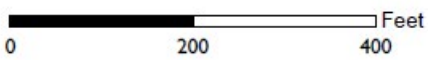
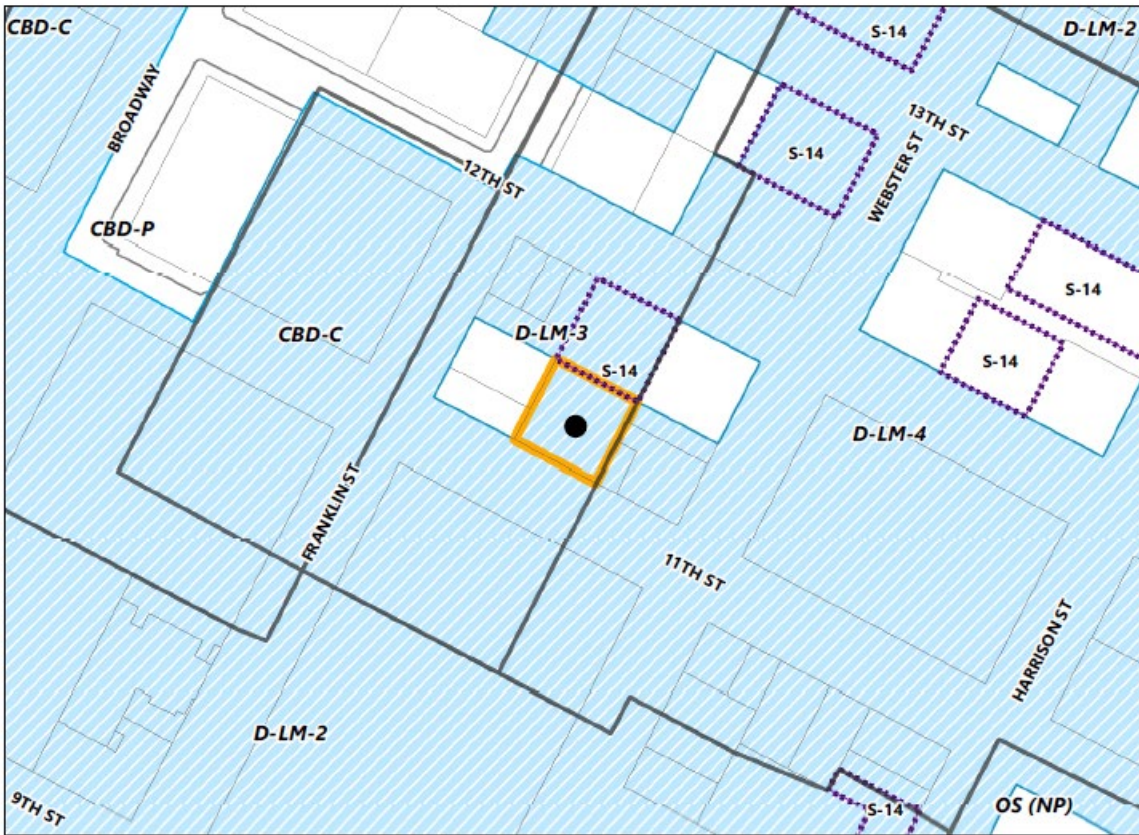




Location:	378 11 th Street
Assessor's Parcel Number:	002 005702000
Proposal:	Major Conditional Use Permit to provide Alcohol Beverage Sales (closed container beer and wine) within the existing guest store/pantry located within the existing Hampton Inn downtown. Sale will be limited to hotel guests, and onsite consumption.
Applicant:	Ridgemont Hospitality / Dhruv Patel
Phone Number:	(510) 407-0308
Owner:	Simpa P. & Pravin L. Patel
Case File Number:	PLN24009
Planning Permits Required:	Major Conditional Use Permit
General Plan:	Central Business District
Zoning:	D-LM-3 / LM-275/ S-13 Combining Zone
Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities; Section 15183: Projects Consistent with a Community Plan, General Plan or Zoning
Historic Status:	N/A
City Council district:	CCD2
Status:	Staff recommendation for approval
Staff Recommendation:	Approve with Conditions
Finality of Decision:	Appealable to City Council
For further information:	Contact case planner Alexia Rotberg at (510) 418-8534 or by email arotberg@oaklandaca.gov

CITY OF OAKLAND PLANNING COMMISSION



-  Site Boundary
-  S-13 Combining Zone

Case File: PLN24009
Applicant: Dhruv Patel
Address: 387 11th Street
Base Zone: D-LM-3
Combining Zone: S-13

SUMMARY

The applicant requests Planning Commission approval to establish alcohol beverage sales commercial activities within an existing Hampton Inn hotel located at 378 11th Street in downtown Oakland. The alcohol beverage sales will include closed container beer and wine, located within a guest pantry store within the Hampton Inn which is only accessible to guests of the hotel. A Major Conditional Use Permit is required to permit Alcohol Beverage Sales at the project site, which is zoned Lake Merritt Station Area District General-3 (D-LM-3). Based on staff’s review, the project meets all the required findings for approval.

