

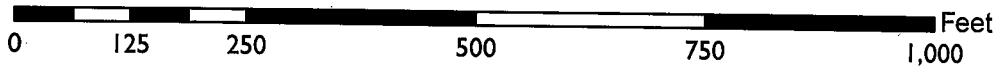
Location:	815 Broadway (APN: 001 -0201-005-00). (See map on reverse)
Proposal:	Major Revision to a previously approved Alcoholic Beverage Sales Activity, Type 21 off sale activity, within the "Umami Mart" a Japanese houseware retail store (Case File PLN14250). Revision will expand the alcohol retail sales floor area from 560 square feet to 1,229 square feet and allow for on-site tasting.
Applicant:	Umamimart LLC / Yoko Kumano (510)862-2232
Owner:	PSAI Old Oakland Associates LLC
Planning Permits Required:	Revision to Major Conditional Use Permits to allow an Alcoholic Beverage Sales Commercial Activity with Findings of Public Convenience or Necessity in an over-concentrated area (Sec. 17.134.050 & 17.103.030 (B) (2) & (3); and a Major Variance for distance separation (Sec.17.148.050).
General Plan:	Central Business District
Zoning:	CBD-P/S-7 Central Business District Pedestrian Retail Commercial Zone / Preservation Combing Zone
Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities (operation); Exempt, Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
Historic Status:	Local Landmark (DHP) Wilcox P.S. Block: Survey Rating: B-a1+
City Council District:	3
Staff Recommendation:	Approve with Conditions
Finality of Decision:	Appealable to City Council within 10 days
For Further Information:	Contact case planner Jose M. Herrera-Preza at 510-238-3808 or jherrera@oaklandnet.com

SUMMARY

The applicant requests Planning Commission approval to amend their existing Major Conditional Use Permit and Major Variance to allow the Japanese houseware store, Umami Mart, to expand retail floor area devoted to alcohol beverage sales and include new, on-site instructional tastings. The applicant first visited the Planning Commission on October 14, 2014 with an application (PLN14250) to obtain a Type 21 California Department of Alcoholic Beverage Control (ABC) license for the sale of specialty Japanese alcoholic beverages, for off-site consumption, such as wine (including sake) and craft beer. The applicant was granted approval (5 - 0) and the store has been selling alcoholic beverages since November of 2014, with no history of complaints.

As detailed below, the project meets all the required findings for approval. Therefore, staff recommends approval of the project subject to the attached conditions.

CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN14250-ROI
Applicant: Unami Mart,
Address: 815 Broadway
Zone: CBD-P

PROJECT DESCRIPTION

The applicant proposes to amend their previous approval, which limited the floor area devoted to alcohol beverages sales to 560 square feet, to allow alcohol beverage sales throughout the entirety of the 1,230 square-foot commercial space. The business, Umami Mart, will continue to sell Japanese specialty houseware, as it has since 2012, but instead of being limited to 560 square feet of alcohol retail sales/display space at the rear of the store, the operators would be able to display specialty alcoholic beverages, such as Japanese wine (including sake) and beer throughout the store. In addition, the applicant is also seeking to include new, on-site instructional tastings. The tastings conducted will be educational in nature and led by a third-party representative (for example, a sake or beer maker, a distilled spirit wholesaler, or importer). The area in which the tastings will occur will be roped off from the rest of the retail store so that it is clear where the tasting occurs and there will be proper signage designating it is a 21 and over area.

PROPERTY DESCRIPTION

The storefront is located on Broadway between 9th and 8th Streets in the Central Business District of Downtown. The business has occupied the existing 1,250 square foot commercial space since 2012. The tenant space is one of three commercial spaces in the building which are identical in size and design. The area surrounding the subject property contains several restaurants, an upscale clothing store, a supermarket (Smart and Final) and cafes.

GENERAL PLAN ANALYSIS

The site is in the Central Business District (CBD) classification in the Land Use and Transportation Element of the General Plan (LUTE). The intent of the classification is to: "Encourage, support, and enhance the Central Business District as a high density, mixed use urban center of regional importance and a primary hub for business, communications, office, government, urban residential activities, technology, retail, entertainment, and transportation." The proposal to allow specialty alcohol beverage sales is consistent with this intent by contributing to the variety of retail choices in the CBD and conforms 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 in the CBD-P/S-7 Central Business District Pedestrian Retail Commercial Zone with a Preservation Combing Zone overlay. The intent of the CBD-P Zone is: "to create, maintain, and enhance areas of the Central Business District for ground-level, pedestrian-oriented, active storefront uses. Upper story spaces are intended to be available for a wide range of office and residential activities." The following describes the permits required for the proposal and the reason each permit is required and discusses each permit requested. These items are further discussed in the "Key Issues and Impacts" section of this report.

Major Conditional Use Permit with Additional Findings

Alcohol Sales Commercial Activities are conditionally permitted in the CBD zone, and, therefore, the expansion of an Alcoholic Beverage Sales Commercial Activity (retail off-sale), and instructional tastings on-site, requires a revision to the existing Major Conditional Use Permit (CUP). Section 17.103.030B of the Planning Code also requires additional findings for alcohol sales beyond the findings required for all CUP approvals. This additional review of the alcohol activities is to ensure that they do not contribute to nuisances in the community, including alcohol-related issues and discouragement of further business attraction.

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

Findings of Public Convenience or Necessity

This proposal also requires findings of Public Convenience or Necessity. These findings, modeled on State law, are required for Alcoholic Beverage Sales in an area that is over-concentrated for these uses.

"Alcoholic beverage license over-concentrated areas" means a police beat with crime rates that exceed the City median by 20 percent or more or a census tract in which the per capita number of on-sale or off-sale retail Alcoholic Beverage Sales licenses exceeds the Alameda County median. The subject site is in Census Tract 4031 where 46 ABC licenses exist and where more than four is considered over-concentrated. The site is within Police Beat 04X, an area where 2,176 crimes were reported during the first quarter of this year. Any more than 1,142 crimes is considered over-concentrated.

Major Variance

The revision to the existing Major Variance would allow for the expansion of the floor area devoted to the retail off sale of alcoholic beverages and on-site instructional tastings. The original approval required a Variance because Section 17.103.030 of the Planning Code states that alcohol outlets (off sale alcohol sales) must be separated by at least 1,000 feet and the proposal is within 55 feet of Smart and Final and about 300 feet from Ratto's, a specialty delicatessen, both of which sell alcohol.

Staff finds the proposal, as conditioned, to be in conformance with the Planning Code because the proposal will not have nuisance impacts on the neighborhood. This issue is further discussed in the "Key Issues and Impacts" Section of this report.

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

In considering applications for the sale of alcoholic beverages, staff considers factors including, but not limited to, operational characteristics such as closing time, types of alcoholic beverages sold and overall product mix, floor plan, location of the site in relation to the public right-of-way and residential/civic uses, and over-concentration of ABC licenses and/or crime in the area.

Conditional Use Permit

Staff recommends approval of the revised Conditional Use Permit.

The purpose of the CUP is to consider compatibility of the proposed use with its surroundings and to attach operating conditions relating to ensure the business will not be a nuisance. The applicant will be required to abide by the conditions of the prior permit, such leaving the entrance door closed and having no advertisements related to alcohol merchandise on the street facing storefront. Furthermore, the business is not anticipated to generate nuisances due to the specialty nature of the alcohol products. The business would have an off-sale ABC license but would not sell items that are similar to a typical liquor store or have late hours (the store proposes a closing time of 9:00 pm). Finally, a condition of approval requires a compliance review by staff within six months of the expansion of alcohol sales.

Variance

Staff recommends approval of the revised Variance.

Approval of the Variance requires justification for relief from the distance separation requirement. The intent of the distance separation is to ensure that alcohol outlets, such as bars and liquor stores/convenience markets, which historically frequently generate nuisances, do not proliferate, especially adjacent to residences and civic uses. In this case, the proposal is not for a bar or traditional liquor store/convenience market. Further, Census Tract 4031 is considered over concentrated for alcohol because it has 37 ABC licenses but 29 are for restaurants, five are for wholesalers and distributors and only three are for off sale.

Furthermore, the proposed small specialty beverage store is in Old Oakland, adjacent to Chinatown and near Jack London Square (where no distance separation Variance would be required) is appropriate for an independent small business with a focused clientele. In addition, the operating characteristics of the proposed business are similar to a general retail sales business that carries a selection of alcohol products than a bar or liquor stores/convenience markets.

The Police Beat is considered a high crime area since the number of reported incidents is 20% above the City wide median. A total of 1,463 reported crimes were reported where the citywide median (for 2015 per OPD) was 1008, which is over concentrated. The applicant has presented the proposal to the Neighborhood Crime Prevention Council (NCPC) for Police Beat 03Y and they concluded that the business will be a valuable addition to the neighborhood. Several adjacent businesses and economic development staff wrote letters in support is provided (Attachment E.). The attached Conditions of Approval impose various requirements, such as controls on litter, noise, and hours of operation, to maintain the compatibility of the

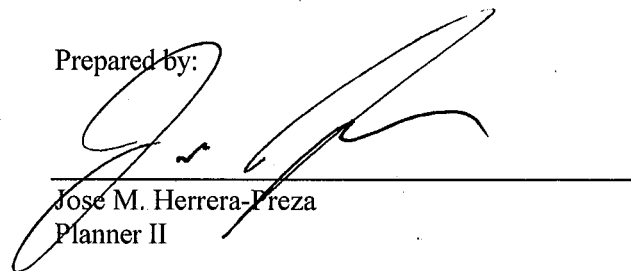
business with the surrounding neighborhood commercial area. A recommended condition of approval also requires a compliance review by staff within six months of the expansion of alcohol sales.

Staff informed the City Councilmember's Office, Neighborhood Service Coordinator, Neighborhood Crime Prevention Council, and Oakland Police Department's Alcoholic Beverage Action Team of the application and has not received any objection to the application. With conditions of approval, staff does not consider crime to be a significant issue with this application.

RECOMMENDATIONS:

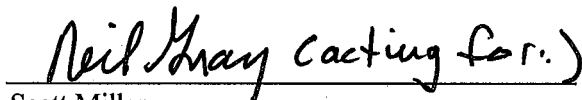
1. Affirm staff's environmental determination.
2. Approve the Amendment to the Major Conditional Use Permit and Major Variance subject to the attached findings and conditions.

Prepared by:




Jose M. Herrera-Preza
Planner II

Reviewed by:



Scott Miller
Zoning Manager

Approved for forwarding to the
City Planning Commission:



Darin Ranelletti, Interim Director
Department of Planning and Building

ATTACHMENTS:

- A. Findings
- B. Conditions of Approval
- C. October 14, 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), as detailed below and elsewhere in the Report.

General Conditional Use Permit Criteria (OMC Sec. 17.134.050)

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

The proposal will expand alcohol sales an already established boutique style neighborhood retail shop with an emphasis on Japanese housewares, artisanal products and small production alcohol items within the retail store. The alcohol component will focus on primarily off-premise bottle sales and weekly instructional tastings. The additional customers will benefit adjacent businesses on the block and the neighborhood. The expansion of the shop will further increase the diversity of retail options along Broadway. The specialty store along the Broadway corridor of downtown will serve pedestrians traveling or working in the area and residents.

Furthermore, the applicant has consulted with OPD ABAT Division and incorporated comments into the floor plan. As such, display areas are where they can be easily monitored by staff and store employees will be trained on alcoholic beverage sales related safety measures. With the recommended conditions of approval relating to loitering, noise, hours of operation, security, and trash, the activity is not expected to contribute to nuisances in the commercial district. Finally, a compliance review will be performed six months after the expansion of the alcohol sales.

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 expanded activity will occupy a commercial space and will serve as a clean comfortable place to purchase gourmet alcoholic beverages and increase comparison shopping to residents and consumers.

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 proposed activity will generate consumer interest in the area, benefitting other local businesses and, as conditioned, will be managed to avoid nuisances that are sometimes related to alcoholic beverage sales.

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

This finding is not applicable; no development is proposed.

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.

FINDINGS

See General Plan analysis, above in the Report, hereby incorporated by reference.

Use Permit Criteria for Establishments Selling Alcoholic Beverages OMC 17.103.030 A)

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

The area is over-concentrated for ABC licenses and crime. Census Tract 4031 contains 37 ABC licenses where four or more is over-concentrated per the Planning Code. However, of these 37 licenses, 29 are for restaurants, five are for wholesalers and distributors and only three are for off sale. In accordance with the City Council's 2000 resolution for a "no net increase" goal, the applicant has obtained an ABC license from the California Department of Alcohol Beverage Control Lic. #5515674 therefore, is not considered to be a significant issue with adoption of the recommended conditions of approval.

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

The site does not abut any churches, schools, parks or playgrounds within 1,000 feet; it is in an urban area surrounded by commercial and mixed-use buildings typical of a metropolitan downtown.

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

The site is accessible through one pedestrian entrance along Broadway and no construction or outdoor seating is proposed. Therefore, there will be no effect to pedestrian access in the area.

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;

No construction is proposed; the activity will take place in an existing building.

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

The conditions of approval will ensure tenant signage appropriate for the neighborhood commercial area. The conditions also require that advertising signage is not located near the storefront windows.

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

Conditions of approval require trash cans and litter clean-up both on-site and in the public right-of-way.

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 proposed activity will operate between 9:00 am and 9:00 pm, hours appropriate to a vibrant commercial corridor and consistent with adjacent businesses. There will be no open doors or windows during business hours.

FINDINGS

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.

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

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

The applicant has submitted written documentation to demonstrate that no other similar activity exists in the area and offers the community a specialty/artisanal boutique style business that enhances the commercial node. Further, a strong retail presence in the East Bay's most significant downtown is critical to the growth of the region.

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

The project will increase business tax and consumer selection, and is not anticipated to result in related nuisances given the format of the location and surrounding area.

c. That alcohol sales are typically a part of this type of business in the City of Oakland (for example and not by way of limitation, alcohol sales in a laundromat would not meet this criteria).

The sale of alcoholic beverages is typical of a small gourmet specialty store in Oakland.

4a. The proposed project is not within one thousand (1,000) feet of another alcohol outlet (not including Full Service Restaurant Commercial Activities), school, licensed day care center, public park or playground, churches, senior citizen facilities, and licensed alcohol or drug treatment facilities; and

This finding is not met and a Variance is required as included in this report; the site is within one thousand feet of two off sale alcohol businesses, as described in Variance Finding #1.

4b. Police department calls for service within the "beat" where the project is located do not exceed by twenty percent (20%), the average of calls for police service in police beats Citywide during the preceding one (1) calendar year.

This finding is met; Police Beat 03y is well below the Citywide average for service calls within the beat. Beat 03y received 4,929 calls for service while 8,132 was the city-wide average (OPD 2015 statistic).

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.

The proposal requires a Variance for relief of the 1,000-foot separation requirement from nearby off sale ABC outlets, i.e., Smart and Final Supermarket, which is located less than 55 feet away, and Ratto's delicatessen, which is about 300 feet from the proposed activity.

The intent and purpose of the ordinance requiring distance separations between certain uses is to ensure neighborhoods, with high crime rates, are not saturated with activities that generate off-site impacts such as littering, public intoxication, drinking, urination, noise, crime or violence. When analyzing the proposed activity, it satisfies the intent and purpose of the Planning Code separation requirement. In this case, it is unlikely that these nuisances will occur due to the proposed operational characteristics, such as hours of operation, specialized product mix and educational/instructional classes. Although Census Tract 4031 is considered over concentrated for alcohol because it has 37 ABC licenses, 29 of these licenses are for restaurants, five are for wholesalers and distributors, and only three are for off sale.

With use Variances, such as that proposed, "conditions of design" encompasses specific operational elements of a project; that is, business practices as they relate to land use impacts. Here, there are distinctions between the proposed use, a boutique retail shop and a liquor store or bar. The proposal has carefully considered its business operations to minimize its effect by proposing operating hours that reflect a small retail store. Conditions of approval will further limit nuisances due to the expansion of the alcohol sales. As stated in previous findings, the applicant has worked closely with OPD ABAT to implement crime prevention techniques into the project.

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;

A similar Variance was granted for a limited service restaurant to serve and sell bottles of beer and wine at 375 40th Street, and subsequently two additional restaurants within 1,000 feet were also granted a Variance. Moreover, a variance was granted for this location to initially establish the Alcoholic Beverage Sales Activity, which is being expanded with this application

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;

See Conditional Use Permit Findings, above.

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;

As previously stated, a similar Variances were granted for projects that did not meet the distance separation requirement.

