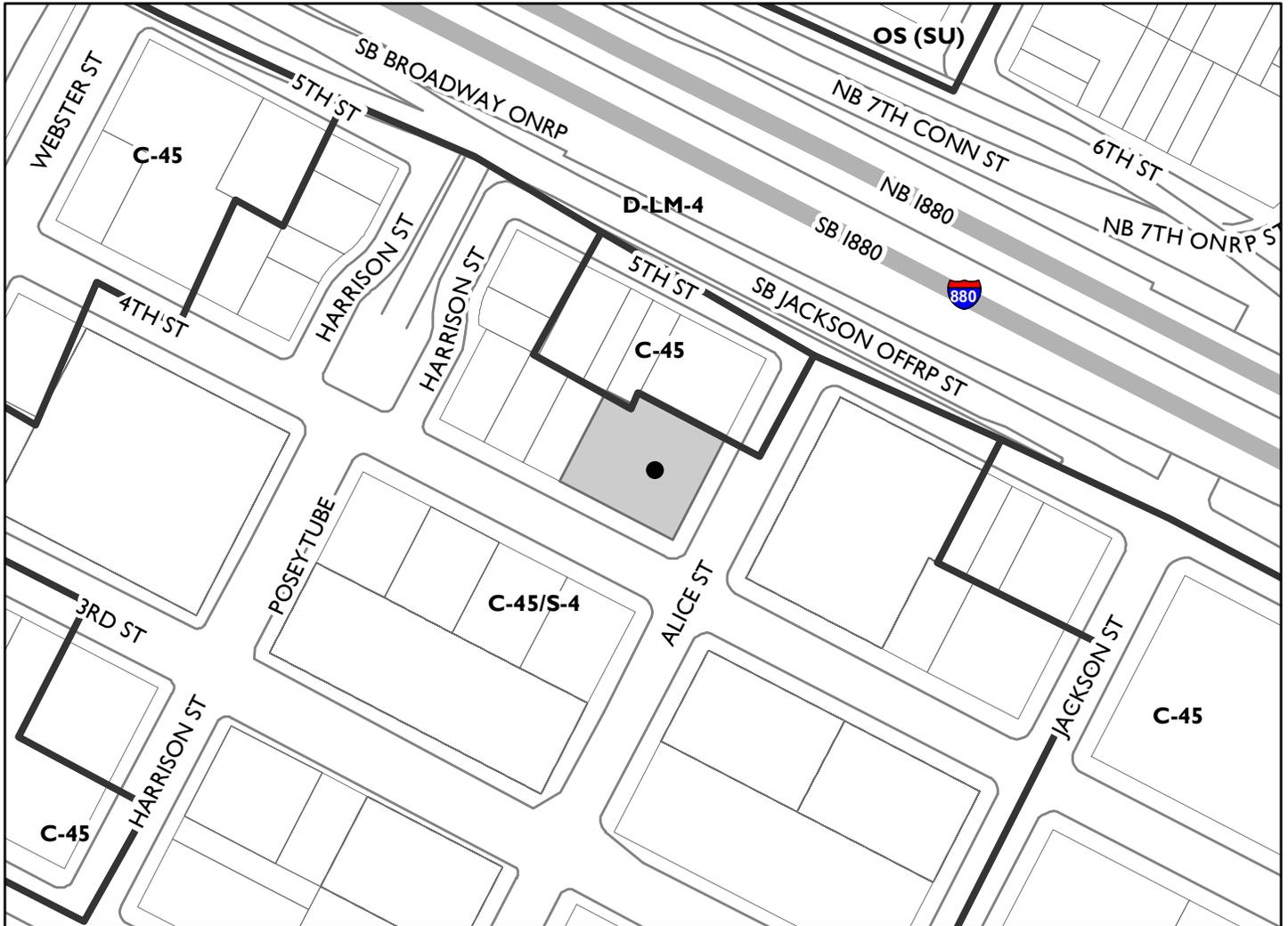


Location:	401 Alice Street (APN: 001 -0153-007-00). (See map on reverse)
Proposal:	To establish a retail beer and wine bottle shop and a bar with consumption on- or off-premises.
Applicant:	Said-Jon Eghbal for “Good Times Oakland” / 510-922-9722
Owner:	Stay Cal Oakland, LLC
Planning Permits Required:	Major Conditional Use Permit to allow an Alcoholic Beverage Sales Commercial Activity with Findings of Public Convenience or Necessity in an over-concentrated area (Sec. 17.134.050 and 17.103.030 (B) (2) & (3)).
General Plan:	EPP Waterfront Warehouse District
Zoning:	C-45 Community Shopping Commercial Zone
Environmental Determination:	Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15301, Existing Facilities; 15183, Projects consistent with community plan, general plan or zoning
Historic Status:	Area of Primary Importance (API) Waterfront Warehouse District; Potentially Designated Historic Property (PDHP); OCHS Rating: Dc1+
City Council District:	III
Action to be Taken:	Approve with Conditions
Finality of Decision:	Appealable to City Council
For Further Information:	Contact case planner Jose M. Herrera-Preza at 510-238-3808 or jherrera@oaklandca.gov / joeherrera@oaklandnet.com

SUMMARY

The applicant requests Planning Commission approval of a Major Conditional Use Permit (CUP) with additional findings for Alcoholic Beverage Sales, and Findings of Public Convenience or Necessity for “on and off-sale” of beer and wine within a bar located at 401 Alice Street. Although the location is in an over-concentrated area for ABC licenses in census tract 4033 and reported crime for police beat 01X for that section of Alice Street, the project meets all the required findings for approval. Therefore, staff recommends approval of the project subject to the attached conditions of approval.

CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN20083
Applicant: Said-Jon Eghbal for "Good Times Oakland"
Address: 401 Alice Street
Zone: C-45

PROJECT DESCRIPTION

The applicant proposes to establish business operations for “Good Times Oakland,” a small-scale specialty beer and wine bar and bottle shop with an on-site retail component. The proposed activity will occupy 3,016 square-feet of an existing 13,925 square-foot one-story industrial building in the Jack London produce district. The primary activity will be the bar, but within the tenant space a unique retail bottle shop will be integrated to allow the off-sale of beer and wine to complement the bar’s offerings. The proposed floor area devoted to the bar is approximately 1,559 square-feet and 498 square-feet will be dedicated to retail sales. The bar will be open seven days a week from 12:00am – 12:00pm and the retail component will be open from 11:00am-9:00pm.

The project would involve minor tenant improvements, including restrooms, a point of sales and service area near the entrance, wine shelving, and wine and beer refrigerators. The activity includes 27 tables and four bench bar seating areas.

The Jack London Neighborhood Crime Prevention Council supports the proposal and several neighbors have submitted letters of support (Attachment D).

The business would require a Type 42 license from the California Department of Alcohol Beverage Control (ABC) and could include beer and wine under that license type. The ABC’s description of a Type 42 license, *(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.*

PROPERTY DESCRIPTION

The property is located at the northwest corner 4th Street and Alice Street in the Jack London Business Improvement District. The property contains an existing one-story 13,925 square-foot industrial building. The site is in the Waterfront Warehouse Area of Primary Importance (API) and adjacent to similarly scaled one-to-two story industrial buildings that have been improved to occupy several commercial uses such as a brewery and offices. The site is surrounded by three-to-six story mixed-use buildings. The building has an approved façade restoration. The tenant space is one of three commercial spaces in the building which are similar in size and design. The area surrounding the subject property contains several restaurants, retail stores, and cafes.

GENERAL PLAN ANALYSIS

The subject site is located within the Waterfront Warehouse District of the Estuary Policy Plan (EPP). The intent of the plan is: “to reinforce the Jack London District as the East Bay’s primary dining and entertainment venue, by promoting mixture of retail, dining, entertainment and visitor servicing uses to significant gathering places”.

The EPP contains the following policy for the Waterfront Warehouse District: “Policy JL-6: encourage the preservation and adaptive reuse of existing buildings in a new Waterfront Warehouse District. Use of buildings and new infill development should include joint living and working quarters, residential, light industrial, warehousing and distribution, wholesaling, offices and other uses which preserve and respect the district’s unique character.” The EPP also promotes “Active, publicly oriented ground-level uses or habitable spaces built to property lines with windows and doors that are oriented toward the street.” The EPP also states that the Waterhouse Warehouse District promote a “mixture of uses and activities...to help promote a 24-hour population.”

The proposal to establish an alcoholic beverage sales within a bar in a commercial district serving a variety of neighborhood commercial needs, meets these intents and goals. The proposal to allow specialty alcohol

beverage sales is consistent with this intent by contributing to the variety of ground floor publicly oriented retail and entertainment choices in the Waterfront Warehouse District.

The project also conforms to the following LUTE Policies and Objective:

Policy I/C1.2 Retaining Existing Business

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

Policy I/C3.2 Enhancing Business Districts.

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

Policy I/C3.4 Strengthening Vitality.

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

Neighborhood Activity Centers

Objective N10

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

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

ZONING ANALYSIS

The property is in the C-45 Community Shopping Commercial Zone. 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 following describes the permits required for the proposal and the reason each permit is required and discusses each permit requested. These items are further discussed in the “Key Issues and Impacts” section of this report.

Major Conditional Use Permit with Additional Findings

Alcohol Beverage Sales Commercial Activities are conditionally permitted in the C-45 zone, and, therefore, the establishment of an Alcoholic Beverage Sales Commercial Activity (retail off-sale and on-site consumption) requires a Major Conditional Use Permit (CUP). Section 17.103.030B of the Planning Code also requires additional findings for alcohol sales beyond the findings required for all CUP approvals. This additional review of the alcohol activities is to ensure that they do not contribute to nuisances in the community, including alcohol-related issues and discouragement of further business attraction.

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

Findings of Public Convenience or Necessity

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

“Alcoholic beverage license over-concentrated areas” means a police beat with crime rates that exceed the City median by 20 percent or more or a census tract in which the per capita number of on-sale or off-sale retail Alcoholic Beverage Sales licenses exceeds the Alameda County median. The subject site is in Census Tract 4033 where 15 ABC licenses exist and where more than four is considered over-concentrated. Most recent data indicate Police Beat 01x had 53 reported crimes where 1,143 is over-concentrated. The police beat starts at Castro Street, to 5th Street and ends at Oakland Channel. Staff notes that Oakland Police Department crime statistics indicate 53 crimes for a 1,000-foot radius over ninety days ending July 13, 2020; these crimes are not centered at the site and two were alcohol-related.

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

KEY ISSUES AND IMPACTS

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

Conditional Use Permit

Staff recommends approval of the Conditional Use Permit (CUP).

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. The applicant will be required to abide by the conditions of approval, such as enhanced security measures and having no advertisements related to alcohol merchandise on the street facing storefront. Furthermore, the business is not anticipated to generate nuisances due to the specialty nature of the alcohol products. The proposal will sell local craft beers and limited production wines. The business would have an off-sale ABC license but would not sell items that are similar to a typical liquor store or have late hours (the store’s closing time is 9:00 pm). Finally, a condition of approval requires a compliance review by staff within six months of the commencement of alcohol sales.

With conditions of approval, staff does not consider crime to be a significant issue with this application. The area is not over-concentrated for crime. Most recent data indicate Police Beat 01x had 53 reported crimes where 1,143 is over-concentrated. The police beat starts at Castro Street, to 5th Street and ends at the Oakland Channel. Staff notes that Oakland Police Department crime statistics indicate 53 crimes for a 1,000-foot radius over ninety days ending July 13, 2020; these crimes are not centered at the site and only two were alcohol-related. The attached Conditions of Approval impose various requirements, such as controls on litter, noise, and hours of operation, to maintain the compatibility of the business with the surrounding neighborhood and commercial area. A recommended condition of approval also requires a compliance review by staff within six months of the commencement of alcohol sales.

