

<b>Location:</b>	<b>457 17<sup>th</sup> St (1644 Telegraph Av &amp; 1635 Broadway)</b>
	<b>Bar Dogwood</b>
<b>Assessor's Parcel Number:</b>	<b>008 -0640-012-00</b>
<b>Proposal:</b>	To expand a bar into an adjoining space and add a second bar area and street entrance there. The bar (Bar Dogwood, approved 2010) is located in an 838 square-foot corner space fronting on Telegraph Av at 17 <sup>th</sup> St and would expand into a 637 s.f. corner space fronting on Broadway. <i>Façade and interior improvements to the new space not subject to this review were approved August 29, 2013 and would complement existing improvements featuring extensive glazing and interior brick walls.</i>
<b>Applicant:</b>	Alexis Filipello
<b>Phone Number:</b>	(510) 381-5394
<b>Owner:</b>	Richard Weinstein
<b>Planning Permits Required:</b>	Major Conditional Use Permit to expand an Alcoholic Beverage Sales Commercial Activity's area by more than 20-percent
<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: Projects Consistent with a Community Plan, General Plan or Zoning
<b>Historic Status:</b>	Potential Designated Historic Property; Survey rating: Cb-1+ (contributor to Downtown Area of Primary Importance)
<b>Service Delivery District:</b>	Metro
<b>City Council District:</b>	3
<b>Date Filed:</b>	September 25, 2013
<b>Finality of Decision:</b>	<i>Appealable to City Council within 10 days</i>
<b>For Further Information:</b>	Contact case planner <b>Aubrey Rose AICP, Planner II</b> at <b>(510) 238-2071</b> or <a href="mailto:arose@oaklandnet.com">arose@oaklandnet.com</a>

**SUMMARY**

The applicant requests Planning Commission approval of a Major Conditional Use Permit to expand a bar (Bar Dogwood) by more than twenty-percent in floor area including a second bar and additional entrance.

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

# CITY OF OAKLAND PLANNING COMMISSION



Case File: CMI3275  
Applicant: Alexis Filipello  
Address: 457 17th Street (1635 Broadway + 1644 Telegraph Av)  
Zone: CBD-P

## PROPERTY DESCRIPTION

The property is an end lot on a triangular-shaped block. The block is located in the Central Business District between Broadway, Telegraph Avenue, and 17<sup>th</sup> Street. The tip of the block contains the Cathedral Building. The subject lot contains a three-story commercial building at zero lot line and no parking. A bar occupies half of the ground floor facing Telegraph Avenue at the corner of 17th Street (Bar Dogwood). The remaining vacant half facing Broadway formerly contained a retail shop that has relocated to another space along Broadway. Upper floors contain salons and office space. To the west are City Hall and the municipal complex centered on Frank H. Ogawa Plaza; to the east is the Uptown District.

In 2010 the Planning Commission approved a Major Conditional Use Permit and Design Review with additional findings to establish the bar and extensive façade improvement. The bar has operated since that time. Façade and interior improvements to the new space not subject to this review were approved August 29, 2013 to complement existing improvements, and are not subject to this review.

## PROJECT DESCRIPTION

The proposal is to expand the 838 square-foot bar into the adjoining space 637 square-foot space, add a second bar area, and install a Broadway street entrance. The spaces would be internally connected and would function as one bar. There would be an option to not open the new space on occasion, or to utilize it for occasional private events closed to the public. In other words, the two spaces would not operate as separate bars lacking an internal connection at any time. The new space would also contain approximately four tables and sixteen chairs, and an addition restroom would be constructed. All Conditions of Approval would remain in place. The project would require the bar to upgrade its type 48 license with the State of California's Department of Alcoholic Beverage Control (ABC).

## 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 the enhancement of a successfully-operated bar in an area of Downtown where several eating, drinking and entertainment establishments are located. The establishment adds to the number of businesses in the area that are open late, serving the entertainment district and increasing evening safety. The establishment is not located adjacent to housing or civic uses operated during evenings. It should continue, therefore, to not 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 existing bar has already been granted the following approvals to establish, improve, and operate:

- Major Conditional Use Permit (CUP) to allow Alcoholic Beverage Sales Commercial Activity (bar)
- Regular Design Review for façade improvements (glazing)
- Additional CUP findings required for establishments selling alcoholic beverages
- Findings of Public Convenience or Necessity to allow an alcohol outlet in an over-concentrated area (that is, high ABC license Census Tract/high crime Police Beat)

The expansion would add more than twenty-percent floor area and requires a new Major Conditional Use Permit. The review considers the expanded activity including new entrance and new bar, as described in the Key Issues and Impacts section of this report. Additional findings are already included in the 2010 approval (Attachment D) and no further Design Review is required given recent approvals.

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 expansion of an existing bar business in a renovated downtown space meets this description: the project would constitute operation of an existing private facility. Section 15183 of the State CEQA Guidelines relates to Projects Consistent with a Community Plan, General Plan or Zoning. The project adheres to this section, as described above. The project is, therefore, not subject to further Environmental Review.

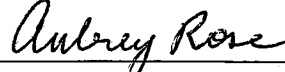
## KEY ISSUES AND IMPACTS

Conditional Use Permits for alcoholic beverage sales outlets are decided by the Planning Commission. The review is meant to ensure operating characteristics will be compatible with and not a nuisance to a surrounding area. In this case, the existing business has not been problematic due to the operating characteristics required by the Conditions of Approval of the original approval. Additionally, the operator has been responsible for attractive renovations to the exterior and interior of the building. Renovations will be extended to the new space. Conditions of Approval would apply to any future operator of the bar. The spaces would not function as two separate bars, as stipulated by proposed Conditions of Approval attached to this report (Attachment B). 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 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. 2010 approval including additional findings

## Attachment A: Findings

This proposal meets the required findings under **General Conditional Use Permit Criteria (OMC Sec. 17.134.050)** 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 December 4, 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 establishment adds to the number of businesses in the area that are open late, serving the entertainment district and increasing evening safety. The bar is not located adjacent to housing or civic uses operated evenings. It has not been problematic due to the operating characteristics as ensured by Conditions of Approval.

**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 establishment adds to the number of businesses in the area that are open late, serving the entertainment district and increasing evening safety. The layout of the expansion, with an internal connection to the existing bar, provides a functional drinking environment.

**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 bar is not located adjacent to housing or civic uses operated evenings. It has not been problematic due to the operating characteristics as ensured by Conditions of Approval.

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

The project is not subject to Design Review. However, the operator has been responsible for attractive renovations to the exterior and interior of the building, and these renovations will be extended to the new space.

**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:

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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 and plans dated October 17, 2012 and August 12, 2013 and submitted September 25, 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 to expand Bar Dogwood at 457 17<sup>th</sup> Avenue (granted under #CM10069 approved May 5, 2010 for the space at 1644 Telegraph Avenue) into the 637 square-foot space at 1635 Broadway with an internal connection, new entrance and second bar.

### **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.

***Conditions of Approval***

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:

***Conditions of Approval***

- 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.

***Conditions of Approval***

- 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

***Conditions of Approval***

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;

***Conditions of Approval***

- 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](http://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. Prior and current Approval**

***Ongoing***

All applicable Conditions of Approval under #CM10069 shall remain in effect.

**23. Additional Permits Required**

***Prior to commencing activity***

Necessary ABC permits to amend a type 48 license for bar/on-sale liquor, beer and wine must be obtained prior to commencement of activity.

**24. Operation**

***Ongoing***

**a) Floor plan**

The new and existing spaces shall operate as a single establishment with an open internal connection. At the discretion of the operator, the new space can be closed, or, alternately, used as a private event space accessory to the original bar and not open to the public.

**b) Police Department**

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

**c) 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.

**d) Neighborhood Crime Prevention Council meeting**

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

**e) 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 bar 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.

**APPROVED BY:**

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

***Conditions of Approval***

1635 BROADWAY & 1644 TELEGRAPH AVE.  
OAKLAND, CA 94612

IENT C

VERIFY EXACT LOCATIONS IN FIELD.

14. ALL DOOR OPENINGS OFFSET FROM PERPENDICULAR WALL 3" OR CENTERED IN SPACE, I.O.N.

15. THE CONTRACTOR SHALL REVIEW ALL DOCUMENTS AND VERIFY ALL DIMENSIONS AND FIELD CONDITIONS AND REPORT TO THE ARCHITECT FOR CLARIFICATION PRIOR TO PERFORMANCE OF ANY WORK IN QUESTION.

ROOM NUMBER	CARTON TYPE	FINISH CEILING HEIGHT
<div>#09</div>	<div>B</div>	<div>X-X</div>

PHONE: 510.562.0561  
FAX: 510.562.0564  
EMAIL: [KAT@KNTASE.COM](mailto:KAT@KNTASE.COM)

ALL DRAWINGS AND WRITTEN MATERIALS ARE HEREBY CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF ARCHITECT AND MAY NOT BE REPRODUCED OR DISCLOSED WITHOUT WRITTEN CONSENT OF ARCHITECT



**CERTIFICATE OF COMPLIANCE** (Part 1 of 4) **LTG-1C** **8/6/2013**

Deposited expansion **8/6/2013**

**GENERAL INFORMATION**

Project Name: **DOGWOOD EXPANSION**

Project Location: **1833 BROADWAY, OAKLAND, CA 94612**

Project Description: **Expansion of existing building to include new tenant space.**

Project Status: **Permit Set**

Project Owner: **DOGWOOD**

Project Architect: **LOWNEY ARCHITECTURE**

Project Engineer: **LOWNEY ARCHITECTURE**

Project Designer: **LOWNEY ARCHITECTURE**

Project Consultant: **LOWNEY ARCHITECTURE**

Project Inspector: **LOWNEY ARCHITECTURE**

Project Signer: **LOWNEY ARCHITECTURE**

Project Date: **8/6/2013**

Project Title: **DOGWOOD EXPANSION**

Project Number: **1833 BROADWAY, OAKLAND, CA 94612**

Project Sheet: **1**

Project Total: **1**

Project Date: **8/6/2013**

Project Title: **DOGWOOD EXPANSION**

Project Number: **1833 BROADWAY, OAKLAND, CA 94612**

Project Sheet: **1**

Project Total: **1**

**CERTIFICATE OF COMPLIANCE** (Part 2 of 4) **LTG-1C** **8/6/2013**

Deposited expansion **8/6/2013**

**INDOOR LIGHTING SCHEDULE AND FIELD INSPECTION ENERGY CHECKLIST**

Project Name: **DOGWOOD EXPANSION**

Project Location: **1833 BROADWAY, OAKLAND, CA 94612**

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Project Inspector: **LOWNEY ARCHITECTURE**

Project Signer: **LOWNEY ARCHITECTURE**

Project Date: **8/6/2013**

Project Title: **DOGWOOD EXPANSION**

Project Number: **1833 BROADWAY, OAKLAND, CA 94612**

Project Sheet: **2**

Project Total: **2**

Project Date: **8/6/2013**

Project Title: **DOGWOOD EXPANSION**

Project Number: **1833 BROADWAY, OAKLAND, CA 94612**

Project Sheet: **2**

Project Total: **2**

**CERTIFICATE OF COMPLIANCE** (Part 3 of 4) **LTG-1C** **8/6/2013**

Deposited expansion **8/6/2013**

**MAINTENANCE SCHEDULE AND FIELD INSPECTION ENERGY CHECKLIST**

Project Name: **DOGWOOD EXPANSION**

Project Location: **1833 BROADWAY, OAKLAND, CA 94612**

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Project Status: **Permit Set**

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Project Signer: **LOWNEY ARCHITECTURE**

Project Date: **8/6/2013**

Project Title: **DOGWOOD EXPANSION**

Project Number: **1833 BROADWAY, OAKLAND, CA 94612**

Project Sheet: **3**

Project Total: **3**

Project Date: **8/6/2013**

Project Title: **DOGWOOD EXPANSION**

Project Number: **1833 BROADWAY, OAKLAND, CA 94612**

Project Sheet: **3**

Project Total: **3**

**TAILORED METHOD WORKSHEET** (Part 1 of 4) **LTG-4C** **8/6/2013**

Deposited expansion **8/6/2013**

**TAILORED METHOD WORKSHEET**

Project Name: **DOGWOOD EXPANSION**

Project Location: **1833 BROADWAY, OAKLAND, CA 94612**

Project Description: **Expansion of existing building to include new tenant space.**

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Project Inspector: **LOWNEY ARCHITECTURE**

