

Case File Number CMV11-0220**December 5, 2012**

Project Name:	Wood Street Music Hall
Location:	2240 Wood Street (APN: 007 -0575-004-00)
Proposal:	Allow Alcoholic Beverage Sales (bar/nightclub) and entertainment
Applicants/Phone Number:	Alan Lucchesi (510) 207-4790
Owner:	Famiglia Di Musica LLC
Case File Number:	CMV11-220
Planning Permits Required:	Major Conditional Use Permit to allow an Alcoholic Beverage Sales Commercial Activity (bar/nightclub); Variance for Location Within 1,000 Feet of a Park; and Minor Conditional Use Permit to allow a Group Assembly/entertainment for nightclub activity in existing industrial/music studio facility
General Plan:	Business Mix
Zoning:	CIX-1 Commercial Industrial Mix Zone/
Environmental Determination:	Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Sections 15303 & 15332
Historic Status:	Not a Potential Designated Historic Property
Service Delivery District:	1
City Council District:	1
Commission Action to Be Taken:	Approve Staff Recommendation
Appeal:	To City Council within 10 days
For Further Information:	Contact David Valeska at (510) 238-2075 or dvalueska@oaklandnet.com

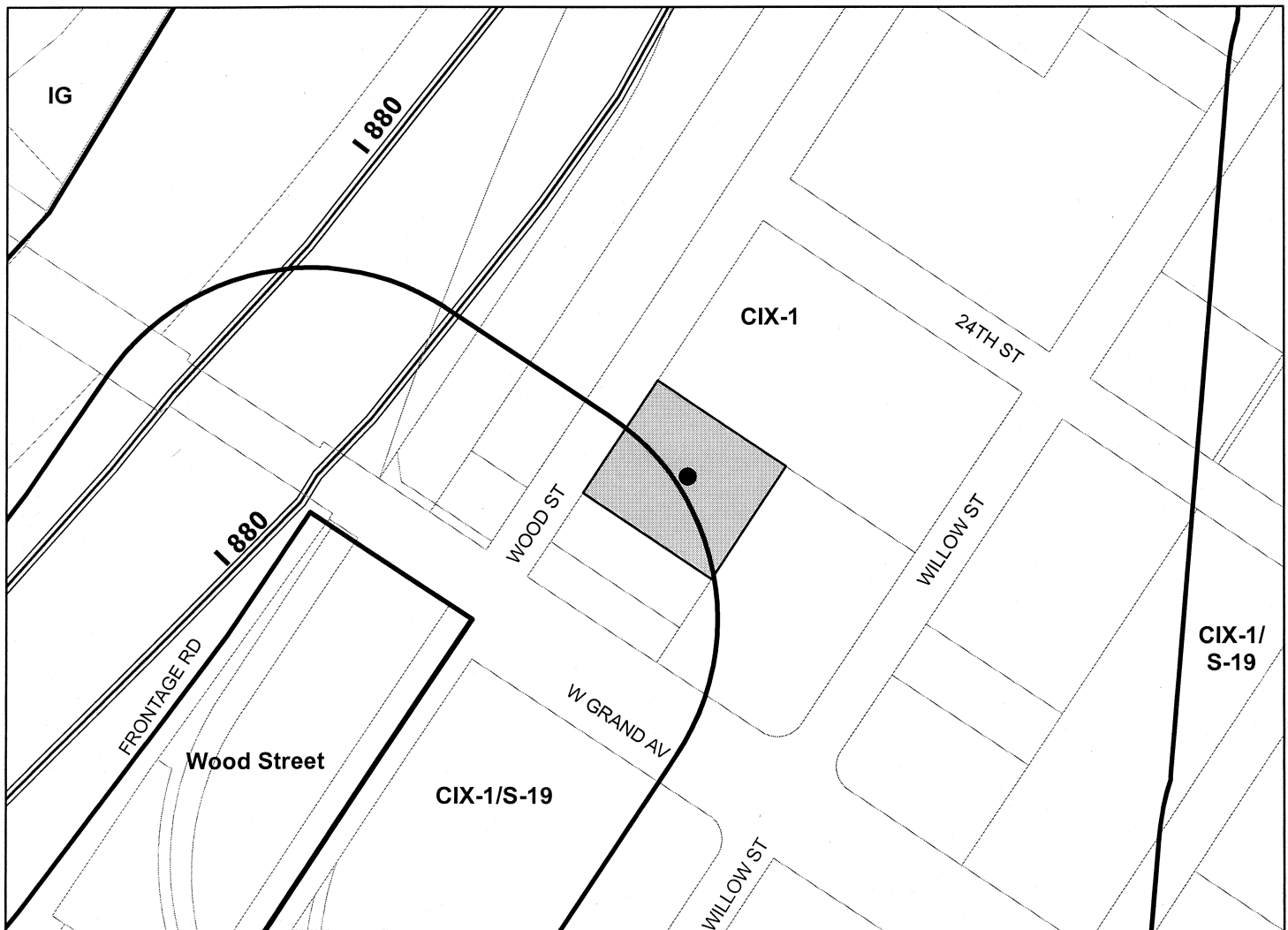
SUMMARY

The applicant requests approval for the expansion of an existing music rehearsal studio use into adjacent covered and open areas of an existing facility, in a nightclub format, in order to showcase bands which practice in the studio as well as other bands.

This is an application to allow daily Alcoholic Beverage Sales and Group Assembly commercial activity in, and adjacent to, and outdoors of, an existing 2 story sound studios building, located in an industrial/commercial area at 2240 Wood Street in West Oakland. A Major Conditional Use Permit (CUP) is required to sell alcoholic beverages. Additional findings are also required for an establishment selling alcoholic beverages and for Alcoholic Beverage Sales in an over-concentrated area. A CUP is also required for Group Assembly (nightclub) in the CIX-1 Zone.

The Oakland Planning Code requires a 1,000 foot separation of Alcoholic Beverage Sales from civic uses when located in an over-concentrated area. The site is over-concentrated both for ABC licenses in the Census Tract and for reported crimes in the police beat. This site is just over 900 feet from a public park (Raimondi Park), which has soccer and baseball fields. A Variance is therefore required. In addition, the proposed activity would require retention of 21 existing parking spaces. The building is pre-1965 and no Variance would normally be required for parking to intensify occupancy of such a building. However, the outdoor music use is likely to displace and/or block access to the courtyard parking spaces, so a Variance is needed to allow this site arrangement.

CITY OF OAKLAND PLANNING COMMISSION



0 125 250 500 750 1,000 Feet



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Applicant: Alan Lucchesi
Address: 2240 Wood Street (Wood Street Music Hall)
Zone: CIX-1

Admission fees would be charged for most events. Alcoholic beverages would be served at portable bars in the courtyard as well as inside the main concert stage building. The bars are not open when there are no events; this is not a traditional standalone bar. Age limits would depend on the type of State Alcoholic Beverage Control license and alcohol service type with each event; in most cases patrons must be at least 21 to enter.

PROJECT DESCRIPTION

The existing Soundwaves facility is one of the major Bay Area practice studio complexes for bands which perform and record. With dozens of practice rooms, the facility attracts many Bay Area bands who would also like to perform in the existing outdoor and covered areas of the site, as in a nightclub.

The proposed project includes on-site Alcoholic Beverage sales consumption and Group Assembly activities in a 6000 square foot area (3500 square feet of indoor entertainment space and a 2500 square foot outdoor patio), including the following:

- A bar, including limited food service;
- Group Assembly such as nightclub/music and other events, inside and outside the building initially for up to 300 persons per event, with a request for administrative modification later to up to 1000 persons per event;
- Retention of existing dozens of sound studios in adjacent metal industrial buildings at the perimeter of the property.

While the open paved area can hold up to 21 vehicles, it is not considered reserved parking during events. There is no other on-site parking. Adjacent Wood Street provides a quarter-mile length of on-street parking which is not otherwise needed during night events by adjacent industrial activities. This area provides over 100 on-street parking spaces.

A dozen employees typically would serve approximately 300 patrons. The building would include men's and women's restrooms, office, and storage. The business hours will be revised to seven days a week, initially from 6 pm until 2 am.

Staff attended a test music event on May 24, 2012, held in the afternoon for West Oakland Commerce Association businesses and residents. The flamenco music onstage (indoors) was supplemented with catered food in the patio, with approximately 50 to 100 persons attending. This would be considered the smaller range of events proposed to be held; future events might be quadruple that number or larger. Therefore this report discusses two options: a 300-person maximum event, the main request; and a 1,000-person maximum event as an optional future request.

PROPERTY DESCRIPTION

The one-half acre space includes a 6,000 square foot industrial/commercial building. An adjacent building in the complex is for the many sound studio spaces which have recorded hundreds of Bay Area bands famous and obscure. The main nightclub stage area is 23 feet tall, 50 by 70 feet in area, with a 50 by 50 foot annex also up to 23 feet tall. The stage is usually set at 4 to 5 feet high. The outdoor area is approximately 50 by 50 feet excluding driveways, parking spaces and truck loading area. Without on-site parking twice this outdoor area is available, making events of 300 or more persons feasible for standing and/or sitting. The only landscaping is a series of potted desert plants near the stage building.

The 1920's metal and wood frame industrial building was built more as a warehouse or factory than as a meeting place. The hollow spaces provide flexibility. However, some need retrofits to accommodate the requested activity.

GENERAL PLAN ANALYSIS

This project is located in the Business Mix under the General Plan Land Use and Transportation Element (LUTE). One intent of this classification is to "create, preserve and enhance areas of the City that are appropriate for a wide variety of business and related commercial and industrial establishments...these areas may accommodate a mix of businesses such as...commercial..." Excerpts from Plan include:

LUTE page 189, "Commercial and Industrial Revitalization," West Oakland. "West Grand Avenue is anticipated to become a well-traveled cross-town route..." Page 191 asks that the City "take steps to market and promote (West Grand) Avenue's commercial...potential." 2240 Wood Street is near West Grand Avenue and the Emeryville City limits, a major entry to the City.

LUTE page 190, "Target Areas," West Oakland. Encourages the City to identify "target areas for focusing...private investment...in commercial areas."

The requested activity could fulfill LUTE policies to revitalize West Oakland, providing night activity in an industrial area for multiple businesses. Staff review of these policies confirms that there is community support for a specialty alcohol service and group assembly activities in the West Oakland area. Business districts should be supported, and enhanced, through business retention and attraction efforts.

ZONING ANALYSIS

A Major Conditional Use Permit is required for an Alcoholic Beverage Sales Commercial Activity in the CIX1 Commercial Industrial Zone. Regular Conditional Use Permit findings per Section 17.134.050 and special findings for Alcoholic Beverage Sales Commercial Activities per Section 17.102.210 must be made, including Findings of Public Convenience and Necessity for being in a higher-crime police beat (Wood Street) and overconcentrated area.

On February 1, 2000, the Oakland City Council passed Resolution #75490 establishing a no net increase policy in the number of alcoholic beverage sales commercial activities in Oakland neighborhoods to protect the health, safety and welfare of residents. The applicant intends to obtain an existing Oakland license if possible for any service expansion.

In the CIX-1 zone, an "Open" facility such as the outdoor concert/event area of the parking lot is a permitted facility. The Zoning Code establishes maximum noise standards. (The site is near a main rail line and near the 880 freeway which results in ambient background noise over 45 dB/CNEL). Rock concerts are usually 70 to 90 decibels at the stage, which sound level reduces with the square of the distance, being reduced to standards at the property lines of other owners' industrial properties. These properties are usually not open when concerts occur, so few if any industrial users will experience sound above 70 decibels. Due to the non-residential nature of the vicinity, it is unlikely that a typical concert would violate such standards.

A Variance is required for an Alcoholic Beverage Service in an over-concentrated area to establish within 1000 feet of a civic use. This site is just over 900 feet from Raimondi Park, a soccer and baseball field located beyond West Grand Avenue to the west. In addition, a Variance is required for an activity which requires off-street parking which is not provided. To serve a newly-built nightclub of this size, approximately 80 to 100 parking spaces would be needed under OPC 17.114; only 21 are available on-site in the daytime and most would be displaced by concert guests at night-time music events. On-street parking consists of a quarter-mile section of Wood Street which has little other parking demand at night.

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines list projects which are categorically exempt from environmental review. While Section 15301 normally exempts activities using existing buildings, this exemption is mainly for minimal increases in activity. Since the music venue would attract over a dozen times more persons than the prior industrial use, another exemption is cited, Section 15332 with findings as follows:

1. The project is consistent with the applicable general plan designation and policies as well as with applicable zoning designation and regulations: The General Plan and Zoning allow the requested activity in this existing facility subject to approval of a Conditional Use Permit with Variances.
2. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses: The site is within the City of Oakland limits and contains less than five acres. The effective size of the activity is approximately one half acre.
3. The project site has no value as habitat for endangered, rare or threatened species: The site and all neighboring sites are either existing industrial facilities such as truck yards, or are within regional transportation rights of way. There is no habitat for endangered, rare or threatened species on the site or on adjacent sites.
4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality: The site is too distant from sensitive receptors to effect noise, air or water quality. Wood Street in this area neither generates traffic in excess of adopted Levels of Service nor would it be impacted by other sites. Ambient/background noise and air quality effects from nearby freeway and industrial uses would not increase significantly as a result of the project.
5. The site can be adequately served by all required utilities and public services: This urban infill site has benefited from adequate public utilities and services for decades. While crime and safety are issues generally in the southwestern third of Oakland, this particular site is neither the cause nor the receiver of inordinate crime activity and receives routine police patrols.