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 will allow the on and off sale of beer and wine as part of an alcohol beverage sales activity 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.

CONCLUSION

The proposed addition of beer and wine sales to a small specialty bar/retailer in the Jack London District near Downtown is appropriate for an independent small business with a focused clientele. In addition, the operating characteristics of the proposed business are more similar to a general retail sales business that carries a selection of alcohol products than a liquor store or convenience market.

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

RECOMMENDATIONS:

- For approvals:
1. Affirm staff's environmental determination.
 2. Approve the Major Conditional Use Permit with Findings of Public Convenience or Necessity in an over-concentrated area subject to the attached findings and conditions.

Prepared by:



Jose M. Herrera-Preza
Planner III

Reviewed by:



Robert D. Merkamp
Zoning Manager

Approved for forwarding to the
City Planning Commission:



Ed Manasse, Deputy Director
Bureau of Planning

ATTACHMENTS:

- A. Findings
- B. Conditions of Approval
- C. Project Plans
- D. Correspondence

ATTACHMENT A

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)), Findings of Public Convenience or Necessity (OMC 17.103.303) under the Oakland Planning Code (Title 17), as detailed below and elsewhere in the Report.

General Conditional Use Permit Criteria (OMC Sec. 17.134.050)

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

The proposal to establish an alcohol beverage sales activity within a boutique style neighborhood bar and retailer within an area of the City that has a mix of historic commercial warehouse buildings and new high-density residential buildings is appropriate in its setting. The alcohol sales activity will have two components; an on off-sale bottle shop and a bar. This non-traditional business allows a large variety of customers to either shop or consume offerings while being able to visit adjacent businesses on the block and the neighborhood. The establishment of the bar/shop will further increase the diversity of retail options along 4th Street and provide quality beverage choices to local residents and employees. The proposal's operating characteristics will be compatible with other restaurants, breweries and bars in the area and will not adversely affect the livability of residences nearby or the surrounding commercial neighborhood. Conditions of approval to reduce the potential for nuisances such as operating hours, noise, loitering, and littering are incorporated into this report. The proposal is not in a high crime shopping district thus the merchants have deployed street ambassadors and Oakland police has deployed bike officers to lessen crime in the area. The site is not directly adjacent to civic uses.

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

B. That the location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant.

The floor plan is reflective of the two integrated but separate activities. The majority of 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. The alcohol beverage sales activity will occupy only a small portion of the space and will serve as a clean comfortable place to purchase specialty alcoholic beverages. Office, bathroom, and storage facilities will be towards the rear of the space to create an active and prominent presence on 4th Street.

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

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

D. That the proposal conforms to all applicable design review criteria set forth in the regular design review procedure at Section 17.136.050.

This finding is not applicable; the proposed project does not require design review approval.

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

The proposal is consistent with the General Plan. See General Plan analysis, above.

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

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

The area is over-concentrated for ABC licenses and crime. Census Tract 4033 contains 15 ABC licenses where four or more is over-concentrated per the Planning Code. However, of these 15 licenses, 6 are for restaurants, three are for bars and four are for off sale. In accordance with the City Council's 2000 resolution for a "no net increase" goal, the applicant will obtain a type 42 ABC license from within the City or County or obtain a new ABC license from the California Department of Alcohol Beverage Control. Therefore, crime is not considered to be a significant issue with adoption of the recommended conditions of approval.

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

The site is not directly abutting any civic use or public park; it is in an urban area surrounded by commercial and mixed-use buildings typical of a metropolitan downtown.

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

The site is accessible through one pedestrian entrance along Alice Street and no construction is proposed. Therefore, the proposal will not interfere with pedestrian access in the area.

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

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

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

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

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

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

7. That where the proposed use is in close proximity to residential uses, and especially to bedroom windows, it will be limited in hours of operation, or designed or operated, so as to avoid disruption of residents' sleep between the hours of ten p.m. and seven a.m. The same criteria shall apply to all conditional use permits required by subsection B of this section for sale of alcoholic beverages at full-service restaurants.

The proposed activity will operate between 9:00 am and 12:00 am, hours appropriate to a vibrant commercial corridor and consistent with adjacent businesses. There will be no open doors or windows during business hours.

8. That proposals for new Fast-Food Restaurants must substantially comply with the provisions of the Oakland City Planning Commission "Fast-Food Restaurant--Guidelines for Development and Evaluation" (OCPD 100-18).

This finding is not applicable; the proposal does not involve a fast-food restaurant.

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

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

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

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

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

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

The sale of alcoholic beverages is appropriate and typical of a small specialty shop in Oakland.

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

Business in Jack London District are exempt from the 1,000-foot separation of another ABC outlet. The proposal is not within a school, day care, public or a drug treatment facility.

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

This finding is met; Police Beat 01x is well below the Citywide average for service calls within the beat. Beat 01x received 4,929 calls for service while 8,132 was the city-wide average (OPD 2019 statistic).

CONDITIONS OF APPROVAL

The proposal is hereby approved subject to the following Conditions of Approval:

STANDARD CONDITIONS OF APPROVAL

1. Approved Use

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, and the approved plans **May 20, 2020**, 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.

10. Special Inspector/Inspections, Independent Technical Review, Project Coordination and Monitoring

The project applicant may be required to cover the full costs of independent third-party technical review and City monitoring and inspection, including without limitation, special inspector(s)/inspection(s) during times of extensive or specialized plan-check review or construction, and inspections of potential violations of the Conditions of Approval. The project applicant shall establish a deposit with Engineering Services and/or the Bureau of Building, if directed by the Director of Public Works, Building Official, Director of City Planning, Director of Transportation, or designee, prior to the issuance of a construction-related permit and on an ongoing as-needed basis.

