

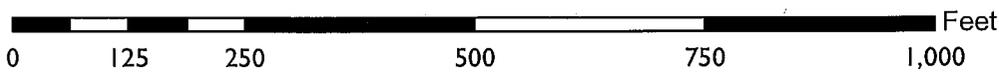
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|-------------------------------------|--|
| Location: | 1701 Telegraph Avenue |
| Assessor's Parcel Number: | 008-0641-005-00 |
| Proposal: | To establish a brew pub "Cerveceria de MateVeza" (limited service restaurant/cafe; beer brewing; sales of beer for both on-site and off-site consumption) with a 12:00am closing time (2:00am weekends). |
| Applicant: | Jim Woods/Surface Area |
| Phone Number: | (415) 814-9212 |
| Owners: | Fred and Patricia Brown |
| Planning Permits Required: | Major Conditional Use Permit for Alcoholic Beverage Sales Commercial Activity; Variance for off-sale of alcoholic beverages within 1,000 feet of an existing alcoholic beverage sales outlet; Findings for Public Convenience or Necessity |
| General Plan: | Central Business District |
| Zoning: | CBD-P Central Business District Pedestrian Retail Zone |
| Environmental Determination: | Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities (operation); Section 15183 of the State CEQA Guidelines: Projects Consistent with a Community Plan, General Plan or Zoning |
| Historic Status: | Potential Designated Historic Property; Survey rating: Ec3 |
| Service Delivery District: | Metro |
| City Council District: | 3 |
| Date Filed: | September 12, 2013 |
| Finality of Decision: | <i>Appealable to City Council within 10 days</i> |
| For Further Information: | Contact case planner Aubrey Rose AICP, Planner II at (510) 238-2071 or arose@oaklandnet.com |

SUMMARY

The applicant requests Planning Commission approval of a Major Conditional Use Permit and Variance to establish a brew pub (limited service restaurant, brewery, and on-sale/off-sale of beer) in a renovated commercial space located Downtown.

Staff recommends approval of the application, subject to conditions, as described in the report.

CITY OF OAKLAND PLANNING COMMISSION



Case File: CMVI3263
Applicant: Jim Woods
Address: 1701 Telegraph Avenue
Zone: CBD-P

PROPERTY DESCRIPTION

The property is a level corner lot on Telegraph Avenue at 17th Street. The lot contains a one-story building at zero lot line with four commercial spaces facing Telegraph Avenue. The subject space has a vestibule entrance with display windows that extends along 17th Street. The space has operated as a women's shoe store for thirty-five years, open Monday through Saturday 9:00am to 5:30pm and run by the property owners. The other spaces in the building contain an adult retail shop, a full service restaurant, and a small limited service restaurant/catering business.

PROJECT DESCRIPTION

The proposal is to establish a brew pub, "Cerveceria de MateVeza." This would consist of a limited service restaurant/café; beer brewing in a mezzanine measuring less than one thousand feet in floor area; and sales of beer brewed on site and off site for both on site and home consumption. Hours of operation would be from 10am until 12am on Sundays through Thursdays, and from 10am until 2:00am on Fridays and Saturdays. Minors would be admitted. Tenant improvements would consist of renovations to the interior, including creation of two ADA compliant restrooms.

The project would involve a Type 23 license (non-retail) from the State of California Department of Alcoholic Beverage Control (ABC), which is described as follows:

SMALL BEER MANUFACTURER - (Brew Pub or Micro-brewery) Authorizes the same privileges and restrictions as a Type 01. A brewpub is typically a very small brewery with a restaurant. A micro-brewery is a small-scale brewery operation that typically is dedicated solely to the production of specialty beers, although some do have a restaurant or pub on their manufacturing plant.

Most of the beer sold would be produced in Ukiah. Other producers' products would be featured as well. The applicant currently operates a similar business in San Francisco. The applicant has reached out to the Council District 3 office, Neighborhood Service Coordinator, and two district associations to present the proposal. Future renovations, not fully designed or analyzed at this time, could include pushing in the vestibule entrance to create a covered on-site patio and renovating the façade to reveal original upper windows. Such renovations, and/or business signage, would require approval of a Design Review Permit by the Planning and Zoning Division.

GENERAL PLAN ANALYSIS

The property is located in the Central Business District area of the General Plan's Land Use & Transportation Element (LUTE). The intent of the area is: "to encourage, support, and enhance the downtown areas 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." The proposal conforms to this intent and to the following Policies of the LUTE:

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 D12.1 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.

The proposal involves a new restaurant with a special feature, on-site brewing, in an area of Downtown where several eating and drinking, and entertainment establishments are located. The establishment will increase the number of businesses in the area that are open late, serving the entertainment district and increasing evening safety. The establishment would be a restaurant as opposed to bar or liquor store, and would not be located adjacent to housing. It should not, therefore, generate nuisances to existing Downtown residences and civic uses. Staff finds that the proposal, as conditioned, conforms to the General Plan.

ZONING ANALYSIS

The site is located in the CBD-P Central Business District Pedestrian Retail 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 following are permits required for the proposal, the reason each permit is required, and a discussion of each permit requested.

1) Major Conditional Use Permit with additional findings

On-sale and off-sale of alcoholic beverages from a limited service restaurant utilizing a non-retail license #23 from the ABC (Brew Pub) is considered an Alcoholic Beverage Sales Commercial Activity. This land use requires a Conditional Use Permit that is Major, and, therefore, is decided by the Planning Commission. The review considers compatibility with surroundings, as described in the Key Issues and Impacts section of this report.

2) Variance

A Variance is required to approve the project because the Planning Code requires a one-thousand foot distance separation between new and existing alcoholic beverage sales establishments that sell products for off-site consumption. Unlike bars, non-retail licenses are not exempted from this regulation except in the Jack London Square District. The purpose of the distance separation is to prevent proliferation of potentially problematic businesses, such as certain liquor stores, adjacent to civic and residential uses. The table below indicates the site’s proximity to existing alcoholic beverage sales outlets:

