

<b>Location:</b>	<b>222 Broadway, Suite 3A</b>	<b>(see reverse for map)</b>
<b>Assessor's Parcel Numbers:</b>	<b>001 -0244-001-00</b>	
<b>Proposal:</b>	To establish a 2,200 square-foot studio for art classes serving wine on site to up to 45 patrons/6 staff with separated on-site childcare (59 max.) and a 10:00 P.M. daily closing time. "Wine and Design"	
<b>Applicant/</b>	Tina Farman	
<b>Phone Number:</b>	(415) 517-6338	
<b>Owner:</b>	HPN Jack London 1 LLC	
<b>Planning Permits Required:</b>	Major Conditional Use Permit with additional findings for: CUP involving alcohol sales & Public Convenience Or Necessity	
<b>General Plan:</b>	Estuary Plan: Retail Dining Entertainment 2	
<b>Zoning:</b>	C-45 Community Shopping Commercial Zone / S-4 Design Review Combining Zone	
<b>Environmental Determination:</b>	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities (operation); Section 15183: Projects Consistent with a Community Plan, General Plan or Zoning	
<b>Historic Status:</b>	Non-historic property	
<b>City Council District:</b>	3	
<b>Date Filed:</b>	August 31, 2017	
<b>Action to be Taken:</b>	Approve with conditions	
<b>Finality of Decision:</b>	<i>Appealable to City Council within 10 days</i>	
<b>For Further Information:</b>	Contact case planner <b>Aubrey Rose, AICP</b> at <b>(510) 238-2071</b> or <a href="mailto:arose@oaklandnet.com">arose@oaklandnet.com</a>	

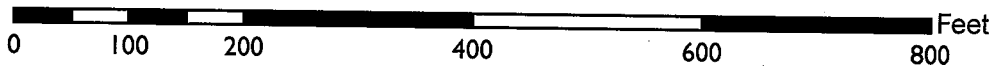
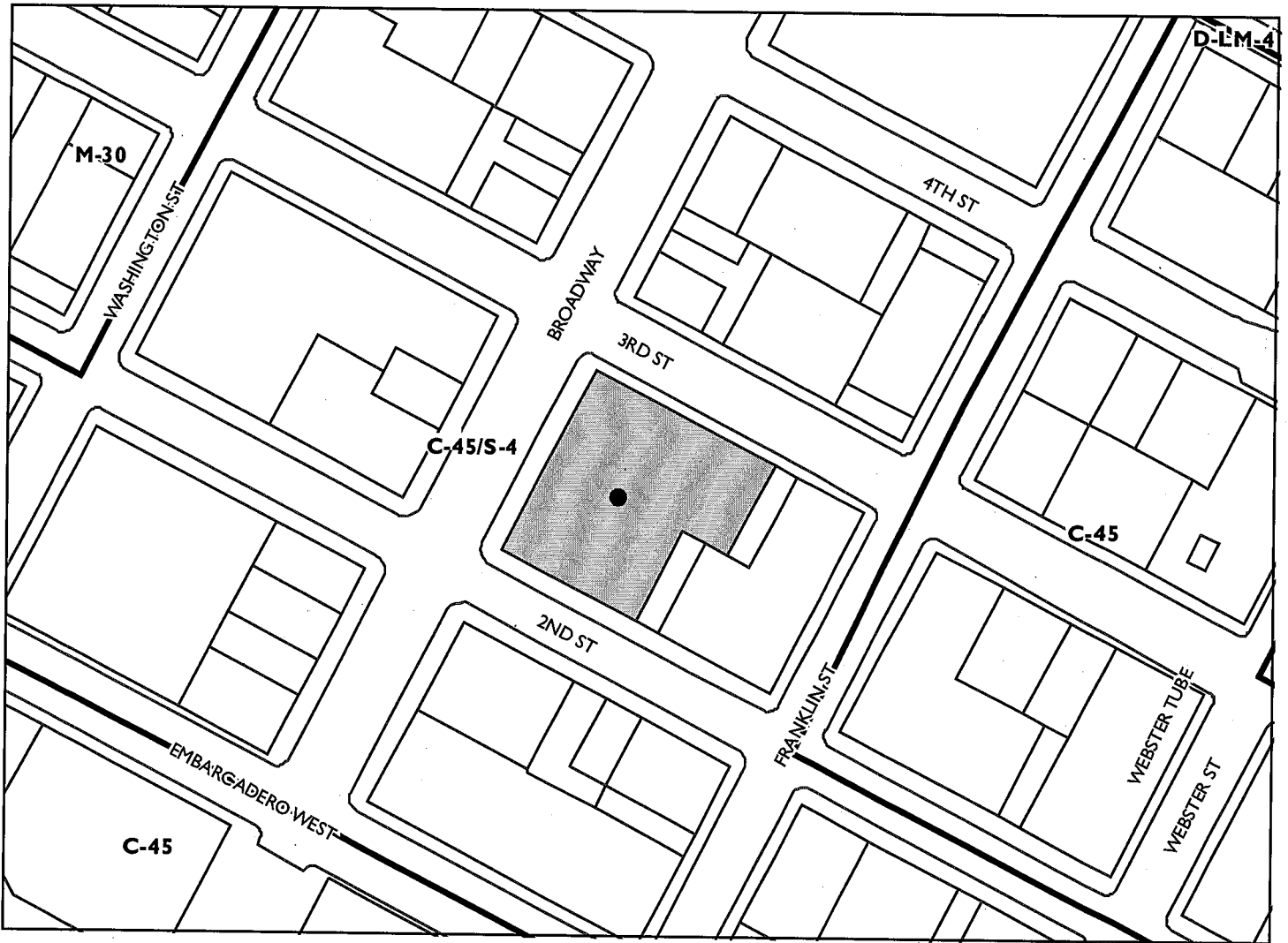
**SUMMARY**

The applicant requests Planning Commission approval of a Major Conditional Use with additional findings to establish a 2,200 square-foot studio for art classes serving wine on site to up to 45 patrons ("Wine By Design") with separated on-site childcare and a 10:00 P.M. daily closing time. Staff recommends approval of the requested permits, subject to the Conditions of Approval included in this report.