Therefore, this project is considered categorically exempt from the provisions of CEQA pursuant to Sections 15332 of the State CEQA guidelines. In addition, Section 15183 applies as this activity, subject to Conditional Use Permit approval, is consistent with a Community Plan, General Plan, and Zoning.

KEY ISSUES AND IMPACTS

The proposed facility will establish a daily Alcoholic Beverage service facility (bar), event venue and catered dining area for typically 300 patrons inside and out, with a request for 1,000 patrons in combined inside/outside group assembly events. The proposed use would provide a greater vitality to this West Oakland vicinity, while generating minimum nuisance due to the implementation of alcohol license and

other restrictions (See Conditions 13 to 22 inclusive). Members of the West Oakland business community have advised staff of their support for the project.

Issues reviewed include: Building Condition; Crime Control; and Parking and Access.

Building Condition

The building facilities were built for a less intense and more industrial activity type. In order to gather 300 (or more) patrons in addition to the many small sound studio rooms in the facility, substantial building upgrades will be needed to this metal and wood shell structure.

Staff monitoring in 2011-12 found that the number of restrooms was insufficient, electrical and plumbing facilities needed repairs and expansion including sprinklers and seismic strengthening of the main concert space was needed; exiting and ADA (disabled) access upgrades are needed; fire separations, power interconnects and other basic upgrades were needed. Informal cost estimates of such work range from about \$50,000 to several times that amount, all of which would need to be installed before occupancy with building permit finals for the requested activities. An alternative would be to demolish most of the existing event building and treat the facility as a fenced open concert venue.

The Building Inspection and Fire staffs have issued warnings to the applicant and events were held after the warnings were issued, without reported safety incidents. Planning monitoring staff observed an event held without City permission for under 100 persons, which appeared to present little risk, but for 300, upgrades are clearly needed, and for 1000 persons, major upgrades or complete rebuilding would be needed. In addition, on-street parking demand for 301 to 1000 persons could extend beyond the readily available Wood Street night time on-street parking. Therefore staff recommends a limit of 300 persons if the project is approved, unless a subsequent Revision (REV) can demonstrate that facilities are satisfactory for the larger number.

Crime Control

Although crime is high in the police beat for 2011, crime in the vicinity of the site is low. Staff consulted Police statistics for the 90 day period ending July 26, 2012 within a quarter-mile radius of 2240 Wood Street, and found crime statistics lower than many other business districts in the City: Aggravated Assault, 1; Burglary, 1; Narcotics 0; Robbery, 1; Simple Assault, 1; Vandalism, 1; Theft, 4; Alcohol, 0; Vehicle Theft, 2. Likewise, for 90 days ending on September 24, 2012 there were 5 robberies, 1 burglary and 1 simple assault, lower than crime reports for Downtown, Jack London Square or West Oakland in general. This street is not particularly crime-ridden, although in the past automobile breakins of sound studio patrons' cars has occurred. At night attendance by 300 or more patrons at a time will help to monitor and control crime.

With appropriate conditions regarding hours and alcohol sales limitations and other operational elements, this project will meet all of the Use Permit Criteria pursuant to Section 17.134.050 and other Sections listed, which are attached hereto and are hereby incorporated into this report. These conditions include maintaining a security officer for every 50 patrons and other requirements typical for this type of use.

The Oakland Police Department's ABAT unit advises that this use will not likely create nuisance activity if managed properly. As a part of the program ABAT will be responsible for monitoring this location.

Through compliance with the conditions of approval as well as active enforcement and police assistance when necessary, this use should remain safe and compatible with surrounding uses.

Parking and Access

An existing industrial building (pre 1930) in the CIX1 zoning would not require parking for the introduction of comparable non-residential uses, except as may be deemed appropriate to satisfy any applicable Findings for Approval. There are no new buildings proposed. This building has existed for decades in its current configuration. However, because the new activity would often displace 21 existing parking spaces, and since legal nonconforming parking less than standard is not to be reduced without a Variance, in this case a parking Variance is needed.

In reviewing parking, staff referred to a comparable project CM11-060 approved a year ago by the Planning Commission for 95-101 Linden Street, the Linden Street Brewery. Like 2240 Wood Street, this West Oakland industrial site used an older building for activities, adjacent to a parking lot space used for group assembly (concerts, charity events, etc.), for 200 to 1000 persons. Linden Street was not required to perform a parking or traffic study before the Planning Commission hearing, but was conditioned to provide a Parking Management Plan for events over 200 persons including potential shuttle buses, extra bicycle parking, transit passes and other options for staff review and approval.

The applicant requests a 300-person baseline occupancy (daily use) for events inside the leased space, compared to a few dozen persons now. Staff evaluated parking supply needed to provide for this baseline, nearly all of which is offsite in Wood Street itself. The project proposes to retain approximately 100-150 on-street parking spaces which in daylight serve this business and several offices in the same building. While it is anticipated that existing on-site and nearby on-street parking will meet the demand during normal operations, as with Linden Street Brewery a condition of this CUP is proposed to require a Parking Management Plan for Zoning Manager approval for events over 200 persons, including potential shuttle buses, extra bicycle parking, and other options for review and approval. The site is not near a BART station and mass transit stops are several blocks distant, not feasible for late-night connections for nightclub customers.

If the applicant offers in the future to provide off-site dedicated, shared parking lots on nearby industrial properties, a Conditional Use Permit would be required, and no such request has yet been filed. This is another reason to withhold approval at this time for events with over 300 persons.

The activity occurs mainly at night when nearby businesses are closed, and there will be a lack of negative effects on surrounding areas from traffic volume.

CONCLUSION

The expansion of the Soundwaves Studios will bring more visitors to West Oakland, bringing economic activity and confirming a connection across Highway 880 to Berkeley and Emeryville, reinforcing commercial benefits which provides revenue to preserve the building. This business would be similar to the Commission-approved Linden Street facility in the industrial area of West Oakland, but would be a concert venue much more often. The facility anticipates the draft West Oakland Specific Plan which projects thousands of additional jobs and housing units in this area over the next few decades. The facility will be a pioneer and anchor supporting such a future, replacing industrial space with activity and night-life. The proposal would enhance a site in an industrial neighborhood without being a nuisance to

surrounding industrial or civic (park) uses. Staff concludes that the application merits support, subject to appropriate Conditions of Approval. However, the 301 to 1000 person activities are too large for the facility and are not recommended at this time, due to location and facility and parking constraints.

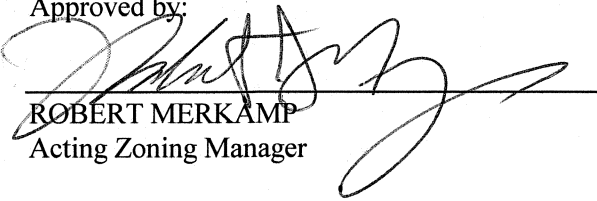
RECOMMENDATION:

1. Affirm staff's environmental determination.
2. Approve the Conditional Use Permit and Variances for a maximum 300 persons, with any additional attendance requiring issuance of a Revision (REV) pursuant to the OPC, based on the attached findings and subject to the attached conditions.

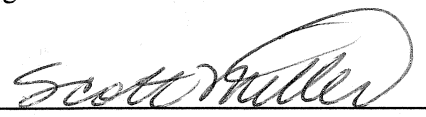
Prepared by:


David Valeska, Planner II

Approved by:


ROBERT MERKAMP
Acting Zoning Manager

Approved for forwarding to the
City Planning Commission:


SCOTT MILLER, Interim Director
Planning and Zoning

Attachments:

- A. Findings
- B. Conditions
- C. Site Plan/Aero Photo
- D. Applicant Letter
- E. Applicant Plans and Photographs
- F. Correspondence from Neighbors

ATTACHMENT A: FINDINGS FOR APPROVAL

This proposal meets the required findings under Sections 17.134.050, General Use Permit Criteria, 17.102.210(A)&(B) Special Use Permit Criteria, as set forth below. 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 expansion of alcohol sales in this area will be compatible with adjacent and surrounding businesses. There are no nearby residences and nearly no civic uses. As approved the activity with limited operating hours and other operating characteristics will not adversely affect livability or appropriate development. The building is existing and this area of Oakland can support the anticipated traffic.

- 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 existing development will provide a convenient and functional entertainment environment by providing a convenient venue for specialty alcoholic beverages and entertainment events such as concerts.

- 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 live music complemented by availability of alcoholic beverage sales for on site consumption will enhance the area by providing a supplementary space for this service supportive of the West Oakland district. The project will also provide an essential meeting area and recreational venue.

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

The building is existing and very minimal exterior changes are planned to the 1920s metal façade.

- 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 and Estuary Policy Plan are silent regarding sales of alcohol. The General Plan allows for businesses that will not cause undue nuisance activities. The proposed activity is within an

established industrial district, and as conditioned will cause no substantial nuisance activity. The General Plan Industrial land use category envisions a wide range of industrial, retail, and other activities along with promoting mixed-use developments.

Section 17.102.210 (A) - Special Use Permit Criteria:

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

There are no alcohol sales outlets within 1,000 feet of the site. The proposed activity will occur when surrounding businesses and area civic uses (a park) are anticipated to be inactive. The proposal will not result in a net increase in such effects and the activity is in conjunction with other desired activities. Performance by other venues in Oakland and San Francisco have shown minimal contribution to crime, loitering or traffic problems. As conditioned, the establishment of this activity is not anticipated to contribute to such problems. Streets in this vicinity have capacity for the projected traffic without affecting the level of service.

- 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.**

Sensitive uses such as those listed above are not located within 1,000 feet except for a small corner of a baseball field which would not be affected. The proposed activity and the park operate at different times from each other. Conditions will help to ensure the additional alcoholic beverage and event activities will not adversely affect surrounding uses.

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

This expanded use is in an industrial area with few pedestrians, so there should be no interference with the movement of people as a result of the project.

- 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 is existing and the façade is proposed for retention in its original style and only minor replacements of metal wall sheets, doors and windows are proposed. As proposed the project would enhance the area.

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

There is no proposed added signage at this time. Any signage proposed will be modest and will go through a separate design review process. No additional parking areas would be provided.

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

As conditioned, there will be non-flammable trash containers installed near to the entrance of the business and more made available during special events. Litter will be removed from the sidewalk and gutter in front of and to twenty feet beyond the premises along adjacent streets.

- 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 business is not in close proximity to residential uses or bedroom windows; apartment buildings such as Acorn are several blocks away.

Section 17.102.210(B) - Special Use Permit Criteria

B. 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; both sides of 27th Street to the north; Harrison Street/Lake Merritt and the Lake Merritt Channel to the east; and the Estuary to the south); or**
 - b. Off-sale retail licenses located in the Jack London Square district (defined for the purposes of this Chapter as within the boundaries of Martin Luther King Jr. Way to the west; I-880 to the north; the Lake Merritt Channel to the east; and the Estuary to the south); or**
 - c. If the activity is in conjunction with a Full-Service Restaurant; or**
 - d. 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 proposal is not within 1,000 feet of another Alcoholic Beverage Sales Commercial Activity of the type mentioned in Section 17.102.210(B).

- 3. In addition to the criteria prescribed elsewhere in the zoning regulations, a land use permit for an Alcoholic Beverage Sales Activity located within an Alcoholic Beverage Sales license overconcentrated area shall be granted and a finding of Public Convenience or Necessity made only if the proposal conforms to all of the following three criteria:**
 - a. That a community need for the project is clearly demonstrated. To demonstrate community need, the applicant shall document in writing, specifically how the project would serve an unmet or underserved need or population within the overall Oakland community or the community in which the project is located, and how the proposed project would enhance physical accessibility to needed goods or services that the project would provide, including, but not limited to, alcohol; and**

The applicant presented documentation that the planned type of activity and facility would serve an unmet need and underserved population of the Oakland Community, by providing a West Oakland place to both hear concerts and consume alcohol in a nightclub setting. West Oakland had many nightclubs serving alcohol in the past but

currently this activity is of very limited availability. The growth of local bands in Oakland and nearby cities provides a demand for places to perform which can be supported partly by the revenues from alcoholic beverage service.

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

Conditions of approval will ensure the enhanced business does not generate negative impacts to surrounding industries or a park located nearly one thousand feet away and subject to compliance with conditions of approval, a significant increase in calls for police service are not anticipated.

- c. That 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 beverage service is typically a part of nightclubs and the applicant's proposal is consistent with this fact.

4. In addition to the above criteria, projects outside the Central District and Hegenberger Corridor shall meet all of the following criteria to make a finding of Public Convenience or Necessity, with the exception of those projects that will result in twenty-five (25) or more full time equivalent (FTE) employees and will result in a total floor area of twenty thousand (20,000) square feet or more:

- a. The proposed project is not within one thousand (1,000 feet) of another alcohol outlet (except full service restaurants), school, licensed day care center, public park or playground, churches, senior citizen facilities and licensed alcohol or drug treatment facilities; and**

The property is located more than over 1,000 feet from the listed facilities and activities except for a small corner of a baseball and soccer park. The proposed Wood Street nightclub would operate after 6 pm and the ballpark operates primarily before 10 pm so there would be little overlap in hours. In addition there is a vertical boulevard separation between the two sites which are just over 900 feet apart. The vertical sound baffling helps to minimize effects from the nightclub on the park. Overall the nightclub is not expected to be any disruption to the park or to other sensitive facilities and activities.