ALCOHOLIC BEVERAGE SALES OUTLETS (restaurants excluded)

| Address | Name | Description | City Zoning approval | ABC approval | Distance (parcels) |
|-------------------------|--|-------------|------------------------------|--------------------------------------|--------------------|
| 510 17 th St | Bench and Bar | Bar | Conditional Use Permit (CUP) | 48 – on-sale liquor, beer and wine | 0’ |
| 1727 Telegraph Av | Somar | Bar | CUP | 48 | 75’ |
| 1741 Telegraph Av | Make Westing | Bar | CUP | 48 | 105’ |
| 1644 Telegraph Av | Bar Dogwood | Bar | CUP | 48 | 105’ |
| 1621 Telegraph Av | Cafe Van Kleef / Contemporary Art Café | Bar | CUP | 48 | 135’ |
| 1928 Telegraph Av | Uptown | Bar | Deemed Approved (DA) | 48 | 640’ |
| 412 14 th St | The 1222 | Bar | CUP | 48 (pending) | 685’ |
| 631 19 th St | 355 | Bar | CUP | 48 | 940’ |
| 2025 Broadway | Paramount Theatre | Theatre | NA | 64 – Special on sale general theatre | 950’ |
| 1913 San Pablo Av | Uptown Market and | Liquor | CUP | 21 – off-sale | 985’ |

| | | | | | |
|---------------|--------------|-----------------------------------|-----|-----------------------|------|
| | Liquors | store/food and convenience market | | liquor, beer and wine | |
| 2120 Broadway | Manny's Club | Bar | CUP | 48 | 995' |

Most or all of the alcohol outlets in the neighborhood are non-problematic. Findings can be made to approve the Variance (See Attachment A).

3) Findings of Public Convenience or Necessity

These findings, modeled on State Code, are required for Alcoholic Beverage Sales to be established in an over-concentrated area. The area is over-concentrated for crime and ABC licenses. Under the Planning Code, over-concentration for crime is a Police Beat exceeding twenty-percent more than the Citywide median for reported crimes in all Police Beats. Based on OPD data, over-concentration is more than one-thousand one-hundred forty-two (1,142) reported crimes in 2011. Police Beat 4X listed 2,176 reported crimes in 2011. Staff notes that the site is located at the center of the Police Beat which extends to the 980 freeway and that crime in the Police Beat may not be clustered adjacent to the site (Attachment D).

Under the Planning Code, overconcentration for ABC licenses is a Census Tract exceeding the countywide Census Tract median. The Alameda County median is four (4) ABC licenses per Census Tract (2011). Census Tract 4028 listed twenty-four (24) active licenses in 2013 (Attachment E). Findings of Public Convenience or Necessity (PCN) are therefore required. However, fourteen of the licenses are for restaurants. When operated as full service, restaurants are not considered Alcoholic Beverage Sales Commercial Activities under the Planning Code. Also, off-sale establishments in the Census Tract do not cluster along the same block as the site. PCN findings consider variety, economic benefits, and whether alcoholic beverage sales are typical for the establishment type. This format is not anticipated to lead to nuisances, which are further avoided by conditions of approval.

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

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 a restaurant with accessory beer production, on-sale and off-sale of beer in a renovated space within a central business district meets this description: the project would constitute operation of an existing private facility. Section 15183 of the State CEQA Guidelines relates to Projects Consistent with a Community Plan, General Plan or Zoning. The project adheres to this section, as described above. The project is, therefore, not subject to further Environmental Review.

KEY ISSUES AND IMPACTS

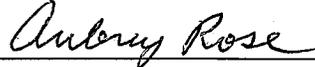
Conditional Use Permits for alcoholic beverage sales outlets are meant to ensure operating characteristics would be compatible with and not a nuisance to a surrounding area. The distance separation is meant to prevent outlets known to be problematic from proliferating, especially in close proximity to civic or other sensitive uses. In this case, the nature of the establishment, surroundings, and operating characteristics memorialized as conditions of approval should ensure no nuisances are created as a result of the business (See Attachment B). These conditions of approval include: no sale of liquor, no sale of alcohol without operation of the restaurant, and no

sale of convenience items. Given these considerations, staff recommends the Planning Commission grant the request, subject to conditions of approval.

RECOMMENDATIONS:

1. Affirm staff's environmental determination.
2. Approve the Major Conditional Use Permit, Variance, and Findings of Public Convenience or Necessity subject to the attached findings and conditions.

Prepared by:



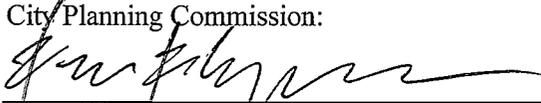
AUBREY ROSE, AICP
Planner II

Approved by:



SCOTT MILLER
Zoning Manager

Approved for forwarding to the
City Planning Commission:



RACHEL FLYNN, Director
Department of Planning and Building

ATTACHMENTS:

- A. Findings
- B. Conditions of Approval
- C. Plans
- D. Maps (Police Beat 4X; reported crimes)
- E. ABC licenses (Census Tract 4028)

Attachment A: Findings

This proposal meets the required findings under **General Conditional Use Permit Criteria (OMC Sec. 17.134.050); Use Permit Criteria for Establishments Selling Alcoholic Beverages (OMC Sec. 17.103.030.A); Variance Procedure/Findings Required (OMC Sec. 17.148.050); and Findings for Public Convenience or Necessity (OMC Sec. 17.103.030.B.3)** as set forth below. Required findings are shown in **bold type**; explanations as to why these findings can be made are in normal type. The basis to approve the Project and related permits are not limited to the findings contained herein, but also includes the information contained in the November 6, 2013 Staff Report to the Planning Commission, the conditions of approval, and the entire administrative record, hereby incorporated by reference.

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 for a new restaurant/brew pub in an existing building is compatible with the site and Downtown entertainment district surroundings. The business will enhance the diversity of food and beverage options in the area and later hours will add to the evening safety along the corridor. The site is not directly adjacent to a civic use and proposed operating characteristics will be memorialized by conditions of approval to ensure no nuisances are generated. These conditions will apply to any future operator of the business.

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

The proposal is in an existing building and the proposed establishment will offer a convenient and attractive business that adds vibrancy and pedestrian/cyclist activity to the block.

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

The proposal will contribute to the variety of businesses in this commercial area. There are currently no brew pubs operating in the center of the Central Business District.

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

This finding is not applicable as the proposal is not subject to design review because no exterior modifications are proposed at this time. Should signage and exterior improvements be desired in the future, that project would require review and approval by the Planning and Zoning Division.

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

The property is located in the Central Business District area of the General Plan's Land Use & Transportation Element (LUTE). The intent of the area is: "to encourage, support, and enhance the downtown areas 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." The proposal conforms to this intent and to the following Policies of the LUTE:

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 D12.1 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.

The proposal involves a new restaurant with a special feature, on-site brewing, in an area of Downtown where several eating and drinking establishments are located. The establishment would be a restaurant as opposed to bar or liquor store, and would not be located adjacent to housing. It should not, therefore, generate nuisances to existing Downtown residences and civic uses.