**PROPERTY DESCRIPTION**

The property is residential tower in the Jack London district ("The Ellington") encompassing half a city block along the east side of Broadway between 3<sup>rd</sup> and 4<sup>th</sup> Streets. The ground floor contains four commercial suites with high ceilings, significant glazing (14-feet in length), and sidewalk awnings. Residences begin on the third floor above the podium. The project would utilize one of these suites located mid-block and second to the tower entrance towards 4<sup>th</sup> Street. A prior approval for a production winery in the space was not utilized. The corner suite towards 3<sup>rd</sup> Street contains a café. Utilities are undergrounded and the block contains street lights and trees. The surrounding Jack London district, situated southwest of Downtown between the Estuary and the 880 Freeway, consists of restaurants, bars, entertainment venues, apartments, lofts, warehouses, the Produce District, and features Jack London Square. There are few or no civic uses such as schools, churches, daycares, senior facilities, or parks in the vicinity.

# CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN17340  
Applicant: Tina Farman  
Address: 222 Broadway, Suite 3A  
Zone: C-45 / S-4

## **PROJECT DESCRIPTION**

The applicant seeks to establish a 2,200 square-foot studio for art classes serving wine on site to up to 45 patrons ("Wine By Design"). Closing time would be 10:00 P.M. daily. The studio would include a separated on-site childcare space for up to 59 youths. Staff would consist of 6 total. The space measures approximately 28-feet in width by 80-feet in depth. Inside the main entrance (double doors), tenant improvements would result in: a check-in desk and childcare room beyond with 59 seats and 12 tables (40-feet deep and including a restroom); a stack-door partition at the middle of the space separating a rear studio to contain 45 seats and 9 tables, clean-up areas for art projects and supplies, additional restrooms, and a secondary egress (exit); and a small stage at one corner of each room toward the central partition. Admission would be charged online prior to admittance in order to prepare art supplies, recorded music would be played, and art would be displayed from the stages. The property sits along a free bus line and is near BART and Ferry, and parking facilities are located nearby in the district. Three staff parking stalls would be provided on-site, and the applicant is pursuing a parking validation program in the district for customers. The project would require a type 42 license from the ABC. Following is the description for a type 42:

**ON SALE BEER & WINE – PUBLIC PREMISES - (Bar, Tavern) Authorizes** the sale of beer and wine for consumption on or off the premises where sold. No distilled spirits may be on the premises. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.

Despite the ABC's provisions for a type 42 "tavern" license, off-sale ("to-go") of alcoholic beverages would not occur. A type 42 does not permit minors, hence the separation between the studio and childcare spaces. Food service is not required with a type 42 license. "Wine By Design" is a nation-wide franchise clustering along the Mid-Atlantic with two locations in California and none in the Bay Area. Following is their website address, for reference:

[www.wineanddesign.com](http://www.wineanddesign.com)

The applicant has conducted outreach with the Council District 3 office, neighbor group, and at a local street fair. OPD's Alcoholic Beverage Action Team (ABAT) has been advised of the request by staff.

## **GENERAL PLAN ANALYSIS**

The property is in the Estuary Plan's Retail Dining Entertainment 2 area. The intent of the RDE-2 area is "[t]o enhance and intensify Lower Broadway as an active pedestrian-oriented entertainment district that can help to create stronger activity and pedestrian linkages with downtown Oakland, Old Oakland, and Chinatown." The proposal conforms to this Intent and to the following Estuary Plan Policy:

Policy JL-1: Reinforce retail, dining and entertainment uses along the waterfront, and extend these uses along Broadway to create a regional entertainment destination.

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

## **ZONING ANALYSIS**

The property is in the C-45 Community Shopping Commercial and S-4 Design Review Combining Zones. The intent of the C-45 zone is "to create, preserve, and enhance areas with a wide range of both retail and wholesale establishments serving both long and short term needs in compact locations oriented toward pedestrian comparison shopping, and is typically appropriate to commercial clusters near intersections of major thoroughfares." The intent of the S-4 zone is "to create, preserve, and enhance the visual harmony and

attractiveness of areas which require special treatment and the consideration of relationships between facilities, and is typically appropriate to areas of special community, historical, or visual significance.” The following are permits required for the proposal and the reason each permit is required. These items are further discussed in the Key Issues and Impacts section of this report.

#### Major Conditional Use Permit

A Major Conditional Use Permit (CUP) is required for an Alcoholic Beverage Sales Commercial Activity (tavern). Additional CUP findings further ensure review of alcoholic beverage sales above and beyond general findings. The Planning Code requires a review of these activities to ensure that they do not contribute to nuisances in the community, including both alcohol-related issues and discouragement of further business attraction. Under the Planning Code, childcare for more than fourteen youths is use-classified as “Community Education Civic Activity.” As a different major use class than the art studio/tavern, and moreover, being in conjunction with an alcoholic beverage sales activity, the Planning Code does not consider childcare in this case to be accessory to the alcohol sales on-site, but rather, a separate stand-alone use. However, the C-45 zone permits Community Education by-right. Therefore, no additional zoning approvals are necessary for on-site childcare with the art studio/tavern.

