

Case File Number PLN19273

June 3, 2020

<b>Location:</b>	2001 Broadway; APN 008 064900700_(See map on the reverse)
<b>Proposal</b>	To establish a bar and lounge (Alcoholic Beverage Sales Commercial Activity) requiring a Type 48 license with live music and DJ music (Group Assembly Commercial Activity) on the ground floor of the historic I. Magnin Building. The operation is proposing a closing time of 12 am to 2 am, depending on day of the week.
<b>Applicant:</b>	Sang Huynh
<b>Phone Number:</b>	(925) 348-2735
<b>Owner:</b>	HPG 2001 Broadway LLC
<b>Case File Number:</b>	PLN19273
<b>Planning Permits Required</b>	Major Conditional Use Permit with additional findings including Public Convenience or Necessity for an Alcoholic Beverage Sales Commercial Activity
<b>General Plan</b>	Central Business District
<b>Zoning</b>	Central Business District Pedestrian Retail Commercial (CBD-P) Zone
<b>Environmental Determination</b>	Exempt per CEQA Sections 15301: Existing Facilities and Section 15183.3: Projects consistent with Community Plan, General Plan or Zoning
<b>Historic Status:</b>	Potentially Designated Historic Property; Local Register Property: I. Magnin Building; Area of Primary Importance: Uptown Commercial Historic District; Oakland Cultural Heritage Survey Rating: A1+
<b>City Council District:</b>	3
<b>Status:</b>	Pending
<b>Actions to be Taken:</b>	Receive public comments and Planning Commission comments. Planning Commission action based on staff report.
<b>Staff Recommendation:</b>	Approval subject to the attached Conditions
<b>Finality of Decision:</b>	Appealable to the City Council within 10 days.
<b>For Further Information:</b>	Contact project planner <b>Gregory Qwan</b> at (510) 238-2958 or <a href="mailto:gqwan@oaklandca.gov">gqwan@oaklandca.gov</a>

**SUMMARY**

The applicant has submitted a request to establish a bar and lounge (Town Bar & Lounge) on the ground floor of the historic I. Magnin Building. The applicant is also requesting live music and/or disc jockey (DJ) music, pending approval of a Cabaret Permit from the City Administrator. The proposal would require a Type 48 liquor license from the State Department of Alcoholic Beverage Control (ABC), which would allow all types of liquor without food service and prohibiting minors. The project requires a Major Conditional Use Permit (CUP) for an Alcoholic Beverage Sales Commercial Activity with additional findings as well as Findings of Public Convenience or Necessity (PCN).

The proposal will establish a new small business; provide services and entertainment in the Uptown Retail and Entertainment Area; enhance the vibrancy of Downtown; and provide evening and weekend activity. Based on the Findings and Conditions of Approval, the business is not anticipated to lead to nuisances, despite its location within an area of overconcentration related to crime and ABC licenses (see the *Key Issues and Impacts* section of this report for a detailed discussion of the overconcentration issue).

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

**PROPERTY AND SURROUNDING AREA DESCRIPTION**

The property is a corner lot, located in the Uptown neighborhood, with frontages on Broadway and Thomas L. Berkley Way (20<sup>th</sup> Street). The building, known as the I. Magnin Building, was a former department store built in 1931. The building is a Historic and Local Register Property of the Highest or Major Importance and is a primary contributor to the Uptown District Area of Primary Importance. The building has a rating of A1+ per the Oakland Cultural Heritage Survey. The four-story building has a distinctive green terra-cotta facade and art deco ornamentation.

The ground floor of the building includes a lobby off Thomas L. Berkley Way for the upper floor offices, the former Terra Mia coffee shop and Bank of the West.

The surrounding uses include office buildings, the Paramount Theater two doors down and a surface public parking at the rear of the building.

**PROJECT DESCRIPTION**

The proposal is to establish a bar and lounge in an existing approximately 1,500 sq. ft. vacant ground floor commercial space on the Thomas L. Berkley Way frontage. (*Attachment C*). The proposal requires the proprietor to obtain a Type 48 ABC liquor license which allows a bar with on-site service of all types of alcoholic beverages. Minors are prohibited, and service of food is not necessary. The proposal includes the addition of live bands and/or DJ music pending approval of a Cabaret Permit through the City Administrator.

The bar would employ 8-10 workers, not including security, which would be hired via an outside vendor. The applicant anticipates that there would be least one security guard during regular operating hours and two to three guards during the peak hours (i.e. Thursday through Saturday nights). These persons would help address noise and nuisance concerns. In addition, the applicant has committed to sweeping the sidewalk in front of the building as well as the surrounding area to make sure there is no debris from their patrons.

The floor plans show a fireplace lounge area off Thomas L. Berkley Way, various seating options including tables, booths, and bar seating. A living wall would be a center piece design in the middle of the space. The bar would be at the back, adjacent to a small DJ station. In addition to the tenant improvement work proposed for the bar, the applicant is proposing double sound deadening walls on the interior walls only. Street-facing windows will maintain visibility both into and out of the tenant space.

No exterior changes are proposed. Any signage will conform to the approved Master Sign Plan for the building (Case File PLN16336). There is no on-site parking.

The proposed hours of operation are as follows:

- Monday through Wednesday: 5:00 pm to 12:00 am
- Thursday and Friday: 4:00 pm to 2:00 am
- Saturday: 12:00 pm to 2:00 am
- Sunday: 12:00 pm to 12:00 am

The applicant is in the process of applying for the ABC license. The applicant voluntarily agrees to all ABC and City regulations regarding this activity. The applicant has conducted community outreach by contacting

neighborhood groups including the Neighborhood Crime Prevention Association (NCPC). Letters of support have been received as noted in the Key Issues and Impacts section of this report.

**GENERAL PLAN ANALYSIS**

The proposed project site is classified as Central Business District per the General Plan's Land Use and Transportation Element (LUTE). The intent of this classification is "to encourage, support, and enhance the downtown as a high-density mixed use urban center of regional importance and a primary hub for business, communication, office, government, high-technology, retail, entertainment, and transportation in Northern California." This project conforms to the following LUTE objectives and policies:

Objective I/C3

*Expand and retain Oakland's job base and economic strength.*

Policy I/C8 Providing Support Amenities near Employment Centers

*Adequate cultural, social, and support amenities designed to serve Oakland should be provided within close proximity of employment centers.*

Objective I/C3

*Ensure that Oakland is adequately served by a wide range of commercial uses, appropriately sited to provide competitive retail merchandising and diversified office uses, as well as personal and professional services.*

Policy I/C3.5 Promoting Culture, Recreation and Entertainment

*Cultural, recreational and entertainment uses should be promoted within Downtown and particularly in the vicinity of the Fox and Paramount Theaters and Jack London Square.*

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.*

The proposal conforms to the LUTE goal of creating an Uptown Retail and Entertainment Area in and around the Fox and Paramount Theaters and at Broadway and 20<sup>th</sup> Street by establishing a new small business and providing services and entertainment in this specific area. Furthermore, the proposal will enhance the vibrancy of Downtown and provide evening and weekend activity.

**ZONING ANALYSIS**

The Project site is located within the Central Business District Pedestrian Retail Commercial (CBD-P) Zone "The intent of the CBD-P Zone is to create, maintain, and enhance areas of the Central Business District for ground-level, pedestrian-oriented, active storefront uses. Upper story spaces are intended to be available for a wide range of office and residential activities."

*Major Conditional Use Permit and Additional Findings*

Pursuant to Section 17.58.40 of the City of Oakland Planning Code, a CUP is required for Alcoholic Beverage Sales such as the proposed bar and lounge. A Major CUP and consideration by the Planning Commission is required per Planning Code Section 17.134.020(A)(2).

Additional Findings further ensure a thorough review of Alcoholic Beverage Sales Activities, above and beyond general CUP findings. The Planning Code requires a review of these activities to ensure they do not contribute to nuisances in the community, including both alcohol-related issues and discouragement of further business attraction. While, the City's "No Net Increase Goal" (City Council Resolution 75490 C.M.S., adopted 2000) discourages new licenses in an attempt to cap the quantity in the City, this Resolution

permits new on-sale retail alcoholic beverage sales licenses when the business is located Downtown. The required Major CUP and additional Findings are in the *Findings* section of this report as part of staff's evaluation.

#### *Findings of Public Convenience or Necessity*

The site is located in police Beat 4X. This area is roughly bound by Grand Avenue to the north, 14<sup>th</sup> Street to the south, Lake Merritt to the east, and the I-980 freeway to the west. This Beat is over-concentrated for rates of reported crime in comparison to Citywide rates (OPD data).

The site is also in Census Tract 4028 which is roughly bound by Grand Avenue to the north, 14<sup>th</sup> Street to the south, Broadway to the east, and Martin Luther King Jr. Way to the west. This tract is also over-concentrated for the quantity of ABC licenses in comparison to tracts Countywide (ABC data). This Census Tract contains two #21 (market with liquor, beer and wine), 14 # 41's (restaurant with beer and wine), 11 #47's (restaurant with liquor, beer and wine), 10 #48's (bar), eight #58's (caterer), one #64 (theater), two #77's (event), two #23's (beer manufacturer, one #9 (beer and wine importer), and one #17 (beer and wine wholesaler) (*Attachment D*).

In an over-concentrated area, Findings of Public Convenience or Necessity (PCN) are required to be met for Alcoholic Beverage Sales to be established. A more detailed discussion of the overconcentration issues is in the *Key Issues and Impacts* section of this report.

#### *Other Requirements*

No other Zoning requirements are triggered by the project. The application is for a use or activity only and no construction or exterior alteration is proposed. Furthermore, the additional Group Assembly Commercial Activity is outright permitted but requires a Cabaret Permit from the City Administrator.

### **ENVIRONMENTAL DETERMINATION**

The California Environmental Quality Act (CEQA) Guidelines categorically exempts specific types of projects from environmental review. Section 15301 exempts projects involving operation and licensing of existing private facilities and certain projects within existing structures. The proposal for on-site alcoholic beverage sales from a new bar in an existing building with no exterior changes would constitute operation of an existing private facility. Finally, on another separate and independent basis, that CEQA Guidelines Section 15183.3 (Projects consistent with a Community Plan, General Plan or Zoning) is also applicable as noted in the *General Plan* and *Zoning* sections above.

### **KEY ISSUES AND IMPACTS**

#### *Analysis of Overconcentration*

Crime rates may be a function of areas within the Beat that are dispersed from and not clustered around the project site; statistics for a 500-foot radius over four weeks show crimes dispersed from the site. (*Attachment E*).