The proposal, as conditioned, conforms to the General Plan.

Additional 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;

There are currently no shops operating in the middle of the Central Business District providing a restaurant/brew pub. Based on operations of this proposed use elsewhere in Oakland and in other nearby cities, there is no evidence that the proposed use will contribute to an undue proliferation of undesirable uses. Conditions of approval will ensure positive operational characteristics. These conditions include no sale of liquor, no sale of alcoholic beverages without operation of the restaurant, and no sales of convenience items.

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

There are civic uses in the area, such as the Oakland School for the Arts (521 19th Street), but it is not anticipated that the brew pub will adversely affect these uses, especially given operational characteristics such as food service, hours of operation, and no liquor.

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

The site contains no driveways or parking lots and contains sidewalk on two sides given the corner location.

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

The proposal features no exterior changes.

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

The proposal does not involve signage at this time and the site does not contain an open parking lot along a property line. Should signage and/or modifications be desired in the future, that project would require review and approval by the Planning and Zoning Division.

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

The proposal does not specialize in to-go food orders and the use is not considered to generate significant trash or litter at or adjacent to the site. Nonetheless, restaurant staff will clean the site and adjacent public right-of-way daily as required by Conditions of Approval.

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 property is not located in the vicinity of 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 inapplicable; the proposal does not involve a fast-food restaurant.

Variance Procedure/Findings Required (OMC Sec. 17.148.050) For New Alcohol Sales Within 1,000 Feet of an Existing Alcohol Outlet

1. That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations, due to unique physical or topographic circumstances or conditions of design; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution improving livability, operational efficiency, or appearance.

The intent of the distance separation between new and existing alcohol outlets is to prevent poorly-run establishments from generating nuisances and negatively impacting residential and civic uses. Such situations could include liquor stores or bars adjacent to homes, schools, parks, or churches, with problematic practices such as sales of cigarettes and alcohol to minors, and sale of pornography and lottery tickets. These practices of some alcohol outlets have led to public nuisances such as loitering, littering, noise, fighting, public urination, and crime. The separation requirements are in place so that problem establishments are not allowed to proliferate, particularly in high crime areas. In addition, too many similar alcohol establishments in close proximity could weaken the desired vibrant balance of uses so important to a neighborhood district. In this case, the establishment is a restaurant that will sell beer, as opposed to a bar or liquor store, and is not anticipated to create or contribute to nuisance issues per their operational characteristics and as stipulated by conditions of approval. The closest liquor store is situated nearly one-thousand feet away. The site is not adjacent to any ground level civic or residential uses. The intent of the ordinance is, therefore, met. To preclude the brew pub in an area of Downtown where several eating and drinking, and entertainment establishments are located would prevent an increase in the number of businesses in the area that are open late, serving the entertainment district and increasing evening safety, which would be inconsistent with the intent and purpose of the regulation.

2. That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners of similarly zoned property; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution fulfilling the basic intent of the applicable regulation;

Other local businesses have been granted a similar Variance for off-sale of beer with their Conditional Use Permit in the Central Business District and are still in operation with no known adverse impacts.

3. That the variance, if granted, will not adversely affect the character, livability, or appropriate development of abutting properties or the surrounding area, and will not be detrimental to the public welfare or contrary to adopted plans or development policy;

The project is not anticipated to generate off-site impacts evidenced by the operational characteristics at other restaurants serving alcoholic beverages in the area and as enforced by conditions of approval.

4. That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the zoning regulations;

Several other alcoholic beverages sales outlets in the district are located within one-thousand feet of other outlets or residential and civic uses. As summarized in findings, above, the granting of the variances maintains consistency with the purposes of the zoning regulations.

5. That the elements of the proposal requiring the variance (e.g., elements such as buildings, walls, fences, driveways, garages and carports, etc.) conform with the regular design review criteria set forth in the design review procedure at Section 17.136.050.

The element of the proposal requiring the variances, the required distance separation, is not subject to design review.

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

The property is located in the Central Business District area of the General Plan's Land Use & Transportation Element (LUTE). The intent of the area is: "to encourage, support, and enhance the downtown areas 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." The proposal conforms to this intent and to the following Policies of the LUTE:

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

The proposal involves a new restaurant with a special feature, on-site brewing, in an area of Downtown where several eating and drinking establishments are located. The establishment would be a restaurant as opposed to

bar or liquor store, and would not be located adjacent to housing. It should not, therefore, generate nuisances to existing Downtown residences and civic uses.

The proposal, as conditioned, conforms to the General Plan.

7. For proposals involving one or two residential dwelling units on a lot: That, if the variance would relax a regulation governing maximum height, minimum yards, maximum lot coverage or building length along side lot lines, the proposal also conforms with at least one of the following criteria:

a. The proposal when viewed in its entirety will not adversely impact abutting residences to the side, rear, or directly across the street with respect to solar access, view blockage and privacy to a degree greater than that which would be possible if the residence were built according to the applicable regulation and, for height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height; or

b. Over sixty (60) percent of the lots in the immediate vicinity are already developed and the proposal does not exceed the corresponding as-built condition on these lots and, for height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street (see illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any decision on any variance.

This finding is inapplicable; the variance does not involve a residence.

Additional 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 proposal will enhance the variety of retail items available for Oakland residents by locating in a shopping district where an identical function is not already served. This format is not anticipated to lead to nuisances, which are further avoided by conditions of approval.

These findings, modeled on State Code, are required for Alcoholic Beverage Sales to be established in an over-concentrated area. The area is over-concentrated for crime and ABC licenses. Under the Planning Code, over-concentration for crime is a Police Beat exceeding twenty-percent more than the Citywide median for reported crimes in all Police Beats. Based on OPD data, over-concentration is more than one-thousand one-hundred forty-two (1,142) reported crimes in 2011. Police Beat 4X listed 2,176 reported crimes in 2011. Staff notes that the site is located at the center of the Police Beat which extends to the 980 freeway and that crime in the Police Beat may not be clustered adjacent to the site.

Under the Planning Code, overconcentration for ABC licenses is a Census Tract exceeding the countywide Census Tract median. The Alameda County median is four (4) ABC licenses per Census Tract (2011). Census Tract 4028 listed twenty-four (24) active licenses in 2013. Findings of Public Convenience or Necessity (PCN) are therefore required. However, fourteen of the licenses are for restaurants. When operated as full service, restaurants are not considered Alcoholic Beverage Sales Commercial Activities under the Planning Code. Also, off-sale establishments in the Census Tract do not cluster along the same block as the site. PCN findings consider variety, economic benefits, and whether alcoholic beverage sales are typical for the establishment type. This format is not anticipated to lead to nuisances, which are further avoided by conditions of approval.