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 relief from the distance separation requirement to an existing ABC outlet 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.

See General Plan Analysis, above in the Report, hereby incorporated by reference.

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.

CONDITIONS OF APPROVAL (THESE REPLACE AND SUPERCEDE PREVIOUSLY IMPOSED CONDITIONS)

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, PLN14250-R01 and the approved plans dated **May 19th, 2016**, as amended by the following conditions of approval (“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.

Project Specific Conditions: Alcohol Beverage Sales Activities

10. Sale of Alcoholic Beverages

Ongoing

a. Hours of Operation

The applicant has voluntarily agreed that Alcoholic beverages may only be sold between 9:00 AM and 9:00 PM daily.

b. Types of Alcoholic Beverages Sold

Alcoholic beverage sale includes off-sale of beer, wine, and distilled spirits for off-premise consumption, as well as on-site tasting of products sold.

c. Voluntary Restrictions on Types of Alcoholic Beverages Sold

The applicant has voluntarily agreed there shall be no sale of:

- 1) 40 oz. bottles of beer;
- 2) Malt liquor in excess of 5.9% alcoholic content;
- 3) Tobacco products; and/or
- 4) Lottery tickets

d. Additional Permits Required

Necessary ABC permit (license types #21 for general off-sale) must be obtained prior to commencement of activity. The license must be purchased from an existing license located within the City of Oakland if available or through the California ABC priority application process for new licenses issued in Alameda County.

e. Floor Plan/Displays

- 1) The displays are to be located at the greatest possible distance from the entrance.
- 2) Display of alcoholic beverages and advertising of alcoholic beverages shall not be visible through façade glazing (front windows).

f. Nuisances

The applicant shall obey all local and state laws relating to crime, litter, noise, or disorderly conduct.

g. Signage

- 1) Within 30 days of the date of decision, at least one sign (one square foot maximum) shall be posted and maintained in a legible condition at each public entrance to the building prohibiting littering and loitering. Required signage prohibiting open containers and drinking in public shall also be maintained in legible condition near each public entrance. The "No Open Container" signs are available from the cashier located on the second floor of 250 Frank H. Ogawa Plaza.
- 2) Loitering and noise would be discouraged by "No loitering" signage at the entrance of the store. Signage would be located in the parking lot stating that no drinking in the lot or public right-of-way is permitted. A contact phone number for a manager shall be located on signage within the store available to the public.

h. Graffiti

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

i. Pay Phones

No pay phones are permitted outside the building in any area controlled by the Applicant.

j. 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.

k. Trash and Litter

The licensees/property owners shall clear the site and the gutter and sidewalks along 40th Street and Webster Street 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 Section 25612.5, (sweep or mechanically clean weekly) the licensee shall clean the sidewalk with steam or equivalent measures once per month.

l. Securing Site

Applicant shall conform to Ordinance 12390 related to securing sites after hours to discourage loitering and crime in parking lots.

m. Exterior Illumination

The front of the store and parking lot shall be illuminated during the evening.

n. Deemed Approved Alcoholic Beverage Sale Regulations

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

o. 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.

p. Staff to monitor site

An employee or store manager shall be located at or near the checkout counter at all times that they are operated. Staff or store manager shall regularly monitor the store and parking lot to discourage all nuisances in the parking lot and off-site in the public right-of-way fronting the property including but not limited to discouraging loitering, littering, noise, graffiti, public drinking/intoxication/urination/violence, and noise.

q. Security cameras

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

11. Inclusion of conditions in State Department of Alcoholic Beverage Control license

Prior to signing of State Department of Alcoholic Beverage Control zoning affidavit

The applicant shall submit a letter to staff signed by the applicant addressed to the State Department of Alcoholic Beverage Control (“ABC”) agreeing to execute a Petition to Condition License in accordance with Section 23800, et. seq. of the ABC Act that they wish to include as conditions of their ABC licenses those conditions and requirements in this approval which are under the jurisdiction of the ABC. The letter shall request the ABC condition its license to those uses allowed under City permits which are also under the jurisdiction of the ABC. If the Applicant fails to make such request to the ABC to include the above conditions in its Petition to Condition License, staff may initiate enforcement proceedings pursuant to Condition of Approval 5C, including revocation.

12. Conformance with State Department of Alcoholic Beverage Control regulations

Ongoing

This use shall conform to all provisions of the Alcoholic Beverage Control Act. The ABC license(s) and Petition to Condition License shall be posted along with these Conditional Use Permit conditions in a place visible to the public. Applicant’s 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.

13. Compliance Review

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

APPROVED BY:

City Planning Commission:____(date)__(vote)

Location:	815 Broadway (APN001-0201-005-00)
Proposal:	Allow Alcoholic Beverage Sales (retail sales) with a Variance for less than 1000 feet separation from other Alcoholic Beverage Sales
Contact Person/Phone Number:	Kayoko Akabori, Umami Mart, (510) 250-9559
Owner:	PSAI Old Oakland Associates
Case File Number:	PLN 14-250
Planning Permits Required:	Major Conditional Use Permit for Alcohol Beverage Sales Activity (retail sales of bottled spirits, wine and beer); Major Variance to allow the Activity with less than 1,000 foot separation from other Alcoholic Beverage Sales and other land uses in Oakland Planning Code Section 17.103.030, in 560 square feet of an existing retail housewares store; Public Convenience or Necessity Findings
General Plan:	Central Business District Commercial
Zoning:	CBDP Central Business District Commercial Zoning District/S-7 Historic District
Environmental Determination:	Categorically Exempt, Sections 15301 (existing facilities) and 15183 (projects consistent with a community plan, general plan, or zoning) of the California Environmental Quality Act (CEQA) Guidelines
Historic Status:	Potential Designated Historic Property, Ba1+rating, Old Oakland
Service Delivery District:	Metro
City Council District:	3
Staff Recommendation:	Planning Commission to Approve with Conditions
Finality of Decision:	Appealable to the City Council
For Further Information:	Contact David Valeska at (510) 238-2075 or dvalueska@oaklandnet.com

SUMMARY

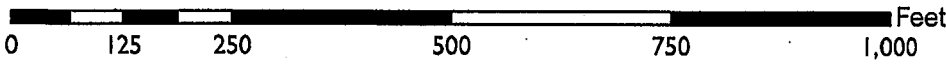
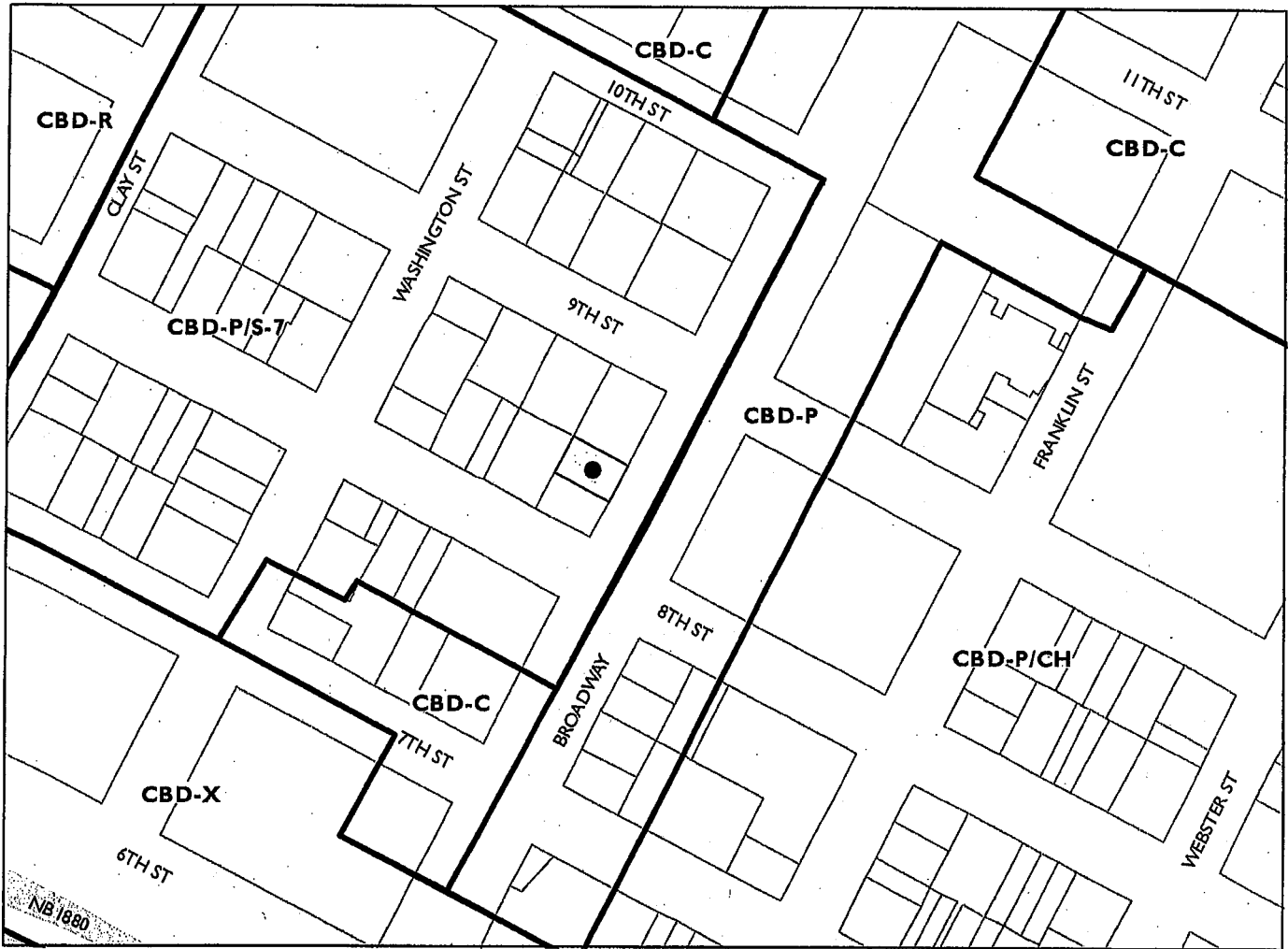
This application involves a request to establish a specialty spirits, wine and beer sales in 560 square feet of an existing retail housewares store in a commercial building on Broadway in Old Oakland, with a closing time of 9 pm. A Major Conditional Use Permit (CUP) is required in order to establish an Alcoholic Beverage Service. A Major Variance is also required due to proximity of the proposed new off-sale business within 1,000 feet of existing off-sale alcohol outlets and other activities specified in Oakland Planning Code Section 17.103, and Findings of Public Convenience or Necessity are required.

PROJECT DESCRIPTION

The applicant proposes to utilize approximately 560 square feet of the existing 1,230 square foot retail space for Alcoholic Beverage sales, including bottled spirits, wine and beer, with no on-site consumption sales of these products in Type 20 or 21 State Alcoholic Beverage Control (ABC) license type.

The business, Umami Mart, has been selling Japanese specialty housewares in Old Oakland for several years. The current store hours are 9am to 9pm. The applicant would like to expand the product line to sell mainly Japanese gourmet specialty beverages, such as beer and wine (including sake); and possibly minimal distilled liquors. The location across Broadway from Chinatown relates to an Asian retailing theme in the area. The Alcoholic Beverage Sales area would be less than half of the floorspace of the small business.

CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN14250
Applicant: Unami Mart, Kayoko Akabori
Address: 815 Broadway
Zone: CBD-P

GENERAL PLAN ANALYSIS

The site is located in the Central Business District Commercial district of the General Plan Land Use and Transportation Element. This designation provides for a variety of activities including commercial activities serving population concentration in the Downtown area. Providing gourmet alcoholic beverages will enhance the nearby tourism-supporting gourmet food and drink area near the Oakland Convention Center, Old Oakland, Chinatown and other Central Business District attractions.

ZONING ANALYSIS

The site is located in the Central Business District-Pedestrian zoning district and the S-7 Historic Overlay District. In this district, retail sales of alcohol requires a Major Conditional Use Permit. This requirement was enacted primarily to control nuisance-type alcohol sales. The applicant's request is for a very small upscale retail gourmet alcohol sales operation as part of an existing small home goods store along Broadway in Old Oakland. A Variance is required for location within 1000 feet of other alcoholic beverage retailers and sensitive uses: public park, church, senior citizen facilities per OPC17.103. Jack London Square is nearby, where zoning provides for retail sale of alcohol without a Variance. The request is consistent with the theme of this Downtown area and its gourmet concentration. No change to the historic building in the S-7 zone is planned.

ENVIRONMENTAL REVIEW

Staff has evaluated the project according to the California Environmental Quality Act (CEQA) and determined it is exempt from environmental review for the following reasons: The Old Oakland site is adjacent to Chinatown and a short walk to Jack London Square. Sections 15301 of the CEQA Guidelines exempt from environmental review small existing facilities, respectively, where the building is less than 2,500 square feet in area. The alcoholic beverage use and sales area is 560 square feet within an existing building, and does not change the floor area of the building, and is not likely to produce measurable physical or other environmental effects; therefore, the project is determined to be exempt from further CEQA review. This project is consistent with plans and zoning subject to CUP and Variance approval, and is also exempt under CEQA Guidelines section 15183 (projects consistent with community plan, general plan, or zoning).

KEY ISSUES AND IMPACTS

The applicant chose this location due to its proximity to the established gourmet specialty retail and restaurant area within the Central Business District in Old Oakland. The site is also near the 12th Street BART station and adjacent government and private office towers. One type of business which is missing from the spectrum of existing and gourmet food and beverage uses in the area is an Asian (Japanese) specialty alcoholic beverage retail shop.

The applicant's proposal requires a Major Conditional Use Permit (CUP) for Alcohol Beverage Service, and a Major Variance for off-sale (no on-site consumption) within 1,000 feet of other existing alcoholic beverage activities including bars and retailers. This site is located less than 1000 feet from an Old Oakland 9th Street marketplace containing two small wine stores which have received Conditional Use Permits. At least a half dozen bars and restaurants in Old Oakland and Chinatown are within 1000 feet of the site. This separation provision in the Oakland Planning Code was intended to restrict the proliferation of traditional liquor stores, rather than the proposed small specialty beverages including wine and beer shops. The distance separation no longer applies in the Jack London District a few blocks west. This location is appropriate for an independent Asian specialty shop, given its situation between Old Oakland

and Oakland Chinatown. The applicant's proposal is more comparable to a custom housewares store that carries a selection of alcohol products than to a traditional liquor store. In addition, the proposed business would offer customer service for a particular mix of wine and beer which may not be available at the larger chain alcoholic beverage sales activities in Jack London Square and elsewhere in Oakland.

It is reasonable to expect that the small size, early closing time and limited customer base of the proposed specialty shop will result in no adverse impacts, similar to the market hall wine shops which received Conditional Use Permits nearby. Further, the immediate neighbors are mainly commercial uses on a busy street; the nearest residential units are on backstreets which do not front toward this activity.

Overall crime statistics for the subject area (90 days prior to September 24, 2014, in a half mile radius) showed crime reports similar to other Downtown areas. The subject area had 9 thefts, 1 burglary, 6 reports related to alcohol and/or drugs, 1 robbery, 2 graffiti cases, 5 assaults, 2 vehicle thefts, and a few other reported crimes. While some crime does occur in the area, staff and the applicant believe the proposed bottle store is small and will not significantly contribute to crime levels.

The applicant plans to sell only limited-production "boutique" and "high-end craft micro-brewed" beverages, but the Conditional Use Permit and Variance would run with the property. However, if this specialty vendor moves out, a replacement business would be required to comply with the project description and conditions of this CUP and Variance. One condition memorializes the applicant's intent and asks for a restriction to be filed with California Alcoholic Beverage Control (ABC) agreeing to this limit. Otherwise, a future vendor might sell only mass-marketed spirited liquors, which is not the applicant's intent and which may not be appropriate for this location. The ABC license can be limited to the applicant's intent.

In the Old Oakland/Central Business District commercial area, the proposed specialty spirits, beer and wine sales activity would reinforce the Old Oakland gourmet shopping concept and help attract customers to neighboring commercial uses. The Old Oakland Association has been consulted and provided one of over half a dozen letters of support for the project. There were no protests filed by October 8, 2014. Therefore, staff concludes that the Findings for the Major CUP and Variance, including findings of Public Convenience or Necessity, are fulfilled, as further explained in the Findings Section and through proposed Conditions of Approval.


RECOMMENDATION:

1. Affirm staff's environmental determination.
2. Approve the Major Conditional Use Permit, Major Variance and Findings of Public Convenience or Necessity, for Alcoholic Beverage Sales, at 815 Broadway, based on the attached findings and subject to the attached conditions of approval.