Furthermore, when operated as a bar, alcohol sales are typically not problematic for establishments with late closing times when located Downtown. PCN Findings consider variety, economic benefits, and whether alcoholic beverage sales are typical for the establishment type. As conditioned, this use is not anticipated to lead to nuisances.

ABC-licensed premises are encouraged in the district given the entertainment focus, most of which are restaurants in the Tract (25 licenses). Furthermore, the Planning Code's 1,000-foot distance separation and the City Council's goal of capping the number of non-restaurant ABC licenses in Oakland does not apply

to Downtown. The addition of late-night premises has brought more people to the area which is generally considered to be an improvement to evening safety in an urban area. The Uptown District is an appropriate location for a bar, subject to appropriate Conditions of Approval as described below.

*Proposed Conditions of Approval*

Staff has required Conditions of Approval for controls on impacts such as litter, noise and loitering. Bar staff would be trained regarding safe practices for selling liquor including how to recognize a customer that should not be served. Staff would also be trained regarding the products offered. Security personnel would be at the door Thursdays through Saturdays and more if necessary. A Compliance Hearing after six months of operation is also required.

*Letters of Support*

The Uptown/Gold Coast NCPC has provided a letter of support. In addition, the Sullivan Community Space located in West Oakland has also provided a letter of support and is one of the community groups the operators plan to work with in the future (*Attachment F*).

**SUMMARY**

Due to the proposal's ability to meet required findings, staff recommends approval of the project, subject to Conditions of Approval, including a compliance review

**RECOMMENDATIONS**

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

Prepared by:



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GREGORY QWAN  
Planner II

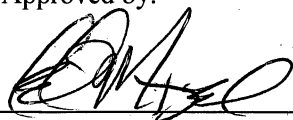
Reviewed by:



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ROBERT MERKAMP  
Zoning Manager

Approved by:



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EDWARD MANASSE

Deputy Director, Bureau of Planning

**ATTACHMENTS:**

- A. Findings
- B. Conditions
- C. Plans / Photographs
- D. ABC Licensing Data
- E. Area Crime Statistics (Map & Table)
- F. Letters of support
- G. Proof of public notification posting

**ATTACHMENT A: FINDINGS FOR APPROVAL**

This proposal meets the required findings under **General Conditional 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)** as set forth below. Required findings are shown in bold type; explanations as to why these findings can be made are in normal type.

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

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

The proposal for a new bar/lounge in an existing building is compatible with the site, the Downtown and the Uptown entertainment district surroundings. The business will enhance the diversity of beverage options in the area and later hours will add to evening activity along the corridor. The site is not directly adjacent to a civic or residential use but is surrounded by office buildings. The business is not expected to generate more traffic than is appropriate for a well-served transit-oriented area, as the site is located across the street from 19<sup>th</sup> Street BART and along several bus lines. Operating characteristics will be memorialized by Conditions of Approval to ensure no nuisances are generated. These Conditions will apply to any future operator of the business.

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

The proposal is in a vacant commercial space in an existing building located near the corner of Broadway and Thomas L. Berkley Way. The proposed establishment will not result in any new exterior construction other than perhaps signage which is not part of this permit. The proposal will offer a convenient and attractive business that adds vibrancy and activity to the area.

**C. That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region.**

The proposal will contribute to the variety of businesses in this commercial entertainment area.

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

This finding is not applicable at this time. Should signage and/or exterior improvements be desired in the future, such projects would require review and approval by the Bureau of Planning.

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

The property is located in the LUTE's Central Business District land use classification. The intent of the

area is: “to encourage, support, and enhance the downtown areas as a high density mixed use urban center of regional importance and a primary hub for business, communications, office, government, high technology, retail, entertainment, and transportation in Northern California.” The proposal conforms to this intent and to the following Policies of the LUTE:

- *Objective I/C3*
- *Policy I/C8 Providing Support Amenities near Employment Centers*
- *Objective I/C3*
- *Policy I/C3.5 Promoting Culture, Recreation and Entertainment*
- *Policy D5.1 Encouraging Twenty-Four Hour Activity*

The proposal also conforms to the LUTE goal of creating an Uptown Retail and Entertainment Area in and around the Fox and Paramount Theaters and at Broadway and 20<sup>th</sup> Street by establishing a new small business and providing services and entertainment in this specific area. Furthermore, the proposal will enhance the vibrancy of Downtown and provide evening and weekend activity.

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

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

Unlike commercial districts that do not cater to nightlife and entertainment, this area is intended to draw patrons to Downtown. Specifically, the LUTE envisions this parcel as part of an Uptown Retail and Entertainment Area. There is a growing variety of food and beverage establishments in the immediate vicinity of the project site, and the addition of a new bar and lounge will only serve to further invigorate the success of the entertainment district. While there are currently ten Type 48 licenses in this area, as discussed above, the City’s “No Net Increase Goal” (Resolution 75490 C.M.S.) which discourages new licenses, exempts the Downtown area in order to realize a lively entertainment district.

Furthermore, there have been no police calls specifically related to these businesses. Based on operations of this type of use elsewhere in Oakland and in other nearby cities, there is no evidence that the bar/lounge will contribute to an undue proliferation of undesirable activities. Conditions of Approval will ensure positive operational characteristics.

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

There are approximately four civic uses within a three-block radius including the Oakland School for the Arts, Henry J. Kaiser Memorial Park and the Fox and Paramount Theaters. However, the proposal is not anticipated to generate negative impacts to the school. Given the operational characteristics of other successful liquor and entertainment venues in the area, the proposal will enhance and support the theaters.

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

The site contains no driveways or parking lots which would interfere with the movement of pedestrians along the street. No outdoor sidewalk café area is proposed.



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

The proposal would be located in the historic I. Magnin Building; however, the project does not include any exterior changes to the building. Any signage, if proposed, would need Bureau of Planning approval and would need to comply with the approved Master Sign Program.

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

The proposal does not involve any exterior changes to the building. As noted above, the signage would need to comply with the approved Master Sign Program. The site does not contain a surface parking lot.

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

The proposal will not include food or other to-go orders. The use is not expected to generate significant trash or litter at or adjacent to the site. Nonetheless, bar staff will clean the site and adjacent public right-of-way daily as required by Conditions of Approval.

**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 p.m. and seven 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 property is not located in the vicinity of street level residences. Although the bar will run late 12-2 am, the nature and scale of the service provided will not be in excess of what will normally be expected in the Downtown Showcase district and Uptown Retail and Entertainment Area at ground level.

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

This finding is inapplicable; the proposal does not involve a fast-food restaurant.

**Additional 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 LUTE envisions this area as part of an Uptown Retail and Entertainment Area which is intended to draw patrons to Downtown and enhance the success of the entertainment district which includes the Paramount and Fox theaters. The City Council specifically exempted Downtown from a restriction on further alcoholic beverage licenses these reasons. As such, the City Council and LUTE identified a community need for this type of supportive activity.

The proposal will enhance the variety of social meeting and beverage offerings in the Downtown area serving residents, visitors and workers and will generate employment and revenues. The proposed vision is to provide a community space with a neighborhood bar feel. This includes hiring local bands and artists to showcase their talents.

Based on the small size of the bar and with appropriate Conditions of Approval, this business is not anticipated to lead to nuisances.

**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 proposal will enhance the variety of social and beverage offerings in the Downtown area serving residents, visitors and workers. It will further the vitality of the area by providing entertainment options near the City's theaters and generating evening activity, complimenting the existing day-time office activities. The proposal will generate employment for 8-10 people plus security personnel as well as additional revenue.

Based on operations of this type of use elsewhere in Oakland and in other nearby cities, there is no evidence that the bar/lounge will contribute to an undue proliferation of undesirable activities. The proposal will increase nighttime pedestrian activity and result in additional "eyes on the street." Conditions of Approval, including one related to a Compliance Hearing, will ensure positive operational characteristics.

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

The building is currently occupied by upper floor offices and a bank and vacant cafe located on the ground floor. These are the principal uses on the site.

The proposal will include a Group Assembly Activity (live music and DJ's) pending approval of a Cabaret Permit from the City Administrator. On-site sale of liquor, beer and wine are typical for a Downtown bar and entertainment venue and are typically found near theater options such as the Fox and Paramount.

## **CONDITIONS OF APPROVAL**

The proposal is hereby approved subject to the following 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 materials, and the approved plans submitted on March 9, 2020, 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 (10) calendar days unless an appeal is filed. Unless a different termination date is prescribed, this Approval shall expire **two years** the Approval date, or from the date of the final decision in the event of an appeal, unless within such period a complete building permit application has been filed with the Bureau of Building and diligently pursued towards completion, 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, Department of Transportation, 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

***CONDITIONS OF APPROVAL***

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 sixty (60) days of approval, unless an earlier date is specified elsewhere.

**8. Indemnification**

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

**9. Severability**

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

**10. Special Inspector/Inspections, Independent Technical Review, Project Coordination and Monitoring**

The project applicant may be required to cover the full costs of independent third-party technical review and City monitoring and inspection, including without limitation, special inspector(s)/inspection(s) during times of extensive or specialized plan-check review or construction, and inspections of potential violations of the Conditions of Approval. The project applicant shall establish a deposit with Engineering Services and/or the Bureau of Building, if directed by the Director of Public Works, Building Official, Director of City Planning, Director of Transportation, 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, Engineering Services, Department of Transportation, and other City departments as required. Public improvements shall be designed and installed to the satisfaction of the City.

**12. Trash and Blight Removal**

Requirement: The project applicant and his/her successors shall maintain the property free of blight, as defined in chapter 8.24 of the Oakland Municipal Code. For nonresidential and multi-family residential projects, the project applicant shall install and maintain trash receptacles near public entryways as needed to provide sufficient capacity for building users.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**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. Dust Controls – Construction Related**

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

- a. Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever feasible.
- b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d. Limit vehicle speeds on unpaved roads to 15 miles per hour.
- e. All demolition activities (if any) shall be suspended when average wind speeds exceed 20 mph.
- f. All trucks and equipment, including tires, shall be washed off prior to leaving the site.
- g. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**15. Criteria Air Pollutant Controls - Construction Related**

Requirement: The project applicant shall implement all of the following applicable basic control measures for criteria air pollutants during construction of the project as applicable:

- a. Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations). Clear signage to this effect shall be provided for construction workers at all access points.
- b. Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes and fleet operators must develop a written policy as required by Title 23, Section

2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”).