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

The proposal will contribute to the economic success of the district by adding to its variety of commercial offerings. The sale of alcoholic beverages will be a benefit to the community where some residents currently travel outside of their neighborhood and Oakland for a comparable establishment. The operation as proposed and conditioned is not anticipated to generate calls for police service or create nuisances.

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

Sale of beer for on-site or home consumption is typical for a restaurant/brew pub.

Attachment B: Conditions of Approval

1. Approved Use

Ongoing

- a) The project shall be constructed and operated in accordance with the authorized use as described in the **application, materials and plans dated and submitted September 12, 2013, and staff report**, and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall require prior written approval from the Director of City Planning or designee.
- b) This action by the **City Planning Commission** ("this Approval") includes approval of a Major Conditional Use Permit, Variance, and Findings of Public Convenience or Necessity for an Alcoholic Beverage Sales Commercial Activity (on-sale and off-sale of beer at a restaurant/brew pub) at 1701 Telegraph Avenue.

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.

10. **Job Site Plans**

Ongoing throughout demolition, grading, and/or construction

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

11. **Construction-Related Air Pollution Controls (Dust and Equipment Emissions)**

Ongoing throughout demolition, grading, and/or construction

During construction, the project applicant shall require the construction contractor to implement all of the following applicable measures recommended by the Bay Area Air Quality Management District (BAAQMD):

- a. Water all exposed surfaces of active construction areas at least twice daily (using reclaimed water if possible). Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.
- b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d. Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- e. Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
- f. Limit vehicle speeds on unpaved roads to 15 miles per hour.
- g. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations. Clear signage to this effect shall be provided for construction workers at all access points.
- h. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- i. Post a publicly visible sign that includes the contractor's name and telephone number to contact regarding dust complaints. When contacted, the contractor shall respond and take corrective action within 48 hours. The telephone numbers of contacts at the City and the BAAQMD shall also be visible. This information may be posted on other required on-site signage.

12. **Days/Hours of Construction Operation**

Ongoing throughout demolition, grading, and/or construction

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

- a) Construction activities are limited to between 7:00 AM and 7:00 PM Monday through Friday, except that pile driving and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday.
- b) Any construction activity proposed to occur outside of the standard hours of 7:00 am to 7:00 pm Monday through Friday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Services Division.
- c) Construction activity shall not occur on Saturdays, with the following possible exceptions:
 - i. Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division.
 - ii. After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division, and only then within the interior of the building with the doors and windows closed.
- d) No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions.
- e) No construction activity shall take place on Sundays or Federal holidays.
- f) Construction activities include but are not limited to: truck idling, moving equipment (including trucks, elevators, etc) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.
- g) Applicant shall use temporary power poles instead of generators where feasible.

13. Noise Control

Ongoing throughout demolition, grading, and/or construction

To reduce noise impacts due to construction, the project applicant shall require construction contractors to implement a site-specific noise reduction program, subject to the Planning and Zoning Division and the Building Services Division review and approval, which includes the following measures:

- a) Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).
- b) Except as provided herein, Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.

- c) Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction.
- d) The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.

14. Noise Complaint Procedures

Ongoing throughout demolition, grading, and/or construction

Prior to the issuance of each building permit, along with the submission of construction documents, the project applicant shall submit to the Building Services Division a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include:

- a) A procedure and phone numbers for notifying the Building Services Division staff and Oakland Police Department; (during regular construction hours and off-hours);
- b) A sign posted on-site pertaining with permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign shall also include a listing of both the City and construction contractor's telephone numbers (during regular construction hours and off-hours);
- c) The designation of an on-site construction complaint and enforcement manager for the project;
- d) Notification of neighbors and occupants within 300 feet of the project construction area at least 30 days in advance of extreme noise generating activities about the estimated duration of the activity; and
- e) A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.

15. Interior Noise

Prior to issuance of a building permit and Certificate of Occupancy

If necessary to comply with the interior noise requirements of the City of Oakland's General Plan Noise Element and achieve an acceptable interior noise level, noise reduction in the form of sound-rated assemblies (i.e., windows, exterior doors, and walls), and/or other appropriate features/measures, shall be incorporated into project building design, based upon recommendations of a qualified acoustical engineer and submitted to the Building Services Division for review and approval prior to issuance of building permit. Final recommendations for sound-rated assemblies, and/or other appropriate features/measures, will depend on the specific building designs and layout of buildings on the site and shall be determined during the design phases. Written confirmation by the acoustical consultant, HVAC or HERS specialist, shall be submitted for City review and approval, prior to Certificate of Occupancy (or equivalent) that:

- (a) Quality control was exercised during construction to ensure all air-gaps and penetrations of the building shell are controlled and sealed; and
- (b) Demonstrates compliance with interior noise standards based upon performance testing of a sample unit.
- (c) Inclusion of a Statement of Disclosure Notice in the CC&R's on the lease or title to all new tenants or owners of the units acknowledging the noise generating activity and the single event noise occurrences. Potential features/measures to reduce interior noise could include, but are not limited to, the following:
 - a) Installation of an alternative form of ventilation in all units identified in the acoustical analysis as not being able to meet the interior noise requirements due to adjacency to a noise generating

activity, filtration of ambient make-up air in each unit and analysis of ventilation noise if ventilation is included in the recommendations by the acoustical analysis.

- b) Prohibition of Z-duct construction.

16. Operational Noise-General

Ongoing.

Noise levels from the activity, property, or any mechanical equipment on site shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 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 Planning and Zoning Division and Building Services.

17. Construction Traffic and Parking

Prior to the issuance of a demolition, grading or building permit

The project applicant and construction contractor shall meet with appropriate City of Oakland agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of this project and other nearby projects that could be simultaneously under construction. The project applicant shall develop a construction management plan for review and approval by the Planning and Zoning Division, the Building Services Division, and the Transportation Services Division. The plan shall include at least the following items and requirements:

- a) A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes.
- b) Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur.
- c) Location of construction staging areas for materials, equipment, and vehicles at an approved location.
- d) A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager. The manager shall determine the cause of the complaints and shall take prompt action to correct the problem. Planning and Zoning shall be informed who the Manager is prior to the issuance of the first permit issued by Building Services.
- e) Provision for accommodation of pedestrian flow.