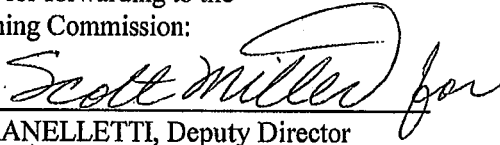
Prepared by:


David Valeska, Planner II

Approved by:


SCOTT MILLER
Zoning Manager

Approved for forwarding to the
City Planning Commission:



DARIN RANELLETTI, Deputy Director
Bureau of Planning

Attachments:

- A. Findings
- B. Conditions of Approval
- C. Plans and Photographs
- D. Applicant and Neighbor Correspondence

ATTACHMENT A: FINDINGS

FINDINGS FOR APPROVAL (ALCOHOLIC BEVERAGE SALES)

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

Section 17.134.050 (General Use Permit Criteria):

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

The proposed specialty alcohol sales shop would satisfy a community need which does not affect livability of the surrounding neighborhood, and will be operated in a small scale which is compatible with neighborhood character. The proposed store will offer a limited and ethnically-oriented gourmet wine and beer selection in a neighborhood which derives part of its identity from other nearby gourmet food and drink facilities. Conditions limit noise, light, trash/litter, loitering, late hours, substantial distilled spirit sales and similar factors to offset any potential for negative effects of alcohol sales related activities.

- 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 proposed specialty alcohol sales shop will promote availability of specialty gourmet beverages and enhance the convenience and functional living environment of its customers. The small size, reusing an existing retail housewares space, will create an attractive facility as warranted by location and setting. This is a gourmet food/beverage related business district where such uses are appropriate.

- 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 proposed small specialty alcohol sales shop will function to meet the community's specialty beverage needs, including home use, hospitality or celebrations. Due to its small size, this facility would have less traffic, noise and light than a similar business might offer in a larger format. This facility complements the offerings of nearby existing restaurants and other Alcoholic Beverage Services which sell beer and wine, and 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 17.136.050.**

No exterior changes to the existing building 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,

the applicant 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 General Plan and with any other applicable guidelines or criteria, district plan or development control map which has been adopted by the Planning Commission or City Council.**

The General Plan allows for review and approval of Alcoholic Beverage Sales uses by Conditional Use Permit, and in this case, Variance. The General Plan also allows for businesses that will not cause undue nuisance activity. The Central Business District land use category envisions a wide range of retail, restaurant and specialty stores along with promoting mixed-use developments. An attractive and well-managed gourmet specialty bottle shop at this location will conform to adopted plans, including the following policies of the Land Use and Transportation Element.

Policy D1.1: *The characteristics that make Downtown Oakland unique, including its strong core area, proximity to destinations such as the Jack London waterfront, Lake Merritt, historic areas, cultural, arts and entertainment activities, should be enhanced and used to strengthen the downtown as a local regional asset.*

Policy D5.1: *Activities and amenities that encourage pedestrian traffic during the work week, as well as evenings and weekends should be promoted.*

Policy D12.1: *Build on and promote Oakland's educational resources, historic importance as an entertainment venue, existing cultural diversity and strong arts community.*

Section 17.103.030(A) - Special Use Permit Criteria:

Use Permit Criteria for Establishments Selling Alcoholic Beverages. A conditional use permit for any conditionally permitted Alcoholic Beverage Sales Commercial Activity may be granted only upon determination that the proposal conformed to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134, to any and all applicable use permit criteria set forth in the particular individual zone regulations, and to all of the following additional use permit criteria:

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

The proposed specialty alcohol sales shop is not envisioned to contribute to the same types of loitering and other problems as do some other Alcoholic Beverage Sales stores. City crime statistics for recent months show that overall alcohol-related crime rates near the applicant's site are similar to commercial areas elsewhere in the City which are not major crime locations. The neighborhood streets have sufficient capacity to support this small facility without causing undue traffic or other problems. Much of the traffic is foot traffic due to its location in a central commercial area and the site lacks a parking lot.

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

The proposed specialty alcohol sales shop will be over 1,000 feet from full-size school sites and almost all charter schools and all but one park. The shop is unlikely to adversely affect those uses or other small uses such as daycare centers in the area. Likewise, houses of worship are mainly too distant to experience effects. This facility design has built-in sound attenuation characteristics within the structure. Staff believes that the gourmet specialty use will protect nearby uses from adverse effects. Busiest hours of operation will mainly be when schools and churches are closed.

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

The facility entrance will include ADA disabled access. The 50 to 75 projected daily customers would be arriving throughout the day and evening, which minimizes the crowd management issues of the building tenant. The building entry does not impede pedestrian corridors.

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 building's façade shares a theme with nearby market hall wine-sales facilities for which CUP's have been approved, and has details similar to some of its neighbors, including color and shape. The facility is of an architectural character that harmonizes with and enhances the area.

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

Any future signage would be similar to past signage for this commercial building, and would not be overly large or obtrusive. No parking is provided on-site, which is consistent with the Oakland Planning Code standard for reuse of existing commercial buildings. The site is walking distance to parking lots and BART, which supplements on-street parking in the area.

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

As conditioned, there will be non-flammable trash containers installed proximate to the entrance of the facility and litter will be removed from the sidewalk and gutter in front of and to twenty feet beyond the premises.

7. **That where the proposed use is in close proximity to residential uses, and especially to bedroom windows, it will be limited in hours of operation, or designed or operated, so as to avoid disruption of residents' sleep between the hours of 10:00 p.m. and 7:00 a.m.**

The nearest dwellings are in towers in the Chinatown commercial district and are sufficiently distant to limit noise effects. Existing roadway noise creates an ambient level which will mask any of the store's noise effects. Furthermore, the store's hours will be limited to 9 am to 9 pm. Attached conditions are provided to ameliorate some of the potential noise effects, including reduced hours of evening operations and lighting controls.

Section 17.103.030(B)(1) - Special Use Permit Criteria

Finding B.1. below is satisfied with the proposal only by granting a Variance:

B. Special Restrictions on Establishments Selling Alcoholic Beverages.

1. **No Alcoholic Beverage Sales Commercial Activity shall be located closer than one thousand (1,000) feet to any other Alcoholic Beverage Sales Commercial Activity except:**
 - a. **On-sale retail licenses located in the Central District (defined for the purposes of this Chapter as within the boundaries of I-980 and Brush Street to the west; both sides of 27th Street to the north; Harrison Street/Lake Merritt and the Lake Merritt Channel to the east; and the Estuary to the south); or**
 - b. **Off-sale retail licenses located in the Jack London district (defined for the purposes of this Chapter as within the boundaries of Martin Luther King Jr. Way to the west, I-880 to the north; the Lake Merritt Channel to the east; and the Estuary to the south); or**
 - c. **If the activity is in conjunction with a Full-Service Restaurant Commercial Activity; or**
 - d. **Establishments with twenty-five (25) or more full time equivalent (FTE) employees and a total floor area of twelve thousand (12,000) square feet or more.**

A Variance has been requested to allow this off-sale Alcoholic Beverage Sales Commercial Activity located outside of the Jack London District to be situated closer than one thousand (1,000) feet to other Alcoholic Beverage Sales Activities. This is not an adverse precedent for other such uses, due to the role defined in the General Plan Land Use and Transportation Element for the Central Business District as a retail and gourmet district, where a cluster of alcoholic beverage service and other gourmet facilities is beneficial to the area's vitality. To put the matter in perspective, in the nearby Jack London Square District, no Variance for proximity would be needed for this use.

This store will provide for an otherwise unmet Alcoholic Beverage Sales need for a population in the immediate community. While spirits, beer and wine can be purchased in Jack London Square and other nearby businesses, this particular mix of gourmet bottled selection with a tasting room will most likely not be available anywhere within convenient distance unless this application is approved at this location.

17.103.030(B)(3): Public Necessity or Convenience Findings

3. **In addition to the criteria prescribed elsewhere in the zoning regulations, a land use permit for an Alcoholic Beverage Sales Commercial Activity located within an Alcoholic Beverage Sales license overconcentrated area shall only be granted, and a finding of Public Convenience or Necessity made, if the proposal conforms to all of the following three (3) criteria:**

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

The proposed alcoholic beverage service is not generally available to the public on this block, as demonstrated by the applicant's documents in the public record files. Where nearby larger businesses offer food and/or alcoholic beverage service, they do not provide the specialized customer beverage service which the applicant proposes.

- b. **That the overall project will have a positive influence on the quality of life for the community in which it is located, providing economic benefits that outweigh anticipated**

negative impacts, and that will not result in a significant increase in calls for police service; and

This alcoholic beverage service is of a type which has in the past been compatible with and complimentary to other businesses in comparable gourmet restaurant and shopping areas, providing economic benefits to the area. This type of use is reported to usually not cause increases in calls for police service. The venue will attract clientele with a low probability of negative impacts or police calls for service.

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

Alcohol sales are sometimes part of the inventory of such specialized retailers. The applicant currently sells a variety of specialized barware and glassware (in addition to kitchen ware), and specialty alcohol sales seem to be appropriate and incidental to the principal activity. The applicant's activity proposes alcoholic beverage service primarily to facilitate gourmet use not likely to constitute a nuisance.

SECTION 17.148.050(A)—VARIANCE FINDINGS:

All the following findings below are satisfied with the proposal:

- 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.**

The proposal, which requires variances, meets the intent and purpose of the Planning Code as is evidenced by the project's conditions of design, which in the case of a particular proposed use may include the use's particular operational characteristics and business practices and not just architectural features such as height, floor area ratio or setbacks. Precedents in the district also support the suitability of the proposed use for the requested separation variance. The intent and purpose of the ordinance requiring distance separations between certain uses is to ensure neighborhoods with high crime are not saturated with poorly run operations that are sandwiched between residences and civic uses where the operations may generate off site impacts, including but not limited to, sale of cigarettes or alcohol to minors, littering, public drinking/intoxication/urination /violence/noise/crime. A key justification for a Major Variance includes unique conditions of design that warrant relief from regulations to allow beneficial use of a property. Generally, "conditions of design" means the appearance or physical attributes of a proposed use or property, as addressed in Minor Variances. With a Major Variance, variances are allowed for particular uses that might not otherwise be permitted under the zoning regulations. With use variances, "conditions of design" encompasses specific operational elements of a project; that is, business practices as they relate to a use's land use impacts. Here, there is a distinction between the proposed use, a small alcohol retail portion of a small housewares retailer, compared to several other alcohol retailers within 1000 feet radius, such as wine merchants at the 9th Street marketplace, as well as distinctions between the proposed use and a proto-typical corner liquor store.

None of the other existing outlets contain the breadth of selection or special emphasis on Japanese bottled spirits, wine, and beer, which will be offered by the proposed operation. This includes

dozens of beer, wine and sake brands which are not otherwise commonly available nearby. Furthermore, most of the nearby alcohol licenses are for restaurants, not reflecting the true concentration of alcohol retailers in the total ABC license count. When operated as full service, restaurants are not considered Alcoholic Beverage Sales Commercial Activities under the Planning Code. These dining establishments are assumed to be full service as they lack conditional use permits although this mode of operation has not been verified. Therefore, under a more liberal interpretation of the Planning Code, PCN findings and one associated variance would not be required. The operational characteristics of the proposal also fulfill the intent of the ordinance as described above. Additionally, the project site also possesses unique physical characteristics in the district, including no sidewalk plazas or adjacent parking areas for loitering and alcohol consumption along Broadway. Therefore, due to conditions of design such as operational and site characteristics, the intent of the Planning Code to prevent a proliferation of potential nuisance-generating or poorly run outlets between residential and civic uses in high crime areas, would be maintained here even with the granting of the requested variances.

Variance for sale of alcoholic beverages within 1,000 feet of an existing alcohol outlet

The intent and purpose of the ordinance is primarily to prevent the creation of public nuisances associated with problematic bars and liquor stores with particular operational characteristics or business practices. These problematic practices can include sales of cigarettes and alcohol to minors, unrestricted sale of small quantities of inexpensive malt liquor, fortified wines, and liquor; sale of pornography or lottery tickets, late hours, lack of signage, security, and minimal staffing. These practices of some alcohol outlets have led to public nuisances such as loitering, littering, noise, fighting, urination, and crime. The separation requirements are in place so that problem establishments are not allowed to proliferate, particularly in high crime areas. In addition, too many similar alcohol establishments in close proximity could weaken the desired vibrant balance of uses so important to a neighborhood shopping district. The project site is located within one thousand feet of alcohol sales including specialty wine shops. Under conditions of design, all of these establishments are located more than one block away with very few intervening ground floor residential or civic uses; they are not adjacent or on the same block. The establishment is not a bar, supermarket, drug store, or supermarket, or specialty wine shop but is a full service specialty Japanese houseware store that will also sell Japanese beer, wine, and bottled spirits with an early closing time and trained staff, and is not anticipated to create or contribute to nuisance issues per their operational characteristics and as stipulated by conditions of approval. To preclude a specialty houseware store from selling specialty alcoholic beverages along a commercial corridor due to the presence of other types of outlets would prohibit the furthering of a diversity of economic retail opportunities in a retail district in a manner that is inconsistent with the intent and purpose of the regulation. The proposal features a demonstrated well-run use in a district where conditions of design consist of uninterrupted ground floor commercial uses.

Variance for sale of alcoholic beverages within 1,000 feet of a licensed day care center, a senior citizen facility, and a public park in an over-concentrated area

As described, this variance is required due to staff's strict Planning Code interpretation that considers restaurants to be alcohol outlets for purposes of over-concentration. The area is not a high crime area in consideration of the crime rate in the police beat in comparison with rates citywide. The area is, as explained, over-concentrated for ABC (State of California Department of Alcoholic Beverages Control) licenses in the census tract. The corresponding heightened distance requirement to include civic uses is intended to ensure no proliferation is exacerbated adjacent to sensitive land uses. Again, while the area is over-concentrated with over six licenses where the county median is four per census tract, most are for restaurants. In an abundance of caution staff has interpreted the regulation as conservatively as possible such that the Planning Commission is being asked to grant a variance. However, the use is not anticipated to pose a nuisance to civic uses. Conditions of design consist of location with very few nearby ground floor residences or civic uses between the site and area alcohol outlets or some civic

uses. As stated elsewhere, conditions of design relating to operational characteristics and business practices, combined with the conditions of approval, ensure that the proposed use would not have an adverse impact on any sensitive uses within 1,000 feet. Specifically, security measures such as surveillance cameras, training, litter clean up, store layout including locked display cases, hours of operation, lack of certain products sold, and monitoring of loitering and noise. Therefore, a variance would be justified so as not to preclude a full service alcoholic beverage sales outlet along a commercial corridor. The variance would not result in undesirable uses in an over-concentrated area that is high crime but would allow a diversity of retail opportunities in a retail district in a manner that is consistent with the intent and purpose of the regulation. The proposal features a well-run establishment in a district where conditions of design consist of uninterrupted ground floor commercial uses.

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.**

Due to the existing concentration of Alcoholic Beverage Service uses in the Central Business District, it is more difficult for an applicant to find a site over 1000 feet distant from another such use than would be the case in another neighborhood. This places a burden on the owner of this business which does not exist in many other parts of the City. Requiring relocation of this facility and activity would deprive the owner of a privilege enjoyed by other similar uses, to relate to the neighborhood and customer base established precisely to support businesses such as the applicant's gourmet use.

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.**

Unlike some other Alcoholic Beverage Service facilities and activities in Oakland, this use would provide gourmet specialty bottle sales, in a format similar to a tourism-oriented retailer. Such uses tend to have fewer detrimental or adverse effects because they appeal to a clientele that the General Plan seeks to attract to the Central Business District. The project is not anticipated to generate off site impacts associated with certain bars and liquor stores as proposed and evidenced by Umami Mart's operational characteristics and as stipulated by the conditions of approval.

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.**

This facility proposes to add to the gourmet/tourism character of the Central Business District in a manner which would not grant a special privilege inconsistent with the purpose of zoning regulations, because one purpose of zoning regulations is to promote community vitality while preserving equity and protecting neighborhood continuity. Several other alcoholic beverage sales outlets in the district are located within 1,000 feet of other outlets. As summarized 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 elements of the proposal requiring the variance (the distance separation) are not subject to design review. However, with changes as described in the conditions of approval, the applicant's facility and activity would conform to Regular Design Review criteria without major exterior

changes to the historic building and would retain the modest-scale area.