Project Signer: **LOWNEY ARCHITECTURE**

Project Date: **8/6/2013**

Project Title: **DOGWOOD EXPANSION**

Project Number: **1833 BROADWAY, OAKLAND, CA 94612**

Project Sheet: **4**

Project Total: **4**

Project Date: **8/6/2013**

Project Title: **DOGWOOD EXPANSION**

Project Number: **1833 BROADWAY, OAKLAND, CA 94612**

Project Sheet: **4**

Project Total: **4**

**TAILORED METHOD WORKSHEET** (Part 2 of 4) **LTG-4C** **8/6/2013**

Deposited expansion **8/6/2013**

**TAILORED METHOD WORKSHEET**

Project Name: **DOGWOOD EXPANSION**

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Project Signer: **LOWNEY ARCHITECTURE**

Project Date: **8/6/2013**

Project Title: **DOGWOOD EXPANSION**

Project Number: **1833 BROADWAY, OAKLAND, CA 94612**

Project Sheet: **5**

Project Total: **5**

Project Date: **8/6/2013**

Project Title: **DOGWOOD EXPANSION**

Project Number: **1833 BROADWAY, OAKLAND, CA 94612**

Project Sheet: **5**

Project Total: **5**

**TAILORED METHOD WORKSHEET** (Part 3 of 4) **LTG-4C** **8/6/2013**

Deposited expansion **8/6/2013**

**TAILORED METHOD WORKSHEET**

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Project Location: **1833 BROADWAY, OAKLAND, CA 94612**

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Project Inspector: **LOWNEY ARCHITECTURE**

Project Signer: **LOWNEY ARCHITECTURE**

Project Date: **8/6/2013**

Project Title: **DOGWOOD EXPANSION**

Project Number: **1833 BROADWAY, OAKLAND, CA 94612**

Project Sheet: **6**

Project Total: **6**

Project Date: **8/6/2013**

Project Title: **DOGWOOD EXPANSION**

Project Number: **1833 BROADWAY, OAKLAND, CA 94612**

Project Sheet: **6**

Project Total: **6**

**TAILORED METHOD** **LTG-4C** **8/6/2013**

Deposited expansion **8/6/2013**

**TAILORED METHOD**

Project Name: **DOGWOOD EXPANSION**

Project Location: **1833 BROADWAY, OAKLAND, CA 94612**

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Project Date: **8/6/2013**

Project Title: **DOGWOOD EXPANSION**

Project Number: **1833 BROADWAY, OAKLAND, CA 94612**

Project Sheet: **7**

Project Total: **7**

Project Date: **8/6/2013**

Project Title: **DOGWOOD EXPANSION**

Project Number: **1833 BROADWAY, OAKLAND, CA 94612**

Project Sheet: **7**

Project Total: **7**

**TAILORED METHOD** **LTG-4C** **8/6/2013**

Deposited expansion **8/6/2013**

**TAILORED METHOD**

Project Name: **DOGWOOD EXPANSION**

Project Location: **1833 BROADWAY, OAKLAND, CA 94612**

Project Description: **Expansion of existing building to include new tenant space.**

Project Status: **Permit Set**

Project Owner: **DOGWOOD**

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Project Signer: **LOWNEY ARCHITECTURE**

Project Date: **8/6/2013**

Project Title: **DOGWOOD EXPANSION**

Project Number: **1833 BROADWAY, OAKLAND, CA 94612**

Project Sheet: **8**

Project Total: **8**

Project Date: **8/6/2013**

Project Title: **DOGWOOD EXPANSION**

Project Number: **1833 BROADWAY, OAKLAND, CA 94612**

Project Sheet: **8**

Project Total: **8**

**TAILORED METHOD** **LTG-4C** **8/6/2013**

Deposited expansion **8/6/2013**

**TAILORED METHOD**

Project Name: **DOGWOOD EXPANSION**

Project Location: **1833 BROADWAY, OAKLAND, CA 94612**

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Project Signer: **LOWNEY ARCHITECTURE**

Project Date: **8/6/2013**

Project Title: **DOGWOOD EXPANSION**

Project Number: **1833 BROADWAY, OAKLAND, CA 94612**

Project Sheet: **9**

Project Total: **9**

Project Date: **8/6/2013**

Project Title: **DOGWOOD EXPANSION**

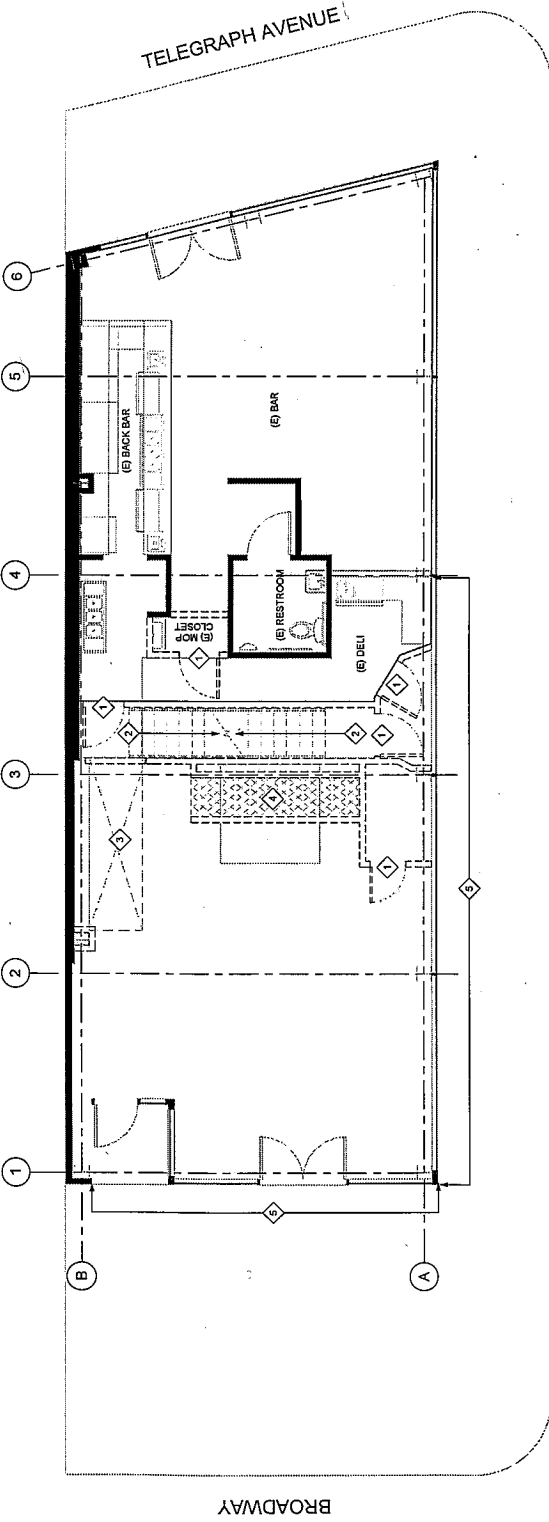
Project Number: **1833 BROADWAY, OAKLAND, CA 94612**

Project Sheet: **9**

Project Total: **9**

# SHEET NOTES

1. DEMOLITION PLAN IS FOR  
CONSTRUCTION OF THE PROJECT  
UNDER A SEPARATE CONTRACT  
PRIOR TO TENANT IMPROVEMENT



① GROUND FLOOR DEMOLITION PLAN  
1/4" = 1'-0"

17TH STREET

TELEGRAPH AVENUE

BROADWAY

## KEY NOTES

- 1 REMOVE (B) DOOR
- 2 REMOVE (B) EXTERIOR  
SALVAGE MARBLE STEPS  
AND VAINGROOVE
- 3 EXISTING STAIRS IN  
BASEMENT TO REMAIN AND  
RECONSTRUCT FLOORING  
ABOVE SHALL BE FILLED
- 4 EXISTING STAIRS IN  
BASEMENT TO REMAIN AND  
RECONSTRUCT FLOORING  
ABOVE SHALL BE FILLED
- 5 EXTENT OF FACADE  
IMPROVEMENT BY OTHERS

## LEGEND

- EXISTING WALL TO  
REMAIN
- EXISTING WALL TO BE  
DEMOLISHED
- EXISTING ITEM TO BE  
DEMOLISHED, REFER  
TO KEY NOTES ABOVE
- AREA NOT IN  
CONTRACT



PROJECT NAME  
DOGWOOD  
EXPANSION

TENANT  
IMPROVEMENT

1533 BROADWAY  
OAKLAND, CA 94612

CONSULTANT

CONSULTANT STAMP

NO. DATE ISSUES & REVISIONS  
1. 8/7/13 PERMIT SET



PROJECT TITLE  
DEMOLITION

SHEET NUMBER

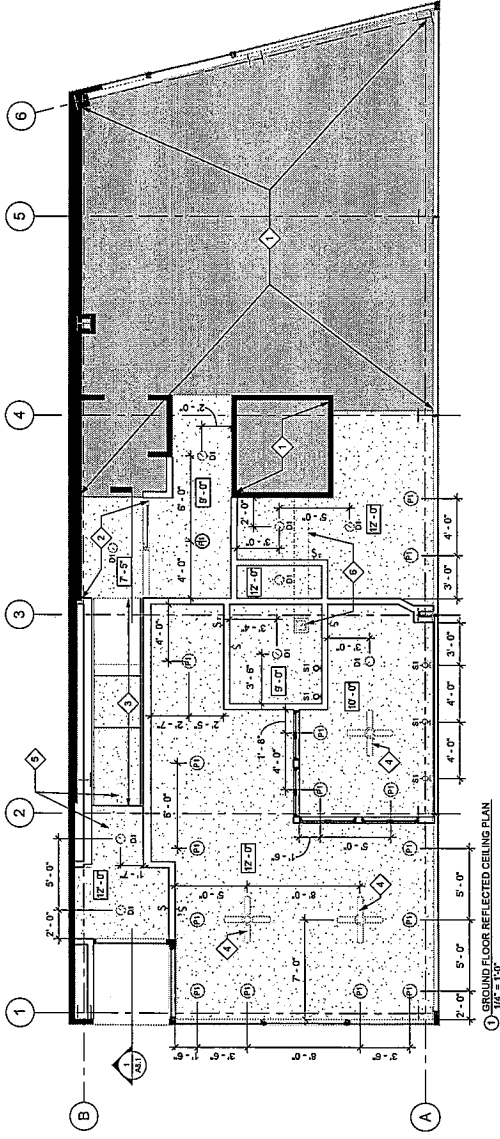
A

ALL WORK SHALL BE IN ACCORDANCE WITH THE  
RELEVANT CITY ORDINANCES AND THE  
DESIGNATED CONTRACT DOCUMENTS  
AND THE DESIGNER'S WRITTEN CONDITIONS  
AND SPECIFICATIONS



SHEET NOTES

1. WHERE 12" - 0" CEILING HEIGHT IS SHOWN, THE EXISTING CEILING SHALL BE APPROXIMATE. CEILING SHALL BE INSTALLED AT UNDERSIDE OF (E) FLOOR JOISTS.



KEY NOTES

- 1. (E) CEILING TO REMAIN
- 2. UNDERSIDE OF (E) LANDING AND STAIR
- 3. UNDERSIDE OF NEW STAIR
- 4. CEILING FAN
- 5. ONE-HOUR GYPSUM BOARD CEILING AT ENTRY AND UNDERSIDE OF STAIR
- 6. EXISTING EXHAUST FAN WITH TIE IN TO EXISTING CHASE

LEGEND

- NEW UNRATED CONSTRUCTION
- NEW 1-HR FIRE-RESISTANCE RATED CONSTRUCTION
- EXISTING WALL TO REMAIN
- AREA NOT IN CONTRACT
- GYPSUM BOARD CEILING
- CEILING HEIGHT
- RECESSED DOWNLIGHT
- PENDANT LIGHT
- WALL MOUNTED SCONCE
- EXHAUST FAN
- LIGHT SWITCH
- LIGHT SWITCH - 3 WAY

LIGHTING FIXTURE SCHEDULE					
MARK	TYPE	COUNT	MANUFACTURER	MODEL	WATTAGE   VOLTAGE
D1	RECESSED CAN	9			16.5 W   120
P1	PENDANT	18			12.0 W   120
S1	SCONCE	8			32.0 W   120

LOWNEY ARCHITECTURE  
2200 14TH STREET, SUITE 200  
SAN FRANCISCO, CA 94103  
(415) 398-1234

PROJECT NAME:  
**DOGWOOD EXPANSION**

TENANT:  
**IMPROVEMENTS**

1835 BROADWAY  
OAKLAND, CA 94612

CONSULTANT:

CONSULTANT STAMP:

NO. DATE ISSUES & REVISIONS  
1. 8/7/13 PERMIT SET

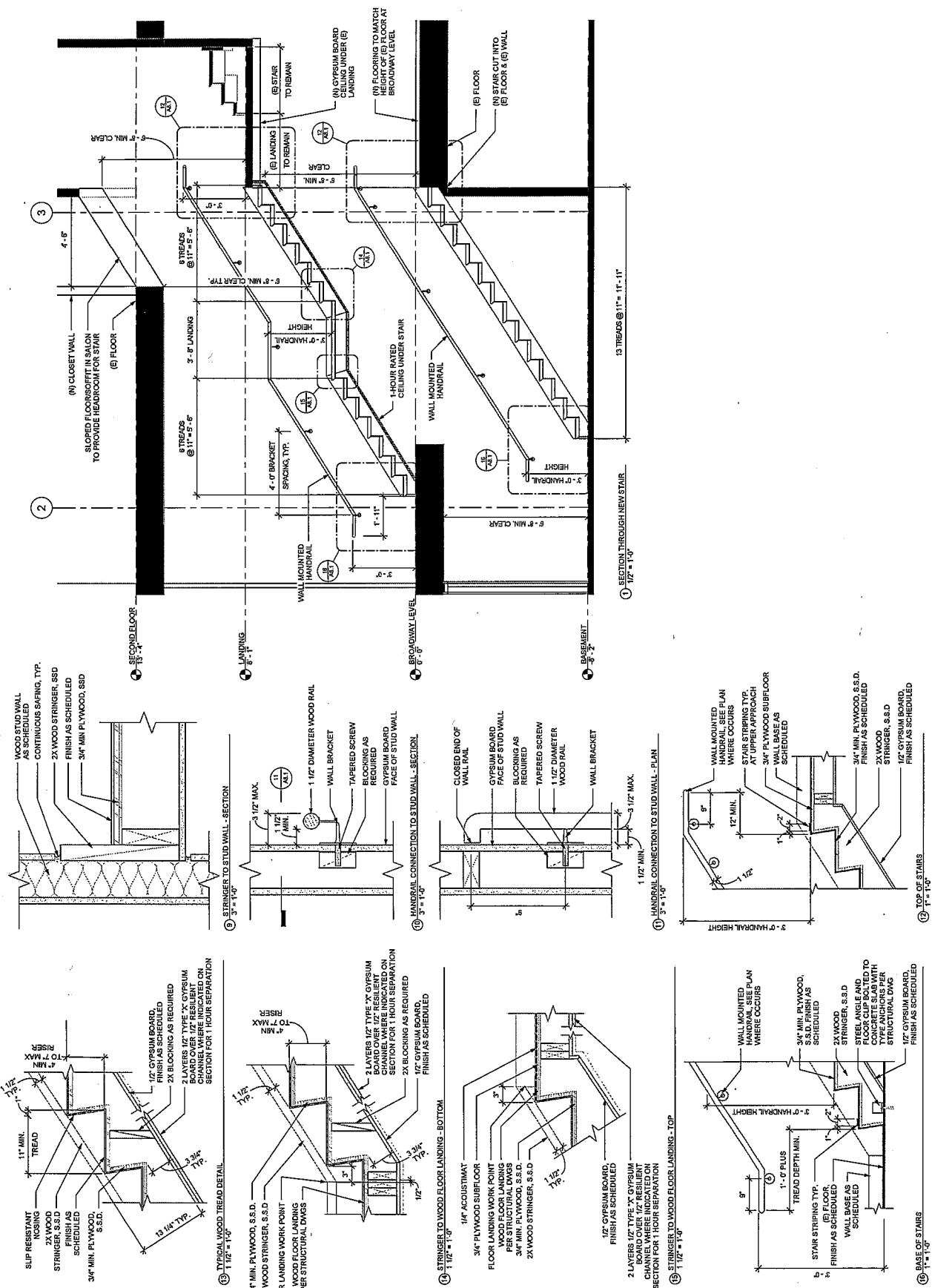
PROJECT TRUE NORTH

DRAWN BY:  
PROJECT NUMBER:  
SHEET TITLE:  
**CEILING LIGHTING**

SHEET NUMBER:  
**A**

ALL DIMENSIONS ARE UNLESS OTHERWISE NOTED.  
VERIFY EXISTING CONDITIONS AND TOLERANCES.  
ON THEORETICAL BASIS. VERIFY ALL CONDITIONS.  
ON THEORETICAL BASIS. VERIFY ALL CONDITIONS.

NOT DISCLOSED WITHOUT WRITTEN CONSENT  
MAGNITEGY

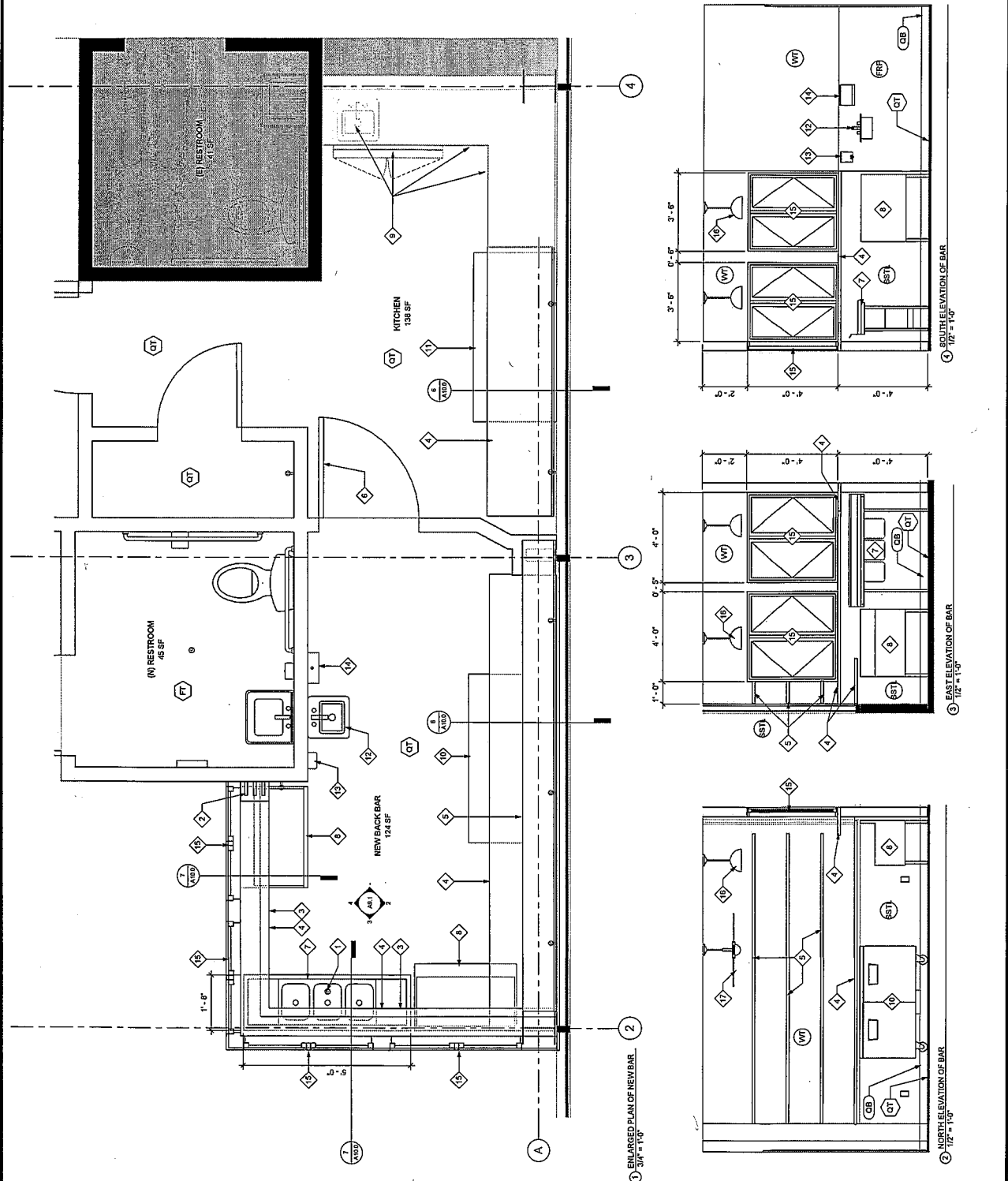


# SHEET NOTES

- FLOOR DRAIN
- BEER TAPS
- DRIP TRAY ALONG EDGE OF COUNTER
- BUTCHER BLOCK COUNTER TOP
- WOOD SHELVING ABOVE
- FIRE DOOR WITH PLASTIC SHOE
- REGENCY 3 ROW UNDER BAR SINK WITH FAUCET AND TWO 13" DRAINBOARDS - 60" LONG, 10" X 12" COMPARTMENTS
- UNDER BAR COCKTAIL ICE BIN WITH POST-MIX INTERNAL COOLER AND 12V LIGHT BOTTLE HOLDERS
- EXISTING COUNTER & EQUIPMENT
- TRUE TB8-26GA-800-3 60" GALVANIZED TOP AND 2 GLASS
- MEAT COUNTER FRIDGE
- 80" WIDE X 30" DEEP X 28.5" HIGH REGENCY WALL MOUNTED HAND SINK WITH FAUCET NSF - 17A15
- SOAP DISPENSER
- PAPER TOWEL DISPENSER
- OPERABLE WINDOW
- PENDANT LIGHT
- CEILING FAN

# FINISH LEGEND

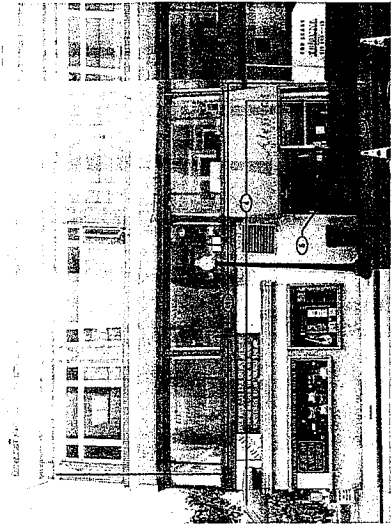
- |    |                             |
|----|-----------------------------|
| WF | FLOOR FINISH                |
| WT | WOOD FLOORING               |
| FT | FLOOR FINISH                |
| OT | CEMENT TILE                 |
| ST | STONE                       |
| ST | STAINLESS STEEL             |
| PR | PRIMER REINFORCED PLASTIC   |
| WT | WALL FINISH                 |
| WT | 3" X 10" SUBWAY TILE        |
| WT | WALL FINISH                 |
| WT | PAINT COLOR 1               |
| WT | TILE COVE BASE TO MATCH WIT |
| WT | BASE FINISH                 |
| WT | QUARRY TILE COVE BASE       |
| WT | BASE FINISH                 |
| WT | 6" WNTL WALL BASE           |







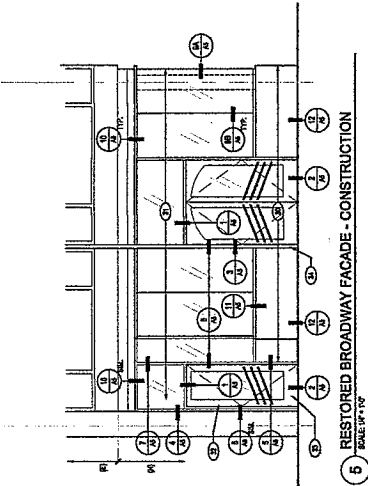




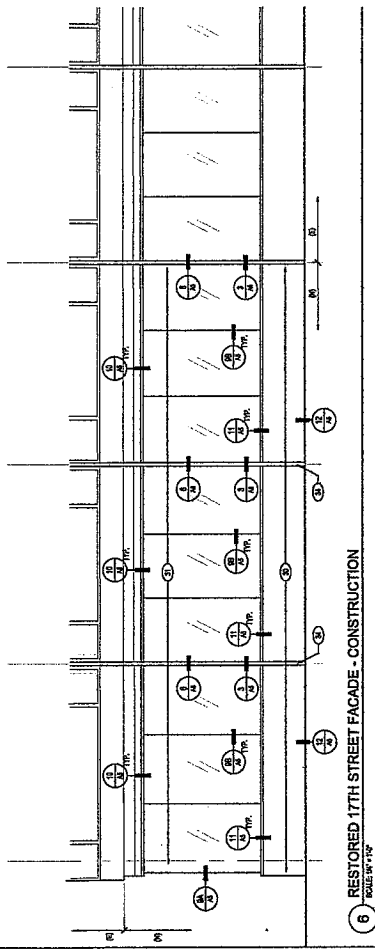
3 EXISTING 17TH STREET ELEVATION - DEMOLITION

## CONSTRUCTION KEY NOTES

- [illegible]