- c. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. Equipment check documentation should be kept at the construction site and be available for review by the City and the Bay Area Air Quality District as needed.
- d. Portable equipment shall be powered by grid electricity if available. If electricity is not available, propane or natural gas generators shall be used if feasible. Diesel engines shall only be used if grid electricity is not available and propane or natural gas generators cannot meet the electrical demand.
- e. Low VOC (i.e., ROG) coatings shall be used that comply with BAAQMD Regulation 8, Rule 3: Architectural Coatings.
- f. All equipment to be used on the construction site shall comply with the requirements of Title 13, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”) and upon request by the City (and the Air District if specifically requested), the project applicant shall provide written documentation that fleet requirements have been met.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**16. Asbestos in Structures**

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

When Required: Prior to approval of construction-related permit

Initial Approval: Applicable regulatory agency with jurisdiction

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

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

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

**18. Hazardous Materials Related to Construction**

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

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**19. Construction Days/Hours**

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

- a. Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pier drilling and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m.
- b. Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and windows closed. No pier drilling or other extreme noise generating activities greater than 90 dBA are allowed on Saturday.
- c. No construction is allowed on Sunday or federal holidays.

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

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



activity and the draft public notice for City review and approval prior to distribution of the public notice.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**20. Construction Noise**

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

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**21. Operational Noise**

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

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

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

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

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

When Required: Prior to approval of construction-related permit

Initial Approval: Public Works Department, Environmental Services Division

Monitoring/Inspection: Public Works Department, Environmental Services Division

**23. Employee Rights**

Requirement: The project applicant and business owners in the project shall comply with all state and federal laws regarding employees' right to organize and bargain collectively with employers and shall comply with the City of Oakland Minimum Wage Ordinance (chapter 5.92 of the Oakland Municipal Code).

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

**24. Compliance Hearings**

Required: The applicant shall return to the Bureau of Planning to report their progress. Should any complaints regarding on-sale provision or other issues regarding sale of alcohol be identified, staff may refer the item back to the Planning Commission under a Director's Report. In that case, the applicant shall submit for a Compliance Review, and pay all appropriate fees consistent with the current Master Fee Schedule at that time. The Compliance Review will be agendaized for an upcoming Planning Commission meeting. The Compliance Review shall provide an opportunity for the Commission and the public to provide comment on the operation and determine whether there is a violation of any term, **Conditions** or project description relating to the Approvals or if there is violation of any provision of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance or there exists adverse impacts caused. As a result of the hearing, the Commission may direct staff to initiate enforcement proceedings pursuant to Condition of Approval 5c and/or 26g, and/or may impose additional conditions related to the operation.

When Required: After 6 months of commencement of sale of alcoholic beverages

Initial Approval: N/A

Monitoring/Inspection: N/A

**25. Additional Permits Required**

Requirement:

- i. Necessary ABC permits (license Type 48) must be obtained prior to commencement of activity. 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.

- ii. The applicant shall submit a letter to staff signed by the applicant addressed to the State Department of Alcoholic Beverage Control stipulating that they wish to include conditions of their ABC license. The Oakland Planning Commission may, after notice and hearing, revoke this Conditional Use Permit if the applicant fails to include the above conditions in the ABC license.

**26. Operation and Facility Requirements**

**Requirement:** The project applicant and business owners in the project shall comply with all the following:

**a) Hours of Operation**

Hours of operation (including but not limited to alcoholic beverage sales) shall be limited to the following unless further restricted by ABC:

- Monday through Wednesday: 5:00 pm to 12:00 am
- Thursday through Friday: 4:00 pm to 2:00 am
- Saturday: 12:00 pm to 2:00 am
- Sunday: 12:00 pm to 12:00 am

**b) Location and Manner**

Alcoholic beverages may be purchased for on-sale, on-site consumption only.

**c) Other products**

No other products are required to be offered for sale. Sale of packed snack or other retail items requires additional approvals through the Planning and Zoning Division. No sale of tobacco-oriented products, lottery tickets, or adult magazines shall be allowed.

**d) Minors**

No minors shall be admitted at any time.

**e) Business signage**

Any new or modified business signage requires review and approval by the Planning and Zoning Division.

**f) Advertising signage**

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

**g) Nuisances**

Crime, litter, noise, or disorderliness conduct associated with alcoholic beverage sales at the establishment may result in a hearing to consider revocation of the Major Conditional Use Permit or attachment of additional Conditions of Approval.

**h) Loitering**

The owner, manager, and employees of this establishment shall make appropriate efforts to discourage

loitering from the parking lot and the public right-of-way fronting the premises including calling the police to ask that they remove loiterers 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.

**i) Trash and litter**

The licensees/property owners shall clear the gutter and sidewalks along the building frontage (Thomas L. Berkley Way and Broadway plus twenty feet beyond the property lines along these streets of litter twice daily or as needed to control litter. In addition to the requirements of B&P Section 25612.5, (sweep or mechanically clean weekly) the licensee shall clean the sidewalk with steam or equivalent measures once per month.

**j) Performance standards**

In addition, to the Operational Noise Condition above, the establishment shall adhere to performance standards for odor, and all environmental effects of the bar/lounge as regulated under OMC Chapter 17.120.

**k) Noise**

- i. No live music or DJ's are allowed without a Cabaret Permit from the City Administrator's Office. Hours of Operation for music and admission shall be based on a Cabaret Permit.
- ii. 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 music and from patrons as well as from outdoor noise from patrons.

**l) Neighborhood Outreach and contact phone numbers**

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 also display signage behind the bar offering contact numbers for both the business operator and the City Code Compliance at (510)238-3381 and OPD non-emergency at (510-777-3333) for the purpose of reporting nuisances.

**m) Signage**

Within 30 days of the date of decision, at least one sign (one square foot maximum) shall be posted and maintained in a legible condition at each public entrance to the building prohibiting littering and loitering. Required signage prohibiting open containers and drinking in public shall also be maintained in legible condition near each public entrance to bar. The "No Open Container" signs are available from the cashier located on the second floor of 250 Frank H. Ogawa Plaza.

**n) Security**

The establishment shall retain one security guard on site per every fifty patrons on Thursdays through Saturdays until closing.

**o) ABAT Registration**

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

**p) 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).

**q) Taxi call program**

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

**r) Staff training and monitoring program**

The operator shall require new employees to comply with a staff training program that includes training on the Conditions of Approval and ABC statutes and regulations. Staff of the business shall regularly monitor the premises and public right-of-way to discourage all nuisances including but not limited to loitering, littering, noise, graffiti, public drinking / intoxication / urination / violence, and noise.

**s) Ashtrays**

The City Smoking Ordinance shall apply (OMC Sec. 8.30). 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.

**t) Neighborhood Outreach and NCPC Meeting**

Upon, commencement of operation of the business, the operator shall apply to the NCPC for inclusion on the next available agenda to introduce the establishment.

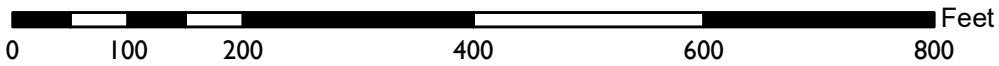
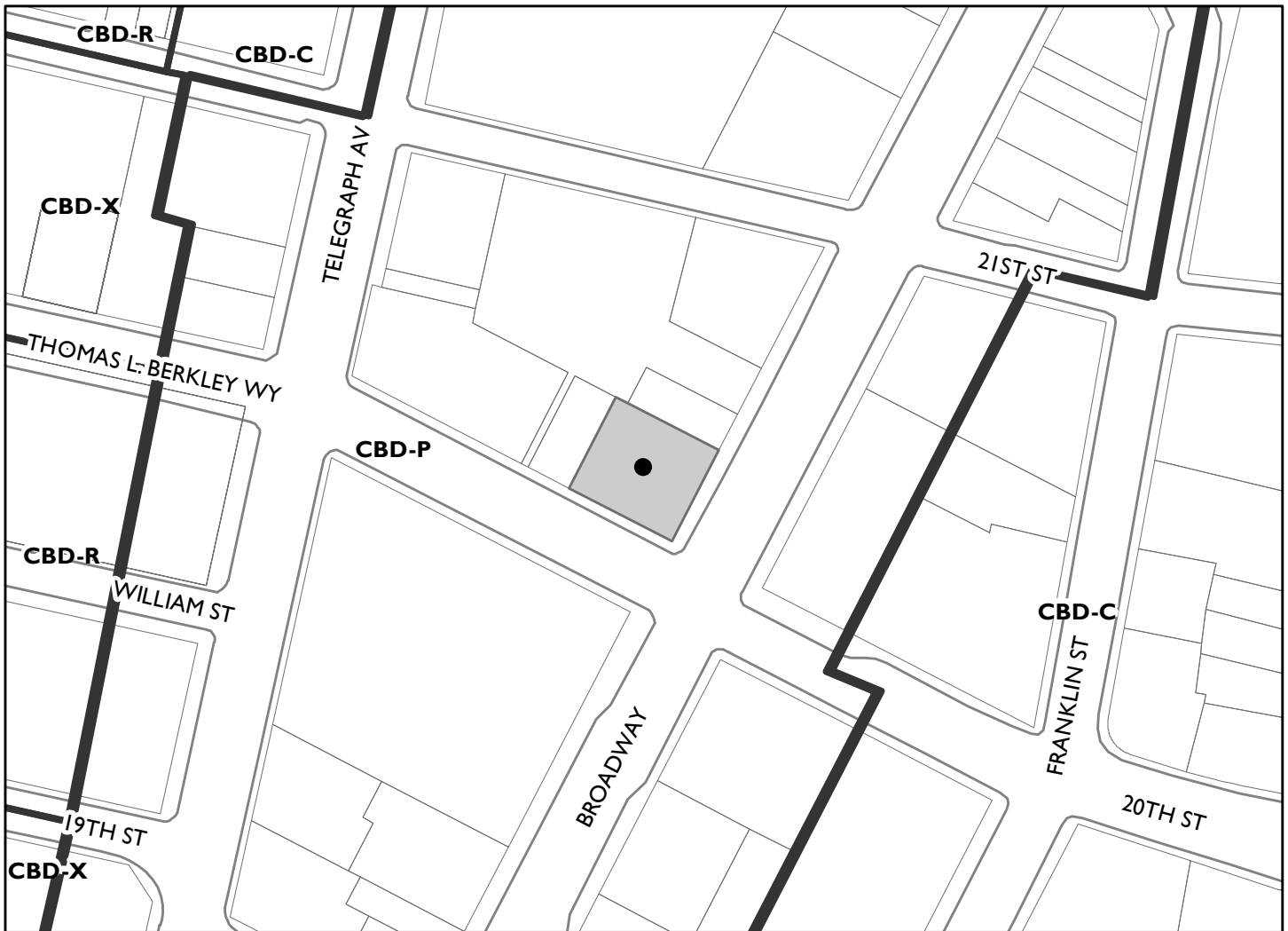
**u) Future Operators**

Any future operators of the business are subject to these conditions and shall register with the Bureau of Planning and with ABAT.

