

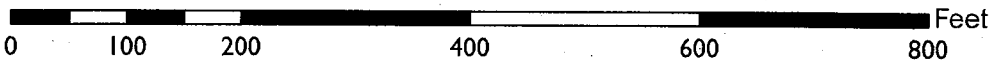
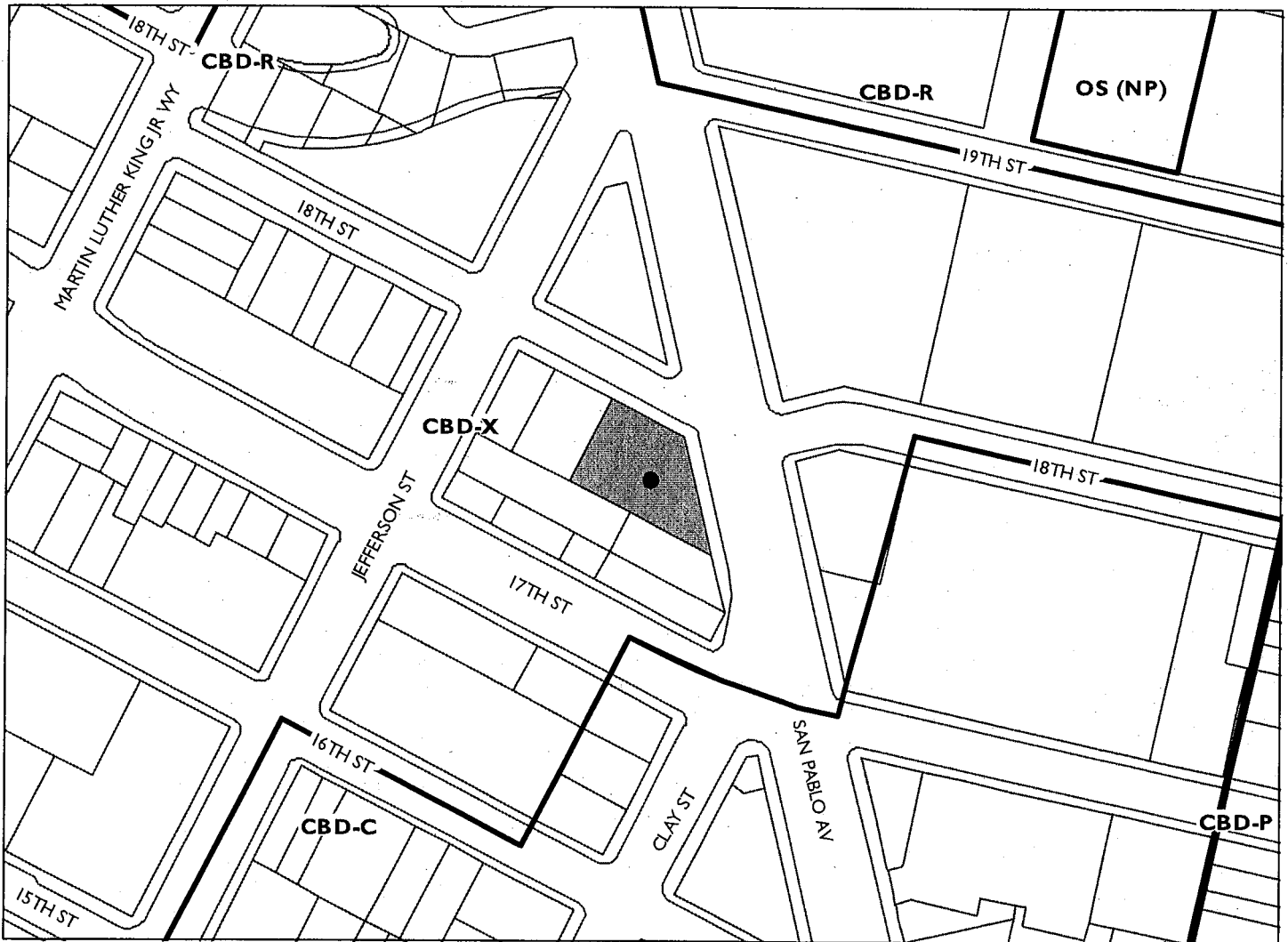
Location:	1741 San Pablo Avenue (APN: 003 -0063-004-04). (See map on reverse)
Proposal:	To establish a new Alcoholic Beverage Sales Activity, Type 48 Bar, into a vacant ground floor commercial space. The proposed bar will occupy a 1,600 square feet space and will have operating hours 4:00pm-12:00am.
Applicant:	Amplify Entertainment, LLC, c/o Allison Sadauskas (415) 990-0379
Owner:	Michael O'Connor
Planning Permits Required:	Major Conditional Use Permit to allow the establishment of an Alcoholic Beverage Sales Activity; Findings of Public Convenience or Necessity in an over concentrated area.
General Plan:	Central Business District
Zoning:	CBD-X Zone Central Business District Mix Commercial Zone
Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities (operation); Section 15183 of the State CEQA Guidelines: Projects Consistent with a Community Plan, General Plan or Zoning
Historic Status:	Potential Designated Historic Property; OCHS Survey rating: Dc3
City Council District:	3
Action to be Taken:	Approve with conditions
Finality of Decision:	Appealable to City Council within 10 days
For Further Information:	Contact case planner Jose M. Herrera-Preza, Planner II at (510) 238-3808 or jherrera@oaklandca.gov