5 RESTORED BROADWAY FACADE - CONSTRUCTION



6 RESTORED 17TH STREET FACADE - CONSTRUCTION

1635 BROADWAY  
OAKLAND, CA 94612



**W**

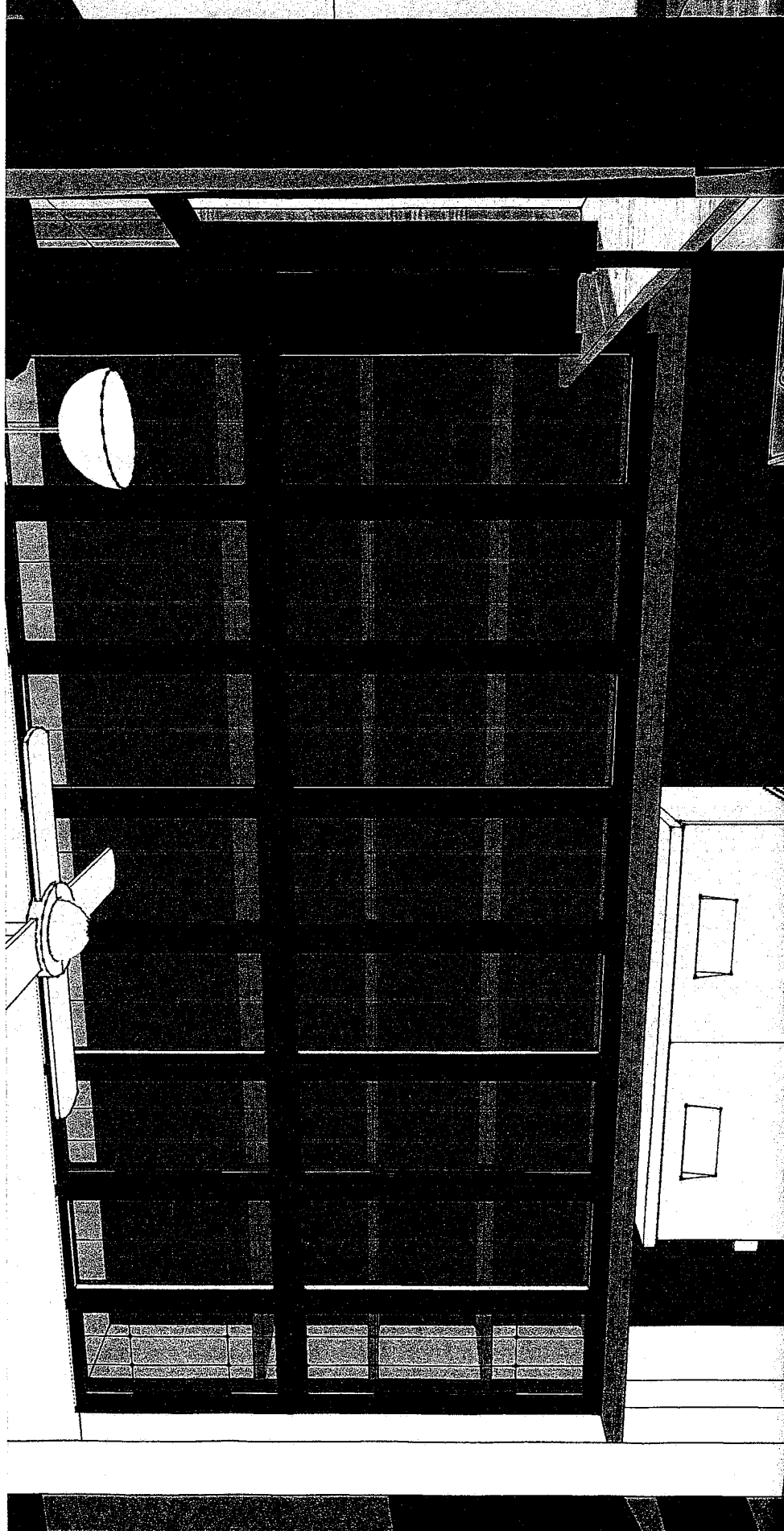
107 Clay Street  
Berkeley, CA 94612  
Phone (415) 835-4000  
Fax (415) 835-4000

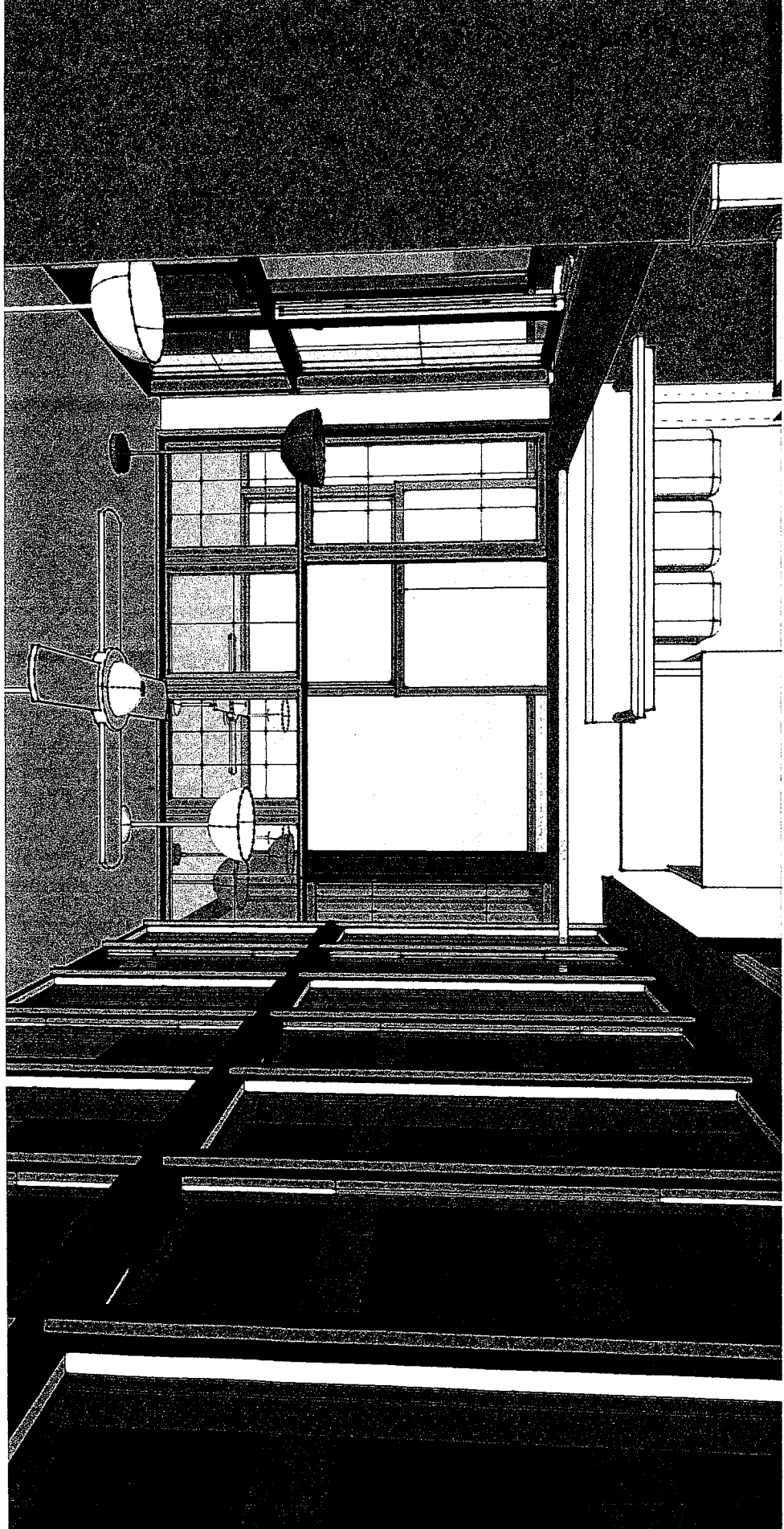
107 PONY LAKE  
Berkeley, CA 94612  
Phone (415) 835-4000  
Fax (415) 835-4000

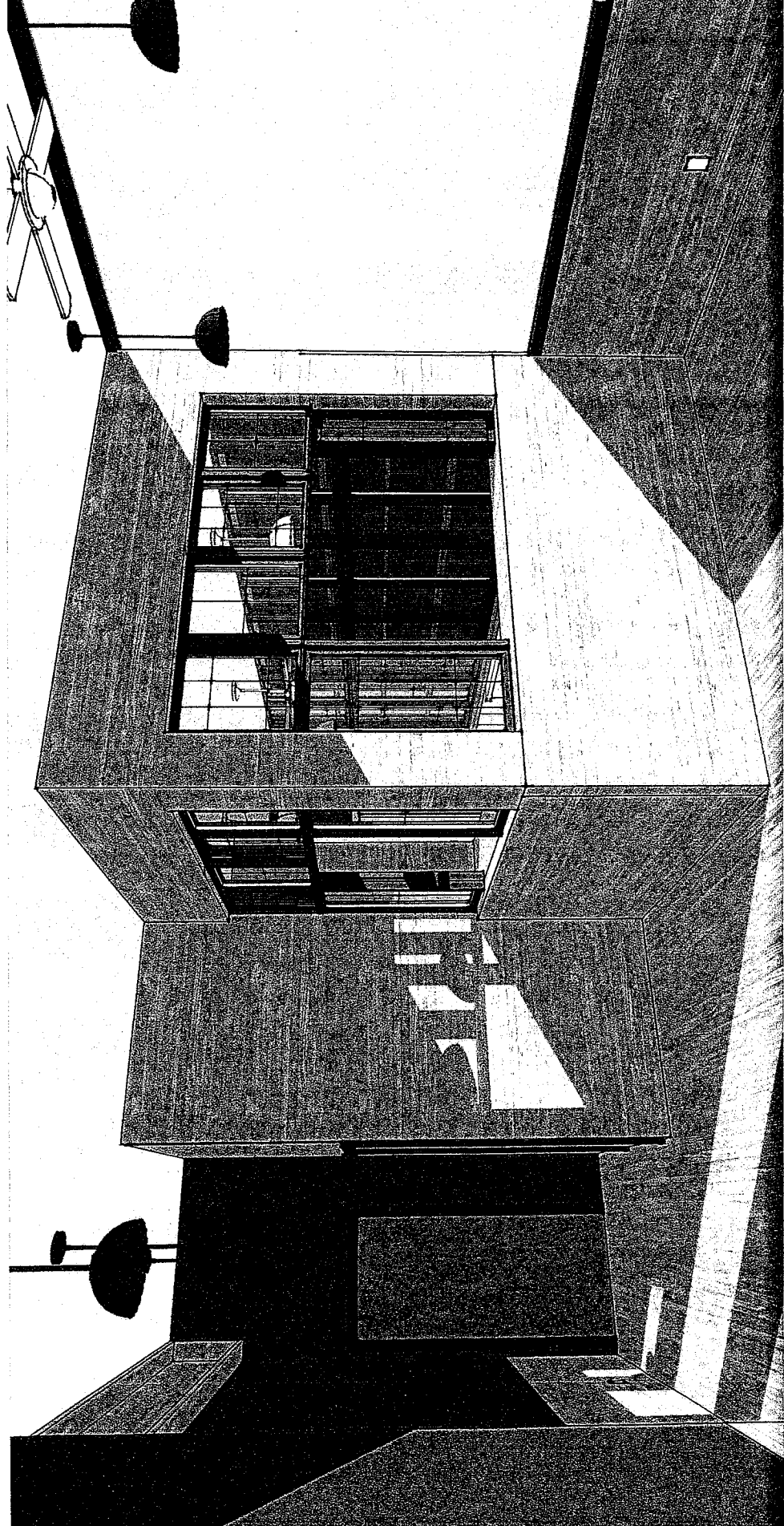
## CONSTRUCTIVE ELEVATIONS

NOTED  
DATE  
OCTOBER 1

# A3







<b>Location:</b>	1644 Telegraph Avenue (APN 008-0640-012-00)
<b>Proposal:</b>	Alcoholic Beverage Service (in a Bar/Nightclub) in 1,000 square foot existing space
<b>Contact Person/Phone Number:</b>	Alexeis Filipello (510)381-5394 for Bar Dogwood
<b>Owner:</b>	Richard Weinstein
<b>Case File Number:</b>	CM10-069
<b>Planning Permits Required:</b>	Major Conditional Use Permit for Alcoholic Beverage Service, in a Bar/Nightclub, hours 4 pm to 2 am
<b>General Plan:</b>	Central Business District
<b>Zoning:</b>	CBD-P Central Business District-Pedestrian Retail Commercial Zone
<b>Environmental Determination:</b>	Exempt, Section 15301 of the State CEQA Guidelines: Modification of small structures Additional citation: Section 15183 of the State CEQA Guidelines: Projects consistent with a community plan, general plan or zoning
<b>Historic Status:</b>	Potential Designated Historic Property, minor importance, potentially secondary importance, Survey Rating Dc3
<b>Service Delivery District:</b>	Metro
<b>City Council District:</b>	3
<b>Staff Recommendation:</b>	Approve
<b>Finality of Decision:</b>	Appealable to the City Council
<b>For Further Information:</b>	Contact <b>David Valeska</b> at (510) 238-2075 or <a href="mailto:dvalueska@oaklandnet.com">dvalueska@oaklandnet.com</a>

**SUMMARY**

This application involves the request to serve alcoholic beverages as a bar in an existing commercial building at 1644 Telegraph Avenue in the Uptown/Civic Center area with service to 2 am.