18. Erosion and Sedimentation Control

Ongoing throughout demolition grading, and/or construction activities

The project applicant shall implement Best Management Practices (BMPs) to reduce erosion, sedimentation, and water quality impacts during construction to the maximum extent practicable. Plans demonstrating the Best Management Practices shall be submitted for review and approval by the Planning and Zoning Division and the Building Services Division. At a minimum, the project applicant shall provide filter materials deemed acceptable to the City at nearby catch basins to prevent any debris and dirt from flowing into the City's storm drain system and creeks.

19. Hazards Best Management Practices

Prior to commencement of demolition, grading, or construction

The project applicant and construction contractor shall ensure that construction of Best Management Practices (BMPs) are implemented as part of construction to minimize the potential negative effects to groundwater and soils. These shall include the following:

- a) Follow manufacture's recommendations on use, storage, and disposal of chemical products used in construction;
- b) Avoid overtopping construction equipment fuel gas tanks;
- c) During routine maintenance of construction equipment, properly contain and remove grease and oils;

- d) Properly dispose of discarded containers of fuels and other chemicals.
- e) Ensure that construction would not have a significant impact on the environment or pose a substantial health risk to construction workers and the occupants of the proposed development. Soil sampling and chemical analyses of samples shall be performed to determine the extent of potential contamination beneath all UST's, elevator shafts, clarifiers, and subsurface hydraulic lifts when on-site demolition, or construction activities would potentially affect a particular development or building.
- f) If soil, groundwater or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notification of regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.

20. Waste Reduction and Recycling

The project applicant will submit a Construction & Demolition Waste Reduction and Recycling Plan (WRRP) and an Operational Diversion Plan (ODP) for review and approval by the Public Works Agency.

Prior to issuance of demolition, grading, or building permit

Chapter 15.34 of the Oakland Municipal Code outlines requirements for reducing waste and optimizing construction and demolition (C&D) recycling. Affected projects include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R-3), and all demolition (including soft demo). The WRRP must specify the methods by which the development will divert C&D debris waste generated by the proposed project from landfill disposal in accordance with current City requirements. Current standards, FAQs, and forms are available at www.oaklandpw.com/Page39.aspx or in the Green Building Resource Center. After approval of the plan, the project applicant shall implement the plan.

Ongoing

The ODP will identify how the project complies with the Recycling Space Allocation Ordinance, (Chapter 17.118 of the Oakland Municipal Code), including capacity calculations, and specify the methods by which the development will meet the current diversion of solid waste generated by operation of the proposed project from landfill disposal in accordance with current City requirements. The proposed program shall be implemented and maintained for the duration of the proposed activity or facility. Changes to the plan may be re-submitted to the Environmental Services Division of the Public Works Agency for review and approval. Any incentive programs shall remain fully operational as long as residents and businesses exist at the project site.

21. Lighting Plan

Prior to the issuance of an electrical or building permit

The proposed lighting fixtures shall be adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties. Plans shall be submitted to the Planning and Zoning Division and the Electrical Services Division of the Public Works Agency for review and approval. All lighting shall be architecturally integrated into the site.

PROJECT SPECIFIC CONDITIONS

22. Additional Permits Required

Prior to commencing activity

Necessary ABC permits (license type 23 for on-sale and off-sale of beer, and/or any license type required for "growlers") must be obtained prior to commencement of activity. The ABC licenses shall be obtained from existing licenses located within the City of Oakland unless by other agreement with the Planning and Zoning Division due to lack of availability.

23. Operation

Ongoing

a) Types of Alcoholic Beverages

Beer from on-site or off-site production is the only type of alcoholic beverage permitted for sale at the establishment.

b) Restaurant

A restaurant must be operated during all hours of operation.

c) Other Products

No sale of tobacco-oriented products, lottery tickets, or adult magazines shall be allowed.

d) Location and Manner

Alcoholic beverages may be purchased for on-site consumption, off-site consumption, or both. On-sale (sale for on-site consumption) shall be offered at all times that off-sale is provided

e) Hours of Operation

Hours of operation (including but not limited to alcoholic beverage sales) shall be 10am-12am Sunday through Thursday and 10am-2am Friday through Saturday, or earlier if required by the ABC, and no alcoholic beverages shall be sold within thirty minutes of closing time.

f) Entry

Admission shall never be charged for events or otherwise.

g) Alcoholic beverage sales display area

Sales display area of alcoholic beverages shall be set back from doorways.

h) Business signage

Any new or modified business signage requires review and approval by the Planning and Zoning Division.

i) Advertising signage

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

j) Nuisances

Crime, litter, noise, or disorderliness conduct associated with alcoholic beverage sales at the establishment may result in a hearing to consider revocation of the Major Conditional Use Permit or attachment of additional conditions of approval.

k) Loitering

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

l) Trash and litter

The licensee/property owners shall clear the gutter and sidewalks along Telegraph Avenue and 17th Street plus twenty feet beyond the property lines along this street of litter twice daily or as needed to control litter. In addition to the requirements of B&P Section 25612.5, (sweep or mechanically clean weekly) the licensee shall clean the sidewalk with steam or equivalent measures once per month.

m) Performance standards

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

n) Sound amplification

The restaurant shall be allowed a small music system. The activity shall only be conducted in a manner not requiring a Cabaret Permit from the City Administrator's Office.

o) Contact phone numbers

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

p) Signage to discourage nuisances

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.

q) Signage

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 to bar. The "No Open Container" signs are available from the cashier located on the second floor of 250 Frank H. Ogawa Plaza.

r) Graffiti

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

s) Security

The establishment shall retain at least one security guard on site on Fridays and Saturdays from 9pm to closing. Staff door person shall qualify as security. No special uniform is required.

t) Police Department

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

u) 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.

v) Neighborhood Crime Prevention Council meeting

The applicant shall apply to the NCPC for inclusion on the next available agenda to introduce the establishment.

w) Future modifications to site

Should any changes to the façade or other changes to the interior be proposed, plans must be reviewed and approved by the Planning & Zoning Division and the Police Department's Alcoholic Beverages Action Team.

25. Future operators

Ongoing

Any future operators of any restaurant at these premises are subject to the requirements of this approval. Future operators shall register with the Planning and Zoning Division, Neighborhood Crime Prevention Council, and with ABAT.

