

<b>Location:</b>	<b>5516 San Pablo Ave (legal property address #5518)</b> <b>(see reverse for map)</b>
<b>Assessor's Parcel Numbers:</b>	<b>015 -1308-016-00</b>
<b>Proposal:</b>	Amendment to previously approved project (PLN14018) to allow "Wolfhound Bar" to expand into a portion of the adjacent commercial space (a 393 square foot expansion of a 968 square foot space; resulting in a total of 1,361 square feet).
<b>Applicant:</b>	Mr. Peadar Kelleher
<b>Phone Number:</b>	(415) 706-3550
<b>Owner:</b>	Mr. Wally Whittier
<b>Planning Permits Required:</b>	Amendment to existing Major Conditional Use Permit to allow the expansion of an Alcoholic Beverage Sales Activity; Findings for Public Convenience or Necessity in an over concentrated area and Major Variance for distance separation on a restricted street.
<b>General Plan:</b>	Community Commercial
<b>Zoning:</b>	CC-2 Community Commercial 2 Zone
<b>Environmental Determination:</b>	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities (operation); Section 15183 of the State CEQA Guidelines: Projects Consistent with a Community Plan, General Plan or Zoning
<b>Historic Status:</b>	Potentially Designated Historic Property; Survey rating: C3
<b>Service Delivery District:</b>	2
<b>City Council District:</b>	1
<b>Date Filed:</b>	January 19, 2016
<b>Action to be Taken:</b>	Approve with conditions
<b>Finality of Decision:</b>	<i>Appealable to City Council within 10 days</i>
<b>For Further Information:</b>	Contact case planner Jose M. Herrera-Preza at <b>510-238-3808</b> or <b>jherrera@oaklandnet.com</b>

**SUMMARY**

The applicant requests Planning Commission approval to amend their existing Major Conditional Use Permit and Major Variance to allow for the activity "Wolfhound Bar" to expand into a portion of the adjacent commercial space. The applicant first visited the Planning Commission on April 16, 2014 with an application (PLN14018) to re-establish a closed bar with a 2:00 a.m. closing time under a new operator. The applicant was granted (4 - 0) a Major Conditional Use Permit to re-establish an Alcohol Beverage Sales Activity, a Major Variance for alcohol sales within 1,000 feet of an existing alcohol outlet (one outlet approximately 500 feet from proposal). Since the initial application, the "Wolfhound Bar" has been in operation since March of 2015.

This agenda item was originally scheduled for the June 1<sup>st</sup>, 2016 Planning Commission Hearing. Due to a number of late mail correspondence from the public, submitted during the 17 day public notice period, staff decided to remove the item from the June 1<sup>st</sup> agenda to allow staff more time fully evaluate the submitted comments and address concerns brought up in the late mail correspondence. Neighborhood concerns with the proposal included the potential increase in nuisances (noise, odor, smoke, disorderly conduct) to the surrounding residential neighborhood. As a result, staff informed Oakland Police Department's Alcoholic Beverage Action Team of the application. Subsequently planning staff received confirmation from ABAT that there were no active investigations on the operator and no reported alcohol-related nor other nuisances or complaints stemming from this location. Planning staff reviewed the permit history of the site specifically looking for Code Enforcement actions related to the "Wolfhound Bar" but none was found [and hence found the operator in compliance with the previous set of Conditions of Approval (Attachment C).

# CITY OF OAKLAND PLANNING COMMISSION



0 125 250 500 750 1,000 Feet



Case File: PLN14018-R01

Applicant: Peadar Kelleher, Keith Mulligan, Christopher Southgate

Address: 5516 San Pablo Avenue

Zone: CC-2



Staff recommends approval of the requested permits, subject to the amended Conditions of Approval included in this report. To address the concerns raised by the neighboring property owner and to better provide operational conditions appropriate for a mixed-use area, staff has augmented the proposed Conditions of Approval from what the original 2014 approval required and consolidated and clarified language in other Conditions of Approval. The amended conditions include a specific process to alert the operator of nuisances, additional signage to inform patrons to be mindful of nearby residences, phone numbers to call and register complaints and a clear administrative review process every six months to ensure compliance with conditions of approval. Conditions of approval #10-12 are intended to better ensure a compatible relationship between the bar and neighboring activities, including residential and live/work.

## **PROJECT DESCRIPTION**

The applicant seeks to expand the bar "The Wolfhound" from its current 968 square-foot interior size, which contains a 723 square-foot main room with a bar along the left side, and restrooms, storage, and an exit at the rear, into a portion of the adjacent commercial space. The expansion will total 393 square feet of main room space and result in a total of 1,361 square feet for the activity. The expansion will affect the rear of the adjacent space, which will leave the existing storefront undisturbed and result in an approximately 500 square-feet of leasable commercial space. Hours of operation would remain the same; daily from 1:00pm to 2:00am. Staffing would consist of two persons Thursdays through Sundays and one person Mondays through Wednesdays. Bar capacity increase from the current capacity of 49 persons. The applicant does not seek to operate a "cabaret" as defined in Chapter 5.12 of the Oakland Municipal Code; therefore a cabaret permit is not required. The applicant intends to display art inside the bar. The business would utilize a recycling program. It is anticipated by the applicant that many customers would be pedestrians. The applicant has been in operation for more than one calendar year. The applicant is has presented the proposal to the City Council District 1 office and to the Neighborhood Crime Prevention Council (NCPC) for Police Beat 10X and received support for the proposal.

## **PROPERTY DESCRIPTION**

The property is a flat lot located in a commercial district along San Pablo Avenue, close to the Emeryville border. The forty-five foot wide lot contains a one-story building that is situated at zero lot line to the sidewalk. The building contains two side-by-side commercial spaces; the left (north) side space is occupied by the applicant and the other storefront space (south side) is currently vacant (previous tenant was "Create in Clay"). The property shares a gated driveway along its left side and also contains a rear apartment building, with a small open yard between the buildings.

The street frontage contains a crosswalk, street trees, light standards (both decorative and cobra head variety), and non-metered street parking. The area consists of a combination of retail, food, and auto services, the Golden Gate branch library, a church, a flooring shop, several vacant lots, and upper-story residential uses. To the north (left) is a one-story auto garage/warehouse with a shared gated driveway; to the south (right) is a three-story building (apartments over retail); to the east (rear) is a mixed housing type neighborhood; to the west (across the street) is 55<sup>th</sup> Street, which terminates at San Pablo. There is a commercial building on the north corner and a vacant lot on the south corner. The area is not an alcoholic beverage over-concentrated area; that is, the area is not higher than average in terms of number of alcoholic beverage sales licenses in the census tract or rates of reported crimes in the police beat. There is one alcoholic beverage sales outlet within one thousand feet i.e., a market specializing in meat sales that includes beer and wine sales, which is located over five hundred feet to the north ("Choice Meat Market").

## **GENERAL PLAN ANALYSIS**

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

### Policy I/C1.2 Retaining Existing Business

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

### Policy I/C3.2 Enhancing Business Districts.

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

### Policy I/C3.4 Strengthening Vitality.

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

### Neighborhood Activity Centers

#### Objective N10

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

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

## **ZONING ANALYSIS**

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

### Major Conditional Use Permit

An amendment to the existing Major Conditional Use Permit (CUP) is required for an expansion of a Alcoholic Beverage Sales Commercial Activities (bar) exceeding 20%. Additional findings further ensure review of alcoholic beverage sales above and beyond general CUP findings. The Planning Code requires a review of these activities to ensure that they do not contribute to nuisances in the community, including both alcohol-related issues and discouragement of further business attraction.

### Major Variance

An amendment to the existing Major Variance to allow the expansion of the bar, which is an intensification of the Alcohol Beverage Sales (bar) related activities within a 1,000 feet of an existing outlet. Outside of the downtown area the City requires a separation requirement between Alcohol activities to try to limit an over-concentration near residential areas.

The proposal to expand the bar into an adjacent commercial in an area space that does not have a high number of ABC licenses or reported crime conforms to the intent of the CC-2 Zone. Staff finds the proposal, subject to Conditions of Approval, conforms to the Planning Code.

## ENVIRONMENTAL DETERMINATION

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

## KEY ISSUES AND IMPACTS

### Variance

A Variance is required due to the site's proximity to the following alcoholic beverage sales outlet:

	<b>Address</b>	<b>Separation</b>	<b>ABC license type</b>
1.	5696 San Pablo Avenue (Choice Meat Market)	515 feet	20

Key: 20 – Off Sale Beer & Wine (Package Store)

Amendment to the previously granted Variance, requires justification for relief from the distance separation requirement. The intent of the distance separation is to ensure that alcohol outlets, which historically can sometimes be problematic, do not proliferate adjacent to residences and civic uses. In this particular case, the only outlet with 1,000 feet is a market that closes at 6:30pm and is non-problematic as opposed to a bar, liquor store, or convenience store, which has later hours of operation and, in some cases, is prone to the generation of nuisances. The Planning Code intends to space out bars that are not located Downtown; in this case, the proposal is to expand an approved bar into a portion of an adjacent commercial space.

The project does not require Findings for Public Convenience or Necessity because the area is not over-concentrated for ABC licenses in Census Tract 4009 or reported crime in Police Beat 10X. Although several areas of the City are over-concentrated, this area of the City is not. The proposal does not involve a cabaret; therefore, a cabaret permit is not required.

### Conditional Use Permit

A Conditional Use Permit is required for Alcoholic Beverage Sales activities within the CC-2 Community Commercial Zone. The purpose of the CUP is to consider the compatibility of the proposed use with its surroundings and to attach operating conditions to ensure the business would cause a nuisance. There is a library located at 5606 San Pablo Avenue located in between the project site and Choice Meat Market, however there are no ground floors residential or other civic uses in the neighborhood. The library closes at 8:30pm on Mondays, 5:30pm Tuesday through Friday, and is closed on weekends. The project does not require Findings for Public Convenience or Necessity because the area is not over-concentrated for ABC licenses in Census Tract 4009 or reported crime in Police Beat 10X. Although several areas of the City are over-concentrated, this area of the City is not. The proposal does not involve a cabaret; therefore, a cabaret permit is not required.

Conditions of Approval would attach several requirements, such as controls on litter, noise, and no rear smoking due to proximity to apartments, to maintain the compatibility of a bar with the surrounding mixed use area.

Since the activity is in operation and has obtained a Type 48 ABC License, it conforms with the City's "No Net Increase Goal" (City Council Resolution No. 75490 C.M.S., adopted 2000), which discourages new licenses in an attempt to cap the quantity in the City.

Due to the proposal's ability to make required findings, staff recommends approval of the project, subject to Conditions of Approval including compliance review within 6, 12 and 18 months.

**RECOMMENDATIONS:**

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

Prepared by:



---

Jose M. Herrera-Preza  
Planner II

Reviewed by:



---

Scott Miller  
Zoning Manager

Reviewed by:



---

Darin Ranelletti, Deputy Director  
Bureau of Planning

Approved for forwarding to the  
City Planning Commission:



---

RACHEL FLYNN, Director  
Department of Planning and Building

**ATTACHMENTS:**

- A. Findings
- B. Conditions of Approval
- C. April 18, 2014 Staff Report
- D. Plans with photographs
- E. OPD Area Crime Statistics (Map & Table)
- F. Correspondence

**FINDINGS FOR APPROVAL**

This proposal meets the required findings under General Use Permit Criteria (OMC Sec. 17.134.050), Use Permit Criteria for Establishments Selling Alcoholic Beverages (OMC Sec. 17.103.030(A)) and Variance Findings (OMC Sec. 17.148.050) under the Oakland Planning Code (Title 17).

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

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

The area consists of a combination of retail, food, and auto services, the Golden Gate branch library, a church, a flooring shop, some vacant lots, and upper-story residential uses. The proposal to expand an existing bar is compatible with the site and surroundings. The property is located in the CC-2 Community Commercial Zone. The intent of the CC-2 Zone is: "to create, maintain, and enhance areas with a wide range of commercial businesses with direct frontage and access along the City's corridors and commercial areas." The proposal will increase the diversity of retail options and serve pedestrian use in the area. The proposal to expand the bar in a commercial area that does not have a high number of ABC licenses or reported crime conforms to the intent of the CC-2 Zone. Conditions of Approval will control litter, noise, smoking, and potential for operation as a cabaret to ensure nuisances are avoided.

- 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 to expand a bar in a commercial area that does not have a high number of ABC licenses or reported crime conforms to the intent of the CC-2 Zone. The bar is located in an existing building and will expand into the rear of the adjacent commercial space, leaving the street fronting portion of the space leasable to a future tenant. The proposal will offer a convenient and attractive establishment.

- 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 to expand the bar in a commercial area that does not have a high number of ABC licenses or reported crime conforms to the intent of the CC-2 Zoning and will contribute to the variety of businesses in this commercial area. The proposal will bring more pedestrians and additional foot traffic to the commercial area.

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

No exterior changes or signs are proposed at this time; therefore design review is not applicable. Should the applicant desire exterior changes and/or signage in the future, they will need to obtain a design review permit from the Planning and Zoning Division as required by the Conditions of Approval.



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

Policy I/C1.2 Retaining Existing Business

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

Policy I/C3.2 Enhancing Business Districts.

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

Policy I/C3.4 Strengthening Vitality.

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

Neighborhood Activity Centers

Objective N10

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

**Use Permit 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 Planning Code intends to avoid a concentration of bars that are not located Downtown; in this case, the project is to expand an existing bar in a space that is still set up to accommodate a commercial use. Only one alcohol outlet exists within one thousand feet of the site and it is not a bar, but a grocery store specializing in meat. The area is not over-concentrated for ABC licenses or reported crime. The proposal was previously presented to the Neighborhood Crime Prevention Council (NCPC) for Police Beat 10X and the Golden Gate NCPC provided a letter of support in 2014.

**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 is a library located at 5606 San Pablo Avenue, between the project site and Choice Meat Market, however there are no nearby ground floor residences or other civic uses. The library closes at 8:30pm on Mondays, 5:30pm Tuesday through Friday, and is closed on weekends. The library hours are outside of the bar's most active hours on the weekends and nights, and it is not anticipated that the proposal will adversely affect this use.

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

The commercial space lacks a parking lot and does not block any sidewalks. This finding is, therefore, met.

- 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 existing commercial façade is attractive and no changes to it are proposed at this time.

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

The site does not contain a parking lot, and the proposal does not involve signage at this time. Should signage be desired in the future, that project would require review and approval by the Planning and Zoning Division.

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

Litter will be collected inside the business. The business will utilize a recycling program. Conditions of Approval will ensure the operator maintains cleanliness in the public right-of-way (sidewalk and gutter) adjacent to the 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 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 bar will operate adjacent to residences along the south (right) side and east (rear) side; Conditions of Approval will prohibit smoking or any other patron use at the rear yard.

- 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 not applicable; the proposal does not involve a Fast Food Restaurant.