PROJECT DESCRIPTION

Proposal to allow for the sale of closed container beer and wine within the guest pantry store located inside the existing Hampton Inn hotel in downtown Oakland, previously permitted and constructed in 2017. The proposed alcohol beverage sales will be limited to hotel guests only.

PROPERTY DESCRIPTION

The site is located along 11th Street in downtown Oakland, between Franklin and Webster Street. The parcel is developed with a Hampton Inn hotel previously permitted and developed under zoning permit PLN15-096. Properties adjacent to the project site are developed with a mix of multi-level residential uses (multi-family apartments and residential hotels) and office buildings, as well as ground floor commercial retail storefronts.

GENERAL PLAN ANALYSIS

The site has a General Plan Designation of Central Business District (CBD) on the City’s General Plan Land Use Map. The General Plan Land Use and Transportation Element (LUTE) states that the intent of the CBD is *“to encourage, support, and enhance the downtown area as a high-density mixed-use urban of regional importance and a primary hub for business, communications, office, government, high technology, retail, entertainment, and transportation.”* The request to allow alcohol beverage sales at the project site is consistent with the intent of the General Plan’s CBD land use classification as it is related and limited to, patrons of the existing Hampton Inn hotel developed onsite. This hotel was previously permitted and developed on the project site via PLN15-096 in 2016 and was found to assist in fulfilling the intent of the CBD as a primary hub for business, office, and entertainment, among other uses.

PLANNING CODE ANALYSIS

The parcel is zoned Lake Merritt Station Area District General-3 (D-LM-3). Per Section 17.101G.010.B. of the Planning Code, the D-LM-3 zone intends to *“create, maintain, and enhance areas of the Lake Merritt Station Area Plan District appropriate for a wide range of ground-floor Commercial Activities. Upper-story spaces are intended to be available for a wide range of Residential, Office, or other Commercial Activities.”* As similarly described above, the request to allow alcohol beverage sales at the project site is related and limited to, patrons of the existing Hampton Inn hotel developed on the site. This hotel was previously permitted and developed on the project site via PLN15-096 in 2016 and was found to fulfill the intent of the D-LM-3 zone by providing a multi-level hotel on a site previously underutilized as a surface parking lot.

Section 17.101G.030, Table 17.101G.01 of the City of Oakland Planning Code requires a Conditional Use Permit (CUP) to allow alcohol beverage sales commercial activities in the D-LM-3 zone. Section 17.134.020.A.2.a.v. of the of the City of Oakland Planning Code classifies conditional use permits related

to the permitting of alcoholic beverage sales commercial activities as Major Conditional Use Permits. The required findings for the requested entitlements are listed and included in staff’s evaluation included as **Attachment A** attached hereto to this report.

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines list the projects that qualify as categorical exemptions from environmental review. The proposed project is categorically exempt from the environmental review requirements pursuant to Section 15301, minor additions and alterations to an existing facility; and Section 15183, projects consistent with the General Plan or Zoning.

KEY ISSUES AND IMPACTS

The proposal to request a Major CUP application, staff must consider what potential issues could occur as a result of the project and attach appropriate Conditions of Approval to the activity to ensure it operates compatibly with its surroundings. In this case, the proposal involves alcohol sales within proximity to existing alcohol sales. Per the Planning Code, the proposal cannot constitute a nuisance to other uses or contribute to a proliferation of alcohol sales. Typical problems that can result from alcohol sales include litter, loitering, noise, public intoxication and associated nuisances.

Major CUP Applications for alcohol beverage sales are subject to the following Planning Code development standards. These development standards are included below, as well as evaluated within City staff’s findings at **Attachment A**.

- General Use Permit Criteria (OMC Sec. 17.134.050)
- Use Criteria for Establishments Selling Alcoholic Beverages (OMC Sec. 17.103.030.A)
- Special Restrictions on Establishments Selling Alcoholic Beverages (OMC Sec. 17.103.030.