SUMMARY

The applicant requests Planning Commission approval of a Major Conditional Use Permit with findings for Public Convenience and Necessity to establish a neighborhood bar within a 1,600-square foot ground floor commercial space, with a 12:00am closing time, in the Uptown District of Downtown Oakland.

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

CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN18330
Applicant: Amplify Entertainment, LLC
Address: 1741 San Pablo Avenue
Zone: CBD-X

PROJECT DESCRIPTION

The proposal will establish a neighborhood bar within the building at 579 18th Street. The entrance will be facing San Pablo Avenue and will occupy a vacant ground floor commercial space at 1741 San Pablo Avenue, formerly occupied by "The Rock Steady". The proposed bar would have a type 48 liquor license from the California Department of Alcoholic Beverage Control (ABC) for a bar with liquor, beer and wine for on-site consumption and no minors admitted. Hours of operation would be 4:00pm-12:00am Monday-Saturday. The layout would consist of a 1,600-square foot interior space with tables and chairs throughout and a maximum occupancy of 49 people. The activity would have a total of 15 full-time employees including bartender, security and bussers.

No exterior changes are proposed as part of this application. Design Review for minor exterior alterations signage will be handled separately from this application.

PROPERTY DESCRIPTION

The subject property contains a 10,347-square foot 1.5 story commercial building at the corner of 18th Street and San Pablo Avenue. The building is divided into 5 commercial spaces with a variety of activities such as the group assembly activity serving the "New Parish" (the largest tenant in the building) and the full-service restaurant "Curry Up Now" bookending the row of commercial spaces facing San Pablo Avenue. The proposal will occupy a mid-block commercial space identified as 1741 San Pablo Avenue.

The building has been identified as a Potentially Designated Historic Property (PDHP) by the Office of Historical Cultural Survey (OCHS) with a Dc3 rating but is not located within a historic district. The building was constructed in 1914 and covers about 1/3 of a city block. The subject site has been occupied by several commercial activities but has been most recently occupied by a full-service restaurant "The Rock Steady". The site lacks on-site parking; however, the district contains on-street metered parking, BART, AC Transit and auto fee parking lots. The district consists of restaurants, bars, retail uses, consumer services, and offices, and is near the Paramount and Fox Theatres.

GENERAL PLAN ANALYSIS

The property is in the Central Business District classification of the General Plan Land Use and Transportation Element (LUTE). The intent of the area is: "to encourage, support, and enhance a mix of large-scale offices, commercial, urban high-rise residential, institutional, open space, cultural, educational, arts, entertainment, services, community facilities, and visitor uses." The proposal to establish a bar in an entertainment district in downtown Oakland near theaters, bars, and restaurants conforms to this intent and to the following LUTE Policies and Objective:

Policy I/C1.2 Retaining Existing Business

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

Policy I/C3.2 Enhancing Business Districts.

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

Policy I/C3.4 Strengthening Vitality.

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

Neighborhood Activity Centers

Objective N10

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

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

ZONING ANALYSIS

The property is in the CBD-X Central Business District Mix Commercial Zone. The intent of the CBD-X Zone is: "to designate areas of the Central Business District appropriate for a wide range of upper-story and ground-level residential, commercial, and compatible light industrial activity." The proposal will establish an alcoholic beverage sales activity within a ground floor commercial space. The following are the permits required for the proposal, the reason each permit is required, and a discussion of each permit requested. These items are further discussed in the "Key Issues and Impacts" section of this report.

Major Conditional Use Permit with Additional Findings

Section 17.103.030 of the Planning Code requires a Conditional Use Permit (CUP) for Alcoholic Beverage Sales Commercial Activities, and contains additional Use Permit criteria. The Planning Code requires additional review of these types of activities to ensure that they do not contribute to alcohol-related nuisances or discourage 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 the current proposal. This proposal is consistent with Resolution 75490 because it is located in the Central District between 1st Street and 27th Street and the applicant has sourced a Type 48 Liquor License from within the city (#48-314514) from "The Hut" previously on 5515 College Avenue.