**SECTION 17.148.050 – VARIANCE FINDINGS:**

**1. That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations, due to unique physical or topographic circumstances or conditions of design; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution improving livability, operational efficiency, or appearance.**

A Variance was previously granted to allow the “Wolfhound” to establish with 1,000 feet of an existing alcohol outlet as indicated in the following table:

	<b><u>Address</u></b>	<b><u>Separation</u></b>	<b><u>ABC license type</u></b>
<b>1.</b>	5696 San Pablo Avenue (Choice Meat Market)	515 feet	20

Key: 20 – Off Sale Beer & Wine (Package Store)

Approval of the Bar expansion requires a Variance to intensify an Alcohol related activity and requires justification for relief from the distance separation requirement. The subject property has been historically occupied by a bar, the previous occupant was the “Streamline Bar” and when the tenant vacated the space, the space remained unoccupied for over 10 years. When the “Wolfhound Bar” was granted a Variance in April 2014 to re-establish the bar in its current location, it reflected a revitalization of San Pablo Ave. and granting approval to a potential long term tenant. The intent of the distance separation is that alcohol outlets, which historically can be problematic, do not proliferate adjacent to residences and civic uses. In this case, the nearest outlet is a Specialty Meat Market that closes at 6:30pm. A Meat Market tends to be less problematic than a bar, liquor store, or convenience store. The Planning Code intends to space out bars that are not located Downtown; in this case, the project is to expand a bar into an adjacent commercial space. Specific conditions of approval have been added to address neighbors’ concerns in an effort to improve the bar’s relationship with the neighbors.

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

As part of the proposed expansion and intensification of bar related activities, compliance with the required distance separation from an existing alcohol beverage sales outlet requires a Variance. A Variance was approved at this location for a Bar in April of 2014; the business is still in operation. The expansion will occupy a portion of the adjacent commercial space within the same zoning district and will remain at least 500’ from the nearest ABC outlet.

**3. That the variance, if granted, will not adversely affect the character, livability, or appropriate development of abutting properties or the surrounding area, and will not be detrimental to the public welfare or contrary to adopted plans or development policy;**

As part of the revitalization of this section of San Pablo Ave, which was de-listed as a restricted street requiring a Major CUP for restaurants to serve alcoholic beverages under the Planning Code to enhance commerce and due to decreased crime and alcohol-related nuisances, the activity has increase the night time activity to the area and re-energized this section of San Pablo Avenue. The character, livability, or appropriate development of the surrounding area will not be adversely and will not be detrimental to the public welfare or contrary to development policy. The project does not require Findings for Public Convenience or Necessity because the area is not over-concentrated for ABC licenses in Census Tract 4009 or reported crime in Police Beat 10X. Furthermore the the applicant visited the Golden Gate Neighborhood Crime Prevention Council in July 2016 and received commendation for their part in improving that stretch of San Pablo Avenue.



**4. That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the zoning regulations;**

A Variance was approved for this location on April 18, 2014. As stated above, the granting of the variance maintains consistency with the purposes of the zoning regulations. The proposed project is a conditionally permitted activity in the Community Commercial 2 zoning designation which is intended to enhance areas of the City with a wide range of commercial business with frontages on commercial corridors. The expansion of the bar will not affect the existing building frontage on San Pablo Ave but will allow for a new commercial tenant to occupy the street fronting tenant space of the adjacent storefront which maintains consistency with the zoning regulations.

**5. That the elements of the proposal requiring the variance (e.g., elements such as buildings, walls, fences, driveways, garages and carports, etc.) conform with the regular design review criteria set forth in the design review procedure at Section 17.136.050.**

The Variance is for unmet distance separation between alcohol outlets and design review is, therefore, not applicable.

**6. 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 have been adopted by the Planning Commission or City Council.**

The intent of the Community Commercial General Plan Land Use designation is to maintain and enhance areas suitable for a wide variety of commercial operations along the City's corridors. The proposal to expand an existing a bar into an adjacent commercial space located in Community Commercial General Plan conforms to policies regarding retaining existing business in the City as the expansion will allow for the potential to attract more customers and strengthen the vitality of the San Pablo Avenue commercial corridor.

**7. For proposals involving one or two residential dwelling units on a lot: That, if the variance would relax a regulation governing maximum height, minimum yards, maximum lot coverage or building length along side lot lines, the proposal also conforms with at least one of the following criteria:**

**a. The proposal when viewed in its entirety will not adversely impact abutting residences to the side, rear, or directly across the street with respect to solar access, view blockage and privacy to a degree greater than that which would be possible if the residence were built according to the applicable regulation and, for height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height; or**

**b. Over sixty (60) percent of the lots in the immediate vicinity are already developed and the proposal does not exceed the corresponding as-built condition on these lots and, for height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street (see illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any decision on any variance.**

This finding is not applicable; the project does not involve a house or duplex.



## ATTACHMENT B

### STANDARD CONDITIONS:

#### 1. Approved Use

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, **PLN14018-R01** and the approved plans **dated January 15, 2016**, as amended by the following conditions of approval and mitigation measures, if applicable (“Conditions of Approval” or “Conditions”).

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

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

#### 3. Compliance with Other Requirements

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

#### 4. Minor and Major Changes

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



**5. Compliance with Conditions of Approval**

- a) The project applicant and property owner, including successors, (collectively referred to hereafter as the “project applicant” or “applicant”) shall be responsible for compliance with all the Conditions of Approval and any recommendations contained in any submitted and approved technical report at his/her sole cost and expense, subject to review and approval by the City of Oakland.
- b) The City of Oakland reserves the right at any time during construction to require certification by a licensed professional at the project applicant’s expense that the as-built project conforms to all applicable requirements, including but not limited to, approved maximum heights and minimum setbacks. Failure to construct the project in accordance with the Approval may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension, or other corrective action.
- c) Violation of any term, Condition, or project description relating to the Approval is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approval or alter these Conditions if it is found that there is violation of any of the Conditions or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions. The project applicant shall be responsible for paying fees in accordance with the City’s Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Approval or Conditions.

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

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

**7. Blight/Nuisances**

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

**8. Indemnification**

- a) To the maximum extent permitted by law, the project applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Redevelopment Successor Agency, the Oakland City Planning Commission, and their respective agents, officers, employees, and volunteers (hereafter collectively called “City”) from any liability, damages, claim, judgment, loss (direct or indirect), action, causes of action, or proceeding (including legal costs, attorneys’ fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called “Action”) against the City to attack, set aside, void or annul this Approval or implementation of this Approval. The City may elect, in its sole discretion, to participate in the defense of said Action and the project applicant shall reimburse the City for its reasonable legal costs and attorneys’ fees.



b) Within ten (10) calendar days of the filing of any Action as specified in subsection (a) above, the project applicant shall execute a Joint Defense Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Joint Defense Letter of Agreement shall survive termination, extinguishment, or invalidation of the Approval. Failure to timely execute the Letter of Agreement does not relieve the project applicant of any of the obligations contained in this Condition or other requirements or Conditions of Approval that may be imposed by the City.

## 9. Severability

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

## SPECIFIC CONDITIONS RELATED TO ALCOHOL BEVERAGE SALES

### 10. Alcoholic Beverage Sales

#### **a. Additional Permits Required**

##### *Prior to commencement of activity*

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

#### **b. ABAT Registration**

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

#### **c. 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).

#### **d. Crime Prevention Through Environmental Review (CPTED)**

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

#### **e. Neighborhood outreach**

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

OPD non-emergency at (510)777-3333) for the purpose of reporting nuisances.

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

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

**g. Hours of Alcohol Sale**

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

**h. Admittance**

No minors shall be admitted at any time.

**i. Staffing**

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

**j. Staff training program**

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

**k. Staff to monitor site**

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

**l. Entry**

Admission shall never be charged for events or otherwise.

**m. Cabarets**

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

**11. Facility Management**

**a. Signage**

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

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

**b. Advertising signage**

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

**c. Pay Phones**

No pay phones are permitted outside the building.

**d. Building Code Upgrades**

***Prior to commencing approved activities***

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



**e. Modifications**

***Prior to submitting for a building permit & ongoing***

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

**f. Loitering**

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

**g. Odor**

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

**h. Graffiti**

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

**i. Trash and litter**

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

**j. Noise**

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

**k. Smoking**

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

**l. Taxi call program**

***Ongoing***

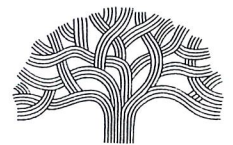
The establishment shall maintain a program of calling taxi cabs or rideshare for patrons on request for the purpose of preventing driving while intoxicated and shall maintain this service. Signage offering this service shall be displayed behind the bar.

**12. Compliance hearings**

Six months after the Certificate of Occupancy has been issued (or temporary Certificate of Occupancy if one is issued) for the expanded floor area, the applicant shall meet with the Zoning staff to review any complaints or other known issues that have arisen during the first 6 months of operation under this permit. If Zoning or Code Compliance staff are aware of complaints that would indicate significant non-compliance with any Conditions of Approval, the applicant shall submit for, and pay all appropriate fees consistent with the Master Fee Schedule, and such review will be concluded in the process provided for under Oakland Planning Code, which may include referral to the Planning Commission. The same process shall be repeated at 12 months and at 18 months after the Certificate of Occupancy is issued.

**APPROVED BY:**

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

**ATTACHMENT C**

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

Department of Planning and Building  
Zoning Division(510) 238-3911  
FAX (510) 238-4730  
TDD (510) 238-3254

Sent via U.S. Mail and Electronic Mail

April 18, 2014Mr. Peadar Kelleher/Benbulben LLC  
163 Fairmount Street  
San Francisco, CA 94131**RE: Case File No. PLN14018 / 5516-5518 San Pablo Avenue (APN: 015 -1308-016-00) – north/left side space only**

Dear Mr. Kelleher:

The above application was **APPROVED** at the City Planning Commission meeting (by a **4-0** vote) on **April 16, 2014**. The Commission's action is indicated below. This action becomes final ten (10) days after the date of the announcement of the decision unless an appeal to the City Council is filed by **4:00 pm on April 28, 2014**.

- 1. Adoption/approval of the CEQA Findings.**
- 2. Approval of the Major Conditional Use Permit and Variance subject to the attached findings and conditions of approval, including the Standard Conditions of Approval.**

If you, or any interested party, seeks to challenge this decision, an appeal **must** be filed by no later than ten calendar (10) days from the announcement of the decision by **4:00 pm on April 28, 2014**. An appeal shall be on a form provided by the Planning and Zoning Division of the Department of Planning and Building, and submitted to the same at 250 Frank H. Ogawa Plaza, Suite 2114, to the attention of **Aubrey Rose AICP, Planner II**. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the Planning Commission or wherein their decision is not supported by substantial evidence and must include payment of \$1,352.91 in accordance with the City of Oakland Master Fee Schedule. Failure to timely appeal will preclude you, or any interested party, from challenging the City's decision in court. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record which supports the basis of the appeal; failure to do so may preclude you, or any interested party, from raising such issues during the appeal and/or in court. However, the appeal will be limited to issues and/or evidence presented to the City Planning Commission prior to the close of the City Planning Commission's public hearing on the matter.



PLN140107 0218 0018 0001 0001  
April 16, 2014

A signed Notice of Exemption (NOE) is enclosed certifying that the project has been found to be exempt from CEQA review. It is your responsibility to record the NOE and the Environmental Declaration at the Alameda County Clerk's office at 1106 Madison Street, Oakland, CA 94612, at a cost of \$50.00 made payable to the Alameda County Clerk. Please bring the original NOE related documents and five copies to the Alameda County Clerk, and return one date stamped copy to the Zoning Division, to the attention of **Aubrey Rose AICP, Planner II**. Pursuant to Section 15062(d) of the California Environmental Quality Act (CEQA) Guidelines, recordation of the NOE starts a 35-day statute of limitations on court challenges to the approval under CEQA.

If you have any questions, please contact the case planner, **Aubrey Rose AICP, Planner II** at (510) 238-2071 or [arose@oaklandnet.com](mailto:arose@oaklandnet.com), however, this does not substitute for filing of an appeal as described above.

Very Truly Yours,



SCOTT MILLER  
Zoning Manager

Attachments: A. Findings  
B. Conditions of Approval, including Standard Conditions of Approvals

**Attachment A: Findings**

---

This proposal meets the required findings under General Use Permit Criteria (OMC Sec. 17.134.050), Use Permit Criteria for Establishments Selling Alcoholic Beverages (OMC Sec. 17.103.030(A)) and Variance Findings (OMC Sec. 17.148.050) under the Oakland Planning Code (Title 17).

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

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

The proposal to re-establish an existing bar is compatible with the site and surroundings. The property is located in the CC-2 Community Commercial Zone. The intent of the CC-2 Zone is: "to create, maintain, and enhance areas with a wide range of commercial businesses with direct frontage and access along the City's corridors and commercial areas." The area consists of a combination of retail, food, and auto services, the Golden Gate branch library, a church, a flooring shop, some vacant lots, and upper-story residential uses, and the proposal will increase the diversity of retail options and serve pedestrian use in the area. The proposal to re-open a bar in a commercial area that does not have a high number of ABC licenses or reported crime conforms to the intent of the CC-2 Zone. Conditions of Approval will control litter, noise, smoking, and potential for operation as a cabaret to ensure nuisances are avoided.

**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 to re-open a bar in a commercial area that does not have a high number of ABC licenses or reported crime conforms to the intent of the CC-2 Zoning. The proposal is located in an existing building that contained a bar for several decades, and the floor plan is conducive to the operation of a bar. The proposal will offer a convenient and attractive establishment.

**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 to re-open a bar in a commercial area that does not have a high number of ABC licenses or reported crime conforms to the intent of the CC-2 Zoning and will contribute to the variety of businesses in this commercial area. The proposal will bring more pedestrians and additional foot traffic to the commercial area.

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

No exterior changes or signage are proposed at this time and design review is, therefore, not applicable. Should the applicant desire exterior changes and/or signage in the future, they will need to obtain a design review permit from the Planning and Zoning Division as required by the Conditions of Approval.

**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 Community Commercial area of the General Plan's Land Use and Transportation Element (LUTE). The intent of the area is: "To identify, create, maintain, and enhance areas suitable for a wide variety of commercial and institutional operations along the City's major corridors and in shopping districts or centers." The



April 16, 2014

proposal to re-open a bar in a commercial area that does not have a high number of ABC licenses or reported crime conforms to this intent and to the following LUTE Policies and Objective:

Policy I/C1.1 Attracting New Business.

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

Policy I/C3.2 Enhancing Business Districts.

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

Policy I/C3.4 Strengthening Vitality.

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

Neighborhood Activity Centers

Objective N10

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

**Use Permit Criteria for Establishments Selling Alcoholic Beverages (OMC Sec. 17.102.210(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 Planning Code intends to space out bars that are not located Downtown; in this case, the project is to re-open a former bar in a space that is still set up to accommodate such a use. Only one alcohol outlet exists within one thousand feet of the site and it is not a bar, but a grocery store specializing in meat. The area is not over-concentrated for ABC licenses or reported crime. The proposal was presented to the Neighborhood Crime Prevention Council (NCPC) for Police Beat 10X and the Golden Gate NCPC has provided a letter of support. Additionally, one letter of support has been received from one residence in the area. Conditions of Approval will attach several requirements, such as controls on litter and noise, to maintain the compatibility of a bar with the surrounding area.

**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 is a library located at 5606 San Pablo Avenue, between the project site and Choice Meat Market, but there are no nearby ground floor residences or other civic uses. The library closes at 8:30pm on Mondays, 5:30pm Tuesday through Friday, and is closed on weekends. The library hours are outside of the bar's most active hours on the weekends and nights, and it is not anticipated that the proposal will adversely affect this use.

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

The commercial space lacks a parking lot and does not block any sidewalks. This Finding is, therefore, met.

**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 commercial façade is attractive and no changes to it are proposed at this time.

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

The site does not contain a parking lot, and the proposal does not involve signage at this time. Should signage be desired in the future, that project would require review and approval by the Planning and Zoning Division.

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

Litter will be collected inside the business. The business will utilize a recycling program. Conditions of Approval will ensure the operator maintains cleanliness in the public right-of-way (sidewalk and gutter) adjacent to the 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 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 bar will operate adjacent to residences along the south (right) side and east (rear) side; Conditions of Approval will prohibit smoking or any other patron use at the rear yard.