**PROJECT DESCRIPTION**

The applicant proposes to utilize approximately 1,000 square feet of building for a bar with Alcoholic Beverage sales within an existing commercial property. The applicant plans to operate a traditional bar with a capacity of 49 persons. Proposed hours would be 4 pm to 2 am and intentionally would not be open during school hours, due to the bar's proximity to Youth Radio headquarters at 1701 Broadway. The applicants have experience with such establishments, having worked at House of Shields at 39 New Montgomery in San Francisco and plan for the interior of their bar to have a unique Art Deco/Oakland history style.

The applicant plans to serve cheeses, cut meats, salads etc. but would be neither a Full Service Restaurant nor a Limited Service Restaurant. The facility would not be a cabaret and dancing is not planned, due to the limited interior space. Eight employees will operate the facility. The building, built after the turn of the 20<sup>th</sup> Century, formerly housed an insurance broker. Other tenants in the building include a hair salon and jewelry store. The site is near the Fox Theater night-life district and Civic Center. There is no parking on-site.

# 4

**ATTACHMENT D**

# CITY OF OAKLAND PLANNING COMMISSION



Case File: CM10-069  
Applicant: Alexeis Filipello for BarDogwood  
Address: 1644 Telegraph Avenue  
Zone: CBD-P

## ENVIRONMENTAL REVIEW

Staff has evaluated the project according to the California Environmental Quality Act (CEQA) and determined it is exempt from environmental review for the following reasons: Sections 15301 of the CEQA Guidelines exempt from environmental review small existing or new commercial facilities, respectively, where the building is less than 2,500 square feet in area. The alcoholic beverage use and food service area is in a 1,000 square foot area of an existing commercial building area, and is not likely to produce measurable physical or other environmental effects. Therefore, the project is determined to be exempt from further CEQA review. Section 15183 provides CEQA exemption for projects consistent with a community plan, general plan or zoning. This project is consistent with the General plan and zoning subject to CUP approval.

## ANALYSIS

The applicant chose this 1644 Telegraph Avenue location for the Dogwood Bar due to its proximity to the Uptown and Civic Center office and recreational areas. The applicant states that this type of bar is a business which is missing from the spectrum of existing beverage uses in the area because of its nostalgia-oriented traditional bar with Art Deco and Oakland historical interior wall art mixed with exposed brick walls, lounge chairs and barstools. The applicant states that this design would appeal to a market segment which would be drawn to the Fox Theater night-life district. During daylight hours sidewalk seating may be requested via a City encroachment permit.

The applicant's proposal requires a Major Conditional Use Permit (CUP) for Alcohol Beverage Service in the CBD-P Commercial zone. The proprietors intend to secure a Type 48 Alcohol License from the State Alcoholic Beverage Commission, which is for bars.

It is envisioned that the small size and localized customer base of the proposed facility will result in limited impacts. Further, immediate neighbors are commercial uses on a busy street, primarily office towers. Youth Radio headquarters is across 17<sup>th</sup> Street, and the Ice Rink is a block west, causing the applicant's voluntary ban on weekday morning and mid-day hours. The nearest new large residential units developments are over two blocks distant, at Uptown.

The restaurant is not expected to increase crime in this vicinity. Overall, City of Oakland Police Department crime statistics for the area on April 13, 2010 were generally comparable with 2010 statistics for the recently approved Truburger CUP for Alcoholic Beverage Service at 146 Grand Avenue and crime statistics for other 2010 Alcoholic Beverage Service application sites. Within a quarter-mile radius of 1644 Telegraph Avenue over the 90 days prior to April 13, 2010, there were 31 thefts, 11 simple assaults, 4 aggravated assaults, 3 burglaries, 3 narcotics cases, 7 robberies, 10 cases of vandalism and 7 vehicle thefts, 1 murder, 3 disturbing-the-peace calls and only one (1) alcohol case. Only one-fourth of these crimes were committed within visual proximity to 1644 Telegraph Avenue. While some crime does occur in the area, staff and the applicant believe the proposed café will not significantly contribute to crime levels.

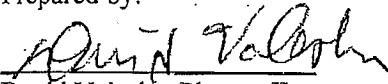
The applicant plans to sell alcoholic beverages primarily for social use (office workers having a drink after work or theater-goers) but the Conditional Use Permit would run with the property and the quality establishment which the applicant proposes could be modified with a different theme or management. However, if this business moves out, a replacement business would be required to comply with the project description and conditions of this CUP.

In the Central Business District, the proposed alcoholic sales activity would reinforce the historical and gourmet tourism concept and help to bring customers to neighboring commercial uses. Therefore, staff concludes that the Findings for the Major CUP, including findings of Public Convenience or Necessity, are fulfilled, as further explained in the Findings Section and through proposed Conditions of Approval.

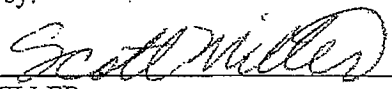

**RECOMMENDATION:**

1. Affirm staff's environmental determination.
2. Approve the Major Conditional Use Permit for Alcoholic Beverage Sales, at 1644 Telegraph Avenue, based on findings and subject to the attached conditions.

Prepared by:

  
David Valeska, Planner II

Approved by:

  
SCOTT MILLER  
Zoning ManagerApproved for forwarding to the  
City Planning Commission:  
Eric Angstadt, Deputy Director, Planning  
Community & Economic Development Agency

## Attachments:

- A. Findings for Approval
- B. Conditions of Approval
- C. Plans and Photographs
- D. Applicant and Neighbor Correspondence



**ATTACHMENT A: FINDINGS****FINDINGS FOR APPROVAL (ALCOHOLIC BEVERAGE SERVICE)**

This proposal meets the required findings under the Oakland Planning Code. Required findings are shown in **bold** type; explanations as to why these findings can be made are in normal type.

**Section 17.134.050 (General Use Permit Criteria):**

- 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 proposed alcoholic beverage service would satisfy a community need which does not affect livability of the surrounding neighborhood, and will be operated in a scale which is compatible with neighborhood character. The proposed use would offer beverage and cheese/cut meat/salad food service in a neighborhood which derives part of its identity from other nearby gourmet food and drink facilities. The draft approval contains conditions limiting noise, light, trash/litter, loitering, hours and similar factors to offset any potential for negative effects of alcohol sales.

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

The proposed alcoholic beverage service will promote availability of quality beverages with minor food service and enhance the convenience and functional living environment of its customers. The small size of the retained existing facility is attractive as warranted by the location and setting, a background building in an area of larger buildings. This is near a gourmet food/beverage related business district where such uses are appropriate.

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

The proposed alcoholic beverage service will function to meet the community's needs including daily use as well as small celebrations. This facility would have less traffic, noise and light than a similar business might have offered in a larger format. This facility complements the offerings of nearby existing offices and businesses.

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

The building to be utilized by the alcoholic beverage service has existed in this neighborhood since the early 20<sup>th</sup> Century. No major changes in the building are proposed from the existing façade which has been compatible with designs of neighboring facilities for many years.

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

The General Plan allows for review and approval of alcoholic beverage sales uses by Conditional Use Permit. The General Plan also allows for businesses that will not cause undue nuisance activity. The Central Business District land use category envisions a wide range of retail, restaurant and specialty stores along with promoting mixed-use developments. An attractive and well-managed alcoholic beverage service at this location will conform to adopted plans.

**Section 17.102.210 (A) - Special Use Permit Criteria:**

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

The proposed alcoholic beverage service is not envisioned to contribute to the same types of loitering and other problems as some other Alcoholic Beverage Sales facilities such as liquor stores. City crime statistics for recent months show that overall crime rates near the applicant's site are similar to Downtown commercial areas which are not major crime locations. The neighborhood streets have sufficient capacity to support this small facility without causing undue traffic or other problems.

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

The facility will be over 300 feet from a community-recreational park, churches and temples and is unlikely to adversely affect them. There is one public school nearby, Oakland School for the Arts at Fox Theater, 2 blocks distant, although there are several small charter and private schools in the area. While the nearby Youth Radio and the Ice Rink facilities attract minors and their families, the proposal's restricted hours (not open before 4 pm) ameliorate the issue. This facility design has built-in sound attenuation characteristics within the structure. Staff believes that the alcoholic beverage service will protect nearby uses from adverse effects.

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

The facility entrance provides disabled access. The 50 to 100 projected daily customers would be arriving very late in the day, into the evening, which minimizes the crowd management issues of the building tenant. The building entry does not impede pedestrian corridors.

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 building's façade shares an early 20<sup>th</sup> Century architectural theme with several nearby facilities similar to some of its neighbors, including color and shape. The facility is of an architectural character that harmonizes with and enhances the area. The building with its unique metal frame on the first floor will be preserved.

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

Proposed signage would be similar to past signage for this commercial building, and would not be overly large or obtrusive. No parking is provided on-site, which is consistent with the Oakland Planning Code standard for reuse of existing commercial buildings. The site is a short walking distance to BART, AC Transit and to parking garages, which supplement on-street parking in the area.

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

As conditioned, there will be non-flammable trash containers installed proximate to the entrance of the facility and litter will be removed from the sidewalk and gutter in front of and to twenty feet beyond the premises.

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 PM and seven AM.

The nearest new major dwellings are in the new Uptown apartment complex and are sufficiently distant to limit noise effects. Existing rail, ship and freeway noise creates an ambient level which in Downtown may mask some of the store's noise effects. Rows of office buildings block sound transmittal past these blocks. Attached conditions are provided to ameliorate some of the potential noise effects, including refraining from open hours before 4 pm and lighting controls.

#### Section 17.102.210(B) - Special Use Permit Criteria

Finding C.1.below is not required for facilities in the Central Business District:

#### **C. Special Restrictions on Establishments Selling Alcoholic Beverages.**

1. No Alcoholic Beverage Sales Commercial Activity shall be located closer than one thousand (1,000) feet to any other Alcoholic Beverage Sales Commercial Activity except;
  - a. On-sale retail licenses located in the Central District (defined as within the boundaries of I-980 and Brush Street to the west; 27<sup>th</sup> Street to the north; Harrison Street/Lake Merritt and the Lake Merritt Channel to the east; and the Estuary to the south); or
  - b. Activity is in conjunction with a Full-Service Restaurant; or
  - c. Establishments with twenty-five (25) or more full time equivalent (FTE) employees and a total floor area of twenty thousand (20,000) square feet or more.

The property is within the Central District, therefore this separation is not a requirement.

#### 17.102.210-B-3: Public Necessity and Convenience Findings (Central Business District Sites)

- a. 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 community 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 proposed alcoholic beverage service is of a nostalgic/historical theme different from that generally available to the public on this street, as demonstrated by the applicant's documents in the public record files. Where nearby larger businesses offer food and/or alcoholic beverage service, they do not provide the full customer service which the applicant proposes, with casual menu, fast service, dignified but informal setting and affordable alcoholic beverage service.

- b. 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**

An alcoholic beverage service would be compatible with and complimentary to other businesses in the Uptown/Civic Center gourmet business concentration, providing economic benefits to the area. This type of use is reported to not cause significant increases in calls for police service.

- c. Alcohol sales are typically a part of this business in the City of Oakland (for example and not by way of limitation, alcohol sales in a Laundromat would not meet this criteria).**

Alcohol sales are a common use in downtown areas. The applicant's activity proposes alcoholic beverage service primarily to facilitate social dining and gathering for downtown office workers nearby and for residents in new housing buildings two blocks distant.

## ATTACHMENT B: CONDITIONS OF APPROVAL

### STANDARD CONDITIONS:

1. **Approved Use.**

*Ongoing.*

a. The project shall be constructed and operated in accordance with the authorized use as described in this letter and the plans dated **February 16, 2010** and submitted **March 11, 2010** 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 approval set forth as follows: On-site sales area of alcoholic beverage products, with hours limited by conditions herein.

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 have been issued, or 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 valid 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 codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshall, and the City's Public Works Agency.

b. The applicant shall submit approved plans for project-specific needs related to fire protection 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 Planning Department 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 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 and submitted with each set of permit plans submitted 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 their respective agents, officers, and employees (hereafter collectively called the City) from any liability, damages, claim, judgment, loss (direct or indirect) action, causes of action or proceeding (including legal costs, attorney's 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 project applicant shall reimburse the City for its reasonable legal costs and attorneys fees.

b. Within ten (10) calendar days of the filing any Action as specified in subsection A above, the project applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations shall survive termination, extinguishment or invalidation of the approval. Failure to timely execute the Letter Agreement does not relieve the project applicant of any of the obligations contained in this condition or other requirements, or other 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 and all applicable adopted mitigation measures 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 any 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 approved plans, along with the Approval Letter and Conditions of Approval shall be available for review at the job site at all times.