Findings of Public Convenience or Necessity

This proposal also requires findings of Public Convenience or Necessity. These findings, modeled on State findings, are required for Alcoholic Beverage Sales to be established in an over-concentrated area. The subject site is in Census Tract 4028 where 28 ABC licenses exist and where more than four is over-concentrated. "Alcoholic beverage license over-concentrated areas" means a police beat with crime rates that exceed the City median by twenty (20) percent or more or a census tract in which the per capita number of on-sale or off-sale retail Alcoholic Beverage Sales licenses exceeds the Alameda County median. The site is within Police Beat 4X: an area that 2,176 reported crimes were reported during the first quarter of this year, which is more than more than the 1,142 which is considered an over-concentrated.

The proposed location for the bar meets the intent of the Public Convivence and Necessity findings due to the community wide benefit of having a synergy between entertainment, retail, food and beverage sales in the Uptown District (see Findings, below).

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines categorically exempts specific types of projects from environmental review. Section 15301 of the State CEQA Guidelines exempts projects involving operation and licensing of existing private facilities. The proposal for on-sale of alcoholic beverages from a new bar located in an existing space meets this description: the project would constitute

operation of an existing private facility. Section 15183 of the State CEQA Guidelines relates to Projects Consistent with a Community Plan, General Plan or Zoning. The project adheres to this section, as described above. The project is, therefore, not subject to further Environmental Review.

KEY ISSUES AND IMPACTS

Conditional Use Permit

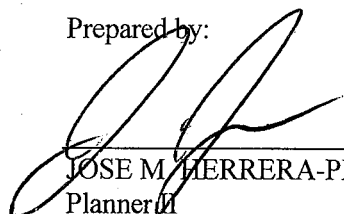
Due to the proposal’s ability to make required findings, staff recommends approval of the project, subject to Conditions of Approval, including a required compliance review one year after issuance of an occupancy permit. A Conditional Use Permit is required for Alcoholic Beverage Sales activities within the CBD-X Zone and Central Business District General Plan Area. The purpose of the CUP is to consider compatibility of the proposed use with its surroundings and to attach operating conditions to ensure the business will not be a nuisance. There are no residences adjacent to the proposal but there is an Oakland School of the Arts laboratory located across the street from the bar. Staff does not expect the bar to disturb the laboratory activities because they will have different hours of operation.

The proposal is consistent with the arts and entertainment character of the Uptown District and complements the entertainment activities in the adjacent “New Parish” and nearby Fox and Paramount Theatres. The applicant has successfully operated a bar in Oakland since 2009 at 504 Lake Park Avenue (“The Heart and Dagger Saloon”). The attached Conditions of Approval impose various requirements, such as controls on litter and noise, to maintain the compatibility of a neighborhood bar with the surrounding area. Given these conditions, staff recommends the Planning Commission grant the request, subject to the attached Conditions of Approval.

RECOMMENDATIONS:

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

Prepared by:



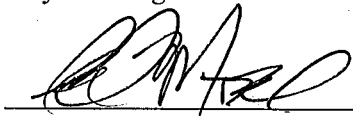
JOSE M. HERRERA-PREZA
Planner III

Reviewed by:



ROBERT MERKAMP
Acting Zoning Manager

Approved for forwarding to the City Planning Commission:



ED MANASSE, Acting Deputy Director
Bureau of Planning

ATTACHMENTS:

- A. Cover Letter
- B. Project Plans
- C. Photos

FINDINGS FOR APPROVAL

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

General Use Permit Criteria (OMC Sec. 17.134.050):

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

The proposal is compatible with its location in the historic Uptown District in the Central Business District. The site is in an area of the city that encourages nightlife and entertainment, and is near landmark destinations such as the New Parish, The Fox and Paramount Theatres. The property is within an area of the Central Business District identified as a nighttime and entertainment district between 1st Street and 27th Street, which consists of a combination of restaurants, cafés, theaters, retail stores, and gourmet food and drink businesses. The proposal will increase the diversity of retail options and serve pedestrian use in the area.

- 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 floor plan will be a functional environment for bar activities. The bar area will be long enough to conveniently serve customers, and seating will be accessibly located near the bar. Office, bathroom, and storage facilities will be located towards the rear of the bar to create an active and prominent presence on San Pablo Avenue.

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

The project will enhance the synergy of food and beverage services in the Uptown arts and entertainment district and will complement the activities in the nearby theatres. The proposal will bring more pedestrians, customers, and foot traffic to the area.

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

Design Review for minor exterior alterations, including signage, will be filed under separate planning permits.

- E. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable guidelines or criteria, district plan or development control map which has been adopted by the Planning Commission or City Council.**

See General Plan analysis, above.