#### Public Convenience or Necessity

The area is over-concentrated: while Police Beat 1X does not exceed the citywide median for reported crime and the area is therefore not considered high crime, Census Tract 9832 does exceed the countywide median for ABC licenses. The Census Tract contains 35 ABC licenses of which 26 are restaurants, 8 are non-restaurant establishments (such as bars and liquor stores), and 2 are taverns such as that which is proposed. Over-concentration due to ABC licenses is considered acceptable and is in fact expected for a downtown entertainment district.

#### Design Review

The applicant if approved for the CUP would apply for Design Review for business signage later.

The proposal conforms to the intent of the C-45 Zone. Staff finds the proposal, subject to Conditions of Approval, to conform to the Planning Code.

### **ENVIRONMENTAL DETERMINATION**

The California Environmental Quality Act (CEQA) Guidelines categorically exempts specific types of projects from environmental review. Section 15301 of the State CEQA Guidelines exempts projects involving *operation and licensing of existing private facilities*. The proposal for on-sale of alcoholic beverages from a new tavern located in an existing commercial 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**

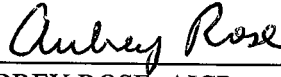
#### Conditional Use Permit

The required approval is essentially for a tavern; an art studio does not require a CUP and need not be maintained as a condition of approval. The project site is located along the Downtown’s major spine, Broadway, in a district compatible with both family and entertainment/drinking establishments. Conditions of Approval would attach several requirements, such as controls on litter and noise, to maintain the compatibility of a tavern with the surrounding mixed use area. Due to the proposal’s ability to make required findings, staff recommends approval of the project, subject to Conditions of Approval including a compliance review.

**RECOMMENDATIONS:**

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

Prepared by:



---

AUBREY ROSE, AICP  
Planner III

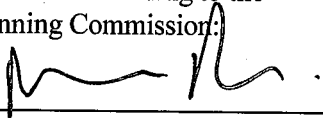
Reviewed by:



---

SCOTT MILLER  
Zoning Manager

Approved for forwarding to the  
City Planning Commission:



---

DARIN RANELLETTI  
Deputy Director  
Planning Bureau

**ATTACHMENTS:**

- A. Findings
- B. Conditions
- C. Plans / Photographs
- D. Area crime statistics
- E. Area ABC statistics

**Attachment A: Findings**

This proposal meets the required findings under **General Conditional Use Permit Criteria (OMC Sec. 17.134.050)**, **Use Permit Criteria for Establishments Selling Alcoholic Beverages (OMC Sec. 17.103.030.A)** and **Findings for Public Convenience or Necessity (OMC Sec. 17.103.030.B.3)**, as set forth below. Required findings are shown in **bold type**; explanations as to why these findings can be made are shown in normal type.

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

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

The proposal to establish an art studio serving wine and offering on-site childcare in the Jack London District is compatible with the site and surroundings. The property is located in the C-45 Community Shopping Commercial and S-4 Design Review Combining Zones. The intent of the C-45 zone is "to create, preserve, and enhance areas with a wide range of both retail and wholesale establishments serving both long and short term needs in compact locations oriented toward pedestrian comparison shopping, and is typically appropriate to commercial clusters near intersections of major thoroughfares." The intent of the S-4 zone is "to create, preserve, and enhance the visual harmony and attractiveness of areas which require special treatment and the consideration of relationships between facilities, and is typically appropriate to areas of special community, historical, or visual significance." The surrounding Jack London district, situated southwest of Downtown between the Estuary and the 880 Freeway, consists of restaurants, bars, entertainment venues, apartments, lofts, warehouses, the Produce District, and features Jack London Square. There are few or no civic uses such as schools, churches, daycares, senior facilities, or parks in the vicinity. Conditions of Approval attach several requirements, such as controls on litter and noise, to maintain the compatibility of a tavern with the surrounding mixed use 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 proposal to establish an art studio serving wine and offering on-site childcare in the Jack London District is compatible with the site and surroundings. The district is both family-friendly and compatible with entertainment/drinking establishments and is not a high crime area.

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

The proposal to establish an art studio serving wine and offering on-site childcare in the Jack London District is compatible with the site and surroundings. The district is both family-friendly and compatible with entertainment/drinking establishments and is not a high crime area.

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

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

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

The property is in the Estuary Plan's Retail Dining Entertainment 2 area. The intent of the RDE-2 area is "[t]o enhance and intensify Lower Broadway as an active pedestrian-oriented entertainment district that can help to create stronger activity and pedestrian linkages with downtown Oakland, Old Oakland, and Chinatown."

Policy JL-1: Reinforce retail, dining and entrainment uses along the waterfront, and extend these uses along Broadway to create a regional entertainment destination.

The proposal, subject to Conditions of Approval, conforms to the Estuary Plan.