26. Conformance with State Department of Alcoholic Beverage Control regulations

Ongoing

This use shall conform to all provisions of the State ABC license. The State license and State conditions shall be posted along with these Conditional Use Permit conditions in a place visible to the public. This use shall also conform to all State Retail Operating Standards, Section 25612.5 of the Business and Professions Code and local Performance Standards, OMC Sec.17.120, 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

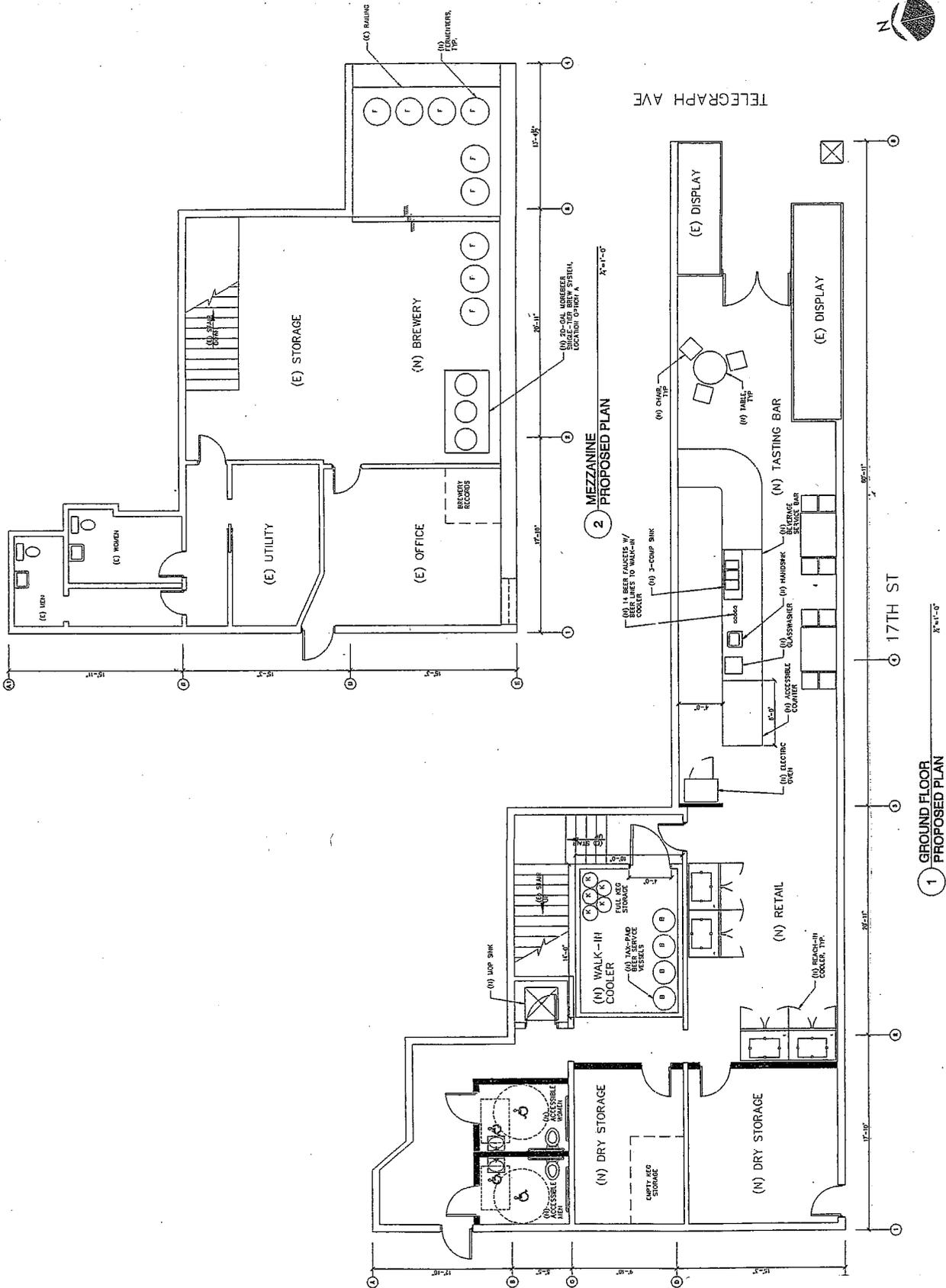
alcoholic beverage sales outlets. The City Conditions of Approval shall be forwarded to the Department of Alcoholic Beverage Control.

APPROVED BY:

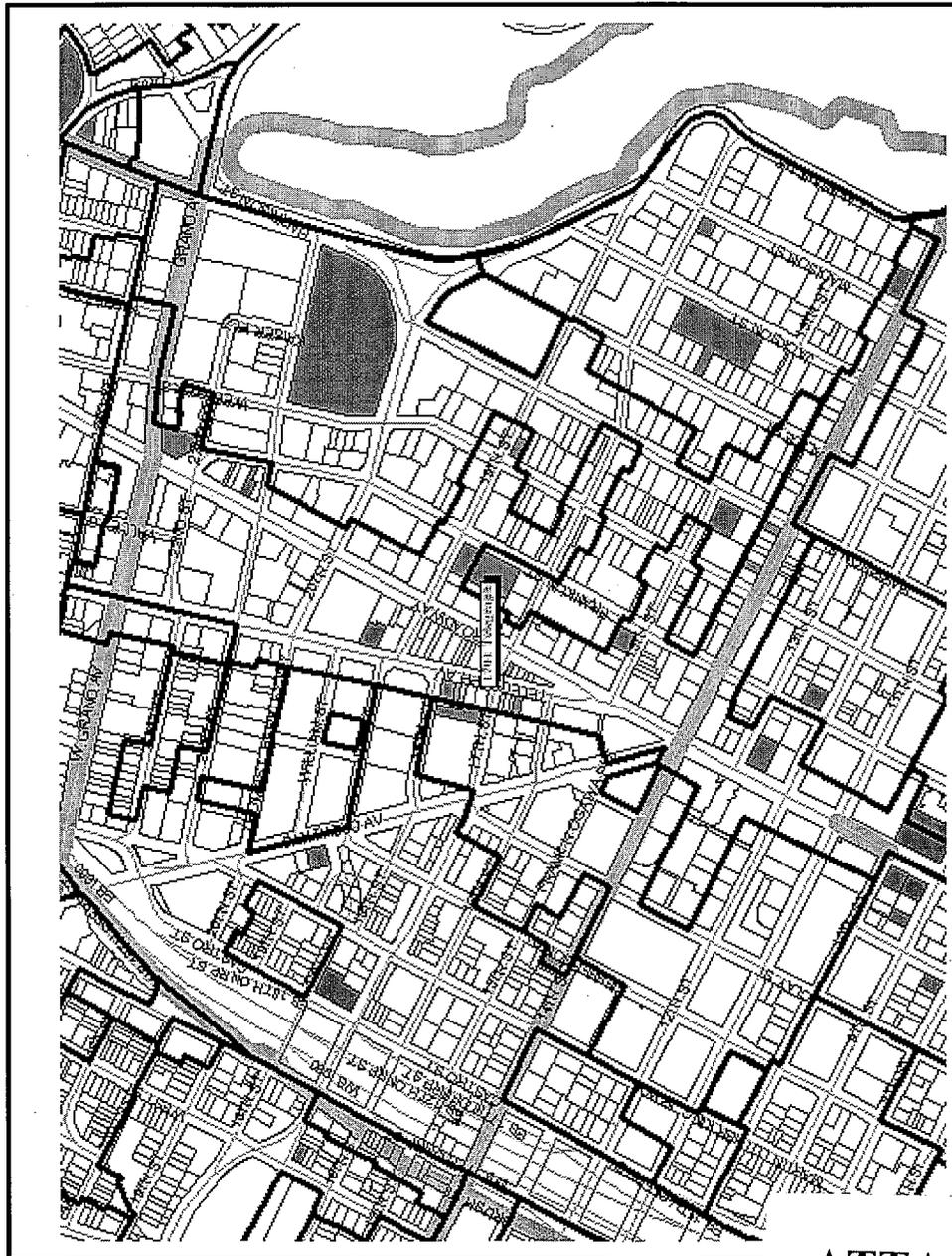
City Planning Commission: _____ (date) _____ (vote)