**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 not applicable; the proposal does not involve a Fast Food Restaurant.

**SECTION 17.148.050 – VARIANCE FINDINGS:**

**1. That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations, due to unique physical or topographic circumstances or conditions of design; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution improving livability, operational efficiency, or appearance.**

A Variance is required due to the site's proximity to an alcohol outlet as indicated in the following table:

	<u>Address</u>	<u>Separation</u>	<u>ABC license type</u>
1.	5696 San Pablo Avenue (Choice Meat Market)	515 feet	20

Key: 20 – Off Sale Beer & Wine (Package Store)

Approval of the Variance, therefore, requires justification for relief from the distance separation requirement. The intent of the distance separation is that alcohol outlets, which historically can be problematic, do not proliferate adjacent to residences and civic uses. In this case, the only other outlet is a butcher that closes at 6:30pm. Butchers tend to be less problematic than a bar, liquor store, or convenience store. The Planning Code intends to space out bars that are not located Downtown; in this case, the project is to re-open a former bar in a space that is still set up to accommodate such a use.

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



April 16, 2014

A similar Variance was approved for a café to serve beer and wine at 6334 San Pablo Avenue ; that business is still in operation with no known adverse impacts.

**3. That the variance, if granted, will not adversely affect the character, livability, or appropriate development of abutting properties or the surrounding area, and will not be detrimental to the public welfare or contrary to adopted plans or development policy;**

The project is not anticipated to generate off-site impacts, and will not adversely affect the character, livability, or appropriate development of the surrounding area, and will not be detrimental to the public welfare or contrary to development policy. This section of San Pablo Avenue was de-listed as a restricted street requiring a Major CUP for restaurants to serve alcoholic beverages under the Planning Code to enhance commerce and due to decreased crime and alcohol-related nuisances. The project does not require Findings for Public Convenience or Necessity because the area is not over-concentrated for ABC licenses in Census Tract 4009 or reported crime in Police Beat 10X.

**4. That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the zoning regulations;**

A Variance was approved for a café to serve beer and wine at 6334 San Pablo Avenue. As stated above, the granting of the variance maintains consistency with the purposes of the zoning regulations.

**5. That the elements of the proposal requiring the variance (e.g., elements such as buildings, walls, fences, driveways, garages and carports, etc.) conform with the regular design review criteria set forth in the design review procedure at Section 17.136.050.**

The Variance is for unmet distance separation between alcohol outlets and design review is, therefore, not applicable.

**6. 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 have been adopted by the Planning Commission or City Council.**

The proposal to open a bar in a former bar space located in a commercial zone conforms to the General Plan.

**7. For proposals involving one or two residential dwelling units on a lot: That, if the variance would relax a regulation governing maximum height, minimum yards, maximum lot coverage or building length along side lot lines, the proposal also conforms with at least one of the following criteria:**

**a. The proposal when viewed in its entirety will not adversely impact abutting residences to the side, rear, or directly across the street with respect to solar access, view blockage and privacy to a degree greater than that which would be possible if the residence were built according to the applicable regulation and, for height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height; or**

**b. Over sixty (60) percent of the lots in the immediate vicinity are already developed and the proposal does not exceed the corresponding as-built condition on these lots and, for height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street (see illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any decision on any variance.**

This finding is not applicable; the project does not involve a house or duplex.



---

**Attachment B: Conditions of Approval**

---

Modifications to the Conditions of Approval as directed by the City Planning Commission at the April 16, 2014 meeting are indicated in underlined type for additions and ~~cross-out~~ type for deletions. See pages 9 and 10 for revisions.

**1. Approved Use*****Ongoing***

- a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials, staff report, and the plans dated and submitted on **February 17, 2014** and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall require prior written approval from the Director of City Planning or designee.
- b) This action by the **City Planning Commission** ("this Approval") includes the approvals set forth below. This Approval includes:
  - i) ***Major Conditional Use Permit and Variance for an Alcoholic Beverage Sales Commercial Activity (bar) at 5516 San Pablo Avenue.***

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

Unless a different termination date is prescribed, this Approval shall expire **two calendar years** from the approval date, unless within such period all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this permit, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit for this project may invalidate this Approval if the said extension period has also expired.

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

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

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

- a) The project applicant shall comply with all other applicable federal, state, regional and/or local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshal, and the City's Public Works Agency. 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 of Approval 3.
- b) The applicant shall submit approved building plans for project-specific needs related to fire protection to the Fire Services Division for review and approval, including, but not limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access, and vegetation management for preventing fires and soil erosion.

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

- a) Site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60-90 days of approval, unless an earlier date is specified elsewhere.



- b) The City of Oakland reserves the right at any time during construction to require certification by a licensed professional that the as-built project conforms to all applicable zoning requirements, including but not limited to approved maximum heights and minimum setbacks. Failure to construct the project in accordance with approved plans may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension or other corrective action.
- c) Violation of any term, Conditions or project description relating to the Approvals is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approvals or alter these Conditions if it is found that there is violation of any of the Conditions or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions. 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 Conditions of Approval.

**6. Signed Copy of the Conditions**

*With submittal of a demolition, grading, and building permit*

A copy of the approval letter and **Conditions** shall be signed by the property owner, notarized, and submitted with each set of permit plans to the appropriate City agency for this project.

**7. Indemnification**

*Ongoing*

- a) To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and its respective agents, officers, and employees (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, (1) an approval by the City relating to a development-related application or subdivision or (2) implementation of an approved development-related project. The City may elect, in its sole discretion, to participate in the defense of said Action and the 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 applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Letter of Agreement shall survive termination, extinguishment or invalidation of the approval. Failure to timely execute the Letter Agreement does not relieve the applicant of any of the obligations contained in this condition or other requirements or conditions of approval that may be imposed by the City.

**8. Compliance with Conditions of Approval**

*Ongoing*

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

**9. Severability**

*Ongoing*

Approval of the project would not have been granted but for the applicability and validity of each and every one of the specified conditions, and if one or more of such conditions is found to be invalid by a court of competent

jurisdiction this Approval would not have been granted without requiring other valid conditions consistent with achieving the same purpose and intent of such Approval.

## **SPECIFIC CONDITIONS**

### **10. Alcoholic Beverage Sales**

#### **a. Additional Permits Required**

##### ***Prior to commencement of activity***

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

#### **b. Location and manner of alcohol consumption**

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

#### **c. Hours of Alcohol Sale**

Hours of alcohol sales are limited to the following: Monday through Sunday 1:00pm to 2:00am. No alcoholic beverages shall be sold within fifteen minutes prior to closing time.

#### **d. Admittance**

No minors shall be admitted at any time.

### **11. Operation**

#### ***Ongoing***

#### **a. Staffing**

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

#### **b. Staff training program**

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

#### **c. Staff to monitor site**

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

#### **d. Future operators**

Any future operators of any bar at these premises are subject to the requirements of this approval.

#### **e. Entry**

Admission shall never be charged for events or otherwise.

#### **f. Cabarets**

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

#### **g. Taxi call program**



***Ongoing***

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 displayed behind the bar.

**h. Closed Circuit Television (CCTV)/Surveillance Cameras**

***Ongoing***

The bar shall install and utilize CCTV surveillance cameras, with guidance from ABAT during CPTED review (Condition of Approval #12c) including but not limited to location(s) of installation and duration of information storage.

**12. Coordination/Outreach**

**a. ABAT Registration**

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

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

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

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

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

**d. Neighborhood outreach**

The business operator shall be accessible to neighbors wishing to register complaints against the business and shall work to eliminate any nuisances related to the business as reported by neighbors.

**13. Environmental Effects**

**a. Nuisances**

Crime, litter, or disorderliness conduct associated with alcohol sales at the establishment will result in a revocation of the Major Conditional Use Permit or a review to revoke.

**b. Performance standards**

***Ongoing***

The establishment shall adhere to performance standards for noise, odor, and all environmental effects of the restaurant activity as regulated under OMC Chapter 17.120.

**c. Loitering**

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

**d. Odor**

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

**e. Graffiti**

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

**f. Trash and litter**

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

**g. Noise**

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

**h. Smoking**

The City Smoking Ordinance shall apply (OMC Sec. 8.30). Smoking shall only be located in the front of the building on the public sidewalk 25-feet to the north (left) of the doorway only due to the proximity of neighbors on-site to the rear and right of the building and State law. Ashtrays shall be provided adjacent to the entrance to prevent littering of cigarette butts. The establishment shall provide signage inside the building and next to the exit to direct patrons to the proper location for smoking.

**14. Design**

**a. Signage**

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

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

**b. Signage to discourage other nuisances**

*Ongoing*

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.

**c. Contact phone numbers**

*Ongoing*

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

**d. Advertising signage**

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

**e. Pay Phones**

No pay phones are permitted outside the building.

**f. Building Code Upgrades**

*Prior to commencing approved activities*

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

**g. Modifications**

*Prior to submitting for a building permit & ongoing*

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

**15. Compliance hearings**

*After 6 months of commencement of sale of alcoholic beverages*

The applicant shall return to the Planning and Zoning Division 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 (currently \$1,310.00). 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 13a, and/or may impose additional conditions related to the operation.

**APPROVED BY:**

City Planning Commission: April 16, 2014 (date) 4-0 (vote)



**City of Oakland**

Department of Planning and Building  
Planning and Zoning Division  
250 Frank H. Ogawa Plaza, Suite 2114  
Oakland, CA 94612

**NOTICE OF EXEMPTION**

---

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

**Project Title:** Case No. PLN14018

**Project Applicant:** Mr. Peader Kelleher

**Project Location:** 5516-5518 San Pablo Avenue (APN: 015 -1308-016-00)

**Project Description:** To open a bar.

**Exempt Status:**

**Statutory Exemptions**

**Categorical Exemptions**

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

**Other**

- Projects consistent with a community plan, general plan or zoning {Sec. 15183(f)}
- \_\_\_\_\_ (Sec. \_\_\_\_\_)

**Reason why project is exempt:**

To open a bar in an existing commercial building along a commercial corridor will not have a significant effect on the environment.

**Lead Agency:** City of Oakland, Department of Planning and Building, 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612

**Division/Contact Person:** Planning and Zoning / Aubrey Rose AICP, Planner II **Phone:** 510-238-2071

*Scott Miller*

*4-18-14*

Signature (Darin Ranelletti, Environmental Review Officer)

Date:

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

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

: FOR COURT USE ONLY

NAME AND ADDRESS OF APPLICANT OR LEAD AGENCY

LEAD AGENCY:           CITY OF OAKLAND  
                            Department of Planning and Building  
                            Planning and Zoning Division  
                            250 Frank H. Ogawa Plaza, 2<sup>nd</sup> Floor  
                            Oakland CA 94612

APPLICANT:            Mr. Peader Kelleher  
                            163 Fairmount Street  
                            San Francisco, CA 94131

: FILING NO.

CLASSIFICATION OF ENVIRONMENTAL DOCUMENT: Check the box(es) that applies.

CLERKS  
USE ONLY

- |                                     |  |         |
|-------------------------------------|--|---------|
| 1.                                  | <b>NOTICE OF EXEMPTION</b>   | PLU 117 |
| <input checked="" type="checkbox"/> | A – STATUTORILY OR CATEGORICALLY EXEMPT<br>\$50.00 (Fifty Dollars) – CLERK’S FEE   |         |
| <input type="checkbox"/>            | B – FEE EXEMPTION –NO IMPACT DETERMINATION ISSUED BY F&G<br>\$50.00 (Fifty Dollars) – CLERK’S FEE  | PLU 117 |
| 2.                                  | <b>NOTICE OF DETERMINATION</b>   |         |
| <input type="checkbox"/>            | A – NEGATIVE DECLARATION<br>\$2,044.00 (Two Thousand Forty Four Dollars)-STATE FILING FEE<br><br>\$50.00 (Fifty Dollars) – CLERK’S FEE   | PLU 116 |
| <input type="checkbox"/>            | B – MITIGATED NEGATIVE DECLARATION<br>\$2,044.00 (Two Thousand Forty Four Dollars)-STATE FILING FEE<br><br>\$50.00 (Fifty Dollars) – CLERK’S FEE                                     | PLU 116 |
| <input type="checkbox"/>            | C – ENVIRONMENTAL IMPACT REPORT<br>\$2,839.25 (Two Thousand Eight Hundred Thirty Nine Dollars and Twenty Five Cents) – STATE FILING FEE<br><br>\$50.00 (Fifty Dollars) – CLERK’S FEE | PLU 115 |
| 3. <input type="checkbox"/>         | <b>OTHER</b> (Specify) Notice of Finding of No Significant Impact<br>\$50.00 (Fifty Dollars) – CLERK’S FEE   | PLU 117 |

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

**FOUR COPIES OF ALL NECESSARY DOCUMENTATION ARE REQUIRED FOR FILING PURPOSES.**

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

**MAKE CHECK PAYABLE TO: ALAMEDA COUNTY CLERK**

CERTIFICATION OF MAILING

I certify that on April 18, 2014 this decision letter, relating to Approval of a Major Conditional Use Permit and Variance for 5516-5518 San Pablo Avenue was placed in the U.S. mail system, postage prepaid for first class mail, and sent to

Mr. Peader Kelleher  
163 Fairmount Street  
San Francisco, CA 94131

*Servio M. Chatoan*  
(NAME & SIGNATURE OF PERSON PLACING IN MAIL)

*April 18, 2014*  
(DATE)

