

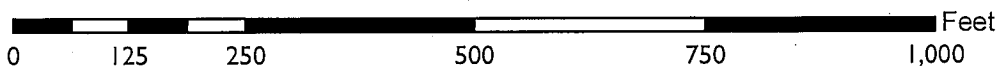
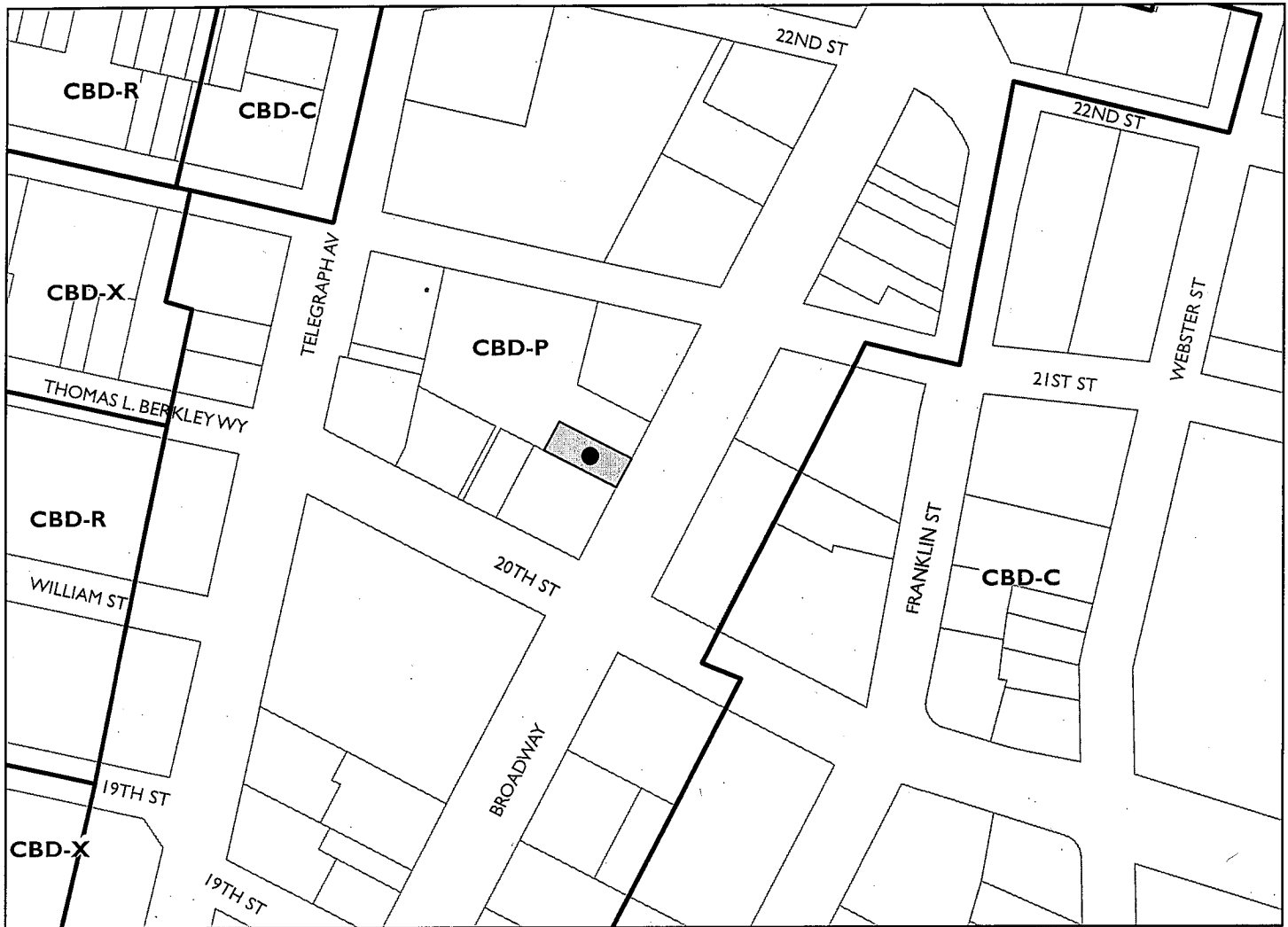
<b>Location:</b>	<b>2021 Broadway / Ragmatazz Factory Store</b> (see reverse for map)
<b>Assessor's Parcel Number:</b>	<b>008 -0649-006-00</b>
<b>Proposal:</b>	<b>To establish a new 1,800 square foot bar (2:00 am closing time), with mezzanine, at the ground floor of the building.</b>
<b>Applicant:</b>	Shine Properties, LLC / Sean Sullivan
<b>Phone Number:</b>	(510) 282-2209
<b>Owner:</b>	Alameda BayFarm Investment, LLC
<b>Planning Permits Required:</b>	Major Conditional Use Permit with additional findings for Alcoholic Beverage Sales Commercial Activity; Findings of Public Convenience or Necessity (Design Review for façade improvements, signage, and sidewalk seating under separate application)
<b>General Plan:</b>	Central Business District
<b>Zoning:</b>	CBD-P Central Business District Pedestrian Retail Zone
<b>Environmental Determination:</b>	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities (operation); Section 15183 of the State CEQA Guidelines: Projects Consistent with a Community Plan, General Plan or Zoning
<b>Historic Status:</b>	Not A Designated Historic Property; Survey rating: *1- (Area of Primary Importance compatible non-contributor )
<b>Service Delivery District:</b>	Metro
<b>City Council District:</b>	3
<b>Date Filed:</b>	March 13, 2014
<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>Jose M. Herrera-Preza, Planner I</b> at <b>(510) 238-3808</b> or <a href="mailto:jherrera@oaklandnet.com">jherrera@oaklandnet.com</a>