PLUMBING & MECHANICAL
ENGINEERING
1000 CALIFORNIA STREET
SAN FRANCISCO, CA 94108



Map Title



- Zoning (Eff 7-18-13)
- APN
- Streets (NAME)
- Port Jurisdiction (updated Jan 2012)
- 2011 Police Beats
- ABC Outlets



CrimeMapping.com Set Bookmark Send Link Print Trend Report

Crime report for 9/23/2013 - 10/23/2013

14 crimes found.

Within a 500 foot radius of 1701 Telegraph Ave, Oakland, CA, 94612

✳ Click a crime to "Map It."

| <u>Type:</u> | <u>Description:</u> | <u>Case #:</u> | <u>Location:</u> | <u>Agency:</u> | <u>Date:</u> |
|---|---|----------------|------------------|----------------|---------------------|
|  | MOTOR VEHICLE THEFT - AUTOS | 13-053728 | - | Oakland Police | 10/16/2013 06:00 PM |
|  | LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT) | 13-910798 | - | Oakland Police | 10/10/2013 04:00 AM |
|  | LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT) | 13-051967 | - | Oakland Police | 10/9/2013 04:00 PM |
|  | LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT) | 13-910823 | - | Oakland Police | 10/6/2013 01:00 AM |
|  | LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT) | 13-910473 | - | Oakland Police | 10/4/2013 11:15 PM |
|  | LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT) | 13-052145 | - | Oakland Police | 10/3/2013 10:30 PM |
|  | ROBBERY - STRONG-ARM (HANDS, FISTS, FEET, ETC.) | 13-050338 | - | Oakland Police | 10/1/2013 12:55 PM |
|  | ASSAULT - OTHER ASSAULTS - SIMPLE, NOT AGGRAVATED | 13-050190 | - | Oakland Police | 9/30/2013 09:00 PM |
|  | LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT) | 13-049946 | - | Oakland Police | 9/29/2013 01:20 PM |
|  | FRAUD | 13-049758 | - | Oakland Police | 9/28/2013 10:25 AM |
|  | FRAUD | 13-910267 | - | Oakland Police | 9/28/2013 08:50 AM |
|  | LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT) | 13-910383 | - | Oakland Police | 9/26/2013 11:00 PM |
|  | VANDALISM | 13-910177 | - | Oakland Police | 9/25/2013 11:00 PM |
|  | LARCENY THEFT (EXCEPT MOTOR VEHICLE THEFT) | 13-910153 | - | Oakland Police | 9/24/2013 07:00 PM |



**California Department of Alcoholic Beverage Control
For the County of ALAMEDA - (Retail Licenses)
and Census Tract = 4028**

Report as of 10/22/2013

| | License Number | Status | License Type | Orig. Iss. Date | Expir Date | Primary Owner and Premises Addr. | Business Name | Mailing Address | Geo Code |
|----|----------------|--------|--------------|-----------------|------------|---|-------------------------------------|--|----------|
| 1) | 125139 | ACTIVE | 21 | 12/20/1982 | 9/30/2014 | S & A INCORPORATED 600-606 14TH ST OAKLAND, CA 94612 Census Tract: 4028.00 | S & A INC | | 0109 |
| 2) | 253309 | ACTIVE | 64 | 11/16/1990 | 9/30/2014 | PARAMOUNT THEATRE OF THE ARTS INC 2025 BROADWAY OAKLAND, CA 94612 Census Tract: 4028.00 | PARAMOUNT THEATRE OF THE ARTS | | 0109 |
| 3) | 401639 | ACTIVE | 48 | 10/21/2003 | 9/30/2014 | REEVES, CYNTHIA ANN 1621 TELEGRAPH AVE OAKLAND, CA 94612 Census Tract: 4028.00 | CONTEMPORARY ART CAFE | 4265 CLAYTON RD, #202 CONCORD, CA 94521 | 0109 |
| 4) | 409515 | ACTIVE | 47 | 10/5/2004 | 9/30/2014 | LUKAS LLC 2221 BROADWAY OAKLAND, CA 94612- 3010 Census Tract: 4028.00 | LUKAS TAPROOM & LOUNGE | | 0109 |
| 5) | 431906 | ACTIVE | 47 | 11/9/2007 | 10/31/2013 | TACUBAYA LLC 1900 TELEGRAPH AVE OAKLAND, CA 94612- 2202 Census Tract: 4028.00 | FLORA | | 0109 |
| 6) | 458117 | ACTIVE | 48 | 10/24/2007 | 9/30/2013 | SYNDICATE ENTERPRISES GROUP LLC THE 1928 TELEGRAPH AVE OAKLAND, CA 94612- 2202 Census Tract: 4028.00 | UPTOWN | | 0109 |
| 7) | 459551 | ACTIVE | 47 | 2/3/2009 | 1/31/2014 | GASS | FOX THEATRE THE | 1815 4TH ST, | 0109 |