**11. Recycling Space Allocation Requirements*****Prior to issuance of a building permit***

The design, location and maintenance of recycling collection and storage areas must substantially comply with the provision of the Oakland City Planning Commission "Guidelines for the Development and Evaluation of Recycling Collection and Storage Areas", Policy 100-28. Pursuant to Section 17.118.020 of the Oakland Planning Code, this condition shall apply to new commercial and industrial development that requires a building permit. A minimum of two cubic feet of storage and collection area shall be provided for each dwelling unit and for each 1,000 square feet of commercial space.

***Ongoing.***

No deviation shall be made from the approved drawings or conditions of approval that alters the project's siting, height, exterior appearance, and/or required new landscaping without prior written approval from the Oakland Planning & Zoning Department.

**12. Construction Practices.*****During construction.***

All work shall apply the "Best Management Practices" (BMPs) for the construction industry, including BMPs for dust, erosion and sedimentation abatement per Section 15.04 of the Oakland Municipal Code, as well as all specific construction-related conditions of approval attached to this project.

**13. 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 AM and 4:00 PM 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 residents' 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 residents' 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 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.

#### **SPECIFIC PROJECT CONDITIONS**

##### **14. Hours.**

###### ***Ongoing.***

The business may be open to the public for business from 4 pm to 2 am daily, and thus closed for business during regular school hours. Any work outside these hours shall solely be staff preparation and not open to the public. After ninety (90) days of operation, the applicant may request of the Zoning Manager, in writing, the ability to open before 4 pm on Friday and Saturday only, subject to written approval of the Zoning Manager.

##### **15. Security.**

###### ***Ongoing***

The applicant/property owner shall continue to keep windows clear of visual obstructions including, but not limited to signage beyond 20% window coverage, any advertising displays, product racks, refrigerated equipment, cardboard, trash, wire mesh/security bars, reflective coatings, or other materials. Note that this is more restrictive than the state regulations related to signage.

##### **16. Facility Management**

###### **a. *Ongoing***

Lighting shall be maintained providing enough illumination to identify loiterers standing in front of the store and in the parking lot. Such illumination shall remain lit during all hours of darkness when the business is open.

###### **b. *Ongoing***

The licensees/property owners shall clear the gutter and sidewalks twenty feet beyond the property lines along these streets of litter twice daily or as needed to control litter (sweep or mechanically



clean weekly). The licensee shall clean the sidewalk with steam or equivalent measures once per month if required by the Zoning Manager.

**c. Ongoing.**

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

**d. Ongoing.**

No pay phones are permitted outside the building.

**17.Trash and litter**

***Prior to commencement of use and ongoing.***

The applicant/property owner shall install and maintain at least one (1), non-flammable trash can located near the entrance of the store. Said trash receptacle shall be emptied as needed to avoid overflow and/or adverse odors.

**18.Crowd Control/Anti-Loitering Plan**

***Prior to commencement of use and ongoing***

The applicant shall provide staff on duty from 7 am until closing on days when the business is open to the public. Staff shall patrol the interior and exterior as necessary to achieve crowd control and to deter nuisance, loitering and crime, including calling the police to ask that they remove loiterers (persons remaining at the exterior of the establishment with no apparent business for more than ten minutes) who refuse to leave.

These measures and other others implemented shall be memorialized in a crowd control/anti-loitering plan to be reviewed and approved by the Zoning Manager in consultation with the Alcoholic Beverage Action Team (ABAT) prior to occupancy. Chronic noise, loitering, crime or disorder in or adjacent to the premises are grounds for revocation of this CUP, subject to the applicant's right to notice and a hearing. Techniques discussed in the manual entitled "Loitering: Business and Community Based Solutions" may be used and are recommended by the Alcoholic Beverage Action Team.

**19. Sign Modifications**

***Within 90 Days of Approval, with Zoning Manager Option to Extend 90 Further Days***

Signs if modified shall receive all required Planning and Building permits to the satisfaction of the Zoning Manager.

**SPECIFIC CONDITIONS RELATED TO ALCOHOL SALES**

**20. 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 Operating Standards of the Business and Professions Code and local Performance Standards, 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.

**21. Inclusion of conditions in State Department of Alcoholic Beverage Control license.**

***Prior to signing of State Department of Alcoholic Beverage Control zoning affidavit.***

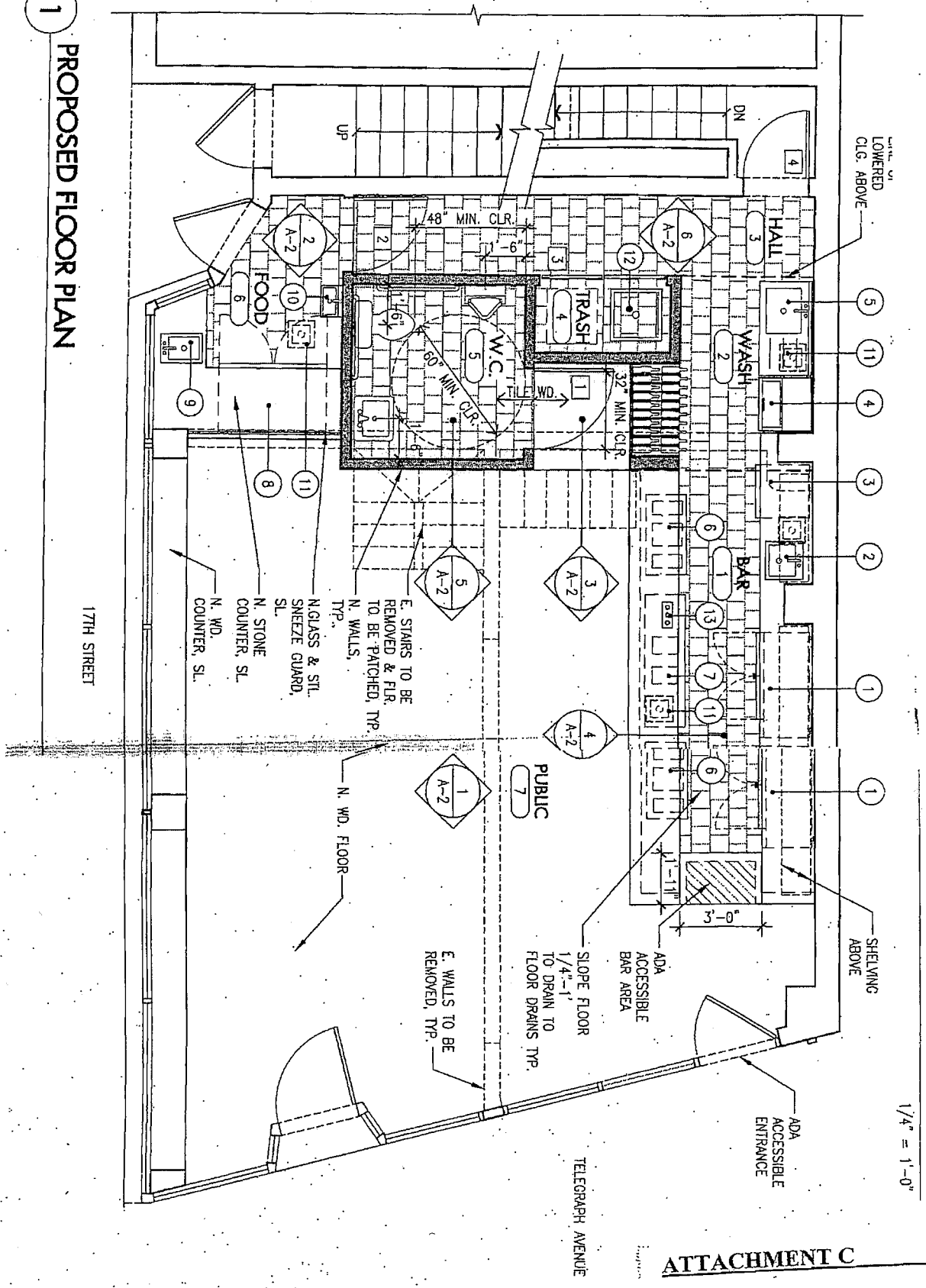
The applicant shall submit a letter to staff signed by the applicant addressed to the State Department of Alcoholic Beverage Control stipulating that they wish to include conditions number 14, 15, 16, 17, 18, 20 and 21 in the conditions of their ABC license. The Oakland Planning Commission may, after notice and hearing, revoke this Conditional Use Permit if the applicant fails to include the above conditions in the ABC license or fails to maintain an ABC license.

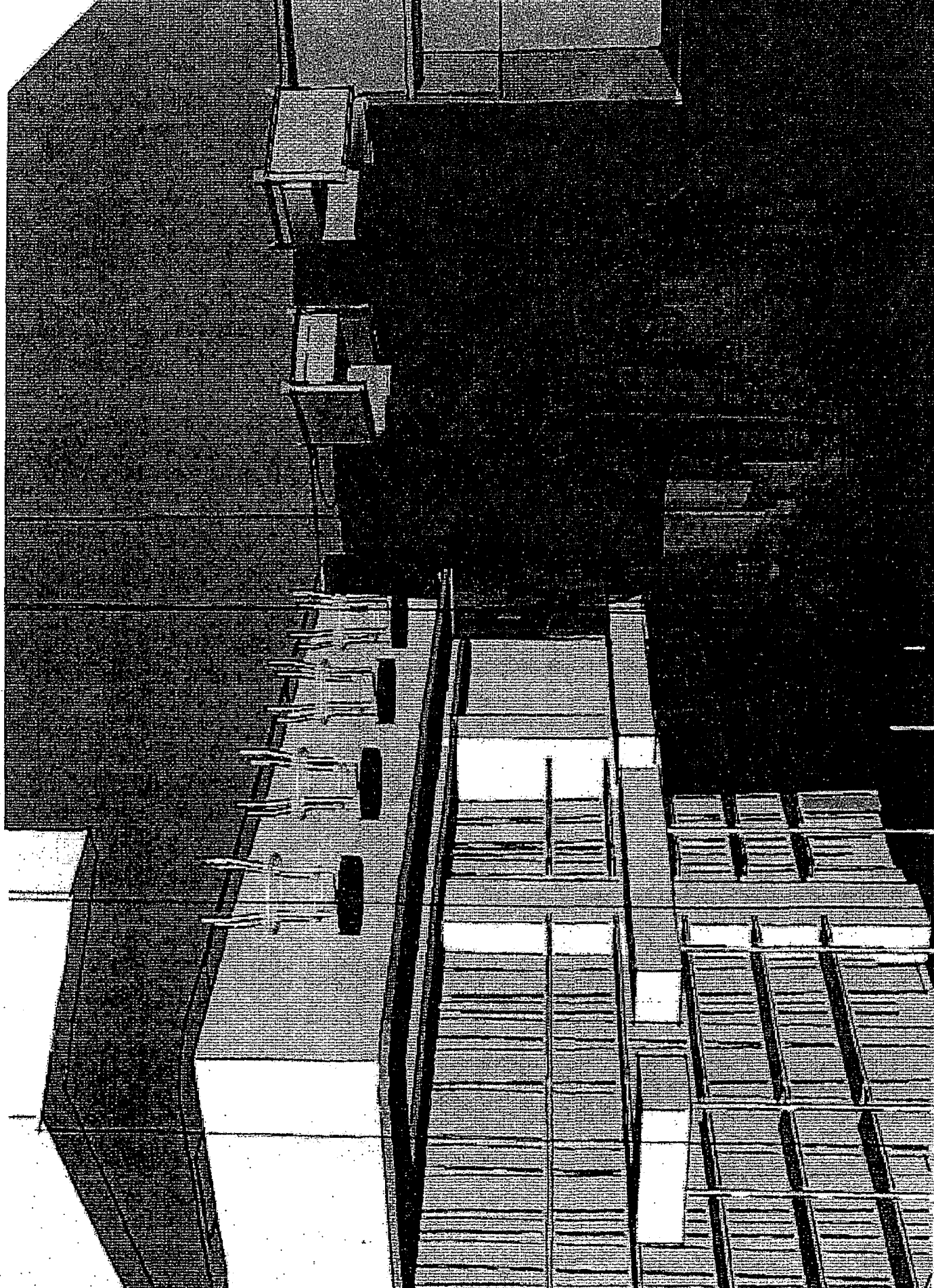
**APPROVED BY:** City Planning Commission: \_\_\_\_\_ (date) \_\_\_\_\_ (vote)