Y B C C  
1725 TURK ST #3  
SF CA 94115  
415.948.0316

LESSEE/APPLICANT:  
PEADAR KELLEHER  
163 FAIRMOUNT ST  
SF CA 94131  
415.706.3550

WOLFHOUND BAR - 5516 SAN PABLO AVE.  
OAKLAND CA  
APN 015-130801600

SITE/ROOF PLAN	
DATE	01.15.16
SCALE	1/8" = 1'-0"
JOB NO.	1410
DRAWN BY	CC
SHEET	

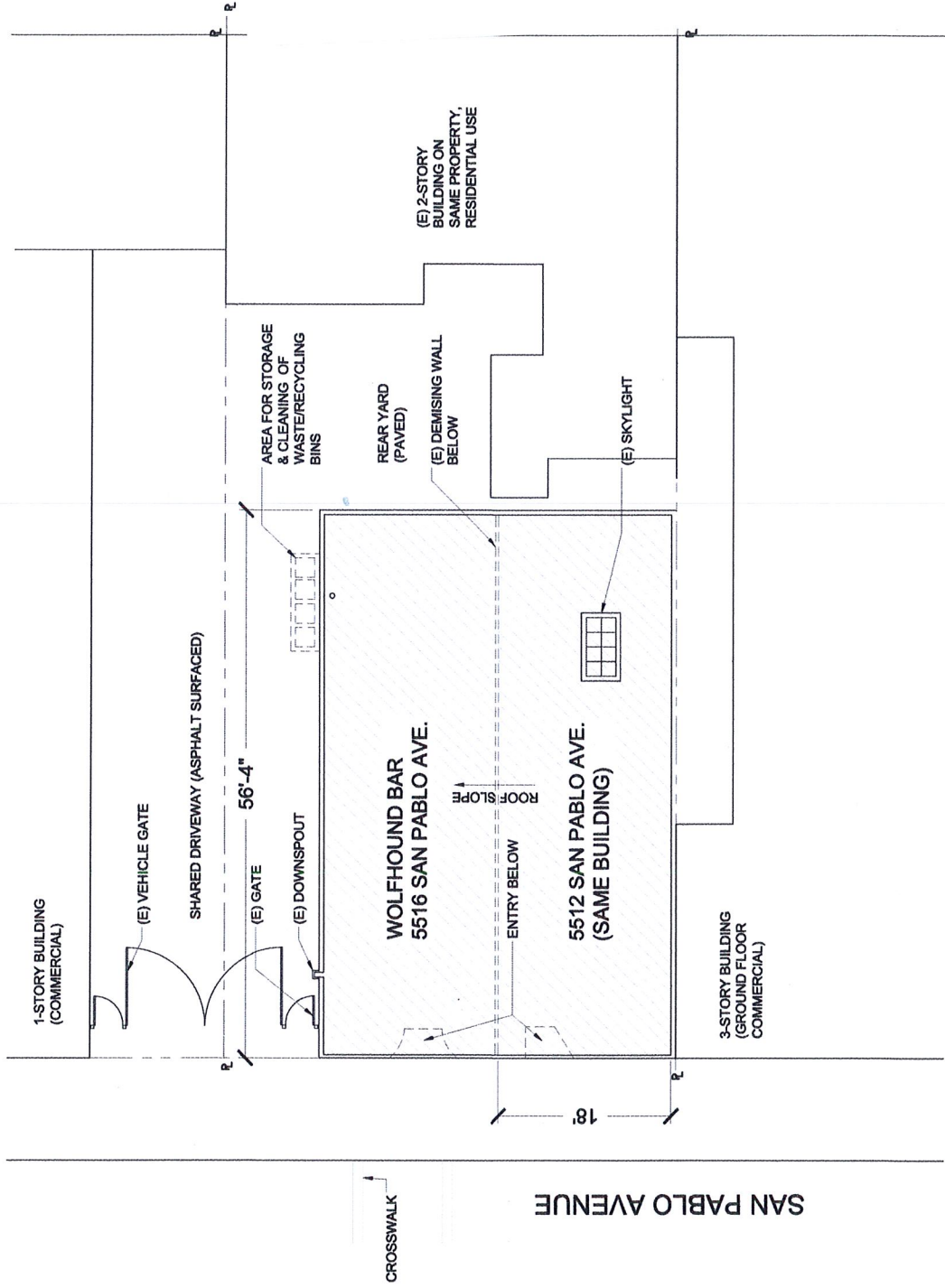
A2.1

# ATTACHMENT D



1

EXISTING LOT/ROOF PLAN





Y B C C  
1725 TURK ST #3  
SF CA 94115  
415.948.0316

LESSEE/APPLICANT:  
PEADAR KELLEHER  
163 FAIRMOUNT ST  
SF CA 94131  
415.706.3550

WOLFHOUND BAR - 5516 SAN PABLO AVE.  
OAKLAND CA  
APN 015-130801600

EXISTING/DEMO PLAN
DATE 01.15.16
SCALE 1/4" = 1'-0"
JOB NO. 1510
DRAWN BY CC
SHEET

A2.2

SHARED DRIVEWAY

TRASH/RECYC. AREA;

(E) UTILITY METERS

STORAGE ROOM (61 SF)

TOTAL EXISTING TENANT SPACE 968 SF  
(BAR MAIN ROOM 723 SF)

DEMO OPENING BETWEEN  
EXISTING BAR AND  
PROPOSED BILLIARD  
ROOM

5512 SAN PABLO  
(UNDER SEPARATE LEASE)

21'-10"

18'



EXISTING/DEMO PLAN

1



Y B C C  
1725 TURK ST #3  
SF CA 94115  
415.948.0316

LESSEE/APPLICANT:  
PEADAR KELLEHER  
163 FAIRMOUNT ST  
SF CA 94131  
415.706.3550

WOLF HOUND BAR - 5516 SAN PABLO AVE.  
OAKLAND CA  
APN 015-130801600

PROPOSED PLAN  
DATE 01.15.16  
SCALE 1/4" = 1'-0"  
JOB NO. 1510  
DRAWN BY CC  
SHEET

A2.3

SHARED DRIVEWAY

TRASH/RECYC. AREA:

(E) UTILITY METERS

STORAGE ROOM (61 SF)

TOTAL EXISTING TENANT SPACE 968 SF  
(BAR MAIN ROOM 723 SF)

(N) PASS-THROUGH  
WINDOW (SIZE & EXACT  
LOCATION TBD)

5512 SAN PABLO  
(UNDER SEPARATE LEASE)

PROPOSED  
BILLIARD ROOM  
(393 SF)

FILL IN OPENING TO  
SEPARATE FRONT  
TENANT SPACE FROM  
BILLIARD ROOM

BILLIARD TABLE

BENCH

21'-10"

18'



PROPOSED PLAN 1





5516 SAN PABLO AVE.  
VIEWED FROM ACROSS THE ST





FOR SALE  
2 BEDROOM APARTMENT  
525-2562  
KORMAN INC

Google

5516 SAN PABLO AVE.  
SIDE VIEW



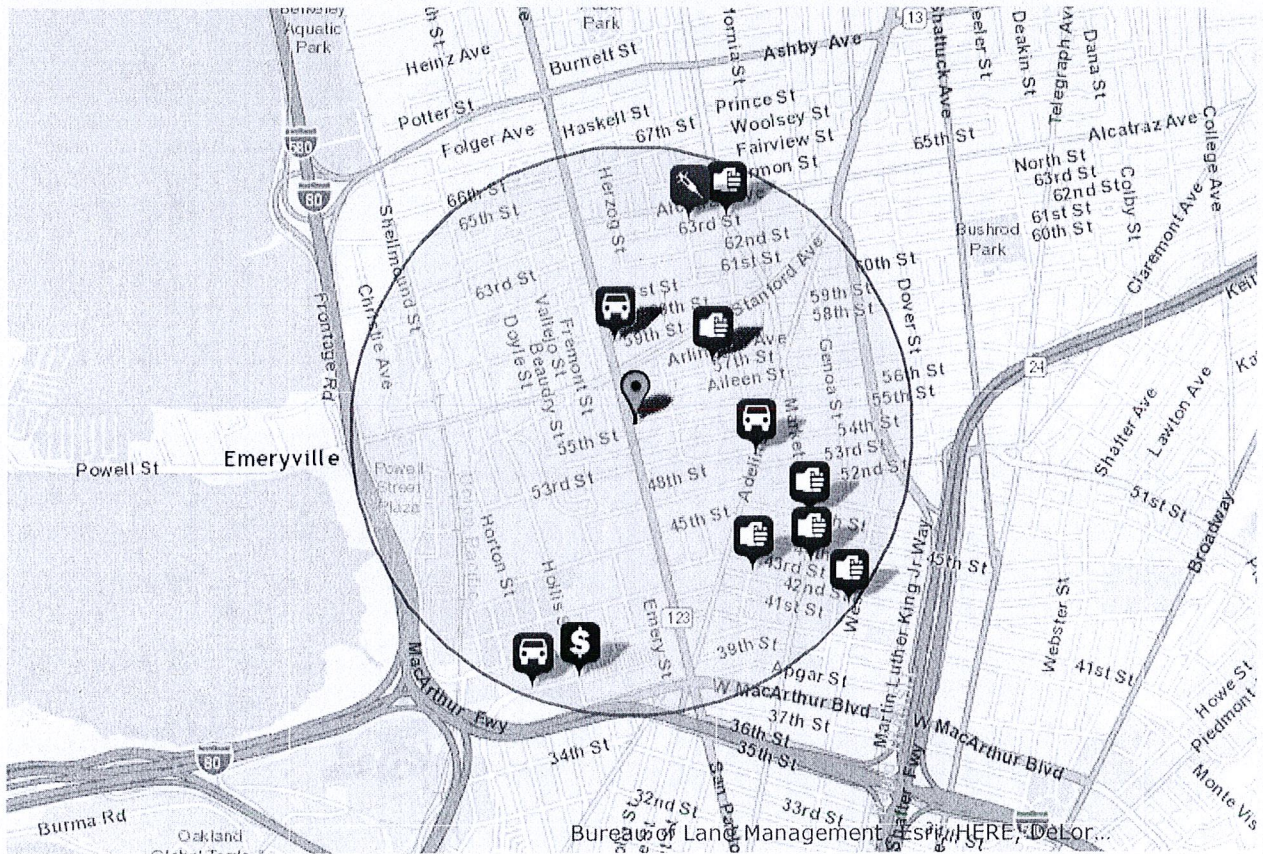
Print Send Link

### CrimeMapping.com - Map

Thursday, April 28, 2016 through Wednesday, May 4, 2016

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

... within a 1 mile radius of 5518 San Pablo Ave, Oakland, California, 94608



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

Notes:

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








CrimeMapping.com Set Bookmark Send Link Print Trend Report

## Crime report for 4/28/2016 - 5/4/2016

### 9 crimes found.

Within a 1 mile radius of 5518 San Pablo Ave, Oakland, California, 94608

✳ Click a crime to "Map It."

<u>Type:</u>	<u>Description:</u>	<u>Case #:</u>	<u>Location:</u>	<u>Agency:</u>	<u>Date:</u>
	ASSAULT - OTHER ASSAULTS - SIMPLE, NOT AGGRAVATED	16-023691	-	Oakland Police	5/4/2016 09:30 AM
	ASSAULT - FIREARM	16-023573	-	Oakland Police	5/3/2016 04:58 PM
	DRUG ABUSE VIOLATION - POSSESSION OF OTHER	16-023368	-	Oakland Police	5/2/2016 08:30 PM
	ASSAULT - OTHER ASSAULTS - SIMPLE, NOT AGGRAVATED	16-023356	-	Oakland Police	5/2/2016 06:36 PM
	MOTOR VEHICLE THEFT - AUTOS	16-023213	-	Oakland Police	5/2/2016 12:12 AM
	ASSAULT - OTHER ASSAULTS - SIMPLE, NOT AGGRAVATED	16-023098	-	Oakland Police	5/1/2016 04:52 PM
	ASSAULT - OTHER ASSAULTS - SIMPLE, NOT AGGRAVATED	16-018068	-	Oakland Police	4/30/2016 03:00 PM
	MOTOR VEHICLE THEFT - AUTOS	16-022895	-	Oakland Police	4/30/2016 07:00 AM
	ASSAULT - OTHER ASSAULTS - SIMPLE, NOT AGGRAVATED	16-022682	-	Oakland Police	4/28/2016 06:55 PM



# ATTACHMENT F

**Herrera, Jose**

---

**From:** Simon Dean <simondean84@gmail.com>  
**Sent:** Wednesday, May 04, 2016 5:09 PM  
**To:** Herrera, Jose  
**Subject:** Wolfhound

To who it may concern,

My name is Simon Dean, my family has been apart of the Oakland community for over three generations. My family business, started by my father, Sound Communication Systems has been servicing Oakland and the bay area for over 25 years. It is a small family business that has provided service and quality community support for Oakland as a small business for a long time.

The Wolfhound bar is a small business that provides quality service for the community and brings the neighborhood together. There are multiple buildings and lots all along San Pablo Blvd and the surrounding neighborhood that are abandon and used as trash dumps, bathrooms and other negative things.

I know that the community/economy is growing around the Wolfhound. There is nothing better than growth and progress for the City of Oakland and in a community.

If Wolfhound is restricted to grow and provide for the neighborhood as a small business it is a contradiction to the beliefs of the city of Oakland and its history.

I think that all issues can be resolved and growth for the community can be continued.

There is a empty lot across the street from the Wolfhound that has been empty for easily over five plus years that is used as a trash dump. Why not bargain with the owner to allow a park, dog park, community garden or put a few lunch tables. If smoke is the issue then that is one solution.

If sound or music is a issue, than that can be resolved too. Music feeds the soul joy and the city of Oakland and the surrounding neighborhood of the Wolfhound needs more joy. Music and socializing is the sound of a growing community and economy. This is a growing young city with a lot more potential.

I hope that this message is helpful and considered. I support the Wolfhound and its continued growth in this community.

Simon Dean

1208 62nd Blvd. Oakland



## Herrera, Jose

---

**From:** Sheri Janowski <sljanowski@gmail.com>  
**Sent:** Wednesday, May 04, 2016 6:10 PM  
**To:** Herrera, Jose  
**Subject:** Wolfhound Bar

I am so happy to have this establishment in my neighborhood! I live 1 block away and have NEVER had any problems with noise, or unruly patrons. It is a great bar and I am so excited to hear that they are trying to expand to serve food.

They have actually helped the neighborhood, rather than hurting it. I like having them in the neighborhood, and hope they stay and expand.

Sheri Janowski, homeowner  
5626 Gaskill St.  
Oakland, CA 94608

--

"Any good poet, in our age at least, must begin with the scientific view of the world; and any scientist worth listening to must be something of a poet, must possess the ability to communicate to the rest of us his sense of love and wonder at what his work discovers." - Edward Abbey

## Herrera, Jose

---

**From:** Play With Clay Studios <playwithclaystudios@gmail.com>  
**Sent:** Wednesday, May 04, 2016 12:40 PM  
**To:** Herrera, Jose  
**Subject:** Letter of Support for the Wolfhound

Greetings to whom it may concern,

We have been made aware of complaints coming from neighbors of the Wolfhound bar about the plan to expand and what that means for the area.

This letter of recommendation comes from a previous neighbor who supports the Wolfhounds mission to bring life to the Golden Gate district. As I'm sure you're aware, the bar has reinvigorated a dark and dead part of San Pablo. Although I'm sure many people were used to a quieter block before they moved in, it seems the neighborhood has had some life breathed into it's lungs ever since.

When the Wolfhound started demolition, we were in the space directly adjacent running a pottery studio called Play with Clay (previously Create in Clay). Paeder, Keith and Chris made it their priority to check with our schedule before doing major work and even assisted with some small electrical and plumbing needs of our own. They have always had the neighbors best interest at heart.

Where the bar brings in more noise, residual smoke, and late night activity it makes up for in vibrancy, building community ( dog friendly spots really bring people together) and brings business to the small surrounding businesses. Now that we've lost the burger place across the street, a pizza joint would be perfect and who doesn't love the smell of pizza?

In conclusion, the building our pottery studio shared with the Wolfhound was pretty run down and our rent was going up. We decided to move the workshop to El Cerrito last July, but I still frequent the bar weekly. (I live by Ashby Bart). The structure would benefit greatly from a retrofit and seeing the amount of work the boys put into their spot is encouraging. Overall it seems this expansion would increase the market value of the surrounding area, if only greatly improve 1 dilapidated building.

Thank you for attention and please consider allowing The Wolfhound to continue their goals of expanding. I know I'm not alone in my opinion.  
Please reach out if you have any questions

Kindly  
An old neighbor and friend of the Wolfhound,  
Lauren

Manager/ Instructor  
Play With Clay  
510.356.4900  
7523 Fairmount Ave  
El Cerrito CA 94530

**[playwithclaystudios.com](http://playwithclaystudios.com)**



1215 54th st

Emeryville, CA 94608

May 3, 2016

To Whom It May Concern:

The Wolfhound bar represents a thing that is a rarity around the Bay Area these days: a warm hub where neighbors of this diverse community can share common ground.

I have met and befriended so many great people that I would've otherwise never of met if Wolfhound didn't exist. A real community revealed itself to my wife and I when the bar opened and it is beautiful and diverse. For the first time in many years I know my neighbors. I'm aware of my neighborhood. My wife, who is from Paris, France, finally found a place that makes her feel at home again after so many years of alienation.

The Wolfhound bar is our extended home. It's a necessary establishment for the Golden Gate district to thrive.