Given that the proposed alcohol beverage sales are to be limited to onsite consumption by the guests of the Hampton Inn, and the project’s subjectivity to the attached Conditions of Approval specific to alcohol beverage sales (**Attachment B**); staff finds the project will not result in adverse effects or nuisances to abutting properties or the surrounding area.

CONCLUSION

The project would benefit an existing hotel located in downtown Oakland, which contributes to the City’s central business district, and meets all the required findings for approval. Accordingly, staff believes that the proposal is designed to meet the established zoning regulations and recommends supporting the request for Major Conditional Use Permit.

RECOMMENDATIONS:

- For approvals:
1. Affirm staff’s environmental determination.
 2. Approve the Major Conditional Use Permit subject to the attached findings and conditions.

Prepared by:

Alexia Rotberg

Alexia Rotberg

Planner II

Bureau of Planning

Reviewed by:



Robert Merkamp

Zoning Manager

Bureau of Planning

Approved for forwarding to the Planning Commission:

Catherine Payne

Catherine Payne

Acting for Ed Manasse Deputy Director

Bureau of Planning

ATTACHMENTS:

A. Findings of Approval

B. Conditions for Approval

C. PLN24009: Plans

ATTACHMENT A: FINDINGS

This proposal meets the required findings under General Use Permit Criteria (OMC Sec. 17.134.050), Use Criteria for Establishments Selling Alcoholic Beverages (OMC SEC. 17.103.030.A), Special Restrictions on Establishments Selling Alcoholic Beverages (OMC SEC. 17.103.030.B), and Special Restrictions on Establishments Selling Alcoholic Beverages (OMC SEC. 17.103.030.2), as set forth below. Required findings are shown in **bold** type; explanations as to why these findings can be made are in normal type.

NO NET LOSS FINDINGS (CALIFORNIA GOVERNMENT CODE SECTION 65863 (B)(2))

If a city, county, or city and county, by administrative, quasi-judicial, legislative, or other action, allows development of any parcel with fewer units by income category than identified in the jurisdiction's housing element for that parcel, the city, county, or city and county shall make a written finding supported by substantial evidence as to whether or not remaining sites identified in the housing element are adequate to meet the requirements of Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584. The finding shall include a quantification of the remaining unmet need for the jurisdiction's share of the regional housing need at each income level and the remaining capacity of sites identified in the housing element to accommodate that need by income level.

No Net Loss Finding 1: The City of Oakland adopted its current 2023-2031 Housing Element on January 31, 2023. The Housing Element identifies the realistic capacity for housing production throughout the current 2023-2031 Planning Period. This capacity accommodates the Regional Housing Needs Allocation, as well as a buffer, which ensures that if certain identified sites are not developed at the realistic capacity, that there would remain a sufficient number of units available to meet Oakland's Housing Needs. (See Housing Element, Appendix C, Table C-2.) For purposes of this finding, the buffer is calculated on a quarterly basis according to progress made during the 2023-2031 Planning Period.

Oakland's remaining lower income regional housing needs assessment is 6,424 dwelling units while Oakland's current capacity is 9,695 lower income units, a surplus of 3,271 units. ["Lower income" includes very low income (VLI) and low income (LI) units.]

Oakland's remaining moderate income regional housing needs assessment is 3,986 dwelling units, while Oakland's current capacity is 4,909 moderate income units, a surplus of 923 units.

Oakland's remaining above moderate-income regional housing needs assessment is 6,966 dwelling units, while Oakland's current capacity is 15,067 above moderate-income units, a surplus of 8,101 units.

No Net Loss Finding 2: The proposed project is located on a site that is identified in the City of Oakland 2023-2031 Housing Element as a Housing Element Opportunity Site.

- YES
 NO

No Net Loss Finding 3: The proposed project meets the following criteria.

The proposed project is a non-residential development located on a site that was not identified in the City of Oakland 2023-2031 Housing Element. Therefore, the project has no impact on the City's housing capacity.

() The proposed project includes residential development and is located on a site that was not identified in the City of Oakland 2023-2031 Housing Element. Therefore, the project results in an increase in the City’s housing capacity equal to the total units proposed. [Skip to Finding 5]

No Net Loss Finding 4: The City of Oakland 2023-2031 Housing Element identifies the following realistic capacity for the site.

Lower income units (VLI/LI): _____ 0 _____
Moderate income units: _____ 0 _____
Above moderate-income units: _____ 0 _____
Total units: _____ 0 _____

- (x) The proposed project is a non-residential development.
- () The proposed project includes residential development.

Therefore, an analysis of potential net loss must be made, as documented below.