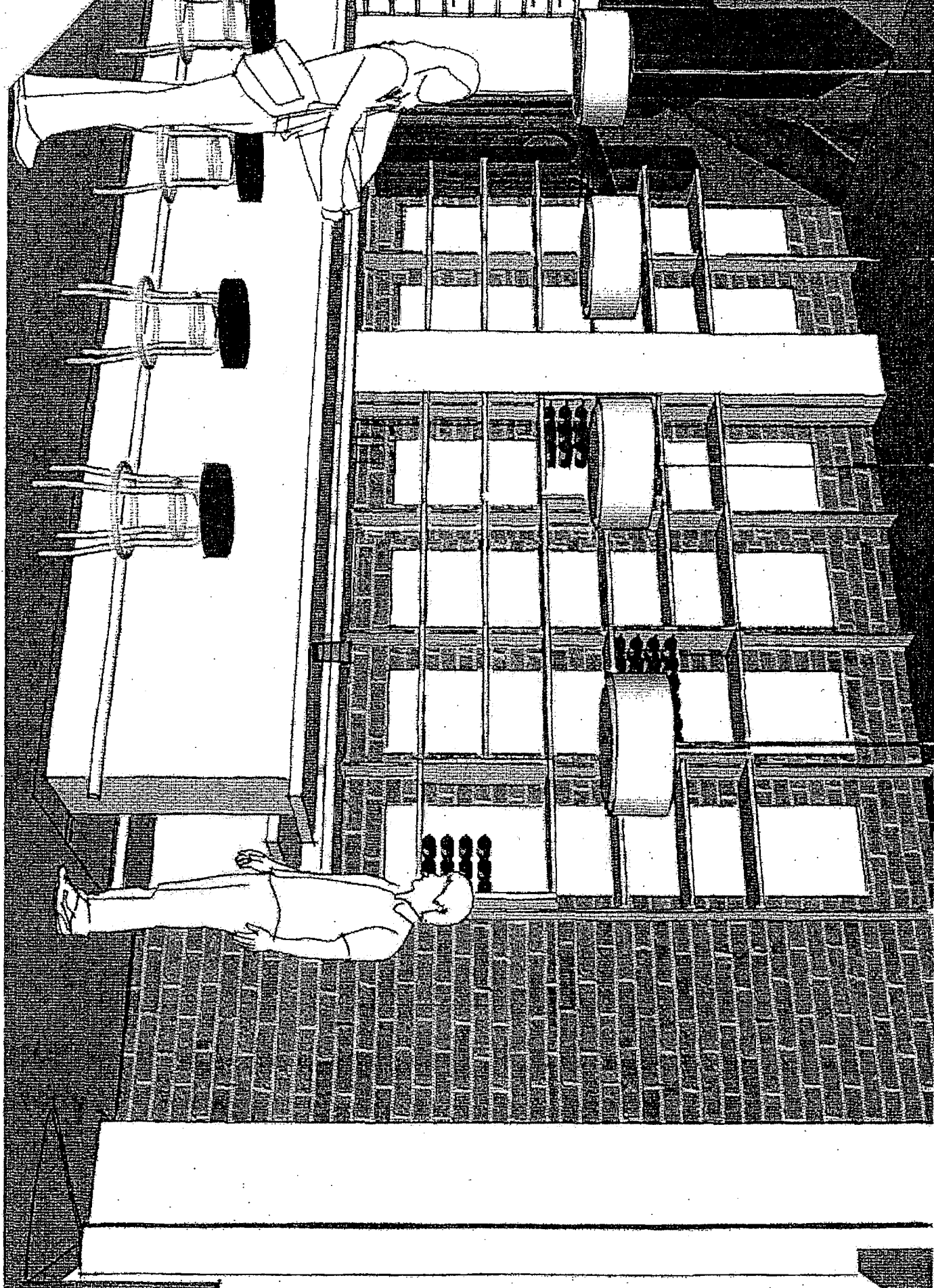
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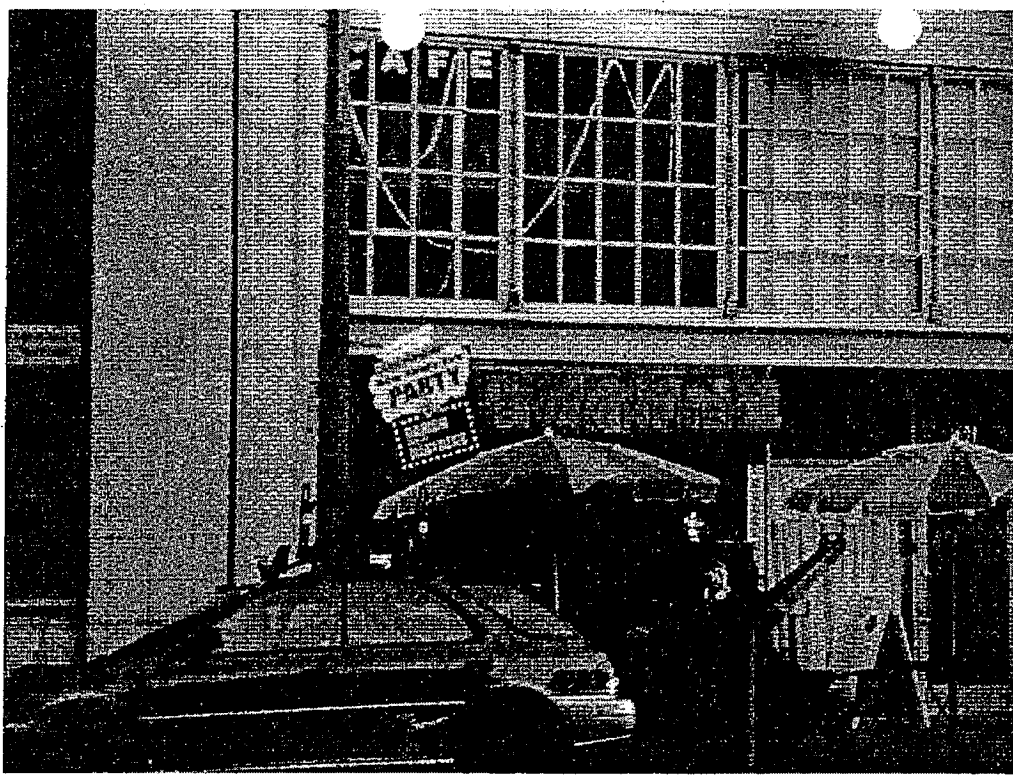
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PROPOSED FLOOR PLAN









1621 Telegraph Avenue DBA Café Van Kleeef

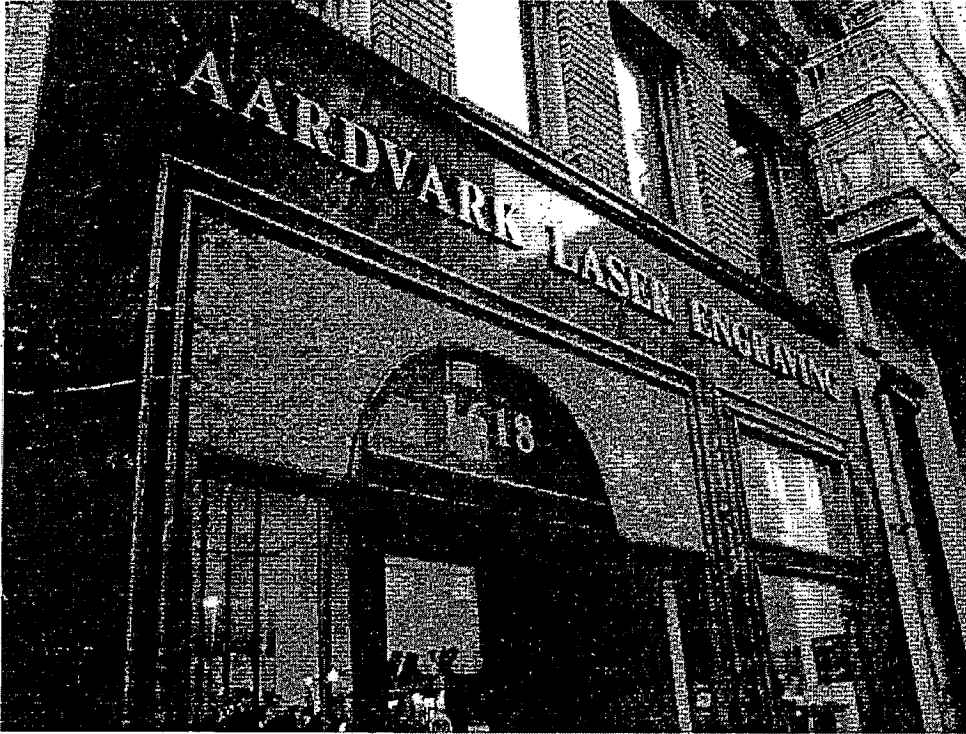


1631 Telegraph Square Peg Design, Brand Identity Design Services



Surrounding Business next to 1644 Telegraph (DBA Bar  
Dogwood)

Business of the East side of the 1600 Block of Telegraph  
towards Broadway



1618 Telegraph DBA Aardvark Laser Engraving



View of the  
corner of  
Telegraph and  
17<sup>th</sup>,  
specifically

Telegraph & 17<sup>th</sup>



View down the  
East side of the  
street from  
Telegraph and  
17<sup>th</sup>, view down

Telegraph & 17<sup>th</sup>





1621 Telegraph Avenue DBA Café Van Kleeef



1631 Telegraph Square Peg Design, Brand Identity Design Services

View down the  
West side of the  
street from  
Telegraph and  
17<sup>th</sup>, view facing

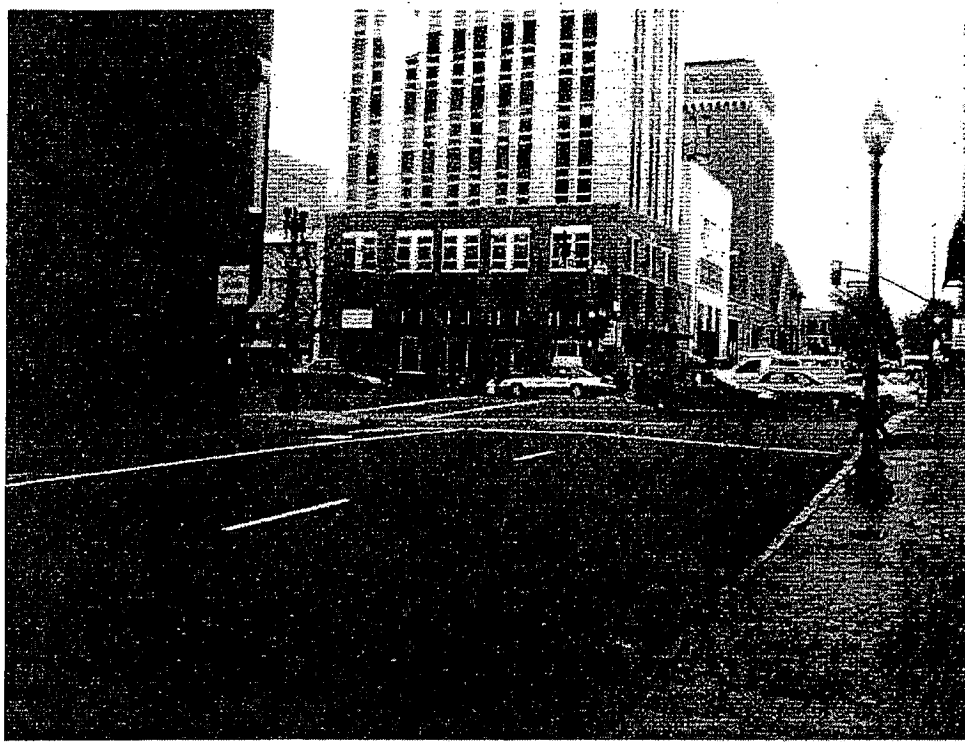


Telegraph & 17<sup>th</sup> (view to 18<sup>th</sup>)