The brightly lit sign of Wolfhound bathes San Pablo Avenue in its warm, golden light and it calls on us to come together.

  
Charlie Koliha

Alix Koliha



## Herrera, Jose

---

**From:** mr m <yoisunone@gmail.com>  
**Sent:** Tuesday, May 03, 2016 6:00 PM  
**To:** Herrera, Jose  
**Subject:** wolf hound bar expansion

Dear Jose Herrera,

My name is Marcus Murray. I am a renter who lives next door to the Wolf Hound bar. I'm writing in regards to the planned expansion of the wolf hound bar. I fully support the decision. I recently found out that a person has filed a complaint and made a false statement that i do not support the project. For the record I would like to say I support this idea 100%. I enjoy having a place in the neighborhood to socialize with other residence close by. I understand the noise can be upsetting to some people but we live on san pablo ave. one of the most busy streets the bay area. I have also witnessed alot of things in this area around the bar that are more of nuisance than what the bar causes.

thank you for reading my opinion on this issue.  
sincerely,

Marcus Murray.



## Herrera, Jose

---

**From:** Greg Fraser <gregfraserpaint@gmail.com>  
**Sent:** Tuesday, May 03, 2016 7:23 PM  
**To:** Herrera, Jose  
**Subject:** Wolfhound Bar

Dear Jose Herrera, I am writing to you in support of the Wolfhound Bar and its proposed extension.

The Wolfhound has become a vital component of our community over this last year, adding a much needed meeting point for the community and in doing so it has become a proper "local".

As a neighbor of the bar I have witnessed the positive impact it has had on our community; it has always been a safe, inclusive environment. Since the opening of the bar, I have met and got to know my neighbors - many of whom are now friends - and feel more secure in my neighborhood and community because of this.

Yours, Greg Fraser

5518 San Pablo,  
Oakland  
CA 94608

## Herrera, Jose

---

**From:** Mark Albrecht <malbrehtcpa@gmail.com>  
**Sent:** Tuesday, May 03, 2016 8:23 PM  
**To:** Herrera, Jose  
**Subject:** Wolfhound - 5516 San Pablo Avenue, Oakland, CA

Dear Mr. Herrera-Preza,

I trust this e-mail finds you well.

I am a patron of the Wolfhound on San Pablo Avenue in Oakland, California. One of the other patrons there mentioned that the neighbors of the establishment were unhappy with the business there. I was informed of your e-mail address and asked to share a comment or two with you to convey what I think of the place. I usually stop by after work to small talk, have a drink, unwind the day and maybe watch a bit of a game. The folks I've met here are locals that who close by and are not of the unsavory sort.

I hope the comments above are of use. Should there be any questions, please feel free to call.

Respectfully,

Mark

--

Mark Albrecht, CPA  
Libitzky Property Companies  
[malbrehtcpa@gmail.com](mailto:malbrehtcpa@gmail.com)  
1475 Powell Street, Suite 201  
Emeryville, CA 94608

Phone: 510-995-5188  
Fax: 510-652-0588  
Cell: 925-519-3499  
[www.libitzky.com](http://www.libitzky.com)

This email and any attachments may contain confidential and/or privileged information. Except for use by the intended recipients, or as expressly authorized by the sender, any person who receives this information is prohibited from disclosing, copying, distributing and/or using it. If you have received this email in error, please immediately delete it and all copies, and promptly notify the sender at the above telephone number or electronic mail address. Delivery of this email is not intended to waive any applicable privileges.



## Herrera, Jose

---

**From:** Nikki Couppee <ncouppee@gmail.com>  
**Sent:** Tuesday, May 03, 2016 11:49 PM  
**To:** Herrera, Jose  
**Subject:** Wolfhound Bar

Hello,  
I wanted to commemorate the Wolfhound bar on being such a fun social environment. I live in the neighborhood and work in SF and look forward to trivia Tuesday's with my friends. I actually had a studio in the space before it was a bar and have been really excited about the renovation. This building was waiting to be restored and they did a beautiful job. I can't wait for the old clay studio to become a pizza parlor and create a viable area for the neighborhood.

Sincerely,  
Nikki

Sent from my iPhone

## Herrera, Jose

---

**From:** Amy T Chen <chalbers@comcast.net>  
**Sent:** Tuesday, May 03, 2016 1:57 PM  
**To:** Herrera, Jose  
**Subject:** RE: Bar noise PLN14018-R01

Hello Jose,

Thank you for updating me on Case File PLN14018-R01. I will schedule a time to pick up the documents at the "will call" station next week. I wish to add some additional comments regarding the problems with Wolfhound Bar.

1. I did not realize that Wolfhound Bar's original permit did not allow its customers to smoke south of their property line. This restriction has been continuously violated from Day 1.
2. Wolfhound Bar's original permit also required its operators to have security personnel present during its hours of operation. The bar's owners have also consistently violated this requirement. **They hired someone for just 2 weeks in the first month of operation and then have not done so since.**
3. The ground floor of our building consists of 5 legally permitted live/work lofts, which are used for residential purposes only. The tenants of the corner live/work loft, Sarah Moran and Anders Vidstrand, had to call OPD last year when one of Wolfhound Bar's patrons tried to kick down their door because he wanted to use their toilet. To the best of my recollection, this event happened at around 1:00 am last summer. No security personnel from Wolfhound Bar were present to assist. I do not know if Wolfhound Bar provides working toilets for its customers.
4. Earlier this year, one of Wolfhound Bar's customers smashed the store front window of the adjacent space which its operators are now seeking to expand into. AGAIN, no security personnel were present to prevent this incident. Wolfhound Bar's owner did not replace the window glass for several months, and finally did so after I threatened to file a blight complaint. They had simply boarded up the window opening with plywood, which was promptly marred with graffiti.
5. My tenants and I have rarely seen Wolfhound Bar's operator clean up the public sidewalk in front of their property even though it is often covered with cigarette butts and broken beer bottles used by their customers. We have often cleaned up their sidewalk for them.

These issues plus the constant rowdiness and unruly behavior by Wolfhound Bar's customer have made life very difficult for me and my tenants. We have already lost some very good tenants who moved because of these problems, and some excellent potential tenants have decided not to apply for residency because of the litter and blight caused by Wolfhound Bar.

It is not just the people who live on the ground floor of our building who have suffered. Amalia Marino, who lives on the 3<sup>rd</sup> floor of our building is desperate for relieve from the bar's disruptions. Bruce Gordon, who lives on the 2<sup>nd</sup> floor and who has lived in our building since 1992, is miserable due to the problems caused by Wolfhound Bar. I have never heard Bruce complain about anything until Wolfhound Bar opened for business, and I have managed our property for 8 years!

I will definitely be at the hearing on May 18<sup>th</sup>, 2016.

Sincerely,  
Amy T. Chen  
Managing Partner  
Golden Gate Studios, LLC  
(510) 316-9947



---

**From:** Herrera, Jose [<mailto:JHerrera@oaklandnet.com>]  
**Sent:** Monday, May 02, 2016 12:17 PM  
**To:** Amy T Chen  
**Subject:** RE: Bar noise PLN14018-R01

Hello Amy,

All contents of the case file are public record and may if you request I may leave the file at the zoning counter at the "will call" station for your review. Furthermore, the case has been postponed to the May 18<sup>th</sup>, 2016 Planning Commission Hearing due to longer than anticipated review time from management.

**Jose M. Herrera-Preza, Planner II** | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114  
|Oakland, CA 94612 | Phone: (510)238-3808 | Fax: (510) 238-4730 | Email: [jherrera@oaklandnet.com](mailto:jherrera@oaklandnet.com) |  
Website: [www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)

---

**From:** Amy T Chen [<mailto:chalbers@comcast.net>]  
**Sent:** Monday, May 02, 2016 12:13 PM  
**To:** Herrera, Jose  
**Subject:** RE: Bar noise PLN14018-R01

Hello Jose,

My partners and I would like to see all the documents submitted to the Planning Commission regarding this case. Since the problems associated with Wolfhound Bar have directly and negatively impacted our business, we feel we should have the right to see the comments before attending the hearing on Wednesday, May 8<sup>th</sup>.

Sincerely,  
Amy T. Chen  
Managing Partner  
Golden Gate Studios, LLC  
(510) 316-9947



This email has been checked for viruses by Avast antivirus software.  
[www.avast.com](http://www.avast.com)

## Herrera, Jose

---

**From:** C. De La Jolla <cde lajolla@hotmail.com>  
**Sent:** Monday, May 02, 2016 6:07 PM  
**To:** Herrera, Jose  
**Subject:** Letter in support of The Wolfhound bar expansion

Hello Mr. Herrera,

My name is Che De La Jolla, I live at 922 56th street in Oakland, just up 56th street from The Wolfhound bar. I am 42 and a professional Engineer at a sensor manufacturer in Concord, CA. I have lived in Oakland/Berkeley area most of my life. My first place outside my parent's home was in 1992 on Lowell and Grace streets, around the corner from where I currently live. In 2008, we bought our current home on 56th, it is our first home, and one of our main complaints about the area was the scarcity of good bars and restaurants within easy walking distance. Having witnessed, over the years, various businesses start and fail in the area, some of which I thoroughly enjoyed, others not so much, I would definitely put The Wolfhound in the category of enjoyable. I have met more of my neighbors at The Wolfhound in the last year than in the previous 6 years combined. The owner and staff (several of which live in the neighborhood as well) engender a very welcoming and inclusive atmosphere, attracting a fairly equal mix of long time residents and newcomers. I see no reason why the minor expansion proposed by The wolfhound should not be allowed to proceed. I have watched the area steadily improve over the last 20+ years, and I think business such as The Wolfhound play a major part in that and, as such, should be allowed to grow.

Thank you for your time,

Che De La Jolla  
922 56th Street, Oakland.



## Herrera, Jose

---

**From:** Amalia Marino <amalia.marino@gmail.com>  
**Sent:** Wednesday, April 20, 2016 1:08 AM  
**To:** Herrera, Jose  
**Subject:** Wolfhound is ruining my neighborhood.

Dear Mr. Herrera-Preza,

I am writing to you concerning the expansion of Wolfhound bar, the Case File Number is PLN14018-R01 and I understand that you are the Case Planner for this project. I will be unable to attend the Planning Commission's hearing tomorrow so I hope that this letter will be a strong enough representation of my feelings and that you take my voice into consideration.

I live in an apartment on the third floor of 5508 San Pablo. I am on the side of the building, back from the front a bit, and my windows face north, so I am looking out directly on top of Wolfhound's rooftop. I have lived here for 5 and a half years and I have always found my neighborhood pleasant and safe. It is even quiet at night despite living so close to a main road. That is not so now. I work as a cook and often my hours are irregular—very late or very early—and I was initially excited that there would be a bar so close to home. However, it seems that the owners of Wolfhound are completely ill-equipped to run a bar, and their presence here is ruining my neighborhood and has even driven off some of my neighbors. I don't want to make this letter too long-winded so maybe bullet points from here would be good to list my reasons for complaint against this bar:

--constant noise from music, the Tuesday night trivia that can be clearly heard and understood over a block away, and--best of all—from drunk and loud clientele. It's extra fun when said clientele is arguing for a sustained period of time. For what ever reason of physics or nature, all the sound from the front of the bar bounces right up the side of my building. Into my windows and likely into my neighbors windows. I have made noise complaints to OPD at least six times in the last few months. No one ever tries to control the noise, they don't even have those "please respect our neighbors" signs. They aren't even pretending to try or care.

--smoking. EVERYWHERE. I have read Wolfhound's original permit and it states that smoking is only permitted to the north of their front door, yet there are constantly smokers in front of my door (to the south) so that the halls of my building often smell of cigarettes, which they never have before. Nothing is done to enforce this condition of their original permit.

--cigarette butts now litter the sidewalk and seem to never be cleaned up at all, nor is there a location for smokers to dispose of their butts.

—about that permit, it falsely states that there are no ground floor residences near the bar—this is completely untrue. There are ground floor residences on both sides of the bar. I once had to force a door person to ask two customers to move who were having a loud conversation directly in front of one of those doors. On a weeknight. At one AM. I know the people living in that apartment, they work early in the morning.

—more noise at 2 or 2:30 am when all the glass bottles are taken out (I don't know when you last heard an entire trash bin of glass bottles being emptied but it has got to be in the Top 10 worst sounds in the world) and then *again* when the recycling is collected at 5am.

--the inconsistent/ineffectual presence of a door person. Even when there is a person on the door they do absolutely nothing to control noise, smoking, litter, or the creepiness of their clients. I am a woman coming home late at night—often the clearly over-served male clientele mistake me for someone who might like to talk to them. No door person—if one is present—has ever tried to control any of these situations which are at best uncomfortable, and at worst a bit scary.

—bar patrons are graffitiing the planter/bench in front of my building and the walls of buildings adjacent to the bar. I know there is graffiti all over Oakland, but I have actually seen bar patrons doing this. It's

more the carving or marker kind, less the spray paint kind, again, no  
anything about this.

one from the bar is doing

Well, this letter is still maybe a bit long-winded, and I apologize for that. I hope that you are hearing me (and hopefully my neighbors too) when I/we say that this bar has disrupted all of our lives. The owners do not seem to care about running a business that is respectful of their neighbors, the conditions of their permit, the law, nor the requirements of the ABC (they over-serve their clients often and my neighbors have seen bar patrons outside with pint glasses). The last thing this bar needs is the space for *more* drunks who they will do nothing to control. *Please* do not give this space to them. If it is in your power to make the space they have now smaller, maybe do that instead. I have lost dear neighbors and even dearer sleep, and I feel less safe in my neighborhood. I know there is a better way to run a bar—I see people doing so all over Oakland everyday. Thank you for your time and consideration.

Sincerely,  
Amalia Mariño



## Herrera, Jose

---

**From:** Amy T Chen <chalbers@comcast.net>  
**Sent:** Tuesday, April 19, 2016 12:09 PM  
**To:** Herrera, Jose  
**Subject:** FW: Wolfhound Bar PLN14018-R01

**Importance:** High

Jose,

Below is a series of complaints from form tenants of mine who moved out because they could no longer stand the problems caused by Wolfhound Bar.

Sincerely,  
Amy T. Chen  
Managing Partner  
Golden Gate Studios, LLC  
(510) 316-9947

-----Original Message-----

From: moran.sarah [<mailto:moran.sarah@ymail.com>]  
Sent: Wednesday, April 08, 2015 12:38 PM  
To: Amy Chen  
Subject: Re: Wolfhound Bar

Thank you Amy.

We will keep a log.

The issue of groups of people smoking should be their greatest concern. They did put out a plastic bucket with sand for cigarettes but that is not a fire safe option. Simply keeping bar goers indoors and installing no smoking sign with corresponding policy would be a good start for them.

Best,  
Sarah

Sent from my iPhone

On Apr 8, 2015, at 8:42 AM, "Amy Chen" <[chalbers@comcast.net](mailto:chalbers@comcast.net)> wrote:

> Hi Sarah,  
>  
> I spoke to the owners of Wolfhound yesterday and told them to be  
> vigilant about noise, litter, public drunkenness, and any loitering  
> which may result from their operations. They told me that Thursday  
> was their opening night so it was more boisterous than they would  
> expect most nights to be in the future. If there continues to be  
> problems, I will call a neighborhood meeting to address this issue.  
> In the meantime, the best thing to do is keep a written log of all

> incidences; this documentation should be clear and detailed, such that  
> it can be used in any formal complaints to the city or be used as  
> evidence in a class action lawsuit. Please encourage Amalia and  
> anyone else who is concerned to do the same thing. If we do decide to  
> file a formal complaint or lawsuit, written documentation becomes  
> crucial. A formal complaint/hearing is a big deal since it may result  
> in

Wolfhound losing its license to operate or fines.