**APPROVED BY:**

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

# CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN19273  
Applicant: Sang Huynh  
Address: 2001 Broadway  
Zone: CBD-P

**I MAGNIN**

2001 Broadway, Oakland, CA 94612




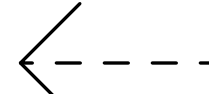
OWNER  
HP INVESTORS  
2001 BROADWAY, SUITE 150  
Oakland, CA 94612  
Phone: 310.365.5998

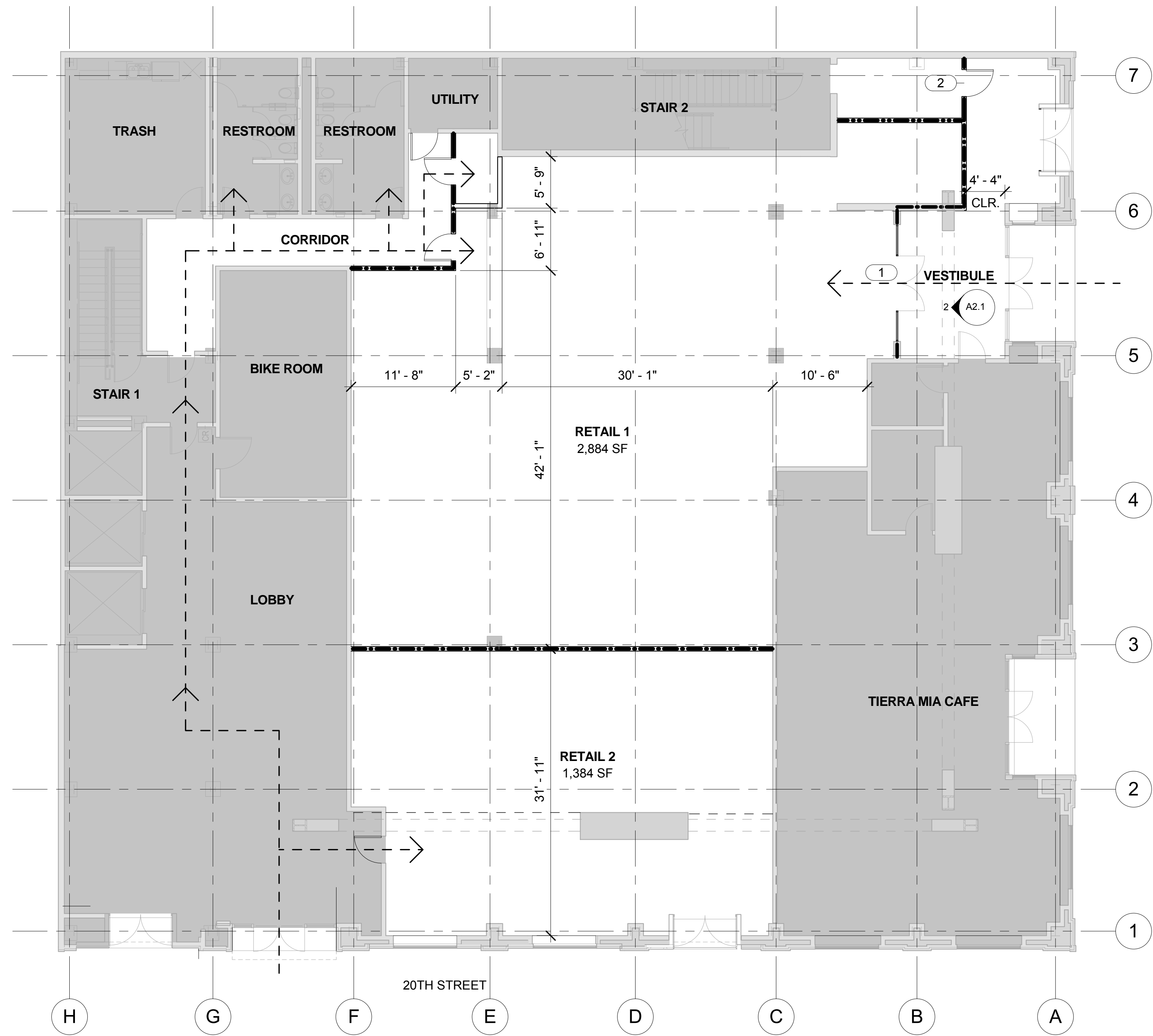
ARCHITECT  
LOWNEY ARCHITECTURE  
360 17th Street, Suite 200  
Oakland, CA 94612  
Phone: 510.836.5400

**GENERAL NOTES**

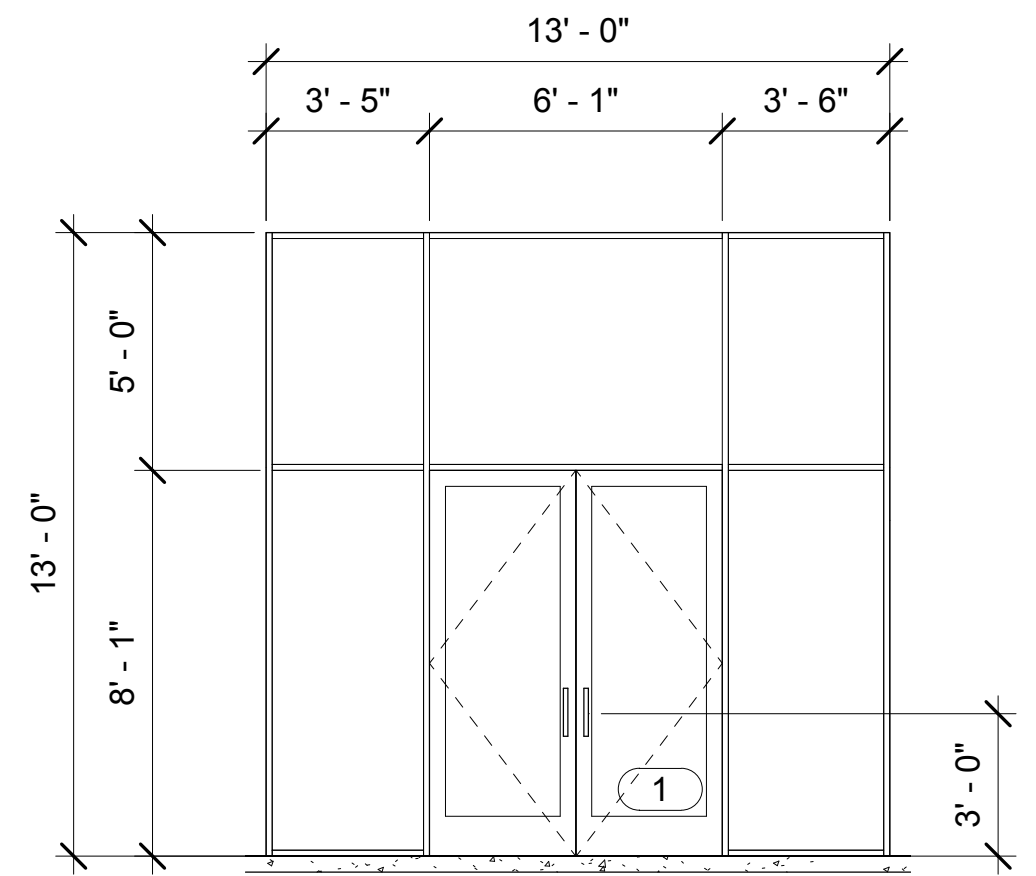
1. ALL ITEMS NOT SPECIFICALLY NOTED FOR REMOVAL SHALL BE PROTECTED IN PLACE.
2. CONTRACTOR SHALL VERIFY DIMENSIONS AND (E) CONDITIONS IN THE FIELD. IN CASE OF CONFLICT BETWEEN DRAWINGS AND (E) CONDITIONS, NOTIFY THE ARCHITECT.
3. REMOVE ALL EXISTING ITEMS REQUIRED BY NEW WORK INDICATED IN THESE DOCUMENTS. DEMOLISH, PROTECT, PATCH OR PREPARE ALL SURFACES TO RECEIVE NEW WORK.
4. ACCESSIBLE PATH OF TRAVEL AS INDICATED ON PLAN IS A BARRIER FREE ACCESS WITHOUT ANY ABRUPT VERTICAL CHANGES EXCEEDING 1/4 INCH AT 12" MAXIMUM SLOPE AND SHALL BE A MINIMUM OF 48 INCHES IN WIDTH. SURFACE CROSS SLOPES SHALL NOT EXCEED 1/4 INCH PER FOOT.

**LEGEND**

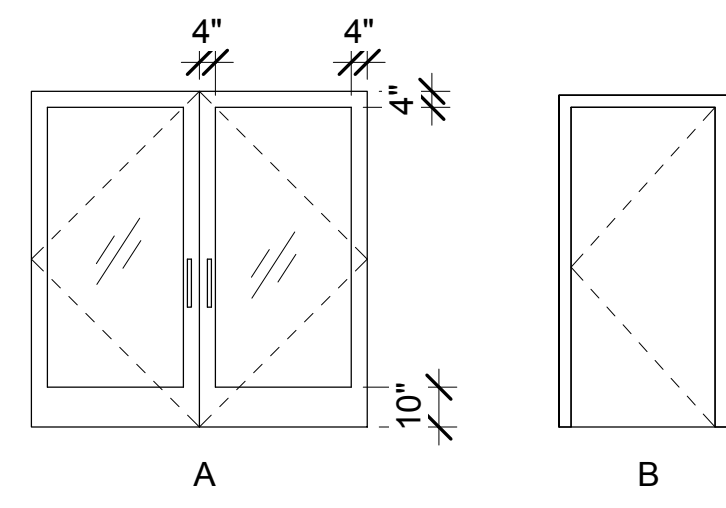
-  (N) 1 HR WALL
-  (N) 2 HR WALL
-  NOT IN SCOPE
-  ACCESSIBLE PATH OF TRAVEL