**Use Permit Criteria for Establishments Selling Alcoholic Beverages (OMC Sec. 17.103.030.B.3):**

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

The proposal to establish an art studio serving wine and offering on-site childcare in the Jack London District is compatible with the site and surroundings. The surrounding Jack London district, situated southwest of Downtown between the Estuary and the 880 Freeway, consists of restaurants, bars, entertainment venues, apartments, lofts, warehouses, the Produce District, and features Jack London Square. There are few or no civic uses such as schools, churches, daycares, senior facilities, or parks in the vicinity. Conditions of Approval attach several requirements, such as controls on litter and noise, to maintain the compatibility of a tavern with the surrounding mixed use area.

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

There are few or no civic uses such as schools, churches, daycares, senior facilities, or parks in the vicinity.

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

The frontage contains no curb cuts and the site contains no customer parking.

**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 exterior changes are proposed.

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

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

No disposable to-go items will be offered; Conditions of Approval will ensure cleanliness along 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.**

Property residences begin on the third floor above a large podium; closing time will be 10 P.M.

**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 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 area is over-concentrated: while Police Beat 1X does not exceed the citywide median for reported crime and the area is therefore not considered high crime, Census Tract 9832 does exceed the countywide median for ABC licenses. The Census Tract contains 35 ABC licenses of which 26 are restaurants, 8 are non-restaurant establishments (such as bars and liquor stores), and 2 are taverns such as that which is proposed. Over-concentration due to ABC licenses is considered acceptable and is in fact expected for a downtown entertainment district.

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

The proposal to establish an art studio serving wine and offering on-site childcare in the Jack London District is compatible with the site and surroundings.

**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 entirely typical for an adult art studio/tavern business.



**Attachment B: Conditions**

**1. Approved Use**  
*Ongoing*

- a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials, staff report, and the plans dated **September 5, 2017** and submitted on **August 31, 2017** and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall require prior written approval from the Director of City Planning or designee.
- b) This action by the **City Planning Commission** ("this Approval") includes the approvals set forth below. This Approval includes:
- i) Major Conditional Use Permit and additional findings including Public Convenience or Necessity for an Alcoholic Beverage Sales Commercial Activity (downtown tavern featuring an art studio for adults with on-site childcare) at 222 Broadway Suite 3A.*

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

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

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

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

**4. Conformance with other Requirements**

*Prior to issuance of a demolition, grading, P-job, or other construction related permit*

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

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

***Ongoing***

- a) Site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60-90 days of approval, unless an earlier date is specified elsewhere.
- b) The City of Oakland reserves the right at any time during construction to require certification by a licensed professional that the as-built project conforms to all applicable zoning requirements, including but not limited to approved maximum heights and minimum setbacks. Failure to construct the project in accordance with approved plans may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension or other corrective action.
- c) Violation of any term, Conditions or project description relating to the Approvals is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approvals or alter these Conditions if it is found that there is violation of any of the Conditions or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions. The project applicant shall be responsible for paying fees in accordance with the City's Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Conditions of Approval.

**6. Signed Copy of the Conditions**

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

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

**7. Indemnification**

***Ongoing***

- a) To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and its respective agents, officers, and employees (hereafter collectively called City) from any liability, damages, claim, judgment, loss (direct or indirect) action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul, (1) an approval by the City relating to a development-related application or subdivision or (2) implementation of an approved development-related project. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.
- b) Within ten (10) calendar days of the filing of any Action as specified in subsection A above, the applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Letter of Agreement shall survive termination, extinguishment or invalidation of the approval. Failure to timely execute the Letter Agreement does not relieve the applicant of any of the obligations contained in this condition or other requirements or conditions of approval that may be imposed by the City.

**8. Compliance with Conditions of Approval**

***Ongoing***

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

**9. Severability**

***Ongoing***

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

**SPECIFIC CONDITIONS**

**10. Alcoholic Beverage Sales**

**a. Additional Permits Required**

***Prior to commencement of activity***

A type 42 license shall be obtained from the ABC. The state license and state conditions shall be posted along with these Conditional Use Permit conditions in a place visible to the public. This use shall also conform to all State Retail Operating Standards, Section 25612.5 of the Business and Professions Code and local Performance Standards, Section 15210, where applicable including any future changes in the above regulations. The intent of these standards is to reduce nuisance, litter, loitering, and crime associated with alcohol outlets. The City Conditions of Approval shall be forwarded to the Department of Alcoholic Beverage Control.

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

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

**c. Hours of Alcohol Sale**

Hours of alcohol sales are limited to the following:

Monday-Sunday, 10:00 A.M.-10:00 P.M.

**d. Admittance**

No minors shall be admitted in the rear art studio room.

**11. Operation**

***Ongoing***

**a. Staffing**

The establishment shall have at least two staff persons on-site Thursdays through Sundays.

**b. Staff training program**

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

**c. Staff to monitor site**

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

**d. Future operators**

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

**e. Cabarets**

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

**f. Taxi or ride share call program**

**Ongoing**

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

**12. Coordination/Outreach**

**a. ABAT Registration**

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

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

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

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

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

**d. Neighborhood outreach**

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

**13. Environmental Effects**

**a. Nuisances**

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

**b. Performance standards**

**Ongoing**

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

**c. Loitering**

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

**d. Odor**

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

**e. Graffiti**

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

**f. Trash and litter**

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

**g. Noise**

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

**h. Smoking**

The City Smoking Ordinance shall apply (OMC Sec. 8.30). Smoking shall only be located, at the discretion of the operator, along Broadway. An ashtrays shall be provided. The establishment shall provide signage inside the building and next to the exit to direct patrons to the proper location for smoking.