11. Public Improvements

The project applicant shall obtain all necessary permits/approvals, such as encroachment permits, obstruction permits, curb/gutter/sidewalk permits, and public improvement (“p-job”) permits from the City for work in the public right-of-way, including but not limited to, streets, curbs, gutters, sidewalks, utilities, and fire hydrants. Prior to any work in the public right-of-way, the applicant shall submit plans for review and approval by the Bureau of Planning, the Bureau of Building, Engineering Services, Department of Transportation, and other City departments as required. Public improvements shall be designed and installed to the satisfaction of the City.

12. Trash and Blight Removal

Requirement: The project applicant and his/her successors shall maintain the property free of blight, as defined in chapter 8.24 of the Oakland Municipal Code. For nonresidential and multi-family residential projects, the project applicant shall install and maintain trash receptacles near public entryways as needed to provide sufficient capacity for building users.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

13. Graffiti Control

Requirement:

- a. During construction and operation of the project, the project applicant shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include, without limitation:
 - i. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces.
 - ii. Installation and maintenance of lighting to protect likely graffiti-attracting surfaces.
 - iii. Use of paint with anti-graffiti coating.
 - iv. Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED).
 - v. Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement.
- b. The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include the following:
 - i. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system.
 - ii. Covering with new paint to match the color of the surrounding surface.
 - iii. Replacing with new surfacing (with City permits if required).

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

14. Lighting

Requirement: Proposed new exterior lighting fixtures shall be adequately shielded to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties.

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

15. Asbestos in Structures

Requirement: The project applicant shall comply with all applicable laws and regulations regarding demolition and renovation of Asbestos Containing Materials (ACM), including but not limited to California Code of Regulations, Title 8; California Business and Professions Code, Division 3; California Health and Safety Code sections 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended. Evidence of compliance shall be submitted to the City upon request.

When Required: Prior to approval of construction-related permit

Initial Approval: Applicable regulatory agency with jurisdiction

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

16. Construction Days/Hours

Requirement: The project applicant shall comply with the following restrictions concerning construction days and hours:

- a. Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pier drilling and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m.
- b. Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and windows closed. No pier drilling or other extreme noise generating activities greater than 90 dBA are allowed on Saturday.
- c. No construction is allowed on Sunday or federal holidays.

Construction activities include, but are not limited to, truck idling, moving equipment (including trucks, elevators, etc.) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.

Any construction activity proposed outside of the above days and hours for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis by the City, with criteria including the urgency/emergency nature of the work, the proximity of residential or other sensitive uses, and a consideration of nearby residents'/occupants' preferences. The project applicant shall notify property owners and occupants located within 300 feet at least 14 calendar days prior to construction activity proposed outside of the above days/hours. When submitting a request to the City to allow construction activity outside of the above days/hours, the project applicant shall submit information concerning the type and duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notice.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

17. Operational Noise

Requirement: Noise levels from the project site after completion of the project (i.e., during project operation) shall comply with the performance standards of chapter 17.120 of the Oakland Planning Code and chapter 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the City.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

18. Construction Activity in the Public Right-of-Way

- a. **Obstruction Permit Required**

Requirement: The project applicant shall obtain an obstruction permit from the City prior to placing any temporary construction-related obstruction in the public right-of-way, including City streets, sidewalks, bicycle facilities, and bus stops.

When Required: Prior to approval of construction-related permit

Initial Approval: Department of Transportation

Monitoring/Inspection: Department of Transportation

b. Traffic Control Plan Required

Requirement: In the event of obstructions to vehicle or bicycle travel lanes, bus stops, or sidewalks, the project applicant shall submit a Traffic Control Plan to the City for review and approval prior to obtaining an obstruction permit. The project applicant shall submit evidence of City approval of the Traffic Control Plan with the application for an obstruction permit. The Traffic Control Plan shall contain a set of comprehensive traffic control measures for auto, transit, bicycle, and pedestrian accommodations (or detours, if accommodations are not feasible), including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The Traffic Control Plan shall be in conformance with the City’s Supplemental Design Guidance for Accommodating Pedestrians, Bicyclists, and Bus Facilities in Construction Zones. The project applicant shall implement the approved Plan during construction.

Initial Approval: Department of Transportation

Monitoring/Inspection: Department of Transportation

c. Repair of City Streets

Requirement: The project applicant shall repair any damage to the public right-of way, including streets and sidewalks, caused by project construction at his/her expense within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to approval of the final inspection of the construction-related permit. All damage that is a threat to public health or safety shall be repaired immediately.

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Department of Transportation

19. Employee Rights

Requirement: The project applicant and business owners in the project shall comply with all state and federal laws regarding employees’ right to organize and bargain collectively with employers and shall comply with the City of Oakland Minimum Wage Ordinance (chapter 5.92 of the Oakland Municipal Code).

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

PROJECT SPECIFIC CONDITIONS OF APPROVAL

20. Hours of Operation/ Sale of Alcoholic Beverages

Requirement: The applicant has voluntarily agreed that off-sale of Alcoholic beverages may only be sold between 11:00 AM and 9:00 PM daily. On-site consumption will be governed by the ABC license.

When Required: Commencement of Alcohol Beverage Sales

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Planning

21. Alcohol Beverage Control Permit

Requirement: A type 42 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.

When Required: Prior to commencement of Alcohol Beverage Sales

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Planning

22. ABAT Registration

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

When Required: Prior to commencement of Alcohol Beverage Sales

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Planning

23. Crime Prevention Through Environmental Review (CPTED)

Requirement: 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.