- 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 General Plan allows for review and approval of Alcoholic Business Sales uses by Conditional Use Permit and in this case, Variance. The General Plan also allows for businesses that will not cause undue nuisance activity. The Central Business District land use category envisions a wide range of retail, restaurant and specialty stores along with promoting mixed-use developments. An attractive and well-managed gourmet specialty bottle shop at this location will conform to adopted plans.

ATTACHMENT B: CONDITIONS OF APPROVAL**STANDARD CONDITIONS:****1. Approved Use.*****Ongoing.***

a. The project shall be constructed and operated in accordance with the authorized use as described in this letter and the plans dated **July, 2014** and submitted **August 7, 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 required prior written approval from the Director of City Planning or designee.

b. This action by the City Planning Commission ("this Approval") includes the approval set forth as follows: Off-sales of gourmet specialty alcoholic beverage products (primarily limited production bottled wines and beers), and for office/storage areas; no cabaret or outdoor seating.

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 have been issued, or 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 valid 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 codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshall, and the City's Public Works Agency.

b. The applicant shall submit approved plans for project-specific needs related to fire protection 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 Planning Department 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 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 and submitted with each set of permit plans submitted 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 their respective agents, officers, and employees (hereafter collectively called the City) from any liability, damages, claim, judgment, loss (direct or indirect) action, causes of action or proceeding (including legal costs, attorney's 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 project applicant shall reimburse the City for its reasonable legal costs and attorneys fees.

b. Within ten (10) calendar days of the filing any Action as specified in subsection A above, the project applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations shall survive termination, extinguishment or invalidation of the approval. Failure to timely execute the Letter Agreement does not relieve the project applicant of any of the obligations contained in this condition or other requirements, or other 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 and all applicable adopted mitigation measures 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 any one or more of such conditions is found to be invalid by a court of competent jurisdiction this Approval would not have been granted without requiring other valid conditions consistent with achieving the same purpose and intent of such Approval.

10. Job Site Plans

Ongoing throughout demolition, grading, and/or construction

At least one (1) copy of the approved plans, along with the Approval Letter and Conditions of Approval shall be available for review at the job site at all times.

11. Recycling Space Allocation Requirements

Prior to issuance of a building permit

The design, location and maintenance of recycling collection and storage areas must substantially comply with the provision of the Oakland City Planning Commission "Guidelines for the Development and Evaluation of Recycling Collection and Storage Areas", Policy 100-28. Pursuant to Section 17.118.020 of the Oakland Planning Code, this condition shall apply to new commercial and industrial development that requires a building permit. A minimum of two cubic feet of storage and collection area shall be provided for each dwelling unit and for each 1,000 square feet of commercial space.

Ongoing.

No deviation shall be made from the approved drawings or conditions of approval that alters the project's siting, height, exterior appearance, and/or required new landscaping without prior written approval from the Oakland Planning & Zoning Department.

12. Construction Practices.

During construction.

All work shall apply the "Best Management Practices" (BMPs) for the construction industry, including BMPs for dust, erosion and sedimentation abatement per Section 15.04 of the Oakland Municipal Code, as well as all specific construction-related conditions of approval attached to this project.

13. Days/Hours of Construction Operation

Ongoing throughout demolition, grading and/or construction.

The project applicant shall require construction contractors to limit standard construction activities as follows:

- a) Construction activities are limited to between 7:00 AM and 7:00 PM Monday through Friday, except that pile driving and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 AM and 4:00 PM Monday through Friday.
- b) Any construction activity proposed to occur outside of the standard hours of 7:00 AM to 7:00 PM Monday through Friday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of residents' preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Services Division.

- c) Construction activity shall not occur on Saturdays, with the following possible exceptions:
 - i) Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of residents' preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division.
 - ii) After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division, and only then within the interior of the building with the doors and windows closed.
- d) No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions.
- e) No construction shall take place on Sundays or Federal holidays.
- f) Construction activities include but are not limited to: truck idling, moving equipment (including trucks, elevators, etc.) or materials, deliveries and construction meetings held on-site in a non-enclosed area.

SPECIFIC PROJECT CONDITIONS

14. Hours.

Ongoing.

The business may be open to the public for business from 9 am to 9 pm daily. Any work outside these hours shall solely be staff preparation and not open to the public. Any request for expansion of hours shall be reviewed and approved by the Zoning Manager.

15. Security.

Ongoing

The applicant/property owner shall continue to keep windows clear of visual obstructions including, but not limited to signage beyond 20% window coverage, any advertising displays, product racks, refrigerated equipment, cardboard, trash, wire mesh/security bars, reflective coatings, or other materials. Note that this is more restrictive than the state regulations related to signage.

16. Facility Management

a. *Ongoing*

Lighting shall be maintained providing enough illumination to identify loiterers standing in front of the store and in the parking lot. Such illumination shall remain lit during all hours of darkness when the business is open.

b. *Ongoing*

The licensees/property owners shall clear the gutter and sidewalks twenty feet beyond the property lines along these streets of litter twice daily or as needed to control litter (sweep or mechanically clean weekly). The licensee shall clean the sidewalk with steam or equivalent measures once per month.

c. Ongoing.

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

d. Ongoing.

No pay phones are permitted outside the building.

e. Ongoing.

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 loiterers who refuse to leave. Persons hanging around the exterior of the establishment with no apparent business for more than ten minutes shall be asked to leave. Techniques discussed in the manual entitled "Loitering: Business and Community Based Solutions" may be used and are recommended by the Alcoholic Beverage Action Team.

17. Trash and litter

Prior to commencement of use and ongoing.

The applicant/property owner shall install and maintain at least one (1) non-flammable trash can located near the entrance of the store. Said trash receptacle shall be emptied as needed to avoid overflow and/or adverse odors.

18. Crowd Control/Anti-Loitering Plan

Prior to commencement of use and ongoing

A crowd control/anti-loitering plan shall be reviewed and approved by the Zoning Manager prior to occupancy. The applicant shall provide staff on duty from noon until closing on days when the business is open to the public. Staff shall patrol the interior and exterior as necessary to achieve crowd control and to deter nuisance, loitering and crime.

19. Limitations on Merchandise and Sales

Prior to commencement of use and ongoing

The applicant will not sell spirit liquors over 10% of the floor area of the business, or over 10% of the bottle count, whichever is less, nor all types of alcohol including beer and wine together exceeding 40% alcohol by volume without subsequent approval by the Planning Commission of a Revision to the Major Conditional Use Permit. The applicant will arrange that the State Alcoholic Beverage Control License shall be restricted for the type specified. The owner will record a restriction with the Alameda County Recorder to this effect, for the property now and in the future, in a form satisfactory to the City Attorney and Zoning Manager. The applicant may continue to sell retail merchandise including housewares, packaged food, clothing and other similar activities as allowed in the zoning district.

SPECIFIC CONDITIONS RELATED TO ALCOHOL SALES

20. Conformance with State Department of Alcoholic Beverage Control regulations

Ongoing.

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.

21. Compliance with City of Oakland Special Regulations for Alcoholic Beverage Sales Commercial Activities.

a. Prior to the Commencement of Operations 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 the store. The "No Open Container" signs are available from the cashier located on the second floor of 250 Frank H. Ogawa Plaza.

b. Ongoing.

The applicant/property owners shall clear the sidewalks adjacent to their property of all "Street Furniture" including mattresses, crates, pads, and other items for sitting or laying on by loiterers on a daily basis.

22. Inclusion of Conditions in State Department of Alcoholic Beverage Control license.

Prior to signing of State Department of Alcoholic Beverage Control zoning affidavit.

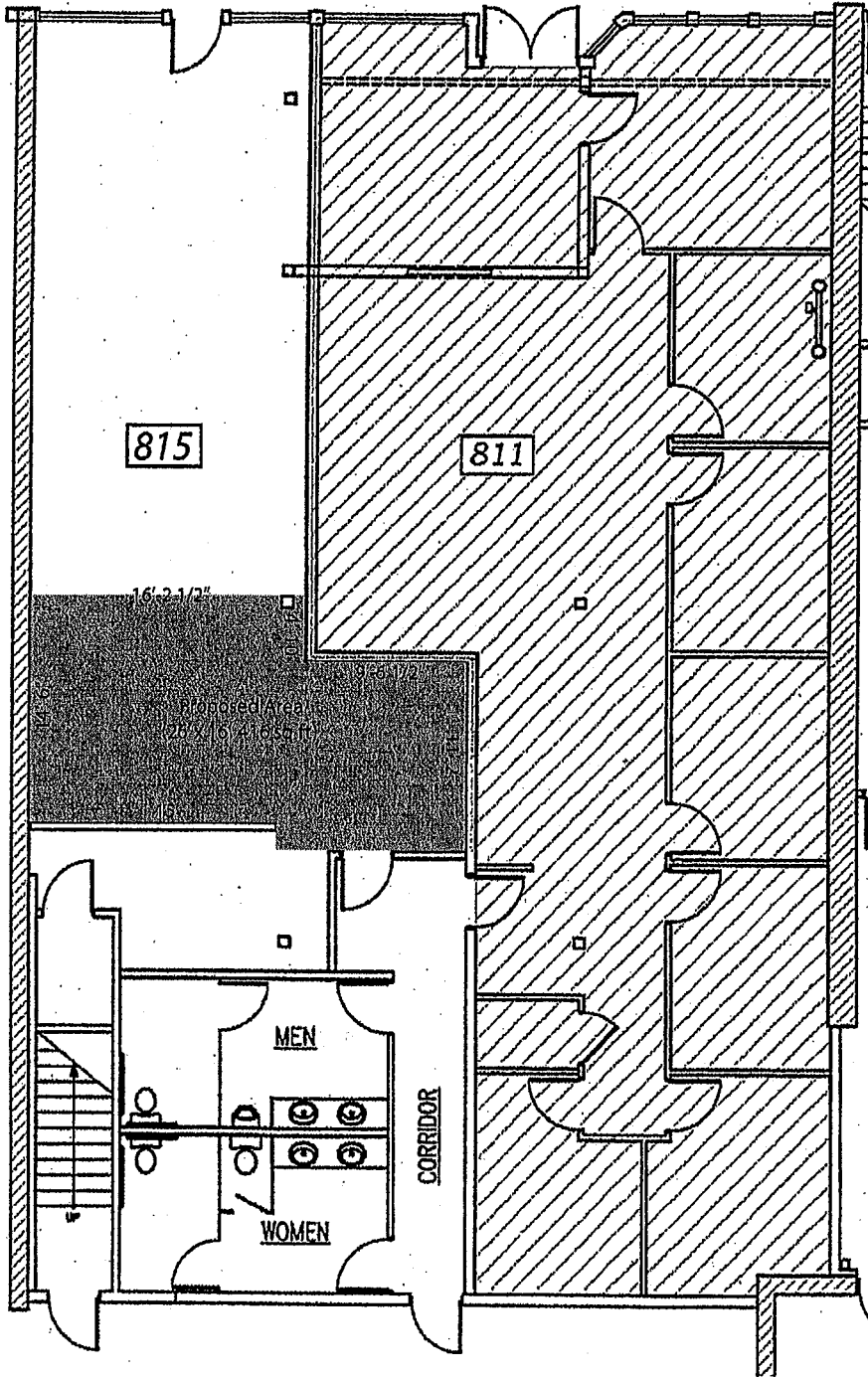
The applicant shall submit a letter to staff signed by the applicant addressed to the State Department of Alcoholic Beverage Control stipulating that they wish to include conditions number 14, 15, 16, 17, 18, 19, 20 and 21 in the conditions of their ABC license. The Oakland Planning Commission may, after notice and hearing, revoke this Conditional Use Permit if the applicant fails to include the above conditions in the ABC license or fails to maintain an ABC license.

APPROVED BY: City Planning Commission: _____ (date) _____ (vote)

L:\common files\Dave V\cmym12047doc8 10-8-12 dv cch draft

9.

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AUG 07 2014
City of Oakland
Planning & Zoning Division



811 Broadway - 2,283 square feet

915 Broadway - 1,229

Total SF - 3,512

OLD OAKLAND MAP

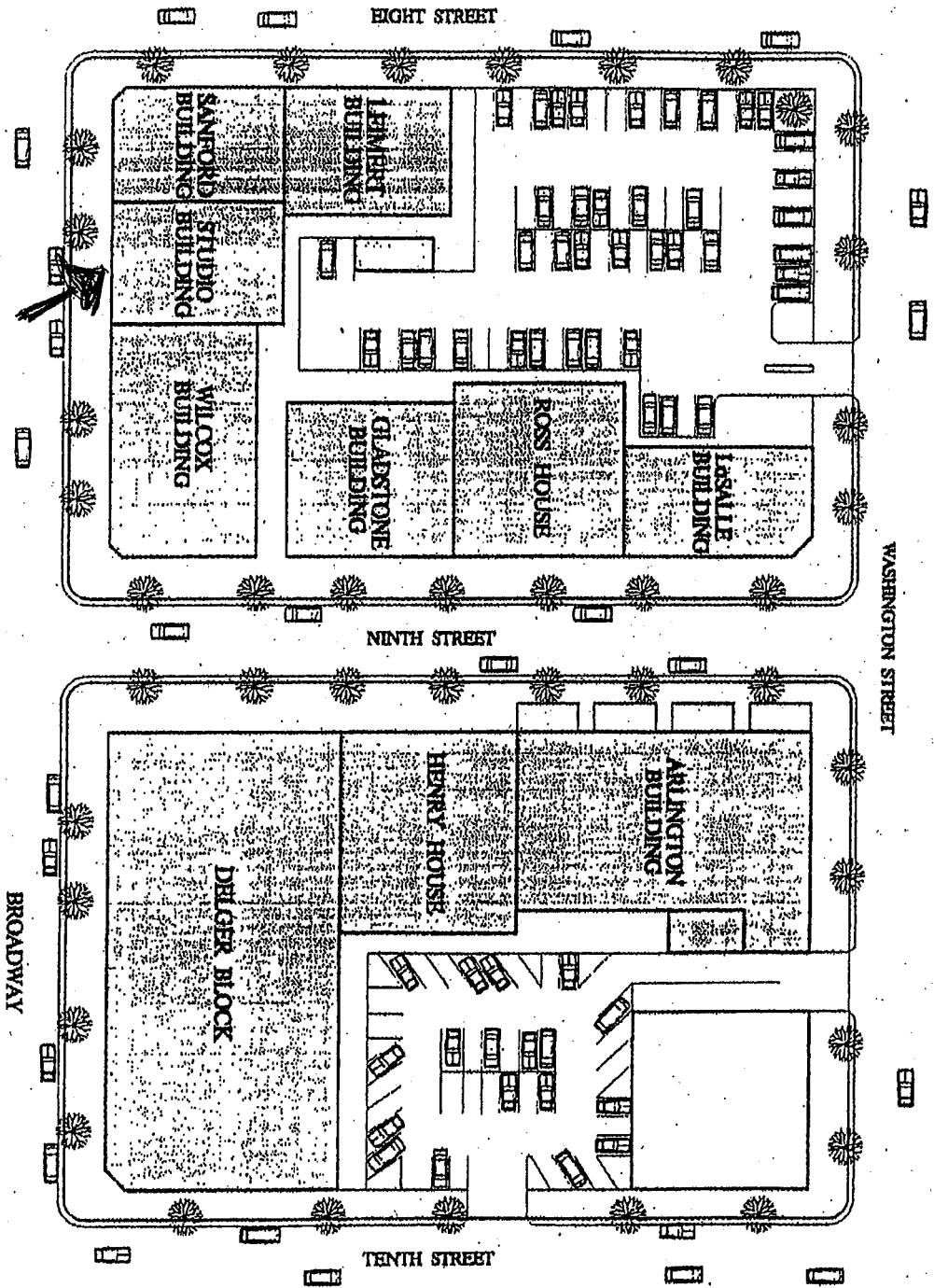


Exhibit 2

Wide sidewalks in front of Umami Mart on Broadway. Signage and exterior will remain the same.