**14. Design**

**a. Signage**

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

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

**b. Signage to discourage other nuisances**

***Ongoing***

The establishment shall display signage inside the building and next to the exit discouraging the patrons from generating nuisances outdoors both fronting the building and within the neighborhood.

**c. Contact phone numbers**

***Ongoing***

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

**d. Advertising signage**

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

**e. 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.

**f. Modifications**

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

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

**g. Glazing**

***Ongoing***

Façade windows shall be transparent during business hours.

**15. Compliance hearings**

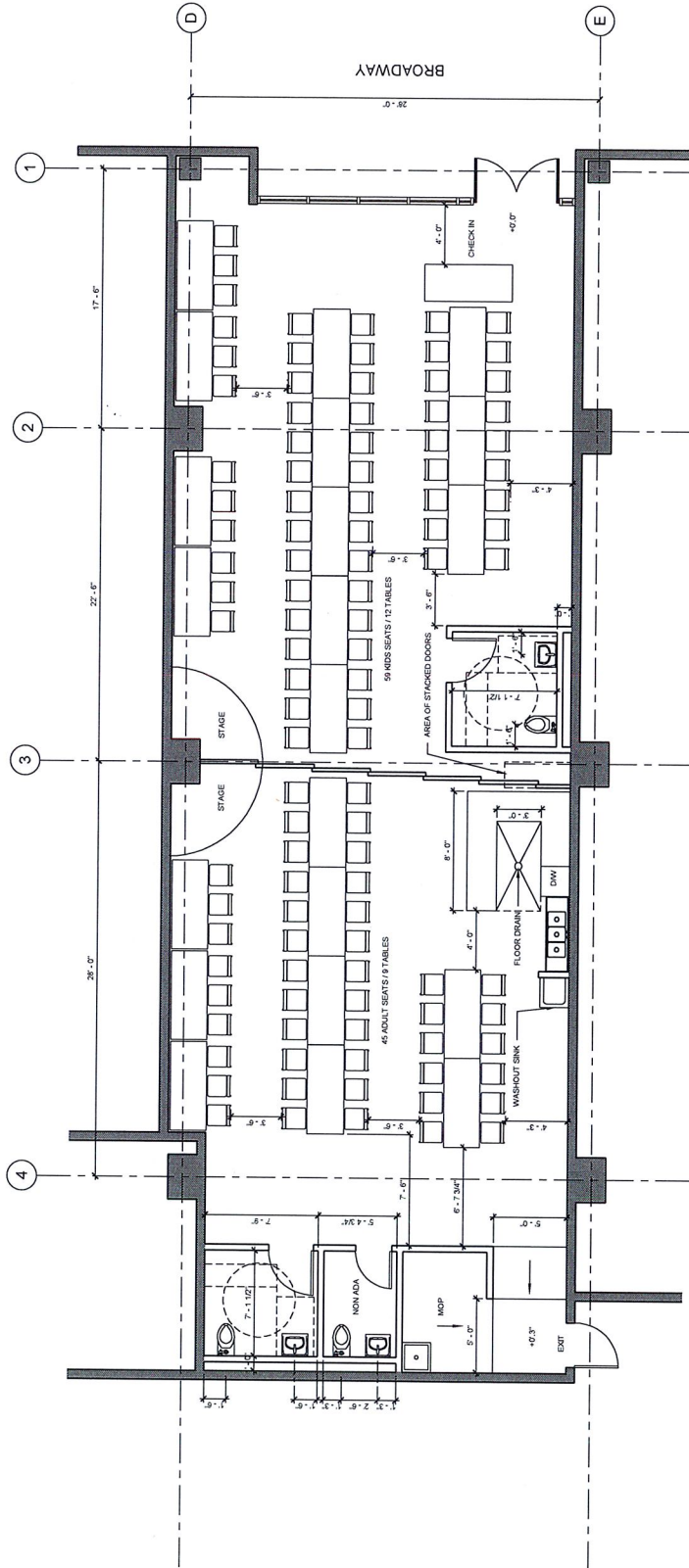
***After 6 months of commencement of sale of alcoholic beverages***

The applicant shall return to the Planning Bureau to report their progress. Should any complaints regarding on-sale provision or other issues regarding sale of alcohol be identified, staff may refer the item back to the Planning Commission under a Director's Report. In that case, the applicant shall submit for a Compliance Review, and pay all appropriate fees consistent with the current Master Fee Schedule at that time (currently \$1,310.00). The Compliance Review will be agendaized for an upcoming Planning Commission meeting. The Compliance Review shall provide an opportunity for the Commission and the public to provide comment on the operation and determine whether there is a violation of any term, **Conditions** or project description relating to the Approvals or if there is violation of any provision of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance or there exists adverse impacts caused. As a result of the hearing, the Commission may direct staff to initiate enforcement proceedings pursuant to Condition of Approval 5C and/or 13a, and/or may impose additional conditions related to the operation.