>  
> Warmest regards,  
> Amy T. Chen  
> Managing Partner  
> Golden Gate Studios, LLC.  
> (510) 316-9947

>  
>  
>  
> -----Original Message-----

> From: Sarah Moran [<mailto:moran.sarah@ymail.com>]  
> Sent: Tuesday, April 07, 2015 11:11 PM  
> To: Amy Chen  
> Subject: Re: Upstairs Neighbor Official Complaint

>  
>  
> Hi Amy,

>  
> How are you? I hope you are well.

>  
> I wanted to reach out to you regarding the bar that has gone in next door.  
> We had tried to keep an open mind but, every evening after 11pm the  
> noise starts. They are using the side walk as a smoking area.

>  
> I tried talking to the owners/ employees but they are actually a big  
> part of the problem. Last Thursday at 1:45am, I went outside and asked  
> them to keep it down. I was told quote " while your concern is valid,  
> this is a bar and there will be random shit heads that we can not  
> control".

>  
> I also warned them about smoking, they are validating the CA smoking  
> ordinance - not only are they littering but the noise is derived  
> from drunk people smoke on their street after 10pm. The later it  
> gets, the drunker and louder they get.

>  
> Is there anything we can do? Please help.

>  
> Best,  
> Sarah & Anders (and Amalia) =

>  
>  
> ---  
> This email has been checked for viruses by Avast antivirus software.  
> <http://www.avast.com>



>

---

This email has been checked for viruses by Avast antivirus software.  
<https://www.avast.com/antivirus>

## Herrera, Jose

---

**From:** Amy T Chen <chalbers@comcast.net>  
**Sent:** Thursday, April 07, 2016 1:21 PM  
**To:** Herrera, Jose  
**Cc:** 'Amy T Chen'  
**Subject:** FILE CASE NUMBER PLN1408-R01  
**Attachments:** Wolfhound.pdf  
  
**Importance:** High

Dear Mr. Herrera-Preza:

The Partners of Golden Gate Studios, LLC, recently received a Notice of Hearing from the Oakland City Planning Commission regarding Wolfhound Bar's application to expand its operations into its adjacent space next door. The Case File Number is PLN14018-R0. I have attached a copy of the Notice for your reference. I am writing to you as the Owner/Manager of Golden Gate Studios, LLC, which owns the 3-story, 19-unit apartment building, next door to the Wolfhound Bar.

Since the Owners of Wolfhound Bar, Peadar Kelleher, Keith Mulligan and Christopher Southgate, opened for business next door, I have received several complaints from our tenants regarding the loud noises coming from the bar, the broken store-front window, which was only fixed this week, and the smoking, vomiting, and unruly behavior by its customers, which have greatly reduced our residents' right to live in peace. Tenants have had to call OPD on several occasions.

We demand that the owners of Wolfhound Bar and the owner of the property, Mr. Wally Whittier, sound proof the entire space before they are allowed to expand into the adjacent space. We also demand that they monitor the behavior of their drunken customers more vigorously. If the situation gets worse, we may have to file a lawsuit against the owners of Wolfhound as well as against the owner of the property, Mr. Wally Whittier. If the Planning Commission fails to adequately address our legitimate concerns, we may have to include the City of Oakland in any future lawsuits. We hope we will not have to resort to such drastic measures. We care deeply about our building and the community who resides within. If you have any questions or suggestions, please do not hesitate to email me at [chalbers@comcast.net](mailto:chalbers@comcast.net) or to call me at (510) 316-9947. I will respond within 24 hours.

Warmest regards,



Amy Chen  
Managing Partner  
Golden Gate Studios, LLC  
(510) 316-9947





This email has been checked for viruses by Avast antivirus software.  
[www.avast.com](http://www.avast.com)

**Herrera, Jose**

---

**From:** Amy T Chen <chalbers@comcast.net>  
**Sent:** Thursday, April 07, 2016 1:21 PM  
**To:** Herrera, Jose  
**Cc:** 'Amy T Chen'  
**Subject:** FILE CASE NUMBER PLN1408-R01  
**Attachments:** Wolfhound.pdf

**Importance:** High

Dear Mr. Herrera-Preza:

The Partners of Golden Gate Studios, LLC, recently received a Notice of Hearing from the Oakland City Planning Commission regarding Wolfhound Bar's application to expand its operations into its adjacent space next door. The Case File Number is PLN14018-R0. I have attached a copy of the Notice for your reference. I am writing to you as the Owner/Manager of Golden Gate Studios, LLC, which owns the 3-story, 19-unit apartment building, next door to the Wolfhound Bar.

Since the Owners of Wolfhound Bar, Peadar Kelleher, Keith Mulligan and Christopher Southgate, opened for business next door, I have received several complaints from our tenants regarding the loud noises coming from the bar, the broken store-front window, which was only fixed this week, and the smoking, vomiting, and unruly behavior by its customers, which have greatly reduced our residents' right to live in peace. Tenants have had to call OPD on several occasions.

We demand that the owners of Wolfhound Bar and the owner of the property, Mr. Wally Whittier, sound proof the entire space before they are allowed to expand into the adjacent space. We also demand that they monitor the behavior of their drunken customers more vigorously. If the situation gets worse, we may have to file a lawsuit against the owners of Wolfhound as well as against the owner of the property, Mr. Wally Whittier. If the Planning Commission fails to adequately address our legitimate concerns, we may have to include the City of Oakland in any future lawsuits. We hope we will not have to resort to such drastic measures. We care deeply about our building and the community who resides within. If you have any questions or suggestions, please do not hesitate to email me at [chalbers@comcast.net](mailto:chalbers@comcast.net) or to call me at (510) 316-9947. I will respond within 24 hours.

Warmest regards,



Amy Chen  
Managing Partner  
Golden Gate Studios, LLC  
(510) 316-9947





June 17, 2016

Oakland Planning Commission Chairperson Jim Moore Planning  
Commissioners 250 Frank Ogawa Jr. Plaza, 2<sup>nd</sup> Floor Oakland, CA  
94612

Via: U.S. Mail; email to [jherrera@oaklandnet.com](mailto:jherrera@oaklandnet.com) Re: Wolfhound  
Bar, 5516 San Pablo; PLN 14018-R01

Dear Chairperson Moore and Oakland Planning Commissioners:

Mr. Jose Herrera, Staff Planner, requested that I provide a response to the May 25, 2016 letter of Ms. Amy Chen. In summary, Ms. Chen points to some areas where we can and should improve even though we are in compliance with the Conditions in our current permit.

However, the vast majority of her statements consist of half-truths, fabrications or outright complete misstatement of facts.<sup>1</sup> The majority of neighbors support Wolfhound. Ironically, we can prove this the reaction to Ms. Chen's post on Next Door to garner opposition, backfired. The overwhelming majority of responses supported us. Significantly, many of Ms. Chen's tenants not only support us but also are our regular customers. I did not ask them for letters of support because I know no one wants to antagonize their landlord.

<sup>1</sup> This is also true of the email Ms. Chen sent to you regarding a fight which occurred outside

*our bar.*

First, I would like to introduce ourselves, our concept for Wolfhound Bar and our plans for the modest 393 square foot expansion.

### **Background to the Wolfhound Bar of San Pablo.**

Keith Mulligan, Chris Southgate, and I own Wolfhound Bar. All three of us are first generation immigrants to this country. I arrived here seven years ago without a dime in my pocket. Keith and I worked for six years as movers in the Bay Area, saved every dollar we made and now we own our own Moving Company. Chris has 10 years' experience running successful neighborhood bars in the Bay Area. The money we spent to open the Wolfhound literally came from the sweat of our backs hauling pianos up and down staircases. Yes, the usual American immigrant story of hard work and the American Dream.

All three of us want to see Wolfhound thrive as a comfortable but high end neighborhood bar, along the lines of Cheers, and as a welcoming place for people throughout Oakland and neighboring cities.

### **Before the Wolfhound, This Location Was the Home of the Streamline Bar.**

Golden Gate "old timers" have come in and told us of their fond memories of drinking at their neighborhood bar -The Streamline bar. We love hearing their stories. We are proud of the fact that we are bringing back to life a bar that had once been part of the once thriving neighborhood scene. It had been owned by an Italian American



family, immigrants to America just like us.

But, whatever it had been, when we first saw it, it consisted of an empty four walls within a building that had been vacant for over two decades. This is true for many of the buildings in this area of San Pablo.

To transform it to today's Wolfhound Bar, we invested a quarter of a million dollars (\$250,000) in renovations. Since we couldn't afford a contractor and the materials we needed, we did all work ourselves including breaking the concrete, pouring concrete and building the bar out by hand. We did this in addition to our "day jobs" thus it took eight months to complete the work.

### **The Purpose of This Application**

Our request is to expand into the rear third of the space next to us-- a pottery studio that has closed for over a year—for a pool table and pinball machines. Located behind a proposed Pizza Company—the Leaning Tower of Haddon Hill—the noise from the pool table and other games will be far from the street.<sup>2</sup>

And, as our petitions, letters and comments attest, we have mostly overwhelming support from the community for our project.

### **Detailed Response to Ms. Chen's May 25, 2016 Letter.**

#### Background

First, as you know, to operate an establishment in the City of Oakland that serves or sells alcohol, we pay a flat fee that covers the cost of

Oakland Police Department's Alcohol Beverage Action Team (ABAT), a task force that works to ensure that alcohol related establishments comply with their standards and requirements.

*<sup>2</sup> Contrary to Ms. Chen's statements, the proposed new pizza restaurant is not our company in any sense of the word. The owners of the proposed pizza restaurant are the owners and operators of a successful Lake Merritt pizza restaurant and the Haddon Hill Café.*

Prior to opening we met with the ABAT team. They provided us with a list of requirements. We complied with all of them. Strong evidence to our contentions in this letter, is the findings by an ABAT surprise "visit" to Wolfhound.<sup>3</sup> Mr. Herrera told us that ABAT conducted a surprise "visit" inspection and found that Wolfhound was in full compliance.

Second, we first became aware of Ms. Chen's efforts to obtain support for her opposition to our expansion shortly after we posted the City Notice when our customers told us that Ms. Chen was making what I believe major misstatements, I called her. I felt that I was polite and requested that we all meet to discuss and address her opposition. Ms. Chen stated that she would not meet with us, period. She told me that she didn't want to hear anything we had to say. She responded that the only resolution that would satisfy her would be for us to shut down completely.

### **Response to General Allegations**

#### **Allegations of Excessive Noise, Litter, Loitering**

**Noise: [from the bar]** Wolfhound keeps shut its doors after 9:00 PM to prevent noise from the bar affecting the residential neighbors



nearby. To make sure that is the case, we have purchased a Sound Level Meter ("SLM"). During our noisiest times, we take the SLM to the property line of our residential neighbors and measure the noise. Between now and the next Planning Commission we will log our results and present them to you.

**Noise from patrons of the bar on San Pablo Avenue:** Thursday through Sunday we have a security guard. His or her duty is to request that customers not congregate along San Pablo Avenue but go directly to

*3 Part of the funds paid to ABAT are required to be spent on surprise visits to ensure compliance.*

their cars. Unfortunately, the security guards cannot control or direct the behavior of people on the street, who are not patrons. We are aware that customers leaving on Tuesday, Trivia Night, and our busiest night may very well continue their conversation when the games cease. We will request that all of our customers complete their conversations before they leave the bar.

**Litter: We are in compliance.** Every day prior to opening the business the entire sidewalk area in front of the bar is swept and all debris removed. That has been our practice since opening. In addition, we have instructed our patrons to put out their cigarettes in the large ashtray at our entrance. When the bouncer or security person is on duty s/he enforces that requirement. Beginning now we will clean up the sidewalk in front of our bar and 25' in both directions at close of business, and prior to opening the next day.

**Loitering: We are in compliance.** We have signs inside Wolfhound instructing patrons not to loiter. Our bouncer/security enforces that as well. We can improve upon that by being more specific in our instructions to our patrons and bouncer/security; to wit: any conversation over 10 minutes outside the bar constitutes "loitering". Security/bouncer will, after a few minutes, advise patrons engaged in sidewalk conversation that they must disperse. Caveat: While bouncer/security may advise non-patrons, or people loitering on the street who are not there in any relation to Wolfhound's presence to disperse, they do have the authority to make those individuals leave. We are open to any advice the Commission may have to deal with this situation.

**Smoking on the sidewalks:** We know and have enforced the requirement that our smoking customers stay more than 25' from our doorway. We will, beginning this weekend, provide signs, showing the areas outside Wolfhound where they are NOT permitted to smoke, including 25' from the entrance to any residence or open business.

### **Response to Specific Allegations in Ms. Chen's Letter**

Tenant Complaints Exhibit 1 and 2): (addressed above). In addition, we will post on the exterior of Wolfhound, a hot line number to call with any complaints. We will keep a log of all calls, including date, name, nature of complaint and resolution.

Prostitute on Bench in Front Residence; Excessive Noise (Exhibits 2 and 3). The benches in front of Ms. Chen's apartment are not



Wolfhound's, nor did we place them there. They were there before we moved in. The prostitute on April 18<sup>th</sup> was not a Wolfhound customer, and not connected to personnel or patrons of Wolfhound. We did take it upon ourselves to remove the bench.

In fact, since Wolfhound's opening, the pre-existing prostitute problem has been almost entirely eliminated. The tenants in these exhibits, had on several occasions, been so abusive to our staff (behavior that Ms. Chen also complained of to us) that we had to threaten to call the police to get them to leave.

Broken Window, Graffiti (Exhibits 4 and 6). We agree that the window had been broken and there was too long a period of time before the window was replaced. However, the facts are that the window was not broken by a patron of Wolfhound, but a neighborhood person, known to have behavioral health issues. As reported by our security guard and captured on our CCTV cameras, the man, already intoxicated, walked past Wolfhound, broke the window and ran away. The window is not part of Wolfhound, but of another space, the pottery studio. We reported the incident to the owner, Wallace Whittier (Wally). The delay occurred due to a major breakdown in communication. Wally asked another tenant to replace the window. The tenant thought we were going to replace it; Wally thought we agreed to replace. None of us checked with the other. While it's not a defense, Ms. Chen knows one of the partner's direct number and could have called him directly.

Unabated Noise on the Street (Exhibits 5,7,9). We do abate noise in front of our business, and, since seeing Ms. Marino's and Mr. Gordon's complaints, will not only continue to do so, but also will be more active by posting notices inside Wolfhound and providing verbal notice and requests to desist to customers talking loudly on the street. Our customers have been very responsive to our requests. Should the signs and warnings fail, we will "ban" uncooperative patrons from Wolfhound. Since these complaints are for behavior that occurs in front of Ms. Chen's building, we will also go the extra step to control loud talking in front of Ms. Chen's building.

Loud noise from my motorcycle (Exhibit 10): Ms. Chen asserts that I rev up my motorcycle at 1:00 is categorically untrue. Yes, I do own a motorcycle; it is pictured on my Linked-In page but I do not have my motorcycle at Wolfhound at night. After work I take Uber home as I do not drink and drive. No Wolfhound employee owns a motorbike. A motorbike may have revved up in front of Ms. Chen's building, but it was not mine. As she knows we maintain video security, CCTV cameras. A prompt complaint would allow us to view the tape to ascertain whether the motorcycle or motorbike belongs to a Wolfhound customer.