No Net Loss Finding 5: The proposed project includes the following residential unit count:

Lower income units (VLI/LI): _____ 0 _____
Moderate income units: _____ 0 _____
Above moderate-income units: _____ 0 _____
Total units: _____ 0 _____

The project therefore will result in a net increase or net loss of units as compared to the City’s Housing Element projections as follows [if there is a net increase in units by income category or total units, the unit numbers are shown with a plus sign (+); if there is a net loss in units by income category or total units, the unit numbers are shown with a negative sign (-)]:

Lower income units (VLI/LI): _____ 0 _____
Moderate income units: _____ 0 _____
Above moderate-income units: _____ 0 _____
Total units: _____ 0 _____

GENERAL USE PERMIT CRITERIA (OMC SEC. 17.134.050)

- 1. 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 the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development;**

The location, size, design, and operating characteristics of the proposed use will be compatible with and will not adversely affect the livability of appropriate development of abutting properties, or the surrounding neighborhood with consideration to scale, bulk, coverage, and density. The proposal consists of the addition of closed container beer and wine sales with a guest pantry store located within the existing Hampton Inn located in downtown Oakland. Alcohol beverage sales will be limited to hotel guests, who will be the only persons able to access the proposed use. No changes

are proposed to the size, design, or operating characteristics of the existing Hampton Inn. Accordingly, there will be no adverse effects abutting properties and the surrounding neighborhood.

2. That the location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment;

The location, design, and site planning of the proposed use will not impact that of the existing Hampton Inn hotel. The addition of alcohol beverage sales to the hotel's guest pantry store will assist the hotel in providing guests with access to closed container beer and wine sales which are typical at other Hampton Inn locations nationwide. This will allow the hotel to continue to contribute to the convenient and functional living, working, shopping and civic environment of downtown Oakland and will increase patronage bringing more people downtown.

3. 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 proposed use will assist the existing Hampton Inn hotel in providing guests with access to closed container beer and wine sales which are typical at other Hampton Inn locations nationwide. This will allow the hotel to continue to contribute to the successful operation of the surrounding downtown area in its basic community functions as a *"high-density mixed-use urban of regional importance and a primary hub for business, communications, office, government, high technology, retail, entertainment, and transportation"* per the Oakland General Plan.

4. That the proposal conforms to all applicable Regular Design Review criteria set forth in the Regular Design Review procedure at Section 17.136.050;

The proposal conforms to all applicable Regular Design Review criteria set forth in the Regular Design Review procedure at Section 17.136.050.B of the Planning Code. The regular design review criteria for nonresidential facilities and signs is as follows:

1. *That the proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered, except as otherwise provided in Section 17.136.060;*
2. *That the proposed design will be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area;*
3. *That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.*

The proposal does not include any external or internal design changes to the exiting Hampton Inn hotel, which was previously reviewed, approved and constructed via permit PLN15-096. The

proposal is limited to the addition of closed container beer and wine sales within the guest pantry store of the existing hotel, accessible only to hotel guests for on premise consumption. Accordingly, the proposal will not have an effect on the design of the existing hotel in any way which affects its relation to the surrounding area.

The proposal is intended to assist the hotel in providing access to closed container beer and wine sales which are typical at other Hampton Inn locations nationwide. This will allow the hotel to continue to contribute to the successful operation of the surrounding downtown area in its basic community functions as a *“high-density mixed-use urban of regional importance and a primary hub for business, communications, office, government, high technology, retail, entertainment, and transportation”* per the Oakland General Plan

- 5. 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 proposal conforms to all significant respects with the Oakland General Plan and other applicable guidelines and regulations adopted by the Planning Commission or City Council. As discussed above, the inclusion of alcohol beverage sales will allow the existing Hampton Inn hotel in downtown Oakland to provide amenities to guests typical of other hotels nationwide. This allows the hotel to continue to contribute to the overall fabric of the downtown central business district, as a mixed use, high density urban core within the City, as established by the site’s General Plan land use classification, and Lake Merritt Station Area District General-3 (D-LM-3) zoning.

- 6. Note: Final General Use Permit Criteria is related to one- and two-family residential projects only and is not applicable to commercial development.**

USE CRITERIA FOR ESTABLISHMENTS SELLING ALCOHOLIC BEVERAGES (OMC SEC. 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;**

The proposal will not contribute to the undue proliferation of alcohol beverage sales in an area that would be undesirable; with consideration given to an area's function and character, problems of crime and loitering, and traffic problems. As discussed in other findings the addition of alcohol beverage sales to the hotel's guest pantry store will be limited to closed container beer and wine sales, accessible only to hotel guests for onsite consumption. Accordingly, the proposed use is not anticipated to have negative effects on the surrounding area, which are sometimes negatively associated with such uses, such as loitering, or crime.