**SUMMARY**

The applicant requests Planning Commission approval of a Major Conditional Use Permit to establish a new lounge bar in an 1,800 square foot space, with a 2:00am closing time, in the Central Business District.

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

# CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN14058  
Applicant: Shine Properties, LLC  
Address: 2021 Broadway  
Zone: CBD-P

## **PROPERTY DESCRIPTION**

The property consists of the former Ragmatazz Factory Store, located in between the Paramount Theatre and the I. Magnin & Co. department store building, which are both A1+ Designated Historic Properties and anchors in the Uptown Historic District. The 1.5 story commercial building at 2021 Broadway, which is not a Designated Historic Property, contains a mezzanine and covers the entire site. The subject site has been used as a commercial retail space. The site lacks on-site parking; however, the district contains on-street metered parking, BART, AC Transit and auto fee parking lots. The district consists of restaurants, retail uses, consumer services, offices, the Kaiser Building and the Paramount Theatre.

## **PROJECT DESCRIPTION**

The proposal is to establish a new lounge bar on the ground floor of the building at 2021 Broadway. The bar would have a type 48 license from the California Department of Alcoholic Beverage Control (ABC) for bar with liquor, beer and wine for on-site consumption and no minors admitted. Hours of operation would be daily from 12:00pm to 2:00am. The layout would consist of a 1,800 square foot interior including a mezzanine, with tables and chairs throughout. The activity would have a total of 10 full time employees including bartender, security and bussers. The entrance will be facing Broadway.

Design Review for minor exterior alterations including a façade improvement and signage was handled separately from this application, and has been reviewed and approved by Historic Preservation staff, due to the subject property being located in between two A1+ Designated Historic Properties (even though the building itself is not a historic building). The purpose of the exterior alterations is to restore the historic features on the building under the existing façade and compliment the adjacent buildings.

## **GENERAL PLAN ANALYSIS**

The property is located in the Central Business District area of the General Plan's Land Use and Transportation Element (LUTE). The intent of the area is: "to encourage, support, and enhance the downtown area as a high density mixed use urban center of regional importance and a primary hub for business, communications, office, government, high technology, retail, entertainment, and transportation in Northern California." Desired character and uses consist of: "a mix of large-scale offices, commercial, urban (high-rise) residential, institutional, open space, cultural, educational, arts, entertainment, service, community facilities, and visitor uses."

The proposal to create a bar in the Uptown Historic District next to the Paramount Theatre conforms to the intent and desired character and to the following LUTE Policies:

### Policy I/C1.1 Attracting New Business.

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

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

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

Policy I/C3.4 Strengthening Vitality.

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

**DOWNTOWN**

Policy D5.1 Encouraging Twenty-Four Hour Activity.

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

Policy D.12.1 Promoting Oakland's Strengths.

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

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

**ZONING ANALYSIS**

The property is located in the CBD-P Central Business District Pedestrian Zone. The intent of the CBD-P Zone is: "to create, maintain, and enhance areas of the Central Business District for ground-level, pedestrian-oriented, active storefront uses. Upper story spaces are intended to be available for a wide range of office and residential activities." The proposal to create a lounge bar in a vacant building downtown next to the Paramount Theatre conforms to the intent of the zone.

Below is a list of permits required for the proposal, the reason each permit is required, and a discussion of each permit requested.

Major Conditional Use Permit with Additional Findings

Section 17.103.030 of the Planning Code requires a Conditional Use Permit (CUP) for Alcoholic Beverage Sales Commercial Activities, as well as additional use permit criteria. The Planning Code requires additional review of these types of activities to ensure that they do not contribute to nuisances in the community, including both alcohol-related issues and discouragement of further business attraction.

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

**Findings of Public Convenience or Necessity**

This proposal also requires findings of Public Convenience or Necessity. These findings, modeled on State findings, are required for Alcoholic Beverage Sales to be established in an over-concentrated area. The subject site is located in Census Tract 4028 where 28 ABC licenses exist and where more than 4 is over-concentrated. "Alcoholic beverage license over-concentrated areas" means a police beat with crime rates that exceed the City median by twenty (20) percent or more or a census tract in which the per capita number of on-sale or off-sale retail Alcoholic Beverage Sales licenses exceeds the Alameda County median. The site is within Police Beat 04X: an area which 2,176 reported crimes where report during the first quarter of this year which is more than more than the 1,142 which is considered an over-concentrated.