Live music without a permit (Exhibit 11): That allegation, too, is not true and is based on Ms. Chen's putting 2 and 2 together and making 5. "They do have a piano and sometimes my husband plays for fun." Yes, Wolfhound has a piano and Samantha's husband may "play for fun." Our piano would have to be tuned before anyone could play it. We are talking to Samantha's husband, and others about playing at



Wolfhound. Before that could happen we would have to make the piano operable and obtain a Cabaret permit.

Wolfhound owners will own and operate the new pizza restaurant (Exhibit 12). Again not true; and another example of  $2 + 2 = 5$ . Mr. Whittier wrote that we brought the “purveyors” of Haddon Hill Café to him to open a pizza restaurant, not that we would be the owners or operators.

### **Conclusion**

We want to have a successful neighborhood bar, that is all. And we are willing to work with any of our neighbors if there are any issues, including Ms. Chen. Is she will meet with us and work collaboratively?

Our bar is a small one and we are never that busy. I would say as most bars go we would be on the quieter side. We have worked very hard to comply with the City’s conditions. We have a security guard on the door each Thursday, Friday, Saturday and Sunday nights. We have receptacles for our clients for cigarettes. We sweep the pavement each morning. We ask patrons to respect our neighbors and to keep the noise down and we have signs up saying as much. If there is any graffiti we clean it immediately.

Having this wonderful neighborhood bar is our dream come true. We have contributed to the revitalization of this section of San Pablo Avenue, an area that was ‘drive by fast’ not stop and visit. There are still too many vacant storefronts. Revitalization needs to be expanded. We need successful establishments to keep eyes on the street night and day.

We gladly invite Zoning and Planning Staff, this Commission, OPD or the ABC to come see for themselves.

We would very much like to have our hearing soon. Since we started preparing for this application we have paid rent, over \$10,000 on the additional space. And in that time our hearing before you has been postponed four separate times. We understand the need to be thorough and to investigate Ms. Chen's charges but we believe it's time to have our story and her charges heard before you.

I thank you in advance for your time and courtesy in this matter.

Regards,

Peadar Kelleher.

|



# GOLDEN GATE STUDIOS LLC.

2 Whitehall Drive, Orinda, CA 94563  
Email: [chalbers@comcast.net](mailto:chalbers@comcast.net) Phone: 510-316-9947

---

Sent via Certified Mail and Personal Delivery

May 25<sup>th</sup>, 2016

Mr. Jose Herrera-Preza  
Case Planner  
City of Oakland  
250 Frank H. Ogawa Plaza – Suite 2114  
Oakland, CA 94612-2032

**RE: Case File No. PLN14018-R01 / 5516-5518 San Pablo Avenue / Wolfhound Bar**

Dear Mr. Herrera-Preza:

The Planning Commission's task is not to consider whether Wolfhound Bar has some support in the community. Your task is to determine whether the owners of Wolfhound Bar have complied with the terms of their Major Conditional Use Permit to operate their bar. A Conditional Use Permit is a contract between the City of Oakland and the Permittee; compliance and enforcement of compliance are required by law. The evidence accumulated since the Bar's opening, show irrefutably that Wolfhound Bar's owners have repeatedly violated the terms set forth in their permit.

I am writing to you as the Managing Partner of Golden Gate Studios, LLC, which owns the 3 story apartment building, located at 5500 San Pablo Avenue, Oakland, CA 94608, right next to Wolfhound Bar. My partners and I bought our building in May, 2008, and since then, I have worked as the Off-Site Manager of the building. We support the City of Oakland's desire to develop the San Pablo corridor into a thriving commercial district. This is why none of us attended the initial public hearing, held in 2014, when the owners of Wolfhound Bar first applied for their Major Conditional Use Permit to operate their bar. We wanted them to succeed and we hoped that they would be good neighbors. The problems with Wolfhound Bar, however, started as soon as it opened for business.

As the Off-Site Manager of Golden Gate Studios, I do not personally live in the 3-story apartment building next to Wolfhound Bar. Therefore, I can only know and respond to any problems resulting from the bar's operations when my tenants call me or file a written

complaint via email. This is the first time my tenants and I have contacted the Planning Commission regarding our problems with Wolfhound Bar because previously, we did not know the process needed to address and abate all our nuisance complaints. The following paragraphs comprise a log of the problems my tenants and I have encountered and our attempts to work with Wolfhound Bar's owners to address those problems.

On 04/07/2015, I met with Wolfhound Bar's owners, and asked them to be vigilant about noise, litter, public drunkenness and any loitering which may result from the operation of their bar. Wolfhound's owners told me that Thursday, 04/02/2015 was their opening night so it was more boisterous than they would expect most nights to be in the future. They also assured me that they would take care of any problems in the future (EXHIBIT 1).

That very night, on 04/07/2015, 11:11 p.m., I received a complaint from our tenants, Mr. Anders Vidstrand and Ms. Sarah Moran who lived in the corner live/work loft on the ground floor. Their complaint focused on bar patrons smoking in front of our building, excessive noise and unprofessional conduct by bar staff, in clear violation of the Bar's Conditional Use Permit (EXHIBIT 2).

On 04/18/2015, at 9:95 p.m., I received a 2<sup>nd</sup> formal complaint from the Mr. Vidstrand and Ms. Moran regarding loitering and harassment by bar patrons (EXHIBIT 3). In the fall of 2015, Mr. Vidstrand and Ms. Moran, moved out of our building due to the problems stemming from Wolfhound Bar's owners, patrons and staff.

On 04/22/2015, I went to Wolfhound Bar, hoping to address our tenant's complaints. None of the owners were there. The bartender on duty said I had to talk to the owners but he did not give me any contact information to reach the owners. Aside from this lone bartender, I did not see any other staff present.

Sometime in October or November, 2015, I noticed that the store front window of the space adjacent to Wolfhound Bar had been smashed, and that someone had nailed a piece of plywood to cover the hole (EXHIBIT 4). I went inside the bar to inquire about the situation. The young, blond bartender told me that one of the bar's patrons got drunk and had smashed the window. He also told me that the owners had banned this problem patron from the bar. I asked him when he thought the owners would fix the window. He said he did not know. I did not see any other employee at the bar. There were no security personnel in sight.

On 11/26/2015, at 1:29 a.m., I received an emailed complaint from Ms. Amalia Marino, a tenant who lives on the 3<sup>rd</sup> floor (EXHIBIT 5). A portion of Ms. Marino's complaint reads as follows:

" It's 1:20am and I'll be cooking thanksgiving dinner all day tomorrow for clients and all I can hear right now is really loud music coming from the bar and drunk people yelling. I've called the police non-emergency number several times before but it doesn't seem to help."



On 11/30/2015, at around 6:00 p.m., I went to Wolfhound Bar, to talk to the owners regarding Ms. Marino's complaint. Again, the owners were not there. There was a young woman bartending, but she said she could not help me and that I would have to talk to the owners. I could not get a phone number or email address for the bar's owners from her. Again, there were no security personnel in sight.

On 12/04/2015, at around 6:30 pm, I went back to Wolfhound Bar, on a Friday night, hoping to catch one of the owners. By now, the plywood nailed to the adjacent store front was covered with graffiti (EXHIBIT 6). One of the owners present apologized for the noise and unruly behavior, and said he would take care of the problem. I asked him when he would replace the broken window in the adjacent space. He said that someone was going to rent the space soon, and the new tenants will replace the window then. Again, I did not see any security personnel at the bar.

One month later, the smashed store front window was still covered by a piece of plywood and graffiti.

On 01/29/2016, early evening, I went back to Wolfhound Bar and asked its owner when he was going to replace the broken window. I told him I had hosted an Open House to show prospective tenants a vacant unit and some potential applicants told me the neighborhood looked blighted. Again, this owner told me that a new business was going to rent the adjacent space soon and they will take care of the window. I asked him why the new business should replace the window when it was his customer who broke it in the first place. He said it was pointless to replace the store front window if the new business was going to remodel. This owner never revealed to me during our conversation that he and Wolfhound Bar were, in fact, going to be the "new business".

On 04/02/2016, Saturday, I hosted another Open House to show another vacant unit, and again some interested applicants asked me about the blighted store front next door. After my Open House, I went to Wolfhound Bar again. I think the owners were all there. I told them that if they didn't fix the broken window, I would file a Nuisance/Blight complaint against them. They assured me the window would be replaced within a week. One week later, the broken window was still not fixed.

Sometime in mid-April 2016, the broken window was finally replaced and the graffiti covered plywood removed. Within days, I received a notice from the Planning Commission that Wolfhound Bar had submitted an application to expand into the adjacent space next door. I wonder whether the owners of Wolfhound Bar and the Property's owner, Mr. Wallace Whittier, would have bothered to fix the broken window if they did not have to face a public Planning Commission Hearing.

On 04/16/2016, pursuant to the Planning Commission's notification of Wolfhound Bar's application to expand into the space next door, I received a written complaint from our tenant, Mr. Bruce Gordon. Mr. Gordon is an elderly man who has lived in his 2<sup>nd</sup> floor apartment since 1992. During my 8-year tenure as Manager of Golden Gate Studios, I have never heard Mr. Gordon complain about his neighbors. In his letter regarding Wolfhound

Bar, Mr. Gordon complained about the “the shouting, vomiting, car alarms, smoking and general drunk behavior of some of (the bar’s) patrons” (EXHIBIT 7).

On 04/20/2016, at 1:08 a.m., our tenant, Ms. Amalia Marino, sent Mr. Jose Herrera an email regarding the problems she has experienced with Wolfhound bar’s patrons and staff. The complaints include: constant noise problems, smoking in front of our building, litter, inconsistent/ineffectual presence of a door person, graffiti perpetuate by bar patrons on our property and general unruly, drunken behavior (EXHIBIT 8).

On 05/10/2016, at 6:48 p.m., our tenant, Mr. Tony White, who lives on the 3<sup>rd</sup> floor of our building sent Mr. Jose Herrera an email complaining about noise, smoking and litter on the sidewalks in front of our building (EXHIBIT 9). While I understand that you may feel someone revving up his motorcycle at 1:00 a.m. in front of our building is a not violation of Wolfhound Bar’s Conditional Use Permit, the fact that the offender is Mr. Peadar Kelleher, operator of the bar, and the motorcycle belongs to him, shows his flagrant lack of concern for his neighbors (EXHIBIT 10).

Another piece of evidence pointing to Wolfhound Bar’s owners disregard or misunderstanding of their Conditional Use Permit is an email I received from a neighbor, Samantha Blanchard, who writes that Wolfhound Bar has a piano and her husband plays there occasionally, even though the Bar does not have a Cabaret Permit (EXHIBIT 11).

Since I, myself, do not live right next to Wolfhound Bar, I can only find out about problems stemming from the bar’s operations when a tenant complains to me. I only recently learned that many of our tenants had never contacted me and instead, had tried to resolve the problems with Wolfhound directly, and when that failed, called OPD.

Even this limited record of complaints shows irrefutably that the owners of Wolfhound Bar have consistently violated the terms of their conditional use permit. An examination of the Oakland Police Department’s records will reveal even more calls for service related to problems with the bar. Based on my own experience in trying to resolve these problems with Wolfhound Bar’s owners, I have found them to be dismissive and evasive. They have a history of being very difficult to work with.

While a thriving business will generate sales tax income for the City, the evidence shows that the problems stemming from Wolfhound Bar drain the City’s limited resources when neighbors have to call OPD, file nuisance complaints, or seek relieve through the Planning Commission, City Council and the courts.

Your vote to approve Wolfhound Bar’s application to expand into the adjacent space next door will just create more problems. According to the property owner, Mr. Wallace Whittier’s letter, dated May, 10, 2016, to the Planning Commission, his tenants, the owners of Wolfhound Bar, hope to open a pizza place in the adjacent space (EXHIBIT 12). I am very concerned that any fumes from their kitchen will be vented straight into the windows of my 2<sup>nd</sup> and 3<sup>rd</sup> floor tenants.



Again, I reiterate - the task facing the Planning Commission regarding Case File No. PLN14018-R01 is to determine whether Wolfhound Bar and its owners have complied with the terms of their Conditional Use Permit. The evidence clearly show that they have not. My partners, tenants and I need you to enforce compliance and to enforce the law.

We have peacefully co-existed with our neighbors over the past 8 years. The 5 live/work lofts are legally permitted, and have been home to 2 architects, a psychotherapist, a software developer, a filmmaker, 2 artists and many more wonderful people. All my tenants have the right to live in peace. While Wolfhound Bar's supporters may aver that they have never experienced any problems at the bar, they are not in the bar 24/7. By contrast, Mr. Bruce Gordon, who wrote one of the most bitter testimonials against the bar, is an elderly Section-8 tenant with no access to a car. Mr. Gordon is home almost all the time.

We hope you will uphold the law so my partners, tenants and I can get some relief from the misery caused by Wolfhound Bar. I will be on vacation from July 12<sup>th</sup> to August 5<sup>th</sup>. If the Planning Commission votes to allow Wolfhound Bar to expand with little or no oversight, we will definitely appeal. I have already received the necessary paperwork. Since we have only 10 days after the Planning Commission's decision to file the necessary paperwork, please make sure that I get notice of your decision as soon as possible. We are, however, resigned to the fact that we may have to go to court to seek relief from the problems stemming from Wolfhound Bar.

Very Truly Yours,

A handwritten signature in blue ink, appearing to be 'Amy Chen', with a long horizontal flourish extending to the right.

Amy Chen  
Managing Partner  
Golden Gate Studios, LLC  
(510) 316-9947

## Amy Chen

---

**From:** moran.sarah <moran.sarah@ymail.com>  
**Sent:** Wednesday, April 8, 2015 12:38 PM  
**To:** Amy Chen  
**Subject:** Re: Wolfhound Bar

Thank you Amy.

We will keep a log.

The issue of groups of people smoking should be their greatest concern. They did put out a plastic bucket with sand for cigarettes but that is not a fire safe option. Simply keeping bar goes indoors and installing no smoking sign with corresponding policy would be a good start for them.

Best,  
Sarah

**EXHIBIT 1**

Sent from my iPhone

On Apr 8, 2015, at 8:42 AM, "Amy Chen" <chalbers@comcast.net> wrote:

> Hi Sarah,  
>  
> I spoke to the owners of Wolfhound yesterday and told them to be  
> vigilant about noise, litter, public drunkenness, and any loitering  
> which may result from their operations. They told me that Thursday  
> was their opening night so it was more boisterous than they would  
> expect most nights to be in the future. If there continues to be  
> problems, I will call a neighborhood meeting to address this issue.  
> In the meantime, the best thing to do is keep a written log of all  
> incidences; this documentation should be clear and detailed, such that  
> it can be used in any formal complaints to the city or be used as  
> evidence in a class action lawsuit. Please encourage Amalia and  
> anyone else who is concerned to do the same thing. If we do decide to  
> file a formal complaint or lawsuit, written documentation becomes  
> crucial. A formal complaint/hearing is a big deal since it may result in Wolfhound losing its license to operate or fines.  
>  
> Warmest regards,  
> Amy T. Chen  
> Managing Partner  
> Golden Gate Studios, LLC.  
> (510) 316-9947  
>  
>  
>  
> -----Original Message-----  
> From: Sarah Moran [mailto:moran.sarah@ymail.com]  
> Sent: Tuesday, April 07, 2015 11:11 PM  
> To: Amy Chen



> Subject: Re: Upstairs Neighbor Official Complaint

>

>

> Hi Amy,

>

> How are you? I hope you are well.

>

> I wanted to reach out to you regarding the bar that has gone in next door.