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



2 STOREFRONT ELEVATION (1HR RATED)  
1/4" = 1'-0"



BROADWAY

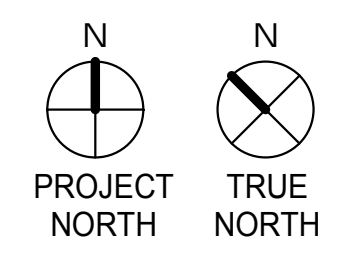
20TH STREET

DOOR SCHEDULE									
#	TYPE	DOOR MATERIAL	FRAME MATERIAL	LOCATION	Width	Height	Fire Rating	Hardware	Comments
1	A	3/4" TEMP. GLASS	ALUM.	RETAIL 1	6' - 1 1/4"	8' - 0 1/2"	20 MIN.	ADA PULL	DOOR TO REMAIN UNLOCKED DURING BUSINESS HOURS
2	B	HM DOOR	HM	CORRIDOR	3' - 0"	6' - 8"	90 MIN.	ADA LEVER	
3	B	HM DOOR	HM	RETAIL 1	3' - 0"	7' - 0"	20 MIN.	ADA LEVER	
4	B	HM DOOR	HM	UTILITY	3' - 0"	7' - 0"	20 MIN.	ADA LEVER	
5	B	HM DOOR	HM	RETAIL 2	3' - 0"	6' - 8"	90 MIN.	ADA LEVER	

STAMP



#	DATE	ISSUES & REVISIONS	BY
	02/01/18	CD/PERMIT SET	AD



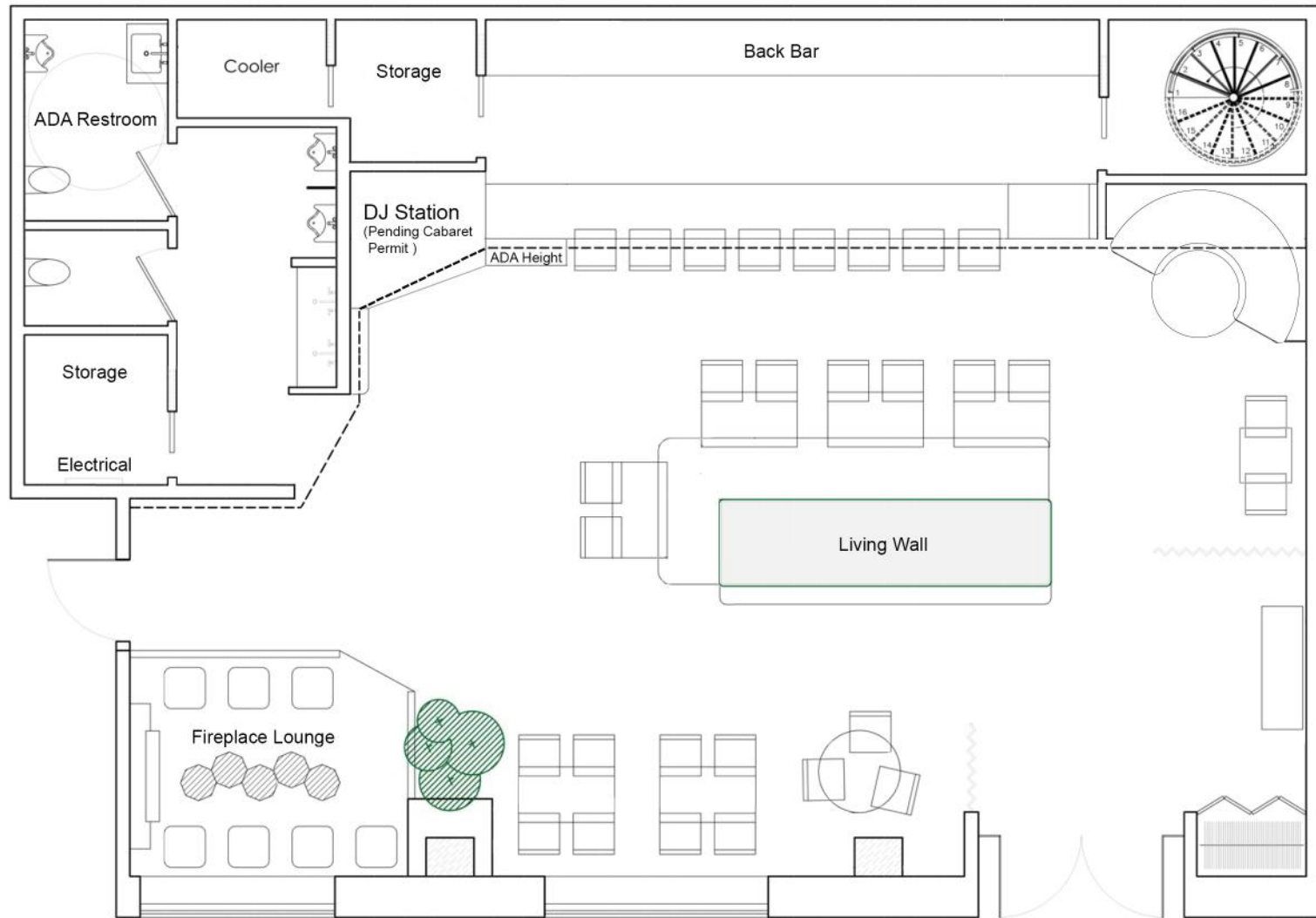
DRAWN BY: Author  
PROJECT NUMBER: 16-001  
SHEET ISSUE DATE: 01/10/18  
SHEET TITLE:

**PROPOSED FLOOR PLAN**

SHEET NUMBER  
**A2.1**

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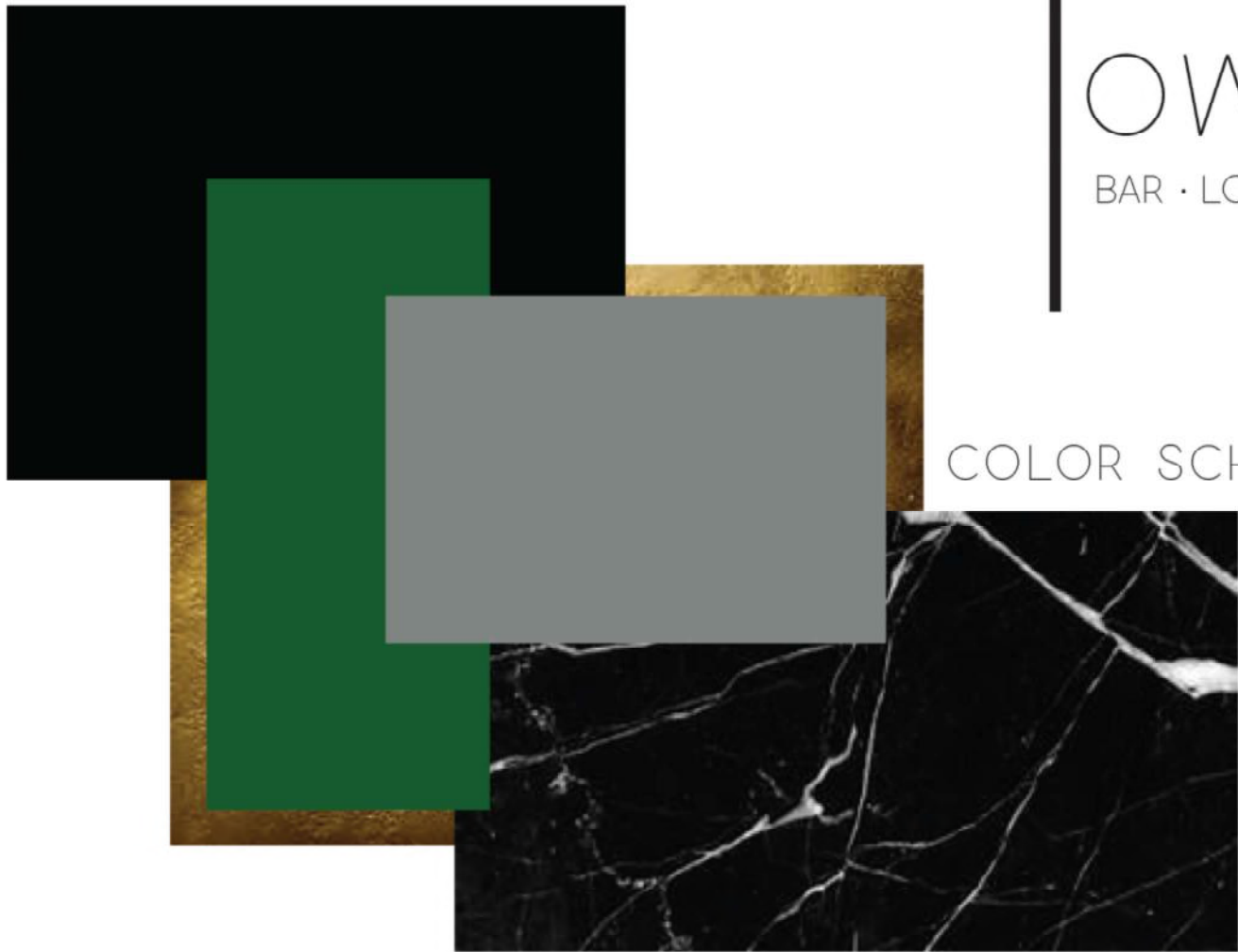
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DESIGN PLAN



T  
OWN  
BAR · LOUNGE

COLOR SCHEME



# TOWN

BAR · LOUNGE

PANELED WALLS AROUND THE ENTIRE SPACE. PAINTED IN A DARK COLOR TO GIVE A WARM AND COZY FEEL. PANELS WILL ALSO HIDE SOUND PROOFING MATERIALS.