Staff finds the proposal, as conditioned, to be in conformance with the Planning Code.

**ENVIRONMENTAL DETERMINATION**

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

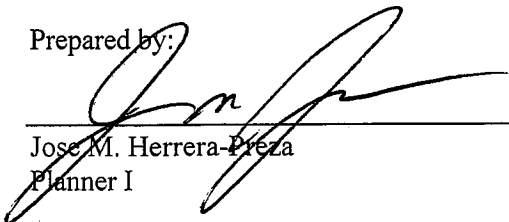
**KEY ISSUES AND IMPACTS**

A Conditional Use Permit is required for Alcoholic Beverage Sales activities within the CBD-P Central Business District Pedestrian Zone. The purpose of the CUP is to consider compatibility of the proposed use with its surroundings and to attach operating conditions to ensure the business will not be a nuisance. There are no adjacent churches, elementary schools, apartments, athletic fields, or liquor stores nearby. The proposal is consistent with the arts and entertainment character of the Uptown District and complements the entertainment activities in the adjacent Paramount Theatre. The applicant has successfully operated bar businesses in the past. The attached Conditions of Approval impose various requirements, such as controls on litter and noise, to maintain the compatibility of a lounge bar with the surrounding area. Given these conditions, staff recommends the Planning Commission grant the request, subject to the attached Conditions of Approval.

**RECOMMENDATIONS:**

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

Prepared by:



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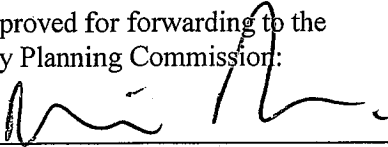
Jose M. Herrera-Preza  
Planner I

Approved by:



\_\_\_\_\_  
Scott Miller  
Zoning Manager

Approved for forwarding to the  
City Planning Commission:



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Darin Ranelletti  
Deputy Director  
Planning and Building Department

**ATTACHMENTS:**

- A. Findings
- B. Conditions of Approval
- C. Plans with photographs
- D. OPD Area Crime Statistics (Map & Table)

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**Attachment A: Findings**

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

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

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

The proposal to create a new lounge bar in the historic Uptown district, in an area within which the city encourages nightlife and entertainment, next to the Paramount Theatre, is compatible with the site and surroundings. The property is located in the CBD-P Central Business District Pedestrian Zone. The area consists of a combination of theatre, offices, retail stores and gourmet food and drink facilities in a neighborhood which derives its identity as being an entertainment and nightlife area. The proposal will increase the diversity of retail options and serve pedestrian use in the area. The proposal conforms to the intent of the CBD-P zone.

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

The proposed alcoholic beverage service will promote availability of quality beverages and enhance the convenience and functional living environment of its customers. The small size of the facility is attractive as warranted by the location and setting. This use will fit into the gourmet food/beverage related business district.

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

The project will enhance the synergy of food and beverage services in the Downtown office and entertainment district and will complement the activities in the adjacent Paramount Theatre. The proposal will bring more pedestrian and additional foot traffic to this area.

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

Design Review for minor exterior alterations including signage has been reviewed and approved by Historic Preservation staff, due to the subject property being located in between two A1+ Designated Historic Properties.

**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 property is located in the Central Business District area of the General Plan's Land Use and Transportation Element (LUTE). The intent of the area is: "to encourage, support, and enhance the downtown area as a high density mixed use urban center of regional importance and a primary hub for business, communications, office, government, high technology, retail, entertainment, and transportation in Northern California." Desired character and uses consist of: "a mix of large-scale offices, commercial, urban (high-rise) residential, institutional, open space, cultural, education, arts, entertainment, service, community facilities, and visitor uses."

The proposal to create a new lounge bar next to the Paramount Theatre conforms to this intent and desired character and to the following LUTE Policies:

Policy I/C1.1 Attracting New Business.

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

Policy I/C3.2 Enhancing Business Districts.

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

Policy I/C3.4 Strengthening Vitality.

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

**DOWNTOWN**

**Policy D5.1 Encouraging Twenty-Four Hour Activity.**

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

**Policy D.12.1 Promoting Oakland's Strengths.**

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

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

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

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

There are no churches, elementary schools, apartments, athletic fields, or liquor stores nearby. The subject site is next to the Paramount Theatre where several restaurants and retail business are located. The applicant has successfully operated bar businesses in the past. Conditions of Approval would attach several requirements, such as controls on litter and noise, to maintain the compatibility of a bar with the surrounding area.



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

The site is not abutting civic uses and will operate at different hours than civic uses located in the district.

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

The project involves an existing commercial space with two entrances along Broadway and will not interfere with pedestrian movement.

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

Design Review for minor exterior alterations including signage has been reviewed and approved by Historic Preservation staff, due to the subject property being located in between two A1+ Designated Historic Properties (DHP).

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

The business will be located in a non-historic building built in 1932 and lacks on-site parking. Any proposed signage will conform to the style and character of the building and will not be large or obtrusive.