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

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

The site is not adjacent to any residences but is across the street from a Oakland School of the Arts laboratory. The art laboratory has limited daily classes that will not conflict with the proposed bar activities. The subject site is next to several restaurants, retail businesses and both the Fox and Paramount Theatres. The applicant has successfully operated bar businesses in Oakland and has several years of experience in the industry. Conditions of Approval would attach several requirements, such as controls on litter and noise, to maintain the compatibility of a bar with the surrounding area.

- 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 is not abutting civic uses and will operate at different hours than school art laboratory located near the site.

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

The project involves an existing commercial space with one entrance along San Pablo Avenue and will not obstruct pedestrian movement on the adjacent sidewalk.

- 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;**

Design Review for minor exterior alterations, including signage, will be reviewed under a separate permit.

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

The business will be in a historic building built in 1914 and lacks on-site parking. Any proposed signage will conform to the style and character of the building and will not be large or obtrusive.

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

The business will contain litter receptacles at the interior and Condition of Approval #11 (I) requires that staff clean the fronting public right-of-way daily.

- 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 p.m. and 7 a.m. The same criteria shall apply to all conditional use permits required by subsection B of this section for sale of alcoholic beverages at full-service restaurants.**

The site is not adjacent to residences.

- 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 because the proposal does not involve a Fast Food Restaurant.

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

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

The project will enhance the synergy of food, retail, and beverage services in the Uptown entertainment district and will complement the activities in the adjacent New Parish and nearby Fox and Paramount Theaters.

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

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

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

Alcoholic beverage sales are appropriate for a bar business.

CONDITIONS OF APPROVAL

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, **PLN18330** and the approved plans **dated October 10, 2018**, as amended by the following conditions of approval and mitigation measures, if applicable (“Conditions of Approval” or “Conditions”).

2. Effective Date, Expiration, Extensions and Extinguishment

This Approval shall become effective immediately, unless the Approval is appealable, in which case the Approval shall become effective in ten (10) calendar days unless an appeal is filed. Unless a different termination date is prescribed, this Approval shall expire **two-years** from the Approval date, or from the date of the final decision in the event of an appeal, unless within such period a complete building permit application has been filed with the Bureau of Building and diligently pursued towards completion, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this Approval, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit or other construction-related permit for this project may invalidate this Approval if said Approval has also expired. If litigation is filed challenging this Approval, or its implementation, then the time period stated above for obtaining necessary permits for construction or alteration and/or commencement of authorized activities is automatically extended for the duration of the litigation.

3. Compliance with Other Requirements

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

4. Minor and Major Changes

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

5. Compliance with Conditions of Approval

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

6. Signed Copy of the Approval/Conditions

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

7. Blight/Nuisances

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

8. Indemnification

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

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

9. Severability

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

SPECIFIC CONDITIONS RELATED TO ALCOHOL BEVERAGE SALES:

10. Alcoholic Beverage Sales

a. Additional Permits Required

Prior to commencement of activity

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

b. ABAT Registration

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

c. Deemed Approved Alcoholic Beverage Sale Regulations

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

d. Crime Prevention Through Environmental Review (CPTED)

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

e. Neighborhood outreach

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

The establishment shall display signage inside the building and next to the exit discouraging the patrons from generating nuisances outdoors both fronting the building and within the neighborhood. The establishment shall display signage at the front entrance and behind the bar offering contact numbers for both the establishment and the City (CEDA Code Compliance at (510)238-3381 and OPD non-emergency at (510)777-3333) for the purpose of reporting nuisances.

f. Location and manner of alcohol consumption

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

g. Hours of Alcohol Sale

Hours of alcohol sales are limited to the following: Monday through Saturday 4:00pm to 1:45am. No alcoholic beverages shall be sold within fifteen minutes prior to closing time.

h. Admittance

No minors shall be admitted at any time.

i. Staffing

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

j. Staff training program

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

k. Staff to monitor site

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

l. Entry

Admission shall never be charged for events or otherwise.

m. Cabarets

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

11. Facility Management

a. Signage

Within 30 days of the date of decision and ongoing

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

b. Advertising signage

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

c. Pay Phones

No pay phones are permitted outside the building.

d. Building Code Upgrades

Prior to commencing approved activities

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

e. Modifications

Prior to submitting for a building permit & ongoing

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

f. Loitering

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

g. Odor

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

h. Graffiti

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

i. Trash and litter

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

j. Noise

The City Noise Ordinance (OMC Sec. 8.18.010) and Performance Standards (OMC Sec. 17.20.050)

shall be observed for noise emanating from within the establishment from any source of recorded music and from patrons as well as from outdoor noise from patrons.

k. Smoking

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

shall provide signage inside the building and next to the exit to direct patrons to the proper location for smoking. No smoking shall be permitted in the rear yard area.

l. Taxi call program

Ongoing

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

m. Security cameras

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

12. Compliance hearings

Twelve months after the Certificate of Occupancy has been issued (or temporary Certificate of Occupancy if one is issued) for the tenant improvements, the applicant shall meet with the Zoning staff to review any complaints or other known issues that have arisen during the first 12 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 24 months after the Certificate of Occupancy is issued.