When Required: Prior to commencement of Alcohol Beverage Sales

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Planning

24. Neighborhood Outreach

Requirement: 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 (Code Compliance at (510)238-3381 and OPD non-emergency at (510)777-3333) for the purpose of reporting nuisances.

When Required: Ongoing

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Planning

25. Signage

Requirement: Within 30 days of the date of decision, at least one sign (one square foot maximum) shall be posted and maintained in a legible condition at each public entrance to the building prohibiting littering and loitering. Required signage prohibiting open containers and drinking in public shall also be maintained in legible condition near each public entrance. The “No Open Container” signs are available from the cashier located on the second floor of 250 Frank H. Ogawa Plaza.

Loitering and noise would be discouraged by “No loitering” signage at the entrance of the store. Signage would be located in the parking lot stating that no drinking in the lot or public right-of-way is permitted. A contact phone number for a manager shall be located on signage within the store available to the public

When Required: Commencement of Alcohol Beverage Sales

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Planning

26. Noise

Requirement: 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.

When Required: Ongoing

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Planning

27. Smoking

Requirement: 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 across the street 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.

When Required: Ongoing

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Planning

28. Taxi Call Program

Requirement: 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.

When Required: Ongoing

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Planning

29. Loitering

Requirement: 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.

When Required: Commencement of Alcohol Beverage Sales

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Planning

30. Deemed Approved Alcoholic Beverage Sale Regulations

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

When Required: Commencement of Alcohol Beverage Sales

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Planning

31. Security

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

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.

When Required: Ongoing

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Planning

32. Compliance hearings

Requirement: 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.

When Required: Ongoing

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Planning

Applicant Statement

I have read and accept responsibility for the Conditions of Approval. I agree to abide by and conform to the Conditions of Approval, as well as to all provisions of the Oakland Planning Code and Oakland Municipal Code pertaining to the project.

Name of Project Applicant

Signature of Project Applicant

Date

PROJECT DATA

ADDRESS: 401 ALICE STREET
 A.P.N.: 1-153-7
 ZONING: C-45/S-4
 CONSTRUCTION TYPE: V
 EXISTING OCCUPANCY TYPE: A
 PROPOSED OCCUPANCY TYPE: A
 LOT AREA: 13,925.0 S.F.
 TENANT SQUARE FOOTAGE: 3,016.1 S.F.

FIRE SPRINKLERS: YES

CODES:
 ALL CONSTRUCTION TO CONFORM TO THE 2019 CALIFORNIA BUILDING CODE,
 CONSISTING OF THE FOLLOWING SECTIONS:
 2019 CALIFORNIA BUILDING CODE (CBC)
 2019 CALIFORNIA MECHANICAL CODE (CMC)
 2019 CALIFORNIA PLUMBING CODE (CPC)
 2019 CALIFORNIA FIRE CODE (CFC)
 2019 CALIFORNIA ELECTRICAL CODE (CEC)
 2019 CALIFORNIA ENERGY STANDARDS
 AND ALL OTHER APPLICABLE LOCAL ORDINANCES AS ADOPTED AND AMENDED BY
 THE CITY OF OAKLAND. THE CONTRACTOR SHALL BE THOROUGHLY RESPONSIBLE
 FOR THE SATISFACTORY COMPLETION OF THE WORK IN ACCORDANCE WITH
 THESE PROJECT PLANS AND SPECIFICATIONS.

SCOPE OF WORK

NEW INTERIOR TENANT IMPROVEMENT FOR NEW BAR AND RETAIL ALCOHOL SHOP.
 - NO EXTERIOR CHANGES PROPOSED

DRAWING INDEX

- A0.0 SITE PLAN, PROJECT INFO
- A0.1 PROJECT PHOTOS
- A1.0 EXISTING FLOOR PLAN
- A1.1 PROPOSED FLOOR PLAN
- A1.2 PROPOSED OCCUPANCY LOAD PLAN & CALCULATIONS
- A2.0 EXISTING EXTERIOR ELEVATION

PROJECT DIRECTORY

BUILDING OWNER: STAY CAL OAKLAND LLC
 COLE STROMBOM
 2110 S. EL CAMINO REAL
 SAN MATEO, CA 94403
 P. (650) 302-3805
 E. COLE@STAYCAL.COM

TENANT: GOOD TIMES OAKLAND
 BRYAN BRICK
 JASON MORGAN
 881 46TH STREET
 OAKLAND, CA 94608
 P. (510) 206-1903
 E. BRYAN@GOODTIMESOAKLAND.COM

ARCHITECT: SAID-JON EGHBAL
 482 WESLEY AVENUE
 OAKLAND, CA 94606
 P. (510) 922-9722
 E. SJE@SJEGBAL.COM

STRUCTURAL ENGINEER: BAILEY ENGINEERING
 1271 WASHINGTON AVE., PMB #800
 SAN LEANDRO, CA 94577
 P. (510) 689-4087
 E. STRUCTURALGUY@COMCAST.NET

SAID-JON EGHBAL
 482 WESLEY AVENUE
 OAKLAND CA 94606
 v. 510.922.9722
 e. sje@sjeghbal.com

**GOOD TIMES OAKLAND
 401 ALICE STREET
 OAKLAND, CA 94607**

SUBMITTAL : DATE :
 CONDITIONAL USE PERMIT 05/20/20

SHEET:
**SITE PLAN,
 PROJECT INFO**

A0.0



SITE PLAN
 SCALE: 1/16" = 1'-0"

THESE DRAWINGS, SPECIFICATIONS AND THE CONCEPTS EMBODIED IN THEM ARE THE ORIGINAL UNPUBLISHED WORK OF SAID-JON EGHBAL AND MAY NOT BE DISCLOSED OR DUPLICATED WITHOUT WRITTEN CONSENT OF SAID-JON EGHBAL.