**APPROVED BY:**

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

TEST FIT-OPTION 8



WINE & DESIGN

SCALE 1/4" = 1'-0"

09/05/17

222 Broadway, Suite 3B

09/29/17



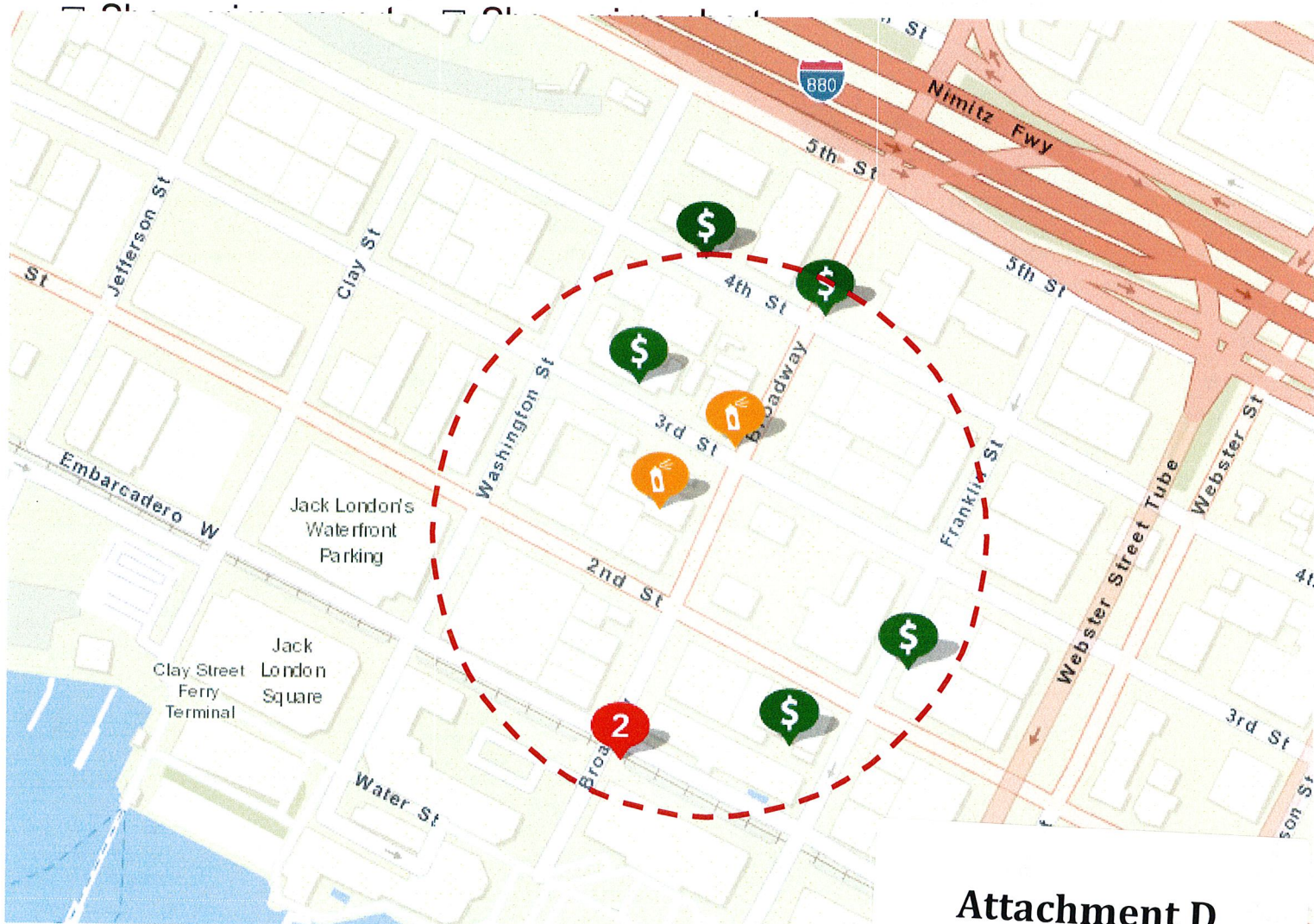


 Print

# CrimeMapping.com Map

**Monday, September 4, 2017 through Sunday, October 1, 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



**Attachment D**

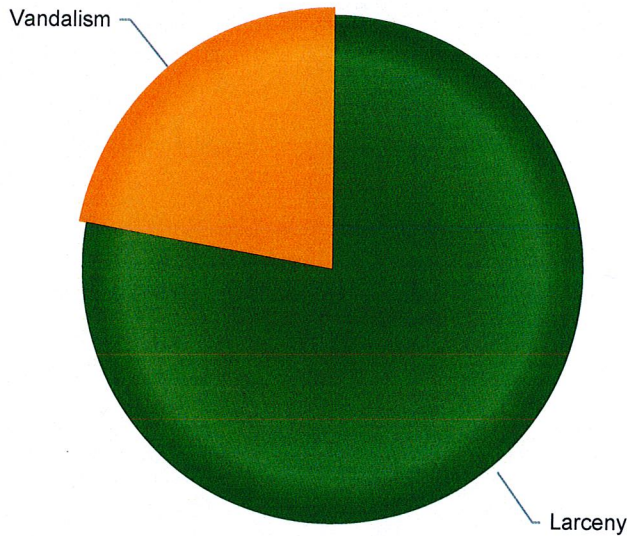
Bureau of Land Management, Esri, HERE, Garmin, INC...

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, warranties of title or implied warranties of merchantability or fitness for a particular purpose. In no event shall CrimeMapping.COM become liable to users of these data for any loss or damages, consequential or otherwise, including but not limited to time, money, goodwill arising from the use, operation or modification of the data. The visual presentation of data is being provided strictly as a courtesy, not as an obligation to its users.