- b. Police department calls for service within the "beat" where project is located do not exceed by twenty percent (20%), the average of calls for police service in police beats Citywide during the preceding twelve (12) months.**

City police statistics show that this beat area was less than 120% of the Citywide average of calls for police services, partially because there are few people in the vicinity after dark to make calls for service (there are no nearby residences). While actual crimes do

exceed 120% of the Citywide average, the Wood Street area itself within the police beat has relatively few crimes except for car-breakins.

Findings of Public Convenience or Necessity (OMC Sec. 17.102.210)

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

The proposal will enhance the variety of musical events available for West Oakland and other City residents by locating in a district where an identical function is not already served.

When operated as music events, Alcoholic Beverage Sales Commercial Activities under the Planning Code are less likely to affect the community than bars or liquor stores due to additional security and the nature of the activities.

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

The proposal will generate some jobs and revenue, more so than the previous industrial activity of the space. The sale of alcoholic beverages at an attractive music venue will be a benefit to the community where some residents currently travel outside of their neighborhood and Oakland for a comparable events selection offered at competitive prices. The operation as proposed and conditioned is not anticipated to generate significant calls for police service.

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

Sale of alcoholic beverages is a highly typical component of a concert hall/music venue.

Additional Findings of Public Convenience or Necessity

a. The proposed project is not within one thousand (1,000) feet of another alcohol outlet (except full service restaurants), school, licensed day care center, public park or playground, churches, senior citizen facilities, and licensed alcohol or drug treatment facilities; and

Additional Findings of Public Convenience or Necessity (PCN) are also required because the project is located outside of downtown and the Hegenberger Corridor. This finding is not met and a variance is therefore required. The facility is located within one thousand feet of Raimondi Park, a large ballfield approximately 900 feet distant. The facility is not located within one thousand feet of another alcohol outlet, school or a senior citizen facility. Variance findings can be made to approve the proposal as described in these Findings.

b. Police department calls for service within the "beat" where the project is located do not exceed by twenty percent (20%), the average of calls for police service in police beats citywide during the preceding twelve (12) months.

This finding is met. City records show that the site is not within a police beat which exceeded by 20% the Citywide calls for service.

Variance Procedure/Findings Required (OMC Sec. 17.148.050)

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

The proposal, which requires a variance, meets the intent and purpose of the Planning Code as is evidenced by the project's practical physical separation from sensitive uses. The intent and purpose of the ordinance requiring distance separations between certain uses is to ensure neighborhoods with high crime are not saturated with poorly run operations that are sandwiched between residences and civic uses where the operations may generate off site impacts, including but not limited to, noise, crime or alcohol to minors. A key justification for a Major Variance includes unique conditions of that warrant relief from regulations to allow beneficial use of a property.

Denial of a Variance for 1000 foot separation of Alcoholic Beverage Service from parks results in an unnecessary hardship inconsistent with the purposes of zoning regulations. Raimondi Park is near the project in distance only; in daily sequence, the two sites will almost never be operational at the same time. The park, even with lights, ends most activities by the time a nightclub (over 900 feet distance and separated across a major boulevard) begins activities. Likewise, denying the parking variance necessary for the periods when on-site courtyard parking space during some activities would preclude operational efficiency and create unnecessary hardship, because Wood Street provides over 150 on-street parking spaces to supplement on-site parking, and no one else uses those spaces at night during club hours. Rather than protecting the neighborhood, denying the variance could adversely affect the City's revitalization plans in this neighborhood.

The intent of the ordinance is met by this proposal. The intent is to avoid nuisances from an alcoholic beverage sales activity from impacting other sensitive use. In this case, the nightclub would be operated different hours from the sports field located 900 feet away and beyond a major arterial street. Most neighboring uses are industrial and closed at night when the nightclub is at its peak. Also, users of either site are not expected to travel as pedestrians or otherwise beyond the other site given the layout of the neighborhood.

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

Due to the indoor-outdoor nature of the nightclub it is more difficult for an applicant to find a site over 1000 feet away from a park or other sensitive location in another neighborhood. Many of the customers come from Berkeley and Emeryville, so locating the facility miles to the east is not an option. Requiring relocation of this facility and activity would deprive the owner of a privilege enjoyed by other similar uses, to relate to the neighborhood and customer base established precisely to support businesses such as the applicant's use.

3. That the variance, if granted, will not adversely affect the character, livability, or appropriate

development of abutting properties or the surrounding area, and will not be detrimental to the public welfare or contrary to adopted plans or development policy.

Unlike some other Alcoholic Beverage Service facilities and activities in Oakland, this use at 2240 Wood Street would provide alcohol sales incidental to a music nightclub promoting local bands which already practice in the adjacent building under the applicant's ownership. The new space simply showcases these bands. Such uses tend to have fewer detrimental or adverse effects because they appeal to a clientele such as young educated persons with alternative cultural interests. In addition, the site is over half a mile from any residential areas which may receive sound from the outdoor venue, and the ambient sound from nearby freeway and railroad operations tends to mask some of this sound.

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

This facility proposes to add to the nightlife character emerging in West Oakland, Berkeley and Emeryville in a manner which would not grant a special privilege inconsistent with the purpose of zoning regulations, because one purpose of zoning regulations is to promote community vitality while preserving equity and protecting neighborhood continuity.

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

With changes as described in the conditions of approval, the applicant's facility and activity would conform to Regular Design Review criteria and would retain modest-scale and open site character.

ATTACHMENT B: CONDITIONS OF APPROVAL**STANDARD CONDITIONS:****1. Approved Use.*****a. Ongoing.***

The project shall be constructed and operated in accordance with the authorized use as described in this staff report and the plans submitted in December, 2011, and as amended by the following conditions. Any additional uses other than those approved with this permit, as described in the project description, will require a separate application and approval. The approved activity is:

Major Conditional Use Permit to allow Alcoholic Beverage Service pursuant to OPC Section 17.102.210 in an existing building; and Group Assembly for events including concerts for up to 300 persons on the grounds of the facility; and Variances from the 1000 foot separation from a Civic use (park) and due to location in an overconcentrated area for alcohol and crime and loss of on-site parking spaces during some activities. Any attendance greater than 300 persons requires approval of a Revision (REV) pursuant to the Oakland Planning Code.

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 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 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 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 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 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 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 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 and when operating***

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. Waste Reduction and Recycling***a. Prior to issuance of a building or demolition permit***

The applicant may be required to complete and submit a "Waste Reduction and Recycling Plan," and a plan to divert 50 percent of the solid waste generated by the operation of the project, to the Public Works Agency for review and approval, pursuant to City of Oakland Ordinance No. 12253. Contact the City of Oakland Environmental Services Division of Public Works at (510) 238-7073 for information.

12. Recycling Space Allocation Requirements***a. Prior to issuance of 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. 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.

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.

14. Storm Drainage Compliance.

Prior to issuance of a grading permit

The applicant shall ensure that all proposed improvements shall comply with all provisions of the Alameda County's National Pollutant Discharge Elimination System (NPDES) permit issued on February 19, 2003, and related post-construction Best Management Practices (BMP) that would apply to the project; all proposed improvements shall also comply with the Clean Water Act (1972) as amended by the Water Quality Act of 1987, and City of Oakland Storm Water Management and Controls Ordinance No. 11590 C.M.S. and Creek Protection Ordinance No. 12024; and shall utilize all BMPs to prevent sediments or pollutants from entering the storm drain system or watercourses.

The impact of the proposed improvements on the storm drain system and watercourses shall be mitigated to the extent practicable by using site design techniques such as minimizing impervious surfaces, minimizing disturbed area, clustering and constructing grass/vegetated swales. The specific C-3 measures include a) draining to peripheral landscaped areas, which will be in beds or other restraints; and/or b) addition of internal filters in the building first floor or below, to intercept and clean runoff and/or c) other measures as may be assigned by the Zoning Manager pursuant to commonly implemented Best Management Practices for drainage and C-3 procedures.

15. Compliance with the Green Point Rating Implementation, OMC Chapter 18.2***Prior to issuance of a demolition, grading, or building permit***

The applicant shall comply with applicable requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the Green Building Ordinance, OMC Chapter 18.02. If determined eligible for this requirement the applicant shall follow:

- a) The following information shall be submitted to the Building Services Division for review and approval with the application for a building permit:
 - i. Documentation showing compliance with Title 24 of the 2008 California Building Energy Standards.
 - ii. Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit.
 - iii. Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit.
 - iv. Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (b) below.
 - v. Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance.
 - vi. Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit.
 - vii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.

(b) The set of plans in subsection (a) shall demonstrate compliance with the following:

- i. CALGreen mandatory measures.
- ii. All pre-requisites per GreenPoint Rated checklist approved during the review of the Planning and Zoning permits, or, if applicable, all the green building measures approved as part of the Unreasonable Hardship Exemption granted during the review of the Planning and Zoning permit.
- iii. All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plancheck application is submitted and approved by the Planning and Zoning Division that shows the previously approved points that will be eliminated or substituted. The project shall meet a minimum points for non-residential LEED Silver rating.
- iv. The required green building point minimums in the appropriate credit categories.

During construction.

The applicant shall comply with the applicable requirements of CALGreen and the Green Building Ordinance, Chapter 18.02.

(a) The following information shall be submitted to the Building Inspections Division of the Building Services Division for review and approval:

- i. Completed copies of the green building checklists approved during the review of the Planning and Zoning permit and during the review of the building permit.
- ii. Signed statement(s) by the Green Building Certifier during all relevant phases of construction that the project complies with the requirements of the Green Building Ordinance.
- iii. Point total shall be at least LEED Silver including the mandatory categories shown on the rating forms.

- iv. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.

After construction, as specified below.

Within sixty (60) days of the final inspection of the building permit for the project, the Green Building Certifier shall submit the appropriate documentation to Green Building Certification Institute and attain the minimum certification/point level identified in subsection a above. Within one year of the final inspection of the building permit for the project, the applicant shall submit to the Planning and Zoning Division the Certificate from the organization listed above demonstrating certification and compliance with the minimum point/certification level noted above.

16. Improvements in the Public Right-of-Way (General)

Approved prior to the issuance of a P-job or building permit

- a) The project applicant shall submit Public Improvement Plans to Building Services Division for adjacent public rights-of-way (ROW) showing all proposed improvements and compliance with the conditions and City requirements including but not limited to curbs, gutters, sewer laterals, storm drains, street trees, paving details, locations of transformers and other above ground utility structures, the design specifications and locations of facilities required by the East Bay Municipal Utility District (EBMUD), street lighting, on-street parking and accessibility improvements compliant with applicable standards and any other improvements or requirements for the project as provided for in this Approval. Encroachment permits shall be obtained as necessary for any applicable improvements- located within the public ROW.
- b) Review and confirmation of the street trees by the City's Tree Services Division is required as part of this condition.
- c) The Planning and Zoning Division and the Public Works Agency will review and approve designs and specifications for the improvements. Improvements shall be completed prior to the issuance of the final building permit.
- d) The Fire Services Division will review and approve fire crew and apparatus access, water supply availability and distribution to current codes and standards.

17. Improvements in the Public Right-of Way (Specific)

Approved prior to the issuance of a grading or building permit

Final building and public improvement plans submitted to the Building Services Division shall include the following components:

- a) Install additional standard City of Oakland streetlights.
- b) Remove and replace any existing driveway that will not be used for access to the property with new concrete sidewalk, curb and gutter.
- c) Reconstruct drainage facility to current City standard.
- d) Provide separation between sanitary sewer and water lines to comply with current City of Oakland and Alameda Health Department standards.
- e) Construct wheelchair ramps that comply with Americans with Disability Act requirements and current City Standards as directed.
- f) Provide adequate fire department access and water supply, including, but not limited to currently adopted fire codes and standards.

18. Payment for Public Improvements

Prior to issuance of a final inspection of the building permit.

The project applicant shall pay for and install public improvements made necessary by the project including damage caused by construction activity.

19. Compliance Matrix

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

The project applicant shall submit to the Planning and Zoning Division and the Building Services compliance matrix that lists each condition of approval, the City agency or division responsible for review, and how/when the project applicant has met or intends to meet the conditions. The applicant will sign the Conditions of Approval attached to the approval letter and submit that with the compliance matrix for review and approval. The compliance matrix shall be organized per step in the plancheck/construction process unless another format is acceptable to the Planning and Zoning Division and the Building Services Division. The project applicant shall update the compliance matrix and provide it with each item submittal.

20. Dust Control

Prior to issuance of a demolition, grading or building permit

During construction, the project applicant shall require the construction contractor to implement the following measures required as part of Bay Area Air Quality Management District's (BAAQMD) basic and enhanced dust control procedures required for construction sites. These include:

- a) Water all active construction areas at least twice daily. 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) Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- d) Sweep daily (with water sweepers using reclaimed water if possible) all paved access roads, parking areas and staging areas at construction sites.
- e) Sweep streets (with water sweepers using reclaimed water if possible) at the end of each day if visible soil material is carried onto adjacent paved roads.
- f) Limit the amount of the disturbed area at any one time, where feasible.
- g) Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.
- h) 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.
- i) Replant vegetation in disturbed areas as quickly as feasible.
- j) Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
- k) Limit traffic speeds on unpaved roads to 15 miles per hour.
- l) Clean off the tires or tracks of all trucks and equipment leaving any unpaved construction areas.