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

The 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. As discussed, the addition of alcohol beverage sales to the hotel's guest pantry store will be limited to closed container beer and wine sales, accessible only to hotel guests for onsite consumption. Accordingly, the proposed use is not anticipated to have adverse effects on the surrounding area.

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

The proposal will not adversely interfere with the movement of people along an important pedestrian street. The proposal is limited to closed container beer and wine sales, accessible only to hotel guests for onsite consumption. Accordingly, there will be no interference with the movement of people along 11th Street.

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

The proposed development will be of architectural and visual quality and character which harmonizes with the surrounding area. As discussed above, the proposal does not include any external or internal design changes to the existing Hampton Inn hotel, which was previously reviewed, approved and constructed via permit PLN15-096. The proposal is limited to the addition of closed container beer and wine sales within the guest pantry store of the existing hotel, accessible only to hotel guests for on premise consumption. Accordingly, the proposal will not affect the existing hotel's harmony with the surrounding area.

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

As discussed above, the proposal does not include any external or internal design changes to the existing Hampton Inn hotel, which was previously reviewed, approved and constructed via permit

PLN15-096. Accordingly, the proposal avoids unduly large or obtrusive signs, unlandscaped parking areas, or garish impressions.

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

The project does not propose any additional litter receptacles other than that which exist already along 11th Street. No physical development is proposed by the request, and the existing Hampton will rely on existing waste receptacles internal and external to the project site.

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 10:00 p.m. and 7:00 a.m.;

As discussed in other findings the addition of alcohol beverage sales to the hotel's guest pantry store will be limited to closed container beer and wine sales, accessible only to hotel guests for onsite consumption. Accordingly, the use will not have an effect on nearby residential uses in downtown.

SPECIAL RESTRICTIONS ON ESTABLISHMENTS SELLING ALCOHOLIC BEVERAGES (OMC SEC. 17.103.030.B)

1. No Alcoholic Beverage Sales Commercial Activity or sale of alcoholic beverages shall be located closer than one thousand (1,000) feet to any other establishment selling alcoholic beverages measured between closest building walls, except:

- a. On-sale retail licenses located in the Central District (defined for the purposes of this Chapter only as within the boundaries of I-980 and Brush Street to the west; both sides of 27th Street to the north; Harrison Street/Lake Merritt and the Lake Merritt Channel to the east; and the Estuary to the south); or**
- b. Off-sale retail licenses located in the Jack London District (defined for the purposes of this Chapter only as within the boundaries of Martin Luther King Jr. Way to the west, I-880 to the north; the Lake Merritt Channel to the east; and the Estuary to the south); or**
- c. If the activity is in conjunction with a Full-Service Restaurant or Limited-Service Restaurant and Café Commercial Activity; or**
- d. Establishments with twenty-five (25) or more full time equivalent (FTE) employees or a total floor area of twelve thousand (12,000) square feet or more.; or**
- e. If the activity is in conjunction with the on-sale and/or off-sale of alcoholic beverages at an alcoholic beverage manufacturer:**

The project site is located within 1,000 feet of other establishments selling alcoholic beverages. However, the project site is also located in the Central District as described by Section 17.103.030.B.1.a. above.

SPECIAL RESTRICTIONS ON ESTABLISHMENTS SELLING ALCOHOLIC BEVERAGES (OMC SEC. 17.103.030.2)

In addition to the criteria prescribed elsewhere in the zoning regulations, a land use permit for an Alcoholic Beverage Sales Commercial Activity located within an Alcoholic Beverage Sales license

overconcentrated area shall only be granted, and a finding of Public Convenience or Necessity made, if the proposal conforms to all of the following criteria:

- 1. 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 serve the guests of the existing Hampton Inn hotel in downtown Oakland which contributes to the overall business and entertainment community of downtown. The alcohol beverage sales will provide guests of the hotel with access to closed container beer and wine which intended for convenient, onsite consumption only. The project will increase patronage of the existing hotel, which will bring more people downtown which serves the Oakland business and cultural communities.

- 2. 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 have a positive influence on the quality of life for the community in which it is located by assisting the existing Hampton Inn hotel with the ability to provide its guests with closed container beer and wine sales typical of other hotels within the company, nationwide. The project will not result in negative impacts typically associated with alcohol beverage sales, including but not limited to calls for police service. This is due to the alcohol beverage sales being limited to closed container beer and wine sales intended for hotel guests and onsite consumption only. The project will increase the clientele visiting the project site which will have positive economic impacts on the surrounding businesses and within the City.