Crime Summary



### Crime Report

Type	Description	Incident #	Location	Agency
\$	LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	17-914942		Oakland Police
\$	LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	17-914987		Oakland Police
\$	LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	17-049264		Oakland Police
\$	LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	17-914800		Oakland Police
🚪	VANDALISM	17-914497		Oakland Police

Type	Description	Incident #	Location	Agency
	VANDALISM	17-914537		Oakland Police
	LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	17-914427		Oakland Police
	LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	17-914408		Oakland Police
	LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT)	17-914163		Oakland Police

						LONDON SQ OAKLAND, CA 94607  Census Tract: 9832.00		SEATTLE, WA 98104	
11)	<a href="#">460531</a>	ACTIVE	47	01/08/2008	12/31/2017	WATERFRONT F&B LLC ONE BROADWAY OAKLAND, CA 94607-3749  Census Tract: 9832.00	LUNGOMARE RESTAURANT	10 WASHINGTON ST, WATERFRONT HOTEL OAKLAND, CA 94607	010
12)	<a href="#">476248</a>	REVPEN	64	05/21/2009	6/30/2017	UNDERWORLD OPERA COMPANY 630 3RD ST OAKLAND, CA 94607  Census Tract: 9832.00	OAKLAND OPERA	1734 CAMPBELL ST OAKLAND, CA 94607	010
13)	<a href="#">480154</a>	ACTIVE	47	08/24/2009	7/31/2017	BOCANOVA LLC 55 WEBSTER ST OAKLAND, CA 94607-3728  Census Tract: 9832.00	BOCANOVA	510 HADDON RD OAKLAND, CA 94606	010
14)	<a href="#">484361</a>	ACTIVE	42	01/20/2010	12/31/2017	BOYLES, REBECCA 464 3RD ST OAKLAND, CA 94607-3834  Census Tract: 9832.00	BEER REVOLUTION		010
15)	<a href="#">501648</a>	ACTIVE	41	10/11/2010	9/30/2017	SOULEY VEGAN LLC 301 BROADWAY OAKLAND, CA 94607-3804  Census Tract: 9832.00	SOULEY VEGAN		010
16)	<a href="#">514175</a>	ACTIVE	47	01/11/2012	12/31/2017	YOUNIK CORP. 57 JACK LONDON SQ	II PE		

**Attachment E**

						OAKLAND, CA 94607  Census Tract: 9832.00	RISTORANTE		
17)	<a href="#">515395</a>	ACTIVE	47	12/08/2011	11/30/2017	CANIS NIVEUS LLC 44 WEBSTER ST OAKLAND, CA 94607  Census Tract: 9832.00	HAVEN RESTAURANT	36 WAVERLY PL, STE 2 SAN FRANCISCO, CA 94108-2187	010
18)	<a href="#">515406</a>	ACTIVE	48	12/20/2011	11/30/2017	ELDERWOOD AND BELGRAVE LLC 311 BROADWAY OAKLAND, CA 94607-3804  Census Tract: 9832.00	NIGHT LIGHT THE	7398 TERRACE DR EL CERRITO, CA 94530	010
19)	<a href="#">517515</a>	ACTIVE	47	03/14/2012	2/28/2018	RESNECK VENTURES, LLC 581 5TH ST OAKLAND, CA 94607-3500  Census Tract: 9832.00	RIDDIM		010
20)	<a href="#">528368</a>	ACTIVE	41	02/08/2013	1/31/2018	OLD DEPOT PUBLIC HOUSE, INC 468 3RD ST OAKLAND, CA 94607-3834  Census Tract: 9832.00	ANNEX THE	464 3RD ST OAKLAND, CA 94607-3834	010
21)	<a href="#">535041</a>	ACTIVE	47	09/12/2013	8/31/2018	DRAGON GATE INVESTMENT, INC 300 BROADWAY OAKLAND, CA 94607-3805  Census Tract: 9832.00	DRAGON GATE LOUNGE & GRILL	10889 SAN PABLO AVE EL CERRITO, CA 94530	010
22)			47		7/31/2017				



**California Department of  
Alcoholic Beverage Control  
Retail Licenses  
For Census Tract 9832**

Report as of 10/1/2017

35 of 35 Licenses  
Displayed

*To create a downloadable  
CSV File go back  
and check the Create CSV  
Download Option.*

	License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Ge Co.
1)	<a href="#">121890</a>	ACTIVE	47	04/20/1982	10/31/2017	ROSSI, GERALD FRANK 201 WASHINGTON ST OAKLAND, CA 94607  Census Tract: 9832.00	FAT LADY RESTAURANT THE	PO BOX 2107 ALAMEDA, CA 94501	010
2)	<a href="#">159865</a>	ACTIVE	47	11/13/1984	5/31/2018	SCOTTS JACK LONDON SEAFOOD INC 73 JACK LONDON SQ OAKLAND, CA 94607  Census Tract: 9832.00	SCOTTS JACK LONDON SEAFOOD INC	2770 CAMINO DIABLO, STE. B WALNUT CREEK, CA 94597	010
3)	<a href="#">197536</a>	ACTIVE	41	04/20/1987	6/30/2018	FUNG, JING LING 398 3RD ST OAKLAND, CA 94607  Census Tract: 9832.00	BENS RESTAURANT		010
4)	<a href="#">223842</a>	ACTIVE	20	10/21/1988	6/30/2018	COST PLUS INC 101 CLAY ST OAKLAND, CA 94607-3507  Census Tract: 9832.00	COST PLUS WORLD MARKET	1201 MARINA VILLAGE PKWY, ATTN: JEANNETTE WONG ALAMEDA, CA 94501-1087	010
5)	<a href="#">327583</a>	ACTIVE	47	04/29/1997	6/30/2018	YOSHIS JAPANESE RESTAURANT INC	YOSHIS		010