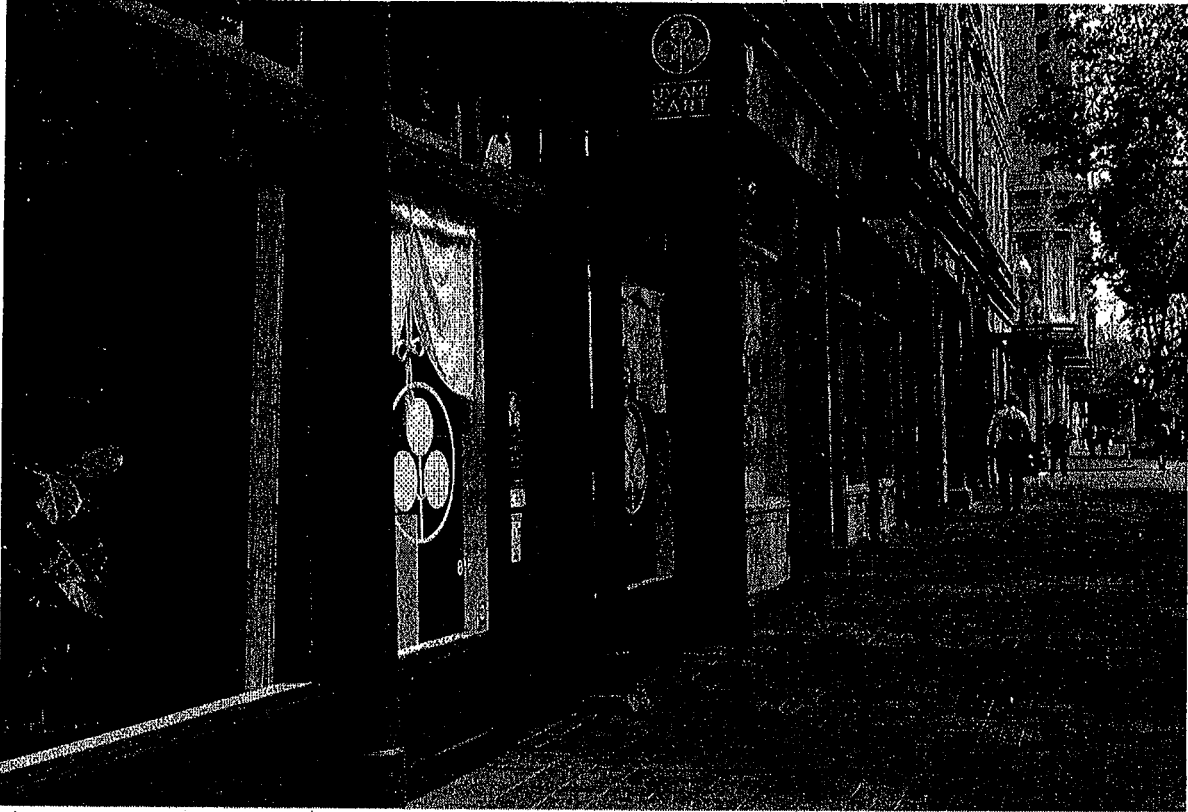


Exhibit 3

Umami Mart facade harmonizes with the visual character of the surrounding area

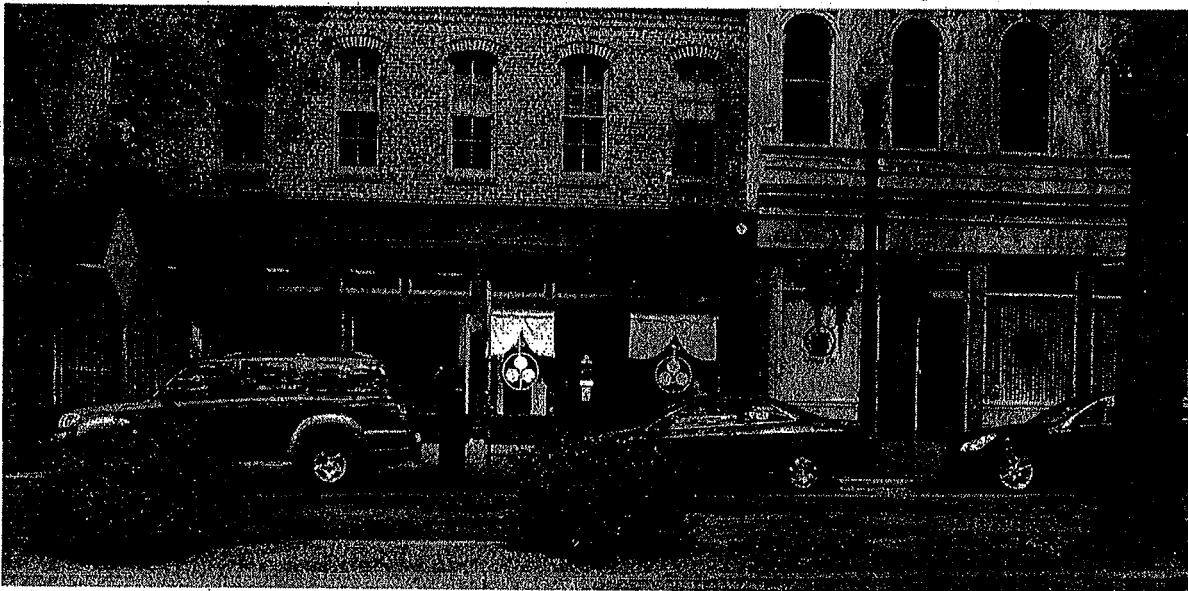
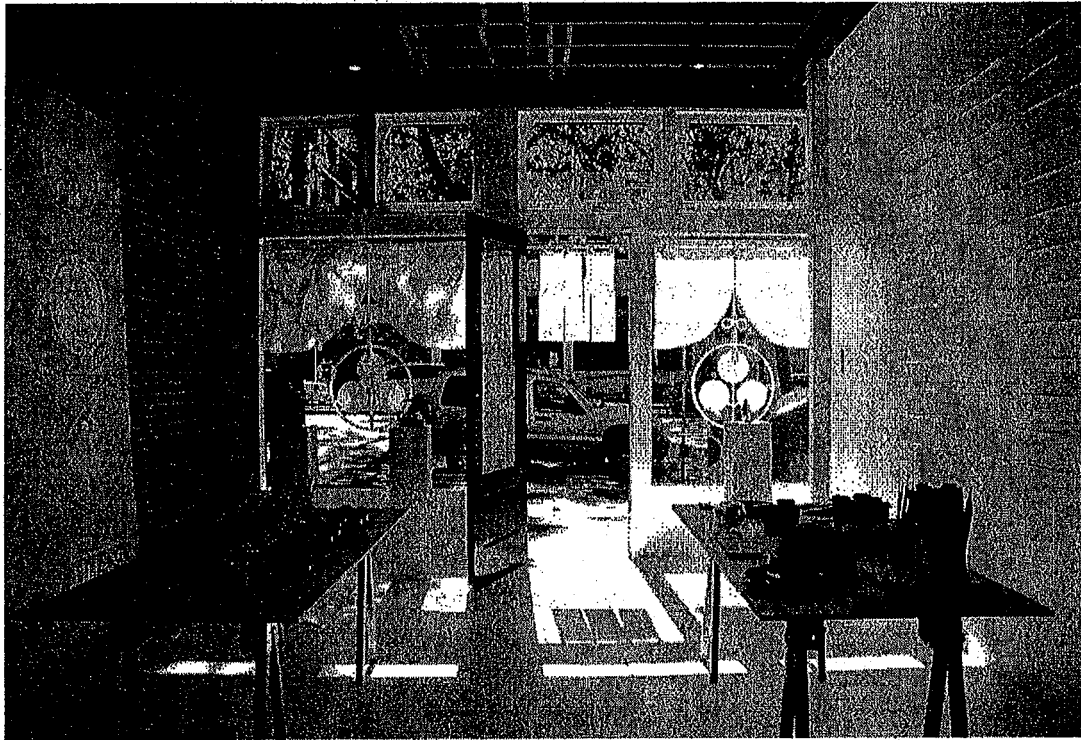


Exhibit 1

Umami Mart at 815 Broadway, Est. 2012



Owners Yoko Kumano and Kayoko Akabori, Umami Mart storefront facing Broadway



Exhibit 5

Red outlined areas potential shelves for placement of sake and beer

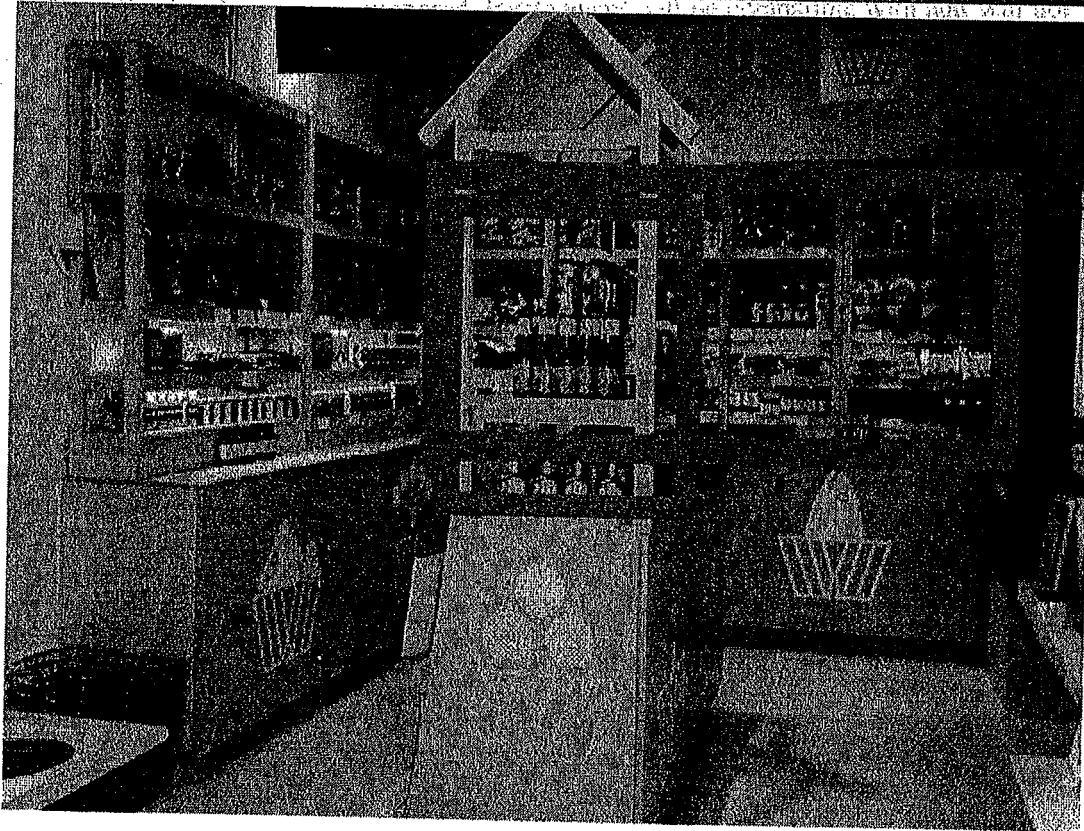
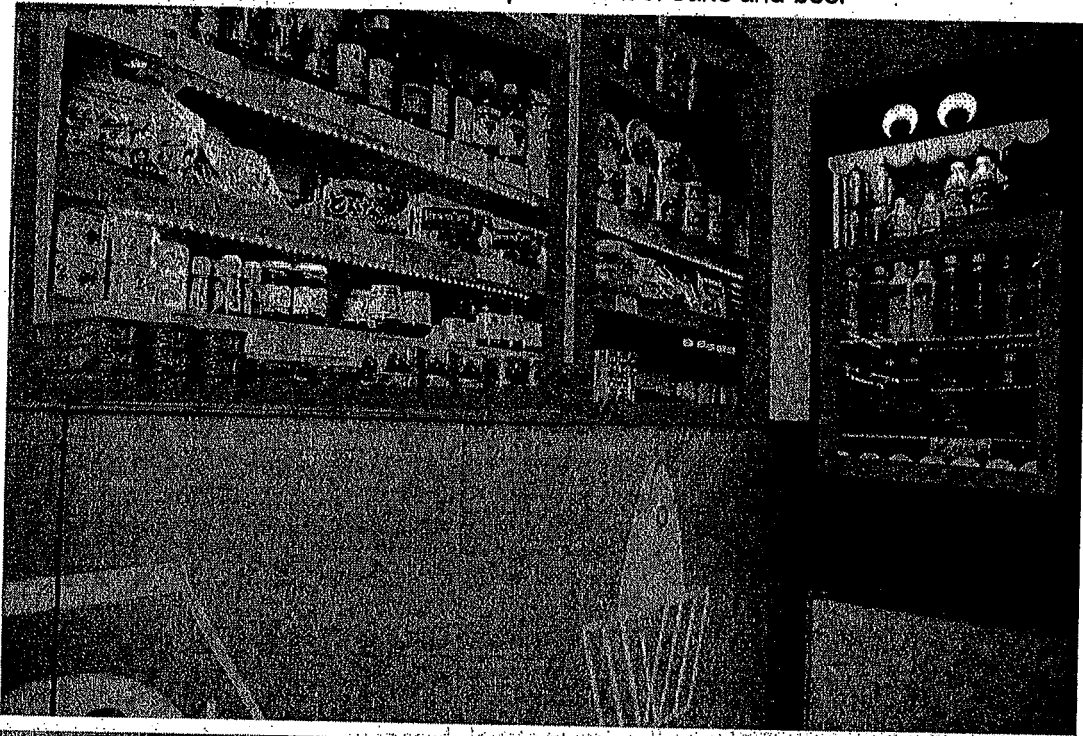


Exhibit 5

Back area where sake and beer will be displayed

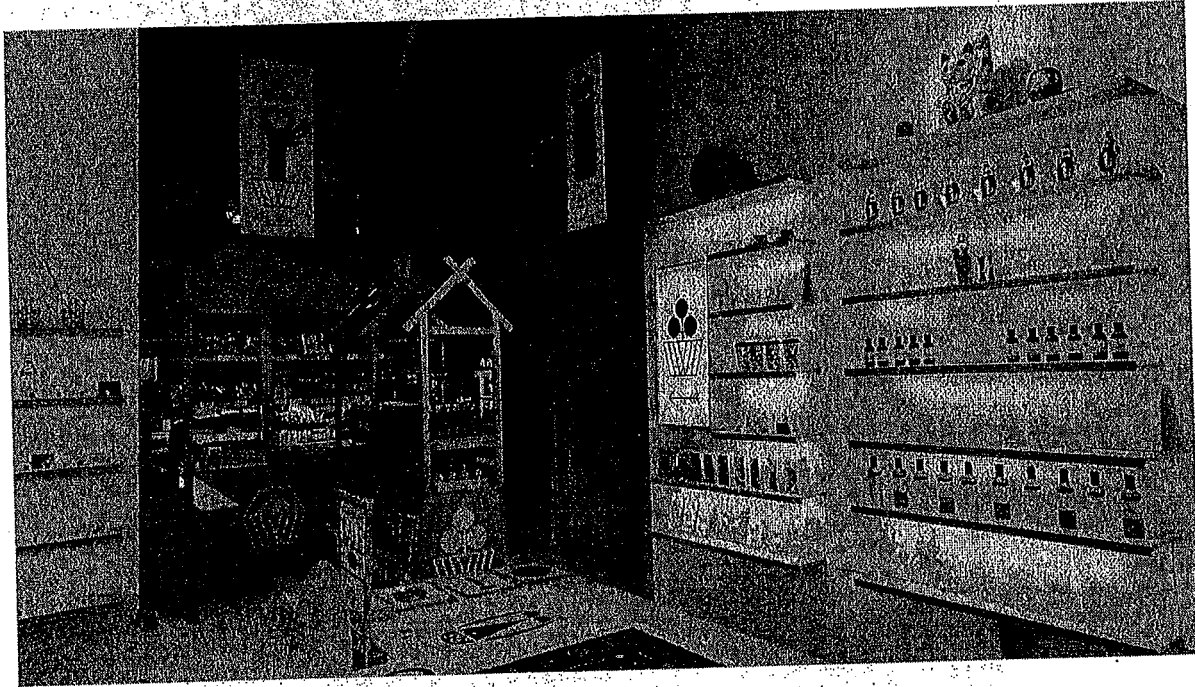
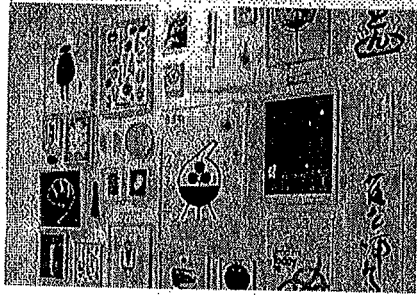
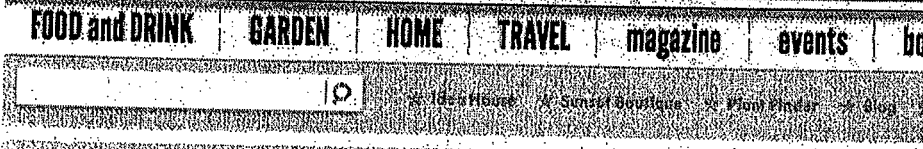