APPROVED BY:

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

**Amplify Entertainment, LLC
DBA The Amplifier Lounge
1741 San Pablo Ave.
Oakland, CA 94612**

PLN18330

General Information:

Plan to reopen a bar/tavern at 1741 San Pablo Ave., Oakland (formerly the Rock Steady) adjacent to but not affiliated with the New Parish live music venue at 579 18th St. Request to change zoning from Retail (or non-existent) to an Assembly of People 49 or Less.

Project Scope:

No new construction requested or required that would modify the current floor plan.

Applicable Codes:

According to Fire Inspector M. Pinto, there are no requirements for assembly when capacity is 49 or less.

Fire Code: CFC 1004.3 Posting of Occupant Load

Occupancy and Building Summary:

Occupancy: 49

Square Footage: 1600

Levels: 1

Description: One ADA compliant bar and all necessary bar equipment, walk-in cooler, two bathroom stalls for communal use (one ADA compliant) with communal sink area, office, employee bathroom, and store room with ice machine and mop sink. No kitchen or food service.

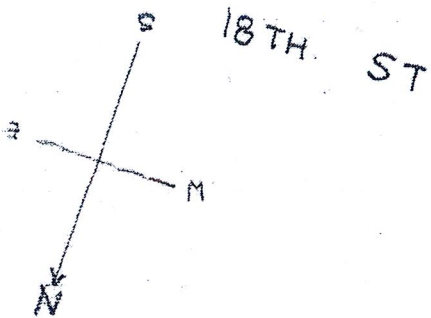
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1741 San Pablo Ave. Site Plan

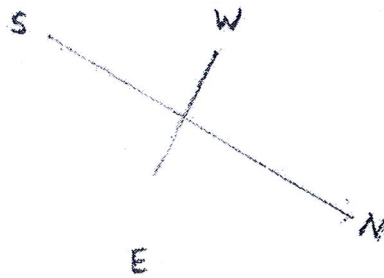
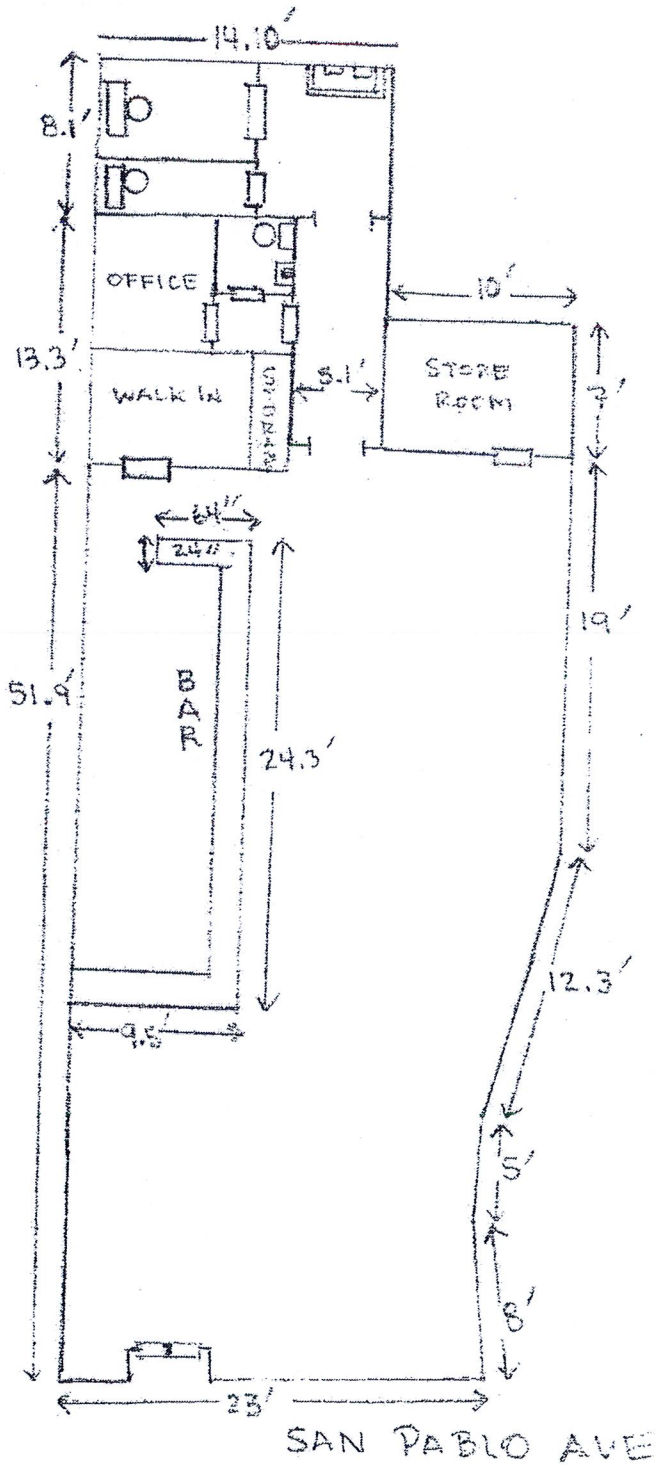