21. Construction Emissions

Prior to issuance of a demolition, grading or building permit

To minimize construction equipment emissions during construction, the project applicant shall require the construction contractor to:

- a) Demonstrate compliance with Bay Area Air Quality Management District (BAAQMD) Regulation 2, Rule 1 (General Requirements) for all portable construction equipment subject to that rule. BAAQMD Regulation 2, Rule 1 provides the issuance of authorities to construct and permits to operate certain types of portable equipment used for construction purposes (e.g., gasoline or diesel-powered engines used in conjunction with power generation, pumps, compressors, and cranes) unless such equipment complies with all applicable requirements of the "CAPCOA" Portable Equipment Registration Rule" or with all applicable requirements of the Statewide Portable Equipment Registration Program. This exemption is provided in BAAQMD Rule 2-1-105.
- b) Perform low- NOx tune-ups on all diesel-powered construction equipment greater than 50 horsepower (no more than 30 days prior to the start of use of that equipment). Periodic tune-ups (every 90 days) shall be performed for such equipment used continuously during the construction period.

22. **Noise Control**

Ongoing throughout demolition, grading, and/or construction

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

- a) Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).
- b) Except as provided herein, Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.
- c) Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction.
- d) The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.

23. 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.

24. 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. Noise shall never exceed 90 decibels on the property. 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.

25. 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.

26. Hazards Best Management Practices***Prior to commencement of demolition, grading, or construction***

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

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

27. Construction Waste Reduction and Recycling

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

Prior to issuance of demolition, grading, or building permit

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

are available at www.oaklandpw.com/Page39.aspx or in the Green Building Resource Center. After approval of the plan, the project applicant shall implement the plan.

Ongoing

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

28. 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.

29. Post-Construction Stormwater Management Plan

Prior to issuance of building permit (or other construction-related permit)

The applicant shall comply with the requirements of Provision C.3 of the National Pollutant Discharge Elimination System (NPDES) permit issued to the Alameda Countywide Clean Water Program. The applicant shall submit with the application for a building permit (or other construction-related permit) a completed Construction-Permit-Phase Stormwater Supplemental Form to the Building Services Division. The project drawings submitted for the building permit (or other construction-related permit) shall contain a stormwater management plan, for review and approval by the City, to manage stormwater run-off and to limit the discharge of pollutants in stormwater after construction of the project to the maximum extent practicable.

- a) The post-construction stormwater management plan shall include and identify the following:
 - i. All proposed impervious surface on the site;
 - ii. Anticipated directional flows of on-site stormwater runoff; and
 - iii. Site design measures to reduce the amount of impervious surface area and directly connected impervious surfaces; and
 - iv. Source control measures to limit the potential for stormwater pollution;
 - v. Stormwater treatment measures to remove pollutants from stormwater runoff; and
 - vi. Hydromodification management measures so that post-project stormwater runoff does not exceed the flow and duration of pre-project runoff, if required under the NPDES permit.
- b) The following additional information shall be submitted with the post-construction stormwater management plan:
 - i. Detailed hydraulic sizing calculations for each stormwater treatment measure proposed; and
 - ii. Pollutant removal information demonstrating that any proposed manufactured/mechanical (i.e. non-landscape-based) stormwater treatment measure, when not used in combination with a landscape-based treatment measure, is capable of removing the range of pollutants typically removed by landscape-based treatment measures and/or the range of pollutants expected to be generated by the project.

All proposed stormwater treatment measures shall incorporate appropriate planting materials for stormwater treatment (for landscape-based treatment measures) and shall be designed with considerations for vector/mosquito control. Proposed planting materials for all proposed landscape-based stormwater treatment measures shall be included on the landscape and irrigation plan for the project. The applicant is not required to include on-site stormwater treatment measures in the post-construction stormwater management plan if he or she secures approval from Planning and Zoning of a proposal that demonstrates compliance with the requirements of the City's Alternative Compliance Program.

Prior to final permit inspection

The applicant shall implement the approved stormwater management plan.

30. Maintenance Agreement for Stormwater Treatment Measures

Prior to final zoning inspection

For projects incorporating stormwater treatment measures, the applicant shall enter into the "Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement," in accordance with Provision C.3.e of the NPDES permit, which provides, in part, for the following:

- i. The applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and
- ii. Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary. The agreement shall be recorded at the County Recorder's Office at the applicant's expense.

31. Stormwater and Sewer

Prior to completing the final design for the project's sewer service

Confirmation of the capacity of the City's surrounding stormwater and sanitary sewer **system** and state of repair shall be completed by a qualified civil engineer with funding from the project applicant. The project applicant shall be responsible for the necessary stormwater and sanitary sewer infrastructure improvements to accommodate the proposed project. In addition, the applicant shall be required to pay additional fees to improve sanitary sewer infrastructure if required by the Sewer and Stormwater Division. Improvements to the existing sanitary sewer collection system shall specifically include, but are not limited to, mechanisms to control or minimize increases in infiltration/inflow to offset sanitary sewer increases associated with the proposed project. To the maximum extent practicable, the applicant will be required to implement Best Management Practices to reduce the peak stormwater runoff from the project site. Additionally, the project applicant shall be responsible for payment of the required installation or hook-up fees to the affected service providers.

STANDARD CONDITIONS FOR ALCOHOLIC BEVERAGE SALES COMMERCIAL ACTIVITY:

32. Security.

a. Ongoing

The applicant/property owner shall 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. The purpose of this condition is to maintain good sight lines in and out of the store to allow police to monitor activity inside and to allow business staff to monitor and discourage inappropriate activity in front of the business.

The applicant shall retain qualified paid security personnel to monitor the event site and areas within 100 feet of entrances. There shall be at least one security guard per 50 patrons, but at all times at least one (1) guard during public performances. The guards shall cooperate with the Oakland Police Department in maintaining order inside and outside the venue. Three (3) violent or disruptive incidents in such areas within a period of one year, verified by the Oakland Police Department, caused by, related to, involving or arising from employees, musicians and/or patrons, may result in enforcement action pursuant to Condition of Approval #5 including without limitation revocation of the Conditional Use Permit, may be initiated.

33. Hours.

a. Ongoing.

The business may be open Monday through Friday from 6:00 PM to 2:00 AM and Saturday and Sunday from noon to 2 AM. Alcohol Sale shall conclude at or prior to 1:30 AM. Any work outside these hours shall solely be staff preparation or cleaning the site.

34. Conformance with State Department of Alcoholic Beverage Control regulations

a. Ongoing.

This use shall conform to all provisions of the State ABC license(s) including restrictions on entry by minors as provided by ABC. Unless allowed by ABC, the minimum entry age to events will be 21. The state license and state conditions shall be posted along with these Conditional Use Permit conditions in a place visible to the public. This use shall also conform to all State Retail Operating Standards, Section 25612.5 of the Business and Professions Code and local Performance Standards, Section 15210, where applicable including any future changes in the above regulations. The intent of these standards is to reduce nuisance, litter, loitering, and crime associated with alcohol outlets. The City Conditions of Approval shall be forwarded to the Department of Alcoholic Beverage Control.

b. Ongoing

Lighting shall be maintained to meet the B&P code section 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.

c. 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. In addition to the requirements of B&P Section 25612.5, (sweep or mechanically clean weekly) the licensee shall clean the sidewalk with steam or equivalent measures once per month.

35. Compliance with City of Oakland Special Regulations for Alcoholic Beverage Sales Commercial Activities.

a. Ongoing.

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

b. Ongoing.

The applicant/property owners shall clear the sidewalks adjacent to their property of all "Street Furniture" including mattresses, crates, pads, and other items for sitting or laying on by loiterers on a daily basis.

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.

e. Ongoing.

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

36. Trash and litter

a. Prior 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 and additional trash cans as directed by Planning staff for events of over 200 persons.

37. Outdoor Tables/No Smoking

Ongoing

Due to close proximity to the front door, there shall be no smoking allowed at the outdoor seating and appropriate signage shall be installed stating "No Smoking Area."

38. Inclusion of conditions in State Department of Alcoholic Beverage Control license.

a. 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 32 through 37 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.

39. Parking Management Plan

Prior to expanded activity, and ongoing

The applicant shall prepare for Zoning Manager approval a Parking Management Plan which provides for all events with over 200 persons congregating at the business on this property (inside and/or outside). The plan shall include provisions for an acceptable mix of shuttle buses to and from off-site parking lots and/or BART; extra bicycle parking; transit passes to customers and other commonly implemented strategies. The applicant shall follow the plan. After 6 months or the second event generating over 200 persons, whichever occurs first, monitoring by staff pursuant to Condition 5 will confirm that the events are in compliance, and if not, shall request a formal compliance review by the Planning Commission. If a compliance review by the Planning Commission is determined necessary by staff, the applicant shall be required to pay a reconsideration fee (currently \$1,803.87) and submit for Planning Commission review.

40. Bicycle Parking

Prior to expanded activity, and ongoing

The applicant shall provide bicycle parking for approval by the City CEDA staff. Such parking shall meet approved design and number of spaces. This parking is in addition to overflow bicycle parking as part of the Parking Management Plan for events from 200 to 300 persons.

41. Occupancy Maximum

Ongoing

The maximum occupancy for interior use shall be as directed by the Oakland Fire Department and Building Code limitations, for the cabaret and group assembly occupancy and other activities as allowed herein or by code.

42. Compliance Review

After a Second Event Hosting More Than 200 Persons or Within 6 Months of Commencement of Operations, Whichever Occurs First

If deemed necessary by staff pursuant to Condition of Approval 5, the project shall be re-evaluated for compliance with conditions of approval and impacts by the Planning Commission. The applicant shall initiate said Compliance Review by paying the Reconsideration/Revision fee to the cashier at the City Planning and Zoning offices (currently \$1,803.87). Impacts monitored include but are not limited to noise, regulation of parking, conformity with hours of operation including hours of alcohol service, limitation on number of persons at any event (maximum 300 persons), obtaining permits and inspections for work required under Building and Fire codes and other conditions herein.

43. Building Improvements

Prior to occupancy and ongoing

The applicant shall modify the building and grounds to meet applicable City codes for Building and Fire safety, with applicable permits, including but not limited to:

Structural elements, seismic strengthening;

Fireproofing including sprinklers and partition walls where applicable

Power interconnects and other electrical facilities

Additional restrooms and plumbing facilities

Disabled (ADA) access

Lighting of the building and grounds including crime-prevention and emergency lighting

Emergency vehicular access and pedestrian egress including gates and doors

Planning/design permits for exterior modifications including signs

44. Other City Permit Requirements***Prior to occupancy and ongoing***

The applicant shall obtain all other required City permits, including Building, Plumbing and Mechanical permits; City Administrator Special (Cabaret) Permits and Special Event Permits; Fire Department occupancy inspections and permits and other permits normally required for such activities. Failure to obtain such permits in a timely manner constitutes violation of these conditions.

45. Sound Baffling Improvements and Operations***Prior to occupancy and ongoing***

The applicant shall operationally regulate sound levels and if necessary install sufficient insulation and other improvements to maintain noise standards as provided by conditions herein. At the start of occupancy and six months thereafter, the applicant shall provide the Zoning Manager a noise study by a consultant approved by the Zoning Manager that determines whether acceptable noise levels have been met. If the study demonstrates that the facility is in noncompliance, corrective action must immediately be undertaken to achieve acceptable noise levels pursuant to conditions herein. Failure to achieve the required reductions, or if 3 exceedences occur within a one-year period, then enforcement action pursuant to Condition of Approval #5 including without limitation possible revocation of the Conditional Use Permit may be initiated.

The applicant shall install with permits and/or modify existing walls and doors on the facility in order to design sound suppression and baffling techniques into the facility. This may include roll-down doors on the courtyard side of the main building to enclose the music venue during concerts which are amplified sufficiently to exceed 75 decibels at the property line.

46. Parking Monitors***Ongoing***

The applicant shall provide a uniformed, equipped and trained parking monitor, easily identifiable by customers, who shall advise arriving guests at all events over 50 persons about parking and traffic requirements. When events provide over 200 persons, an additional parking monitor shall be provided. The monitor(s) must continue work at least one-half hour after the end of each event. Monitors shall cooperate with the Oakland Police Department as needed to assure a smooth flow of automobile parking and traffic and safety for pedestrians in the vehicular areas. Such monitors shall be separate and in addition to the security staff required by Condition of Approval #32.