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

The alcohol sales are appropriate, incidental and subordinate to the principal hotel activity on the lot. The alcohol beverage sales being limited to closed container beer and wine sales intended for hotel guests and onsite consumption only. Alcohol and Beverage Commercial Activity will be an accessory activity to the primary commercial activity of Transient Habitation.

ATTACHMENT B: CONDITIONS OF APPROVAL

1. Approved Use

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, staff report, and the approved plans **dated April 17, 2024**, 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 3 years from 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 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. 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.

11. 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

12. Graffiti Control

Requirement:

- c. 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.
- d. The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include the following:
- i. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system.
 - ii. Covering with new paint to match the color of the surrounding surface.
 - iii. Replacing with new surfacing (with City permits if required).

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

13. 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

14. Compliance Hearings

Requirement: 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 agendized 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, 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

15. Additional Permits Required

Requirement:

- a) Necessary ABC permits (**ABC License Type 20**) 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.
- b) 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.

When Required: Prior to commencement of activity Initial Approval: N/A
Monitoring/Inspection: N/A

16. 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: operating hours of the hotel's guest pantry store.
- b) **Location and Manner**
Alcoholic beverages may be purchased from the existing hotel's guest pantry store and limited to closed container beer and wine sales for onsite consumption only.
- c) **Cabarets**
No live music or DJ's are allowed without a Cabaret Permit from the City Administrator's Office.
- d) **Other products**
No sale of tobacco-oriented products, lottery tickets, or adult magazines shall be allowed.
- 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 visible from the exterior facade.

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 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 plus twenty feet beyond the property lines along these streets of litter **once a month** 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 a 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 activity as regulated under OMC Chapter 17.120.

k) 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.

l) 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.

m) ABAT Registration

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

n) 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).

o) Taxi call program

The establishment shall maintain a program of calling taxi cabs or similar services 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.

p) 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.

q) 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.

r) 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.

s) Future Operators

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

When Required: Prior to commencement of activity and ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

17. 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

ATTACHMENT C

GENERAL NOTES

- REFER TO STRUCTURAL FOR WALL FRAMING INFORMATION, U.N.O
- ALL DIMENSIONS ARE TO FRAMING, NOT FINISH WALL, U.N.O
- SAFETY GLAZING SHALL BE IN CONFORMANCE WITH THE APPLICABLE CBC CHAPTER IN THE FOLLOWING AREAS:
 - GLAZING WITHIN 24" OF DOOR AND 18" OF FLOORS
 - WITH TUB ENCLOSURES
 - GLAZING IN STAIR LANDINGS AND WITHIN 5'-0" OF THE BOTTOM AND TOP OF THE STAIRWAY.
- OPEN GUARDRAILS SHALL COMPLY WITH THE FOLLOWING:
 - TOP OF HANDRAIL SHALL BE PLACED BETWEEN 34" & 38" ABOVE LANDINGS AND THE NOSING OF THE TREAD.
 - HANDRAILS PROJECTING FROM THE WALL SHALL NOT HAVE LESS THAN 1 1/2" BETWEEN WALL AND THE HANDRAIL
 - DRYER VENT SHALL BE VENTED TO THE OUTSIDE, S.M.D. FOR REQUIREMENTS.
- SHOWERS AND SHOWER/TUB SHALL BE PROVIDED WITH INDIVIDUAL CONTROL VALVES OF THE PRESSURE BALANCE, THERMOSTATIC, OR COMBINATION PRESSURE BALANCE/THERMOSTATIC MIXING VALVE TYPE THAT PROVIDE SCALD AND THERMAL SHOCK PROTECTION.
- ALL EXTERIOR WALLS TO BE 6" METAL FRAMING UNLESS NOTED OTHERWISE.
- SEE INTERIOR DESIGN SHEETS FOR ADDITIONAL INFORMATION NOT SHOWN.
- SEE ENLARGED RESTROOM PLANS FOR TYPICAL WALL, DOOR, WINDOW TAGS.
- ALL WALLS FINISHES PER HAMPTON INN STANDARDS. SEE INTERIOR DESIGN DRAWINGS.