SCALE
1" = 3'



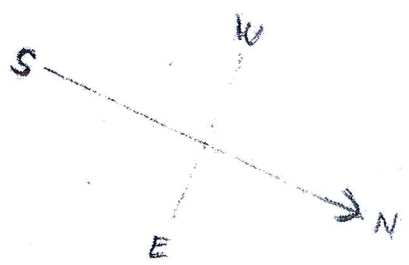
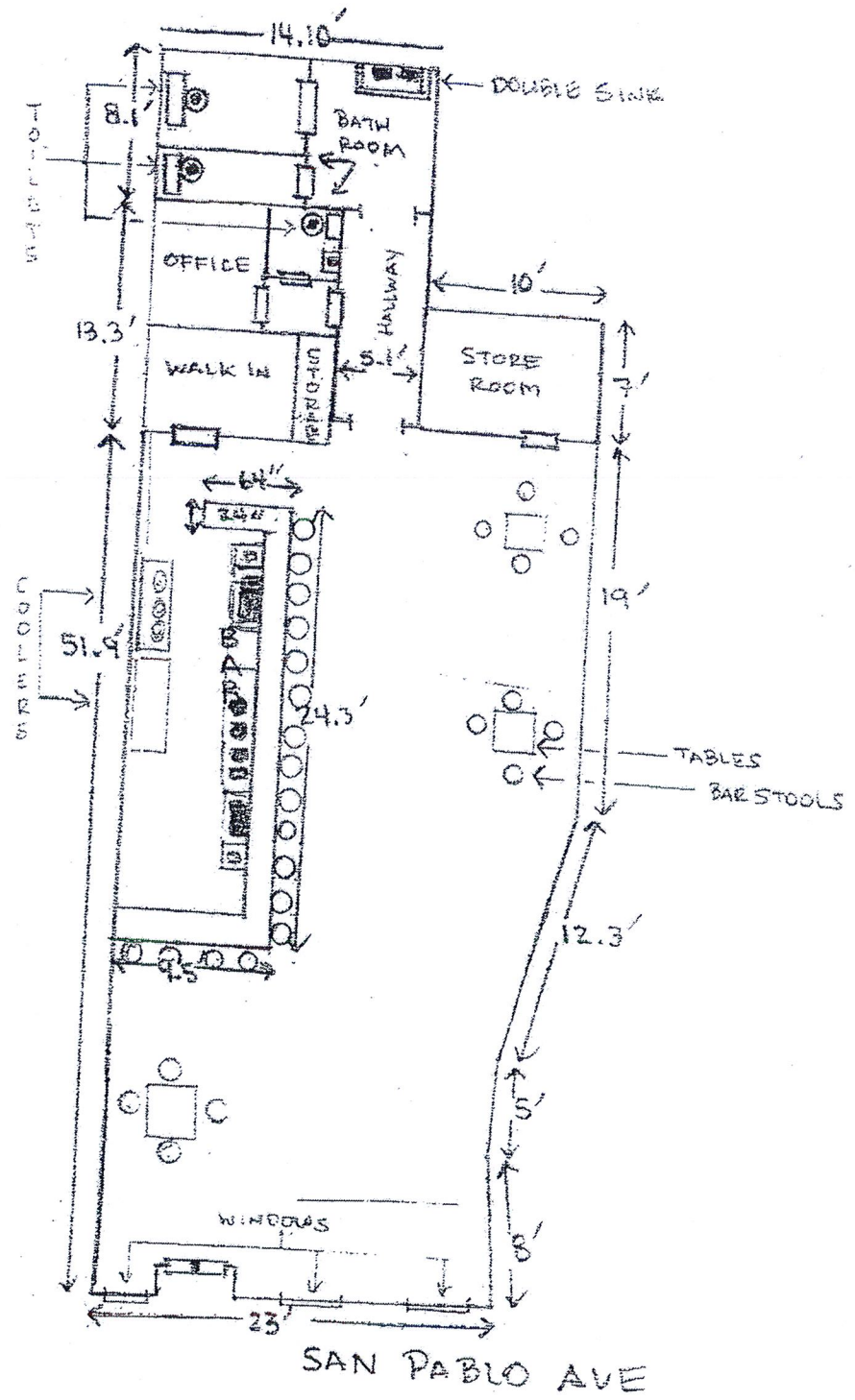
1741 SAN PABLO AVE.