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

The business will contain litter receptacles at the interior and condition of approval #13 (F) requires that staff clean the fronting public right-of-way daily.

**7. That where the proposed use is in close proximity to residential uses, and especially to bedroom windows, it will be limited in hours of operation, or designed or operated, so as to avoid disruption of residents' sleep between the hours of 10 p.m. and 7 a.m. The same criteria shall apply to all conditional use permits required by subsection B of this section for sale of alcoholic beverages at full-service restaurants.**

The site is not adjacent to residences.

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

This finding is not applicable; the proposal does not involve a Fast Food Restaurant.

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

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

The project will enhance the synergy of food and beverage services in the Downtown office and entertainment district and will complement the activities in the adjacent Paramount Theater.

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

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

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

Alcoholic beverage sales are appropriate for a bar business.

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**Attachment B: Conditions of Approval**

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

- a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials, staff report, and the plans dated and submitted on **March 13, 2014** and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall required prior written approval from the Director of City Planning or designee.
- b) This action by the **City Planning Commission** ("this Approval") includes the approvals set forth below. This Approval includes:
  - i) Major Conditional Use Permit for an Alcoholic Beverage Sales Commercial Activity (lounge bar) at 2021 Broadway (ground floor and mezzanine).*

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

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

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

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

**4. Conformance with other Requirements**

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

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

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

***Ongoing***

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

**6. Signed Copy of the Conditions**

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

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

**7. Indemnification**

***Ongoing***

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

**8. Compliance with Conditions of Approval**

***Ongoing***

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

**9. Severability**

***Ongoing***

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

**SPECIFIC CONDITIONS**

**10. Alcoholic Beverage Sales**

**a. Additional Permits Required**

***Prior to commencement of activity***

A type 48 license shall be obtained from the ABC. This use shall conform to all provisions of the State ABC license. The state license and state conditions shall be posted along with these Conditional Use Permit conditions in a place visible to the public. This use shall also conform to all State Retail Operating Standards, Section 25612.5 of the Business and Professions Code and local Performance Standards, Section 15210, where applicable including any future changes in the above regulations. The intent of these standards is to reduce nuisance, litter, loitering, and crime associated with alcohol outlets. The City Conditions of Approval shall be forwarded to the Department of Alcoholic Beverage Control.

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

Alcohol sale is on-sale, for on-site consumption only. Sale of alcoholic beverages may extend to abutting sidewalk seating in the future only at such time that all other approvals for Design Review and Encroachment are granted.

**c. Hours of Alcohol Sale**

Hours of alcohol sales are limited to the following: Monday through Sunday 12:00pm to 2:00am. No alcoholic beverages shall be sold within fifteen minutes prior to closing time.

**d. Admittance**

No minors shall be admitted at any time.

**11. Operation**

***Ongoing***

**a. Staffing**

The establishment shall have at least two staff persons on-site at all times including at least one security person from 9:00pm to thirty minutes after closing.

**b. Staff training program**

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

**c. Staff to monitor site**

Staff of the business shall regularly monitor the restaurant 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. Entry**

Admission shall never be charged for events or otherwise.

**f. Cabarets**

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

**g. Taxi call program**

***Ongoing***

The establishment shall maintain a program of calling taxi cabs for patrons on request for the purpose of preventing driving while intoxicated and shall maintain this service. Signage offering this service shall be displaying 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 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 (OMC Sec. 8.30) shall apply. Smoking shall only be located in the front of the building on the public sidewalk a minimum of 25-feet from doorways. Ashtrays shall be provided adjacent to the entrance to prevent littering of cigarette butts. The establishment shall provide signage inside the building and next to the exit to direct patrons to the proper location for smoking.

**14. Design**

**a. Signage**

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

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

**b. Signage to discourage other nuisances**

***Ongoing***

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

**c. Contact phone numbers**

***Ongoing***

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

**d. Advertising signage**

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

**e. Pay Phones**

No pay phones are permitted outside the building.