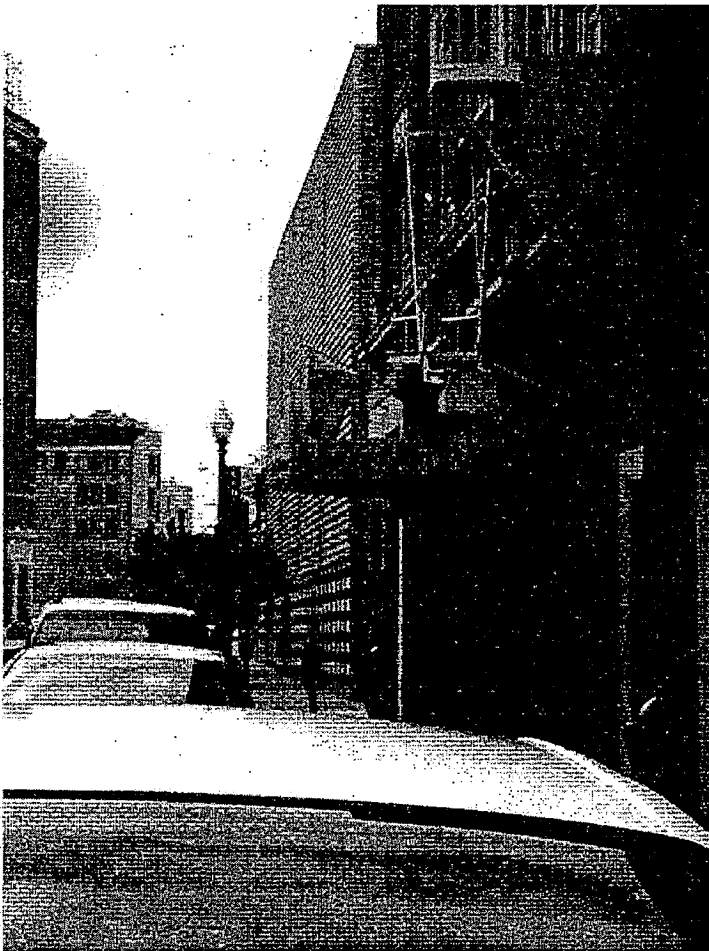
View of the  
South side of  
17th on the  
corner of

17<sup>th</sup> & Telegraph



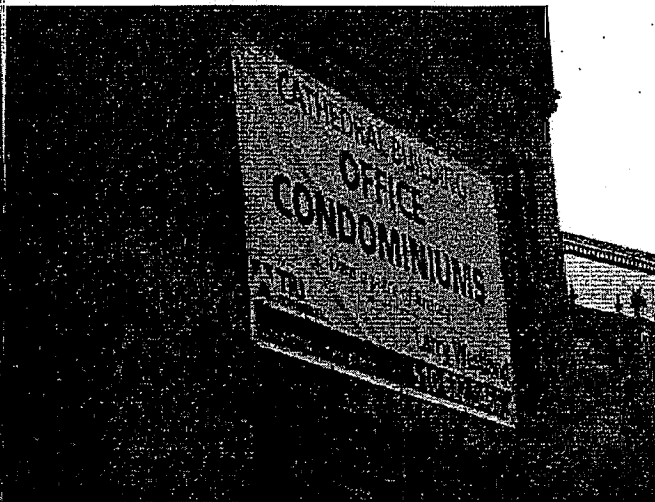
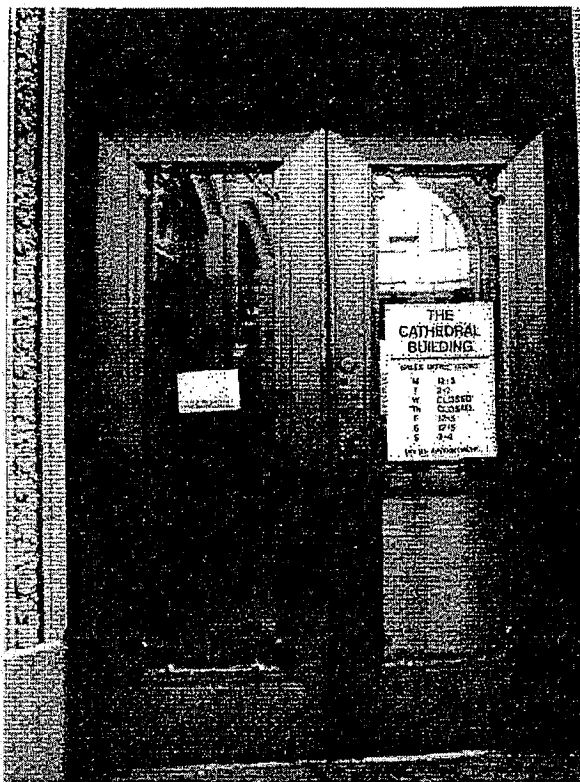
View of the  
North side of  
17th on the  
corner of  
— 7 — 17th.

17<sup>th</sup> & Telegraph (facing Broadway)

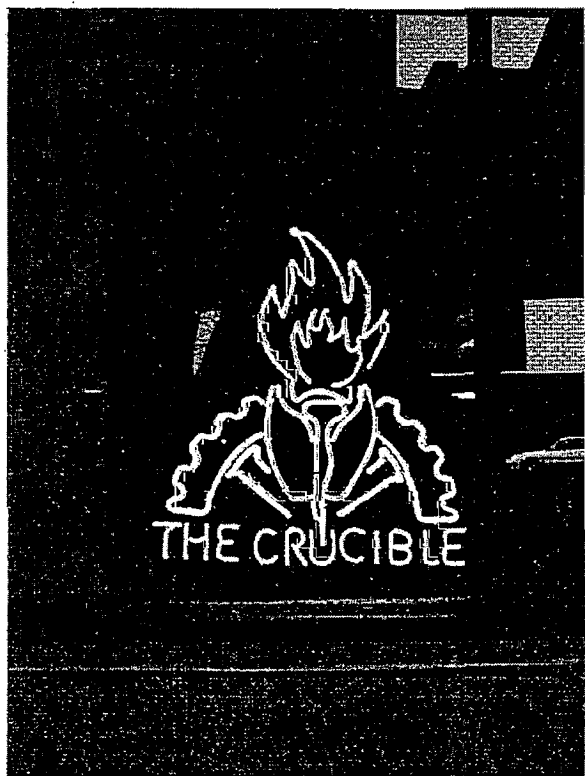


View of the  
North side of  
17th on the  
corner of  
— 7 — 17th

17<sup>th</sup> & Telegraph (facing San Pablo)



1615 Telegraph Avenue DBA as upscale condos and vacant office space



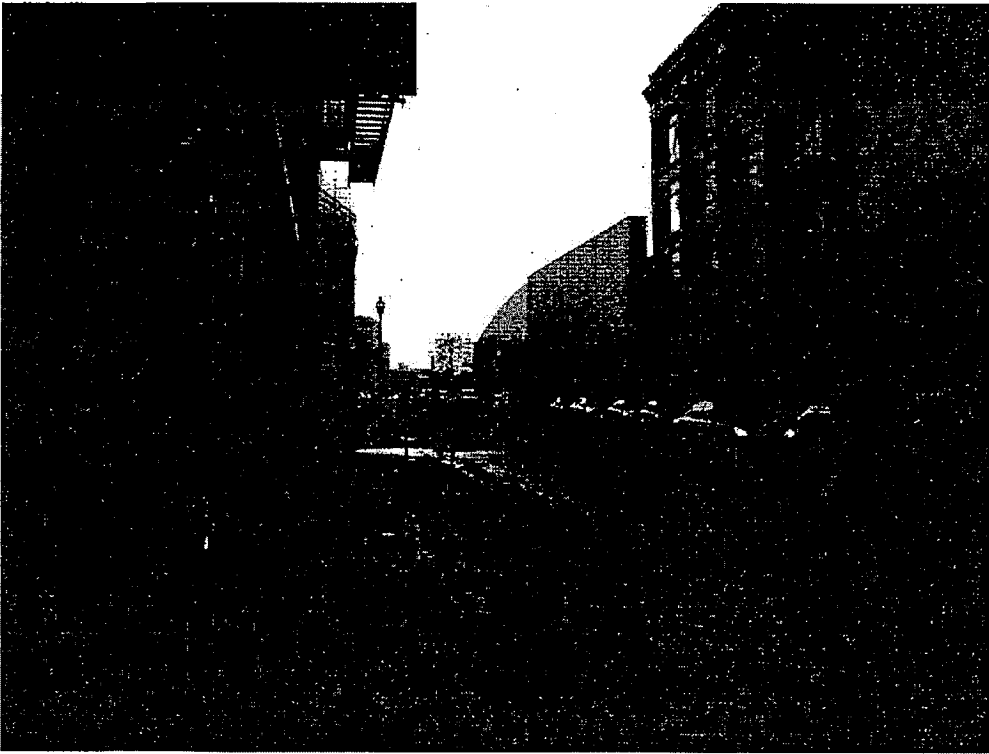
1615B Telegraph Crucible Art Gallery

View of the East  
side of street  
on the corner of  
Telegraph & 17<sup>th</sup>  
facing Broadway



Telegraph & 17<sup>th</sup> (view to Broadway)

Long view of  
East side of  
Telegraph Avenue  
as facing  
Broadway



Telegraph and 17<sup>th</sup> facing Broadway

Bar Dogwood  
1644 Telegraph St. Oakland Ca. 94612

CONDITIONAL USE PERMIT FINDINGS:

A. Bar Dogwood is located at 1644 Telegraph St. at the corner of 17<sup>th</sup> and Telegraph streets in the Uptown district of Oakland. It is an 824 square foot space that used to be an insurance broker. The area has been rezoned for arts, nightlife and entertainment. Bar Dogwood will exemplify the deco era of old Oakland. Oakland is rich in history and as my photos will show I plan to recreate this in Bar Dogwood.

A-1 HOURS OF OPERATION:

4 pm- 2 am Monday – Sunday closed holidays.

A-2 NOISE IMPACTS

As Bar Dogwood will not have live bands or dancing Bar Dogwood will keep within the decibel levels of the city of Oakland's ordinance. In addition loitering will not be tolerated and any outdoor seating will be limited to daytime hours as the city is expanding the sidewalk for café use.

A-3 WORST IMPACT SCENARIOS:

As Bar Dogwood will be predominantly a wine and cocktail lounge with light food a door person will be at the door during high impact operating hours. This will limit any noise issues, loitering, and underage drinking. Our goal is to create a fine establishment for the neighborhood with as little impact as possible.

B. Bar Dogwood is dedicated to preserving the esthetics and integrity of the uptown district of Oakland. As the building was built in the 20's in the deco style, Bar Dogwood will embody this and recreate a Deco era establishment that will compliment the area while still being original. I have been working closely with city architects at YHLA as well as Brian Kendall with the Oakland Redevelopment Agency to ensure we keep with the style and functionality of the building.

B-1 POSITIVE CONTRIBUTIONS TO THE COMMUNITY:

While the uptown district of Oakland is booming with music venues and restaurants there is a real need for light food establishments in the area for people who want to have a light snack before and after shows or dinner. Bar Dogwood will fill this need by offering locally made cheeses, Salami, salads, and local artisan breads. In addition to small plates we will offer a variety of locally inspired cocktails, weekend wine and cheese courses, and showcase small local breweries. Bar Dogwood will create more jobs in this area, as well as increase revenue for the city of Oakland.

B-2 NEIGHBORS AND RESTAURANTS:

ATTACHMENT D

In this area of Oakland it is quickly becoming a great neighborhood. As most restaurants are closed after 11 P.M. (as well as Sundays and Mondays) Bar Dogwood will offer food for restaurant industry folk and patrons of the Fox Theater where there is none. Bar Dogwood will offer inexpensive alternatives in this area where there is a need. If given the opportunity we would like to stay open after the restaurants have closed.

C. As Bar Dogwood will have later hours of operation than most restaurants in the neighborhood; this will increase the areas potential for new condo tenants and attract new small businesses to this area. As Bar Dogwood is mostly for the 21 and over crowd, again we will keep a door person during high impact hours of operations.

D. As above stated. I have been working closely with Brian Kendall of the Oakland Redevelopment Agency to ensure that our designs compliment the area and stay within Oakland's design criteria. Mr. Kendall has been helping us with the façade improvement as well as Tenant Improvements. As our attached plans will represent.

F. Vision for the city of Oakland.

For the past century Oakland has been one of the largest ports for shipping and commerce in the state of California. After the depression and WW11 Oakland became one of the worst economically affected areas in the nation as San Francisco flourished in its tourism and business revenues. As a business, Bar Dogwood will stylistically showcase through pictures and art the energy of the city of Oakland through the past century of the cities development. It is my hope that Bar Dogwood can increase tourism and become a historic retelling of Oakland's rich past.

Bar Dogwood has a large collection of Oakland memorabilia. Including post 1906 earthquake photos and many other old city photos of city hall, Lake Merritt, the fire department, and old movie theaters that no longer exist. It is our every intention to recreate this area as a new tourist destination and keep our revenue and jobs within the city of Oakland.

#### F-1 OAKLAND GENERAL PLAN:

As noted in the strategic planning, general plan -chapter 3, Bar Dogwood will increase revenue and foot traffic in this area. Bar Dogwood is a 49 maximum capacity venue, which should not increase parking or congestion in this area. We recognize that the city of Oakland stresses the development in these areas as mixed use, residential, and arts and entertainment, and we would like to stay within the constraints of the arts and entertainment while adding a classy alternative to the dance clubs and art galleries in the area. We understand the high impact of retail alcohol sales in the neighborhood, and as my past track record with the city of San Francisco, with the San Francisco police, and the Alcohol Beverage Control of the state of California (ABC), you will see that I am an exemplary business owner as I have not had any complaints with any of the above mentioned departments.