4/7/2017 8:10 PM
	DRUG ABUSE VIOLATION - POSSESSION OF OTHER	17-018049		Oakland Police	4/7/2017 5:46 PM
	LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	17-905779		Oakland Police	4/7/2017 12:00 AM
	VANDALISM	17-905738		Oakland Police	4/6/2017 9:25 PM
	VANDALISM	17-905727		Oakland Police	4/6/2017 9:00 PM
	ASSAULT - OTHER ASSAULTS - SIMPLE, NOT AGGRAVATED	17-017902		Oakland Police	4/6/2017 3:39 PM
	VANDALISM	17-905679		Oakland Police	4/6/2017 10:40 AM
	ASSAULT - OTHER ASSAULTS - SIMPLE, NOT AGGRAVATED	17-017823		Oakland Police	4/6/2017 9:35 AM

**Herrera, Jose**

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**From:** Dave Schnayer <daveschnayer1@gmail.com>  
**Sent:** Friday, April 07, 2017 10:24 PM  
**To:** Herrera, Jose  
**Cc:** Marqusee, Alexander G.  
**Subject:** 2510 Telegraph Avenue, Oakland - PLN17015

Dear Mr Herrera:

I am writing to you as owner's representative of the mixed-use residential / retail property located immediately adjacent to the site as referenced above where you are apparently acting as a staff planner for a Type 48 Bar application.

I hereby request a meeting with you and Council Member McElhaney to discuss this application and serious concerns related to such and potential impacts on the community.

It is clear that you have performed a complete staff level review and analysis of the proposed use, but ownership of our immediately adjacent site has the following concerns for our residential and retail tenants, the immediate community, as well as safety, property valuation and quiet enjoyment that neighboring residents deserve (with or without the proposed use). We feel that the type of proposed use, hours of operation, classification of license (Type 48 - not requiring food service with alcohol, as well as allowing off premise sale of beer and wine too) are extremely problematic for the community based on the following:

- 1) Noise which may not be confined to the interior of the building and could be heard from adjacent properties at anytime, but especially after "normal business hours". This could certainly be of major disturbance to adjacent residential occupants who need and deserve quiet enjoyment of their apartments for sleep and other solitude without boisterous activities which could easily be generated by a "4460 SF bar / night club / event venue / liquor store" (not a restaurant, serving alcohol beverages accessory to food),
- 2) The current number of ABC licenses (saturation) in the immediate vicinity of the proposed property with undesirable uses outside premises, on streets and possibly creating additional demands for OPD, Public Works and other City Services as well as potential property damage, disruption and security needs for nearby private property,
- 3) Increased parking demands with no known plan for such to be accommodated on-site,
- 4) Total proposed occupancy (load), ingress and egress, fire suppression and life safety measures are also major concerns with the proposed public assembly use

Perhaps you have a detailed plan which addresses means of control and elimination of the above concerns, as well as methods in which the City will guarantee enforcement of conditions of approval that you can share with us at this time.

Prior to this matter being heard by the Planning Commission, I am hereby requesting a meeting ASAP with you, the City's Planning Director as well as Ms. McElhaney to review this application and discuss how the proposed application can even be considered appropriate for the proposed site.

Thanks sincerely for your review and consideration.

**ATTACHMENT E**

Dave Schnayer  
510-295-3251  
CA Dept. of Real Estate  
Broker's License#: 01060517

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## Herrera, Jose

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**From:** Matthew Ticknor <matt@junctionprops.com>  
**Sent:** Wednesday, April 12, 2017 10:32 AM  
**To:** Herrera, Jose  
**Cc:** Charles Long  
**Subject:** PLN16015 - 2510 Telegraph Avenue

Dear Mr. Herrera:

I am writing to you on behalf of Junction Properties to express strong support for the proposed new bar at 2510 Telegraph.

Junction Properties is the managing partner of the approved mixed use project at 2538 Telegraph. This project received design approval on April 10, 2016 and has filed for a building permit. We expect to start construction in July 2017. The proposal for a new bar would be a welcome addition to the community. The location is close to our multifamily project and will provide a place for the residents to get together. The bar will activate the streetscape along Telegraph Avenue and make the neighborhood safer by having more eyes on the street, especially at night.

We support the proposal at 2510 Telegraph for a new bar and hope to see it open its doors real soon.

**Matt Ticknor** 415.990.6944