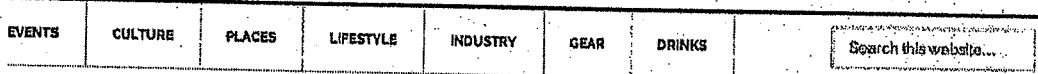
Exhibit 4

Umami Mart featured on Sunset, a magazine featuring Western lifestyle



Oakland, California
\$\$
 The brick-and-mortar incarnation of food-and-drink blog Umami Mart displays an obsessively curated array of barware and cooking tools in a Shinto-temple-meets-Scandinavian-cabin space. Among the goods imported from Japan: a fish-shaped bottle opener (\$22), cheery Giraffe enamel coffee pots (\$76), and Hasami porcelain, Japan's answer to Meath. In the back of the store you'll find U-Mart, an Oakland take on a Japanese convenience store—the East Bay's own Peko Peko supplies the bento boxes. *Last Reviewed October 2013.*

Umami Mart featured on Sprudge, a coffee and culture site



Umami Mart: Japanese Design in Oakland and San Francisco

JULY 7, 2014 BY LEIF HAVEN

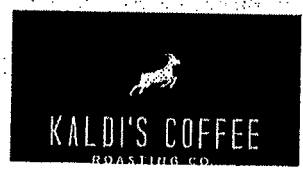
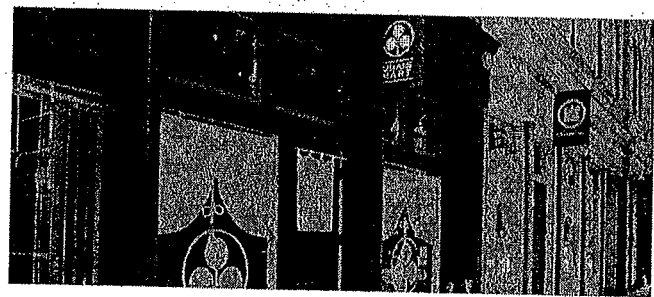


Exhibit 2
Sake



Japanese Beer



COMMERCIAL REAL ESTATE SERVICES

CBRE

Michelle Lane
Associate Director

CBRE, Inc.
Asset Services

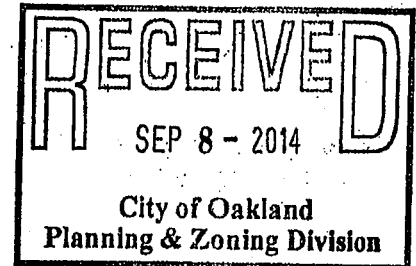
811 Broadway
Oakland, CA 94607-4015

+1 510 238 1630 Tel
+1 510 444 0718 Fax

michelle.lane@cbre.com
www.cbre.com

August 26, 2014

Dave Valeska
City of Oakland, Bureau of Planning, Zoning
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, CA 94612

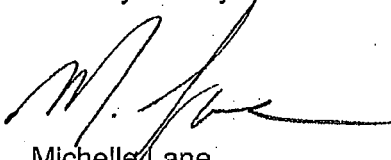


Dear Oakland Planning Commission,

I am Michelle Lane, Associate Director of CBRE in Old Oakland. I visit Umami Mart frequently and support their Zoning application to sell bottles of Japanese beer and sake at their flagship shop at 815 Broadway.

Umami Mart has been such an asset to Oakland and the downtown community since 2012, and their events and welcoming shop attracts people from all over the Bay Area and beyond. I am certain that their gourmet bottle shop will be a successful addition to their shop and encourage the growth of the neighborhood.

Thank you for your consideration.


Michelle Lane
Associate Director
CBRE, Inc.

September 3, 2014

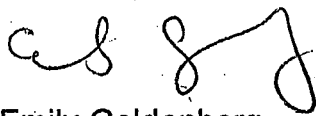
Dave Valeska
City of Oakland, Bureau of Planning, Zoning
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, CA 94612

Dear Oakland Planning Commission,

We are Scott and Emily Goldenberg, owners of Caffe 817 in Old Oakland. I shop at Umami Mart frequently and support their Zoning application to sell bottles of Japanese beer and sake at their flagship shop at 815 Broadway.

Umami Mart has been such an asset to Oakland and the downtown community since 2012, and their events and welcoming shop attracts people from all over the Bay Area and beyond. Umami Mart has contributed to this blossoming neighborhood in countless ways, which in turn strengthens the business community. I am certain that their gourmet bottle shop will be a successful addition to their shop and encourage the growth of the neighborhood.

Thank you for your consideration.



Emily Goldenberg
Owner, Caffe 817



PETER SULLIVAN ASSOCIATES

COMMERCIAL REAL ESTATE

September 9, 2014

Mr. Dave Valeska
City of Oakland, Bureau of Planning, Zoning
250 Frank Ogawa Plaza
2nd Fl, Suite 2114
Oakland, CA 94612

Re: Letter of Support for Umami Mart

Dear Oakland Planning Commission:

I am the Asset Manager for PSAI Old Oakland Associates, LLC, owner of the building in which Umami Mart operates their business. Umami Mart opened as a "Popuphood" tenant in July, 2012. At the end of their six month Popuphood term the owners of Umami Mart, Kayoko Abori and Yoko Kumano, signed a two year lease with us. Umami Mart was the first of our Popuphood tenants to commit to a long term lease, a strong endorsement of their commitment to Old Oakland and the positive way in which they have been received by the community.

Umami Mart has been a wonderful addition to our project (which consists of almost two full blocks of Old Oakland.) They offer a unique variety of kitchen and barware from Japan, presented in an artful fashion. Their events and welcoming shop attract people from all over the Bay Area and beyond. I am certain that their gourmet bottle shop will be a successful addition to their shop and encourage the growth of the neighborhood.

We strongly support the Umami Mart Zoning application to sell bottles of Japanese beer and sake at their flagship shop at 815 Broadway.

Thank you for your consideration of the Umami Mart application.

Sincerely,

PSAI Old Oakland Associates LLC



Martin Ward
Asset Manager

155 Montgomery Street ♦ Suite 1600
San Francisco, California 94104
Tel.: 415.362.1700 ♦ Fax: 415.362.1760

August 20, 2014

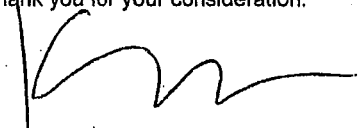
Dave Valeska
City of Oakland, Bureau of Planning, Zoning
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, CA 94612

Dear Oakland Planning Commission,

I am Kate Ellen of Crown Nine in Old Oakland, and I have been neighbors with Umami Mart since they opened. As a member of this community, I support without reservation their Zoning application to sell bottles of Japanese beer and sake at their flagship shop at 815 Broadway.

Umami Mart has been such an asset to Oakland and the downtown community since 2012, and their events and welcoming shop attracts people from all over the Bay Area and beyond. They have also been great catalysts for inclusive collaboration between businesses and have been key to strengthening the foundation of our neighborhood. I am certain that their gourmet bottle shop will be a successful addition and encourage further growth in the neighborhood.

Thank you for your consideration.



Kate Ellen
Owner, Crown Nine Jewelry Boutique
515 9th St
Oakland, CA 94607
510-507-0789
www.crown-nine.com



UPTOWN DOWNTOWN

August 21, 2014

Dave Valeska
City of Oakland, Bureau of Planning, Zoning
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, CA 94612

Dear Oakland Planning Commission,

As the District Manager of the Downtown Oakland and Lake Merritt-Uptown District Associations, I offer my full support for their Zoning application to sell bottles of Japanese beer and sake at their flagship shop at 815 Broadway. Umami Mart is one of the best retail stores we have on the Broadway Corridor and we feel that anything that supports their continued growth is good for the neighborhood.

Umami Mart has been such an asset to Oakland and the downtown community since 2012, and their events and welcoming shop attracts people from all over the Bay Area and beyond. I am certain that their gourmet bottle shop will be a successful addition to their shop and encourage the growth of the neighborhood.

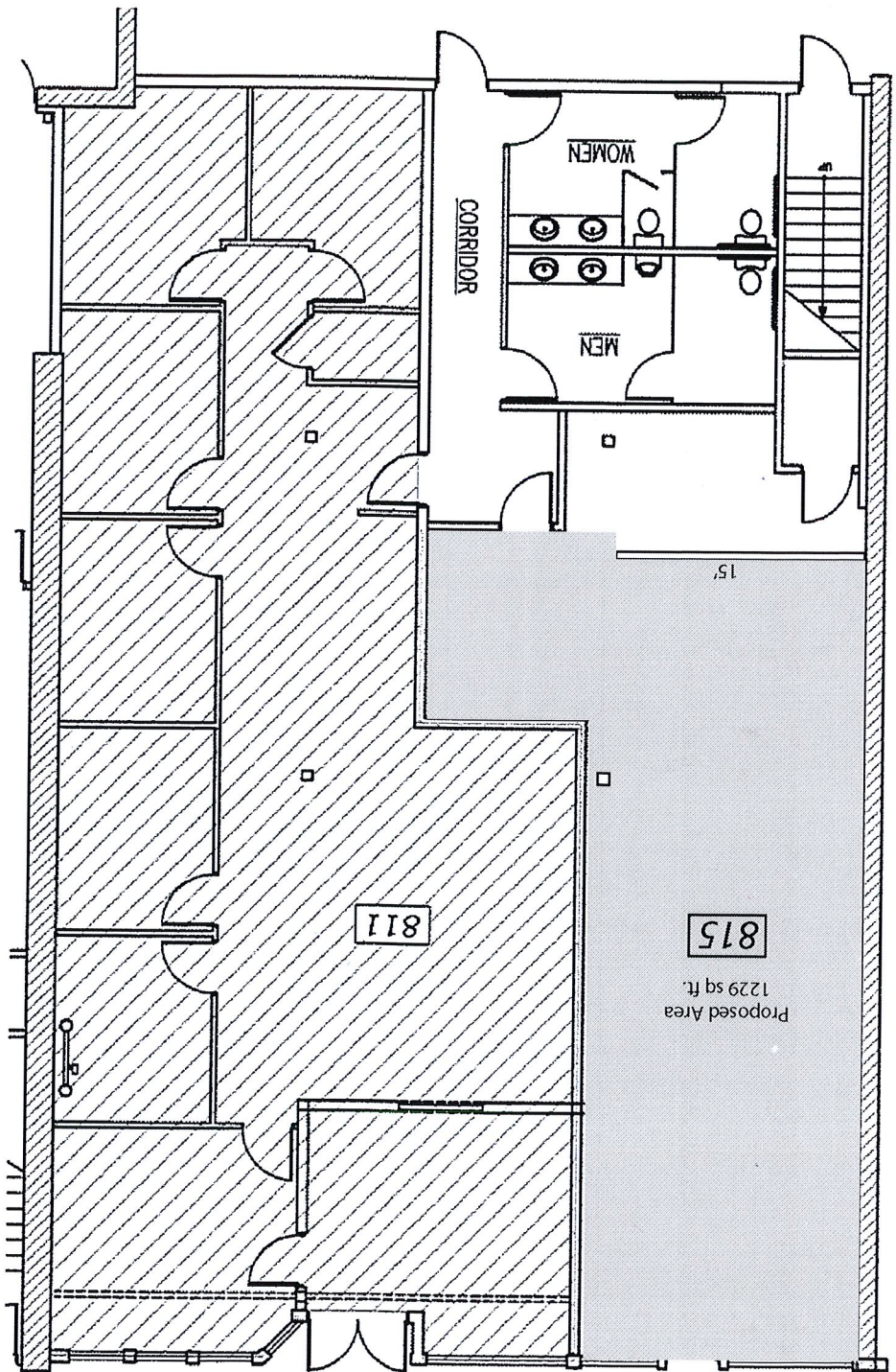
Thank you for your consideration. If you have any questions please do not hesitate to contact me directly.