Current Floor Plan



1741 SAN PABLO AVE.
SCALE 3/4" = 1'

Proposed Floor Plan



SAN PABLO AVE

1741 San Pablo Ave. Live Exterior Photos

View from sidewalk immediately in front of property



View from across the street, in front of 1726 San Pablo Ave.



View from nearer the corner of 17th St. and San Pablo Ave.

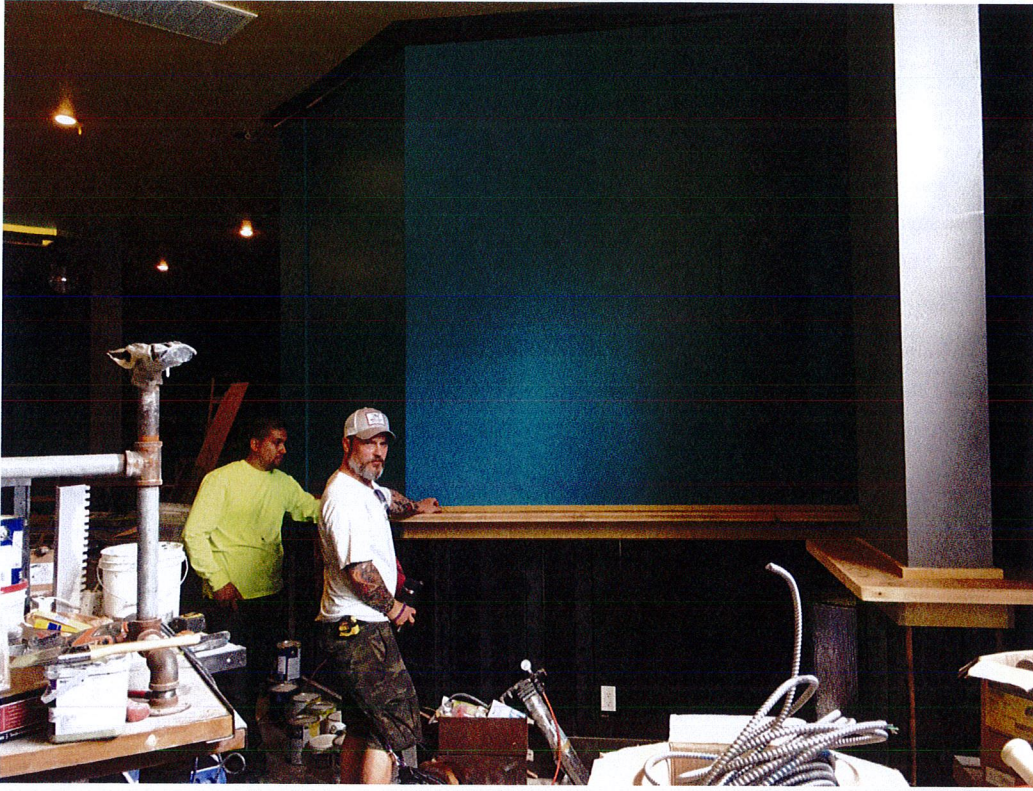


View from sidewalk in front of main entrance to the New Parish, 1743 San Pablo Ave.



1741 San Pablo Ave. Live Interior Photos

View to the right of interior front door



View from right side interior main room near front door facing left side interior front door



View of bar and back bar from right side of main room



View of right side of main room from behind the bar



View of hallway leading to bathroom and office space from rear of main room



View of communal area of bathroom



View of toilet stalls of bathroom (the one on the right is ADA compliant)



View of entrance to office and employee bathroom from hallway



View of employee bathroom from small hallway off of main hallway



View of office from small hallway off of main hallway



View of back bar from the rear



Allison and Erik Sadauskas
Amplify Entertainment, Inc.
1741 San Pablo Ave.
Oakland, CA 94612

City of Oakland Bureau of Planning
250 Frank H. Ogawa, Suite 2114
Oakland, CA 94612

PLN18330

Dear Jose Herrera and the City of Oakland Bureau of Planning,

My name is Allison Sadauskas and I am writing to you on behalf of my husband, Erik, and myself as well as our business, Amplify Entertainment, LLC DBA The Amplifier Lounge. We plan to open a new bar in the existing bar space at 1741 San Pablo Ave., Oakland (formerly the Rock Steady). I am writing to provide you information about ourselves and our experience in the industry, as well as to provide some insight as to the type of business we plan to open.