**f. Building Code Upgrades**

***Prior to commencing approved activities***

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

**g. Modifications**

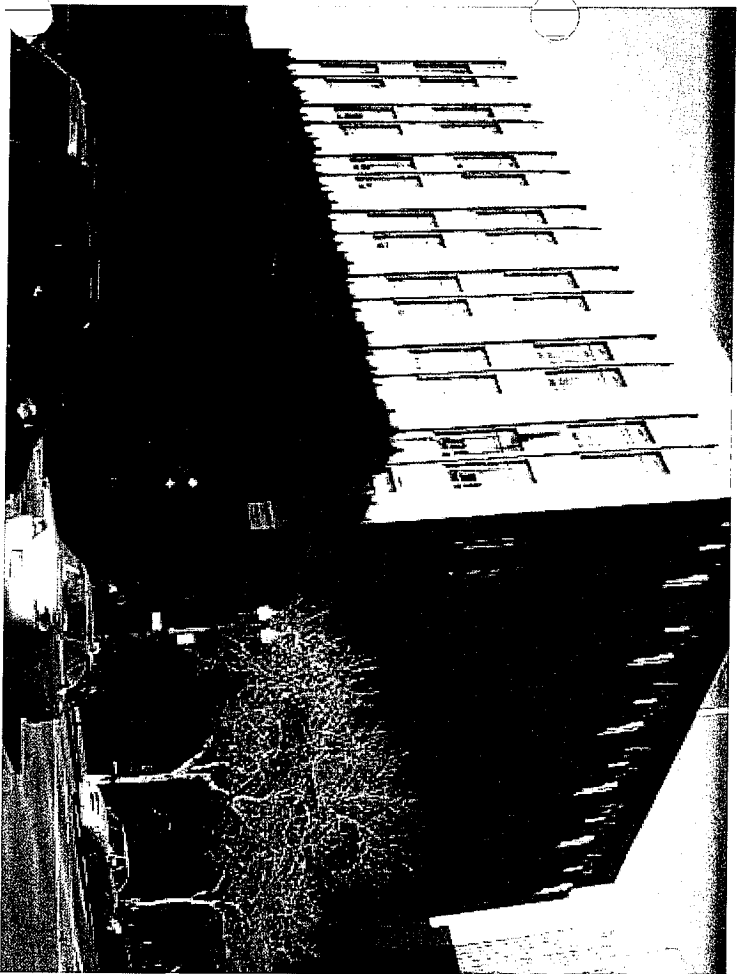
***Prior to submitting for a building permit & ongoing***