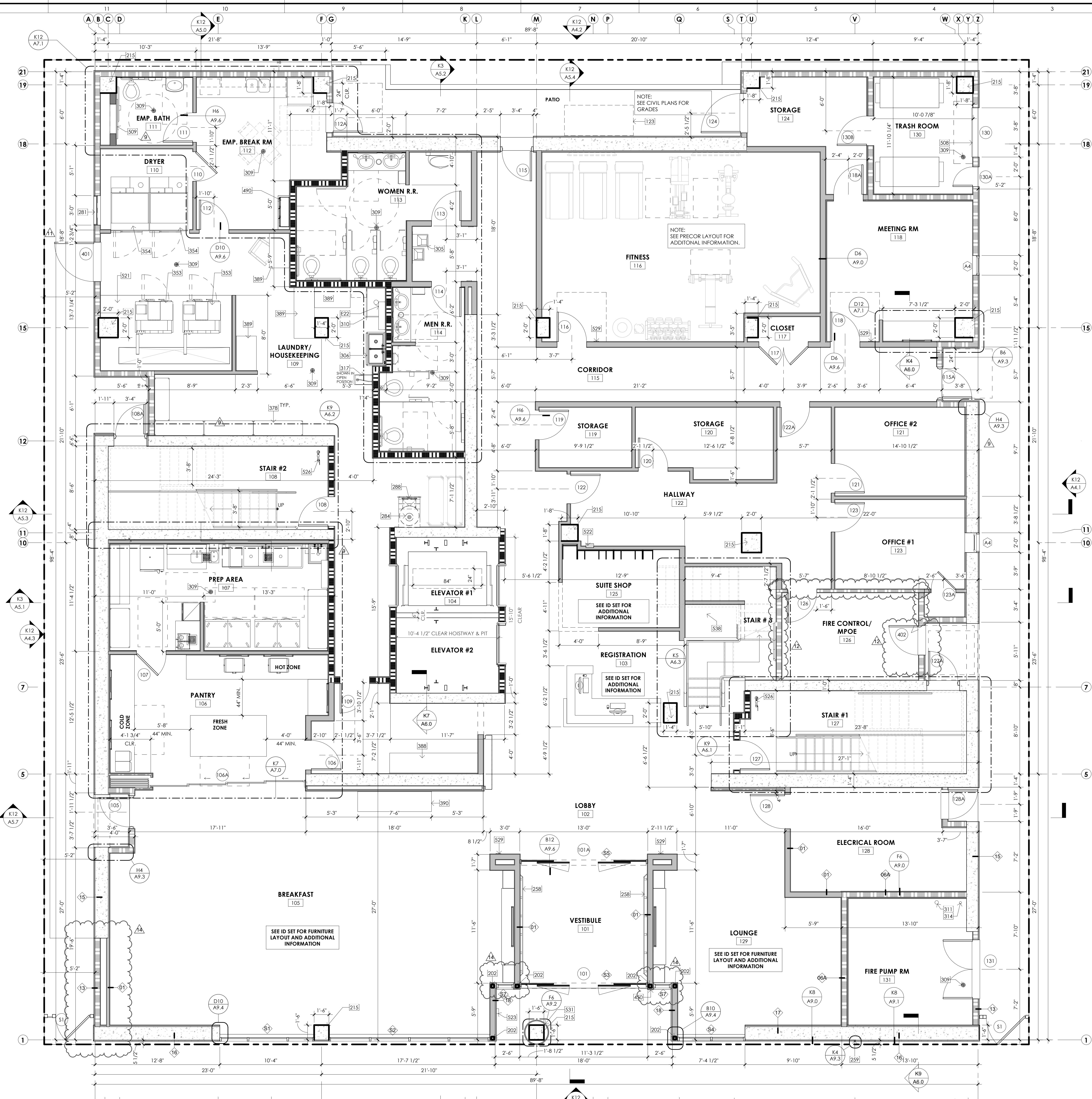
REFERENCE NOTES

- CORRUGATED METAL ROOF.
- STEEL TUBE COLUMN, S.S.D.
- CONCRETE COLUMN, S.S.D.
- CHAIR RAIL @ 3" HIGH.
- 2X2 HARDWOOD TRANSITION TRIM, STAIN TO MATCH MATAVERDE PANELS.
- LOUVERED EXHAUST, 60"X30" GREENHECK/EDJ-401" ALUMINUM LOUVER, NET FREE AREA TO EQUAL TO 3 S.F. PER CBC 3004.3
- LINEN CHUTE, WILKINSON OR EQUIVALENT.
- LINE CHUTE DISCHARGE, WILKINSON.
- HIGH LOW DRINKING FOUNTAIN w/BOTTLE FILLER. SEE FIXTURES & FINISH SCHEDULE IN SPECIFICATION BOOK.
- SINK, S.P.D.
- FLOOR DRAIN, S.P.D.
- MOP SINK, S.P.D.
- FIRE RISER, S.P.D. AND S.F.D.
- DOMESTIC WATER RISER, S.P.D.
- EYE WASH, S.P.D.
- COMMERCIAL WASHING EXTRACTOR (UNIMAC, MODEL UWNB8K2M).
- COMMERCIAL TUMBLE DRYER (UNIMAC, MODEL UT075N).
- STORAGE SHELVING.
- SOLID COUNTERTOP, REFER TO HAMPTON INN STANDARDS SECTION 2515.04.
- FOLDING TABLE.
- COFFEE STATION, REFER TO HAMPTON INN STANDARDS.
- ACCESSIBLE ENTRANCE SIGN.
- EMPLOYEE LOCKERS ON FINISH 6" HIGH CURB, "SALSBUURY" 76000 SERIES SIX TIER BOX STYLE LENTED METAL LOCKERS, MODEL 763365 "GRAY"
- OVERHEAD COILING FIRE DOOR, MODEL #431 BY OVERHEAD DOOR
- 36"x36" WALL ACCESS PANEL.
- CONCRETE HOUSE KEEPING CURB w/OPEN TRENCH DRAIN - PROVIDE REMOVABLE LINTE SCREEN DRAIN.
- PORTABLE FIRE EXTINGUISHER PER CFC SEC. 906, SIZE AND DISTRIBUTION PER TABLE 906 FOR LOW HAZARD OCCUPANCY, 75' MAXIMUM TRAVEL DISTANCE, -WHERE HOUSED IN FIRE RATED WALL, RECESSED BOX TO BE RATED ACCORDINGLY.
- KNOX BOX COORDINATE WITH FIRE DEPARTMENT.
- CLASS 1 STANDPIPE PER CBC 905.3