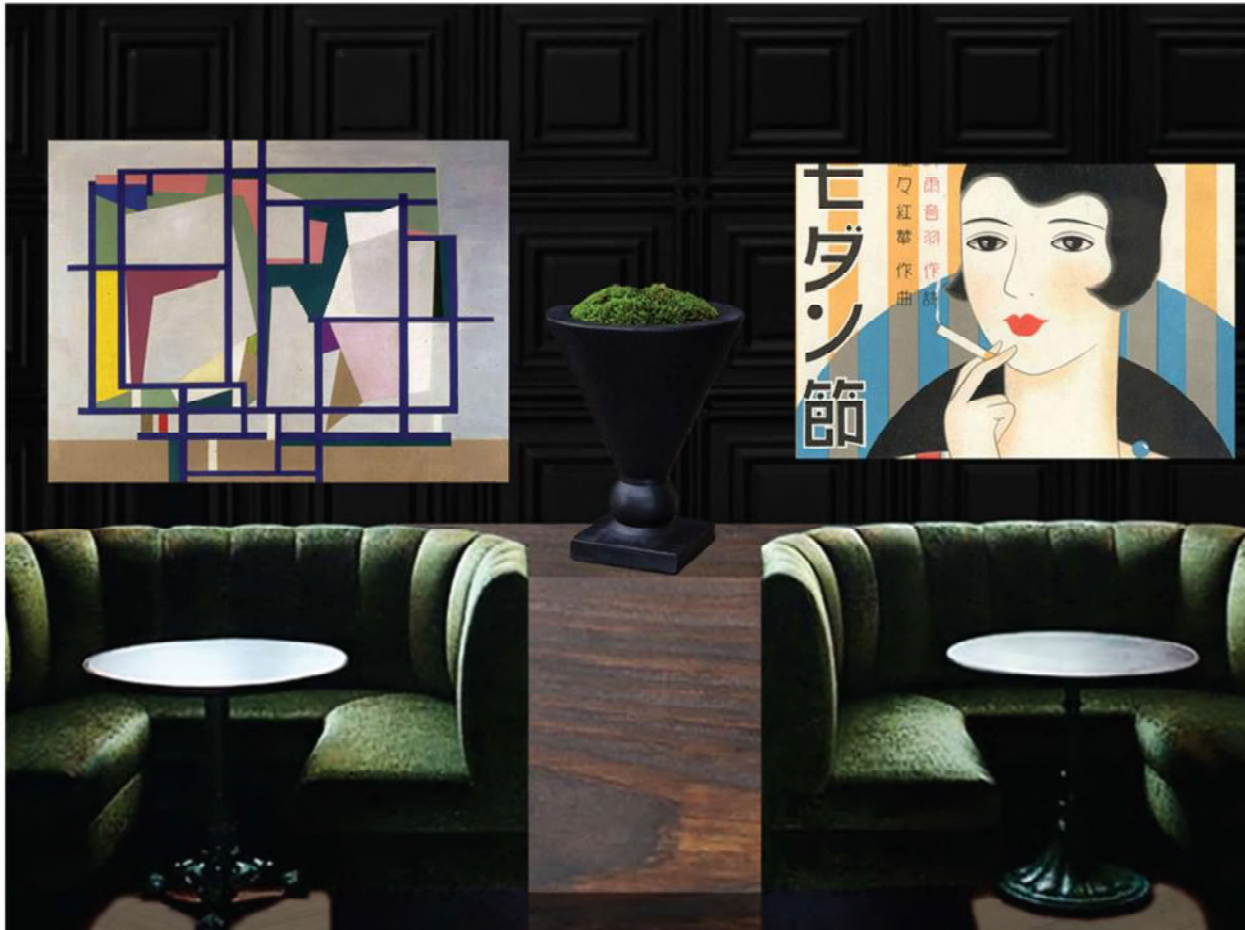


# TOWN

BAR · LOUNGE

## FIREPLACE LOUNGE AREA

- COMFORTABLE LOUNGE SPACE
- NON FUNCTIONAL FIREPLACE
- PANELED WALLS



T  
OWN

BAR · LOUNGE

BOOTHS

COMFORTABLE VELVET BOOTHS  
WITH SPACE FOR REVOLVING  
ART FEATURING LOCAL ARTISTS.



# TOWN

BAR · LOUNGE

## BAR/BACK BAR

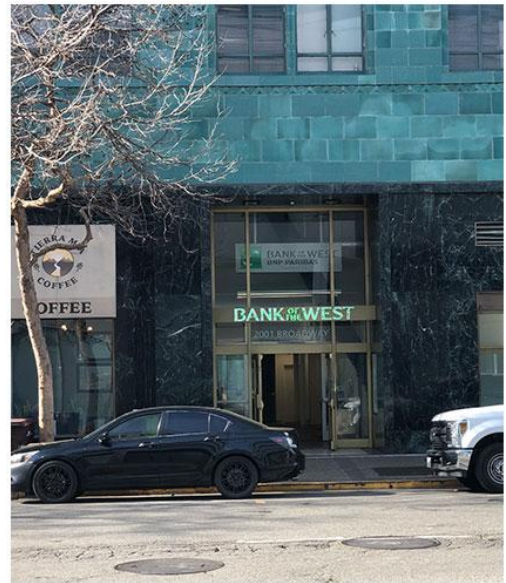
CLASSIC PANELING CONTINUED TO THE BAR. WITH A BACK-LIT BACK BAR. COMFORTABLE VELVET STOOLS.



# 5 Neighbors To The Left



**2001 Broadway**



**2001 Broadway**



**2000 Broadway**



**2023 Broadway**



**400 Thomas L Berkley Way**

# 5 Neighbors To The Right



**466 20th St**



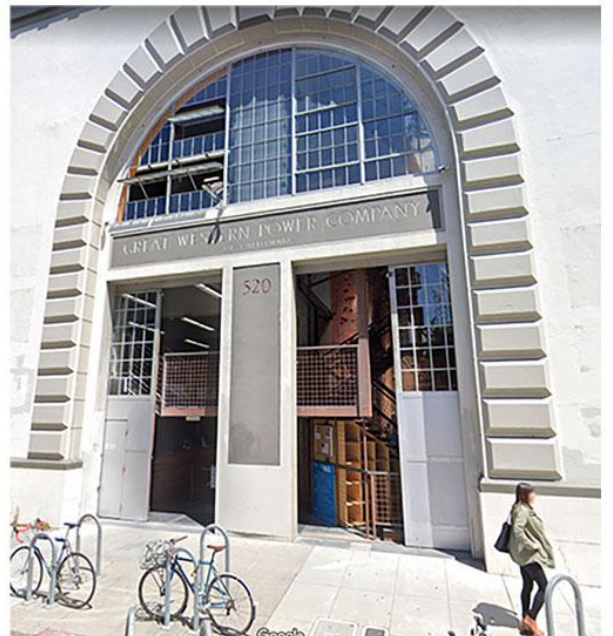
**2022 Telegraph Ave**



**499 20th St.**



**501 20th St**



**520 20th St**



# Neighbors Across the Street



**1951 Telegraph Ave**



**1951 Telegraph Ave**



**1951 Telegraph Ave**



**1951 Telegraph Ave**



**1928 Telegraph Ave**

# Neighbors Across the Street



**415 Thomas L Berkley Way**



**1970 Broadway**



**1960 Broadway**



**1946 Broadway**



**1955 Broadway**



**Front**



**Right Side**



**Back Side**

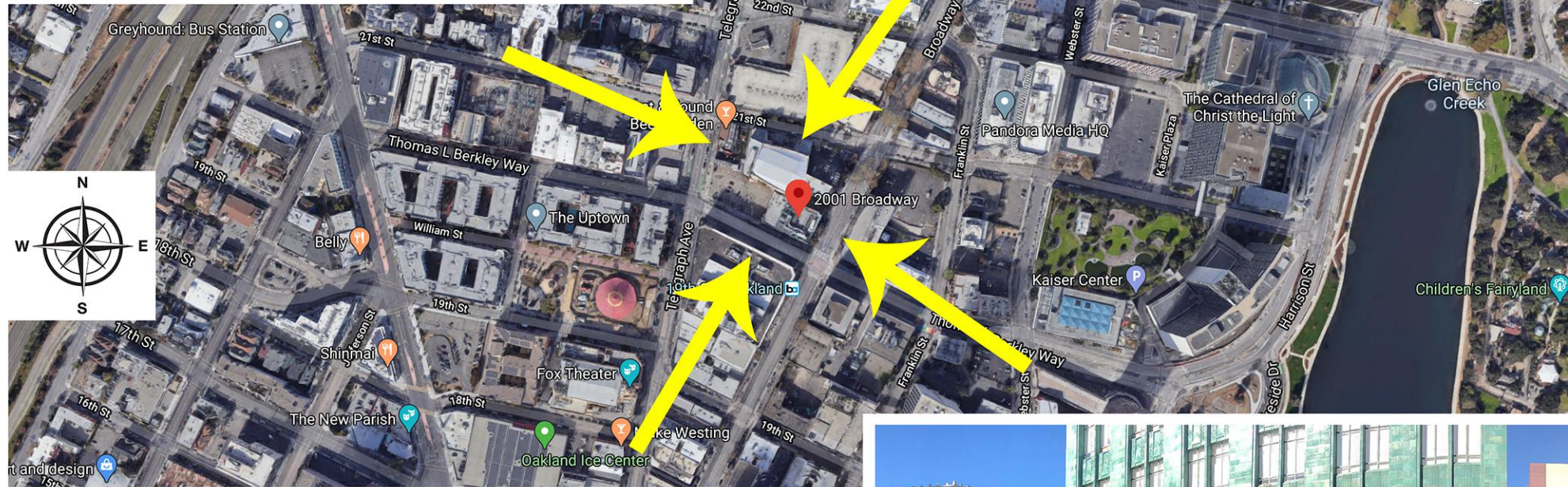
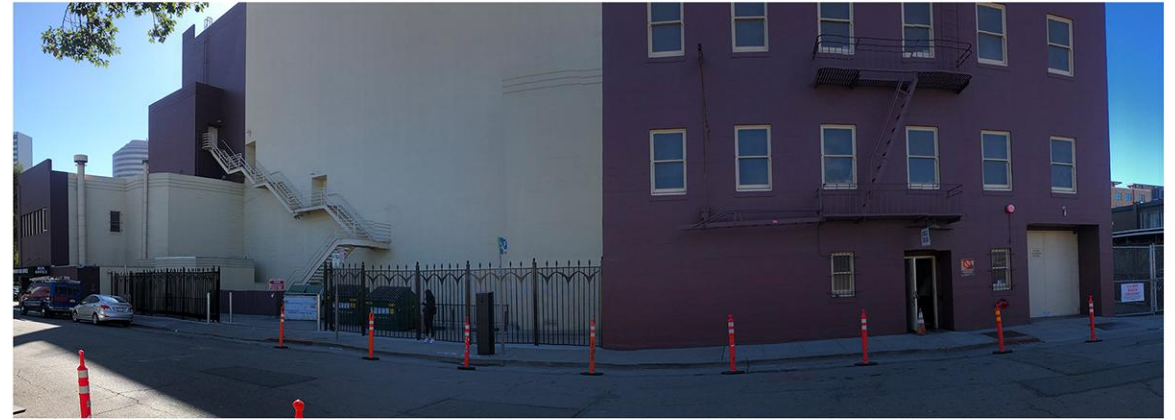