Sincerely,

Steve Snider

RECEIVED
SEP 24 2014
City of Oakland
Planning & Zoning Division

Downtown Oakland Association & Lake Merritt-Uptown Association



811 Broadway - 2,283 square feet

815 Broadway - 1,229

Total SF - 3,512

815 Broadway (Proposed location) Front



815 Broadway (Proposed location) Rear



815 Broadway (Proposed location) Side from 811 Broadway



815 Broadway (Proposed location) Side from 825 Broadway

Neighbors on the right side #1: 825 Broadway, Chicago Title



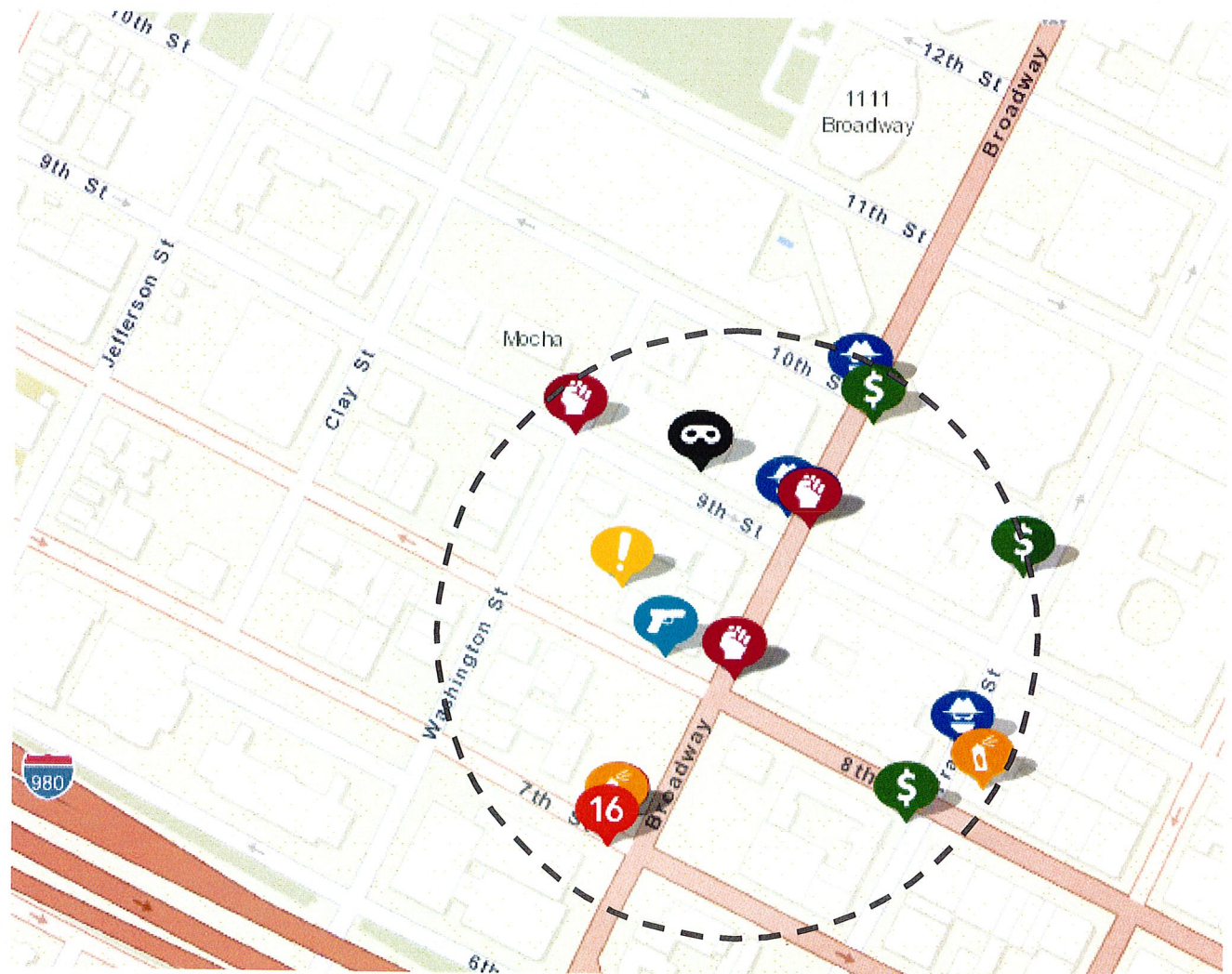
 Print

ATTACHMENT E

CrimeMapping.com Map

Thursday, May 18, 2017 through Wednesday, June 14, 2017

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

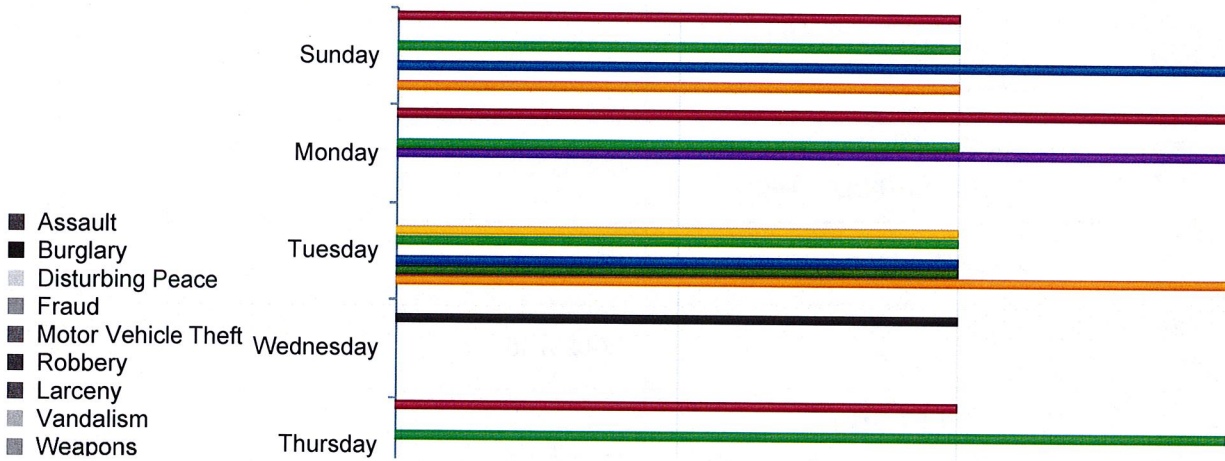


Bureau of Land Management, Esri, HERE, Garmin, I

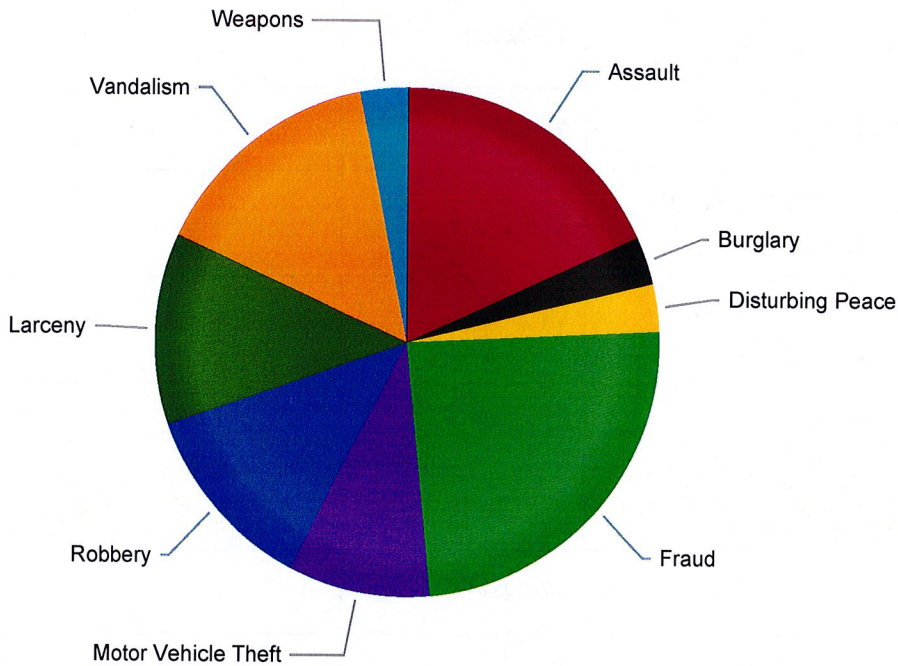
Grab the bottom/right borders to resize the map or the handle in the bottom right corner.

All representations on this map are distributed and transmitted "AS IS" without warranties of any kind, either express or implied including without limitation, of title or implied warranties of merchantability or fitness for a particular purpose. CrimeMapping.COM shall not become liable to users of these data for any damages, consequential or otherwise, including but not limited to time, money 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.



Day of Week Summary


































Crime Summary



Crime Report

Type	Description	Incident #	Location	Address
	VANDALISM	17-031000		Oak
	ASSAULT - OTHER ASSAULTS - SIMPLE, NOT AGGRAVATED	17-029794		Oak

Type	Description	Incident #	Location	Ag
	BURGLARY - FORCIBLE ENTRY	17-029892		Oak
	LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	17-908857		Oak
	DISORDERLY CONDUCT	17-908885		Oak
	FRAUD	17-029735		Oak
	ASSAULT - OTHER ASSAULTS - SIMPLE, NOT AGGRAVATED	17-029303		Oak
	ROBBERY - STRONG-ARM (HANDS, FISTS, FEET, ETC.)	17-029040		Oak
	VANDALISM	17-029036		Oak
	LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	17-028918		Oak
	WEAPONS - CARRYING, POSSESSING, ETC.	17-028811		Oak
	VANDALISM	17-028603		Oak
	FRAUD	17-029716		Oak
	FRAUD	17-028499		Oak
	ASSAULT - OTHER DANGEROUS WEAPON	17-027843		Oak
	FRAUD	17-028480		Oak
	ROBBERY - STRONG-ARM (HANDS, FISTS, FEET, ETC.)	17-027713		Oak
	MOTOR VEHICLE THEFT - AUTOS	17-027657		Oak
	ASSAULT - OTHER ASSAULTS - SIMPLE, NOT AGGRAVATED	17-027472		Oak

Type	Description	Incident #	Location	Ag
	FRAUD	17-029422		Oak
	LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	17-029109		Oak
	VANDALISM	17-026751		Oak
	ROBBERY - FIREARM	17-026711		Oak
	MOTOR VEHICLE THEFT - AUTOS	17-027174		Oak
	MOTOR VEHICLE THEFT - AUTOS	17-026936		Oak
	ASSAULT - OTHER ASSAULTS - SIMPLE, NOT AGGRAVATED	17-026489		Oak
	FRAUD	17-026752		Oak
	ASSAULT - OTHER ASSAULTS - SIMPLE, NOT AGGRAVATED	17-026349		Oak
	LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	17-908079		Oak
	ROBBERY - KNIFE OR CUTTING INSTRUMENT	17-026006		Oak
	VANDALISM	17-025825		Oak
	FRAUD	17-025696		Oak
	FRAUD	17-025679		Oak

ATTACHMENT F

Hello Mr. Herrera,

I am writing to express my support for the proposal to add specialty Japanese spirits sales with a tasting area in Umami Mart, an existing retail kitchenware store that sells craft beer and sake in a commercial building at 815 Broadway in Old Oakland.

The business, Umami Mart, has been selling Japanese specialty housewares in Old Oakland since 2012 and was one of the first retail stores to revitalize its district as a retail destination. Allowing Umami Mart to sell spirits and have tastings will further enrich the shopping experience in Old Oakland.

I consider Yoko and Kayoko to be the finest examples of local business owners here in Oakland. They are thoughtful, honest, and community oriented in creating fun events for their customers as well as focus groups for their business community. I wholeheartedly endorse their proposed addition of Japanese spirits sales and a tasting area.

Sincerely,

Emily Goldenberg
GoldenBug Shoes, owner
Caffe 817, owner

(510)387-5624

Hello Mr. Herrera,

I am writing to express my support for the proposal to add specialty Japanese spirits sales with a tasting area in Umami Mart, an existing retail kitchenware store that sells craft beer and sake in a commercial building at 815 Broadway in Old Oakland.

The business, Umami Mart, has been selling Japanese specialty housewares in Old Oakland since 2012 and was one of the first retail stores to revitalize its district as a retail destination. Allowing Umami Mart to sell spirits and have tastings will further enrich the shopping experience in Old Oakland.

I know the business partners to be dedicated to their community and the city of Oakland, so I wholeheartedly endorse their proposed addition of Japanese spirits sales and a tasting area.

Sincerely,

*Aaron Porter and Chuck Stilphen
Owners, The Trappit
460 8th Street, Oakland
510-238-8900*

Herrera, Jose

From: eperez78@gmail.com on behalf of Erica Perez <erica@oaktownspiceshop.com>
Sent: Thursday, April 20, 2017 1:34 PM
To: Herrera, Jose
Cc: Kayoko Akabori
Subject: Letter of Support - Umami Mart

Hello Mr. Herrera,

I am writing to express my support for the proposal to add specialty Japanese spirits sales with a tasting area in Umami Mart, an existing retail kitchenware store that sells craft beer and sake in a commercial building at 815 Broadway in Old Oakland.

The business, Umami Mart, has been selling Japanese specialty housewares in Old Oakland since 2012 and was one of the first retail stores to revitalize its district as a retail destination. Allowing Umami Mart to sell spirits and have tastings will further enrich the shopping experience in Old Oakland.

I know the business partners to be dedicated to their community and the city of Oakland, so I wholeheartedly endorse their proposed addition of Japanese spirits sales and a tasting area.

Sincerely,

Erica Perez
Co-Owner, Oaktown Spice Shop

--
Erica Perez
Oaktown Spice Shop
546 Grand Ave.
Oakland, CA 94610
erica@oaktownspiceshop.com
Find us on Facebook: www.facebook.com/oaktownspiceshop
Follow us on Instagram: @oaktownspice



OLD OAKLAND

NEIGHBORS

April 20, 2017

Jose Herrera
Planning and Building Department
City of Oakland CA

Dear Mr. Herrera,

I am writing to express support by Old Oakland Neighbors for the proposal to add specialty Japanese spirits sales with a tasting area at Umami Mart, an existing retail kitchenware store that sells craft beer and sake in a commercial building at 815 Broadway in Old Oakland.

Old Oakland Neighbors is the NCPC and organization that represents the Old Oakland area downtown. The owners of Umami Mart came to our meeting last night and detailed their plan for the new business initiative at their facility. Members and the Board of Old Oakland Neighbors unanimously approved of the concept.

The business, Umami Mart, has been selling Japanese specialty housewares in Old Oakland since 2012 and was one of the first retail stores to revitalize our district as a retail destination. Allowing Umami Mart to sell spirits and have tastings will further enrich the shopping experience in Old Oakland.

The business partners at Umami Mart are dedicated to their community and the City of Oakland. We wholeheartedly endorse their proposed addition of Japanese spirits sales and a tasting area.

Sincerely,

Ron Wolf
Co-chair, Old Oakland Neighbors, NCPC for OPD beat 3Y
510-207-6654

Michelle Lane
Associate Director

CBRE, Inc.
Asset Services

476 9th Street, 2nd Floor
Oakland, CA 94607-4015

+1 510 238 1630 Tel

michelle.lane@cbre.com
www.cbre.com

April 19, 2017

Dear Mr. Herrera,

I am writing to express my support for the proposal to add specialty Japanese spirits sales with a tasting area in Umami Mart, an existing retail kitchenware store that sells craft beer and sake in a commercial building at 815 Broadway in Old Oakland, a project we manage for 11 West Partners.

Umami Mart has been selling Japanese specialty housewares in Old Oakland since 2012 and was one of the first retail stores to revitalize its district as a retail destination. Allowing Umami Mart to sell spirits and have tastings will further enrich the shopping experience in Old Oakland which is our main goal in activating the retail in downtown Oakland.

Yoko and Kayoko are 100% dedicated to their community and the City of Oakland, so I wholeheartedly endorse their proposed addition of Japanese spirits sales and a tasting area.

Sincerely,
CBRE Inc.

Michelle Lane, CPM

Michelle Lane
Associate Director

Herrera, Jose

From: Allison Hopelain <allison@caminorestaurant.com>
Sent: Wednesday, April 19, 2017 2:45 PM
To: Herrera, Jose
Subject: Umami Mart

Hello Mr. Herrera,

I am writing to express my support for the proposal to add specialty Japanese spirits sales with a tasting area in Umami Mart, an existing retail kitchenware store that sells craft beer and sake in a commercial building at 815 Broadway in Old Oakland.

The business, Umami Mart, has been selling Japanese specialty housewares in Old Oakland since 2012 and was one of the first retail stores to revitalize its district as a retail destination. Allowing Umami Mart to sell spirits and have tastings will further enrich the shopping experience in Old Oakland.

Kayoko Akabori, one of the Umami Mart owners, worked at my restaurant Camino for several years prior to opening Umami Mart. I know both the business partners to be responsible individuals who are dedicated to their community and the city of Oakland. I wholeheartedly endorse their proposed addition of Japanese spirits sales and a tasting area.

Sincerely,

Allison Hopelain
Owner, Camino
Oakland, CA
510-910-4241

Dear Mr. Herrera,

My name is Julie Harleman, I am the owner of Maple Street Denim in downtown Oakland. I am writing to express my support for the proposal to add specialty Japanese spirits sales with a tasting area in Umami Mart, an existing retail kitchenware store that sells craft beer and sake in a commercial building at 815 Broadway in Old Oakland.

The business, Umami Mart, has been selling Japanese specialty housewares in Old Oakland since 2012 and was one of the first retail stores to revitalize its district as a retail destination. Allowing Umami Mart to sell spirits and have tastings will further enrich the shopping experience in Old Oakland.

As a neighboring business owner in the Old Oakland neighborhood, I know the business partners Yoko Kumano and Kayoko Akabori to be dedicated to their community and the city of Oakland. I wholeheartedly endorse their proposed addition of Japanese spirits sales and a tasting area.

Sincerely,

Julie Harleman
Owner
Maple Street Denim
465 9th Street
Oakland CA 94607
510-816-5326

Herrera, Jose

From: Williams, Keira L.
Sent: Tuesday, April 18, 2017 3:27 PM
To: Herrera, Jose
Cc: Yoko Kumano; Kayoko Akabori
Subject: Umami Mart product line expansion

Hi Jose,

I am writing to express my support for the proposal to add specialty Japanese spirits sales with a tasting area in Umami Mart, an existing retail kitchenware store that sells craft beer and sake in a commercial building at 815 Broadway in Old Oakland.

Umami Mart has been selling Japanese specialty housewares in Old Oakland since 2012 and was one of the first retail stores to bring back this district as a retail destination. Allowing Umami Mart to sell spirits and have tastings will further enrich the shopping experience in Old Oakland.

I have worked with Yoko and Kayoko from the beginning and know them to be conscientious business partners dedicated to their community and the city of Oakland, so I wholeheartedly endorse their proposed addition of Japanese spirits sales and a tasting area.