- WALL MOUNTED OCCUPANT LOAD SIGN.
- COLUMN FULL COVER, PITCON INDUSTRIES, SERIES 1500, SIDELOCK, SS #8 POLISHED.
- PLANTER, REFER TO INTERIOR DESIGN SET.

WALL LEGEND

NO.	REVISION	DATE
1	ISSUE FOR PERMIT	06/09/2017
2	REVISION	06/09/2017
3	HEALTH DEPARTMENT PLAN CHECK	05/12/2017
4	ASB	07/10/2017
5	HEALTH DEPARTMENT PLAN CHECK	07/13/2017
6	ASB	09/15/2017
7	ASB	10/14/2017
8	SHOWER REVISION	1/23/2018
9	ASB	1/25/2018
10	FIRE DEPARTMENT PLAN CHECK	1/26/2018
11	ASB	3/2/2018

NO.	REVISION	DATE
12	FULL HEIGHT 6" NON-RATED-METAL STUD WALL w/ STUCCO	H4 A9.0
13	FULL HEIGHT 6" 1 HR RATED-METAL STUD WALL w/STUCCO	H4 A9.0
13A	FULL HEIGHT 6" 1 HR RATED-METAL STUD WALL w/STUCCO	H4 A9.0
14	FULL HEIGHT 6" 1 HR RATED-METAL STUD WALL w/BRICK VENEER	B6 A9.0
15	1 HR RATED-CONCRETE w/STUCCO	K6 A9.0
16	1 HR RATED-CONCRETE w/BRICK VENEER	H6 A9.0
17	1 HR RATED-CONCRETE w/ WOOD PANELS	HB A9.0
18	FULL HEIGHT 4" METAL STUD WALL w/WOOD PANELS	K4 A9.0

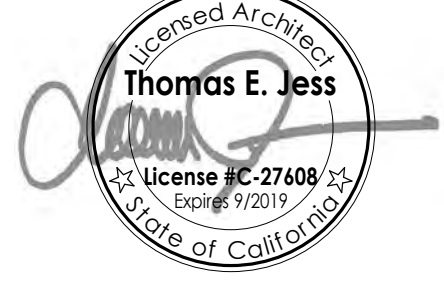


K12 FIRST FLOOR PLAN
1/4" = 1'-0"



1304 JOHNSON AVENUE
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805/547-2240 805/547-2241
THOMAS E. JESS ARCHITECT
IC27586
STATE OF CALIFORNIA

Architect of Record/Consultant



Consultant



Client
OAK 378 LLC.
P.O. BOX 2548
OAKLAND, CALIFORNIA 94614
510-407-0508

Project
HAMPTON INN
378 11TH STREET, OAKLAND
FIRST FLOOR PLAN

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11	ASB	3/2/2018

Project
A16040
Date
1/24/2018
Sheet

A3.3

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