						510 EMBARCADERO W OAKLAND, CA 94607  Census Tract: 9832.00			
6)	<a href="#">354600</a>	ACTIVE	41	07/20/1999	6/30/2018	ANTON, CARLOS ALBERTO 310 BROADWAY OAKLAND, CA 94607  Census Tract: 9832.00	LA FURIA CHALACA		010
7)	<a href="#">369757</a>	ACTIVE	47	03/13/2001	2/28/2018	EVERETT & JONES BARBEQUE JACK LONDON LLC 126 BROADWAY OAKLAND, CA 94607  Census Tract: 9832.00	EVERETT & JONES BARBEQUE		010
8)	<a href="#">413495</a>	ACTIVE	47	10/21/2004	9/30/2017	DEDA ENTERPRISES INC 444 EMBARCADERO W OAKLAND, CA 94607-3706  Census Tract: 9832.00	HOME OF CHICKEN & WAFFLES		010
9)	<a href="#">415825</a>	ACTIVE	48	10/25/2004	9/30/2017	ANTON, CARLOS ALBERTO 428 3RD ST OAKLAND, CA 94607  Census Tract: 9832.00	CLUB ANTON LLC	310 BROADWAY OAKLAND, CA 94607	010
10)	<a href="#">433349</a>	ACTIVE	47	03/03/2006	2/28/2018	RESTAURANTS UNLIMITED INC 70 JACK	KINCAIDS	411 FIRST AVE S, # 200	010



	<a href="#">536289</a>	ACTIVE		08/05/2014		OAKTOWN VENTURES, LLC 336 WATER ST OAKLAND, CA 94607  Census Tract: 9832.00	JACK'S CHOWDER HOUSE MILL & OYSTER BAR	55 WEBSTER ST OAKLAND, CA 94607-3728	010
23)	<a href="#">540374</a>	ACTIVE	48	01/23/2014	12/31/2017	POISONING OAKLAND INC 401 & 407 SECOND ST OAKLAND, CA 94607  Census Tract: 9832.00	MERCHANTS SALOON		010
24)	<a href="#">542205</a>	ACTIVE	41	05/30/2014	4/30/2018	200 UVA LLC 550 SECOND ST OAKLAND, CA 94607-3543  Census Tract: 9832.00			010
25)	<a href="#">544189</a>	ACTIVE	47	12/03/2014	11/30/2017	FORGE PIZZA DANVILLE, LLC 66 FRANKLIN ST OAKLAND, CA 94607-3728  Census Tract: 9832.00	FORGE		010
26)	<a href="#">553717</a>	ACTIVE	41	09/22/2015	8/31/2017	FRESH LOCAL OAKLAND LLC 439 WATER ST OAKLAND, CA 94607-3740  Census Tract: 9832.00	STEEL RAIL	2828 RICHMOND AVE OAKLAND, CA 94611	010
27)	<a href="#">554220</a>	ACTIVE	47	05/01/2015	4/30/2018	FINNTASTIC LLC 101 BROADWAY OAKLAND, CA 94607-3745  Census Tract: 9832.00	OVERLAND BAR & GRILL		010
28)			42		9/30/2017				

	<a href="#">558898</a>	ACTIVE		10/12/2015		ESC WINE, LLC 420 3RD ST, STE 105 OAKLAND, CA 94607-3859  Census Tract: 9832.00	OAKLAND CRUSH	368 VAN BUREN AVE OAKLAND, CA 94610	010
29)	<a href="#">558898</a>	ACTIVE	20	10/12/2015	09/30/2017	ESC WINE, LLC 420 3RD ST, STE 105 OAKLAND, CA 94607-3859  Census Tract: 9832.00	OAKLAND CRUSH	368 VAN BUREN AVE OAKLAND, CA 94610	010
30)	<a href="#">560333</a>	ACTIVE	47	01/30/2017	12/31/2017	BROOKLYN BASIN BAR GROUP 402 WEBSTER ST OAKLAND, CA 94607  Census Tract: 9832.00	SEAWOLF PUBLIC HOUSE	1211 EMBARCADERO, SUITE D OAKLAND, CA 94609	010
31)	<a href="#">572602</a>	ACTIVE	48	08/14/2017	7/31/2018	BROOKMAN, CAROL 48 WEBSTER ST OAKLAND, CA 94607-3732  Census Tract: 9832.00	HEINOLD'S FIRST & LAST CHANCE		010
32)	<a href="#">573216</a>	ACTIVE	47	02/09/2017	11/31/2018	KALANIT INC 229 BROADWAY OAKLAND, CA 94607-3802  Census Tract: 9832.00	BUTTERCUP GRILL		010
33)	<a href="#">573660</a>	ACTIVE	47	04/04/2017	3/31/2018	GALLANAGH, JACQUELINE A 131 BROADWAY OAKLAND, CA 94607-3715  Census Tract: 9832.00	SLAINTE BAR		010
34)			41		2/28/2018				

	<a href="#">578732</a>	ACTIVE		03/30/2017		JGP FOOD, INC. 301 FRANKLIN ST OAKLAND, CA 94607  Census Tract: 9832.00		010
35)	<a href="#">578759</a>	ACTIVE	41	04/28/2017	3/31/2018	JJM SONG, INC. 303 BROADWAY OAKLAND, CA 94607  Census Tract: 9832.00	GINZA JAPANESE RESTAURANT	010

--- End of Report ---

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