**GOOD TIMES OAKLAND
401 ALICE STREET
OAKLAND, CA 94607**



9



10



11



12



5



6



7



8



1



2



3



4

SUBMITTAL : DATE :
CONDITIONAL USE PERMIT 05/20/20

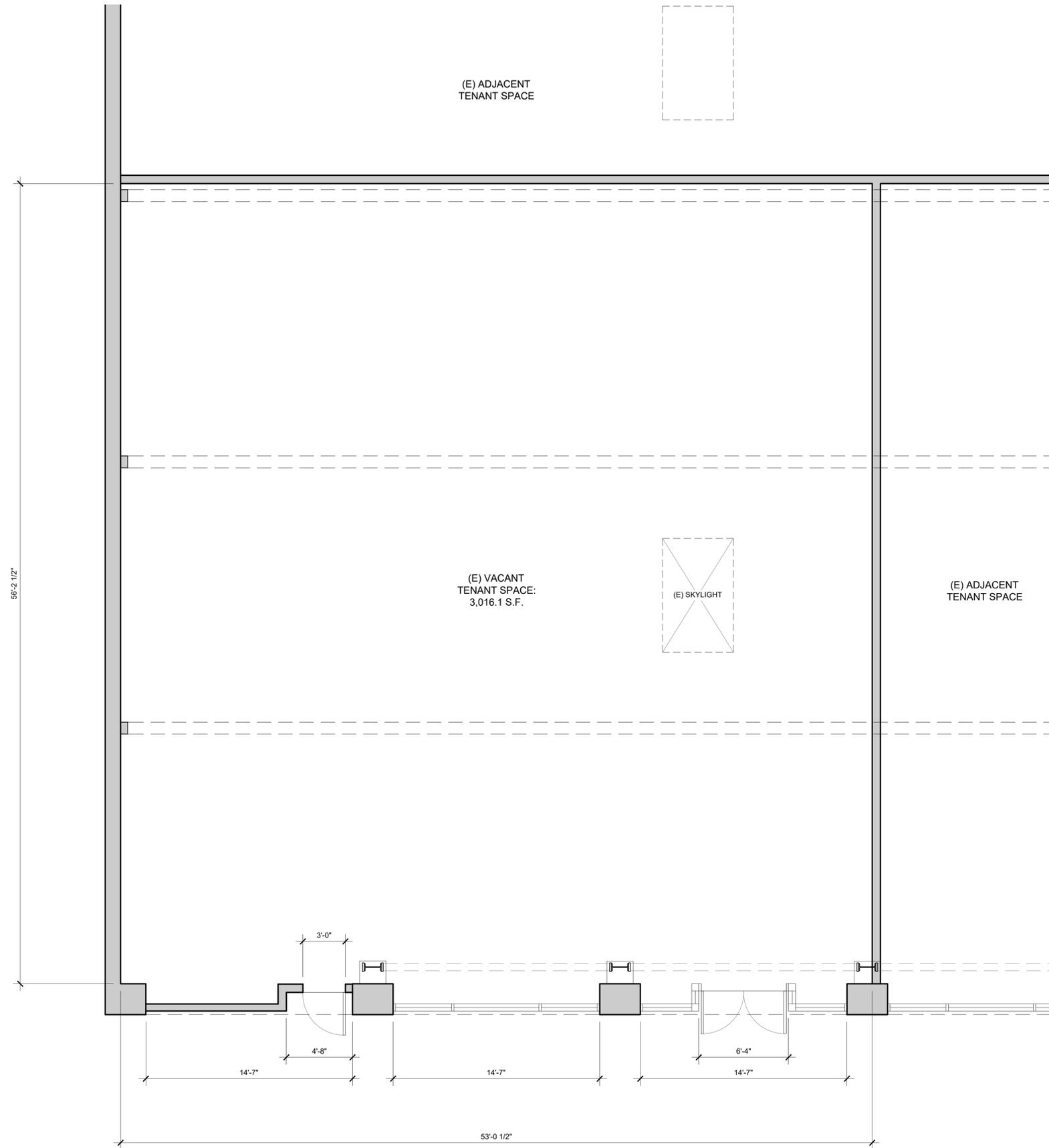
SHEET:
SITE PHOTOS

**GOOD TIMES OAKLAND
401 ALICE STREET
OAKLAND, CA 94607**

SUBMITTAL : DATE :
CONDITIONAL USE PERMIT 05/20/20

SHEET:
**EXISTING
FLOOR PLAN**

A1.0



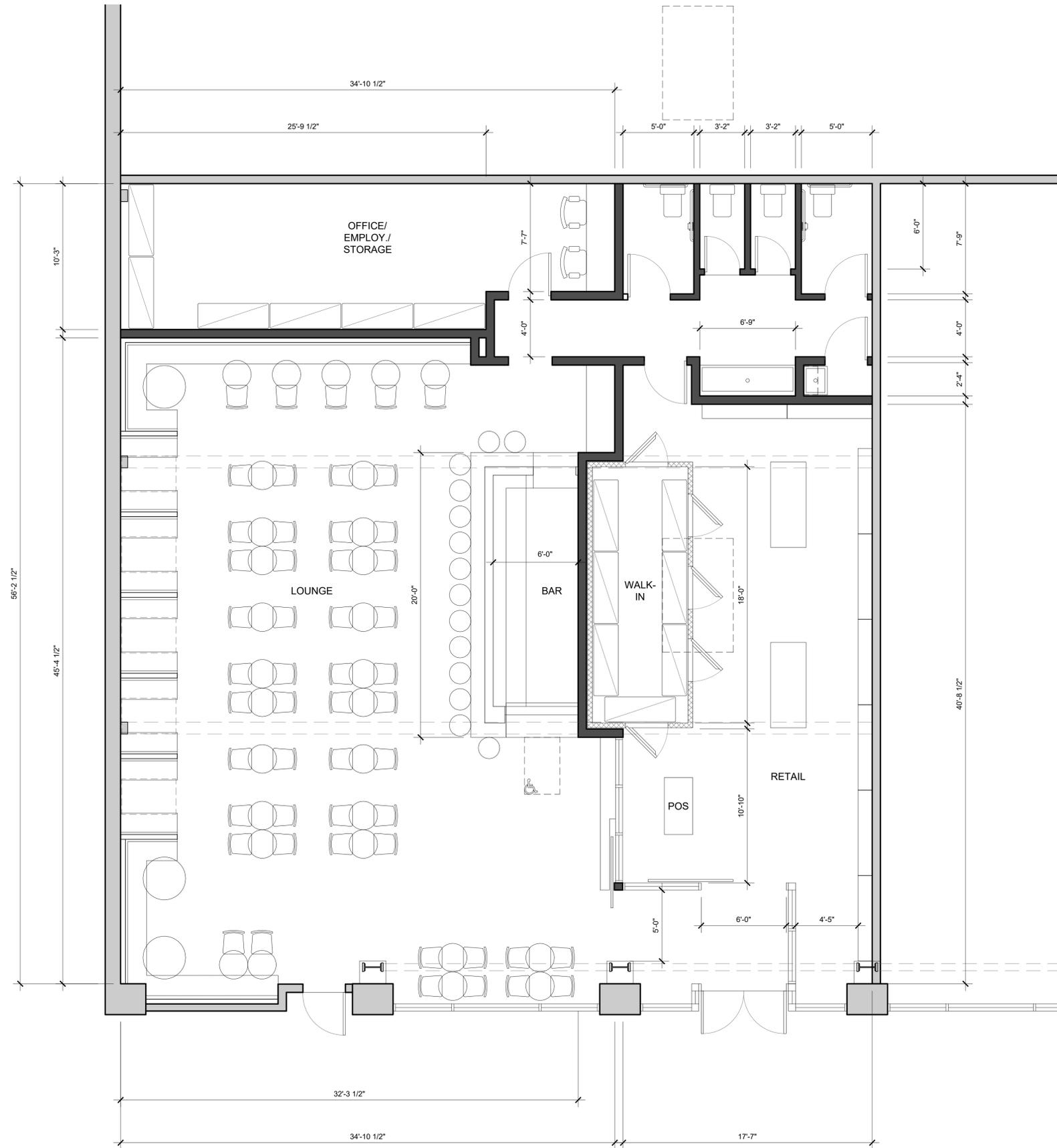
EXISTING FLOOR PLAN
SCALE: 1/4" = 1'-0"