**Left Side**

South / East View



South / West View



North / East View



North / West View






License Nu	Status	License Ty	Orig. Iss. Date	Expir. Date	Primary Owner	Premises Addr.	Business Name	Geo Code
253309	ACTIVE	64	11/16/1990	9/30/2020	PARAMOUNT THEATRE OF THE ARTS INC	2025 BROADWAY,OAKLAND, CA	9461 PARAMOUNT THEATRE OF THE ARTS	109
401639	ACTIVE	48	10/21/2003	9/30/2020	REEVES, CYNTHIA ANN	1621 TELEGRAPH AVE,OAKLAND, CA	‡ CONTEMPORARY ART CAFE	109
401639	ACTIVE	58	10/21/2003	9/30/2020	REEVES, CYNTHIA ANN	1621 TELEGRAPH AVE,OAKLAND, CA	‡ CONTEMPORARY ART CAFE	109
409515	ACTIVE	47	10/5/2004	9/30/2020	LUKAS LLC	2221 BROADWAY,OAKLAND, CA	9461 LUKAS TAPROOM & LOUNGE	109
458117	ACTIVE	48	10/24/2007	9/30/2020	SYNDICATE ENTERPRISES GROUP LLC THE	1928 TELEGRAPH AVE,OAKLAND, CA	‡ UPTOWN NIGHTCLUB THE	109
459551	ACTIVE	47	2/3/2009	1/31/2021	GASS ENTERTAINMENT LLC	1807 TELEGRAPH AVE,OAKLAND, CA	‡ FOX THEATRE THE	109
459551	ACTIVE	77	2/3/2009	1/31/2021	GASS ENTERTAINMENT LLC	1807 TELEGRAPH AVE,OAKLAND, CA	‡ FOX THEATRE THE	109
459551	ACTIVE	58	2/3/2009	1/31/2021	GASS ENTERTAINMENT LLC	1807 TELEGRAPH AVE,OAKLAND, CA	‡ FOX THEATRE THE	109
473862	ACTIVE	58	3/9/2009	2/28/2021	151 INDUSTRY LLC	1727 TELEGRAPH AVE,OAKLAND, CA	‡ SOMAR BAR	109
473862	ACTIVE	48	3/9/2009	2/28/2021	151 INDUSTRY LLC	1727 TELEGRAPH AVE,OAKLAND, CA	‡ SOMAR BAR	109
473862	ACTIVE	77	3/9/2009	2/28/2021	151 INDUSTRY LLC	1727 TELEGRAPH AVE,OAKLAND, CA	‡ SOMAR BAR	109
501008	ACTIVE	41	12/30/2010	11/30/2020	XOLO TAQUERIA LLC	1916 TELEGRAPH AVE,OAKLAND, CA	‡ XOLO	109
501645	ACTIVE	48	2/18/2011	1/31/2021	BAR DOGWOOD LLC	1644 TELEGRAPH AVE,OAKLAND, CA	‡ BAR DOGWOOD	109
501645	ACTIVE	58	2/18/2011	1/31/2021	BAR DOGWOOD LLC	1644 TELEGRAPH AVE,OAKLAND, CA	‡ BAR DOGWOOD	109
508480	ACTIVE	58	8/1/2011	9/30/2020	UPDOG LLC	1741 TELEGRAPH AVE,OAKLAND, CA	‡ MAKE WESTING	109
508480	ACTIVE	48	8/1/2011	9/30/2020	UPDOG LLC	1741 TELEGRAPH AVE,OAKLAND, CA	‡ MAKE WESTING	109
516278	ACTIVE	41	2/13/2012	1/31/2021	AWAKEN CAFE, LLC	1429 BROADWAY,OAKLAND, CA	9461 AWAKEN CAFE	109
519881	ACTIVE	58	6/19/2012	5/31/2020	YONSEI RESTAURANT GROUP, LLC	1915 SAN PABLO AVE,OAKLAND, CA	‡ HOP SCOTCH	109
519881	ACTIVE	47	6/19/2012	5/31/2020	YONSEI RESTAURANT GROUP, LLC	1915 SAN PABLO AVE,OAKLAND, CA	‡ HOP SCOTCH	109
522373	ACTIVE	41	9/7/2012	8/31/2020	SAIGON COMBINATION CORPORATION	326 FRANK H OGAWA PLZ,OAKLAND,	‡ SAIGON RESTAURANT	109
523003	ACTIVE	58	9/25/2012	8/31/2020	DUENDE LLC	468 19TH ST,OAKLAND, CA	94612-22‡ DUENDE	109
523003	ACTIVE	47	9/25/2012	8/31/2020	DUENDE LLC	468 19TH ST,OAKLAND, CA	94612-22‡ DUENDE	109
529841	ACTIVE	41	1/3/2014	12/31/2020	FIVE AND DIME GARDENS, LLC	2040 TELEGRAPH AVE,OAKLAND, CA	‡ LOST AND FOUND	109
536201	ACTIVE	41	11/1/2013	10/31/2020	BAY AREA JAZZ AND ARTS INC.	2147 BROADWAY,OAKLAND, CA	9461 SOUND ROOM THE	109
540691	ACTIVE	41	3/20/2014	2/28/2021	PHALANGES LLC	408 22ND STREET,OAKLAND, CA	9461 SUYA AFRICAN-CARIBBEAN GRILL	109
544384	ACTIVE	41	10/27/2014	9/30/2020	WOLFGANG & SUSANNE, LLC	150 FRANK H OGAWA PLAZA, 1A,OAKI	DOWNTOWN WINE MERCHANTS	109
546706	ACTIVE	47	10/1/2014	9/30/2020	YONSEI RESTAURANT GROUP, LLC	1911 SAN PABLO AVE,OAKLAND, CA	‡ HOPSCOTCH	109
547024	ACTIVE	41	9/11/2014	8/31/2020	TAIWAN BENTO LLC	412 22ND ST,OAKLAND, CA	94612-30 TAIWAN BENTO	109
553440	ACTIVE	58	4/14/2015	3/31/2021	STARLINE SOCIAL CLUB LLC	645 WEST GRAND AVE,OAKLAND, CA	‡ STARLINE SOCIAL CLUB	109
553440	ACTIVE	47	4/14/2015	3/31/2021	STARLINE SOCIAL CLUB LLC	645 WEST GRAND AVE,OAKLAND, CA	‡ STARLINE SOCIAL CLUB	109
553910	ACTIVE	41	4/3/2015	3/31/2021	BELLY UPTOWN, LLC	1901 SAN PABLO AVE,OAKLAND, CA	‡ BELLY UPTOWN	109
554958	ACTIVE	41	1/13/2016	12/31/2020	PET NAT LLC	1737 BROADWAY,OAKLAND, CA	9461 PUNCHDOWN THE	109
555092	ACTIVE	47	5/24/2017	4/30/2020	NASG INC	1825 SAN PABLO AVE,OAKLAND, CA	‡ SHINMAI	109
556162	ACTIVE	41	6/29/2015	5/31/2021	SHARKS HOSPITALITY, LLC	519 18TH ST,OAKLAND, CA	94612-15‡ OAKLAND ICE CENTER	109
561019	ACTIVE	48	3/24/2016	2/28/2021	MEMORIZED LLC	1739 BROADWAY,OAKLAND, CA	94612-2105Census Tract: 4028.00	109
576523	ACTIVE	41	2/15/2017	1/31/2021	AKURANVYKA USA INC.	1745 SAN PABLO AVE,OAKLAND, CA	‡ CURRY UP NOW	109
584716	ACTIVE	47	11/10/2017	10/31/2020	ITANI RAMEN 1736, LLC	1736 TELEGRAPH AVE,OAKLAND, CA	‡ ITANI RAMEN	109
586078	ACTIVE	48	1/16/2019	12/31/2020	MILES AHEAD BAR GROUP, LLC	1611 TELEGRAPH AVE, STE 100,OAKLA	BAR SHIRU	109
587605	ACTIVE	41	1/19/2018	12/31/2020	UPTOWN CAPITAL INVESTORS, LLC	1951 TELEGRAPH AVE, STE 2,OAKLANI	ROAM ARTISAN BURGERS	109
599015	ACTIVE	48	10/2/2019	9/30/2020	RHYTHM AND BOOZE INC.	1915 BROADWAY,OAKLAND, CA	9461 FIRST EDITION	109
599015	ACTIVE	68	10/2/2019	9/30/2020	RHYTHM AND BOOZE INC.	1915 BROADWAY,OAKLAND, CA	9461 FIRST EDITION	109
599890	ACTIVE	48	4/3/2019	3/31/2020	EMPORIUM OAKLAND, LLC	1805 TELEGRAPH AVE,OAKLAND, CA	‡ EMPORIUM OAKLAND	109
602801	ACTIVE	47	5/6/2019	4/30/2020	NEW PARISH, LLC THE	579 18TH ST,OAKLAND, CA	94612-15‡ NEW PARISH	109
604951	ACTIVE	47	9/3/2019	8/31/2020	LONELY PLANET LLC THE	1707 TELEGRAPH AVE,OAKLAND, CA	‡ END ZONE THE	109
606062	ACTIVE	48	7/29/2019	11/30/2020	AMPLIFY ENTERTAINMENT, LLC	1741 SAN PABLO AVE,OAKLAND, CA	‡ AMPLIFIER LOUNGE, THE	109
608028	ACTIVE	41	12/24/2019	11/30/2020	HOTBOYS, INC.	1601 SAN PABLO AVE,OAKLAND, CA	94612-1505Census Tract: 4028.00	109
612502	ACTIVE	47	2/21/2020	1/31/2021	KON-TIKI VENTURES, LLC, THE	1900 TELEGRAPH AVE,OAKLAND, CA	‡ PALMETTO	109
615406	ACTIVE	21	3/5/2020	9/30/2020	ALEXANDRE, ANTHONY LAWRENCE	1913 SAN PABLO AVE,OAKLAND, CA	‡ FLEURET'S MARKET & SPIRITS	109

[Back to Map](#)