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

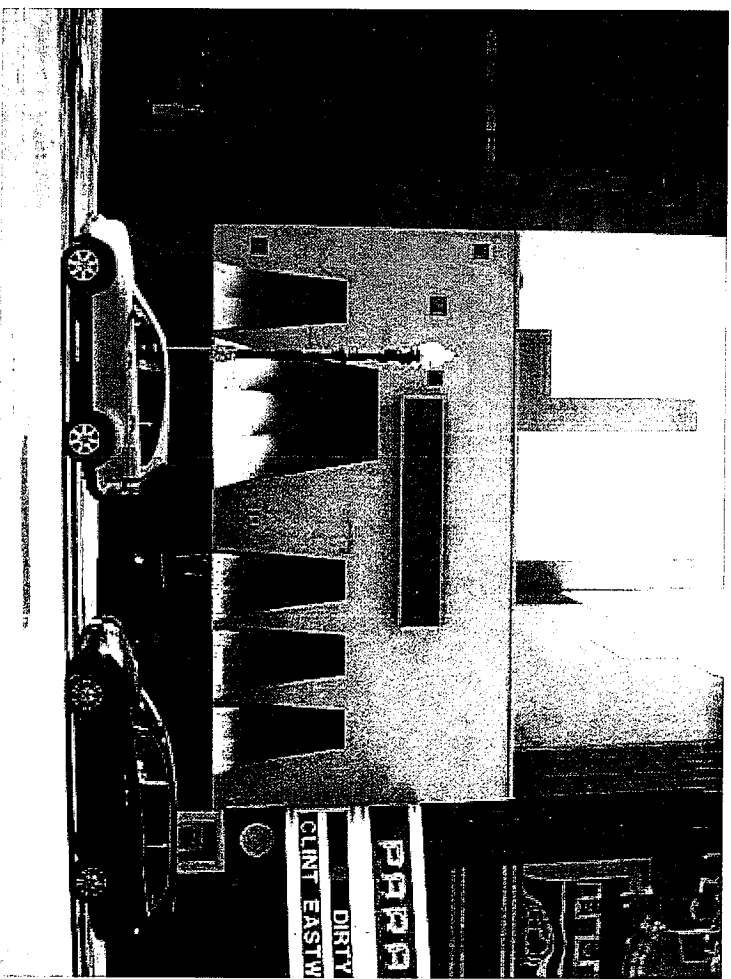
**APPROVED BY:**

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

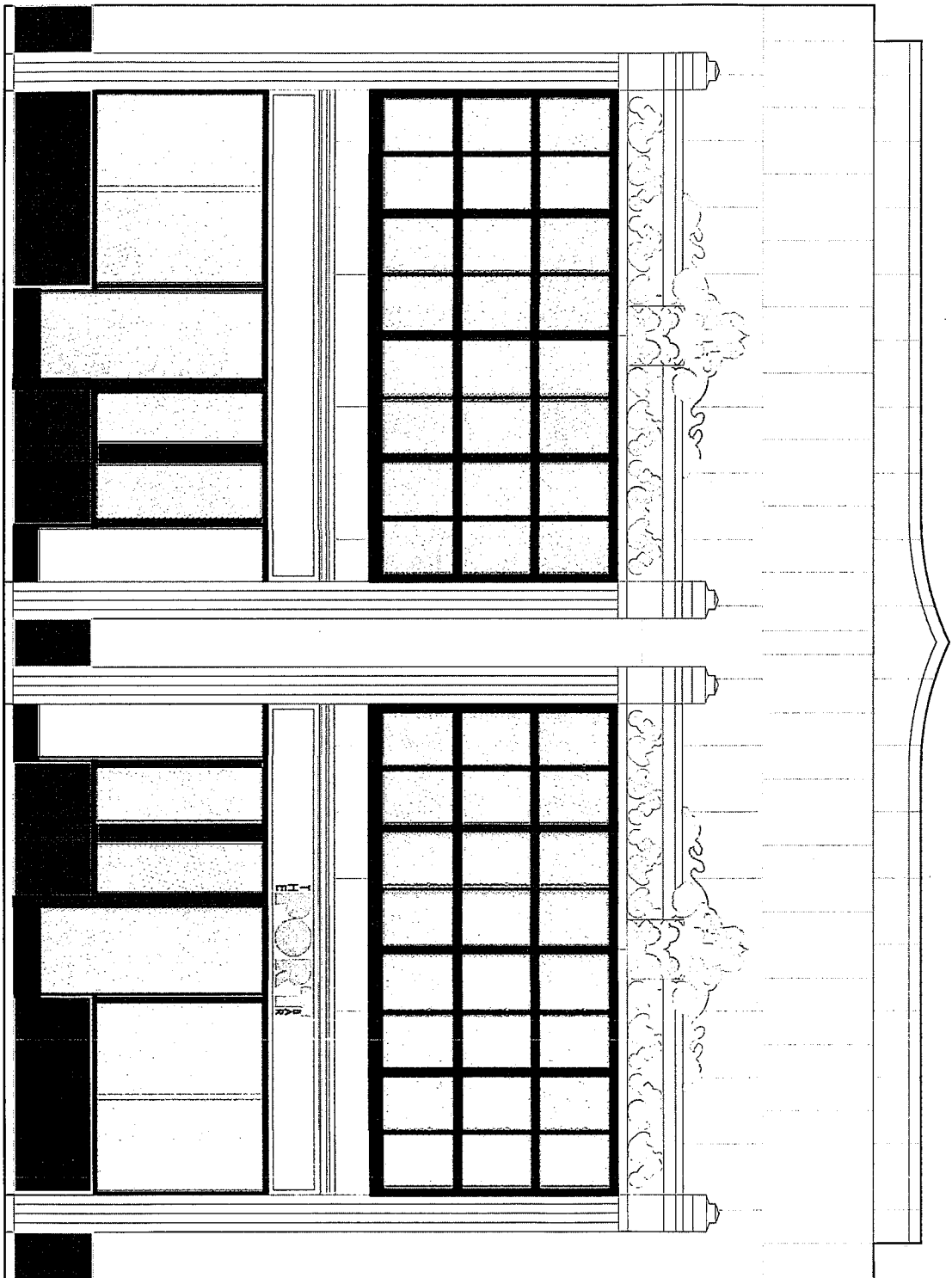