APPROVED BY: City Planning Commission: _____ (date) _____ (vote)
City Council



Google earth

feet
meters

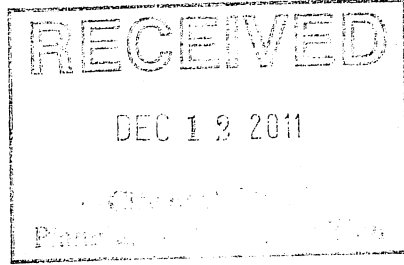
1000

500



ATTACHMENT C: Site Plan/Aero Photo

CMV11-220: 2240 WOOD STREET SITE PLAN



21-SPACE DAYTIME PARKING
AND TRUCK LOADING AREA
(CLOSED DURING EVENTS)

OPEN MUSIC
COURTYARD

MAIN BUILDING
(Open side of building
Facing courtyard for music)

Bar

STAGE

Restroom

OPTIONAL ENTRY

MAIN ENTRY

ON-STREET PARKING

RAILROAD TRACK

WOOD STREET RIGHT-OF-WAY

SOUND STUDIOS
(SAME OWNER)

2200 WOOD ST.

PLOT PLAN - 2200 WOOD TO 2240 WOOD	
SCALE: 1/4" = 1'-0"	APPROVED BY: SP
DATE:	REVISED
DRAWING NUMBER: 2240 RST	



"WOOD STREET MUSIC HALL"

1. SUBJECT PROPERTY "2240"

2. ADJOINING BUSINESS "2200"

3. NEW PUBLIC ENTRANCE

4. CENTRAL PLAZA

5. NEW RESTROOM FACILITIES

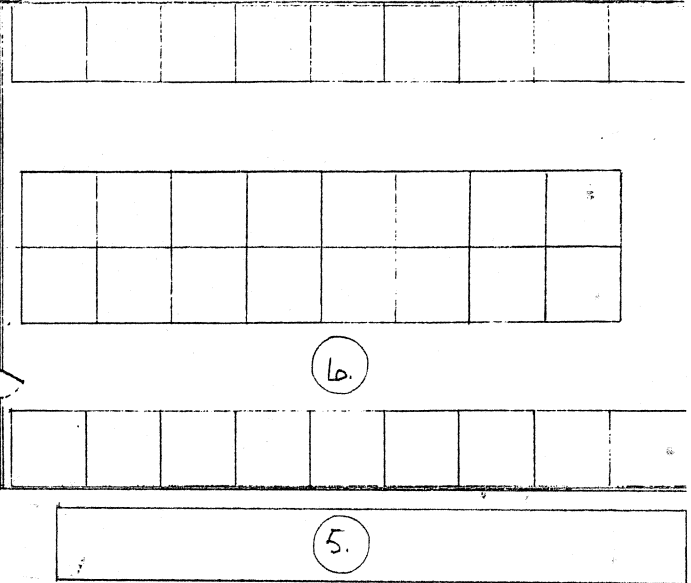
6. EXISTING STORAGE

7. EMERGENCY VEHICLE ACCESS
EMPLOYEE/ARTIST PARKING

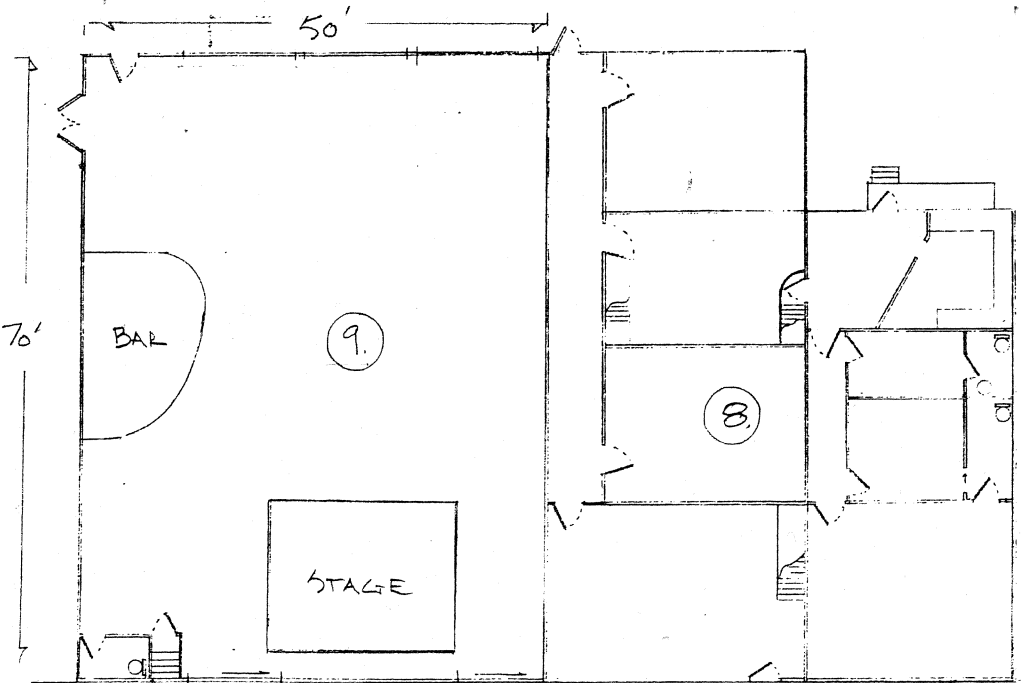
8. EXISTING PRODUCTION STUDIOS

9. PROPOSED PERFORMANCE SPACE

170'



(4)



"2240"

(1)

WOOD ST

Wood Street Music Hall

Site Plan Notes

1. Design and materials to preserve the historically industrial feel of the neighborhood.
2. Fire protection and exiting to comply with all fire and building code requirements.
3. Alarm, sprinkler and emergency systems to comply with Oakland Police Department and Oakland Fire Department.
4. Parking plan and emergency vehicle access to be approved by Oakland Police Department and Oakland Fire Department.
5. Lighting and landscaping to allow comfortable use of inner courtyard by guests and staff. Attractive industrial style exterior to provide safe and well lit street parking.
6. Structural system to be upgraded to comply with current building codes.

City of Oakland

Planning and Zoning Division

Applicant : Famiglia di Musica LLC

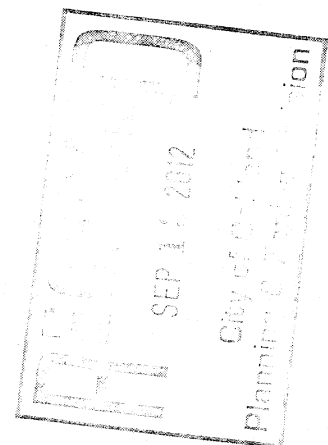
2240 Wood Street (apn 007-0575-004-00)

Case File No CMVM11-220

Prepared for: David Valeska

Narrative in response to the request for additional information

September 12, 2012



ATTACHMENT D: Applicant Letter

Introduction / History

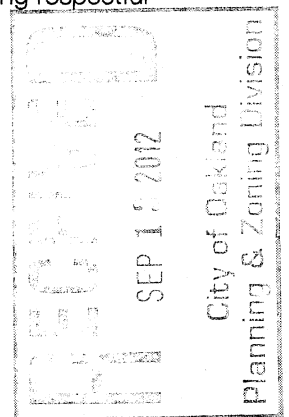
Alan Lucchesi, the general manager of Famiglia di Musica LLC, has developed and operated music studios at four facilities throughout Oakland and has established a history and track record of maintaining respectful and long term relationships with a diverse array of customers and neighbors.

1985 to 1995 LPC Studios, 489 43rd Street, Oakland Temescal district

1989 to 2002 Jackson Street Studios 601 Jackson St., Oakland Chinatown

2002 to 2009 Soundwave Studios 1255 21st St., West Oakland

1993 to present Soundwave Studios 2200 Wood Street, West Oakland



At each of these locations the presence of the studios has contributed to the vibrancy and renewal of a downtrodden neighborhood. The communities have benefitted from facade improvements, night time street presence, night time security, and the large influx of musicians and artists into the area. In no small part because of these efforts, and because of the outpouring of music from these studios, Oakland is now recognized as the music and arts capital of the Bay Area.

Bay Area musicians of all styles have utilized these studios including : Metallica, Green Day, Third Eye Blind, EnVogue, Tupac Shakur, Primus, Rancid , AFI, Faith No More, Testament, Too Short, Tony Toni Tone, Sheila E, Pete Escovedo, Counting Crows, Train, Latoya London, The Whispers, Frankie Beverly, Exodus, Death Angel, High on Fire, Beyonce, Greg Allman, Jerry Cantrell, MIRV, Digital Underground, Fungo Mungo, Dead Kennedys, Flipper, The Tubes, and Mac Dre to name a few. The studios were described in a 2009 East Bay Express cover story and were recently featured on an episode of the VH-1 series Metal Evolution.

Project Proposal

The building at 2240 Wood Street currently houses a blend of music related enterprises such as rehearsal studios, recording studios, a video editing studio, music instructors, and a Taiko drum school. Through this conditional use permit application, we seek to add a performance venue to this incubator facility and thus provide an outlet for the music that is being created here.

Access and Parking

A New Orleans style gateway and a new ADA entrance between the buildings will lead to a large plaza at the center of the complex. The new entrance and plaza will serve as a point of access for all tenants at the complex as well as for concert goers. During performance events, a service gate and an off street parking area will be reserved for use only by staff, performers, emergency exiting, and for emergency vehicle access. Concert goers will utilize the abundant street parking available in the area (as shown in the attached illustration). In addition, several neighbors have expressed willingness to provide their properties for off street parking should the need arise.

Neighborhood, Security, and Containment

Located at the very center of the Bay Area and adjacent to the West Grand Ave. freeway offramp, the site is both easily accessible and far away from residential areas. Because of it's unique and isolated location, we believe that this new performance space will bring cultural and economic benefits to West Oakland without agitating crime and social conflict and without causing detriment to to parking and traffic.

For over 20 years, we have been operating music studios on Wood street that are open every day until midnight. Therefore, we are intimately familiar with security issues in our immediate neighborhood and are confident that the impact of concert events can be contained and closely monitored.

At the venue, there will be at least one security staff per one hundred guests plus security personnel at the front entrance and a street patrol. During events, a private security patrol vehicle will monitor the parked cars of concert goers on adjacent streets as well as monitor pedestrian safety before and after the event. The event parking perimeter area has no residences and no businesses that are open in the evening thus reducing impact. Security cameras will be installed up and down wood street and all personnel will be in radio contact with event staff and security. Just as businesses "adopt" and sponsor the cleanliness of freeway on-ramps etc., our staff will be looking after the safety and cleanliness of the event parking perimeter during performances. This will be a vast improvement over the current status quo within which this area is a nightly illegal dumping ground and a vacuum that pulls in the worst kind of crime and treachery.

Sound

We do not believe that the music emitting from this facility will impact any of our neighbors because the nearest residence is over 3 industrial blocks away across Mandela Parkway at 28th street (see area map illustration below). In 2002 when Soundwave Studios opened a 155 studio complex on Union Street in Oakland directly across from a live work loft building, the city required that a sound consultant be hired. He set up his monitoring equipment on the sidewalk in front of the lofts and measured for any sound emitting from the studio building. A similar test could be conducted to measure the residential impact of the sound from the new performance space.

Throughout the 25 year history of the studios, we've always been able to resolve sound issues by maintaining open communications with neighbors and deploying variety of sound attenuation materials and techniques when necessary.

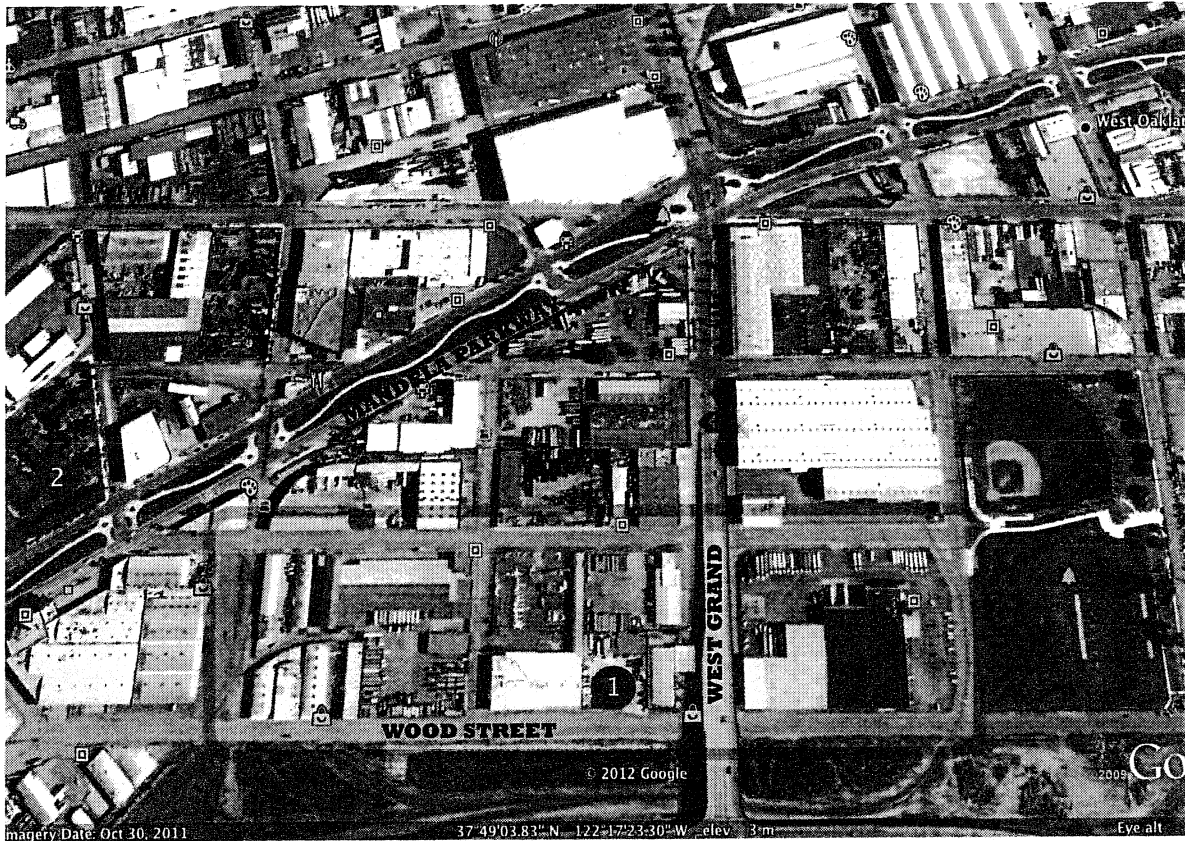
Future Expansion

Once the performance space at 2240 Wood street is completed, there will be many opportunities to expand and grow the types of services offered at the facility. The new courtyard and plaza would be a great place to open a cafe that is open everyday to serve the music village and the surrounding neighborhood. Small business storefronts could be established around the plaza to further serve the community. There is also a non profit putting together a plan to open a music school at the facility.