Crime Incidents

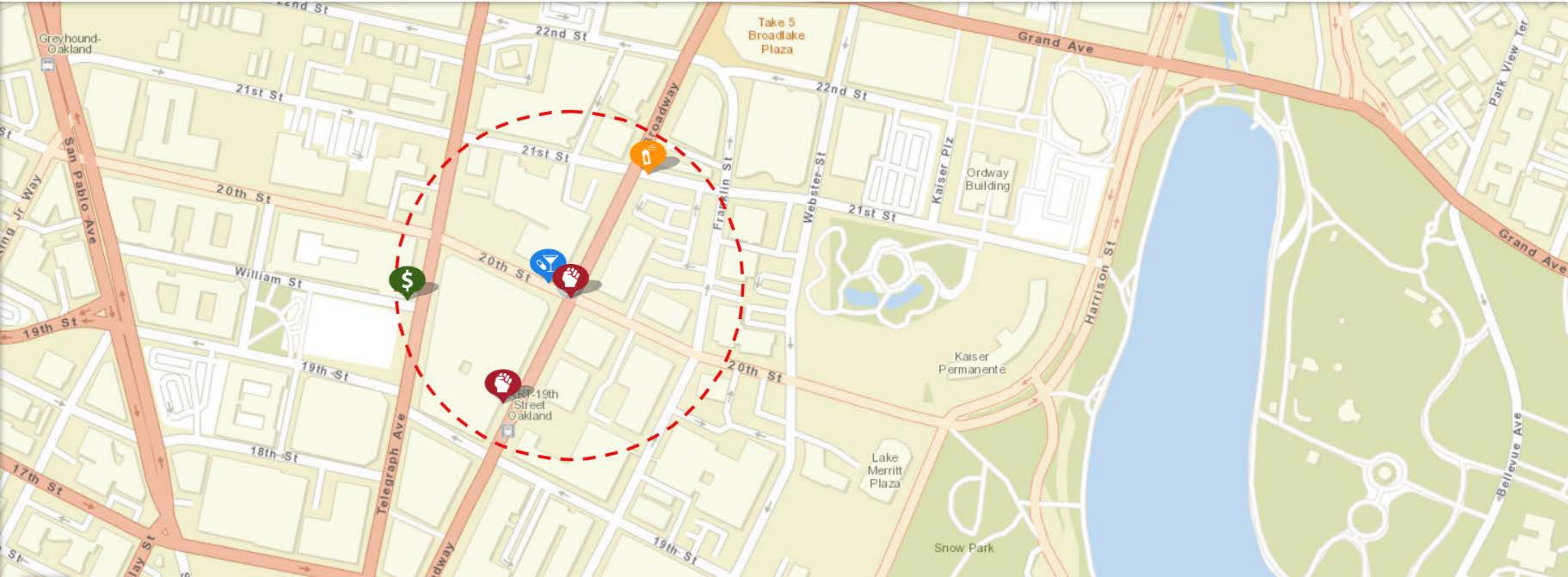
04-20-2020 to 05-17-2020 (28 Days)

5 Records

	Type	Description	Incident #	Location	Agency
<a href="#">Map it</a>		ASSAULT - OTHER ASSAULTS - SIMPLE, NOT AGGRAVATED	20-022900		Oakland Police
<a href="#">Map it</a>		LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	20-023002		Oakland Police
<a href="#">Map it</a>		VANDALISM	20-909664		Oakland Police
<a href="#">Map it</a>		ASSAULT - OTHER DANGEROUS WEAPON	20-021295		Oakland Police
<a href="#">Map it</a>		POSSESS UNLAWFUL PARAPHERNALIA (M)	2004-0485	1900 BLK BROADWAY	BART Police

		1		
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1 - 5 of 5 items



CITY OF OAKLAND



DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA, SUITE 6303 • OAKLAND, CALIFORNIA 94612

Oakland Police Department  
Neighborhood Services Section

(510) 986-2715  
FAX (510) 238-7685  
TDD (510) 238-7629

February 5, 2020

To the City Planning Commission:

Sang and Joshua Huynh worked in the bar industry for eight years. They have been bar managers at Lime Restaurant and Lounge and the Trigger Bar & Lounge in the Castro. Their vision is to open an Art Deco inspired bar & lounge at 2001 Broadway for former I Magin building. They have lived in Oakland for 12 years.

The Uptown/Gold Coast Neighborhood Crime Prevention Council supports this business and bar to further for residents to relax and socialize.

Signed,

A handwritten signature in black ink, appearing to read 'JS' or similar initials.

Joe Sayphraratha

Chair of the Uptown/Gold Coast NCPC



February 27, 2020

Oakland City Planning  
250 Frank H. Ogawa Plaza  
Oakland, CA 94612

Oakland City Planning Commission,

Sang and Joshua Huynh have had many years in the bar and restaurant industry. They are also residents of the Bay Area their entire lives. We support their vision of opening Town Bar & Lounge at 2100 Broadway. Town will become an asset to the community by giving back to the surrounding residents and communities. Their plan to continue their local charity work and to use locally sourced spirits and beers shows their commitment to Oakland and fellow business owners in Oakland.

Sincerely,

A handwritten signature in black ink, appearing to read 'Neill Sullivan', with a long horizontal flourish extending to the right.

Neill Sullivan  
CEO of REO Homes, LLC  
111 Broadway  
Oakland CA 94607

Sullivan Community Space  
1671 8th Street  
Oakland CA 94607  
(510) 821-0238

February 26, 2020

To Oakland City Planning Commission,

Sullivan Community Space supports Town Bar & Lounge, a dream business shared by Sang and Joshua Huynh. The brothers are Oakland residents who want to give back to the Oakland Community. The bar would compliment Oakland's rich history of music by serving as a venue for local artists to perform. Sang and Joshua also plan to use the bar to host local charities and fundraising. We believe that the bar will be a huge success and growth for the Oakland community.

Best,

A handwritten signature in black ink, appearing to be 'Kevin Yen', written over a horizontal line.

Kevin Yen  
Head of Marketing



Rhea Bayley  
SMC East Bay  
1669 12th St O  
Oakland, CA 94607

February 28, 2020

Oakland City Planning  
250 Frank H. Ogawa Plaza  
Oakland, CA 94612

To the Oakland City Planning Commission,

We support Sang and Joshua Huynh with their project at 2100 Broadway. We believe their vision of opening an upscale Art Deco inspired bar and lounge would compliment the Uptown Business District. Their efforts to give back to the surrounding community in the past will be emphasized on a larger scale with the opening of Town Bar and Lounge. We believe Town will become a destination for local patrons as well as patrons from out of town.

Sincerely,

A handwritten signature in black ink, appearing to read 'R Bayley', with a long, sweeping flourish extending to the right.

Rhea Bayley

NOTICE OF APPLICATION  
TO SELL ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN THAT THE CITY OF OAKLAND, CALIFORNIA, IS CURRENTLY ACCEPTING APPLICATIONS FOR THE SALE OF ALCOHOLIC BEVERAGES IN THE CITY OF OAKLAND, CALIFORNIA. THE CITY OF OAKLAND, CALIFORNIA, IS CURRENTLY ACCEPTING APPLICATIONS FOR THE SALE OF ALCOHOLIC BEVERAGES IN THE CITY OF OAKLAND, CALIFORNIA.

FOR MORE INFORMATION, PLEASE CONTACT THE CITY OF OAKLAND, CALIFORNIA, AT (415) 774-2200. THE CITY OF OAKLAND, CALIFORNIA, IS CURRENTLY ACCEPTING APPLICATIONS FOR THE SALE OF ALCOHOLIC BEVERAGES IN THE CITY OF OAKLAND, CALIFORNIA.

NOTICE OF APPLICATION  
CITY OF OAKLAND



3528





**PUBLIC NOTICE OF APPLICATION  
TO SELL ECONOMIC RESOURCES**

FOR THE CITY OF OAKLAND  
The City of Oakland is seeking proposals for the sale of economic resources. The resources include the following:

- 1. The City of Oakland's interest in the property located at 1234 Main Street, Oakland, CA 94612.
- 2. The City of Oakland's interest in the property located at 5678 Market Street, Oakland, CA 94612.

Interested parties should submit their proposals to the City of Oakland, Department of Economic Development, 1500 Broadway, Oakland, CA 94612. The deadline for proposals is 5:00 PM on October 15, 2023.

**NOTICE OF APPLICATION**  
CITY OF OAKLAND

FOR THE SALE OF ECONOMIC RESOURCES

The City of Oakland is seeking proposals for the sale of economic resources. The resources include the following:

- 1. The City of Oakland's interest in the property located at 1234 Main Street, Oakland, CA 94612.
- 2. The City of Oakland's interest in the property located at 5678 Market Street, Oakland, CA 94612.

Interested parties should submit their proposals to the City of Oakland, Department of Economic Development, 1500 Broadway, Oakland, CA 94612. The deadline for proposals is 5:00 PM on October 15, 2023.

From: Sang Huynh <sangthuynh@yahoo.com>

Sent: Tuesday, May 19, 2020 12:12 PM

To: Qwan, Gregory

Subject: Public Hearing Notice

Attachments: IMG\_8266.JPG; IMG\_8268 2.JPG; IMG\_8270 2.JPG; Scan 2.pdf; Scan 3.pdf; Scan 4.pdf

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Good afternoon,

This email is to confirm that we have posted the public hearing sign at 2001 Broadway Project as well as send out notices via certified mail.

Best,

Sang Huynh

&

Joshua Huynh

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Total Postage and Fees	\$4.10	05/19/2020
\$		

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\$		
Total Postage and Fees	\$4.10	05/19/2020
\$		

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300 LAKESIDE DR 22  
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Postage	\$0.55	
\$		
Total Postage and Fees	\$4.10	05/19/2020
\$		

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19TH & BWAY ASSOCIATES LLC  
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1611 TELEGRAPH AVE  
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<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.55	
\$		
Total Postage and Fees	\$4.10	05/19/2020
\$		

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900 N MICHIGAN AVE 1900  
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Total Postage and Fees	\$4.10	05/19/2020
\$		

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Total Postage and Fees	\$4.10

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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

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Total Postage and Fees	\$4.10

05/19/2020

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**15 DUARTE CT**  
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**ALAMEDA CA 94502**

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
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Postage	\$0.55
Total Postage and Fees	\$4.10

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<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

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05  
Postmark Here

Postage	\$0.55
Total Postage and Fees	\$4.10

05/19/2020

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

0009  
05  
Postmark Here

Postage	\$0.55
Total Postage and Fees	\$4.10

05/19/2020

Sent To **1955 BROADWAY OAKLAND OWNED LLC**  
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**PO BOX 131237**  
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<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

0009  
05  
Postmark Here

Postage	\$0.55
Total Postage and Fees	\$4.10

05/19/2020

Sent To **415 20TH STREET LLC**  
Street and Apt. No., or PO Box No.  
**101 CALIFORNIA ST 1000**  
City, State, ZIP+4®  
**SAN FRANCISCO CA 94111**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7018 3090 0001 1280 7315

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> ®.	
LA JOLLA, CA 92037	
<b>OFFICIAL USE</b>	
Certified Mail Fee \$3.55	0009
\$	05
Extra Services & Fees (check box, add fee as appropriate)	Postmark Here
<input type="checkbox"/> Return Receipt (hardcopy) \$0.00	
<input type="checkbox"/> Return Receipt (electronic) \$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery \$0.00	
<input type="checkbox"/> Adult Signature Required \$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery \$0.00	
Postage \$0.55	05/19/2020
\$	
<b>Total Postage and Fees</b>	
\$4.10	
\$	
Sent To <b>HRC 2001 BROADWAY LLC</b>	
Street and Apt. No., or PO Box No.	
<b>9404 GENESEE AVE 330</b>	
City, State, ZIP+4®	
<b>LA JOLLA CA 92037</b>	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	