Our Experience:

Erik and I have been in the bar industry for decades. We both began bartending right out of our respective colleges and both moved into bar management positions. After marriage, we purchased the formerly precarious Serenader bar business in 2009 at 504 Lake Park Ave., Oakland, and turned it into the thriving Heart & Dagger Saloon, developing a money pit and scour on the neighborhood into the premier nightlife location for the Lakeshore neighborhood. In a couple of years we were able to purchase that commercial property from our former landlords and make some much-needed property improvements. We have owned and operated the Heart & Dagger Saloon for nearly nine years. The Heart & Dagger Saloon has never received a health code violation, fire code violation, liquor license violation, criminal violation, or even a noise complaint. We run a clean, safe, and profitable "Mom & Pop" business and choose excellent experienced staff members and plan to be on-site General Managers at The Amplifier just as we do at the Heart & Dagger Saloon.

Business Purpose:

The Amplifier Lounge will be a public bar establishment serving beer, wine, and alcoholic beverages with service of approximately 30 seated guests with additional standing room for another 19 guests. Maximum occupancy will be 49 people. Our bar will operate from 4pm-12am Monday – Thursday and from 4pm-2am Friday – Saturday and will close on Sunday except for special engagements. The bar will have table and bar seating. The bar will from time to time feature light music via either DJ or sound system, but there is no dedicated stage. Depending on day of the week and special events, we plan to have one on-site General Manager, one bartender, and one door host working at all times. The location will be secured not only by the staff on-site during hours of operation, but we will install a video surveillance system that will include two cameras facing San Pablo Ave. (one facing 17th St. and another facing 18th St.) in addition to several interior cameras. We will also have an alarm system and a "garage style" security gate on the exterior of the property.

Uniqueness:

There are other bars in the area that do not offer food service such as Fauna, Café Van Cleef's, and The Den at the Fox, but they differ fundamentally from style of service and type of beverages as well as price point than The Amplifier. The beverage selection and price point offered at The Amplifier will differ from the comparable bars in that we plan to offer a more accessible range of liquors at a more affordable price point, thus rendering The Amplifier as a more inclusive bar in Oakland than many of the higher-end craft cocktail establishments. Additionally, we plan to feature art by local artists on the walls to help bring attention to Oakland's thriving art scene in a space that is accessible to folks of all economic backgrounds.

Reviving a Former Business:

The 1741 San Pablo Ave. location operated as a bar (no kitchen) from 2013-2018 and was run by the property owners, PEG Telegraph. They operated the bar under their liquor license for the New Parish. We simply want to reopen the bar as a separate entity with a different liquor license, which was sourced as an existing type 48 liquor license (48-314514), formerly belonging to The Hut, located at 5515 College Ave., Oakland. We have no doubt that with the cosmetic, managerial, operational, and product changes implemented we will run a much more successful business in the location.

Positive Impact:

The space at 1741 San Pablo Ave. has been operating as a bar since 2013 and has already helped revive a formerly lackluster block of San Pablo Ave. The Amplifier will add to the efforts to revitalize and improve the Uptown economy in several positive ways. The Amplifier will provide approximately 15 new jobs for Oakland and generate many thousands of dollars in sales taxes and revenues for the City of Oakland. The Amplifier will be a great contribution to the thriving nightlife scene Oakland's Uptown neighborhood has to offer by offering beer, wine, and cocktails at a more affordable price than most bars in the area, thus serving a greater portion of the community. We plan to hold regular fundraisers at the location for local non-profit organizations in the community, just as we have at our other location, the Heart & Dagger Saloon. We have donated several thousands of dollars generated from on-site fundraisers at the Heart & Dagger Saloon to Easy Bay-based non-profits and hope to continue the trend at The Amplifier.

We thank you for your time and consideration in bringing a new well-run small business to the Uptown neighborhood of Oakland.

Best Regards,



Allison Sadauskas
Owner/General Manager
The Amplifier Lounge and The Heart & Dagger Saloon



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

Oakland Police Department
Neighborhood Services Section

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

October 24, 2018

To the City Planning Commission:

Erik and Allison Sadauskas operated successful neighborhood bars for over 20 years in Oakland. They have owned and operated the Serenader which turned into the Hearts & Dagger Saloon in the Lakeshore area. They have never received any health code violations, fire code, liquor license violations, criminal problems or noise complaints. They manage a clean, safe, profitable "Mom & Pop" business with excellent staff, on site with General Manager.

Now they want to open a new bar called the Amplifier Lounge at 1741 San Pablo Avenue. The bar will have a maximum occupancy of 49 people. The bar will operate from 4pm to 12am Monday thru Thursday and from 4pm to 2am on Friday and Saturday. Sunday, it will be closed except for Special engagements. They will have video surveillance that include two cameras facing San Pablo Avenue, one facing 17th St and another one facing 18th St. They will also have featured local artist on the walls.

The Uptown/Gold Coast Neighborhood Crime Prevention Council supports this business and bar will appeal to residents of all economic backgrounds.

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Chair of the Uptown/Gold Coast NCPC