In the future, there may be an opportunity to stage a larger music festival or an outdoor concert series at the site. This, however, is not being put forward in the current application. One of the potential tenants of the proposed concert venue did put a rumor on the internet that they were going to throw large multi stage outdoor events at the site. This rumor is not true. Over the years countless promoters have pushed and pushed for permission to have raves and illegal events at the site and they have all been turned away.

The longevity of the business and the absence of any incidents or violations over 25 years is a testament to this operator's commitment to working within common sense boundaries and limitations.

**2240 WOOD STREET, OAKLAND, CA
MAP OF PROJECT VICINITY**



1 SUBJECT PROPERTY 2240 WOOD ST

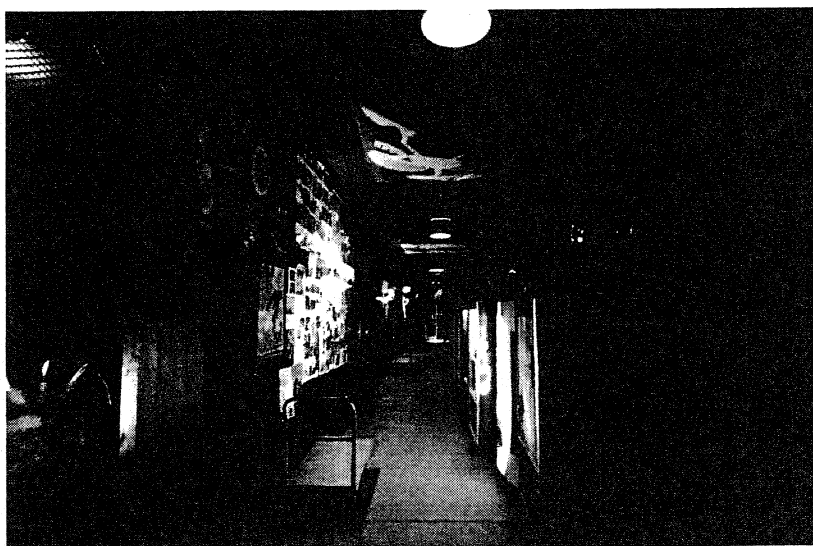
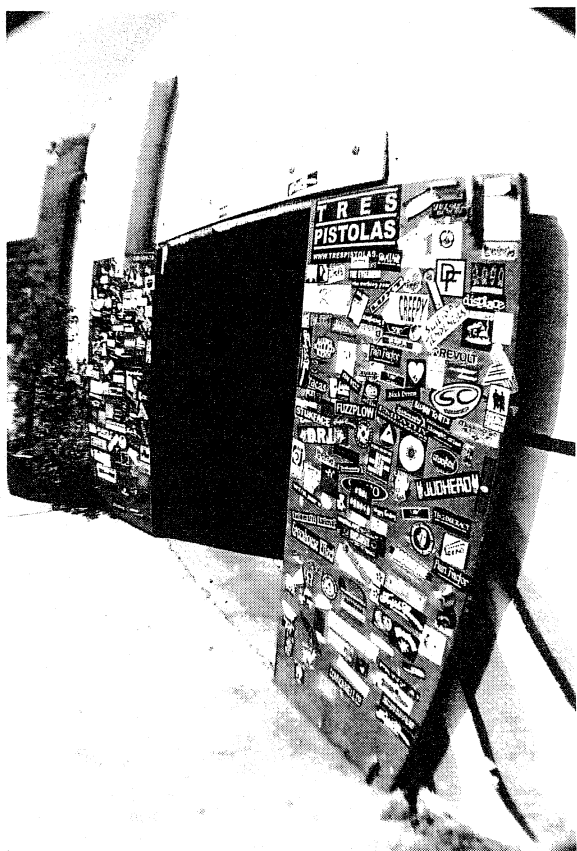
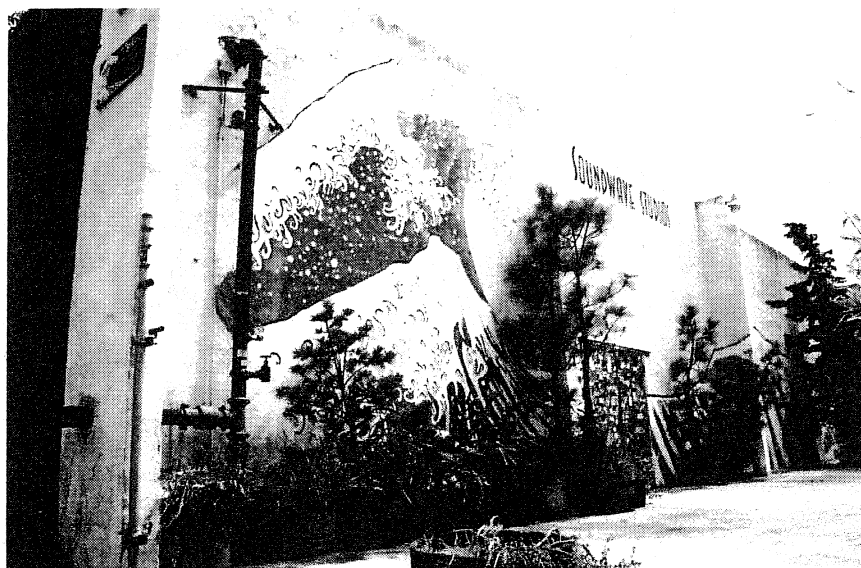
**2 NEAREST RESIDENTIAL PROPERTY
MANDELA PARKWAY / 28TH STREET**



STREET PARKING PERIMETER

PHOTOS OF CURRENT USE

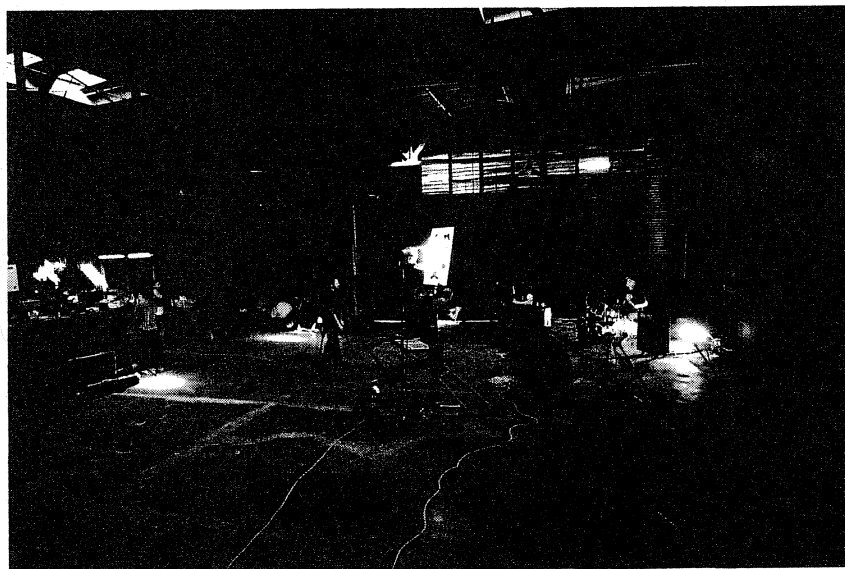
EXTERIOR, FRONT DOOR, HALLWAY



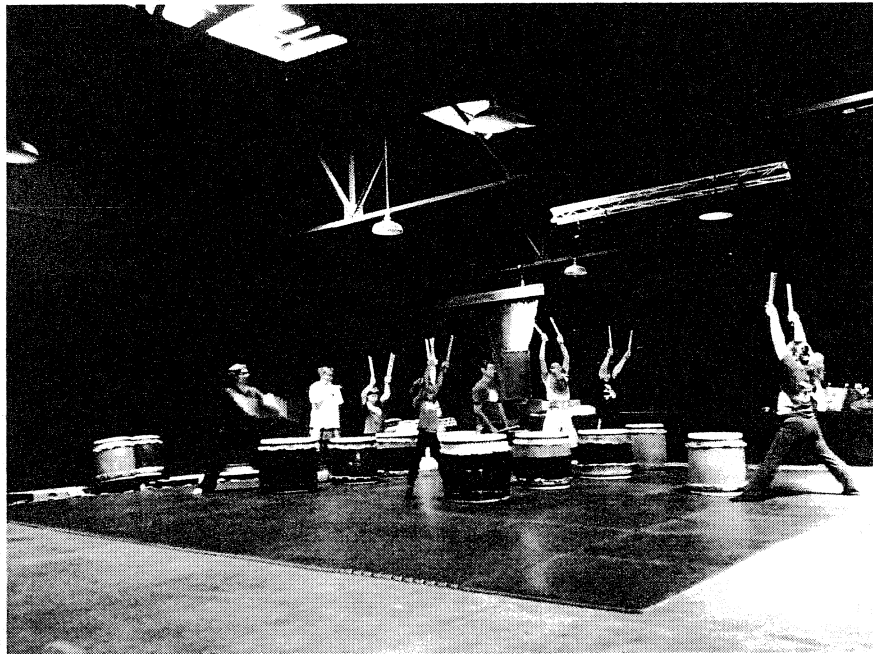
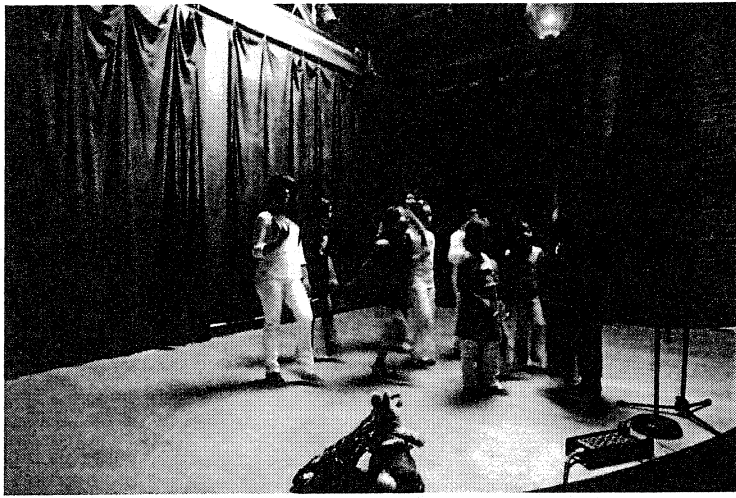
MUSIC REHEARSAL STUDIOS



RECORDING STUDIO, MUSIC VIDEO SHOOTS



**COMMUNITY USE: DANCE CLASSES, TAIKO DRUM SCHOOL
SOCCER TEAM PARTY, CLOTHING SWAP**





CITY OF OAKLAND

CONVENIENCE MARKETS, FAST-FOOD RESTAURANTS, & ALCOHOLIC BEVERAGE SALES – CUP FINDINGS

The Zoning Ordinance describes two different types of uses in each zoning district: 1) permitted uses; and 2) conditional uses. Conditional uses are those which require special consideration from the City. The Conditional Use Permit (CUP) process provides the City with the flexibility to determine if a specific use at a certain location will be compatible with the neighborhood. Conditional Use Permits can only be granted if all of the following findings can be made.

Convenience Markets, Fast-Food Restaurants, and Alcoholic Beverage Sales are all uses which have been determined to have specific additional potential impacts warranting additional review criteria.

Please indicate the way in which the proposal meets the following required criteria. Attach additional sheets if necessary.