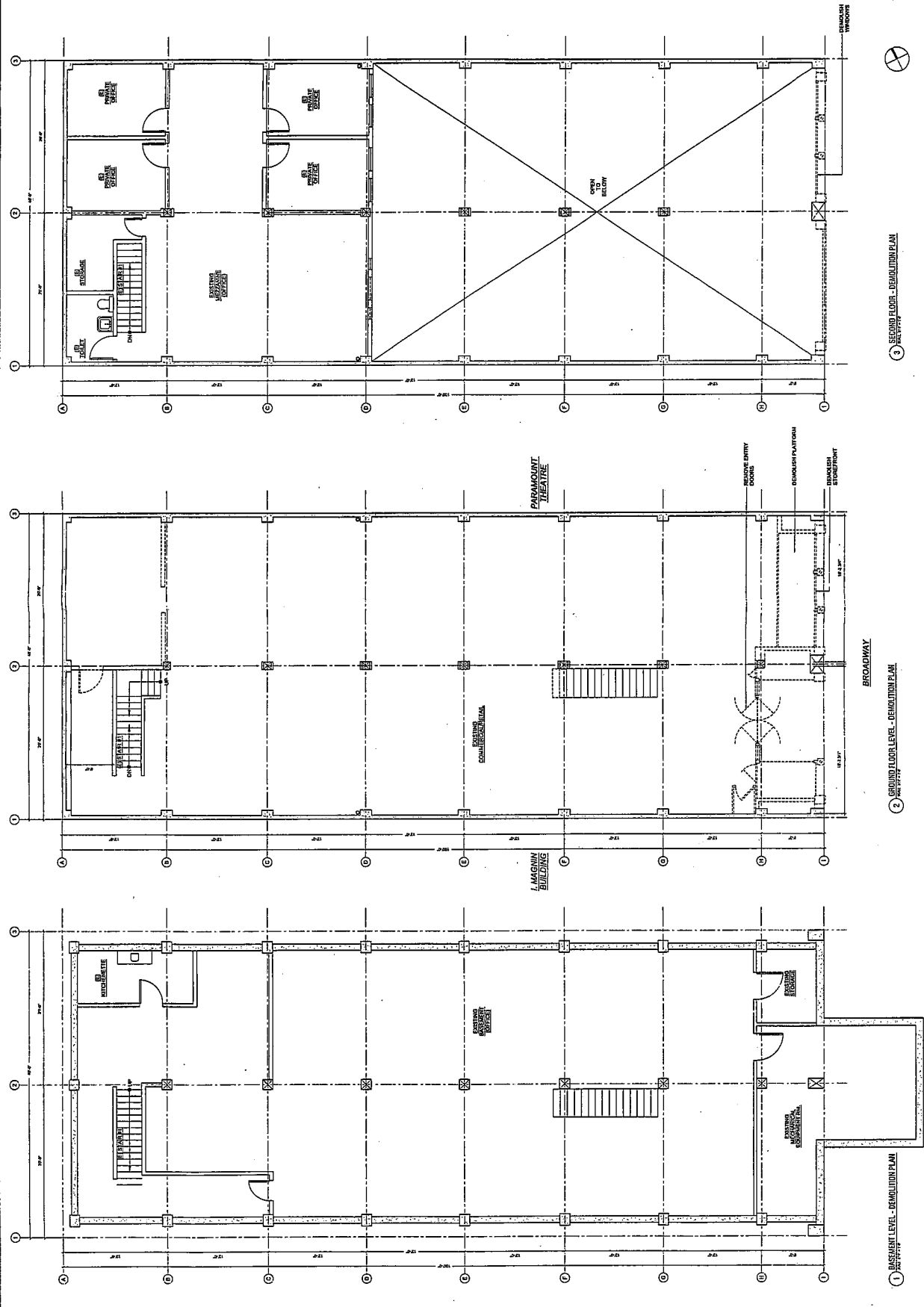
2001 Broadway  
I. Maigning Building



2021 Broadway  
The Port Bar (Proposed Project)





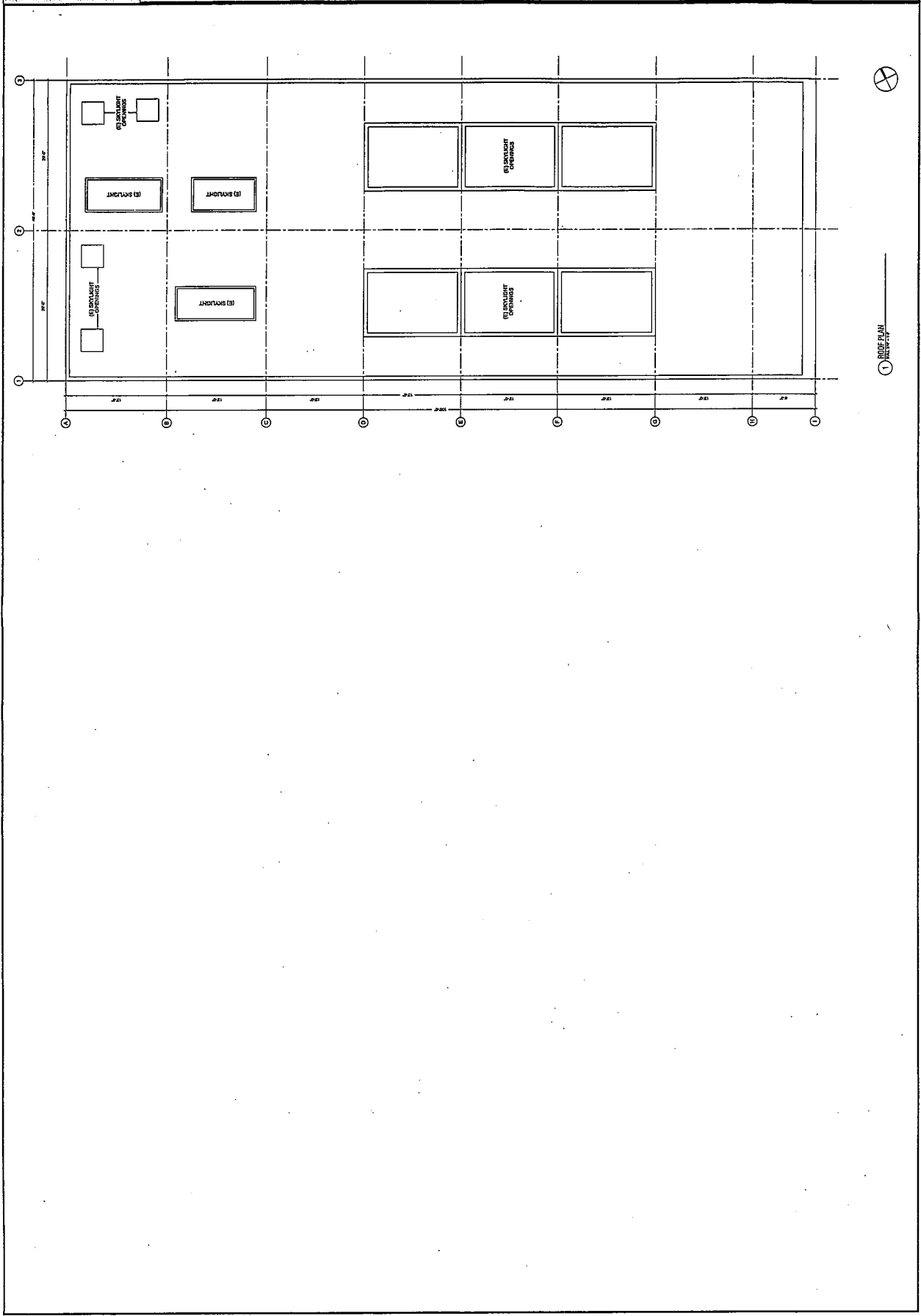


3 SECOND FLOOR - DEMOLITION PLAN

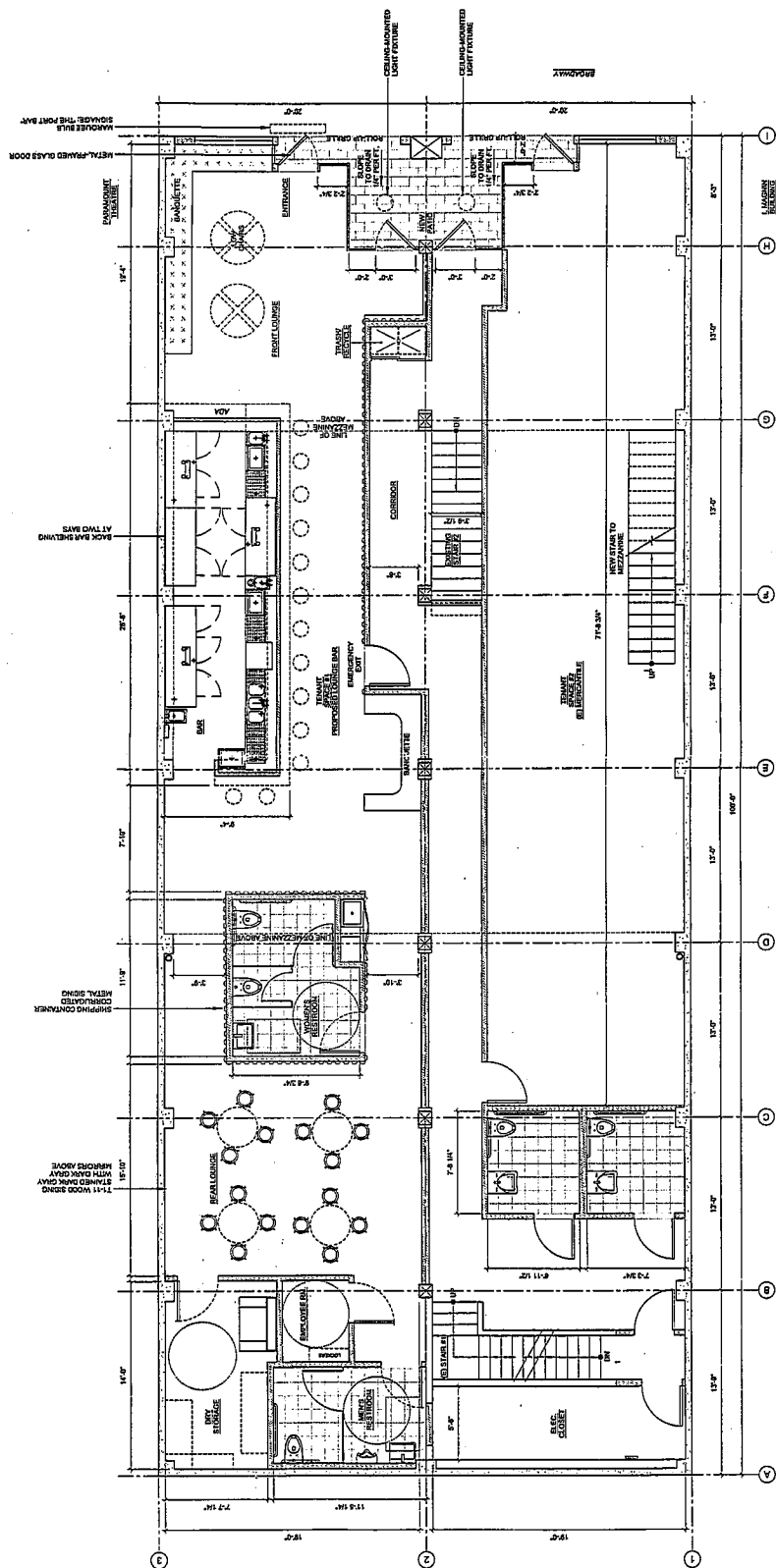
2 GROUND FLOOR LEVEL - DEMOLITION PLAN

1 BASEMENT LEVEL - DEMOLITION PLAN

**1 BASEMENT LEVEL - PROPOSED**



1 STREET ELEVATION - EXISTING/DEMOLITION



1 ENLARGED PLAN AT LOUNGE BAR  
SCALE 3/4" = 1'-0"