Keira Williams

Keira Williams | Retail Specialist

City of Oakland

Dept. of Economic & Workforce Development

510-238-3853 office | 510-387-8003 mobile | 510-238-6538 fax | Twitter @keirawilliams_

250 Frank Ogawa Plaza, Suite 3315, Oakland, CA 94612

kwilliams@oaklandnet.com | www.oaklandnet.com

EMAIL YIELDS FASTER RESPONSES



**California Department of Alcoholic
Beverage Control
For the County of ALAMEDA - (Retail
Licenses)
and Census Tract = 4031**

Report as of 6/6/2017

	License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	
1)	336347	ACTIVE	41	12/2/1997	11/30/2017	CHANYONPATANAKUL, RATTANAPORN 1009 CLAY ST OAKLAND, CA 94607 Census Tract: 4031.00	SIAM BAY AUTHENTIC THAI CUISINE	
2)	425122	ACTIVE	47	5/22/2009	4/30/2018	ARECHIGA, BLANCA JAQUELINE 719 WASHINGTON ST OAKLAND, CA 94607- 3924 Census Tract: 4031.00	COCK A DOODLE CAFE	4 E C 9
3)	438851	SUREND	47	8/24/2006	1/31/2018	ENG, KAI TONG 801 WASHINGTON ST OAKLAND, CA 94607- 4029 Census Tract: 4031.00	KAIS	2 C F A 9
4)	448400	ACTIVE	42	11/20/2007	10/31/2017	BELGIAN BIER CAFE LLC 460 8TH ST OAKLAND, CA 94607- 3935 Census Tract: 4031.00	TRAPPIST CAFE	F C 9
5)	449464	ACTIVE	41	5/2/2007	4/30/2018	WHITE, BARBARA ANN 729 WASHINGTON ST OAKLAND, CA 94607- 3924 Census Tract: 4031.00	OBS COFFEE CAFE	
6)	45616	ACTIVE	47	11/1/1977	6/30/2017	GOMEZ, EFREN 701 CLAY ST OAKLAND, CA 94607 Census Tract: 4031.00	MEXICALO ROSE RESTAURANT	

7)	456439	ACTIVE	21	5/20/2008	6/30/2017	SMART & FINAL STORES LLC 901-933 BROADWAY OAKLAND, CA 94607-4017 Census Tract: 4031.00	SMART & FINAL 446	6 C L A 9
8)	471384	ACTIVE	47	6/18/2009	5/31/2018	PENELOPE LLC 555 12TH ST, STE 120 OAKLAND, CA 94607-4067 Census Tract: 4031.00	PENELOPE LOUNGE	
9)	483091	ACTIVE	48	2/24/2010	1/31/2018	LOUNGE GROUP LLC 481 9TH ST OAKLAND, CA 94607-4047 Census Tract: 4031.00	LIEGE SPIRITS LOUNGE	
10)	489039	ACTIVE	47	6/15/2010 8:45:41 AM	4/30/2018	DOMINGUEZ, ALFONSO 468 8TH ST OAKLAND, CA 94607-3935 Census Tract: 4031.00	TAMARINDO	
11)	507871	ACTIVE	41	3/15/2011 12:22:27 PM	2/28/2018	D MORS LLC 817 WASHINGTON ST OAKLAND, CA 94607-4029 Census Tract: 4031.00	CAFFE 817	4 E C 9
12)	514176	ACTIVE	41	10/18/2011 9:22:18 AM	9/30/2017	SBI ENTERPRISES LLC 501 14TH ST 24 OAKLAND, CA 94612-1488 Census Tract: 4031.00	LA SALSA FRESH MEXICAN GRILL	F N 9
13)	515424	ACTIVE	47	11/21/2011 10:48:23 AM	10/31/2017	SANTA FE BAR & GRILL, INC. 1111 BROADWAY OAKLAND, CA 94607-4139 Census Tract: 4031.00	FAZ RESTAURANT & BAR	5 F C 3
14)	515889	ACTIVE	47	12/22/2011 8:44:36 AM	11/30/2017	CRJ PARTNERS IV, LLC 827 WASHINGTON ST OAKLAND, CA 94607-	DISTRICT	

						4029		
15)	519710	ACTIVE	47	5/15/2012 11:05:09 AM	2/28/2018	Census Tract: 4031.00 LE CHEVAL LLC 1007 CLAY ST OAKLAND, CA 94607-4025	LE CHEVAL RESTAURANT	
16)	520147	ACTIVE	41	1/9/2013 8:22:10 AM	12/31/2017	Census Tract: 4031.00 ROSA WASHINGTON, INC. 911 WASHINGTON ST OAKLAND, CA 94607-4003	ROSAMUNDE SAUSAGE GRILL	2 S S F C 3
17)	527679	ACTIVE	48	12/20/2013 4:31:53 PM	11/30/2017	Census Tract: 4031.00 CDJ GROUP, LLC 811 WASHINGTON ST OAKLAND, CA 94607-4029	PARLIAMENT	7 F C 9
18)	529911	ACTIVE	47	4/5/2013 3:58:59 PM	3/31/2018	Census Tract: 4031.00 MISS OLLIES LLC 901 WASHINGTON ST OAKLAND, CA 94607-4003	MISS OLLIES LLC	
19)	533842	ACTIVE	47	8/22/2013 11:04:05 AM	7/31/2017	Census Tract: 4031.00 SPIGA LLC 499 9TH ST OAKLAND, CA 94607-4047	SPIGA DESCO	4 C 9
20)	535272	ACTIVE	47	11/13/2013 10:31:09 AM	10/31/2017	Census Tract: 4031.00 HONDUMEX GROUP, LLC 1015 CLAY ST OAKLAND, CA 94607-4025	EL GUSANO	
21)	536326	ACTIVE	41	9/17/2014 2:54:15 PM	8/31/2017	Census Tract: 4031.00 B-DAMA INC 907 WASHINGTON STE, STE H OAKLAND, CA 94607-4097	B-DAMA INC	9 J S C 9
22)		ACTIVE	41		4/30/2018	Census Tract: 4031.00		

	<u>536337</u>			5/1/2014 9:53:36 AM		COOK AND HER FARMER LLC THE 907 WASHINGTON ST, STE F OAKLAND, CA 94607- 4097 Census Tract: 4031.00	COOK AND HER FARMER THE	
23)	<u>536672</u>	ACTIVE	47	10/18/2013 4:47:36 PM	9/30/2017	KESHAVA LLC 495 10TH ST OAKLAND, CA 94607- 4012 Census Tract: 4031.00	SEISON RESTAURANT	
24)	<u>539571</u>	ACTIVE	47	3/24/2014 1:15:09 PM	9/30/2017	GALETO BRAZILIAN GRILL, INC 1019 CLAY ST OAKLAND, CA 94607- 4025 Census Tract: 4031.00	GALETO BRAZILIAN GRILL	
25)	<u>547186</u>	ACTIVE	41	11/26/2014 2:05:26 PM	10/31/2017	INTERNATIONAL FOOD & BEVERAGE SOLUTIONS. LLC 907 WASHINGTON ST, STE E OAKLAND, CA 94607- 4128 Census Tract: 4031.00	DEEP ROOTS	1 E S C 9
26)	<u>549017</u>	ACTIVE	47	5/20/2015 8:34:40 AM	4/30/2018	COSECHA LLC 907 WASHINGTON ST, STE D & G OAKLAND, CA 94607- 4097 Census Tract: 4031.00	COSECHA	6 C C 9
27)	<u>551674</u>	ACTIVE	20	2/6/2015 10:31:23 AM	1/31/2018	UMAMIMART, LLC 815 BROADWAY OAKLAND, CA 94607- 4015 Census Tract: 4031.00	UMAMI MART	
28)	<u>553067</u>	ACTIVE	41	4/15/2015 7:30:56 AM	3/31/2018	MITCHELL, MUNCHA 801 WASHINGTON ST OAKLAND, CA 94607- 4029 Census Tract: 4031.00	BENTO HOUSE THE	

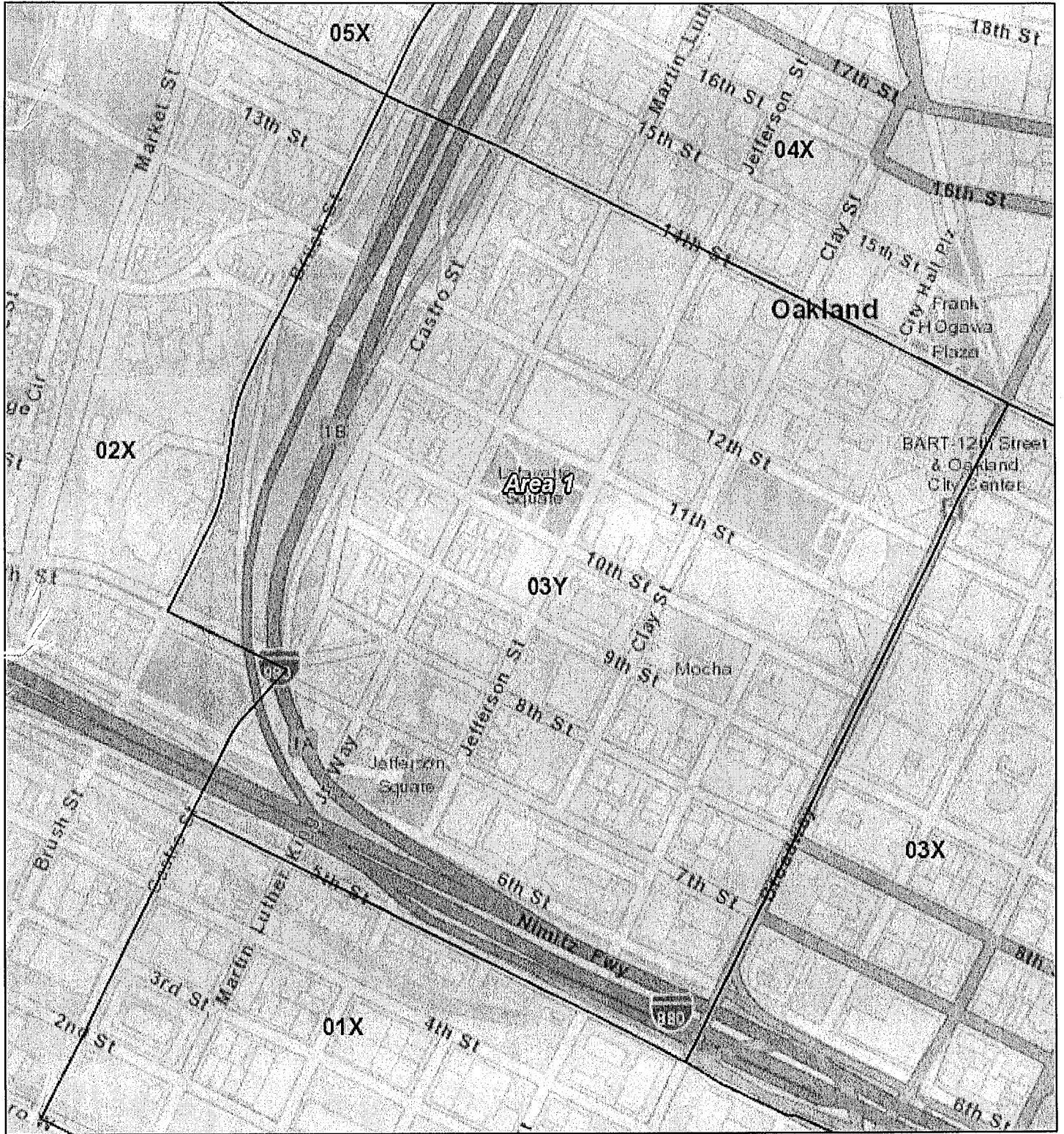
29)	<u>553713</u>	ACTIVE	47	3/5/2015 1:01:58 PM	2/28/2018	BAAI LLC 500 12TH ST, STE B135 OAKLAND, CA 94607- 4018 Census Tract: 4031.00	MAX'S DINER AND BAR	
30)	<u>557032</u>	ACTIVE	47	7/10/2015 8:16:37 AM	6/30/2017	CHANNEL DRIVE SERVICES INC 1001 BROADWAY OAKLAND, CA 94607- 4038 Census Tract: 4031.00	OAKLAND MARRIOTT CITY CENTER	3 E S 9
31)	<u>557037</u>	ACTIVE	47	7/10/2015 8:28:48 AM	6/30/2017	CHANNEL DRIVE SERVICES INC 550 10TH ST, OAKLAND CONVENTION CENTER OAKLAND, CA 94607- 4038 Census Tract: 4031.00	OAKLAND CONVENTION CENTER	3 E S 9
32)	<u>564266</u>	R64B	47	5/2/2017 4:14:12 PM	4/30/2018	OESTE, LLC 722-730 CLAY ST OAKLAND, CA 94607- 3921 Census Tract: 4031.00	OESTE	7 C 9
33)	<u>564511</u>	ACTIVE	47	2/19/2016 10:21:52 AM	1/31/2018	GAME BAR LLC 736 WASHINGTON ST OAKLAND, CA 94607- 3925 Census Tract: 4031.00		1 E C 9
34)	<u>564805</u>	ACTIVE	41	3/2/2016 10:51:12 AM	2/28/2018	B-DAMA INC 536 9TH ST OAKLAND, CA 94607- 3938 Census Tract: 4031.00		
35)	<u>571015</u>	ACTIVE	47	9/28/2016 9:55:03 AM	8/31/2017	BHUTANDEVI MAI, INC. 948 CLAY ST OAKLAND, CA 94607 Census Tract: 4031.00	ANNAPURNA RESTAURANT & BAR	
36)	<u>59319</u>	ACTIVE	21	5/6/1974	9/30/2017	MITCHELL BROS IMPORTS INC 821 WASHINGTON ST OAKLAND, CA 94607	G B RATTO & CO	

						Census Tract: 4031.00	
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--- End of Report ---

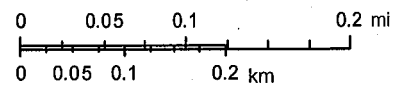
For a definition of codes, view our [glossary](#).

Oakland Police Department Districts & Beats



June 7, 2017

1:7,373



Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community



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License Query System - Map Query

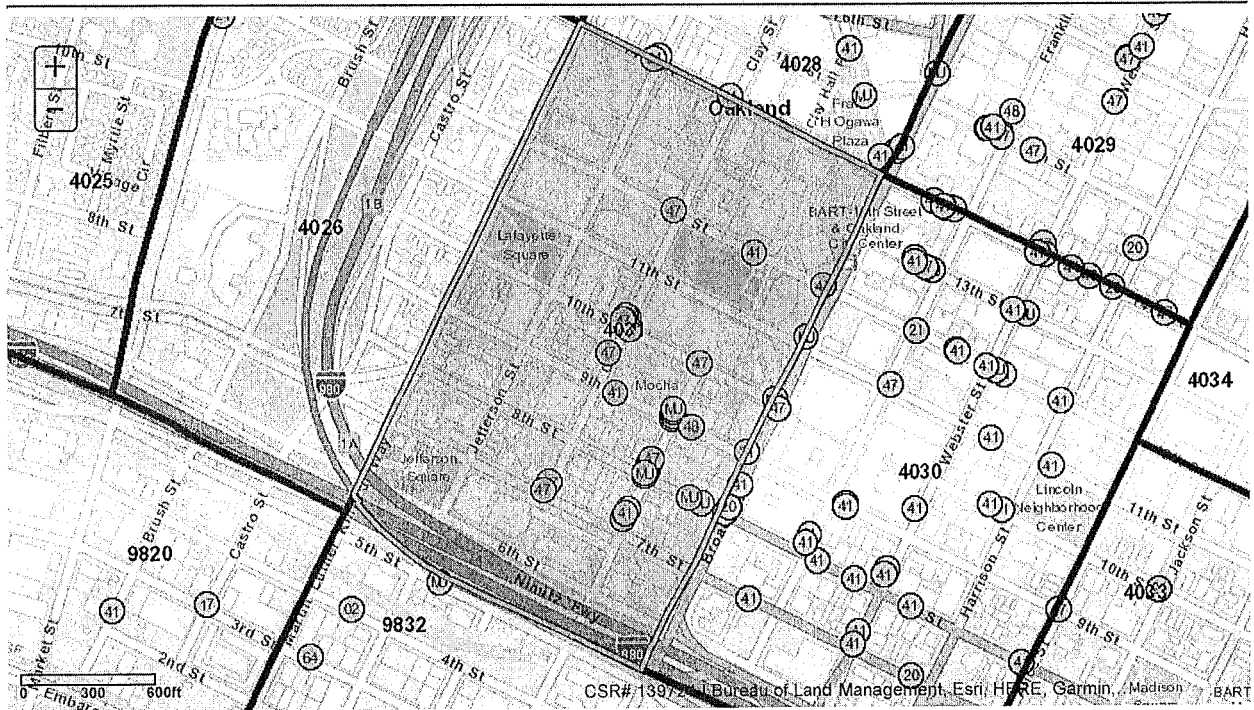
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License Number:

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Census Tract: City:



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**California Department of Alcoholic Beverage
Control**
License Query System Summary
as of 6/5/2017

License Information
License Number: 551674
Primary Owner: UMAMIMART, LLC
ABC Office of Application: 22 - OAKLAND
Business Name
Doing Business As: UMAMI MART
Business Address
Address: 815 BROADWAY Census Tract: 4031.00
City: OAKLAND County: ALAMEDA
State: CA Zip Code: 94607
Licensee Information
Licensee: UMAMIMART, LLC
<i>Company Information</i>
OFFICER: AKABORI, KAYOKO (MEMBER)
OFFICER: KUMANO, YOKO ISABELLE (MEMBER)
License Types
1) License Type: 20 - OFF-SALE BEER AND WINE
License Type Status: ACTIVE
Status Date: 09-FEB-2015 Term: 12 Month(s)
Original Issue Date: 06-FEB-2015 Expiration Date: 31-JAN-2018
Master: Y Duplicate: 0 Fee Code: P40

Operating Restrictions
<i>... No Operating Restrictions found ...</i>
Current Disciplinary Action
<i>... No Active Disciplinary Action found ...</i>
Disciplinary History
<i>... No Disciplinary History found ...</i>
Hold Information
<i>... No Active Holds found ...</i>
Escrow
<i>... No Escrow found ...</i>

--- End of Report ---

For a definition of codes, view our [glossary](#).