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

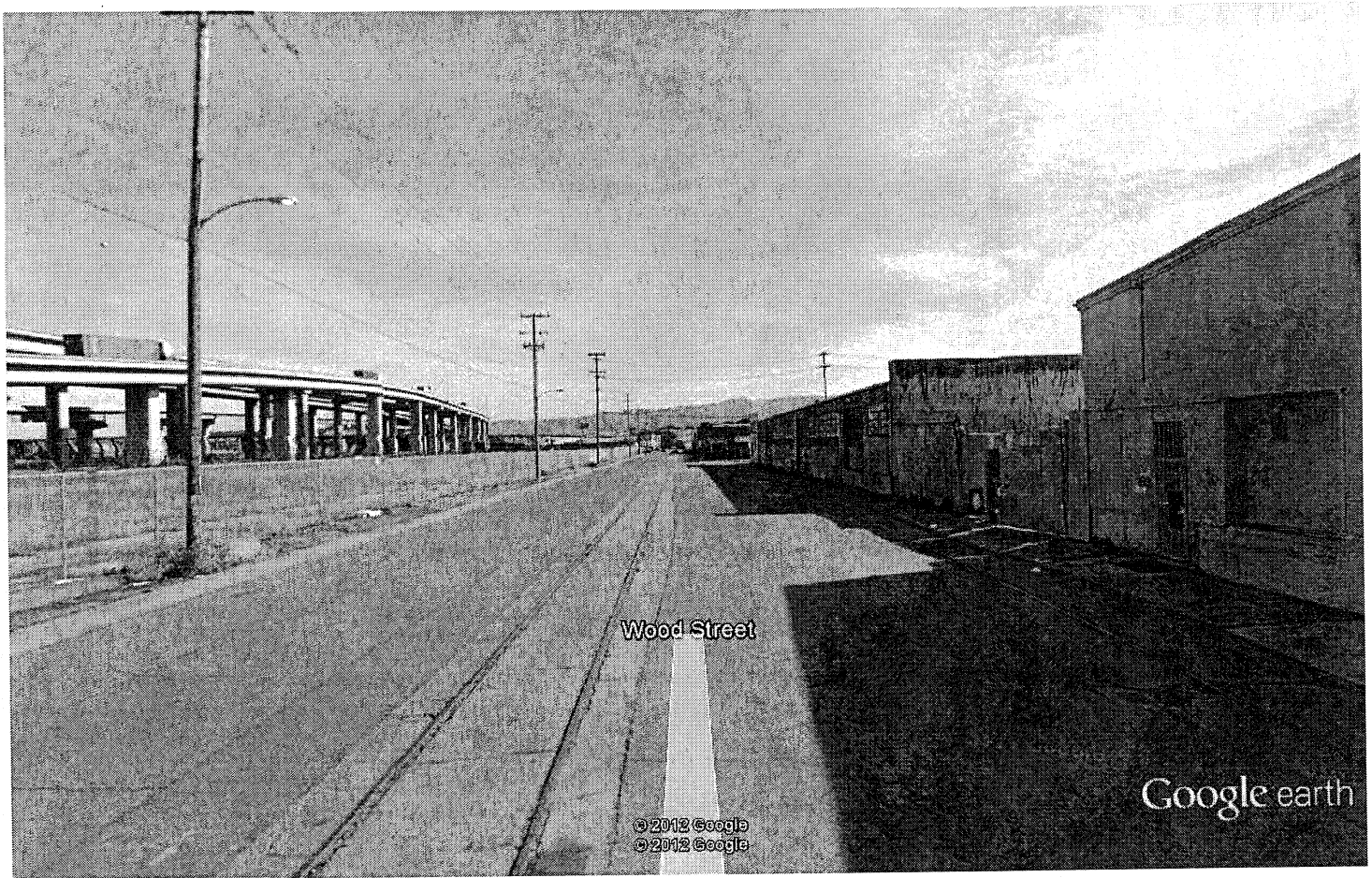
THIS PROJECT WILL NOT CONTRIBUTE TO UNDOE PROLIFERATION AS
THERE ARE NOT ANY RESTAURANTS OR ALCOHOLIC BEVERAGE SALES
WITHIN 500 FEET. THE AREA IS PRIMARILY WAREHOUSE AND INDUSTRIAL.
EXTERIOR CAMERA'S MONITOR SITE ACTIVITY. OUR CAFE WILL BE A
MUCH NEEDED FACILITY IN THE NEIGHBORHOOD

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

THE NEAREST PARK IS A SOCCER FIELD 1/4 MILE AWAY. PATRONS
COMING/LEAVING WILL NOT PASS THE PARK. THERE ARE NO
SCHOOLS OR CHURCHES WITHIN 600 FEET OF THE VENUE

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

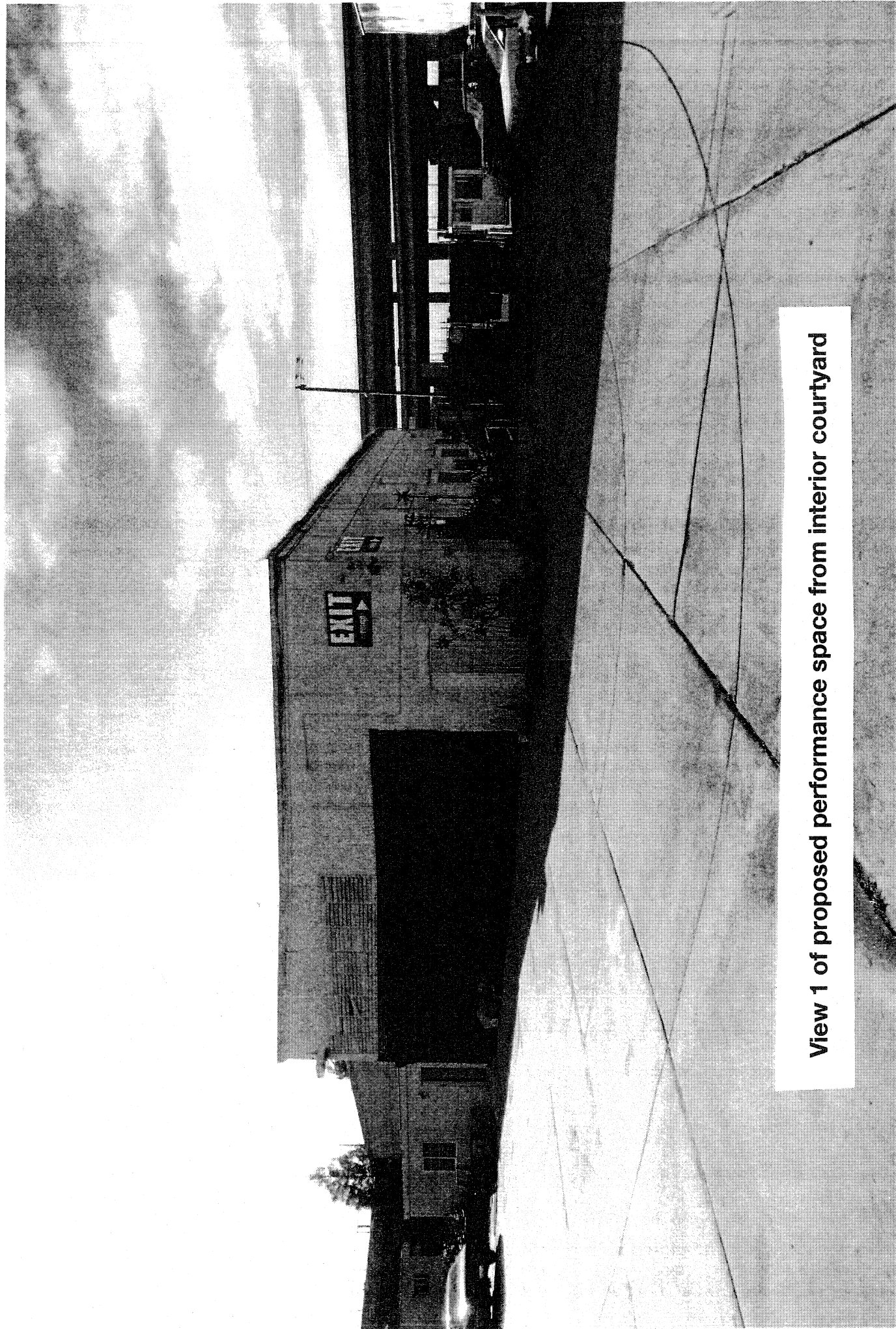
OUR SITE SITS NEAR WEST GRAND AVE BUT DOES NOT IMPACT
WEST GRAND AVE TRAFFIC. WE ARE LOCATED ON WOOD ST. WHICH
HAS LIGHT TRAFFIC DURING THE DAY AND VERY LITTLE AT NIGHT.
THERE IS NO PEDESTRIAN TRAFFIC. OUR CAFE WILL IMPACT EITHER



Google earth



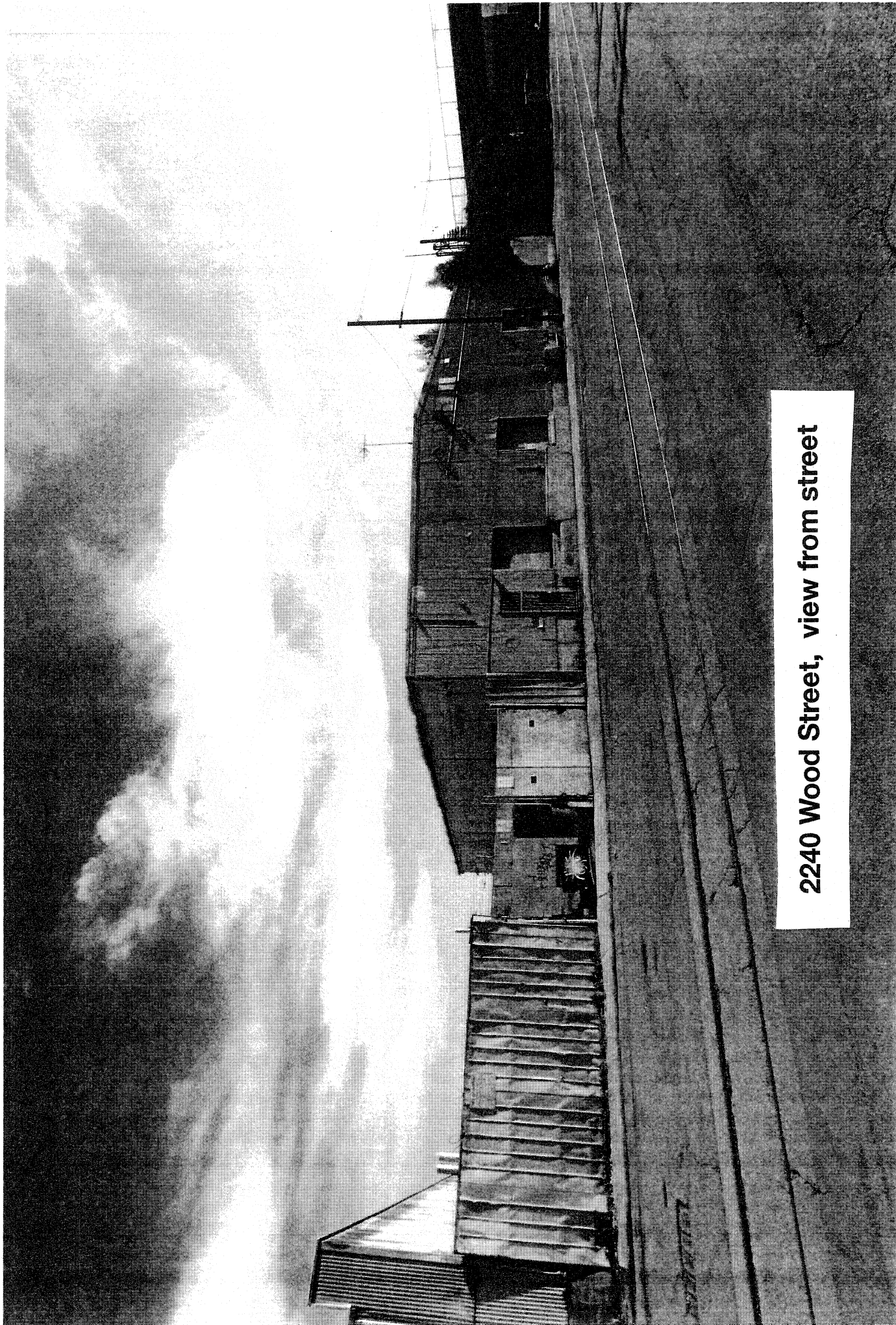
ATTACHMENT E: Applicant Plans and Photographs



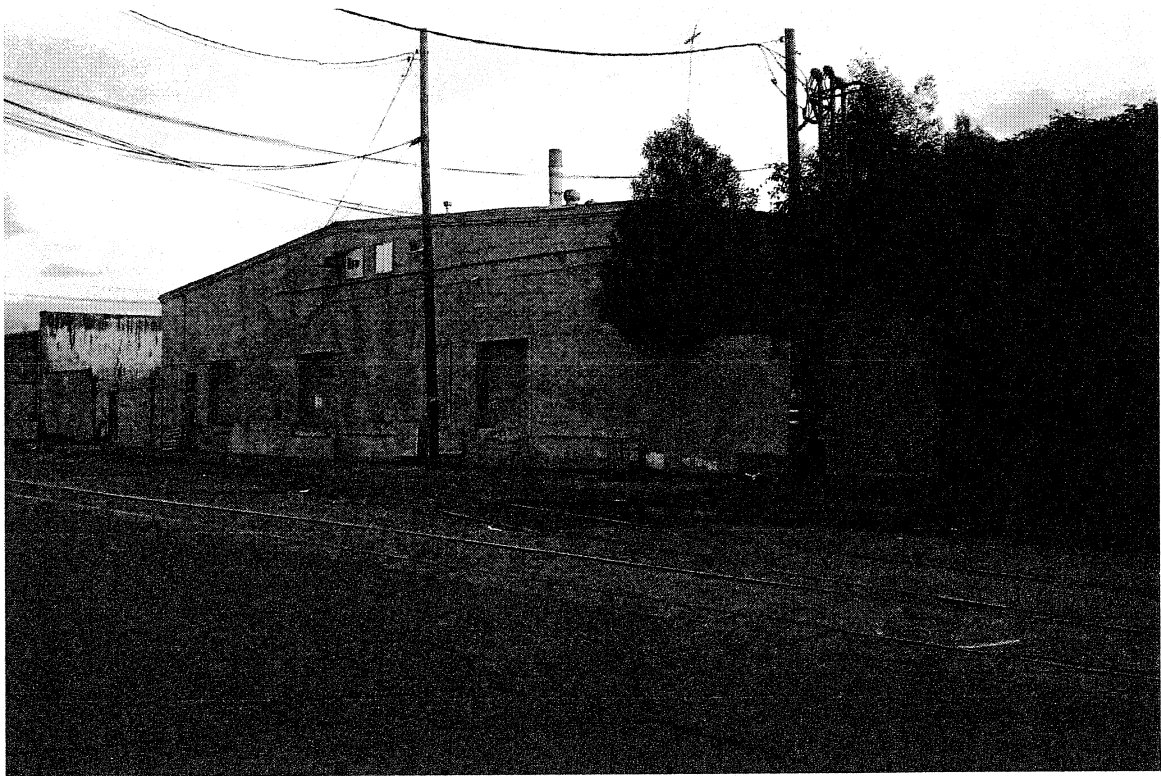
View 1 of proposed performance space from interior courtyard