> We had tried to keep and open mind but, every evening after 11pm the

> noise starts. They are using the side walk as a smoking area.

>

> I tried talking to the owners/ employees but they are actually a big

> part of the problem. Last Thursday at 1:45am, I went outside and asked

> them to keep it down. I was told quote " while your concern is valid,

> this is a bar and there will be random shit heads that we can not control".

>

> I also warned them about smoking, they are validating the CA smoking

> ordinance - not only are they littering but a the noise is derived

> from drunk people smoke on there street after 10pm. The later it

> gets, the drunker and louder they get.

>

> Is there anything we can do? Please help.

>

> Best,

> Sarah & Anders (and Amalia) =

>

>

> ---

> This email has been checked for viruses by Avast antivirus software.

> <http://www.avast.com>

>

## Amy Chen

---

**From:** Sarah Moran <moran.sarah@ymail.com>  
**Sent:** Tuesday, April 7, 2015 11:11 PM  
**To:** Amy Chen  
**Subject:** Re: Upstairs Neighbor Official Complaint

Hi Amy,

How are you? I hope you are well.

I wanted to reach out to you regarding the bar that has gone in next door. We had tried to keep an open mind but, every evening after 11pm the noise starts. They are using the side walk as a smoking area...

I tried talking to the owners/ employees but they are actually a big part of the problem. Last Thursday at 1:45am, I went outside and asked them to keep it down. I was told quote "while your concern is valid, this is a bar and there will be random shit heads that we can not control".

I also warned them about smoking, they are validating the CA smoking ordinance - not only are they littering but the noise is derived from drunk people smoke on their street after 10pm. The later it gets, the drunker and louder they get.

Is there anything we can do? Please help.

Best,  
Sarah & Anders (and Amalia) =

**EXHIBIT 2**



## Amy Chen

---

**From:** Sarah Moran <moran.sarah@ymail.com>  
**Sent:** Saturday, April 18, 2015 9:59 PM  
**To:** Amy Chen  
**Subject:** Re: Bar Official Complaint

Hello Amy,

I would like to file a second official complaint about the bar. When we came home this evening at 9pm, there was a prostitute sitting on the planters out front of our apartment. She heckled me when I was checking the mail and said I "looked like Mary-Anne fro Gilligan's Island" - she was smoking near the door to our house and the bar's the bouncer Niko did nothing to prevent this.

When I complained to the bouncer he yelled at me an belittled me for asking him to not allow this behavior. Anders came out and he asked Anders "how he could be deal with a women like me every day". A group of men were yelling at us, one man followed Anders to our door and looked in our house. It was very uncomfortable for us knowing that these men know where we live. I am not sure the best way to keep a log of complaints so, I am emailing you.

Amy, you have always had and outspoken quality and stand up for what you believe in. I feel that way about the bar. I feel the zoning is wrong and that others neighbors may not have lived here long enough to see that this is not a good thing or they may feel that there is nothing they can do. I want to stand up for our neighborhood and I want our block to be beautiful and not the ashtray of civilization. Even their ashtray is just a plastic bucket and not up to code.

I know that this is not your responsibility and I am sure that I am more vocal than other neighbors, but it is because I care about our block and our building.

Sarah

## EXHIBIT 3

On Apr 7, 2015, at 11:10 PM, Sarah Moran <moran.sarah@ymail.com> wrote:

>  
> Hi Amy,  
>  
> How are you? I hope you are well.  
>  
> I wanted to reach out to you regarding the bar that has gone in next door. We had tried to keep an open mind but, every evening after 11pm the noise starts. They are using the side walk as a smoking area...  
>  
> I tried talking to the owners/ employees but they are actually a big part of the problem. Last Thursday at 1:45am, I went outside and asked them to keep it down. I was told quote " while your concern is valid, this is a bar and there will be random shit heads that we can not control".  
>  
> I also warned them about smoking, they are validating the CA smoking ordinance - not only are they littering but the noise is derived from drunk people smoke on there street after 10pm. The later it gets, the drunker and louder they get.  
>  
> Is there anything we can do? Please help.  
>  
> Best,





EXHIBIT 4



## Amy Chen

---

**From:** Amalia Marino <amalia.marino@gmail.com>  
**Sent:** Thursday, November 26, 2015 1:29 AM  
**To:** Amy Chen  
**Subject:** Bar noise

Hi Amy,

It's 1:20am and I'll be cooking thanksgiving dinner all day tomorrow for clients and all I can hear right now is really loud music coming from the bar and drunk people yelling.

I've called the police non-emergency number several times before but it doesn't seem to help. I know you've dealt with matters that impact the community in the past and I would really love your guidance about what to do here.

Maybe after the holiday you could drop me a line and let me know how I can be effective in getting this to stop. I hope you have a very nice thanksgiving.

All my best,

Amalia

EXHIBIT 5





EXHIBIT 6



04/16/16

To whom it may concern

Recently I was told of the planned expansion of the Wolfhound Bar, into the vacant property between said Bar + 5508 San Pablo Ave, the building in which I have resided in since 1990.

If I had known before they opened that the bar would become the nuisance it ~~has~~ been, I (and I'm sure a number of residents' of our building, & others would have strenuously objected. Even if the bar is soundproof, it won't stop the shouting, vomiting, car alarms, smoking, & general drunk behavior of some of it's patrons. To extend an already bad situation, into an intolerable one, would be an extremely bad idea. I therefore must ask you to not issue a permit to proceed.

Sincerely:

Bruce E. Gordon  
5508 San Pablo Ave Oakland 94608

**EXHIBIT 7**



# EXHIBIT 8 (page 1)

Herrera, Jose

---

**From:** Amalia Marino <amalia.marino@gmail.com>  
**Sent:** Wednesday, April 23, 2015 1:08 AM  
**To:** Herrera, Jose  
**Subject:** Wolfhound is ruining my neighborhood.

Dear Mr. Herrera-Preza,

I am writing to you concerning the expansion of Wolfhound bar, the Case File Number is PLN14018-R01 and I understand that you are the Case Planner for this project. I will be unable to attend the Planning Commission's hearing tomorrow so I hope that this letter will be a strong enough representation of my feelings and that you take my voice into consideration.

I live in an apartment on the third floor of 5508 San Pablo. I am on the side of the building, back from the front a bit, and my windows face north, so I am looking out directly on top of Wolfhound's rooftop. I have lived here for 5 and a half years and I have always found my neighborhood pleasant and safe. It is even quiet at night despite living so close to a main road. That is not so now. I work as a cook and often my hours are irregular—very late or very early—and I was initially excited that there would be a bar so close to home. However, it seems that the owners of Wolfhound are completely ill-equipped to run a bar, and their presence here is ruining my neighborhood and has even driven off some of my neighbors. I don't want to make this letter too long-winded so maybe bullet points from here would be good to list my reasons for complaint against this bar:

--constant noise from music, the Tuesday night trivia that can be clearly heard and understood over a block away, and—best of all—from drunk and loud clientele. It's extra fun when said clientele is arguing for a sustained period of time. For whatever reason of physics or nature, all the sound from the front of the bar bounces right up the side of my building. Into my windows and likely into my neighbors windows. I have made noise complaints to OPD at least six times in the last few months. No one ever tries to control the noise, they don't even have those "please respect our neighbors" signs. They aren't even pretending to try or care.

--smoking. EVERYWHERE. I have read Wolfhound's original permit and it states that smoking is only permitted to the north of their front door, yet there are constantly smokers in front of my door (to the south) so that the halls of my building often smell of cigarettes, which they never have before. Nothing is done to enforce this condition of their original permit.

--cigarette butts now litter the sidewalk and seem to never be cleaned up at all, nor is there a location for smokers to dispose of their butts.

—about that permit, it falsely states that there are no ground floor residences near the bar—this is completely untrue. There are ground floor residences on both sides of the bar. I once had to force a door person to ask two customers to move who were having a loud conversation directly in front of one of those doors. On a weeknight. At one AM. I know the people living in that apartment, they work early in the morning.

—more noise at 2 or 2:30 am when all the glass bottles are taken out (I don't know when you last heard an entire trash bin of glass bottles being emptied but it has got to be in the Top 10 worst sounds in the world) and then *again* when the recycling is collected at 5am.

--the inconsistent/ineffectual presence of a door person. Even when there is a person on the door they do absolutely nothing to control noise, smoking, litter, or the creepiness of their clients. I am a woman coming home late at night—often the clearly over-served male clientele mistake me for someone who might like to talk to them. No door person—if one is present—has ever tried to control any of these situations which are at best uncomfortable, and at worst a bit scary.

—bar patrons are graffitiing the planter/bench in front of my building and the walls of buildings adjacent to the bar. I know there is graffiti all over Oakland, but I have actually seen bar patrons doing this. It's



more the carving or marker kind, less the spray paint kind, again, no  
anything about this.

one from the bar is doing

Well, this letter is still maybe a bit long-winded, and I apologize for that. I hope that you are hearing me (and hopefully my neighbors too) when I/we say that this bar has disrupted all of our lives. The owners do not seem to care about running a business that is respectful of their neighbors, the conditions of their permit, the law, nor the requirements of the ABC (they over-serve their clients often and my neighbors have seen bar patrons outside with pint glasses). The last thing this bar needs is the space for *more* drunks who they will do nothing to control. *Please* do not give this space to them. If it is in your power to make the space they have now smaller, maybe do that instead. I have lost dear neighbors and even dearer sleep, and I feel less safe in my neighborhood. I know there is a better way to run a bar—I see people doing so all over Oakland everyday. Thank you for your time and consideration.

Sincerely,

Amalia Mariño

EXHIBIT 8 (page 2)

## Herrera, Jose

---

**From:** Tony White <tcwhite13@rocketmail.com>  
**Sent:** Tuesday, May 10, 2016 6:48 PM  
**To:** Herrera, Jose  
**Subject:** Wolfhound Bar CN# PLN14018-R01

Good evening you can use this as a formal complaint.  
Aside from all the cigarette butts and the late night noise.  
There is someone who currently parks his motor cycle on the sidewalk late night I think he works there not sure any way when he is done drinking or what ever between 12:00 and 01:00 am he wakes us up every night with his motor cycle.  
And we have to go to work at 06:00 am.  
I have seen people putting out cigarette butts on the building, Vile all over the side walk that we have to step over etc..

Thanks in advance

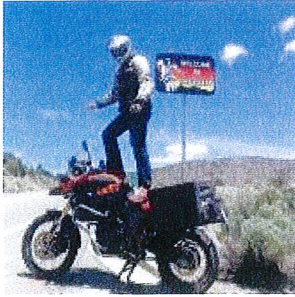
Tony and Sandra #8

**EXHIBIT 9**





Female Partners - You've Been Selected To Join A Network Of Prof. Women-Confirm Your Info Now | [Read More »](#)



# Peadar Kelleher

3rd

Owner Shannon Moving, Owner **Wolfhound Bar** Owner Judge Casey's Relish, Owner Benbulbin LLC  
San Francisco Bay Area | Transportation/Trucking/Railroad

Current Self-employed  
Education Colaiste Ghobnatan

Connect

Send Peadar InMail

31 connections

<https://www.linkedin.com/in/peadar-kelleher-131a4bba>

## Background



Experience

### Manager

Self-employed

EXHIBIT 10



Certifications

### Media Production

DIT University



Education

### Colaiste Ghobnatan

Media Studies

1992 - 1998

### Colaiste Ghobnatan



Volunteer Experience & Causes

### Causes Peadar cares about:

- Arts and Culture
- Civil Rights and Social Action
- Education
- Environment
- Politics
- Poverty Alleviation

## Ads You May Be Interested In

- Top PR Firm for Startups**  
Resound delivers sustainable PR and press clips BEYOND the launch.
- UC Berkeley Executive MBA**  
19-Month MBA for Professionals. Download a Free Brochure to Learn More.
- Liquid Fireworks**  
Outdoor and indoor water shows, displays & spectacles. Click for more info!

## People Also Viewed

- Rasheeda Jones**  
Client Service Specialist at Louis Vuitton
- jean-marc lubin**  
RESPONSABLE D EXPLOITATION chez SVR SARP
- Sarah Lelièvre Reneaume**  
UX/UI Designer at TouchPlan.io by Moca Systems
- Anne Ross**  
Photography office manager
- Julia Dickey**  
UX, Designer, Copywriter
- Tiffany Cabasso**  
Product Manager at Textiles Kadima SA
- Herve NOEL**  
Program Design Authority at Thales
- vanessa parizot**  
Office Manager - Bilingue Anglais
- Julian Vergnes**  
Global Footwear category coordinator chez ELEMENT
- Stacy Hoover**  
Designer

## How You're Connected



You

x

## Amy Chen

---

**From:** Nextdoor Golden Gate District <reply@rs.email.nextdoor.com>  
**Sent:** Friday, May 13, 2016 7:06 PM  
**To:** chalbers@comcast.net  
**Subject:** Re: Problems with Wolfhound Bar



Samantha Blanchard, Golden Gate District

They have a piano, and sometimes my husband plays for fun. Wolfhound may let him work for tips... still under negotiation. I say we keep them if they want to support live music!!! Rock On!

Original post by Amy Chen from Golden Gate District (51 replies):

Hello neighbors,

My partners and I own the 3-story apartment building on 55th Street and San Pablo Avenue, next to Wolfhound Bar. We recently received a Notice of Hearing from the Oakland City...

Apr 20 in Crime & Safety to Golden Gate District

[View or reply](#)

[Thank](#)

[Private message](#)

You can also reply to this email or use Nextdoor for [iPhone](#) or [Android](#)

You received this update because you created this post. [Stop receiving immediate updates on this post](#)

This message is intended for chalbers@comcast.net.

[Unsubscribe or adjust your email settings](#)

Nextdoor, 760 Market Street, Suite 300, San Francisco, CA 94102

**EXHIBIT II**



May 10, 2016

Planning Commission  
City of Oakland  
250 Frank H Ogawa Plaza  
Oakland, CA 94612

**Re: PLN 14018-R01-Expansion Plans for the Wolfhound Bar**

Dear Planning Commission Members,

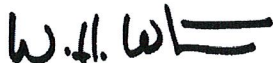
I write in support of the Wolfhound Bar's expansion plans. I am the managing partner of the ownership group for the property. In addition, I lived in the immediate neighborhood on Vallejo Street for more than ten years. My family will return to Vallejo Street in the Fall.

The Wolfhound has recreated what was once a historic gathering place for the neighborhood. They provide a much needed retail presence on San Pablo Avenue and are responsible for bringing in the purveyor of Haddon Hill Café and the Leaning Tower of Pizza to open a pizza place on the other side of the building. A convivial new restaurant will be a boon to this section of San Pablo Avenue. Despite being zoned Community Commercial, the rest of the block is not functioning as neighborhood-serving retail (or any retail for that matter).

The ownership group is an excellent tenant, which has been unusual in our ownership history, and I appreciate that they have taken a chance on the 5500 block of San Pablo which has struggled to attract retailers. They have made a significant investment in the property including a long-term commitment to stay in the space. They have also worked hard to foster community connections with events such as their regular quiz and trivia nights.

As a resident of the neighborhood, I fully support having a local pub in the neighborhood that community members can use as a gathering place if they so choose. It adds to the retail activity in the neighborhood; it puts eyes on the street that wouldn't otherwise be there; and it restores the historic space (the Streamline Bar) in the neighborhood to its previous use. My hope would be that the rest of the retail space on this block and the adjoining blocks will follow suit.

Regards,



Wallace Whittier, JD/MCP

**EXHIBIT 12**