ATTACHMENT E

| | | | | | | | | | |
|-----|---------------|--------|----|--------------------------|------------|--|---------------|---|------|
| | | | | | | ENTERTAINMENT LLC 1807 TELEGRAPH AVE OAKLAND, CA 94612- 2109 Census Tract: 4028.00 | | STE C BERKELEY, CA 94710 | |
| 8) | <u>473862</u> | ACTIVE | 48 | 3/9/2009 | 2/28/2014 | 151 INDUSTRY LLC 1727 TELEGRAPH AVE OAKLAND, CA 94612- 2107 Census Tract: 4028.00 | SOMAR BAR | | 0109 |
| 9) | <u>478913</u> | ACTIVE | 47 | 12/31/2009 | 11/30/2013 | PARISH AT TOWNHALL INC THE 579 18TH ST OAKLAND, CA 94612 Census Tract: 4028.00 | TOWNHALL | 11 DUBOCE AVE SAN FRANCISCO, CA 94103 | 0109 |
| 10) | <u>478975</u> | ACTIVE | 48 | 8/17/2009 | 7/31/2014 | BENCH AND BAR INC 510 17TH ST OAKLAND, CA 94612- 1553 Census Tract: 4028.00 | BENCH AND BAR | 981 PROSPECT AVE VALLEJO, CA 94592 | 0109 |
| 11) | <u>501008</u> | ACTIVE | 41 | 12/30/2010 1:08:35 PM | 11/30/2013 | XOLO TAQUERIA LLC 1916 TELEGRAPH AVE OAKLAND, CA 94612- 2202 Census Tract: 4028.00 | XOLO | 1900 TELEGRAPH AVE OAKLAND, CA 94612-2202 | 0109 |
| 12) | <u>501645</u> | ACTIVE | 48 | 2/18/2011 9:39:37 AM | 1/31/2014 | BAR DOGWOOD LLC 1644 TELEGRAPH AVE OAKLAND, CA 94612- 2112 Census Tract: 4028.00 | BAR DOGWOOD | | 0109 |
| 13) | <u>508480</u> | ACTIVE | 48 | 8/1/2011 2:02:33 PM | 9/30/2014 | UPDOG LLC 1741 TELEGRAPH AVE OAKLAND, CA 94612- 2107 Census Tract: 4028.00 | MAKE WESTING | | 0109 |
| 14) | <u>516278</u> | ACTIVE | 41 | 2/13/2012 1:36:39 PM | 1/31/2014 | AWAKEN CAFE, LLC 1429 BROADWAY OAKLAND, CA 94612- 2054 Census Tract: 4028.00 | AWAKEN CAFE | | 0109 |

| | | | | | | | | | |
|-----|---------------|--------|----|--------------------------|------------|---|---------------------------|---|------|
| 15) | <u>518993</u> | ACTIVE | 47 | 5/25/2012 10:48:25 AM | 4/30/2014 | RCFC ENTERPRISES LLC 1805 TELEGRAPH AVE OAKLAND, CA 94612 Census Tract: 4028.00 | RUDY'S CAN'T FAIL CAFE | 901 A ST, STE C SAN RAFAEL, CA 94901-3025 | 0109 |
| 16) | <u>519881</u> | ACTIVE | 47 | 6/19/2012 10:00:03 AM | 5/31/2014 | YONSEI RESTAURANT GROUP, LLC 1915 SAN PABLO AVE OAKLAND, CA 94612- 1305 Census Tract: 4028.00 | HOP SCOTCH | | 0109 |
| 17) | <u>521774</u> | ACTIVE | 47 | 12/4/2012 4:10:49 PM | 11/30/2013 | IRFANKHANH LLC 1707 TELEGRAPH AVE OAKLAND, CA 94612- 2107 Census Tract: 4028.00 | FEEZYS | | 0109 |
| 18) | <u>521991</u> | ACTIVE | 48 | 8/6/2012 9:04:13 AM | 7/31/2014 | EL CENTRO ENTERTAINMENT LLC 1933 BROADWAY ST OAKLAND, CA 94612- 2205 Census Tract: 4028.00 | TROPICANA | 2351 SUNSET DR, 170-235 ROCKLIN, CA 95765-4338 | 0109 |
| 19) | <u>522373</u> | ACTIVE | 41 | 9/7/2012 10:13:42 AM | 8/31/2014 | SAIGON COMBINATION CORPORATION 326 FRANK H OGAWA PLZ OAKLAND, CA 94612- 2001 Census Tract: 4028.00 | SAIGON RESTAURANT | | 0109 |
| 20) | <u>523003</u> | ACTIVE | 47 | 9/25/2012 2:51:38 PM | 8/31/2014 | DUENDE LLC 468 19TH ST OAKLAND, CA 94612- 2204 Census Tract: 4028.00 | DUENDE | 3330 WISCONSIN ST OAKLAND, CA 94602 | 0109 |
| 21) | <u>526895</u> | ACTIVE | 47 | 12/26/2012 3:50:37 PM | 11/30/2013 | KING, DAVID SCOTT 2022 TELEGRAPH AVE OAKLAND, CA 94612- 2306 Census Tract: 4028.00 | HUTCH BAR & KITCHEN | | 0109 |
| 22) | <u>530288</u> | ACTIVE | 41 | 5/16/2013 3:30:28 PM | 11/30/2013 | VELA, CHRISTIAN CESAR 1410 & 1414 | | 2122 PINEHURIT CT EL CERRITO, | 0109 |

| | | | | | | | | | |
|-----|---------------|--------|----|-------------------------|-----------|--|----------------------------|----------|------|
| | | | | | | JEFFERSON ST OAKLAND, CA 94612 Census Tract: 4028.00 | | CA 94530 | |
| 23) | <u>532401</u> | ACTIVE | 21 | 6/10/2013 3:02:25 PM | 5/31/2014 | ALAREKI, WAEI FIKRI ABDULWAHAB 1913 SAN PABLO AVE OAKLAND, CA 94612- 1305 Census Tract: 4028.00 | UPTOWN MARKET & SPIRITS | | 0109 |
| 24) | <u>534055</u> | ACTIVE | 41 | 10/3/2013 4:28:28 PM | 9/30/2014 | SAN JOSE ARENA MANAGEMENT LLC 519 18TH ST OAKLAND, CA 94612- 1511 Census Tract: 4028.00 | OAKLAND ICE CENTER | | 0109 |

--- End of Report ---

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