View 2 of proposed performance space from interior courtyard



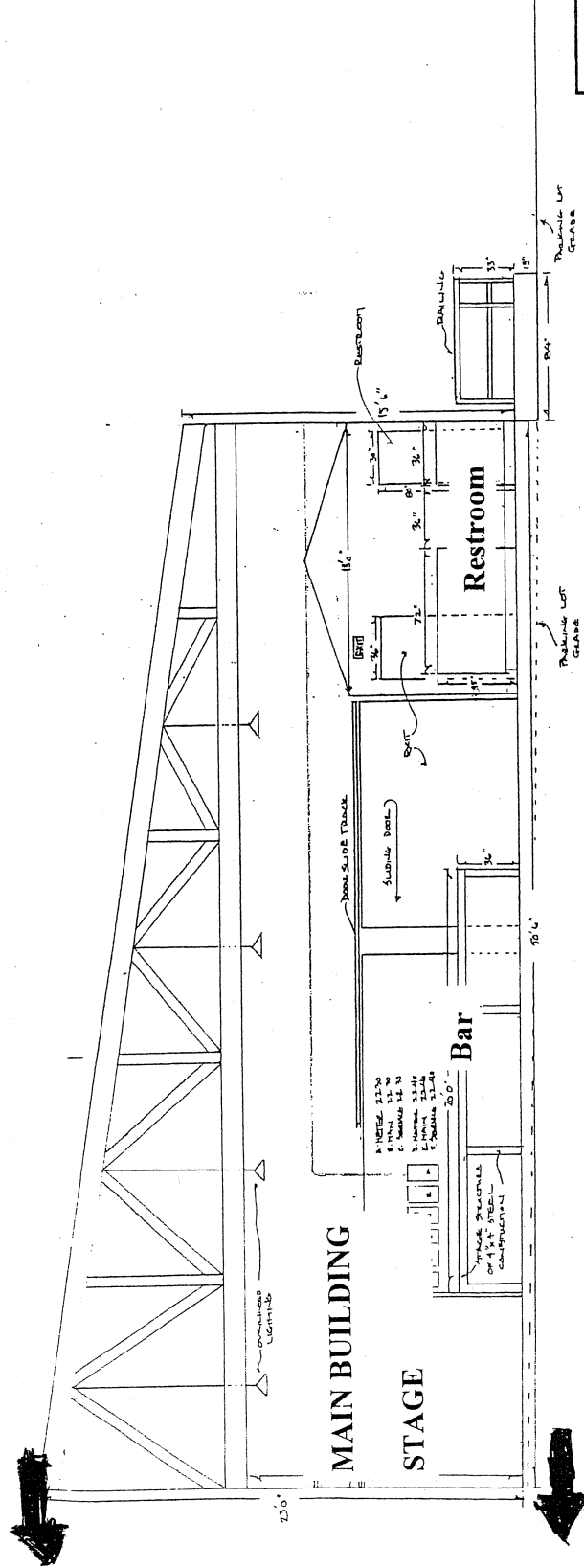
2240 Wood Street, view from street





CMV11-220: 2240 WOOD STREET SITE PLAN

(Open side of building
Facing courtyard for music)



FACING WEST WALL BORDERING WOOD ST.

OPEN MUSIC
COURTYARD

BUILDING ELEVATION / ROOF STRUCTURE	
SCALE: 1/4" = 10"	APPROVED BY: _____
DATE: 12-1-11	REVISED: _____
CROSS SECTION - STAGE STRUCTURE	
DRAWING NUMBER	DRAWING BY: SP
2240 WOOD STREET 94407	2240 - EXT

Valeska, David

From: Alan Lucchesi [alan@soundwavestudios.com]
Sent: Sunday, November 18, 2012 4:24 PM
To: Valeska, David
Cc: Miller, Scott; Blake.Huntsman@seiu1021.org; michael.colbruno@gmail.com; Pattillo@PGAdesign.com; jmoore.ocpc@gmail.com; Michael@MBCarch.com; jaw1123@aol.com; George Burt; Alex Miller-Cole; Edward Kangeter; Tom McCoy; Markus Niebanck; Joe Hurwich; Richard Wang; Steve Lowe; Bill Aboudi; Bill Purcell; Saed, Christine; Rusty Snow; Michael Herling; Tim Morse; Tom Thatcher; Karen Cusolito; Sterling Savely; Dave Johnson; Bob Tuck; Norman Hooks; Jon Sarriugarte
Subject: Wood Street Music Hall and the West Oakland Specific Plan

City of Oakland Planning & Zoning,

Dec. 5 Public Meeting: CMVM11-220: 2240 Wood Street

I have been operating a business in West Oakland for 20 years and serve on the board of directors of the West Oakland Commerce Association. I am excited about the West Oakland Specific Plan process and all the attention that it is bringing to our neighborhood. I support the WOSP's goals of shaking off the current status quo and opening up the district to new businesses and residents.

After attending the planning commission meeting last Wednesday and hearing commentary on the WOSP, I am also convinced that the Wood Street Music Hall project, which comes before the planning commission on December 5th, is a perfect fit for our transitioning neighborhood.

- 1) Displacement : It neither conflicts with any current business uses nor disrupts any residential areas. It would demonstrate that an existing West Oakland business that is integrated into the community can grow and expand in place.
- 2) Security : It addresses our immediate need for additional night time street security. This will fill the void to help prevent illegal dumping and crime and enhance the perception of our neighborhood throughout the region.
- 3) New Residents : The project will be an energizing centerpiece of the already burgeoning West Oakland arts community which will help continue to attract the young generation into West Oakland as envisioned in the draft WOSP.
- 4) Business campus development : One of the prospective investors in the music hall is a software developer who wants to utilize the vitality of the performance space and the Oakland music scene to develop, market and promote music software phone applications. He wants to add office space and establish an incubator campus atmosphere around the project. This type of use could help break ground and introduce the area as a center of innovation and new jobs as envisioned in the draft WOSP... Where tech meets art.

Prior to the December 5th hearing, I would be glad to give any interested party a tour of the project site.

Thanks

Alan Lucchesi

Ponderosa Tree Service
P.O. Box 11277
Berkeley, CA 94712

Fully Insured, Licensed & Bonded.
California Contractors No. 657977
Certified Arborist WE-1251



Office: 510-845-3644
Fax: 510-843-7500
Sales@PonderosaTreeService.com

"Independently Rated Highest in Quality"
- Diamond Certified No. 1281

David Valeska,
City Of Oakland
Planning Department

Dear Mr Valeska,

I am the owner of Ponderosa Tree Service and we have our equipment yard next door to Soundwave Studios on Wood street in West Oakland. We have been leasing the lot from Cal Trans for 15 years.

I am writing you to offer my endorsement of Alan Lucchesi's application to open a live music performance space at 2240 Wood Street.

Crime in our area is common. To say it's a problem is an understatement. Just last week, my tree removal crew was held up and *robbed at gunpoint* at our yard at the end of their work day. We have had our equipment stolen, one of my dogs killed, and it is common for people to jump the fence to steal any kind of metal that can be recycled (including the wiring harness from one of my chippers). Our security camera did manage to spot a thief jumping the fence at Horizon Beverage company which led to his arrest, but it didn't make a dent in the crime volume.

In addition to this type of blatant crime, our neighborhood also suffers from illegal trash dumping almost every night. Our neighborhood is in desperate need of the additional security and street presence that Alan's new club will bring.

Alan has always been a great neighbor and our businesses have worked together on several projects. I appreciate the positive energy and vitality that his customers bring to Wood Street. Also, as a supporter of the West Oakland industrial arts community, I think that the new venue will provide a focal point for this new and exciting cultural movement.

I strongly support the approval of his application.

Sincerely,

Michael Veneziano

A handwritten signature in black ink, appearing to read 'Michael Veneziano', with a stylized flourish at the end.

Michael Veneziano
Ponderosa Tree Service
Certified Arborist WE1251A
510-845-3644

Valeska, David

From: Michael Herling [Michael@consolidated-cleaning.com]

Sent: Tuesday, November 13, 2012 9:56 AM

To: Valeska, David

Cc: Alan Lucchesi

Subject: letter of support for expansion of Sound wave studios
David,

As a West Oakland business and property owner as well as neighbor of Alan Lucchesi's proposed project to expand and improve Sound Wave Studios music center, I strongly endorse this project moving forward. We keep pushing to make the neighborhood a better place to live and work. I see nothing but positives for all of us in showing our support for expansion of this exciting, innovative musical venue. We all know that eventually we'll realize our goal of attracting more business (infrastructure/taxes) and creative forces to West Oakland. It's just a question of how soon.

Please feel free to contact me with any questions or comments regarding my support for Mr. Lucchesi's project.

Best,
Michael J Herling
Chief Operating Officer



Consolidated Cleaning Services, Inc
2515 Willow Street
Oakland, CA 94607-1710
510-250-1821-Direct
510-250-1841-Fax

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11/13/2012



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September 17, 2012

Oakland Planning Commission
Oakland Planning Commission Staff

Re: Approval of Performance Space at 2240 Wood Street

We are extremely supportive of this application and ask that it be approved.

This location is an excellent choice as a music venue.

The presence of this performance space will contribute to the vibrancy and renewal of this area of Wood Street. The area will benefit from facade improvements, night time street presence, night time security, and the large influx of musicians and artists into the area.

This new performance space will bring cultural and economic benefits to West Oakland

The building next door at 2240 Wood Street currently houses a blend of music related enterprises such as rehearsal studios, recording studios, a video editing studio, music instructors, and a Taiko drum school. Through this application, by adding the performance venue to this incubator facility and it will provide an outlet for the music that is being created next door.

Sincerely yours,

George Burt
Vice President

From: westwindartists@aol.com

Subject: **Re: D'Wiggins letter for Alan Lucchesi attached**

Date: October 1, 2012 6:09:30 PM PDT

To: Alan Lucchesi <alan@soundwavestudios.com>

In support of Alan Lucchesi and Sound Wave.

The Oakland Bay Area has been a breeding ground for some of the most creative and prolific Artist of our Country. I personally have developed and rehearsed in Sound Wave Studio's with my group Tony Toni Tone and rehearsed with Artist MC Hammer, Third Eye Blind , EnVouge , Digital Underground ,Primus, Destiny's Child ,Keyshia Cole and the list goes on .To this day im developing future groups in Sound Wave like POPLYFE who recently were finalist on America's Got Talent. Without Rehearsal Studio's and Venue's That provide these Artist a locatin to home in on their craft our Arts Community in Oakland would truly suffer. These Groups and many others have been mentored and supported by Alan Lucchesi and Sound Wave Rehearsal Studio's for over two decades. Alan truly understands and cares about the needs of Artists. Lets stay ahead of the curve and support future Bay Area Artists. You never can tell who will be the next to make Oakland proud and change Entertainment History.

D'Wayne Wiggins.



October 2nd. 2012

Oakland Planning Commission
Oakland Planning Commission Staff

Re: Approval of Performance Space at 2240 Wood Street, Oakland

I am writing this letter to express my support for the application to build a Performance Space at 2240 Wood Street.

As a small business owner in the entertainment industry in West Oakland, I encourage the Planning Commission to approve this project, which will be a great benefit to the vibrant growth of the creative and artistic businesses in district. Wood Street is an excellent location for this endeavor. It is a natural outgrowth of the neighboring rehearsal studios, which have successfully operated on Wood Street for more than a decade. Additionally, this area is in dire need of positive improvements. This project involves investment to the building, improvement to the street appearance, improved business traffic in the area and improved security, all elements that the City Planning Commission should welcome.

As a long time associate of the proprietor, Alan Lucchesi, I furthermore support this application. Alan is an Oakland native, who has dedicated his professional life to the development of clean, safe facilities for musicians and artist to develop their craft. Countless professional as well as amateur musician's careers have prospered while in a facility that Alan built. Alan is a graduate from UC Berkeley with a degree in Mathematics, and like is parents before him (also Oakland residents) Alan is following a passion for music while building a solid business enterprise. Alan has been an active participant in the West Oakland Commerce Association and is an ardent promoter of our community. I strongly recommend that the Planning Commission approve this application.

Sincerely,

John Murray
John Murray Productions, Inc.
1196 32nd Street, Oakland, CA 94608