GOOD TIMES OAKLAND
401 ALICE STREET
OAKLAND, CA 94607

SUBMITTAL : DATE :
CONDITIONAL USE PERMIT 05/20/20

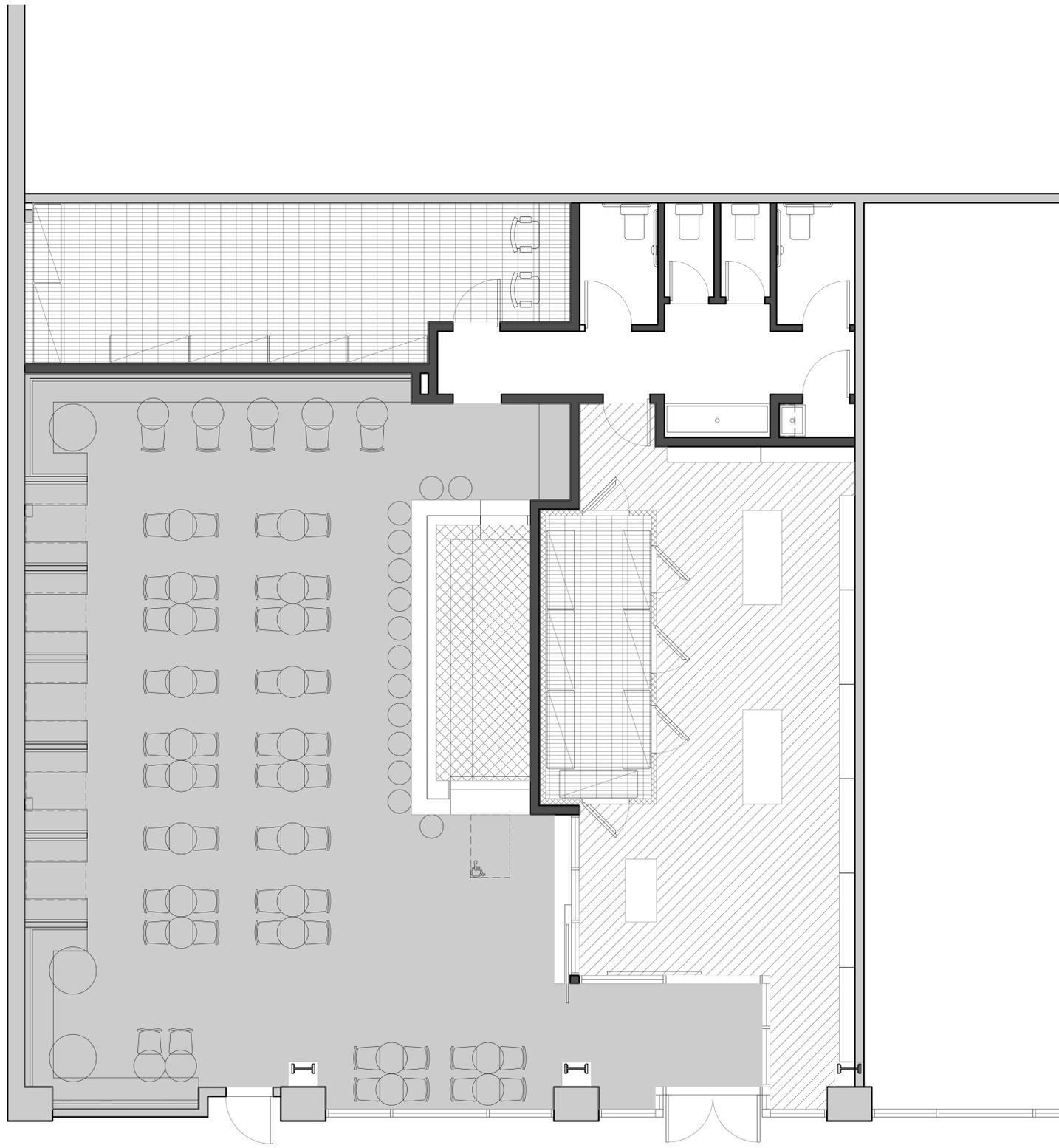
SHEET:
PROPOSED FLOOR PLAN

A1.1



PROPOSED FLOOR PLAN
SCALE: 1/4" = 1'-0"





OCCUPANCY LOAD CALC.

	AREA	OCCUPANTS
BAR (1 : 200)	98.0 S.F. / 200 =	1
LOUNGE (1 : 15)	1,461.0 S.F. / 15	97
MERCANTILE (1 : 60)	468.3 S.F. / 60	8
STORAGE (1 : 300)	454.0 S.F. / 300	2
TOTAL OCCUPANTS:		108

PLUMBING FIXTURE CALCS

PLUMBING FIXTURES (PER CPC 2019, CHAPTER 4, TABLE 422.1 & TABLE A)

GROUP A-2 OCCUPANCY:

OCCUPIED FLOOR AREA 2,481.3 SF
 CALC- PER TABLE A: 2,481.3 SF / 30 SF = 83.0 OCC LOAD FACTOR
 83.0 OCC / 2 = 42

WATER CLOSETS

REQUIRED: PROVIDED:
 FEMALE: 2 : 26-50 2
 MALE: 1 : 1-50 2

URINAL

REQUIRED: PROVIDED:
 MALE: 1 : 1-200 0

LAVATORIES

REQUIRED: PROVIDED:
 FEMALE: 1 : 1-150 2
 MALE: 1 : 1-150 2

SAID-JON EGBAL
 482 WESLEY AVENUE
 OAKLAND CA 94606
 v. 510.922.9722
 e. sje@sjeghbal.com

**GOOD TIMES OAKLAND
 401 ALICE STREET
 OAKLAND, CA 94607**

SUBMITTAL : DATE :
 CONDITIONAL USE PERMIT 05/20/20

SHEET:
**PROPOSED
 OCCUPANCY
 LOAD PLAN &
 CALCULATIONS**

A1.2

PROPOSED OCCUPANCY LOAD PLAN
 SCALE: 1/4" = 1'-0"



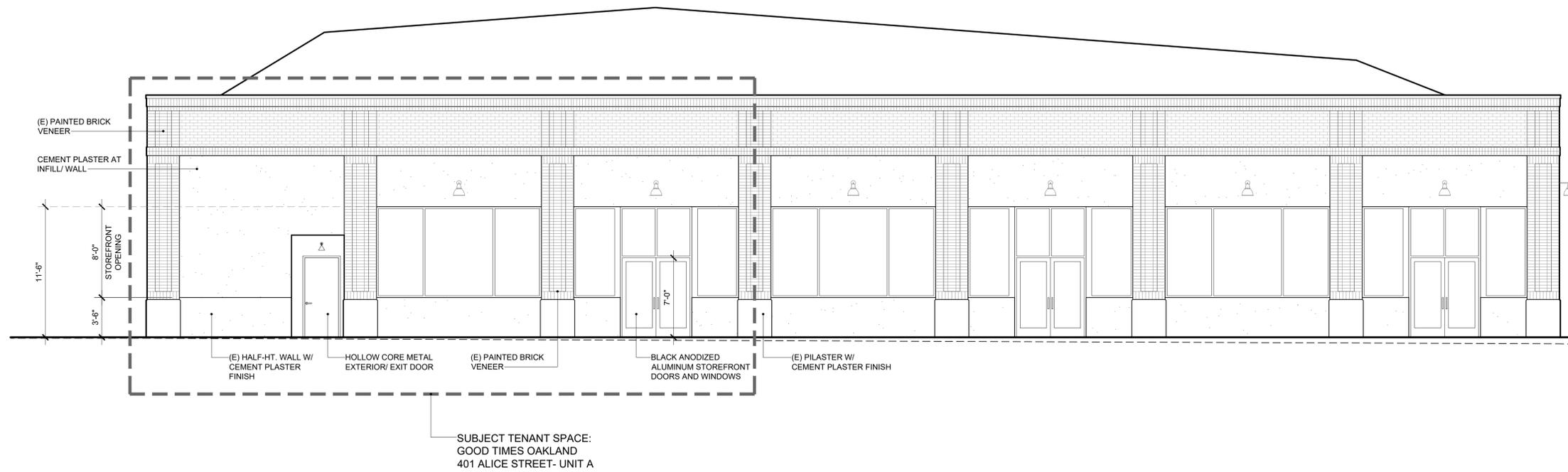
THESE DRAWINGS, SPECIFICATIONS AND THE CONCEPTS EMBODIED IN THEM ARE THE ORIGINAL UNPUBLISHED WORK OF SAID-JON EGBAL AND MAY NOT BE DISCLOSED OR DUPLICATED WITHOUT WRITTEN CONSENT OF SAID-JON EGBAL.

**GOOD TIMES OAKLAND
401 ALICE STREET
OAKLAND, CA 94607**

SUBMITTAL : DATE :
CONDITIONAL USE PERMIT 05/20/20

SHEET:
**EXISTING
EXTERIOR
ELEVATION**

A2.0



PROPOSED EXTERIOR ELEVATION: 4TH STREET
SCALE: 3/16" = 1'-0"

1